

DOMESTIC WORKERS' RIGHTS IN BRAZIL: IMPROVEMENT OF LABOR REGULATION

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This research presents a descriptive case study regarding to domestic work in Brazil. After 125 years of inequality between domestic and other workers, National Senate has finally approved the constitutional amendment 72/2013, which equals the class of domestic workers to the rural and urban workers, as before, the benefits were not equal for everyone. The research also reports a comparison between the International Labor Organization (ILO) Convention 189/2011 with the Brazilian legislation. Data were collected through first hand observation, qualitative interview, archival research and direct participation. This paper contributes to deepen the understanding of labor regulations in Brazil as well as social redemption due to historic equalization of domestic workers' rights.

Keywords: Domestic Workers, Labor regulation, Workers' Rights.

Introduction

After 125 years, the last traces of slave work are formally disappearing from Brazil. On May 13th 1888 the slavery was finally abolished from the Brazilian Empire by the princess-regent Izabel, who declared free all remaining slaves living on the Brazilian soil through *Lei Áurea* (Golden Law). Definitely, the Golden Law was not a popular one: eighteen months later, the Monarchy collapsed and the Republic was established (1889).

The Brazilian Republican regime, however, did not unify workers' rights under a single Law, thus inverting the former relationship between master and slave on domestic or house holding affairs. In the old Monarchy, a master was supposed to feed, provide shelter and medical care to slaves and it was permissible to apply punishments in case of absence of compliance, with low or no payment at all. In the new regime the employer, in exchange of payment, should not provide shelter, or medical care and punishments were forbidden. It became possible to hire people to attend domestic tasks with low payment and less obligations. When workers' rights were first established in the twentieth century in Brazil, almost fifty years later, the vicious relationship between master and slave on domestic affairs remained as an inglorious trace of ancient times.

Even with the end of slavery in Brazil the need to emphasize the social value of domestic work in the development of economy and society remained as a partially solved social debt. In

contrast, the view from society is based on prejudice once they see it as an unimportant activity with low incomes.

Domestic workers are defined as people older than 18 years-old that delivers continuous (frequent) and non-profit work to the person or family in the residential purpose under these services. Thus, the differentiating trait of domestic employment is the non-economic nature of the activity performed at the household level of employer¹. As a matter of fact, 94.8 per cent of domestic workers in Brazil are women (IBGE, 2013).

It is important to clarify the designation of urban workers, rural workers and domestic workers. Urban worker is the individual who provides the employer with continual services, being dependent upon the same and receiving a salary. There will also be a need for personhood, which is the inability of the employee to be represented by another employee because the work contract is strictly personal.

Rural worker is any individual who provides continual services to a rural employer on a farm or rustic building, being dependent upon his boss and receiving a salary.

Unfortunately, domestic workers have been submitted to inhuman and degrading conditions in relation to the performance of their activities, not even having the protection of labor laws as other workers do.

One of the most famous Latin quotations about the exploitation of human nature comes from the British philosopher Thomas Hobbes: *homo hominem lupus*, literally meaning *man is man's wolf*, where human behavior is based on the assumption that mankind is mean by nature. Thomas Hobbes, then proposed a solution to be adopted in the social arena: mankind should be deprived of certain freedom so as to maintain order and peace - since all beings search for the same objectives, have the same needs and the same instinct of self-preservation. Therefore, conflict was considered the natural state of all human beings and a social contract should be established to equalize rights. The solution should be the creation of a formal contract between equal persons. This way, the contracting parties waive their freedom in exchange for peace (Hobbes, 2010).

The Social Contract foreseen by Thomas Hobbes did not encompass slave work, however. The epistemological concept of slave work persisted as over the centuries eighteenth and nineteenth. According to Benedict Herculaneum Duarte (1998: 20-21),

(...) it is curious to observe that the people who were most linked to the regime of slavery sought in the root *trabs*, *trabis*, the denomination for work. The others, which most often associated human activity to the force of irrational animals like horse, donkey or ox, chose another Latin root - *labor*, *laboris*, - associated with noble activities. Hence, *labour* in English and *lavoro* in Italian.

The objectives presented in this work are: (a) to establish a ground for comparison between the Brazilian domestic workers' rights before and after the approval of Constitutional Amendment 72/2013; (b) to compare Brazilian Constitutional Amendment 72/2013 with Convention 189/2011 from International Labor Organization - ILO and to discuss the future impact of such Constitutional Amendment in the future of Brazilian domestic workers' workforce and (c) to understand how selected countries faced the same issues through comparison of different domestic workers' facts and figures.

¹ See Ministério do Trabalho e Emprego (2013). *Empregado(a) Doméstico (a)*. Available at http://portal.mte.gov.br/trab_domestico/, retrieved on November 30th, 2013.

Following sections will describe methods applied, a comparison study between domestic workers' rights in Brazil, in European countries such as Germany and the United States of America. Finally, discussion on future impacts and further research complete the present work.

Methodology

The present interpretive research, descriptive multiple-method case study (Yin, 1988), combines in-depth interview, first hand observation and direct participation (Silverman, 2011) and compares Brazilian domestic workers' rights with Convention 189 from International Labor Organization and reports facts and figures in different scenarios, such as European and North American, through first hand observation, direct participation and archival research. Primary data was gathered through qualitative interview, based on Goffman's (1959, 1961) dramaturgical theory.

The units of analysis are Constitutional Amendment 72/13 and ILO Convention 189 (Yin, 1988). Brazilian domestic workers working in the countries mentioned were interviewed. Then, labor wages per hour were calculated based on the data gathered on secondary data and then converted into a common index, in order to establish a ground for later comparison.

Four in-depth key qualitative interviews were conducted (100 per cent response rate) through the usage of semi-structured questionnaires sent by e-mail. Three out of four respondents were invited by phone call and e-mail, and the other is one of the authors. Two are domestic workers and two are employers. Primary data were collected by audio recording and email statements. All respondents answered one hundred percent out of four questions posed. All four interviews were conducted entirely in Portuguese and then translated into English. Quoting was formally allowed. Data gathered were transcribed and coded through descriptive and In Vivo coding, the latter selected in order to preserve the narrative's vividness and first hand observation, to 'honor the participant's voice' (Saldaña, 2013, p. 91). Primary data were then analyzed through text analysis and hermeneutics circle. Secondary data were investigated through archival research from each Government's Labor Ministry Reports and given Laws, basically accessed on governmental archives, as well as the International Labor Organization archives.

This study is limited to its legislation in force, such as Constitutional Amendment 72/2013 (which has substituted PEC, 478/10) and ILO Convention 189. Future researchers are encouraged to revisit the domestic work issue, in order to compare initiatives here described with its impacts on Brazilian or even on Global markets, society and economy.

Labor Law in Brazil: Background

The formal worker's registration was instituted through the creation of *Carteira de Trabalhador Agrícola* (Agricultural Labor ID - our translation) in 1906 and then substituted by *Carteira Profissional* (Professional ID - our translation) by decree no. 21.175, from 1932, lately *Carteira Profissional de Trabalho e Previdência Social* (Professional Labor and Social Security ID - our translation), created by decree no. 926, from 1969, implying in recognition of workers' rights by the Brazilian Government².

2 See: Ministério do Trabalho e Emprego - MTE (2013). Pesquisa Mensal de Emprego. Retrieved from <http://portal.mte.gov.br/ctps/historico.htm>. Accessed on 09/12/13.

The first Law encompassing domestic workers' rights was approved by decree 16.107 from July 30th, 1923, where the definition of domestic work did not separate domestic work from other workers. Later, on *Consolidação das Leis do Trabalho* (Consolidation of Labor Laws) in 1943, the definition of domestic work was improved, with the non-economic nature of activity encompassed to domestic worker's role definition. Lately, with Law 5.859, it was approved in 1972 the right to work formally registered and be included on social security system for domestic workers in Brazil. Law 11.326 from 2006 started to ensure stability for pregnant women, slack holidays and ban the discount, which has become very useful considering their salary category.

However, in 2011, the Brazilian Government was facing a decrease of the total amount of female domestic workers across the years:

(...) Domestic work is a reality for 6 million women, but this number is decreasing, for instance in 2006 they represented 6.2 million. The decreasing number of female domestic workers is the result of many factors, as the increase of level of education, increase of the jobs supply on service sector, among others. This decline is concentrated among domestic workers without a formal contract (IBGE, 2012, p.136).

Before the Government initiative to equalize domestic workers rights with other worker rights, the domestic workers were thus migrating to areas where full rights were respected. The absence of formal contract and equal rights pushed domestic workers to other economic sector in Brazilian Society and ultimately motivated the creation of the Constitutional Amendment Proposal (PEC - Proposta de Emenda Constitucional), PEC 478/2010, as known as the *PEC of domestic workers*, who gave birth to the Constitutional Amendment 72, in which rights were already guaranteed to other workers (see Exhibit 1). It represents a social and historical Government's reparation.

Exhibit 1

Labor rights: Constitutional Amendment 72/2013

Before	After	Pending Regulation
Minimum Wage	Minimum wage never below the minimum salary for the ones who receive variable remuneration	Employment relationship protected against arbitrary or unfair dismissal: Depending on additional law that establishes compensatory damages
Irreducibility of salary	Protection of salary by law being, its withholding a felonious crime.	Unemployment-insurance in case of involuntary unemployment ;
13 ^o Salary	Length of regular work not over eight hours per day or forty four hours per week, provided compensation and reduced working journeys through agreement or collective labor agreement.	Indemnity fund.
Paid Vacation + 1/3 of it	Overtime compensation at least 50% over regular remuneration.	Compensation of night shift higher than daytime. Depending on complementing law about the value to be assigned to additional.
Social Security and Retirement	Reducing risks inherent to work through health, hygiene and safety standards;	Family wage granted by law due to dependents of low-income worker.
Paid weekly rest	Recognition of conventions and collective agreements.	Free assistance for children and dependents from birth to 5 (Five) years of age at daycare centers and preschools.
Advance Notice	Prohibition of difference in wages, in exercising functions and in hiring criteria due to sex, age, color or marital status.	Insurance against work accidents in charge of employer, not excluding the compensation to which he is required when incurring malice or negligence.
Paternity Leave	Prohibition of discrimination regarding salary and hiring criteria of disabled workers.	
120-day maternity leave	Prohibition of night work, dangerous or unhealthy for children under eighteen, and any kind of work for children under sixteen, except as an apprentice from fourteen years old on.	

Source: Retrieved from PEC (*Proposta de Emenda Constitucional* or Constitutional Amendment Proposal) 478/2010, later Constitutional Amendment, 72/2013.

International Labor Organization (ILO) and Convention 189/2011

On June, 1st 2011, International Labor Organization - ILO, have been convened at Geneva, Switzerland, on its 100th session to promote best practices on “decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization” (ILO, 2011:1-2), approving Convention 189, adopted on June 16th, 2011. The fundamental assumption is that domestic workers are nor any kind of servants, nor any sort of family members nor second-class workers (ILO, 2011). The Convention 189 adopts proposals concerning decent work standards for domestic workers. On December 2013, thirteen countries had ratified this convention, excluding Brazil. Uruguay was the first country to ratify Convention 189 in 2012, followed by Philippines (2012), Mauritius (2012), Nicaragua (2013), Italy (2013), Bolivia (2013), Paraguay (2013),

South Africa (2013), Colombia (2013), Germany (2013), Dominican Republic (2013), Costa Rica (2013), Ecuador (2013) and Argentina (2013). ILO recognizes the existence of 7.2 million domestic workers in Brazil and 52.6 million in 117 countries investigated in 2011 research(ILO,2011).

The Convention 189 recognizes that domestic worker,

(...) continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights (ILO, 2011).

According to Convention 189 contracts between domestic workers and employers should be: (a) consensual - commonly agreed between parties; (b) Informal, i.e., verbal or tacit; (c) bilateral: both the employee and the employer have rights and obligations for; (d) personally executed: the employee must provide the work personally; (e) commutative: there must be an equivalence between the service provided and the considered; (f) successive tract or debit permanent: employee and employer relationship is maintained debit permanent, solid , durable, and finally (h) costly: service provision corresponds to a provision of salary (ILO, 2011). The Convention 189 is summarized on exhibit 2, as follows:

Exhibit 2

ILO, Convention 189/2011 on Domestic Workers

Article	Recommendation
3 , 4 , 5 and 11	Basic rights of workers and domestic workers : respect and protection of fundamental principles and rights at work. Effective protection against all forms of abuse, harassment and violence.
7	Information about the terms and conditions of employment : information delivered in a way that is easily understandable , preferably through written agreement
10	Hours of work: measures to ensure the equal treatment of workers domestic and general workers . Weekly rest period of at least consecutive 24 hours
11,12,15	Compensation : minimum wage established. Payment in kind under certain conditions
13	Health and safety : law safe working and a healthy working environment
14	Social Security : conditions that are no less favorable than those applicable to other workers , including maternity benefits
4	Standards on child domestic work: the obligation to set a minimum age. Should not deprive workers and teenagers working of compulsory education
6, 9 and 10	Workers who reside in the household where they work: living conditions worthy to respect privacy. Freedom to decide whether or not resident in the household
8 and 15	Workers and migrant workers: contract written in the destination country, or an offer written job before leaving your country
15	Private employment agencies: regulation of the operation of private agencies employment
17	Conflict resolution and complaints: effective access to courts or other mechanisms solution conflict, including accessible complaints mechanisms

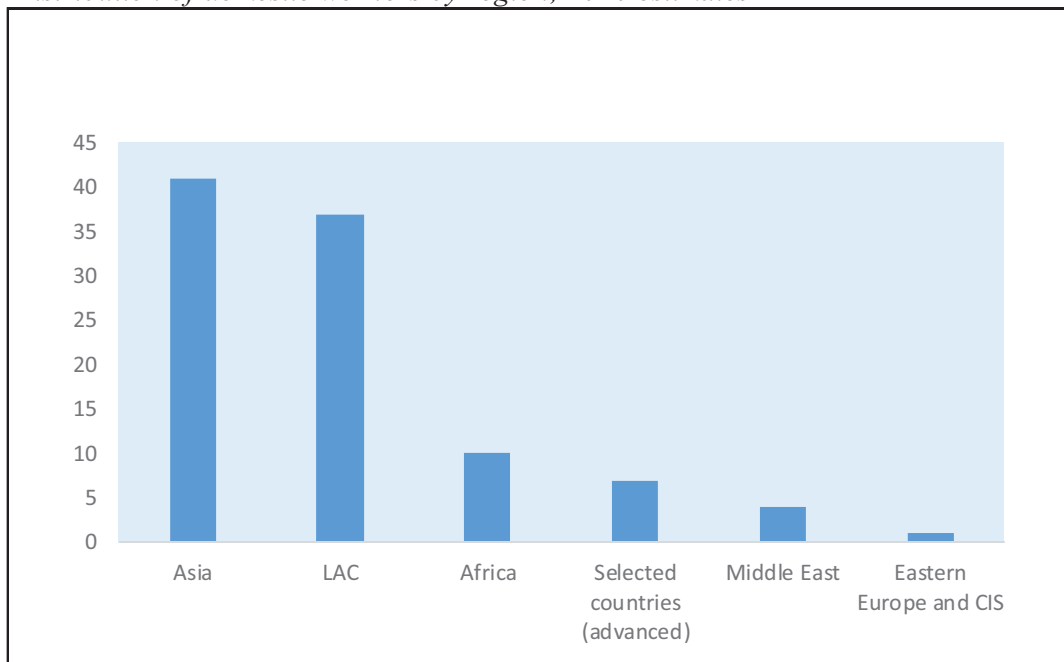
Source: Adapted from Convention 189 (ILO, 2011).

Domestic work: worldwide

According to the International Labor Organization - ILO (2013), in 2010, 83 per cent of domestic workers were female and 17 per cent male, distributed worldwide as follows on Exhibit 3:

Exhibit 3

Distribution of domestic workers by region, 2010 estimates



Source: Adapted from ILO (2013)

It is estimated in 2010 reported at least 52.6 million men and women employed as domestic workers across the globe (ILO, 2013). Domestic work in Latin America and Caribbean (37 per cent) is overpassed only by Asian continent (41 per cent), as shown on exhibit 3.

According to Convention 189, domestic work

(...) is closely interlinked with international migration. Domestic workers do not only look for work in their own home countries, but often move to other countries in search of better employment opportunities – often with employment agencies as intermediaries. Different migration patterns can be observed in the various regions. For example, in Latin America and the Caribbean domestic workers generally migrate within the region, generally from poorer to more prosperous countries, as well as to the United States and to Europe (in particular to Spain). Asia also has substantial migration within the region, for instance from Indonesia, Lao and Cambodia to richer countries such as Malaysia (ILO, 2013: 21).

In Brazil, domestic workers formal registered were 7.2 million in 2009, 93 per cent female³.

Migration from poor country to a rich one, as observed before is source of primary data, gathered on Exhibit 4, as follows. Interviews conducted with Brazilian domestic workers living

³ See national household surveys (Pesquisa

Nacional de Amostra por Domicílios). Retrieved from <http://www.ibge.gov.br>. Accessed on 13.12.2013.

overseas evidenced ground for comparison of domestic workers' payment at households in selected countries:

Exhibit 4

Domestic workers' household wage comparison

wage / hour	England	Italy	USA	Brazil
USD	27	13,5	7,4	1,6
Big Mac Index	4,0	2,7	1,2	0,2

Note 1: Big Mac Index is available at The Economist, retrieved from

http://www.economist.com/search/apachesolr_search/big%20mac%20index. Accessed on 13.12.2013.

Note 2: household wages estimated based on archival research and qualitative interviews

Source: Elaborated by the authors

This research reports domestic work (household) in Brazil as economically very attractive in comparison with other countries. On Exhibit 4, gardeners, care-givers, nannies and other domestic workers than households are excluded.

Finally, 78 per cent of overall domestic work is concentrated in Asia and Latin America and Caribbean (LAC). Future researchers are encouraged to investigate the correlation between domestic work and migration waves across the world.

Comparison between Brazilian Constitutional Amendment 72/2013 and ILO's Convention 189

Despite the fact that Brazil did not ratify so far the Convention 189, both are convergent. Thus, the Brazilian Constitutional Amendment 72/2013 can be considered an advance and historical reparation for domestic workers. Both agree, for instance, on basic rights of workers and domestic workers, respecting and protecting the fundamental principles and rights at work, including effective protection against all forms of abuse harassment. Comparison between both acts is depicted on Exhibit 5, as follows:

Exhibit 5

Comparison between ILO, Convention 189/2011 and Constitutional Amendment 72/2013

Issue	ILO Convention 189/2011	Constitutional Amendment 72/2013
Basic rights of workers and domestic workers : respect and protection of fundamental principles and rights at work. Effective protection against all forms of abuse, harassment and violence.	yes	yes
Information about the terms and conditions of employment : information delivered in a way that is easily understandable , preferably through written agreement	yes	yes
Hours of work: measures to ensure the equal treatment of workersdomestic and general workers . Weekly rest period of at least consecutive 24 hours	yes	yes
Compensation : minimum wage established. Payment in kind under certain conditions	yes	yes
Health and safety : law safe working and a healthy working environment	yes	yes
Social Security : conditions that are no less favorable than those applicable to other workers , including maternity benefits	yes	yes
Standards on child domestic work: the obligation to set a minimum age. Should not deprive workers and teenagers working of compulsory education	yes	yes
Workers who reside in the household where they work: living conditions worthy to respect privacy. Freedom to decide whether or not resident in the household	yes	yes
Workers and migrant workers: contract written in the destination country, or an offer written job before leaving your country	yes	yes
Private employment agencies: regulation of the operation of private agencies employment	yes	yes
Conflict resolution and complaints: effective access to courts or other mechanisms solution conflict, including accessible complaints mechanisms	yes	yes

Source: ILO Convention 189/2011 and Brazilian Constitutional Amendment 72/2013

Brazilian Constitutional Amendment 72/2013: the End of Distortion

According to Law 5.859 from December 11th, 1972 regulated by Decree 71.885 from March 9th 1973, regularizes the domestic worker profession by conceptualizing it and providing them with rights. Immediately thereafter, the Brazilian Federal Constitution from 1988 granted other rights, such as: (a) minimum wage; (b) irreducible salary, (c) 13th salary, (d) paid weekly rest (e) paid annual leave of at least one third over regular salary, (f) 120-day maternity leave not compromising their right to the job and salary, (g) paternity leave, (h) 30-day advanced notice before job demission and (i) retirement and integration to Social Security .

With the enactment of Law no. 11. 326 from July 24th, 2006, amending Law 5.859 from December 11th, 1972, domestic workers have acquired the right to 30 days of vacation, stability for pregnant women, right to civil and religious holidays besides prohibiting discounts for housing, food, clothing and personal hygiene products used in the workplace.

Later, another change to increment the formalization of ties of domestic workers was the deduction of 12 per cent in the income tax of the payment relating to a monthly minimum wage of a domestic worker including portions of 13th Salary and a third of vacation payment. It also allowed the collecting of the contribution referring to the competence of November of each year to be performed until December 20, along with the contribution for the 13th salary by using a single collecting document.

Francisca Rodrigues, 44 years as domestic worker agree with the extension of regular rights to domestic workers:

Before the law be implemented, we had no rights, no government protection at all. These rights are welcome indeed. The idea of equality sounds great, it is a dignifying act. I have never understand why these rights had been denied to domestic workers for so long. Now, it all makes sense. I am happy that all workers have equal rights, ultimately.

Constitutional Amendment 72 of April 4th, 2013 was created to change the wording of paragraph of article 7 of the Federal Constitution (1988) to establish equal labor rights among domestic workers and other urban and rural workers. It establishes rules for microenterprises in the domestic territory, thus bypassing informality and changing the nature of a relationship that was born and grew up confusedly and ambiguously in Brazil.

Unfortunately, the relationship between domestic worker and employer in Brazilian culture is based on exploitation and solidarity, implicating some idea of slavery when the lady of the house had no other function, other than following up the service of the worker in her home and taking care of her children.

Edna Carvalho, Brazilian domestic worker, points out:

(...) When I work as a domestic in a residence with children, it is impossible not to feel attached to them after a while. By one hand we feel ourselves as part of the family as the years goes by. By the other hand, sometimes I catch myself taking care of children when I am not supposed to do so. Sometimes I feel my efforts devaluated, especially if when something goes wrong or the bosses are dissatisfied with my service and complaints start.

Such amendment was created in order to recognize the value of the domestic worker and is consonant with Convention 189 from International Labor Organization - ILO. At first these new rules could result in layoffs and increased informality.

In Europe, domestic workers represent only 0.3 per cent of employees while in Brazil they reach 6.5 per cent, i.e. the European can live without the services of a domestic worker because their culture is different, as their household chores are divided among family members and there is a good investment in home appliances, which are cheaper and show much higher quality than the ones in Brazil (ILO, 2011).

According to Brazilian official records, 47 per cent of households have a washing machine, 40.3 per cent have micro computers with access to internet, with net family income monthly of R\$ 1.507,00 (\$750) in 2012. (PNAD, 2012). The assumption is the more automated the household, the less domestic worker needed. Future researchers are encouraged to investigate the relationship and causality between such variables.

Domestic workers are maids, laundresses, cooks, caregivers, gardeners and housekeepers. Attention should be given to the fact that the cleaning lady who exercises her functions in the same residence from three to more days a week falls into the category of maid.

The main innovation of Constitutional Amendment 72/2012 consists in establishing the amount of hours to be worked, i.e., eight hours per day and forty-four hours per week (art. 7, VIII, Federal Constitution, 1988). The need for time control is also emphasized, allowing for overtime compensation, as well as payment of the same.

Another innovation presented by this Amendment was the mandatory collection of *Fundo de Garantia por Tempo de Serviço* - FGTS, indemnity fund created to support the worker when fired (art. 7, II, Federal Constitution, 1988), which was previously optional. Also includes the unemployment insurance (art. 7, III, Federal Constitution, 1988), some used to be guaranteed only if the domestic worker was included in the FGTS, but nowadays it is a granted right. The recognition of conventions and collective bargaining agreements were innovations, as well (art. 7, XXVI, Federal Constitution, 1988).

Rights shown on Exhibit 1 are guaranteed by the Amendment being, however, subject to regulation by law such as: night shift remuneration superior to daytime (art. 7, IX, Federal Constitution, 1988); *salário família* (family wage) which is given to those low-income workers

due to having under age dependents (art. 7 , XII, Federal Constitution, 1988), free assistance for dependent children from birth to five years of age in daycare centers and preschools (art. 7 , XXV, Federal Constitution, 1988).

Payment for overtime is established at 50 per cent extra for hours worked beyond the eight-hour day work limit. Still, the employee is allowed to surpass his regular journey the maximum of two extra hours per day.

The challenge faced by employers is related to caregivers and maids who spend the night at their workplace. In such cases, even being really costly, at least two domestic workers are required so that one of them takes the night shift.

Given the changes in legislation, it will be interesting to draw up a contract that records how the service will be provided, the time settings and whether the employee sleeps in the employer's home either for living far away or for working the night shift. A contract signed by both parties without notarization may preserve the rights of employers and domestic workers. The contract is an option to maintain transparency about what was agreed on. It is worthy to mention that, in addition to the work registry and contract, issuing receipts in reference to each monthly payment that will be signed by the worker will ensure the employer against any labor lawsuit. The receipt shall carry the amount paid in salary and overtime.

Another interesting issue is the development of a timesheet. However, it may be interesting for both parties to protect themselves. If the domestic worker has to overtime, it is important to record, which will have the history of the days and months - the journey of each day for the calculation of the payment. Employer and employee can sign it on a monthly basis. In the event of a lawsuit, the employer will have the contract, the receipt and the timesheet as guarantee that the procedure was properly adopted. If the employer lacks such evidence and the worker claims that overtime was not paid, witnesses will be the ones to ultimately solve the impasse. Future researchers are encouraged to observe the impact of such increase of bureaucracy in the relationship between employer and employee.

After Constitutional Amendment 72/2013, the relationship between employer and domestic worker has become more professional for both sides. The contract establishes both liabilities and collaterals. In case of being late for work, for example, the employer can warn by written letter and, in the case of job abandonment or breach of the important conditions agreed between the parties from employee, there is the fair dismissal.

The *Fundo de Garantia por Tempo de Serviço - FGTS* (indemnity fund), after the effective date of the Amendment, it is mandatory the collection by the employer to the Government in the amount of eight per cent of the wages of domestic workers, and one per cent to three per cent of the Workers Compensation - depending on the degree of risk the work presents.

The collective convention between the *Sindicato dos Trabalhadores Domésticos da Grande São Paulo - Sindoméstica*, and the *Sindicato dos Empregadores Domésticos do Estado de São Paulo - Sedesp* (Workers Union and Employers Union, respectively) will give birth to future adjusts on the new born legislation that regulates the extension of rights to professionals in that sector as gardeners, maids, nannies and caregivers. Unions signed the first collective agreement belonging to this category. It was agreed that the minimum wage would be equivalent to the regional minimum wage for state of São Paulo, which is R\$ 755.00 (\$ 350.00). The document also provides a salary of R\$ 1,200.00 (\$600) for the maids residing in the workplace - this value already includes overtime and night shift. The agreement between employers and employees covers 26 cities of São Paulo such as Osasco, Guarulhos and Suzano (Southeast of Brazil). Among the indefinite items are the indefinite daycare center aid and family wage.

Given all the above, it becomes clear that by enacting Constitutional Amendment 72 an action purely focused on the people was performed, which aimed at having a positive impact on society.

There are two aspects to be considered. The first one is that the amendment is expected to result in a large number of layoffs because the wages previously paid to employees for more "elastic" work shifts would turn into highly costly overtime. One possible consequence could be employers firing that one employee with a high salary to replace him by new employees with much lower salaries and respecting their work journey limit.

According to Francisca Rodrigues, with the new law:

(...) domestic workers have more rights and more obligations. They have to respect working day hours, be punctual, cannot arrive late at work, there is less flexibility on such terms. I think this new law will discipline the category. But I really don't know what will happen in the future, because it became more complicated to hire a domestic worker (...). In my opinion, the slavery is over in Brazil, finally.

Constitutional Amendment 72/2013 actually represents the end of domestic work distortion, Government reparation as the new rules can be characterized as a breakthrough on labor legislation. The purpose of bringing the domestic worker out of social invisibility was a great achievement. In relation to doubts that may arise, the solidification of the jurisprudence will give answers to each case.

Despite that, while the legislation is being implemented, employers are supposed to get use with the new rules, especially because it is employer's obligation paying extra charges. According to the employer Nereide Dias,

(...) I think that these rights are more than deserved. But things are very complicated when you try to regularize everything according to Brazilian legislation. It is too much bureaucracy and it represents extra costs. I really don't know what things will happen in the future. Maybe domestic work is doomed to failure, the future will tell. Or not.

Ultimately, even having generated concerns for society, this amendment had great contribution in ending the culture of servitude of a whole category that had been outside the regulations.

Future researchers are encouraged to revisit the subject and to measure the impacts of such new legislation on Brazilian society in general and in the relationship between employer and domestic worker in particular.

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