

Domestic Work in Brazil: a reality based on gender and ethnicity Trabalho Doméstico no Brasil: uma realidade que tem gênero e etnia

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Abstract: Informal work, low wages, precarious rights and violence are some aspects that distance domestic workers from achieving the ideal of decent work. In addition to the fact that in Brazil most domestic workers are women, they are also black, which demonstrates the need to make an analysis from the intersectional perspective of gender and race, verifying how these social categories impose a place of vulnerability in the world of work. If the social vulnerability of domestic workers in a context of normality already demanded a close look from society and the government, the Covid-19 pandemic exacerbated this reality, worsening the conditions of service provision and confirming the discourse of power that has always been part of collective decisions about domestic work. Thus, based on a legal-social analysis and through hypothetical-deductive reasoning, an overview of domestic work in Brazil is drawn, making a brief historical review, and relating the precariousness of domestic work to the sexual division of labor and the intersectionality of gender and ethnicity, especially during the Covid-19 social crisis.

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Resumo: Trabalho informal, salários baixos, direitos precários e violência são alguns aspectos que distanciam as trabalhadoras domésticas de realizar o ideal de trabalho decente. Além de no Brasil a maior parte das trabalhadoras domésticas serem mulheres, são, também, negras, demonstrando a necessidade de se fazer uma análise sob a perspectiva interseccional de gênero e etnia, de modo a situar como essas categorias sociais impõem um lugar de vulnerabilidade no mundo do trabalho. Se a vulnerabilidade social das trabalhadoras domésticas em um contexto de normalidade já exigia um olhar atento da sociedade e do Governo, a pandemia Covid-19 exacerbou essa realidade, agravando as condições de prestação dos serviços e confirmando o discurso de poder que sempre fez parte das decisões coletivas sobre o trabalho doméstico. Assim, a partir de uma análise jurídico-social e por meio de um raciocínio hipotético-dedutivo, traçou-se um panorama do trabalho doméstico no Brasil, fazendo uma breve revisão histórica, e relacionando a precariedade do trabalho doméstico à divisão sexual do trabalho e à interseccionalidade de gênero e etnia, especialmente durante a crise social da Covid-19.

Palavras-chave: Trabalho doméstico; Gênero; Etnia; Brasil; Pandemia de COVID-19.

1. Introduction

Informal work, which is poorly paid, deprived of rights, and subject to all sorts of violence, since it is carried out in the home and private sphere, making it difficult to monitor, puts domestic workers far from achieving the ideal of Decent Work as the paradigm established by the International Labor Organization (ILO).

In this context, this article aims to analyze domestic work from an intersectional perspective. To this end, it begins the discussion by addressing the gender division of labor, an essential issue. It then outlines an overview of the ethnic dimension, considering the peculiarities of Brazil's history, marked by a slavery past in which the exploitation of black labor, especially female, provides the framework for understanding domestic work today.

Finally, it brings a brief analysis of the situation of the COVID-19 pandemic for domestic work in the Brazilian context.

Regarding the methodology adopted, it is based on the legal-social approach, using hypothetical-deductive reasoning, always from an empirical perspective.

2. The sexual division of labor: gender relations and domestic work

Gender equality, an ideal to be pursued in the various spheres of social relations, shows its most necessary face in the world of work. Living in a capitalist society in which productive work is valued and reproductive work is sidelined, women, whose "natural vocation" is domestic and caregiving work, find themselves at a clear disadvantage in terms of pay and social status. She devotes herself to hidden work, and perhaps the most important work for capitalism: "to serve the paid labor force in physical, emotional and sexual terms, to prepare it to battle day after day for wages" (FEDERECI, 2021, p. 27-28).

In the gendered division of labor, conceived as the social division of labor between the genders, men were assigned productive work, occupying functions of great social value, and women were assigned reproductive work, care, family, reproduction, both species, and labor force.

About the gender division of labor says sociologist Kergoat (2009, p. 67)

This form of social division of labor has two organizing principles: separation (there are men's jobs and women's jobs) and hierarchization (a man's job is "worth" more than a woman's job).

In this sense, Simone de Beauvoir's classic phrase - "You are not born a woman, you become one" - intends to show that the difference between sexes is only and simply biological, pointing out that for all other social relations - including labor relations - the differences attributed between the sexes are not a factual fact, but something constructed by society.

The physical difference between men and women would be easily overcome by technological development, making the difference between them minimal. In the words of Beauvoir (2016):

(...) the operation of numerous modern machines requires no more than a part of manly resources. If the minimum necessary is not beyond the woman's capabilities, she becomes equal to man at work.

Regarding the role of black women in Brazilian society, Gonzalez (2020, p. 59) notes that when she is not working as a domestic worker, she usually provides low-paid services in supermarkets, schools, or hospitals, under the generic name of "maid". According to the author, "in general, the black woman is seen by the rest of society from two types of 'professional' qualification: domestic and '*mulata*'". She explains:

The profession of "mulata" is one of the most recent creations of the hegemonic system in the sense of a special type of "labor market". Nowadays, the meaning "mulata" does not only refer to the traditionally accepted meaning (daughter of a black/white mixed race), but to another, more modern one: "export product" (GONZALEZ, 2020, p. 59).

Thus, the author continues,

the "mulata" profession is exercised by young black women who, in an intense process of alienation imposed by the system, submit themselves to the exportation of their bodies (with as few clothes as possible), through the "wigggle", for the delight of the voyeurism of tourists and representatives of the national bourgeoisie. Without realizing it, they are manipulated, not only as sexual objects but as concrete evidence of Brazilian "racial democracy"; after all, they are so beautiful and admired! (GONZALEZ, 2020, p. 59).

For Lélia Gonzalez, racism in Brazil is deeply veiled. "In the racial and sexual division of labor, the black woman suffers both discriminations. This happens historically, in subtle ways, both in urban and rural areas. In all economic activities, women in general - and black women in particular - are discriminated against on the social scale. "The black woman works without guarantees, does not have a formal work registration card - a conquest already accepted by our labor legislation -, does not have her rights as a worker assured" (GONZALEZ, 2020, p. 302).

Angela Davis, one of the leading exponents of black feminism in the United States, argues that

the abolition of household chores as women's private and individual responsibility is clearly a strategic goal of women's liberation. But the socialization of household chores - including meal preparation and childcare - presupposes putting an end to the domination of the desire for profit over the economy (DAVIS, 2016, p. 244).

With this affirmation, she points to the need to consider yet another social clipping in the struggle for the suppression of inequalities: the class struggle. In fact, the author argues that the most significant steps towards the eradication of female domestic labor were taken in practice by socialist countries. Therefore, women workers have a vital interest in the struggle for socialism.

Following this line, in their famous book "Feminism for the 99%", released in 2019, Cinzia Arruzza, Tithi Bhattacharya, and Nancy Fraser seek to articulate a new way forward for the feminist movement, which, according to them, in the last twenty years has been dominated by a liberal, business-oriented feminism, personified in the United States by women like Sheryl Sandberg and Hillary Clinton. This is a feminism of the managerial professional class, of relatively privileged women - middle or upper-middle-class with higher education and mostly white - who are seeking to integrate themselves into the corporate, media, and military world. The project aims to move up the corporate hierarchy to be treated the same as men of their own class, with similar pay and status.

It has associated the cause of women with the elitism of women, according to the authors of the manifesto, this feminism of the 1% or perhaps, at best, to 10%, has tarnished the name of feminism. It has associated the cause of women with elitism, with individualism, with corporate life. It is not a genuinely gender-equal feminism - one that has something to offer the vast majority of poor and working-class women, who have no privilege, are migrant, black, trans, or non-binary. In other words, it has associated feminism with neoliberalism, financialization, globalization, and policies hostile to the working class.

Although we can think about, seek, and rationalize effective equality between men and women, it is not difficult to see that we are very far from the ideal, especially when it comes to equality in the world of work. In this context, domestic work is inserted, a direct reflection of the sexual division of labor and the necessary viability of productive work.

It's important to highlight that even though of great importance and necessary discussion, this article is not concerned with the mass of unpaid work done by women in their own family environment, justified by feminine nature, by love and maternal duty, but rather with domestic work done by women professionally.

The expansion of women's space in the various professional fields of productive work has given rise to new demands for the organization and distribution of work in the domestic sphere. Since reproductive work is so important for maintaining social life and making productive work possible, everyone in the family, men and women alike, should be held equally responsible, and the State should also be held accountable through the establishment of public policies capable of enabling the exercise of productive work, taking gender peculiarities into account.

Professional domestic work, therefore, appears as a solution for domestic demands (food, cleaning, care) resulting from women's insertion in the labor market. However, it is not difficult to conclude that the logic of devaluing women's work in the domestic sphere has had an effect on professional domestic work, pointing to low pay and precarious working conditions, indicating a form of work close to servitude.

It is important to remember that the sexual division of labor and the delegation of domestic work reveals a polarization of female interests, generating estrangement among women. Instead of opposing the sexual division of labor, middle-class women who took on new positions in the labor market began to delegate domestic work to other women, reinforcing the sexual division of labor and making it possible to maintain the same stigmatizing and precarious system of domestic work.

In Brazil, as already mentioned, the country with the highest number of domestic workers in the world, the issue becomes relevant due to the peculiarities resulting from its colonization and its slave-owning past.

Let's now analyze the racial issue and its relation to domestic work in Brazil.

3. The myth of racial democracy in Brazil: slavery and domestic work

Brazilian society was born under slavery, patriarchy, and profound inequality, and was developed while denying access to citizenship to the vast majority of the population. This heritage from colonial times remains, installing itself permanently in the social, political, and economic structure of the country. Hence the aptness of the expression "structural racism", coined by Silvio de Almeida, in the sense that the recurrent manifestations of racism in daily life, whether in interpersonal relations or in the dynamics of institutions, are the result of something deeper, long entrenched in society.

The central thesis of this thought is that racism is always structural, since it is an integral - and not occasional - element of the economic and political organization of society. Racism is thus the normal manifestation of a society - each and every society - and not a pathological phenomenon or one that would express a moment of social abnormality. In the author's own words: "Racism provides the meaning, the logic, and the technology for the reproduction of the forms of inequality and violence that shape contemporary social life" (ALMEIDA, 2021, p. 20-21).

With the Enlightenment of the 18th century came the distinction between "civilized" and "savage", which would later give way to the opposition "civilized" x "primitive". The great liberal revolutions (English, French, and North American), besides signifying the transition from feudal to capitalist society, represented the victory of "civilization" - which would be taken to the "primitive" world, where those who still had no contact with the Enlightenment values of freedom, equality and the Rule of Law lived. For Silvio de Almeida, colonialism, that is, this movement of taking civilization to where it did not exist, "resulted in a process of destruction and death, of spoliation and degradation", carried out in the name of a certain 'reason'" (ALMEIDA, 2021, p. 25-27).

Achille Mbembe affirms that, like Islam and Christianity, colonialism was a project of universalization, whose purpose was "to inscribe the colonized in the space of modernity. But its vulgarity, its brutality so usually unrestrained, and its bad faith made colonialism a perfect example of anti-liberalism" (MBEMBE, 2018, p. 174-175). The author also speaks of a "sharing of the world," a division between the civilized world and the "afterworld"- and in the latter, only the law of the strongest applies. Quoting Hannah Arendt, Mbembe states that everything that happened beyond the European walls was situated directly "outside the legal, moral, and political judgments that were accepted behind the line. In other words, the law or the idea of justice from beyond the world could only be that carried by the European conquerors themselves (MBEMBE, 2018, p. 112-113). According to the author, the law was in this case a way of legally founding an idea of humanity divided into two completely different races: of the conquerors and of the slaves. "Only the conquerors' race could legitimately attribute itself human quality" (MBEMBE, 2018, p. 115).

Aimé Césaire questions the argument that colonization would have been necessary to lead to civilization. In his own words:

What, in its principle, is colonization? It is to agree that it is neither evangelization, nor philanthropic enterprise, nor the will to push back the frontiers of ignorance, disease, and tyranny, nor the expansion of God, nor the extension of Law; it is to admit once and for all, without flinching from the consequences, that the decisive gesture here is that of the adventurer and the pirate, the grocers in general, the shipowner, the prospector, and the merchant, of appetite and force, with the evil shadow behind it of a form of civilization that, at a moment in its history, finds itself internally obliged to extend on a world scale the competition of its antagonistic economies (CÉSAIRE, 2020, p. 10).

Frantz Fanon suggests that the nigger is a concept invented by the white man and "fixed" as such from his attitudes in society, often, however, already interpreted in a prejudiced manner. "However, much I expose myself to the resentment of my colored brothers, I will say that the nigger is not a man." The author continues: "The nigger is a nigger man; that is, as a result of a series of affective aberrations, he has installed himself in the bosom of a universe from which it will be necessary to remove him. The problem is important. We aim at nothing less than to liberate the colored man from himself" (FANON, 2020, p. 22). Mbembe adds that white, like black, is also an invention, "a fantasy of the European imagination that the West strove to naturalize and universalize" (MBEMBE, 2018, p. 88).

Thus, one of the main characteristics of racism is precisely the way in which it imprisons the black person - the "other" - in fixed and stereotypical images while reserving for the racially hegemonic privilege of being represented in their diversity. As Sueli Carneiro explains,

So, for advertisers, for example, it is enough to stick a black man in the middle of a crowd of whites in a commercial to ensure supposed respect for ethnic and racial diversity and get rid of possible accusations of racial exclusion of minorities. A lone black or Japanese person in an advertisement populated with whites represents the whole of their collectivities (CARNEIRO, 2011, p. 70-71).

And concludes with refined irony: "After all, black and Japanese are all the same, aren't they?" (CARNEIRO, 2011, p. 71). The author continues:

White people, no. They are individualities, they are multiple, complex, and so should be represented. This is also demarcated at the phenotypic level, where the diversity of whiteness is valued: brown-haired or brunettes, blondes, and redheads are different shades of whiteness that are perfectly included within the white race, even when they present a high degree of brownness, as occurs with some descendants of Spanish, Italians, or Portuguese people, who, nevertheless, do not cease to be considered or to feel white. Whiteness is, therefore, diverse and polychromatic. Blackness, however, suffers from all sorts of questions (CARNEIRO, 2011, p. 71).

In Brazil, the fight for black people comes since slavery. Lélia Gonzales says that "more than four hundred years ago when the process of enslavement began in Brazil, the reaction of black people also began" (GONZALEZ, 2020, p. 303). The author explains that, since the quilombos of Palmares, in the 16th century, until the United Black Movement Against Racial Discrimination, created in 1978, the permanent denunciation of any and all injustice and violence against the black population and the claim for "a fair, democratic and social division

of labor (without racism), parity in the income of black workers and black women with the other segments of our society, and the end of racism and thousands of existing discriminations" (GONZALEZ, 2020, p. 303).

It is not enough to not be racist. It is necessary to be an antiracist. For Djamila Ribeiro, this implies a series of challenges for those who spend their lives without questioning the system of racial oppression. And this system, even though it is present in all spheres of social life, has an intrinsic capacity to go unnoticed. "Waking up to the privileges that certain social groups have and practicing small perception exercises can transform situations of violence that before the awareness process would not be questioned" (RIBEIRO, 2019, p. 107). The author concludes, "White people must take critical responsibility for the system of oppression that privileges them historically, producing inequalities, and black people can become aware of historical processes so as not to reproduce them" (RIBEIRO, 2019, p. 108).

One of the main books that deal with the formation of the Brazilian people, seeking to find a national identity, is Gilberto Freyre's "Casa Grande e Senzala". The text portrays the Brazilian people as the fruit of the serene miscegenation between Portuguese, blacks, and Indians, helping to consolidate the ideology and the stereotype of a kind, graceful, and happy people.

"Casa Grande e Senzala" was not the only work to deal with the subject, however, it was the first that systematized the myth of racial democracy, intending to demonstrate some scientificity in its conclusions.

Freyre attributed importance to Portuguese colonization, pointing to its tolerance of miscegenation and as a model of harmonious coexistence with other communities:

As for miscegenation, no modern colonizing people have exceeded or even equaled the Portuguese in this respect. It was by mixing pleasantly with colored women right from the first contact and multiplying themselves in mestizo children that a few thousand just daring males managed to establish themselves in the possession of vast lands and compete with large and numerous peoples in the extension of the colonial domain and in the effectiveness of colonizing action (FREYRE, 2003, p. 70).

Despite its importance, the work consolidated the myth that in Brazil there was no racism and that slaves were well treated or, at least, that the white colonizers were benevolent towards the enslaved blacks. The author goes on:



It's not that in Brazilians, as in Anglo-Americans, two enemy halves don't exist: the white and the black; the former master and the former slave. Not at all. We are two fraternizing halves that have been mutually enriched with different values and experiences; when we complete each other as a whole, it will not be by sacrificing one element for the other (FREYRE, 2003, p. 418).

Freyre, when celebrating miscegenation, minimizes the violence of slave masters, attenuating the raw reality that miscegenation resulted from rapes and violence of slave masters over female slaves, especially those who worked in the residences.

Such reality could not go unnoticed, being pointed out by Lélia Gonzales, the main exponent of black feminism in Brazil, when speaking of the Brazilian slave-owning past, that:

Those who did not die in the ill-fated slave ships, when they arrived here, were directed to two types of activities: bed slaves worked in the plantations, and the 'mucama', in the big house. Both were nothing more than the grandmothers of today's rural and domestic workers.

(...)

In fact, the large contingent of mixed-race Brazilians resulted from the rape, violence, and sexual manipulation of the slave (GONZALEZ, 2020, p. 201-202).

The enslaved women who worked in the Big Houses, taking on the domestic duties (washing, ironing, cooking, childcare), made the lives of white women more pleasant, even though they were also severely subjected to male power.

Post-abolition black female labor only continued, with black women remaining in domestic work, deprived of rights, poorly paid, and with a high degree of vulnerability in the face of their inherent confinement.

The myth of racial democracy, together with the exercise of work in the family environment, has brought about the illusion that there are bonds of affection between the domestic worker and the service taker, that they are "almost family members," but that, in reality, serves as a discourse that justifies the unnecessary guarantee of rights.

The absence of an open and serious dialogue on the racial issue in the feminist movement intends to hide something that is difficult for the more progressive sectors to "digest": the exploitation of black women by white women who, by achieving a place in the labor market, "outsource" the domestic service imposed on them by the sexual division of labor.

Thus, the discussion about the intersectionality of gender and race in domestic work is urgent.

4. Intersectionality - vulnerability and job precariousness

As discussed earlier, domestic work portrays one of the situations of greatest and most latent social vulnerability. In the Brazilian context, the understanding of domestic work is based not only on the sexual division of labor but also on the racial issue. The slave-owning past is responsible for influencing the conditions of the material vulnerability of domestic workers, as well as the social discourses of subalternity and subservience of this type of work, even though there is often no explicit mention of it.

The interpretative overlapping of the phenomena of oppression that qualify the contexts of social vulnerability characterizes the so-called intersectionality. According to Hirata (2007, p.60), it analyzes "the various sources of identity, without imposing a globalizing theory, considering aspects of race, gender, class, and political position in the understanding of the complexities and inequalities that form identities".

Further detailing the idea, Kimberlé Crenshaw (2002, p. 177) states:

Intersectionality is a conceptualization of the problem that seeks to capture the structural and dynamic consequences of the interaction between two or more axes of subordination. It specifically addresses how racism, patriarchy, class oppression, and other discriminatory systems create basic inequalities that structure the relative positions of women, races, ethnicities, classes, and others. In addition, intersectionality addresses how specific actions and policies generate oppressions that flow along these axes, constituting dynamic or active aspects of disempowerment.

In discussing black women and domestic work, Gonzales (2020, p. 58) points to the intense intersectionality of race and gender:

(...) she turns to provide domestic services to middle- and upper-class families in the Brazilian social formation. As a maid, she suffers a reinforcement process regarding the internalization of difference, subordination, and "inferiority" that would be peculiar to her. All this added to the problem of the double shift that she, more than anyone else, has to face. Before going to work, she has to fetch water from the favela's water fountain, prepare a minimum amount of food for the family members, wash, iron, and distribute the chores of the older children with the care of the younger ones (the girls, in general, are in charge of the house and of taking care of the younger siblings).

In Brazil, the predominance of black female labor is the product of a collective consciousness that reproduces the idea of the moral division of labor. As Fabrício Maciel (2006, p. 299) explains, adopting the theoretical framework of Axel Honneth,

The idea of the moral division of labor starts from the premise that each activity classified as labor has a specific meaning in modernity, situated in a hierarchy of values relative to each society" and "the economic dimension of social reality does not determine, alone, the configuration of social relations".

Work is inseparable from the person who does it, and it can be understood that the identity of domestic workers, especially black ones, is formed and developed from the collective social conception of paid domestic work. In this sense, Fabrício Maciel (2006, p. 300) argues:

The source of the value of work is not only the income earned from it but also the social status that a particular job provides, which derives, among other factors, from the stability it gives to the worker, the qualifications required, belonging to the class or category symbolically valued, the engagement in solid individual or collective projects.

The identification of domestic workers with domestic work as it is performed allows this context of clear material and moral vulnerability to be kept perpetuated not only by those who use domestic work, but by the workers themselves.

Michel Foucault states that "discourse is in the order of laws" and "the power of discourse over laws comes from the people who speak it. Asking about the risks of discourse, he asks, "[w]hat, after all, is so dangerous about people speaking and their discourses proliferating indefinitely? Where, after all, is the danger?". The author then concludes that society controls and selects the discourses that will gain spaces of power (FOUCAULT, 1996, p. 8-9).

Following the same line of reasoning, Durkheim (1974, p. 34) asserts that social representations, as a constitutive and determining element of social reality, are structured independently of individuals and arise from society and are then reproduced through the long process of socialization. In this context, Foucault (1996, p.22) argues that narratives end up being repeated as ritualized formulas because they are given a secret or rich value.

Discourses reflect the focal points of power and thus reproduce themselves in the social environment. The fruit of the reproduction of discourses is the social-cultural formation that, in

the case of domestic work, can be seen in several aspects, such as the absence of professionalization of the work, the existence of supposedly affective relationships developed with the employer, the servility observed in the length of the workday, the diversity of the activities performed, and the existence of a room known as the "maid's room" or "maid's quarters", located separately from the rest of the residence or in the back of the house, in isolation.

In parallel, legal norms and the formulation of public policies follow this same *modus operandi*. The reproduction of a discourse contaminated by deep-rooted moral assumptions of discrimination is reflected in the naturalization of precarious domestic work that is perpetuated in time and space.

5. Domestic labor rights - difficulty of implementation

The rights of domestic workers have always been given timid treatment by Brazilian legislation. Decree-Law n. 3.078, of 1941, was the first norm to specifically regulate domestic work relations in the country, instituting, among other rights and duties, the obligation to write them down on the work card and give advanced notification of dismissal.

After that, some sparse laws were edited to deal only with specific issues, such as Law n. 5.859/1972, which removed the category of domestic workers from the legislative limbo, including them as compulsorily insured members of Social Security, and Law 7.195/1988, which established the strict liability of the intermediation agencies of domestic labor for damages caused to the workers indicated.

The Federal Constitution of 1988, in its original text, gave domestic workers only 9 of the 34 rights granted to workers in general.

In 2006, the Decent Work National Agenda was instituted, and which corresponding Decent Work Agenda had been approved in the scope of the International Labor Organization in 1999. The following points were established as priorities: i. the generation of more and better jobs, with equal opportunities and equal treatment; ii. the eradication of child labor, especially in its worst forms; iii. the strengthening of tripartite actors and social dialogue as an instrument of democratic governance.

Years later, in 2011, during the 100th General Conference of the International Labour Organization, Convention no. 189, which provides for the protection of domestic work, was

approved by 396 votes in favor, 16 against, and 63 abstentions, and Recommendation no. 201, by 434 votes in favor, 8 against and 42 abstentions, with the Brazilian State manifesting itself in favor of both instruments.

In 2013, as a way of adapting to these international instruments, the Bureaux of the House of Representatives and the Senate enacted Constitutional Amendment n. 72 to increase the number of rights granted to domestic workers.

In 2015, Complementary Law n. 150 was sanctioned by the Federal Government, containing the regulation of domestic work in Brazil after the expansion of social rights promoted by Constitutional Amendment n. 72/2013.

Only 7 years after the approval of Convention n. 189 by the International Labor Organization, on January 31, 2018, was the formal instrument of ratification of that instrument deposited by the Brazilian government.

As said in the previous topic, the discourse that precedes the elaboration of normative instruments can be inferred not only from the normative product itself but also from the circumstances that permeate it. In this perspective, the late approval of such regulation, for example, is already able to demonstrate the collective ideology that underlies the political articulations on the theme.

Regarding its content, the regulation brought by Complementary Law No. 150/2015 is born full of contradictions, bringing predictions of rights marked by a clear oppressive character. As Borges warns (2014, p. 238-239),

(...) in several situations, institutionalized law is confused with justice itself, to the extent that the application of laws in the broad sense is seen as an expression of justice (...) from the moment it is decided what is to be enacted, the political is transfigured into the legal, it gains unquestionable aura and the quality of justice. Thus, the right is identified with justice, as a necessary intrinsic relationship, as if, because it is a set right, the rule automatically acquired the quality of being just. Therefore, little is questioned about the justice of the law (...) the Constitution crystallizes political decisions that may be unjust and that exclude certain people from certain rights.

From this perspective, reality must be critically analyzed and interpreted, or else supposed legal and political advances will only serve to perpetuate inequalities.

Today, eleven (11) years after the edition of Convention 189 of the International Labor Organization and in face of the social consequences resulting from the pandemic that devastated

the world in recent months, we can say with greater certainty that we still have a long way to go.

6. Global Pandemic - domestic work on the agenda - inequality in evidence

Miguel Otávio Santana da Silva. In Brazil, his story starkly portrays the inequality, of gender and ethnicity, brought to light by the Covid-19 pandemic.

Miguel, a five (5) year old boy, died when he fell from the 9th floor of an upper class building in Recife, Brazil. His mother, a domestic worker, was forced to take him to work because, with the day care centers closed due to the pandemic and her employer not giving her time off work, there was no one else she could turn to for childcare.

During working hours, Miguel's mother went for a walk with her dog while his employer did her nails. Miguel was left in the care of the employer, who, unable to bear the boy's crying because of his mother's absence, sent him up the elevator to the top floor of the building. The 5-year-old boy, not knowing where he was, lost, while looking for the exit, fell from the 9th floor of the building.

The tragedy brought to light a truth that is difficult to tolerate. The pandemic did not affect everyone indistinctly. Social status, gender, and race had a marked influence on the way people had to face the pandemic and its consequences.

If the social vulnerability of domestic workers in a normal context already demanded a close look from society and the public authorities, the pandemic has exacerbated this reality, worsening the material conditions under which they provide their services and confirming the discourse of power that has always been part of decision-making regarding domestic workers.

In order to verify the breadth and depth of the social crisis generated by the pandemic in the context of domestic work, the United Nations Organization (UN Women), in partnership with the Institute for Applied Economic Research, prepared a study on the topic (PINHEIRO, TOKARSKI & VASCONCNELOS, 2020). As a result, it was found that domestic workers are subject to a double vulnerability.

The first relates to the nature of the work and how the work is performed. In jobs related to the care of children and the elderly, for example, physical and emotional contact is inherent to the provision of services - making effective isolation impossible - and as for jobs that do not

involve direct physical contact, the degree of subordination is so intense that it prevents the worker from questioning her employers about the care taken with sanitary and isolation measures, generating exposure of the workers in a more intense way to the circulation of the virus and increasing the risk of contamination.

The second refers to the absence of social protection since domestic work is characterized by a high level of informality, making it impossible for the State to seek support for income replacement.

According to the International Labour Organization, in 2013, there were 67 million domestic workers in the world (INTERNATIONAL LABOUR ORGANIZATION, 2021). In Brazil, according to research conducted by the Institute for Applied Economic Research (PINHEIRO, TOKARSKI & VASCONCNELOS, 2020), in 2018, there were just over 6 million people engaged in domestic work. Of this total, 5.7 million were women and 3.9 million were black women. From these data, we can see how dependent the Brazilian workforce is on domestic work, and it is already possible to infer the magnitude of the impact generated to the category by the social crisis caused by the pandemic.

During the pandemic, some Brazilian states enacted laws that allowed domestic work to continue even during government shutdowns and lockdowns, since they considered domestic work to be "essential work", that is, discontinuing it would affect primary public interests. It is undeniable, however, that the interests of a specific class are being addressed, namely, meeting the demands of the middle class and those sectors of society that use domestic service provision.

It should be noted that the importance of domestic work itself is not in question, since taking care of the house, feeding, and cleaning is reproductive work and has an impact on the social organization since it makes productive work possible. However, the delegation of this work (since these services, with very few exceptions, can be performed by everyone in the family), in a pandemic context, only puts the lives of domestic workers at greater risk, increasing the possibility of contagion, by mere convenience (FERRITO & MAEDA, 2021).

The pandemic, in this context, highlights all this social articulation of inequalities, reinforcing the need that, to advance in the protection of domestic workers' rights and get closer to the perspective of decent work, changes must be, above all, cultural.

7. Conclusion

After 11 years since the approval of ILO Convention 189, it is clear that, despite the advances made in guaranteeing the rights of domestic workers, there is still a long way to go. The challenge of promoting the effective implementation of the concept of decent work in the area of domestic work involves a necessary change in mindset, recognizing its complexity due to its specific characteristics, its role in structuring the labor market, as well as its intertwining with fundamental aspects of social organization and gender and race inequalities, such as the sexual division of labor and the devaluation of reproductive work (INTERNATIONAL LABOUR ORGANIZATION, 2021).

The pandemic of COVID-19 made the vulnerability of these workers even more evident since social inequality and issues of gender and race affected them in a detrimentally marked way.

The importance of cleaning, washing, preparing food, caring for children and the elderly, and especially the time spent on such tasks, only became visible when a portion of the privileged population was forced to do them.

Dehumanizing domestic workers by treating them as useful tools for the delegation of services imposed by the sexual division of labor reinforces the sexual division of labor itself, bringing relations of submission and oppression between women and removing the empathy that is imperative if we want to mobilize the racist and sexist structures present in our society.

In Brazil, given the large number of domestic workers and the high rate of informality, the biggest challenge is to overcome the social stigma that accompanies domestic work and the ideological discourses that insist on affirming the need for different legal treatment, with fewer rights, compared to ordinary workers.

Considering that Brazil is the country with the highest number of domestic workers in the world, the adoption of concrete public policies and positive legislative action to guarantee and enforce the rights of domestic workers is of international importance.

However, we are living in a period of great regression of social rights in Brazil, even before the advent of the pandemic, with the rise to power of representatives of conservative groups that deny the existence of sexism and racism, stating that inequalities based on gender and race are natural, creating real obstacles to the promotion of rights for women workers.

In this sense, the importance of knowledge for changing the dominant mentality, and strengthening the social movements for the political fight to guarantee rights is fundamental.

Recognizing that the devaluation of domestic work is due to the overlapping of two oppressive factors, gender, and ethnicity, is the first step to understanding the discriminatory and precarious phenomenon and, from there, finding ways to overcome it.

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