



Towards **paid domestic work** with **rights**



March 15, 2023



Virtual Event

MAIN CONCLUSIONS AND RECOMMENDATIONS

All event information is available at: <http://www.rialnet.org/?q=en/6GenderDialogue-DomesticWork>

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1. INTRODUCTION AND BACKGROUND

The Hemispheric Gender Dialogue among Ministries of Labor “Towards paid domestic work with rights”, held virtually on March 15, 2023, brought together representatives from 27 Ministries of Labor of the Americas with the aim of sharing their advancements and strategies, as well as identifying lessons learned and policy recommendations to guarantee compliance with labor legislation and respect for fundamental rights and principles in paid domestic work. It was organized by the OAS General Secretariat, with the support of the Inter-American Commission of Women (CIM), and also counted with the participation of representatives of workers and employers, and the government of Spain.

By virtue of the commitment assumed by the Ministers of Labor of the Americas with the mainstreaming and institutionalization of gender within their operations, policies and programs within the framework of the Inter-American Conference of Ministers of Labor (IACML), the Inter-American Network for Labor Administration (RIAL) of the OAS and the CIM have deployed various efforts to support the Ministries in this direction, including technical studies, participatory gender assessments, regional and subregional workshops, and bilateral cooperation activities, among others. These efforts resulted in the creation of the RIAL/GENDER, a specialized community made up of the people in charge of the gender units or areas of the Ministries of Labor of the Americas and pursues the purpose of contributing to achieving full gender equality in the world of work,

through the strengthening of said units. To meet this objective, the Network has tools such as the portfolio of programs, bilateral cooperation, and hemispheric dialogues or events, among others.

This 6th Gender Dialogue is part of the **RIAL/GENDER 2022-2023 Work Plan** and, like previous dialogues, it provided a space for exchanging experiences, reflecting and facilitating the formulation of proposals on paid domestic work by the participating delegations.

During the Dialogue, the results of the study “*Rights of remunerated domestic workers in the Americas: Progress and persistent gaps*”, elaborated by the CIM together with the Pan American Development Foundation (PADF), were presented and provided an important guiding framework and basis for subsequent discussion. For their part, the Ministries of Labor and Social Security of Uruguay and Jamaica, considered two countries with important advances in the matter, presented their experiences. Additionally, there were spaces in the plenary session and subgroups for all the delegations to share their experiences, challenges and proposals on the central issues related to paid domestic work, such as regulations, inspection, social security coverage, training and professionalization, dissemination and awareness-rising, and alliances with social actors, as well as related emerging issues such as the care policies that are being implemented in different countries.

2. MAIN REFLECTIONS AND CONCLUSIONS

To meet the stated objective, and as in previous opportunities, the 6th Dialogue was divided into two parts, preceded by the presentation of the results of the study carried out by the CIM and PADF. 1) The first part of the Dialogue focused on learning about national experiences, led by presentations from the Ministries of Labor of Uruguay and Jamaica and followed by a space for exchange. This first part was aimed at answering two guiding questions seeking to identify the main actions taken by the Ministries towards achieving the full exercise of the rights of paid domestic workers. 2) The second part consisted of an exercise in subgroups to identify the main successes and lessons learned from such actions, as well as recommendations on policies and measures that should be carried out by the gender units or areas of the Ministries of Labor to achieve the full exercise of rights of domestic workers.

Below are the main reflections and conclusions that could be drawn from the Dialogue and, in a later section, the recommendations.

- In recent decades **there have been many advances in the regulatory legal aspect of domestic work** to integrate workers in this sector into the labor spectrum that guarantees a level of social protection and occupational safety and health equivalent to the protection provided to any other workers. Various interventions indicate that progress has been made in the regulation of working hours, protection against unemployment, dismissal regime, affiliation to social security, among other benefits.
- In the debate on this issue, great importance was attached to the ratification and/or harmonization of regulations with ILO Conventions 189 and 190 to ensure that all countries

in the region give paid domestic workers the same rights as everyone else in the workforce. It is worth mentioning that Convention 189 recognizes that “same rights” as everyone else is insufficient, stating that “Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers so as to enable them to enjoy their rights fully”.

- The **strengthening of the institutional framework** around domestic work is a prominent issue. To achieve more global policies centered on domestic workers, it must be considered that not only Ministries of Labor have a responsibility, but that it must be a State policy in which the Ministries of Labor have the responsibility of promoting actions and formulating policies with the participation of institutions and organizations of domestic workers and representation of employers, and where other ministries and entities that support domestic work are involved. In this regard, tripartite dialogues are mentioned as positive tools.
- **It is widely recognized that the formalization process for domestic workers is slow** and that it is necessary to promote recognition of the benefits of contributing to social security systems by domestic workers and employers, inform about rights and obligations, and make the advantages of and processes for formalization visible and easily understood. There is difficulty in reaching both the workers and the employers with information; in the case of workers, because they do not always have access to all means of communication or are not easily identifiable; in the case of employers, because in general they are not represented by an association or group and do not have information channels.
- Countries shared a major challenge around **the effective implementation of the regulations**, and considered it necessary to **develop an inspection model that allows monitoring compliance with the existing regulations** without violating the rights of individuals and the inviolability of the household (private space). To address this issue, it is necessary to establish better strategies for inspection within households, including undertaking routine, but unscheduled inspections not connected to complains to avoid undermining employer/worker relationship and considering the difficulty that workers have in submitting complains, either due to unfamiliarity with their rights, fear of retaliatory actions by their employers, or the accessibility of complaint mechanisms. Labor inspectorates should inform employers and domestic workers that inspectors will conduct these types of routine, unscheduled inspections and make clear the rights and obligations, as well as what actions or behaviors would constitute labor law violations.
- One of the issues that raises great concern is **the historical gap in social security coverage** to incorporate all domestic workers into social security systems, including access to retirement and pensions. In this regard, there have been important advances in legislation, although implementation has been slower, so the challenge lies in improving the effectiveness of social policies aimed at domestic workers, ensuring that care policies

include them and their families. Improving formalization of domestic work will assist in strengthening access to social security systems.

- **Raising awareness about domestic work stands out as a key element to achieve progress in respect for the regulations** so that the employer fulfills the established obligations, which implies a particular challenge, because employers do not usually have an association that represents them, which makes dialogue difficult and the process very slow. On the other hand, awareness-raising actions are needed for the personnel of government institutions, specifically those in labor inspection, so that they can detect infractions, accompanying the process with dissemination. It is also necessary to change public opinion around domestic work so that it is considered socially as a dignified job, with rights.
- Additionally, awareness-raising activities are carried out aimed at **expanding knowledge of the rights** of domestic workers and of the responsibilities of the State.
- In a cross-cutting way, the need to adopt an **intersectional approach to domestic work** was recognized, considering the heterogeneity of circumstances of domestic workers, whether of ethnic, racial, or rural origin and, especially, of migrant workers, and that the intersection of two or more of these identities can increase the situation of vulnerability in which a worker finds herself.

Regarding the answers to the guiding question: **What has worked? What are the main successes and lessons learned from these actions?** Various experiences were shared on the topics addressed in the initial reflection, which are presented below.

- **Progress has been made in the legal framework in relation to social security coverage** for domestic workers. Experiences with important achievements in the region were identified, such as:
 - The experience of Uruguay, where social security coverage for domestic workers covers a wide spectrum of social benefits extendable to caregivers of children, sick people, and personal companions. Also noteworthy is the rise in wages for domestic work, which increased well above the rest of the average private wages by being integrated into the tripartite body for fixing and adjusting minimum wages.
 - The experience of Peru, where a registry of domestic work contracts has been implemented that allows inter-institutional monitoring of the obligation to contribute to the social security system.
 - The case of Mexico, which achieved significant progress by updating its regulations and establishing the obligation of employers to incorporate the 2.3 million domestic workers in the country, mostly women, into social security, as well as providing access to the rights and benefits that comprise a decent job for this same number of people.

- In addition, various delegations mentioned during their interventions that progress has been made in the regulation of working hours, unemployment protection, dismissal regime, affiliation, and coverage of social security systems, among other benefits.
- Progress has been made in **developing efficient labor inspection and complaint mechanisms**. Countries have implemented various initiatives to identify labor violations, due to the difficulty for domestic workers to file complaints, often due to the lack of knowledge on the ways to present them or due to unfamiliarity with their rights. Experiences such as that of Uruguay are highlighted, where they carry out door-to-door inspection as a mass practice for inspecting all homes; in Jamaica, with the use of tablets for the work of the inspectors on the field, it was possible to receive complaints in-person. For its part, in Spain, a Decree Law was approved in 2022 through which it is possible to cross labor inspection data with the social security treasury to ensure that effective compliance with the minimum wage or social security contribution are correct and, in the case of detecting an anomaly, the employer is summoned to the labor inspectorate.
- **Progress has been made in strengthening the information systems and registration mechanisms on domestic employment** as a way of activating the formalization and payment of social security. It was recognized that, due to the informal nature of this sector, it is difficult to track and collect data from it, but there is progress in such recording systems. In Paraguay, neighborhood tours are carried out with a view to advancing in the process of formalizing labor relations (subscription to an employment contract and registration with the Social Welfare Institute) and a positive impact could be verified in the visited areas after the crossing of data with the Social Welfare Institute in subsequent months. In Chile, training has been provided for the use of a registration and information portal on rights and duties and labor inspection where the workers can register and create a work contract.
- **In terms of training, there are also several initiatives and advances**. The technical training aimed at domestic workers is noteworthy, conducive to facilitating their work and going beyond care work. Here, the case of Jamaica is highlighted, where the Ministry partnered with the union of domestic workers to offer training with excellent results, as well as experiences in Chile and Guatemala. In the case of Mexico, the collaboration of the labor authority with civil society organizations to provide training and accompany the processes of certification of competencies in domestic work, as well as in the care economy and in tourist services was highlighted. Certification of skills based on useful knowledge and skills for domestic workers has also been promoted, including free programs with flexible hours to facilitate the participation of workers.

There is great agreement on **the importance of generating professionalization actions** for paid domestic work in various areas.

- **Social dialogue acquires critical relevance in the identification of needs, challenges, and opportunities for domestic work**, which is why the representation of all the social actors that participate in the execution of said work is essential. In this regard, the following was identified:
 - **Support for organizations and unions of domestic workers is important**, particularly for their expansion/reach to peri-urban and rural areas, whether it is for the dissemination of rights and promoting formalization, for accompaniment in inspections, to facilitate the collection of information and obtain information from the sector and, fundamentally, to ensure the protection of their rights and the effective implementation of regulations. The importance of tripartite instances is recognized: in Uruguay, the 2006 Domestic Work Law arose with the support of the Tripartite Commission for Equal Opportunities, made up of the sectors of workers, employers, the Ministry of Labor, and INMUJERES. Paraguay also attributes a high degree of support in moving forward to the Tripartite Commission. On the other hand, Trinidad and Tobago mentioned the existence of a union and a cooperative of domestic workers that offer training, to which people go more frequently than to the government; Jamaica also works with unions to facilitate data collection and with its data agency to gain data from this sector.
 - **The organization of employers** is one of the greatest challenges in decent work public policies for domestic workers. Often, employers of domestic workers lack an organization that represents them, impeding information sharing and awareness raising with these employers.

3. RECOMMENDATIONS

The main recommendations on policies and actions that the gender units or areas of the Ministries of Labor must carry out to achieve the full exercise of the rights of domestic workers are the following:

General Recommendations:

- Adopt an intersectoral approach to paid domestic work, considering linguistic and intercultural diversity and the situation of migrant domestic workers.

- Ensure both that labor legislation does not exclude domestic workers and that legislation that regulates domestic work enshrines equal conditions with respect to all workers. Avoid generating differentiated legislation because, in general, differentiation can lead to discrimination.
- Include paid domestic work in the care policies that are being developed in the countries, ensuring that these policies include domestic workers and their families, and improving access to formalization and social security systems.
- Promote the coordination of all relevant social actors at the local and national level.

Specific Recommendations

Regarding labor inspection:

- Design and implement awareness-raising processes and the incorporation of the gender perspective in labor inspections, both with domestic workers and their employers, so that they are aware of their rights and obligations.
- Train labor inspectors on detecting and addressing gender-based violence and harassment.
- Incorporate, in addition to the gender approach, the intersectionality approach in inspection. Include elements and necessary adjustments according to the conditions of each group served; for example, having materials in different languages.
- Develop inspection and complaint mechanisms and practices to meet the challenge of carrying out inspections without invading the privacy of households, considering the difficulties that domestic workers face when making complaints. Consider the implementation of routine, unscheduled inspections not connected to complaints to protect domestic workers from employer retribution. Work to ensure that employers are notified in advance of these inspections, the rights of domestic workers, and what actions/behavior would constitute violations of labor law.

Regarding the coordination with different actors and social dialogue:

- Promote coordination with all stakeholders (employers, workers and organizations representing domestic workers) at the local and national level.
- Create inter-institutional tables with all the actors and adopt work plans with public policy objectives in the medium and long term.

- Strengthen the spaces for social dialogue, which allows knowing the needs of domestic workers to create policies and meet the needs of the employer sector. An example is tripartite commissions with a gender focus.
- Through social dialogue, make use of and promote appropriate language, as well as achieve a name for domestic work that is consistent with the needs and preferences of those who make up said sector.

Regarding social security coverage:

- Expand social security coverage accompanied by an awareness process aimed in particular at the employer. This coverage should go beyond pensions and include paid sick leave, paid maternity leave and unemployment, among other.
- Establish the obligation for employers to carry out the social security registration of domestic workers.
- Evaluate the creation of unemployment benefits so that this benefit can be given when the employment relationship is interrupted, especially when the domestic worker has more than one employer.
- Carry out an information cross-check of the data registered in the different State institutions to facilitate the verification of compliance with legal obligations in terms of contributions to the Social Security Systems.

Regarding professionalization and training:

- With input and collaboration from domestic workers, create and promote free skills certification programs with flexible hours aimed at formalizing, training, and improving their labor conditions.
- Generate actions to professionalize domestic workers in various areas, including care.

Regarding dissemination and awareness-raising:

- Carry out campaigns and dissemination and awareness-raising material on rights and obligations with all relevant social actors to publicize the regulations and work to consolidate a culture of compliance to them.
- Inform, sensitize, and advise domestic workers and their employers (through campaigns and dissemination through various media) about their rights and obligations, considering their

particular conditions. Include information on how to prevent and address gender-based violence and harassment, given it is a major concern of domestic workers in many countries.

- It is recognized as a success to support those domestic workers who speak another language with translations, so that they have the appropriate advice and knowledge about their rights in the workplace.
- Have guides and tutorials to raise awareness and train on how to create work contracts with coordination between state institutions to verify if the obligations to which workers are entitled to are met.
- Take a rigorous sensitization approach when it comes to raising awareness about the benefits of contributions to social security systems.

4. NEXT STEPS

Continuing with the fulfillment of the RIAL/GENDER 2023-2023 Work Plan, the following activities will be addressed:

- Implementation of the Documentation Center, which will contain important materials and resources for the gender units of the Ministries of Labor.
- Carrying out the 7th virtual Hemispheric Dialogue on insertion into the labor market and closing of occupational gaps — July 2023.
- Incorporation of more programs in the RIAL Portfolio of Programs, for which each RIAL/GENDER focal point has received their username and password.
- Continue promoting bilateral cooperation — During the 16th RIAL/OAS Call for Bilateral Cooperation, a bilateral cooperation was selected between the Ministry of Labor of Colombia (requesting institution) and the Ministry of Labor of Uruguay (providing institution) on “Formalization of Paid Domestic Work” that will be carried out during 2023.
- The Technical Secretariat of the RIAL/GENDER has proposed the publication of a repository of actions carried out by the Ministries of Labor throughout the region regarding domestic work, classified into five major areas of intervention: 1) Training and professionalization, 2) Dissemination and awareness-raising, 3) Inspection, 4) Social security coverage and, 5) Alliances with social actors. To do this, it has prepared documents for each country and is consulting each Ministry to validate and publish the information.
- The repository of actions mentioned above will be connected to the CIM microsite on the matter, which seeks to provide concrete tools and pieces of awareness-raising and dissemination (video, audio, graphics for social networks, etc.) to workers, employers, and public officials on key issues for the exercise of the rights of domestic workers (<https://www.oas.org/en/cim/domestic-work/pages/descargas.html>).

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