

A BATTLE ON ALL FRONTS!

THE DOMESTIC WORKERS' MOVEMENT IN PERU AND THE RATIFICATION OF C189

The creation of multiple social dialogue arenas

CONTENTS

EXECUTIVE SUMMARY	2
FOREWORD	3
1. BACKGROUND	4
1.1 Socio-political context	4
1.2 Becoming a domestic workers: a choice or a necessity?	5
1.3 The changing nature of domestic work?	6
1.4 An incomplete history of Peru's domestic workers unions	6
1.5 The legal framework governing domestic work	7
2. STAKEHOLDER ANALYSIS: THE COMPLEX WEB OF SOCIAL PARTNERS	9
3. UNRAVELLING THE SOCIAL DIALOGUE PROCESSES: A BATTLE ON ALL FRONTS	11
3.1 Legislative	11
3.2 Executive	12
3.2.1. Presidential platforms	12
3.2.2. Ministerial Negotiation tables	12
3.3. Consejo Nacional de Trabajo/ National Labour Council	13
3.4. Negotiation tables at local government level	14
4. THE LONG AND WINDING ROAD TO THE RATIFICATION OF C189 AND R201	15
4.1 Problem stream	15
4.2 Policy stream	15
4.3 Political stream	15
5. IN CONCLUSION	17
5.1. Enabling conditions for the ratification of C189	17
5.1.1 The persistence of "Policy Entrepreneurs"	17
5.1.2 Wider support within civil society	17
5.1.3 The opening of a window of opportunity: taking advantage of the political turmoil	17
5.1.4 International influence from the ILO	18
5.2. Obstacles to the ratification of C189	18
5.2.1 The lack of political will	18
5.2.2 "Y comenzemos de zero": social dialogue in a climate of political instability	18
5.2.3 "Y ahí se quedo": the primacy of paper commitments	18
5.2.4 Competition within the DWM	19
5.3. And now? Hurdles towards the implementation of C189	19
5.3.1 Embedded cultural norms: from sensitizing to changing mentalities	21
5.3.2 Domestic workers' struggle as part of a larger labour struggle	21
5.3.2 Volatility of political commitment and the instability of the Peruvian state	21
5.3.4 The absence of the employers	21
5.3.5 "007": the limited resources of Peru's Ministry of Labour	22
5.3.6 The lack of trust in state institutions and the Peruvian-citizenship	22
6. LESSONS LEARNED FROM THE PERSISTENT STRUGGLE OF PERU'S DOMESTIC WORKERS	23
BIBLIOGRAPHY	24
ANNEX: LIST OF INTERVIEWS AND FOCUS GROUPS	25
Interviews	25
Focus groups	25
Participant observation	26

EXECUTIVE SUMMARY

Domestic workers are in many ways oil for the wheels of the economy (Smith 2012: 158). In 2018 the number of domestic workers has decreased to approx. 395,200, or 2.4% of Peru's labour force (INEI 2018). These women have in many ways enabled upward social mobility for others but not for domestic workers themselves (Perez & Llanos 2017). Despite the importance of domestic work in terms of presenting an answer to the "care crisis", domestic work remains highly undervalued both in economic and social terms. Wages are low, social security coverage pessimal and discrimination based on the intersectionality of class, race, gender and (nation-based) citizenship rampant.

The history of domestic workers' unions in Peru dates back to the early 70s and is embedded in the political history of the country. In the 1980s the domestic union leaders, such as in other countries, suffered from oppression as a result of the conflict between *Sendero Luminoso* and government forces. Although the domestic workers' organisation kept on fighting for the rights of domestic workers, achieving a milestone in 2003 with the adoption of the domestic workers' law, it took until 2006 for a new domestic workers' union, SINTRAHOGAR, to be formed. After an internal rupture, another union, SINTTRAHOL, was created in 2009. Both unions are affiliated to national confederations (CUT and CGTP respectively). Since 2011 both unions, in cooperation with a group of other civil society organisations, have lobbied, campaigned and eventually dialogued for the ratification of C189 in Peru. In July 2018 their goal was finally reached.

Their success can be ascribed to a number of factors: their persistency as "policy entrepreneurs" and their multilevel lobby and social dialogue approach; the broad coalition they built with other actors in civil society; the opening of a policy window presented by the general discontent with congress, mass protests in which the domestic workers movement (DWM) was in the front line; and the international influence of the ILO and other Latin-American countries that have ratified C189.

These enabling conditions allowed them to overcome a number of challenges which caused the struggle for the ratification to take over 7 years. The key challenges are: the lack of a genuine political will within the national labour council and the government (many promises were made during election times but most were not kept); the political instability which resulted in many changes within the Ministry of Labour implying that the lobbying and SD efforts need to start from scratch; the lack of resources within the Ministry of Labour and coordination among the various departments related to the sector; and the competition within the DWM.

The implementation of the C189 is the next big step for the DWM. In this endeavour they will have to put a great deal of effort into sensibilising domestic workers, employers as well as the general public as to their new gained rights.

FOREWORD

This research was commissioned by Mondiaal FNV within the scope of their Social Dialogue programme as part of the Trade Union Cooperation Programme 2017-2020. The research project aims to take stock and investigate in which ways issues of informal workers are addressed in social dialogue mechanisms and to what extent informal workers are or can be included. To be able to distil this macro-perspective, a micro-approach was adopted by zooming in on eight case studies across the world. Each case study pursued the following research objectives (1 & 2) and investigated the related research questions (a-e):

1) DEEPEN THE UNDERSTANDING OF THE SD PROCESSES OF THE SELECTED CASE STUDIES:

- a. Which social partners (SP) are involved?
 - What are their goals/interests they hope to achieve through SD?
 - Where does their bargaining power stem from?
- b. Which bargaining strategies are adopted by each social partner?
- c. Which issues are on the SD agenda?
 - Who sets the agenda?
 - Are all SP equally committed to the agenda? Who is the driving force?
- d. What are the main obstacles to SD in the selected cases and how were they overcome?
- e. What were the key enabling conditions that allowed SD to be effective (e.g. respect for the rule of law/ institutionalisation, respect for TUs rights, well-organised labour organisations)?

2) DEVELOP A LIST OF KEY LESSONS LEARNED THAT CAN BE USED AS A BASIS FOR EXCHANGE ACTIVITIES

Each case study adopted a qualitative research approach looking into successful cases of “inclusive” social dialogue processes. Primary data was collected during 5 to 8 days of fieldwork and included semi-structured interviews, focus groups discussions, participant observation and in some cases participatory workshops. The primary data was contextualised via literature review as well as media and document analysis adopting a historical, political economy perspective. Following the Terms of Reference (TOR) developed by Mondiaal FNV, social dialogue and collective bargaining were defined as followed in all eight case studies:

“Social dialogue can be characterised by bipartite or tripartite bargaining and negotiation processes between government institutions, employer organisations/employers and trade unions at four levels: internationally, nationally and at sector and company level. So, collective bargaining is seen as a part of social dialogue as well.”

Although specific attention was given to less-institutionalised forms of social dialogue by including the wide range of informal negotiation processes found in both the formal and informal economy.

The following report represents the research results of one of the eight case studies: Domestic workers in **Peru** and their collective action towards the ratification of ILO Convention 189 (on Domestic work).

The other 7 case studies are about:

- Indirect workers (or *tercerizados*) in **Colombia's** palm oil industry and their struggle for formalisation
- Street-vendors in **India** and their adaptations to Town-Vending Councils as new social dialogue arenas
- Market- and street-vendors in **Ghana** and the initial steps made by UNIWA towards local informal workers' forums'
- Boda boda (motor taxi) drivers in **Uganda** and the political tango they are in to protect their livelihoods
- Construction workers in **Rwanda** and the creation of various Memorandums of Understanding by tapping into the political priorities of the government.
- Guides and porters in **Nepal's** tourism sector and the sector-wide agreements that have been accomplished
- Informal construction workers and outsourced workers in the electricity sector in **Indonesia** making slow but steady gains in an uncondusive environment

These 8 cases show us that there is not one-size-fits all when it comes to social dialogue practices of informal workers. Nevertheless, another Mondiaal FNV's research SOCIAL DIALOGUE AND INFORMAL WORKERS: WHAT WE CAN LEARN FROM 8 SUCCESS CASES summarises the overarching insights based on the comparative analysis of the eight case studies.

1. BACKGROUND

1.1 SOCIO-POLITICAL CONTEXT

“Domestic workers are in many ways oil for the wheels of the economy” (Smith 2012: 158)

In 2013 the ILO estimated that 450,000 people were employed as domestic workers in Peru out of which 95.6% were women (Fuertes et al., Rodriguez, & Casali, 2013)¹. In 2018 the number of domestic workers has decreased to approx. 395,200, or 2.4% of Peru’s labour force (INEI 2018). We can distinguish between two kinds of domestic workers: *cama adentro* or those who live/sleep inside their employer’s house and *cama afuera* or those who live elsewhere (Fuertes Medinam P et al., 2013). The first category, that of live-in maids, is diminishing in Peru and across the continent (Garavito, 2016). In 2010 18.8% of domestic workers worked under the *cama adentro* condition whilst the majority 81.2% worked *cama afuera* (Valdez, 2018). More than half of all domestic workers work in Lima (Valdez, 2018). These statistics should however be read with scrutiny as many domestic workers, especially those who live in with their employers, remain highly invisible and are not included in national statistics.

Although the percentage of domestic work has witnessed a slight decline in recent years in Peru there has been an important upward trend between the beginning of the 2000s and 2010 in parallel with Peru’s economic growth. Peru is one the fastest growing economies in Latin America, mainly based on the export of commodities². The fact that the economy stays relatively stable in times of considerable political turmoil is related to the fact that a handful of families have hold of the country’s key industries. The economic growth has been accompanied by the rise in number of women entering the labour market. With more and more women finding their way to the labour market, the need for household help increased due to the scarce availability of public services, such as child care (Perez & Llanos, 2017). This transition can be situated in what Nancy Fraser has coined the crisis of care (Fraser, 2016). As in many countries the demand for domestic labour in Peru increased due to the *movement of women into the paid labour force, the ageing of the*

population, and the inadequacy of policies to enable workers to better balance the pressures of work with their familial obligations (Smith 2012: 158; Perez & Llanos, 2017). In addition from the labour supply side it offers a way out of poverty for many girls (primarily from outside Lima) who due to a lack of education have few other employment opportunities. Perez & Llanos (2017) have argued that domestic labour in Peru has enabled upward social mobility for others but not for domestic workers themselves.

Despite the importance of domestic work in terms of presenting an answer to the “care crisis”, domestic work remains highly undervalued both in economic and social terms.

According to the *Defensoria del Pueblo* (2016) in 2014 the average wage of domestic workers was about 517 soles per month, which is below the minimum wage of 930 soles. Although there has been a steady increase in wages in the sector most women do not earn a decent living wage (Defensoria del Pueblo, 2016). Key respondents added that there is a significant wage difference between Lima and “the regions”. Outside of Lima the wages are considerably lower in the case of women earning a meagre 200 soles per month. The income of domestic workers also does not seem to increase in correspondence to their education level such as in other occupations (Perez & Llanos, 2017). The low wages also affect the access to social security services such as health care and pension schemes. By law the employers must contribute 9% of the wage to a health care scheme (ESalud) and the employee should contribute 13% of her wage to a pension scheme (Defensoria del Pueblo, 2016). However many domestic workers prefer to receive a higher salary instead of contributing to social security. Their focus is on daily survival not building a cushion for future misfortunes. The low quality of public health care and problems with payments of public pensions schemes add to the unattractiveness of contributing to social security³. Only 12.6% of domestic workers were affiliated to a pension scheme whereas 62.3% were affiliated to ESalud in 2014 (Defensoria del Pueblo, 2016).

¹Article 1 of Convention 189 defines domestic work as “work performed in or for a household or households.” This work includes “cleaning the house, cooking, washing and ironing clothes, taking care of dependent individuals (children, the elderly and people with disabilities), gardening, guarding the house, driving for the family, and even taking care of household pets.” (Lexartza et al. 2016).

²<https://tradingeconomics.com/peru/gdp-growth>

³Key respondents and FG data.

Social undervaluation stems from multiple forms of discrimination through the intersectionality of their gender, ethnic origin, migration status and class (Perez, 2015)⁴. Domestic workers around the world are caught in a “structural relationship of inequality based on class, race, gender and (nation-based) citizenship” (Smith, 2012). In Peru the discrimination can be traced back to the historical foundations of domestic work under colonialism, which was highly exploitative and racist in nature (Perez & Llanos, 2017). Today most domestic workers come from rural areas, “*los regiones*”, and ethnic backgrounds that are often looked down on. Some of them did not speak Spanish when they first arrived in the city. The high number of internal migrants makes domestic workers increasingly vulnerable because they are cut off from their family and social network. This social exclusion is exacerbated in the case of live-in domestic workers. Luckily, social media has made it easier for younger generations of domestic workers to stay in touch with their families and friends back home. In addition the general denigration of household work and entrenched machismo adds to domestic work being seen as part of *woman’s innate ability*, and not as productive work (Smith 2012: 159; FG1 & 2). In other cases the work is valued but from a paternalistic viewpoint. Domestic workers are seen as “part of the family” and “indispensable” to the functioning of the household. Although some employers highly appreciate the help their “nana” provides they do not perceive it to be a labour relation but one built on trust or *confianza*. In such a situation making a contract is almost seen as an insult to the domestic worker. *No, no es necesario, es parte de la familia* (FG1).

1.2 BECOMING A DOMESTIC WORKERS: A CHOICE OR A NECESSITY?

“*Tambien por necesidad*” (FG2)

All the women present during the focus group discussion remarked that they started being domestic workers out of necessity. Either because their parents were too poor to take care of them and sent them to live and work in the capital in the hope they would have a better future than in the “*campo*”. Or they were born into it, as their mothers worked as domestic workers. Or because they wanted to complete their education and needed to find an occupation they could combine with their studies. Or because they lost their livelihoods during the political turmoil in the years of Fujimori’s

government (1990 – 2000). Not only did the neoliberal reforms adopted by Fujimori, which were based on the Washington consensus, create mass unemployment, many rural families saw their livelihoods destroyed in the crossfire between *Sendero Luminoso* (a left-wing terrorist group) and the army, forcing women to seek jobs in the city. Others mentioned they started working as domestic workers to be able to combine their work with their family, especially when they had small children. Many women would take their children to work, which in other professions would not be possible. The flexibility in the sector plays an important pull factor here (FG2).

According to the Defensoria del Pueblo (2016) there has been a shift in the age-rates of domestic workers with the largest group of domestic workers belonging to the cohort of 30 to 44 years old (32.6%) in 2014. The second largest group is those of 14 to 24 years old (23.6%). However, you can find domestic workers of all ages and from most parts of the country with various levels of education. Recently there have been more and more Venezuelan migrants entering the sector, often at very low wages and in complete informality (FG 2).

Many girls started-off working *cama adentro*, because this provided the basic needs of a roof over their head and food on the table when they first got to the capital. When they settled down and started a family of their own they often opted for the *cama afuera* option. At a later age *cama adentro* becomes more attractive again especially due to long and expensive commute between the place of residence of the domestic workers and their workplace. However, for many domestic workers who live in *asentamientos humanos* or informal settlements on the outskirts of town they have no option but to commute to work. Because of the high demand for these places the risk of losing your house if you do not live there regularly is high. So for these women, although the commute is relatively expensive (20 soles/day) and far, there is no other option but to go home after a day’s work (FG 2).

Many women enter the sector thinking they will not stay long. The general intention is to work for a while to be able to save money to finish their education or while waiting for another job. The reality is however that many women stay in the sector, for lack of other employment opportunities (Valdez 2018, Perez & Llanos 2017). This “transition” mentality means that

⁴A Garivito (2016) however argues that the number of migrants from rural parts of Peru is decreasing and that more and more domestic work is done by women from Lima who have not been able to find other occupations.

many domestic workers do not identify themselves as such and do not value their work (FG 2). From a trade union perspective this poses problems in terms of mobilisation and organisation. How to organise domestic workers if they see themselves as passersby or if they are ashamed of their profession? Nevertheless, many domestic workers remain in the sector or go back to it after having tried other jobs. As Perez & Llanos (2017) have argued, if you have a good employer, being a domestic worker might be your best option in terms of wages and flexibility compared to other jobs in the market for women with similar skill sets. Some of the respondents worked in other places, such as factories and in factory kitchens but returned to domestic work, primarily because of the flexibility it provides in terms of working hours and the possibility to combine it with taking care of your younger children (FG2). Others stay because they feel they have no other choice. They have suffered psychological abuse to the extent that they do not dare to leave their employer, because the employer has made them believe that they are the only family they have. That they are indebted to them for all they have been given (FG2).

1.3 THE CHANGING NATURE OF DOMESTIC WORK?

During an early morning dissemination round with Marcolina from SINTTRAHOL in the high-end neighbourhoods of Lima, Barranca and Miraflores, it struck me that the majority of domestic workers we spoke with did not work fulltime in one household. Instead, they worked for several employers in different households and apartments. There seems to be an increase of part-time work with domestic workers working based on hour-rates in different households. Sadly, there are no accurate statistics about the number of this type of domestic workers but it was acknowledged by key respondents and during the focus groups that there are more and more women who prefer to work like this because they can earn more based on hour-rates and a monthly salary. On the other hand they are, however, more vulnerable. The employers I spoke with mentioned they do not know how to register their domestic worker in ESALUD or SUNAT because she has various employers. In addition, the issue of paying the gratuity, paid vacation and compensation for your work after redundancies becomes complicated in a situation where a domestic worker has various employers. For the trade unions as well as for the state it would be good to have a better understanding of this group of domestic workers in order to be able to organise them and find ways to protect their labour rights. More so

because domestic work is just one of the many sectors in which non-standard work is increasing.

Another change is the emergence of service agencies that place domestic workers. In 2010 there were 118 registered agencies but the number of illegal ones is much higher. Most domestic workers have bad experiences working with agencies (Brennan, 2010). They have to pay for the service (although by law that is illegal) and some have to give up their identity card (which is also an illegal practice). They are placed in households which do not respect their rights and the agency frequently does not intervene when they signal abuse (idem). For many of the trade union leaders I spoke with the agencies should be banned all together, while others believe they should be better regulated and investigated to make sure the rights of domestic workers are respected. Faced with the increase in part-time/hour-rate domestic workers service agencies could play a role in functioning as their main employer, which provides them with their legal entitlements in terms of social security, gratuity, etc. However, experts mentioned that service agencies were unlikely to take up these responsibilities, as at present they are only intermediaries and do not act as the employer of the domestic workers they place in households. The household have the responsibilities over the fulfilment of the domestic workers' rights.

1.4 AN INCOMPLETE HISTORY OF PERU'S DOMESTIC WORKERS UNIONS

The history of domestic workers' unions of which we have records in Peru date back to the early 70s and is embedded in the political history of the country. In 1972 the first domestic workers' union was formed in Cuzco in the wake of agrarian reform which gave more liberties to farmers and spurred the rise of left-wing movements across the country.

Soon after the Cuzco union was formed, in 1973, a group of domestic workers in Lima who were part of JOC, a Christian Youth Organisation ideologically linked with liberation theology, formed a domestic workers' union after three years of preparation. The union managed to organise 1500 women and inspired by the teachings the liberation theology in Peru fought for the right to be seen as workers. Most of the current leaders of the Domestic Workers' Movement (DWM) participated in one way or another in this first Lima-based domestic workers' union. In 1988 another milestone was reached with the first Latin American meeting between domestic workers' unions and the creation

of the Latin American domestic workers' federation, CONACTRAHO.

By the end of the 1980s however trade unions were being persecuted at the height of the conflict between Sendero Luminoso, a left-wing terrorist movement, and the state. There were rumours that Sendero Luminoso had infiltrated the union. Many domestic workers worked in rich households and therefore served as useful assets for implementing terrorist attacks. Due to these developments and the fact that many trade unionists were imprisoned including some of the leaders of the domestic workers' union, most of the original domestic workers unions disappeared throughout the 90s. This period has left a scar on the trade union landscape up until today as some people still perceive trade unions to be terrorist organisations or fear government repression if they were to become active members.

Nonetheless, the core of the domestic workers' union never lost focus. Two leaders of the first union created NGOs to support domestic workers in the absence of state support: Victoria Reyes created IPROFOTH (which has received support from FNV since 2003) and Adelinda Diaz created CCTH in 1984. Both organisations focused on supporting domestic workers through capacitation, awareness-raising, and sheltering domestic workers when in need.

Faced by the persistence of structural discrimination against domestic workers, it was clear to both organisations that there was a need to achieve legal protection. With the support of DEMUS CCTH started a campaign to establish labour rights for domestic workers in the early 2000s. By 2003 the law for domestic workers was passed. Sadly, IPROFOTH and CCTH were not included in the negotiations towards the final drafting of the law which left them with little option other than to accept its discriminatory nature (see below). This experience was one of reasons why the leaders of both organisations thought it was time to again create a new trade union. The hope was that they would have more political clout by forming a union. So, in 2006 SINTRAHOGARP with the support of Mondiaal FNV was created and affiliated to CGTP in the same year.

However, quickly tensions started to arise and after a year the union split with a part of the leadership affiliating SINTRAHOGARP to CUT. In 2009 a new union was created with the support of Mondiaal FNV, SINTTRAHOL. SINTTRAHOL affiliated to CGTP.

Although in 2011 a declaration of unity was signed by both unions and several NGOs in the lead-up to the ratification of c189, since the split, the relation between the two unions has been strained as both unions are competing over the representation of domestic workers and related international donor-funding⁵.

Supported by donor funds in 2012 and 2013 respectively the Lima based unions decided to create national federations, organising domestic workers' unions in different regions. In the case of FENTRAHOP, affiliate of CGTP and federation of which SINTTRAHOL is member, FOS is the main donor. The relation between FENTRAHOP and SINTTRAHOL is strained due to personal interests and differences of opinion between the respective leaderships. The fact that the federation FENTRAHOP and its biggest affiliate SINTTRAHOL (in terms of membership) are funded by different donors feeds into the existing tensions.

Although the actors within the movement have been able to put the tensions over funding and ideology aside in consideration of the greater good (namely, ratifying C189), it is of great importance that cooperation does not break down now that their goal has been reached. A fragmented movement is prone to political interference which will seek to deepen the ruptures and play the different unions and organisations off against each other. And now more than ever the DWM should stand as a united front to demand the effective implementation of C189.

1.5 THE LEGAL FRAMEWORK GOVERNING DOMESTIC WORK

Domestic workers have been legally recognised as such since 2003 with the creation of law N°27986 and the related supreme decree N°015-2003-TR⁶. The 2003 law stipulates that domestic workers are part of a special labour regime and therefore the general labour law

⁵Although the creation of competition over donor funding is not something new, and often occurs when funding is introduced in a setting of financial vulnerability (characteristic for informal economy organisations), it remains an issue within development cooperation that is often neglected. Due to the tunnel-vision project-cycles tend to create, especially when there is a lot of pressure to show results, the bigger picture is often overlooked. In the case of supporting social dialogue this bigger picture in many cases involves multi-stakeholder collective action. There is therefore a tension between project-funding which can lead to competition and strengthening collective action which requires cooperation. In the case of the DWM in Peru cooperation between the different actors has proven to be essential for improving the livelihoods and labour rights of domestic workers.

⁶From here onwards we will refer to law N°27986 and the decree N°015-2003-TR as the 2003 Law.

for workers in the private sector does not apply to them. Domestic workers are granted different, and in some ways discriminatory, rights by the 2003 Law (Defensoria del Pueblo 2016, Perez 2015, Valdez 2018). The 2003 law was a result of the lobby by civil society groups representing domestic workers such as CCTH, Casa Panchitas (Grupo Redes) and IPROFOTH. At that time there were no trade unions representing workers in the sector. In particular CCTH played a leading role through funding they obtained from DEMUS which allowed them to increase their lobbying work.

Although the 2003 Law was an important step in terms of recognising domestic workers as workers the CSOs that lobbied for the law were not included in the final drafting of the legislation and had to accept the inequalities entrenched in the new legal framework (stakeholder interviews). It is this law that still regulates the labour relations and rights today (ILO 2013; WIEGO 2018). The main shortcoming of the 2003 law is the difference in rights entitled to domestic workers and those of workers governed by the general labour law.

Table 1 Legal discrimination of Domestic Workers

RIGHTS	LAW N°27986 FOR DOMESTIC WORKERS	GENERAL LABOUR REGIME FOR PRIVATE SECTOR WORKERS ⁷
Minimum Wage	There is no legal minimum wage	Minimum wage is defined based on tripartite negotiations
Contract	Oral or written	Written
Annual paid vacation	15 days	30 days
Gratuity	50% of their monthly wage for Christmas and the 28 June	100% of their monthly wage for Christmas and the 28 June
CTS (compensation for time worked)	An amount equivalent to 15 days of work for every year worked	An amount equivalent to 30 days of work for every year worked
Payment for working on public holidays	An additional remuneration of 50% of a day's salary	An additional remuneration of 100% of a day's salary

One important achievement of the 2003 law was the stipulation of an 8 hour working day as well as a weekly rest day of 24 hours. In addition the law mentions that domestic workers have a right to education and that the employers must allow them to study after working hours.

Regrettably, up until today the rights of many domestic workers are not being respected. Out of all the entitlements the 2003 law provides, the 8 hours working day and weekly rest day are the ones that are most respected. The majority of workers do not get paid vacation, gratuity, CTS or extra payments for working on holidays.

After the adoption of the 2003 law the CSOs concerned with domestic workers' rights dedicated themselves to sensitising workers and employers on the obtained rights and pressuring government to oversee their implementation.

⁷The labour rights of private sector workers (general labour regime) are set forth in its Constitution; the Law of Productivity and Labor Competitiveness; the Procedural Labor Law; the Law on Collective Labor Relations; the Law on Days of Work, Hours, and Overtime; and the Regulations on Safety and Health in the Workplace; as well as in sector-specific legislation and ratified international conventions (U.S. DEPARTMENT OF LABOR Bureau of International Labor Affairs, sd.:4).

2. STAKEHOLDER ANALYSIS: THE COMPLEX WEB OF SOCIAL PARTNERS

The movement of domestic workers involves many organisations from different backgrounds. The following presents an overview of the key actors and partners of the domestic workers movement. The Domestic Workers' Movement is comprised those organisations

that have been actively involved in recent years in the lobbying for the domestic workers' rights and which have in such capacity also participated in social dialogue arenas with the state.

Table 2 Mapping of Stakeholders within the Domestic Workers Movement

DOMESTIC WORKERS' MOVEMENT		
Domestic workers' unions	SINTTRAHOL	Created in 2009 affiliate of CGTP. Approx. 600 members. Focuses on providing legal advice and services to domestic workers.
	SINTRAHOGARP	Created in 2006, affiliate of CUT. Approx. 700 members.
Domestic workers' federations	FENTRAHOP	Created in 2012 affiliate of CGTP. Approx. 2000 members.
	FENTRAHOGAR	Created in 2013, affiliate of CUT. Approx. 2000 members.
NGOs	Grupo REDES "Case de Panchita"	Created in 1998, NGO with various services for domestic workers and works as a labour agency for domestic workers.
	IPROFOTH	Created in 1990. NGO with various services including a safe house, a kindergarten and capacitation of domestic workers.
	CCTH	Created in 1984. NGO with various services including capacitation of domestic workers.
PARTNERS		
International Organizations	FITH	International Domestic Workers' Organisations.
	CONLACTRAHO	Confederation of domestic workers unions in the Caribbean and Latin America.
	ILO	The ILO has supported with investigations and capacity building exercises.
Feminist groups	Flora Tristán	Created in 1979 and functions as a centre for women focusing on improving the citizen rights of women and political participation ⁸ .
	DEMUS	Created in 1989 and focuses on sexual and reproductive rights of women. It has a rights-based approach and its lawyers have assisted the DWUs with developing law propositions.
NGOs	Coordinadora del Vaso de Leche	This institution has grown out of a government state programme that provides basic foods for poor people. Throughout the years they have become a community-based organisation with national coverage that fights the rights of the poor. They have supported the DWUs in protests.

⁸http://www.flora.org.pe/web2/index.php?option=com_content&view=category&layout=blog&id=58&Itemid=72

PARTNERS		
	Comedores Populares	Since 1991 women have started another food programme through communal kitchens. Today there are such community based kitchens that serve food to the poor all over Chile and they have also gained political power and respect in terms of fighting for the rights of the poor. They have also supported the DWUs in protests.
	Asociacion Nacional de Trabajadoras del Hogar	ANTRAH is a church based organisation that carried out a certification programme in cooperation with the Ministry of Labour and Employment Promotion.
Government Institutions	Defensoria del Pueblo	Public Defender or Ombudsman of Peru and its organisation protect the constitutional rights and freedoms of the individual and the community; monitor the performance of the duties of the state administration and the provision of public services to the population. In this function they completed a study in 2016, which monitors the compliance of state departments with their domestic workers policies.
Universities	Universidad Catholica	The universities completed studies on the sector as well as sending students to do internships with the different organisations. This is important because they will later on most likely have domestic workers and will be conscious of their rights.
	Universidad Pacifico	idem
Research Institutes	PLADES	The research institutes support the movement by creating knowledge on the sector and disseminating relevant findings.
	CEDAL	idem

Source: created by author

¹³During the 1970s the alliance between the trade unions and the communist party, fuelled by the Cuban revolution, increased the political capital and bargaining power of the unions in the central region (interview Centro de solidaridad).

¹⁴Between 2000 and 2018 there has been an annual growth rate of 9.2% (Fedepalma 2018).

¹⁵Interview SINTRAINAGRO

¹⁶Interview Social Dialogue Consultant

3. UNRAVELLING THE SOCIAL DIALOGUE PROCESSES

A BATTLE ON ALL FRONTS

With each day in Lima the labyrinth of political actions, negotiation tables (mesas), lobby efforts, coalitions and political institutions - intertwined in the social dialogue processes involving the rights of domestic workers - grew more complex. I have tried to grasp this battle on all fronts to the best of my abilities but am certain I will not do complete justice to the tireless efforts of the TUs and CSOs fighting for the rights of domestic workers in Peru.

For clarity's sake I will structure the diverse social dialogue processes based on the political level in which they take place making a distinction between the legislative and executive arms of the government.

3.1 LEGISLATIVE

“Tenemos que ser claro: muchos congresistas pretendieron de estar a nuestro lado pero en verdad no hicieron nada para nosotros. El primero que nos tomó en serio es Yonhy Lescanso Ancieta”.
(Leddy FENTRAHOGARP)

“No hay voluntad política. Cuando se presentan el proyecto de ley en la comisión de trabajo los congresistas no viene y así nunca llegaron a la quorum para votarlo”.
(Maria SINTRAHOL)

The debate around the rights of domestic workers gained new impetus after the adoption of C189 and R201 by the ILO in 2011. Between 2012 and 2014 under the presidency of Ollanta Humala (2011 -2016) seven members of congress from various political parties proposed modifications to the 2003 law (see overview of legal projects in annex). However most propositions only touched upon a number of articles, not entirely changing the discriminatory nature of the 2003 law. The only congressman that was fully supporting the case of the domestic workers and proposed an entirely new law in line with C189, was Yonhy Lescansa Ancieta (key stakeholder interviews). CCTH, FENTRAHOGAL, SINTRAHOL and SINTRAHOGARP all mentioned he was the first congressmen who was genuinely concerned with the cause and worked in cooperation with them. However, all seven law propositions remained just that and were never voted by congress

and were stuck in the Congressional Commission of Labour and Social Security (Defensoria del Pueblo 2016). The fact that it was not pushed through the legal system more actively alludes to a lack of political will. According to one respondent the congressmen repeatedly did not show up when the law was scheduled to be voted on in the labour commission, therefore the quorum needed to pass a law to the plenary was never reached and the laws remained there until forgotten. A phrase I heard numerous times with regards to proposed laws and regulations: *Y ahí se quedó*. And that is where it remained...

I have asked myself; why did these congressmen make the effort of drafting the modifications to the law in the first place? Why go through the effort and not see it through? Some respondents mentioned that the initiatives were taken to improve their public image or to win votes. This runs in line with the populist politics that are entrenched in Peru and in many other countries. In addition, I wonder whether the propositions to modify the 2003 law did not also serve as a distraction from the ratification of C189. Perhaps the hope was to take pressure off the lobby for the ratification of C189? In any case if this was the underlying reason the persistence and determination of the DWM was underestimated.

In 2016, with the change of government under President Kuczynski (2016-2018) and a new congress, history repeated itself. Five law propositions were made by members of congress from various political fractions (see annex for overview) and all are stuck in the commission for labour and social security. Some propositions proposed modifications of the 2003 law and others involved the creation of a new law in line with C189.

The initiatives by the members of congress under Humala's and Kuczynski's presidency were the result of the persistent lobby by the CSOs and in particular the trade unions representing domestic workers, SINTRAHOGARP and SINTRAHOL. Whilst in 2012 the decision was made to focus their efforts on the Congressman Yonhy Lescansa's proposition in 2016 several organisations sent letters, including a detailed proposition for the new law, to all 130 members of

congress. The letters were drafted in cooperation with lawyers which supported their cause. The rationale was not to wait for the ratification of C189 and R201 but to move forward with creating equal rights for domestic workers. Many members of congress never replied but about 30 did. Thereafter the TUs never let down their guard and kept lobbying, protesting and visiting the members of congress to remind them of their commitments to propose a new law. In the end, five members of Congress eventually did so. It was stated by an assessor to a congress woman that the alliance of the trade unions, SINTRAHOGARP and SINTTRAHOL with the national trade union confederations (CUT and CGTP respectively) increased their bargaining power as well as their sheer persistence. In addition the domestic workers' movement benefitted from a broader social movement which is gaining increased importance in Peru against machismo and violence against women. Sadly though, as mentioned above, the cumbersome legislative system of Peru resulted in the propositions of law ending up deadlocked in the commission of labour and social security. The political instability Peru has gone through since the accusation of the President Kuczynski's participation in a huge corruption scandal and his subsequent resignation did not help in moving things further.

3.2 EXECUTIVE

3.2.1 Presidential platforms

In Peru it is common practice for civil society organisations to organise platforms with presidential candidates in which they propose their demands and after which a joint agreement with political commitments is signed. Through the platforms organised by their respective confederations, CUT and CGTP, the SINTRAHOGARP and SINTTRAHOL have been able to place their demands on the agenda in the run-up to the 2011 and 2016 elections. Humala in particular claimed to be a fervent defender of the ratification of C189 throughout his campaign but once in office forgot about his promises. Although CSOs know that the platforms are symbolic in nature the signed agreements are used as leverage to hold presidents accountable.

3.2.2 Ministerial Negotiation tables

Domestic workers unions have also dialogued with relevant ministries, in particular the Ministry of Labour and Employment Creation and the Ministry of Women and Vulnerable People. The effectiveness of these negotiations heavily depends on the political will of the people in charge. They are not institutionalised and therefore have to be recreated when new people come into office. Regrettably, in the case of Peru this happened quite a lot in the last few years. In a two year time period 3 Ministers of Labour have come and gone and with them their entire staff. This means building the necessary rapport has to start from scratch and in many cases the TUs have to put lots of time into informing the Director of the Fundamental Rights Department, who is their main negotiation partner within the Ministry of Labour, of the issue of domestic work.

In the case of the Ministry of Women and Vulnerable Populations the TUs participated in the development of the Sectorial Action Plan against Discrimination and Violence against Domestic Workers, with specific attention to child and adolescent domestic workers. The plan was approved in 2016. However it seems as if more structural relationships were built with the Ministry of Labour. The *compañeras* of SINTTRAHOL was able for instance to easily organise a meeting with the Director of the Fundamental Rights Department within the Ministry of Labour whilst the Ministry of Women never responded to our request for an interview.

During the 3 governments Peru has had between 2011 and 2018, negotiation tables were created for the implementation of action plans the Ministry of Labour had adopted (see Table). Relevant stakeholders (TUs and CSOs) were invited to share their opinions on – and ensure the follow-up of – the implementation of the plans. The tables were a result of the persistent and long-term lobbying by the TUs and CSOs, which have for decades been demanding equal labour rights. The development of the Ministry's agenda regarding domestic workers is done unilaterally, partially based on recommendations made by the *Defensoria del Pueblo*. The TU leaders use the negotiation tables to put other issues on the agenda as well. In addition each group of actors has had informal meetings at the Ministry of Labour, if they have something they want to discuss or whenever they want to remind the Ministry of their commitments.

Table 3 Working tables in which the DWM has participated

MINISTRY	ACTION PLAN	NAME OF NEGOTIATION TABLE	FOCUS POINTS
Ministry of Labour and Employment Creation	Action plan to promote the accomplishment of the rights of domestic workers	Working table to follow-up the implementation of 2013 action plan	1) Orientation and dissemination 2) Fiscalisation 3) Child labour 4) Forced labour 5) Sindicalisation
Ministry of Labour and Employment Creation	Action plan to promote the accomplishment of the rights of domestic workers 2014	Working table to follow-up the implementation of 2014 action plan	1) Orientation and dissemination 2) Registration 3) Fiscalisation 4) Child labour & Forced labour 5) Employability
Ministry of Labour and Employment Creation	Plan para el implementación del Convenio 189 - 2018	Mesa de Trabajo para el implementación del Convenio 189 - 2018	1) Sindicalisation 2) Fiscalisation 3) labour competencies 4) Discrimination and violence 5) Contact centres and conflict resolution 6) Labour conditions 7) Child labour & Forced labour 8) Registration 9) Migrant workers

Source: developed by author

Besides the working tables, the TUs as well as CSOs have reached three other important achievements through negotiation with the Ministry of Labour:

- The acknowledgement of 30 March as the national day of Domestic Workers
- The creation of a yearly Fundamental Rights Fair in which the TUs actively participate
- The creation of projects for the certification of competencies. The first one took place between 2009 and 2012 and certified 299 domestic workers and the second one, between 2015 and 2016 reached around 200 workers.

Although the impact of these achievements and the action plans on the livelihoods of domestic workers have been limited they are important for three reasons. Firstly, through the working tables domestic workers unions and CSOs have established themselves as responsible social partners with whom the government can dialogue. Second, they have given leverage to the TUs and CSOs in their fight for more thorough policy changes. For instance some trade unions have refused to partake in the Fundamental Rights Fair if the Ministry would not take steps to ratify C189. Third, it has capacitated the trade unions on the institutional

ins and outs of policy development and governance systems in different Ministries. I had the opportunity to attend a validation workshop for the implementation plan of C189 and was very impressed by the legal and political expertise the various TU leaders and CSOs representatives had. They provided detailed feedback to each and every point of the suggested plan.

3.3 Consejo Nacional de Trabajo / National Labour Council

The *Consejo Nacional de Trabajo* is the main social dialogue institution in Peru. The two main trade union confederations, CGTP and CUT, are represented in as well as two employers' organisations, CONFIEP and SNI, and the government, represented by the Minister of Labour. In theory all policies and legislations concerning work, productivity, etc. should be discussed within the CNT but in practice this is not always the case. In December 2018 the Minister of Labour resigned because a government policy on competitiveness and labour flexibilisation was not discussed in the CNT contrary to the requirement to do so. The DWUs do not have direct seats in the CNT but on occasions have been asked by their confederations to join the discussions or represent the confederation. In this way the

ratification of C189 was also discussed within the CNT, but it was blocked by CONFIEP, as they believed it would create more informality. After that the DWUs decided to focus on other lobbying strategies and arenas because it was felt the position of the employers was so far from theirs it was very unlikely a consensus would be found within the CNT.

3.4 NEGOTIATION TABLES AT LOCAL GOVERNMENT LEVEL

Besides social dialogue at the national level the trade unions have more recently also started working with the local government level. Especially with the Lima Metropolitan District but also in some other cities.

Although the centralised governance system implies that changes in labour laws and social security policies are developed at the national level, the municipalities

are important partners for domestic workers for three reasons: (1) they are able to assist with disseminating domestic workers' rights; (2) support capacitation or certification initiatives and (3) be a go between for registering domestic workers with SUNAT (the Peruvian taxation institution).

In the context of these three goals the domestic workers' unions and CSOs have set-up a negotiation table, *Mesa sobre las Trabajadoras del Hogar*, in 2016, which is multi-sectorial and comes together approximately 4 times a year. One result of the mesa has for instance been the creation of a programme which especially targets child and adolescent domestic workers. The programme aims to support registration in the public health care system (SIS) as well as provide education bursaries. Approximately 50 young domestic workers were reached⁹.

⁹<http://www.munlima.gob.pe/noticias/item/37076-municipalidad-de-lima-brinda-ayuda-a-adolescentes-trabajadoras-del-hogar>

4. THE LONG AND WINDING ROAD TO THE RATIFICATION OF C189 AND R201

In the midst of the political turmoil caused by the resignation in March 2018 of President Kuczynski who was facing impeachment due to his participation in a corruption scandal, great progress was made on the issue of domestic workers as congress ratified ILO convention C189 and recommendation R201 in June 2018.

The ratification was not thought-up overnight but was a result of the long struggle of domestic workers' unions in particular *Sindicato de Trabajadoras y Trabajadores del Hogar de Lima* (SINTTRAHOL, an affiliate to CGTP which was created in 2009) and *Sindicato Nacional de Trabajadores del Hogar del Peru* (SINTRAHOGARP, an CUT affiliate created in 2006) as well as CSOs such as *Instituto de Promocion y formacion de trabajadoras del hogar* (IPROFOTH), CCTH and other NGOs such as Casa Panchitas.

Rather than a result of a specific event or dialogue, the ratification came about through the accumulation of the lobbying, negotiating, marching, protesting and awareness-raising done by all the TUs and CSOs involved. It is their combined efforts and sheer persistence that has kept the ratification of C189 on the agenda long enough for a policy window to open.

Although the political instability Peru has witnessed over the last year has in many ways complicated the work of the domestic workers' unions, it also presented an opportunity for pushing through the ratification. In search of a way to raise their image in the face of mass protests against congress, politicians sought a measure that would please public opinion. This measure turned out to be the ratification of C189 and R201. Out of all the populist measures congress could have chosen, I believe they picked this one for 3 reasons:

- Domestic workers' unions were at the forefront of the marches organised by CGTP and CUT and had become important representatives of the fight against machismo and the broader feminist movement against the "discrimination of women" which was, and still is, a hot public debate in Peru at the moment
- Ratifying C189 and R201 did not imply immediate political commitments by government or Congress. In theory they have a year to amend the national law according to C189. In this sense it was a relatively "easy" choice with little legal impact

- The TUs did not lose their guard in the midst of the political turmoil and kept lobbying, pressuring through various channels, making sure the ratification stayed visible on the political agenda.

The ratification of C189 in Peru is a demonstration of Kingdon's (1984) Multiple Streams Theory. The theory stipulates that three categories of independent (and interdependent) streams interact to produce "windows of opportunity" for agenda setting. The three streams are: the problem stream, the policy stream and the political stream. Policy change comes about when all three streams come together and create a policy window. (see *table next page*).

Zooming in on the ratification of C189 and R201 in Peru, we can make the following analysis.

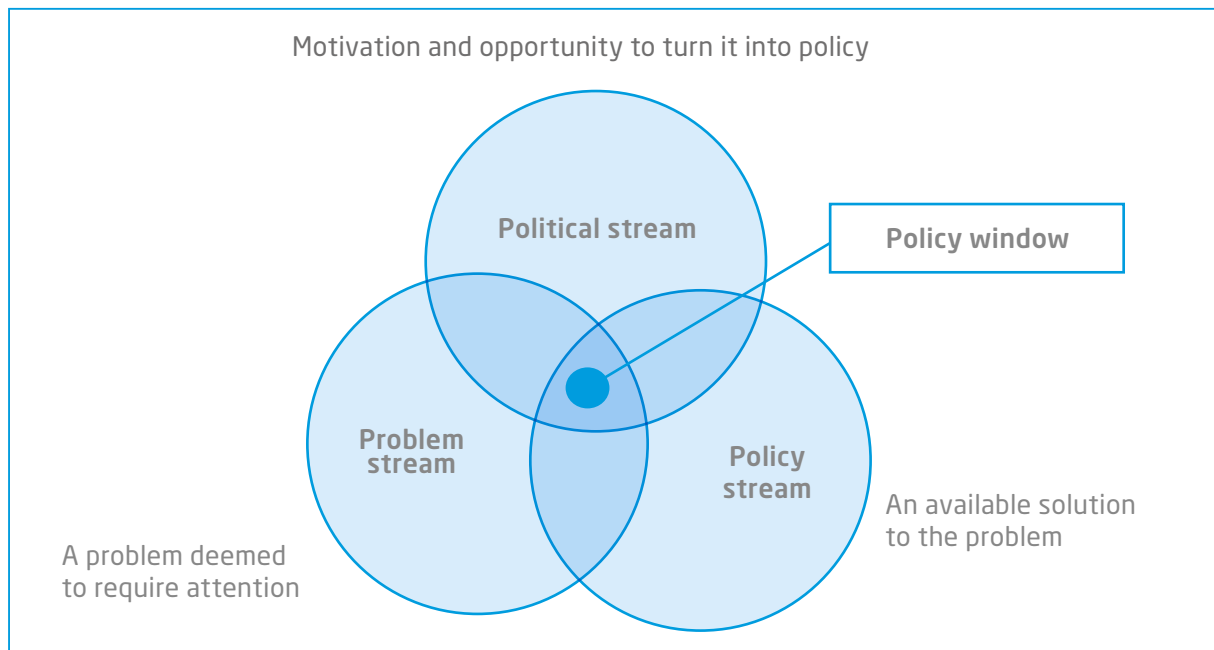
4.1 PROBLEM STREAM

Since the 1970s CSOs and later on TUs have been articulating the problematic situation of domestic workers in Peru, in terms of discrimination and lack of rights. Although at first the problem was only perceived as such by a handful of likeminded (primarily feminist) groups, by 2003 domestic workers were recognised as workers through the adoption of Law N° 27986. This was a huge step as it problematised the discriminatory feudal relations many domestic workers found themselves in. By 2011, with the ratification of C189 in Geneva, the problem became an internationally acknowledged one and from then onwards a growing group in society, including parts of the political elite, have recognised the lack of rights and protection for domestic workers as a political and social problem.

4.2 POLICY STREAM

As long as the domestic workers' movement in Peru has existed, solutions for the lack of rights and discrimination of domestic workers have been provided. Since the 1970s calls for equal labour rights have been made. More concretely, CCTH developed a proposition for a domestic workers' law by the early 2000s, which led to the adoption of law N° 27986 in 2003 (although the politicians pulled apart the initial law as proposed by the CCTH). Confronted with the discriminatory nature of the 2003 law and thus the persistence of the problem, C189 as adopted by the ILO in 2011 provided an

Table 4 Three Streams Policy Change Theory



Source: Kingdon 1984

internationally recognised policy solution. Of course we must not forget that the problems of domestic workers' rights in Peru cannot merely be solved with the creation of new laws and regulations. The problem is a deeply cultural one that is embedded in Peru's history and socio-economic structures. The movement of domestic workers has always recognised the importance of this "*cambio del chip*" or change in mindset as one respondent put it. And slowly but surely they have, in cooperation with other CSOs, made strides in breaking this historical mould.

4.3 POLITICAL STREAM

So why, if the problem and its solutions were raised in the 1970s and more broadly recognised in the 2000s, has policy change not occurred? The reason can be found in the political stream. Up until 2018 there was no sufficient political will to make the necessary changes. Politicians did not find it a priority. After 2003 domestic workers were whisked away with the remark: "you already have a law" and the neoliberal, extremely

individualistic fend-for-yourself mentality that has characterised Peru's political fabric since the 1990s has left domestic workers without political support. However through the persistent lobby by the movement of domestic workers, the issue did remain on the agenda although tucked away in a somewhat forgotten corner. When in 2018 the public satisfaction rate of Congress reached an all-time low, the ratification of C189 was dusted off and presented as a demonstration of the goodwill of Congress and Government. More than a genuine motivation to tackle the discrimination of domestic workers, the policy change was used an opportunity to improve the image of Congress. Nonetheless in June 2018 all three streams came together creating a policy window for the ratification of C189 and R201. Yet, the ratification is just the starting block of the policy change. The real change must come with the development and adoption of a new law for domestic workers in accordance with the guidelines of C189 and R201.

5. IN CONCLUSION

5.1 ENABLING CONDITIONS FOR THE RATIFICATION OF C189

In general, the case of the ratification of C189 in Peru and the roles of TUs and CSOs in the process demonstrate the human nature of social dialogue as well as its embeddedness in the socio-political climate. In what follows we will zoom into the factors that enabled the DWUs to push through the ratification of C189.

5.1.1 The persistence of “Policy Entrepreneurs”

The first and foremost reason why, against all odds, the C189 was ratified in Peru was the sheer persistence of the domestic workers’ movement (DWM). Over time, the leaders of the DWM became and acted as skilled “policy entrepreneurs”. In short policy entrepreneurs are advocates who take advantage of opportunities to influence policy outcomes to reach a future goal (Kingdon 1995). According to Cairney (2017) there are three habits that are essential for successful policy entrepreneurs:

- Using stories about scientific facts to make your case
- Having a solution at hand and build coalitions to make it visible
- Adapting your strategies in changing political environments

The leaders of the DMUs have mastered these capabilities. First, as one respondent said: “we start talking about our stories and how our work has made it possible for him to sit where he is. Or we make the connection between us and his mother, saying we are all mothers, deserving equal treatment.” In general the women used a softer, human approach to making their case rather than a rigid legal one.

Second, from the outset it was very clear for the DWM what the solution to the problem was: equal rights for domestic workers. Their lobby did not only involve pointing out the problem but also constructively providing solutions. To the extent that they even went to the effort of writing up law proposals in cooperation with legal experts. All the politicians needed to do was adopt the law. In addition along the way they have built a large and strong network of organisations and institutions (see stakeholder analysis), which have supported the DWUs in making their claims.

Third, as shown above, the DWM has always adopted a multi-level approach to policy influencing. Depending on the political climate or individuals in place they have

shifted their attention from the executive to the legislative level or vice-versa. When that saw that the registration of domestic workers was making a slow start at the national level, they zoomed in on the municipality level to increase access to registration. They have also adopted multiple strategies, not only lobbying government and congress but also protesting (often in cooperation with other CSOs such as the trade union confederations or the feminist movement) and sensitising through their own radio programmes or in schools.

5.1.2 Wider support within civil society

Because the associational power of the DWUs in terms of number of affiliates is relatively low (both confederations have about 2500 members), alliances with other CSOs have been vital for increasing their bargaining power. Most importantly, their affiliation with the trade union confederations CUT and CGTP has increased their political clout. However, it is important to notice that the organisations are not only affiliates on paper but actively participate within the union structures as well as during public activities. In both CUT and CGTP, domestic workers have climbed-up to hold leadership positions with the confederations. Adelinda Diaz the Secretary General of FENTRAHOGARP has also represented CUT in the Consejo Nacional de Trabajo or the National Labour Council. In addition, the DWUs have made a point of supporting their compañeras/os in other sectors in their struggle and actively participate in protests and marches held by other TUs. Similarly, they also actively participate in the protests action organised by the feminist movement. Politicians therefore know that the DWUs has the support of a large and important part of civil society.

5.1.3 The opening of a window of opportunity: taking advantage of the political turmoil

More than an institutional exercise, effective social dialogue very much depends on individual relations between the actors and the ability to reach a common understanding of the problem and its solutions. But on top of these social relations lies the political fabric of a country. It is this political fabric that determined when the C189 was ratified. As shown above in the “political stream”, the decision to ratify the C189 was not only based on a rational equation of the benefits of ensuring equal labour rights for domestic workers but on a broader political calculation. It was passed not only to solve the problem of discrimination against domestic

workers but also to counter the general public discontent with Congress. As a consequence social dialogue should not be practised and analysed adopting a tunnel-vision but holistically, with attention for external socio-political and economic influences. Therefore the bargaining power of actors involved in social dialogue processes also depends on their ability to see the bigger picture and the external factors influencing the decision making/agenda-setting processes. The DWUs understood this from the outset and have always situated their struggle in a larger social struggle against inequality. The fact that the DWUs actively participated in the anti-corruption marches throughout the beginning of 2018 - openly and visibly aligning themselves with the broader social movement against the malpractices of Congress - as well as the fact that they did not stop lobbying during the times of political crisis had two important effects:

- the ratification of C189 remained on the political agenda
- the ratification of C189 was perceived to be a measure that would cool down the general public discontent (as the DWUs were perceived to be protagonist of the broader social movement).

5.1.4 International influence from the ILO

Lastly, it has been mentioned that the international pressure of the ILO was also influential in the ratification of the C189. However, I believe the ILO primarily influenced the problem and policy stream and did not have such a big impact on the political will to ratify the C189. If that were the case, the C189 would have been ratified much earlier on. However, as explained above, it was the national political context that triggered the ratification, not the international pressure by the ILO. We will have to wait to see whether the ILO will have more influence over the swiftness with which the C189 is translated into national law.

5.2 OBSTACLES TO THE RATIFICATION OF C189

5.2.1 The lack of political will

As mentioned above, it was the political stream and specifically the lack of political will that caused the ratification to take so long. For Congress to be able to vote on the ratification, the executive branch had to send a *carpeta* in which it requested the convention to be voted by Congress. That mandate lay in the hands of the Ministry of Foreign Affairs, which had to seek the opinion of the Ministry of Labour before sending the bill to the Commission for Foreign Relations in Congress for prior approval, until it could finally be sent to Congress for the final vote. In the end the bill passed

relatively quickly through the legislative branch of government, within approx. 6 months. It was the executive branch that stalled the process. According to various expert opinions, the reasons why the executive branch did not send the *carpeta* to Congress are twofold.

- CONFIEP, one of the key employers' organisations in Peru, gave a negative recommendation when the issue was discussed with the *Consejo Nacional de Trabajo* (the National Social Dialogue Institution). According to CONFIED, giving more rights to domestic workers and increasing their salary in accordance with C189 would lead to the increase of informality as many employers would not be willing or able to provide the required protection. CONFIEP has a notoriously strong influence over government and was able to halt the ratification
- Until Javier Barreda Jara took office as Labour Minister in January 2018 the Labour Ministers showed no specific interest in domestic workers and dismissed them as being outside their mandate because they were part of the informal sector. On the day of his resignation, aware of the limited political support for the issue, Barreda hastily prepared the *carpeta* to be sent to Congress, thus making way for the ratification.

5.2.2 "Y comenzemos de zero": social dialogue in a climate of political instability

Another issue that severely delayed the ratification of C189 was the political instability Peru has gone through during the last years and the relatively high turn-over of government officials. In the last year for instance, Peru has had four Ministers of Labour. This means that the DWUs have to restart building a rapport from scratch as the Ministers bring their own personnel with them. For example, because the mesas etc. are not institutionalised within the Ministry they do not automatically remain in place once a new Minister steps in. Some of the Ministers and Directors of the Fundamental Rights Department within the Ministry of Labour were, in addition, ignorant about the C189 and the state of domestic workers' rights in the country. A great deal of time was wasted sensitising the government officials of the issue before real work could be done towards the ratification of C189.

5.2.3 "Y ahí se quedo": the primacy of paper commitments

A phrase I heard multiple times from people from different backgrounds and professions was: Y ahí se quedo, referring to the way in which many policies or government initiatives are not enacted. As in many

countries, politicians tend to offer the moon during election times but seldom follow up on commitments made. A key example is the explicit way in which Humala supported the ratification of C189 during his campaign but once in office did not give the issue a second of his attention. The same can be said with reference to the action plans developed by the Ministry of Labour. On paper the plans look impressive but the actual implementation and impact on the livelihoods of domestic workers is considerably limited.

5.2.4 Competition within the DWM

A final hurdle towards the ratification of the C189 has been the tensions within the domestic workers’ movement. These tensions run along the lines of the opposition between the TUs against the NGOs, the CUT against the GCTP affiliates, organisations that receive donor-funding and those that do not and also between national federations and their Lima-based affiliates. According to Prof. Leda Perez who studies the DWM as well as representatives of the DWM itself, the tensions put a strain on joint actions towards the ratification of C189 during the first years after the adoption by the ILO in 2011. Although the various actors within the DWM have overcome their differences in aid of the greater good, there seems to be a competition about who can be rewarded for achieving the ratification of C189. During the interviews, leaders of the various

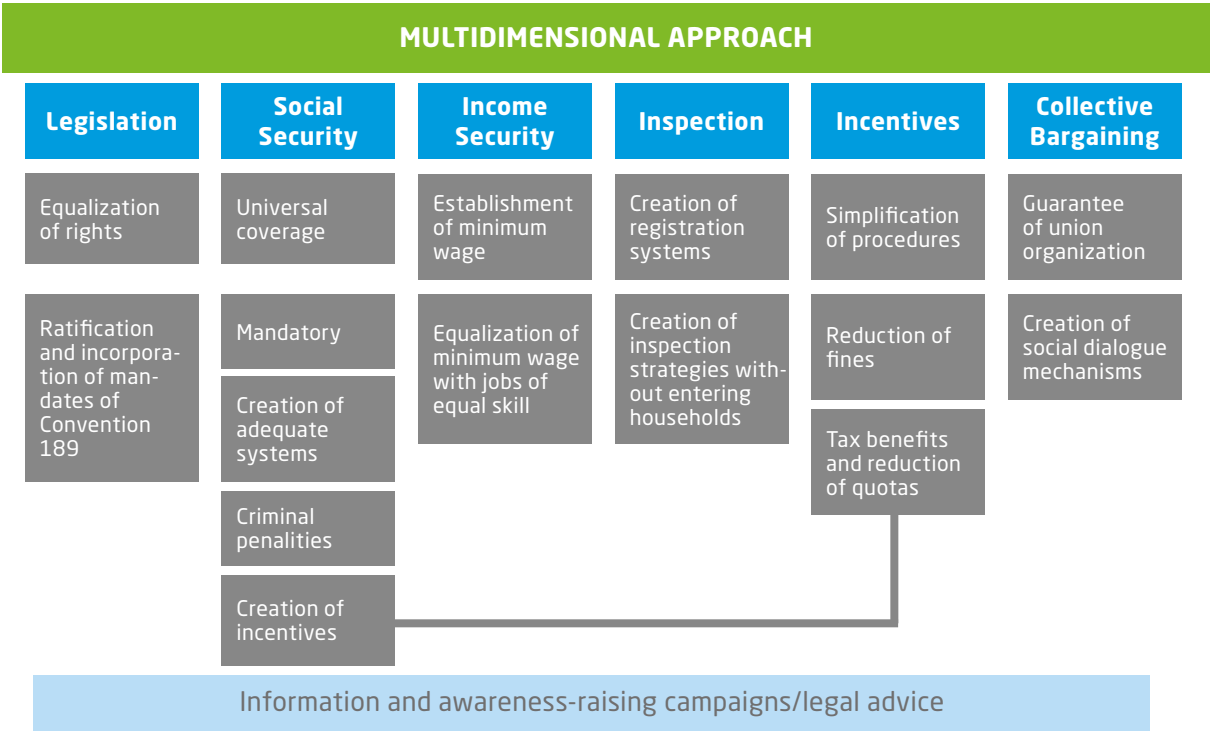
domestic workers’ organisations spoke in favour of the actions of their own organisation instead of speaking in favour of the movement, inexplicitly portraying the other organisations as less important or less active in the struggle. The existing tensions have been exacerbated by the introduction of donor funding as all organisations are financially vulnerable. By presenting themselves as the most important and effective actors they hope to gain access to much needed financial support, even though in reality donor support might not depend on which organisation performs best. So although donor-funding is not the core reason for the tensions within the movement there is a risk that it could amplify competition rather than stimulate cooperation.

5.3 AND NOW? HURDLES TOWARDS THE IMPLEMENTATION OF C189

Although the ratification of C189 and R201 is an important step, for which the DWUs cannot receive enough credit, it is a highly symbolic one. For it to have a genuine impact on the livelihoods of domestic workers, the national law needs to be adapted in accordance with the C189 and R201 and effectively implemented and monitored. It is this last step that will be most difficult.

As Lexartza et al. (2016) proffer, a multidimensional approach towards the formalisation of domestic workers is necessary to bring about sustainable change.

Table 5 Multidimensional approach towards formalising domestic workers



Source: Lexartza Et Al. 2016

If we analyse the Peruvian case against Lexartza's (2016) multidimensional approach we get the following picture:

Table 6 Multidimensional approach towards formalizing domestic workers: the case of Peru

MULTI-DIMENSIONAL APPROACH	SITUATION IN PERU
Legislation	
Equal rights	Domestic workers have no equal rights because the 2003 law is discriminatory.
Ratification and incorporation of C189	C189 has been ratified but not yet incorporated in national law.
Social Security	
Universal coverage	The SiS provides universal health care but the services are very poor.
Mandatory	By law employers should register their domestic workers in ESalud and domestic workers should subscribe to a pension scheme.
Adequate systems	The problem more and more domestic workers have is the fact that they have multiple employers. Because the employers must pay the ESalud this poses difficulties because the system is not adjusted to a multiple employer situation.
Criminal penalties	There are no criminal penalties for non-compliance with the law. Legal actions can be taken but can only lead to financial penalties.
Creation of incentives	There are no incentives for registering a domestic workers with ESalud.
Income security	
Minimum wage	Domestic workers do not have a minimum wage.
Equalising minimum wage with those of jobs of equal skills	There is no measure to equalise the wages.
Inspection	
Creation of registration system	There is a registration system through SUNAT but it is complicated especially when a domestic workers have multiple employers.
Creation of inspection without entering the house	The DWUs are currently negotiating with the Ministry of Labour and SUNAFIL about this issue.
Incentives	
Simplifying procedures	DWUs are lobbying to simplify the procedures.
Reduction of fines	There are no fixed-fines for non-compliance with the law.
Tax benefits and reduction of quotas	There are no tax benefits or reduction of quotas for registering your domestic worker.
Collective bargaining	Collective bargaining
Creation of unions	There is freedom of association and there are active and functioning unions and federations.
Social dialogue mechanisms	Social dialogue at present is bipartite between government bodies and the DWUs and not institutionalised. The effective is therefore dependent on the political will of the politicians in office.
Information and awareness raising	The government has invested very few resources in information and awareness-raising. The DWUs and NGOs carry out many awareness-raising campaigns including through radio-shows.
Legal advice	The government provides limited legal advice. The DWUs and NGOs are doing this work at the moment.

Source: Developed By Author

Peru is still a long way from completing all the pillars of the multidimensional approach however it must be noted that the DWUs have not only focused their activities on changing the legislation. In fact in their lobbying strategies they have adopted a multidimensional approach addressing issues such as social security, inspection, housing, legal support and sensitisation.

Nevertheless, there are a number of structural hurdles that will need to be overcome in order to improve the livelihoods of domestic workers in Peru.

5.3.1 Embedded cultural norms: from sensitizing to changing mentalities

As mentioned in the introduction, the discrimination of domestic workers is embedded in the cultural fabric of the Peruvian society. The intersectionality of vulnerabilities to which domestic workers are exposed cannot be solved by the creation of laws alone but requires a change in mindset. The change does not only relate to the paternalistic way in which domestic workers are often treated, nor the ethnic discrimination, but also to the broader machismo through which women and household-work are denigrated. The process of changing these values and beliefs is a long-term one that will require considerable government commitment and resources if it is to succeed (FG1, interviews Perez 2018 and interview Valdez 2018).

5.3.2 Domestic workers' struggle as part of a larger labour struggle

According to Perez (interview 2018), improving the labour conditions of domestic workers requires the improvement of the labour conditions of all workers, in terms of salaries as well as social benefits. The level of informality is so high in Peru and the average wage is so low that increasing the wages of domestic workers can only be achieved if the majority of Peruvians earn a decent living, which allows them to pay a decent wage to domestic workers. Regrettably, this is not the case at the moment. The Peruvian state has gone from one that took it as its responsibility to protect its workers to one that believes everyone should be able to protect themselves. This has translated into poor public services in terms of child care, health care and education and a labour force characterised by informality and people having to combine multiple jobs to make ends meet. The struggle of domestic workers is therefore interdependent on the struggle of all Peruvian workers. In addition, the huge inequalities between Peru's regions and the centre, Lima Metropolitana, provides such a large supply of cheap labour that investing in

economic development and job creation outside of Lima will be key to tackling the socio-economic vulnerabilities faced by internal migrants to the capital.

5.3.3 Volatility of political commitment and the instability of the Peruvian state

In the same way that the political instability was an obstacle for the ratification of C189, it will cause problems for its implementation. Just as I left Lima, the third Minister of Labour in one year handed in his resignation. The day before all the representatives of the various organisations of the domestic workers' movement participated in a validation workshop until late at night to give feedback on the implementation plan for C189. With the change of Minister it is unclear what will happen with the implementation plan. Whether it will be adopted or whether a new process will have to start. In a similar vein, as the DWM has lobbied for the ratification, they will have to lobby for its implementation and this is much more difficult in a politically unstable climate where you have to start building your social relations from scratch with every change in government. In addition, as mentioned above, the ratification of C189 had more to do with political opportunism than a genuine commitment to change the livelihoods of domestic workers. It is unclear how long the policy window the DWM has been able to create will stay open and whether they will manage to push through the necessary changes in legislation before it closes.

5.3.4 The absence of the employers

The fact that employers' associations have placed themselves outside the negotiation table by openly going against the ratification of C189 implies that it will be difficult to get them on board in the process of its implementation. Not only does this mean they can exert considerable counterpower in the adoption of a new Domestic Workers' law but also that they are unlikely to play an active role in sensitising on the rights of domestic workers. Nevertheless, they could in theory be strong allies due to the fact that the majority of their members have domestic workers and their political clout. Many politicians will more easily follow the example of an *empresario*/ businessman than a trade unionist. An interview with a representative of Sociedad Nacional de Industrias demonstrated that the cumbersome registration system is a specific issue the employers' associations could discuss within the *Consejo Nacional de Trabajo*. Although I think the DWMs and the *empresarios* will not be able to team up on all issues, it might be interesting to gauge where their interests might coincide to build a stronger lobby-base.

From the side of the TUs, it is a-priori determined that the empresarios are their enemies but perhaps both sides should proffer the possibility of discussing joint agenda-points.

5.3.5 “007”: the limited resources of Peru’s Ministry of Labour

When we arrived at the Ministry of Labour waiting for our appointment with the Director of the Fundamental Rights Department, the DWU leader with us laughed and said: “welcome to 007”. The Ministry of Labour is publicly known as 007 because it receives about 0.07% of the national budget. This lack of funding prevents the Ministry from developing large scale campaigns. The campaigns, for instance regarding certification, have reached about 200 domestic workers, a drop in the ocean of almost 400,000 domestic workers. Sensitization about domestic workers’ rights is focused on the yearly Fundamental Rights Fair but does not reach a relevant portion of society to make the needed change in mindset. In addition the Labour Inspection Department is heavily understaffed and under-resourced. Monitoring the implementation of the domestic workers’ law will therefore depend on the commitment of resources, both human and financial.

5.3.6 The lack of trust in state institutions and the Peruvian-citizenship

Peruvians have very little trust in political institutions such as political parties, congress and the judiciary (El Comercio 2018). Of all South American countries Peru has the lowest level of trust in political parties and is among the 8 countries with the lowest trust in Democracy on the continent (LAPOP 2018). They have come to expect very little from the state and have, through compliance with weak state provisions, started destroying their own rights as citizens. When I proffered that the state should organise and fund large-scale certification and capacitation campaigns, the leaders of the DWUs let out a sarcastic laugh. It might be like that in Belgium but here the state does not do that. During the validation workshop for the implementation of C189, most participants from the DWM were weary of requesting more resources from the Ministry of Labour. If a group of politically active and militant citizens shy away from pointing their government to its responsibilities the link between state and citizenship is significantly skewed. Rebuilding the trust of the citizens in the state and their right to demand services will be an important step towards the effective implementation of domestic workers’ rights.

6. LESSONS LEARNED FROM THE PERSISTENT STRUGGLE OF PERU'S DOMESTIC WORKERS

There are many lessons that can be learned from the courageous women of the DWM but for this report I will present those that are of interest from the point of view of social dialogue.

- **Building coalitions.** One of the core strengths of the DWMs has been their ability to create broad alliances with a diverse set of actors, from universities to feminists groups. This broad alliance has helped a lot in making the problem visible and has increased the political clout of the DWM.
- **Being proactive.** The DWM has not waited for social dialogue spaces to be presented to them but has created these spaces through their lobby efforts.
- **Battle on all fronts.** Instead of focusing on one social dialogue arena the DWM has placed their eggs in multiple baskets, negotiating at various levels of government with various government institutions in both the legislative and executive branches.
- **Being flexible.** Related to the previous lesson I think the strength of the DWM has also been their ability to change their negotiation strategies based on the opportunities that were presented to them.
- **Never giving up.** In many policy-making processes, it is sheer persistence that is one of the key enabling conditions. Tirelessly pushing for your agenda even when the political climate is inopportune is the message.
- **Building rapport.** Social dialogue is a human business, building social relations is key. The women of the DWM have been able to create a sound rapport with various actors across the political spectrum. Not only by pushing through their agenda but also by asking how their mother is doing.
- **Having a clear message.** Social dialogue is not only about pointing out a problem but about finding a joint solution. It helped considerably that the DWM had a ready-made solution at hand (C189). This gives the social partners something concrete to discuss and work with.

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ANNEX

LIST OF INTERVIEWS AND FOCUS GROUPS

INTERVIEWS

NAME	FUNCTION
Samuel	Consultant FNV
Maria Salazar Mendoza	SG SINTRAHOL
Marcolina Infante Ramirez	SINTRAHOL Secretaria de Defensa
Carmen Rosa Almeida Escusa	SINTRAHOL Secretaria de Organizacion
Carmela Sifuentes Inostroza	Vice-president CGTP
Antonio	Researcher IESI
Pablo Checa	Director IESI
Freddy	Responsible Departement of Education CGTP
Alvaro Vidal	Ministerio de Trabajo, Derechos Fundamentales
Ernestina Ockao	FENTRAHOGARP
Clementina Serrano	I PROFOTH
Kefy Carrillo	I PROFOTH
Celdonia Conquepisco	I PROFOTH
Maria Belleza	Asensor Congregista Maria Glave (Nuevo Peru)
Guillermo Perez Herrera	Researcher, expert Informal Economy Peru
Leddy Mozombite Linares	SG FRENTRAHOP
Bettina Valdez	Researcher, expert domestic workers
Dr. Leda Perez	Researcher, expert domestic workers
Adelinda Diaz	SG FENTRAHOGARP
Paulina Luza	President CCTH
Ana Tantas	Secretary of arts and archives SINTRAHOGARP
Ines Mesa	Vice secretary SINTRAHOGARP
Juan Pedro Chang	CUT Secretary of Organisation
José Naranjo	Sociedad Nacional de Industrias
Sofia Mauricio Bacilio	Coordinadora Casa Panchitas

FOCUS GROUPS

FOCUS GROUP	PARTICIPANTS
Focus group employers (FG1)	(4) Pablo Checa, Edith Anampa, Veronica Torres, Eva Machado
Focus group domestic workers (FG2)	(9) Mercedes Silva (DW since her 5y), Gjermina Vargas Cruz (DW since 15 years of age), Angelina Muños (DW for 27 years), Asusena Choque (DW for 18 years), Benita Iselachin Diaz (DW for 22 years), Maria Paulo Valvez de Cruz (DW since 14 years of age), Elisabeth Quispialaya Arneas (DW since 10 years of age), Consuelo Alejandro Benancio (DW for 8 years), Clotilda Pariona Huahuichi (DW for 18 years).

PARTICIPANT OBSERVATION

EVENT	PARTICIPANTS
Dissemination & sensibilisation round of SINTRAHOL in Barranca and Miraflores	Marcolina Ramirez and myself. We spoke to a dozen domestic workers during the round.
Validation workshop for the Ministry of Labour's plan for implementing C189	Representatives of all organisations part of the DWM as well as representatives of FES, ILO and Bettina Valdez who developed the plan.

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