

The Restricted Access to Labor Rights of Domestic Workers in Argentina: an Approach from the Point of View of Employers¹

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ABSTRACT

Domestic work in Argentina, as in Latin America in general, is one of the main sources of employment for low-income women, as well as one of the most unprotected occupations. On one hand, the regulation of this type of work is based on a special regime that implies substantially restricted rights when compared to those of the general legislation for salaried workers. And, on the other hand, despite the restricted rights of this occupation, employers' low levels of compliance are alarming. In this context, any attempt to improve these workers' situation requires measures aimed to change employers' behavior. Therefore, it is necessary to broaden the existing knowledge about the perceptions and conduct of those who hire these services. This exploratory piece of work is centered on the point of view of female employers – usually the main responsible for the daily management of this type of work. The purpose is to look in depth at the discourse and practices related to this kind of work as an occupation, its workers as employees as well as the this sector's rights and labor conditions.

Introduction

In Argentina – as in most Latin American countries – domestic workers have an upmost important role providing households' care services. This occupation constitutes one of the main sources of employment for low-income women and is highly unprotected.

On one hand, this vulnerability becomes visible in the special regimes regulate the activity. These special regimes imply substantially restricted rights when compared to those of the general legislation for salaried workers (Loyo and Velázquez, 2009). And, on the other hand, despite the restricted rights of this occupation, employers' low levels of compliance are alarming.

¹ This paper constitutes an advance in the context of the wider research project “The Labor Conditions of Care Workers. Processes and Determinants behind its Configuration” based at the Universidad Nacional Sarmiento, Argentina and directed by Dr. Valeria Esquivel.

In Argentina, salaried work is regulated by a general legislation (Law 20.744) which established rights and obligations for employees and employers. However, paid domestic work is excluded from this legislation and is regulated separately, by a special regime (Decree 326/56). Among other things, this regime establishes that only domestic workers who reach 16 weekly hours for one employer are considered salaried workers. Those who work less weekly hours for one employer -even though they might work in different households reaching or surpassing 16 weekly hours – are considered ‘independent’ workers and are left out of the occupation’s regulatory framework. Currently, nearly 40% of domestic workers do not reach that minimum hourly dedication for one employer. Another significant limitation of the special regime of this occupation has to do with the absence of maternity leave, in the context of a labor force almost exclusively composed by women. Other salient inequalities, when comparing this occupation’s regulation with that of general salaried workers, include: i) the absence of certain leaves or shorter leaves; ii) longer daily hours of work; iii) the absence of insurance for work related risks/accidents; iv) reduced severance payments, which represent 50% of those stipulated for general salaried workers (Cortés, 2009).

In addition, employers’ compliance with these meager labor rights is scarce. As an example, by mid-2012, only 18% of domestic workers in the country were registered – this is, they were recognized as salaried workers by their employers and received the correspondent social security payments (mandatory contributions for medical attention and future retirement pension). Moreover, only 20% of these workers enjoyed certain basic labor rights stipulated by the sector’s regime, such as paid holidays, sick leave and the “*aguinaldo*”². The situation is particularly serious, taking into account the significant portion of the female population working in this occupation: in 2012, nearly 15% of working women in the country worked as domestic employees.³

²The “*Aguinaldo*” is a thirteenth salary per year (divided in two annual payments), mandatory for all registered salaried workers.

³ Source: Own calculations based on the Household Permanent Survey (*Encuesta Permanente de Hogares*), 2nd. trimester, 2012.

In such context, it is important to point out that, in 2011, the government promoted a Law project⁴ that seeks to match in many levels the rights of domestic workers with those of salaried workers in general⁵. However, if the current legislation which stipulates restricted rights presents such low levels of compliance, how would it be possible to guarantee the effective application of expanded labor rights for this population?

Undoubtedly, the role of the State as a promoter of awareness, controls and sanctions in this field is of utmost importance. In this sense, one of the main challenges involved in this enterprise is to change deeply rooted perceptions and behaviors from employers of this workforce. Therefore, it appears essential to generate knowledge about the situation, point of view and social practices of those who hire domestic services. This paper aims to contribute to this task through exploring the information, opinions and conduct exhibited by employers regarding labor conditions and rights of domestic workers. The enquiry will be based on female employers' testimonies. This is because literature on the topic as well as "common knowledge" based on our social experience, indicate that when there are adult females in the household, it is mainly them, and not men, who sustain and manage the day to day relationship with domestic workers⁶.

Methodological Approach

This piece of work is based on qualitative information coming from group interviews with female employers residing in Buenos Aires city. The research pointed to a sub-group with specific characteristics (detailed below) which constitute a profile of employers with a significant weight in this universe. The selection included working women, co-habiting with male partners and with at least one child under 12 years old (under the assumption that this latter characteristic would imply some significant dependency regarding domestic services). Furthermore, the selection was limited to those women who hire domestic

⁴ "Special Work Contract Regime for Private Households' Staff" (*Régimen Especial de Contrato de Trabajo para el Personal de Casas Particulares*)

⁵ By mid-2011 the project was passed with some improvements in the Deputy Chamber. However, after being objected by the Senate and returned to the Deputy, the project is still awaiting further treatment.

⁶ For empirical data in the case of Argentina, see Wainerman, 2005.

workers 16 weekly hours or more, since this is the minimum dedication established by the legislation to make employers' full contributions to social security mandatory⁷.

Whereas all interviewees shared these characteristics, they were split into two different groups according to certain differences that were considered relevant to explore. Such differences were related to educational levels, type of occupation and weekly hours labored. The underlying assumption was that these variables could be determining different degrees of dependence regarding domestic services as well as different types of labor arrangements. In turn, the enquiry pointed to explore whether these differences had an impact on perceptions, attitudes and behavior towards domestic workers.

Therefore, the first group was composed by employers with university degrees and full-time professional jobs (Professional Employers, PE group). These interviewees relied heavily on domestic workers to take care of their children, particularly to fill in the (sometimes extensive) gaps during the day when they were out of school. And, the second group was composed by employers with relatively lower levels of formal education – secondary/tertiary complete or university incomplete – as well as part-time jobs (Non Professional Employers, NPE group). In this case, we observed that interviewees tended to carry on their paid work only while children were at school. Consequently, although these employers highlighted the importance of domestic services in terms of solving most of household's tasks, having childcare sorted out via schooling, the dependence on domestic workers was significantly lower than that of their PEs counterparts.

⁷The “Special Regime of Social Security for Domestic Workers” (*Régimen especial de Seguridad Social para Trabajadoras Domésticas*, Law 25.239) establishes that it is mandatory for employers to make contributions to their workers' social security (this includes contributions for future retirement pensions and for medical attention) for all domestic employees working at least 6 weekly hours for the same household (in this sense, note that domestic workers' social security legislation clashes with domestic workers labor regime, since the latter excludes those workers who do not reach 16 weekly hours for one employer, labeling them as “independent”). The amount of the contribution increases as the hourly dedication of the employee grows. Those employers who hire a domestic worker for 16 hours or more have the responsibility of making the full payment for her social security expenses. Those employees who work between 6 and 15 hours can combine different employers' contributions or they can complete the necessary amount with their own money.

According to this initial distinction the different points of view and practices between these two groups are pointed out throughout the text.

Paid domestic work and its workers: the point of view of employers

The initial steps of the enquiry were directed to explore the **ideas around this type of work as an occupation**. In this sense, the initial question (“What do you think about domestic work as a job?”) was signed by a noteworthy reflection: many interviewees considered pertinent to point out that *“they are human beings like everybody else”*. The need of employers to re-affirm that they are conscious of the humanity of domestic workers – something that, we believe, would be unlikely were we enquiring about other occupation – is in line with certain studies, like that of Rollins (1985) who has stressed the position of invisibility where domestic workers are often positioned. According to the author, domestic workers constitute a silent presence, ignored and many times treated “as if they were not there”.

Beyond this initial reaction, a first general consensus emerges around the idea that paid domestic work is *“a job like any other”*. However, when deepening the enquiry about the parameters used to make this statement, we noted that it is not a job like any other from the point of view of rights and obligations. Rather it is a job like any other in the sense that it is “honest” and “decent”. Against which type of activity is paid domestic work contrasted to produce such a statement? Among the NPEs, a point of comparison that appears most strongly is a supposed alternative between working in paid domestic labor and *“making a living from social plans”*. This reference to the figure of “social plans” points to the multiplicity of Conditional Cash Transfer Programs⁸ implemented in the country (as well as

⁸Conditional Cash Transfer Programs (CCTs) are characterized by cash payments for beneficiaries in situation of poverty and/or unemployment. These programs often point to break the inter-generational transmission of poverty, and thus stipulate conditions related to children’s education as well as nutrition and health controls (in some cases these programs have included community work from unemployed adults in the household). In Argentina, the most important program of this kind has been introduced in 2009 and it is known as the AUH (*Asignación Universal por Hijo* or Universal Child Allowance). It is important to remark that this program has implied a significant change in the traditional logic of targeting of CCTs (where there are usually quotas and beneficiaries have to meet extensive requisites for selection). The AUH – although not universal in the strict sense of the term – has implied an unprecedented extension of coverage for this type of program: it has

the region in general), mostly since the 1990's, with the goal of alleviating extreme poverty.

In all cases, the reference to these “social plans” was vague – interviewees could not indicate with precision to which specific social programs they were referring to. Nonetheless, what underlies this blurred perception is a positive valuation of someone who, in theory, chooses to progress based on her personal effort in contrast with a supposedly opportunistic sector of the population living from public resources (the “social plans”).

“-I value that my employee wants to work...because there are many who don't want to work, they have these plans (...) no, I don't know exactly how they are called (I7)

- They were called...“Heads of Households”, weren't they? I think...I don't know...Do they still exist? (I3)

- Well, yes...I don't know...But they prefer to stay at home. Because, what's the point of making an effort to them? Then, it's difficult to find someone to hire. Or they come with all these demands. Because, anyway they have the (social) plan (I7)

-I say, I take my hat off to mine (the domestic worker she hires), who wants to work anyway (I6)” (NPE Group)

An additional angle used to approach perceptions regarding this occupation had to do with **the way in which the relationship between employer and employee is described**. Without ignoring the complexity and the multiple facets of this particular labor ties, our enquiry sought to detect some “ideal types” or predominant descriptions, paying attention to the contractual arrangement in which each one is framed.

A first type of relationship, which emerged among NPEs who hire these services on part-time basis, was defined by employers as a “friendly” one (“Yes, you have to think that many times it is a woman who comes to your house for years... You know about her life, she knows about yours...Me...there's one I used to hire some years ago...I call her for her birthday, she calls me, sometimes she comes to tea”). A second kind of tie, registered among a minority of NPEs who hire live-in workers can be qualified as “hierarchical”. Here the employer takes a significant distance regarding the employees' personal

no quota and assigns a monthly allowance per child for all households where the heads are: informal (unregistered) workers; b) unemployed or c) inactive individuals without any pension.

circumstances and stresses her needs and demands in relation to domestic services (*“I’m very strict with mine...I do my part, I provide all her needs and she has to fulfill her duties...How can I put it?...with time...they relax, it’s normal. My role is to show her that her work has to have certain rhythm, to be constant. At certain hour the house has to look impeccable”*). Finally, the third kind of relationship registered in these interviews, is one described by employers as “protective” (in relation to a domestic worker which in turn acts as a “protégé”). The accounts on this type of relationship emerged almost unanimously among PEs who hire full-time workers. These interviewees mentioned that they used to assess, help and listen to women they perceived as vulnerable (*“It comes up this thing of...guidance, advise...For instance, I helped Mirta [her employee] with this social plan...[she refers to the Universal Child Allowance, see footnote 7] I found out which agency she had to go to and which papers she had to present [...] I have also offered to lend her money when her mother was with health problems, but she didn’t want to hear of it”*).

Nonetheless, and according to all the ambiguities and tensions that have been pointed out in relation to this specific labor relationship (Gorban, 2011), throughout this text, testimonies hint at ideas and conducts where ingredients of the three types of relationships aforementioned coexist. In particular, the social distance and the hierarchical component are elements which recurrently appear in relationships which were initially characterized as “friendly” or “protective”.

When turning to the valuation of domestic workers in general, as a social group, the first approach to the subject started with the questions: Which are the desirable attributes in a domestic worker? Testimonies show clearly that the desirable worker is not just any person. The first condition mentioned unanimously in both groups is an employee who has to be “trustworthy” (an attribute which is built based on recommendations and the very evolution of the labor relationship).

It is among the NPEs that the list of desirable attributes goes on to include numerous conditions such as respect, responsibility, speed, promptness and even “good vibes”.

However, in line with some deprecating and discriminatory expressions which appeared repeatedly throughout the interview with NPEs, one interviewee alerts against the danger of speed and promptness, which appears automatically linked with a greater propensity to dishonesty (*“Yes, but be aware, because maybe they are fast, diligent and great and when you turn around they’ve taken away your i-phone, your i-pod, your flat screen, everything very quickly!”*)

Additionally, some NPEs, particularly those who described their relationship with domestic workers as hierarchical, express their preference for Paraguayan⁹ employees. These migrant workers are contrasted positively against their Argentinean peers (*“I’ve never hired Argentineans, I hate them! They are lazy, they lie! The ones that I love are the Paraguayans, very respectful, they work well, they don’t come with those demands that the Argentineans have. I don’t hire, I never hired and I’ll never hire Argentineans”*). This assertion is suggesting given migrant workers’ greater vulnerability which often operates as an incentive for high docility, an attribute that local workers – with stronger social ties and networks – may not exhibit (Romero, 1992).

PE interviewees instead, with a higher dependence on domestic workers in order to take care of their children, limit their requirements to the already mentioned trustworthiness as well the ability to provide good quality childcare. This latter attribute is strongly valued over others, especially the “perfect” execution of domestic tasks (*“What I ask her in term of domestic tasks is minimum, to make the beds...that the house is more or less in order when I arrive...the kids are the priority [...] I like that she sits at the table and talks to the kids while they’re having lunch, that she sits on the floor and plays with them, that kind of things...it’s not only about watching them...”*).

Leaving aside this expectations or requirements, when asked to make an evaluation of domestic workers in general, the idea of a “complicated sector” appears strongly, especially

⁹ Even when migrant workers from other countries are a relatively small group among domestic workers in Argentina (they represent around 12% of universe), among them, Paraguayan citizens constitute the first minority (Rodríguez y Sanchís 2011).

among NPEs. Although these interviewees tend to manifest high levels of satisfaction with their current (and real) employees, domestic workers, as a group, are negatively assessed. In effect, many of the testimonies of interviewees who defined their relationship with domestic workers as “friendly” suggest, nevertheless, a strong hierarchical component in this labor relationship.

Concerning the reasons that sustain this negative perception of domestic workers, the complaints of NPEs are numerous. The lack of complete availability, regarding the requirements of these employers, appears as one of the most irritating issues. From the point of view of employers, the roots of the problem are to be found, once again, in the (social) “plans” that disincentive work and spoil employees. (*“Yes, one of the maids I interviewed told me that she doesn’t work in the mornings. Of course, they have the plans! They don’t need to. They work some hours in a couple of houses and there you have: they make more money than you!”*). As Goldsmith (1981) points out, in reference to one of her pioneering studies of Mexican domestic work, the frequent criticisms of employers in relation to the “culture” of domestic workers (in this case, criticisms of a supposed lack of willingness to work) are nothing but the manifestation of clashing class’ interests. What these interviewees reveal is their discomfort in front of workers who do not entirely subjugate to their needs as they count with State’s help.

Also related to the issue of availability, according to NPEs, their employees often do not turn up to work (*“Oh... days-off! They tell you that their daughter is sick and ...you say, ok, you are a mother too and you understand...but it’s like they tend to abuse....I tell you, if I didn’t turn out to my job as much as they do, I’d have been fired long ago!”*). This type of complaint is not surprising if we consider the restrictions that domestic workers face in terms of child care. With very meager salaries they only rely on the scarce public provision of these services and they often have to resort to short-term, vulnerable strategies to complement or replace them (Rodríguez Enríquez 2005). These strategies frequently involve the fluctuant help of family members, most of the times women, as well as neighbors, friends or acquaintances.

Nonetheless, when asking to this group of interviewees (NPEs) about specific and direct experiences of conflict with domestic workers, (beyond those related to the lack of complete availability) these interviewees have not much to tell. Most of the times, they refer to something that happened to a friend or to a personal perception without strong foundations (*“I never had problems, but you hear things...some of them steal, others mistreat the children. Friends that tell you...On top of that they make a fuss when they have to leave the job, they sue you. Those are the things you hear more often”*). Although these conflicts refer to other people’s experiences, they seem to alarm interviewees and cause a sort of “moral panic” regarding the conduct of domestic workers. The most common fears are, as stated above by one interviewee, those related to theft, child maltreatment and labor demands – the latter perceived as an act of disloyalty as well as injustice from the point of view of claims that are considered disproportionate.

When asked once again about personal and actual experiences of conflict with their domestic workers, employers only have a few examples. While one employer refers to a suspicion of a small theft, the rest describes minor faults like smoking in the absence of employers or chatting too much when sent to do the shopping for groceries.

Domestic workers’ labor rights: Perception and behavior

As regards domestic workers labor rights, we first focused on the level of knowledge about the current regulations as well as on the opinions about the important lack of labor protection experienced by this sector.

While NPE group openly expressed ignoring the formal regulations stipulated for this occupation, the PE group made references to an unprotected sector in terms of labor rights and conditions. However, as pointed out above, the notion of unprotected labor is expressed as a personal perception without significant information backing it. (*“I understand it’s a sacrificed job, most of all because they are unprotected....The first thing you notice is that many of them are not registered... I know that happens, because of acquaintances of mine...and, it’s like many people abuse their employees...I don’t know...long working*

hours, heavy workloads...it's like the terms of contracts really depend on each family and that lends itself for...any situation, don't you think?).

When informed in the context of the interview about the specific disadvantages faced by domestic workers in terms of labor rights, interviewees in both groups expressed unanimously that these employees should have the same rights as any other salaried worker.

However, it seems clear that this unanimous assertion that domestic workers should enjoy full labor rights does not always match with concrete labor practices narrated throughout interviews, particularly among the NPE group.

One of the first issues considered – in the context of an occupation with significantly high levels of unregistered work – had to do with **the registration of workers**. Registration entails the payment of employers' contributions to social security, something which allows domestic workers to access to a future pension as well as medical coverage through the labor union services. As it has already been pointed out, since we selected employers hiring workers for 16 weekly hours or more, the registration of their employees was compulsory in all cases. In this sense, we could observe a defined pattern between the two groups of employers.

All PEs interviewed claimed that their domestic workers were registered and that they paid all corresponding employer's contributions to social security. Testimonies suggest that the fact that these employers hire full-time domestic workers – who work only for them - reinforces the perception that this is an occupation with rights (*"You have a woman who arrives at 8. She is there like a soldier, she works all day, she gets out at 5, she solves all your domestic problems. How is she not going to have employer's contributions for her job? [...] Yes, when you are going out to your job, she's arriving to hers"*).

Even when, in this group, the issue of domestic workers' registration was treated mainly as a matter of rights, many interviewees also referred to the convenience of complying with

this obligation. In this sense, they alluded to a governmental program that allows those household paying income taxes to deduct a part of domestic workers' salaries and social contributions every year¹⁰ (*"You have to register them; it's out of the question. But in the end, it's even convenient for you because, not only you are relaxed that everything is in order but also you have this economic aid"*).

The case of NPEs presented variations. While two out of eight interviewees declared having registered domestic workers (which implies making all the corresponding employers' contributions), the rest exhibited a variety of reasons to justify the evasion of these obligations.

- *"I don't do it because my employee is registered in another house."* (I2)
- *"Mine is not registered because she has a social plan and otherwise she'd lose it."* (I3)
- *"The same with mine."* (I6)
- *"I can't do it with mine because she's from Paraguay and she's still doing all the necessary paperwork."* (I1)
- *"In the case of mine, her husband has a registered job in a factory...then she's not interested, she has medical insurance from her husband...(I8)."* (NPE Group)

The fact that these employers are evading a mandatory requisite for those hiring the amount of weekly hours that they do (independently from the fact that other employers may have registered the same employee) is not noticed in any case as a personal fault. According to employers, their domestic employees are not registered because they do not want to, they do not need it, they are not interested in or they do not meet the requisites.

Another example regarding the contradiction between these employers' discourse on labor rights and their actual practices has to do with the right to **redundancy payment**. As an example, when asked how labor relationships ended in the case of those employers who narrated conflictive experiences with their employees (see previous section) the accounts evince once again the tension with the initial assertion that "this is a job like any other":

¹⁰ Since 2005 the *Administración Federal de Ingresos Públicos* (the Internal Revenue Office in Argentina) implemented, for those households that pay income taxes, the possibility of deducting – up to a certain amount which is updated periodically – salaries and social contributions of domestic workers (Law 26063).

(With reference to the employee who smoked in the absence of employers) *“How we solved it? Like this: I told my husband, go, ring her bell and tell her to give us our keys back (...) no, I didn’t pay any compensation because it was her who had lied. I was outraged, I didn’t want to see her anymore because if she lied about something so little...what could I expect about important things?”* (I3, NPE Group)”

(With reference to the employee who chatted too much when shopping for groceries) *“We told her we didn’t need her anymore (...) no, I didn’t pay any compensation, I paid her the full month and goodbye, I wanted my keys back “(I7, NPE Group)*

(With reference to the employee suspected of theft) *“We told her ‘you don’t get in here anymore. Everything is fine, but don’t you dare come here again’ (...) No, no severance pay. She had stolen from me, she wasn’t going to dare to ask for it. We changed the locks straight away and everything”* (I7, NPE Group)”

Unlike a labor relationship “like any other” inscribed in a regulatory framework, here - in front of any kind of “misbehavior” or a suspicion that cannot be proved – the contract may be broken unilaterally and abruptly. In these cases, the turning point regarding the ending of the contract - perceived as natural by employers -, seems to be the demand for keys’ return or even the change of locks, without any instance of appeal registered on the side of employees.

An additional example regarding the breach of labor rights asserted at the discourse level appeared when asking about practices related to **paid holidays**. Here, we observed – particularly among NPEs who tend to hire migrant workers from another provinces or border countries – that this benefit is often replaced by a different kind of arrangement.

“-The thing is (...) she tells me ‘don’t worry Madam (about paid holidays), I’ll be off one month and a half’ (...) because she is from Santiago del Estero (an Argentinean province)...then I pay her December (the worker labors three weeks of that month) and then we start counting again when she returns by mid-February (I3)

-“The same happens with mine. On December 26 she goes back to her province, she doesn’t come at all in January and then we start the contract again in February (...) No, she never claimed the 15 paid days. When it comes to me, if she needs anything, I give it to her, but she never asked me that...” (I6) (NPE Group)

The same incomplete fulfillment of employers duties can be observed when it comes to the *aguinaldo*, a **thirteenth salary** received by Argentinean registered employees in two

annual payments (July and December). The obligation tends to be evaded particularly by NPEs, who hire part-time workers:

“-Aguinaldo. Yes, I pay her half a salary in December (...) In July? No, that’s simply too much for me.” (I3)

-“I do the same, it’s like a bonus that I give to her at the end of the year. I give her what I can.” (I2)

-“Me too. ‘This is for Santa’s presents’, I tell her.” (I7)

-“But if she’s registered you have to pay her twice a year!” (I8)

-“Oh, yes, in that case... (I3)” (NPE Group)

Another issue related to labor rights has to do with the **criteria used to establish wages**. In this sense, the Ministry of Labor establishes and updates minimum salaries for domestic workers. When asked about the parameters used to determine the initial salary, interviewees of both groups point out to word-of-mouth information from networks of friends, colleagues, neighbors and acquaintances. The question that employers make themselves is not how much should be pay by regulation – let alone how much could they pay – but the reference is put on the market: What are other employers paying? However, it is important to point out that - except for a minority of interviewees who hire live-in workers – market wages mentioned are superior to those officially stipulated by the Ministry of Labor. The fact is not surprising given that these salaries are established unilaterally by the Executive and that domestic workers are excluded from any kind of collective agreements about their wages.

When it comes to **wages update** (in relation to inflation) among PEs – whose domestic workers, as stated before, tend to be full-time – references tend to be based on discretionary parameters, such as the evolution of their own wages or the personal perception on the evolution of prices (“*You see how prices increase...and she knows that when she reads in the newspaper ‘there is a wage increase for judicial workers’ [the interviewee works in that sector] she knows it is her turn for a rise too*”). It has to be remarked that whenever interviewees referred to a wage update for their domestic workers, it was always on their own initiative (“*She knows that when I get a raise I always think of her and I raise her salary right away...because she...she’s never going to ask for it*”).

In the case of NPEs (whose employees tend to work for them on part-time basis and usually do so in other households) the accounts on demands for wage increases abound, as well as the complaints about them (*“A friend of mine tells me ‘mine [her domestic worker] asked for a rise’ and I think ‘oh, now mine is going to come and do the same’ [...] The thing is that they don’t have like companies, one wage rise per year, maybe two if you’re lucky. No, their price increases constantly [...] Or they have a rise in the money they get from the social plans and they come and ask you for a rise too”*). The accounts on part-time domestic workers’ more active demands in terms of their wages’ levels might be related to the fact that they do not depend on a single employer as full-time workers do. Nonetheless, despite part-time domestic workers higher capacity of bargaining statistical data shows that the monthly income of this group is significantly lower than that of their full-time peers - since they do not reach enough hours of work to match a full-time wage and they usually seek to work more hours (MTEySS 2005). Lastly, the few NPEs who hire live-in workers constitute the only case where decisions on wage increases are based on the evolution of the meager official salaries stipulated by the Ministry of Labor. The situation can be understood in terms of the extreme vulnerability of these workers who do not only rely exclusively on the salary of a single employer but also tend to depend on the housing that is provided to them.

The interview concluded with an inquiry about the potential cost increase that an improvement in the labor conditions of domestic workers may imply – something that could occur either by the effective compliance with the occupation’s precarious current legislation (when it is not observed) or by the expansion of labor rights that could derive from a potential sanction of the Law project mentioned in the Introduction (this could imply for example, having to pay for a labor risks insurance or longer holidays, among other expenses).

Among PE interviewees – who comply with the current legislation – there seems to be an initial agreement in relation to the expansion of rights proposed by the occupation’s new Law project. However, they show some concerns regarding the increased expenditure that this may imply and suggest the possibility of sharing costs with the State, through some

kind of “help” (“*Maybe the issue of the insurance [the occupational risks insurance] is an expenditure that could be afforded jointly with the State, isn’t it? Every little help that we can get counts, because it’s true that they [domestic workers] should have more rights, but let’s agree that rights cost money*). However, it is definitely among NPEs where a more definitive denial is registered in relation to a potential increase in the cost of domestic services. In this group, the discussion rapidly turns into a class-based questioning to the role of the State as the arbitrator of the tensions between employers and domestic workers. Here, the State - more precisely the government -, is conceived as a partial actor in the dispute, taking domestic workers side (and that of popular sectors in general). And this support is expressed through what interviewees perceive as demagogic measures and political favoritism– the main example employers refer to is, once again, the expansion of “social plans”. Additionally, interviewees’ accusations of a supposed neglect of the State towards middle class sectors are recurring (there are even references to a supposed explicit intention to “destroy them”):

- “*I mean, no...more benefits...no.*” (I2)
- “*They have all those plans and look at us...zero benefits.*” (I5)
- “*It’s like we said it, domestic workers are going to disappear.*” (I3)
- “*Because I will have to work only to support a woman that on top of everything receives social plans, a card for free food¹¹...I’d rather stay scrubbing at home.*” (I2)
- “*You get indebted for life in order to buy your house and they get houses for free.*”¹² (I8)
- “*Free house, free food, everything for free.*” (I6)
- “*The government has to be conscious...that all these people are going to lose their jobs. We can’t afford it. They’ll stay in their slums having children.*” (I1)
- “*And that’s what the government is doing! They have them all in the slums, cashing money from social plans so they get votes!*” (I2)” (NPE Group)

The testimonies show that, particularly among employers with less lucrative labor insertions, the tensions and discontent expressed are related to social positions at stake. In effect, interviewees clearly refer to a *status quo* that they do not want to see altered, as any change would potentially threaten employers current economic advantages as well as domestic workers position of subordination.

¹¹In reference to governmental plans of Buenos Aires city and the province of Buenos Aires (*Ciudadanía Porteña, Más Vida*) aimed at families with children living in poverty. These plans assign a debit card to heads of households with a certain amount of credit to spend on a adhered grocery shops.

¹² The interviewees make reference to Social Plans of Housing in general.

Concluding remarks

In sight of what has been exposed so far, if we think of any possibility of improving domestic workers labor conditions, there are at least two concerning issues related to employers attitudes that should be addressed. These issues would interfere with the implementation of any new legislation for the sector as well as they do with the current precarious regulation.

A first issue has to do with the tendency to ignore labor rights, as the hourly dedication of domestic workers decreases and employers dependency in relation to their work is less significant. In effect, the more employers (women in particular) rely on domestic workers to sustain their family daily dynamics and their own labor rhythm – as it was the case with the PE group – the more the effects of this labor relationship’s characteristic inequalities tend to decrease. Additionally, as this group of interviewees states, the more domestic workers schedules resemble a typical working day of employers (in this case, a full-time job), the more their labor tends to be conceived as an occupation with rights. However, this profile of employer constitutes a minority, since domestic workers employed by a single household on full-time basis represent less than 30% of laborers in the sector.¹³

What seems to prevail then, are part-time “flexible” labor arrangements, where domestic workers often combine multiple insertions in different households. What does “flexibility” mean in this context? Basically, what should be understood as uncontestable labor rights tends to be transformed into a myriad of informal “arrangements”. The impression that the NPE group leaves, is one of employers who, having a significant lower dependency in relation to the services domestic workers give (as they tend to work on part-time basis and solve childcare through schooling), make a more intensive use of their position of power in the relationship. This implies the re-signification of minimum labor standards stipulated by law, favoring their own needs and interests. Some of the examples we have seen point out

¹³ Base on Household Permanent Survey (*Encuesta Permanente de Hogares*), 2nd.trimester, 2012. We define here full-time jobs as those comprising 35 weekly hours of work or more for the same employer.

to employers contributions that are not paid because workers do not need them or do not want them, holidays replaced for longer and unpaid absence leaves, a thirteenth salary that turns into an occasional Christmas present and so on.

A second problematic issue - observed in the case of the NPE group -, is a discourse expressed in terms of the defense of class-based interests. This discourse emerges at different points in the interview but it is at the end of the conversation, when asking about the potential costs of improving domestic workers labor conditions, when it is openly expressed. In this sense, interviewees make reference to two aspects. On the one hand, they refer to the existence of “us”, employers neglected by the State and threatened of extinction as middle-class members. On the other hand, there is “them”, domestic workers from popular sectors, subject to practices related to political favoritism and corrupted in their disposition to work through excessive social aid. What is at stake here, as already remarked, is the concern of keeping things as they are: this means docile and fundamentally cheap domestic workers.

In front of this kind of perceptions and practices exposed – which seem deeply rooted – everything suggests that in order to produce changes, an active and decided public policy intervention is necessary. While acknowledging that structural inequalities in Latin American societies are the roots of the strong asymmetries observed in this labor relationship, there are public policy approaches that can and should act in the short and medium term. In this sense, all persuasive approaches – like awareness campaigns - pointing to deconstruct ideas and practices that deny the labor rights of this occupation are valuable contributions. A particularly interesting case in terms of the intensity and results of such campaigns has been that of Uruguay (see Batthyány 2012). Another strategy used in this ‘persuasive’ line has been the application of tax deductions¹⁴ to households with

¹⁴ As stated above, since 2005, the government has implemented economic incentives for employers tending to increase the levels of registration of this occupation. Through Law 26.063, those households which pay income taxes are able to deduct – up to a certain amount – the salaries and social contribution of their domestic workers. While this type of policies have been criticized as a subsidy for middle classes, as Estévez and Esper (2009) point out, they contribute to create a culture of contribution among employers, where it did not previously exist. Since the implementation of this measure in Argentina, the level of domestic workers registration experienced an increase, which although modest, it is significant in relative terms (rising from 5% to 15% of registered workers).

registered domestic workers. In countries like ours, or Brazil, this approach has produced some relatively significant advances in the registration levels of the sector (Pereyra 2012; Sanches 2009).

Nonetheless, if this occupation is going to be treated as “any other job” there are two problematic issues that also need to be tackled by public policy.

First, it is essential to strengthen the associations which advocate for these workers labor rights, in order to empower the sector and promote autonomy in the definition of their working conditions. Undoubtedly, in this field the boost of the State is decisive considering the social isolation in which this occupation takes place. The Uruguayan experience, where the State has promoted and implemented domestic workers associations in the collective bargaining of their salaries, constitutes a leading case in the region (Espino, 2011).

Secondly, it seems essential to generate mechanisms of control and sanctions related to employers’ compliance with labor regulations, a practice almost non-existent in this sector (and which is implemented in the case of other occupations). In this case, we find the specific difficulties related to the place where this labor relationship takes place. As literature on the topic points out, instead of the company, the commerce, or the factory, this activity takes place in households, where the right of privacy prevails over public inspections (ILO, 2010). This means that labor conditions supervision at the workplace, as implemented in the context of other occupations, are not viable in this case. The situation demands then, alternative approaches in order to exercise control on employers compliance with legislation but observing households right to privacy. As Valenzuela (2010) points out, through good systems for the reception of reports and complaints, followed by citations, fines and sanctions, the issue of employers control should experience significant advances.

To conclude, it is important to remark that there is an additional challenge related to the *political will* to implement this type of controls. Why do we say this? Because, as testimonies show, measures of this kind would suppress certain (disproportionate) benefits

of middle and upper class sectors. And these sectors have significantly higher capacity of making themselves heard when compared to the vulnerable sectors that these policies would aim to protect. However, we believe it is not only worth but also ineludible to face the resistances and political costs proper of any process pointing to improve income distribution and therefore, to achieve a more egalitarian society.

Bibliography

Batthyány, Karina. 2012. *Estudio sobre trabajo doméstico en Uruguay*, Series Condiciones de Trabajo y Empleo No.34, Geneva: ILO.

Cortés, Rosalía. 2009. 'Labor Regulations' Ambiguity and Quality of Working Life: Domestic Servants in Argentina', paper presented at *Conference on Regulating Decent Work*, 8-10 July, Geneva, Switzerland.

Espino, Alma. 2011. Trabajo y género. Un viejo tema ¿nuevas miradas? in *Nueva Sociedad* 232: 86-102

Estévez, Alejandro y Esper, Susana. 2009. *La relación entre el sistema impositivo y la desigualdad: El papel de la Administración Tributaria en la cohesión social*, Observatory on Inequality in Latin America, Working Paper Series No. 19, Coral Gables, FL: Center for Latin American Studies, University of Miami.

Goldsmith, Mary. 1981. 'Trabajo doméstico asalariado y desarrollo capitalista'. *Fem* 16: 10-20.

Gorban, Débora. 2011. 'Empleadas y empleadoras disputando el límite de lo doméstico' paper presented at *IX RAM Culturas, Encuentros e Desigualdades*, 10-13 July, Curitiba, Brazil.

ILO. 2010. *Trabajo decente para los trabajadores domésticos, Informe para la Conferencia Internacional del Trabajo 99ª*, Geneva: International Labor Organization.

Loyo, María Gabriela y Mario Velázquez. 2009. 'Aspectos jurídicos y económicos del trabajo doméstico remunerado en América Latina' in *Trabajo doméstico: un largo camino hacia el trabajo decente*, María Elena Valenzuela y Claudia Mora (eds.), Santiago de Chile: OIT.

MTEySS. 2005. *Situación laboral del servicio doméstico en Argentina*, Buenos Aires: Subsecretaría de Programación Técnica y Estudios Laborales, Ministerio de Trabajo Empleo y Seguridad Social.

Rodríguez Enríquez, Corina y Norma Sanchís. 2011. *Cadenas Globales de Cuidados: el papel de las migrantes paraguayas en la provisión de cuidados en Argentina*, Buenos Aires/Santo Domingo: ONU MUJERES.

Rodríguez Enríquez, Corina. 2005. 'Economía del cuidado y política económica: una aproximación a sus interrelaciones', paper presented at *XXXVIII Reunión de la mesa directiva de la conferencia regional sobre la mujer de América Latina y el Caribe*, CEPAL, 7-8 September, Mar del Plata, Argentina.

Rollins, Judith. 1985. *Between Women: Domestic workers and their employers*, Philadelphia, PA: Temple University Press.

Romero, Mary. 1992. *Maid in the U.S.A.*, New York: Routledge.

Valenzuela, María Elena. 2010. 'Trabajo doméstico remunerado en América Latina' in *Revista del Observatorio Brasil de la Igualdad de Género*: 49-62.

Wainerman, Catalina. 2005. *La vida cotidiana en las nuevas familias ¿una revolución estancada?* Buenos Aires: Lumiere.

