Global Rights and Local Struggles

Our nine countries illustrate how national contextual variations can result in a transformative process at the international level being adopted, negotiated, modified or strengthened at the local level – or alternatively, ignored or rejected. With this question in mind, we look at what happened in each country during this time as regards the preparation, promulgation, ratification and, where relevant, the implementation of C189, or what we have called the ‘C189 process’. We are thus asking how, and under which conditions, what we identify as a global right can be adopted at the level of local struggles. We look at the actions undertaken by local actors and the ‘interpretative frames’ they used to provide a narrative about their conditions and possible solutions (Benford and Snow, 2000). We also look at the alliances they established, which acquire a specific meaning in relation to the political, cultural and socioeconomic context of the country in which they take place.

We begin by elaborating on the way in which the international campaign for C189 can be seen as an example of a global agenda, combining perspectives on human rights and social movements. We provide some context to the international dimension of the C189 process, looking in particular at the preparation and promulgation phase. In the second part of the chapter we offer an analysis of the dynamics created by the C189 process in each of the nine countries under study, using a strategic action field perspective. After introducing some of the elements of the theory of strategic action fields, we describe how, in each country, the main elements of the field aiming to advocate for domestic workers’ rights have evolved over the period 2008–18. We also discuss which interpretative frames have animated the field in giving meaning to the issue of domestic workers’ rights in each country. In this analysis we suggest that the C189 process has been what Fligstein and McAdam (2012) call an ‘external shock’ which has affected each country, yet prompted different socio-political dynamics.
We then carry out a comparative assessment of the nine countries in relation to the C189 process. We describe how it has changed, depending on their respective socioeconomic, cultural and political contexts. Yet we emphasize the importance of not assessing the impact of the C189 process in terms of success or failure but, rather, as tendencies or variations, which are provoked by moving the process from the global to the local level. Thus, we have clustered our nine countries along four different variations: (1) Ecuador and the Philippines, (2) Colombia and Brazil, (3) Taiwan, India and Spain and (4) Italy and Germany. When comparing these groups, we find different objectives as well as different roles for the key actors in the C189 process at local levels. A variation between these groups can also be seen in the kinds of discourse on domestic workers and the demographic composition of the workforce in each country. This chapter also opens the way to a discussion on discourses, alliances and coalitions between actors of different kinds, continued in Chapter 5.

The rights of domestic workers as a ‘global’ issue

The transformation of domestic workers’ movements for labour rights into a global movement compels us to consider the interplay between the national and international actors that have shaped the process. However, the interests of domestic workers seldom received much attention in the past, so, when reflecting on the growing institutional concern for their situation, a question that arose repeatedly was: ‘why now?’ What has motivated the changing attitudes of international actors towards paid domestic work? In other words, what has made it possible for the labour rights of domestic workers to become what Clifford Bob (2011) would call a ‘new right’ at the global level?

We should first consider the fact that, in reality, the issue of domestic work is not new to the ILO’s agenda. Already in 1948, the ILO considered a resolution demanding minimum standards for this sector (see Schwenken et al, 2011; Boris, 2019). However, the attention given to the issue of domestic workers gradually faded away. In the post-war period it was commonly believed that the modernization of domestic life, with the growth of technology and more efficient systems to organize the household, would soon make it possible to spontaneously eliminate the traditional figure of the paid domestic worker, seen as a legacy of exploitative, premodern times (see Coser, 1973). There was thought to be no need for political intervention. It was only in the mid-1990s, when the ILO started its general campaign for the promotion of ‘decent work’ for flexible, informal and non-standard jobs, that the issue of paid domestic work came up again.
In 1996 an important historical precondition for the later approval of C189 was the passing of ILO Convention No. 177, setting labour standards for home work (Boris, 2019). Elisabeth Prügl (1999) demonstrates how the adoption of C177 is testament to a historical change in the conception of ‘work’, through its expansion of the notion in order to protect the increasing numbers of flexible home workers. These are mainly women employed by factories, especially in the small manufacturing sector, who work from their homes and are paid by piecework. Both labour rights and feminist movements that had previously tried to draw attention to this category had always been confronted with a general conception of home work as feminized labour, supplementary to that of male workers in factories, and therefore ‘not real work’. Women workers’ struggles over this issue intensified through the 1970s and 1980s, in parallel with the intensification of industrial production in Asia, Latin America and North Africa, where home-based workers were used by multinationals as a cheap and flexible labour force in the production of textiles, food and livestock. Indeed, it was precisely from rural women’s movements in countries like India, Indonesia, Thailand and the Philippines that a new impetus to advocate for home workers’ rights originated. A network of local organizations and trade unions – among them, notably, the Indian women’s union SEWA – fostered a new dialogue with the ILO and successfully campaigned for the approval of Convention 177.

As we already mentioned, the ILO’s decision to put the question of domestic workers’ rights on its agenda for possible conventions was perceived by many as a historic moment. This was especially so from the standpoint of countries where domestic work did not have any kind of recognition as proper work, or where the legal framework protecting domestic workers’ salaries and conditions was only minimal. The Convention also explicitly promotes collective organizing by domestic workers, aiming for a stronger unionization of the sector. Finally, the Convention was intended to improve the social and cultural representation of domestic workers and their economic conditions, including through an increase in salaries to level up with the minimum standards found in other sectors. The C189 process therefore promised to be something which might have real legal, cultural and economic repercussions for the lives of domestic workers.

The possibility of such historic transformation has attracted the attention of many international organizations and NGOs, from UN agencies to international trade unions and EU bodies (see Chapter 1). In the eyes of these actors, the idea of a convention on domestic work effectively combined human rights, women’s rights and labour rights perspectives. In our view, the process which has brought about C189 resembles what some scholars have defined as ‘the making of global agendas’ (Della Porta et al, 1999; Smith...
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and Johnston, 2002; Smith, 2004). A classic example of the construction of a global agenda has been identified in the process which was activated around the formulation of the Millennium Development Goals, with national and international NGOs and institutions working simultaneously for their preparation and later committed to their realization (Fukuda-Parr, 2004; Kabeer, 2005). Yet the literature on global agendas questions the effectiveness of the various methods, from lobbying to protests or consultations, that NGOs and civil society adopt in a bid to influence international institutions. It also debates the most effective method to foster the implementation of international frameworks at local levels, a question that is highly relevant to the drafting of ILO conventions.

Similar dilemmas have been raised by Nora McKeon (2009) looking at the efficacy of the UN, by Jan Aart Scholte (2009) analysing the World Trade Organization and by Jens Steffek, Claudia Kissling and Patrizia Nanz (2008) examining the EU. This critical perspective has also been useful in assessing the impact of normative frameworks on women’s rights. Indeed, after the UN Assembly in Beijing in 1995, several studies researched the discrepancies between the international and national levels when it comes to women’s issues. For example, Janet Conway (2008) has investigated how local women’s movements are connected globally through the initiative of the World March of Women. Meanwhile, authors such as Sylvia Walby (2002), Martha Nussbaum (2001), Neila Kabeer (2004) and Peggy Levitt and Sally Merry (2009) have established a body of scholarship that explores the limitations, difficulties and potential developments of international norms on women’s rights when they are adopted at a local level.

Along this line of analysis, we explored the impact of C189 as an instrument for the governance of global rights between local and transnational levels (Boris, 2017). An emerging literature on the Convention has begun to address this issue, looking at the impact of C189 on national or regional social movements, and on the political processes related to the campaigns for its ratification and consequent implementation (Schwenken, 2013; Blofield and Jokela, 2018; Marchetti, 2018; Cherubini et al, 2020). Research has also focused on improvements in legal advancements in various countries brought about by signing the Convention into national law (Du Toit, 2011; Albin and Mantouvalou, 2012; Gallotti and Mertens, 2013; Rosewarne, 2013; Viesel, 2013). Further, some scholars have focused on the key role played by the IDWN and that of regional and national organizations in the drafting of the Convention in 2011 in Geneva (Schwenken, 2016; Fish, 2017; Acciari, 2019).

Equally important is the work that has been done on the historical roots of C189, identified in other ILO campaigns for the promotion of decent work in flexible, non-standard and low-skilled informal sectors,
as well as in the multiple debates on women’s work and migrants’ work which have animated the ILO agenda since the 1990s (Schwenken et al, 2011; Kott and Droux, 2013; Boris and Fish, 2014; Mahon and Michel, 2017; Boris, 2019). Promoting decent work also appeals to human rights principles, as is clearly reflected in C189, whose main prescription of equal labour rights for domestic workers is accompanied by a call for recognition of their dignity as human beings (Garofalo Geymonat et al, 2017; Marchetti, 2018). It has been rightly observed that C189 is rooted in intersectional thinking, simultaneously seeking to address issues of gender, race, ethnicity, religious and class-based discrimination at work, and calling for the protection of the most vulnerable categories of domestic workers, with special reference to migrant workers (Schwenken, 2013; Fish, 2017; Blackett, 2019).

At the local level, research on domestic workers’ organizing highlights the diversity of actors and objectives involved in the struggle around the C189 process. Depending on the country, the field is populated by many institutional and non-institutional actors, playing either a supporting role in the fight for domestic workers’ rights or an obstructive one. Besides domestic workers’ grassroots organizations and trade unions, these actors may encompass other civil society organizations, such as general trade unions and workers’ organizations (Boris and Nadasen, 2008; Chun and Cranford, 2018), women’s and feminist groups, anti-racist and ethnic minority associations (Bernardino-Costa, 2014) and humanitarian NGOs (Chun and Kim, 2018). Studies have also considered organizations representing employers’ interests (Chien, 2018), governmental bodies, state institutions and international organizations (Blofield, 2012). The role of these actors, their position in the field and their interactions are context-specific and deserve further empirical analysis, as we aim to provide in the following pages.

Strategic fields of action around the C189 process

In their book *A Theory of Fields* (2012), sociologists Neil Fligstein and Doug McAdam propose a comprehensive interpretative system for social movements by merging several elements from previous scholarship that studied collective actors’ behaviour, their reciprocal relationships and how they frame their actions, goals and results. They use the notion of strategic action fields to describe the general level of interaction between individual and collective actors who, from their different positions and, at times, differing interests, nevertheless have the same focus.

As already discussed in Chapter 1, we consider all actors involved in domestic workers’ rights issues, in each of our nine countries, to belong to the same strategic field of action. In a strategic action field perspective, it
is not easy to identify the exact contours of a field. Who is in, and who is out? What exactly is the focus that they supposedly share? Actors within the same field might be in opposition to one another; some (the incumbent actors) may impose their views on the others, some (the challengers) may remain marginal, sometimes voicing dissent or proposing alternative views. When drawing the contours of the field, it is also important to understand if other fields are contiguous, with overlaps in their themes, and whether some actors have migrated from one field to another.

For Fligstein and McAdam, fields alternate between moments of internal stability and moments of crisis and change. Through these different phases, the position of actors within the field may change, as may the relationship between them. Stability, however, is only apparent, since any field is actually under constant pressure, which could be contention, a threat or an opportunity. It is this pressure that ultimately keeps the actors in the field together. Fields can be animated by coercion, competition or cooperation. They can be based on hierarchy or coalition, depending on transformations in the form of power held by each actor. Particularly determinant are what they call episodes of contention, which consist of periods during which new forms of interaction between actors emerge. Conversely, when an actor shapes new modes of interaction with others, influencing their perception about a threat or opportunity, the authors talk of an ‘emergent mobilisation’. This is usually provoked by an exogenous shock and can lead to the formation of a new field that occupies a previously unorganized social space. Finally, another important characteristic of strategic fields of action is that they are socially constructed. In fact, there are no objective criteria determining whether or not an actor is included in the field, as this depends on the individual ‘standing’ of the actor, and the issues that are subjectively at stake at each moment. In that sense, for Fligstein and McAdam, ‘fields are constructed on a situational basis’ (Fligstein and McAdam, 2012: 26).

What is the role of governments and other political players in this framework? For Fligstein and McAdam, such actors often facilitate the formation of a field. This can be done, for example, by actively backing up particular groups (as in sponsorship) or, more passively, by certifying the conditions of the stability brought about by non-state actors. A new law, a new judicial ruling and so on, can create an opportunity for strategic action by established or emergent collective actors. Likewise, organized groups can go to state actors and lobby for rules that promote their interests in existing or new fields. In this chapter, we apply this framework to our nine country cases and thus try to understand the functioning of the field regarding rights for domestic workers. Different actors are included or excluded from this field in each of the contexts. The attitudes of the actors also change, depending
on the country. For all cases, however, we proceed from the hypothesis that C189 can be seen as an exogenous change that shook the field.

Through this lens, in the following section we present a brief comparison between the nine countries, centred on what we have identified as key elements in a strategic action field perspective. In so doing, we aim to highlight relevant continuities and discrepancies, synergies and possible tensions in each country concerning the local impact of C189 and towards the improvement of domestic workers’ rights.

**C189 as an external shock**

In our view, in some of the countries we examined, the C189 process has been an exogenous shock which has made it possible to think about, discuss and promote the rights of domestic workers in a new manner (Fish, 2017). In March 2008 the governing body of the ILO decided to place the topic of paid domestic work on the agenda of the forthcoming ILO Conference. Domestic workers’ groups reacted promptly to this decision, strongly encouraged by international trade unions and the ILO itself. Between 2008 and 2010, grassroots domestic workers’ groups, trade unions and supportive NGOs provided information to ILO offices about the circumstances in their respective countries, and they lobbied governments, employers and trade unions ahead of the vote (Schwenken et al., 2011).

In 2011, the Convention on ‘decent work for domestic workers’ received 396 votes in favour, 16 against and 63 abstentions. Immediately after the promulgation, a worldwide ratification campaign1 was launched (initially called ‘12 by 12’, aiming at 12 ratifications in 12 months). At the international level, the C189 campaign was coordinated by the ITUC and IDWN, later called International Domestic Workers Federation. In fact, an unprecedented level of direct involvement of workers themselves characterized all the steps in the ILO consultations and the drafting of the Convention (Fish, 2017), and it continues today with the aim of expanding the number of countries ratifying and implementing C189. Through this process, domestic workers’ organizations have indeed extended their networks and increased their visibility at the international level.

In some of the countries in our study, C189 can be seen as the exogenous shock that has fostered the formation of new organizations and the creation of an unprecedented terrain for their action. In others it has significantly transformed an already existing movement, improving its visibility and allowing more space for action. In our view, the reason for these regional differences needs to be understood by looking at each country’s tradition of political and social engagement, in a contextual perspective that we will develop further in the following section.
Goals

C189 has not always been the actual goal of the mobilizations taking place in each country. In fact, when looking at the period 2008–18, the objectives which had created the convergence between actors belonging to the strategic action field of domestic workers’ rights may or may not have been directly related to C189, depending on the country and on the specific case.

In India and Taiwan, for example, the movements’ goal was actually a national law on domestic work. Of course we can say that the international C189 campaign has had positive effects, initiating a debate on domestic workers’ rights and giving it international legitimation, but C189 was not the main focus, for different reasons that we will clarify later. In the cases of Germany, Italy and Brazil, meanwhile, the governments have ratified in quite a bureaucratic manner, without consulting domestic workers’ organizations. Yet, following the ratifications, trade unions pointed to the need to improve current national legislation in order to fully satisfy C189 demands. Conversely, prior to Brazil’s ratification in 2018, domestic workers’ organizations had decided not to focus on the C189 process but to fight instead for national reforms, namely the constitutional change achieved with the PEC das Domésticas, as we saw in Chapter 2.

Finally, in the Philippines, Ecuador and Colombia the goals changed several times between 2008 and 2018. At first, in all three countries, the field took shape around the issue of C189 ratification, which was successfully achieved in the years 2012, 2013 and 2014, respectively. Subsequent trajectories have, however, been different. In the Philippines, the new Kasambahay Law (2013) was introduced, which, as required by C189, was an ad hoc law on domestic work. Following its introduction, the goal of the field moved to the implementation of this new legislation, aspects of which remained lacking. In Ecuador, while demands for a national law on domestic work were frustrated, domestic workers’ organizations supported other labour reforms. The same happened in Colombia, where they also campaigned for related issues, such as the right to the 13th-month payment stipulated by the Ley de Prima in 2016, although a national law on domestic work remained the ideal objective for actors in the field.

Actors

Here we set out the main actors in the strategic action field of domestic workers’ rights. Of course, as we shall see, actors’ roles and attitudes may change over time, as do objectives and discourses. Yet it is useful to map out the various individuals and organizations that have particular influence in the field at any one time.
In all countries where the field was at one point strongly united in pursuing the ratification of C189, namely in Ecuador, Colombia and the Philippines, we see that governments and political parties played a very important role, leading the process and building consensus around the ratification as a national goal. The political actors in these countries also had strong relationships with the ILO offices. By contrast, the ratification processes in Italy and Germany were quite different, since, as mentioned, in these two countries the path towards ratification was conducted in a particularly top-down way, without inviting wider participation.

We have also observed how governments that have been supportive of ratification have not always been as committed to its subsequent implementation. In this case, leading advocates for its implementation might be either general trade unions or, in countries where they had a strong presence (see Chapter 2), domestic workers’ organizations themselves. In fact, in the majority of our nine country cases domestic workers’ organizations were very active in the implementation phase.

In addition to these actors, it is also important to acknowledge the determinant role of civil society in general across all the countries in our study, including local and international NGOs, as well as the key role played by international trade unions and UN agencies. The support of international trade unions, international agencies and international NGOs tends to be more significant in the Global South, in particular those that have supported the funding or development of small domestic workers’ organizations. In some contexts, international NGOs appear to also have been the intermediate actors between governments, the ILO and workers themselves. In Taiwan, the Philippines and India, the media plays a significant part in drawing attention to domestic workers’ exploitation and challenging local institutions to take a stand. Finally, the role of local trade unions is essential, particularly in countries like Italy, Germany and Brazil. These countries all have strong trade unions that have traditionally covered issues relating to domestic work, such as women’s work, migration and welfare.

At the same time, there are also some important absences in the strategic field of action. Actors that we may assume to be engaged in domestic workers’ struggles do not always participate in the field, as is the case for some feminist and women’s rights groups, indigenous movements, anti-racist groups or workers’ organizations from other sectors. In Chapter 5 we will explore the question of why in many contexts feminist and women’s rights organizations have not clearly supported the cause of domestic workers’ rights, with exceptions in India, Brazil, Taiwan and Spain. More variegated across the nine countries is the participation of other anti-discrimination groups, which in some cases are inside the field, although in a marginal position, while in other cases they are outside. It is also interesting to look at the position of
employers’ organizations, including associations of disabled and chronically ill care receivers. These may range from highly committed allies of domestic workers to their antagonists, depending on the context. Moreover, the C189 process may encounter opposition from state-sponsored recruitment agencies and private brokers that are profiting from the inequalities of the current system and strive to maintain the status quo.

To summarize, focusing on the difference in the roles and positions of local actors is a useful way, in our view, to understand how the global rights of domestic workers are incorporated and realized differently at a national level. This process is greatly influenced by the types of actors involved, the relationships between them and their objectives, with outcomes that will be further discussed in the rest of this chapter.

**Interpretative frames**

When actors mobilize, they need to make sense of their own actions and those of others. This is done through interpretative frames, that is, the narratives used to explain problems, identify possible solutions, gain consensus and motivate actors to take action with respect to given goals (Benford and Snow, 2000). These interpretative frames also contribute to shaping the boundaries of the strategic field of action, since they help to build an (albeit temporary) consensus around what is at stake and on the objectives of the field. In our approach, such frames are important elements in making the connection between the global rights for domestic workers, and the socio-cultural and political discourses present in each of the nine countries.

In fact, in our in-depth interviews with advocates of domestic workers’ rights particular attention was paid to exploring how specific discursive frames were adopted when describing domestic workers’ campaigns in their countries, with the aim of identifying the meaning-making activity underpinning their struggle. In Chapter 5 we will return to the issue of frames with reference to excerpts from the interviews that draw specifically on feminist frames. Let us for now, however, briefly mention the three most commonly recurring frames which we observed.

The first centres on feminist arguments on the valorization of reproductive labour and was particularly useful in countries like Ecuador, Colombia, Brazil, India and the Philippines. Here we found that the C189 process went hand in hand with a political project emphasizing the role of women in society, especially working-class and racialized women, and the raising of their social representation.

The second frame focuses more on differences between social classes, and sees the conflict between domestic workers and their employers as a struggle between interest groups with opposing economic goals. We found this frame
to be common in the majority of the countries we studied – often in ways that show inextricable links to other relevant categories such as caste, race and ethnicity. Italy, Germany and Taiwan, however, were at odds with most other countries in the study. There, class conflict appeared to be largely absent from the discussion, with issues of migration taking the foreground.

Finally, another recurrent frame is the one around the transnational commodification of care. This discourse plays on the connection between migrants’ exploitation in this sector and the crisis of welfare in industrialized, ageing societies. It was thus especially common among interviewees in Italy, Spain, Germany and Taiwan as destination countries for migrants in the elder care sector. In other words, this frame is a critique of the marketization of care provision and its reliance on foreign labour.

In conclusion, it is important for us to explore the way in which these frames operate in conjunction with other elements, such as existing alliances, the roles of specific actors and so on, across a range of contexts and in response to different events. In the next section we present how various elements intertwine in translating the C189 process onto movements at a national level. This is an attempt, from our side, to understand what produces national variations in a global struggle.

Four variants of the C189 process at a national level

In the previous section we saw the numerous elements that, through a strategic action field perspective, may describe the specificities of the C189 process in each country, by looking at the main actors, their goals and the frames they recurrently used. These elements help us to articulate the way in which the C189 process is reflected practically in each country’s struggle. In this section we expand our investigation through a comparative analysis of each national context, exploring how what occurred inside the field has been determined by the wider socioeconomic, political and cultural terrain.

As we will see, another important reason for these differences is the way the struggle for domestic workers’ rights is perceived by society at large. In fact, the C189 process seems to have been favoured in places where domestic workers’ struggles are seen as emblematic of wider campaigns for social justice in the country. Conversely, we found that in countries where domestic workers were largely seen as foreign and easily ‘othered’, the campaign remained isolated and issue specific, and it was difficult for activists to build a large consensus beyond direct stakeholders on domestic workers’ issues. In other words, it is easier to promote the global rights of domestic workers at a national level when they are seen as part of a wider political project for social justice. Conversely, in contexts where the connection with wider political struggles was weaker or absent, the question of domestic workers’
rights was framed more narrowly. Thus, giving more rights to this category was not meant to challenge the structural factors shaping this sector and the exploitation therein.

In our comparative analysis we identified four main tendencies, each produced by a different configuration of factors described in the previous section.

Ecuador and Philippines

For these two countries, it is important to emphasize the strong synergy between the ILO, national governments and civil society actors, including domestic workers’ groups. In both cases the state was quick to ratify C189, legislative measures were adopted on the basis of the Convention’s requirements and domestic workers’ organizing was promoted – an aspect that is in itself part of the C189 goals. Other civil society actors were also responsive to the ILO campaign, thereby ensuring that it had reach beyond the institutional level.

In Ecuador, the international C189 campaign found particularly fertile ground in the political landscape inaugurated by the presidency of Rafael Correa (2007–17). Capitalizing on the cultural awareness developed in the country by social movements before his election, in 2008 Correa proposed a new constitution which, among other things, particularly emphasized the value of reproductive labour together with equality of rights between all workers. This paved the way for the ratification of C189 in 2013. Moreover, as we described in Chapter 2, between 2010 and 2014 a number of labour reforms in Ecuador equated the condition of domestic workers to that of other workers, with the support of the Ministry of Labour and the Parliament. The promulgation of these new legal norms was accompanied by awareness-raising actions aiming to improve, on the one hand, the perception of the social relevance of paid domestic work, and on the other, workers’ consciousness of their own rights and position in society. In so doing, the government was able to pursue the dual goal of C189 at the levels both of legal rights and of social representation.

At the same time, some existing domestic workers’ organizations were supported by the government, giving them public visibility and supporting them in their establishment as trade unions, as in the case of what is today known as SINUTRHE. Pivotal in this process was the role of several international organizations and NGOs active in the country, namely, the regional office of the ILO, humanitarian organizations such as UN-Women and the Latin American office of CARE International, and finally those affiliated with European trade unions that promote labour rights in the Global South, such as the Belgian union FOS-Socialist Solidarity. For all these actors,
speaking of domestic workers’ rights addressed the condition of the many working-class women performing these jobs, including internal migrants from rural contexts and/or racialized Afro-Ecuadorian and indigenous women. These different forces brought domestic workers’ issues to the forefront, making them emblematic of the social reform programme of the Correa administration and his ideal of a ‘citizens’ revolution’.

However, even in Ecuador the C189 process was not without obstacles. In fact, by the time we completed our fieldwork (March 2018) Ecuadorian domestic workers’ groups had not even achieved a fundamental aspect of the C189 implementation, that is, an ad hoc national law on domestic work. Yet the energy, the actions undertaken, the actors involved and the general discourse surrounding domestic workers’ rights – very much based on the same ideals promoted by C189 – are illustrative of the Convention’s strong capacity to spur local dynamics.

In our view, we believe that C189 has been an exogenous shock which has prompted mobilizations when it has encountered a suitable cultural and political ground at a local level. This is particularly the case as regards the key actors that collaborated inside the field, that is, the government and other institutional actors, NGOs and domestic workers’ groups that, unlike those elsewhere, embraced C189 as a goal. Crucially, the local ILO office was fully involved in the process in collaboration with the other actors. The only notable shortcoming was the absence of grassroots Ecuadorian feminist, women’s rights or indigenous organizations, which appear to have remained outside this field. Although neither against nor boycotting this process, they were not particularly engaged in the C189 campaign. In Chapter 5 we will expand on this lack of alliance with feminist and women’s rights organizations, yet we will also examine the convergence that took place at the level of framing.

In the Philippines we also found a suitable terrain for synergy between local processes and the international C189 campaign. This is mainly due to growing attention towards the issue of abuses of Filipino domestic workers while employed abroad. As we saw in Chapter 2, the media coverage of such cases shocked the public even in the 1990s. This general concern about violence against migrant domestic workers was echoed in two types of policy intervention. Firstly, at the level of migration policy, the Labour Department of the Filipino government initiated a series of measures, in particular by threatening to suspend the domestic worker programme for countries with reported cases of mistreatment. Secondly, at the level of human rights protection, both governmental and non-governmental organizations focused on introducing measures against human trafficking and child labour, which affected domestic work. Further, awareness of the continuity between the violence that Filipino workers suffered abroad and the inequality affecting the country began to grow. The mass emigration of
Filipino women and girls that started in the 1970s is indicative of the poverty and lack of opportunity in the country for young women, especially in rural areas and among the part of the population ethnicized as ‘Inday’ or ‘Bisaya’ (in both cases, meaning women from the Visayan region). At the cultural level, the tendency of Filipino women to seek employment in the domestic sector is also influenced by colonial legacies (Parreñas, 2008).

Against this complex background, the idea of a convention on domestic workers’ rights was embraced by the Filipino government under the administration of Liberal Party president Benigno Aquino III, who was one of the early promoters of initiatives towards C189. The Philippines was the second country in the world (after Uruguay) to ratify the Convention, and it worked on the process in close relationship with the regional ILO office. Furthermore, a national task force, the TWG, was established, which in 2013 produced a new law on domestic labour, while the same year saw the emergence of a new domestic workers’ organization, UNITED. In civil society, the process was supported by a variegated landscape of actors, ranging from religious organizations and humanitarian NGOs to migrants’ rights organizations, workers’ centres and trade unions. All these actors had connections at the international level in the fields of human and labour rights. According to our interviewees, feminist organizations were not significantly represented in the work of the TWG and in the process leading to the approval of the Kasambahay Law. However, individual feminists were part of organizations that played an important role in the field, such as in migrants’ and grassroots development organizations.

As in Ecuador, in the Philippines too we found obstacles to the process; indeed, the national law on domestic work had a great number of pitfalls and very limited efficacy. The implementation of C189 proved difficult, with stakeholders concerned that it was passed for reasons of international prestige, mostly for the sake of diplomatic relations with countries that received overseas workers. Yet it must be emphasized that, as in the case of Ecuador, the C189 process triggered a series of debates, actions and interventions that show a strong positive connection between the global and the local levels. The alignment between the ILO, the Filipino government, the Department of Labour, trade unions and much of civil society suggests that the question of domestic workers’ rights assumed an emblematic role in advancing the social status of Filipino workers, especially women, whether in the diaspora or in home territory.

Colombia and Brazil

In Colombia and Brazil, we found a vibrant dynamism at civil society level, combined with the involvement of the state and other institutional actors.
We see the C189 process as embedded in a wider transformation process at play involving domestic workers as one of the key target groups – although not exclusively. At the same time, demands by domestic workers’ groups explicitly went beyond C189 as such, advocating for more radical changes in the conditions of domestic workers at the legislative, social and economic levels than C189 could offer. Notably, domestic workers’ organizations were already a reality in these countries, alongside a long-standing tradition of workers’ and women’s movements. Although C189 was the exogenous change that gave a boost to the field, the legacy of past experiences is critical to understanding these contexts.

In both Colombia and Brazil the domestic work sector is highly racialized and deeply influenced by colonial legacies in the way Afro-descendants (Afro-Colombians and Afro-Brazilians, respectively) are culturally perceived and in the positions they occupy in society. The relationship between employers and domestic workers reflects the social stratification of the country, the latter being produced by the intertwining of class-based, racial, educational and gender hierarchies, and further complicated by internal migrations towards large cities. In Colombia, since 1964 the reality of Afro-Colombian domestic workers has also been affected by the civil war, which has caused internal population displacement and led to refugee women frequently ending up in domestic work.

However, both countries also share a number of important features concerning long-lasting movements for domestic workers’ rights. In Brazil, the 1930s saw the birth of a movement that would grow over the following decades and lead to the creation of domestic workers’ trade unions in all Brazilian states from the 1960s onwards. Brazilian domestic workers were very active again in the late 1980s, participating in the consultations towards the new constitution (1988). In Colombia, too, the first mobilizations took place in the 1930s and 1960s, with the movement resurgent again in the 1980s.

Against this background, in both countries the domestic workers’ movement gained new momentum in the 2000s and the 2010s. In Brazil this was supported in particular by the pro-worker governments of Lula da Silva (2003–11) and Dilma Rousseff (2011–16). Improving domestic workers’ rights was one of the symbolic goals of the new progressive Left running the country. This phase found its apex in 2013 with the constitutional reform (PEC das Domésticas), which advanced the rights of domestic workers, with broad support in the country. International NGOs, religious and grassroots organizations (from the feminist to the anti-racist) all favoured this constitutional reform. As we described in Chapter 2, the domestic workers’ movement was in fact divided over the issue of C189’s ratification, since some saw it as a step back relative to Brazilian law. When ratification took place in 2018 (at the very end of our fieldwork research), it came very unexpectedly and it was seen as a diplomatic move by the then-president, Michel Temer.
Global domestic workers took the opportunity of the C189 process to draw attention to the most profound inequalities and discrimination affecting Black, refugee and working-class women. As we will see in Chapter 5, their organizations promoted important narratives against class- and race-based inequalities, as well as against the devaluation of women’s care work. Here too, these achievements were embedded in a new political phase for the country, animated by the hopes of the peace process and the new visions for a more egalitarian society which it awakened. In 2012 the C189 ratification was supported by Juan Manuel Santos’ government. Further developments such as the extension of a 13th-month payment for domestic workers (Ley de Prima) were endorsed by feminist parliamentarians from the progressive Green Party, as well as by a wide spectrum of pro-gender-equality actors from NGOs, academia, trade unions and so forth. As in Brazil, the domestic workers’ movement was given great visibility as far as it could embody the cause of Afro-descendant working-class women in the fight to end centuries of discrimination.

Both countries therefore boast a rich landscape of actors engaged in various ways in the struggle for domestic workers’ rights. However, it is noticeable that, in comparison with countries like Ecuador and the Philippines, in Brazil and Ecuador the experience of domestic workers as labour organizers and trade unionists dates back to the 1930s (see Chapter 2). Their capacity to intervene in public discourse allowed connections to be made between domestic workers’ issues and a wider societal change, going beyond the mere application of the C189 process as their objective.

India, Taiwan and Spain

In Taiwan, India and Spain a different pattern emerged. A vibrant period of activity among grassroots organizations, trade unions and domestic workers did not result in the ratification of C189, nor, in the case of Taiwan, in national reforms that could incorporate C189 principles. For countries in this group, the number and strength of those opposing the C189 process is noteworthy, for domestic workers’ rights were opposed not only by employers’ interests but also by the conservative parties controlling Parliament, as well as by brokers who acted as market intermediaries and whose private interests were favoured by the status quo.

Let us start by looking at India. Here the majority of mobilizations around domestic workers’ rights were carried out by the Platform for Domestic Workers’ Rights (PDWR), a very large coalition of religious organizations, trade unions, anti-discrimination groups, anti-trafficking NGOs and the many domestic workers’ organizations active in the Indian federal states. Among national trade unions, SEWA, which as we mentioned had already
been very active regarding ILO Convention 177 on the rights of home workers, was again engaged in addressing the conditions of women working in informal sectors. As elsewhere, Catholic organizations and missions played a crucial role in India, and often sponsored self-organized groups of domestic workers. Some of these missions also operated shelters for young Indian women from rural areas who had been trafficked into domestic work. Important feminist commentary, from scholars to trade unionists and policy makers, has emphasized the continuing devaluation of domestic work in the country as a form of patriarchal oppression specific to India, intersecting with the legacy of the caste system and the degrading ethnicization of internal migrants as ‘tribal girls’.

In 2011 the PDWR was able to lobby the Indian government to vote ‘yes’ for C189 in Geneva. Yet, despite the continuing mobilizations and the numerous Bills proposed by the PDWR to Parliament, nothing followed. The Convention was not ratified, and there was no real programme for a national law on domestic work. It is true that an increasing number of Indian states now have regulations, but there is still no legislation at the federal level. Domestic workers were included in several other pieces of legislation that cover important parts of their job, such as laws on sexual harassment, child labour, health insurance and so forth. However, a national law on domestic work would be an important achievement, challenging the traditional Indian mindset which postulates strong social divisions between people, in accordance with their class/caste position. The inefficacy of the C189 campaign was a major cause of frustration among pro-domestic workers actors. They saw in these continuing difficulties and the never-ending wait for answers from Parliament proof of the disinterest of the political establishment in truly changing the system of internal discrimination underpinning Indian society.

In Spain and Taiwan, similar frustrations lingered not from discrimination against a minority group, but from the discrimination against foreign workers. Our interviewees indicated that Taiwanese society overwhelmingly views foreign workers as inferior. Differential treatment is legitimated by Taiwanese policies on international labour recruitment, which have been aiding the country’s industrial expansion since the 1990s. Like factory workers, foreign domestic workers – home-based caregivers in particular – have their employment regulated through a system entailing very short-term residence permits and extremely limited citizenship and social security rights for workers. The administration of this system is delegated to private recruitment agencies that manage the brokering of foreign women into Taiwanese households, with minimal legal protection against the abuses they might encounter, which sometimes results in them escaping from employers’ homes at the price of losing their legal status.
The limited labour and citizenship rights of these workers compound their denigrating social representation as outsiders, easily exploitable subjects and victims of physical and psychological violence. Their well-being is scarcely considered, subordinated as they are to the needs of the many families with old and dependent members, Taiwan being a particularly ageing society. Yet many groups in Taiwan are actively challenging this status quo, campaigning for the protection of migrants’ human rights and against trafficking, through lobbying, protests and support projects (for example, shelters for runaway migrant workers).

Finally, the case of Spain is different yet again, though it does share some features. As in Taiwan, the sector is almost entirely occupied by migrants, who are employed to care for an ageing population with many dependent citizens. Since the 2000s, grassroots groups advocating for the rights of migrants, including domestic workers, have gained momentum. Feminist figures have also become very vocal, from activists to feminist scholars and policy makers. As we saw in Chapter 2, this dynamism was part of a politicization of society, with the promotion of progressive causes beginning with the election of the socialist president José Luis Rodríguez Zapatero. The 15-M movement and the rise of Podemos subsequently contributed to the spread of progressive attitudes towards migrants’ and women’s issues.

A number of leftist political figures contributed to the visibility of domestic workers’ organizations, for example the Turin Group and the National Platform of Domestic Workers’ Associations. At the local level, we can find several examples of domestic workers’ organizations that are visible and well regarded. Among other actors, such as academics, trade unions and NGOs, we also find a high degree of interest in domestic workers’ issues, which was amplified by the international C189 campaign and related actions. However, the ratification of C189 has not yet been achieved. In fact, the domestic workers’ law promulgated by Zapatero in 2011 did not fulfil the requirements on equality with other sectors, which C189 necessitates. The Rajoy government (Popular Party) further limited migrants’ rights and mobility, which predictably had adverse repercussions on domestic workers.

In summary, the case of Spain is frustrating, since this vibrant and vocal movement, encompassing heterogeneous and influential actors, was not able to bring about ratification. Some promises were made by the prime minister, Pedro Sanchez (Spanish Socialist Party), in office since 2018, but no actual action has been undertaken.

Thus, the cases of Taiwan, India and Spain reveal a strong level of involvement from civil society, domestic workers’ groups and the ILO. However, this cannot compensate for the lack of support from the government. Moreover, in our view, another important element concerns the social perception of domestic workers’ issues by society in general, in India,
as lower-caste or ‘tribal’ people, and in Taiwan and Spain, as migrants and undocumented people; domestic workers are perceived in these countries as minority subjects whose interests are not beneficial to society as a whole and may actually conflict with the interests of the majority.

**Italy and Germany**

Germany and Italy represent very different cases, where we can observe an impasse in the accomplishment of the C189 process and the full promotion of domestic workers’ rights. These countries’ governments supported the ratification, believing it to be a mere bureaucratic formality, since their national legislation was, in their view, already in line with C189 requirements. However, that impression was not accurate. The ratification of C189 ought to have been followed by corresponding policy measures for a full implementation of C189 principles. Yet, in these countries there is now an impasse, which is at least partly due to a contradiction between the state’s formal adherence to C189 and the lack of a real implementation of C189 principles.

Germany and Italy share several key characteristics that help to explain this specific variation of the C189 process. Firstly, they are countries where the population of domestic workers has been largely composed of migrant women, often undocumented. As migrants with precarious status and short-term residency, with a few exceptions, they have tended not to be very active in civil society, especially in the field of labour rights. Live-in caregivers to the elderly in particular have largely been absent from the public scene. In Italy as in Germany, traditional trade unions – which in some cases have a domestic workers’ division – tended to prioritize issues concerning other labour sectors. Although they saw the relevance of care, migration and welfare issues, this did not translate to mobilization around these themes. Therefore, the question of domestic workers’ rights has tended to be seen as a problem concerning foreign workers as ‘others’ coming to work from outside. This issue is the object of study of many scholars, especially in Italy, mostly in the field of gender and migration studies. In both countries, the case of domestic workers has been included in policy discussions concerning foreign recruitment channels through migrant quotas. Yet, such interest at the academic and policy levels was apparently insufficient to put the matter on the agenda of political parties and trade unions.

Importantly, in both countries, issues concerning domestic work and home-based care are addressed by associations of employers and care receivers (especially for disabled and long-term care patients), which favour improving the conditions of workers insofar as this can be beneficial to the employment relationship as a whole. Religious organizations protecting working women
and migrants can also be found at the forefront of the movement, as in the case of the Italian ALCI-COLF, or Diakonie and Caritas in Germany. They offer information, support and even leadership training to migrant women working in these sectors, but, like activists campaigning for migrants’ rights, have little leverage when it comes to labour issues as such. Feminist groups have been noticeably absent from the picture, with a few exceptions guided by abstract ideals of women’s solidarity, but with little connection with migrant domestic workers in practice, as we will discuss further in Chapter 5.

In conclusion, the improvement of migrant domestic workers’ rights in these countries has not generally been seen as beneficial to society as a whole. Rather, it has been deemed as something beneficial to a specific group of subjects seen as outsiders. Paradoxically, domestic workers have alternatively been perceived as already benefiting from high levels of legal protection. This is partially true, since in both countries there are national laws on domestic work dating back to the 1950s (see Chapter 2) and domestic workers have the right to contracts and other legal entitlements. However, the actual configuration of the care market in both settings has been based on large numbers of undocumented or temporary migrants and irregular workers, as well as mini-jobbers (in Germany) to whom such legal entitlements do not apply.

It is against this backdrop that the decision of the Italian and German governments to ratify C189 so soon after its promulgation was received by stakeholders as a top-down and largely bureaucratic decision. To this end, the close relationship between the two governments and ILO representatives was undoubtedly important. In the case of Italy, the ratification took place via the Italian delegation office in Geneva, thereby bypassing parliamentary discussion in Rome.

However, our activist interviewees in both Italy and Germany stressed the fact that the advancement of domestic workers’ rights would, as elsewhere, need a campaign with a legal – but also a political and cultural – dimension. As stressed in Chapter 2, domestic workers are not treated as other workers in either country, albeit for different reasons. Moreover, there are few workers’ organizations active in these countries; this is especially true for the migrants among them who experience a high degree of social stigma, compounded by demeaning gendered and racial stereotypes.