

Working Paper No. 26

## **When the Expansion of Rights is Possible: Domestic Workers and Social Dialogue in Argentina**

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From 2015 until the time this report was written (October 2018), domestic workers in Argentina have engaged in four tripartite social dialogues that yielded agreements on wages and provided a platform for debate on workers' additional demands. These dialogues can be seen as a corollary of a series of improvements in the situation of the domestic work sector in recent years. Since the early 2000s, a number of measures have been implemented to increase domestic workers' levels of registration in the social security system. In 2013, a new law governing the sector was enacted (Law 26,844) to replace the outdated and inadequate legislation that had regulated it. Efforts to improve domestic workers' overall situation and to foster social dialogue were reinforced by the Argentine government's decision in 2014 to ratify ILO Convention No. 189.

The origin of Argentine domestic workers' participation in an instance of social dialogue including negotiations on working conditions lies in the law mentioned in the previous point. One of its article stipulates the formation of the Comisión Nacional de Trabajo en Casas Particulares [National Commission for Domestic Workers, CNTCP], an entity for tripartite negotiation to determine wage levels and working conditions. Uruguay's earlier experience in the sector, specifically Law 18,065 enacted in 2006, which called for tripartite negotiations, served as a model for the Argentine experience.

Notwithstanding, the formation of the CNTCP was not stipulated in the original bill on domestic work put before congress. The commission's design was the result of intense parliamentary debate, and the initial proposal was met with reticence. The debate on the bill went on for three years; the formation of the CNTCP was stipulated in the 2010 version, eliminated in the 2011 version, and then restored in the 2012 version—evidence of the intense disagreement on its formation. The justifications for rejecting the initiative included the traditional argument that employers of domestic workers do not generate a profit from those services, and that labor negotiations could potentially yield overly onerous requirements that would lead to noncompliance with the law. It was also argued that it would be impossible to find or design entities representing employers; the very ability of domestic workers to organize was also questioned.

An element introduced in the design of the CNTCP proved crucial to its ultimate inclusion in the law. It was stipulated that the negotiations would take the shape of a tripartite social dialogue, that is, not only workers and employers would participate but also representatives of the executive branch. Three different government agencies would take part in the negotiations: the Ministerio de Trabajo, Empleo y Seguridad Social [Ministry of Labor, Employment, and Social Security], the Ministerio de Economía y Finanzas [Ministry of Economics and Finance], and the Ministerio de Desarrollo Social [Ministry of

Social Development]. The three ministries combined would have as many votes as the organizations of workers and employers. This “special” design, possible because domestic work is included in the Régimen Especial de Contrato de Trabajo [Special Labor Contracts Regime], ended up persuading the most reluctant legislators.

Even before the enactment of the law, there were seventeen registered organizations of domestic workers in Argentina; only some of them were legally recognized as trade unions, that is, as the sector’s most representative body in their geographic area by virtue of the number of members. The CNTCP attempted to include as many of those organizations as possible and, as such, its model differed from the classic collective bargaining scheme in Argentina, where only trade unions with legal recognition represent workers. Once again, the fact that this sector falls under the Régimen Especial de Trabajo facilitated this more inclusive negotiation model. While that scheme allowed for wider union representation in both geographic and political-trade union terms, it also occasioned competition between the workers’ organizations. The tension mostly revolved around issues like the legitimacy of each organization as representative body, criteria for equal access to material resources, and the encroachment of certain unions on others’ territorial sphere of influence.

The strongest unions in an overall context of vulnerability are the ones that have been able to establish cooperation agreements with the government on a number of levels. Making a range of training courses available to the sector’s workers is one of the most widespread strategies; it has proven highly effective at attracting the sector’s workers to the unions.

Civil servants assert the importance of having studied the Uruguayan case, especially in relation to representatives of the employing party. Indeed, the aims of the largest organization of domestic-worker employers in Argentina are almost identical to the ones of its counterpart in Uruguay: in both cases, employers are represented by nonprofit organizations of homemakers whose primary mission is to defend the value of nonpaid domestic labor. In Argentina, the nonprofit organization invited to participate in the negotiations was the Sindicato de Amas de Casa de la República Argentina [Union of Homemakers in Argentina]. Its aim is to defend homemakers’ right to a salary, a pension, health care, and a trade union representing them, that is, to all the benefits at play in the social security system protecting workers in Argentina. The homemakers’ organization, which is active throughout the country’s territory, has been working for over thirty years to provide homemakers with benefits. It offers guidance on how to access non-contributory allowances and pensions, microcredit for small-scale enterprises, and health services provided to members through an organization created to that end. In the two years it has participated in negotiations, the homemakers’ organization has gained ground as representative of the sector’s employer party. It provides, for instance, telephone and online assistance offering legal guidance to those who want to hire domestic workers, and contributes to producing and communicating informational material on the rights and obligations at stake in this sector’s labor relations.

As an attempt to test out alternatives, a call was issued for other bodies to act as representatives of employers. The one ultimately chosen was the nonprofit “Empleadores de Trabajadores Comprendidos en el Régimen Especial de Contrato de Trabajo para el Personal de Casas Particulares” [Employers of Workers Encompassed by the Special Regimen for Domestic Workers]. The entity was created expressly to participate in the negotiations. Its institutional project is still in the planning phase, which means that its results and effectiveness must be evaluated at a future time.

All participants in the first negotiations considered them a positive experience and a major advance for the sector.

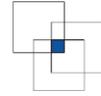
In terms of results, the workers achieved wage increases in an inflationary context and settled on a wage level similar to the country's minimum wage [the Salario Mínimo, Vital y Móvil] when, at certain periods, the pay level for domestic service had fallen below minimum wage. In an effort championed by the union representing the Patagonia region, domestic workers there demanded and won a salary bonus of 25% because of the region's status as "unfavorable zone," that is, as an area where the cost of living is higher than in the rest of the country. Additional demands put forth by the unions as a whole include: 1) a bonus for presenteeism; 2) recognition of seniority through a pay scale based on years of service; 3) separate pay of travel expenses to cover transportation costs to and from the workplace; and 4) basic safety and hygiene norms in the workplace. Those demands have been registered in writing, and the actors involved believe they will gradually be incorporated as norms. For the time being, though, the Ministerio de Trabajo has put off conclusive measures on those demands. By way of compensation, the government has proposed working in the framework of the CNTCP on registration of domestic workers by means of an outreach campaign undertaken in conjunction with the unions.

Regarding the dynamic at the negotiating table, all parties agree that the Ministerio de Trabajo plays a predominant role. According to those present at the negotiations, representatives of the government, rather than of the employers, were the ones that put on hold many of the workers' demands because considered premature. It was pointed out that, because this sector of the workforce has been historically neglected, an accumulation of demands might act against its interests by exceeding households' ability to pay. Risks cited included affecting employment levels and/or setbacks in the modest gains made in terms of registering domestic workers in the social security system. The government's representatives tend to emphasize the "back and forth of negotiations" as a learning process that will yield results gradually, as the parties adapt. Generally speaking, the government authorities have underscored the need for gradual advances, which employers' organizations and some unions have come to accept as well.

While tripartite social dialogue in the domestic work sector is an enormous achievement in Argentina, future challenges remain. First, increasing the representativeness of workers' and employers' organizations is essential if the government's weight in the negotiation process is to be decreased. Regarding workers' organizations, clarification of their respective territorial regions of operation could help to formalize the representativeness of each one. Second, the accounts of participants in the negotiations suggest the need for a more systematic scheme of meetings. More regular meetings would enable discussion of demands beyond the wage issue and provide both workers and employers with experience in the negotiation process. Those advances, if made, would potentially foster a shift from the current tripartite social dialogue scheme to a classic collective bargaining model of the sort that covers most salaried workers in the country.

Regardless of these pending issues, the launching of a space of social dialogue for domestic workers in Argentina is unquestionably a major advance. Though incipient, this initiative has yielded concrete results and a horizon for future progress to improve the sector's working conditions. For the first time in Argentine history, these workers have an institutional space to make their demands heard and to affect working conditions that were previously stipulated solely by the government.

[Full document \(PDF\)](#)



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