



## Political Platform for the Rights of Domestic Workers in Mexico

This Political Platform was developed during the 1st REGIONAL EXCHANGE OF EXPERIENCES OF WOMEN DOMESTIC WORKERS: Convention 189 and Social Security, on 18 and 19 February 2017 in Mexico City, in the context of the first anniversary of the establishment of the National Union of Domestic Workers (SINACTRAHO, for its acronym in Spanish).

We, the united women domestic workers, have identified systematic violations of our economic and social rights in different degrees and contexts, and their interdependence with the right to work, a dignified salary, and social security, as well as the rights to food, education, housing, care and health, in particular sexual and reproductive health.

As domestic workers, we want to raise awareness of the situation in which we work and subsist, and thus the demands we present, so that our rights are guaranteed, and our reality can improve.

For that purpose, we demand that the problems we face be recognized and that our demands be met. We demand to be recognized as workers with full rights.

### The Rights of the Domestic Workers in the Political Constitution of the United Mexican States

The Mexican Constitution grants full labour rights and social security to domestic workers in Article 123 Section A. Furthermore, Article 1 establishes the constitutional hierarchy of international human rights treaties ratified by Mexico, which are based on the principle of equality and non-discrimination and the respect and guarantee of each of the rights they contain.

However, our rights are constrained by the Federal Labour Law and the Social Security Law that contravene the Constitution, thus perpetuating discrimination.

### Federal Labour Law

Federal Labour Law keeps domestic workers under a special and exclusive regime (Chapter XIII). In contrast to what is stated in the Constitution, this chapter does not establish maximum working

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hours, holidays or a Christmas bonus. Moreover, while Chapter XIII provides that the National Minimum Wages Commission (CONASAMI, for its acronym in Spanish) should establish a minimum professional wage for domestic workers, this has never been established.

Over 90 per cent of domestic workers do not have an employment situation governed by a signed contract, thus leaving the guarantee of our rights to the will of the employers.

## Social Security Law

The Social Security Law does not require our employers to register us with the compulsory social security system, leaving only the option to register voluntarily with the compulsory social security system. Said system excludes us from access to day care centers, paid maternity leave and care coverage of pre-existing chronic diseases, and we do not have access to recreation centers and resorts.

This shows that the State violates its obligation to ensure our right to social security in an equal and non-discriminatory manner, which is unconstitutional.

Likewise, even if domestic workers could have access to individual accounts with a Retirement Fund Administrator in the Retirement and Housing Sub-Accounts, there is no obligation for tripartite contributions.

It should be noted that the vast majority of domestic workers does not have the ability to pay the fee for our voluntary incorporation to the obligatory system, so that currently the only workers who have access to the system are those whose employers are willing but not bound to insure them.

## Problem Areas Resulting From the Legal Framework

### Health

- There is a trend towards privatization of health services and, in general, of all services linked to social security.
- We, the domestic workers, only have access to voluntary inclusion that does not cover medical attention to pre-existing chronic diseases.
- The low wages we receive do not allow us to access a private health system, and the public systems we are able to access, such as the Public Insurance, do not offer full coverage of services such as occupational accidents, mental health and chronic diseases. Neither do they have sufficient infrastructure to provide the necessary secondary care for pregnant women.
- Access to public health systems is often delayed, far from the workplace and our homes, discriminatory, and the provision of care lacks quality or warmth.
- The majority of the domestic workers are mothers and heads of families; the impairment of our right to health impacts our families, denying them this right as well.

### Maternity

- Domestic workers do not have maternity or breast feeding leave, not even domestic workers who are registered to the compulsory social security system on a voluntary basis.

- Most of the time, we are dismissed when we reveal our condition of pregnancy to the employer families.
- Carrying a safe and healthy pregnancy is difficult for us and, on occasions, impossible. With the exception of that minority that voluntarily joined the compulsory health system, we do not have a health service we can turn to for periodical and postpartum checkups for ourselves and for our children.
- Given the inaccessibility of social security, the babies are delivered at home, not necessarily by choice but because we cannot afford to be looked after in a hospital.
- The type of physical work we carry out presents risks to our pregnancy.

### Child Care

- Domestic workers who are mothers do not have access to child care services and day care centers, which means we have to look for other child care solutions.
- The solutions we find are not always safe for our children and expose them to superficial care, risks, abuse and neglect.

### Retirement and retirement savings (pension)

- Since there is no obligation on the employer to register us with the compulsory social security system, the contributions to the retirement sub-account are not tripartite.
- Our wage is usually low and insufficient to save money in the retirement sub-account.
- Those domestic workers who manage to save for their retirement do so in very small amounts, which are insufficient for retirement. Our work life extends into an advanced age, putting our integrity and health at risk.
- As older adults, we face uncertainty about how to secure our future, because we do not have a pension that safeguards our subsistence and income, in addition to the consequences of deteriorating health caused by fatigue, and chronic diseases as a result of domestic work.
- The lack of a pension makes it impossible for us to retire, as well as difficult to have time for recreation and rest after years of work activity.
- The non-existence of tripartite contributions for the generation of a pension that would allow us to subsist, sometimes leads to economic dependence on other persons.
- Abandonment of and violence against elderly domestic workers increase when our families cannot take care of us.
- Not having a tripartite mechanism that allows domestic workers to retire with a pension implies barriers to saving and building for the future.

### General working conditions at present

- Domestic workers are at one of the lowest salary levels, below the average wage of Mexican workers. In addition to this, there are hardly any wage increases, nor are there payments of vacation and Christmas bonuses.
- Salaries are established by the employer families and not by an institutional mechanism or norm that comes, for example, from the National Minimum Wages Commission.
- It is still customary to pay us part of our salary in kind, or not to pay us on time and in accessible forms of payment.
- In addition to low wages, we are faced with labour exploitation, unfair dismissal, occupational risks, and a lack of time for rest and recreation. We are exposed to different types of violence, harassment and abuse at work,

transmission of diseases or chronic degenerative ailments, and even situations of isolation. On many occasions, our families are also exposed to the same situations.

- There are no inspection mechanisms to confirm that we work in decent conditions and in adherence to the law.
- Federal Labour Law does not provide maximum daily limits to working hours, and therefore our rest periods are violated, and hence our health impaired. Moreover, it is common for the employer families to ask us to work outside of working hours.
- Rest and recreation periods are non-existent, and this prevents us from conducting other activities, and exercising rights such as association in unions and education.
- We face discriminatory attitudes in accessing labour justice since we do not have the resources for legal support.
- When we are live-in workers, our private spaces are often not respected, or they do not have the appropriate or hygienic conditions to be inhabited by us or our children.
- There are no participatory processes in which domestic workers, through SINACTRAHO or other workers' organizations, have a voice to explain our situation and state our vote to decide on laws and policies that affect us.

## Declaration

*Recognizing* that our country is experiencing an economic and human rights crisis, resulting in increased violence, poverty, inequalities, especially in relation to gender, ethnicity and socio-economic status;

*Alarmed* because salary levels and rates of social security inclusion in Mexico are among the lowest in Latin America and not commensurate with the level of national development;

*Informing* that in Mexico there are 2.4 million domestic workers with no guarantees to our labour and social security rights;

*Emphasizing* that our work provides indispensable but hitherto invisible contributions to the social and economic development of the country;

*Observing* that domestic and care work is disproportionately the responsibility of women and that there is not sufficient public infrastructure to reduce this gap;

*Disapproving* of the fact that job insecurity and reductions in wages have a widespread impact on the community, reducing the quality of life and affecting employers of domestic workers who dismiss us or reduce our work hours as one of their measures to adjust their spending, affecting our income or putting us out of work;

*Convinced* that a racist and classist culture persists that deepens discrimination against us and inhibits access to our full rights;

*Considering* that a significant number of domestic workers are internal migrants or migrants from other countries and by leaving our place of origin we lose our family support network;

*Recognizing* that international standards recognize the rights of domestic workers and establish minimum working conditions and access to social security;

*Highlighting* that in 2011 the International Labour Organization (ILO) approved the *Convention on Decent Work for Domestic Workers (C189)* and the *accompanying Recommendation (201)*, in order to have a tool to combat the discriminatory conditions we have been suffering;

*Demanding* that Mexico ratify ILO Convention 189;

*Accusing* the unconstitutionality of the Federal Labour Law and Social Security Law that constrain our access to rights recognized in the Mexican Constitution, excluding us, discriminating against us and violating our human rights;

*Considering* that the lack of political will to advance the rights of the domestic workers in Mexico, as well as the general ignorance of our rights among workers and employers must stop;

*Exhorting* the Mexican State to fulfill its obligation to ensure all the rights of domestic workers, we list the following demands and proposals:

## Demands and Proposals

### General

**From the Executive Branch and the Senate**, we demand the immediate ratification of ILO Convention 189.

**From the Legislative Branch**, we demand the modification of the Federal Labour Law and Social Security Law to ensure that employers are obligated to include domestic workers in the compulsory social security system, as well as the harmonization of all our labour rights with other workers, as stated in Article 123 Section A of the Constitution.

**From the Ministry of Labour and Social Security**, we demand the promotion of awareness campaigns about the rights of domestic workers and the obligations of employers.

**From the Mexican Social Security Institute**, we demand an analysis be conducted using realistic and open data to enable the inclusion of domestic workers in the compulsory social security system, and collaboration with the **Ministry of Finance and Public Credit, the Ministry of Labour and Social Security and the Legislative Branch** to make this a reality.



**From the Ministry of Finance and Public Credit and the Chamber of Deputies**, we demand the allocation of sufficient budget for the implementation of public labour, health and social security policies aimed at domestic workers.

**From the Executive and Legislative Branches**, we demand that they guarantee the presence of SINACTRAHO and other workers' and employers' groups in decision-making spaces and in the creation of public policy aimed at domestic workers.

## By subjects

### Health

**From the Ministry of Health, the Mexican Social Security Institute and employers, we demand:**

- ✓ Though our access to social security is not yet fully guaranteed, we demand free comprehensive health services (total coverage for chronic and advanced diseases), provided with quality and warmth in an effective and unbureaucratic way. It should include physical and emotional care. A comprehensive health program should be considered for us and our families during our entire life cycle, with an emphasis on prevention.
- ✓ Guarantee of our sexual and reproductive rights, including sexual and reproductive education, as well as the eradication of obstetric violence.
- ✓ The requirement for employers to create safe and healthy conditions inside the homes where we work.
- ✓ The creation of a catalogue of diseases and conditions associated with domestic work.
- ✓ Medical care to be guaranteed, regardless of our geographical location, that is to say, near our workplace or residence.
- ✓ Paid sick leave.

### Maternity and child care centers

**From the Ministry of Health, the Mexican Social Security Institute, the Ministry of Labour and Social Security, the Legislative Branch and employers, we demand:**

- ✓ Legal guarantees for employment security.
- ✓ Paid maternity leave.
- ✓ One-hour leave of absence for the purpose of nursing for a period of 3 months.
- ✓ Quality and nearby full-time child care centers.
- ✓ Access to maternal health services that offer quality and warmth.
- ✓ Campaigns to drive responsible fatherhood and new masculinities.
- ✓ Campaigns to increase the awareness of our needs during pregnancy and for child care among employers.

### Retirement and retirement savings (pension)

**From the Ministry of Labour and Social Security and the Legislative Branch, we demand:**

- ✓ The establishment of a minimum age for retirement, and retirement in the event of disability.
- ✓ Tripartite contribution to the retirement sub-account in order to be able to have access to a decent and adequate pension that guarantees the coverage of basic needs and services for a dignified life at retirement.
- ✓ Training and education programs during our retirement.
- ✓ Access to health services for ourselves and our families in retirement.

### Salaries and working conditions

**From the Ministry of the Interior, the Ministry of Labour and Social Security, the National Minimum Wages Commission, the Legislative Branch and employers, we demand:**

- ✓ The National Minimum Wages Commission must determine the minimum professional wage for the domestic workers' sector, which covers our basic needs and services, and allows for savings.
- ✓ Right to written contracts that state:
  - Work schedules, salary, overtime pay, accessible method of payment for the worker, job specifications, holiday periods, rest periods, room and board (where applicable), Christmas bonus, time off for studying, training, social security, coverage of transportation costs and start and end dates of the contract.
- ✓ The right to training, education and association in unions during workdays must be guaranteed.
- ✓ The creation of an effective labour inspection system.
- ✓ Access to justice and complaints mechanisms in the event of labour disputes must be guaranteed.
- ✓ The establishment of a maximum working time of 8 hours per work-day and, when applicable, the payment of overtime.
- ✓ Safe and healthy conditions in the workplace, including an appropriate room for live-in workers, work materials, risk prevention in the workplace, healthy nutrition, and clothing or uniform where it is required.

### Housing

**From the Mexican Social Security Institute, the National Fund for Workers' Housing and the Legislative Branch, we demand:**

- ✓ Guarantee of tripartite contributions to the Housing sub-account in order to be able to have access to one's own home, by establishing the employers' obligation to include us in the compulsory social security system.
- ✓ Public policy making that guarantees the affordability and accessibility of housing acquisition for domestic workers.