

Emerging from Dependence : Domestic Employees' Trade Unions in Brazil

by Dominique VIDAL

Our societies are currently witnessing high speed development of direct personal services, which are suspected of concealing a return to domesticity. What should be done so that those who work in these trades avoid the pathologies of dependence and paternalism? Brazil's example sheds light on these questions.

The democratic societies do not seem to be able to rid themselves of the shadow of domesticity. Employment in the sector of care or assistance at home is in fact experiencing noticeable growth, participating in social protection and is the object of an effort of professionalization. However, in spite of agreement on the usefulness of services to persons in family care and on bearing the cost of dependency, the fact remains: these jobs never quite succeed in shedding a servile dimension.¹ In addition, they are insecure, badly paid and essentially held by women belonging to the most deprived groups. For these reasons, among others, those who work in these jobs do not identify themselves with a profession, and when they nevertheless succeed in organizing themselves professionally, their organizations occupy a subordinate position in the domain of trade unions.

In the current debate about the services to persons, the case of Brazil is interesting in more than one respect.² Long conceived of as a private affair, from

¹ For a critique of the professionalization of domestic chores in the name of the refusal servile relations that they only conceal, consult argumentation of André Gorz (1988).

² Dominique Vidal, *Les bonnes de Rio. Emploi domestique et société démocratique*, Villeneuve d'Ascq, Presses Universitaires du Septentrion, « *Le regard sociologique* », 2007.

person to person, domestic employment has recently entered the public sphere.³ The Federal Constitution of 1988, promulgated shortly after the military regime (1964-1985), granted new social rights to domestic workers and permitted them to form trade unions.⁴ They now lay claim to a relatively high level of social protection, particularly when compared to the rest of Latin America, and this is all the more true since their integration into the social security system was reaffirmed in 1972, opening up their right to retirement benefits and to health insurance. Although less than 40% of domestic workers are declared by their employers, their rate of formalized work relations has increased in a context that has been dominated until very recently by the growth of informal employment; and henceforth, women can have a former employer summoned to appear in labour court under certain conditions.

Trade Unions in an Awkward Position

The domestic workers' professional associations, created after the 1960s, were transformed into trade unions when the 1988 Constitution abolished the requirement of being minimally representative and recognized by the Labour Ministry. Their militants have been invested with prerogatives, among them to represent the interests of the "professional category" of domestic workers before judicial authorities, negotiate collective labour agreements and to effectuate the annulment of labour contracts.

This change placed the trade unions in an ambivalent position. They are at present no longer only organizations that demand the betterment of working conditions, they also have become judicial mechanisms that are inserted into the general functioning of the labour justice and therefore play the role of a public service.

The possibility of forming trade unions and of obtaining new rights signalled the debut of a new phase of Brazilian domestic workers' militancy because they had to make organizational arrangements to support all those women who came to the trade unions to have those new rights applied. While these domestic workers were

³ Domestic employment is the first feminine employment in Brazil, where it furnishes revenues to nearly 20% of working women, which is slightly more than five million Brazilian women, who constitute 93% of domestic workers.

⁴ The new Charter guarantees them a revenue at least equal to the minimum wage, the impossibility of reducing their salary without changing the work contract, a one-month's dismissal notice, a thirteenth month of salary, a day of rest per week, 120 days of maternity leave, thirty days of vacation per year – rather than the twenty days previously obtained – to which is added a compulsory bonus equal to a third of the base salary.

legally recognized as a professional category, the militant commitment did not exhibit a true takeoff when the associations were transformed into trade unions. By making these unions judicial actors, the 1988 Constitution also made them the site where services were rendered, without giving them the means to carry them out properly. For this reason, these organizations found themselves submerged when taking charge of their claimants and manage only with great difficulty in running information campaigns, putting into place professional training programs and in collaborating with the different actors of social intervention.

The trade unions in Rio de Janeiro, for instance, have a dozen active militants, retired former domestics or part-time domestic workers, who receive a modicum of payment for the basic services they perform. The resources of the trade union essentially rest on the contributions required to consult their social workers and their lawyers, as well as on a percentage deducted from amounts gained from the annulment of work contracts and from the indemnities obtained in labour court.

Although domestic workers' trade unions are not public services, most of those who appeal to them, treat them as such. The result is a specific type of tension. While the trade unionists consider their organization to be one of assertive social action and aim at professionalizing domestic employment, the claimants consider the organization to be an administration and do not identify themselves with the professional category of domestic workers, an occupation that is lived as a stigma, which they hope to leave behind at the first occasion.

The Development of a New Sense of Fairness

Nevertheless, in spite of the small number of militants and the quasi-absence of union members, the domestic workers' trade unions do play an important role in spreading awareness of the law and in constituting a new sense of fairness among the women who make their living in domestic employment. First of all, the unions are at the origin of judicial affairs in which labour magistrates compel an employer who has not respected social law to sign a conciliation agreement with a former maid, or deliver a sentence against him to pay severance compensation. These trade unions also contribute to better knowledge of the legal rights of working-class women, who in addition to discovering social law, often teach social workers how to prove

paternity, obtain alimony, initiate a trial for domestic violence and obtain social assistance.

Due to this state of affairs, the relations the domestic workers maintain with those they work for are modelled less and less by a negotiation of mutually agreed work specifications. The implementation of a new legal framework has in fact produced a new cognitive context constructed from the norms of social law. According to a growing number of domestic employees, a “good employer” is no longer only the one who treats his employee with consideration, remains polite, avoids assigning excessive work loads to her, and who gives presents and financial help when needed. He is also the one who, to employ the expression commonly used on the subject, “grants rights”, which is to say, who declares the salary and pays his share of social charges, accords at least a day of rest per week, lets his employee take the full holidays, and who does not dismiss her without giving a month’s notice.

The juridicisation and the increasing judicialisation of the relations between domestic workers and those who employ them in Brazil shed light on the debate on the services to persons in a society such as the French society. While, as we know, promoters of these activities consider them to be a rich source of employment, others evoke the reappearance of domesticity. A more nuanced opinion has been formulated however, showing that the professions in the home care employment sector are not intrinsically demeaning, and emphasizing the necessity of a legal framework that protects those who work in this sector from dependence.⁵

The transformations of domestic employment in Brazil show, when dealing with the subject, how much the implementation of a legal framework makes it possible to significantly extricate these relations from paternalistic logic. Legal recognition and access to the law rapidly enable domestic workers to think of themselves in another light and to envisage work relations differently.

While the professionalization of personal home care employment renders feasible the amelioration of working conditions of those so employed, it is not in any way a panacea. And if the implementation of a legal framework promotes an undeniable improvement, it is in our opinion the idea of “care” that provides to date

⁵ Brigitte Croff, « *Les emplois familiaux : le travail domestique réhabilité ?* », *Les Cahiers du Mage*, n° 4, 1996, pp. 77-88; Michel Lallement, « *Emploi familial et démocratie: de quelques difficultés à faire bon ménage* », *Les Cahiers du Mage*, n° 4, 1996, pp. 89-107.

the most profound answers to the question of domestic activity in societies claiming to be democratic, while emphasizing that its social status should be valorised and these activities equitably shared between the sexes, so as not to be systematically delegated to the most deprived women.

Translated from the French by Ken Ritter.

Further reading :

The text of Dominique Vidal's article that appeared in *Sociologie du Travail*, "Le syndicat des travailleurs domestiques de Rio de Janeiro : un observatoire des transformations de l'emploi domestique au Brésil", Vol. 49, Issue 3, July-September 2007, pp. 351-365. <http://sciencedirect.com/>

A Discussion with Esther Stevens, domestic worker over 45 years and president of the South African trade union for household workers. SADSAWU:
http://renapas.rezo.net/article.php3?id_article=211

The members of the household workers' union of Peru speak:
<http://www.alterinfos.org/spip.php?article1284>

L'agence nationale des services à la personne :
<http://www.servicessalapersonne.gouv.fr/>

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