

DOMESTIC MIGRANT CARE WORKERS IN ARGENTINA: WORK AS NO OTHER¹

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ABSTRACT

The paper addresses the most recent changes regarding domestic workers reflecting Argentina aligning herself with the ILO Domestic Workers Convention and Recommendation, Convention No. 189 and Recommendation No. 201 from 2011, which entered into force 2013, triggered by the first ratifications registered with the ILO (Uruguay and the Philippines 2012). The paper is based on expert interviews conducted February to April 2017 in Buenos Aires and available scholarly published information. In Argentina the solution to the care crisis has to a large extent been engaging domestic workers from elsewhere in the region. The phenomenon is huge: more than 17 pct of female employment is domestic work, and about half of domestic workers are immigrants. Because of the strong feminization there is the risk of care drain when children and other dependants are left behind. Argentina has a long and strong tradition of trying to safeguard workers' rights, but in the case of domestic work regulation has been halted for more than half a century, and it took another half century to secure their rights in full, which happened with the 2013 law on '*Personal Household Staff*.' The vehicle for denying domestic workers the same rights as other workers employed was defining domestic work as peculiar, as 'work as no other.' The main problem, however is that legislation only applies to registered workers, and that only goes for 16-18 pct. Care work and domestic work share the burden of only being recognized legally, while culturally both are still considered work as no other, which has led Argentinian scholars to coin the phrase: 'care penalty.' Despite financial incentives for those engaging domestic care workers to register their '*domesticas*' they have been reluctant to do so. Furthermore, the '*domesticas*' themselves also seem uninterested in being registered based on assumptions of only working temporarily in the sector, which investigations have proven to be an illusion. As a consequence, the paper concludes domestic work remains grossly underpaid and precarious. The main finding then being that legislation is, after more than a century of struggles, now in place to protect domestic migrant workers, but the cultural habits of both *patronas* and *domesticas* prevent them from being registered, hence in reality rendering them without rights.

Key words: work migration, Latin America, Argentina, domestic workers, care crisis

Introduction

The so-called care crisis in Latin America draws attention to the widespread use of domestic care workers, which can be considered part of the solution for some segments of the population (upper and middle classes), but it is also part of the problem: unregulated working conditions leading to over exploitation, discrimination and abuse, and processes of care drain since many '*domesticas*' are immigrants, leaving their own children and frail elderly behind with insufficient care. The phenomenon is huge, since in Latin America and the Caribbean one in four women in paid employment is a domestic worker (ILO 2013: 20). Historically, domestic work was embedded in a master – servant relationship with all of the connotations following from this such as absolute obedience, limited civil and political rights, etc. in many cases bordering or resembling slavery. Things have changed, but not too long ago ILO found that 'on the whole, the majority of domestic workers appear to be overworked, underpaid and under protected' (ILO 1970: 63), and as late as 2013 de Cicco wrote: 'Long working hours, lack of rest time and poor treatment and compensation, in the absence of national legislation, often turns domestic work into a form of slavery in many countries.'

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Recently, however a number of states, including many Latin American governments have implemented legislation, which have brought regulation on par with what exists for other categories of workers. Hence, a situation of equal treatment is now possible in the region, with Argentina, Bolivia, Brazil, Uruguay and others leading the way. All domestic workers may now enjoy a full fleet of rights: In Brazil they are now treated on par with other categories of workers including the right to unemployment benefits (de Cicco 2013) and the same goes for Argentina, where there is a mix of labor and social rights including the right to health care, pension, maternity and family allowances, which is detailed below. Already in 2004 Argentina enacted a new Migration Law, which, according to ILO, significantly advanced the promotion of migrant workers' human rights. The current immigration law gives Paraguayan migrants and other migrants within *Mercosur* countries parity with Argentine nationals in terms of labor and social rights (ILO 2014). This is important since many care workers and other domestic workers are regional migrants. What must be underlined, nevertheless, is that *rights only apply to workers under formal contract*; they are not guaranteed for those working informally.

In Argentina, granting rights to domestic workers is nothing new; they have enjoyed certain rights since the mid-20th Century if their work relation was formalized, but that was only the case for very few. The overarching problem today is still compliance, since only about 25 pct. of domestic workers in Argentina is registered – that is, recognized as salaried workers by their employers and having the correspondent social security payments made (health care and pension). Furthermore, only 20 pct. of these workers enjoyed certain basic labor rights, such as paid holidays, sick leave and the '*aguinaldo*' (the one month's extra salary common across Latin America) (Pereyra n.a.: 2).

What Triggered the Care Crisis?

The societal background for this current focus on domestic work is, firstly the increase in women's (formal) labor market participation and the simultaneous limited supply or absence of public care arrangements, which allow for the substitution of working women's household chores and care responsibilities and at the same time create job opportunities for (largely other segments) of women as carers. Secondly, and linked to the first idea, the significant increase in educational level particularly among women entails a movement away from traditional values (women as homemakers, men as providers) and toward modern values where women are active outside the home (in politics, labor market and civil society). Thirdly, demographic changes embodied in lower fertility rates (for middle class women)ⁱ reduces the potential informal care capacity of families necessitating alternative care arrangements (Cerrutti and Parrado 2015: 408). Adelle Blackett summarized the reasons thus:

Paid domestic work in the household has become increasingly important for all of the demographic reasons linked to dual income families in an economic structure whose viability may seem irretrievably linked to consumption. The insatiable "need" in the current stage of globalization for workers who are perpetually market available and relentlessly productive is coupled with significant demographic changes leading in many parts of the world to increased longevity. It is important to recognize that the rising demand for domestic work also reflects recognition of the increased value attached by communities such as the disabled, as well as the elderly, to the dignity of being able to have care support and stay at home and retain greater autonomy than in public health care facilities (2011: 3).

Another important reason for focusing on care work is that is if often performed as domestic work. The regulatory framework for this has changed very recently with the passing of ILO Domestic Workers Convention and Recommendation, Convention No. 189 and Recommendation No. 201 from 2011, which entered into force in 2013, as triggered by the first ratifications (Uruguay and the Philippines 2012) (Oelz 2014: 143). Many Latin American countries have ratified the convention, including Argentina (2014). Domestic workers have also very recently organized within the International Domestic Worker Federation (IDWF), which was officially launched October 28, 2013 (Boris and Fish 2014: 76). This provided them with a collective voice and is yet another indication of the current importance of this issue. Furthermore, a large part of the otherwise very modest money domestic care workers are making is transferred back to their places of origin, and these remittances play an enormous role for the economies of those communities.

A Brief History of The Peculiarity of Domestic Work and its Regulation in Argentina

Generally speaking, Argentina is a country with strong labor rights and social protection for formal workers and historically these rights were introduced at the same time or before similar rights in Europe. However, when it comes to protecting domestic workers, conflicts of interests and cultural tradition have barred or delayed legislation and compliance. A major dilemma facing legislators was how to try and protect a large part of the population working in domestic services under conditions demanding regulation without burdening another and much more powerful part of the population consuming those services. It took more than half a century to put in place the first regulatory framework, which gave limited protection to domestic workers only partially, and yet another 55 years to finally enshrine the rights of domestic workers in law on par with those of other workers. The medium or vehicle for denying domestic workers the same rights other workers enjoyed was defining domestic work as peculiar.

From the End of the Nineteenth Century to the Mid-Twentieth Century

Following Allemandi (2015), at the end of the nineteenth century the need to regulate domestic work emerged in association with the imperative of restricting or controlling child labor. At that time, regulations focused on the protection of those children deemed illegal, illegitimate or abandoned by their families and who were working, begging or committing petty crimes in the streets of the city of Buenos Aires. The main objective of these regulations was to protect children from the dangers of street life. As Allemandi (2015: 35) wrote: 'Domestic service was constituted as a field of work that was "functional" to the needs of a state that, by exercising a guardianship role, took the children out of the street and relocated them to "honorable" family homes so that they "raised" them and "educated" them in exchange for their services.ⁱⁱⁱ It was not until the 1920s that child domestic work began to be problematized in the public sphere. Still, according to Allemandi, this resulted from 'a change in sensitivity and social tolerance around child labor in general and to child domestic placements in particular, but also around certain official practices of assistance and protection of childhood' (2015: 35). The discussions that arose regarding the law prohibiting child labor – In 1924 – demonstrated these changes. Those who stressed that domestic work led to different forms of child exploitation – turning children into 'small slaves' were in opposition to those who defended that domestic work should remain outside the state regulation, since it represented a 'refuge' for poor children and a mechanism for learning 'good habits.' The debates reflected the dilemma between protecting children from 'the dangers of the street' and protect them from the 'abuse' of domestic service.

As was the case in Europe from the early twentieth century, Argentina passed various laws of worker protection. Much like in Europe, they were a reaction to the so-called 'social question:' faced with labor conflicts and the problems arising from the changes linked to industrialization, urbanization, and immigration, a series of workers' protection laws were enacted. The drafting of the first Labor Code in 1904 represented one first milestone. Despite its legislative failure, the year after, the Law of Sunday Rest was passed (1905), and two years later, the Labor Law for Women and Minors (1907) was passed, which introduced a legal system for the protection of workers, culminating with the Work Accidents Act in 1915 (Pérez 2015: 47).

Not all occupations were initially included in the Accident Act; only those affected by the new 'modern industrialization' were. In particular, agricultural and livestock activities were excluded from this scheme. According to most of the legislators of the time, there was no reason to consider accidents in these sectors, exempt as they were from the use of 'dangerous machines'. In particular, the exclusion of domestic service from these regulations was based on two elements. On the one hand, the Civil Code had established that this activity should be regulated by municipal ordinances. On the other hand, in many regions, domestic service was characterized by complex ties of dependence between employers and workers. Whether to legislate industrial relations and social policies were, of course subject to fierce debates, and there were attempts to create protection for domestic workers. Pérez (2015: 48-9) quotes Deputy Carlos Rodríguez in 1920, who sought to include domestic service in the benefits legislated by the Law of Sunday Rest: 'The exceptional situation that Law 4661 created for domestic service, depriving it of the rest period, is now impossible to defend and maintain. This cannot continue to be the state of affairs without resembling a state of slavery or servitude, incompatible with the culture of our people and the achievements of social legislation... The high goals and future destinations of the people, cannot consent to the fact that these inhabitants continue in a situation of inferiority in the enjoyment of civil rights, to which they are entitled by the

role of parents of the future Argentine generations, and whom we can only wish to be strong, intelligent and good, like all creators of this great nation, founded on freedom and justice.'

The bills that sought to regulate domestic service presented in Congress in the 1920s and 1930s emphasized the vulnerability of workers of the sector. For example, in the motivations of the bill presented by the Socialist Deputy Agustín Muzio in 1926, it was pointed out that those who performed domestic duties generally had poor living and working conditions, making them more prone to diseases such as tuberculosis. Furthermore, minors and women employed in domestic service were particularly threatened by prostitution. But that did not convince the majority and the bill was not passed. It was not until 1956 that the first regulation granting some rights to domestic workers came to life with Decree Law 326.

While the discussions surrounding domestic work as part of industrial relations or not above saw these as conflictual, debates over domestic work in relation with the family engages the vocabulary of social harmony. Domestic services are viewed as part of family life and the rules governing it. The Civil Code from 1869 had consecrated the family as a jurisdiction under paternal authority. The legal incapacity of married women, for example, was based on the need for families to have a single authority that was not questioned. This 'need' was, however, intensely debated and in 1926 the Civil Code was modified, recognizing some rights to married women, although not equal to those enjoyed by men. Likewise, different laws enacted in the first half of the 20th Century restricted patriarchal authority over children. Pérez (2015: 56) found the 1948 Adoption Law to be significant when stating that the *paternofilial* bond, in the last analysis, depended not on blood, but on the law. The law followed after intense debate on the situation of boys and girls who came from different charities or directly from own relatives and they were expected to be treated as 'son' or daughter,' but who usually were treated as 'servants,' many times without paying them a salary in exchange and under conditions of intense exploitation. The understanding at that time was that these practices, although habitual and ingrained, would disappear when the adoption process began. As an illustration Pérez (2015: 58) quoted Amado Olmos, deputy for the Peronist Party, arguing: 'Many years ago a very well-positioned lady went to an asylum of orphans and expressed her desire to have the services of a girl of 14 or 16 years. When the warden pointed out the skills of a girl who had learned to knit, to sew and other things, she said she was not interested in those conditions, but one who knew how to clean the house, and I have a 17-year-old son and I do not want him to go out much at night. That does not happen anymore.'

Second Half of Twentieth Century and Beginning of Twenty-first Century

Yet, as briefly mentioned above in 1956 this 'peculiar' kind of work was codified in Decree Law 326. It 'defined domestic service as an activity performed at the employer's home, from which the employer did not obtain an economic profit. This exceptional nature of domestic service also involved the limitation of household workers' labor rights' (Perez and Canevaro 2015: 132). This was the argument for continuing to treat domestic work as different to other kinds of work. But it could have been different. The year before, in September, the Peronist party had proposed a bill granting rights on par with those of other workers, but it never passed it (Tizziani 2013). Nevertheless, Decree Law 326 (Executive Order 326/56) or '*Special Statute on Domestic Work*', as it is also named, did grant certain rights to domestic workers. However, it was limited to workers who resided in the employer's household and workers who performed activities in the same household for at least four hours per day and four days per week. It included the obligation to award weekly rest, work attire, work tools, and a healthy diet, but no limitation of the work day or minimum pay (Poblete 2015a: 5-6).

What it did accomplish, though, was establishing an institution of arbitration: the *Tribunal of Domestic Work*. Pérez and Canevaro have analyzed domestic workers' discursive strategies before the Tribunal. Based on careful reading of more than 800 cases covering the time period ranging from 1956 to 2013, they concluded that workers' strategies alternated between a language of rationality and labor relations on the one hand, and of affection and family-like bonds on the other. This means that the understanding of domestic work as part of 'family life' was (to various degrees) incorporated in the self-understanding of the '*domesticas*.' The article is fascinating reading and it demonstrates that toward the end of the period the vocabulary of labor law became dominant, but not exclusive. As demonstrated below the understanding of domestic work as different to other kinds of work was still the case among some domestic workers and

their employers in the Buenos Aires Metropolitan Region in 2005 and 2014 (Courtis and Pacecca 2014; Esquivel and Pereyra 2017b).

This bears witness to the persistent understanding that domestic work is '*work as no other.*' In the Argentinian context this was specified or argued with reference to it not yielding a profit to the '*employment provider*' as the (technically *not* employer) is called. That is, the legislator refuses to recognize *la patrona* and *la domestica* within the vocabulary of industrial relations and labor law. Yet, more recently, the legislator has sought to create a regime that in reality sets domestic work on par with any other employment, but maintaining the aforementioned distinction, which has resulted in a rather complex set of regulations. In 1974, the passing of the Employment Contract Law confirmed domestic service as having "special" status, which rationalized exemption from the labor rights guaranteed to almost every other worker' (Perez and Canevaro 2015: 133).

Following Plobete (2015a: 5-12) Law 25.239 (2000) (Special Social Security Regime for Domestic Workers) established a new special regime that allowed domestic workers performing activities for a single employer for at least six hours per week to be included in the 'Special Statute on Domestic Work.' With the two coexisting regimes, 90.6 pct. of workers had the possibility to be formalized. This was supplemented by a Federal Tax Agency Resolution 266/2000 (Special Statute on Domestic Work). In 2006, the remaining 9.4 pct. were included as single-tax payers (In 1998, the low-income workers, mainly self-employed, could be included in the tax and social security regime by means of the payment of a simplified tax). So, from 2006, all domestic workers could be registered according to any of the three existing regimes. Yet, only nine pct. were actually formalized workers in 2012!

Finally, in 2013, law 26.844 was passed (Law on Personal Household Staff). This is the legislation reflecting Argentina's involvement with the ILO-initiated work on decent working conditions for domestic workers, which had resulted in the 2011 Convention. Plobete judged that this law constituted a legal advancement compared to the preexisting regulation because now domestic workers are treated on par with other workers, which find protection within the Labor Contract Law. Even if it still emphasized that domestic work is '*work like no other,*' it recognized that domestic workers must be treated just like every other worker. As already mentioned, according to the legislator, what makes domestic work special are not the characteristics of the workplace or the features of the relationship between the employer and the employee, but the attributes of the employer (Pereyra and Pobleto 2015). The latter is defined as a worker 'who does not obtain a direct economic profit or benefit' from the activity performed by the domestic worker. For that reason, the employer can only partially comply with the obligations arising from the labor relationship – unlike 'real' employers who have profits to spend, it is understood. This particular definition and its legal consequences are what made Plobete conclude that the new law 'creates a regime that seems to prioritize the rights of employment providers over those of domestic workers' (2015a: 18).

It should be clear by now, and as neatly summed up by Plobete:

One of the major difficulties in regulating domestic work is the naturalization of this relationship as an affective relationship. Its definition as a 'family' relationship and an altruistic one based on mutual affection, against the possibility of thinking it as an employment relationship. Money in exchange for the work done was not always considered as a sufficient criterion for recognizing it as a commodified relationship. This is because in many cases – particularly in beginning of the Twentieth century, salaries were mostly paid in kind: housing, food, clothing. But above all, it relates to the type of tasks that make up the domestic work, tasks considered as 'essentially feminine', inherent to the role of women in the household – food preparation, cleaning, and child and elderly care (2015b: 5).

Domestic Workers in Numbers

According to ILO (2013a: 24-28) 37 pct. of all domestic workers in the world are employed in Latin America. From 1995 to 2010 the number increased everywhere, particularly in this region, where it grew by about 9 million; from 5.7 to 7.6 percent of total employment in the region. They also increased from 14.6 to 17.4 as a share of female employment. ILO found that the rising labor force participation of women, which grew from 43.2 pct to 52.8 pct between 1995 and 2010, is of particular importance for Latin America. Since domestic care responsibilities are overwhelmingly the domain of women, households' need for outside help increased accordingly. Moreover, Latin America is a region with extraordinary levels of income inequality, so households at the top of the distribution have the resources to employ domestic workers, while workers

at the bottom of the distribution are willing to accept jobs in domestic services, even if the levels of remuneration and social protection are low. Domestic work is therefore a significant source of employment in the region: it accounts for more than 7.5 pct. of total employment and 11.9 pct. of all wage employment – more than in any other region. Historically, domestic work has served as a gateway to the labor market for women in Latin America, especially for those with lower formal educational attainment. As already stated, more than a quarter of all female wage workers are domestic workers.

Another distinctive characteristic of the domestic work sector in Latin America is an increase in labor migration of domestic workers. Domestic workers often migrate to neighboring countries. Women from Bolivia and Paraguay, for example, search for work in Argentina. These patterns can only partially be explained by income differences between countries, given that economic crises and high unemployment in the countries of origin and not least political and civil conflicts are also push factors.

Argentina is one of the main destination countries for migrant domestic workers in Latin America. During the 1990s, the establishment of a fixed peg between the Argentinean peso and the US dollar made the country an attractive destination for migrants, as the exchange rate allowed for higher-value remittances and thus enabled domestic workers to support their families back home more effectively. This led to large migration cohorts, with many female migrants finding job opportunities as domestic workers. According to the 2001 census, female migrant workers represented more than 50 pct. of all female domestic workers in the city of Buenos Aires. Partly as a result of the inflow of foreign workers, the number of domestic workers grew significantly, from 577,000 in 1996 to 655,000 in 2000. However, as households began to feel the impact of the Argentinean crisis, they reduced their expenditure. As a result, the number of domestic workers fell by 10 per cent in only two years. Along with the economy, employment has since recovered, and 797,000 domestic workers were counted in 2006 (ILO 2013a: 28).

Yet, the main problem in Argentina remains that in 2017, only 25 pct. of domestic workers in the country were registered, while nearly 15 pct. of working women in the country worked as domestic employees (Poblete 2015a). This means that they cannot enjoy the rights otherwise specified in the regulations described above. Consequently, the average monthly wage of unregistered workers is 48 pct less than the average monthly wage of registered workers. In most cases, domestic workers are over 40 years old (56.6 pct.) with 33.4 pct. between 25 and 39 years old. These workers have received deficient education: 80 pct. have not completed high school studies. Most of them are Argentinean, 31 pct. have migrated from the provinces to the metropolitan area of Buenos Aires, while 14 pct. are migrants from other countries. Though 35 pct are secondary workers [they have a spouse?], 39 pct are heads of households. Only 19.6 pct. work over 40 hours per week, 39.6 pct. work between 16 and 39 hours per week, 32.4 pct. work between 6 and 15 hours, and 9.3 pct. work fewer than 6 hours (Poblete 2015a).

There is a high level of rotation. In 2010, 28.7 pct. had worked for less than a year, 47.9 pct. had worked between one and five years, and only 23.3 pct. had remained in the same position for over five years. Regarding hiring terms, most workers perform activities for a single employer and, within this group, very few work and reside in the employer's household (around two pct). However, the number of workers employed by a single employer decreased between 2004 and 2013, and the number of workers with two or more employers has increased accordingly. In 2004, workers with a single employer accounted for 79.2 pct. of total domestic work, and in 2013, they accounted for 70.5 pct. Workers employed by two employers increased from 12 to 17 pct., and those with three or more employers increased from 8.5 to 12.4 pct in the same period (Poblete 2015a).

Álvarez and Beccaria (2013: 21-25) have calculated changes from 2003 to 2012 based on the national household survey and they documented that there has been an increase of 38 pct. in the number of domestic workers (from 627.611 to 803.436). Regarding place of residence of domestic workers, there has been an increase from two to four pct. from other countries, while those from bordering countries have remained constant at 10 pct.; but the significant change refers to those coming from other provinces: they have declined from 36 pct. to 23 pct., while those from the same place [mostly meaning Buenos Aires Metropolitan Region] have increased from 43 pct. to 55 pct.

With respect to the most important issue, there has been a positive development since the number of unregistered domestic workers has declined from 96 to 84 pct., and this trend has continued. In 2012 the majority was employed in Greater Buenos Aires (56 pct.) and in Pampeana (21 pct.) Another positive development was that the number of domestic workers without pension rights has declined from eight to three

pct.; so in 2012 more than 96 pct. can look forward to some kind of pension (Álvarez and Beccaria 2013: 25).

Migrant Domestic Workers and Care Workers

As shown above, about 40 pct. of domestic workers has migrated to their work place, the majority from other provinces, many from neighboring countries and some from other countries in the region, and the large majority is women. This is not a new phenomenon, but the receiving end, i.e. the employers of domestic migrating women, has changed. *It is the thesis that the increase in domestic work is strongly linked to new care needs not satisfied by public social policies.* As Cerrutti and Parrado wrote: 'The origin of female flows initiated decades ago can be traced back to a demand for domestic services, which was expressed almost exclusively by the wealthy middle and upper classes that hired labor at a low price. Today, however, in some countries such as Argentina demand comes from broader sectors with care needs not covered by welfare systems ... These new demands are associated partly with social and demographic changes' (2015: 410).

The literature on Latin American care migration has primarily focused on movements to other regions like the US, Europe and Japan, and on processes of care chains and care drains. Here, the focus is on migration flows within the region. Courtis and Pacecca (2015: 25) have investigated these flows and found that the traditional engagement of domestic workers by upper classes since colonial times, as from the 1960s has been complemented by urban middle-class households in several Latin American countries now relying on migrant women for housework and childcare. This demand has set off and fueled the movement of hundreds of thousands of young girls and women, giving rise to an early, albeit thriving feminization process supported on what they label a 'family' logic: 'the migrant woman's family of origin, confident that household work is much more protective than factory or office work; and the employing family at the destination, willing to hire (and house) girls and women through work agreements where labor rights are easily blurred in favor of (fictional) kinship practices.' With reference to census data, they show how this process has been particularly active in Argentina. They also show that migration flows have become increasingly labor market-related, and to a large extent cater to demands in the service sector, particularly for domestic workers and carers for elderly or disabled persons. They found that most female migrants were mothers and household heads.

Courtis and Pacecca also demonstrated how the geography of regional migration has changed. During the late Nineteenth and early Twentieth centuries, through the influx of over 2.000.000 European immigrants, Argentina clearly became an immigration country. Since the 1850s, the country has also received small albeit steady inflows from neighboring and nearby countries such as Bolivia, Brazil, Chile, Paraguay, Uruguay and – more recently – Peru. Until the mid-Twentieth century, these Latin American immigrants remained in the Argentine provinces closest to their own home country. Yet, more recently the Buenos Aires Metropolitan Area has become a key destination for regional migrants, especially for those coming from Bolivia, Paraguay and Peru, which currently showed the largest and most active inflows.

In a paper with the telling title 'Care workers in Argentina: At the crossroads of labour market institutions and care services' Esquivel analyzed care work in a broad sense including medical professions and education besides domestic work. Regarding the latter she confirmed that 'Although not all domestic workers perform care work themselves or work for households with dependants, they clearly ease the burden of unpaid housework, thus helping make room for the provision of care by non-dependent household members, or making it possible for women in these households to "reconcile" paid employment and un-paid care work' (2010: 480). She described domestic care work as an occupation without 'barriers to entry' – one of the few employment options open to women from poor households, who alternate between domestic work, public employment programs, unregistered work in trade, and unemployment. As to their income, Esquivel found that 30 pct. of employed women in households with incomes in the first quintile are domestic workers, and their average monthly earnings are not only lower than those of female wage workers overall, but also lower than the statutory minimum wage. This is to some degree linked to the fact that domestic workers' levels of educational attainment are the lowest among female workers; 16 pct. of female domestic workers have not completed primary school, and 61 pct. have not completed secondary school.

Demand for domestic services is highly sensitive to changes in middle- and upper-class incomes: it contracted sharply in the immediate aftermath of the 2002 macroeconomic crisis and recovered only in 2006, when public employment programs started to shrink. She also recorded the registration initiative on domestic work that started in early 2006. 'This initiative involved deducting domestic workers' wages and social security payments from employers' income tax, together with simplified procedures for registration and payment of contributions, and an intense advertising campaign' (Esquivel 2010: 489).

Migrant, Domestic (Care) Workers in Buenos Aires Metropolitan Region

'Here, we are living the four of us: Mauricio [Macri, President of Argentina], Valentina [daughter of his first marriage], Antonia [their daughter] and I. We have just one maid, who has been working for us for a long time. She is already part of our family' (Juliana Awada [First Lady] in the TV show *Almorzando con Mirtha Legrand* [Having Lunch with Mirtha Legrand] 19 March 2017).ⁱⁱⁱ

From 2011 to 2015 Esquivel and Pereyra studied care professions in Buenos Aires (2017a, 2017b). With regard to the question of formalization, they found a striking lack of self-criticism when investigating among those employers who do not register their employees. Employers tend to place the responsibility for this situation on the employees themselves, who they maintain do not want to be registered (because they would lose child allowance), or cannot (because they are foreigners and have not processed their residence). Perhaps even more striking, when interviewing domestic workers they found that although they value the formalization of the employment relationship positively, it was not a priority claim. Esquivel and Pereyra (2017b: 73) argued: 'On the one hand, it is true that more urgent demands for wage increases tend to prevail in the context of an occupation that reports very poor incomes. But it is also true that the non-formalization of the employment relationship is a scarcely questioned situation.'

Faced with the question of whether contributions and access to future retirement were issues of concern, most women workers referred to two issues. On the one hand, and in line with the high turnover rates registered in the occupation the interviewees expressed difficulties both to identify with the same and to visualize themselves occupying their positions in the long term. Expressions such as '*for now it serves me fine*,' '*for now I continue*' and '*I do not know if I will be working as a maid all my life*' reflect the poor projection of work in the future. On the other hand, and related to this issue, the workers who lived with their partners again alluded to the idea that this is a secondary work in the home: labor benefits such as retirement contributions and medical coverage from social security tend to be expected from the work of the male spouse (Esquivel and Pereyra 2017b: 73).

Similar results were reported by Courtis and Pacecca who interviewed 19 migrant domestic workers in Buenos Aires in 2005, and they also found that their interviewees 'failed to perceive non-standard employment as a violation of their rights as workers or as an act of abuse' (2014: 29). They justified the situation with reference to the high cost of regularization procedures and their conviction that, employment-wise, having proper resident documentation did not entail any comparative advantages. It is clear through their interviews that neither *las domesticas* nor *las patronas* considered the relation a standard work relationship: conditions were not negotiated, either they were accepted or rejected. In general, when the interviewees described their conditions as for instance 'good' or 'passable' they were not alluding to an employment/contractual relationship, but rather to a personal relationship experienced and expressed in terms of family and kinship: 'they treated me as just another family member.' Here, the respondents made reference to money loans, authorizations for long holidays in their home countries, assistance in obtaining medical appointments, medicines, textbooks for their children, and other actions seen as favors from the *patrona*. 'This mode of treatment is the prerogative of the employer, who plays the role of "head of kin," distributing resources and gifts in this fiction of kinship' (Courtis and Pacecca 2014: 29).

Pereyra (2013; n.a.) also investigated the situation surrounding those employing domestic workers by way of focus group interviews (one group of highly educated-employers and another of less educated ones). Based on the analysis she found that the relationship between *patrona* and *domestica* came in three ways, either as 'friendly,' hierarchical, or protective. The different types are illustrated by the following quotes. 'Friendly' relationship: '*Yes, you have to think that many times it is a woman who comes to your house for years ... You know about her life, she knows about yours ... there's one I used to hire some years ago ... I call her for her birthday, she calls me, sometimes she comes to tea.*' Hierarchical relationship: '*I'm*

very strict with mine ... I do my part, I provide all her needs and she has to fulfill her duties ... How can I put it? ... with time ... they relax, it's normal. My role is to show her that her work has to have certain rhythm, to be constant. At certain hour the house has to look impeccable.' Protective relationship: *'It comes up this thing of...guidance, advise...For instance, I helped Mirta [her employee] with this social plan ... [she refers to the Universal Child Allowance] I found out which agency she had to go to and which papers she had to present ... I have also offered to lend her money when her mother had health problems, but she didn't want to hear of it'* (n.a.: 6-7).

Across these differentiations many employers expressed stereotypical assumptions about 'welfare dependency' and criticized universal child allowance for producing disincentives for people to seek employment: *'Yes, one of the maids I interviewed told me that she doesn't work in the mornings. Of course, they have the plans! They don't need to. They work some hours in a couple of houses and there you have: they make more money than you!'* (n.a.: 9).

Regarding migrant workers, *las patronas*, particularly those who described their relationship with domestic workers as hierarchical, expressed their preference for Paraguayan employees. These migrant workers are contrasted positively against their Argentinean peers: *'I've never hired Argentineans, I hate them! They are lazy, they lie! The ones that I love are the Paraguayans, very respectful, they work well, they don't come with those demands that the Argentineans have. I don't hire, I never hired and I'll never hire Argentineans.'* 'This assertion is illustrative given migrant workers' greater vulnerability, which often operates as an incentive for high docility, an attribute that local workers, with stronger social ties and networks, may not exhibit,' Pereyra found (n.a.: 8).

Since Courtis and Pacecca (2014) reported investigation into *migrant* domestic workers it also holds valuable information in that respect, but it is important to underline that they analyze data from 2005 even when the article was not published before 2014. Because of conscious sampling all migrant domestic workers were mothers. Knowing that they would probably find jobs as domestic workers and work long hours, all of them migrated alone, leaving their children with their relatives. For some of the women, migration meant relying on another woman (usually her mother or her sister) to raise her children. Initially, the divorced women had arranged for their ex-husbands to look after the children; however, these arrangements were short-lived, either because the fathers could not cope and handed the children over to the maternal grandmothers or because the mothers were uneasy about how their children were being cared for. With regard to the women whose husbands later joined them in Argentina, the children were left in charge of the fathers, who received considerable support from their extended families (Courtis and Pacecca 2014: 28). The authors found it quite striking that: 'almost all the respondents got jobs within fifteen days of their arrival in Buenos Aires. Besides, during the initial phase of their residence in the host country, they took jobs as live-in maids and sent remittances back home while their children stayed behind in the country of origin' (2014: 29).

Conclusion

Esquivel and Pereyra (2017b: 58) ponder whether there is evidence that a '*care penalty*' phenomenon punishes different occupations in a differential manner? The answer was affirmative, and domestic workers experienced being 'penalized' the most. This observation and conceptualization seem to indicate that care services in general, but to various degrees, share with domestic work a lack of *recognition* in society.^{iv}

This is in line with recent attempts to move the care concept away from 'naturalized' notions of duty and affect – the logic of sacrifice (Calderón Magaña 2013: 51) – toward viewing care as a universal human right, and as such, part of citizenship (Williams 2010: 17). This penalization of care work is associated with the widespread understanding of it being peculiar, which again is embedded in history and has become part of Argentinian (and Latin American) culture.

The long history of struggles to grant rights to domestic workers in Argentina can be interpreted as struggles for recognition of domestic work as other work, and history showed that powerful societal forces have for a very long time managed to cling to the idea that domestic work —and care work we may now add— is 'work like no other' (Blackett 2011: 15). Partially from 1956 and fully from 2013 onwards domestic work (and then domestic care work as well) are now recognized on par with other kinds of paid employment in Argentina, hence satisfying recognition within the judicial order of society in the words of Honneth (2004). What statistics on formalization of domestic work in Argentina revealed, however, was that in eve-

ryday social life only about 25 pct. of domestic workers were actually registered, which is a precondition for claiming and having rights, leading to a de facto situation where the large majority of these workers was not recognized in the social order of society. Results from the recent qualitative studies of domestic (care) work in Buenos Aires further revealed that there exist various degrees of personal recognition from those who purchase domestic (care) work, from none to some. Current situation is then overwhelming determined by what in a parallel context (East Asia) was labeled the stickiness of culture. It is cultural mores that prevent formal legislation to be realized (Abrahamson 2016, 2017).

The studies on migrant workers revealed that many of these workers do not prioritize formalization because they expect their work to be temporary since they have aspirations of upward social/work mobility, but in reality most find themselves stuck within domestic work (Tizziani 2011). There are financial incentives for employers of domestic services to register their *domesticas* since they can deduct some of the expenses from their taxes; but that does not yield more compliance with existing regulation. There has been an increase from four to 25 pct. in registration as already mentioned, but the fact of the matter remains that non-registration or non-compliance is the dominant problem with respect to domestic work in Argentina.

The precariousness of domestic and care work is to a large extent explained by the fact that it is primarily performed by women with often limited educational attainment, having migrated from rural or less developed regions and being ethnically different to those they work for. Yet, it was interesting to observe that Courtis and Pacecca did not detect any kind of ethnic or racial discrimination from the employers of the migrant domestic workers they interviewed in 2005.

What motivated women to migrate to find domestic work in Buenos Aires was the opportunity to provide their children with better education than they themselves had obtained and to the extent they left their children behind remittances were substantial. Others chose to relocate their children to Buenos Aires and closely monitor their educational progress there. Processes of care chains were clearly identified since many followed an older sister or an aunt who had made the journey to Buenos Aires years before, but processes of serious care drain were not observed.

Education as the preferred avenue toward upward social mobility seems paramount and can already be reflected in higher levels of educational attainment among recent cohorts of domestic migrant workers. Yet, it remains to be seen whether migrant, domestic care workers in 2017 maintain such aspirations and whether prospects of them being successful are warranted. The study that this paper anticipates hopes to answer these questions and qualify our understanding of migrant, domestic care work being precarious, underpaid and lacking in recognition and respect.

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ⁱ Fertility rates vary by social class everywhere, but much more so in Latin America than in many other places. This means that mean figures are only partially indicative of development. In the case of Argentina, absolute fertility re-

mained constant at around 3.0 from 1970 to 1990, then it fell to 2.2 in 2010 and has remained stable ever since (OECD Data Base 2017). However the literature agrees that low fertility (< 2) is a pronounced phenomenon among middle classes in the region: Provoste Fernandez (2013: 139, 148) wrote ‘... the fertility decline and reduction of family sizes ...’ ‘... accelerating decline in birth rates, which are starting to be seen as a national problem.’ Rossel and Filgueira (2015a: 122) specified: ‘... today’s very low fertility rates among the middle classes, especially in the Southern Cone of Latin America.’ ‘The rapid, albeit stratified, decline in fertility... (ECLAC 2012: 113). ‘The drop in fertility ... in middle and high income sectors’ (ECLAC 2009: 213). Simultaneously, however, Argentina is experiencing a prevalence of teenage pregnancies (13 pct.) (ECLAC 2017: 187) and multi children households among the lower classes.

ⁱⁱ All quotes from Spanish are author’s translation.

ⁱⁱⁱ "Acá vivimos nosotros cuatro: Mauricio, Valentina, Antonia y yo. Tengo una sola chica que trabaja con nosotros desde antes, que ya es parte de nuestra familia“.

^{iv} Honneth’s concept of recognition is deliberately applied to comprehend a common trait that applies both to all care work and all domestic work. According to Honneth human existence presupposes mutual recognition in three domains or social orders: personal (the private order), legal (the judicial order) and social (the order of solidarity). His diagnosis of contemporary society points to non and mis-recognition as basis for conflicts and pathologies (Honneth 2004). The concept is related to *respect* and the denial of such (se e.g. Sennett 2003).