

# ► Social Protection Spotlight

June 2021

## Extending social security to domestic workers Lessons from international experience

### Closing social protection gaps for domestic workers

It is estimated that the majority of domestic workers<sup>1</sup> worldwide are excluded from social security, or, if covered, enjoy a lower level of protection in comparison with other workers (ILO 2016c). Such exclusion, together with low wages, weak job security and poor working conditions, has negative consequences for domestic workers — most of whom are women — in both the short and long term, as painfully exposed by the COVID-19 crisis (ILO 2020; forthcoming). As a result, many domestic workers are excluded from effective access to health care, as well as from effective access to income security in the event of maternity, employment injury, unemployment or old age, which constitutes an additional source of vulnerability for them and their families. In addition, 17 per cent of domestic workers are migrant workers, many of whom are excluded from social protection in both host and destination countries (ILO 2015c; 2016b).

Globally, there are 67.1 million domestic workers employed in 176 countries around the world — or 4 per cent of the total workforce (ILO 2016c). Domestic work occupies 1 in 25 women workers globally and 1 in 4 female employees in Latin America. The ILO estimates that about 75 per cent of the sector is in the informal economy and thus represents a significant share of informal employment among women, particularly in urban areas (ILO 2016a). Demographic changes and the privatization of care suggest that the sector will continue to grow (ITUC and UN Women 2013).



<sup>1</sup> The ILO Domestic Workers Convention, 2011 (No. 189) defines domestic work as "... work performed in or for a household or households" and domestic workers as "... any person engaged in domestic work within an employment relationship" (Art. 1).

Ensuring adequate social security for domestic workers is a human right and an essential component of decent work. However, while at least 70 countries have legal provisions in place to provide social security for domestic workers, effective coverage is rather limited. The largest deficits in social protection coverage are concentrated in developing countries — yet even in advanced economies, domestic workers are partially excluded. For example, in countries such as Bolivia, Mauritius and the Philippines, more than 90 per cent of all domestic workers are not effectively protected (ILO 2016c). In Mexico, hardly any domestic worker has a written employment contract that specifies the workers' tasks, working time, benefits and annual leave, or has access to health protection or other social security benefits (Bensusán 2019).

Closing the gaps in social protection coverage is one of the areas that the ILO Domestic Workers Convention, 2011 (No. 189) addresses. It requires that countries "... take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity". Such measures "... may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers" (Art. 14).

Domestic workers have been particularly hit by the COVID-19 crisis and its socio-economic impacts. As numerous governments around the world have put lockdown measures in place to contain the virus, staying home for many domestic workers has meant losing their jobs and incomes. For example, in Latin America and the Caribbean, it is estimated that 70 per cent of domestic workers have been affected by measures taken to contain the pandemic (ILO 2020c). Those who continue working often face an elevated risk of exposure to the virus, which is exacerbated by the lack of occupation, safety and health measures for domestic workers. This situation endangers not only the workers, but also their families (ILO 2020a). The lack of social protection coverage deprives domestic workers of effective access to health care and sickness benefits that are particularly essential during a pandemic

(ILO 2020e; 2020f). In addition, the lack of unemployment protection leaves them also particularly vulnerable (ILO 2020d). A number of governments, such as Spain, have introduced emergency measures to extend social protection coverage to domestic workers or some categories thereof. Argentina is among the few countries that explicitly included informal domestic workers in their policy response. However, most of these measures were short term in nature, and some limited to domestic workers that were already declared and contributing to social security, thereby leaving the majority of domestic workers without protection. Beyond the emergency policy responses, the crisis emphasizes the urgent need to effectively include domestic workers in labour laws and social security laws, and ensure their coverage under unemployment insurance, sickness benefits and access to health care (ILO 2020a; 2020b; 2020g).<sup>2</sup>

In that light, it is clear that the extension of social security to domestic workers is crucial and decisive for the attainment of sustainable development and social inclusion. Drawing on a more comprehensive publication (ILO 2021a; 2021b), this issue brief outlines the specific challenges in extending social security to domestic workers and explores some policy options that are based on international experience and guided by ILO social security standards. It demonstrates that extending social protection to domestic workers is feasible.

## Challenges in extending social security to domestic workers

### Legal exclusion

Domestic workers represent one of the most vulnerable and unprotected categories of workers (ILO 2016c). In some countries, domestic workers are fully or partially excluded from labour and social security legislation and are therefore not protected to the same extent as other workers.<sup>3</sup> For example, one third of women domestic workers are excluded from maternity protection, which increases the risk that pregnancy results in job loss for those workers (ILO 2013b).

Even where domestic workers are covered in principle, their coverage may be limited owing to restrictive eligibility conditions set out in national legislations, such as minimum working hours and/or earnings thresholds

<sup>2</sup> More information and relevant tools on the social protection response to the COVID-19 pandemic, are available here: <https://www.social-protection.org/gimi/ShowWiki.action?id=62>.

<sup>3</sup> In addition to ILO Convention No. 189, international social security standards provide a guiding framework for the extension of social security to domestic workers, in particular the Social Security (Minimum Standards) Convention, 1952 (No. 102) and the Social Protection Floors Recommendation, 2012 (No. 202); see ILO 2017b; 2019.

that many domestic workers fail to meet. For example, in Brazil, domestic workers who work up to two days per week for a household are not covered under the social insurance scheme (IPEA 2015). As a result, even in countries where domestic workers are covered under national legislation, such minimum thresholds contribute to the exclusion of many domestic workers from legal protection.

In addition, low compliance with the applicable legal frameworks (see below) often leads to low effective social security coverage rates for domestic workers.

### **Administrative barriers**

Burdensome, costly or difficult to understand administrative procedures can discourage social security coverage, because they increase transaction costs for employers and domestic workers in terms of the resources and time spent on complying with administrative requirements.

Domestic workers tend to have long and unpredictable working hours and thus may face challenges in obtaining access to social security offices to seek information or access benefits (ILO 2013a). In addition, their employers are often private households that have limited capacity to deal with complex registration and payment procedures, especially in a fragmented system that requires them to interact with several institutions. As a result, even where domestic workers are included in legislation and social insurance is mandatory, many employers do not comply with the obligation to register their workers with a social insurance fund. For instance, in Namibia, employers are obliged to register domestic workers who work at least one day per week with the Social Security Commission (SSC) — yet only 20 per cent of all domestic workers were registered in 2008 (ILO 2013a).

In many countries, the lack of registries of domestic workers and their employers renders domestic work invisible and thus hard to detect and regulate (ILO 2015a). In addition, the lack of administrative mechanisms that are adapted to recognize part-time workers or workers with multiple employers may exclude domestic workers who work under such arrangements.

### **Limited contributory capacities**

Earning less than half of the average wage, domestic workers are among the lowest-paid income earners, who often experience marginalization and exploitation owing to their low skills and literacy levels, cultural bias, the high share of women working in the sector and their limited bargaining power. In addition, employers of domestic workers may also have low earnings, which can affect

their capacity to contribute to social insurance schemes on behalf of those workers.

In addition, although Article 12 of Convention No. 189 allows for only a limited proportion of the remuneration of domestic workers to be paid in kind, they may experience excessive salary deductions for accommodation and food, which not only undermines their freedom and independence but also limits their contributory capacity. For example, in the United Republic of Tanzania, deductions from the remuneration of live-in domestic workers are allowed up to 68 per cent of the minimum wage. Where contribution rates are not in line with contributory capacity, social security coverage remains low.

### **Lack of enforcement and low compliance**

Inspections are made difficult by the fact that domestic work is usually performed in the private home of the employer, which is often outside the scope of legislation, so that the right to privacy may infringe on the labour rights of domestic workers. In addition, the wide dispersion of domestic workers requires considerable financial and time resources for carrying out labour inspections, which many inspectorates lack (ILO 2015b).

### **Lack of information and organization**

When domestic workers and their employers lack information and awareness about their rights and responsibilities with regard to social protection and how to access it, they face more difficulties in complying with its provisions. For example, a survey in South Africa showed that only 19.7 per cent of non-unionized domestic workers had knowledge of which labour laws applied to them (ILO 2015b). Such a lack of information also puts workers in a weak bargaining position, especially when the level of organization and representation is low in the sector.

## **Strategies for extending social security coverage to domestic workers**

Some countries have been successful in removing the above-mentioned barriers and extending social protection coverage to domestic workers. Considering that domestic workers are a very diverse group, ranging from live-in and live-out workers and full-time and part-time workers to vulnerable groups such as migrant workers and child labourers, there is no one-size-fits-all solution for extending coverage to all domestic workers. The development of policy solutions should be based on a

solid assessment of the characteristics and situation of domestic workers and their employers, and should be conducted with the effective participation of domestic workers and employers of domestic workers (ILO 2016d).

The following section discusses innovative and effective measures put in place in different countries and regions in order to overcome those barriers.

## Extending legal coverage

Including domestic workers in labour and social security legislation is an important first step towards ensuring better protection. This can be done either by extending the coverage of existing legislation to include domestic workers or by developing new legislation that addresses them specifically (ILO 2012). Such legislation should take into account the specific nature of domestic work, including the fact that many domestic workers work for more than one household, often through public and private organizations, wherever the employment relationship may lie. Convention No. 189 defines domestic work as work performed within an employment relationship — or several employment relationships in cases where domestic workers work for multiple employers.

The extension of legal coverage to domestic workers should prioritize mandatory affiliation rather than voluntary mechanisms. International experience suggests that voluntary schemes are ineffective in reaching a “difficult-to-cover” group such as domestic workers (ILO 2016c). In addition to extending mandatory coverage in existing legislation in a way that is adapted to domestic workers’ situation, contributory capacity and needs, additional measures such as simplified administrative processes and improved inspection are essential for reaching higher levels of effective coverage.

For example, South Africa has extended legal coverage of unemployment, maternity and sickness insurance to domestic workers through the Unemployment Insurance Amendment Act, adopted in 2003, which has led to a significant improvement in the protection of domestic workers (see box 1). In Brazil, mandatory unemployment and employment injury insurance was extended to domestic workers in 2013. In the Philippines, the Domestic Workers Act 2013 made social security benefits legally available to domestic workers.

Some countries have taken steps to extend legal coverage by eliminating or reducing legal thresholds on minimum working time, duration of employment or earnings. For example, Uruguay has extended legal coverage to domestic workers by allowing workers who work part-time or have multiple employers to enrol with the Social Protection Bank (BPS). Eligibility has been extended to

those who work at least 13 days a month for a total of at least 104 hours and have earnings that are higher than a defined threshold. Since the change in eligibility conditions was introduced, registration rates have increased by 7 per cent (Lexartza, Chaves, and Caracedo 2016).

### ► **Box 1 : Unemployment and maternity insurance for domestic workers in South Africa**

In 2003, domestic workers in South Africa were legally granted a number of social protection benefits for the first time. The Unemployment Insurance Amendment Act included domestic workers in the Unemployment Insurance Fund, which provides (a) full or partial unemployment benefits in case of dismissal, retrenchment, illness or death of the employer; and (b) maternity benefits for pregnant domestic workers before or after their children are born. Responding to the specific situation of domestic workers, the right to partial unemployment benefits was included in cases when an insured person has lost employment with one employer but still works for another.

The implementation of the law was accompanied by the provision of financial and human resources to train and employ additional labour inspectors to strengthen control mechanisms. By 2008, the number of registered workers had grown to 633,000 who were employed by 556,000 employers and of whom 324,000 had received benefits. By April 2009, an additional 23,000 employers (total 579,000) registered their workers.

Source: Based on ILO, 2012; ITUC and UN Women, 2013.

## Facilitating access to social protection by removing administrative barriers

Many countries have made intensive use of technology to simplify and streamline registration and payment procedures so as to facilitate access to social protection services and encourage compliance. For example, in Argentina, a simplified online registration system allows the registration of domestic workers and the administration of their social security contributions and payslips. In Mexico, a pilot project included the design of an electronic registration system to promote the formalization of domestic workers (see box 2).

Some countries have also adapted their administrative frameworks to facilitate the registration of workers who work on an hourly basis or those who are employed by more than one employer. For example, France and Belgium have introduced a service voucher system which, in addition to providing fiscal incentives, reduces the administrative burden of registration (see box 3).



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Vouchers can be used by employers both to declare the services provided by the worker and to pay workers by the hour or workday (ILO 2016c). This mechanism facilitates social insurance coverage for domestic workers, in particular for those working for more than one employer.

### ► Box 2 : Mexico: Electronic registration system for domestic workers

In Mexico, as part of a pilot, an electronic registration system was developed to facilitate the formalization of domestic workers. The system allows employers to quickly and easily register and pay social insurance contributions for their domestic employees. In addition, the payment of contributions was expedited by changing from the requirement of annual contributions to monthly contributions, a measure whose success was evidenced by the increased number of registrations of domestic workers — with-in two months, the number of registered domestic workers increased fourfold.

## Facilitating the payment of contributions and developing adequate financing mechanisms

Some countries, such as Argentina, Israel and Italy, have taken steps to address the financial barriers faced by domestic workers and their employers, for example by establishing flexible mechanisms for the collection of contributions or introducing differentiated (and often lower) contributory provisions (ILO 2016c).

In many cases, the role of governments in subsidizing social insurance contributions can be key in extending coverage to domestic workers and other groups of vulnerable workers who have limited contributory capacity. In Costa Rica, for example, a percentage of the social security contributions of domestic workers and their employers to the Costa Rican Social Security Institute is subsidized by the Government (ILO 2016c).

These measures, in combination with effective incentives for registration such as fiscal incentives, can reduce the cost associated with formalization and thus encourage enrolment. For example, in Argentina, Finland and France, employers of domestic workers can deduct part of the costs of the services from their taxable income (ILO, 2016b).

### ► Box 3 : Simplified registration and fiscal incentives to favour social insurance coverage for domestic workers in France and Belgium

In France, social insurance coverage of domestic workers is facilitated through a service voucher system that has significantly contributed to the formalization of the sector since 2006. Through the Chèque emploi service universel (CESU) mechanism, employers of domestic workers can easily register their workers and pay contributions. If a domestic worker works for more than one employer, each employer registers the employee through the system and the employee receives a consolidated account of contributions paid on their behalf. Employers can deduct half of the social insurance contributions for domestic workers from their income tax up to a limit of EUR 6,000 per year. In addition, households of persons with disabilities (assessed degree of disability of at least 80 per cent) and other categories are entitled to a full exemption. Studies have demonstrated that two thirds of CESU users have declared a previously undeclared employee (Farvaque 2013).

In Belgium, fiscal incentives are provided through a service voucher system known as titres-services introduced in 2004 at the initiative of the Government. Differently from the French model, domestic workers are employed by a temporary agency (i.e. the formal employer), while households are considered to be users of their services. The service voucher system is managed by a private firm (Sodexo). From a tax point of view, users can benefit from a twofold benefit: a 30 per cent discount on voucher purchases (up to an annual deductible of €1,400) and a further nominal reduction of €0.9 on each voucher for the first 156 vouchers. Between 2008 and 2011, the number of titres-services users increased from 557,482 to 834,959, while the number of employees under the scheme increased from 103,437 to 149,827; in the same period, approximately 17 per cent of Belgian households used titres-services vouchers.

The image shows a 'Dienstencheque / Titre-service' form from Sodexo. The form is divided into several sections:

- WERKNEMER / TRAVAILLEUR:** Includes fields for 'INSZ' and 'NISS' (both with grid boxes), and 'NAAM EN VOORNAAM / NOM ET PRÉNOM' (with a text box).
- HANDTEKENING WERKNEMER / SIGNATURE TRAVAILLEUR:** A box for the worker's signature.
- Erkende onderneming / Entreprise agréée:** Includes fields for 'Nr.' (with a grid box) and 'Naam / Nom' (with a text box).
- Vertical Stamp:** On the right side, there is a vertical stamp that reads 'ERKENDE ONDERNEMING / ENTREPRISE AGREEE' with a small logo above it.

Source: Based on ILO, 2019, 2016a, 2016c, 2019.

## Enhancing compliance and facilitating inspections

Legal and practical mechanisms may need to be adapted to allow for inspections of private households as the workplaces of domestic workers and homeworkers (ILO 2015b; 2017a). Such specific regulations need to consider not only the needs of workers but also the needs of the household, in particular with regard to privacy. For example, in Uruguay a special inspectorate was founded that is legally allowed to enter the house of an employer provided that it has a court decision (ILO 2012; ITUC and UN Women 2013). The implementation of these legal frameworks may require the specific capacity-building of labour and social security inspectors for conducting house visits (ILO 2016a).

It is also important to note the role of key labour inspections in raising awareness and promoting compliance through prevention measures. For example, in countries such as Costa Rica, the Philippines and Uruguay, awareness raising activities have been demonstrated to be integral elements of effective labour inspections (ILO 2015b).

In addition, other measures may support social security inspections for domestic workers. In Argentina, where reliance on domestic workers is very common for more affluent households, the burden of proof has been reversed — middle- and high-income households are presumed to employ a domestic worker unless it is proven otherwise. As a result of these and other measures, the number of registered domestic workers increased more than threefold from 133,013 in 2005 to 434,760 in 2017 (OIT 2019). In Ecuador, the Government collaborated with a domestic workers' organization to facilitate inspections (ILO 2017a). In Uruguay, measures to foster compliance under a broader set of policies reduced the underreporting of domestic workers to the social security administration from 22.6 per cent in 2006 to 8.7 per cent in 2016 (OIT 2019).

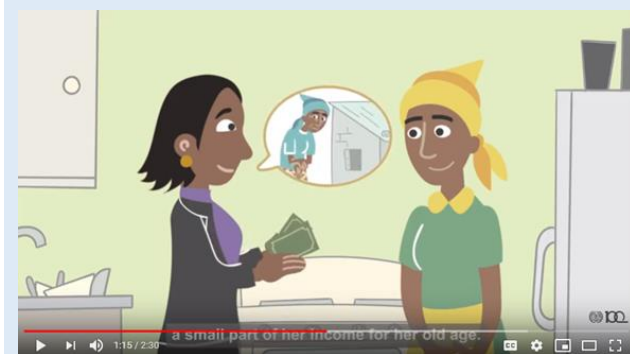
## Raising awareness and providing information, including through partnerships

Raising awareness among domestic workers and their employers is essential in order to inform them about their rights and obligations. When workers and employers are aware of the benefits of social protection and formalization, they will be more willing to enrol. Measures can include educational and awareness-raising campaigns, as well as dissemination of information through mass media to enhance knowledge about the

schemes and benefits and the importance of social protection (see box 4).

### ► **Box 4 : Raising the awareness of employers of domestic workers in Zambia**

In Zambia, an awareness-raising programme was directed at employers of domestic workers, because most of them lack awareness of their obligations to register their domestic workers with the National Pension Scheme Authority (NAPSA). The campaign aims to explain the importance of old-age pensions and how to register workers with NAPSA.



Video: [https://www.youtube.com/watch?v=nDG\\_QI2rFYU](https://www.youtube.com/watch?v=nDG_QI2rFYU).

Organizations of domestic workers and employers, as well as civil society organizations, can play an important role in facilitating access to information and raising awareness. In the Philippines, civil society organizations played an integral role in implementing the Domestic Workers Act by changing the public attitude towards domestic workers through a campaign (ILO 2013a). Intermediaries such as agencies, digital platforms and cooperatives that have a role in job screening, facilitating immigration procedures and job placement can potentially play a decisive role in informing both domestic workers and employers about social security rights and duties (Fudge and Hobden 2018). A toolkit on ILO Convention No. 189 developed by Women in Informal Employment: Globalizing and Organizing (WIEGO) and the International Domestic Workers Federation (IDWF) (WIEGO and IDWF 2018) offers a practical guide to support awareness-raising among domestic workers (see box 5).

## Collective bargaining

Although not directly related to social protection, collective bargaining and the right to organize play an important role in establishing legislation that enhances the labour and social security rights of domestic workers (ILO, 2016a). Given the specific nature of domestic work and the resulting vulnerable position of domestic workers, workers' organizations play a crucial role in promoting better working conditions by providing information and

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other services to workers, such as legal assistance and training and the negotiation of collective agreements that may facilitate access to benefits (Fudge and Hobden 2018). Although isolation represents a formidable barrier to the unionization of domestic workers, several domestic workers' organizations exist around the world, including the International Domestic Workers' Federation (IDWF), which has 71 affiliate organizations in 55 countries.

### ► Box 5 : Toolkit on ILO Convention No. 189.

It is important for domestic workers and their organizations to fully understand the international legal framework and its role in guiding national legislation, as well as the relevant supervisory mechanisms. The toolkit prepared by WIEGO and IDWF is a useful tool for providing information in an easily understandable way and raising awareness about domestic workers' labour and social rights.



Link: [Your toolkit on ILO Convention 189: The Domestic Workers Convention](#)

## Developing and implementing integrated and coherent policies

Strategies to extend social protection coverage to domestic workers constitute part of a broader set of interventions aimed at the formalization of employment. To ensure that domestic workers enjoy decent work conditions, social security policies should go hand in hand with other policy areas, such as minimum wage legislation and other wage policies, legislation on working hours, legislation and guarantees for occupational health and safety, and the promotion of social dialogue. Multi-stakeholder social dialogue and consultation is important as well and should include domestic workers' organizations.

Countries that have successfully extended coverage to domestic workers have employed a combination of interventions, while addressing the diversity of domestic workers' needs and situations. The inclusion of domestic workers in social security and labour legislation not only provides better social protection for domestic workers but also contributes to valuing social protection as work rather than a voluntary, non-valuable activity. Finally, strong government commitment, the support of lawmakers and collaboration with civil society and domestic workers' organizations play a key role in the design and implementation of laws and schemes to benefit domestic workers.

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This brief is part of a larger policy resource package on the extension of social security to workers in the informal economy, see [informaleconomy.social-protection.org](http://informaleconomy.social-protection.org).

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