

# Essential yet excluded: COVID-19 and the decent work deficit among domestic workers in Brazil

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**Abstract.** *This article presents data from a survey conducted with the National Federation of Domestic Workers of Brazil on the impact of the COVID-19 pandemic on domestic workers, also considering emergency policies and the Federation's main actions in the first year of the crisis. Focusing on employment and income, occupational health and safety, and violations of rights, it shows the extreme polarization between those who lost their livelihoods and those obliged to continue working at the expense of their health and basic human rights. Although the circumstances were exceptional, the authors argue that this situation was made possible by pre-existing conditions of legal exclusion and precarity.*

**Keywords:** *domestic workers, COVID-19, decent work, Brazil, employment, income, occupational health and safety, workers' rights.*

## 1. Introduction

In Brazil, the crisis triggered by the COVID-19 pandemic started with the highly symbolic death of a domestic worker, Cleonice Gonçalves, a black woman from the state of Rio de Janeiro, who caught the virus off her employer who had just come back from a holiday in Europe.<sup>1</sup> This case attracted national and international media attention owing to the profound social inequalities it revealed – while the employer had access to good quality care and survived, Cleonice,

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<sup>1</sup> See profile on Cleonice Gonçalves at <https://www.institutowalterleser.org/dossieccovid-vitimas-cleonice> (accessed 14 August 2022).

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who had not even been informed of her employer's health condition, did not. Less well-known is the case of Rosana Urbano, another domestic worker, from the state of São Paulo.<sup>2</sup> Rosana died of respiratory complications on 12 March 2020, and it was only confirmed months later, in June 2020, that she had actually contracted COVID-19, making her the country's first victim of the coronavirus. The fact that the first victims were domestic workers speaks volumes about the gender, race and class structures in place – in Brazil, some 92 per cent of domestic workers are women and 65 per cent are black (DIEESE 2021).

Brazil has been criticized for its poor management of the health crisis, as the country with the second highest number of victims (around 700,000 as of February 2023),<sup>3</sup> just behind the United States – even though these figures are likely to be underestimated. President Jair Bolsonaro initially downplayed the seriousness of the situation, calling COVID-19 a “little flu” and delaying the implementation of protective measures. Hospitals were soon overwhelmed, lacking oxygen and painkillers to treat patients, while the President was spreading fake news about the vaccine (*France24* 2020).

As might be expected, those worst affected by COVID-19 were the poorest: those living in *favelas* without access to basic sanitation or running water to wash their hands. Social isolation was impossible for the millions of informal workers who lived off their daily earnings and could not work remotely. Extreme poverty, hunger and social inequalities rose to levels not seen in decades (World Bank 2022). Two years after the start of the crisis, experts estimated that about 30 million people in Brazil were facing food insecurity (Vigna 2022). In this context, domestic workers were one of the most affected groups. Although they gained an unusual level of visibility at the beginning of the pandemic crisis, little was done to protect them. Around 1.5 million of the 6 million domestic workers in Brazil lost their jobs in the first year of the pandemic<sup>4</sup> and since most of them were informal workers, they could not easily access social security or government aid. Those who continued working reported violations of their rights and were highly likely to be exposed to the virus. How could such a large segment of the female workforce be left behind?

Feminist scholars have long drawn attention to the contradictions between the necessity of reproductive work and its lack of recognition in what some have called the “care crisis” or the “crisis of social reproduction” (Fraser 2016; Razavi 2011; Camilletti and Nesbitt-Ahmed 2022; Elson 2017). Indeed, reproductive work tends to be provided either for free by women within their own homes, or by an extremely precarious workforce that can barely reproduce its own labour. This became even more evident during the pandemic crisis: as the burden of unpaid care work increased dramatically for households in lockdown, those who would usually be paid to provide these services were either losing their jobs or being over-exploited to fill the gaps (OECD 2020; Power 2020).

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<sup>2</sup> See profile on Rosana Urbano at <https://www.institutowalterleser.org/dossieccovid-vitimas-rosanaurbano> (accessed 14 August 2022).

<sup>3</sup> See WHO dashboard at <https://covid19.who.int/region/amro/country/br>.

<sup>4</sup> IBGE. “Pesquisa Nacional por Amostra de Domicílios – PNAD COVID19”, accessed August 2022. <https://www.ibge.gov.br/estatisticas/sociais/trabalho/27947-divulgacao-mensal-pnad-covid2.html>.

We argue that this situation of vulnerability was not created by the pandemic crisis, but was merely exacerbated in a context of pre-existing social inequalities and legal exclusions. We use the concept of “precarious continuities” (Banerjee and Wilks 2022), which allows us to analyse the forms of exploitation that were already in place before the crisis. As Banerjee and Wilks explain, rather than being something entirely new, the effects of the pandemic crisis are more of a “critical continuity” (p. 2) in the lives of domestic workers. More specifically, in the case of Brazil, we argue that the deficit of decent work that already existed before the pandemic crisis explains the extent of the latter’s impact. We therefore consider this particular moment of crisis as a continuity rather than a rupture.

If domestic workers had formal employment relationships, guaranteeing their rights and granting them regular access to social protection, they would be less affected by external shocks. In addition, because they represent such a large group of women workers, providing the population with vital reproductive labour, the decent work deficit is not only an issue of social justice and fairness, but also of “efficiency”. As we have seen, the consequences of leaving millions of people without adequate protection go beyond the immediate effects on public health, creating additional crises in employment, poverty and care.

This article examines the impacts of the COVID-19 crisis on domestic workers in Brazil and reflects on the contradiction between, on the one hand, the demand for their labour and, on the other, the lack of adequate measures to protect them. It presents data from a survey conducted in collaboration with the National Federation of Domestic Workers (FENATRAD) between April and May 2020, complemented by campaign material and policy analysis. We find that domestic workers were impacted by the crisis in three main areas: their employment and income, their health and safety, and through violations of their rights. Based on these findings, we discuss the “precarious continuities” (Banerjee and Wilks 2022) that shape the sector and call for the effective implementation of the ILO Domestic Workers Convention, 2011 (No. 189), which guarantees decent work for domestic workers.

The remainder of the article is organized as follows. The second section presents the conditions of domestic workers before the COVID-19 pandemic. In the third section, we set out our research methodology. The fourth section discusses the aforementioned three areas in which the pandemic crisis impacted domestic workers. In the fifth section, we present our conclusions and offer some recommendations.

## 2. Domestic work: An already vulnerable sector

### 2.1. Social inequalities in “normal” times

Domestic workers work for private households in exchange for a wage and, therefore, have an employment relationship with those households (see ILO Convention No. 189). Domestic work includes tasks such as cleaning, cooking and taking care of children, the elderly and people with disabilities, which corresponds to what some feminist scholars have called the work of “social reproduction” (Bhattacharya 2017; Federici 2012; Mies 2014). These tasks, they

argue, are necessary to sustain life and reproduce the workforce within the market economy. Other authors refer to these tasks as “care work” (Elson 2017; England 2005; Guimarães and Hirata 2021) and also maintain that they are central to sustaining society. We use the concept of social reproduction and consider care work to be one element of it, along with cleaning and other reproductive tasks. Social reproduction theory provides a systemic account of the nexus between paid and unpaid work and enables us to challenge the distinction between productive and reproductive labour.

According to social reproduction theory, the combination of capitalism and patriarchy creates a social structure where women’s work is considered to be “natural” and unproductive, confined to the private sphere, as opposed to the “productive” work of men on the labour market (Federici 2012; Mies 2014). Yet, reproductive work must be reconceived as productive, given that it contributes directly to maintaining the market economy (Delphy 1977). The fact that reproduction has historically been excluded from what counts as productive has implications for the labour market. On the one hand, the housewife is expected to provide her work for free, which means that she is less available than her husband for paid activities (Campaña, Nadal and Molina 2018; Kabeer 2016); on the other hand, occupations that are typically “feminine” and linked to reproductive tasks are less regulated, less protected and less well remunerated (Acker 2004). This is the case for domestic work.

Paid domestic work as an occupation is to be differentiated from unpaid care tasks performed by members of a family. As (predominantly) women workers, domestic workers end up doing both: domestic work for other households, for which they receive a (low) wage, in addition to unpaid domestic work in their own homes. And because those tasks are the same and reproductive work has been normalized as a feminine task, domestic workers are still struggling to gain worker status (Glenn 1992; Folbre 2012; Blofield 2012). In most countries, domestic workers stand either outside of, or have a differentiated status within, labour regulations (ILO 2013 and 2021).

Worldwide, there are over 60 million domestic workers, 18 million of whom are in Latin America (UN Women, ILO and ECLAC 2020). In the region, Brazil is the largest employer with about 6 million domestic workers. Pre-pandemic, 92 per cent of these were women, their average age was 44, 73 per cent were informal, 37 per cent contributed to social security and their average monthly income was 924 Brazilian reais (DIEESE 2021).<sup>5</sup> To date, domestic work remains the second largest sector of employment for women and the first sector for black women. This can be explained by a combination of colonial legacy, which normalizes the provision of domestic work by black women at no cost; the gender division of labour, which confines reproductive work to women; important social disparities, which make domestic work a cheap service for the upper classes; and, lastly, a lack of public services, limiting families’ options for meeting their care needs (Sorj 2014; Hirata 2014; Gonzales 1984; Ávila 2009; de Santana Pinho and Silva 2010).

<sup>5</sup> 1 Brazilian real = US\$0.22 (1 March 2020).

As a result, domestic work has always been one of the most precarious and unprotected occupations. Since the adoption of the Labour Code in 1943, domestic work has been categorized as a “non-productive” activity, thereby not qualifying as “standard” work and being excluded from the remit of labour law. Thanks to their mobilization, domestic workers first obtained the right to a formal contract in 1972 (even though this has never been properly enforced). Later, the 1988 Federal Constitution granted them the right to form trade unions, to paid annual leave and to the national minimum wage (article 7). In 1997, domestic workers created FENATRAD, which brought together local unions from 12 different states and currently represents some 12,000 members across Brazil. FENATRAD participated in the negotiations for ILO Convention No. 189, the adoption of which gave their demands renewed legitimacy at the national level (Acciari 2019). In 2015, the Brazilian Congress approved Complementary Law No. 150 (LCP 150/2015), which extended to domestic workers most of the rights recognized in other sectors, including rights on pension, sick leave, maternity leave, unemployment benefits, working hours, extra time, night work and notice periods. Brazil ratified ILO Convention No. 189 in 2018, but there are still some gaps between the national legislation and the international standard.

One of the main issues is the differentiation between “regular” domestic employees, also called *mensalistas* (monthly workers), who work at least three days a week for the same employer, and the *diaristas* (day labourers), who work only up to two days a week for the same employer (LCP 150/2015, article 1). Although day labourers already existed before 2015, the legislation formalizes a distinction that has consequences for accessing rights. The law requires employers to register domestic employees formally but it specifies that this does not apply to *diaristas*. The latter hold self-employed status and, therefore, do not have a formal employment contract or a recognized employment relationship. They are responsible for their own social security contributions and are not eligible to social benefits in case of dismissal. In practice, this means that most of them are informal and only 10 per cent contribute to social security (Guedes and Monçores 2019).

Since 2015, the proportion of day labourers has been increasing and currently represents 44 per cent of domestic workers (Pinheiro et al. 2019), compared to 22 per cent in 2004 and 24 per cent in 2011 (DIEESE 2013). While this trend may be explained by various factors, such as changes in family structures and demands, it is striking that the proportion of *diaristas* doubled after the 2015 legislation, leading to a situation where almost half of domestic workers are excluded from the law supposed to protect them. Although the law brings new rights, it also gives employers the means to avoid respecting those rights. This directly contradicts ILO Convention No. 189, which stipulates that rights should apply to all domestic workers (Article 2). Accordingly, the Brazilian legislation is not in conformity with international standards, allowing for major breaches of rights and placing domestic workers in situations of informality and precarity.

Another issue is that domestic workers have restricted access to unemployment benefits compared to other sectors. In the event of dismissal, a domestic worker is entitled to receive up to one minimum wage for a maximum period of three months, for contracts of at least 15 continuous months over the previous

two years (LCP 150/2015, articles 26 and 28). This condition is hard to meet: in 2020, about 30 per cent of domestic workers had been in their jobs for less than 12 months (DIEESE 2021). Even when workers do meet this criterion, they only qualify for small amounts of benefit for a very short period of time. However, the main problem remains the high informality rate, which means that most rights are denied. Thus, before the pandemic, domestic workers were already a vulnerable group: their rights were not properly enforced and the law supposed to protect them was discriminatory.

## 2.2. Domestic work and COVID-19

A number of studies across different countries have shown that, for domestic workers, the pandemic crisis was mainly a social crisis, entailing loss of employment and income, lack of access to social protection and food, and housing insecurity (Rao et al. 2021; Banerjee and Wilks 2022; Rosińska and Pellerito 2022; Wasima and Rahman 2022; Farré et al. 2022; Pérez and Gandolfi 2020; Rico and Leiva-Gómez 2021). In the first three months of the pandemic, the ILO (2020) estimated that 73.7 per cent of domestic workers worldwide had been severely impacted by the crisis owing to loss of hours and/or employment. In Latin America, this proportion rose to 77 per cent in June 2020. The high informality rate in the region means that, when they lost their job, domestic workers also lost their income and had limited access to government support.

Exclusion from social security is reported as one of the key challenges across countries (UN Women, ILO and ECLAC 2020; Chen et al. 2022). In practice, it means that not only were domestic workers not covered by regular social protection but they were also often not eligible for emergency relief packages. As Rao et al. (2021, 263) argue: “The pandemic highlights the difficulties of enforcing workplace regulation of private households. Workers who apply for coverage under any existing provisions are the few who have internet access, sufficient knowledge of their rights, and access to the necessary documentation.” Indeed, how does an informal worker prove that he or she is unemployed?

In Brazil, national data also confirm the large-scale loss of employment. According to the Brazilian Institute of Geography and Statistics (IBGE),<sup>6</sup> one in four domestic workers lost their job in 2020, making domestic work the second worst-hit sector of activity after hospitality. Other studies offer reflections on structural racism and the underlying factors that may explain the greater vulnerabilities of domestic workers, in particular, the lack of recognition of domestic work as work, making workers less “valuable” (Rocha 2021; Teixeira 2021; Pizzinga 2021; Valeriano and Dias Tosta 2021; Garcia Castro and Monteiro Lourenço 2020). However, these studies provide little empirical data and mostly tend to discuss IBGE results. Data are also limited on other aspects of the crisis, such as the working conditions of those who continued working, or their health and well-being. Although the proportion of dismissals is extremely high, the remaining domestic workers continued to be somewhat active. Thus, it is important to assess their working conditions during this period.

<sup>6</sup> See note 4.

Another dimension that has been discussed in the literature is the paid–unpaid care work nexus. Many studies have shown that the lockdown during the COVID-19 pandemic increased the demand for unpaid care work as a result of the suspension of services and more household members being at home full-time. This burden was mostly borne by women, meaning that they were also less available for paid activities (UN Women 2020; Fortier 2020; Power 2020; Collins et al. 2021). Poor women, such as domestic workers, were heavily impacted by the absence of healthcare and childcare services, making it more difficult for them to reconcile work with family obligations (Camilletti and Nesbitt-Ahmed 2022; Ogando, Rogan and Moussié 2022). What is perhaps less discussed is the connection between households' increased burden and the fact that domestic workers, who were usually paid to do the reproductive work of others, were either being dismissed or had a heavier workload. For both employers and for paid domestic workers, the pandemic created tension between the need for reproductive work and the unsustainability of its provision, which confirms the notion of a “care crisis” (Fraser 2016).

This article contributes to the existing body of literature on domestic workers and COVID-19 by confirming some key trends around these workers' struggle to survive. In addition to the impact on jobs and income, it also discusses occupational health and safety, as well as rights violations. Indeed, a significant proportion of domestic workers were obliged to remain active in order to survive and this came at a high cost for them and their families. We further link the situation created by the pandemic crisis to the current framework of rights and highlight specific pre-existing vulnerabilities that can explain the devastating impact of COVID-19 on the domestic work sector. We use the concept of “precarious continuities” (Banerjee and Wilks 2022) to show that the pandemic crisis, although exceptional in its extent and impact, mostly revealed and amplified pre-existing social inequalities.

### 3. Methodology

This article discusses results from a national survey conducted in collaboration with FENATRAD between April and May 2020 and complemented by an analysis of campaign material produced by FENATRAD and emergency policies adopted in Brazil in 2020.

The quantitative study is part of a larger survey conducted in 14 Latin American countries (Acciari, Britez and Pérez 2021) and presents the data for Brazil only. The questionnaire was designed on Google Forms and disseminated via WhatsApp to FENATRAD members and contacts from April to May 2020. Since it was the very beginning of the pandemic and we were experiencing our first lockdown, conducting research was challenging. We were only able to reach the domestic workers who had a mobile phone or access to the internet and who were part of the broader FENATRAD network. We collected 413 valid responses, with an unequal distribution across regions, as shown in table 1. This mainly reflected the capacity of the local unions at the time of the study rather than the actual number of domestic workers in any specific state.

The data were then cleaned on Excel and analysed on the SPSS statistical software, which provided basic descriptive statistics. Despite considerable sampling

**Table 1. Sample distribution**

State	Value	%
Acre	2	0.5
Amapá	5	1.2
Bahia	50	12.1
Ceará	1	0.2
Distrito Federal	8	1.9
Maranhão	68	16.5
Piauí	1	0.2
Paraíba	41	9.9
Paraná	1	0.2
Pernambuco	25	6.1
Rio de Janeiro	143	34.6
Rio Grande do Sul	8	1.9
Rondônia	1	0.2
São Paulo	43	10.4
Sergipe	16	3.9
<b>Total</b>	<b>413</b>	<b>100</b>

Note: Percentage total does not add up to 100 due to rounding.

Source: Authors' calculations based on survey data for Brazil from Acciari, Britez and Pérez (2021).

bias, the demographics of our respondents are relatively close to national averages. In our sample, 97 per cent of respondents were women, the average age was 45, 87 per cent had children and 68 per cent were heads of household. For 89 per cent of them, domestic work was their main source of income and their average monthly wage was 985 reais. Two thirds did not have a formal contract, 42 per cent contributed to social security and 54 per cent were *diaristas*. Only 1 per cent declared living at their employers' house. Thus, even though our respondents had slightly higher earnings and a higher proportion of formalization than the national average, the sample still reflects the deep precarity in the sector, with a workforce that is primarily informal, excluded from social protection and earning below the national minimum wage (1,045 reais in 2020).

In Brazil, informality is measured by the absence of a signed work card (*carteira de trabalho e previdência social*), which would be the equivalent of a permanent contract in most European countries. Studies differentiate between *mensalistas* with a signed card, *mensalistas* without a signed card and *diaristas*. *Mensalistas* usually work full-time, have a single employer, work every day of the week in the same house and receive a monthly wage. In contrast, the *diaristas* have multiple employers, do not have a work card, work in different houses over the course of the week and are paid on a daily basis. The absence of a signed work card makes them informal workers unless they contribute individually to social security. As part of the larger survey for Latin America, we wanted to be able to compare our data across countries, so we did not use the above categories. We asked respondents if they had a formal contract or not and if they were *diaristas* or worked full-time. Thus, informal workers and *diaristas* tend to overlap in our analysis.<sup>7</sup>

<sup>7</sup> The results from the survey have been presented to, and discussed with, FENATRAD's leaders during online general assemblies and some of the results have been published in Portuguese to support domestic workers' advocacy and campaigns (see Pereira Pinto et al. 2021).



In this article, our quantitative data is complemented by a qualitative analysis based on public statements made by domestic worker leaders, campaign material from FENATRAD’s website and Facebook page, information shared on WhatsApp groups and a report on rights violations that was sent to the ILO in October 2020. In particular, we analysed FENATRAD’s discourse and mobilizations around rights and the legislation. This additional information is important in order to contextualize the survey data, which was collected over a short period of time and under exceptionally difficult circumstances. For instance, some policies were adopted just after the survey was launched and therefore could not be included in the questionnaire. The qualitative analysis also allows us to capture FENATRAD’s position, thus moving beyond a description of domestic workers as vulnerable workers and showing the ways in which they reacted to the crisis.

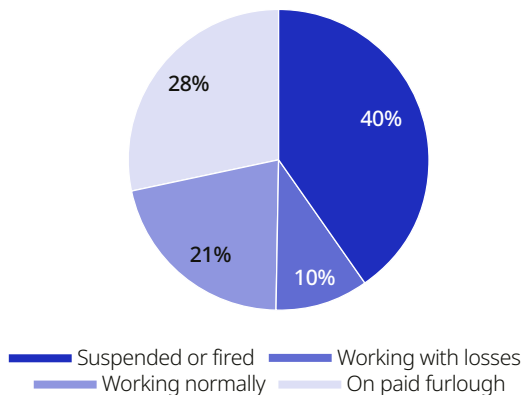
The next section discusses the impact of the pandemic crisis on three areas: employment and income, health and safety, and the violation of rights.

## 4. Areas affected by the pandemic crisis

### 4.1. Employment and income

Figure 1 shows that by May 2020, some 40 per cent of the respondents had been fired or temporarily suspended, 10 per cent were working with reduced hours or wages, 21 per cent were working normally and 28 per cent were on paid furlough. Thus, half of the respondents faced a loss of income. The category “working normally” represents those whose working hours and wages did not change, but this “normality” in times of crisis is not necessarily a good thing; while these workers did not face an immediate financial loss, there was no adaptation by their employers to the exceptional circumstances of a pandemic. Lastly, the “paid furlough” category comprises those who had to stay at home but continued receiving their wages. Unsurprisingly, this last category was in the minority and such situations may not have lasted long.

Figure 1. Employment situation in May 2020



Source: Authors’ calculations based on survey data for Brazil from Acciari, Britez and Pérez (2021).

**Table 2. Employment situation by type of contract in May 2020 (percentages)**

Type of contract	Fired or suspended	Working with losses	Working normally	Paid furlough
Day labourer	58	7	9	26
Full-time	23	12	34	31
No formal contract	56	7	12	25
Formal contract	11	16	39	35
<b>Total</b>	<b>40</b>	<b>10</b>	<b>21</b>	<b>28</b>

Source: Authors' calculations based on survey data for Brazil from Acciari, Britez and Pérez (2021).

Among those who lost their jobs, only 5 per cent had access to unemployment benefits, even though 42 per cent contributed to social security. These respondents were thus left unprotected either because they were informal and could not claim any benefits or, in the case of formal workers, because the conditions to access unemployment benefits were too restrictive, as explained in section 2. The IBGE estimates that about a quarter of domestic workers – that is, about 1.5 million workers – lost their jobs in 2020.<sup>8</sup> In addition to our limited capacities and sampling bias, our survey amalgamates loss of employment and contract suspension, such that our results are above the national average and not strictly comparable with the data from the national institute of statistics (IBGE). But national data confirm the large-scale employment crisis, resulting in millions of women losing their revenues and facing extreme poverty.

When comparing the employment situation by type of contract, we get a more nuanced picture and see the benefits of formalization (see table 2). Of all the categories, the *diaristas* appear to be the easiest to fire; since they have no formal contract, this is not unlawful. An absolute majority of *diaristas* (58 per cent) were fired or suspended, while only 2 per cent were entitled to unemployment benefits. The *mensalistas* were more likely to keep their jobs (34 per cent continued working as before) and about a third were sent home on paid furlough. Having a formal contract appears to have been the most decisive factor in determining employment situation during the pandemic. The absolute majority of respondents with a formal contract remained employed or were sent home on paid furlough, keeping some income, and only 11 per cent lost their jobs. In contrast, domestic workers without a contract were five times more likely to be fired or suspended than formal workers, such that an absolute majority of informal respondents were left without income. The situation of day labourers and domestic workers without a formal contract thus confirms that informality is a high-risk factor and that, in the event of a crisis, these workers are easier to dismiss and have almost no legal protection.

The fate of the *diaristas* was one of the main concerns of FENATRAD's leaders. They had already been fighting the expansion of this form of employment before the pandemic, precisely because they saw it as a way of maintaining precarity in the sector and avoiding the implementation of the 2015 legislation. As the crisis unfolded, leaders knew that *diaristas* would be dismissed and

<sup>8</sup> See note 4.

feared for their survival. In addition, as most respondents were also heads of household (68 per cent), the economic impact of losing their incomes extended to their entire family.

Lastly, we asked respondents if they had access to the emergency cash transfer scheme (*auxílio emergencial*) implemented by the Government. At the time of the survey, only 26 per cent declared that they had been able to access this aid. Many reported difficulties in registering on account of not having internet access, not having a bank account, complexities in the procedure and insufficient levels of literacy. In fact, this was the case for many poor people and in the first few weeks of the scheme, there were massive queues in front of local government agencies, putting people at a greater risk of contracting COVID-19. However, while the scheme continued until 2021, our survey stopped in May 2020, making it quite likely that this proportion would have increased later in the year.

The emergency cash transfer was initially intended for informal workers, beneficiaries of the *Bolsa Família*<sup>9</sup> and unemployed people with no revenue (law 13.982/2020). It started at 600 reais and was then decreased to 300 reais at the end of 2020. In 2021, the number of beneficiaries was reduced and the emergency cash transfer was renamed “*Auxílio Brasil*”, repackaged as a replacement of the *Bolsa Família*.<sup>10</sup> For domestic workers, the impact is ambivalent. While, in principle, *diaristas* were entitled to the cash transfer because they qualified as informal workers, the situation was more complex for the *mensalistas*. Those who had been fired but had a formal contract could not apply for it but, as already explained, they were not guaranteed access to unemployment benefits either. Thus, many domestic workers fell outside both regular social protection and the emergency scheme.

## 4.2. Occupational health and safety

The situation was also worrying for the domestic workers who continued working. Although they still had an income, the conditions in which they had to work were extremely risky. Indeed, 62 per cent of the respondents did not receive personal protective equipment (PPE) from their employers, at a time when masks and hand sanitizer were quite expensive, especially for those earning less than the minimum wage. In addition, 63 per cent declared that they were not offered alternative modes of transport to work and over half of them spent more than an hour a day on public transport. As in most Latin American countries, public transport was crowded and it was impossible to follow social distancing guidelines. It is quite striking to see that employers’ demand for domestic work surpassed any concern for the workers’ health and safety or the public health risk implied by them taking public transport to and from work every day.

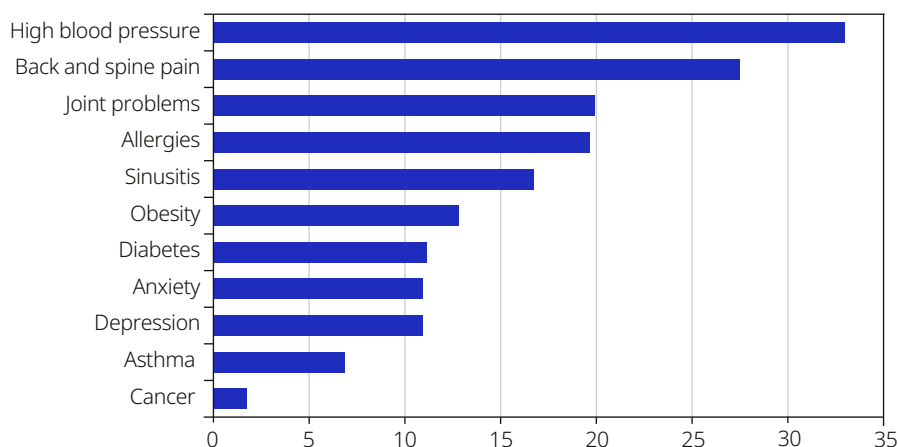
<sup>9</sup> The *Bolsa Família* is an income transfer programme, providing families with social assistance on condition that they meet certain health and education requirements in respect of their children.

<sup>10</sup> For more information about the emergency cash transfer programme, see for instance Tebet Marins et al. (2021), Bacchiogga, Flávio Silva Freitas and da Penha Vasconcellos (2022) and WIEGO (2021).

Pinheiro, Tokarski and Vasconcelos (2020) further argue that domestic workers were exposed to infection by the very nature of their job, which consists of taking care of houses and people. Indeed, they are constantly in close contact with other people and responsible for the hygiene of their houses. In fact, there was a widespread feeling of fear among domestic workers, who were faced with the dilemma of having to choose between their health and their income. A significant proportion of the respondents (12 per cent) said they had experienced the symptoms of COVID-19 but had not been tested. We cannot infer from this that they had actually contracted the virus, but this reflects the lack of access to tests and health services, as well as a pronounced perception of the risks to which they were exposed. Moreover, because most domestic workers were informal, if they became ill, they were not entitled to sick leave. If they stopped working, they stopped receiving their wages, unless their employer voluntarily offered to keep paying them.

Another risk factor for domestic workers was pre-existing health conditions. Almost half of the respondents were on medical treatment at the time of the survey and many reported factors of comorbidity that put them at a higher risk of severe COVID-19 and death. As shown in figure 2, a third had high blood pressure, 13 per cent were overweight and 11 per cent had diabetes. In total, about one in three respondents suffered from at least one comorbidity. We also note that a number of respondents reported that they suffered from respiratory problems (asthma and sinusitis), which can aggravate the effects of COVID-19, as well as problems typical of the sector, such as spine and joint pain. Even if the latter are not risk factors for COVID-19, they reflect a general fragile state of health among domestic workers. As an indication, about 26 per cent of the Brazilian population suffers from high blood pressure (Brazil, Ministry of Health 2022) and just under 10 per cent from diabetes (Bottallo 2022).

**Figure 2. Pre-existing health conditions (percentages)**



Note: Since multiple choice was allowed, total does not equal 100.

Source: Authors' compilation based on survey data for Brazil from Acciari, Brites and Pérez (2021).

Lastly, it is interesting to note that some respondents reported mental health issues such as anxiety and depression. A study by Sales and Santana (2003) shows that women working as domestic workers are more likely to suffer from depression and anxiety than women employed in other sectors. The authors argue that lack of formalization, constant humiliation, as well as excessive workloads and lack of control over their time, are factors that lead to worse mental health and lower self-esteem. This study was published years before the pandemic crisis, thus confirming that the “normal” working conditions of domestic workers were already not “decent”. Given the lack of information and education on mental health, we can presume that respondents in our survey under-declared this type of problem. It is very likely that most domestic workers had not been formally diagnosed and did not have access to mental health services, especially at a time of health crisis and saturation of health services.

Nevertheless, demand for mental health care grew over the course of the pandemic, leading the domestic worker unions to shift some of their activities to attend to this need. FENATRAD organized online support groups with black women psychologists and dedicated some webinars to the subject. In one of them, entitled “Domestic workers’ health during the pandemic”, held on 1 August 2020, Gleicy Souza, a psychologist, explained:

Mental health is not something that can be pushed to the background. I think it’s extremely important. We are seeing a scenario today where anxiety, depression, even panic attacks are spreading because of the pandemic. We are faced with several categories of workers who provide essential services and could not stop working during the pandemic and we get into this issue, which is a very important consideration: the choice between taking risks – having to work to guarantee their livelihood and risk their own health – or complying with isolation.<sup>11</sup>

This highlights a crucial issue for domestic workers, and many other poor people, who had to keep working to maintain their livelihoods at the cost of their health, safety and well-being. Although the context of the pandemic may have deteriorated the health of domestic workers, we can also see that they were already suffering from certain pre-existing conditions that were closely related to their precarious and exploitative “normal” living and working conditions.

### 4.3. Violation of rights

The period of the pandemic crisis also saw a drastic increase in rights violations. All the elements reported above, from the lack of social protection to the absence of a safe working environment, already constitute breaches of decent work according to ILO standards. But FENATRAD further reported direct violations of labour and human rights in the sector, namely through increases in workload and working hours, forced confinement at the employers’ house, violence and harassment, and modern forms of slavery. Some of those issues were picked up by the survey (heavier workloads and forced confinement), but the survey was limited in time and only covered the first weeks of the pandemic. Thus, many

<sup>11</sup> The webinar is available at <https://www.facebook.com/673869505/videos/10157731438729506/> (accessed 18 October 2023).

violations came to light only after the survey ended and we therefore draw primarily on internal reports from the unions affiliated to FENATRAD rather than on systematic quantitative data. In October 2020, the Federation sent its *First Note on the Implementation of Convention No. 189 in Brazil* to the ILO, in order to denounce the multiple attacks on their rights (available in Calasans de Matos (2021)). Drawing on this report, we now review three key areas of complaint: regressive labour policies adopted during the crisis, legal debates on the status of “essential workers” and extreme cases of human and labour rights violation.

### 4.3.1. Regressive labour policies

Instead of adopting measures to protect workers’ jobs and income, the Bolsonaro Government took advantage of the crisis to further deregulate the labour market. One of the first measures adopted, Provisional Measure No. 927 of 22 March 2020 (MP 927/2020), took away so many rights that it was called the “provisional measure of death” by social movements. It authorized employers to enter into individual agreements with employees that would prevail over labour laws, suspend employment contracts for up to four months without pay and force workers to take annual leave to keep them at home. In addition, it established that cases of COVID-19 would not be treated as an occupational disease. Facing massive national opposition, the Government finally withdrew the measure, but it only lost its validity in July 2020. Even though it targeted workers in the formal sector, many employers used this opportunity to suspend domestic workers without paying their wages.

Subsequently, the Government adopted Provisional Measure No. 936 in April 2020, which became law No. 14.020/2020 and had therefore more weight and validity than the “provisional measure of death”. This law authorized employers to suspend employment contracts or reduce the working day and wages by 25–70 per cent for up to eight months, by means of a direct written agreement between employer and employee, without the scrutiny of the unions. It offered workers compensation capped at the proportional unemployment benefit amount to which they would normally be entitled, but during the term of the agreement the employee would face a wage reduction when earning above the minimum wage and would stop contributing to social security, thus losing annuities for their pension, for instance. This measure applied to domestic workers with formal contracts and directly violated the rights to collective bargaining, decent wages and social security, contained in ILO Convention No. 189. The domestic worker trade unions reported that in most cases, employers would issue an agreement to reduce working days but still demanded that their employee came to work as usual. Thus, in practice, those domestic workers were working the same number of hours for a reduced wage. This could not be fully captured by the survey as Provisional Measure No. 936 was adopted after we had designed and launched it. But the proportion of respondents who chose the option “suspended” is likely to be linked to this measure, which placed workers in a legal void, where they were not technically unemployed but were not receiving their regular wages either.

### 4.3.2. Essential worker status

As soon as the lockdown started in March 2020, the Labour Public Prosecutor's Office recommended that domestic work should not be considered essential work, with the exception of work caring for children, the elderly, or people with disabilities.<sup>12</sup> However, there was no legislation guaranteeing the right to paid furlough for domestic workers, which meant that they lost out on both counts: they were not essential enough to be kept in work, but they were not regular either so did not qualify for paid furlough. This is a clear instance of a gender-blind spot in policymaking and of the devaluation of reproductive labour: the jobs were not “productive” enough to be real work protected by law, yet in some cases they were too essential to stop. In addition, the states of Ceará, Maranhão, Pará and Rio Grande do Sul went against the Labour Public Prosecutor's recommendation and established domestic work as essential work through state-level decrees.<sup>13</sup> This meant that employers were allowed to call domestic workers into work, even during the lockdown. But even in states where no such decrees were passed, there were no labour inspections to check whether employers were respecting the national guidelines. Given the extreme pressure to survive, it was practically impossible for domestic workers to oppose their employers or even to negotiate more decent working conditions.

FENATRAD immediately challenged the classification of domestic work as essential and started the campaign *Cuida de quem te cuida* [take care of those who care for you] to demand the right to a paid furlough.<sup>14</sup> It argued that only under exceptional circumstances, such as caring for the children of medical staff or for elderly people, should domestic workers be considered essential and that such workers should then be provided with the adequate level of protection if they continued working. The others, FENATRAD said, should not be considered essential and should instead be granted the right to stay at home and receive their normal pay. This argument was not about the intrinsic value of domestic work, but a pragmatic position to gain more rights and protect the sector. As explained by Luiza Batista, President of FENATRAD, in a public statement published on 8 May 2020:

We have always fought for our recognition and society has never wanted to acknowledge the importance of domestic service. Now, during the pandemic, the *casa grande*<sup>15</sup> is confined at home and doesn't want to go to the trouble of doing its own household chores. Classifying domestic work in general as essential is cruel. Domestic workers have families too. (FENATRAD 2020)

<sup>12</sup> MPT, “Nota-Técnica Conjunta 04/2020”: <https://mpt.mp.br/pgt/noticias/nota-tecnica-4-coronavirus-vale-essa.pdf>.

<sup>13</sup> Decree No. 33.574, 5 May 2020, state of Ceará; Decree No. 35.784, 3 May 2020, state of Maranhão; Decree No. 729, 5 May 2020, state of Pará; Decree No. 55240, 10 May 2020, state of Rio Grande do Sul. All these were adopted after the launch of the survey and therefore are not captured by it.

<sup>14</sup> See the campaign website at <https://www.cuidadequemtecuida.bonde.org> (accessed 14 August 2022).

<sup>15</sup> *Casa grande* in this context can be translated as “the master's house”, which was the name given to the slave owner's house in plantations.

Several newspapers highlighted the colonial mentality of the Brazilian elite, apparently unable to deal with its own reproductive work (for example, McCoy and Sheridan 2020). As in Luiza Batista's remarks above, FENATRAD leaders strongly criticized the discrepancy between the lack of enforcement of domestic workers' rights and their low wages, on the one hand, and their sudden recognition as "essential", on the other hand. They pointed out that it had taken them decades of union mobilization to earn basic labour rights and worker status, but when it was convenient to the elite, their labour had suddenly been deemed essential. With the support of the feminist non-governmental organization Themis, FENATRAD launched another campaign, *Essenciais são nossos direitos* [Essential are our rights], to raise awareness about the existing legislation and demand that employers who kept their employees active during the crisis respect their rights.<sup>16</sup> These debates are intertwined with the "care crisis"; while the labour of domestic workers sustains the livelihoods of millions of households, the conditions under which they are asked to perform this work are highly unsustainable and, during a health crisis, expose them to potentially fatal disease.

#### 4.3.3. Extreme cases of human rights violation

The lack of enforcement of domestic workers' rights and the failure to take a clear stand on their status allowed several forms of abuse to take place. This is well illustrated by the dramatic case of a child who died at the house of his mother's employer on 2 June 2020 (Phillips 2020). Mirtes Santana, a domestic worker, was called into work at the residence of an upper-class family in the city of Recife, despite the national recommendations that domestic work should not be considered essential during the lockdown. Because schools were still closed, Mirtes had to take her son Miguel with her. While she was walking the employer's dog, she left her son under the care of her employer, Sarí Gaspar. Reportedly "annoyed" by Miguel, Sarí put the 5-year-old in the lift on his own and pressed the button to the highest floor, from where he fell out of a window. This case had national and international repercussions, sparking Black Lives Matter movements in Brazil and painting a picture of a deeply colonial and racist society that attributes less value to the lives of domestic workers and their children than to that of the white elite.

Another form of abuse was the use of forced confinement – or what the unions have called "private incarceration" – at the employers' house. In our survey, 5 per cent of respondents declared having had to spend the lockdown at their employers' house against their will, leaving their own families behind. Since only 1 per cent of domestic workers usually live at their workplace, this represents quite a dramatic increase in the number of live-in workers. Among those who worked as personal caregivers, this proportion rose to 6 per cent, and for those who worked as cleaners, to 11 per cent. Although FENATRAD recognized that some families might need their personal caregivers to continue working, forcing workers into confinement at their employer's house seems hard to justify.

<sup>16</sup> See campaign website at <http://essenciaissaonossosdireitos.themis.org.br/>.



The period of the pandemic gave rise to cases of modern forms of slavery and an increase in the number of victims rescued from private houses where they were being kept in captivity. Article 149 of the Brazilian Penal Code defines modern slavery (*trabalho análogo a escravidão*) as: “the submission of someone to forced labour or exhausting working hours, either subjecting them to degrading working conditions or restricting, by any means, their movement”. Accordingly, forcing domestic workers to stay at their employers’ home during lockdown was a severe abuse of their human rights and can be characterized as modern slavery. According to the Labour Inspectorate Portal,<sup>17</sup> in 2021, 30 domestic workers were rescued from conditions of modern slavery and domestic work was the first source of modern slavery cases in urban areas. The total number of people rescued from modern slavery in Brazil in 2021 totalled 1,959, compared with 936 in 2020. This increase could reflect an improvement in reporting mechanisms, but it seems plausible that the conditions of lockdown and forced confinement at employers’ houses made domestic workers more vulnerable to abuse.

In June 2022, FENATRAD launched the campaign *Trabalho escravo doméstico nunca mais* [Let’s End Domestic Slave Labour] in partnership with the ILO, UN Women, the Labour Public Prosecutor’s Office, the Unified Black Movement and the non-governmental organization Themis (ILO 2022). The campaign seeks to inform and raise awareness among the general public about what constitutes modern slavery and encourages people to report abuses through the dedicated helpline of the Labour Public Prosecutor’s Office. Elements that define modern slavery include not being paid, being confined to an employer’s house without freedom of movement, lack of hygienic and safe conditions, or exhausting working days without breaks. Most of these elements were found during the pandemic.

However, instances of modern forms of slavery are nothing new to domestic workers. The fight against the legacy of slavery is as old as the domestic workers’ movement and leaders always point to the continuities between the pre- and the post-abolition (post 1888) period in the way that domestic workers are treated. For instance, before the 2015 legislation, there was no limitation to the number of hours they could be asked to work, which is a defining feature of modern slavery (Acciari 2021). Furthermore, as we have shown throughout this article, persistent high rates of informality and the absence of mechanisms to make employers accountable mean that, in practice, domestic workers’ rights are not respected. This makes them vulnerable to different forms of abuse, ranging from pay retention and excessive workloads to private incarceration. While the pandemic crisis created unprecedented conditions of vulnerability, we argue that domestic workers’ “normal” situation is one of exploitation and that the crisis is a continuation of their regular state of precarity – a situation that Banerjee and Wilks (2022) refer to as one of “precarious continuities”.

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<sup>17</sup> Brazil, Labour Inspectorate, “Statistics and Information Dashboard of Labor Inspection in Brazil”, SIT Radar, accessed 14 August 2022. <https://sit.trabalho.gov.br/radar/>.

## 5. Conclusion and recommendations

This article has shown that the impact of the pandemic crisis on domestic workers in Brazil went beyond health concerns, becoming first and foremost a social crisis. Based on a survey conducted in partnership with FENATRAD and a qualitative analysis of the legal framework in Brazil, we have outlined the effect of the crisis on three key dimensions of domestic workers' lives through loss of employment and income for about 50 per cent of respondents, the deterioration of their occupational health and safety, and an increase in violations of their labour and human rights. However, we have argued that the pandemic crisis did not create this situation of vulnerability, it only exacerbated already existing social inequalities and legal exclusion. In this sense, we refer to the concept of "precarious continuities" (Banerjee and Wilks 2022) to show how the extent of the pandemic's impact can be explained by the deficit of decent work that already existed before the crisis. This condition of precarity is produced by the unequal gender and racial division of labour, leading to a constant "care crisis" or "crisis of social reproduction" (Fraser 2016). In this system, domestic workers are responsible for an important share of reproductive labour while remaining underprotected and overexploited. Until the deficit in decent work is addressed, domestic workers will remain a precarious and vulnerable workforce and future crises will lead to similar outcomes.

Indeed, if loss of employment and income on such a large scale can be attributed to the crisis situation, the fact that *diaristas* were so easy to fire reveals a gap in the legislation (as employers are not required to provide them with a contract, it is not illegal to dismiss them without notice or compensation). In addition, informality means that these workers are not entitled to unemployment benefits and only a slim minority of those who are formalized can access benefits under the restrictive conditions set out in LCP 150/2015. Similarly, as regards health and safety, although there were risks inherent to the pandemic, this article has also highlighted some structural problems that existed beforehand and made the crisis so detrimental. Among others, poor quality public transport, limited access to sick leave and pre-existing health conditions are all connected to precarious living conditions.

Lastly, we have shown that the pandemic crisis ushered in a deterioration of labour rights and several forms of abuse, some of which were promoted by the Government itself. The Provisional Measures adopted in 2020 breached international conventions and recommendations that seek to protect workers, allowing employers to undermine rights, cut wages and remove access to social protection. Besides, the lack of inspection and enforcement is a long-standing problem for domestic workers, who work in private households. The crisis created conditions that allowed some employers to lock domestic workers up and mistreat them, as reflected in the number of victims of modern slavery that were rescued during this period. Thus, the deficit of decent work in a context of crisis led to an extensive social disaster. In other words, although the effects of the pandemic can be considered exceptional, its social consequences were amplified by "continuous precarities" (Banerjee and Wilks 2022) that existed before the crisis and are still present today.

More research is needed on domestic workers' living and working conditions during the pandemic and, in particular, more systematic data are needed on their occupational health. The lack of a formalized employment relationship makes it hard to establish infection rates and fatalities in the sector and to determine the extent to which COVID-19 can be classified as a work-related disease. More data are also needed to supplement reports from unions on violations of workers' rights and the number of cases of forced confinement at employers' houses. The Labour Public Prosecutor's Office and rescuing initiatives target the most extreme cases of modern slavery, but there are a lot of intermediate situations that are still not accounted for.

In the light of our findings, we offer the following policy recommendations. First, domestic workers' organizations should be included in policymaking and emergency responses. Second, the formalization of all domestic workers should be promoted via the signature of formal employment contracts, regardless of the number of days they work. Third, the status of day labourers should be revised and national legislation should be brought into line with ILO Convention No. 189 to ensure equal rights for every domestic worker. Fourth, universal access should be granted to social protection and mechanisms should be created to include the informal sector. Lastly, checks and inspections should be carried out at employers' houses, even in "normal" circumstances, to ensure that domestic workers' rights are respected. These steps would help to create the conditions in Brazil for greater resilience to external shocks and ensure decent work for domestic workers, both within and outside crisis situations.

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