Waged Domestic Labourers

Kuldip Kaur[1]

By definition, domestic workers are workers engaged in paid employment in a private household. According to the ILO, there are an estimated 68 million domestic workers worldwide, of which some 15.5 million are under 17 years of age (2011, 19, 22). Domestic workers are an extremely heterogeneous group. They carry out one or a variety of tasks such as clean homes, do laundry, cook meals, run errands, and care for children, and/or the elderly. Some are employed as "live-ins", that is they reside in their place of employment, others as "live-outs", in that they may work for a specified number of hours in one household on a full-time basis, or for several part-time but live elsewhere. Some may find work through word-of-mouth, others through international agencies. Many travel from rural villages to urban towns and cities within their home countries, while others traverse national borders into neighbouring richer countries, or travel further afield crossing continents in search of employment.

Domestic work, a highly gendered, racialised, classed, personalised and informal service, is one of the world's oldest professions with roots in both slave and feudal economies (Romero 1992). It is often argued that women with no other options enter the occupation. Domestic workers are instructed on what they can and cannot do, where they are to sleep (if they are live-ins), in what part of the house they can sit, eat and with whom they can and cannot speak. They are dragged into conversations as 'confidantes', serve as 'chaperons', listen to the woes and concerns of their employers, and are regularly expected to relinquish their own concerns for those of their employer's family. In particular, younger domestic workers are frequently treated as infantilised persons with their bodies controlled, regulated, and "improved", offered unsolicited advice and guidance on how to conduct themselves. They almost always experience an invisibility in their place of employment, where they are ignored and denied privacy and autonomy.

Similarly, worldwide, they have experienced an invisibility in law. Very few domestic workers make a living wage. They are denied health insurance, overtime and sick pay, holiday payment, incremental raises, severance pay, social security, and protection from discrimination given that many face sexual, psychological and/or physical violence, for which

[1] Kuldip Kaur is an independent researcher, and an anthropologist by training. She has carried out extensive research in Latin America, mainly Guatemala. She can be contacted at Kuldip.Kaur.Purival@gmail.com. Paper Presented as additional support to Learning & Policy Series: Making Decent Work Reality for Domestic Workers.

they have little legal recourse. Domestic workers have been historically voiceless, and socially devalued, and have experienced difficulties historically demanding societal and legal recognition for their work and working conditions.

Yet over the last two decades, domestic workers are increasingly organising and demanding their rights as employees by pushing for legislation to better their working conditions. National, regional and global organisations are working together to change laws and educate the public about the nature of their work and their demands for rights. Not only do they want their work to be valued and recognised as "real" work, but domestic workers also demand that their labour not be stigmatised as "dirty" work. Moreover, they demand the same legal protections that other labourers have enjoyed historically. As Chen (2013) states, "around the world, private homes are becoming labor's latest battleground as domestic workers stake out their rights".

This paper briefly details several features that define waged domestic labour, the reasons for the increase in paid domestic workers worldwide, and the reasons for its lack of legal protection and devaluation.

Key Features of Waged Domestic Labour

Several features characterise paid domestic work. First, women dominate the profession. Worldwide, women account for 83 percent of paid domestic workers (ILO 2011, 19). Second, when domestic work is bought and sold in the marketplace, it is disproportionately carried out by poor women of indigenous or African descent and migrants. By way of example, in the United States (Nadasen and Williams 2010), African American and immigrant women have historically laboured as domestic workers. In the 19th century, paid domestic workers were either Irish immigrant women (in the north), Asian or Latino women (in the west), or African American women (in the south), many of whom, after the Second World War, left the south for work in the north, but were once again relegated to domestic service (2010, 3). According to the ILO, women in the US continue to dominate the profession, representing over 90 percent of the sector, with Hispanics/Latinos accounting for almost 40 percent of all domestic workers, and African Americans almost 10 percent (ILO 2011, 44).

In Latin America, Kuznesof notes that women did not always dominate the profession, but by the 19th and 20th century such was the case, and that those who entered the profession were largely poor women of indigenous or African descent (1989, 32). The situation has not changed much in the present. In Brazil, for example, where 93 percent of the country's 7.2

million paid domestic workers are women, those who are classified as “black” are more likely to be a waged domestic worker than those who are classified as “non-black” (ILO 2011, 25). In Guatemala, at the turn of the 21st century, there were some 300,000 paid domestic workers, of which it was calculated some 98 percent were women, of which indigenous women represented up to 70 percent. Indigenous women have been associated with domestic work as far back as the early colonial period to such a degree that one Guatemalan intellectual stated, “every Mayan woman is frequently considered to be or to have been a ‘servant’ or is treated as one” (cited in HRW 2002, 50). In South Africa, which has the highest number of domestic workers in the region, more than three quarters of its 1.1 million waged domestic workers in 2010 were female, with over 90 percent classified as “African/black” (ILO 2011, 33). In addition, most domestic workers have little formal education. In India, for example, Neeta and Palriwala (2011) reveal that in a 2004 to 2005 survey, 57 percent of domestic workers were illiterate, and over 30 percent were Scheduled Castes, viewed within the Hindu social hierarchy as “untouchables” (2011, 103). Indeed, in countries with large indigenous, black, and undervalued populations, poor women predominantly carry out domestic work since cleaning up after others is often seen to be the work of subordinates.

A third feature of their work is that domestic workers are often the poorest paid of all professions. Indeed, domestic workers have been historically denied a wage comparable to that of manual workers who have held similar qualifications. Historically, Romero explains that domestic work was progressively associated with low status and low wages after men took advantage of work opportunities in the industrial economy, and women began to dominate the profession (1992, 49-50). Today, according to the ILO, waged domestic labourers typically earn around 40 percent of average wages worldwide. In Switzerland, by way of example, domestic workers had earned nine percent less than workers with similar qualifications in others sectors before the introduction of the minimum wage; after, they still earned some 10 percent less than workers who carried out the same tasks in a workplace other than a private household (ILO 2011, 67-69).

Fourth, their working hours are among the longest and most unpredictable of all groups of workers. In Nepal, the general employed population works on average 39 hours per week in contrast to domestic workers who labour on average 52 hours per week, whereas in Malaysia, they can work up to 65 hours per week (ILO 2011, 56). Live-ins, in particular, are subject to gruelling hours. Unlike live-outs, who have a clearer separation between working and non-working hours, live-ins are often obliged to be available whenever their services are required. In Chile, while the live-out labours on average for 40 hours per week, live-ins work

for more than 65 hours, as is the case in Peru where a 40 hour per week for a live-out becomes a 60 hour plus per week for a live-in (ILO 2011, 58).

Fifth, domestic work is more exploitative than comparable professions. It is often said that paid domestic work is work "like no other", the reason being that the household is a different kind of institution from the market. As such, it endows the profession with a unique quality: the "personal" relationship between employer and employee, at the heart of which lies the ideology of maternalism.[2] Its effects are two expressions of power not evident to the same degree in comparable professions: first, the personalism of domestic work allows the employer to *extract more than just labour*. As Rollins states, "a personal relationship is part of the job in domestic work, and the worker is hired not only for her labour but also her personality traits" (1985, 156). King (2007), for example, in her research on migrant domestic workers found that employers placed more value on emotional characteristics, such as being a good listener, a good nurturer, motherliness, and serving as confidants, than on the worker's competence with the tasks of the household. King concludes that the domestic worker's "personability" is significant in her saleability in the market place, that is, "the person is for sale not just the tasks she can perform" (King 2007, 38-39). Additionally, since the working relationship within the household is much more intimate than in a market, and because the employee's workspace is not a public space but the employer's private space, the employer wields *considerable more control over* the employee, and "noncompliance is often emotionally and psychologically charged" (Tronto 2002, 37).

[2] Maternalism, while paralleling paternalism, deploys different tactics, since its workings are less overt and imbued with the quality of kindness (King 2007). Maternalism has its origins in paternalism, an expression of power in a pre-modern era. Paternalism involved a familial relationship whereby masters saw themselves in a parental role, offering their protection and guidance to servants - treated as childlike and dependent and incapable of making independent choices - who in return were expected to demonstrate filial loyalty and obedience (Rollins 1992, 48-50). Personalism evolved from the unorganised, non-regulated nature of domestic service, in part a historical legacy of an occupation profoundly determined by its association with the corporate, patriarchal household (Kuznesof 1989). Although under capitalism, power is "materialistic", in that relations of dependence are concealed since power is seen to be over commodities rather than persons, domestic workers have been historically subject to personalistic power. By this, Anderson explains, power was openly acknowledged with the obvious means to obtain the worker's dependency (Anderson 2000, 6). According to King, maternalism involves a complex *emotional* dynamic that develops between the employer and employee. The employer offers a kind and nurturing role, but ultimately it remains a relationship of power (2000, 17). Kindness, she argues, simply conceals personalised power: "the employer maintains control and fulfils his/her fulfils his/her desires not by physical coercion but by emotional pressure". Rather than promoting resistance, it encourages acquiescence (2007, 34). After all, as Hom states, in the familial setting, self-interest is stigmatized in favour of love and care. Nevertheless, as scholars note, such fictions of filial relations that result in the infantalising of the domestic worker combined with patronising attitudes of maternalism are degrading for the employee (Rollins 1992, 173; Anderson 2000, 144).

Finally, domestic workers typically work alone making it difficult for them to better their working conditions. Live-ins, in particular, who are the most isolated and vulnerable, are cut off from all contact with other members of their class or ethnicity, and in some cases, such as international migrants, from others who speak their language. This isolation makes it difficult to create ties with other workers in similar conditions or to work collectively for improvements. As Hom points out, public labour has been successful in resistance and organisation, winning key labour rights, "while the distinctively oppressive character of domestic labour consists largely in its structural resistance to such actions" (2008, 29).

The Expansion of Paid Domestic Labour: Who Hires them and Why?

Over the past 40 years, the number of paid domestic workers has risen worldwide, with the increase being particularly noticeable in urban areas where economic inequality is the greatest (Tronto 2002, 36). The reasons are manifold and intertwined, but above all, they relate to shifts in women's work patterns, to the failure of state provision in welfare and public service, to trends in industrialisation and urbanisation, and partly to demographic factors such as the rise in elderly.

Historically, women have played a critical role in "reproductive" labour, by raising children, and maintaining households, sustaining the current generation of workers and raising the next generation. However, for a variety of reasons, many middle and upper class women have opted over recent decades to jettison the role of "housewife" in favour of work outside the house. In Latin America, for example, from 1970, female employment expanded dramatically as educated middle and upper class women entered the white-collar labour force (Kuznesof 1989, 29). Housework, nevertheless, whether it involved cleaning, looking after children and/or the elderly still needed to be done, and Anderson states, "it is difficult to imagine a society where it will not continue to be so" (2001, 4). The failure of the state to provide key services such as day care, after-school programmes, and care for an ageing population resulted in the work being met by a cheap "form of reproductive labour that, crucially, is very flexible": the internal or international migrant of poor economic extraction (Anderson 2001, 4). Indeed, as more educated women entered the workforce, outside help was brought in to manage the "second shift" (Hochschild 1989), allowing middle class women and men to avoid conflicts inherent in the gendered division of labour (Anderson 2000, 1).

Rising levels of global inequality has resulted in the movement of peoples from the rural to urban towns and cities within and across national borders. Although far from an unskilled

job, domestic labour has been historically categorised as such. Those shunted to the lowest and poorest paid positions have had little choice but to accept jobs in domestic service, despite its low remuneration and social protections. To many, it offers an ideal solution to problems of unemployment and, for those who become live-in, accommodation and food. In India, for example, Neetha and Palriwala (2011) note that industrialisation and urban growth over the last 20 years, which has led to an increase in inequality between and within rural and urban areas, has created a surplus of unskilled workers travelling from rural villages to urban areas. They are vulnerable due to their absolute need for income. Combined with their unfamiliarity with the language and culture of the cities, scores of poor and undervalued women have turned to domestic service to survive. On the other hand, a growth in India's urban middle class and a rural elite, in whose families many younger married women not only refuse to take on the domestic chores their mothers once did, but who increasingly seek employment outside the home, has allowed for an expansion of a "servant-employing" class (2011, 104-105).

Nevertheless, Anderson (2000) argues that the hiring of a domestic worker not only allows middle and upper class women to enter "productive employment" despite employers often presenting it as a necessary coping strategy. She posits that although employers often refer to their domestic worker as "a double, the other self one leaves at home", domestic workers perform those tasks that women with *a choice* are unprepared to undertake. Waged domestic labourers are not mere substitutes; their labour, stresses Anderson, is not a common burden shared by all women. Furthermore, their employment also relates to issues of status given that there are middle and upper class women who are not employed outside the house but who still hire domestic workers, the reason being that the employment facilitates middle and upper class leisure activities and a high status life style (2000, 16-17).

Domestic Workers and the Law: The Undervaluation of Domestic Work

Although domestic workers have laboured in private households throughout history, and in spite of the increase in their numbers worldwide, waged domestic workers have been largely absent from state policy. In fact, they represent one of the least protected groups of workers under national labour legislation. Today, according to the ILO, only ten percent of all paid domestic workers worldwide are given parity in national labour legislation with other workers, although some 70 percent enjoy some protection (2011, 50). According to Chaney and García Castro (1989), the reasons offered for denying domestic workers legal and social parity with others workers were that they did not have a common workplace, did not produce

a tangible product, and were paid partially “in-kind”, especially live-ins from whose wages were often deducted food and board (1989, 4).

Indeed, the state’s unwillingness to legislate historically has merely reinforced the householder’s sovereignty over the employee, leaving paid domestic workers vulnerable to physical and sexual abuse, as well as job insecurity. With no job description and no contract, not only has the employer been in a position to extend their employee’s duties and responsibilities, but they have also been in a position to extract excessive labour and suspend and/or terminate their employment at the employer’s whim.

In Guatemala, domestic workers were excluded from key labour rights such as an eight-hour workday, rest on Sundays and national holidays, a minimum wage and a contract when the new Labour Code was passed in 1947. Instead, waged domestic labourers were accorded exceptional treatment on the basis that domestic work is carried out in private households, it involves an intimate relationship between employer and employee incomparable to other professions, and household obligations have no time limits (HRW 2002, 19-21).

In the United States, paid domestic workers were excluded from the minimum wage, Social Security and collective bargaining laws when the New Deal labour legislation was enacted in the 1930s primarily because southern congressmen wanted to maintain control over the African American labour force (Smith 2000). They were only given Social Security in 1950, and it was not until 1974 when they earned the right to a minimum wage and overtime (although live-ins were excluded) following protests and national mobilisation by African American domestic workers (Nadasen and Williams 2010, 4). However, different states are now being challenged by domestic worker organisations to legislate in their favour. In 2010, after a six-year campaign by the Domestic Workers United and the New York Domestic Workers Justice Coalition, New York passed a Domestic Worker’s Bill of Rights. The state’s 200,000 domestic workers now enjoy benefits such as overtime pay, protection from discrimination, and mandatory days of rest, (see http://www.labor.ny.gov/legal/domestic-workers-bill-of-rights.shtm, and Poo and Kim 2011).

In South Africa, Sarron Goldman (2003) argues that domestic workers have laboured historically in a “legal vacuum”, having been denied minimum wages and basic conditions of employment and collective bargaining rights (2003). The situation only improved after 2003, with the introduction of a minimum wage and unemployment benefits (2003, 72).

As Nadasen and Williams note, domestic workers perform critical work of social reproduction: "Without private household workers, life would grind to halt for the middle and upper class families who hire them" (Nadesen and Williams 2010, 3). Yet their work has been virtually imperceptible to public consciousness. The reasons for the failure of extending key labour rights to domestic workers, the devaluation of their work and its low status are threefold. First, it falls under the liberal ideology of a separation between public and private spheres. Within this conception of the "home" as the householder's "benevolent dictatorship", the household has been imagined to uphold guarantees against exploitation and abuse (Hom 2008, 25). Yet, the employer's private space is the worker's workspace, and the failure of the state to regulate and protect leaves the domestic worker vulnerable to physical, verbal, and sexual abuse, as well as economic exploitation.

Secondly, states and the broader public refuse to recognise domestic labour as "real" work. Although the argument that domestic labour is merely "women's work" and, therefore, not "real" work, was contested by feminists, especially during the domestic labour debate of the 1970s (Molyneaux 1979), if paid domestic work is not recognised, then as Nadasen and Williams stress, neither are its workers (2010, 4).

The final factor relates to the gendered and racialised composition of the workforce. Given that paid domestic work has been historically associated with poor women of indigenous and African descent and migrants, whether internal or international, it remains undervalued. The "natural" identification of such women with housecleaning and care work perpetuates sexist and racist stereotypes that limit their work opportunities while devaluing them as labourers and as caregivers.

Conclusion

The denial of overtime pay, minimum wage, social security, and other benefits is to deny domestic workers rights as employees. An informal approach to the employer-employee relationship exposes them to irregular and inconsistent wages, precarious job security, as well as an ever-extension of their responsibilities and duties. The unprotected nature of the work renders them vulnerable to exploitation and abuse, as does the failure to allow them to organise and collectively bargain. Despite the resistance of certain sectors of society to extending key labour rights to domestic workers, and the difficulty in ensuring the enforcement of legislation, extending the reach of labour law to domestic workers will insert their labour within the formal economy, giving them legal protection and recognition.

Finally, unless the work is recognised for its valuable role in social reproduction, employers, their children as well as a wider public, will continue to learn that the imbalance of power and value among the domestic worker and their employers is a natural part of the world. Similarly, domestic workers and their children will continue to experience the inequalities of race, class, gender and domination.

Salient Features of Waged Domestic Labour

Domestic work is a service job.

Domestic workers make it possible for their employers to go to work.

Domestic work represents a significant source of wage employment for women.

Inequality is associated with the increased use of domestic servants.

The household is a different kind of institution than a market.

Hiring domestic workers is different to purchasing commodities and services in the market.

The “home” for domestic workers is a workplace.

Monitoring the effectiveness of legislation is difficult because work takes place in private homes.

Domestic work plays a critical and valuable role in the social reproduction of children and workers, as well as consumers.

References

Anderson, Bridget 2000. *Doing the Dirty Work? The Global Politics of Domestic Labour*. London and New York: Zed Books.

Anderson, Bridget 2001. "Reproductive Labour and Migration". Paper presented at the Sixth Metropolis Conference, Rottedam, 26-30 November.

Chaney, Elsa M. and Mary García Castro 1989. "A New Field for Research and Action" in Chaney, Elsa, M. and Mary García Castro (eds.) *Muchachas No More: Household Workers in Latin America and the Caribbean*. Temple University Press: 3-13

Chen, Michelle 2013. "Domestic Workers Sow a New Global Movement". *In These Times* (15 April). http://inthesetimes.com/working/entry/14862/domestic_workers_sow_a_new_global_movement/

Goldman, Sarron 2003. *White Boyhood under Apartheid: the Experience of Being Looked After by a Black Nanny*. PhD Thesis Submitted in the Department of Psychology, Pretoria University, South Africa

Hom, Sabrina 2008. "Housekeepers and Nannies in the Homework Economy: On the Morality and Politics of Paid Housework" in Whisnant, Rebecca and Peggy Desautels (eds.) *Global Feminist Ethics: Feminist Ethics and Social Theory*: 23-41. Rowman & Littlefield Publishers

Human Rights Watch Report 2002. *From Household to The Factory: Sex Discrimination in the Guatemalan Labour Force*. USA, http://www.hrw.org

King, Alison 2007. *Domestic Service in Post-Apartheid South Africa: Deference and Disdain*. USA: Ashgate Publishing Company

Kuznesof, Elizabeth 1989. "A History of Domestic Service in Spanish America, 1492-1980" in Chaney, Elsa, M. and Mary García Castro (eds.) *Muchachas No More: Household Workers in Latin America and the Caribbean*. Temple University Press: 17-36.

Molyneaux, Maxine 1979. "Beyond the Labour Domestic Debate" in New Left Review July-August, 115.

Nadasen, Premilla and Tiffany Williams 2010. *Valuing Domestic Work: New Feminist Solutions Policy Report, Volume 5*. Barnard Center for Research on Women.

Neetha, N. and Rajni Palriwala 2011. "The Absence of State Law: Domestic Workers in India" in Canadian Journal of Women and the Law/Revue Femmes et Droit Vol. 23: 97-117.

Poo, Aj-Jen and Tammy Kim 2011. "Advocacy Note: Organising to Transform Ourselves and Our Laws: The New York Domestic Workers Bill of Rights Campaign" in Clearinghouse Review Issue March – April 2011 at http://povertylaw.org/communication/advocacy-stories/poo

Rollins, Judith 1985. *Between Women: Domestics and their Employers*. Temple University Press

Romero, Mary 1992. *Maid in the USA*. Routledge, Chapman and Hall, Inc

Smith, Peggy 2000. "Organizing the Unorganizable: Private Paid Household Workers and Approaches to Employee Representation" in North Carolina Law Review (79): 45-100

Tronto, Joan C. 2002 "The Nanny Question in Feminism" in Hypatia Vol. 17, No. 2: 34-51