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Domestic Worker Organizing in Neo-Authoritarian Brazil

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Brazil is a country marked by historically rooted social, political, and economic inequalities. These are linked primarily to the centuries-long legacy of slavery—over five million slaves were trafficked to Brazil from 1501 to 1866,¹ over five times the number brought to the United States before 1865—and to the dependent form of capitalist development adopted by national elites. In 1888, Brazil was the last country to formally abolish slavery, although historians debate the continuum between enslaved and “free” forms of work during the post-abolition period.² As an emblematic example of the legacy of slavery, the 1943 Labor Code deliberately excluded from its scope the two sectors with the largest share of Afro-Brazilian descendants of enslaved people: rural workers and domestic workers.

In recent years, neoliberal reforms have exacerbated these inequalities, with the implementation of drastic public spending freezes, the promotion of micro-entrepreneurship at the expense of formal-sector jobs, and a labor reform adopted in 2017 that severely debilitated workers’ rights. The 2017 *reforma trabalhista* is infamous for expanding outsourcing, ending unions’ core source of funding, authorizing precarious forms of contracting such as part-time and temporary work, and weakening workers’ access to labor justice courts.³ This drastic erosion of workers’ rights has been further exacerbated in the context of the pandemic crisis, and there have been significant increases in modern forms of slave labor in some economic activities, such as domestic work.

This article looks at union organizing in this neoliberal regime from “the margins.” It assesses the effects of the 2017 labor reform,

from the perspective of one of the most precarious and excluded sectors: domestic workers. It shows that despite structural and long-standing inequalities, this category of workers has heightened its organizational capacity in a moment when most of the union movement was put on the defensive. While many protected segments of the workforce are facing important losses, leading to an unprecedented decline in unionization rates, domestic workers are utilizing their already existing survival and resistance strategies to strengthen their movement.

In 2018, 6.32 million people in Brazil were employed in the domestic work sector, 93 percent of whom were women and 65 percent Afro-Brazilian women.⁴ Their average monthly salary is less than the national minimum wage (R\$1,192, or US\$209); 72 percent of them work without a formal contract and a mere 40 percent make contributions to the national social security system. Domestic work is still marked by the legacy of slavery, not only due to the demographics of those employed in the sector but also because it is characterized by strenuous hours, insufficient wages, permanent exposure to sexual harassment and occupational health hazards, and low levels of union organization and collective bargaining.⁵ But the history of domestic workers has also been shaped by their relentless struggles to demand more rights and dignity at work.⁶ In 2015, after eighty years of mobilization, domestic workers obtained a legislative victory that put their

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rights almost completely on par with those of other private-sector workers (Supplemental Law 150/2015).⁷ This, combined with a favorable economic environment, led to the opening of a short window of time during which domestic workers began to enjoy higher wages and growing rates of labor formalization.

However, these victories were short-lived. In 2016, just one year after the approval of the new domestic workers' legislation, President Dilma Rousseff was impeached on the grounds of budget violations,⁸ leading to the interim presidency of her right-wing deputy, Michel Temer. It is in this context that the 2017 labor reform was adopted, creating very unfavorable legal and financial conditions for unions and causing their revenues to decrease to levels not seen since the implementation of the 1943 Labor Code.

Yet, domestic workers' unions have been able to survive, and even to grow, in this adverse context. Arguably, because they are used to surviving with minimal financing and in a condition of permanent precarity, they are in a stronger position to confront the major changes imposed by the reform than unions representing other sectors. As they work mostly under informal conditions, and the law protecting their rights was adopted so recently, most of the changes imposed by the 2017 labor reform did not affect them directly. Particularly noteworthy are their ability to mobilize their rank-and-file outside of the workplace, their creativity in fundraising and organizing with few material or human resources, and their capacity to use different scales of collective action to bypass the federal government. In the current context, in which labor standards have fallen for both informal and formal-sector workers, some strategies implemented by the most marginalized workers could serve as an example for unions that represent the "traditional" working class.

Impact of the 2017 Labor Reform on the Brazilian Union Movement

In Brazil, neoliberal attacks on the working class reached a new level with Law 13.467/2017,

better known as the "labor reform" or *reforma trabalhista*. This reform must be understood in the context of an ultraconservative movement initiated in 2013 against the governing Workers' Party (PT), leading to the impeachment of President Dilma Rousseff and ultimately to the election of far-right candidate Jair Bolsonaro in 2018. Before passage of this reform, the Brazilian Labor Code was regarded as one of the most comprehensive in the world, comparable to the best-regulated European countries, at least on paper.⁹ The 2017 reform dramatically modified this institutional design to reduce workers' protection.

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The expansion of new forms of precarious contracting such as "zero-hour" contracts and outsourced work, combined with the ability of employers to create representative commissions that exclude labor unions, has reduced the scope of collective bargaining and union representation. Unions were already dealing with the effects of increasing informalization of work through different mechanisms such as outsourcing, the growth of disguised "self-employment," and zero-hour contracts, phenomena often described as the "uberization" of work.¹⁰ In this sense, the 2017 reform has served to codify some existing tendencies while providing new legal grounds to deepen labor flexibilization and weaken workers' capacity for collective action. As a result, the union movement now predominantly represents a shrinking minority of workers who benefit from the full protections of the Labor Code, thereby slowly losing its ability to represent the class as a whole. Also significant are the changes to the

legal hierarchy of labor norms, prioritizing bilateral collective bargaining clauses over broader labor legislation and making it harder to negotiate cost-of-living adjustments. According to data from the national labor support organization *Departamento Intersindical de Estatística e Estudos Socioeconômicos* (DIEESE),¹¹ only 38.5 percent of collective bargaining agreements negotiated in 2020 included a real increase in wages, compared with 61 percent in 2017 and 90.3 percent in 2014.

But the true *coup de grâce* handed to the Brazilian labor movement under the 2017 reform was the elimination of the mandatory union tax, deducted directly from all formal-sector workers' wages, in the amount of approximately one day's base salary per year. As a result, union revenue fell by almost 96 percent in the period 2017-2019. The immediate impact of this sudden pauperization of the labor movement has been shrinking union infrastructure, with staff cutbacks and the reduction of "non-essential" services to members. Although unions have been seeking other sources of revenue, such as monthly membership fees, or an agency fee, which is charged to all workers who benefit from a collective bargaining agreement regardless of their membership status, the transition to alternative financing has been difficult. Many Brazilian unions with limited staff and resources lack the capacity to launch significant union affiliation campaigns, and there is conflicting jurisprudence from the national and regional labor courts regarding other kinds of mandatory fees for non-members who benefit from collective bargaining agreements. Even with the end of the mandatory union tax, unions still retain the legal obligation to serve and represent all workers from their sector, regardless of whether they are members or not, thus creating a "free rider" problem and increasing the pressure to maintain a minimum level of services. Thus, the 2017 reform can be characterized as one of the biggest defeats for the labor movement since the return of democracy in 1985. However, for the 40 percent of informal workers who were already excluded from the protections of the Labor Code, the reform had less significant consequences, in part because

informal workers have always cultivated alternative strategies of self-organization.

Organizing in a Situation of Permanent Precarity

Domestic work has always been undervalued and underprotected in Brazil. When the Labor Code was adopted in 1943, domestic workers, who are predominantly Afro-Brazilian, were explicitly excluded from enjoying full labor rights. Until 1988, they could not even form unions, which is why they started organizing in the form of associations in 1936, already demanding to be included in existing labor laws back then.¹² Since the 1960s, leaders of domestic workers' associations came together periodically to establish their demands to the government, including their recognition as a professional category within the Labor Code, the right to unionize, the right to earn the national minimum wage and overtime pay, and stronger social protection measures. In 1997, after having transformed their associations into independent labor unions, as permitted by the 1988 Federal Constitution, they created the National Federation of Domestic Workers (FENATRAD), which currently represents seventeen affiliated unions in twelve Brazilian states.¹³

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Faced with these initial barriers, the domestic workers' movement has built solid partnerships with Afro-Brazilian and feminist organizations, also at the margins of the union movement. They have successfully mobilized the multiple social identities of their members, shaped by the intersection of gender, race, and class oppression, to create a shared collective identity of "poor Black women" with territorial and cultural links to other social movements.¹⁴ Together they are able to mobilize around broader issues to revindicate not only better

working conditions and remuneration but also their very status as citizens, through combating gender-based violence and racial discrimination both in society and in the workplace. Leaders' discourse on domestic work as a legacy of slavery has enabled strong alliances with the Black movement since the 1930s, while the over-representation of women in the sector has encouraged feminist solidarity. This "intersectional praxis"¹⁵ helped FENATRAD construct a broad support network at local, national, and international levels, including local feminist collectives such as SOS Corpo in Recife or the Popular Legal Promoters in Campinas, the women's and racial equality secretariats of the national union federation (CUT), up through international organizations such as UN Women and the International Labour Organization (ILO). These partnerships have helped FENATRAD overcome the structural, cultural, and legal obstacles to establishing effective union representation in the workplace, which is also a private domicile where labor relations dynamics are marked by acute social, economic, and cultural inequalities between employers and employees.

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Regarding financial resources, domestic workers' organizations never received the union tax afforded to other private-sector unions. Since their creation, they have been chronically underfunded, due in large part to the difficulties of establishing payroll dues check-off for an almost completely informal workforce. Despite these impediments, domestic workers' unions still have the same legal obligations to serve and represent their rank-and-file as any other union, including reviewing severance payments, conducting employer mediation sessions, and representing domestic workers in the labor courts. As most domestic workers' unions do not have funds for staffers, elected leaders

themselves take on the majority of these tasks, despite their low levels of formal schooling.

Of course, lack of financial resources and paid staff limits the scope of action in some sense, as it is very difficult for union leaders to combine their labor activism with work and family responsibilities. However, this arrangement guarantees a lesser degree of bureaucratization and a greater proximity to members. The fluid dialogue and permanent interactions between workers and union leaders give the rank-and-file a greater sense of ownership of the organization, while the leadership has a more accurate perception of the most pressing issues facing their membership.

Since their creation, domestic workers' unions have developed a broad repertoire of grassroots mechanisms to raise funds, including pot-luck lunches, bingos, raffles, and tag sales. Leaders are particularly skilled at stretching their limited funds. For example, union workshops and assemblies are usually organized at union headquarters, saving on room rental, catering, and lodging costs. These events also provide precious moments of sociability and solidarity between members, strengthening their sense of belonging and collective identity. In addition, domestic worker unions have been able to obtain financing via grants and international development projects open to groups working with women, Afro-Brazilians, and low-income populations. During the pandemic crisis, for example, this enabled them to purchase basic food baskets for thousands of unemployed domestic workers so that they could at least temporarily feed their families, in the midst of this unprecedented humanitarian crisis.¹⁶

Utilizing Different Scales of Collective Action

Domestic workers' organizations are also particularly skilled at transnationalizing their actions. The FENATRAD is affiliated to the Confederation of Domestic Workers of Latin America and the Caribbean (CONLACTRAHO), as well as to the International Domestic Workers' Federation (IDWF), and was a key protagonist of

the transnational mobilizations that led to the adoption of ILO Convention 189 (C189) in 2011, guaranteeing equal rights and decent work for domestic workers.¹⁷ The adoption of C189 provided fertile ground to demand changes in the national legislation, although Law 150/2015 contains protections inferior to that of the international norm. In addition, C189 was only ratified by Brazil in January 2018, under the post-impeachment administration of Michel Temer and just a few months after the 2017 labor reform was enacted. Domestic worker leaders perceived that the government was attempting to equalize their rights with other private-sector workers exactly at the moment when the scope of those rights was being drastically reduced.

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Nonetheless, the ratification of ILO C189 created a new legal and political opportunity for domestic workers to claim their rights. They developed grassroots legal strategies, orienting the lawyers who represent domestic workers in labor disputes to systematically refer to C189 in cases where it is superior to national norms. This was particularly important during the Covid-19 pandemic, when FENATRAD activated its international connections to alert them about the social and economic crisis occurring in Brazil. Indeed, close to 25 percent of all domestic workers became unemployed after local pandemic lockdown measures were implemented in March 2020. At the same time, due to their status as informal workers, many were excluded from some of the emergency social protection measures enacted by the government. In addition, unions reported many cases of modern forms of forced labor, including involuntary extended quarantine in employers' homes, as well as cases of contamination and Covid-related fatalities.¹⁸ In October 2020, together with the CUT and IDWF, FENATRAD sent a report denouncing these rights violations

to the ILO, framing them as direct infringements of C189.¹⁹

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These legal strategies can be understood as a form of judicialization of politics “from below”²⁰ through which social movements master and take ownership of legal frameworks to better defend their rights. In this case, they chose to use an international framework, more favorable to them than the national one, to circumvent the obstacles posed by the current government. Even if a “boomerang effect”²¹—whereby national actors seek international alliances to bypass the blockages imposed by their own government—will most likely be truncated due to the relative impermeability of Bolsonaro to global institutions, the existence of international labor standards allows for the establishment of a minimum floor of rights compliance.

Another way to overcome the obstacles posed by the current government has been to activate local forums for negotiation. FENATRAD has been actively seeking alternative spaces to foment social dialogue at the municipal and state level, where there are still some political openings. An example of this are the collective bargaining negotiations that have occurred between the Union of Domestic Workers of the Municipality of São Paulo (STDMS) and the Union of Domestic Employers of the State of São Paulo (SEDESP), an independent organization created in 1989 which has the legal power to collectively bargain on behalf of domestic worker employers only within São Paulo state. Although this process started before the Rousseff impeachment, it became a core strategy for the union after 2016 in the absence of national mechanisms to promote domestic workers' rights. However, not all domestic workers' unions have the option of prioritizing bipartite collective bargaining; while there are thirty domestic workers' unions in

Brazil, less than half have their legal registry up-to-date, and the law only formally recognizes three employers' organizations.

The Collective Bargaining Agreement (CBA) between STDMSF and SEDESP represents a major achievement, not only in content but also in process, which facilitated the empowerment of the domestic workers directly involved in the construction of the agenda and negotiations with the employers. The CBA for 2020-2021 includes a combination of new rights and benefits not covered under national labor law, such as a wage floor for the sector that is higher than the São Paulo state minimum wage, the right to meal vouchers or a monthly basic food basket paid by the employer, and expanded child care benefits. The CBA also incorporates a clause guaranteeing equal rights for migrant domestic workers, including the right to paid absences to legalize their migratory status. In addition, it includes several clauses that reiterate rights already guaranteed in the law, a common practice used by labor unions in other categories, as a way to better enforce difficult provisions of the Labor Code.

Every year, the union promotes a series of meetings and talks with the rank-and-file to better understand their priorities and needs, and to collectively construct the list of demands . . .

Moreover, the negotiation process itself helps to invigorate the union, by stimulating greater participation from the rank-and-file in related activities and by enhancing the self-esteem and leadership capacity of the leaders involved in the negotiations. Every year, the union promotes a series of meetings and talks with the rank-and-file to better understand their priorities and needs, and to collectively construct the list of demands to be taken to the SEDESP. According to the union's current president, "these meetings are one of our most well-attended activities,"²² as they create a space to design and implement policies that will tangibly improve domestic workers' living and working conditions. The most recent assembly to vote on collective bargaining demands was held in

December 2021, with the participation of seventy unionized domestic workers. Similarly, the direct participation of union members in the negotiations has the effect of reducing, if only temporarily, the social, cultural, and racial gap that exists between domestic workers and their employers, by obliging representatives of these two very different groups to negotiate with each other on an equal footing.

Contesting "Equalizing Down" Labor Policy

As FENATRAD leaders often say, their struggle "comes from afar." Their fight for equal rights dates from 1936, with the creation of the first association of domestic workers, and since the 1940s has been guided by the demand to be fully included within the provisions of the Labor Code. Much more than a legal achievement, for domestic workers, equal labor rights means that they are also socially recognized as "real" workers. Yet, just when they began to see this equality of rights coming to fruition, the Brazilian elite counter-attacked, by promoting the impeachment of the Workers' Party government and by enacting several reforms that would drastically weaken the Labor Code, including the infamous labor reform of 2017. Thus, the achievements of domestic workers were short-lived, and the recognition of (nearly) equal rights was only possible in a context of generalized losses for the working class.

In fact, the 2017 reform can be seen as a form of "equalizing down" job security, bringing the most protected workers to a similar level of precarity as so-called non-standard workers, through the expansion of outsourcing and precarious contracting (e.g., "zero-hour" and temporary contracts) which limit workers' access to social protection, weaken measures against unjust firings, and create obstacles to effective union representation. Even before 2017, about 40 percent of the entire Brazilian workforce labored within the confines of the informal economy, including over 72 percent of domestic workers. Since 2017, this has become widespread throughout the Brazilian labor market, provoking several critical questions for the union movement. How can unions protect increasingly precarious and marginalized

workers, and what battles should be prioritized? How can they adopt non-traditional organizing strategies, and how can they survive the drastic reduction in their revenue streams?

While there is no magic formula, domestic workers have already begun to implement creative survival strategies that can serve as examples. These include the following:

- *Fundraising from non-conventional sources*, however insufficient, such as parties, bingos, sales, and international support; realizing activities in less-lavish settings with more modest costs and with greater direct involvement of participants and union leaders. In addition to material benefits, these measures can provide ways to promote greater sociability and capacity building, creating opportunities to sustain workers' collective identities and strengthening ties between union leaders and the rank-and-file.
- *Integrating multiple identities into discourse and practice*, thereby bringing more workers into the union movement orbit, especially in dispersed sectors. Domestic worker union leaders have been apt at mobilizing all facets of their members' social identities to build community and expand their organizing reach.
- *Re-scaling collective action*, strengthening rank-and-file initiatives and carrying out actions at a hyperlocalized level; medium-sized actions at the municipal level, including local social dialogue spaces and collective bargaining mechanisms to empower leaders and guarantee additional rights for workers; or the above-mentioned "boomerang effect" strategy, used by social movements to bypass national rulings to seek compliance with international human and labor rights standards.

This is not to underestimate the need for robust national-level organizing. The immense challenges faced by domestic workers' unions demonstrate the ongoing racist and colonial structures that still form an integral part of Brazilian institutions, society, and culture. But in this context, it is important to highlight some

strategies developed at the margins of "traditional" unionism in the hope that they can provide inspiration for trade unionists in other sectors and countries.

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Notes

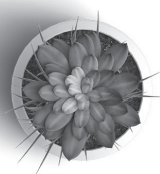
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