Imagining Social Security for Domestic Workers

Analysis on the Status of Social Security Coverage for Domestic Workers in 15 Latin American Countries

Federación Internacional
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Globalizing and Organizing

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Introduction

The purpose of this study is to analyze access to social security for paid domestic workers in 15 Latin American Countries: Brazil, Bolivia, Colombia, Chile, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Argentina, and Costa Rica. In addition, some specific sections describe Uruguay's experience. Although no specific analysis has been made on Uruguay for the purposes of this study, some elements are used for illustration purposes, since it is considered that this country applies best practices in the field of social security.

Over the last years, research efforts have been made at both the regional and country level in order to understand the situation of domestic workers. The studies explore regulations and regulatory changes as well as compliance with such regulations and the situation of domestic workers in practice. However, few efforts are made at a regional level to analyze access to social security for domestic workers. Some of the previous efforts contribute valuable elements to understand that domestic workers are largely excluded from this right. However, the analysis is usually focused on some selected countries. In this regard, this report seeks to provide a more complete regional view, which reflects the most recent changes and, to the extent possible, the impact of such changes, as well as the opinion of organized domestic workers.

For the purposes of this report, the social security regulatory framework in the abovementioned countries has been reviewed and analyzed. In addition, information obtained from each country's Ministry of Labour and social security institution has been taken into account. Studies and research efforts made at the regional and national level by civil society entities, academia, institutions or international agencies have also been reviewed.

The documentary information collected has been supplemented with interviews with representatives of domestic worker organizations from the various countries in the region. The interviews have enabled investigation into how registration systems work in practice, the identification of obstacles and best practices, and an understanding of the efforts made by organizations in order to exert an impact on social security.

In addition, it is important to mention some limitations on the scope of the study. Sometimes, social security regulations are implemented through internal institutional regulations (such as directives, circulars or agreements) that are not easily accessible. Other times, regulations do not fully specify requirements, procedures and other aspects of institutional everyday practice. This means that some important aspects and details of domestic workers' social security coverage may have not been duly considered and analyzed.

This document has four sections. The first section contains a brief summary on the recognition of domestic workers' rights under the laws of the countries under analysis. In addition, it contains some general figures showing observance of these rights.

The second section shows the main identified findings. It has 7 subsections that analyze the characteristics of domestic workers' social security systems, the benefits granted to domestic workers, registration requirements and conditions, procedures, oversight, incentives and campaigns, the situation of migrant domestic workers and measures adopted during the pandemic.

The third section describes domestic workers' experience of their efforts towards advocacy for, negotiation of and defence of access to social security, as well as the strategies employed for such purposes.

Finally, the fourth section contains some general thoughts on future challenges.

1- The Rights of Domestic Workers in the Region

Paid domestic work is a historically undervalued occupation and has been marked by precarity. This has also been the case in Latin American countries. In fact, in Latin America, domestic work has long had characteristics inherited from slavery. This precarity and the lack of rights were not evidenced only by specific labour relationships, but also by laws that have legitimized abusive conditions and the lack of rights for domestic workers for a long time. That is to say, **the laws recognized–and, in some cases, they still recognize–rights and guarantees for paid domestic workers which fell below general standards**. Domestic work regulations established, among other aspects, very long working hours, short periods of rest or annual leave and really low pay. Exclusion from the protection provided under employment contracts and from access to social security has also been usual.

Over the last decades, as a result of organized domestic workers' sustained struggle, many of the discriminatory regulations have been amended in various Latin American countries. In addition, the adoption of ILO Domestic Workers Convention (No. 189) in 2011 supported and boosted organizations' efforts. This helped to overcome the first obstacle for domestic workers, since having their rights officially recognized on an equal footing with other groups of workers is the first step towards decent work.

Laws Governing Working Hours and Time

Currently, **in 8 of the 15 countries under analysis, the working hours of domestic workers established by law are similar to the working hours of other workers:** Argentina, Brazil, Costa Rica, Ecuador, Mexico, Paraguay[1], Peru and the Dominican Republic. Other four countries, most of which are Central American countries–El Salvador, Guatemala, Nicaragua and Panama–do not offer protection to domestic workers in terms of working hours. In these countries, labour laws provide for a minimum period of daily rest, which ranges from 12 hours per day in El Salvador and Nicaragua to 9 hours in Panama (ILO 2021, Dominican Republic, Ministry of Labour 2022).

In other three countries (Chile, Colombia and Bolivia), the working hours of live-out domestic workers are the same than for other workers, but that is not the case for live-in domestic workers (ILO 2021). In this case, legal coverage is still insufficient, since it does not protect all domestic workers

As regards weekly rest, in most countries, rest periods are similar for domestic workers and other groups of workers. Only in Guatemala, the period of weekly rest is shorter for domestic workers than for other workers (ILO 2021)[2]. As stated above, Guatemalan laws do not limit the working hours of domestic workers and only establish a minimum rest period. In this regard, it is no wonder that the discrimination with regard to working time also exists with regard to rest days. Similarly, as regards paid annual leave, the period for domestic workers is the same than for other groups of workers in all countries (ILO 2021).

1. Section 13 of Law No. 5407/2015 limits working hours to 8 per day and 48 per week for live-out domestic workers. However, it makes no reference to the situation of live-in domestic workers.
2. In Chile, live-in domestic workers enjoy longer periods of weekly rest. This measure seeks to compensate for their longer working hours (ILO 2021).

Regulations Governing Minimum Wages

As regards the right to fair pay, a great majority (13 out of 15) of the countries establish minimum wages for domestic workers equal to those of other workers: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Paraguay, the Dominican Republic and Peru. In the Dominican Republic, domestic workers are entitled to minimum wages under a Resolution adopted by the National Wage Committee in August 2022[3]. In the case of El Salvador, even though the Constitutional Chamber ordered[4] the National Minimum Wage Council to fix minimum wages for domestic workers, the order has not been executed yet (ILO 2021 and Dominican Republic, Ministry of Labour 2022).

In Costa Rica and Panama, domestic workers are entitled to minimum wages. However, minimum wages are discriminatory because the amount established for domestic workers is the lowest on the wage scale in such countries (ILO 2021).

Regarding pay, it should also be noted that in 6 of the countries under analysis–Colombia, Guatemala, Mexico, Nicaragua, Panama and Paraguay–a portion of wages may be paid in kind (ILO 2021). In this regard, it is important to take into account that, under Convention No. 189, wages should preferably be paid in cash, except under very specific circumstances.

3. Resolution No. CNS-11-2022

4. Judgment 143-2015.

Strategies to Move Towards Legislation that Provides Adequate Protection to Paid Domestic Workers

Various strategies have been employed in the countries in which changes have been made for greater recognition of rights. In most cases, such strategies consisted in **the approval of regulatory changes or the adoption of new laws. These processes are mostly time-consuming.** They require continuous advocacy strategies and alliances with various political and social actors, and they depend on the political will of the political representatives who pass laws. In fact, in some countries, various legislative proposals have been prepared and the approval of some of the proposals has taken years, even decades. However, despite difficulties, making these advances is key, so that, when a favourable political situation arises, advances have already been made and it is more likely that advantage can be taken of the opportunity.

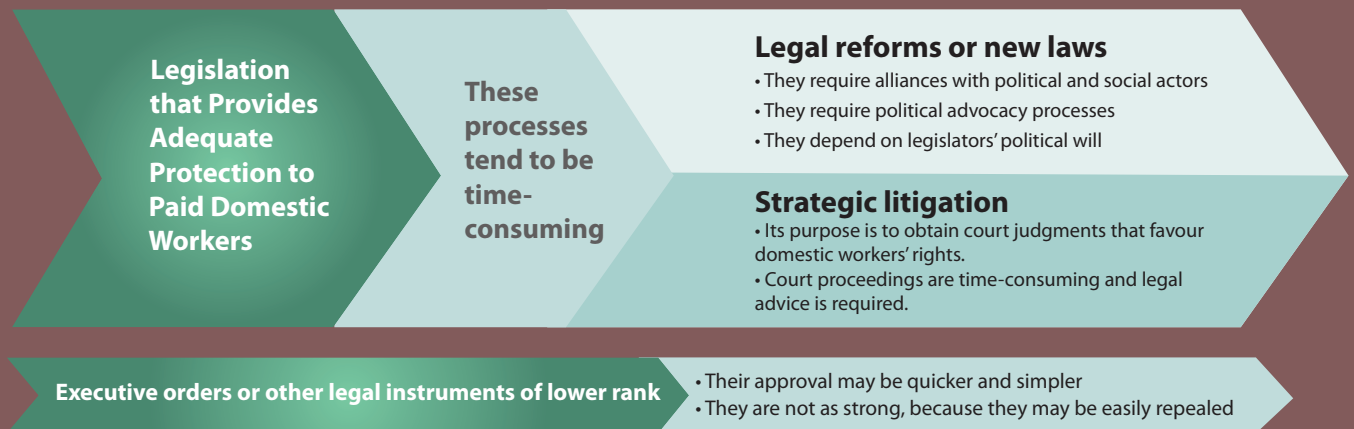
It is also important to take into account that making huge legal changes is not always needed to bring about changes. For example, **some of the gaps that continue to exist may be closed by means of executive orders or other legal instruments of lower rank.** This type of advocacy processes may be **simpler and quicker**, since they involve negotiation with only one institution or administrative agency. However, they are not as strong, because they may be easily repealed.

Finally, in some cases, **strategic litigation** has also been successful. **The purpose of strategic litigation is to obtain court judgments that favour domestic workers' rights**. For example, in Mexico, a claim filed by a domestic worker led the Supreme Court to rule that various legal provisions governing domestic work were unconstitutional in 2018. Similarly, in 2020 in El Salvador, following an unconstitutionality action filed by the Salvadoran Paid Domestic Workers' Union (SIMUTHRES), the Constitutional Chamber ordered the National Minimum Wage Council to fix wages for paid domestic workers.

The adoption of Convention No. 189 in 2011 has also driven law amendments in many countries. This international regulation has legitimized domestic workers' historical claims and favoured the adoption of important legislative changes. Since 2011, 13 of the 15 countries under analysis have ratified this Convention: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Mexico, Nicaragua, Panama, Paraguay and Peru[5].

5. As of June 2022

Figure 1. **Strategies to Move Towards Legislation that Provides Adequate Protection to Domestic Workers**



Figures Reflecting a Large Number of Violations of Recognized Rights

As stated above, appropriate legislation is necessary to aim for decent work conditions. However, available figures show that legislation is insufficient to guarantee access to rights. That is to say, in many countries that have appropriate legislation, domestic workers' rights continue to be violated in practice. This means that many domestic workers do not have access to decent working conditions because laws are not complied with. There are multiple reasons for non-compliance. On the one hand, in some cases, changes have been made but have not been supplemented with information and awareness-raising actions aimed at disseminating such changes. In addition, the idea that domestic work is not associated with rights is still common. On the other hand, in some countries, oversight systems are weak and no specific efforts have been made to oversee and punish non-complying employers. Finally, on some (but not most) occasions, the legislation approved requires administrative regulations that are not eventually adopted.

Specifically, as regards working hours, data shows that, in practice, most domestic workers in the region do not work normal hours. In other words, they work more than 48 hours a week or less than 35 hours a week (ILO 2021). According to ILO figures;

in Latin America and the Caribbean, only 4 out of 10 domestic workers (39.9%) work between 35 and 48 hours per week (ILO 2021).

According to figures by country, there is a similar situation at the country level. In some cases, there are still many domestic workers who work more than 48 hours per week. First, this is the case in countries that do not fix appropriate limits to working hours for domestic workers, such as El Salvador, Guatemala and Nicaragua. 45.5% of Salvadoran domestic workers, 34.7% of Nicaraguan domestic workers and 26.9% of Guatemalan domestic workers work long hours. However, this is also the case in countries in which the working hours of domestic workers established by law are 8 hours, such as Peru, Colombia and Paraguay. The percentage of domestic workers who work overtime is 31.9% in Peru, 25.6% in Colombia and 22.6% in Paraguay (ILO 2021). In addition, as explained in section 2.3, very short working hours are also frequent in the countries of the region.

There are no figures available showing the situation of domestic workers as regards minimum wages. However, the available information on pay shows that, in 2019, domestic workers earned very low wages.

On average, in Latin America and the Caribbean, domestic workers earned monthly wages equal to 44.7% of the wages earned by employees (ILO, 2021)[6]. This means that for every 100 dollars earned by employees, domestic workers received only 45.

Under this scenario, the urgent need to have mechanisms guaranteeing compliance with the law and respect for domestic workers' rights becomes evident. As explained below, the situation as regards the right to social security is similar.

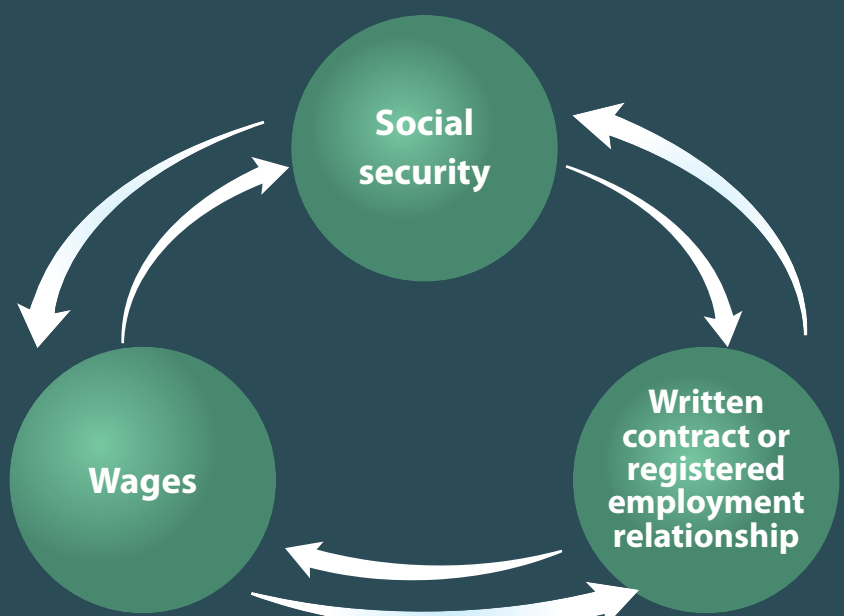
6. Percentage for countries in Latin America and the Caribbean

Closely Related Rights

The right to social security is particularly important since it may lead to or promote improved access to other rights. It is a measure based on the recognition of the existence of an employment relationship and its connection with institutions that oversee observance of rights. When social security is implemented, key aspects of the employment relationship are reported, such as pay or working hours, so that compliance with the law may be verified.

In addition, rights such as wages (section 1) or a written or registered contract (section 2.5) may create improved conditions to opt for social security. Higher wages facilitate payment of contributions and a written contract or a registered employment relationship allows for improved oversight in order to guarantee social security coverage.

Figure 2



2- Social Security and Domestic Work

In the region, only a few domestic workers have effective access to social security. As explained in the following sections, it is not about their explicit exclusion under the relevant regulations, but about the result of regulations that fail to provide domestic workers with appropriate coverage and a high level of non-compliance with the law.

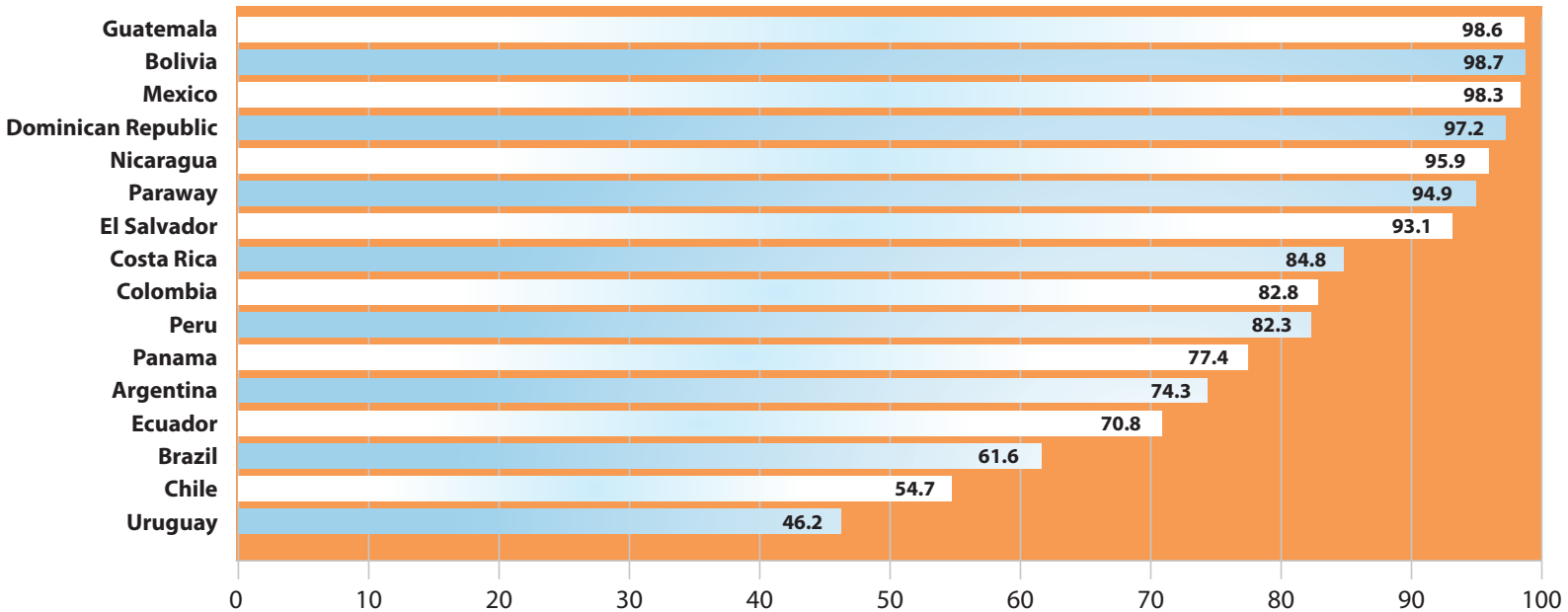
According to available figures, in 2019, 7 out of 10 domestic workers in the region[7] (72.3%) were informally employed. This means that they lacked effective social security coverage derived from an employment relationship. This is particularly the case with paid domestic workers since, in the case of other employees, the rate of informal employment is less than half (35.3%) (ILO 2021).

Figures by country show how precarious the social security situation is. **In 7 of the 15 countries under analysis, more than 9 out of 10 domestic workers were informally employed in 2019**: Guatemala, Bolivia, Mexico, the Dominican Republic, Nicaragua, Paraguay and El Salvador. In the first three countries–Guatemala, Bolivia and Mexico–informality exceeded 98%, which means that the situation of the few domestic workers who have access to social security coverage is exceptional circumstances.

Brazil and Chile show lower informality rates and thus higher social security coverage rates. In addition, the chart below also shows that Uruguay is the country with the lowest rate of informality in the region (46.2%) for domestic workers.

7. Latin American and Caribbean countries.

Chart 1. **Proportion of Domestic Workers in Informal Employment (2019)** Source: ILO 2021.



Numbers Showing Domestic Workers' Situation

Sometimes, it is difficult to have access to data showing domestic workers' access to social security coverage. It is not unusual for some figures to show whether domestic workers have social security coverage, but they do not specify whether access to social security is due to an employment relationship or to other systems such as family insurance, State-run insurance, voluntary contributions or independent workers' contributions, among others. In other words, when statistics are not specific enough, they may hide the actual situation and give the impression that the number of domestic workers who have social security coverage is greater than it actually is.

The figures presented show the low level of effective access to social security coverage for domestic workers. Some studies conducted in the region have attempted to identify the main obstacles to access to social security coverage for these workers. In this regard, a study conducted by the ILO identifies some of the main barriers (ILO 2016) which, for the purposes of this report, have been interpreted and adapted depending on the regional context:

- **Legal exclusion.** This is the case in many countries around the world. In fact, at the global level, the main barrier faced by domestic workers for accessing social security coverage is discriminatory legislation. However, as explained throughout this chapter, this is not the case in the region, since regulations in force in the countries do not exclude domestic workers from this right.

- **Voluntary coverage.** Systems in which coverage is voluntary are not effective and leave domestic workers unprotected, since access to this right depends on each employer's individual will. In addition, rights are inalienable and cannot be waived. Therefore, the fact that coverage is voluntary actually means that social security is not a right for domestic workers.

- **Limitations to social security coverage for part-time domestic workers.** This is an important limitation because it is very common for domestic workers in the region and around the world to work part-time. For example, when coverage is possible only if wages are equal to or higher than full-time minimum wages, the coverage amount may be many times higher than the amount earned by part-time domestic workers.

- **Limitations to social security coverage for domestic workers who have more than one employer (multi-employer).** As in the case of part-time work, multi-employer work is common among domestic workers in the region. Therefore, the lack of systems that provide a response to this reality is also an important barrier. Systems designed for persons who work full time and for only one employer are usually not flexible enough to allow for various employers to provide coverage to a domestic worker. As a consequence, it is not possible for domestic workers who work in different households to add the contributions obtained from their various jobs.

- **Limitation of protected contingencies.** Social security systems provide coverage for various services or benefits, such as pensions, medical care, maternity benefits, employment injury and occupational disease benefits, sickness benefits, unemployment benefits and family benefits. However, on occasion, the number of benefits granted to domestic workers is lower than the number of benefits granted to other workers.

For example, in some cases, there are differentiated systems for domestic workers, which involve lower contribution amounts than in the case of other workers. In these cases, it is sometimes stated that contributions are insufficient to cover all of the benefits.

In addition, as explained below, some countries have not issued the regulations needed to provide access to certain benefits. In these cases, the problem is often institutions' lack of political will.

- **Exclusion resulting from the characteristics of domestic work.** In some cases, social security systems establish differentiated access conditions for domestic workers. These differentiated measures may work as affirmative measures and facilitate coverage. However, they may also be an obstacle and hinder access to coverage, for instance where a minimum number of hours worked with a single employer is required.

- **Contribution rates equal to those of other occupational categories.** The contributory capacity of domestic workers (and even of employers of domestic workers) tends to be low. In this regard, the establishment of rates similar to those for other groups of workers places domestic workers at a disadvantage, since contributions mean a greater effort on their part. Therefore, high contribution rates discourage registration.

- **Complex administrative procedures.** Burdensome procedures for social security registration and payment also hinder access to social security coverage for domestic workers. They require both employers and domestic workers to invest a lot of time in order to achieve registration and be up to date with payments. Therefore, procedures that are complex, costly or unclear act as disincentives to registration. Similarly, fragmented models, which require transaction with several institutions, also hinder access.

- **Lack of information.** As explained above, domestic work has long been governed by discriminatory legal provisions. Therefore, even in the countries that have implemented changes to remedy this situation, domestic workers do not usually have enough information on their rights. Similarly, employers do not usually know what their responsibilities are and are unaware of domestic workers' rights.

Figure 3. **Obstacles to Social Security Coverage**

As explained throughout this document, the countries in the region encounter many of these obstacles. In addition, it should be noted that, over the last years, some countries have introduced initiatives to remove these barriers, such as Peru, Bolivia, Mexico, Costa Rica and the Dominican Republic. In Peru, a **new law** was passed in 2020 which explicitly provides for mandatory social security coverage for domestic workers. For its part, Bolivia approved a **regulation** in 2021 in order to grant domestic workers the right to healthcare. Approval of such regulation was pending since 2003. In Mexico, a judgment issued by the Supreme Court in 2018 ordered the creation of a mandatory, non-discriminatory registration system appropriate to the characteristics of paid domestic work. In Costa Rica, **a social security coverage system** for domestic workers favouring registration of part-time domestic workers was approved in 2017. Finally, the Dominican Republic approved the implementation of a **Pilot Plan** in August 2022 in order for domestic workers to have access to social security coverage. The following sections contain more detailed information on the characteristics and results of these experiences.

Social Security: A Right with Different Scopes in each Country

The characteristics of social security systems in the region vary greatly. Although there are many international instruments that establish minimum social security standards, in practice, coverage, scope, financing and the benefits granted vary significantly among countries. This means that having access to social security coverage involves greater or less protection depending not only on the work performed, but also on the country of residence.

The differences in contributory social security general coverage evidence this situation. That is to say, in some countries, out of all employed persons, only a few have access to social security coverage. **In this regard, countries in which contributory social security coverage is generally high are more likely to have higher rates of registration of domestic workers.** In the region, in countries such as Uruguay (78.1%), Chile (64.8 %), Brazil (64.7%), Costa Rica (54.3%) and Argentina (54%), contributory social security coverage is higher[8]. As shown in Chart 1, the three countries with the highest levels of general social security coverage–Uruguay, Chile and Brazil–are also the countries in which there is a greater number of registered domestic workers. In other countries, such as El Salvador (30.7%), Guatemala (20%), Bolivia (26.8%) and Peru (30%), coverage is limited (ILO 2021b)[9].

There are also significant differences in the contributions to be made by workers and employers. In most countries, it is employers who must make a greater contribution. In Chile, however, the main contribution, which amounts to 17% of wages (plus a commission charged by the Chilean Pension Administration -AFP-) is made by workers, whereas employers contribute 7.14% (Chile, Undersecretariat for Social Security 2021). Brazil is the opposite example. In this country, employers must contribute 20% of wages and workers, between 8% and 14% (depending on the wage amount) (eSocial 2020 and *Portaria Interministerial* MTP/ME nº 12, 2022).

In addition, in some countries, all social security benefits are provided by public institutions, whereas in other countries they are provided by private entities. Some benefits, such as pensions, vary greatly depending on the system of each country. The so-called pay-as-you-go systems are based on an intergenerational solidarity principle: Current pensions are paid out of contributions made by active workers. In funded systems, on the other hand, each worker makes contributions to an individual fund and their pension will depend on their contribution capacity, i.e. on the amount contributed to the pension fund during working years.

8. Figures for 2020.
9. Figures for El Salvador and Guatemala are for 2019. Figures for Peru and Bolivia are for 2020.

2.1- Social Security Systems and Inclusion of Domestic Workers

Mandatory Systems (At Least in Theory)

The legislation of the 15 Latin American countries under analysis provides for social security coverage for paid domestic workers. In 14 of such countries, social security registration is mandatory. Only in El Salvador, social security registration is still voluntary, as set forth in Section 2 of the Regulations on the Creation and Implementation of a Special Healthcare and Maternity System for Domestic Workers:

"Any person over 14 and below 60 years of age who performs domestic work by mutual agreement with their employer may request registration with this Special System"

Table 1. **Inclusion of Domestic Workers into Social Security Systems**

Mandatory Registration	Brazil, Bolivia, Colombia, Chile, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Argentina, and Costa Rica.
Voluntary Registration	El Salvador

Source: Prepared by the author of this report on the basis of the regulations in force in the countries.

The case of El Salvador evidences that, when registration is voluntary, domestic workers are not likely to have access to social security coverage. In this regard, estimates made on the basis of 2015 household surveys show that only 3.2% of domestic workers had social security coverage in El Salvador. This means that, for every 100 domestic workers, approximately 97 do not have this right. In addition, if the records of the Salvadoran Social Security Institute are taken into account, the situation is even more unfavourable. In this case, figures show that only 1.4% of domestic workers are registered (Schwarzer, Ortiz-Vindas and Velásquez-Pinto 2020).

In El Salvador, domestic workers organized under the Salvadoran Paid Domestic Workers' Union (SIMUTHRES) have promoted various advocacy actions and negotiation with the relevant authorities. However, no positive results have been achieved so far. Lack of political will and frequent changes in the staff of institutions are the main obstacles faced by domestic workers throughout this process.

We did meet with the Social Security Council last year and well, they gave us hope. But they didn't give the matter the importance it has for our sector, they don't care (...) They said they would check what they needed to do to make it mandatory and give us coverage. But because this has been changing every year, the Social Security Council changes (...) these matters are shelved and it is us who have to kind of reactivate them. Aida Evelyn Rosales, SIMUTHRES.

The situation in countries such as Guatemala and the Dominican Republic has special characteristics. Guatemala has a Special Programme for the Protection of Domestic Workers (PRECAPI). Registration with PRECAPI is mandatory under programme regulations. However, in practice it is not. On the one hand, the programme only applies in Guatemala Department. On the other hand, the Guatemalan Social Security Institute (IGSS) does not have the instruments necessary to take action to guarantee compliance with the programme (ILO 2021).

Organized domestic workers agree on the important limitations of this programme, which does not meet their needs or provide appropriate protection.

PRECAPI is not useful for domestic workers (...) it is an impracticable, insufficient programme that is not good for domestic workers. Floridalma Contreras, Sindicato de Trabajadoras Domésticas Similar y a Cuenta Propia (SITRADOMSA).

In addition, it is also worth noting that, in Mexico, registration was voluntary until 2019. The Mexican Social Security Institute (IMSS) is currently making a transition to a mandatory system. For such purpose, it implemented a pilot plan so that it may then create a registration system for domestic workers. However, as explained in the following sections, the proposed system has serious limitations and flaws. In any case, the process that led to the reform is particularly interesting, since it resulted from court proceedings. The proceedings were brought by means of an individual complaint filed by a domestic worker. After having worked for more than 50 years, she had no pension rights upon termination of the employment relationship. That is, she was left unprotected after having worked her whole life. This case reached the Supreme Court. Initially, the Court's draft order rejected her claim on the grounds that domestic workers were not covered by the mandatory social security system. However, the advocacy actions performed by domestic worker organizations such as the Domestic Worker Support and Training Centre (CACEH) and the National Domestic Workers' Union (SINACTRAHO) resulted in a final order under which the sections of the Social Security Law that excluded domestic workers from the mandatory system were declared unconstitutional (ILO 2021).

The most recent reform in this field was implemented in the Dominican Republic in August 2021. Before that date, the interpretation of the existing relevant regulations was ambiguous. The law[10] that created the Dominican Social Security System (SDSS) establishes the right of all citizens and legal residents of the national territory to registration. According to some analyses, the provisions of this law are sufficient to interpret that "from a legal perspective, domestic workers have the right to enjoy the same benefits as the ones granted under Law No. 87/01 to all persons registered with the social security contributory system, that is, both their employers and they must make contributions to the system to guarantee their protection in terms of healthcare, pension and employment risks" (Marmolejos 2012). However, given the characteristics of the collection system and other factors, registration was not possible in practice (Marmolejos 2012 and Conteras 2013). In order to remove these limitations, in August 2022, the National Social Security Council approved a resolution[11] under which a Pilot Plan was created in order to include domestic workers into the social security system by means of their registration with the Subsidized Contributory System. However, it should be noted that the executive order did not provide for mandatory registration, probably because the plan was a pilot one.

10. Law No. 87-01.
11. Resolution No. 551-08.

Domestic Workers Are Included into the General Systems of Most Countries in the Region

Another key aspect is the type of social security system established for domestic work. On the one hand, most countries provide for registration with the general system. This means that domestic workers are included into the same system as other workers and thus they should have the same benefits. It should be noted that inclusion into the general system does not preclude the possibility of affirmative action being taken. In other words, access conditions may be different for domestic workers and may be adapted to the special characteristics of the work they perform.

Out of the countries under analysis, three have special registration systems for domestic workers: El Salvador, Guatemala and the Dominican Republic. **Special systems tend to discriminate against domestic workers,** since most of them provide for fewer benefits and guarantees. This is clearly the case in El Salvador and Guatemala. In the Dominican Republic, the abovementioned Pilot Plan has not been implemented yet. Therefore, it is necessary to await subsequent analyses in order to draw correct conclusions in this regard.

Table 2. **Inclusion of Domestic Workers into Social Security Systems**

General system	Brazil, Bolivia, Colombia, Chile, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Argentina, and Costa Rica
Special differentiated system	El Salvador (Special Healthcare and Maternity System for Domestic Workers) Guatemala (PRECAPI) Dominican Republic (Subsidized Contributory System)

Source: **: Prepared by the author of this report on the basis of the regulations in force in the countries.**

In El Salvador, in contrast to other workers, domestic workers do not have the right to disability allowance, funeral payment or registration of spouses or partners as beneficiaries. In addition, the minimum contribution period required to receive some of the medical services is 6 months, whereas it is 3 months under the general system. In addition, they also do not have access to contributory pensions (Schwarzer, et al. 2020).

In Guatemala, on the other hand, **PRECAPI** only covers maternity benefits, employment injury benefits and healthcare for healthy children (Guatemala, IGSS 2022). It does not cover other benefits such as medical care or pensions, which are recognized under the general social security system. In addition, the recognized benefits are of low quality in practice, as stated by domestic workers, for example, as regards healthcare for healthy children, which includes examinations but not medical care.

The healthy children programme is a disaster, it is awful. It means healthcare for healthy children, just for children to be measured and weighed. Just for that purpose. Sick children are not cared for. Floridalma Contreras (SITRADOMSA).

In the Dominican Republic, the abovementioned Pilot Plan provides for registration of domestic workers with the Subsidized Contributory System. Employees (working both in the public and private sectors) are registered with the Contributory System. The Subsidized Contributory System was originally aimed at "independent professionals, technicians and workers whose average earnings are equal to or higher than national minimum wages" and comprised "workers' contributions and State subsidy to cover employers' contributions" (Dominican Republic, National Social Security Council -CNSS- n.d.). In this case, the inclusion of domestic workers into the Subsidized Contributory System may be deemed positive because the State also makes monetary contributions, thereby assuming a portion of responsibility. However, although the Subsidized Contributory System covers all of the benefits, it is different from the general system, for example, in terms of pensions, since domestic workers have access to non-contributory pensions.

2.2- Benefits Recognized for Paid Domestic Workers

Under Article 14 of Convention No. 189, countries must ensure that domestic workers enjoy "conditions that are not less favourable than those applicable to workers generally in respect of social security protection". This means that domestic workers must have access to the same services and benefits than other workers.

In this regard, the provisions of the Social Security Convention (No. 102) (Minimum Standards) are also important. This Convention establishes nine social security branches. Each branch comprises services and benefits that cover any contingencies faced by workers throughout their life. For example, sickness is understood as a risk, since lack of access to medical care services is a threat to workers' health and life. In addition, the lack of monetary benefits prevents workers from receiving earnings during the sickness period and is a threat to the economic security of workers and their families. Therefore, in the face of these risks, social security covers medical care and monetary benefits.

In order to guarantee adequate protection, Convention No. 102 establishes the following nine branches:

- Medical care.
- Sickness benefit.
- Employment injury benefit.
- Maternity benefit.
- Old-age benefit.
- Invalidity benefit.
- Survivors' benefit.
- Unemployment benefit.
- Family benefit.

As already stated, **medical care** seeks to provide care in the case of sickness, regardless of its cause, as well as preventive medical care. It is aimed at maintaining, restoring or improving workers' health (Humblet and Silva 2002). It comprises benefits such as general practitioner care, specialist care, pharmaceutical supplies and hospitalization, among others (Humblet and Silva 2002).

Sickness benefits, on the other hand, must be available upon incapacity for work resulting from sickness. Pursuant to Convention No. 102, the amount of the benefit should be equal to at least 45% of reference wages. In addition, Convention No. 130[12] increases this percentage to 60% (Humblet and Silva 2002).

The contingency covered by **employment injury benefits** includes sickness, incapacity or a loss of faculty due to an industrial accident or an occupational disease. It also includes loss of support suffered by families as a result of the death of a worker due to an industrial accident or an occupational disease (Humblet and Silva 2002). These monetary benefits cover the specified situations.

As to **maternity benefits**, they must cover a period of pregnancy, confinement and a post-natal period. The Maternity Protection Convention (No. 183) provides for a period of maternity leave of not less than 14 weeks and cash benefits equal to at least two-thirds of previous earnings (articles 4 and 6(3)). In addition, Recommendation No. 191 proposes extending coverage so that periods of maternity leave are at least 18 weeks (paragraph 1 (1)) and cash benefits are equal to the full amount of previous earnings (paragraph 2).

Old-age benefits seek to protect persons over a prescribed age, which is normally no more than 65 years. In other words, these benefits provide protection to elderly persons. In practice, the purpose of old-age benefits is to provide persons with sufficient support after the prescribed age. Pursuant to Convention No. 102, the amount of benefit should be equal to at least 40% of previous earnings. Convention 128[13] increases this percentage to 45% of previous earnings and Recommendation No. 131, to 55% (Humblet and Silva 2002).

12. Medical Care and Sickness Benefits Convention, 1969 (No. 130)
13. Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)

On the other hand **survivors' benefits** seek to protect the dependants of workers, usually their partners and children, upon their death. As in the case of old-age benefits, the amount of the survivors' benefit should be equal to at least 40% under Convention No. 102, 45% under Convention No. 128, and 55% under Recommendation No. 131 (Humblet and Silva 2002).

Invalidity benefits, cover permanent physical conditions that prevent workers from working. They also cover situations in which the physical conditions that prevent workers from working are not permanent but persist after the exhaustion of sickness benefit (Humblet and Silva 2002). In this case, the amount of the benefit should be equal to at least 40% under Convention No. 102. In addition, Convention 128 increases this percentage to 50% and Recommendation No. 131, to 60% (Humblet and Silva 2002).

As to **unemployment benefits**, they are aimed at providing protection to workers who cannot obtain earnings because they are unable to find a job. Convention No. 102 provides that the amount of the benefit should be equal to at least 45% of reference wages, and Convention No. 168[14] increases this percentage to 50% (Humblet and Silva 2002).

Finally **family benefits** seek to protect, under certain conditions, workers who have children under 15 years of age. They may include benefits in cash or in kind such as food, clothing, housing, etc. (Humblet and Silva 2002).

Benefits Recognized for the Domestic Workers from the Countries in the Region

As stated above, Convention No. 189 provides that domestic workers must have access to the same benefits as other workers. However, this does not necessarily mean that all countries provide coverage for the nine branches of social security. If, for example, the social security system of a given country does not include unemployment benefits for other workers, domestic workers will not have the right to these benefits either. In summary, domestic workers may have limited social security rights either because fewer benefits are granted to them by law or because social security systems in their countries are more limited compared to international standards.

Out of the 15 countries under analysis, only three grant the right to all social security branches to domestic workers: Brazil, Chile and Colombia.

14. Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168).

Table 3. **Social Security Branches Recognized for Domestic Workers (15 countries)**

	Medical care	Sickness benefit	Employment injury benefit	Maternity benefit	Old-age benefit	Survivors' benefit	Invalidity benefit	Unemployment benefit	Family benefit
Argentina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-	Yes
Brazil	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bolivia	Yes	Yes	Yes	Yes	No	No	No	No	No
Chile	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Colombia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Costa Rica	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Ecuador	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
El Salvador	Yes	No	No	Yes	No	No	No	No	No
Guatemala	No	No	Yes	Yes	No	No	No	No	No
Mexico	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Nicaragua	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Panama	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No
Paraguay	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Peru	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Dominican Republic	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes

Source: Prepared by the author of this report on the basis of the regulations in force in the countries: ISSA (International Social Security Association) and Argentina(Argentina.gob.ar n.d. and ILO 2021), Brazil (eSocial 2015), Bolivia (Executive Order No. 4589 and Mogrovejo and Mendizabal 2015); Chile (Chile, Social Security Institute (IPS) n.d. and Chile, Directorate for Labour (DT) 2021); Colombia (Colombia, Ministry of Labour 2012); Dominican Republic (Dominican Republic, Ministry of Labour 2022); El Salvador (Schwarzer, et al. 2020); Guatemala (Guatemala, IGSS 2022); Mexico (IMSS, n.d.); Nicaragua (PAHO 2022); Panama (PAHO-Domestic and Similar Workers' Union (SINGRETRADS), 2021 and Panama, Social Security Fund (CSS) n.d.); Paraguay (Paraguay, Ministry of Labour, Employment and Social Security, n.d.).

Unemployment benefits are the less commonly recognized by countries. This situation is not unexpected since, out of the 15 countries under analysis, only a few provide this benefit generally: Argentina, Brazil, Chile, Colombia and Ecuador. Mexico City also offers this protection (Casalí, Cetrángolo and Pino 2020). In this regard, at least 4 out of the 5 countries that do grant this right (Brazil, Chile, Colombia and Ecuador) also grant it to domestic workers[15]. In the case of Chile, a law passed in September 2020[16] granted this right to domestic workers, who were excluded until then (Chile, Directorate for Labour 2021).

After unemployment benefits, family benefits are the less commonly recognized. In this case, seven countries do not offer these benefits. Ecuador, Guatemala, Peru, Paraguay, Panama, El Salvador and Bolivia.

In other three countries, domestic workers do not enjoy benefits that are considered as long-term benefits or pensions (old age, invalidity and survivors' benefits): Bolivia, El Salvador and Guatemala. In this case, domestic workers are excluded, since the benefits are granted to other groups of workers. In Bolivia and El Salvador, domestic workers are not explicitly excluded from this right by law. However, the lack of mechanisms for their actual inclusion results in this discriminatory situation. In the case of Bolivia, the regulations governing pensions[17] do not require registration of domestic workers. This is evidenced by available figures for 2013. At that time, only 1.6% of domestic workers were registered with Pension Administrations (AFPs). In addition, most of the domestic workers who did enjoy this protection were likely to be registered "as independent workers, since there are currently no regulations that require the registration of domestic workers as dependent workers" (Mogrovejo and Mendizabal 2015, p. 63). Therefore, achieving recognition of the right to pensions is one of the current priorities of Bolivia's National Federation of Domestic Employees (FENATRAHOB).

Now we have to fight for pensions for old age. María Pariqui, Zenobia Chura and Eusebia Guarachi, FENATRAHOB.

The situation is similar in El Salvador. In this case, Section 9 of the Pension Savings System Law of 2007 provides that "agricultural and domestic workers shall be included into the System according to the conditions and distinctive features of the work they perform. Special regulations governing their registration shall be issued". However, such regulations have not been issued and the inclusion of domestic workers was also not considered upon a new reform to the pension system implemented in 2017(Schwarzer, et al. 2020).

15. Data for Argentina is not available.
16. Law No. 21,269.
17. Law No. 065 of 2010.

As regards pensions, it should be noted that the exclusion from social security rights suffered by domestic workers for a long time together with the limited capacity to make contributions due to their low wages precludes the real possibility of their having pension coverage. In addition, this situation is more serious in the countries with funded systems, since pensions depend largely on each worker's contributory capacity.

Since domestic workers do not have sufficient contributions, they do not have pension rights or the amount received does not cover their basic needs. In this regard, organized domestic workers express the need for pension systems to recognize and compensate that disadvantage.

We retire under this system managed by pension administrations. We can't possibly retire from our jobs if we are to get that pension. We can't survive on it, not even a week. We are forced to work until we die because we can't survive. What do we want from this government? We want to be compensated, because the old law has a lot to do with our precarious pensions, which are way below the poverty line. María Cotal, National Federation of Domestic Workers' Unions (FESINTRACAP), Chile.

In addition, over the last years, some countries have introduced reforms to pension systems, which may hinder access to pensions for paid domestic workers even more. In general, the reforms affect all workers, but they may have a greater impact on domestic workers if, for example, the contribution period required to receive a pension is extended. Taking into account the limitations historically faced by domestic workers to have social security coverage, an extension of the contribution period may be an exclusionary factor, as stated by the *Federação Nacional das Trabalhadoras Domésticas* (FENATRAD), in Brazil.

The reform of the social security system made the situation even worse (...) The number of years during which domestic workers must make contributions before requesting a tpension was increased. Given the difficulties faced by domestic workers to make contributions, they will certainly need to work much longer, for much more years to complete the required period (...) the reform of the social security system only meant penalization and precarization of the work performed by the whole working class. Luiza Batista, (FENATRAD).

As regards employment injury and occupational disease benefit, two countries (El Salvador and Panama) do not grant this right to domestic workers. In both countries, this benefit is granted to other workers.

As stated above, **in Guatemala, benefits are limited to only the few contingencies covered by PRECAPI. This is the only country that does not provide medical care to domestic workers.** It should be noted that, in Bolivia, the possibility of having healthcare benefits has been offered recently. Although the 2003 law governing domestic work provides for mandatory registration with the National Healthcare Fund, the lack of regulations prevented domestic workers from enjoying this right. Finally, after almost two decades of organized domestic workers' struggle, the regulations were approved in 2021. In addition to healthcare, these regulations provided other so-called short-term benefits, such as maternity, sickness and occupational risks benefits.

We have struggled so hard, we have worked so much towards the approval of health insurance during the last eighteen years (...) in order to obtain this insurance, we have also worked together with the ministries and the healthcare fund.

It hasn't been easy (...) we have demonstrated many times; we have even clashed with police. It hasn't been easy María Pariqui, Zenobia Chura and Eusebia Guarachi, FENATRAHOB.

Guatemala and El Salvador do not grant the right to sickness benefits either. That is, unlike other workers, domestic workers do not have the right to be paid when they suffer from a sickness that prevents them from working.

Finally, it should be noted that **all of the countries under analysis grant maternity benefits to domestic workers.** However, in some of these countries, the periods of maternity leave established are less than the minimum 14-week leave set forth in Convention No. 183: Argentina, Bolivia, Ecuador, Guatemala, Mexico and Nicaragua. In Argentina and Bolivia, maternity leave is 13 weeks, whereas, in the other countries, it is 12 weeks (ILO 2022).

2.3- Social Security Coverage Requirements and Conditions

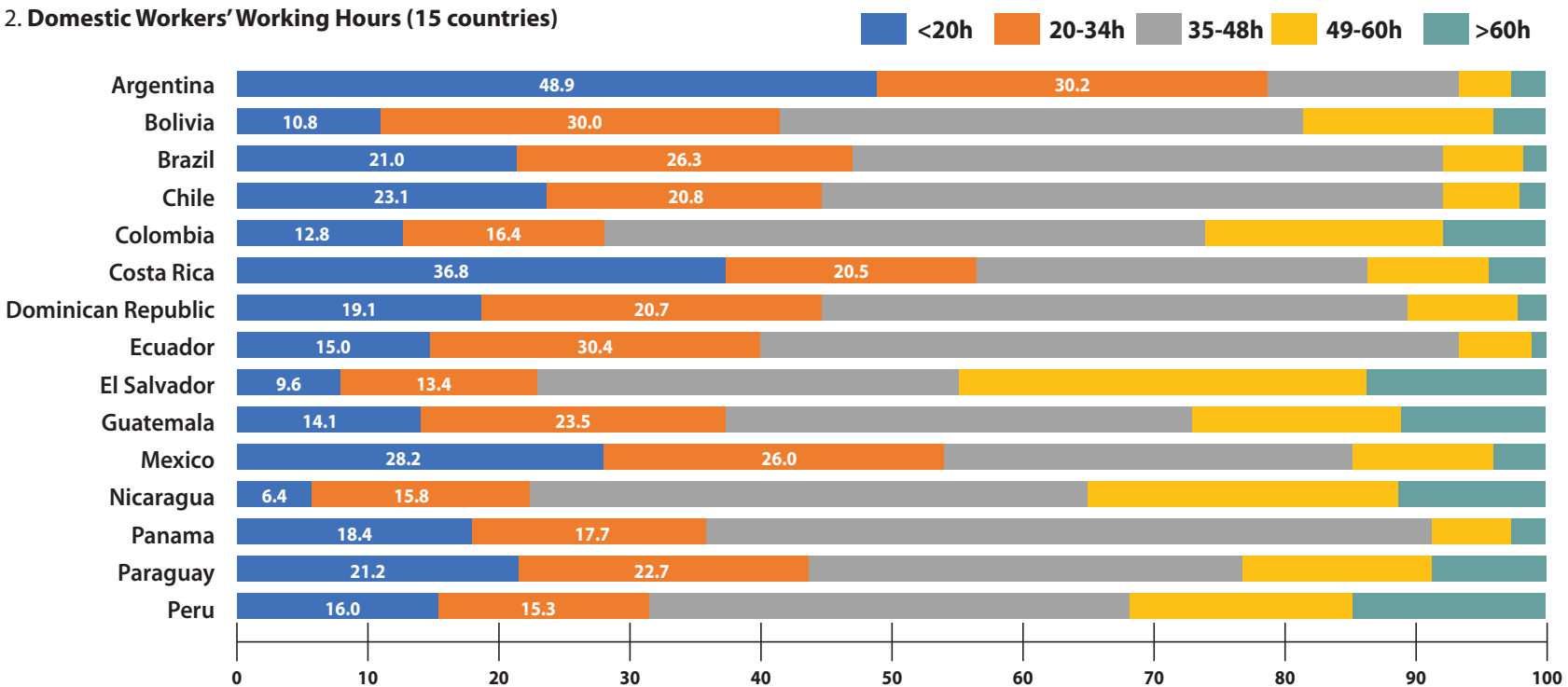
The fact that social security registration is mandatory is less valuable where registration requirements cannot possibly be met in practice. In other words, laws providing for mandatory social security coverage for domestic workers are useless if the regulations governing registration with the various social security institutions impose conditions that cannot be met.

In this regard, two main barriers have been identified in the countries in the region: the required working time and the minimum earnings considered in calculating the contribution amount. The impossibility of adding contributions from different employers is also a limitation that must be taken into account.

Minimum Working Time Required for Social Security Coverage[18]

As stated above, **domestic workers in the region usually work short hours.** Available figures show that, in some countries, these are the working hours of most domestic workers. For example, in Argentina, almost half of domestic workers (48.9%) work less than 20 hours per week. The proportion of domestic workers working short hours is also high in countries such as Costa Rica (36.8%), Mexico (28.2%), Chile (23.1%), Brazil (21%) and Paraguay (21.2%). It should also be noted that even where domestic workers work longer hours, many of them have multiple employers. That is, working hours are distributed among various workplaces. In the countries in which adding contributions from different employers is not allowed, this is an additional limitation.

Chart 2. **Domestic Workers' Working Hours (15 countries)**



Source: Prepared by the author of this report on the basis of ILO 2021.

18. Data for Peru is not available.

As stated above, some countries require minimum working hours in order to have social security coverage, such as **Brazil.** In this country, the first working time barrier was created under labour regulations. Under. **Lei Complementar No. 150**, which was passed in 2015, domestic workers were granted, to a large extent, the same rights as other workers. However, this law contains a limited definition of domestic work, excluding daily workers. Specifically, **domestic workers who work two days per week or less are not protected** under this law (Inter-Union Department for Statistics and Socio-economic Studies of Brazil, DIEESE 2020).

In Panama, the minimum working time restriction was imposed under the **General Regulations on Registration with the Social Security Fund** (CSS). These Regulations explicitly exclude persons who "**provide domestic services less than three (3) days per week to a single employer**" (Section 61).

Contribution Bases Equivalent to a Full Minimum Wage[19]

Where minimum contribution bases are determined on the basis of minimum wages, domestic workers who work on an hourly basis are not likely to reach the minimum amount if they do not work full-time. In this regard, another important factor is the low wages earned in the region. As stated above, in countries such as El Salvador, domestic workers do not even enjoy the protection offered by minimum wages in practice.

In Bolivia[20], El Salvador[21] and Guatemala[22] contribution bases are calculated on the basis of an amount similar to full-time minimum wages. In **Brazil**, until 2020, the amount of contributions depended on wages earned. However, **after a reform adopted in 2020[23] contributions made out of earnings lower than minimum wages are not taken into account in calculating the contribution period.** In **Mexico** even though the Supreme Court resolution that introduced a change in this regard clearly states that the system must "impose conditions that are no less favourable than for other workers" and must "take into account the distinctive features of domestic work", both the model implemented during the pilot plan devised by the IMSS and the regulations approved by the Senate[24] in March 2022 have important limitations. The regulations approved by the Senate do not explicitly exclude part-time domestic workers from social security coverage. However, **where domestic workers earn less than minimum comprehensive wages, coverage is provided only for the days reported by the employer** (Section 239-C). In other words, they have partial social security coverage, only for the days worked, which is of low quality.

19. Data on this matter for Nicaragua and Peru is not available
20. Section 4 of Executive Order No. 4589
21. Section 6 of the Regulations on the Creation and Implementation of a Special Healthcare and Maternity System for Domestic Workers.
22. Section 71. Agreement No. 1235.
23. Decreto Nº 10.410, de 30 de junho de 2020. Altera o Regulamento da Previdência Social, aprovado pelo Decreto no 3.048, de 6 de maio de 1999
24. Resolution by the Joint Labour and Social Security, Gender Equality and Legislative Studies Commissions (second reading), approved with amendments, on a draft executive order amending, adding and repealing several provisions of the Social Security Law governing the rights of domestic workers

Both in these two countries and the other three countries mentioned above, social security systems do not take into account the specific features of paid domestic work. These schemes have been devised for certain workers, who work full-time and have a single employer. However, this is not the case of most domestic workers in the region, who usually work part-time and have multiple employers.

Given a clear predominance of part-time work, the need for registration systems that take this reality into account is evident. Even if no specific time requirements are imposed for registration purposes, **exclusion takes place where contribution bases are calculated on the basis of minimum wages**. The situation is even more serious where there are no mechanisms to add contributions from different employers, such as in the case of Bolivia, El Salvador and Guatemala[25].

Thus, even though registration is mandatory, it is not feasible in practice. For example, if a domestic worker works four hours per week for a single employer and social security contributions are calculated on the basis of minimum wages, such contributions would be much higher than the wages earned. Even domestic workers' contributions could be higher than the wages earned.

The case of the Dominican Republic is a special one. The scheme established under the Pilot Plan provides for fixed contributions from both domestic workers and employers. It also provides for State contributions. Contribution amounts do not currently account for a large proportion of minimum wages (5.7% in the case of employers' contributions and 0.28% in the case of workers' contributions). However, under the Pilot Plan, where domestic workers have more than one job, all employers must pay the total amount of the contribution (Section Three, Paragraph II of Resolution No. 551-08, CNSS). Therefore, the fact that the contribution amount is fixed regardless of working hours and that all employers must pay it in full may be a limitation. In this regard, it is important to assess the results of the plan.

25. Data on this matter for Nicaragua and Peru is not available

Table 4. **Countries in which Contribution Bases Are Equal to Full-Time Wages and Requiring Minimum Working Time**

Countries in which contribution bases are equal to full-time minimum wages	Bolivia, El Salvador, Guatemala, Mexico[b] y Brazil[a],
Countries requiring minimum working time	Brazil (more than 2 days per week) Panama (3 or more days per week)

Source: Prepared by the author of this report on the basis of the regulations in force in the countries.

Notes:
a- Contributions may be made out of wages lower than minimum wages. However, contributions made out of earnings lower than minimum wages are not taken into account in calculating the contribution period.
b- Contributions may be made out of wages lower than minimum wages. However, coverage is partial.

Coverage for Part-Time Workers and Contributions from Multiple Employers

Some of the countries in the region, such as Chile, Argentina, Colombia, Ecuador, Costa Rica and Paraguay, have **registration schemes that give more careful consideration, at least in theory, to the distinctive features of paid domestic work.** These countries have various mechanisms that allow for coverage for part-time workers under different conditions.

In Argentina, the approval of the Special Regime Governing Employment Contracts of Domestic Workers in 2013 allowed for the inclusion of all domestic workers into the Special Social Security Regime. Before such regime, only domestic workers who worked at least 6 hours per day had this right. However, the reform favoured the inclusion of all domestic workers, regardless of the number of hours worked. In addition, contribution amounts are calculated differently depending on actual working hours (Messina 2015). There is a range of fixed contributions to be made depending on the number of hours worked: less than 12 hours per week, between 12 and 16 hours per week and more than 16 hours per week (Argentina, Argentine Internal Revenue Agency -AFIP- 2022). However, in order to enjoy certain benefits such as a pension or a healthcare plan, contributions must be equal to at least the amount established for workers who work more than 16 hours per week (Argentina, AFIP 2022a and 2022b). In order to reach the minimum amount, either contributions from various employers may be added together or domestic workers may pay the balance (Argentina.gob.ar 2022).

In Chile, both full-time and part-time domestic workers may be registered. In this case, contributions are calculated on the basis of the days and hours worked and actual earnings under the employment contract (Chile, IPS 2022).

In 2017, Costa Rica made efforts towards coverage for part-time domestic workers. This initiative, which is aimed at domestic workers, did not change the contributions for other groups of workers under the general system. Until then, contributions were calculated on the basis of a Minimum Contribution Base (BMC) established for all workers, which exceeded the minimum wages fixed by the National Wage Council for domestic workers. In addition, there was no mechanism to add the contributions made by different employers. The Regulations approved that year provided for a range of Reduced Minimum Contribution Bases that allow for reduced contributions of up to 50% of the BMC where wages are lower than the BMC (ILO, n.d.).

For that purpose, there are six ranges of wages and a different amount for each range out of which contributions are made. In addition, under the new system, contributions from different employers may be added together in order to reach the minimum amount, prior coordination between employers not being necessary (ILO, n.d.). Where **a reduced contribution applies, the State pays a percentage of the contribution in order to reach the BMC corresponding to pension insurance** (ILO, n.d).

Similarly, contributions for part-time workers are possible in Ecuador. In this country, the minimum contribution base is calculated on the basis of days worked, which guarantees that the amount is proportional to minimum wages. However, in this case, 4.41% of the contribution (made towards healthcare and maternity benefits) must be calculated on the basis of minimum wages (Ecuador, Ecuadorian Social Security Institute -IESS- n.d.). However, according to domestic workers, coverage for workers who work fewer hours than part-time workers is not provided in practice. In addition, adding contributions from different employers is not possible

Working in different households is detrimental to them. They work three or four hours per day and do not have social security coverage (...) We are discussing this (…) we have discussed this with the relevant authorities in some fora, and we have pointed out the case of Uruguay, which provides coverage to domestic workers who work for multiple employers. Lenny Quiroz, National Domestic and Similar Workers' Union (UNTHA).

In Colombia, the system for registration of part-time domestic workers is a combination of different coverage systems. The system is aimed at domestic workers who work less than 30 days per month (Section 2 of , **Executive Order No. 2616**). Domestic workers must be registered with the subsidized health insurance. Contributions to the pension funds and allowance funds are calculated on the basis of reported wages and various ranges are established. The minimum base amounts to a quarter of minimum wages. Occupational risks are calculated on the basis of minimum wages. However, they account for the lowest percentage of contributions (0.522%) (Sections 5 and 6 of Executive Order No. 2616), thus it is not such a major expense. In addition, regulations provide coverage to domestic workers who work for multiple employers (Sections 16 and 17).

However, from domestic workers' viewpoint, this system has not greatly increased the possibility of obtaining coverage. On the one hand, contribution thresholds are not flexible enough for contributions to be based on actual working time. On the other hand, since sickness and maternity benefits fall within the subsidized healthcare system, contributions towards such benefits are the responsibility of individual employers. Employers are not likely to be willing to bear this cost and, in that case, domestic workers would need to report the situation in order to receive the benefits they are entitled to.

The executive order governing registration of part-time domestic workers has not been that meaningful, it has not been that important (...) if you work three or four days per week, you should be registered as if you worked the whole week; if you work three weeks per month, that is, more or less 21 days per month, the executive order itself provides for registration as if you worked full-time, so neither employers nor we like this executive order that much. Claribed Palacios, Afro-Colombian Domestic Workers' Union (UTRASD).

In Paraguay, since 2019, registration of part-time domestic workers with the Social Security Institute (IPS) is also possible. This is possible under **Law N° 6339/2019** governing part-time work. This new system allows for the provision of coverage to domestic workers who work between 16 and 32 hours per week. Contributions are calculated on the basis of wages in accordance with a table establishing various ranges of contribution amounts depending on the number of hours worked. However, employers must make contributions towards the healthcare fund amounting to 100% of minimum wages (Paraguay, Ministry of Labour, Employment and Social Security, 2021).

In this case, as in the case of Colombia, domestic workers' opinion on this system is not favourable. In particular, they state that, under the proposed system for contributions for part-time workers, receiving a pension will not be possible in practice.

There is another law that was promoted by the minister: the law on part-time work. But fellow domestic workers will never retire under that law if employers make contributions under that system. That method (...) is not enough for domestic workers to be able to retire. Marciana Santander, Paraguayan Domestic Workers' Union (SINTRADESPY) and Librada Maciel, Itapua Domestic and Similar Workers' Union (SINTRADI).

Table 5. **Registration Systems for Improved Inclusion of Domestic Workers**

Argentina	There is a range of fixed employers' and workers' contributions, which depend on working hours (less than 12 hours per week, between 12 and 16 hours per week and more than 16 hours per week). In order to have the right to a pension or a healthcare plan, contributions must be equal to at least the amount established for workers who work more than 16 hours per week. In order to reach the minimum amount, contributions from various employers may be added together.
Chile	Contributions are calculated on the basis of the number of hours worked and actual wages.
Costa Rica	Where wages are below the Minimum Contribution Base, a Reduced Minimum Contribution Base amounting to up to half of the regular base is used. In addition, contributions from various employers may be added together.
Ecuador	Contributions for part-time domestic workers are possible. In this case, 4.41% of the contribution (made towards healthcare and maternity benefits) must be calculated on the basis of minimum wages (Ecuador, IESS n.d.). However, according to domestic workers, coverage for workers who work fewer hours than part-time workers is not provided in practice. In addition, adding contributions from different employers is not possible.
Colombia	The system for registration of part-time domestic workers is a combination of different coverage systems. Domestic workers must be registered with the subsidized health insurance. Contributions to the pension funds and allowance funds are calculated on the basis of reported wages and various ranges are established. The minimum base amounts to a quarter of minimum wages. Occupational risks are calculated on the basis of minimum wages. According to domestic workers, this system has not greatly increased the possibility of obtaining coverage because contribution thresholds are not flexible enough, and since sickness and maternity benefits fall within the subsidized healthcare system, contributions towards such benefits are the responsibility of individual employers.
Paraguay	Registration of domestic workers who work between 16 and 32 hours per week is possible. Employers must make contributions towards the healthcare fund. According to domestic workers, this is a limited scheme and, under the proposed system for contributions for part-time workers, receiving a pension will not be possible in practice.

Source: Prepared by the author of this report on the basis of the regulations in force in the countries and interviews with domestic workers.

Intermediary Agencies: An Option that Adversely Affects Domestic Workers and Fails to Improve Social Security Access.
Intermediary agencies in the region are not new, including intermediary agencies in the domestic work sector, although they have not been quite relevant to date. While there are scarce figures accounting for this issue, domestic workers in the region believe that this way of working has been gaining momentum over the past few years owing to the increased use of new technologies, such as apps

Sometimes, these companies are seen as a solution to the difficulties found in registering workers for social security benefits. However, in practice, these companies dilute responsibilities as to who should guarantee workers' rights. Organized workers in the region are also saying that there are no regulations or legal avenues in their countries that allow for a proper oversight of these agencies. In addition, these companies seek profit rather than to defend and guarantee the rights of domestic workers. In practice, domestic workers say that those retained through intermediary agencies work in poor conditions and are worse paid.

Now there is this app in Brazil called María Brasil, which is adversely affecting domestic workers even more (…) as the prices offered there are well below market prices. So, some workers agree to that because they have no other possibilities. Luiza Batista, FENATRAD, Brazil

They are ultimately making a profit on that labour and there is no protection. Claribed Palacios, UTRASD, Colombia.

The truth is that we do not welcome employment agencies. Why? Because they make a profit, it is their business (…) What these employment agencies don't do is to make sure that workers get to do their jobs at good places (…) We do not like them and we do not want them. María Cotal, FESINTRACAP, Chile

If work inspectors cannot enter households, how could they enter to verify whether a domestic worker is being subject to violence? Yadira Samaniego, SINGRETRADS, Panama.

Domestic workers are also concerned that working through intermediary agencies entails increased risks for them and puts them in a more vulnerable situation.

This also exposes us to risks (…) Many of our fellow domestic workers here have testimonies of how their physical integrity and even their lives have been put in danger . María de la Luz Padua, SINACTRAHO, México.

In the northern region of the country, a worker accepted a domestic work position through an app. The person registered on the app said to be a woman, but, when the worker arrived at the workplace, the person was a man who assaulted her. Luiza Batista, FENATRAD, Brazil

Furthermore, it has been reported in several countries that these intermediary agencies retain mostly migrant women. This is yet another warning, as migrant workers are put in a situation of greater vulnerability and forced to accept worse working conditions.

These new companies hire migrant workers. They are hiring agencies and they are not subject to any oversight. (…) They recruit workers for housecleaning and these workers go to different houses every day. But households do not pay workers' benefits, and neither do these companies. Carmen Almeida and Marcolina Infante, Domestic Workers' Union of Lima (SINTTRAHOL), Peru.

These companies mostly offer jobs to migrant workers, not so much to local workers of the country (…) Migrants are more vulnerable and their rights are often infringed on. (…) The first thing these companies learn about migrant workers is whether they have a work permit or not, so that, if they get dismissed, they do not have any compensation rights. They can be dismissed whenever people want and nothing happens because they are migrants. Yadira Samaniego, SINGRETRADS, Panama.

2.4- Procedures for Registration

While requirements filter out potential exclusion, procedures for registration may also be a barrier. There are many aspects to consider in this regard, **including burdensome and time-consuming procedures which may disincentivize workers. Lack of flexibility in connection with these procedures is also a problem.** For instance, the possibility of e-filing submissions is usually seen as a good practice, since it enables employers to file submissions without having to spend any time going to the offices of the relevant entities. This is no minor thing if we consider that many individual employers have their own jobs and that these entities are only open during working hours. However, when platforms are not user-friendly enough and procedures may only be carried out online, this may also be an issue. Individual employers do not always have the necessary technical knowledge to e-file submissions and, unlike companies or other hiring entities, they do not have any experience or previous knowledge in connection with these kinds of procedures.

In some countries, including Argentina, Brazil, Chile, Costa Rica and Peru, submissions can be e-filed. In Costa Rica people can choose to carry out these procedures either online or in person (Social Security Fund of Costa Rica, CCSS, n.d.).

In Peru, domestic workers say that the recent reform has made registration more complex. In order to get registered under the new regulations, workers have to register with the Ministry of Labour through an app which is reported not to be user-friendly and to have not worked correctly during the first months of implementation, for example, in the case of procedures that need to be carried out when employers are foreign nationals residing in the country.

Under the new registration regulations (…) we are having problems because prior to this change there was a single entity collecting all funds. Now, we have to register through the Ministry of Labour (…) and, since these changes are brand new, (…) we don't yet understand how to do this. Even they have been running tests themselves, until this very month I believe, so that has prevented many workers from being able to register. (…) It was easier before. Carmen Almeida and Marcolina Infante, SINTTRAHOL, Peru.

Domestic workers in Panama are also saying that requirements and procedures for social security registration limit their access. In this regard, they are working to identify strategies that can make the process more flexible.

Under our legislation there is a long list of requirements that employers must meet (…) I think this makes it almost impossible for employers to want to follow the procedures to have workers registered. We have met with representatives of the Ministry of Labour and other entities and unions to try and see if we could find easier ways for workers to register with the Social Security Fund. Yadira Samaniego, SINGRETRADS, Panama.

On a different note, the specific characteristics of a given social security system may also make registration procedures more complex. This is what happens in Colombia, where the different existing benefits are paid through different entities, so employers have to follow registration procedures with different entities for the payment of healthcare, employment injury, pension and family benefits. Then, payments are calculated and paid using the Integrated Contributions' Worksheet (PILA). According to domestic workers, this is a highly complex system, which even drives employers to include domestic workers on business payrolls so as to avoid the difficulties found in the regular procedure that should be followed for domestic workers.

There is no proper Government-owned instrument for registration (…) So, this consumes much time and maybe that prevents advances in formal registration from being made. What some people do is the following: for instance, businesspeople who hire domestic workers include them on the payrolls of their companies and include some language in their contracts indicating that they are domestic workers and not part of the company staff (…) There is no progress in formal registration of domestic work, which, in most part, boils down to this, to the fact that there is no clear pathway for registration. Claribed Palacios, UTRASD.

These difficulties have even led to the creation of a market niche for intermediary entities aimed mostly at employers with the most economic resources. For instance, this is the case of the platform called Symplifica. This is a very user-friendly platform which allows employers to register workers quickly and easily by just providing some basic information. The platform even offers a validation system for those already registered which verifies if all procedures were carried out properly and if payments are in good standing. Initial registration costs 78,000 Colombian pesos (around USD 17), the verification service costs 40,000 pesos (around USD 8.7) and monthly fees cost 26,000 pesos (around USD 5.7) for employers hiring workers on a basis of less than 4 days a week and 36,500 pesos (around USD 8) for employers hiring full-time workers (Symplifica 2022[26]. There is a built-in support service in the platform and support is also available via WhatsApp.

Symplifica is not the only agency that provides this type of service. The intermediary platform called Hogarú provides a service known as Apporta, which is similar to the one offered by Symplifica (Hogarú 2022).

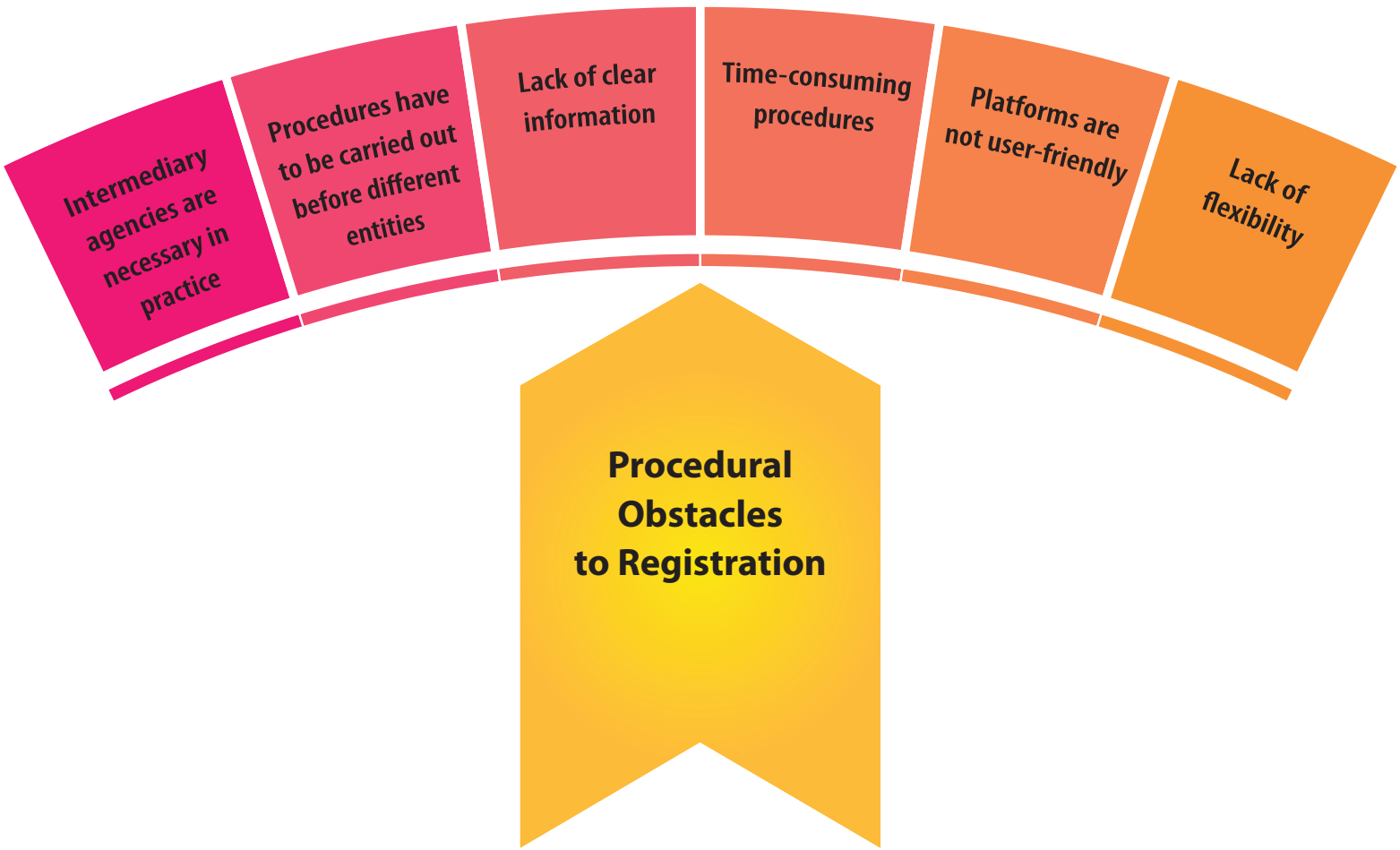
The mere fact that these platforms exist lays bare the shortcomings of the Government in promoting formal registration of domestic work, as the Government has failed to guarantee the accessible registration mechanisms for the people who need them. Lifting the procedural barriers that prevent workers from being able to register easily and quickly is, without a doubt, a demand voiced by organized domestic workers. But it should also be demanded by employers, who have not yet engaged in voicing these concerns in an active and organized fashion.

In the same vein, workers in Mexico say that this kind of intermediary entities should not exist. Furthermore, they say the procedure for registration has some limitations, such as the fact that payments cannot be automated.

Since the pilot social security programme was launched, we have had these intermediary entities, but they only help employers with registration procedures (…) Payment is not automated (…) Why should this exist? María de la Luz Padua, Isidra Llanos and Norma Palacios, SINACTRAHO, Mexico.

26. Prices as checked in June 2022.

Figure 4. **Procedural Obstacles to Registration**



2.5- Oversight and Enforcement Mechanisms

Oversight and Enforcement Mechanisms. **. When there is a lack of oversight mechanisms to control regulatory compliance and impose some sort of penalty when necessary, registration ceases to be mandatory in practice.** In other words, even if social security registration is mandatory under the law, it is not so in reality if there are no mechanisms enforcing regulatory compliance.

The case of Guatemala is a case in point. As already mentioned, in Guatemala, registration is mandatory, as established under the rules of the PRECAPI. Nevertheless, the Guatemalan Social Security Institute does not have any tool enabling measures against those who fail to comply with this obligation (ILO 2021). As per 2021 figures, around 320,000 people in Guatemala do paid domestic work. However, as at that year, only 324 workers were registered under PRECAPI. Figures from previous years show that, in addition to lack of registration, failure to make the payments due is also frequent. In 2014, there were 371 workers registered under PRECAPI, but payments were in good standing only with respect to 21 of them (Rodríguez 2021). According to SITRADOMSA, numbers in 2021 were similar, since, out of 324 registered workers, only 23 of them were in good standing[27].

27. Interview to Floridalma Contreras, SITRADOMSA

It has been reported by SINACTRAHO that the situation is similar in Mexico. The pilot programme implemented by the IMSS already had some shortcomings in connection with inspection mechanisms. During this preliminary stage, no penalties had been made available for the punishment of failure to pay, but employers' failure to pay meant that workers would be excluded from access to benefits (ILO 2021). Likewise, the bill which is supposed to ultimately regulate access to social security for all domestic workers in the country, as approved by the Senate in March 2022, also has its shortcomings. In this case, there are, once again, no provisions regulating inspection procedures or penalties to be applied in cases of non-compliance (SINACTRAHO 2021).

There are no penalties on employers. Once again there is no oversight. It is still a burden on us workers and we believe it still discriminates against us (…) Now it is mandatory, but it is not enforced. Although there are regulations to that effect, these are not complied with in reality (…) Workers have been dismissed for trying to uphold their rights. María de la Luz Padua, Isidra Llanos and Norma Palacios, SINACTRAHO, Mexico.

The lack of penalties or the fact that they are too lenient also affects enforcement. Thus, when employers see that penalties for non-compliance are not severe and they can be faced at a small cost, compliance is also disincentivized.

The problem is the lack of awareness of employers. As I said, they know that penalties are not severe, so they do not care. Luiza Batista, FENATRAD, Brazil.

In other cases, even though the penalties established are severe, they are not applied in practice. This is what happens in Ecuador, for instance, where, under the law, even imprisonment can be applied as a penalty on employers that fail to register their workers for social security benefits. However, these provisions have not been applied in practice.

This is a law that was obtained through a referendum and it contains a provision to the effect that, if an employer fails to register their workers, the employer is automatically punished with 3 months', 6 months' or 1 year's imprisonment as from the worker's first day. But that is only in theory, because so far no employer has been imprisoned for failing to register their workers. Such penalty has been overlooked. Lenny Quiroz, UNTHA.

When it comes to paid domestic work, there are some specific challenges to oversight. The fact that the workplace is a household gives rise to limitations faced when carrying out inspection procedures. The right to privacy enjoyed by households prevails, so, in most cases, inspections cannot be carried out of the inspector's own accord, but rather a warrant is necessary for an inspection to be carried out upon a complaint. This puts domestic workers in a more vulnerable situation.

Driving changes to modify this is not easy, as this view is still quite rooted in all the countries of the region. Yet, this aspiration should be maintained at least as a long-term goal. In order for this to happen, the role of households as workplaces should be recognized when it comes to the hiring of domestic work. In addition, the scope of inspections related to paid domestic work should be clearly set out in order to effectively prevent infringements on the right to privacy of households.

Some countries of the region have advanced the implementation of alternative oversight models, whereby inspection should be carried out without necessarily entering households. Among the countries under analysis, Chile has developed an alternative mechanism of such kind. The Chilean National Directorate for Labour may request permission to enter a household to verify compliance with labour regulations. If entry into the household is not allowed, the employer will be required to appear before the Labour Inspection Office and may be fined upon failure to appear (Chile, Directorate for Labour 2021). This strategy has great potential and has proved useful in other countries, including Uruguay. However, workers in Chile believe that the strategy as applied in the country falls short, as it fails to substitute on-site inspections, which enable the effective verification of working conditions[28].

In this regard, for some years now, organized domestic workers in Chile have been promoting efforts towards easing the constitutional requirement in connection with the right to privacy of households. Before this, a constitutional amendment had been proposed and lobbying efforts are currently being carried out to influence the criteria of the constitutional convention.

The greatest difficulty we face is lack of oversight (…) Under the Constitution currently in place, inspectors cannot enter households (…) We hope that some kind of alternative can be created under the new Constitution (…) that allows for some flexibility, some provision that makes it possible to oversee our fellow workers and their employers. María Cotal, FESINTRACAP.

28. Interview to María Cotal, FESINTRACAP

Also in Brazil there is an indirect oversight procedure for domestic work, which may be carried out in person or electronically upon the issuance of a notice (Arts. 103 and 104 of **Instrução Normativa No. 2**).

When robust oversight mechanisms are lacking, other indirect strategies may also contribute to turning the spotlight on the working conditions of domestic workers. One of these strategies is establishing the mandatory registration of contracts of employment. This measure goes beyond mandating that contracts of employment be written, as there is an additional requirement to report the conditions of the work relationship to a Government agency. It also puts employers under the obligation to recognize the work relationship before an agency. Furthermore, it raises awareness among employers on the obligations arising from hiring domestic workers and, thus, the work/professional relationship between the two parties is reinforced. It also allows oversight agencies to control whether the working conditions agreed upon under the contract are in keeping with the law and helps these agencies obtain the necessary information to follow up on the work relationship.

Among the countries under analysis, in Chile, Costa Rica, Ecuador, Mexico, Paraguay, Peru, Bolivia[29] and the Dominican Republic contracts of employment must be set out in writing. In some of them, it is also required that contracts of employment be registered. This is the case of Argentina, Bolivia, Brazil, Chile, Ecuador, Peru and the Dominican Republic (ILO 2021 and the Ministry of Labour of the Dominican Republic 2022) From the standpoint of domestic workers, this mechanism is quite important, because registration facilitates access to other rights.

The right to a signed work report (Carteira assinada) is our main right and from it stem all other rights. Luiza Batista, FENATRAD, Brazil.

29. A written contract of employment is only mandatory past the first year of the work relationship (Law 2,450, Art. 3).

Costa Rica's experience shows how the availability of information on domestic workers and their employers may contribute to oversight. The information collected by the CCSS when registering domestic workers has enabled randomized inspection calls. This information also enables the verification of the status of workers when there are reports of interrupted registration or reduced working hours (ILO 2021).

Figure 5. **Oversight-related Shortcomings and Strategies**

2.6- Incentives and Institutional Campaigns

The huge debt historically owed to domestic workers in the region and the huge existing backlog with respect to social security lay bare the fact that a single effort will not suffice to have gaps bridged. In this regard, strategies that work in multiple areas are needed.

Incentives and institutional campaigns may prove useful to advance higher registration rates. First, **incentives seek to make registration more appealing through additional benefits granted both to employers and workers. In many cases, measures of this kind are usually temporary and may include tax incentives, reduced fines or discounts on public utility bills.** Among the countries under analysis, Argentina has a vast experience of implementing strategies of this kind.

In Argentina, employers may deduct the wages of domestic workers and their social security contributions from income tax (Argentina, Ministry of Labour, Employment and Social Security 2022). Workers also have access to public transportation discounts through the SUBE benefit (Argentina, Ministry of Labour 2022).

In addition, since 2021, Argentina has had an innovative offering of incentives: the programme known as "Registradas." This is a temporary programme, which is currently in place until December 2022, targeting employers registering new work relationships and domestic workers (Argentina, Ministry of Women, Gender and Diversity 2022). In this country, it is mandatory to register work relationships before AFIP and applications for access to the programme Registradas are also processed by AFIP, which is, in turn, the entity vested with the collection of employers' and workers' contributions.

In return for the formal registration of domestic workers, the Government takes on the payment of part of the wages. In addition, employers are under a duty to keep domestic workers employed for four months after the benefit has expired. Since applications are processed by the same entity that collects the payment of social security contributions, this helps control the continued existence of work relationships. And this initiative also promotes that workers be paid through banks, as an account is opened for them free of charge and access to banking benefits is granted (Argentina, Ministry of Women, Gender and Diversity 2022).

Information and awareness-raising campaigns that provide information on domestic workers' right to social security, registration procedures and the benefits of social security coverage are quite necessary as well. Firstly, these campaigns target employers and place an emphasis on the mandatory nature of registration. Given the lack of adequate protection these workers have faced for so long and the low value society assigns to domestic work, informal employment in this industry is frequently accepted. In many cases, people who hire domestic workers for a short time or on the basis of a few weekly hours see this relationship as being one of support in nature and not as the work relationship it actually is. This is why information campaigns are still quite necessary and awareness-raising messages should be directly and explicitly aimed at employers.

Many efforts have been carried out along these lines in the countries of the region. While this responsibility should be taken on by governmental agencies, it is usually organized domestic workers who take it on because there is no government commitment.

It is worth noting that **information campaigns should also include creative approaches beyond the preparation of printed and audiovisual material.** In this regard, the efforts carried out recently in Argentina, in the state of Jalisco in Mexico and in Paraguay should be noted.

In the case of Argentina, with support from the ILO, a strategy was implemented based on behavioural sciences to measure the impact of the action taken. Specifically, a letter was prepared addressing households with an income level exceeding a threshold established upon the findings of a behavioural diagnosis. In this letter, households were reminded that registering workers was mandatory and some information was included on the procedure for registration. As per the follow-up carried out, workers' registration increased to a greater extent among households that received the letter vis-à-vis households with similar characteristics that did not receive the letter (ILO 2021).

In other countries, including Paraguay and Mexico, letter-sending strategies have also been implemented. In Mexico, in the state of Jalisco, letters are sent alongside water utility bills to households located in neighbourhoods known to have high rates of paid domestic work. These communications seek to promote registration and provide clear information on social security coverage (Government of the state of Jalisco 2022). SINACTRAHO welcomes this positive experience and deems it necessary to replicate it in all states.

Lately, in the state of Jalisco (…) efforts have been made to try to make both workers and employers own this responsibility. One of the strategies applied, which could prove useful, is sending letters together with water utility bills to neighbourhoods known to have domestic work.
María de la Luz Padua, Isidra Llanos and Norma Palacios, SINACTRAHO.

2.7- Social Security for Migrant Women

If access to social security is not certain for most workers of the region, it is all the more so for some groups of domestic workers in a situation of greater vulnerability. This is the case of migrant domestic workers. In their case, in addition to the obstacles already mentioned, **regularizing their migration status is an additional requirement for them to access social security.** However, as will be explained below, regularizing migrants' status is not an easy task in some countries.

The portability of social security benefits, that is, the possibility of transferring social security contributions from the worker's country of destination back to the worker's country of origin, may also be a determining factor for migrant workers. In the absence of this possibility, workers lose their accumulated benefits when they have to return to their country of origin. Also, this may disincentivize registration, since there is a perception that contributions are being paid for benefits, including retirement benefits, that workers will not be able to enjoy.

In the LAC region, several countries play an important role as destinations for migrant domestic workers. Some of the highest-ranking countries among the 15 countries under analysis are Argentina, Chile, Costa Rica, Panama, Brazil (specifically, the state of Sao Paulo) and the Dominican Republic.

In Argentina, paid domestic work is the primary source of employment for migrant women of Paraguayan, Peruvian and Bolivian origin. According to the available data, this is the occupation of 69% of Paraguayan women and of 58% Peruvian women in Argentina (Jaramillo 2019, as cited by Valenzuela, Scuro and Vaca Trigo 2020).

In Argentina, migration policies allow people who are citizens of MERCOSUR Member and Associate States to enter the country with their identity documents and request a 2-year temporary residence permit. Migrants are only required to enter the country lawfully, submit a non-criminal record and pay the relevant migration fees. This allows them to have formal employment upon arrival. In addition, two years after arrival, they can apply for a permanent residence permit (Valenzuela et al. 2020).

Chile is also a destination of choice for migrant domestic workers. Until 2021, migration laws in place in Chile were still the ones passed during the military dictatorship, which were based on a national security approach. As a result, border authorities had broad discretionary powers and there were special requirements for access to working visas (Valenzuela et al. 2020). In 2021, a new migration law was passed, which entered into force upon the publication of the relevant regulations in February 2022 (Chile, Jesuit Migrant Service, SJM, 2022). As these new regulations have only been in place for a short time, there is still no information providing insights into the implications of this new framework on migrant domestic workers.

For its part, Costa Rica is a crucial destination for Nicaraguan migrants and, in this case as well, domestic work is an important source of employment for migrant women. In 2017, 34% of working foreign women were domestic workers. These numbers were considerably lower, at 16%, for working Costa Rican women (Valenzuela et al. 2020).

In the case of Costa Rica, it is worth noting that domestic work is one of the occupations that enables applications for a work permit. In this case, social security registration is a requirement that must be met in order to apply for a work permit (Valenzuela et al. 2020). Yet, there are many barriers to regularizing a migrant's status, including the high costs incurred in the procedure or the difficulties faced in trying to obtain documentation from the worker's country of origin. Thus, regularizing a worker's migration status is not possible sometimes. Furthermore, in the case of domestic workers, work permits are employer-specific, so, if a domestic worker is dismissed or wants to change employers, they will have to apply for a new permit (Gil Everaert 2021).

The Dominican Republican is also a widely-chosen destination, mostly for Haitian migrant women. It is estimated that 19% of all working women born in Haiti are domestic workers. In this case, it should be noted that a high percentage of migrant workers do not have a regularized migration status (Valenzuela et al. 2020).

As already pointed out, it is fundamental for these workers to be able to transfer social security contributions from the country of destination back to their country of origin. In this regard, the lack of bilateral or multilateral mechanisms is a barrier to the exercise of this right. Furthermore, the lack of information about this possibility and on the procedures and mechanisms that should be followed to put it into practice is yet another obstacle (Maldonado Valera, Martínez Pizarro and Martínez 2018). Conversely, sometimes, even if agreements among countries exist, implementing portability is complex in practice. In short, this boils down to a "lack of concrete policies and strategies aimed at guaranteeing the portability of social protection rights" (Maldonado Valera et al. 2018, p. 43).

One of the main agreements in this field is the Ibero-American Multilateral Convention on Social Security, entered into by Latin American countries plus Portugal and Spain. This agreement fosters coordination across domestic legislation "on pension benefits as a way of guaranteeing financial security in the old age" (Maldonado Valera et al. 2018, p. 96).

For this instrument to be fully effective, countries must ratify it and sign the Application Arrangement. To date, this Convention is fully effective only in 9 out of the 15 countries under analysis in this report, namely: Argentina, Brazil, Bolivia, Chile, Ecuador, El Salvador, Paraguay, Peru and the Dominican Republic (Ibero-American Social Security Organization, OISS, 2021).

Some best practices in this field have been developed on a sub-regional level. For instance, let us take the case of MERCOSUR, made up by Argentina, Uruguay, Brazil, Paraguay and Venezuela. The MERCOSUR Multilateral Agreement on Social Security grants people working or who have worked in any of the States Parties access to the portability of social security-related rights (ILO 2021).

Figure 6. **Oversight-related Shortcomings and Strategies**

2.8- . An Analysis of Some of the Efforts Carried Out Regionally to Guarantee Domestic Workers' Right to Social Security

The Case of Uruguay: A Best Practice That Delivered Good Outcomes

On a regional level, Uruguay has been a trailblazer in equating domestic workers' rights to the rights of other workers. In 2006 Law No. 18,065 was passed regulating domestic work and a year later the relevant regulation was approved (Executive Order N° 224/007). These new regulations granted domestic workers access to all social security-related rights (Uruguay, General Advice on Social Security Matters 2021).

As in most countries of the region under analysis in this report, social security registration for domestic workers is mandatory in Uruguay. Contributions are paid in proportion to wages, but in the case of healthcare coverage they must be calculated on the basis of a minimum threshold. In this case, there is a requirement of at least 13 days or 104 hours of monthly work or wages equal to or in excess of 1.25 points in the Uruguayan Benefit and Contributions Base index (BPC). These requirements may be met by adding up wages from different jobs (ILO 2013 and the Uruguayan Social Security Bank, BPS, 2022).

In the case of contributions related to domestic workers, the Uruguayan Social Security Bank makes a calculation taking into account different wage-related items, such as complementary annual salary benefits, annual leave benefits, seniority premiums or attendance premiums, as well as social security benefits, employment injury benefits and social fund contributions, when appropriate. This seeks to facilitate reporting and payment for employers and ensure that the different items are calculated correctly. There is a multi-channel support platform, including support via e-mail, telephone, a chatbot and in-person help (Uruguay, General Advice on Social Security Matters, 2021).

As for incentives, since 2014, the BPS has had an agreement in place with the Uruguayan State-owned Insurance Bank (BSE) which makes applications for employment injury benefits for domestic workers easier and less costly (Uruguay, General Advice on Social Security Matters, 2021).

It is also worth noting that Uruguay has managed to make progress on oversight matters. There, work inspections may be carried out in households believed to have domestic workers hired. Inspections may be carried out inside the household upon request or at the doorway. Since these are households, inspectors cannot enter without the permission of the house owner. In any case, inspections can be carried out from outside the household by questioning the worker at the door and asking the employer for the necessary documents to verify whether the employer is in good standing with respect to their obligations. Specifically, employers are required to show proof of registration with BPS and BSE, plus proof of payment of wages, annual leave benefits and complementary annual salary benefits. If the worker is a migrant, inspectors will also ask to be shown a Uruguay-issued identity document or a provisional authorization for the migrant to be able to have a paid job in the country issued by the National Directorate for Migration (ILO 2013).

As already pointed out, Uruguay is the country with the lowest rates of informal domestic work in the region.

As demonstrated by the analysis carried out above, many are the countries that have carried out efforts in the past few years to promote access to social security coverage for domestic workers. However, in spite of the fact that there may exist similar characteristics (e.g., the possibility of part-time registration, registration with lower contribution bases, multi-employer registration, etc.), the outcomes have been different.

For us to be able to unequivocally pinpoint the causes of these differences in the progress made, we would need to study the countries subject to comparison in depth. But, on the basis of the available information, some hypotheses may be put forward in this respect.

Table 6 contains a summary of some key elements relating to Uruguay, Chile, Brazil and Argentina. This is a group of countries which have higher rates of social security coverage or which have, in the past few years, made specific efforts to promote domestic workers' access to social security. The case of Argentina should be highlighted, as it has applied a wide array of incentives targeting both employers and workers in order to promote registration. However, despite the fact that the existing requirements there are relatively similar to those existing in Uruguay or Chile, 3 out of 4 domestic workers there are still informally employed.

The figures included in Table 6 show that the gaps in social security coverage across countries are the same as when considering the working population overall. The rates of lack of compliance and informal employment are greater in all countries with respect to domestic workers. Nevertheless, in countries where rates of social security registration of the working population overall are higher, numbers account for greater access to social security by domestic workers as well. Even if the available data comes from different sources and is therefore not comparable, it does provide some insights that help us understand this trend. In this regard, Uruguay is the country with the highest rates of social security contribution coverage in the region considering the working population overall (78.1%). Likewise, it is the country with the lowest rates of informal domestic work (46.2%). In turn, among the 4 countries under analysis, Argentina (54%) is the one with the lowest rates of social security contribution coverage considering the working population overall. It is also the country that has made the least progress in access to social security for domestic workers. Informal work rates account for this issue, with 74.3% of domestic workers.

There are no figures providing insights into the gap with respect to salaried workers for all countries. Social security registration rates for salaried workers are usually quite higher than those of the working population overall. Since domestic workers are also salaried workers, drawing a comparison with this group would be particularly relevant. In spite of this information gap, **the available data seems to indicate that countries with higher rates of working population with access to social security are, in principle, in better conditions to promote social security inclusion for occupations in which coverage is low, such as domestic work.**

In another vein, the available data also shows that **the footing based on which countries took action was unequal when they adopted regulations to equate the rights of domestic workers** with the rights already enjoyed by people working in other occupations or when they carried out reforms or efforts to promote social security coverage. In this case, for instance, the numbers from Uruguay and Argentina account for this issue. It should also be noted again that these numbers are not comparable statistically, but they do provide insights into the issue.

In Uruguay, in 2006–when new regulations on domestic work were passed–, 67% of domestic workers did not have their social security contributions in good standing (Uruguay, General Advice on Social Security Matters 2021). In turn, in Argentina, in Q4 2012–a few months before **Law No. 26,844**[30] was passed–, the rate of unregistered domestic work was 84% (Argentina, Ministry of Labour, Employment and Social Security n.d.).

In any case, the available numbers by country show that, while in Uruguay and Argentina informal work has decreased, Brazil and Chile have not reported a similar trend. The available data for Uruguay shows that, while in 2006 67% of domestic workers were not making social security contributions, this percentage decreased to 53.8% by 2013 and to 45.5% by 2019 (Uruguay, General Advice on Social Security Matters 2021).

The figures for Argentina show that in 2003 the percentage of registered domestic workers[31] was barely 5%, with an increase to around 25% in 2016 (Pereyra 2017).

In turn, in Chile, from 2011 to the beginning of the pandemic, informal work was at around 50%. Figures do show reduced informal work rates after the entry into force of Law No. 20,786 in 2015. Nevertheless, "as from early 2018, informal work in the domestic work industry has increased again and it seems to be back at the rates existing prior to 2015 up until the beginning of the pandemic" (FESINTRACAP 2021).

Lastly, in Brazil, figures show decreased rates of domestic workers making social security contributions. In 2012, the rate of domestic workers making social security contributions was 36.2%, which increased steadily to an all-time high (42.2%) in 2016. But, by 2018, the percentage of domestic workers making social security contributions had decreased to 38.9% (DIEESE 2020).

30. Law 26,844. Special Regulations on the Employment of Domestic Workers.
31. Considering the main urban agglomerations.

It should be noted, though, that the time elapsed since the reform made in the country in this area is not long enough to have an insight into potential negative impacts on domestic workers' social security coverage. But data for 2021 does seem to indicate a decrease, as the rate of domestic workers making social security contributions reported for that year was 33.7% (DIEESE 2022).

Another factor which may be influencing a slower progress of the efforts to promote registration is the fact that working hours are quite short in some countries. As shown in Table 6, weekly working hours below 20 hours are particularly frequent in Argentina. There, almost half of domestic workers work hours like these. And while social security coverage can be granted regardless of the duration of working hours, the perception employers usually have of the work relationship can be quite vague. When weekly working hours are very short, with very few hours a week, employers frequently perceive the relationship as an informal agreement that suits both parties and not as a work relationship. A qualitative study carried out in Argentina deals with the reasons why registration is not complied with. The account of one employer in the context of this study serves to illustrate the case in point.

"Benita, for instance, is an employer who is also a social worker and, during the interview, she would defend domestic workers' need to receive social aid payments and insisted on the obligation to have DWs registered. Yet, her domestic worker is a neighbour of hers who "finds it convenient" to work a few hours at her house and is already registered by other employers, so Benita does not pay contributions for her DW" (Pereyra 2017, p. 83).

It should be considered that the strategies applied in Uruguay for inspection from outside the households may have encouraged increased coverage. There is not much information available on this experience, so a more in-depth study should be conducted into this. Likewise, there are information gaps with respect to the outcomes of inspection in Chile and Brazil. Drawing a comparison between these two experiences may provide more insights to better understand the importance of measures of this kind. Another key aspect when trying to understanding the barriers that prevent the efforts promoting increased coverage from succeeding is **how strong the culture of non-compliance still is in some countries**.

The aforementioned study carried out in Argentina provides some insights that help us better understand why employers do not assume their social security-related obligations. Employers who hire domestic workers for short weekly working hours as well as employers who hire workers for longer hours tend to shift the burden of responsibility for lack of registration to the workers themselves. In other words, they know they must fulfil that obligation, but they justify their non-compliance stating worker-related reasons (Pereyra 2017).

In this regard, many of the employers who participated in the study say that domestic workers do not want to be registered. One of the most frequently posed arguments is that registered workers would lose access to some of the monetary benefits granted by Argentine agencies. This argument is weak if we consider that the most widely extended benefit at the time of conducting the study–the Universal Child Allowance (AUH)–was not incompatible with registration. Furthermore, the employers surveyed also say that there is a lack of registered work culture among domestic workers (Pereyra 2017). Yet, in practice, contrary to what employers say, domestic workers say that access to social security is subject to the will of employers (Pereyra 2017).

Finally, the study arrives at the conclusion that the interviews conducted with employers as well as with domestic workers evidence that when determining working conditions it is the employer who has the upper hand in decision-making. Therefore, the argument that registration is not complied with because workers do not wish so is contradictory. In addition, there is consensus among employers that registration is not costly. Thus, the resistance mounted by employers to registration has to do with the fact that they should give up the informal arrangements upon which their relationship with domestic workers has been built. This includes practices such as "replacing complementary annual salary benefits with gifts or paid annual leave with unpaid absence leave as needed and frequently dismissing the workers as needed or on the basis of the consumption-related decisions made at a given time" (Pereyra 2017, p. 96). In short, "the contradiction between the narrative and the practices of employers can be interpreted as the result of the tensions between what is deemed as "correct" and the convenience of perpetuating class privileges deeply rooted in the context of these working relationships" (Pereyra 2017, p. 96).

Table 6. **Summary of the Issue of Social Security for Domestic Workers in Uruguay, Chile, Brazil and Argentina**

	Informal Domestic Work (2019)	Social Security Contributio Coverage per Country (2020)[a]	Year of Regulation Reforms or Inclusion Under the Law[b]	Weekly Working Hours Below 20 Hours[c]	Coverage for Part-time Workers[d]	Multi-employer Registration	Mandatory Registration of Contracts of Employment or Work Relationships	Incentives	Alternative inspection mechanisms
Uruguay	46,2%	78,1%	2006	33,9%	Yes	Yes	No	Yes	Yes (Inspection from outside households)
Chile	54,7%	64,8%	2014	23,1%	Yes	Yes	Yes	-	Yes (Inspection from outside households)
Brazil	61,6%	64,7%	2015	21%	As from 2020, contributions not reaching minimum wages are not taken into consideration for the contribution period	Yes	Yes	-	Yes Inspection from outside households)
Argentina	74,3%	54%	2013	48,9%	Yes	Yes	Yes	Tax deductions, public transportation discounts (SUBE), *"Registradas"* programme	Yes (Letter-sending strategies)

Sources: Prepared by the author of this report on the basis of ILO (2021), ILO (2021b) and the regulations of each country.

Note:
a- Contributors as a percentage of the working population per sub-region. **b-** Year in which the rights of domestic workers were equated with the rights of other workers or legal reforms were carried out to promote domestic workers' access to social security
c- Percentage of workers with weekly working hours below 20 hours **d-** or with contribution bases lower than full wages.

2.9- Access to Social Security During the Pandemic

The lack of access to social security has laid bare the vulnerability of domestic workers during the pandemic. The IDWF and its 24 affiliates conducted a survey during the early months of the pandemic on the pandemic's real impact on domestic workers in 14 countries of the region. The **study** lays bare the **limitations faced in access to timely healthcare or the social aid payments that were granted in some countries to those who lost their jobs**. Many domestic workers were not even properly dismissed, because their employers interrupted the work relationship until the emergency situation ceased, with no recognition of salaries or any other rights (ILO 2021).

Now, with the pandemic, we are realizing so much more that our fellow domestic workers who were sick were dismissed and sent home and they are still stick. They are not even allowed to go to the doctor or granted any permission to go and have their diseases taken care of, whether it is Covid or any other disease. Yadira Samaniego, SINGRETRADS, Panama.

In this regard, some data on the situation in Costa Rica shows that during the pandemic there was no significant increase in social security deregistration of domestic workers. This evidences that those who had social security coverage were better protected in the event of dismissals (ILO 2021).

This is an industry that has been particularly hit by lost jobs and violated rights. The available data covering Q4 2019 and Q2 2020 evidences this issue. Peru has been one of the hardest-hit countries, as over 7 out of 10 domestic workers (72.1%) lost their jobs. This also happened to 53.3% domestic workers in Ecuador, 50.6% DWs in Colombia, 44.2% DWs in Costa Rica, 43.4% DWs in Chile, 37.3% DWs in Argentina, 26.6% DWs in Brazil, 20.8% DWs in Paraguay and 18.8% DWs in México (ILO 2021a).

The survey carried out by the **IDWF** in April-May 2020 clearly shows the difficult situation and the lack of protection faced by domestic workers. While the outcomes of the survey, in which 2,712 domestic workers from 14 countries participated, cannot be generalized, they do accurately illustrate what happened during that time.

Along the same lines of the figures shown above, the outcomes of this survey show that **half of domestic workers (49%) were either dismissed or suspended**. In turn, 14.2% of domestic workers said that they were able to keep their jobs, but that their working conditions deteriorated; 23.4% of domestic workers continued working in spite of the health crisis and only 13% of domestic workers were able to observe lockdown while continuing to be paid their wages (IDWF 2020).

Unfortunately, it was also very frequent for domestic workers to be put at risk or to have their rights infringed upon. In most of the countries under analysis, there were reports of employers forcing domestic workers to stay at the workplace for weeks or even months, that is, to work under a live-in arrangement. This also resulted in longer working hours and greater workloads (IDWF 2020).

We went backwards 20 years (…) At least in Ecuador, there was not so much live-in domestic work anymore. Now, those arrangements are back and working hours are longer. Some fellow domestic workers had to stay in lockdown in those houses not only for a month, but even for six months in some cases. So, there was no respect for any protection under the Constitution or the Labour Law. Lenny Quiroz, UNTHA, Ecuador

Furthermore, during the pandemic, domestic workers were seen by their employers as "spreaders", because those who had a live-out arrangement commuted from their houses to their workplaces using public transportation, which made employers fearful that workers might catch the virus on their way to work. However, from the standpoint of domestic workers, they say that some employers were still organizing social gatherings during the pandemic, which put workers at a potential risk of catching the virus because they were exposed at those gatherings. As a matter of fact, the first death from Covid-19 that occurred in Brazil was a black domestic worker who caught the virus from her employer, who returned from a trip to Italy (IDWF 2020).

For the purposes of providing domestic workers with adequate protection during the pandemic, the IDWF and ILO experts jointly prepared the **Covid-19: Guidance for Occupational Safety and Health for Employers and Domestic Workers**. This is the first guidance on occupational safety and health for the domestic work industry and it was developed in the context of the pandemic crisis. There is additional value to it, as it was prepared with the collaboration of 29 domestic workers' unions and organizations from 15 countries of the region

Lastly, it should be noted that, among the countries under analysis in the study, few specific measures were adopted to provide domestic workers with protection and support during that time. Some workers were able to access general measures, that is, targeting several populations. However, the fact that these were not measures specifically designed for domestic workers or that these workers are not specifically covered under them limits real access for domestic workers. The long-standing tradition of domestic workers having no rights or protection leads to assumptions that they are not covered unless specifically included.

Among the few specific measures adopted in the countries of the region, one to be highlighted is the Emergency Family Income (IFE) implemented in Argentina. This one-time allowance was aimed at "making up for the loss of or serious decrease in income" (López Moruelo 2021, p. 18). It targeted the unemployed, informal workers and individual taxpayers, as well as all domestic workers. It is worth noting that both registered and unregistered domestic workers were entitled to this allowance (López Moruelo 2021). This measure explicitly covered domestic workers and it is especially relevant because it covers informal domestic workers, who are in a situation of greater vulnerability (ILO 2021).

3- The Fight of Domestic Workers to Access Social Protection

So far in this report we have included information on various significant efforts carried out by organized domestic workers in the region to promote effective access to the right to social security. In general, it can be seen that **domestic workers have adopted a series of strategies, including advocacy and lobbying, demonstrations, partnership building and consolidation, information and awareness-raising campaigns, providing support to workers filing complaints or filing complaints on their behalf, and training activities**. Within this combination of strategies, demonstrations are deemed a key element, which broadens and strengthens advocacy efforts and helps deliver better outcomes.

We are campaigning, demonstrating, going on strikes, and meeting with congresswomen from different political parties to see how they can help us in this regard. And we are building partnerships with other unions and federations. Aida Evelyn Rosales, SIMUTHRES.

They [the authorities] say that it seems good, that they will review it and analyze it. But look, I do not buy that stuff anymore. I don't know if it works the same way in other countries, but to get something here we need to take to the streets and demonstrate (…) to get things done. Yadira Samaniego, SINGRETRADS, Panama.

[On 1 May 2020, in the midst of the pandemic] We went uphill here in Santiago to demonstrate, not just to talk to the authorities or the relevant employers anymore. We went out there, took to the streets of the neighbourhood and demonstrated, made some noise with our cooking pans and our working elements. On a Sunday. At nine thirty in the morning. We wanted to make an impact (…) and we had the support of the people, who were clapping at us (…) We were able to walk those streets, which—how can I put it?—are the streets we walk every day, but which do not belong to us. They do not belong to us—they belong to this ruling class, which is sometimes indifferent. They do not see us as human beings entitled to rights, but as some kind of property of theirs. María Cotal, FESINTRACAP, Chile.

Our organization works on two important fronts. The first one is strengthening internal ties, through five pillars: education, organization, defence of rights, political education and public communication (…). When it comes to advocacy efforts, we are also actively participating in political control debates and in the drafting of proposed public policies (…) We are quite active in the two strong components, but I think advocacy is always there: we need to call out for demonstrations, for action, for finding avenues that really promote the recognition of the rights we would like to have. Claribed Palacios, UTRASD, Colombia.

It is about political education and training for unions, (…) advocacy efforts and training in order to be in a better position. I think that last year we were able to better position and we don't want to lose those channels that were opened for us within the Senate. Now we want to find a way into the lower house (…) promote employer representation in our country, mainly to be able to conduct tripartite negotiations. María de la Luz Padua, Isidra Llanos and Norma Palacios, SINACTRAHO, Mexico.

Advocacy processes have been key both to promoting reforms and to enforcing compliance. However, when it comes to lobbying the authorities, organized domestic workers from the region are in agreement that **political will is key to making concrete progress.** Thus, if there is no institutional political will, every process takes years of insistence and work.

To be able to have the current legislation passed (…) we had to work for five years. We had been fighting for many years before that, but specifically it took us five years during which the different domestic workers' organizations joined and carried out much lobbying with congresspeople, senators, ministers, and every single authority that could favour us or sympathize with our demands. We would visit them, talk to them, meet with them. And I know it is sometimes repetitive to say this, but there was political will from the administration in office back then. María Cotal, FESINTRACAP, Chile.

Our government is really slow. They are acting really slowly when it comes to recognizing the rights of working classes in general, (…) not specifically just those of the domestic work sector. Any sector could have been adversely affected by this lack of capacity and diligence to advance demands (…). We have always pointed to the lack of political will, which I think is most evident. Claribed Palacios. UTRASD, Colombia.

We carried out lobbying, as we have done for many years (…) Minimum wages, an eight-hour working day, social security, all those rights that every worker has, we wanted to have them too, so we fought for them. Marciana Santander, SINTRADESPY and Librada Maciel, SINTRADI, Paraguay.

Our work is strengthened through partnerships built both with political stakeholders and civil society. These partnerships change over time and they may have either a national or an international scope. On a national level, they allow us to get our agendas in line and step up our advocacy efforts. Partnerships on an international level also allow us to step up advocacy efforts sometimes. They also promote the exchange of experiences and provide insights into the situation in different countries of the region and worldwide.

A fight this huge cannot be fought by anyone on their own (…) Our efforts and our partnerships in the fight of the domestic work sector go back a long time. We got to this point and we made progress thanks to our partnerships (…) When Laudelina de Campos Melo founded the first association in Santos, Sao Paulo, in 1937, she had the support of the black movement. And as the years went by, more partnerships were built. For instance, in the sixties, it was the Catholic Church that started seeing domestic workers in a more humane way, (…) and thus started to support our fight. Then came social movements and feminist movements (…) In Latin America, we have the Latin American and Caribbean Confederation of Domestic Workers (CONLACTRAHO). (…) We have the IDWF. (…) And here in Brazil we are also part of the National Confederation of Commerce and Service Workers of the Unified Workers' Central Union (CUT). Luiza Batista, FENATRAD, Brazil.

Information campaigns are another key part of organizational work. The information on their rights and social security that domestic workers get is still not enough. To make up for this, organizations develop different communication and consultancy initiatives. There is online information, information provided through apps and information hotlines. In addition, there are also activities aimed at having direct contact with domestic workers in their communities.

It is important to make the different unions known in the states all across Bolivia, so that our fellow domestic workers know about social security coverage and employers for them to benefit from coverage. (…) We have a toll-free hotline. María Pariqui, Zenobia Chura and Eusebia Guarachi, FENATRAHOB, Bolivia.

So we (…) receive calls from our fellow domestic workers or we go campaigning to the different places where they are across the districts of Lima. Carmen Almeida and Marcolina Infante, SINTTRAHOL, Peru.

We always provide support and advice to those domestic workers in need. María Mercedes Martínez, Federation of Domestic Workers and Other Trades of Managua (FETRADOMOV), Nicaragua.

Along with information processes, these organizations also support domestic workers when they have to file complaints, including appearing before the relevant entities and negotiating with employers.

That is where we get involved as a union and go to their offices (…) We can act in a direct way. We have solved most cases by saying to them "if you do not want to comply with the regulations, we will see you in court". Floridalma Contreras, SITRADOMSA, Guatemala.

Lastly, as explained in different sections of this report, domestic workers do not believe their fight in defence of their rights to be separate from the defence of the rights of all workers. In this regard, **domestic workers say we are nowadays facing a real risk of going backwards in terms of recognition of labour rights**, due to reforms that are being promoted in different countries with respect to labour regulations.

The working class has been hit hard and stripped of some benefits (…) They want to have labour regulations different from those of workers, where they tell you that you have to work twelve hours. It is no longer an eight-hour working day, which had been obtained through much fighting. Now they want to implement a twelve-hour working day. If those regulations were to be passed, collective agreements would no longer exist. Lenny Quiroz, UNTHA, Ecuador.

In some countries, including Brazil, these setbacks have already translated into concrete reforms of labour regulations and the pension system which were implemented in the past few years. These are particularly adverse situations, which take place faster and easier in contexts of authoritarian administrations.

Sadly, after the coup against President Dilma, there was a social security reform and a labour reform (…) Both reforms undermined the work relationships of all of Brazil's working class. Luiza Batista, FENATRAD, Brazil.

In these contexts, **attacks against organizations are common and the continued work of organizations is even put at risk**. For instance, in Guatemala there are new regulations directly targeting NGOs. And even though such legislation does not cover unions, it is feared that similar action against unions might be taken.

With the NGOs legislation they want to wipe us out. We, as a union, are registered with the Tax Administration Superintendence (SAT) (…) But they have criminalized us. We are already on a list of targeted organizations not in sympathizing with the Government. Floridalma Contreras, SITRADOMSA, Guatemala.

4- Final Takeaways

1. The information collected shows that, while significant regulatory progress has been made in the region in the past few decades, there is still some legislation discriminating against paid domestic workers. The issue varies by country and, while in some countries the rights of domestic workers have been equated, at least in formal terms, with the rights of other groups of workers, in other countries there are still gaps, for instance, with respect to working hours or minimum wages.

As regards social security regulations, there are still different tiers of gaps. **The first tier includes regulations explicitly discriminating against domestic workers.** This is what happens, for instance, in El Salvador and Guatemala. Under the legislation of El Salvador, social security coverage for domestic workers is not mandatory. In both countries, domestic work is governed by special regulations that grant domestic workers fewer rights.

There is a second tier of exclusion in regulations which includes lack of appropriate regulations enabling the materialization of rights in practice. This is the case of Bolivia and El Salvador in connection with pension benefits. In both countries, domestic workers are not excluded, but this right has not materialized in practice because there are no specific regulations promoting contributions in the field of domestic work.

There is a third tier of exclusion which has to do with the situation where the requirements, conditions and procedures set forth in the relevant regulations are not in line with the reality of domestic workers' work relationships. Therefore, enforcement is impossible. This is the case, for instance, of Brazil and Panama, where domestic workers working only a few hours are excluded from accessing this right. It is also the case of countries that do not allow for social security coverage with contribution bases lower than minimum wages for full-time employment (Brazil[32], Bolivia, El Salvador, Guatemala and Mexico[33]) or do not allow for multi-employer contributions (Bolivia, El Salvador, Guatemala and the Dominican Republic).

Lifting these formal barriers is the first step towards ensuring that domestic workers have access to social security.

Figure 6. **Formal Barriers to Social Security Access**

2. The information and the figures included in this report evidence that, in addition to shortcomings in the scope of legislation, there is a significant enforcement gap. In 14 out of the 15 countries under analysis, social security registration is mandatory. Yet, the low registration rates show that such mandatory nature is not observed in practice.

Non-compliance can partly boil down to objective formal conditions, i.e., the obstacles that make up the third tier of exclusion in regulations. But these obstacles do not, in and of themselves, completely explain why there is lack of compliance.

In this regard, **the lack of adequate oversight and punishment mechanisms is also a significant barrier. Some substance of legislation is lost when there are no effective enforcement mechanisms.**

32. Contribttutions may be made out of wages lower than minimum wages, but these are not taken into consideration for the contribution period
33. Contributions may be made out of wages lower than minimum wages, but this carries a loss of rights

As already mentioned, inspection in the case of domestic work poses particular difficulties, because it must be carried out in households. While in some countries, including Chile and Brazil, efforts have been carried out to allow inspections to be conducted without entering households, no information has been identified on the outcomes of this strategy. In general, there is scarce information on oversight efforts by country. Therefore, it is important to promote future research and reflection efforts that provide a more in-depth analysis in this field and that **favour the development of new inspection strategies that better suit this occupation**.

In a different vein, it should also be noted that the culture of non-compliance is widely spread. The lack of enforcement of rights is also frequent in other occupations, but it is particularly common in the case of domestic workers. This is an occupation in connection with which, for a long time, few rights have been recognized and, therefore, employers frequently have a perception that they have no obligations. This is why, **it is necessary to step up efforts in order to counter that perception, which is still deeply rooted in society.**

3. Generally speaking, social security systems in the region have not yet developed modalities that better suit the characteristics of paid domestic work. This is particularly evident if we consider that in most of the countries there is still a required minimum working time as a base for contributions, the minimum contribution base equals minimum wages and there are no mechanisms allowing for multi-employer registration. In many cases, the efforts carried out to obtain more flexible registration conditions are only partial, as contribution bases are still high or benefits are cut back. Thus, these efforts do not have an impact great enough to deliver higher registration rates.

In this scenario, there is an evident need to promote broader reforms that cover all the issues we have pointed out. **Under any new modalities, alternative funding sources should also be considered which take into consideration the low capacity for contribution in this industry and which allow domestic workers working short hours to have an income without a resulting deterioration of standards** or without having to create "solidarity-based" or "voluntary" schemes, which deliver less coverage and less quality.

4. Without a doubt, the adoption of online registration modalities and simpler procedures is also positive. However, in some countries procedures are still burdensome, consume a great amount of time and give rise to uncertainty among employers. The fact that companies have been set up in some countries of the region for the sole purpose of carrying out these procedures shows how serious the situation is.

Guaranteeing that procedures are simple and quick is a responsibility that lies with States, which could ensure registration without having to invest a great amount of resources.

5. In light of the above, it is evident that strategies for promoting and guaranteeing social security coverage for paid domestic workers must be comprehensive. **They must include legal reforms in the three aforementioned tiers, intensive information and awareness-raising campaigns and robust and appropriate oversight strategies.**

6. The fact that intermediary agencies have spread and expanded in the domestic work industry lays bare the need for urgent action. In this regard, in the first place, it is necessary to make it clear that, at least in their current form, these entities do not work towards meeting the needs of domestic workers.

It is also necessary to **promote regulations which protect domestic workers hired through these agencies and enable proper oversight of these companies**.

7. **The progress made in the region in terms of the recognition of domestic workers' rights results from the efforts led by organized domestic workers**. Their demands and agendas point to the aims which public policies should further and their efforts frequently fill in the gaps left by Governments.

The information collected shows that some of the efforts carried out in the region to promote higher social security coverage rates in the domestic work industry have had little impact. It is usually the case of strategies in respect of which organized domestic workers have not participated or been asked for advice. **This makes it evident that, in order to guarantee that any measures adopted respond to the needs of those who work in this industry, and are therefore successful, domestic workers' organizations need to be actively engaged in design and implementation processes.**

8. International experiences in the development of best practices or the successful experiences of some countries of the region might serve as guidance and an inspiration to those Governments which have not yet taken action in this respect. In addition, these experiences show that a) it is neither hard or impossible to find the right mechanism to ensure effective implementation of social security coverage for the domestic work sector, and b) in most cases, the most important ingredients are political will and effective consultation with the true experts, that is, domestic workers' organizations and unions.

References

• Argentina, AFIP (Argentine Internal Revenue Agency). 2022. Contributions and Employment Injury Benefits. https://casasparticulares.afip.gob.ar/ayuda/empleador/derechos.aspx

• Argentina, AFIP 2022a. Retirement Benefits. https://casasparticulares.afip.gob.ar/ayuda/empleador/jubilacion.aspx

• Argentina, AFIP 2022b. Healthcare Coverage https://casasparticulares.afip.gob.ar/ayuda/empleador/obraSocial.aspx

• Argentina.gob.ar. 2022. How to Make Domestic Work-related Contributions. https://www.argentina.gob.ar/pagar-aportes-y-contribuciones-de-casas-particulares

• Argentina.gob.ar. N.D. Domestic Workers. https://www.argentina.gob.ar/justicia/derechofacil/aplicalaley/trabajo-como-empleada-domestica.

• Argentina, Ministry of Women, Gender and Diversity. 2022. "Registradas" Programme. https://www.argentina.gob.ar/generos/programa-registradas

• Argentina, Ministry of Labour, Employment and Social Security. 2022. How to Deduct Your Domestic Work-related Expenses from Income Tax. https://www.argentina.gob.ar/trabajo/casasparticulares/empleadores/deduci-de-ganancias-tu-empleada-domestica

• Argentina, Ministry of Labour, Employment and Social Security. N.d. Progress in Labour Registration of Domestic Workers as a Result of the New Regulatory Framework (Avances en la registración laboral de las trabajadoras en casas particulares a partir del nuevo marco legal)

• Argentina, Ministry of Transport. 2022. How to Apply for Transportation Discounts on your SUBE Card. https://www.argentina.gob.ar/servicio/solicitar-la-tarifa-social-en-la-tarjeta-sube

• Casalí, Pablo, Oscar Cetrángolo and Ariel Pino. 2020. Social Protection in Latin America and the Caribbean During Pandemic Times (Protección social en América Latina y el Caribe en tiempos de pandemia). ILO.

• Chile, Directorate for Labour. 2021. Which Unemployment Benefits Should Be Paid for Domestic Workers? https://www.dt.gob.cl/portal/1628/w3-article-119845.html

• Chile, Directorate for Labour. 2021a. How Will Inspections Be Carried Out in the Case of Employers of Domestic Workers? https://www.dt.gob.cl/portal/1628/w3-article-104853.html

• Chile, IPS (Social Security Institute). 2022. Women Domestic Workers. https://www.ips.gob.cl/servlet/internet/content/1421810848925/trabajadora-de-casa-particular#:~:text=Todas%20las%20Trabajadoras%20de%20Casa,AFP%2C%20en%20la%20que%20es

• Chile, IPS (N.d.). Male Domestic Workers. https://www.ips.gob.cl/servlet/internet/content/1421810902910/trabajadores-de-casa-particular

• Chile, Jesuit Migrant Service (SJM). 2022. 21 Takeaways on the New Migration Law. https://sjmchile.org/2022/02/17/conoce-las-21-claves-de-la-nueva-ley-de-migracion-y-extranjeria/

• Chile, Undersecretariat for Social Security. 2021. Six-monthly Statistical Report on Social Security Matters. First Half of 2021

• Colombia, Ministry of Labour. 2022. Social Security Contributions. https://www.mintrabajo.gov.co/empleo-y-pensiones/empleo/subdireccion-de-formalizacion-y-proteccion-del-empleo/formalizacion-laboral/cotizacion-a-la-seguridad-social-aportes

• Colombia, Ministry of Labour. 2012. Domestic Work. Labour Guidance.

• Conteras, Lourdes (Coord.). 2013. Social Security and Domestic Work in the Dominican Republic. Available at https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-san_jose/documents/publication/wcms_249020.pdf

• Costa Rica, Social Security Fund (CCSS). N.d. FAQ. https://www.ccss.sa.cr/faq/index

• DIEESE (Inter-Union Department for Statistics and Socio-economic Studies). 2022. Domestic Work in Brazil. https://www.dieese.org.br/infografico/2022/trabalhoDomestico.pdf

• DIEESE. 2020. Who Looks After Care Workers: Paid Domestic Work in Times of Coronavirus. https://www.dieese.org.br/estudosepesquisas/2020/estPesq96covidTrabalhoDomestico.html

• Ecuador, IESS (Ecuadorian Social Security Institute). N.d. Obligations. https://www.iess.gob.ec/es/web/empleador/obligaciones#:~:text=El%20salario%20base%20de%20aportaci%C3%B3n,realizar%C3%A1%20al%20menos%20sobre%20el

• ESocial. 2020. eSocial's Document on the Collection of Contributions. Documento de Arrecadação do eSocial (DAE). https://www.gov.br/esocial/pt-br/empregador-domestico/orientacoes/documento-de-arrecadacao-do-esocial-dae
• ESocial. 2015. Domestic Workers: Rights and Duties. https://www.gov.br/esocial/pt-br/documentacao-tecnica/manuais/cartilha-trabalhadores-domesticos-direitos-e-deveres
• FESINTRACAP (National Federation of Domestic Workers' Unions). 2021. Report for June-August 2021. Observatory on the Quality of Employment of Domestic Workers. https://raw.githubusercontent.com/nicolas-rattor/BOLETIN-EM
• PLEO-FESINTRACAP/master/Processing/(14)%20bolet%C3%ADn-empleo-fesintracap-JJA2021.pdf
• IDWF. 2020. Strong and United Facing up to the Pandemic. The Impact of Covid-19 on Domestic Workers in Latin America. Outcomes of the Regional Survey • Conducted by the International Domestic Workers' Federation (IDWF).
• Gil Everaert. Isabel. 2021. Migration Processes and Violence Against Women and Girls. Central America, Mexico and the Dominican Republic. UNDP – Spotlight Initiative.
• Government of the state of Jalisco. 2022. The Secretariat for Labour Launches Strategy to Advance Decent Working Conditions for Domestic Workers. https://www.jalisco.gob.mx/es/prensa/noticias/140801
• Guatemala, IGSS (Guatemalan Social Security Institute). 2022. Special Programme for the Protection of Domestic Workers. https://www.igssgt.org/wp-content/uploads/2022/05/Trifoliar-Programa-PRECAPI-IGSS-rev-2022.pdf
• Hogarú. 2022. Protect Yourself from Potential Costly Lawsuits from Your Workers. In Apporta, we deal with the registration of your domestic workers and we calculate and pay their social security contributions. https://www.hogaru.com/hogares/apporta
• Humblet, Martine and Rosalinda Silva. 2002. Standards for the XXIst Century. Social Security. ILO.
• Lexartza, Larraitz, María José Chaves and Ana Carcedo. 2018. «Equidad en la legislación laboral para el trabajo doméstico» (Equal Labour Regulations for Domestic Work), in Políticas de Formalización en América Latina: Avances y Desafíos, as published by José Manuel Salazar-Xirinachs and Juan Chacaltana, 243-267. Lima: ILO.
• López Mourelo, Elva. 2020. COVID-19 and Domestic Work in Argentina. Technical Report. ILO.
• Maldonado Valera, Carlos, Jorge Martínez Pizarro and Rodrigo Martínez. 2018. Social Protection and Migration. A Look into Vulnerabilities Throughout the Migration Cycle and the Lives of People. ECLAC.
• Marmolejos, Nélsida. 2012. Social Security in Domestic Work. Available at http://www.rel-uita.org/republica-dominicana/la-situacion-del-trabajo-domestico-en-la-seguridad-social/
• Mejía, Mariela. 2022. Ministro: tenemos que buscar un sistema de registro distinto del trabajo doméstico en la Seguridad Social. (Minister, we need a different social security registration system for domestic work). Available at https://www.diariolibre.com/actualidad/dialogo-libre/2022/05/02/como-se-registrara-trabajo-domestico-en-la-seguridad-social/1799164
• Messina, Giuseppe M. 2015. Insertion of Paraguayan Domestic Workers Following the Labour and Migration Reforms in Argentina. ILO.
• México, IMSS (Mexican Social Security Institute). N.d. Domestic Workers. Benefits. http://www.imss.gob.mx/personas-trabajadoras-hogar
• Mogrovejo, Rodrigo and Joel Mendizabal. 2015. Sociodemographic and Economic Profile of Domestic Workers in Bolivia: Emphasis on Social Security. ILO.
• OISS (Ibero-American Social Security Organization). 2021. 10 Years from the Adoption of the Ibero-American Multilateral Convention on Social Security. https://oiss.org/wp-content/uploads/2021/10/Convenio-multilateral_7octubre.pdf
• ILO 2022. Care at work. Investing in care leave and services for a more gender equal world of work. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_838653.pdf
• ILO. 2021. Paid Domestic Work in Latin America and the Caribbean, 10 Years after the Adoption of Convention No. 189 (El trabajo doméstico remunerado en América Latina y el Caribe, a diez años del Convenio núm. 189).
• ILO. 2021a. Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189).

• ILO. 2021b. Overview of Social Protection in Latin America and the Caribbean: Progress and Setbacks in the Face of the Pandemic.
• ILO. 2021c. A Guide for Domestic Workers (Guía para trabajadoras de casas particulares). https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---ilo-buenos_aires/documents/publication/wcms_781879.pdf
• ILO. 2016. Social Protection of Domestic Work. Trends and Statistics.
• ILO. 2013. Manual on Best Practices for Domestic Workers and Their Employers (Manual de buenas prácticas para trabajadoras y empleadoras de servicio doméstico).
• PAHO. 2020. Social Security in Central America and the Dominican Republic: The Current Situation and Challenges.
• PAHO-SINGRETRADS (2021). Domestic Work in Panama in the Face of the COVID-19 Crisis. Available at https://www.paho.org/es/documentos/trabajo-domestico-panama-frente-crisis-provocada-por-pandemia-covid-19Panam
• Panama, Social Security Fund (CSS). N.d. Registration of Employers and Domestic Workers. http://www.css.gob.pa/empleadoresydomesticos.html#:~:text=6.,se%20les%20considera%20enfermedad%20com%C3%BAn.
• Paraguay, Ministry of Labour, Employment and Social Security. A Guide on Social Security for Domestic Workers. https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-santiago/documents/publication/wcms_606711.pdf
• Paraguay, Ministry of Labour, Employment and Social Security. 2021. Domestic Work. Formalization Begins At Home. https://www.mtess.gov.py/application/files/5216/3473/1318/DIPTICO_TRABAJO_DOMESTICO_OCTUBRE_2021.pdf
• Pereyra, Francisca. 2017. Domestic Workers and Social Protection in Argentina: Advances and Remaining Challenges. https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---ilo-buenos_aires/documents/publication/wcms_592331.pdf
• Peru, National Customs and Tax Administration Superintendence (SUNAT). N.d. Domestic Workers. https://personas.sunat.gob.pe/trabajador-dependiente/trabajador-hogar
• Peru, Ministry of Labour and Employment Promotion. N.d. Domestic Workers' Rights. https://www.trabajo.gob.pe/archivos/file/informacion/TRABAJADORES/INF_DERECHOS_TRABAJADORES_HOGAR.pdf
• The Dominican Republic, CNSS (National Social Security Council). N.d. Social Security Contributions. https://www.cnss.gob.do/index.php/sdss/regimenes#:~:text=c)%20Un%20R%C3%A9gimen%20Contributivo%2DSubsidiado,suplir%20la%20falta%20de%20empleador.
• The Dominican Republic, Ministry of Labour. 2022. A Guide on the Formalization of Domestic Work.
• Rodríguez, Shirlie. 2021. Long Working Hours, Low Pay and Little Protection for Domestic Workers. https://www.plazapublica.com.gt/content/horarios-extensos-salarios-bajos-y-pocas-garantias-para-quienes-trabajan-en-casa-particular
• SINACTRAHO (Mexican National Domestic Workers' Union). 2021. Items to be reviewed in the Opinion of the Joint Committees for Labour and Social Security, for Gender Equality and for Legislative Studies (Second Committee) expressing support for and proposing changes to the proposed bill amending, adding and abrogating provisions of the Law on Social Security Rights for Domestic Workers.
• Schwarzer, Helmut, José Francisco Ortiz-Vindas and Mario Daniel Velásquez-Pinto. 2020. Social Protection for Domestic Work in El Salvador. Challenges and Policy Options. ILO.
• Symplifica. 2022. How Many Days Does Your Employee Work? Choose A Monthly Plan. https://www.symplifica.com/precios
• Valenzuela, María Elena, María Lucía Scuro and Iliana Vaca Trigo. 2020. Inequalities, Care Work Crisis and Migration of Paid Domestic Workers in Latin America. Series on Gender Issues No. 158. LC/ TS.2020/179. CEPAL.
• Uruguay, General Advice on Social Security Matters. 2021. Paid Domestic Work in Uruguay (Updated). Available at https://www.bps.gub.uy/bps/file/18311/2/informe-trabajo-domestico-remunerado.pdf
• Uruguay, Social Security Bank (BPS). 2022. Domestic Work. Online Help. https://www.bps.gub.uy/10275/trabajo-domestico.html