

ESTUDIOS

The socio-occupational vulnerability of Brazilian domestic workers during the coronavirus pandemic: The aggravation of social injustices

La vulnerabilidad sociolaboral de las trabajadoras brasileñas del hogar durante la pandemia del coronavirus: El agravamiento de las injusticias sociales

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ABSTRACT The outbreak of the COVID-19 pandemic in Brazil demonstrated the marginalized situation in which domestic workers are. The biggest country in the world in domestic worker population, with around 7 million domestic workers, has not established a national health plan to deal with the virus. Though some specific measures were taken, especially involving the economy, domestic workers remained as one of the most affected sectors in Brazil, both economically and in terms of health. This article aims to present, first, an overall view of domestic workers' condition, taking into account ordinances and the social structure involving domestic work in Brazil. Then, because of the outbreak of the COVID-19 pandemic in Brazil, it is presented how domestic workers were particularly affected. Considering that domestic work is a job essentially done by women and mostly black women from lower social classes, this study is outlined by the theories of intersectionality and social justice.

KEYWORDS Socio-occupational vulnerability, domestic workers rights, gender inequality, ethnic/racial inequality, coronavirus pandemic, social justice.

RESUMEN El estallido de la pandemia covid-19 en Brasil demostró la situación de marginación en la que se encuentran las trabajadoras del hogar. El país con la mayor población de trabajadoras del hogar del mundo, con aproximadamente 7 millones de personas que realizan este tipo de actividad, no tenía un plan nacional de salud para hacer frente al virus. A pesar de que se han tomado algunas medidas específicas, las trabajadoras domésticas siguen siendo uno de los sectores más afectados en Brasil, tanto

desde el punto de vista económico como sanitario. Este artículo tiene como objetivo presentar, en primer lugar, un panorama de las condiciones de vida y de trabajo de dichas trabajadoras teniendo en cuenta la legislación y la estructura social que involucra el trabajo doméstico en Brasil. Luego, como resultado de la pandemia, se demuestra cómo esta categoría de trabajo se vio particularmente afectada. Considerando que este tipo de trabajo es realizado fundamental y mayoritariamente por mujeres y, en su mayor parte, mujeres negras de las clases sociales más bajas y vulnerables, este estudio se guía por las teorías de la interseccionalidad y la justicia social.

PALABRAS CLAVE Vulnerabilidad sociolaboral, derechos de las trabajadoras domésticas, desigualdad de género, desigualdad étnica/racial, pandemia del coronavirus, justicia social.

Introduction

Gender equality has been a widely debated subject in the last forty years. Global organizations and international and multinational companies started to look into promoting equality in the 1990s, but up to now equality could not be reached. And to face gender equality properly, it is important to understand that it is impossible to refer to women as a homogenous group, as so, it is also impossible to expect to reduce the gender gap without thinking about social differentiation among women. Considering the Brazilian scenario, where indigenous people were (and still are) violated and slavery was legal until the very end of the XIX century¹ leaving deep social marks, the pursuit of gender equality must considerate that not all women are discriminated in the same way.

Still, gender discrimination permeates all women's lives, yet it is not experienced by them equally. It affects different women in different ways. Gender stereotypes are the factor behind the sexual division of labour, affecting all women, though in different levels. The association between women and domestic and care tasks, socially reproduced every day, works as an impediment (or a glass ceiling) to (white and higher educated) women to reach hierarchically higher positions on politics or companies. In some cases, it only allows (black and poor) women to integrate workforce reproducing those stereotypes as domestic workers or caregivers.

Inheriting such unequal social division, not surprisingly Brazil is the biggest country in domestic workers population (ILO, 2013: 124), with around 7 million workers whom 90% are women and 62% of them are black women. Its interlacing with the sexual division of labour and the devaluation of the reproductive labour is

1. After more than 300 years, Brazil abolished slavery in 1888. The Brazilian history as a unit, which starts in 1500 when Europeans reached the coast, has only 132 years of black people's freedom.

deepened by the social organization due to gender and race/ethnicity inequalities. Nevertheless, domestic work plays the role of labour market structuration (ILO, 2011a: 2). Paid domestic work ensures the well-functioning of the economy because it guarantees social reproduction through care activities. Despite having such importance, domestic work is characterized by its invisibility, low regulation and informality (Castro & Lourenço, 2020: sec. 4, para. 4).

So, although there is a visible transformation in society's general behaviour, this change did not happen at the same speed when it comes to gender dynamics. Even women's massive ingress in the labour market was not able to radically modify their lives because women are still responsible for domestic work and care tasks inside their families (Stolz, 2017: 402-403). The classical discussions in feminists theories about the separation between public and private sphere, the traditional association of women and domestic and care tasks, and, therefore, the precatory situation in which these kinds of work are conducted² are valid and important, but if they do not considerate differences among women, they are being sectary. Factors such as race/ethnicity and social class need to be incorporated to the classical feminist theories, otherwise these theories will perpetrate sectarianism and, in some cases, even racism.³ So, this paper is based on the understanding of intersectionality, whereby different social factors position people differently in the social perspective (Crenshaw, 2002: 173; 2004: 8). There are, of course, other factors that differentiate women, like nationality and sexuality, but for the purpose of this article, considering the profile of domestic workers in Brazil, predominant factors will be race/ethnicity and social class.

By this explanation, we mean to consider that «women» category and the «masculine domination» are not universal and it did not weaken feminism as it can be thought – and sometimes advocated by some theories. Considering differences among women turns feminism stronger because it enlarges its political effect (Debert, 2014: 43). And to properly enlarge the political effect of feminism, this study is also based on the understanding that social injustice occurs at intersecting scales involving not only distribution or recognition but both of them. Overcoming the false paradox of redistribution/recognition and understanding that both are different facets of the same problem, interchanging and inter-reproducing themselves, social justice could be completely reached. Also, it is noteworthy the important role played

2. For this perspective, see Simone de Beauvoir, *The Second Sex*, 1949; Carole Pateman, *The Sexual Contract*, 1997; Sheila Rowbotham, *Women's Consciousness, Men's World*, 1973; Betty Friedman, *Feminine Mystique*, 1963; Joan Scott, *Gender and the Politics of History*, 1988.

3. For racism inside the USA's feminist movement for women's vote and its alliance with black community, see Angela Davis, *Women, Race and Class*, 1981.

by representation⁴ in this scenario, which can ensure an ample democracy (Fraser, 1990: 75; 2010: 365).

Nevertheless, the scope of this study is to present the structure of domestic work in Brazil as it is. For this purpose, collected data from ILO, IBGE, IPEA and other public and private institutes were used both in the first and the second part of this article. The theoretical discussion, though extremely important, will appear throughout these lines as an outline in which the reality is presented. In the first topic, an overall view of the domestic work in Brazil is shown, with a special focus on the legal regulation involving domestic work. In the second topic, the situation in which domestic workers were left due to the COVID-19 outbreak and the consequent pandemic is presented.

Brazil, the biggest country in the world in domestic worker population

Historically, domestic work is done in Brazil by poor black women. This scenario is a heritage of Brazil's formation as a country, in which black people were trafficked from African countries.⁵ ILO⁶ also refers to domestic work as one of the oldest and most important occupations in Brazil with its roots deeply linked to slavery, colonialism and other forms of servitude. When slavery was finally abolished, black women had no opportunity, so they kept working for rich families, as they did earlier, but now as paid domestic workers (Castro & Lourenço, 2020: sec. 2, para. 5).

And, because owning slavered people was a power and class signal, after slavery became illegal, having a domestic worker also was a sign of power and class. For a long time, having someone to do all the domestic work inside the house and, therefore, be free to get involved on an external job or on politics was the exclusivity of higher classes people (Corossacz, 2014: 522; Girard-Nunes & Silva, 2013: 603; Brites, 2007: 106). Though this situation is still reproduced in most cases, today it is also frequent that domestic workers have someone to take care of their children and house while they are working in their employers' house. If domestic work is already very weak in terms of regulation and surveillance, this arrangement is even more informal and usually happens in big cities where domestic workers live far from their employers' house or when they opt to stay in their employers' house during the week. The person

4. Representation is a fundamental foundation of democracy, especially inside institutional positions. Looking at the Brazilian Parliament, where not even 15% of all congressperson are women, disparities keep being perpetrated institutionally. For implications of a highly hegemonic congress in marginalized groups – focusing on rural workers –, see Stolz & Gusmão (2017).

5. It is estimated that a number around 8 and 11 million people were brought from African countries – especially Congo, Angola, Gana, and Benin – to Brazil (Klein, 1989).

6. ILO, A informalidade do trabalho doméstico (The informality of domestic work), available at <https://bit.ly/2WBkG8P>.

that takes care of domestic workers' children and house is typically a neighbour or a person inside their own family, such as their mother, sister, or grandmother, which differentiates the relation between domestic workers and their employers, because rarely the domestic worker is someone inside the employer's family.

Because of its history, the Brazilian context is different from those of other regions around the world such as Europe and North America where domestic workers are, usually, immigrants. In Brazil, domestic workers come from the most vulnerable and marginalized part of the national population (ILO, 2013: 26). It does not mean that immigrants are not employed as domestic workers in Brazil. As in any other destination country, women are more willing to accept labour activities linked to gender roles as domestic and care work when they are migrating to a new country to escape from miserable life conditions (Stolz, 2017: 404).

And women are still firmly linked to domestic workers worldwide. According to *Oxfam Brasil*,⁷ girls and women around the world dedicate 12,5 billion hours every day to not paid care work, a contribution of at least USD 10,8 trillion per year to the global economy. It represents three times the value of the world's technology industry. Girls and women are responsible for three quarters of not paid care work in the world and represent two-thirds of the paid care work. Although being invisible, this kind of work is essential to ensure the economy's operation. Not paid or poorly paid care work enforces gender and economic inequalities, generating the dialectic movement of also gender and economic inequality being enforced by not paid or poorly paid care and domestic work (Oxfam, 2020: 2).

ILO, using IBGE⁸ data from the third quarter of 2019, called attention to the fact that 92,4% of the total 6,3 million domestic workers were women, and 62% of them were black women. Even though men work as domestic workers, they usually perform activities such as gardeners, drivers or butlers, activities linked to male gender roles. 90 thousands of all domestic workers are teenagers between 14 and 17 years old, majorly girls. According to ILO, the biggest challenges to protect children in this situation is misinformation and the popular belief that domestic child labour is not harmful, but advisable.⁹

7. Oxfam Brasil is a Brazilian civil society organization founded in 2014 and linked to Oxfam. They work on three areas: (i) private sector, inequality and human rights, (ii) cities, youth, gender and race, and (iii) economic justice. See <https://www.oxfam.org.br/historia/>.

8. The Instituto Brasileiro de Geografia e Pesquisa – IBGE (Brazilian Institute of Geography and Statistics) is the official agency responsible for Brazilian statistics. See <https://www.ibge.gov.br>.

9. ILO, *Convenção 189: quatro pontos para entender a importância da promoção do trabalho decente para trabalhadoras domésticas em tempos de COVID-19* (Convention 189: four points to understand the importance of promoting decent labour for domestic workers in times of COVID-19). 27th April 2020, available at https://www.ilo.org/brasilia/noticias/WCMS_742927/lang--pt/index.htm.

Condensing data from institutes such as IBGE and Ipea,¹⁰ Oxfam presented the report called «País Estagnado: um retrato das desigualdades brasileiras» (Stagnant Country: a picture of Brazilian inequalities) in 2018, showing that the black population had almost the same income proportion of the white population since 2011, and salary equivalence between men and women retreated in 2016 and 2017. This information shows that wage parity is stagnated considering both gender and race/ethnicity (Oxfam, 2018: 13). In those two years, Brazil stood in the 79^o position on Human Development Index of United Nations Development Programme of the total 189 countries, especially because HDI adjusted for inequality (IHDI) showed the lower economic and political participation of women in Brazil. Analyzing the Gini coefficient which measures the concentration of wealth, in 2017 Brazil was the 9^o most unequal country in the world (PNUD Brasil, 2018, sec. 2).

This macro perspective is confirmed when analysing specific data about domestic work. In 2018, domestic work counted with 6,2 million people, 6,8% of all working population. 5,8 million were women, which represents more than 93% of this category, and 65,1% were black people. In between 2014 and 2018, years of predominant unfavourable conditions in the labour market, domestic work presented an increment of 4%. Preceding this period, between 2012 and 2014, domestic services decreased by 3% (IBGE, 2019: 19). It means that with better opportunities of education for young women, they were looking for new and better possibilities on the labour market (Lourenço & Garcia, 2020: sec. 4, para. 3), but when the labour market situation is worse, women tend to accept precarious jobs. Although domestic work has presented an income increase from 2012 to 2018, it registered the lower income of all economic sectors,¹¹ equivalent to 40% of the average income of all other economic groups together.

Domestic work is largely known by its marginalizing situation, leaving workers worldwide in unacceptable conditions. Due to that, on 16th July 2011, ILO adopted the Convention 189, also called the Domestic Workers Convention. This international instrument is concerned with decent work for domestic workers, establishing among other things: concepts of domestic work; freedom of association and the right to collective bargaining; abolition of child labour; minimum age for domestic workers; decent living conditions for those who live in the household; paid annual leave and daily and weekly rest periods; provision of food and accommodation when applicable; freedom to agree with the employer on whether to reside in the household; freedom

10. The Instituto de Pesquisa Econômica Aplicada – IPEA (Institute for Applied Economic Research) is a federal foundation linked to the Ministry of Economy. See <https://www.ipea.gov.br/portal/>.

11. IBGE divides economy sectors in Agriculture; Industry; Construction; Retail; Public Administration, Education, Health and Social Services; Transport, Storage and Postal Services; Accommodation and Food; Information, Finance and Other Professional Activities; and Other Services (IBGE, 2019).

to leave the household on daily and weekly rest and annual leave; equivalence in treatment with workers in general concerning hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave; disposal time to respond to possible calls counted as hours of work; minimum wage coverage; and periodical and in cash payment (ILO, 2011a: 3-27).

Brazil ratified this convention in 2018, but since 2013 Brazilian legislation¹² already guaranteed some of those rights, which are now completely contemplated since 2015. Considering that Brazil has a national Labour Law since 1943,¹³ which though specifically excluded its application to domestic workers, notably there is a historic differentiation and, therefore, marginalization of domestic workers that persists even today. Domestic work was only recognized as a formal kind of employment with the Law 5.859,¹⁴ from 1972. With the Constitutional Amendment 72¹⁵ in 2013, rights such as minimum wage, thirteenth salary,¹⁶ paid weekly rest, paid annual leave, paid maternity leave, and retirement was extended to domestic workers. The Complementary Law 150¹⁷ from 2015 forbade the employment of younger than 18 years old as a domestic worker in accordance to the ILO Convention 182 and established, among other rights: workday of maximum 8 hours and workweek of maximum 44 hours; overtime payment of 150% of the normal hour; annual leave of 30 days with payment addition of a third part; double payment for work on Sundays and holidays; and inclusion on FGTS¹⁸ and INSS (ILO, 2016: 11, 52).¹⁹

12. With the Constitutional Amendment 72, from 2ND April 2013. See <https://bit.ly/2ZTojsa>.

13. Law-Decree 5.452, from 1ST May 1943. Exclusion of domestic workers on 7TH article, subheading «a». See <https://bit.ly/3vb9SKh>.

14. Brazil, Lei 5859, from 11TH December 1972, available at <https://bit.ly/3lb6BIN>. This law was substituted by the Complementary Law 150, from 1ST July 2015. See note 25.

15. Brazil, Constituição da República Federativa do Brasil de 1988, available at <https://bit.ly/2LVkFa3>. See note 20 for Constitutional Amendment 72.

16. Thirteenth salary is an annual extra month's worth of salary, calculated from the average wage receive in the last twelve months. Usually the thirteenth salary is paid at the end of the year, similar to end of the year bonuses.

17. Brazil, Lei Complementar 150, from 1ST June 2015, available at <https://bit.ly/3oyT8ga>.

18. Fundo de Garantia por Tempo de Serviço FGTS (Guarantee Fund by Length of Service) is a State policy whereby employers monthly send 8% percentage of the employee to employee's specific bank account. The objective was to create a patrimony for the employee, who can take the money in predetermined moments, such as when buying a home or retiring, or in difficult situations, such as dismissal without just cause or serious illness. FGTS website available at <http://www.fgts.gov.br/Pages/default.aspx>. See note 19.

19. Instituto Nacional do Seguro Social INSS (Brazilian Social Security Institute) is a State policy of social insurance whereby employers and employees pay a monthly percentage of the employee wage (8% for employers and between 7,5% and 14% for employees) to provide retirement monthly payment and aid in some cases, such as illness, work accident, pregnancy and death, when employees that contribute to the fund cannot work. INSS website available at <https://www.inss.gov.br>. Although those programmes

Even though having a precarious regulation by law before the Complementary Law 150, approving this ordination left the country in a debate. Many organizations of domestic workers' employers were against giving full labour rights to domestic workers because they affirmed that it would be expensive to maintain a domestic worker, resulting in a large movement of unemployment in this sector (Girard-Nunes & Silva, 2013: 588). Nevertheless, with only one vote against it, the «Domestic Workers CAP»²⁰ was approved resulting in the Complementary Law 150.

Although, as said before, all those rights were already guaranteed for workers in general since 1943, leaving a huge gap from domestic workers – and, therefore, a huge social, racial/ethnic and gender gap. Much because of the lack of social security, domestic workers are the most vulnerable and marginalized workers in the Brazilian scenario. As Lourenço pointed out, when people present themselves as domestic worker, they will be confronted with prejudice. The treatment is not the same, and it would be different if they presented as any other professional (Lourenço & Garcia, 2020: sec. 5, para. 5). And this is not because their services are expensive, but because people who can pay more are used to pay poorly or not to pay for domestic services.

With such new legislation, there are other challenges as insufficient compliance with labour law. In 2018, domestic work was the activity that concentrates more informality,²¹ reaching 72,2% (IBGE, 2019: 18), which means that most workers do not have the rights mentioned above ensured. Also, because domestic work is majorly done by women, there is no way to compare the salary gap between genders. They already have wages established at the minimum (Batista & Lins, 2020: para. 4). It is important to understand, though, that barriers faced by the realization of domestic workers rights have more to do with the worth within domestic work labour relations than to the financial unavailability to pay its cost (Girard-Nunes & Silva, 2013: 587).

Somehow, the relationship between domestic workers and their employers and employers' family is not configurated a mere professional relationship, which

look like protective and strong, they have a lot of problems and are continuously criticized by both those who are for and against their existence. Nevertheless, it is important to point out that in a country still in development with a strong and persistent social inequality, not having social security programmes can increase even more the social gap.

20. Domestic Workers Constitutional Amendment Project or, in Portuguese, PEC das Domésticas.

21. It is important to specify the difference between informal work and flexible work. It is a tendency saw worldwide the flexibilization of employment relations. In Brazil, this tendency is revealed by the Law 13,429, from 31st March 2017, also called the Outsourcing Law (Lei da Terceirização, available at <https://bit.ly/3FBCaDw>) and by the Law 13,467, from 13th July 2017, also called the Brazil Labour Reform (Reforma Trabalhista, available at <https://bit.ly/3pysEes>). Outsourcing and its international regulation were addressed on Stolz (2018.) Nevertheless, none of these ordinations were thought by the lens of flexicurity, which emerged from Denmark and Netherlands in the 1990s and was spread through Europe with the Treaty of Amsterdam (Stolz & Galia, 2013).

complexifies domestic workers' context. There is an affective ambiguity that permeates the way this relationship is established, especially involving women employers/children and (women) domestic workers (Brites, 2007: 98). It happens because the domestic worker is someone outside the employer's family that stays in their house almost the entire day and sometimes even resides in the same house. The task of raising and caring children and the confidences interchanged with the mother of the house creates affection among them. This kind of relationship established is highly different from any other professional relationship.²²

Yet, as mentioned earlier, more than 70% of employers did not pay the legal salary because they do not formalize the employment contract. Considering the national minimum wage, settled in BRL 1045²³ (equivalent to USD 191.37²⁴), the normal cost to have a domestic worker by month, adding all extra expenses,²⁵ would be BRL 1220.56 (equivalent to USD 223.52). The annual leave would cost BRL 1568.90 (equivalent to USD 287.31) and the thirteenth salary²⁶ would cost BRL 1249.60 (equivalent to USD 228.84). Dividing the total cost including the incidence of the annual leave and the thirteenth salary by 12 months, the average monthly cost to formally employ a domestic worker would be BRL 1353.72 (equivalent to USD 247.90).²⁷

And this is the Brazilian minimum legal wage. Different from other professions, where earning wage increases is common if the employee develops a good job or stays a long time in the same company, it is not common that employers increase domestic workers wage voluntarily, even after years of work done by the same person. Having such a close and affective relationship, the catchphrase «she's almost family» does not help the domestic worker to have better economic conditions, even when the employer can pay more (Batista & Lins, 2020: para. 14). Data from IBGE reveals that the number of domestic workers with employment contract increased between 2012 (30.5%) and 2015 (32.5%). In 2016, one year after the Complementary Law 150 approving, the proportion concerning 2015 decreased by 0.5% (32%). In 2017, among

22. Jurema Brites researched this kind of relation with employers and their families and domestic workers in the state of Espírito Santo, Brazil. Interviewing children, mothers and domestic workers who work for them, Brites explained how hierarchies are maintained even when there is affection and emotions connecting employers and employees (Brites, 2007: 93).

23. Value corresponding to 2020. Every year minimum wage value changes.

24. This conversion and all the following ones were done in 24TH June 2020, considering the relation BRL 1 to USD 0.19.

25. Monthly INSS, FGTS and insurance for work accident of 0,8%. Considering the minimum wage, 8% of FGTS, 8% of INSS and 0,8% of insurance for work accident would result in R\$ 175.56

26. The thirteenth salary is calculated as an average of the twelve salaries received during the year.

27. This calculation was done considering that the employee did not work extra hours and did not work during the night, which would increase the cost depending on how much extra hours and night shift is done.

all domestic workers, only 30.1% had a formal employment contract, a proportion that dropped to 27.8% in 2018 (IBGE, 2019: 19).

Nevertheless, domestic workers are the group that proportionally pays more taxes in relation to their income. INESC²⁸ in a partnership with Oxfam presented the report called «As Implicações do Sistema Tributário Brasileiro nas Desigualdades de Renda» (Implications of the Brazilian Tributary System on Income Inequalities) in 2014. This unprecedented study revealed that, because Brazilian taxation is regressive – which means that more than a half of taxes falls into goods and services prices while less than a half falls into income and property –, people with lower income proportionally pay more taxes than people with higher income. The tributary system, it is important to highlight, is the financing of Brazilian public policies. And this system falls into women and black people. «Data indicates, particularly, that black women pay proportionally, concerning their incomes, much more taxes than white men» (INESC, 2014: 26).²⁹

As could be seen, the lack of recognition creates and is created by the materially vulnerable condition of domestic workers. Speeches about why not giving domestic workers the same rights as any other worker are a practical example of this inter-relation between the recognition (of domestic workers as workers) and distribution (extending to them labour rights already ensured to other workers). These two inequalities do not work separately. They are, actually, interdependent because, at the same time, one is generated and generates the other (Fraser, 2010: 365; 1995: 69). Having this understanding, it is noteworthy how socially damaging those discourses can be.

On the one hand, the intersectionality between gender, race/ethnicity and social class allocate domestic workers in a lower social position than other individuals. Their work is stamped as not as rightful or legally recognized, enforcing upon them precarious labour conditions. On the other hand, domestic workers are affected by the lack of distribution, recognition and representation. They receive the worst salary comparing to those received by any other category of workers. Domestic work represents a marginalized work to such an extent that women resort to it during unfavourable economic cycles.

Domestic workers scheme due to coronavirus pandemic

If the scenario of domestic work in Brazil in normal conditions is already very vulnerable, with the coronavirus (COVID-19) pandemic domestic workers were one of

28. Instituto de Estudos Socioeconômicos (Institute of Socioeconomic Studies) is non-governmental, non-profit, and non-partisan organization based in Brasília created in 1979. See <https://www.inesc.org.br>.

29. For better understanding, see Appendix I, tables 1, 2 and 3 at the end of this article.

the most affected both in terms of health and economy. Even with World Health Organization instructions and recommendations since the beginning of this pandemic, a national health plan to fight COVID-19 was not adopted immediately. Main WHO and specialists' recommendations of social isolation, quarantine and lockdown for worse cases were not recommended. Those specific recommendations were neglected in favour of the economy.

In 24TH May 2020, Brazil became the second country in the world with more coronavirus cases and on 12TH June 2020, Brazil became the second country in the world with more coronavirus deaths. It is important to highlight that these numbers of COVID-19 cases and deaths are highly underreported. Especially because there is not enough RT-PCR³⁰ tests in the public health system for those who cannot afford to pay for it, only people with several symptoms that seek for help in hospitals are tested. Due to this situation, the average of positive cases was around 37%, while the WHO recommends it to be around 5%,³¹ suggesting the use of tests at the point in which the percentage goes lower.

As settled by Batista and Lins, social isolation is not a privilege, it is a right (Batista & Lins, 2020: para. 35). And formally, it is a right. The Federal Constitution establishes health as a social right (article 6°), free and provided by the State (article 30, VII). Considering the actual pandemic of COVID-19, to understand social isolation as a health measure is extremely important to preserve lives and fight the virus. But, unfortunately, in Brazil, social distancing at work is a reality only for those who work in offices and can do their job remotely without salary cuts or losses, which means better positions and better salaries compared to those who work in retails and services – case of domestic workers.

A research³² conducted by *Instituto Locomotiva*³³ showed that 39% of domestic workers employers dismissed them without paying for the pandemic period. Considering only employers in society classes A and B,³⁴ which means the richest,

30. Considered by specialists a reliable test. Additionally, Brazil is applying methods of immunochromatography, though these methods are not being so reliable as RT-PCR.

31. Luiza Tenente for G1. «Números mostram que Brasil ainda faz 'brutalmente' menos testes para coronavírus do que deveria; 'estamos no escuro', diz especialista» (Number show that Brazil still do 'brutally' less tests for coronavirus that it should do; 'we're in the dark', says specialist). 12TH June 2020. See <https://glo.bo/3HAhrBh>.

32. Research done on 14TH and 15TH April, interviewed 1131 domestic worker's employers from cities in all Brazilian states through telephone calls. Results were presented to BBC News Brasil on their website. Error margin of 2,9 points higher or lower. See <https://www.bbc.com/portuguese/brasil-52375292>.

33. Instituto Locomotiva is a private research institute focused on business strategy through data collected. See <https://www.ilocomotiva.com.br>.

34. Society classes which income per people inside the family are higher than R\$ 1526 monthly, equivalent to USD 286.60.

this percentage goes to 45%. Considering the two different kinds of domestic work employment, 23% of day labour's employers and 39% of monthly employed's employers affirmed that their employees kept working normally, even during the quarantine. 39% of day labour's employers and 48% of monthly employed's employers declared that their employees are better protected in their homes but receiving their wage normally while following social isolation. The *Instituto Locomotiva's* CEO, Renato Meirelles, presenting this research, called attention to the day labour worker's reality that shows how weak casual work can be, leaving people without any security during a crisis. The research showed that domestic workers monthly employed were better protected during the pandemic: 48% of their employers told that they were not working, but they were paid anyway. Maria Izabel Monteiro Lourenço also revealed that some domestic workers reported that their employers were refusing to respect social distancing and quarantine and they were afraid of being fired in case of not following the order to keep working normally (Lourenço & Garcia, 2020: sec. 4, para. 6).

This research reveals two important information that supports the entire scenario presented in the first part of this study: (i) domestic workers with formal employment contract are better protected not only by the state but also by their employers; (ii) solidarity and protection is not necessarily related to the affection generated by the domestic relationship between employer and employee, meaning that the catchphrase «she's almost family» did not reflect on labour rights.

As mentioned above, although some kinds of work allow people to work remotely, domestic workers were left in a vulnerable situation because of domestic labour's nature. When working, they are at contagious risk every day, endangering their families' and their own health. Not surprisingly, the first COVID-19 death in Rio de Janeiro state and fifth in Brazil was a domestic worker. In 16th March, Cleonice Gonçalves, 63 years old, suddenly fell ill while working in Leblon, an upmarket neighbourhood in the city of Rio de Janeiro. In the same day, she went to the hospital but the next day she was dead. Her employer was infected with the new virus in Italy and, according to the Secretary of Health of the city, the employer suspected being infected when she arrived back in Brazil. Cleonice lived 120 kilometres away from her work, in a small city with a population of 25 thousand people called Miguel Pereira, which reported 19 cases of COVID-19 a week later.³⁵

Another factor that makes domestic workers more likely to present risks of serious complications due to COVID-19 is that the average age in this group is getting older. Factors such as poverty and inadequate conditions of life, the necessity of travelling long distances to reach the workplace often using public transportation, direct contact

35. Gram Slaterry, Rodrigo Viga Gaier, «Morte por coronavírus em Miguel Pereira ressalta riscos e provoca debates» (Coronavirus death in Miguel Pereira highlights risks and provokes debates), *Reuters*, Miguel Pereira, 24th March 2020, available at <https://reut.rs/3FFJIKL>.

with the employer's family – especially children and old people – and the need to go outside to buy food and goods for the employer also are decisive in endangering domestic workers on a pandemic scenario (Lourenço & Garcia, 2020: sec. 4, para. 3).

Predicting this situation, the Brazilian Labour Parquet released the Joint Technical-Note 04/2020³⁶ indicating guidelines for companies and individual employers about domestic work and cleaning services aiming to secure equal opportunities and treatment in work. This document pointed out that due to the exceptional situation of the COVID-19 pandemic, work absences and adaptation to the new reality cannot be understood as a reason for disciplinary sanctions or termination of the employment relationship for domestic workers. Among other recommendations, the Labour Parquet established (i) assurance of dismissing with payment ensured, except for some special cases; (ii) assurance of dismissing with payment ensured when the employer is quarantined due to diagnose or suspect of having contracted COVID-19; (iii) flexibilization of working hours without decreasing wage; and (iv) supply of personal protective equipment. The Labour Parquet also suggested that all those recommendations should be applied not only for monthly employed domestic workers but also for domestic workers in day labour.³⁷ Though, as could be noticed by the data presented above, these recommendations were not followed by most domestic workers' employers.

One can think that domestic workers situation due to COVID-19 pandemic is a reflection of their employers' condition because usually they are hired by a family who is also hired by a company that is being affected by the pandemic. And in some cases, this is really what is happening. The problem is that it is still difficult to identify how other sectors are facing the pandemic and how they are dealing with it in terms of employment. Also, considering data presented by Instituto Locomotiva, it was shown that families in higher social classes dismissed their domestic workers more than families in middle class, which reveals that not necessarily the dismissal of domestic workers is related to employers' economic condition.

Although the critical situation faced in Brazil, the federal government established two important economic public policies to preserve employment and income. One of them was the *Programa Emergencial de Manutenção do Emprego e Renda*³⁸ (Emergency Program for Employment and Income Maintenance), also called BEM,

36. Joint Technical-Note 04/2020 from Labour Parquet and five national coordinating bodies released on 17th March 2020, aiming to indicate guidelines for companies and individual employers about domestic work and cleaning services. See <https://bit.ly/3sDGNcy>.

37. Ministério Público do Trabalho, Procuradoria Geral do Trabalho. *Nota-Técnica Conjunta 04/2020* available at <https://bit.ly/3sDGNcy>.

38. Programa Emergencial de Manutenção do Emprego e Renda, available at <https://servicos.mte.gov.br/bem/>.

paid by the government to the employee when agreements were celebrated between employers and employees about a proportional reduction of work hours and salary or due to temporary suspension of the work contract. This public policy was valid when reduced work hours and salary proportionally or when the work contract is suspended. The other one, and most important for domestic workers, is the *Auxílio Emergencial*³⁹ (Emergency Aid), paid also by the government for every person (i) older than 18 (except in cases of an adolescent mother); (ii) without formal employment; (iii) not receiving any social security benefit; (iv) with maximum family monthly income per capita of BRL 522.50 (USD 97.87) or maximum total family monthly income of BRL 3135.00 (USD 587.20); (v) is unemployed or self-employed as microentrepreneur. In a first moment, the emergency aid was established to be paid in three monthly quotes of BRL 600 (USD 112.35) from April to June, but it was extended in 30TH June for more two monthly quotes.⁴⁰ After a period of suspension, the benefit was adopted again in April 2021, in four quotes that were reduced to a half or a quarter of the original payment, depending on the case.

Presenting the *Cadastro Geral de Empregados e Desempregados* (Caged) data in their YouTube channel,⁴¹ the Secretary of Labour linked to the Ministry of Economy explained that with BEm around 8.2 million employments were preserved until May 2020. Bruno Bianco, Brazilian Special Secretary of Labour and Social Security, and his team affirmed that this public policy is central to Brazilians, avoiding unemployment and combined with the emergency aid, ensuring a minimum income for more than 50 million Brazilians. Data presented by the Secretary of Labour also informed that 55% of all BEm recipient were micro/small-sized enterprises' employees, helping to maintain the most vulnerable companies in this tough moment. Retail and Services – which includes domestic work – were the sectors most affected by the pandemic, as it could be expected by the nature of these works.

In 2020, March and April represented the worse months in terms of new cases of unemployment since the pandemic outbreak, reaching 1,657,539 and 1,521,545 respectively. Though, when compared to the number of admissions, April was the worse month, reaching only 618,704. This number was 704 thousand in May. The number of new admissions for January was around 1.4 million, for February was

39. Auxílio emergencial, available at <https://bit.ly/32GA8Dk>.

40. Although this public policy was extremely important to avoid millions of families entering in a misery condition, it was not immune to fraud. The Federal Audit Court (Tribunal de Contratos da União, TCU) determined last May 37 thousands of military personal to return the emergency aid – paid to informal, self-employed and unemployed workers – unduly received. It is noteworthy that the fraud involved high-ranking military people, with salaries of up to BRL 20,000 (USD 3,738.11). See <https://bit.ly/3pwCGgd>.

41. Previdência e Trabalho, «Novo Caged – Estatísticas mensais do emprego formal», Streamed on 27TH May 2020, available at https://youtu.be/P6_JHaAoxps.

1.5 million and for March was 1.4 million. The balance between new employment and unemployment was 227 thousand in February, -252 thousand in March, -903 thousand in April and -332 thousand in May.

IBGE developed a way of present data about health and employment during the COVID-19 pandemic. Starting from May and going until November 2020, this data contains more specific information in comparison to Caged. Data from Caged is highly different from IBGE because the first one takes into account only formal employment and the information is collected directly from companies that need to fill the system monthly. IBGE makes research with population sample and also takes into account informal work.

Considering its different methodology, IBGE revealed an unemployment rate increase during the analysed months, going from 10.5% in May to 14.4% in November. The number of people who did not look for a job due to the pandemic or because their location did not have job offers presented an opposite movement, going from 19.1 million people in May to 15.3 million in September. Also, the number of people removed from work due to self-isolation was reduced between the May (16.5 million people) and September (2.7 million people). 38.7% of households received the Emergency Aid in May, number that increased to 51% in November.⁴²

An important information presented by IBGE was the total number of domestic workers in November 2020, reaching 4 million people. Comparing to 2018, when this number was 6.2 million people, it is noticed that despite being a critical economical period, differently from 2018 when the labour market was presenting unfavourable conditions (as shown in the first part of this study) and the total number of domestic workers was increasing, now this number has decreased 34.2%. The number of domestic workers with a formal employment contract in November was 1.2 million, and the number of domestic workers without formal employment contract for the same period was 2.8 million. Comparing to 2018 data, the percentage of formal employment among domestic workers remained almost unchanged: 27.8% in 2018 and 30.0% in November 2020. The slight increase of this percentage has more to do with the decrease in the number of unformally employed domestic workers than with the increase in the number of formally employed domestic workers (IBGE, 2019: 19).

Differently from other historical periods when the total number of domestic workers was decreasing due to better educational opportunities for young women, which reflected in better jobs, now the scenario is completely different. Most domestic workers, as saw above, were unemployed and probably not seeking for employment due to the coronavirus pandemic. During the present moment, they are the most vulnerable part of the population.

42. Instituto Brasileiro de Geografia e Estatística (IBGE), Pesquisa Nacional por Amostra de Domicílio PNAD COVID19, available at <https://bit.ly/3sBNPhS>.

Conclusion

The construction of domestic work and its linkage with gender roles in a deep level somehow produces and is produced by gender hierarchies. Though, gender is not the only factor influencing this situation. Race/ethnicity and social class also are factors that need to be considered by those who aim to end this inequality. Because domestic workers in Brazil are majorly women and more than two-thirds of them are black women, all from precarious contexts, not thinking about differentiation among women and the different intersection of oppressions that are experienced by different women is to keep perpetuating inequalities.

To work as a domestic worker is to do your job inside other people's house, to clean their mess, to raise their children. This job, as saw above, is central to the structure of the economy. It is the domestic work that allows people to be available to work outside their houses, especially women from higher social classes who would stay inside their houses doing domestic work if they had no one to do it for them. The social class differentiation is so important to be taken into account when analysing gender inequality because gender inequality is perpetrated even between women. But because of domestic work's nature of being reproductive labour, which means that there is no product at the end (and that there is no end of the work), it is not seen as work and their doers are not seen as workers. This is the exact case of Brazilian ordination about domestic labour.

It took a long time for Brazilian legislation to consider domestic work as proper work and even more to give domestic workers the same rights as any other worker. It happened fully only in 2015. But the structures that hold domestic work are so strong that even today less than 30% of all domestic workers have a formal employment contract with all rights ensured as was noticed in the first topic of this study. The mere recognition by law was not enough to secure fully protection and change in paradigms. This sentence has been repeated by us, the authors of this article, a couple of times. Mere recognition by law does not ensure that the rights will be guaranteed. Because of that, it is important to think about social strategies, like public policies for example, that can overcome the legal barrier and effectively contemplate the right in the scope. Legal recognition is extremely important though, because it is the first step. But measures to enforce the law, especially in cases involving an entire culture as domestic work, also need to be taken. The vision of social justice explored by Fraser gives the notion that social objectives, as fight social injustice, are complexes and, because of that, they need complexes and multifaceted solutions.

In uncertainty economical periods, because it is a precarious job, women are willing to be employed as domestic workers even informally. But the specific case of the COVID-19 pandemic is so different that it is hitting domestic workers not only economically but also in their health. The number of domestic workers in November

2020 dropped down more than 34%, revealing the vulnerability of this category in an adverse condition. Domestic work was one of the sectors of the economy most affected by the pandemic. The results of such lack in protection will be fully revealed only when the pandemic is over and complete data could be collected. The pandemic turns the whole situation uncertain, but data presented until now can give a glimpse of what is happening and what is still ahead.


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Appendix I

Table I. Participation of direct and indirect taxation on total incomes of families in Brazil (2008-2009)

Tenth of available income	Indirect taxation	Direct taxation	Total taxation
1°	28	4	32
2°	22	4	26
3°	19	4	23
4°	18	5	23
5°	17	5	22
6°	16	5	21
7°	15	6	21
8°	15	7	22
9°	13	8	21
10°	10	11	21
Total	13	8	21

Source: IPEA (2011). *Equidade fiscal no Brasil: impactos distributivos da tributação e do gasto social*. Comunicado do Ipea 92, May 2011. Elaborated by INESC. *As implicações do Sistema Tributário brasileiro nas desigualdades de renda*. Brasília, 2014. Our Translation.

Table 2. Brazilian population distribution by a tenth of income and by sex and race/ethnicity. In % of the total population in 2011

Tenth	White		Black		Total (white +black)		
	Men	Women	Men	Women			
1°	5.09%	9.45%	6.98%	11.50%	19.81%	14.73%	10.88%
2°	11.29%	17.37%	13.93%	20.44%	26.90%	22.95%	18.46%
3°	0.48%	0.96%	0.69%	0.70%	1.08%	0.85%	0.77%
4°	9.85%	15.61%	12.35%	14.10%	17.39%	15.38%	13.87%
5°	8.05%	9.80%	8.81%	9.39%	8.05%	8.87%	8.84%
6°	13.54%	11.81%	12.79%	12.76%	9.08%	11.33%	12.06%
7°	9.66%	7.15%	8.57%	8.64%	4.86%	7.17%	7.87%
8°	10.03%	6.69%	8.58%	7.19%	3.97%	5.94%	7.25%
9°	14.71%	10.06%	12.69%	9.02%	5.02%	7.46%	10.06%
10°	17.29%	11.11%	14.61%	6.25%	3.84%	5.31%	9.94%
Total	100%	100%	100%	100%	100%	100%	100%

Source: Microdata from PNAD 2011. Elaborated by INESC. Our translation.

Table 3. Participation (%) by a tenth, by race/ethnicity and sex in 2011

Tenth	White		Black		Total (white +black)		
	Men	Women	Men	Women			
1°	13.19%	18.76%	31.94%	32.47%	35.59%	68.06%	100%
2°	17.22%	20.32%	37.55%	33.99%	28.47%	62.45%	100%
3°	17.65%	26.85%	44.50%	28.05%	27.46%	55.50%	100%
4°	20.00%	24.31%	44.30%	31.20%	24.50%	55.70%	100%
5°	25.63%	28.81%	74.82%	17.71%	7.47%	25.18%	100%
6°	31.63%	25.98%	78.59%	15.09%	6.31%	21.41%	100%
7°	34.56%	26.75%	81.63%	13.13%	5.24%	18.37%	100%
8°	38.98%	20.98%	80.93%	13.76%	5.31%	19.07%	100%
9°	41.15%	23.40%	85.52%	10.07%	4.41%	14.48%	100%
10°	49.00%	17.83%	83.72%	13.06%	3.22%	16.28%	100%
Total							

Source: Microdata from PNAD. Elaborated by INESC. Our translation.

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