Closer to employment standards?
The case of Paid Domestic Workers in Argentina

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Closer to employment standards?

- How paid domestic work can be closer to employment standards?
- New Law (2013)
- New strategies for compliance and enforcement
  - Compliance: simplification of all procedures & tax benefits
  - Enforcement: “maid’s presumption”
Paid Domestic Work in Argentina

- 17% of all women working / 23% female wage-earners
- 56.6% over 40 years old
- 80% not completed high school studies
- 31% internal migration / 14% international migration
- **Working time:** 19.6% over 40 weekly hours, 39.6% 16-39, 32.4% 6-15, 9.3% less than 6 hours
- 70.5% work for one employer; 17% for 2; 12.4% more than 3
- 85% informal work
New Law on Personal Household Staff

- Special Regime
- all domestic workers regardless of the amount of worked hours.
- the obligation to award weekly rest
- a trial period shorter
- compensation payment in unjustified dismissals
- minimum wage
- overtime & mandatory bonus
- leaves: sick leave, special leave (marriage, for death of a relative, study) & maternity leave
- Social Security Special Regime for Domestic Workers (2000)
New strategies for compliance and enforcement

- The trivialization of no respect for the law
  - tolerance of high levels of informality
  - Invisibility of partial informality = standard rule (Beck)
  - Involuntary informality
  - absence of fraud penalty

- The employers’ position
  - difficult to regard the activities performed as true work = these activities are regarded as “help”- not job
  - the beneficiaries of the services seem incapable of bearing the responsibilities and risks assumed in their position as employers = “other worker”
New strategies for compliance and enforcement

- **Simplification of Registration Procedures**
  - Modes of registration: web, free call, home banking system
  - Payment of employer’s contribution: home banking

- **Tax Benefits**
  - Deduction of income tax = 30% of all mandatory contributions & salaries
MAID’S PRESUMPTION

- Intimation to the registration of domestic workers base on determination ex office

Definition of the debt to the social security system when:
- there have been no records or if the records are deficient
- the state has no ability to verify the data

- Regulatory background:
National Tax Agency Resolution 2927/2010
Paid Domestic Work in Argentina

**MAID’S PRESUMPTION**

National Tax Agency Resolution 2927/2010

- Definition of Minimum Worker Indicator
  Calculation of the minimum number of workers needed to performed an specific task

  - 2010: MWI for construction sector & textile industry
  - 2013: MWI for domestic work

  Individual+ annual incomes + property = one domestic worker
Facing the impossibility to inspect the particular homes, the State used National Tax Agency’s resources to determine the existence of a non declared domestic worker, and demanded the payment of social contribution.

But, the State is not able to verify working conditions and today in this kind of job, working conditions are still the result of a negotiation between the employer and the domestic worker. And, as we know, both positions in the negotiation are not symmetric.

The initial question does not have a satisfactory answer

How paid domestic work can be closer to employment standards?