Brazil is progressing towards providing full social protection rights to domestic workers. The country has taken two major steps towards strengthening social protection of domestic workers; recognition of domestic work as an occupation in the Constitution of 1988 and equalization of social protection rights between domestic workers and other worker categories in the constitutional amendment of 2013.

The domestic work sector employs 6.3 million people i.e. 10.1 per cent of the labour force. Among them, 84 per cent are black, 95 per cent are women and over 50 per cent of the households headed by female domestic workers are poor. By guaranteeing social protection rights to domestic workers, the country is also reducing their vulnerability, promoting women’s empowerment and racial justice.

The number of children and adolescents in situation of domestic child labour in Brazil had a decrease of 61.6% between 2004 and 2015, going from 406 thousand to 156 thousand. While legal coverage of domestic workers is 100 per cent with the new law, the share of those who hold a registered employment contract is only 28 per cent (or 1.8 million people). Despite this gap, effective coverage for domestic workers in Brazil is one of the highest in Latin America.

Main lessons learned

• It is important to establish a Constitution based on the equality of individuals and as a means of guaranteeing social rights.
• Extending social protection to domestic workers allows an important vulnerable part of the population to be covered.
• Existing programmes, such as the Universal Health Care System, are particularly important for guaranteeing full social protection for vulnerable groups such as domestic workers.
• The significant progresses in extending social protection for domestic workers have been achieved by combining contributory and non-contributory schemes and pave the way towards extending coverage for other vulnerable groups.
• Innovations in terms of financing and administration are critical for extending coverage to a difficult-to-reach groups such as domestic workers.
1. What does the system look like?

Domestic workers have progressively, over the past 47 years, been included in the social security system for formal sector workers. Their social protection coverage became progressively more comprehensive, and since the adoption of the Constitutional Amendment No. 72 of 2013, popularly known as the Domestic Workers Law, they enjoy the same social security rights as other workers. This Law came into full effect only in June 2015 with the Complementary Law 150 of 2015. However, this law still lacks full enforcement which means that domestic workers that are not registered under the social insurance schemes can benefit from the social assistance programme.

Social protection schemes available for domestic workers: Brazil’s system of social security currently available for the domestic workers is organised under contributory and non-contributory schemes:

Table 1: Social protection available for domestic workers in Brazil

<table>
<thead>
<tr>
<th>Components</th>
<th>Benefits</th>
<th>Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social insurance (contributory)</td>
<td>Old-age, disabled, and survivors’ pensions; 120 days of paid maternity leave; paid paternity leave; occupational injury insurance; the Employee’s Severance Guarantee Fund; fund for dismissal without due cause; unemployment insurance; nursery allowance for children under the age of 5 years old; and family-allowance to support low-income families with under 14 years old children</td>
<td>National Institute of Social Security (INSS), Ministry of Social Security</td>
</tr>
<tr>
<td>Health Care (universal and non-contributory)</td>
<td>Universal Health Care</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>Conditional Cash Transfer (CCT) <em>Bolsa Familia</em></td>
<td>Cash payments to families with per capita income below the poverty line conditioned to school attendance of children and health check-ups of</td>
<td>Ministry Social Development, Fight</td>
</tr>
</tbody>
</table>

Benefit packages: Domestic workers covered by the INSS are entitled to social protection benefits calculated as a percentage of their monthly salary. According to Law 8.213 of 1991, the benefits are not inferior to the minimum wage. This right is applicable even if the employee was unable to comply with the required time of contribution established by the INSS. The benefits include: i) old-age pensions; ii) six months of maternity leave; iii) three months of unemployment insurance; iv) monthly family allowances of BRL 45 (US$12) per child under 14 years old for those with income up to BRL 878 (US$231) and BRL 31 (US$8) per child for those with monthly income between BRL 878 (US$231) and 1,319 (US$348).

Financing: The employers pay a contribution of 8 per cent of the domestic workers’ monthly salary to the INSS. Comparatively, this contribution is smaller than the 12 per cent paid by employers for other categories of workers. The employers also pay: i) a contribution of 8 per cent for the Employee's Severance Guarantee Fund (FGTS, *Fundo de Garantia por Tempo de Serviço*); ii) 0.8 per cent for the employment injury insurance; iii) 3.2 per cent for a fund for dismissal without due cause. On the other side, the employees’ contribution to the INSS lies between 8 and 11 per cent to the INSS, depending on their salary level.

In case of dismissal with due case, the domestic worker has no rights to receive any income compensation coming from the fund for dismissal without due cause; the employer gets back the monetary contributions paid to this fund. The Complementary Law 150 of 2015 established as due causes for dismissal: i) submission to mistreatment of the elderly, the sick, the disabled or children under the direct or indirect care of the employee; ii) the practice of an act of impropriety; iii) improper conduct or lack of self-restrain; iv) criminal conviction of a final and unappealable employee, if there has been no suspension of the execution of the penalty; v) negligence in the performance of the respective functions; vi) habitual drunkenness or in service, vii) an act of indiscipline or insubordination; viii) abandonment of employment, thus considered the unjustified absence from service for at least 30 consecutive days; ix) an act harmful to the honour or...
good reputation or physical offenses committed in service against any person, except in case of self-defence or self-defence of another; x) an act harmful to the honour or good reputation or physical offenses practiced against the domestic employer or his family, except in case of self-defence or self-defence of others; xi) the constant practice of games of chance. Domestic workers have the right to appeal against due cause dismissal before the national justice system.

**Legal aspects:** The historical lack of social protection rights of the domestic workers have recently been addressed by the Constitutional Amendment No. 72 of 2013, which equalizes the social protection rights between domestic and the other categories of workers. By legal definition, a domestic worker is a person aged 18 or older who provides non-occasional domestic services for a particular household for more than two days per week. The employers can be either an individual or an entire family/household. Under the 2015 legislation the domestic workers are covered by the general regime of social security and their registration is mandatory.

**Institutional arrangements for delivery:** The social insurance scheme that covers domestic workers is administrated by the INSS. After the signature of a formal job contract, the employer must register the domestic worker at the INSS via internet. The monthly payment of both the employers and the domestic workers’ contributions is made by the employer through a unified system - the SIMPLES DOMÉSTICO. This new payment system has been developed to facilitate the management of the payment of different contributions and responsibilities. Through this system, after filling the online form, the single payment of all monthly contributions can be made at any bank, at lottery agencies or via direct debt from the employer’s bank account. On the other side, when applicable, the domestic worker is supposed to claim the social security benefits personally at any INSS local agency.

**Table 2: Advances in the legislation to protect Domestic Workers**

<table>
<thead>
<tr>
<th>Law</th>
<th>Major Achievements</th>
<th>Social Protection Rights Guaranteed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law 5.859 of 1972</td>
<td>Recognition of paid domestic work as a formal function</td>
<td>Inclusion into the contributory national social security system for pensions’ coverage</td>
</tr>
<tr>
<td>Constitution of 1988</td>
<td>Recognition of paid domestic work as an formal occupation</td>
<td>Paid maternity leave; paid paternity leave; Old-age, disabled, and survivors’ pensions</td>
</tr>
<tr>
<td>Constitutional Amendment N. 72 of 2013 and Complementary Law 150 of 2015 (Domestic Workers Law)</td>
<td>Equalization of the social protection rights between domestic workers and the other categories of urban and rural salaried workers</td>
<td>Employment injury insurance; Employee’s Severance Guarantee Fund; Fund for dismissal without due cause; Unemployment insurance; Nursery allowance for children under the age of 5 years old; and Family-allowance to support low-income families with under 14 years old children</td>
</tr>
</tbody>
</table>

2. **How was this major breakthrough achieved?**
Due to the Domestic Workers Law that came into force in June 2015, domestic workers have the same social security rights today as other workers. The Law follows the overall aim of ILO Convention No. 189 of 2011, which is the equalization of treatment and conditions between domestic and other categories of salaried workers. The Domestic Workers Convention, 2011 (No.
189), was ratified by the Brazilian Government in January 31, 2018, becoming the 14th member state of the Americas region to ratify it. This ratification represents an important step which supports a series of measures taken by the Brazilian Government to provide basic protections to domestic workers and recognizing their contribution to the modern economy. Since most of domestic workers are women, the Government hopes that the implementation of Convention No. 189 also contributes to strengthening gender equality in the world of work.

3. What is the impact on people’s lives?

Outcomes: The new law has contributed to extending social protection coverage and formalizing work in the domestic work sector, where only 42 per cent or 2.7 million individuals have a formal contract and are covered by the contributory social security scheme. Moreover, the law helps to alleviate poverty, inequality and discrimination by levelling up the social protection rights of domestic workers to the same level of any other salaried worker in Brazil.

Impact on people’s lives: The law helps promoting racial justice, as over 80 per cent of domestic workers are black. Women’s empowerment is also stimulated, since over 17 per cent of the employed women in the country work in the domestic sector – compared to only 1 per cent of employed men. Moreover, the law is an important tool for reducing the poor’s socioeconomic vulnerability, particularly those households headed by women. Evidence shows that in 2013 over 50 per cent of the households headed by female domestic workers in Brazil were below the poverty line. In that sense, increased comprehensiveness and adequacy of social protection benefits for domestic workers, and promoting the extension of coverage through the Simples Domestico, helps these vulnerable households to move out from poverty. In particular new guarantees such as the family allowance for those with children under 14 years old, the unemployment insurance and the old-age pension have a direct impact on preventing and reducing poverty.

Impact on the economy: The Domestic Workers Law and its implementation through the Simples Domestico have contributed to formalizing this category of workers, which had positive impacts on the economy. According to a study conducted by IPC-IG, between 2006 and 2011, 0.58 per cent of Brazilian Gross Domestic Product (GDP) growth, or approximately US$ 4.6 billion, can be attributed to the rising income of domestic workers. Consequently, the real consumption level of the low-income families, where lies the highest concentration of families headed by domestic workers, increased by 1.90 per cent. In addition, the effect on the aggregate employment could be 0.77 per cent, or the creation of 630,000 aggregate employment positions.

4. What’s next?

- The enforcement of the Domestic Workers Law should be improved in order to guarantee the effective application of the mandatory social protection rights of domestic workers.
- The extension of social protection to occasional domestic workers will require the design and implementation of specific mechanisms. Learning from other countries experience may be useful, such as Turkey.
- Support to organizations representing domestic workers is key to ensuring that the voices of the workers is heard.
- Further efforts are needed – such as through the simplification of administrative processes, tax incentives, control and inspections, and awareness raising – to further promote the formalization of the domestic workers while fighting discrimination against domestic workers.
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