

# **INFORMAL WORKERS AND COLLECTIVE ACTION**

A Global Perspective

**Edited by Adrienne E. Eaton,  
Susan J. Schurman,  
and Martha A. Chen**

**ILR PRESS  
AN IMPRINT OF  
CORNELL UNIVERSITY PRESS  
ITHACA AND LONDON**

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First published 2017 by Cornell University Press  
First printing, Cornell Paperbacks, 2017  
Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Names: Eaton, Adrienne E., editor. | Schurman, Susan J., editor. | Chen, Martha Alter, editor. | Container of (work): Hawkins, Daniel (Daniel James). Port workers in Colombia.

Title: Informal workers and collective action : a global perspective / edited by Adrienne E. Eaton, Susan J. Schurman, and Martha A. Chen.

Description: Ithaca : ILR Press, an imprint of Cornell University Press, 2017. | Includes bibliographical references and index.

Identifiers: LCCN 2016047013 (print) | LCCN 2016050096 (ebook) | ISBN 9781501705564 (cloth : alk. paper) | ISBN 9781501705571 (pbk. : alk. paper) | ISBN 9781501707957 (ret) | ISBN 9781501707964 (pdf)

Subjects: LCSH: Informal sector (Economics)—Employees. | Informal sector (Economics)—Employees—Labor unions—Organizing. | Employee rights. | Labor movement.

Classification: LCC HD2341 .I53425 2017 (print) | LCC HD2341 (ebook) | DDC 331—dc23

LC record available at <https://lccn.loc.gov/2016047013>

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## Acknowledgments

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The research presented in this volume was made possible by funding to Rutgers University and the Women in Informal Employment: Globalizing and Organizing (WIEGO) network as part of a grant from the United States Agency for International Development (USAID) to the American Center for International Labor Solidarity, commonly known as the Solidarity Center.<sup>1</sup> The opportunity to conduct a study over multiple years and across diverse employment and geographic contexts is rare. It was feasible because we were able to work with the global contacts and relationships that have been created over many years by the Solidarity Center's global program, the networks of informal worker organizations supported by the WIEGO network, and Rutgers' membership in the International Federation of Workers' Education Associations. These relationships enabled us to assemble a global research team and to gain access to the informal workers' campaigns that are included in the book. They also allowed us to employ a multiple case study design in which we could develop detailed descriptions of each campaign in context and then analyze whether there are common elements that apply across the various contexts.

The preliminary research design for the nine individual cases that are the core of this volume emerged from the first year of work funded by the Solidarity Center in which both the Rutgers and WIEGO teams conducted broad literature reviews of organizing and campaigns by informal workers. Based on the findings of these reviews, and in consultation with the Solidarity Center staff, the Rutgers and WIEGO teams identified two themes to pursue in more depth and cases that fit within those themes. One, the focus of the Rutgers work, involved successful campaigns by traditional unions to organize subcontracted workers. The other, the focus of the WIEGO work, involved successful collective bargaining by organizations of informal workers. Rutgers and WIEGO then identified researchers with the necessary country or sectoral expertise and language skills to conduct the case studies using common sets of research protocols. The cases chosen also reflect, to some extent, focal countries for the Solidarity Center as required by USAID.<sup>2</sup>

By focusing on successful campaigns, our goal was to inform both other campaigns by or for informal workers as well as policy and academic discussions about the role of collective action in improving the work conditions of informal workers. We think that the case studies presented here more than achieve this

## DOMESTIC WORKERS IN URUGUAY

### Collective Bargaining Agreement and Legal Protection

Mary R. Goldsmith

Uruguay is the only country in Latin America and one of the few in the world that has collective bargaining for domestic workers. This and its labor legislation, social security coverage, unionization of domestic workers, and general working conditions of private household employment were the reasons Uruguay was chosen by the International Labor Organization (ILO) as a model of good government practices regarding domestic work. This chapter analyzes why and how collective bargaining for domestic workers began in Uruguay in 2008, three years after the rise to political power of the leftist coalition Frente Amplio (FA)<sup>1</sup> and two years after the adoption by the Uruguayan legislature of Law 18.065, which recognized virtually the same rights for domestic workers as other workers, including the right to collective bargaining. It provides a brief history of domestic workers' organizations and an overview of the representatives for domestic workers, the Sindicato Único de Trabajadoras Domésticas (SUTD), and employers, the Liga de Amas de Casa, Consumidores y Usuarios de la República Oriental del Uruguay,<sup>2</sup> on the wage council. It describes the bargaining process of the first two collective agreements on the wage council, which were signed respectively in 2008 and 2010; it briefly touches upon the third collective agreement that was subscribed in 2013 and is currently in effect. Finally, it analyzes the outcome of this process in terms of the recognition of domestic workers' rights and the relations of domestic employment in Uruguay as well as outlining lessons to be gleaned from this experience and which can be replicated elsewhere.

## Background

### An Overview of Uruguay

Uruguay is located on the southeastern Atlantic coast of Latin America, sharing borders with Brazil to the north and with Argentina to the west. With a population of approximately 3.3 million, it is one of the smallest countries in the region. The overwhelming majority (94.6 percent) of its inhabitants reside in urban areas; 40 percent live in Montevideo, the nation's capital. Uruguay's population is rapidly aging (more than 14 percent is sixty-five years of age or older), which is particularly relevant to the issue of care work.<sup>3</sup> Uruguay is a middle-income country with lower poverty rates and less income inequality than most other countries in the region. The nation has one of the highest levels of education in Latin America and ranks fourth in the United Nations Development Program's (UNDP) Human Development Index and the Gender Inequality Index in the region.<sup>4</sup>

Uruguay is a constitutional republic and, with the exception of the period of military rule between 1973 and 1985, has been governed since independence (1828) by two parties, the Colorado (Red) and the Blanco (White, or, as it is officially called, Nacional). In 2004, however, the FA, a leftist coalition party<sup>5</sup> founded in 1971, ran a campaign that emphasized economic growth, decent employment, and social justice and won the presidential and congressional elections. Tabaré Vázquez, who took office as president in 2005, sought justice for the poor, the workers, and the victims of the military dictatorship.<sup>6</sup> The FA won a second and third presidential race in 2009 and 2014 with, respectively, José Mujica and Tabaré Vázquez as its candidate. During the FA administrations, there generally has been a good relationship between the government and the Plenario Intersindical de Trabajadores—Convención Nacional de Trabajadores (PIT-CNT),<sup>7</sup> the nation's only labor federation.

When the FA government took power, it immediately implemented measures against unemployment, which had peaked in 2002 at 17 percent, and in favor of better working conditions. Income inequality began to decline in 2007—a trend that continues to date—which is related to the increase in the general minimum wage that applies to workers not covered by sector- or occupation-specific measures and periodic wage adjustments,<sup>8</sup> the return of collective bargaining, the strengthening of unions, and the implementation of redistributive fiscal reforms in 2008.<sup>9</sup>

Since 2005, informal employment, defined in Uruguay by a lack of social protection, has decreased significantly. The percentage of workers who do not contribute to the Banco de Previsión Social (BPS)<sup>10</sup> has dropped from 38.7 percent in 2005 to 25.6 percent in 2012.<sup>11</sup> This decline is related to the adoption of public policies, including tax and social security reforms, investment incentives to create jobs, and the resurgence of collective bargaining in the

context of sustained economic growth.<sup>12</sup> Still, a large portion of workers in some occupational categories and economic sectors are not enrolled in social security. Worth noting is that two-thirds of the working poor hold informal jobs. The government has taken steps to encourage street vendors, car washers, tourist guides, and sex workers to enroll in a simplified social security scheme through the BPS.

Some informal workers are organized in associations and unions, which dispute urban space and notions of justice, cleanliness, and economic worth. For example, roughly 1,200 sex workers are members of the Asociación de Meretrices Profesionales de Uruguay (AMEPU)<sup>13</sup> and an undetermined number of street vendors belong to the Asociación de Tortafriteras and the Sindicato Único de Pancheros.<sup>14</sup> The Unión de Clasificadores de Residuos Urbanos Sólidos (UCRUS) is affiliated to the PIT-CNT and has engaged in negotiation with the Ministerio de Trabajo y Seguridad Social (MTSS)<sup>15</sup> regarding pay rates for solid waste products, job training, and social protection.

## Methods

This chapter is based primarily on fieldwork carried out in November 2012 in Montevideo, during which I interviewed members of the SUTD, the Liga de Amas de Casa, and the MTSS, who had been directly involved in the process of tripartite collective bargaining. In addition, I interviewed officials from the PIT-CNT, participants in nongovernmental organizations (NGOs), lawyers who worked with the SUTD and the Liga, and researchers who had studied domestic work. A list of interview subjects is presented in Appendix I.

In addition to interviews, I observed the activities of the legal aid clinic at the SUTD and a training workshop about computer skills for migrant domestic workers at Cotidiano Mujer. I consulted the minutes for the sessions of the tripartite bargaining of the first two collective agreements at the legislation,<sup>16</sup> government statistics, and other studies on paid domestic work and the political economy of Uruguay. During January 2013 and spring 2015, I carried out follow-up interviews regarding collective bargaining by phone and e-mail with members of the SUTD and the Liga. The present chapter also draws upon prior fieldwork in Montevideo in November 2011 regarding good government practices and domestic work, as well as interviews with delegates from Uruguay in June 2011 at the 100th International Labor Conference at the adoption of Convention 189 concerning decent work for domestic workers. The documentary research includes review of local newspapers,<sup>17</sup> theses, government studies, and other publications regarding paid domestic work and the political economy of Uruguay.

## The Case Study

### The Conditions of Paid Domestic Workers in Uruguay

Slightly more than 15 percent of all employed women in Uruguay are domestic workers.<sup>18</sup> This figure has remained fairly constant since 1998<sup>19</sup> and is the most common occupation for women, followed by office work and retail sales. In 2012, there were 109,220 domestic workers, with 33 percent living in the capital Montevideo, 16 percent in the adjacent department of Canelones, 7 percent in Maldonado (a department on the Atlantic coast and home to the beach resort Punta del Este), and the other 44 percent in the remaining sixteen departments. This distribution coincides largely with that of the general population.<sup>20</sup>

Approximately 99 percent of all domestic workers are women.<sup>21</sup> In 2012, 7.7 percent of domestic workers identified as black or of African ancestry, and domestic work accounted for almost one-fourth of all employed black women. Slightly fewer than 2 percent of domestic workers declared that they were of indigenous ancestry.<sup>22</sup> There is also a small but undetermined percentage of women who have migrated from Peru and Bolivia to work in domestic service because wages are much higher in Uruguay than in their home countries. Domestic workers of African and indigenous ancestry face additional discrimination in Uruguay, and migrants are even more vulnerable than local workers to exploitation and human rights violations.

In 2012, 9 percent of domestic workers were caregivers for the sick, 15.2 percent were child caregivers, and 75.9 percent were cooks, cleaners, and general domestic personnel. It is important to underscore that the experience of most workers is that occupational categories are not treated with such precision on the job, meaning they are often burdened with additional tasks for no extra pay. In 2007, roughly one out of twenty worked on a live-out basis.<sup>23</sup>

Domestic workers on the whole work fewer hours than other women in the labor force, which probably reflects that many are hired on a part-time basis. In 2012, 47.6 percent of domestic workers were employed for twenty hours or less per week, whereas 6.1 percent worked forty-eight or more hours. Caregivers for children and the sick tend to have much longer workweeks, but they generally earn less than other domestic workers. In 2012, the average monthly wage for domestic workers was 46.1 percent of that of other employed women, and the average domestic workers' hourly wage was 70.1 percent of that of other working women (a substantial improvement from only a few years before). There is regional variation in wages and working conditions; workers outside Montevideo tend to earn less and have longer hours than workers elsewhere, and there are still cases of women who earn approximately one-third of the minimum wage and work from dawn until dusk.

Approximately 63,000 domestic workers are registered with and pay into social security. Since 2006, the number of domestic workers who make contributions has increased by 45.6 percent, largely due to the media campaign by the BPS. Still there is a very high evasion rate, and less than 60 percent of domestic workers make social security payments. In 2012, 20.3 percent of domestic workers received holiday pay, a rise from only 14.4 percent in 2009, and 52.7 percent received a semiannual bonus.

Uruguay does not have a general labor law nor labor code. Instead, the labor legislation consists of a series of laws referring to specific workers and topics and is guided largely by jurisprudence.<sup>24</sup> Until 2006, with the government adoption of Law 18.065, there was no specific labor law for domestic workers. Law 18.065 defines domestic work “as that performed in a household by a person in a dependency relationship in order to provide care and housework to one or various persons or one or various families, without these tasks resulting in a direct economic profit for the employer.” It sets a minimum work age of eighteen years and recognizes domestic workers’ rights to an eight-hour work day, forty-four-hour workweek, nine-hour rest period during the night for live-in workers, rest periods during the workday, a thirty-six-hour weekly rest, tripartite negotiation both of wages and job categories, severance pay after ninety days of work, additional compensation in the case of dismissal during pregnancy, the issuing of a pay slip, unemployment insurance, labor inspection, and a choice between private and public health institutions for medical care.<sup>25</sup> Finally, it states that domestic workers will have the same general labor and social security rights as enjoyed by other workers.

In June 2007, the regulatory Decree 224/007 was issued, which provides overtime pay, paid sick leave, the right of live-in workers to food and lodging, and the right of employers to deduct a maximum of 20 percent from wages for room and board and a maximum of 10 percent where only meals are offered.<sup>26</sup> Domestic workers in Uruguay have had access to disability, old age, and survivor pension since 1942, maternity benefits and family allowance since 1980, medical coverage and sick pay since 1984, and unemployment insurance since 2006.<sup>27</sup>

In 2008, domestic workers were incorporated into tripartite collective bargaining with the creation of a specific wage council for this occupational group. In 2009, the BPS implemented an innovative publicity campaign to raise awareness about domestic workers’ rights and to increase their registration for social security. Some of the most outstanding examples of this campaign were information pamphlets (aimed at employers) in the form of tags to hang on the door-knobs of employers’ homes, with the message, “The domestic worker in this house is enrolled in the Social Security Institute,” television spots (“*Desorden*”

won the Balero de Bronce), and sociodramas on buses.<sup>28</sup> In 2010 and 2011, labor inspectors visited more than nine thousand homes to find out whether domestic workers were registered for social security.<sup>29</sup>

In recognition of these efforts, the ILO chose Uruguay as a model for good government practices regarding domestic work. On June 14, 2012, it became the first country to adopt ILO Convention 189, “Decent work for domestic workers.”

## Background of Domestic Workers’ Organizing in Uruguay

Domestic workers’ organizing dates back at least as far as 1964, when workers started to meet in various parishes in Montevideo, encouraged by progressive clergy of the Catholic Church.<sup>30</sup> This served as the groundwork for the Asociación Nacional de Empleadas de Casa Particular (ANECAP),<sup>31</sup> which was founded three years later, in 1969, by domestic workers who belonged to the Juventud Obrera Católica (JOC).<sup>32</sup> In 1975 ANECAP formed the Asociación Laboral de Empleadas del Servicio Doméstico y Afines (ALESA),<sup>33</sup> which later expanded its area of intervention to the provinces.<sup>34</sup> These developments were possible because although union activity was prohibited, the workers used other forms of organization such as professional associations, which were granted legal status in 1981.<sup>35</sup> With Uruguay’s return to democracy in 1985, the ban on union activity was lifted and the SUTD was founded. At one point, it was said to have two thousand members, but it then entered a fifteen-year period in which it was dormant.<sup>36</sup> Nonetheless, during the following years, various reform bills to extend domestic workers’ rights were presented to congress by legislators from the FA, none of which were enacted.<sup>37</sup>

## A New Phase for the SUTD

In 2002, Mariselda Cancela, a lawyer who would later collaborate pro bono with the SUTD, and other members of the Gender Department of the PIT-CNT began to organize domestic workers. Cancela played a key role in the PIT-CNT campaign to involve domestic workers in drafting a list of demands that they planned to present to the FA for inclusion in their platform for the upcoming presidential elections. Cancela describes the snowball technique that they used in the PIT-CNT:

As election time approached we started to work with the *compañeras* and we had a voice. We talked with the domestic workers we knew and

they told us where to locate others; some of these came to the Gender Department to work on the campaign and contact the wives and relatives of members from the PIT-CNT. We leafleted in the markets, near the churches in residential areas around Montevideo, like Pocitos, Punta Gorda, and Carrasco, where we knew a lot of them worked.<sup>38</sup>

This laid the groundwork for the inclusion of domestic workers in the platform of the FA and the reorganization of the SUTD in 2005.

As mentioned above, in 2004, the left won the presidential election for the first time in Uruguayan history. When Vázquez took office in 2005, he announced in his inaugural address that his government aimed to create a wage council for domestic service.<sup>39</sup> The Vázquez administration, during which a series of labor laws were approved that reinstated rights and practices that had been suspended by prior governments, was supportive of labor;<sup>40</sup> Eduardo Bonomi, the new minister of labor and social security, publicly stated, “I am aware that the balance must be inclined one way or the other and I have decided to take the side of the workers.”<sup>41</sup>

Many of the women garment workers who lost their jobs during the 1998–2002 economic crisis sought employment in domestic work. They brought their union experience and expertise and tried to construct a new kind of labor relations, quite different from the feudalistic relationship that had characterized domestic service in much of Uruguay.<sup>42</sup> Many of the other domestic workers had started in this occupation as young girls, in exchange for room and board. Current domestic workers recall that their mothers were often expected to sleep on the floor or eat leftovers from their employers’ plates.

Some of the former militants from the garment workers’ union, who then worked as domestic employees, were invited by the Gender Department of the PIT-CNT to help revive the SUTD. Cristina Otero, Matilde Castillo, and Nora Pacheco, former garment workers, joined forces with María Salas, María Estebán, and a few other women who had been in the SUTD during the 1980s to rebuild the organization. There already was a network of domestic workers who had been contacted during the presidential campaign by the Gender Department, and many were the partners of members of the *Sindicato Único Nacional de la Construcción y Anexos* (SUNCA),<sup>43</sup> which would later be an important ally to the SUTD, providing them with space to meet and even making financial contributions.

By mid-2005 the SUTD was active again, both internationally and nationally. A delegate attended the ILO seminar about migrant labor and domestic work in December 2005. The domestic workers and trade union activists who participated then issued the Declaration of Montevideo, which called for recognition of

the value of domestic work, respect for domestic workers’ rights, and the inclusion of their demands in the agendas of labor unions and federations.

The union members contributed to the campaign for legal reform for domestic workers, which would grant them the same rights as other workers. The new labor law for domestic workers was drafted by the *Comisión Tripartita para la Igualdad de Oportunidades y el Trato Igual en el Empleo* (CTIOTE) with the participation of the MTSS, Instituto Nacional de las Mujeres (INAMU), PIT-CNT, and la *Cámara de Comercio e Industria*.<sup>44</sup> Although the members of the SUTD union initially were not consulted, they later fought for the incorporation of their observations into the new law, which was based largely on previous legislative proposals. Law 18.065 was adopted by the Uruguayan legislature on November 27, 2006.<sup>45</sup>

## The Representatives of Domestic Workers and Their Employers

### The *Sindicato Único de Trabajadoras Domésticas*

The SUTD is the only membership-based organization that represents domestic workers in Uruguay. There are a few NGOs—notably *Cotidiano Mujer* and to a lesser extent *Casa de la Mujer de la Unión*—that have had projects aimed at empowering domestic workers. Former members of the SUTD created the *Agrupación María Goretti* (with the support of *Cotidiano Mujer*) for the dissemination and promotion of domestic workers’ rights. All these groups recognize that the only representative per se of domestic workers at the bargaining table and in the media is the union.

All members of the SUTD must be employed in domestic service. If a member changes to another line of work or retires, she must withdraw from the union. The same criterion operates for members who participate in any commission or secretariat. The women argue that full-time activists lose touch with the day-to-day reality of work life and there is consensus that it is morally and politically incorrect for leaders to leave their jobs and dedicate themselves exclusively to the organization. All members must pay dues, contribute to the unity and development of the union, respect the decisions of the assembly, vote in elections, and discharge assigned responsibilities. Currently there are more than 1,300 members, of whom slightly more than 700 pay their dues regularly. The union’s membership has roughly doubled over the past six years and they have campaigned to create branches outside Montevideo. This resulted in the creation of local branches in eleven of Uruguay’s nineteen departments and broadened

the union's base numerically, socially, and geographically, although the majority of the members are from Montevideo.

The SUTD de-emphasizes formal hierarchy and until quite recently did not have a general secretary or a president. From 2005 to 2012, the core group of members planned and carried out their activities via three commissions (organization, communication, and finance). In November 2011, it revised its constitution, and in October 2012, it held elections for the first time in the union's history. The revised constitution and bylaws call for a general secretariat composed of seven secretariats (organization, propaganda, finance, public relations, health and hygiene, acts, and interior, each with two members) and a fiscal commission (six members). The general assembly is the highest authority of the union. Since 2006, it has held six national meetings, which include members and nonmembers.

The union's activities are coordinated from the office in Montevideo. On Fridays they provide legal aid for members. Workers are interviewed by a member of the secretariat and can be referred to a legal team from the national university. The union is an affiliate of the PIT-CNT, where it has a small, simply furnished office, and the PIT-CNT allows the union to use its phone and its auditorium for the assemblies and larger meetings and other rooms for the legal aid clinic. The PIT-CNT and the Instituto Cuesta Duarte (the research and training center associated with the PIT-CNT) provide them with advice and guidance throughout the year. They help SUTD calculate the demands for the wage increases, and the PIT-CNT leaders accompany SUTD representatives to the collective bargaining meetings. A representative from SUTD participates in the Gender and Diversity Secretariat of the PIT-CNT. The relationship with the PIT-CNT has, however, not always been smooth. A few SUTD members have had grievances with PIT-CNT members who are their employers, and once in a while a member of the PIT-CNT refers to the domestic workers in a derogatory fashion. In 2010, there was a rift between the SUTD and the PIT-CNT because the federation sent the head of the Gender Commission, not a member of the SUTD, to the 99th International Labor Conference, focused on domestic work, on the grounds that the members of the SUTD lacked experience. The SUTD members, who had spent months preparing for the conference with the support of the ILO, were furious and presented a letter to the general board of representatives of the PIT-CNT. Nonetheless, the PIT-CNT is undoubtedly the SUTD's main political ally.<sup>46</sup>

### The Liga de Amas de Casa, Consumidores y Usuarios de la República Oriental del Uruguay

The Liga de Amas de Casa was founded in 1995 to represent consumers. The Liga is a membership-based organization, but it is difficult to calculate the precise number

of its members since this fluctuates monthly by the number who pay their dues. At its peak, Liga membership was approximately eight hundred. Every two years, the membership elects its authorities; Mabel Lorenzo de Sánchez has been re-elected repeatedly as president. It celebrates July 22, international housework day.

The Liga originally had two objectives: to dignify women as housewives and to defend consumers' rights. The Liga has disseminated information regarding the contribution that housewives make to society and has fought for their rights to a pension (which is recognized in the neighboring countries of Argentina and Brazil). Since 2008, the Liga has had a third objective, namely the representation of employers of domestic workers in the tripartite wage councils. The minister of labor invited the Liga to participate in the wage council for domestic workers. The invitation created a great deal of controversy; although the majority of the Liga's assembly voted in favor, several members abandoned the Liga over the issue. Not all of its members are employers of domestic workers, and in fact a few are domestic workers.

Representation of employers for collective bargaining is a large responsibility, given that approximately 9 percent of all households hire a domestic worker.<sup>47</sup> President Lorenzo de Sánchez has recognized on numerous occasions that this was a tremendous challenge because neither she nor other Liga delegates to the council had experience in labor relations, though they were employers of domestic workers. Currently, her organization disseminates information on employers' rights and obligations and provides legal advice to employers on a broad range of issues such as how to write out a pay slip, how to calculate wage increases, and how to resolve labor conflict. Lorenzo de Sánchez attended the 99th and 100th International Labor Conferences as an employer representative, one of the few such delegates to have expertise in collective bargaining with domestic workers.

The stark contrast between the offices of the SUTD and the Liga is eloquent. The Liga has a spacious two-story office located in the center of the city, with a large meeting room in the basement and a computer and telephone. The walls are covered with photos and news clippings that tell the story of the Liga. Both the Liga and the SUTD have copies of the Convention 189 that they proudly distribute.

### The Inclusion of Domestic Service in the Wage Councils and the Tripartite Negotiation of the First Collective Agreement (2008)

Until 2008, there were two channels for setting wages in Uruguay: tripartite negotiation in the Consejos de Salarios<sup>48</sup> and, for those occupational groups that did not participate in the wage councils, presidential decrees. The minimum wage



was introduced in Uruguay in 1969 and was set by presidential decree 1534/969. Domestic workers were explicitly excluded from the minimum wage until 1990 when, for the first time, a minimum wage was set for them by executive decree 246/90. The decree set one minimum wage for Montevideo and a lower one for the rest of the country. Both minima were slightly higher than the national general minimum wage. The decree also permitted employers to deduct 20 percent from wages if housing and food were provided to the workers, and 10 percent if only meals were provided.<sup>49</sup> The FA eliminated these geographic differences between the minimum wages for domestic workers in order to promote greater social and economic equality.

Even after the adoption of Law 18.065 and the enactment of Decree 224/007, which stipulated that domestic workers' wages should be established through tripartite negotiations, wages continued to be set through presidential decree in 2007 and 2008. In February 2008, the minimum monthly wage was increased to UYU 3,550 (US \$160) per month and by the hour to UYU 18 (US \$0.81). The SUTD rejected the establishment of domestic workers' wages via presidential decree because this was reminiscent of the period of the dictatorship. It demanded their right to tripartite negotiation like other groups of workers. Cristina Otero recalls the following:

We went to the Ministry of Labor time after time, and sat there hours on end, waiting for a response: when were they going to convene the wage council for domestic workers. On Christmas Eve, we met at mid-day in the Ministry to ask the authorities to convene a wage council for domestic workers. The date nor the time mattered to us. They would tell us to be there at 10 o'clock at night, and there we were, at 10 p.m. We told them "We do not want to regulate our work, rather we want to regulate our salaries."<sup>50</sup>

The primary obstacle to forming a wage council for domestic service was the lack of an employers' organization. It was at this point that the Liga was invited and agreed to represent the employers of domestic workers on the wage council.<sup>51</sup> From the onset, the Liga requested technical assistance and training from the MTSS in order to grapple with tripartite negotiation.<sup>52</sup>

The wage council for domestic service was created on July 7, 2008, and because it was the twenty-first council to be formed, was named the Grupo 21 (Group 21).<sup>53</sup> As in the case of most other wage councils, each party named three to four delegates. The government had three representatives: the council president, Nelson Loustaunau (deputy minister of labor and social security) and two full delegates. The SUTD chose as its delegates Cristina Otero and Mariela Burlón Rodríguez and, as substitutes, Matilde Castillo and Nora Pacheco. Burlón

Rodríguez had been employed most of her life as a domestic worker, and, as mentioned earlier, the other representatives were former activists of the needleworkers' union. The Liga members selected its president, Mabel Lorenzo de Sánchez, and other employers of domestic workers to represent them. Mariselda Cancela provided legal advice for the SUTD, and the Liga also brought a lawyer for the first few sessions.

The government played and continues to play a lead role in the negotiations. Each year, the Ministry of the Economy and Finance and Ministry of Labor and Social Security prepare general guidelines for all the wage councils concerning the duration of agreements, the criteria for wage increases and periodic adjustments, and the time line for wage adjustments. These written recommendations set the framework for the wage councils.<sup>54</sup> The workers and employers negotiate, taking these guidelines into account, but they may also introduce other issues regarding salaries, labor conditions, and benefits. The MTSS convenes and presides at the meetings and in the case of deadlock can call for a vote.

The wage council for Group 21 met for the first time on August 19, 2008. The SUTD proposed a minimum wage of UYU 8,500 pesos (around US \$410) per month, an increase of almost 150 percent. In addition, the SUTD used a wage-scale approach, asking for a 4 percent increase for those women already earning between UYU 8,501 and UYU 9,500 (US \$411 and US \$459) and 2 percent for those earning more than UYU 9,500 (US \$460). These proposals were well above the government guidelines regarding wage increases, but the SUTD justified the demand on the basis of the decrease in the real value of domestic workers' wages; workers contend that their own experience contradicts the government figures for inflation and cost of living adjustments. The SUTD also presented a list of thirteen additional demands that had been formulated after consultation with workers from various areas of the country and discussed in assembly. These demands included Domestic Workers' Day (August 19) as a paid legal holiday; protection from dismissal for claims made by workers in respect to Law 18.065, regulated in July 2007, or salary increases; paid time off for family or education reasons; paid union leave; seniority pay; work clothing; compensation for reduction in working hours; equal pay for equal work; and nondiscrimination.

Over the two and a half months of negotiation, Group 21 held approximately ten bargaining sessions in an area designated specifically for collective bargaining within the Ministry of Labor and Social Security. Other union members provided moral and political support, waiting outside the sessions and occasionally accompanying the delegates from the SUTD. This served also as a show of political clout to the government and employers. The proceedings were coordinated by the representatives from the MTSS, one of whom later filled in a very short form by hand recording the minutes of each session. Occasionally between sessions,

there was communication via phone and e-mail to exchange proposals and counterproposals. Throughout this period, the SUTD delegates discussed the negotiations with their commissions that met once a week and convened assemblies:

As we negotiated we convened meetings. We invited members and nonmembers to the meetings. It was very important to invite domestic workers who were not in the SUTD, so that they open up their minds. They needed to know why a union is such an important tool and that we must be united and present a common front.<sup>55</sup>

Through the give and take of the negotiation process, the union clung to some of its demands while letting others go. The demands the union held onto had special meaning to the SUTD, such as using a wage-scale approach in order to benefit those women with the lowest wages, most of who lived outside Montevideo; designating August 19 as Domestic Workers' Day, signifying the acknowledgment of the Sindicato Único de Trabajadoras Domésticas and recognition of domestic labor; and workers' right to union leave not only because it was their right as with other workers, but also since it would allow them to build their union both numerically and politically.

Many of the SUTD demands were included in the collective agreement, most with amendments. For example, the monthly minimum wage for the rest of 2008 was fixed at UYU 4,260 (US \$206), roughly half of the level proposed by the SUTD. This in turn affected the salary scales and adjustments projected for this same period as well as for 2009 and 2010. A one-off bonus was introduced into the agreement to offset the limited wage increase. After some debate, the employers acceded to seniority pay (but at a lower rate than that demanded by the union) and August 19 as a paid holiday. The provision of work clothes and equipment (but with no description) by the employer at no cost to the worker, overtime pay, a bonus for working at a location other than the normal household (though the amount remained undefined), and compensation in the event of a reduction in the number of workdays or hours were included. A special tripartite commission was set up to analyze the issues of union leave, a written contract, and job categories. The agreement incorporated the principle of equal opportunity and treatment and the commitment of the parties to create decent working conditions, to build social awareness about the need to formalize domestic work, and to implement initiatives to disseminate this agreement, a concern displayed by workers and employers alike during the negotiation. Overall, the workers did not encounter a great deal of opposition by the employers during the negotiation. This was in part because many questions, such as additional compensation for night work, care of the elderly or children, categories of work, and union leave were left for future discussion.<sup>56</sup>

On November 10, 2008, the government, employer, and worker delegates signed the first collective agreement for domestic service not only in Uruguay but also in the entire region of Latin America. The agreement was effective until June 30, 2010, and one of its most important features was that it had national jurisdiction and applied to all domestic workers and their employers, regardless of whether they were affiliated with the SUTD and the Liga de Amas de Casa.<sup>57</sup> During 2009 and 2010, in accordance with the first collective agreement, the wage council of Group 21 met to sign periodic wage adjustments and to discuss written individual contracts, work categories, and union leave. The SUTD and the Liga had different priorities: the first, union leave, and the second, the written contract. The employers were looking for a standard employment contract with concrete details regarding tasks, requirements, and penalties (for example, repercussions for workers' absences and late arrival). The workers also proposed a fairly simple individual contract with the names of the worker and the employer, the total number of working hours, and the tasks the worker was hired to perform. In July 2009, the SUTD presented a proposal for union leave that called for two hundred hours per month with full pay for workers who had to fulfill union responsibilities, hours that would be distributed among its membership. After months of suspended negotiations, the tripartite commission reconvened in March 2010. The Liga stated that its membership did not consider the SUTD's proposal regarding union leave viable. In response, the MTSS explored options regarding how to organize and finance union leave. It suggested that a fund be set up through the Social Security Institute to which all employers of domestic workers would contribute, and not simply those whose workers had union responsibilities, thus distributing this expense. The SUTD and Liga agreed to the MTSS's proposal, but when the SUTD submitted a draft of the law that such a proposal required, the Liga did not respond.

### **The Bargaining Process of the Second Agreement (2010)**

On August 20, 2010, negotiation of the second agreement began; it lasted four months and included fourteen meetings. As in 2008, all of these were held in the MTSS following the same protocol. There was almost no variation in the composition of the worker, employer, and government delegations with the exception that the main leader of the SUTD, Cristina Otero, had abandoned the union in late 2009 and did not participate. The delegates from the MTSS presented the executive branch guidelines for the wage council negotiations in July 2010. These recommendations included a three- to five-year duration for agreements, annual

wage adjustments based on projected inflation and other macroeconomic considerations that would promote “distribution of the fruits of economic growth,” and a guarantee of the stability of real wages. These would be complemented by later corrective measures that would take into account real inflation and any reduction in purchasing power.

The SUTD presented a platform of fourteen demands, some of which had originally been proposed in the first round and some of which were new. The demands included items such as holiday pay, a perfect attendance bonus, notice prior to dismissal, payment of full wages in the event that the employer suspends the workday, additional pay for night work, and substantial paid time for breastfeeding. The Liga eventually only accepted (at least in part) four of the union’s demands: additional pay for night work (but at a rate of only 15 percent), full pay to the worker when the employer suspends the workday, the creation of a tripartite committee for occupational health, and that none of the provisions in the agreement could be used to undercut workers’ conditions. All of these were included in the second collective agreement.

Union leave and wage categories were also still on the bargaining table from the earlier round of negotiations. There was serious conflict over these and the issue of wage increases. The issue of union leave was particularly difficult. The Liga focused on the disruption the leave would create in their households, while the union emphasized the legal right to union leave under Law 17/940. Exasperated by the lack of headway, the SUTD took union leave off the bargaining table on September 15 and demanded that the MTSS present a law to congress establishing the mechanisms for implementing union leave for domestic workers. The government voted in favor of this proposal, and the Liga abstained on the grounds that it needed legal advice.

The SUTD expected to make progress regarding job categories. On September 6, 2010, it submitted a detailed proposal for fourteen categories of workers with varying degrees of specialization, knowledge, responsibility, and different monthly wage levels. At the bottom of the scale were common cleaners, bedroom cleaners, and child care providers, all at UYU 7,000 (US \$338). Next came care providers for the elderly, caretakers of grounds and houses, and common cooks at UYU 7,700 (US \$372). From there, with escalating pay rates, came cleaner (category 1), maintenance worker, housekeeper (category 2), housekeeper (category 1), specialized cook, cook of meals for freezer, cook for special events, and finally, at UYU 15,000 (US \$725), cook of international cuisine.<sup>58</sup> The SUTD also demanded that in the event a person carries out several activities, she should be paid according to the one with a higher salary. The employers objected but did not present a counterproposal, arguing that they needed legal advice. Further discussion of categories was postponed.

There was heated discussion back and forth regarding the wage increases and later adjustments for the different wage levels. Almost three months into negotiation, the SUTD decided to distribute leaflets in the residential neighborhoods criticizing the president of the Liga for being tight-fisted and “starving” the domestic workers. This was aimed at undermining her image among employers and to pressure the Liga to come up with a more reasonable offer. Instead, the employers demanded an apology and asked that the government present a proposal that would be voted on. The MTSS attempted to ease the tension, indicating that the SUTD’s actions were normal in politics. The Liga demanded that the government submit a final proposal and take a vote. After discussing the situation during its National Assembly, the SUTD decided not to attend the next bargaining session because it knew that if a vote were taken, it would lose. It sent a formal protest in rejection of the government proposal and demanded an interview with the president, the minister of economy and finance, and the minister of labor and social security.

On December 6, the Liga submitted an offer that exceeded the SUTD’s expectations, because they believed it was better to yield on this issue and to maintain a more harmonious relationship: effective December 1, 2010, to June 6, 2011, the offer consisted of a 37.6 percent wage increase for those workers at the lowest pay level, 26.6 percent for those at the second level, and 13.7 percent for those earning the highest wages. Minimum wage for domestic work was set at UYU 6,591.40 (US \$297),<sup>59</sup> which equates to an hourly wage of UYU 34.67 (US \$1.56).<sup>60</sup> The SUTD accepted the offer immediately and, after some further back and forth on the length of the contract, the union prevailed on its demand for a two-year agreement. On December 17, 2010, the representatives of the wage council for Group 21 signed the second collective agreement and decided to resume negotiations in March 2011 in order to resolve the issues that remained pending. Like the previous one, the second agreement had national jurisdiction and applied to all domestic workers and their employers. During 2011 and 2012, representatives from Group 21 met four times to formalize the wage adjustments for domestic workers that had been provided for in the second collective agreement. At the final meeting, the minimum monthly wage as of July 1, 2012, was increased to UYU 8,534 (US \$384). For those workers at the lowest wage level, there was a 7 percent increase, and 6 percent and 5 percent for the higher wage levels.

### The Third Agreement (2013)

On November 27, 2012, the delegates met to discuss the terms of the next agreement.<sup>61</sup> As in the past, Mabel Lorenzo de Sánchez led the representation from the Liga, but there was a slight change in the composition of the SUTD delegation.

A few of the main negotiators had abandoned the union because of political and personal differences; therefore most of the delegates, elected by the secretariat, were new to the wage council. As on prior occasions, the central issue was the increase in wages, once again with a wage-scale approach. From the onset, the SUTD decided not to include union leave within its demands because it did not believe it would make headway with the Liga de Amas de Casa and because it was the government's responsibility to protect this right. The SUTD had pressured the government regarding the issue of union leave, but thus far it had not presented any initiative to congress. The SUTD included within its demands paid time off for uterine and breast cancer scanning. The time off for cancer screening was an example of how the union often included rights that had already been recognized legally but which had not been enforced.<sup>62</sup> In addition, various issues were still on the bargaining table (including occupational health and paid free time for breastfeeding). The most contentious were those regarding a written contract, categories of work, and related wage rates.

On April 10, 2013, the government, Liga, and SUTD delegates to Group 21 signed the third collective agreement. In addition to one day off per year for uterine and breast cancer screening, the agreement provided for continued discussion within the wage council regarding job categories and the written contract with results prior to August 2015. It also declared that the parties would closely follow any advances regarding the National System of Care, particularly those concerning professional training that could be relevant to domestic workers and certain job categories.<sup>63</sup> Finally, it provided for increases to the minimum monthly wage of UYU to 9,544.43 (US \$465),<sup>64</sup> which equates to an hourly wage of UYU 50.21 (US \$2.45), and wage increases every year. As in the prior two agreements, a wage-scale approach was utilized, with larger percent increases for those earning less; these increments, however, were far less substantial than those in the past. As a measure to compensate for the less dramatic and more infrequent wage increases, a bonus for perfect attendance was included in the 2013 agreement. This agreement has national coverage and a three-year duration. There has been no progress in the discussion with respect to the issues of categories, wage rates, and the written contract. Following the adjustments of January 1, 2015, the current minimum wage for domestic workers in Uruguay is UYU 11,945.35 (US \$468) per month or UYU 62.84 (US \$2.46) wage.<sup>65</sup>

## Enforcement

While the SUTD has been successful in improving the collective bargaining agreement for domestic workers, a key question is whether the agreement is

enforced or enforceable. Domestic workers are often still unaware of their rights and, if they are aware, cannot exercise them fully because of employers' opposition. After each wage adjustment, domestic workers are fired and others face the same fate if their employers find out that they belong to the union. A few employers, in a desperate attempt to avoid compliance with the law and safeguard their privileges, hired Bolivians and Peruvians through employment agencies in those countries. Although these workers are covered by the same laws and collective agreements as their Uruguayan counterparts, they often do not know this. Hence they are sometimes preyed upon by their employers, who confiscate their passports, impose humiliating conditions that are in flagrant violation of their human rights, and threaten to throw them out on the streets if they protest. The SUTD and feminist organizations have denounced these situations and have demanded that the MTSS pinpoint for inspection residential neighborhoods known to concentrate migrant domestic workers.

The 2006 Uruguayan law for domestic workers is exceptional in the sense that it includes a provision for labor inspection. Worth noting in this regard is that approximately 130,000 households employ at least one domestic worker; therefore, routine inspection is a formidable challenge. The SUTD has collaborated with the Inspección General del Trabajo y la Seguridad Social (IGTSS)<sup>66</sup> by informing employers that they should not violate workers' rights and if they do, inspectors may go to their homes to investigate. Between 2010 and 2011, the IGTSS dedicated additional resources to routine inspection of households that employed domestic workers. Over this period, inspectors visited 9,200 households.<sup>67</sup> During the first year, the IGTSS limited the campaign to Montevideo and Canelones and focused on registration with and payment to the BPS. During the second year, it expanded the campaign to four other departments and covered other issues such as payment of wage increases, holiday pay, yearly bonus, and the availability of work clothes and equipment. The inspectors did not enter the households, so they did not require a judicial order. They asked the employer (and if he or she was unavailable, the worker) to answer a series of questions regarding work conditions and benefits and to show pay slips and documents from the BPS that would allow them to detect violations. They found that there was at least some degree of lack of compliance in 80 percent of the cases, most frequently regarding some aspect of social security. The IGTSS officials have emphasized that rather than utilizing inspection to sanction employers, they use it as an opportunity to educate them about their obligations and workers' rights, thus encouraging them to comply with the law.

In regard to education, an additional benefit for both the SUTD and the Liga associated with the experience of collective bargaining has been the legal service provided by members of the Law Faculty from the Universidad de la República. In

August 2011, the BPS signed an agreement with the Universidad de la República in which the Law Faculty would designate two lawyers to provide legal consultation to the SUTD and the Liga in exchange for payment by the BPS. A lawyer and a group of students from the university participate in a legal aid clinic at the union that meets weekly; they found that workers' most frequent complaints were with regards to unpaid overtime, retention of holiday pay, lack of compliance with wage increases, and problems with social security. The legal aid clinic has contributed to compliance because it educates workers regarding their rights and assists them in formulating and placing grievances. The BPS agreement with the university has also provided the Liga the legal counsel that it demanded during negotiations and legal services to employers on a drop-in basis at the Liga office. The lawyer from the university and the Liga believe that the education of employers regarding their rights and obligations is key to formalization of domestic employment. The lawyer offers information and assistance to employers, who usually lack the knowledge and managerial skills needed to keep track of records, fill out forms, and calculate BPS payments, premiums, wage increases, overtime pay, and additional compensation. An important outcome of this collaboration between the BPS, the SUTD, the Liga, and the Law Faculty has been the publication and dissemination of a manual with information about the rights and obligations of domestic workers and employers, the legal framework, BPS procedures, accident insurance, and occupational health and safety and other issues.<sup>68</sup>

## Reflections about the Negotiation Process

The current leadership of both organizations emphasizes the cordial relationship they share. According to personnel at the MTSS, the climate of bargaining within Group 21 is atypical and less conflict-ridden than that involving other sectors.<sup>69</sup> This is attributed to the character of the domestic work relationship, namely that it is between women, home-based, care-oriented, and not geared toward the generation of profit.

Given that the SUTD is part of a workers' federation, it is to be expected that their bargaining tactics will be fairly traditional. SUTD representatives indeed used such traditional tactics as leaving a session if the other party makes a totally unacceptable (offensive) offer, leafleting during the negotiations to build public support and undermine the other parties when there is a conflict, and threatening to strike. Yet the negotiations were also influenced by the dynamics of domestic employment. For example, the importance of polite demeanor cannot be extrapolated from the class and gender relations that are entrenched in notions of respectability and which are so evident in domestic employment. The

preference for inclusion of domestic workers with years of job experience and seasoned activists on the bargaining team implicitly acknowledges the exceptionality of domestic work in terms of its content, relations, and workplace. Finally, the reference to a possible strike evokes a powerful image that underscores that domestic work is absolutely fundamental to society.

The negotiation process has been informed by the underlying principle that domestic work is vital to society.<sup>70</sup> From the standpoint of Mabel Lorenzo de Sánchez, the household is at the heart of the negotiation. It is not simply a physical sphere; rather it is basic to the domestic economy, family relations, and well-being. Consequently, formalization of domestic work and compliance with the law are considered positive for everyone in the sense that they contribute to harmonious, orderly workings of the home and to a more just society. The members of the SUTD know that their work is essential, like the domestic workers who argued that they were the "oil in the wheels" of society in their struggle for a convention at the 99th International Labor Conference. At the same time, the exceptionality of domestic work has also been used by the Liga as an argument against the right to union leave, because it would be a burden to the individual household, which would pay for services not rendered.

If one considers that in 2005 there was not even a law regulating domestic work in Uruguay, the change over the past decade has been extraordinary. Although this certainly reflects the commitment of the FA government to improve domestic workers' conditions, this change started four decades ago when domestic workers began to organize. The election of the FA government provided the political opportunity, but the extension of labor rights, including collective bargaining, would not have happened absent the organizing of domestic workers into the SUTD. In turn, that organizing would not have happened without the support of the PIT-CNT and in particular the federation's Gender Department. Nor was the adoption of the law the end of the story. The establishment of the wage council, workers' inclusion in the wage council, the implementation of measures that enforce the law, and the collective agreements are products of domestic workers' political work, not simply a gift from the government. Therefore, the Uruguayan experience illustrates the importance of the participation of organized domestic workers in defining the terms of their work life and of transforming their reality.

Through the collective bargaining process, the SUTD has been able to win rights that were not included in the 2006 law nor the 2007 regulatory decree: work clothes and equipment, a seniority bonus, premium for perfect attendance, additional compensation for night work, a bonus for work done in a location other than the normal household, compensation for a reduction in work hours or workdays, full payment of workdays that are suspended by the employer, and

an additional paid holiday, August 19, designated as Domestic Workers' Day. All these formed part of the platforms of demands that the SUTD presented.

There are other provisions in the collective agreements that strengthen clauses in the 2006 labor law and the 2007 regulatory decree (such as overtime pay) or other recent laws that theoretically covered domestic workers (Law 18.345, special paid leaves for study, family deaths, adoption, marriage). Their inclusion in the collective agreement reaffirm that domestic workers have these rights. In particular, the SUTD hoped that the collective agreement would help to increase compliance with legal requirements to pay for overtime. In fact, members of the SUTD note that live-in work has actually declined because employers realized that in order to comply with the law, they would have to pay quite a bit of overtime.

Without a doubt, collective bargaining has contributed to the increase in wages and registration in the BPS, results that were mentioned earlier in this chapter. The government, the Liga, and the SUTD are firmly committed to formalization of domestic work; this was included in the first collective agreement. The government has made it easier for employers to make their various social insurance payments. The Liga educates employers about their obligations regarding BPS and BSE payments, and the SUTD disseminates information about social protection to workers. The minimum wage for domestic workers has more than tripled since collective bargaining began in 2008, and the average real wage for workers rose almost by 100 percent between 2006 and 2012. The gap between domestic workers' earnings and those of other women workers also has narrowed during this period.<sup>71</sup>

Finally, the collective bargaining process has reaffirmed domestic workers' status as workers and made evident that the problems they face are shared by other workers and therefore require collective solutions. Furthermore, their participation in negotiations has bolstered the SUTD as the authority that legitimately represents the more than 100,000 domestic workers in Uruguay. Membership has increased substantially during the past few years, which suggests that more domestic workers are convinced that union membership is a means to safeguard their rights. Still, these form a small minority; less than 4 percent of domestic workers belong to the union. The union recognizes that despite their work and campaigns by the government, the majority of domestic workers still are unaware of their rights, are wary of union participation, or are afraid of employer reprisals. At the same time, Mabel Lorenzo de Sánchez has found that employers still show little interest in joining the Liga, whose membership has not grown. The reasons employers do not organize are unclear, but probably at least one obstacle is their lack of identity as employers derived from the often fuzzy boundaries between labor and family-like relationships in domestic employment.<sup>72</sup>

Collective bargaining for domestic workers remains exceptional globally and there is considerable variation as to its scope, content, and participants.<sup>73</sup> In the absence of other organizations that were willing to represent employers on the wage council in Group 21, the Liga accepted this responsibility not because it identified per se with employers of domestic workers or was aware of their rights and obligations, but because it believed in the importance of domestic work and a more just society. Liga participation on the wage council granted more visibility of housewives' contribution to society and their demand for a pension, but there has been no advancement in this regard. On the other hand, participation on the council forced the Liga to analyze what are the interests, rights, and obligations of employers, how to reconcile these with those set forth by the SUTD, and how to educate employers about their rights and obligations.

The collaboration between the SUTD, the Liga, and different sectors, as well as the emphasis on education, dialogue, respect, and, one might add, imagination, have been hallmarks of the politics of paid domestic work in Uruguay during the past decade. They have been effective. This experience also illustrates how the Uruguayan case can serve as a model to other countries.

## LIST OF INTERVIEW SUBJECTS

NAME	ROLE	TYPE AND DATE
1. Gladys Arévalo	Member of SUTD 2007–2011. Former sales worker and present domestic worker. Current member of the Association María Goretti.	Personal interview November 21, 2012
2. Karina Batthyány Dighiero	Researcher about domestic work, Departamento de Sociología, Facultad de Ciencias Sociales—Universidad de la República.	Personal interview November 22, 2012
3. Dolly Mariela Burlón	Member of SUTD 2005–2010. Participated as substitute delegate for the SUTD in the negotiation in 2008–2010. Has always been a domestic worker. Now a member of Las Jazmines, an NGO.	Phone interview November 26, 2012
4. Mariselda Cancela	Pro bono lawyer for the SUTD 2005–2010. Participated in negotiation in 2008–2010.	Personal interview November 25, 2012
5. Matilde Castillo	Member SUTD 2005–2011. Propaganda commission. Delegate to collective bargaining, 2008–2010. Former garment worker and present domestic worker. Current member of the Association María Goretti.	Personal interview November 21, 2012 Phone interview January 26, 2013
6. Juan Carlos Cerreta	Lawyer, legal aid clinic for domestic workers, SUTD (agreement between Banco de Previsión Social and Universidad de la República).	Personal interview November 26, 2012 Phone interview January 26, 2013

NAME	ROLE	TYPE AND DATE
7. Valeria España	Coordinator of program for domestic workers (including blog trabajadorasdomesticasmercotur), Cotidiano Mujer (feminist NGO).	Personal interview November 25, 2012
8. Graciela Espinosa	Member of SUTD since 2007. Current chief delegate of Organization Commission. Participated in negotiation 2008–2010 (more of an observer in 2008). Former meat packing worker; now employed as domestic worker.	Personal interview November 23, 2012
9. Beatriz Faján	Secretary of gender, equality and diversity, PIT-CNT. Health worker.	Personal interview November 23, 2012
10. Mabel Lozano de Sánchez	President of the Liga de Amas de Casa, Consumidores y Usuarios de la República Oriental del Uruguay. Delegate to negotiation of first and second agreements and tripartite commission about union leave, categories, and written contract.	Personal interviews November 20 and 22, 2012 Telephone interview May 18, 2015
11. Nelson Loustaunau	Vice minister of labor and social security, president of Group 21 (domestic service) of wage council. Author of various articles about legal aspects of domestic work.	Personal interview November 22, 2012
12. Cristina Otero	Primary leader of SUTD in 2005–2009. Organization commission. Participated in negotiation 2008–2009.	Personal interview November 21, 2012 Phone interview January 26, 2013
13. Nora Pacheco	Member SUTD 2006–2011. Organization commission. Delegate to collective bargaining, 2008–2010. Former garment worker and present domestic worker. Current member of the Association María Goretti.	Personal interview November 21, 2012 Phone interview January 26, 2013
14. Jimena Ruy López	Ministry of labor and social security, delegate to Group 21 (domestic service) of wage council	Personal interview November 23, 2012
15. Gonzalo Uriarte	Director of legal aid clinic, Facultad de Derecho Universidad de la República Uruguay	Personal interview November 26, 2012
16. Various members of SUTD Commissions	Commissions of SUTD	Group interview November 21, 2012
17. Various members of Asociación María Goretti	Former members of SUTD. Members of Asociación María Goretti	Group interview November 23, 2012

63. Feingold, interview, 10.
64. Ibid.
65. Elena Pérez García, interview by author, 14.
66. Alicia Sangro Blasco, "Buenas Practicas en Planes de Regularización" (IOM workshop on the role of civil society in the Regularization Plan, Juan Dolio, Dominican Republic, February 20, 2014).
67. Pérez García, interview, 16.
68. Ibid., 5.
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70. Jean Louis, interview, 8.
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73. Familia, interview, January 9, 2013, 18.
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83. Geoff Herzog, interview by author, April 9, 2015.
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85. J. W. Kingdon, *Agendas, Alternatives and Public Policies*, 2nd ed. (New York: Harper Collins, 1995).
86. Wooding, interview, 10.
87. Geoff Herzog, interview by author, February 2, 2015.
88. This issue is not unique to low-wage worker organizations in the Dominican Republic. In the United States, worker centers have also struggled with financial sustainability.
89. Tambora, "Dominican Republic Cannot Harbor Two Poor Nations: President," *Dominican Today*, April 10, 2015, <http://www.dominicantoday.com/dr/poverty/2015/4/10/54760/print>.

#### 4. DOMESTIC WORKERS IN URUGUAY

1. Broad Front.
2. Sole Union of Domestic Workers and League of Housewives, Consumers and Users of Uruguay (henceforth referred to as the Liga de Amas de Casa or the Liga), respectively.
3. "Uruguay en Cifras, 2013," Instituto Nacional de Estadística (INE, National Institute of Statistics), August 26, 2013, <http://www.ine.gub.uy/documents/10181/39317/Uruguay+en+cifras+2013.pdf/5d3469e9-3c7f-4f6a-9f81-d7ce83f87a65>.
4. Khalid Malik, "Human Development Report 2014, Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience," United Nations Development Programme (UNDP), 2014, <http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf>. The Human Development Index (HDI) takes into account life expectancy at birth, mean and expected years of schooling, and gross national income per capita, while the inequality-adjusted HDI considers the disparities in these dimensions among the population. The Gender Inequality Index is calculated on the basis of maternal mortality, adolescent fertility, educational attainment, the share of parliamentary seats, and labor force participation.
5. Originally made up of Christian Democrats, socialists, communists, and other leftist groups.
6. Daniel Buquet, "El irresistible ascenso de la izquierda al gobierno en Uruguay," in *La nueva política en América Latina. Rupturas y continuidades*, ed. Carlos Moreira, Diego Raus, and Juan Carlos Gómez Leyton (Montevideo: Flacso, Universidad Nacional de Lantís, Universidad Arcis and Ediciones Trilce, 2008), 251-72.
7. Martín Pintos, *Poder sindical: Historias de conflictos, ocupaciones y desbordes* (Montevideo: Editorial Fin de Siglo, 2012), 226-27. Interunion Assembly of Workers—National Convention of Workers. Recently relations have cooled a bit as the labor central became critical of the new FA president, José Mujica, for not continuing the social programs initiated by Vázquez. The PIT-CNT was founded in 1983 with the merger of the Plenario Intersindical de Trabajadores and the Convención Nacional de Trabajadores. It is guided by the principles of radical internal democracy and independence from the state and parties; it operates as an assembly, not a rigid organization.
8. The general minimum wage and adjustments for those groups of workers that are included in wage councils are established through tripartite negotiation. For those groups of workers who are not included in wage councils, the executive branch establishes a general minimum wage and wage adjustments that apply nationwide.
9. Guillermo Alves et al., "La desigualdad del ingreso en Uruguay entre 1986 y 2009" (working paper no. 3, Instituto de Economía. Montevideo: Universidad de la República, 2010).
10. Social Security Institute.
11. Elizabeth Tinoco, "Reduction of Informal Employment in Uruguay: Policies and Outcomes," ILO, 2014, 4, [http://www.ilo.org/wcmsp5/groups/public/---americas/---rolima/documents/publication/wcms\\_245894.pdf](http://www.ilo.org/wcmsp5/groups/public/---americas/---rolima/documents/publication/wcms_245894.pdf).
12. Ibid., 9-10.
13. Association of Professional Prostitutes of Uruguay.
14. Association of Fried Bread Makers and the Union of Hot Dog Vendors, respectively.
15. Union of Urban Solid Waste Sorters and Ministry of Labor and Social Security, respectively.
16. Ministerio de Trabajo y Previsión Social and Consejo de Salarios, files for Grupo 21.
17. *El Diario*, *El País*, and *La República* were consulted during the periods in which domestic work was incorporated into the wage councils, collective agreements were negotiated, and Domestic Workers' Day, August 19, was created.
18. Verónica Amarante and Alma Espino, "Situación del servicio doméstico en Uruguay," in *Uruguay: Ampliando las oportunidades laborales para las mujeres* (Montevideo:



INAMU-Banco Mundial, 2008), 60–83; Laura Triaca, “Trabajo Doméstico e Impacto de las Políticas en Uruguay: Evolución Reciente” (Ministerio de Trabajo y Seguro Social, Unidad de evaluación y monitoreo de relaciones laborales y empleo, 2013); Karina Batthyány, “Estudio sobre trabajo doméstico Uruguay, Serie Condiciones de Trabajo y Empleo, no. 34” (ILO, 2012). All the authors consulted referred to three categories of domestic workers that are registered by the Encuesta Continúa de Hogares (ECH, Continuing Survey of Households): child caregivers, persons who care for the sick in private households, and domestic staff (cooks, cleaners, and general domestic workers). The description of domestic workers in this chapter refers largely to studies that use data for all three categories of workers for 2006, 2009, and 2012. The study by Batthyány is excellent, but she excludes caregivers from her calculations.

19. Triaca, “Trabajo Doméstico,” 2013.

20. *Ibid.*, 16.

21. The low percentage of men who are domestic workers can be attributed at least in part to the exclusion of chauffeurs and gardeners from the statistical estimates and from the law; these are covered by other wage councils.

22. “La situación de mujeres en el sector del trabajo doméstico en Uruguay 2012,” Instituto Nacional de las Mujeres, Ministerio de Desarrollo Social and Ministerio de Trabajo y Seguridad Social, 2013, [http://www.inmujeres.gub.uy/innovaportal/file/23681/1/cuadriptico\\_domesticasweb.pdf](http://www.inmujeres.gub.uy/innovaportal/file/23681/1/cuadriptico_domesticasweb.pdf).

23. Fabio Guerra, “Domésticame: Un vistazo a la subjetividad en el servicio doméstico,” in *Pequeños demonios y otros ensayos históricos y socio-políticos: primer concurso de ensayos, Fondo histórico cultural Hugo Cores*, ed. Gerardo Albistur (Montevideo: Trilce, 2009), 67–86.

24. Oscar Ermida Uriarte, “La nueva legislación laboral uruguaya,” *IUS Labor* 4 (2006).

25. “Ley No. 18.065: Dispónese normas para la regulación del trabajo doméstico. (2.048\*R),” *Diario Oficial*, no. 27.133 (2006), <http://www.impo.com.uy/copetes/pdf/20061205/documentos.pdf>.

26. “Decreto 224/007: Regláméntase la Ley 18.065 relativa a trabajo doméstico. (1.212\*R),” *Diario Oficial*, no. 27.268 (2007), <http://www.impo.com.uy/copetes/pdf/20070629/documentos.pdf>.

27. Leticia Pugliese and Silvia Santos, “Situación del trabajo doméstico en el Uruguay: Actualización del informe,” in *Comentarios de Seguridad Social* (Montevideo: Banco de Previsión Social, Asesoría General en Seguridad Social, 2010).

28. Ariel Ferrari and María Celia Vence, “Avances del sector doméstico uruguayo,” in Mary R. Goldsmith Connelly, et al., *Hacia un fortalecimiento de derechos laborales en el trabajo de hogar: algunas experiencias de América Latina* (Montevideo: Friedrich Ebert Stiftung, 2010), 55–89.

29. The inspectors requested documents but did not enter the households.

30. Nora Pacheco, “Historia del Sindicato Único de Trabajadoras Domésticas” (unpublished manuscript, Montevideo: SUTD-PIT-CNT, 2010), 2; Lorena García Mourelle, *La experiencia de la Juventud Obrera Católica Femenina en Uruguay (1944–1960)* (Montevideo: OBSUR Observatorio Del Sur, Centro De Documentación, Investigación Y Promoción Social, 2010). During the 1930s and 1940s, there were precedents for domestic workers’ organizations: Iris Cabral, an Afro-Uruguayan activist and herself a domestic worker, organized the sector as well as demanding domestic workers’ right to unionization, pensions, and workplace safety. In the 1940s, a group of domestic workers tried to form a mutual aid society and fought for the extension of labor rights to domestic workers. As far as could be ascertained, there is no relation between these early organizations and those that emerged later. The JOC’s activities with domestic workers date from the 1950s.

31. National Association of Private Household Employees.

32. Young Catholic Workers.

33. Labor Association of Domestic Service and Related Employees.

34. Pacheco, “Historia,” 2010, 4.

35. Asociaciones Profesionales Bill, 1981, Ley 15.137 (May 21, 1981). In 1981, professional associations (named labor organizations when they were formed by workers and which even could negotiate with employers) were granted legal status.

36. Noelia Ojeda Rodríguez, “Análisis comparado de Políticas públicas laborales: El caso del sector doméstico (1985–1990) y (2005–2009)” (BA thesis, Universidad de la República, 2010). Various explanations have been given for this period of dormancy, including the failure to achieve policy gains, workers’ reluctance to join the union for fear of reprisals by employers, and health and family problems of the leaders.

37. Mariselda Cancela, interview by author, November 26, 2012.

38. *Ibid.*

39. Graciela Mazzuchi “Labor Relations in Uruguay: 2005–2008,” Working Papers No. 6, Industrial and Employment Relations Department, ILO, 2009, 50.

40. Pintos, *Poder sindical*, 2012, 12. Thirty-nine laws were approved during Tabaré Vázquez’s presidency.

41. *Ibid.*, 23.

42. Maite Burgueño et al., “Puertas adentro: el trabajo doméstico, sus condiciones y organización político gremial,” in *Pensamiento crítico y sujetos colectivos en América Latina, perspectivas interdisciplinarias*, ed. Yamandú Acosta et al. (Montevideo: Espacio Interdisciplinario, Universidad de la República Uruguay y Ediciones Trilce, 2011), 271–90.

43. The Sole National Union of Construction and Annexes.

44. Tripartite Committee for Equal Opportunity and Treatment at Work; National Women’s Institute; and Chamber of Commerce and Industry, respectively.

45. Merike Blofield, *Care Work: Domestic Workers’ Struggle for Equal Rights in Latin America* (University Park: Penn State University Press, 2012); “Proyecto que regula el trabajo domestic,” *El País*, March 8, 2008, [http://historico.elpais.com.uy/06/03/08/pnacio\\_205188.asp](http://historico.elpais.com.uy/06/03/08/pnacio_205188.asp).

46. Two members of the SUTD did attend the 100th International Labor Conference that adopted ILO Convention 189, Decent Work for Domestic Workers.

47. Amarante and Espino, “Situación del servicio doméstico en Uruguay,” 70.

48. Consejo de Salarios, 1943, Ley 10.449, Senate and House of Representatives of the Oriental Republic of Uruguay (November 12, 1943). Wage Councils. The tripartite wage councils were established in 1943.

49. Mazzuchi, *Labor Relations in Uruguay*.

50. Cristina Otero, personal interview, November 21, 2012, Montevideo.

51. This came after the Chamber of Commerce withdrew from participation.

52. Surprisingly there was very little press coverage of the negotiations. The decision by the Liga, Consumidores y Usuarios to participate in the wage councils, however, was the subject of various newspaper articles.

53. Clasificación de los Grupos de Actividad de los Consejos de Salarios, 2008, Decree 326/008 (July 7, 2008).

54. Mazzuchi, *Labor Relations in Uruguay*.

55. Matilde Castillo, personal interview November 21, 2012, Montevideo.

56. Cristina Otero, interview by author, November 21, 2012.

57. Libertad Sindical Normas para su Protección, 2006, Ley 17.940 Article 2 (January 2, 2006).

58. “Presentación de categorías de sector doméstico,” SUTD, September 6, 2010. Wages are included in US dollar equivalent in this chapter as a consideration to readers from other countries.

59. Forty-four hours per week and twenty-five workdays per month.
60. Mabel Lorenzo de Sánchez, interview by author via telephone, May 18, 2015.
61. This section is developed in less detail given that the field research for this study focused on the emergence of Group 21 and the negotiation of the first two collective agreements.
62. Declarase de Interes Publico la Prevencion de Canceres genito-mamaris, 2000, Ley 17.242 (June 20, 2000).
63. On November 27, 2015, the congress passed Law 19353, which created a national system of care aimed at enhancing the autonomy and providing assistance to persons in situations of dependency (children under twelve years of age, persons with disability, and the elderly). Although traditionally, many domestic workers have cared for children, the elderly, and persons with disability, often in conjunction with the realization of other tasks, it is not clear how they will be affected by this new law. It still is not determined whether care workers will be included within the wage council for domestic workers or for another occupational sector.
64. At forty-four hours per week and twenty-five workdays per month.
65. The Uruguayan peso underwent considerable devaluation over the past two years, thus the increase in the equivalent wages in dollars is minimal.
66. Department of Labor Inspection.
67. "XXVI Reunión especializada de la mujer del MERCOSUR. III Mesa técnica: reunión de la mesa asesora de género, trabajo e integración económica" (MERCOSUR/REM/MT- GTIE/ACTA, no. 02/11, November 9, 2011), [http://www.mercosurmujeres.org/userfiles/file/files/rem2011%202/REM\\_2011\\_ACTA02\\_ANE09\\_ES\\_Mesa\\_Tecn\\_Genero\\_Trabajo\\_e\\_Integracion\\_Economica.pdf](http://www.mercosurmujeres.org/userfiles/file/files/rem2011%202/REM_2011_ACTA02_ANE09_ES_Mesa_Tecn_Genero_Trabajo_e_Integracion_Economica.pdf).
68. Ernesto Murro and Guillermo Miranda, "Manual de buenas prácticas para trabajadoras y empleadoras de servicio doméstico" (ILO, 2013), [http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-santiago/documents/publication/wcms\\_219955.pdf](http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-santiago/documents/publication/wcms_219955.pdf).
69. Ximena Ruy Lopez (delegate for the Ministry of Labor and Social Security, Group 21 of the wage council), interview by author, November 23, 2012.
70. Batthyány, "Estudio sobre trabajo doméstico Uruguay," 14. Batthyány made a similar observation when she stated that both the Liga and the SUTD share the conviction that housework should be valued and made visible.
71. Triaca, "Trabajo Doméstico," 13.
72. Murro and Miranda, "Manual de buenas prácticas." Hugo A. Barone, lawyer at the Liga through the BPS agreement, in his introduction indicates that one of the challenges that the Liga faces is to make employers aware that they are involved in a work relationship. He found that many employers often get involved in resolving the personal problems of the domestic worker, but at the same time do not respect their labor rights.
73. Alexandra Rizio et al., "Domestic Workers Worldwide. Four Collective Bargaining Models" (report prepared by the Fordham University School of Law for the National Domestic Workers' Alliance, 2011); Claire Hobden, "Domestic Workers Organize—But Can They Bargain? Mapping Collective Bargaining and Other Forms of Negotiation in the Domestic Work Sector" (ILO's Work in Progress, February 2015), [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_345704.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_345704.pdf).

## 5. BEER PROMOTERS IN CAMBODIA

1. "Labor law" or the "Labor Code" in this chapter refer to the Labour Code of the Kingdom of Cambodia. The law excludes many categories of formal workers, for instance, judges, civil servants, police, military, air/transport, and domestic/household workers.

2. Worker associations provide support and education for workers that are normally excluded from joining unions. Associations are registered with the Ministry of the Interior instead of with the Ministry of Labor.
3. Organizations of street vendors, waste pickers, home-based workers, and others may "bargain" with government authorities. See the introduction to this volume for a discussion of the nature of bargaining by informal workers and their organizations.
4. "Beer promoters" and "beer promoter women" are used interchangeably. They are women who are hired to promote a specific brand of beer.
5. "Cambodia Socio-economic Survey Report (CSES), 2012," National Institute of Statistics (NIS), Ministry of Planning, 2012, [http://www.nis.gov.kh/nis/CSES/Data/CSES\\_Labour.html](http://www.nis.gov.kh/nis/CSES/Data/CSES_Labour.html).
6. "Country Profile, Cambodia," United Nations, [http://www.un.org.kh/index.php?option=com\\_content&view=article&id=47&Itemid=66](http://www.un.org.kh/index.php?option=com_content&view=article&id=47&Itemid=66).
7. "Minimum Wage for the Garment and Shoe Industry in Cambodia w.e.f. October 1, 2010 to 2014," WageIndicator Foundation, <http://www.wageindicator.org/main/salary/minimum-wage/cambodia>. All monetary values are in US dollars unless otherwise noted. Although Cambodia has its own currency, called the Riel, the US dollar is just as commonly used and is sometimes preferred. US \$1 = 4054 Riel. The only established minimum wage in Cambodia is in the garment industry. In 2012, the minimum was the equivalent of US \$66 per month and was increased, after a campaign by workers, unions, and other activists, to first \$80 (2013) and then US \$128 USD.
8. The standard of living in Cambodia has increased overall due to the rise in per capita income. As more foreign investments, businesses, NGOs, and labor activists have flooded the country, the salaries of many educated English-speaking workers have seen an increase.
9. "Cambodia Socio-Economic Survey (CSES), 2013" (report by National Institute of Statistics (NIS), Ministry of Planning, Phnom Penh, July 2014), <http://www.nis.gov.kh/nis/CSES/Final%20Report%20CSES%202013.pdf>.
10. Economic Institute of Cambodia (EIC), *Handbook on Decent Work in the Informal Economy in Cambodia* (Bangkok: International Labour Office, 2006), [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_bk\\_pb\\_126\\_en.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_126_en.pdf).
11. Ulla Heinonen, "The Hidden Role of Informal Economy: Is Informal Economy Insignificant for Phnom Penh's Development?" in *Modern Myths of the Mekong: A Critical Review of Water and Development Concepts, Principles, and Policies*, ed. Matti Kummo, Marko Keskinen, and Olli Varis (Espoo: Helsinki University of Technology, 2008). Even within the government's own research, the number varies. Other research done by foreign scholars estimate 60 percent to 90 percent, which is a wide variation gap on the statistics.
12. "CSES, 2013," NIS.
13. "CSES, 2012," NIS; "Cambodia Socio-economic survey report (CSES), 2011" (National Institute of Statistics (NIS), Ministry of Planning, 2011); "Cambodia Socio-economic survey report (CSES), 2009" (National Institute of Statistics (NIS), Ministry of Planning, 2009); "Cambodia Socio-economic survey report (CSES), 2004" (National Institute of Statistics (NIS), Ministry of Planning, 2004). All these are available at <http://www.nada-nis.gov.kh/index.php/catalog/CSES>.
14. Labour Code of the Kingdom of Cambodia, 1997, Ch. IV, Article 65, 1st Legislature, 7th Sess.
15. Labour Code of the Kingdom of Cambodia, 1997, Ch. IV, Article 67, 1st Legislature, 7th Sess. A contract of a fixed duration must be in writing. If not, it becomes a labor contract of undetermined duration.