



WILLI-EICHLER-  
AKADEMIE e.V.

### Willi Eichler Academy V. and Willi-Eichler-Bildungswerk

We seek dialogue with everyone involved in political discourse and in line with our basic values. We see political commitment as an important pillar of our democratic order. We offer programs and training courses that enable participation in democratic opinion-making. In addition to general political issues, we also have a qualification program aimed at those who want to get involved and are looking for support and training. We analyze current trends and sustainable developments with a focus on local political activities.

This applies to both personal and content qualifications. Whether as part of own projects or on behalf of the Willi Eichler Academy, our training offers a sound basis and structure for a qualified discussion of topics. We see ourselves as part of a network and bring together developments, topics and people within the region. We are looking for cooperation with other educational institutions in North Rhine-Westphalia and partners who are interested in similar issues. We offer our services and seek the exchange of ideas. Background discussions and networking events provide space for discussions and encounters. We provide information about current trends in the field of public affairs, political communication and political campaigning. This is done through events, publications, our newsletter and in social networks.

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# IMPULSE

## Who cares?

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# Women's rights are global.

# Women's rights are indivisible.

Dear readers,

"Given the current situation, our society is now finally paying greater attention to Care work" – this sentence was often uttered in the first months of the COVID-19 pandemic. We wrote it too. And now, in the second lockdown, we ask ourselves when exactly the media stopped covering the topic and the general public outrage abated.

Of course it's great that COVID-19 means that the abuses in the paid Care sector have been and continue to be discussed openly and publicly and the unjust distribution of unpaid Care work between women<sup>1</sup> and men has been highlighted. However, it would seem that there has been no real change in attitudes. Employed Care workers were fobbed off with one-off payments and the major government aid programmes benefit major corporations first and foremost.

The measures and aids passed in the domestic Care sector are short-sighted and selective. There are no plans to make structural changes, introduce legal regulations and actually improve the general conditions.

The objective, however, must be to build our economy around the 'Care' sector, as without the Care sector, which includes both paid Care and the unpaid and generally unseen reproductive and Care work, our current capitalist economic system could not survive.

This not only refers to the situation here in Germany or the EU, as Care work is globalised. In what are known as global Care chains, workers from countries in the



global south are affected by the political and individual decisions on Care work made here. If the traditional distribution of roles, with men as bread winners and women doing the reproductive work, is not fundamentally deconstructed, it will be difficult to achieve an equal society, one in which precarious employment relationships no longer exist and reproduction is valued just as highly or even higher than production. The gender-specific power structures and the also traditional power gap between the global south and global north<sup>2</sup> currently feed one another.

We need laws and regulations at EU and international levels that ensure that the caring professions have appropriate and fair labour conditions and paid Care work everywhere in the world is provided exclusively in official contractual relationships to protect human and labour rights. We need a profound change in societal attitudes, so that society values unpaid reproductive

and Care work more highly. We need political education that brings about this new societal approach, starting from early childhood, in school and extracurricular education.

We need a strong civil society that stays loud, draws attention to problems, demands change and works on solutions, but we also need politicians who put this topic on the agenda again and again in spite of opposing political interests, and who base political decision-making processes on the demands, for an impact not only at an individual level, but also at a structural level.

To highlight this subject, we decided to publish an issue of *Impulse* on the topic, focusing on the topic of Care work from various perspectives with texts by various cooperation partners and friends of the Willi-Eichler-Akademie.

However, when we decided in mid-2019 to support the *Equal Care Day*<sup>®</sup> initiative's work and dedicate ourselves to a new topic as an educational institution, we could not have known that the media and society would focus to such a great extent on Care work in 2020. As a social democratic educational institution, subjects such as social justice, equality and fair labour conditions are naturally close to our hearts, so we were

delighted to take this opportunity to cooperate with the *Equal Care Day*<sup>®</sup> initiative.

We used it as inspiration for a greater concentration on Care work as a whole, and started our first minor international project as part of our membership in SOLIDAR in April – together with our Peruvian partners PLADES (Programa Laboral de Desarrollo) and FENTTRAHOP (Federación Trabajadoras del Hogar Perú).

The aim of this project was to strengthen and support domestic workers' organizations in Peru in their struggle to comply with ILO Convention 189 (Convention concerning Decent Work for Domestic Workers) and the social and health protection of domestic workers in the context of the COVID-19 pandemic. The introduction of the new law to implement ILO Convention 189 was a key task and was achieved in September 2020!

This issue gives an opportunity to a trade union members and a labour specialist from Peru to report on their work and discuss their political success.

We also take a look at the EU and existing regulations as well as calls to combat the gender Care gap, in the article by Maria Noichl, a Member of the European Parliament, among others.

<sup>1</sup> The gender Care gap is a consequence of gender-specific power imbalances primarily based on a binary and heteronormative system. However, like women, intergender, transgender and non-binary persons provide unpaid and paid Care work!

<sup>2</sup> The term global south refers to a social, political and economic situation disadvantaged in the global system. On the other hand, the global north is characterised by a privileged situation with many advantages. The division derives from different experiences with colonialism and exploitation, as beneficiaries on one hand and as those exploited on the other – cf. global e.V.: 'Mit kolonialen Grüßen' (With Colonial Greetings), 2012.

The initiators of the *Equal Care Day*® initiative (international day on 29/2 or 1/3), Almut Schnerring and Sascha Verlan, point out pathways to a caring democracy and situate the topic in an international context in their article.

**We hope you find the read inspiring!**

**Berit Kreutz**

Didactic Adviser

Willi-Eichler-Akademie e.V.

**Information on PLADES and FENTTRAHOP:**

<https://www.plades.org.pe/>;

<https://twitter.com/fenttrahop>

**Information on SOLIDAR:**

<https://www.solidar.org>

**Information on Equal Care Day:**

<https://equalcareday.de/>

**Blog post by Rocío Campana Campos:**

<https://equalcareday.de/die-prekaeren-arbeitsbedingungen-der-hausangestellten-in-peru/>

**Videospot:**

<https://vimeo.com/466592202>

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## Not just since Corona: Child care and supervision rest on the shoulders of women

Comforting the child after a bad day at school. Preparing dinner and quickly bringing a plateful to your mother-in-law, who has been living alone for a long time. Drowsily cleaning the bathroom and laying out the clothes for the next day shortly before going to bed. And always having an open ear for relatives and an eye on chores and homework, even while working in home office.

When we imagine these activities, who do we picture before us? For most of us that will automatically be a mother. And what at first seems like a mere stereotype is unfortunately still bitter reality. In the EU, as in the rest of the world, child care and supervision continue to be a woman's responsibility.

Figures show that men spend more time per week in paid employment than women: 41 hours compared to 34 hours. Women carry out unpaid child care during this time, and for many hours after that. This, in turn, is reflected in their salaries, pensions and psychological well-being. Because so-called child care is not only physical but also emotional work. Its influence on the

individual person in question should therefore not be underestimated. The work-life balance, which has been the focus of attention for years, is a remote concept for many women. Stereotypes and role ideas, those related to masculinity as well as to motherhood and femininity, persist in today's world in a way that benefits neither women nor men. At the end of the day, there is often a man who would like to be there for his family more and a woman who feels worn out by the daily struggle against time between child care and paid employment, who cannot do justice to anyone and ends up bearing the financial consequences alone.

The aim must therefore be a partnership-based division of child care and paid employment. Fully in line with the so-called „equal earner – equal carer“ model, a model where both genders earn equal wages and share household chores as partners. This leaves more time for partners to accomplish whatever they have had to neglect so far. This actually reinforces equality. But how can this be achieved?

■ **Breaking down stereotypes right from the start:** Today's parents not only decide how to divide up raising their children, but also what their children think about their parents sharing the work as partners



■ **Working on breaking down stereotypes of masculinity and femininity in early childhood education:** Schools in the EU must also be supported in discussing and breaking down stereotypes so that children can make free – truly free – choices about their lives

■ **Sharing parenthood as partners:** The EU directive on work-life balance was a first step in this direction. Its implementation in the EU Member States is to be reviewed as soon as possible in order to propose further steps to improve the reconciliation of work and family life for both genders

■ **Abolishing discrimination:** All discrimination against women in the labour market or in private life must come to an end, so that women can choose their path free from social constraints and are rewarded equally. In addition to the existing directives against discrimination, work on a transparency directive to give women more insight into the salaries of their colleagues is therefore currently underway at the European level. We must also ensure that sectors which employ women in particular are not only seen as essential in times of Corona. They must also receive the financial recognition they are entitled to.

Only true partnership-based sharing of work at home will lead to truly equal participation in all areas of public life. It is also in the hands of European policy-makers to create the right conditions to guarantee economic

independence and equality for all women in the EU – and to enable all men to be active partners and fathers. ■

Author:

**Maria Noichl (SPD),**

Member of the European Parliament





## What does the EU have to say about 'Care'?

Healthcare, and therefore also Care itself, are fundamentally the purview of the European Union's Member States. However, some aspects related to Care work are subject to European law.

First, there is the right to health services in every Member State and reimbursement in the citizen's home country of treatment costs incurred in other countries. This right results from the four fundamental freedoms of the Single European Market: free movement of goods, persons, services and capital.

The right of EU citizens to pursue their career in every Member State of the European Union is based on the same principle. This requires mutual recognition of qualifications, in this case in the Care profession. If the Care qualifications were obtained in an EU country or a Member State of the European Economic Area, the professional qualification is generally recognised automatically. Please note, however, that adequate language skills are required. People who want to work in a country other than their country of origin must have sufficient language skills to pursue their career, generally equivalent to a B1 or B2 level. Moreover, there are no harmonised professional qualifications in the healthcare professions – with the exception of the general nursing profession. Accordingly, the qualification contents must often be assessed in addition to evaluation of the other patient-safety-related requirements for the profession.

This is also the case when a person arrives from a non-EU Member State. For example, a visa can be granted in Germany for the recognition of foreign professional qualifications to give applicants an opportunity to obtain the missing qualifications through continuing professional development over a given period (generally up to 18 months). This includes all educational measures relevant in the context of a recognition procedure, e.g. adaptation courses, preparatory courses for examinations, language courses or company-specific advanced training. During the adaptation measures in Germany, the candidates may work part-time as nursing assistants and earn money. After successful conclusion of the recognition procedure, the residence permit can be extended for up to a year, so that the candidate can find a position as a nursing specialist.

However, another aspect of Care work that concerns the EU is the treatment of Care-givers who often work illegally and without formal protections. The gender Care gap is inseparably linked to this aspect.

On 28 April 2016, the European Parliament passed an own-initiative report on female domestic workers and female Care-givers in the EU (2015/2094(INI))<sup>3</sup>

It calls on the Commission to take measures to protect these groups of employees. Throughout Europe, roughly 2.5 million women were doing domestic work at the time of the report.

An own-initiative report generally calls on the European Commission to submit a legislative proposal on specific topics. This report featured many ideas from civil society, e.g. trade unions, social organisations et cetera. Reports of this kind are not part of the European Union's formal decision-making processes, but they can lead to the introduction of legislative processes. The coordinated report is forwarded to the Commission, which is then obliged to inform the parliament whether it will submit a legislative proposal or not.

Among other things, the report also calls on Member States to create effective and accessible complaint mechanisms and means in accordance with Article 17 of ILO Convention 189, to ensure compliance with national law protecting domestic workers. It also calls on Member States to develop and implement measures for labour inspection, enforcement and sanctions taking appropriate consideration of the special characteristics of domestic work in harmony with the national laws and regulations.

The aforementioned ILO Convention 189 has been ratified in the following EU Member States of the total 27 members: Belgium, Finland, Germany, Ireland, Italy, Portugal and Sweden.<sup>4</sup>

The European Union also has powers to help alleviate the notorious double burden placed on women in Care work. The principle of equal pay for men and women for the same work has been mainstreamed in EU treaties since 1957 (currently: Article 157 of the Treaty on the Functioning of the European Union [TFEU]). According to Article 153 TFEU, the EU is generally entitled to take action on equal opportunities and equal treatment in employment.<sup>5</sup>

It can also take positive measures to enhance the role of women, within this framework and pursuant to Article 157 TFEU. Furthermore, under Article 19 TFEU, legislation can be passed to combat any form of discrimination, including discrimination based on gender. On the basis of Articles 79 and 83 TFEU, legislation was adopted to combat human trafficking, especially trafficking of women and children. Among other things, it finances measures in accordance with Article 168 TFEU to help eradicate violence against women. The present guideline proposal aims to counteract under-representation of women in the working world by improving the work-life balance and supporting their Career development. This is intended to ensure equal treatment and equal opportunities on the modern labour market, promote non-discrimination and improve gender equality.<sup>6</sup>

In 2015, the employment rate for women (20-64 years of age) was 64.3% compared with an employment rate of 75.9% for men. The gender-specific difference in employment is most prevalent among parents and persons with other Care obligations. In 2015, the average employment rate for women with children under the age of 6 was almost 9% lower than that for women without young children, with differences of over 30% in some countries.<sup>7</sup>

It is also far more common for women to take on the role of informal Carers for elderly relatives, or relatives in need of Care, than for men to do so. Women are also far likelier to work part-time due to their Care obligations. This plays a key role in the gender-specific wage gap (up to 28% in some Member States), which accumulates over a working lifetime to cause a gender-specific pension gap (40% on average in the EU), which is why women in particular are far more at risk of poverty and social exclusion in old age.<sup>8</sup>

According to the forecasts derived from the baseline scenario, these challenges will not be tackled sufficiently unless the EU takes action. The gender-specific difference in employment in 2055 is expected to remain around 9 percent.<sup>9</sup>

The proposal for a work-life balance directive for parents and Care-giving relatives by the European Parliament and the Council, and final rescission of Directive 2010/18/EU of the Council (COM(2017) 253, was submitted to the German Bundesrat for ratification in line with the standard procedure.

In its 959th session on 7 July 2017, the Bundesrat decided to acknowledge the submission in accordance with Articles 3 and 5 of the Act on Cooperation between the Federal Government and Federal States in European Union Affairs (EUZBLG).<sup>10</sup> ■

<sup>4</sup> [https://www.europarl.europa.eu/doceo/document/PV-8-2016-04-28-ITM-004-67\\_DE.html](https://www.europarl.europa.eu/doceo/document/PV-8-2016-04-28-ITM-004-67_DE.html)

<sup>5</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:2551460](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:2551460)

<sup>6</sup> [https://www.europarl.europa.eu/ftu/pdf/de/FTU\\_2.3.8.pdf](https://www.europarl.europa.eu/ftu/pdf/de/FTU_2.3.8.pdf)

<sup>7</sup> [https://eur-lex.europa.eu/resource.html?uri=cellar:84205176-2b39-11e7-9412-01aa75ed71a1.0002.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:84205176-2b39-11e7-9412-01aa75ed71a1.0002.02/DOC_1&format=PDF)

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/DE/TXT/HTML/?uri=CELEX:52017PC0253&from=LV>

<sup>9</sup> [https://eur-lex.europa.eu/resource.html?uri=cellar:84205176-2b39-11e7-9412-01aa75ed71a1.0002.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:84205176-2b39-11e7-9412-01aa75ed71a1.0002.02/DOC_1&format=PDF)

<sup>10</sup> [https://www.bundesrat.de/SharedDocs/drucksachen/2017/0301-0400/351-17\(B\).pdf?\\_\\_blob=publicationFile&v=5](https://www.bundesrat.de/SharedDocs/drucksachen/2017/0301-0400/351-17(B).pdf?__blob=publicationFile&v=5)

## Pathways to a caring democracy

### Equal Care – An international perspective

In 2016, we simply decided to declare 29 February 'Equal Care Day'. The media and political response revealed how important an initiative of this kind would be, while the many reactions of those affected, from academia and interest groups immediately established the special day's place in the calendar. Since 2016, leap day has now truly become 'Equal Care Day'. A casual idea has become a societal initiative that unites people nationwide and now even internationally, that strives to increase appreciation, visibility and promote a fair distribution of Care Work.

The German Federal Government's Second Equality Report in 2017 finally cemented the position of the 'Gender Care Gap' in public debate. A scientific study initiated by the Federal Ministry for Family Affairs (BMFSFJ) and funded by the EU followed, with the aim of investigating the roots of gender inequality in the distribution of Care Work, and developing solutions. The 'Sorgearbeit fair teilen' (Fair Distribution of Care Work) alliance was founded in 2020 as a follow-up project, and structurally integrated in the Deutscher Frauenrat (National Council of German Women's Organizations).

These two BMFSFJ initiatives focus on the private Gender Care Gap. And there is no question that fair distribution of Care Work in families, residential communities and couples is an important prerequisite for an equitable society. However, the way gainful employment and the professional lives of many people are organised requires them to outsource substantial aspects of their own care responsibility to other women. Accordingly, the private Care Gap is closely linked with the professional Gender Care Gap and with the Gender Gap in the shadow economy and can therefore not be considered alone.

### Care chains – the international dimension of the care gap

It only makes economic sense to outsource care work because the remuneration is substantially lower than other forms of employment. This is the root cause of the extreme shortage of specialists in the care- and education sectors that has persisted for years, and, in consequence, in state-subsidised or shadow economy

migration. Ultimately, we are shifting our problems abroad, to countries that are already economically worse off than Germany and the western world. The inadequate pay in the care sector is necessary to maintain a system that outsources responsibility, instead of taking it on. – By the way, this does not only apply to the care sector, but also to environmental protection.

As part of the 'konzertierte Aktion Pflege' (Concerted Care Campaign) in summer 2019, Minister of Health Jens Spahn announced that Germany would seek to recruit care staff and medical specialists from Mexico, Kosovo and the Philippines. The informal '24h in-house care' pathway brought women from Poland and other Eastern European countries to Germany to look after people here who need help and care – a job for which they are often unqualified. Even though the Federal Republic of Germany ratified ILO Convention 189 'Decent work for domestic workers' as far back as 2013, the working conditions here remain precarious and often questionable from a labour law perspective.

In both cases, Germany, as a prosperous nation, is at the top of a care chain. All of these women have families, children, grandchildren, relatives in need of assistance whom they leave behind in their home countries, delegating their care and support to other women, their own mothers or women from countries that in turn are worse off. This continues until no care is provided; but that is far away from here and is ignored, invisible, like Care Work as a whole.

### More than clean and fed

Communication and the debate on Care Work often fail due to the fact that too many people, especially men, are not aware of what care work means and comprises in detail, as they did not learn it as children, and did not have to learn it, unlike their siblings categorised as females. For one group, Care Work is so natural, and yet it is so distant for the other group that both sides are hardly aware of the extent and dimensions of Care Work, and much remains unsaid. For example, the burden of responsibility, known as the mental load, is largely excluded from the debates and studies. It is difficult to estimate and therefore is only mentioned in the margins of the German Federal Government's Second Equality Report or comparable studies. More than the quantifiable time taken, it is the unspoken mental load that makes it so difficult to impossible for caregiv-



vers to engage, involve themselves and participate in other areas of society, whether in politics, culture and science, or at professional and economical levels.

Mental load is the totality of all responsibilities a person takes on in managing the memory of all the unseen things that need to be done. That means managing relationships and emotions within a group, a team or a family, and coordinating, administrating and maintaining workflows and tasks – a misunderstood and overlooked responsibility typically imposed on women in working teams and even more so in families. As this responsibility is not considered work, has never been borne by many, it is often not perceived and therefore not appreciated.

As part of the 'Equal Care Day' initiative, we developed the 'Mental Load Test' with Johanna Lücke, a survey to identify quickly and simply how Care Work is actually distributed in one's own family, as well as in residential communities or other communities of responsibility. The Head of the Center for Gender Studies, Professor Zuhail Gündüz from TED University Ankara, and her team are currently translating the test into Turkish and Arabic, and adapting it to living conditions in Turkey. From 2021 on, the test is to be used in scientific work to calculate valid statistics that go beyond mere calculations of the time taken, as in other studies.

The long term goal is to further refine the 'Mental Load Test' as an instrument for different living situations and societies, and expand its contents to describe and evaluate international relationships.

### A mental load test for international relationships

The willing and seldom questioned outsourcing of the responsibility for care clearly shows the lack of value attached to it, both financially and ideologically. That begins in the core family and pervades all strata of society, right up to the calculation of the GDP. While GDP is considered an indicator of a society's prosperity, it completely ignores unpaid private care work, as though an economic system could function without care work. Obstetrics, care and upbringing of children, education and social work, the many everyday household jobs: feeding, balancing, recuperation and self-care are the real basis of any economy, and the fair distribution of care work is a fundamental prerequisite for an equitable society.

Only if Care Work is distributed fairly between the genders, and also between rich and poor, natives and migrants, only then do all people have equal opportunities to participate politically and economically, professionally and privately in society, culture and science, at all levels and hierarchical strata. And that applies not only within a society, but can also be extrapolated to international





level between east and west, north and south. Fair distribution of care work and the responsibility for care is the key to equitable relationships and justice, individually and globally. Anything else is selfishness, whether open or covert. ■

Authors:

**By Almut Schnerring and Sascha Verlan,**  
initiators of the Equal Care Day® initiative.



relations: as long as women from Eastern Europe leave their families to care for people in need of care in German households, as long as we recruit specialists from other countries, harnessing their good education and knowledge to compensate for personnel shortages in the care sector here, as long as migrant workers from Eastern Europe keep the foodstuff sector in Germany running, and we dispose of our electrical and plastic waste in the Global South - we are propagating inequality and preventing independent social and economic developments.

### On a pathway to a caring democracy

Selfishness is the opposite of Care and Care Work. Those who outsource or even deny their own responsibility for care are selfish, not per se, but very much so in a system that holds Care Work in such low esteem and punishes caregivers financially and ideologically. That is true both on a micro-scale in the core family and on a macro-level in international relations.

The restrictions due to the coronavirus pandemic and the increasingly obvious effects of climate change clearly show how necessary fundamental systemic change is, towards an economic order and an understanding of economics that is aware of its roots and returns to the initial concept of oikonomia (literally the study of house keeping), or how the means to satisfy human fundamental needs can be manufactured, distributed and used or consumed most expediently.

Whether in care, environmental protection or production of food, clothing (and protective equipment during pandemics), outsourcing care work and the responsibility for care exacerbates the inequality between peoples of different backgrounds, classes and genders at economic, political and social levels, as well as at a global

## #SeráLey #YaEsLey

Our Peruvian partner organisations PLADES (Programa Laboral de Desarrollo) and FENTTRAHOP (Federación Trabajadoras del Hogar Perú) created video and radio ads to inform domestic workers of their rights and also to educate them on the risks of COVID-19 and measures to prevent infection. They also mobilised support for the campaign to implement ILO Convention 189 (Convention concerning Decent Work for Domestic Workers).

70% of Peru's working population works in informal employment, including domestic workers. According to the Ministry of Labour's figures, there are roughly 395,171 domestic workers, 95% of whom are women.<sup>11</sup> Due to the crisis, most of them were made unemployed and have no source of income, exacerbating their already precarious economic situation. Those who can continue working have to do so without safety precautions, making them more likely to become infected. They often do not report infections for fear of stigmatisation and discrimination, leaving their health status undisclosed and potentially infecting others.

### Interview with Leddy Mozombite Linares, General Secretary of FENTTRAHOP

**1. Currently some 70% of domestic workers work off the books, and both employers and society at large are accustomed to the existing arrangement of informal labour.**

#### Do you share that perception?

It's a fact that society and employers, who are part of society, have a code firmly implanted in their brains, according to which the work that we domestic workers perform has neither economic nor social value. Consequently, they have normalised exploitation, making us work more than 14 hours per day, failing to grant us our benefits under labour legislation, paying us less than the minimum wage, denying us access to social security and pension rights, and expecting us to work without any written contract. The pandemic emergency has revealed how vulnerable domestic workers are. Some have been dismissed from their jobs, while others are overworked. In addition, we cannot leave the house

As a result, implementation of ILO Convention 189, already ratified in 2018, is extremely important for domestic workers in Peru. Since then, FENTTRAHOP [National Association of Domestic Workers in Peru] and other trade union organisations have campaigned persistently and untiringly to make this Convention part of national law and have it implemented accordingly!

On 5 September 2020, Congress passed the new law improving labour conditions for domestic workers and President Vizcarra finally signed and announced it on 30 September.

This success can also be attributed to the unwavering and untiring campaigning by FENTTRAHOP (Federación Nacional de Trabajadoras y Trabajadores del Hogar del Perú). Its Secretary General, Leddy Mozombite Linares, and Rocío Campana Campos, Consultant for Social Work and Gender at PLADES, presents their assessment of the law's political success and the improvements it brings about here. ■



since the pandemic began. Others work without pay, working just for room and board. Many of us have been infected with COVID-19, and some have even died while waiting to be admitted to an ICU (Intensive Care

<sup>11</sup> <https://www.gob.pe/institucion/mtpe/noticias/69391-mtpe-aprueba-plan-de-accion-a-favor-de-trabajadoras-y-trabajadores-del-hogar-2019-2022>



Unit). And this is precisely due to the lack of a law that really protects us and guarantees our labour rights and our human rights.

In Peru there are more than half a million domestic workers. 96% of domestic workers are women, and most of us are heads of our households. 92% of us work off the books. The newly enacted Law 31047 is a historic achievement for the working class and for domestic workers. We belong to this class, because it is not only a trade union achievement, but also a political victory. Organised as we are in our FENTTRAHOP, we have included our issues in the agenda of the trade union movement and managed to be recognised as part of the working class. It is a victory from a political standpoint because it will change the lives of thousands of women who for decades have been invisible, living in conditions of servitude, no to say in modern slavery. Employers think they own us. That is why they feel entitled to decide when we may rest, what we should eat, and what implements we should use for our work. The new statute makes clear how hiring should take place. It un-masks society's flaws in terms of discrimination and exploitation of domestic workers.

#### How likely is it that employers will actually comply with the new law?

The Government is in charge of guaranteeing our fun-

damental rights by conducting campaigns to mainstream use of blank forms, contracts and pay slips that state the provisions of Law 31047, in order to raise the awareness of employers and of society in general; likewise informing domestic workers, so they are aware of the rights that the new law grants them; and especially the Ministry of Labour, the Ministry of Women and Vulnerable Populations and the regional governments.

#### Are there any mechanisms in place for imposing penalties if the laws are breached?

We are demanding that the regulations for applying the new law include formal inspection procedures for enforcing the statutory provisions, as well as special procedures concerning occupational safety and health. FENTTRAHOP's organisational strength will be of fundamental importance in this process, in addition to the necessary cultural struggle, because society must change its attitude and must grasp the fact that both paid and unpaid care and upkeep work are essential for life. In the case of us domestic workers it is paid care and upkeep work because we care for people's lives when we perform our work. We make an important contribution to our country's social and economic development, we generate work for two families: for half a million domestic workers, because with our work we maintain our families; and for the families that hire us to wash, cook, and care for their children, their disabled



and their aged, while they commute to work to assure their economic and professional growth.

#### 2. FENTTRAHOP has mobilised many women in recent years, and especially in recent months, to defend their rights as domestic workers. How exactly did you approach women and how did you empower them to raise their voices?

Our FENTTRAHOP trade union comprises 11 groups nationwide in different regions, with their own leaders and members. We start from the assumption that we are workers like any other workers. We do not belong to the employer's family, nor are we helpers or adopted children, as this sexist, discriminatory and oppressive society wanted us to believe. Since we are women and belong to a different social class, it is [supposedly] natural for us to do all the chores for the family that hires us off the books. Our organisation has changed us, now we are aware that by organising ourselves we can defend ourselves and acquire legal rights. Collectively we are stronger because what we do is real work. It furthers social, cultural and economic well-being; it isn't meant to impoverish us further.

We approach each domestic worker by telling her our personal experiences working in the household of the family that hired us; then we urge her to join us, we explain what a trade union is and what benefits it brings.

Then we train her. Organising ourselves isn't easy, since each of us works in a different household, but it isn't impossible either.

The FENTTRAHOP officially resolved to conduct nationwide membership campaigns twice a year. All 11 regional groups campaign on the same day. We use different methods, showing up at markets, or we drive cars equipped with loudspeakers, making announcements at places where domestic workers gather, such as parks or squares, on certain dates, namely when people are paid wages or receive other benefits like a bonus on the occasion of national holidays or at Christmastime, in order to give the campaign content. In the same way, we conduct training at our trade union school called "Obtaining Justice for Domestic Workers".

#### 3. How is your trade union work progressing? How do you intend to make sure that people actually comply with the new law, and how do you ensure that all domestic workers are properly informed of their new rights?

We are developing new ways of recruiting members and training them. With the emergence of the pandemic, our strategy must change. Now we organise via Zoom platforms. This is a new challenge that we are facing. We have been conducting virtual workshops, we have prepared brochures and images with captions that spread knowledge about the provisions of the new law.





#### 4. Do you participate in any regional network of domestic workers in the Andean region?<sup>12</sup>

Our Federation doesn't belong to any network, but we do keep in touch with trade unions and other domestic workers' organisations in the Andean region. Sometimes we carry out joint activities. We participate in regional meetings to advocate ratification of the ILO's Convention 189. We also meet to discuss of experiences of struggle.

#### How do you support each other?

FENTTRAHOP is linked to some trade unions, or else there are bilateral relationships. We belong to the General Confederation of Peruvian Workers, the CGTP; the trade unions that belong to our federation issue statements when we conduct industrial actions or public relations campaigns.

#### What links are there with other social struggles?

Bonds of fellowship with women's and students' organisations, with some universities, some feminist women's groups, as well as with certain alternative media.

#### 5. Is there any relevant international network? In your opinion, what is needed in order to establish a worldwide movement of domestic workers?

#### And what might such an international movement accomplish?

FENTTRAHOP is part of the World federation of Trade Unions (WFTU). In the last few years we have been making an effort for FENTTRAHOP's regional groups to consolidate and become stronger, both organisationally and by recruiting additional members; but we do not rule out the possibility of a worldwide movement representing domestic workers that might strengthen our advocacy organisationally and assist in eliminating all forms of discrimination, so that we are recognised as citizens entitled to exercise our rights as workers and as human beings, and exercise our cultural and economic rights on equal and equitable terms.

Lima, Peru, October 2020. ■



### A new law: Equal employment rights for domestic workers in Peru

2 months after Law 31047 was passed, I would like to consider its effects on awareness of employment rights for domestic workers in Peru. The new Law 31047 has been in effect since 2 October 2020 and a decision was made that the corresponding conditions for its implementation must have been put in place within 90 days.

The law is based on recognition of the equal rights and non-discrimination principle mainstreamed in Peru's constitution,<sup>13</sup> thus protecting a specific group in order to achieve effective equality. That means that the legislation recognises all labour laws, social security and insurance rights for this group with the conditions applicable for all workers in the country.

Labour migration is a key aspect of Law 31047. The law requires states and governments to guarantee safe migration in order to prevent exploitation of workers and human trafficking.

It is also noteworthy that the declaration acknowledging 30 March as the Day of Domestic Workers has now been passed as law. I was delighted to be part of this legislative proposal, which has now been implemented.

Domestic workers are highly exposed to violence and sexual harassment in the workplace, and they often go undetected and unprosecuted. In implementing ILO Convention 190<sup>14</sup> and Law 31047, it is important that existing legal mechanisms to prevent bullying in the workplace, to facilitate reporting crimes and ensure that those affected are protected are applied.

As can be seen in the comparison in the table, the rights of domestic workers have been brought into line with the general labour legislation. This step is key for formal equality. However, it must now be implemented as effective equality even in employment sectors afflicted by the devaluation of household work, care for family members, children and older people.

The next task is to put in place the conditions for implementation – the 90-day period has already started. In its base groups, the Peruvian Trade Union for Domestic Workers (FENTTRAHOP) continued its proactive approach and has developed an implementation proposal containing the following key statements: Definition of clear contents for the implementation conditions to make application feasible and implementation easy. Some examples:

- Differentiation of household work and care work
- Differentiation of potential working times (full or part-time)
- Type of services (with or without a place of residence in the workplace)
- The contract form includes aspects guaranteeing the new rights and prohibits a waiver of these rights, and defines the new services/working conditions
- Stipulates discriminating acts to prevent their occurrence
- Production of a report on health, occupational safety and biosafety
- The labour inspectorate must ensure protection and confidentiality of any person filing a complaint

I consider promotion of the new law vital for a better understanding of its significance and of the existing mechanisms in labour law that also apply for domestic workers. These provisions are very abstract for the women, or they are not aware of them, as their employment circumstances were not bound by the general legal framework prior to the new Law 31047.

It is also important to strengthen spaces for social dialogue, to permit effective inspection and proper implementation of ILO Convention 189 and achieve decent employment and effective equality for thousands of domestic workers in Peru.

Lima – Peru, 30. November 2020. ■



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<sup>12</sup> i.e. the South American countries traversed by the Andes mountain chain, of which there are seven, but usually referring only to the Andean Community, which comprises Bolivia, Colombia, Ecuador and Peru.

<sup>13</sup> Constitution of Peru, Art. 2 Sect. 2 and Art. 26.1993.

<sup>14</sup> Eliminating Violence and Harassment in the World of Work



## What legal changes did Law 31047 bring about?

RIGHTS	DOMESTIC WORKERS Law no. 27986 <sup>15</sup>	PRIVATE LAW PROVISION Legislative Decree D.Leg.728 <sup>16</sup>	DOMESTIC WORKERS Law no. 31047 <sup>17</sup>
<b>Contract</b>	Oral or written	Written	Written contract. Must be registered within 3 days.
<b>Arbitrary termination</b>	Compensation: 0.5 x annual remuneration	Compensation: 1.5 x annual remuneration	Reference is made to the provisions in Legislative Decree D.Leg.728.
<b>Remuneration</b>	Contract between the Parties. The employee must provide proof of payment.	Wage based on: Valid minimum wage. Wage statement	Equal to the valid minimum wage or higher. Wage statement (template)
<b>Working hours</b>		8 hrs. – 48 hrs. per week	8 hrs./48 hrs. per week Overtime is honoured.
<b>Weekly rest times</b>	24 consecutive hours	24 hrs. per week	01 day per week
<b>Rest times on Sundays and public holidays</b>	Only on the following public holidays: 1 May, 28 July, 25 December.	Supplemental pay on all legal public holidays if these days are worked.	All legal public holidays. Supplemental pay is honoured if the employee works on Sundays and public holidays.
<b>Holiday leave</b>	15 days paid leave per year	30 days paid leave per year worked	30 days paid leave per year worked
<b>Bonus for national public holidays and Christmas bonus</b>	50% of the monthly remuneration per case	100% of the monthly remuneration per case	100% of the monthly remuneration per case
<b>CTS compensation by period of service (type of unemployment insurance)</b>	1/2 of the annual pay	1 annual wage	1 annual wage
<b>Pension scheme</b>	National Pension System (SNP) or Private Pension System (SPP)	Free choice of SNP or SPP. Right to old-age pension,	Voluntary choice of SNP or SPP. Person receives an acceptable old-age pension. This is no longer the case.
<b>Health insurance</b>	Compulsory insurance (was not observed)	Compulsory insurance (Peruvian social insurance)	Compulsory insurance (Peruvian social insurance)

<b>Maternity leave</b>	Not applied, employees were fired.	Right to paid special leave and other maternity rights e.g. nursing time, supplements. Termination due to maternity is invalid.	Right to paid special leave and other maternity rights e.g. nursing time, supplements. Termination due to maternity is invalid.
<b>Health and safety in the workplace</b>		Law 29783 on Health and Safety in the Workplace	Protection by Law 29783. Right to work under appropriate conditions, free of all kinds of risks. Biosafety measures
<b>Collective labour rights</b>	NO trade union membership possible, no collective bargaining or strikes.	Trade union membership, collective bargaining and right to strike POSSIBLE.	Trade union membership, collective bargaining and right to strike POSSIBLE. Registration of household employers and employees.
<b>Right to education</b>	Employees can attend educational institutions outside their working hours.	Access to continuing professional development	Ability to schedule working hours so that school, specialist or professional education is possible.
<b>Administrative and legal protection</b>	Obstruction of labour inspectorate in assessing reported issues, in accessing the residence of the employer as a central workplace.		Protection against discriminatory actions, violence and bullying in the workplace, forced labour and child labour. Support for inspection work on the part of the Ministry of Labour and Employment Promotion.

Own deliberations

<sup>15</sup> Law no. 27986 for Domestic Workers in Peru, to enter into force by 1/10/2020.

<sup>16</sup> Legislative Decree D.Leg. 728. Law on Productivity and Competitiveness on the Labour Market. General Private Law Provision

<sup>17</sup> Law no. 31047 for Domestic Workers in Peru, new valid law since 2/10/2020.