

# Collective Bargaining and Domestic Workers in Uruguay

by Mary R. Goldsmith

January 2013



## Collective Bargaining in the Informal Economy

“Collective Bargaining and Domestic Workers in Uruguay” is one in a set of five case studies examining collective bargaining by informal workers. This research was conceived by Women in the Informal Economy: Globalizing and Organizing and supported by the Solidarity Centre. Each of the case studies covers a different category of informal workers in a different country. Please see a list of case study titles and their authors below.

- “Collective Bargaining and Domestic Workers in Uruguay.” by Mary R. Goldsmith
- “Collective Bargaining by Workers of the Indian Unorganized Sector: Struggle, Process, Achievements and Learnings.” by the Indian Academy For Self Employed Women
- “Collective Bargaining among Transport Workers in Georgia.” by Elza Jgerenaia
- “Negotiating the Recycling Bonus Law: Waste Pickers and Collective Bargaining in Minas Gerais, Brazil.” by Vera Alice Cardoso Silva
- “Collective Bargaining Negotiations Between Street Vendors and City Government in Monrovia, Liberia.” by Milton A. Weeks

To access these case studies, as well as, the summary of these case studies titled, “Informal Workers and Collective Bargaining: Five Case Studies” by Debbie Budlender, please visit [www.wiego.org](http://www.wiego.org).

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# The Context

## An Overview of Uruguay

Uruguay is located on the southeastern Atlantic coast of Latin America, sharing borders with Brazil to the north and with Argentina to the west. With a total area of 176,215 km<sup>2</sup> and a population of almost 3.3 million, it is one of the smallest countries in the region. The overwhelming majority (94.6 per cent) of its inhabitants reside in urban areas; 40 per cent live in Montevideo, the nation's capital. Approximately 7.8 per cent of Uruguayans identify (at least partly) as Black or of African descent, and 4.8 per cent as indigenous. Uruguay's population is rapidly ageing (more than 14 per cent is 65 years of age or older), which is particularly relevant to the issue of care work (INE 2012).<sup>1</sup> With an average of 8.5 years of schooling and a literacy rate of roughly 98 per cent, the nation has one of the highest levels of education in Latin America. Regionally, it ranks third in the United Nations Development Programme's (UNDP) Human Development Index, and second in the Gender Inequality Index.<sup>2</sup>

Uruguay is a constitutional republic. With the exception of the period of military rule between 1973 and 1985, it had been governed since independence (1828) by two parties the Colorado (Red) and the Blanco (White, or as it is officially called, Nacional),<sup>3</sup> until 2004 when the Frente Amplio (FA, Broad Front) won the presidential and congressional elections. The FA, a leftist coalition party<sup>4</sup> founded in 1971, ran a campaign that emphasised economic growth, decent employment and social justice. Tabaré Vázquez who took office as president in 2005, sought justice for the poor, the workers, and the victims of the military dictatorship (Buquet 2008: 266-270). The FA also won the following presidential election with José Mujica as its candidate. Overall during the two FA administrations, there has been generally a good relationship between the government and the Plenario Intersindical de Trabajadores-Convención Nacional de Trabajadores (PIT-CNT, Inter-union Assembly of Workers-National Convention of Workers)<sup>5</sup> the nation's only labour federation; however recently this has cooled a bit as the labour central has been critical of Mujica for not continuing the social programmes initiated by Vázquez (Pintos 2012: 226-227).

Uruguay is a middle-income country<sup>6</sup> with lower poverty rates and less income inequality than most other countries in the region. It underwent one of the worst economic crises in its history beginning in 1998. This peaked in 2002 when the unemployment rate rose to 17 per cent. Although the economy improved and there was a reduction in unemployment between 2003 and 2005, real wages continued to fall. Once in power, the FA government immediately implemented measures against unemployment and in favour of better working conditions. Income inequality began to decline in 2007, a trend which continues to date. This is related to the increase in the general minimum wage that applies to workers not covered by sector- or occupation-specific measures and periodic wage adjustments,<sup>7</sup> the return of collective bargaining, the strengthening of unions, and the implementation of redistributive fiscal reforms in 2008 (Alves et. al 2012).

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<sup>1</sup> Instituto Nacional de Estadística (INE, National Institute of Statistics). 2012. "Uruguay en cifras." Available at: <http://www.ine.gub.uy/biblioteca/uruguayencifras2012/uruguay%20en%20cifras%202012.asp> (accessed 12 January 2013).

<sup>2</sup> The Human Development Index takes into account life expectancy at birth, mean and expected years of schooling, and gross national income per capita. The Gender Inequality Index is calculated on the basis of maternal mortality, adolescent fertility, educational attainment, and labour force participation.

<sup>3</sup> The Partido Colorado has usually been considered more liberal and urban-based, and the Partido Nacional, more conservative and associated with the Catholic Church and the defence of large landowners. However during the last two decades of the twentieth century both moved to the centre right, downplaying ideology in favour of pragmatism.

<sup>4</sup> The Christian Democrat, Socialist and Communist Parties, with other leftist groups formed the original basis for this coalition.

<sup>5</sup> The PIT-CNT was founded in 1983 with the merger of the Plenario Intersindical de Trabajadores and the Convención Nacional de Trabajadores. It is guided by the principles of radical internal democracy and independence from the State and parties; it operates as an assembly, not a rigid organization.

<sup>6</sup> The GNI PPP per capita is US \$13,242. United Nations Development Programme. N.d. "Human Development Report Profile for Uruguay." Available at: <http://hdrstats.undp.org/en/countries/profiles/URY.html> (accessed 6 January 2013).

<sup>7</sup> The general minimum wage and adjustments for those groups of workers that are included in wage councils are established through tripartite negotiation. For those groups of workers who are not included in wage councils, the executive branch establishes a general minimum wage and wage adjustments that apply nationwide.

The gender gap in labour force participation has narrowed. During the first trimester of 2006, the labour force participation rate was 42.8 per cent for women and 65.2 per cent for men. By 2011, women's participation in the labour force had increased dramatically, reaching 51.3 per cent by 2011, though it still remained lower than that of men (71 per cent). At the beginning of 2006, the unemployment rate was 16.2 per cent for women and 9.2 per cent for men. By 2011 this had dropped to 7.7 per cent for women and 4.1 per cent for their male counterparts.<sup>8</sup>

Uruguay does not have a general labour law nor labour code. Instead, the labour legislation consists of a series of laws referring to specific workers and topics. Uruguayan labour law is guided largely by jurisprudence (Ermida Uriarte 2006). There was no specific labour law for domestic workers until quite recently. In 2006, the government adopted Law 18.065. This defines domestic work "as that performed in a household by a person in a dependency relationship in order to provide care and housework to one or various persons or one or various families, without these tasks resulting in a direct economic profit for the employer". It sets a minimum work age of 18 years and recognizes domestic workers' rights to an eight-hour work day, 44 hour work week, nine-hour rest period during the night for live-in workers, rest periods during the workday, a 36-hour weekly rest, tripartite negotiation both of wages and job categories, and severance pay after 90 days of work, additional compensation in the case of dismissal during pregnancy, the issuing of a payslip, unemployment insurance, labour inspection, and a choice between private and public health institutions for medical care.<sup>9</sup> Finally, it states that domestic workers will have the same general labour and social security rights as enjoyed by other workers. In June 2007, the regulatory Decree 224/007 was issued. In addition to defining the terms of Law 18.065, it explicitly excludes rural domestic service personnel (referring basically to domestic workers who are employed by the owners of farms and ranches); elevator operators, doormen, and janitors of apartment buildings; and private chauffeurs. It provides for overtime pay, paid sick leave, the right of live-in workers to food and lodging, and the right of employers to deduct a maximum of 20 per cent from wages for room and board and a maximum of ten per cent where only meals are offered.

Domestic workers have long been entitled to social security in Uruguay. They have had access to disability, old age and survivor pension since 1942, maternity benefits and family allowance since 1980, and medical coverage and sick pay since 1984 (Pugliese and Santos 2010: 4). In 2008, domestic workers were incorporated into tripartite collective bargaining with the creation of a specific wage council for this occupational group. In 2009, the Banco de Previsión Social (BPS, Social Security Institute) implemented an innovative publicity campaign to raise awareness about domestic workers' rights and to increase their registration for social security. Some of the most outstanding examples of this campaign were information pamphlets (aimed at employers) in the form of tags to hang on the doorknobs of employers' homes, with the message "The domestic worker in this house is enrolled in the Social Security Institute", television spots ("*Desorden*" won the *Balero de Bronce*), and socio-dramas on buses (Ferrari and Vence 2010). In 2010 and 2011, labour inspectors visited over 9,000 homes to find out whether domestic workers were registered for social security. The inspectors requested documents but did not enter into the households.

In recognition of these policies, Uruguay was chosen by the ILO as a model for good government practices regarding domestic work. On June 14, 2012, it became the first country to adopt ILO Convention 189 "Decent work for domestic workers".

## Domestic Workers

Approximately 17 per cent of all employed women in Uruguay are domestic workers.<sup>10</sup> This figure has remained fairly constant since the 1990s (Ministerio del Trabajo y Previsión Social 2011). It is the most common occupation for women, followed by office work and retail sales.

Over the period between 2006 and 2010, there was an increase in the number of persons employed in domestic work. In 2006 and 2010, there were respectively 105,572 and 120,164 domestic workers. This was consistent with the overall growth rate of the female labour force. Thirty-seven per cent of domestic workers live in the capital Montevideo, 15 per cent in the adjacent department of Canelones, five per cent in Maldonado, a department on the Atlantic coast

<sup>8</sup> Instituto Nacional de Estadística (INE, National Institute of Statistics). 2012. "Uruguay en cifras 2012." <http://www.ine.gub.uy/actividad/em-pydesemp2008.asp?Indicador=ech> (accessed 30 December 2012).

<sup>9</sup> See Blofield (2012) for a description of the legislative reform process.

<sup>10</sup> All of the authors consulted referred to three categories of domestic workers that are registered by the *Encuesta Continúa de Hogares* (ECH, Continuing Survey of Households): child caregivers, persons who care for the sick in private households, and domestic personnel (cooks, cleaners and general domestic workers).



and home to the beach resort Punta del Este, and the other 43 per cent in the remaining 16 departments. This distribution coincides largely with that of the general population (Batthyány 2012: 19).<sup>11</sup>

Almost 99 per cent of all domestic workers are women.<sup>12</sup> In 2006, 12.8 per cent of domestic workers identified as black or of African ancestry, whereas this was the case for 7.7 per cent for the population as a whole. In that same year, domestic work accounted for 29.3 per cent of all employed black women. Slightly fewer than two per cent of domestic workers declared that they were of indigenous ancestry. There are also a small, but undetermined, percentage of women who have migrated from Peru and Bolivia to work in domestic service because wages are much higher in Uruguay than in their home countries. Domestic workers of African and indigenous ancestry face additional discrimination in Uruguay, and migrants are even more vulnerable than local workers to exploitation and human rights violations.

Domestic workers tend to be older than other employed women; 21 per cent are 55 years of age or more, 26 per cent are between 45 and 54, 22 per cent are between 35 and 44, and only 31 per cent are 34 or younger. Roughly half have completed, at best, their elementary education. In 2006, 43.9 per cent lived under the poverty line, and by 2010, this had dropped to 24.9 per cent. As impressive as this might be, the poverty rate for domestic workers is double that for other employed women.

In 2010, 10.1 per cent of domestic workers were caregivers for the sick, 15.3 per cent were child caregivers, and 74.6 per cent were cooks, cleaners and general domestic personnel. It is important to underscore that it is the experience of most workers that occupational categories are not treated with such precision on the job, which means that they are often burdened with additional tasks with no extra pay.

In 2009, almost one half of domestic workers were employed for 20 hours or less per week, whereas about one out of ten worked 44 or more hours. Caregivers for children and the sick tend to have much longer workweeks. Despite this, they generally earn less than other domestic workers. In 2006, the average monthly wage for domestic workers was 44.9 per cent that of other employed women. By 2009, the percentage had fallen to 42.2 per cent. However, the gap between domestic workers' and other employed women's hourly wages shrank dramatically. In 2006, the average domestic workers' hourly wage was 55.5 per cent of that of other working women, and by 2009, this had risen to 68.4 per cent. Differential changes in the total number of hours worked by domestic workers and other employed women explain this.

Domestic workers on the whole work fewer hours than other women in the labour force. This difference increased between 2006 and 2009; therefore, overall, they had lower monthly earnings. At the same time, however, their hourly earnings improved, probably at least in part due to the increases negotiated through tripartite collective bargaining in 2008. There is regional variation in wages and working conditions. Workers outside Montevideo tend to earn less and have longer hours than workers elsewhere. There are still cases of women who earn approximately one third of the minimum wage and work from dawn until dusk.

Approximately 63,000 domestic workers are registered with and pay into social security. Since 2006, the number of domestic workers who make contributions has increased by 45.6 per cent, largely due to the BPS media campaign. Still, there is a very high evasion rate, and as at the time of writing only about half of domestic workers make social security payments.

In 2009, only 14.4 per cent of domestic workers received holiday pay and 51.4 per cent a yearly bonus. Surprisingly, 46.4 per cent did not believe that they had a right to a yearly bonus. In sharp contrast, 97.8 per cent of those workers who paid into Social Security believed that they were entitled to a yearly bonus.

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<sup>11</sup> Batthyány uses data from 2010; however, she excludes the caregivers from most of her calculations, consequently the description of domestic workers in this report refers largely to 2006 (Espino y Amarante, 2008) and 2009 (MTSS 2011) studies that use data for all three categories of domestic workers.

<sup>12</sup> The low percentage of men who are domestic workers can be attributed at least in part to the exclusion of chauffeurs and gardeners from the statistical estimates and from the law.

# Background of Domestic Workers' Organizing in Uruguay

In 1964, domestic workers started to meet in various parishes in Montevideo, encouraged by progressive clergy of the Catholic Church.<sup>13</sup> This served as the groundwork for the Asociación Nacional de Empleadas de Casa Particular (ANECAP, National Association of Private Household Employees) that was founded three years later, in 1969, by domestic workers who belonged to the Juventud Obrera Católica (JOC, Young Catholic Workers). Initially, some of the more militant participants collaborated closely with organized labour, the Convención Nacional de Trabajadores (CNT, National Convention of Workers). The domestic workers' group within the CNT disbanded when the military took over the government in 1973 and prohibited union activity.

ANECAP continued to operate; however, a technical team assumed leadership of the association, which was restructured as a service-oriented organization, offering temporary shelter, workshops, a library and a savings and loan association. The Grupo Madre Dinamizador (GMD, Dynamizing Mothers' Group), an ad hoc group of domestic workers that included many of the older leaders of ANECAP, played a role in planning and evaluating ANECAP's activities and acted as a link between the technical team and the membership base. Although several ANECAP members proposed forming a union, the technical team and even some of the participants in GMD opposed this because they did not consider this to be feasible at that time.<sup>14</sup> Nonetheless, in 1975, with the support of the Asociación Sindical Uruguaya (Uruguayan Union Association), they formed the Asociación Laboral de Empleadas del Servicio Doméstico y Afines (ALESA, Labour Association of Domestic Service and Related Employees), which later expanded its area of intervention to the provinces.<sup>15</sup> These developments were possible because although union activity was prohibited, the workers used other forms of organization such as associations. In 1981, professional associations (named labour organizations when they were formed by workers and which even could negotiate with employers) were granted legal status (Ley 15.137 Asociaciones Profesionales). With Uruguay's return to democracy in 1985, the ban on union activity was lifted and the Sindicato Unico de Trabajadoras Domésticas (SUTD, Sole Union of Domestic Workers) was founded. At one point, it was said to have 2,000 members. Although only a small percentage of domestic workers were active in the union, those who were gained confidence in themselves as women and workers (Rostagnol 1988:36). The SUTD participated in the founding congress of the Confederación Latinoamericana y del Caribe de Trabajadoras del Hogar (Conlactraho, Latin American and Caribbean Confederation of Household Workers) in 1988.<sup>16</sup> The union's spurt of activity was short-lived as it then entered a 15-year period in which it was dormant. Ojeda Rodríguez (2010) believes that the government's lack of policies in response to domestic worker's demands was a factor that contributed to the decline of the union. Workers and researchers mention other factors as well, such as workers' reluctance to join the union for fear of reprisals by employers and health and family problems of the leaders.

Nonetheless, during the following years, various reform bills to extend domestic workers' rights were presented to congress by legislators from the Frente Amplio.<sup>17</sup> None of these initiatives was successful, because there was neither enough support from legislators nor enough political pressure by domestic workers.<sup>18</sup>

<sup>13</sup> Nora Pacheco. 2010. "Historia del Sindicato Único e Trabajadoras Domesticas." Montevideo: SUTD-PIT-CNT: 2. During the 1930s and 1940s, there were precedents for domestic workers' organizations: Iris Cabral, an Afro-Uruguayan activist and herself a domestic worker, organized the sector as well as demanding domestic workers' right to unionization, pensions, and workplace safety. In the 1940s, a group of domestic workers tried to form a mutual aid society and fought for the extension of labour rights to domestic workers. As far as could be ascertained, there is no relation between these early organizations with those that emerged later.

<sup>14</sup> Prates, Suzana. 1989. "Organizations for Domestic Workers in Montevideo" in Chaney and Castro *Muchachas No More*: 282-284.

<sup>15</sup> Pacheco 2010: 4.

<sup>16</sup> Unpublished directory of participants in the first congress of the Conlactraho. 1988.

<sup>17</sup> Mariselda Cancela. Interview by author. 26 November 2012.

<sup>18</sup> Almost all legislators spoke from an employers' standpoint, arguing against the law because of the "exceptional" nature of domestic work or that it would be counterproductive because it would result in massive firings or workers' loss of the "benefits" that they had. Merike Blofield. 2012. *Care Work and Class. Domestic Workers' Struggles for Equal Rights in Latin America*. University Park: Penn State Press:111-112.

## A New Phase for the SUTD

In 2002, Mariselda Cancela, a lawyer who would later collaborate pro bono with the SUTD, and other members of the Gender Department of the PIT-CNT, Uruguay's only labour federation, began to organize domestic workers, who along with rural agricultural workers were the two groups that were still excluded from the right to a 44-hour work week and 8-hour work day. She played a key role in the PIT-CNT campaign to involve domestic workers in drafting a list of demands that they planned to present to the Frente Amplia for their inclusion in the FA's platform for the upcoming presidential elections. Cancela describes the snowball technique that they used in the PIT-CNT:

As election time approached we started to work with the *compañeras* and we had a voice. We talked with the domestic workers we knew and they told us where to locate others; some of these came to the Gender Department to work on the campaign and contact the wives and relatives of members from the PIT-CNT. We leafleted in the markets, near the churches in residential areas around Montevideo, like Pocitos, Punta Gorda, and Carrasco, where we knew a lot of them worked.<sup>19</sup>

This laid the groundwork for the inclusion of domestic workers in the platform of the Frente Amplia (FA, Broad Front) and the reorganization of the SUTD in 2005, which is described further below.

As mentioned above, in 2004, the left won the presidential election for the first time in Uruguayan history. When Dr Tabaré Vázquez took office on March 1, 2005, he announced in his inaugural address that his government aimed to create a wage council for domestic service.<sup>20</sup> During the next five years of his administration, a series of labour laws were approved that reinstated rights and practices that had been suspended by prior governments.<sup>21</sup> For example, the Tripartite Wage Councils recommenced activities for the first time in almost 15 years. The Frente Amplia encouraged unionization so that workers could defend their rights, and decent work was considered an important pillar of social inclusion. Eduardo Bonomi, the new Minister of Labour and Social Security publicly stated, "I am aware that the balance must be inclined one way or the other and I have decided to take the side of the workers" (Pinto: 23).

Many of the women garment workers who lost their jobs during the 1998-2002 economic crisis sought employment in domestic work. According to Burgueños et.al, (2011) several of these brought their union expertise in the Sindicato Único de la Aguja y Ramas Afines (Union of Needle Trades and Related Industries) to domestic work and tried to construct a new kind of labour relations, quite different from the feudalistic relationship that had characterized domestic service in much of Uruguay. Many of the other domestic workers had started in this occupation as young girls, in exchange for room and board. Current domestic workers recall that their mothers were often expected to sleep on the floor or eat leftovers from their employers' plates. However, even then, not all workers were submissive; Graciela Espinosa, one of the current leaders of the SUTD, remembers an incident in which her employer in the late 1980s asked her to hand wash an enormous basket of laundry just as she was getting ready for her day off. Graciela, not one to mince words, told her employer that he should be better organized and as a special favour, she would wash one change of clothes. Needless to say, she was out of a job a few days later.<sup>22</sup>

Some of the former militants from the Sindicato Único de la Aguja y Ramas Afines were invited by the Gender Department of the PIT-CNT to help revive the SUTD. Cristina Otero, Matilde Castillo, and Nora Pacheco, former garment workers, joined forces with María Salas, María Estebán and a few other women who had been in the SUTD during the 1980s to rebuild the organization. There already was a network of domestic workers who had been contacted during the presidential campaign by the Gender Department, many were the partners of members of the Sindicato Unico Nacional de la Construcción y Anexos (SUNCA, the Sole National Union of Construction and Annexes), which would later be an important ally to the SUTD, providing them with space to meet and even making financial contributions.

By mid-2005 the SUTD was active again, both internationally and nationally. A delegate attended the ILO seminar about migrant labour and domestic work in December 2005. The domestic workers and trade union activists who participated then issued the Declaration of Montevideo, which called for recognition of the value of domestic work, respect for domestic workers' rights, and the inclusion of their demands in the agendas of labour unions and federations. Two representatives also went to the fifth congress of the Confederación Latinoamericana y del Caribe de Trabajadoras del Hogar Conlactraho in Lima in 2006.

<sup>19</sup> Mariselda Cancela. Interview by autora. 26 November 2012.

<sup>20</sup> Cited by Graciela Mazzuchi in International Labour Organisation. 2009. *Labour Relations in Uruguay: 2005-2008*: 50.

<sup>21</sup> Thirty-nine laws were approved during Tabaré Vázquez' presidency (Pinto 2012: 12)

<sup>22</sup> Graciela Espinosa. Interview by author. 23 November 2012.

The union members played an important role in the campaign for legal reform for domestic workers, which would grant them the same rights as other workers. The new labour law for domestic workers was drafted by the Comisión Tripartita para la Igualdad de Oportunidades y el Trato Igual en el Empleo (CTIOTE, Tripartite Committee for Equal Opportunity and Treatment at Work) with the participation of the MTSS, Instituto Nacional de las Mujeres (INAMU, National Women's Institute), PIT-CNT and la Cámara de Comercio e Industria (Chamber of Commerce and Industry). The law was based largely on previous legislative proposals. The members of the union stated that they were not consulted initially regarding the content of the law and that later their suggestions were often ignored. The political climate was favourable for such reform. Law 18.065 was adopted by the Uruguayan legislature on November 27, 2006.<sup>23</sup>

## The Representatives of Domestic Workers and Their Employers

The Sindicato Único de Trabajadoras Domésticas is the only membership-based organization that represents domestic workers in Uruguay. There are a few NGOs – notably Cotidiano Mujer and Casa de la Mujer de la Unión – that have projects aimed at empowering domestic workers. Further, former members of the union have created the Agrupación María Goretti for the dissemination and promotion of domestic workers' rights. However, all of these groupings recognize that the only representative per se of domestic workers is the union.

The SUTD is an occupational-based union. All members must be employed in domestic service. If a member changes to another line of work or retires, she must withdraw from the union. The same criterion operates for members who participate in any commission or secretariat. The women argue that full-time activists lose touch with the day-to-day reality of work life. There is consensus that it is morally and politically incorrect for leaders to leave their jobs and dedicate themselves exclusively to the organization. All members must pay dues; however, they also must contribute to the unity and development of the union, respect the decisions of the assembly, vote in elections, and discharge assigned responsibilities, which many members consider more important obligations than the payment of dues. Currently there are over 1,300 members, of whom slightly over 700 pay their dues regularly. The union's membership has roughly doubled over the past six years. It has campaigned to create branches outside Montevideo, and it now has local branches in 11 of Uruguay's 19 departments. This has broadened the base numerically, socially and geographically, although the majority of the members are from Montevideo.

The union's objectives include the defence of domestic workers' rights and interests, better working and living conditions, the creation of a more just society, with work opportunities for all, and solidarity and unity, not just between domestic workers, but all workers. According to its statutes, the union should maintain its autonomy from the government, political parties, employers, and religious groups.

The SUTD does not have formal hierarchies, and there is neither a general secretary nor a president. For at least seven years (2005-2012), the core group of members planned and carried out their activities via three commissions (organization, communication, and finance). This structure has since been modified somewhat because the statutes, which were revised in November 2011, call for a general secretariat, composed of seven secretariats (organization, propaganda, finance, public relations, health and hygiene, acts, interior, each with two members) and a fiscal commission (six members). The general assembly is the highest authority of the union.

Recently, it has tried to expand its membership and to forge a more democratic structure. In November 2011, it convened a national meeting in order to revise its constitution, and in October 2012, it held elections for the first time in the union's history. It now has a secretariat as described above. There is almost equal participation in the secretariat by members from the capital and by those from the other departments. The secretariat meets weekly in Montevideo, and once a month it tries to hold a meeting with delegates from the departments.

Since 2006, it has held four national meetings, which include members and non-members. It has commemorated August 19, Domestic Workers' Day, since 2009, with a panel or celebration that attracts extensive press coverage.

The union's activities are coordinated from the office in Montevideo. On Fridays they provide legal aid for members. Typically, 30 to 40 women appear during the course of the afternoon. Each is interviewed by a member of the secretariat, and, if her case warrants it, is referred to a legal team from the national university. While the women wait, they discuss union news, changes in the laws, and their own personal situations. The members of the secretariat lay out snacks, cookies, and coffee, aware that many of the women will not have eaten. Almost all union

<sup>23</sup> See Blofield (2012) for a description of the legislative reform process. Mention of the SUTD's role in this is made in El país. 2008. "Proyecto que regula el trabajo doméstico." Available at: [http://historico.elpais.com.uy/06/03/08/pnacio\\_205188.asp](http://historico.elpais.com.uy/06/03/08/pnacio_205188.asp) (accessed 20 January 2013).

business is conducted during the week rather than over weekends. The exceptions to this are the national meetings that are held on Sundays.

The union is an affiliate of the PIT-CNT, where it has a small office, which is simply furnished. It has a printer and a computer. Although the PIT-CNT allows the union to use its phone, almost all of the members of the Secretariat have mobiles that never stop ringing.

The PIT-CNT also allows union members to use its auditorium for the assemblies and larger meetings and other rooms for the legal aid clinic. The PIT-CNT and the Instituto Cuesta Duarte (the research and training centre associated with the PIT-CNT) provide them with advice and guidance throughout the year. They help SUTD calculate the demands for the wage increases, and the PIT-CNT leaders accompany SUTD representatives to the collective bargaining meetings. A representative from SUTD participates in the Gender and Diversity Secretariat of the PIT-CNT. The relationship with the PIT-CNT has, however, not always been smooth. A few SUTD members have had grievances with PIT-CNT members who are their employers. And once in a while, a member of one of the PIT-CNT refers to the domestic workers in a derogatory fashion. In 2010, there was a rift between the SUTD and the PIT-CNT because the federation sent the head of the Gender Commission, not a member of the SUTD, to the 99<sup>th</sup> International Labour Conference, focused on domestic work, on the grounds that the members of the SUTD lacked experience. The SUTD members, who had spent months preparing for the conference with the support of the ILO, were furious. The incident did not go unnoticed by the feminist movement. The PIT-CNT was publicly criticized for its classist, paternalistic, and sexist attitude. The following year, two members of the SUTD attended the 100<sup>th</sup> International Labour Conference that adopted ILO Convention 189, Decent Work for Domestic Workers.

Nonetheless, undoubtedly the PIT-CNT is the SUTD's main political ally. In addition, the SUTD receives support for its legal aid service from the law faculty of the Universidad de la República through an agreement with the Social Security Institute.

The Liga de Amas de Casa, Consumidores y Usuarios de la República Oriental del Uruguay was founded in 1995 to represent employers. The Liga forms part of the Unión Intercontinental de Amas de Casa y Consumidores (UNICA, the Intercontinental Union of Housewives and Consumers), the Confederación Iberoamericana de Amas de Casa (CIAC, Ibero-American Confederation of Housewives) and the Federación de Amas de Casa, Consumidores y Usuarios del MERCOSUR (Federation of Housewives, Consumers and Users of Mercosur).

The Liga originally had two objectives: to dignify women as housewives and to defend consumers' rights. The Liga has disseminated information regarding the contribution that housewives make to society and has fought for their rights to a pension (which are recognized in the neighbouring countries of Argentina and Brazil). The Liga carries out consumer education and promotes and protects consumer rights. Since 2008, the Liga has a third objective, namely the representation of employers of domestic workers in the tripartite wage councils. The Minister of Labour invited the Liga to participate in the specific wage council for domestic workers. This is a large responsibility, given that approximately nine per cent of all households hire a domestic worker (Amarante and Espino 2008: 70). The President of the Liga, Mabel Lorenzo de Sánchez, has recognized on numerous occasions that this was a tremendous challenge, because neither she nor other Liga delegates to the council had experience in labour relations though they were employers of domestic workers. Mabel Lorenzo de Sánchez attended the 99<sup>th</sup> and 100<sup>th</sup> International Labour Conferences. By then, she was one of the few delegates to have expertise in collective bargaining with domestic workers as an employer. Currently, her organization disseminates information on employers' rights and obligations and provides legal advice to employers on a broad range of issues such as how to write out a payslip, how to calculate wage increases, and how to resolve labour conflict.

The stark contrast between the offices of the SUTD and the Liga is eloquent. The Liga has a spacious two-storey office located in the centre of the city, with a large meeting room in the basement, and a computer and telephone. The walls are covered with photos and news clippings that tell the story of the Liga.

Both organizations have copies of the Convention 189 that they proudly distribute.

## The Inclusion of Domestic Service in the Wage Councils and the Tripartite Negotiation of the First Collective Agreement (2008)

Until 2008, there were two channels for setting wages in Uruguay: tripartite negotiation in the Consejos de Salarios (Wage Councils),<sup>24</sup> and for those occupational groups that did not participate in the Wage Councils, presidential decrees. The minimum wage was introduced in Uruguay in 1969 and was set by presidential decree. Domestic workers were explicitly excluded from the minimum wage until 1990 when for the first time a minimum wage was set for them by an executive decree. The decree set one minimum wage for Montevideo and a lower one for the rest of the country. Both minima were slightly higher than the national general minimum wage. The decree permitted employers to deduct 20 per cent from wages if housing and food were provided to the workers, and 10 per cent if only meals were provided (Mazzuchi 2009, pp. Decree 1534/969 and Decree 246/90). The Frente Amplio eliminated these geographic differences between the minimum wages for domestic workers in order to promote greater social and economic equality:

It wasn't right that women outside of Montevideo earned a pittance, while in the city they were earning 10 pesos an hour and; wasn't it the same work? It was worse! Typically when a worker finished cleaning her employer's house, she had to go clean the mother's house for the same wage.<sup>25</sup>

Yet, even after the adoption of Law 18.065 (2006) and the enactment of Decree 224/ 007 (2007), which stipulated that domestic workers' wages should be established through tripartite negotiations, wages continued to be set through presidential decree in 2007 and 2008. In July 2006, the minimum wage for domestic workers was set at UYU 3,000 (US \$135) per month or UYU 15 (US \$.68) per hour. By February 11, 2008, the minimum monthly wage had increased to UYU 3,550 (US \$160) per month and by the hour to UYU 18 (US\$.81).

The SUTD rejected the establishment of domestic workers' wages via presidential decree because this was reminiscent of the period of the dictatorship. It demanded their right to tripartite negotiation like other groups of workers. Cristina Otero recalls the following:

We went to the Ministry of Labour time after time, and sat there hours on end, waiting for a response: when were they going to convene the wage council for domestic workers. On December 24, the 24th, we got together at mid day in the Ministry, request a meeting to convene wage councils for workers. We did not have a date nor time. They would tell us 10 at night, and we got there at 10 p.m. We told them we do not want to regularize our work and salaries, because you could earn 20 pesos, 10 pesos an hour, working from sunrise to sunset.

The primary obstacle to forming a wage council for domestic service was the lack of an employers' organization. Initially, the Chamber of Commerce was to participate in the negotiation. However, it later declined because it did not feel that it represented the employers of domestic workers.

The Minister of Labour and Social Security, Eduardo Bonom, invited the Liga to represent the employers of domestic workers on the Wage Council. The membership discussed this in a special assembly convened on July 7, 2008. The majority approved this proposal, and in its acceptance letter to Bonomi, the Liga stated "We accept this challenge with a view to constructing something new. We propose to act with openness, eliminating hierarchies, and promoting agreements that protect the legitimate interests of all parties".<sup>26</sup> It underscored the complexity of this challenge given that its membership base included not only employers of domestic workers, but also domestic workers themselves, in addition to persons who were not involved in the domestic service relationship. From the onset, the Liga requested technical assistance and training from the Ministerio de Trabajo y Seguro Social (MTSS, Ministry of Labour and Social Security) in order to grapple with tripartite negotiation.<sup>27</sup>

Each occupational group has its own particular tripartite wage council. The wage council for domestic service was created on July 7, 2008,<sup>28</sup> and because it was the 21<sup>st</sup> council to be formed, it was named the Grupo 21 (Group 21).

<sup>24</sup> The tripartite wage councils were established were established in 1943 (Ley 10.449).

<sup>25</sup> Cristina Otero. Interview by author. 21 November 2012.

<sup>26</sup> Mabel Lorenzo de Sánchez. Letter directed to the Minister of Labour and Social Security, Eduardo Bonomi. 9 July 2008.

<sup>27</sup> Surprisingly there was very little press coverage of the negotiations. However, the decision by the Liga de Amas de Casa, Consumidores y Usuarios to participate in the Wage Councils was the subject of various newspaper articles.

<sup>28</sup> Decree 326/008. Available at: [http://archivo.presidencia.gub.uy/web/decretos/2008/07/999\\_26%2006%202008\\_00001.PDF](http://archivo.presidencia.gub.uy/web/decretos/2008/07/999_26%2006%202008_00001.PDF) (accessed 5 January 2013).

As in the case of most other wage councils, each party names three to four delegates. The government has three representatives: the council President, Nelson Loustaunau (Deputy Minister of Labour and Social Security) and two full delegates, Ximena Ruy López and Andrea Badolati. The SUTD chose as its delegates Cristina Otero and Mariela Burlón Rodríguez and as substitutes, Matilde Castillo and Nora Pacheco. Mariela Burlón Rodríguez had been employed most of her life as a domestic worker, and as mentioned earlier, the other representatives were former activists of the needleworkers' union. The Liga de Amas de Casa members selected its president, Mabel Lorenzo de Sánchez, and Nelly Costa to represent them, and Maribel Alvarez and Eliana Vidal as substitutes. All were employers of domestic workers. Mariselda Cancela provided legal advice for the SUTD. The Liga also brought a lawyer for the first few sessions.

Although theoretically any changes in the composition of the delegations should be communicated formally to the MTSS, in practice there is some flexibility. Given that none of the worker delegates are still members of the SUTD, the union has sent its current leaders to represent them in negotiations and has been allowed to do so. However, the fact that there has been no change in the list of delegates that appears on the MTSS website does sometimes generate confusion within the press given that the former members of the SUTD are often contacted for their opinions about tripartite negotiations.

The government played and continues to play a lead role in the negotiations. Each year, the Ministry of the Economy and Finance and Ministry of Labour and Social Security prepare general guidelines for all of the wage councils concerning the duration of agreements, the criteria for wage increases and periodic adjustments, and the time line for wage adjustments. These written recommendations set the framework for the wage councils (Mazzuchi 2009). The workers and employers negotiate, taking these guidelines into account. They may, however, also introduce other issues regarding salaries, labour conditions, and benefits. The MTSS convenes and presides at the meetings and in the case of deadlock can call for a vote.

The wage council for Group 21 met for the first time on August 19, 2008. The SUTD presented a list of 13 demands that had been formulated after consultation with workers from various areas of the country and discussed in assembly:

1. Union's Day: Domestic Worker's Day throughout the country on August 19, is a paid legal holiday.
2. Labour relations: Workers cannot be fired given the claims made by the workers in respect to Law 18.065, regulated in July 2007, or salary increases should not be cause for termination of employment.
3. Benefits: Extraordinary Licenses. Paid five day leave for marriage; time off in the case of a family death in accordance with general law for workers; For studies, a license of two days leave with pay; paid leave for adoption on the same terms as for maternity leave. A worker who is breastfeeding is entitled to spend half her working hours (with full pay) on breastfeeding.<sup>29</sup>
4. Seniority pay: one per cent extra for each two years.
5. Clothing and labour equipment: Employers will provide two sets of work clothes per year.
6. Working conditions: Employers should provide decent work conditions, free of moral and sexual harassment, respecting the worker's right to intimacy, and protect her physical and psychological integrity.
7. Specification and separation of tasks: equal pay for equal work.
8. Freedom of association and union leave: The parties agree to fully comply with international labour conventions No. 87, 98 and 154, adopting it as a mechanism to promote and facilitate union's activities. In those homes with more than one worker the use of union's listings will be facilitated for usage and considering the characteristics of the home, visible and accessible to all workers. Assemblies may take place in the workplace and within hours of work given prior notification to the trade union. The parties agree to grant the union's delegates pay leave in accordance to monthly hours; this license shall not be cumulative and is considered as time actually worked.<sup>30</sup>
9. Equal pay: No pay differences between workers who carry out the same tasks in the same household.

<sup>29</sup> Government employees have this right; women who work for private enterprise are entitled to two hours per day for breastfeeding.

<sup>30</sup> The recently issued Law 17.940 "Freedom of Association" (10 January 2006) guaranteed workers the right to freedom of association and paid union leave. It was supported by the FA government and was consistent with the position that strong unions were fundamental to achieving compliance with the labour laws and broadening human and labour rights.

10. Partial dismissal: The parties agree that when a worker is accorded fewer working hours she/he had been carrying in the previous year, the employer must pay the corresponding compensation for reduction of hours of work.
11. All time worked shall be paid: Whenever a worker is conveyed to perform any tasks outside their normal working hours, they should be paid in accordance with existing labour standards.
12. Equal opportunity and treatment, no distinctions nor exclusion on the basis of sex, race, colour, sexual orientation, religion, in accordance with current legal provisions (ILO Conventions 100, 111, and 156; Law 16.045,<sup>31</sup> Social and Labour Declaration of Mercosur).<sup>32</sup>
13. Negotiating in good faith and the right to information: All parties agree to negotiate in good faith, to provide the other with the necessary information relating to the issues, and to seek a just and equitable agreement.<sup>33</sup>

The SUTD proposed a minimum wage of UYU 8,500 pesos (around US \$410) per month, an increase of almost 150 per cent given that the minimum monthly wage for domestic workers at that time was UYU 3,549 (US \$170) or UYU 18 per hour. In addition, the SUTD used a wage-scale approach, asking for a four per cent increase for those women already earning between UYU 8,501 and UYU 9,500 (US \$411 and US \$459) and two per cent for those earning more than UYU 9,500 (US \$460). These proposals were well above the government guidelines regarding wage increases; however, the SUTD justified the demand on the basis of the decrease in the real value of domestic workers' wages. Workers contend that their own experience contradicts the government figures for inflation and cost of living adjustments:

By the time we finish negotiations, the wage increase is already undercut by the rise in prices. I see how electricity, gas, milk go up, not just once, but three or four times. So the wage adjustments proposed by the government are never nearly sufficient.<sup>34</sup>

At first, the Liga explicitly rejected seniority pay, equal pay for equal work, and union leave and accepted, at least in part, six of the demands (the commemoration of Domestic Workers' Day, that grievances regarding an employer's lack of compliance with the law could not serve as grounds for dismissal, the provision of work clothes, compensation for reduction of hours, and overtime pay). The Liga proposed a minimum monthly wage of UYU 4,260 (US \$205), a seven per cent wage increase for workers earning up to UYU 5,000 (US \$242) and four per cent for those earning more, which was similar to the government recommendations. The Liga proposed a written contract, health certificate, payslip, formality on both parts, and legal and technical assistance from the Minister of Labour and Social Security and the Social Security Institute.

Almost a month into negotiations and after consultation with its members and the PIT-CNT leadership, the SUTD presented a revised platform of demands. It deleted the demands for leave for adoption, family death and study, given that these already were included in other laws that at least in theory covered domestic workers. It added a demand for full pay during maternity and sick leave (higher than that stipulated for other workers). It eliminated the demands for the specification and the separation of tasks and equal pay for equal work, and it introduced others related to particular tasks, work conditions and related wages such as compensation for night work, care for sick persons and the elderly, additional pay if there were several very young children in the household, and a bonus for work carried out in a different location (when the employer's family goes on vacation). Given the relatively small wage increase offered by the Liga, which was supported by the government, the SUTD demanded that employers provide live-in workers with food and lodging and live-out workers with meals and that no wage deduction be made for these. It also included a detailed description of the work clothes that the employer should provide in an attempt to insure their adequacy and quality. It proposed the creation of a tripartite commission to discuss job categories and related wages. It deleted the equal opportunity and negotiation in good faith clauses. It maintained the rest of the demands from the original platform.

Each of these demands had special meaning to the SUTD. It used a wage-scale approach in order to benefit particularly those women with the lowest wages, most of who lived outside Montevideo. The designation of August

<sup>31</sup> Law N° 16.045 (adopted in 1989) prohibits all discrimination that violates the principle of equal treatment and opportunity for both sexes in any sector.

<sup>32</sup> There was a general trend in Uruguay to include anti-discrimination clauses in collective agreements. Half of all collective agreements negotiated in 2008 included a clause of this type (Mazzuchi 2009: 42).

<sup>33</sup> "Plataforma del Sector Doméstico", Sindicato Único de Trabajadoras Domésticas, PIT-CNT.

<sup>34</sup> Matilde Castillo. Phone interview by author. 26 January 2013.

19 as Domestic Workers' Day had a dual significance for the workers: acknowledgement of the Sindicato Unico de Trabajadoras Domésticas and recognition of domestic labour.<sup>35</sup> SUTD was vehement about workers' right to union leave not only because it was their right as with other workers, but also since it would allow them to build their union both numerically and politically.

Over the two and a half months of negotiation, Group 21 held approximately ten bargaining sessions, all in the morning, and each lasting approximately one and a half to two hours. These were held in the Ministry of Labour and Social Security in an area designated specifically for collective bargaining. The rooms are quite small with very poor ventilation. Other union members for moral and political support, who waited outside the sessions, occasionally accompanied the delegates from the SUTD. This served also as a show of political clout to the government and employers. The meetings were not open to the public or press. Typically, each session focused on one or two issues. The SUTD presented a written platform whereas the Liga did not. The proceedings were coordinated by the representatives from the MTSS, one of whom later filled in a very short form by hand recording the minutes of each session. These reports were for administrative purposes and were not discussed with the worker and employer delegates. Occasionally between sessions, there was communication via phone and e-mail to exchange proposals and counter-proposals. Throughout this period, the SUTD delegates discussed the negotiations with their commissions that met once a week and convened assemblies:

As we negotiated we convened meetings. We invited members and non-members to the meetings. It was very important to invite domestic workers who were not in the SUTD, so that they open up their minds. They needed to know why a union is such an important tool and that we must be united and present a common front.

Most of the SUTD demands were negotiated, and many of them were included in the collective agreement, most with amendments. For example, the monthly minimum wage for the rest of 2008 was fixed at UYU 4,260 (US \$206),<sup>36</sup> roughly one half of the level proposed by the SUTD. This in turn affected the salary scales and adjustments projected for this same period as well as for 2009 and 2010.<sup>37</sup> A one-off bonus was introduced into the agreement to offset the limited wage increase.<sup>38</sup> After some debate, employers acceded to seniority pay (but at a lower rate than that demanded by the union) and August 19 as a paid holiday.<sup>39</sup> The provision of work clothes and equipment (but with no description) by the employer at no cost to the worker, overtime pay, a bonus for working at a location other than the normal household (though the amount remained undefined), and compensation in the event of a reduction in the number of workdays or hours were included.<sup>40</sup> A special tripartite commission was set up to analyze the issues of union leave, a written contract, and job categories.<sup>41</sup> The agreement incorporates the principle of equal opportunity and treatment<sup>42</sup> and the commitment of the parties to create decent working conditions,<sup>43</sup> to build social awareness about the need to formalize domestic work, and to implement initiatives to disseminate this agreement, a concern displayed by workers and employers alike during the negotiation.<sup>44</sup> Overall, the workers did not encounter a great deal of opposition by the employers during the negotiation. However, this was in part because many questions, such as additional compensation for night work, care of the elderly or children, categories of work and union leave were left for future discussion.<sup>45</sup>

On November 10, 2008, the government, employer, and worker delegates signed the first collective agreement for domestic service not only in Uruguay but also in the entire region of Latin America. Effective until June 30, 2010, one of the most important features of this agreement is that it had national jurisdiction and applied to all domestic workers and their employers, regardless of whether they were affiliated to the SUTD and the Liga de Amas de Casa.<sup>46</sup>

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<sup>35</sup> Matilde Castillo. Interview by author. 21 November 2012.

<sup>36</sup> Article 3.

<sup>37</sup> Articles 4 and 6.

<sup>38</sup> Article 5

<sup>39</sup> Articles 9 and 20.

<sup>40</sup> Articles 18, 15, 14, and 12.

<sup>41</sup> Article 11.

<sup>42</sup> Article 16.

<sup>43</sup> Article 10.

<sup>44</sup> Article 8.

<sup>45</sup> Cristina Otero. Interview by author. 21 November 2012.

<sup>46</sup> Article 2.

During 2009 and 2010, in accordance with the first collective agreement, the Wage Council of Group 21 met to sign periodic wage adjustments and to discuss a written contract, work categories, and union leave. The SUTD and the Liga had different priorities: the first, union leave, and the second, the written contract. In the first session, they discussed the employment contract. The employers asked for a standard employment contract with very concrete details regarding tasks, requirements and penalties (for example, repercussions for worker's absences and late arrival). The workers also proposed a fairly simple individual contract with the names of the worker and the employer, the total number of working hours, and the tasks that the worker was hired to perform. However, they argued that it was necessary to address the issue of the written contract in conjunction with that of work categories and related wage scales. They also considered that while a contract would be useful at the point of job entry, it was unnecessary for women already working. This position was taken as union members were concerned that a written contract could be used to their detriment. There was no further discussion of the contract or work categories by this tripartite commission.

In July 2009, the SUTD presented a proposal for union leave that called for 200 hours per month with full pay for workers who had to fulfil union responsibilities. The proposal was that the SUTD would distribute this time among its membership. The Liga de Amas de Casa responded that in order to deal with this issue (or for that matter, any other), it required legal advice from the MTSS. It reminded the MTSS that it had made this same request as far back as May 2008. The MTSS declined on the basis that it was not within its functions to provide legal advice for employers. When this situation continued, the SUTD protested against the Liga, arguing that this seemed to be a pretext for not addressing the real issues at hand. Given the lack of progress, negotiations were suspended in September 2009. Finally, in March of 2010, when the tripartite commission was reconvened, the Liga stated that its membership did not consider the SUTD's proposal regarding union leave viable. In response, the MTSS explored options regarding how to organize and finance union leave. It suggested that a fund be set up through the Social Security Institute to which all employers of domestic workers would contribute, and not simply those whose workers had union responsibilities, thus distributing this expense. The SUTD and Liga agreed to the MTSS's proposal. Later, the SUTD submitted a draft of the law that such a proposal required. However, the Liga did not respond to this.

## **The Bargaining Process of the Second Agreement (2010)**

On August 20, 2010, negotiation of the second agreement began. This lasted four months and included 14 meetings. As in 2008, all of these were held in the MTSS following the same protocol. There was almost no variation in the composition of the worker, employer, and government delegations. The main leader of the SUTD, Cristina Otero, had abandoned the union in late 2009, therefore Nora Pacheco, Mariela Burlón, Matilde Castillo, and occasionally Adela Sosa and Graciela Espinosa, negotiated on behalf of the SUTD. The delegates for the Liga de Amas de Casa and the MTSS remained unchanged.

The delegates from the MTSS presented the executive branch guidelines for the wage council negotiations in July 2010. These recommendations included the following: a three- to five-year duration for agreements; annual wage adjustments based on projected inflation and other macroeconomic considerations that would promote "distribution of the fruits of economic growth" and guarantee the stability of real wages. These would be complemented by later corrective measures that would take into account real inflation and any reduction in purchasing power.

The SUTD presented a platform of 14 demands, some of which were new, while others had formed part of the list of demands that had been submitted during the negotiation of the first collective agreement in 2008:

1. Breastfeeding: All domestic workers who are breastfeeding should be able to dedicate half her working hours (with full pay by her employer) to breastfeeding.
2. Complement subsidy for sick and maternity leave: Employers should pay, as a complement, the difference up to 100% of the worker's salary during maternity or sick leave.
3. Night work: For work performed between 10 p.m. and 6 a.m., 25 per cent additional pay.
4. Holiday pay: Employers must pay domestic workers 120 per cent of their net wages during their holiday.
5. Employee attendance: Bonus of ten per cent additional pay for not missing any workdays.
6. Payment of full wages to the worker in the event that an employer decides to suspend the workday.

7. Employers may deduct one per cent of wages for meals and lodging.
8. Employers must give ten days' notice to workers prior to dismissal.
9. The parties agree that domestic workers require training. They will promote conditions that will favour domestic workers' participation in training courses.
10. The organization of a bipartite Committee for Safety and Health aimed at the prevention of risks in the household caused by repetitive tasks, stretching and bending, carrying heavy loads, exposure to heat sources (stove, iron, etc.) and the use of sharp objects (knives, etc.), the handling of toxic cleaning products, prolonged exposure to dusts, and the use of electrical appliances.
11. The organization of a tripartite Committee for Occupational Health for domestic workers will be organized.
12. Payment by employers of transport and other per diem expenses will be considered when calculating holiday pay, leave and severance pay.
13. The parties agree to comply with Decree 291/07 for the purpose of appointing delegates to Occupational Safety Committees.
14. None of the provisions set forth in this agreement may be used to undercut the conditions of domestic workers, as individuals or a group.<sup>47</sup>

The SUTD fought for its platform (particularly demands 1 through 6 and 12), but the Liga eventually only accepted (at least in part) four of the demands: additional pay for night work (but at a rate of only 15 per cent), full pay to the worker when the employer suspends the workday, the creation of a tripartite committee for occupational health and that none of the provisions in the agreement could be used to undercut workers' conditions. All of these were included in the second collective agreement.

Union leave and wage categories were still on the bargaining table so the SUTD did not include them in their platform. There was serious conflict over these and the issue of wage increases. In fact, the first session of negotiation took a sour turn when the Liga stated that since 95 per cent of all employers have only one domestic worker, domestic workers do not have the right to union leave. Therefore, it rejected the proposal of any law in support of union leave for domestic workers. During subsequent meetings, the Liga modified its position. Consistent with its priority of the avoidance of any disruption in the home, the Liga representative said that it would accept union leave for workers employed in households with at least two other co-workers so that they could redistribute the workload. The SUTD vehemently opposed this on the grounds that Law 17/940, which guarantees the right of all waged workers to union leave, makes no mention of a minimum number of workers. Exasperated by these comments and the lack of headway regarding union leave during the past two years, the SUTD took union leave off the bargaining table on September 15 and demanded that the MTSS present a law to congress establishing the mechanisms for implementing union leave for domestic workers. The government voted in favour of this proposal, and the Liga abstained on the grounds that it needed legal advice.

The SUTD expected to make progress regarding job categories. On September 6, 2010, it submitted a detailed proposal for 14 categories of workers with varying degrees of specialization, experience, knowledge, and different monthly wage levels.

- Common cleaner (UYU 7,000, US \$338): domestic worker responsible for general household cleaning.
- Bedroom cleaner (UYU 7,000, US \$338): responsible exclusively for cleaning bedroom area.
- Childcare provider (UYU 7,000, US \$338): care and cleaning of children. Does not carry out any other household tasks.
- Care provider for the elderly (UYU 7,700, US \$372): responsible for bathing, administering meals, and caring for the elderly. Does not administer medication.
- Caretaker of grounds and house (UYU 7,700, US \$372). Employer should also provide housing and food for worker and her/his family.
- Common cook (UYU 7,700, US \$372): carries out standard food preparation.

<sup>47</sup> "Plataforma del sector doméstico. Consejos de Salarios 2010", s.f.

- Cleaner, type 1 (UYU 8,400, US \$406): planning and execution of cleaning, washing, ironing, and simple cooking, which involve some decision-making.
- Maintenance worker (UYU 8,400, US \$406): carries out general maintenance, including painting, electricity, and plumbing.
- Housekeeper, category 2 (UYU 9,700, US \$470): household administration, including the planning and execution of cleaning, washing, ironing, simple cooking, and childcare and care of adults.
- Housekeeper, category 1 (UYU 12,000, US \$580): responsible for all household administration, including management and supervision of personnel for domestic tasks.
- Specialized cook (UYU 13,000, US \$628): preparation of meals for persons with special dietary needs.
- Cook of meals for freezer (UYU 13,000, US \$628): prepares and packs various meals for storage in freezer.
- Cook for catering (UYU 100, US \$4.83 per hour): plans menu and cooks meals for social events and family gatherings.
- Cook of international cuisine (UYU 15,000, US \$725): planning, cooking and presentation of meals.<sup>48</sup>

The SUTD also demanded that in the event a person carries out several activities, she should be paid according to that with a higher salary.

The employers objected to the idea that only some categories of workers made decisions. Instead, they argued that all household workers to some extent make decisions. The Liga was responsible for presenting a counter-proposal; however, it did not, once again with the argument that it needed legal orientation. Consequently, further discussion of categories was postponed.

There was heated discussion regarding the wage increases and later adjustments for the different wage levels. The SUTD demanded a retroactive wage increase of 18 per cent for the period of July 1 to November 30 and a similar one for the following seven months. The government proposed two 15 per cent increases and the Liga two of 12.5 per cent, which was below the general government guidelines. The workers were willing to consider the government proposal if additional demands from their platform were accepted. During the following months, despite various proposals by the government, the Liga did not budge regarding its proposal.

Almost three months into negotiation, the SUTD decided to distribute leaflets in the residential neighbourhoods, criticizing the President of the Liga for being tight-fisted and “starving” the domestic workers. This was aimed at undermining her image among employers and to pressure the Liga to come up with a more reasonable offer. Instead, the employers demanded an apology and that the government present a proposal that would be voted on. The MTSS attempted to ease the tension, indicating that the SUTD’s actions were normal in politics. The Liga demanded that the government submit a final proposal and take a vote. After discussing the situation during its National Assembly, the SUTD, decided not to attend the next bargaining session because it knew that if a vote was taken, it would lose. It sent a formal protest in rejection of the government proposal and demanded an interview with the President, the Minister of Economy and Finance, and the Minister of Labour and Social Security.

On December 6, the Liga submitted an offer that exceeded the SUTD’s expectations. Effective from December 1, 2010 to June 6, 2011, this consisted of a 37.6 per cent wage increase for those workers at the lowest pay level, 26.6 per cent for those at the second level, and 13.7 per cent for those earning the highest wages. The Liga considered this more feasible than paying a large lump sum for retroactive wage increase from July 1, 2010 to January 1, 2011. The SUTD accepted the offer immediately; however, there was still some disagreement regarding the duration of the agreement. The Liga proposed three years (in accordance with the government guidelines) and the SUTD two years. Given that the initial wage increases were more substantial than the periodic wage adjustments that were to be made during the latter part of the contract, the workers preferred a shorter period. The MTSS submitted a compromise of two and a half years that the SUTD presented to its assembly. In the end, the workers prevailed, and the agreement covered a period of two years.

On December 17, 2010, the representatives of the wage council for Group 21 signed the second collective agreement and decided to resume negotiations in March 2011 in order to resolve the issues that remained pending.

<sup>48</sup> “Presentación de categorías de sector doméstico”, 06 September 2010. Wages are included in US dollar equivalent in this document and in consideration to readers from other countries.

Like the previous one, the second agreement had national jurisdiction and applied to all domestic workers and their employers. This second agreement included these provisions:

- Minimum wage: for the period between December 1, 2010 and June 30, 2011, a minimum monthly wage of UYU 6,591.40 (US \$297), (44 hours per week and 25 workdays per month), which equates to an hourly wage of UYU 34.67 (US \$1.56).
- Wage adjustments for December 1, 2010 to June 30, 2011.
- A 37.6 per cent increase for those workers earning up to UYU 5,792 (US \$260) per month (or the daily or hourly equivalent) as of November 30, 2010.
- A 26.6 per cent increase for those workers earning between UYU 5,793 (US \$298) and UYU 6,792 pesos (US \$306) per month or the daily or hourly equivalent as of November 30, 2010.
- A 13.7 per cent increase for those workers earning UYU 6,793 (US \$307) or more.
- Sliding-scale wage adjustments as of July 1, 2011, January 1, 2012, and July 1, 2012.

In addition, the agreement regulated the following working conditions:

- Night work: 15 per cent additional payment for work carried out between 10 p.m. and 6 a.m.
- Payment of full wages in the event that the employer suspends work.
- Establishment of a tripartite commission for occupational health.

It also stipulated continuation of the provisions of the previous collective agreement that was signed on November 10, 2008. In other words, as one of the workers said, "What we won cannot be taken away".

During 2011 and 2012, representatives from Group 21 met four times to formalize the wage adjustments for domestic workers that had been provided for in the second collective agreement. At the final meeting, the minimum monthly wage as of July 1, 2012, was increased to UYU 8,534 (US \$384). For those workers at the lowest wage level, there was a seven per cent increase, and six per cent and five per cent for the higher wage levels.

The SUTD has pressured the government regarding the issue of union leave, but thus far it has not presented any initiative to Congress. Although there are various issues still on the bargaining table (including occupational health, a written contract, paid free time for breastfeeding), the most contentious is that regarding categories of work and related wage rates.

When asked about the feasibility of including categories in the next agreement, Mabel Lorenzo responded that the Liga de Amas de Casa would only accept this if it were to provide for proof of training (through production of a certificate). Various present and former members of the SUTD considered it absurd to demand that a woman with years of experience present a diploma. In contrast, a few worker representatives supported training and certification of new workers by the Instituto Nacional de Empleo y Formación Profesional (INEFOP, National Institute for Employment and Professional Training), a tripartite organization that includes the Ministries of Labour and Social Security and of Education and Culture, the PIT-CNT, Rural Federation, and the Chambers of Commerce and Industry.

On November 27, 2012, once again the delegates met to discuss the terms of the next agreement. They are still at the bargaining table.

# Reflections about the Negotiation Process

The current leadership of both organizations emphasize the cordial relationship they share. In interviews, both referred to how they visit each other's offices to congratulate them on their respective holidays: August 19 for domestic workers and June 29 for housewives.

According to personnel at the MTSS, the climate of bargaining within Group 21 is atypical and less conflict-ridden than that involving other sectors.<sup>49</sup> This is attributed to the character of domestic work relationships in contrast with labour relations in private industry or in the public sector. MTSS personnel note the particular characteristics that distinguish domestic work relationships, namely that it is between women, home-based, care-oriented, and not geared towards the generation of profit. In fact, they believe that negotiations proceed more smoothly sometimes without the presence of lawyers or union officials. An additional consideration is the parties involved, particularly Mabel Lorenzo, who will not tolerate verbal abuse or any other insinuation of violence.

Based on interviews with various representatives from the SUTD, representatives employ the following strategies and tactics in bargaining:

- Access and maximize the different areas of expertise of the SUTD members. During the initial negotiations, the delegation from the SUTD included a representative who had prior labour union experience (particularly within the realm of negotiations) in another sector (garment work) and another who had extensive experience as a domestic worker. The latter was more aware of the particular problems faced by domestic workers while the former had more savvy regarding how to defend domestic workers' collective rights.
- Control of one's temper and the avoidance of any comment that could be interpreted as aggressive behaviour in order to avoid withdrawal by the employer. Several workers were quite adamant about the need for measure and eloquence, particularly if one considers the enormous responsibility of representing 120,000 workers.
- Some believe that it is better not to plan a strategy (which might backfire), but rather to be spontaneous.
- Astute observation of the other parties (employer and government official) to understand their weaknesses, their sources of satisfaction and identity, and their aspirations. For example, according to the SUTD, during the discussion of wage increases in 2010, the representative from the Liga offered even more than the SUTD was demanding. It believes that later she did not retract the offer because she prides herself on being a "woman of her word".
- Observation of the other parties also provides cues as to how one should act:

"While you are seated at the bargaining table, you need to observe closely the other persons, it needs to be more or less psychological, you need to see their body language. The way the employer sits. Or the representatives from the government, because they aren't always on the side of workers. Sometimes they are more rigid, more serious, other times real relaxed. You have to look at what is on the bargaining table, what is on your list of demands. And ask yourself "How should I act? Like the in-your-face militant and if you don't give me what I want, I'm going to hit you? Or like, poor little me? Or, we can look one another in the eye as equals and negotiate calmly?"

- Appeal to a common ground. For example, one of the domestic workers recalls how she used this tactic to negotiate 15 per cent additional pay for night work:

(The delegate from the Liga) said, "No, no, no, I can't go any higher than 10 per cent". So I said, "Look, we negotiated salaries, the primary issue. Can't we negotiate this too?" And she answered, "Imagine how the other employers are going to respond! They are going to want my head." So I said, "Your head? Ayy, same for me. Because my union didn't send me not to negotiate, just to listen. Look, I am negotiating with you right now. Well, and if they go after us, so what." So that is how we struck the bargain of 15 per cent extra night pay. I gave in five per cent and she gave in five per cent.

<sup>49</sup> Ximena Ruy Lopez, delegate for the Ministry of Labour and Social Security, Group 21 of the Wage Council. Interview by author. 23 November 2012.

- Withdrawal from the sessions if the other party makes a totally unacceptable (offensive) offer.
- When faced with a deadlock, invite sympathetic government officials or PIT-CNT leaders both as a symbolic show of strength and in order to exercise political pressure.
- Taking PIT-CNT leaders to the negotiations is also a means of forging the labour federation's commitment to the SUTD.
- Leafleting during the negotiations to build public support and undermine the other parties when there is a conflict.
- Generally avoid contact with the press during negotiation in order to avoid giving information that might be used against the workers by the employers.
- And finally, when faced by an endless deadlock:

“When the negotiations drag on well past their expiry date, it is hard for us to get retrospective pay, because they tell us that we are not productive. But that's when we say, 'Depends upon your point of view. Because if I don't go to work, the bank president doesn't go to work, the doctor doesn't go to work, the lawyer isn't going to court'. I say we do productive work. That is the problem that we cannot get them to understand that without us, the country comes to a standstill. That's why I say, 'Imagine if we were to go on a general strike ...'”

# The Results

Through the collective bargaining process, the SUTD has been able to win rights that were not included in the 2006 law nor the 2007 regulatory decree: work clothes and equipment, a seniority bonus, additional compensation for night work, a bonus for work done in a location other than the normal household, compensation for a reduction in work hours or work days, full payment of workdays that are suspended by the employer, and an additional paid holiday, August 19, designated as Domestic Workers' Day. All of these formed part of the platforms of demands that the SUTD presented.

There are other provisions in both of the collective agreements that strengthen clauses in the 2006 labour law and the 2007 regulatory decree (such as overtime pay) or other recent laws that theoretically covered domestic workers (Law 18.345, special paid leaves for study, family deaths, adoption, marriage). Their inclusion in the collective agreement reaffirmed that domestic workers had these rights. Given that the domestic workers found it very difficult to get employers to pay for overtime, they hoped that its inclusion in the first agreement would help them do so. Various members of the SUTD commented that live-in work declined because employers realized that in order to comply with the law, they would have to pay quite a bit of overtime. Most workers consider the decline in live-in work as positive as it means that workers are not permanently on duty and have the possibility of breaking out of their isolation.

Without a doubt, the collective bargaining has contributed to the increase in wages and registration in the Banco de Previsión Social (BPS, Social Security Institute), results that were mentioned at the beginning of this report. Unfortunately, there are still not studies regarding domestic workers' wages since the first collective agreement was signed four years ago, which would permit further discussion of this question.

Finally, the collective bargaining process has reaffirmed domestic workers' status as workers and made evident that the problems that they face are shared by other workers and therefore require collective solutions. Furthermore, their participation in negotiation has bolstered the SUTD as the authority that legitimately represents the more than 120,000 domestic workers in Uruguay.

An additional benefit associated with the experience of collective bargaining has been the legal service provided by members of the Law Faculty from the Universidad de la República. In August 2011, the BPS signed an agreement with the Universidad de la República, in which the Law Faculty would designate two lawyers to provide legal consultation to the SUTD and the Liga in exchange for payment by the BPS. This has contributed to compliance because it educates workers regarding their rights and assists them in formulating and placing grievances.

On the employer side, Liga participation has been a means of contributing to a more just Uruguayan society. It has also helped the Liga gain more visibility in its demands for the recognition of housewives' contribution to society and their right to a pension, and their collective authority as a political actor. Plus, the BPS agreement with the university has provided them the legal counsel that they demanded during negotiations.

Despite the laws, collective bargaining, and campaigns for compliance with the law, the SUTD and the government know all too well that domestic workers are often still unaware of their rights, and if they are aware, cannot exercise them fully because of employers' opposition. In this regard, the lawyer and the group of students from the university who participate in the legal aid clinic at the union found that workers' most frequent complaints were with regards to unpaid overtime, retention of holiday pay, lack of compliance with wage increases, and problems with Social Security. After each wage adjustment, domestic workers are fired and others face the same fate if their employers find out that they belong to the union.

Employers have adopted strategies to avoid compliance with the law. Some order their domestic workers to tell labour inspectors that they are relatives.<sup>50</sup> Other employers, in a desperate attempt to safeguard their privileges, hire Bolivians and Peruvians through employment agencies in those countries. Although these workers are covered by the same laws and collective agreements as their Uruguayan counterparts, they often do not know this; hence, they are sometimes preyed upon by their employers, who confiscate their passports, impose humiliating conditions that are in flagrant violation of their human rights, and threaten to throw them out on the streets if they protest. The SUTD and feminist organizations have denounced these situations and have demanded that the MTSS pinpoint for inspection residential neighbourhoods known to concentrate migrant domestic workers.

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<sup>50</sup> Cristina Otero and Matilde Castillo. Interview by author. 21 November 2012.

The 2006 Uruguayan law for domestic workers is exceptional in the sense that it includes a provision for labour inspection. Worth noting in this regard is that almost 100,000 households employ at least one domestic worker (Amarante and Espino 2008: 77); therefore, routine inspection is a formidable challenge. This is particularly so if one considers that the collective agreements have expanded domestic workers' rights. The SUTD has collaborated with the Department of Labour Inspection (Inspección General del Trabajo y la Seguridad Social, IGTSS), by informing employers that they should not violate workers' rights and so that they may go to their homes to investigate.

Between 2010 and 2011, the IGTSS dedicated additional resources to routine inspection of households that employed domestic workers. Over this period, inspectors visited 9,200 households. During the first year, the IGTSS limited the campaign to Montevideo and Canelones and focused upon registration with and payment to the BPS. During the second year, it expanded the campaign to four other departments and covered other issues such as payment of wage increases, holiday pay, yearly bonus, and the availability of work clothes and equipment. The inspectors did not enter the households, so they did not require a judicial order. They asked the employer (and if he or she was unavailable, the worker) to answer a series of questions regarding work conditions and benefits and to show payslips and documents from the BPS that would allow them to detect violations. They found that there was at least some degree of lack of compliance in 80 per cent of the cases, most frequently regarding some aspect of social security. The IGTSS officials have emphasized that rather than utilizing inspection to sanction employers, they use it as an opportunity to educate them about their obligations and workers' rights, thus encouraging them to comply with the law.<sup>51</sup>

A final reflection: if one considers that in 2005 there was not even a law regulating domestic work in Uruguay, the change in seven years has been dramatic. But one might argue that this change started four decades ago when domestic workers began to organize. And certainly the adoption of the law, workers' inclusion in the wage councils, the implementation of measures that enforce the law, and the collective agreements are products of domestic workers' political work, not simply a gift from the government.

<b>Interviews</b>			
	<b>Name</b>	<b>Role</b>	<b>Type of interview and date</b>
1.	Gladys Arévalo	Member of SUTD 2007-2011 Former sales worker and present domestic worker. Current member of the Association María Gorretti	Personal interview November 21, 2012
2.	Karina Batthyány Dighiero	Researcher about domestic work Departamento de Sociología, Facultad de Ciencias Sociales - Universidad de la República	Personal interview November 22, 2012
3.	Dolly Mariela Burlón	Member of SUTD 2005-2010 Participated as substitute delegate for the SUTD in the negotiation in 2008 - 2010. Has always been a domestic worker Now a member of Las Jazmines, an NGO	Phone interview November 26, 2012
4.	Mariselda Cancela	Probono lawyer for the SUTD 2005-2010 Participated in negotiation in 2008-2010	Personal interview November 25, 2012

<sup>51</sup> XXXVI Reunión especializada de la mujer del MERCOSUR, III Mesa técnica de la mesa asesora de género, trabajo e integración económica. 9 November 2011.

5.	Matilde Castillo	Member SUTD 2005-2011 Propaganda commission Delegate to collective bargaining, 2008-2010. Former garment worker and present domestic worker. Current member of the Association María Goretti.	Personal interview November 21, 2012 Phone interview January 26, 2013
6.	Juan Carlos Cerreta	Lawyer, Legal Aid Clinic for Domestic Workers, SUTD (agreement between Banco de Previsión Social and Universidad de la República)	Personal interview November 26, 2012 Phone interview January 26, 2013
7.	Valeria España	Coordinator of programme for domestic workers (including blog trabajadorasdomesticasmercosur), Cotidiano Mujer (feminist NGO)	Personal interview November 25, 2012
8.	Graciela Espinosa	Member of SUTD since 2007 Current chief delegate of Organization Commission Participated in negotiation 2008-2010 (more of an observer in 2008) Former meat packing worker; now employed as domestic worker.	Personal interview November 23, 2012
9.	Beatriz Faján	Secretary of Gender, Equality and Diversity, PIT-CNT. Health worker	Personal interview November 23, 2012
10.	Mabel Lozano de Sánchez	President of the Liga de Amas de Casa, Consumidores y Usuarios de la República Oriental del Uruguay. Delegate to negotiation of first and second agreements and tripartite commission about union leave, categories and written contract.	Personal interviews November 20, 2012 November 22, 2012
11.	Nelson Loustaunau	Vice Minister of Labour and Social Security President of Group 21 (domestic service) of wage council Author of various articles about legal aspects of domestic work	Personal interview November 22, 2012
12.	Cristina Otero	Primary leader of SUTD in 2005 – 2009 Organization commission Participated in negotiation 2008-2009.	Personal interview November 21, 2012 Phone interview January 26, 2013

13	Nora Pacheco	Member SUTD 2006-2011 Organization commission Delegate to collective bargaining, 2008-2010. Former garment worker and present domestic worker Current member of the Association María Goretti.	Personal interviews November 21, 2012 Phone interview January 26, 2013
14	Jimena Ruy López	Ministry of Labour and Social Security, delegate to Group 21 (domestic service) of wage council	Personal interview November 23, 2012
15	Gonzalo Uriarte	Director of Legal Aid Clinic Facultad de Derecho Universidad de la República Uruguay	Personal interview November 26, 2012
16	Various members of SUTD commissions	Commissions of SUTD	Group interview November 21, 2012
17	Various members of Asociación María Goretti	Former members of SUTD Members of Asociación María Goretti	Group interview November 23, 2012

Methodological note: In addition to interviews, I observed some of the activities of the Legal Aid clinic at the SUTD and a training workshop about computer skills for migrant domestic workers at Cotidiano Mujer.

In November 2011, I conducted fieldwork in Montevideo regarding good practices in government practices and domestic work, which provided a background for the present project.

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