## Legislating Worker Justice: The Formalisation of Paid Domestic Work in Maputo, Mozambique.

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#### **ABSTRACT**

Paid domestic work is the most important occupation for urban Mozambican women after self-employment. Domestic workers perform the reproductive and productive functions necessary to keep households running and the economy growing. Despite the importance of this sector, it is characterised by low wages, long hours, rigorous schedules, and vulnerability to abuse. In 2008, Mozambique's National Assembly passed *Decree* 40/2008, extending labour protections to domestic workers. There is significant debate however about whether labour protection can transform working conditions in such an intimate sector. Domestic work takes place in isolation, behind the closed doors and high walls of private homes; it consists of intimate tasks, adding a *personalness* to the employment relationship; and working conditions are negotiated one-on-one with employers.

Drawing on historical research, primary observations and semi-structured interviews with key informants and domestic workers in Maputo's central city, this study discusses the opportunities and limitations of legislating worker justice in an intimate profession. It explores how the institutional and regulatory framework both enables and prevents improvements in working conditions; how domestic workers leverage these institutions to advance their interests; and the informal strategies and tactics they use concurrently.

The study suggests that *Decree 40/2008* has had limited direct impact on working conditions. Its ambiguous language, poor dissemination, and weak regulatory structure, combined with the precarious nature of Maputo's labour market and entrenched power relations between workers and employers, mean that domestic workers exhibit high levels of accommodation or *patience*, preferring to wait for conditions to improve or better options to surface, than to make outright demands from employers. However, this study also suggests *Decree 40/2008* has galvanised domestic worker organising, creating a focus of mobilisation and advocacy with the potential to profoundly affect working conditions in this sector. In the context of a fractured labour movement however, domestic worker organising has become a battleground for autonomy, power, and resources. It is still too early to know whether domestic workers will ultimately benefit.

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A luta continua!

# COLLEGE OF HUMANITIES DECLARATION - PLAGIARISM

#### I, Ruth Castel-Branco, declare that

Signed

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#### LIST OF ACRONYMS

ADWN African Domestic Workers' Network

AEDOMO Associação de Empregados Domésticos de Moçambique

Mozambican Domestic Workers' Association

AMUEDO Associação das Mulheres Empregadas Domésticas

Women's Association of Domestic Workers

ASSOTSI Associação dos Operadores e Trabalhadores do Sector Informal

Association of Operators and Workers in the Informal Sector

CCMA Commission for Conciliation, Mediation and Arbitration

COMAL Comissão de Mediação e Arbitragem Laboral

Commission for Labour Mediation and Arbitration

COMUTRA Comité da Mulher Trabalhadora

Working Women's Committee

CONSILMO Confederação Nacional dos Sindicatos Independentes e Livres de

Moçambique

National Federation of Independent and Democratic Unions

CPJ Centro de Práctica Jurídica

Legal Aid Centre

FRELIMO Frente de Libertação de Moçambique

Mozambican Liberation Front

GDs Grupos Dinamizadores

**Dynamising Groups** 

IDWN International Domestic Workers' Network

ILO International Labour Organisation

INSS Instituto Nacional de Segurança Social

National Institute for Social Security

IPAJ Instituto de Patrocínio e Advocacia Jurídica

Institute for Legal Aid and Advocacy

ITUC International Trade Union Federation

LDH Liga dos Direitos Humanos

Human Rights League

MITRAB Ministério do Trabalho

Ministry of Labour

MULEIDE Associação da Mulher, Lei e Desenvolvimento

Association of Women, Law and Development

NDUWA National Domestic Worker' Union of America

OMM Organização da Mulher Moçambicana

Organisation of Mozambican Women

OTM Organização dos Trabalhadores Moçambicanos

Mozambican Workers' Organisation

RENAMO Resistência Nacional de Moçambique

Mozambican National Resistance

SADSAWU South African Domestic Service and Allied Workers Union

SINED Sindicato Nacional de Empregados Domésticos

National Union of Domestic Workers

SINGED Sindicato Nacional dos Guardas e Empregados Domésticos

National Union of Guards and Domestic Workers

WLSA Women in Law in Southern Africa

WNLA Witwatersrand Native Labour Association

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#### MAPS OF THE STUDY AREA

Map 1: Map of Mozambique



Source: Conselho Municipal de Maputo (2010)

Map 2: Map of the city of Maputo and surrounding districts



Source: Conselho Municipal de Maputo (2010)

#### **CHAPTER 1**

#### INTRODUCTION

Every morning, tens of thousands of domestic workers make the long trip from Maputo's working-class suburbs to the middle and upper income neighbourhoods of the *cement city*<sup>1</sup>. Urban sprawl, increased congestion and an inadequate public transport system have transformed this daily commute "across the boundaries of race and class" (Dill 1994), into a costly struggle. Fearful of arriving late, they set out at dawn, hoping to secure a spot on the packed minibuses that carry this "undervalued and essential" workforce to the city (Chen 2011, 168). Others, live-in domestic workers, are already up, sweeping the yard, heating the bath water or taking care of the baby while *madam* gets ready for work. As apartment lights flicker on and the city awakens, domestic workers are there to greet it.

Bound up in Mozambique's history of colonisation and forced labour, paid domestic work has become a hallmark of modern urban living. Amidst a crumbling public care system, domestic workers perform the reproductive and productive functions necessary to keep households running and the economy churning. The casualisation of labour, combined with the rapid entry of women into the labour market, has fuelled the growth of this sector. Today, domestic work is the most important occupation for urban Mozambican women after self-employment, and 60 per cent of domestic workers are clustered in and around the capital city, Maputo (INE 2007).

Maputo's domestic workers are young and old, urban residents and rural migrants, high school graduates or illiterate, male or female, but mostly female (INE 2007). They work in the homes of millionaires and minimum wage workers, in mansions and informal settlements for Mozambicans and expatriates. Yet despite its heterogeneous nature, domestic work is characterised by low wages, long hours, rigorous schedules, humiliating tasks, unhealthy working conditions, and vulnerability to abuse (Chipenembe 2010).

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<sup>&</sup>lt;sup>1</sup> The cement city refers the area of the city of Maputo, where Portuguese settlers previously lived. This area tends to have access to better infrastructure, and employers tend to be better off than in the suburbs.

In 2008, Mozambique's Council of Ministers approved *Decree 40/2008*, extending labour protections to domestic workers for the first time since independence. According to the Council of Ministers "domestic work is an extremely important sector in Mozambique, regarding the number of jobs it generates, as well as its social and economic implications" (Boletim da República 2008, 2). The approval of *Decree 40/2008* reflects a global resurgence of interest among policy makers, elected officials and the labour movement, in formalising informal work generally, and domestic work in particular (Takirambudde 1995).

In June 2011, the International Labour Conference of the International Labour Organisation (ILO) adopted *Convention 189* and *Recommendation 201. Convention 189* outlines legally binding international labour standards for domestic work including a minimum wage, the right to payment in cash, occupational health and safety standards, social security, paid time off, and access to the legal courts system (Albin and Mantouvalou 2012). This historic legislation is the culmination of a decade of transnational mobilisation, negotiation and compromise between state, business, union and domestic workers' representatives (Bonner 2010; Blackett 2011; Varia 2011). The 12 by 12 Campaign, launched by the International Trade Union Confederation (ITUC) in collaboration with among others, the International Domestic Workers' Network (IDWN) and the African Domestic Workers' Network (ADWN), seeks to secure 12 ratifications by the end of 2012. So far, Uruguay, the Philippines, Mauritius and Nicaragua have ratified the convention.

There is significant debate however, about whether labour protections can actually transform domestic workers' conditions (Blackett 2011). Some argue that they can. Labour protections reframe domestic work as skilled employment, made up of clearly defined tasks. They transform the often highly exploitative maternalistic employee-employer relationship into one governed by contracts, rights, and responsibilities. They facilitate domestic workers' individual and collective actions, providing legal protections against retribution from employers (Hobden 2010; ILO 2011; Albin and Mantouvalou 2012).

A second group suggest that labour protections have little impact on domestic workers. Domestic work takes place behind the high walls of private homes. It is intimate work, and conditions are most frequently negotiated directly between employers and employees. Limited enforcement mechanisms, institutionalised power relationships, and the isolated nature of this sector curtail the impact of labour regulations (Fish 2006; King 2007; Ronconi 2008; Du Preez 2010).

A third group warn that labour protections can actually be detrimental to domestic workers. In South Africa, minimum wages triggered the casualisation of this sector, reducing hours and intensifying workloads as workers were forced to contract with multiple employers (Hertz 2005). Furthermore, as contractual rights and responsibilities replace the intimate employee-employer relationship, domestic workers may find that they have less flexibility to negotiate working conditions. Formalisation therefore, can disempower workers by undermining one of their main practices of power - the manipulation of intimacy (Ally 2010).

This study provides a critical analysis of the formalisation of paid domestic work in Maputo, Mozambique. Based on early indications of the impact of *Decree 40/2008* on working conditions, it discusses the opportunities and limitations of legislating worker justice in an intimate profession. It specifically explores the following questions:

- 1. What is the institutional context for the regulation and protection of domestic work in Maputo, and how has it evolved over time?
- 2. How does the current institutional framework specifically, the labour courts, inspectorate, conciliation and mediation centres, legal service providers, training and placement agencies and workers' organisations enable or prevent improvements in working conditions?
- 3. How has *Decree 40/2008* affected the formal and informal strategies domestic workers use to negotiate with employers?

This first chapter provides an introduction to the study. The second chapter reviews the literature on the formalisation of domestic work, the opportunities and limitations of legislating labour protections in this intimate sector, the relationship between state action and worker power, and the role of domestic workers' individual and collective agency in the process. The third chapter outlines the methodology used in designing the study, collecting the data, and analysing the results.

The next three chapters present and analyse the results. Chapter 4 charts the evolution of paid domestic work in the city of Maputo from the colonial period to the present day, highlighting the changing forms of regulation and protection in this sector. Chapter 5 presents initial reflections on the strengths and weaknesses of *Decree 40/2008* through a detailed description of current working conditions among domestic workers in the sample. It also explores how labour protections have affected the strategies and tactics domestic workers use to negotiate with employers. Chapter 6 maps the formal institutional context for the regulation and protection of domestic work. It examines the ways in which formal institutions - including the labour courts, inspectorate, conciliation and mediation centres, legal service providers, training and placement agencies, and workers' organisations - enable or constrain improvements in working conditions.

While it is still too early to gauge the full impact of *Decree 40/2008*, Chapter 7 concludes with a discussion of the opportunities and limitations of legislating worker justice in an intimate profession.

#### **CHAPTER 2**

#### LITERATURE REVIEW

#### 2.1 Introduction

Since the 1970s, scholarly research on paid domestic work has evolved primarily in response to conceptual shifts in gender and development theory. The first studies in this sector sought to challenge modernist assumptions of development, highlighting the continued importance of domestic work in an industrialised economy (Boserup 1970; Chaplin 1973). By the 1980s feminists, particularly in Southern Africa, shifted attention to the ways in which domestic work reflected and reproduced overlapping forms of race, class, and gender oppression (Cock 1980; Gaitskell 1984; Hansen 1989; Schmidt 1992). These studies tended to overemphasise a domestic worker's powerlessness in the face of a hegemonic employer. In the 1990s, drawing on emerging feminist discourse, scholars refracted this sector through a new lens, focusing on domestic workers' individual and collective agency (Romero 1992; Dill 1994; Constable 1997).

In the last decade, there has been a resurgence of scholarly interest in paid domestic work. This coincides with a period of global economic transformation marked by rising inequality, the feminisation and casualisation of wage labour, and deteriorating public services (Boris and Parreñas 2010). The proliferation of domestic work presents a dilemma for feminist scholars. While it facilitates women's participation in the labour force - both as domestic workers and employers - it also produces and reinforces socioeconomic inequalities (Anderson 2000). Advocacy for the formalisation of paid domestic work stems from the need to resolve this dilemma (Ally 2010). Most recently, studies have focused on the potential role of formalisation in improving domestic workers' working conditions (Beneria 2000; Ally 2010; Du Preez 2010; Chen 2011; Neetha 2011; Tomei 2011; Nadasen 2012). This chapter reviews the key debates surrounding the formalisation of domestic work, the opportunities and limitations of legislating rights in this intimate sector, and the potential role of domestic workers' individual and collective agency.

#### 2.2 Domestic Work: A Profession Like No Other or Like Any Other?

Paid domestic work does not easily fit into dominant categories of informality (Chen 2011). The tasks involved in domestic work are mostly not illegal; domestic work is predicated on a generally clear employment relationship; and it is usually the employer, not the worker, who refuses to register, make tax contributions, or comply with labour law. What gives domestic work an informal character is that by and large, domestic workers have been either explicitly or implicitly excluded from labour protections. This section discusses the roots of domestic workers' historic marginalisation.

First, domestic workers are employed in the private homes of individuals. Isolated behind closed doors and high walls, they are invisible to the outside world, inaccessible to labour inspectors and unions, and outnumbered in the household (Cock 1980; Fish 2006; Chen 2011). Domestic workers negotiate working conditions on a one-on-one basis with employers. This not only makes them prone to abuse, but difficult to organise (Cobble 2010). Live-in workers are particularly vulnerable as they rely on their employers for a place to live.

Second, domestic work consists of intimate tasks such as raising children, washing dirty underwear and resolving family crises. This adds a *personalness* to the employment relationship (Hansen 1989). Despite or perhaps because of the intimate nature of domestic work, power relationships between employer and employee are deeply unequal. In her study of domestic workers in Zambia, Hansen (1990) describes how employers imposed high levels of rigidity, inventing rules and protocols in order to ensure that workers did not conflate physical intimacy with social proximity. Domestic workers' hygiene was closely regulated; they were not allowed to eat the same food, from the same plates, at the same table as other members of the household; they were infantilised and subjected to arbitrary punishment, at times even physical or sexual abuse. Rigidity, argues Constable (1997) in her study of Filipina domestic workers in Hong Kong, is particularly important where an employer's class position is close to a worker's.

However, employers simultaneously cultivate a familial relationship with domestic workers, often switching between high levels of formality and intimacy at their own discretion (du Preez, Beswick et al. 2010). In her study of domestic work under apartheid South Africa, Cock (1980) found that the majority employers claimed that domestic workers were *one of the family*. Yet only ten per cent of them knew their employee's full names. Employers manipulate the myth of *one of the family* to assert control, secure loyalty, and obscure workers' own family needs. In addition, Qayum and Ray (2010) argue, based on their study of domestic workers in Kolkata, that this familial construction makes it easier for employers to accept strangers into their own homes.

Third, domestic work is considered an extension of women's unpaid care work. Driven by a *gender bias* that accounts only for commodified labour and undervalues sectors dominated by women (Elson 1995; Beneria 2000; Himmelweit 2002; Budlender 2004; Razavi 2007), domestic work is regarded as something other than employment, thought to require less skill, and therefore deserving of less pay (Hondagneu-Sotelo 2001; Gutierrez Rodriguez 2007). As Boris and Parreñas (2010) reflect: "when intimacy becomes employment...it becomes regarded as unskilled work that anyone can perform because women have undertaken such activities without payment" (Boris and Parreñas 2010, 11).

Some scholars challenge the emphasis on women's work, pointing to the multiple ways in which men are incorporated into the global care chain (Zamparoni 2000; Manaslan 2006; Kilkey 2010). In his study of the evolution of domestic work in colonial Mozambique, Zamparoni (2002) argues that domestic work is not necessarily a female occupation. Well into the 1980s, domestic workers were primarily men. Zamparoni (2000) humorously recounts how one day at the height of the Mozambican civil war, his domestic worker returned home after a week of army training, hung up his machine gun in the kitchen, changed from his camouflaged uniform into a white apron and started to clean. A similar phenomenon is documented in Zimbabwe and Zambia (Hansen 1986; Hansen 1989; Schmidt 1992).

However, Ray (2000) contends that within domestic work, men generally command higher ranks, control higher skilled positions and receive higher salaries than women. Studies of domestic work in colonial Southern Africa support this argument. In colonial Mozambique, men were generally considered more intelligent, more efficient, and more obedient than women and well-paid positions such as a chef or nanny were reserved for male workers. Meanwhile positions reserved for women, such as laundry workers, were the worst paid. Women's lower remuneration was justified by the Portuguese colonial state on the basis that their income was supplementary to men's. The myth of the male as primary wage earner undermined the wages of female workers (Rita-Ferreira 1967/1968; Hansen 1992; Penvenne 1994; Goenha 2002).

Fourth, domestic work is highly racialised (Romero 1992). In South Africa, Cock (1980) illustrates how domestic work was not only as a microcosm of colonial apartheid, but served to replicate the deep inequalities created by a vicious system of racial domination. For most South Africans, the sphere of domestic work was one of the first sites of interracial interaction - space where White children learned and performed their white supremacy, and where African women, exposed to the severity of inequality, developed an incredible sense of deprivation.

However, there is significant debate about whether the racialised nature of domestic work has resulted in limited rights for domestic workers or whether the need for a vulnerable, unprotected workforce has facilitated the racialisation of this sector. Anderson (2000) argues the latter. Racial differences, she suggests, make it easier for employers to create a narrative around one group of women as more suitable for domestic work than another. In their study of domestic work in Kolkata - a place where employers are frequently of the same ethnicity as their employees - Qayum and Ray (2010) echo this view:

...To argue that the inequalities that produce and are reproduced by the institution of domestic servitude are attributable primarily to racial hierarchies and citizenship status involves...a certain misrecognition...In fact, we suggest, the employer-domestic servant nexus is profoundly racialised to substantiate the inherent relation of dominant/subordination. (Qayum and Ray, 102)

Fifth, the multitude of employers, heterogeneity of working conditions, and domestic workers' perceived contradictory class identities, means that this sector has been historically ignored by organised labour (Ray 2000; Nadasen 2010; Chen 2011; Neetha 2011; Tomei 2011). "It is these characteristics of the intimate workplace - smaller, dispersed, more personal and privatised - and of the intimate worker - casualised and lacking a classic adversarial class consciousness - that many see as impediments to unionism" (Cobble 2010, 284).

Finally, the globalisation of care work has further marginalised migrant domestic workers. In her study of Filipina domestic workers in Hong Kong, Constable (1997) illustrates how domestic workers' abilities to deal with work-related problems are limited by their tenuous status as outsiders. Parreñas (2001) terms this *partial citizenship*. Contracts binding domestic workers to an employer, the prohibition of alternative work, exemptions from labour and social protection, and the criminalisation of undocumented migrants, curtail domestic workers' political incorporation, reinforcing their vulnerabilities vis-à-vis employers (Boris 1995; Parreñas 2001; Walsum 2011; Nadasen 2012). Stasiulis and Bakan (1997) are more optimistic. They contend that citizenship is not static. Rather, it is negotiated and shifts over time. Even migrant workers can carve out new forms of citizenship.

#### 2.3 Formalising Intimacy: The Limitations of Labour Protections

Formalisation can take different forms and mean different things to different categories of workers. Labour protections are an important facet of formalisation. Not only does they provide an incentive for domestic workers to comply with other forms of formalisation, but also ensures that they benefit from these (Chen 2011). However, studies on the impact of labour protections offer contradictory conclusions, illustrating perhaps the complexity of the issue. This section will explore the debate on the transformative potential of labour protections.

Advocates contend that formalisation through regulation, the extension of legal and social protections, collective bargaining, and professionalisation, facilitates improvements in working conditions (Hobden 2010; Chen 2011; ILO 2011; Tomei 2011; Varia 2011; Walsum 2011; Albin and Mantouvalou 2012). Formalisation reframes domestic work as a skilled job, made up of tasks that are clearly defined, as opposed to the amorphous descriptions that often exist in this intimate profession. It transforms the traditionally maternalistic employee-employer relationship into one governed by contracts, rights, and responsibilities. It protects domestic workers who choose to take individual or collective action. It provides a focus around which domestic workers can collectively organise, raise awareness, and exert influence in policymaking. Given that some domestic workers have multiple employers and that there are no employers' associations to collectively bargain with, legislation provides the next best alternative to ensure basic minimum standards (Hobden 2010; ILO 2011; Varia 2011).

A second group argue that legislation has little impact on working conditions due to the peculiarities of domestic work. Domestic work is not like work in any other sector. It is intimate work, carried out within the confines of the household, where household members outnumber workers, and where, hidden from public scrutiny, workers ultimately have to negotiate working conditions on a one-on-one basis with employers. In their study of the formalisation of domestic work in South Africa, Fish (2006), King (2007) and Du Preez (2010) suggest that limited enforcement mechanisms, institutionalised power relationships, and the private nature of the workplace, collectively curtail enforcement of labour protections. Enforcement is particularly difficult in developing countries where there may be progressive labour regulation but an absence of strong institutions and trained bureaucrats to implement these (Ronconi 2008).

Chen (2011) agrees that in many countries problems of implementation and enforcement exclude domestic workers *de facto* from labour protections. However, this does not render formalisation irrelevant. Rather, Chen (2011) argues, strategies of formalisation need to be adapted to domestic work. For instance, labour protections assume a clear employment relationship yet neither employers nor domestic workers necessarily

perceive themselves in their respective roles. Formalisation is a slow, on-going process, and incentives need to be carefully negotiated and renegotiated with workers and employers. In Brazil for instance, registered domestic workers receive a pass or *carteira assinada*, entitling them to full social protections. Employers can deduct contributions made to workers' social security from their income taxes. This is part of a broader state scheme to expand social protections to vulnerable workers in general, and improve domestic workers' conditions in particular (Tomei 2011).

Workers' organisations can also play a decisive role in securing *de facto* rights for domestic workers (Ally 2010; Bonner 2010; Hobden 2010; Nadasen 2010; Chen 2011). In her profile of the National Domestic Workers Union of America (NDWUA) in Atlanta, Nadasen (2010) describes how one union, though not highly confrontational, transformed members' lives by giving value to the profession and empowering workers to negotiate working conditions directly with employers. Though bargaining took place at an individual level, the collective nature of the demands, namely a minimum wage, paid vacation, and sick leave, gave union members a collective identity. This model, argues Nadasen (2010), is instructive for domestic worker organising today:

Rather than placing their fate with union leaders whom they may or may not have voted for, NDWUA's approach put power in the hands of individual workers who could decide for themselves their priorities and under what circumstances they would work. (Nadasen 2010, 208)

A third group warns that formalisation can actually be detrimental to domestic workers. In his study of the formalisation of domestic work in South Africa, Hertz (2005) found that despite high rates of non-compliance, the establishment of a minimum wage triggered the casualisation of this sector, as employers cut back hours and laid workers off. Consequently, domestic workers are forced to work for multiple employers, intensifying workloads and increasing commuting times. While total monthly earnings have risen slightly, when accounted for inflation, the increase has been negligible. The negative effects of job losses as outweigh the benefits (Hertz 2005). However, Dinkelman and Ranchhod (2012) dispute these findings, arguing that wage increases for domestic

workers have not had any statistically significant effect on employment. Furthermore, strong sanctions are not necessary for labour regulations to have an impact. Bhorat et al. (2010) dispute this last point however, arguing that infractions tend to be higher in regions such as rural areas that have fewer enforcement resources.

A second critique of formalisation, is that it may disempower domestic workers by replacing the traditionally maternalistic employee-employer relationship with a paternalistic *will to empower* relationship between state and subject. Ally (2010) points to the organisational culture of South African labour inspectors as an example. Enforcement officials fail to understand the full scope of domestic workers' resistance, interpreting masks of deference as a sign of weakness or apathy, reflects one domestic worker:

They [the Department of Labour] are not realising how much it pains when you say 'yes', but if you don't, you will have to tell your babies 'no.' It pains, it does, but you tell yourself it's part of the job. You must stop being too soft and let the feelings get to you. You have to be tough. (Ally 2010, 104)

Ally (2010) argues that this *will to empower* has extended to workers' organisations. Drawing on the case of the South African Domestic Service and Allied Workers Union (SADSAWU) she suggests that formalisation has transformed the union into a beneficiary whose primarily role is to disseminate information rather than actively represent workers' collective interests.

A final critique is that as bonds of patronage between employer and employee are replaced with contractual rights and responsibilities, workers may find that they have less flexibility to negotiate working conditions. Despite the deeply unequal nature of the relationship between employee and employer, domestic workers can leverage intimacy to informally secure better conditions and extract in-kind benefits (Romero 1992; Parreñas 2001; Walsum 2011). The depersonalisation inherent in formalisation can threaten domestic workers' *historically cultivated practices of power* (Ally 2010, 196). Intimacy is particularly important where labour market opportunities are limited, competition between workers high, and workers' bargaining power curtailed (Tomei 2011).

#### 2.4 Power, Agency and Resistance

Given that domestic workers ultimately negotiate working conditions on a one-on-one basis with employers, the debate on the role of labour protections invariably touches on the transformative potential of workers' individual agency. Studies in the 1980s tended to focus on domestic workers' powerlessness in the face of hegemonic employers (Cock 1980; Gaitskell 1984; Hansen 1989; Schmidt 1992). Cock (1980) for instance, characterises domestic work as a form of *ultra-exploitation*. While she recognises the subtle ways in which domestic workers try to assert control over their labour, assuming for instance a mask of deference in order to conform to employer expectations and shield their own feelings, she concludes that this cannot be identified as a form of resistance, but more aptly described as a mode of survival.

By 1990s, inspired by the work of James C. Scott (1985), scholars began to explore the transformative potential of even subtle forms of resistance. Even the smallest acts of defiance became heroic manifestations of the transformative potential of domestic workers' individual and collective agency: "They [domestic workers] were freedom fighters. Women who fought without guns or picket signs, but used the weapons they had honed for craftiness, observation, imitation and criticism" (Dill 1994, 139). In her study of Bedouin women however, Lila Abu-Lughod (1990) cautioned against romanticising the structural significance of everyday acts of resistance:

The problem has been that those of us who have sensed that there is something admirable about resistance have tended to look to it for hopeful confirmation of the failure—or partial failure—of systems of oppression. Yet it seems to me that we respect everyday resistance not just by arguing for the dignity or heroism of the resistors but by letting their practices teach us about the complex interworkings of historically changing structures of power. (Abu-Lughod 1990, 53)

By the 2000s, scholars, recognising that domestic workers' individual agency can take many and at times contradictory forms, moved beyond the agency-exploitation binary to explore the range of ways in which domestic workers sought to improve working conditions (Constable 1997; Boris and Parreñas 2010). In her study of Filipina domestic

workers in Hong Kong, Constable (1997) illustrates how workers subject themselves to high levels of discipline, pressuring one another to conform to manifestations of professionalism. A professional domestic worker is one who is acquiescent, strives to understand the employer's point of view, thinks positively, makes lists, delegates tasks, and is well-groomed. Creative forms of escapism enable domestic workers to sustain self-discipline, make sense of their suffering, control negative emotions, and cultivate an alternate identity to that of servant. While self-discipline may limit domestic workers' ability to fundamentally transform working conditions, it can improve their relationships with employers, provide them with a sense of control over their labour and feeling of personal satisfaction (Constable 1997). Self-discipline is not as a reflection of domestic workers' internalised oppression.

Domestic workers also manipulate the intimate employee-employer relationship in order to extract in-kind benefits and improve working conditions (Romero 1992; Parreñas 2001). By talking to employers about their problems over tea for instance, workers are able to secure an extended vacation, a pay raise, a loan, and money for school fees or funeral costs (Walsum 2011). Ally (2010) argues that while the majority of South African domestic workers, particularly live-out full-time workers, prefer a formal employment relationship, they cultivate personal relationships with employers in order to manage their working conditions. However Chen (2011) suggests that while domestic workers may successfully leverage familial ties, relations remain deeply unequal (Chen 2011).

Humour is an important form of resistance. Constable (1997) illustrates how domestic workers in Hong Kong use humour critique employers or reverse patterns of domination

A Filipina domestic helper arrives in Hong Kong at the home of her new employer. The employer says to her, "We want to treat you as a member of the family." The domestic helper is very happy to hear this. On Sunday, the helper's day off, her employer says to her, "You must work before you leave the house on Sundays because you are a member of the family." And the employer adds, "And you must come home in time to cook dinner for the family." "But sir, ma'am, I would like to eat with my friends today, because it is my day off," says the helper. "But you are a member of the family," says the employer, "and because you are a member of the family, you must eat with us." (Constable 1997, 104)

Finally, domestic workers do engage in more overt forms of resistance, both at the individual and collective level. At parks and taxi ranks they share grievances, exchange information about wages, and learn about their rights. They make collective demands from employers, transforming individual acts into collective action (Parreñas 2001). They join unions, file legal actions, and hold pickets outside the homes of bad employers (Constable 1997). Ultimately, it is difficult to predict what impact individual acts of resistance will have.

#### 2.5 Conclusion

Formalisation is a slow, on-going process towards varying degrees of formality. It is not made up of precisely defined steps. The case of Brazil suggests that state intervention can lead to sustained improvements in domestic workers' conditions but that incentives are key, and need to be carefully negotiated and renegotiated with employers and employees.

The terms of labour protections and the mechanisms of enforcement are of critical importance. Though predicated on employment relationships, domestic work is a profession like no other. It takes place in isolation, in the private space of the home - a site widely accepted as private and free from regulation - and conditions are generally negotiated one-on-one with employers. It is made up of intimate tasks that add a *personalness* to the employment relationship, yet employee-employer relations are deeply unequal. Nonetheless domestic workers do manipulate intimacy, through at times contradictory forms of accommodation and resistance, to secure concrete improvements in their working conditions. In a context where domestic workers are ultimately responsible for negotiating working conditions on a one-on-one basis with employers, labour protections need to support workers' *historically cultivated practices of power*.

Finally, it is important to recognise the limitations of labour protections that cannot address the structural issues that funnel domestic workers into this sector. Structural changes in the way domestic work is organised may be beyond the scope of labour protection.

#### **CHAPTER 3**

#### **METHODOLOGY**

#### 3.1 Introduction

Based on early indications of the impact of *Decree 40/2008* on working conditions, this study discusses the opportunities and limitations of legislating worker justice in an intimate profession. It explores how formal institutions, specifically *Decree 40/2008*, the labour courts, the inspectorate, conciliation and mediation centres, legal service providers, training and placement agencies, and workers' organisations, enable or prevent improvements in working conditions. It also seeks to capture the informal strategies and tactics domestic workers use to negotiate better conditions both at the individual and collective level. This chapter outlines the methodology used in designing the study, collecting the data and analysing the results.

#### 3.2 The Research Design

The study uses a qualitative research design. Given the research objectives, a qualitative design is appropriate as it allows the researcher to piece together in-depth understanding, probe for further detail, elicit complex responses, and reveal critical insights into processes and relationships behind the formalisation of domestic work (Creswell 1998; Mack, Woodsong et al. 2005; Bradley, Curry et al. 2007; Denzin and Licoln 2008).

In order to address concerns over validity and reliability, this study uses two forms of triangulation, namely data and methodological triangulation (Denzin and Licoln 2008). The data sources include historical data, census statistics, government documents, media clippings, primary observations, and semi-structured interviews with key informants and domestic workers. Ultimately, rigour is defined by the paradigm that informs the research design (Haverkamp and Young 2007). This study draws on a critical paradigm which views the researcher as a research instrument whose role is not only to generate knowledge but also to facilitate transformative change (Guba and Licoln 1994; Haverkamp and Young 2007).

#### 3.3 Choice of Location

The site for this study is Mozambique's capital city, Maputo. With more than a million people excluding the suburbs, Maputo is an atypical selection within Mozambique. For over a century, it has been the country's most dynamic economic node. A magnet for internal migrant workers, foreign settlers, and international capital, its rapid development during the early to mid 20<sup>th</sup> century has spurred the growth of the domestic work sector, and today 60 per cent of Mozambican domestic workers are clustered in and around the city (INE 2007)<sup>2</sup>. Maputo is more tightly connected to the state apparatus than other regions, and the enforcement of *Decree 40/2008* is therefore likely to be stronger in this city. The case study consequently allows the researcher to approach the inquiry knowing that, "If it is not valid for this case, then it is not valid for any (or only a few) cases" (Flyvbjerg 2006, 230). In other words, if formalisation has little impact on domestic worker' working conditions in Maputo, it is not likely to have more of an impact in other parts of Mozambique.

#### 3.4 Sampling

Fourteen key informants were interviewed. They were purposively selected based on their knowledge and experience of the formal and informal institutional context in which domestic workers operate. Some were selected ahead of the study's implementation while others were added as a result of preliminary interviews. During the preliminary interviews for instance, it became clear that there were multiple organisations representing domestic workers and they were added to the list of key informants. This accommodation of changing conditions is what Morse, Barrett et al. (2002) refer to as investigator responsiveness; a key element of qualitative rigour.

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<sup>2</sup> According to the General Population Census of 2007 (INE 2007), nationally, there are 63 013 domestic workers, 90 per cent of whom live in urban areas, and 40 per cent whom live and work in Maputo City. This number is likely to be much larger. Furthermore, given that many domestic workers live outside the formal city limits in more affordable areas, the percentage of domestic workers who work in the City of Maputo is probably closer to 60 per cent.

The final list of key informants includes:

- Co-founder, Forum Mulher
- Coordinator, Women in Law in Southern Africa
- Secretary General, *Associação de Empregados Domésticos de Moçambique* (Mozambican Domestic Workers' Association AEDOMO)
- Secretary General, Associação das Mulheres Empregadas Domésticas (Women's Association of Domestic Workers AMUEDO)
- Celeste Hospitality Co-Founder
- Mediator, *Comissão de Mediação e Arbitragem Laboral (*Commission for Labour Mediation and Arbitration Maputo City Section)
- Coordinator, *Comité da Mulher Trabalhadora (*Working Women's Committee--COMUTRA)
- Labour Inspector, Ministry of Labour Maputo City Section
- Labour Judge, Ministry of Labour Maputo City Section
- Lawyer, *Associação da Mulher, Lei e Desenvolvimento (*Association of Women, Law and Development MULEIDE)
- Director of Legal, Labour, and Social Affairs, *Confederação Nacional dos Sindicatos Independentes e Livres de Moçambique* (National Federation of Independent and Democratic Unions CONSILMO)
- Director of Legal, Labour, and Social Affairs, Organização dos Trabalhadores Moçambicanos (Mozambican Workers' Organization -OTM)
- Director of Legal, Labour and Social Affairs, OTM
- Secretary for Internal Organising, OTM
- Executive Secretary for Maputo City and Province, *Sindicato Nacional de Empregados Domésticos* (National Union of Domestic Workers SINED)
- Executive Secretary of the National Council of Youth Domestic Workers, SINED
- Secretary for International Relations, SINED
- Secretary for Organising, SINED
- Secretary General, SINED

Twelve paid domestic workers in the City of Maputo were interviewed. This study uses the definition of paid domestic work outlined in *Decree 40/2008*, which defines it as regular remunerated service provided to members of a household within a residence (Boletim da República 2008). The sample was selected purposefully, with an eye on including as broad a range of experiences and characteristics as possible. Six of the domestic workers were union members and six were non-union workers. Four had participated in formal mediation processes - either via the union, a workers' association, and the *Comissão de Mediação e Arbitragem Laboral* (Commission for Mediation and Arbitration - COMAL), or the labour courts - and eight in informal negotiations with

employers. The sample was too small to stratify according to gender, age, location, and work activity. Nonetheless, the researcher selected domestic workers who represented a range of experiences along these variables. Table 1 provides a profile of the respondents. Child domestic workers were excluded from the sample because they are protected by a different set of rights and responsibilities. Despite guarantees, only SINED provided access to their members.

Table 1: Profile of domestic workers interviewed

Code	Union	Gender	Age	Neighbourhood	Formal Mediation
A	No	Male	20s	Bairro Triunfo	Yes, COMAL and court
В	Yes	Female	40s	Sommerschield	No
$\mathbf{C}$	No	Female	20s	Polana	No
D	No	Female	30s	Alto Maé	No
$\mathbf{E}$	Yes	Female	60s	Museu	Yes, union and COMAL
$\mathbf{F}$	No	Female	40s	Maxaquene	No
$\mathbf{G}$	Yes	Female	50s	Polana	No
$\mathbf{H}$	Yes	Female	40s	Museu	No
I	No	Female	60s	Boane	No
J	Yes	Female	40s	N/a	Yes, union
K	Yes	Male	60s	Alto Maé	Yes, union
L	No	Female	30s	Museu	No.

#### 3.5 Research Instrument: The Semi-Structured Interview Guide

Semi-structured interviews with key informants and paid domestic workers were central to this study. The advantage of a semi-structured approach is it ensures that the researcher is able to consistently collect information from each respondent, while also allowing for a degree of flexibility which may give rise to unanticipated details (Kvale 1996; Turner III 2010). Separate interview guides were developed for domestic workers, union leaders, legal service providers, government officials, and domestic workers' agencies. These were translated into Portuguese by the researcher (see Appendix 3.1.1-3.1.10 for both the English and Portuguese versions).

All the interviews began with an explanation of the objectives of the interview. The respondents were asked to sign a consent form (see Appendix 3.2) and give their permission to be recorded. Some key informants, government officials in particular, refused to be recorded. During un-taped interviews the researcher took shorthand notes that were promptly written up. Key-informant interviews were not pilot-tested due to the diversity of the actors. The interview guide for union leaders was structured into five sections. The first question asked how they got involved in the labour movement. This was not only to build rapport but also to better understand the history and context of the institution they represented. The second focused on the organisation; when it was founded, how many members it has, and its strategic programme. The third section examined the elaboration of *Decree 40/2008*. The fourth and fifth sections asked respondents to evaluate the regulation.

The interview guide for legal service providers had a similar structure, as did the interview guide for government officials, though the latter also asked questions about training and dissemination of the regulation. In contrast, the interview guide for domestic workers' agencies focused on training, placement, their role in defining working conditions, and past collaboration with workers' organisations.

The interview guide for domestic workers was structured into four sections. The first was a background section intended to build rapport, which started with the instruction, *Tell me a little about yourself*. The second section delved into the impact of the regulation while simultaneously collecting information about the respondents' current working conditions. The third section asked domestic workers to reflect on the profession as a whole. The final section explored the ways in which domestic workers navigate conflict. This interview guide was pilot-tested. Two questions provided particularly rich information: *Has the way you deal with conflict changed?* and, *What do you think would improve the working conditions of domestic workers?* The main modification was made in the section on navigating conflict. Domestic workers were reluctant, or perhaps embarrassed, to use the word *conflict*, so it was replaced with *challenge*. Furthermore the interview guide initially used cards as visual aids, but these were replaced by verbal descriptors.

All the interviews were concluded by asking respondents whether there was anything they felt had not been asked. By ending in this way, the researcher placed the power back in the respondents' hands. It was at this point that the researcher asked for contacts, permission to attend upcoming events, or copies of documents discussed in the interview.

#### 3.6 Data Collection

Data collection took place in three phases. The first phase consisted of developing a sketch of the relevant institutions and gatekeepers. In April 2011, the researcher attended a conference organised by *Fórum Mulher* (Women's Forum), a coalition of Mozambican women's rights organisations, through which she was able to make initial contact with key gatekeepers including: the head of OTM's Working Women's Committee (COMUTRA), without whom it would have been difficult to get buy-in from the labour movement; a founding member of *Fórum Mulher*, who was instrumental in linking to legal service providers; and the coordinator of Women in Law in Southern Africa (WLSA), who provided helpful background information on Mozambique's legal structure. Historical and census research was also critical to this first phase. Given that the research questions are implicitly impact questions, it was important to understand the historical, political, social, and economic context for the regulation and protection of domestic workers.

The second phase of the research consisted of observations at numerous sites - including a park, a taxi rank, the *Comissão de Mediação e Arbitragem Laboral* (Commission for Labour Mediation and Arbitration - COMAL), the Labour Section of the Justice Palace, union offices- and actions, such as International Domestic Workers' Day celebration. The second phase also included 14 semi-structured interviews with key informants, conducted by the researcher in Portuguese and transcribed into English. Prior to initiating this phase, the researcher submitted formal interview requests to each institution (see Appendix 3.3). Interviews with the leadership of the *Organização dos Trabalhadores Moçambicanos* (Organisation of Mozambican Workers - OTM) were particularly difficult to secure due to their busy schedules and overall scepticism. The domestic workers' organisations were more collaborative. The National Union of Domestic Workers (SINED) in particular,

were eager to share information, network nationally and internationally, access external sources for funding, give multiple candid interviews, and make their members available for interviews. Interviews with government officials were secured informally; a reflection of the resilience of patronage systems in the public sector and the absence of a mechanism to process research requests. Three institutions, namely the public legal services Institute for Legal Aid and Advocacy (IPAJ), the Police of the Republic of Mozambique, and the domestic workers' agency, *Mãos e Artes*, did not respond to interview requests. The respondents were not remunerated for their participation.

The third phase of the study consisted of 12 semi-structured interviews with adult domestic workers in the city of Maputo. Interviews took place at a range of locations including the union headquarters, taxi ranks, parks, and in one instance, an employer's apartment building. With the exception of one, all the interviews were conducted in Portuguese. One interview was conducted in Portuguese and Shangana, with the help of an interpreter. The respondents were not remunerated for their participation. However they were provided with a copy of a *know your rights* booklet, with a simplified version of *Decree 40/2008* for domestic workers published by *Fórum Mulher*. Interviews with domestic workers lasted on average for 30 minutes. Given their demanding schedules and long commutes, many domestic workers preferred to meet during work hours. However, this created certain pitfalls. Half way through one interview with a domestic worker, her employer came home, snatched the consent form from the respondent's hands, and read it. The domestic worker pretended to be sceptical about participating until her employer ordered her to participate.

#### 3.7 Data Analysis

The researcher undertook the translation and transcription of the interviews during fieldwork. This allowed her to identify initial themes, contradictions, and affirmations, and make necessary adjustments to the interview guide. For instance, a question on minimum wage was added. After the completion of the fieldwork, the transcripts, observations, and notes were imported into N-Vivo, a computerised data management programme. Themes or *parent nodes* were derived from the theoretical framework and

research questions. Each of the parent nodes had child- and grandchild nodes. As new themes emerged, new codes were identified. Codes were then merged, divided, and shifted. This on-going process of analysis was necessary in order to refine each theme.

One of the key challenges of the data analysis was gauging the veracity of statements. In some instances, it was clear that both key informants and domestic workers were either not entirely forthcoming or untruthful. One union leader delivered the majority of the interview by reading the organisation's manual. Other instances were unclear. When asked what she liked least about her job, one domestic worker hesitated then said, "There's one thing I don't like, but I do it...I don't know if there's anything I don't like. Everything needs to be done." Only after the researcher reassured her that the interview was confidential, did she respond. This highlights the need to triangulate information with other sources.

#### 3.8 Limitations and Questions for Further Research

As the first of its kind in Mozambique, the results of this study have broken new ground. Nonetheless, there are a number of limitations. First, a decision was made to focus only on domestic workers in the *cement city* because they are the most likely to be involved in processes of formalisation. Limiting the sample area to the city reduces the heterogeneity of the sample. Stereotypes suggest that the class and cultural differences between workers and employers in the outskirts are not as marked. A domestic worker in the suburbs is likely to earn less and work longer hours than a worker in the cement city, share the same food from the same dishes as the employer, use the same cleaning supplies that they would use at home, speak the same language, and live in the same household.

Second, the majority of domestic workers interviewed have not been through a formal mediation process. Because of time and resource constraints, the researcher was unable to develop a relationship with state officials strong enough to access former mediation and arbitration participants. Future research would benefit from a partnership with the Ministry of Labour, who could facilitate access to state institutions, contacts, and internal information.

Third, this study did not interview employers. During the observation of court hearings and mediations, the researcher did however have a chance to listen to employers and their grievances. Given that employers play an important role in the formalisation of domestic work, further research will benefit from interviews with employers.

Fourth, given the increasingly prominent role that international networks play in domestic worker organising, it would have also been helpful to speak with the Maputo desk of International Labour Organisation. It may also have been useful to speak to international donors who have been funding domestic worker advocacy.

Finally, the researcher is a white, middle-class Mozambican. Many domestic workers saw her as a potential employer and feared speaking honestly about their problems, lest she conclude that they are conflictual workers. This was particularly true of interviews with non-union workers. In one case, a respondent asked whether the researcher could hire her. This power differential was exacerbated by the fact that the researcher cannot speak Shangana fluently. Though most domestic workers speak Portuguese, by asking domestic workers to speak her language, the researcher reinforced the power relationship. Nonetheless, this study provides a good foundation for future research. The next three chapters present and analyse the research results.

#### **CHAPTER 4**

#### FROM BOYS TO WORKERS:

#### THE EVOLUTION OF PAID DOMESTIC WORK IN MAPUTO

#### 4.1 Introduction

This chapter charts the evolution of paid domestic work in Maputo from the colonial period to the present day. Drawing on secondary data, archival research, and semi-structured interviews, it outlines the changing forms of regulation and protection for domestic workers and provides a historical context for exploring the impact of *Decree* 40/2008 on working conditions in Maputo.

#### 4.2 A Boy's World: Domestic Work in Colonial Lourenço Marques<sup>3</sup>

"Put the child to bed and quiet it. You can love him in your heart but, don't embrace him."

Henri-Alexandre Junod, Swiss missionary and ethnographer (1896)

Henri Junod's conversational guide to Ronga could not have been published at a more appropriate time. Translated into English, French, and Portuguese, it is a reflection of the emerging needs of a growing European settler class in Lourenço Marques at the turn of the 20th century. When Junod sent his manuscript to print, Portugal, embattled from its defeat in Brazil and searching for economic opportunities elsewhere, was involved in a war with the Gaza Empire - which it eventually won in 1897. Consolidating control over Southern Mozambique not only gave this fledgling colonial power command over the strategic bay of Lourenço Marques, but also direct access to the lucrative migrant labour networks established between the Gaza Empire and the Witwatersrand Native Labour Association (WNLA) (Rita-Ferreira 1967/1968; Penvenne 1994; Newitt 1995).

Labour repression was an important component of the Portuguese colonial project (Hanlon 1991; Pitcher 2002; Webster, Wood et al. 2006). The 1899 Labour Law was the first legislation to formally differentiate between white settlers, considered citizens,

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<sup>3</sup> Lourenço Marques is the colonial name for the city of Maputo.

indigenous Africans, and considered subjects (Mamdani 1996). Under this law, all indigenous men, and later women, between the ages of 14 and 60 had *a moral obligation* to work as wage-labourers for a period of three to six months a year. Only those who could prove that they owned capital, produced goods for export, or were already wageworkers, were exempt from *Chibalo* (forced labour) (Munslow 1984; Newitt 1995; O'Laughlin 2000).

Chibalo was primarily a response to labour shortages triggered by migration to the South African gold and diamond mines where wages were higher and paid regularly. Chibalo also protected white workers by upholding a dual wage system (Penvenne and Manghezi 1981). Despite high rates of desertion, Chibalo did accelerate proletarianisation to South Africa. In 1912, at least 91,000 Mozambicans were leased to WNLA but only 5926 were employed in Lourenço Marques (Penvenne and Manghezi 1981-1982). As Newitt (1995) reflects, the Portuguese colonial state struggled with the same problem that an independent Mozambique would later face:

How does a relatively poor and underdeveloped country develop itself when the marketplace for labour, consumer goods and capital is dominated by a much bigger and relatively more developed neighbouring economy. (Newitt 1995, 472)

Not all migrant workers made it to the South African mines. Those deemed too young, unskilled, or unfit by WNLA bided their time in Lourenço Marques. By 1933, one third of the city's labour force was domestic workers (Penvenne 1994). For a young man from the rural areas, domestic work was a sort of *internship* in urban living; an opportunity to learn some Portuguese and network with potential employers; a stepping-stone to a better-skilled position in the mines or port. The lowest paid position was the live-in general worker; a houseboy usually between the ages of 8 and 15. If a domestic worker landed a highly paid position such as a nanny or chef, not only could he earn more than most African workers, but could also remain fairly independent (Rita-Ferreira 1967/1968; Penvenne and Manghezi 1981; Sheldon 2003). The evolution of paid domestic work as a primarily male profession in Lourenço Marques is grounded in this peculiar history of class formation (Munslow 1984).

Initially the colonial regime limited proletarianisation to men, relying on women in the rural areas to care for the young, old, sick, and unemployed (O'Laughlin 2000); cultivate cash crops for export; and grow food to sustain the underpaid labour force in the city (Africa Today 1958; Rita-Ferreira 1967/1968). As conditions in rural areas deteriorated however, women began to migrate to Lourenço Marques in larger numbers. As the demand for male labour in the emerging industrial sectors grew, the colonial state revised its position on women's participation in domestic work, recasting it as an introduction to Western domesticity (Penvenne 1994).

Nonetheless, men continued to dominate paid domestic work until the 1980s (Zamparoni 2000). Fearing that that their husbands would enter into sexual relations with female domestic workers, European madams preferred to hire men. Conversely, African men on the other hand, were unwilling to submit African women to the risk of sexual assault. The perception that men were better skilled, more intelligent, and more obedient further contributed to the slow rate of feminisation (Penvenne 1994; Zamparoni 2000; Chipenembe 2010). The only sector dominated by women was laundry work; performed outside the employers' home for comparatively lower pay.



Fig 1 Colonial representations of domestic work

Source: Painted by Manuel Santana (1936)

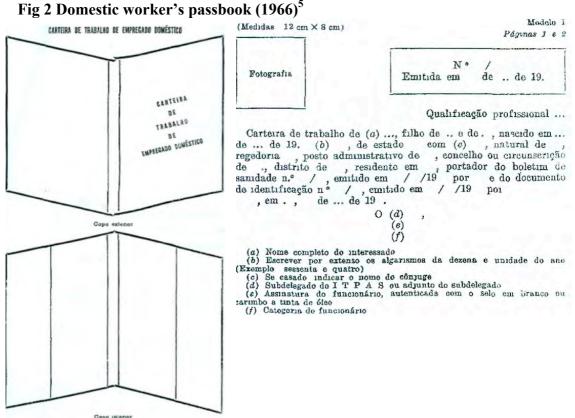
Under the colonial regime, domestic workers were highly regulated (Penvenne 1993). In 1904, shortly after the creation of the Office of Native Affairs and Emigration, the Portuguese government passed the *Regulamento de Serviçais e Trabalhadores Indígenas* (Regulation on Indigenous Service Workers), forcing domestic workers to purchase a *chapa* or registration proving that they worked for only one employer (Penvenne 1994). In 1914, the colonial state implemented a system of identification cards, and in 1918 forbade black Mozambicans from living in Lourenço Marques without one (O'Laughlin 2000). The identification card was replaced by a *caderneta* or passbook in 1926, which detailed a worker's history and tax obligations. As in South Africa, the passbook gave employers unique bargaining power over workers (Ally 2010).

With the rise of the fascist Salazar regime in 1930, regulation became increasingly centralised, and unions and political organisations for black workers outlawed (Grest 1995). In 1944, the *Regulamento de Serviçais e Trabalhadores Indígenas* (Regulation on Indigenous Service Workers) was replaced by a more comprehensive urban registration system designed to further limit the mobility and wages of black workers. Pay increases had to be approved by the local administration; unemployment became a criminal offence; and migrants had to register with the Municipal Labour Administration within three days of arriving in the city, and secure a job within two weeks (Penvenne 1993). Penalties for failure to register employment changes included corporal punishment, *Chibalo* and deportation to São Tome e Principe (Africa Today 1958).

Domestic workers were particularly vulnerable to corporal punishment (Zamparoni 2000). The smallest infraction, from breaking a teacup or burning a sheet while ironing to accusations such as *disobedience*, elicited a trip to the local administrator for a beating with a *palmatória* or wooden bat (Penvenne 1993). Between 1953 and 1957, 1000 domestic workers were subjected to corporal punishment in Lourenço Marques. Seventy-two per cent were young workers between the ages of 14 and 20 years. Francisco, a domestic worker for more than half a century, remembers:

During the colonial times, it wasn't like today. Things have gotten better. In the times we worked as though we were slaves. We didn't have time off, we had to work long hours, and we were beaten. (Interview with Francisco, 16 July 2011)<sup>4</sup>

With the launch of the armed struggle for liberation by the *Frente de Libertação de Moçambique* (Mozambican Liberation Front or Frelimo), *Chibalo* was abolished and a new *Regulamento dos Empregados Domésticos* (Regulation on Domestic Workers) passed in 1966. Framed in terms of mutual rights and responsibilities for employers and employees, it legislated the right to a minimum wage, paid maternity leave, paid sick days, and holidays for domestic workers. In return, domestic workers were expected to be respectful, loyal and obedient; protect the people and goods in the home from vandalism, harm or theft; carry a passbook; and register all contracts at the local administrative post.



Source: Boletim Oficial de Moçambique (1966)

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<sup>&</sup>lt;sup>4</sup> In order to protect their identities, domestic workers have been given pseudonyms.

<sup>&</sup>lt;sup>5</sup> Translation: Work pass of (a)..., child of ... and ..., born on... of ... of 19.. (b) Marital status, (c) from ... administrative post...council or municipality of ... district of... resident in... sanitary book no, issues on / /19 by, and of id book no / issued on / /19 by, in, of ... of 19. (a) Full name, (b) moth and year, (c) if married, spouse's name, (d) ITPAS official, (e) official's authenticated signature with stamp, (f) official's rank.

Penvenne (1994) suggests that in this later colonial period, the municipality did enforce labour protections, inspect homes, and fine deviant employers. However, domestic workers continued to work long hours under high levels of scrutiny and abuse. The Secretary General of the *Associação das Mulheres Empregadas Domésticas* (Women's Association of Domestic Workers-AMUEDO) recalls the experience:

I had to eat their leftover food from an aluminium plate. I had to drink tea from a jam tin, on the water tank where I washed clothes. I slept in the kitchen. I had nowhere to put my clothes. When it rained my clothes got wet. They treated me as though I was a remote control who would provide anything at the push of a button. It was inhumane. (Interview with AMUEDO General Secretary, 1 July 2011)

As the liberation war intensified, home inspections increasingly became a way to root out covert Frelimo activity. The next section will explore the transformation in the regulation and protection of paid domestic work following independence.

# **4.3 From House Boys to Aunties:**

## The Feminisation of Domestic Work in post-Colonial Maputo

Não vamos esquecer o tempo que passou, Quem pode esquecer o que passou. O pai de 5 filhos chamado um rapaz, A mãe de 5 filhos chamado rapariga, Fascista de 15 anos chamado um senhor, Quem pode esquecer o que passou.<sup>6</sup> Popular Revolutionary Mozambican Song

In 1975, Mozambique won its independence. Never again, Frelimo promised, would the father or mother of five children be called a boy or girl. Driven by a socialist vision, and out of economic and political necessity, Frelimo embarked on a modernist project of radical social, economic, and political transformation (Castel-Branco 1994). Chief among these were the nationalisation of all private property, including the majority of small and large enterprises; the establishment of day care centres and social halls in all state-run institutions; the development of mechanisms for popular participation; and the legalisation of unions (Cochran and Scott 1992; Grest 1995; Sheldon 2003).

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<sup>&</sup>lt;sup>6</sup> Translation: We shall not forget what passed, who can forget the past. A father of 5 children called a boy, a mother of 5 children called a girl, a 15-year-old fascist called a man, who can forget what passed.

For domestic workers, the transition to independence was a period of flux as the majority of the 250 000 Portuguese settlers, many of whom had been employers, fled or were deported. Almost overnight, the main source of class polarisation upon which domestic work was built, disappeared (Cochran and Scott 1992). In Maputo alone, the number of domestic workers declined by almost 30 per cent between 1970 and 1983, despite rising unemployment and an influx of refugees fleeing the war. Nonetheless, the trend towards feminisation continued as new opportunities for male workers emerged, and the preferences of a new class of Mozambican employers shifted. According to Chipenembe (2010) 73 per cent of employers pr efer a female domestic worker. Today, women are considered more capable of taking care of children, more obedient and less of a risk.



Fig 3 Trends in Paid Domestic Work, 1940-2007

Source: General Census of the Population (INE 2007); Penvenne (1994).

Frelimo's rise to power bode well for improvements in domestic workers' conditions. With the stated intent on creating a workers' state, Frelimo began to organise workers through *Grupos Dinamizadores* (Dynamising Groups - GDs) and producti on councils (Marshall 1990; Cochran and Scott 1992; Grest 1995; Mamdani 1996; Pitcher 2007) Away from the factory floor however, domestic workers were never incorporated into emerging workers' structures. In contrast to South Africa where the extension of protections to domestic workers was seen as key to redressing the injustices of the past and engendering democracy (Ally 2010), in Mozambique this was outside Frelimo's political imagination. A number of factors contributed to the state's failure t o extend protections to domestic workers.

? ?? First, with independence, Frelimo was confronted with a deteriorating economic situation, as settlers fled en masse, in many cases leaving behind sabotaged infrastructures (Grest 1995; Webster, Wood et al. 2006; Pitcher 2007). The establishment of the *Resistência Nacional de Moçambique* (Mozambican National Resistance-Renamo) by the Rhodesian government, and subsequent support from the South African apartheid state, further exacerbated economic and political chaos (Webster, Wood et al. 2006). It is therefore understandable that Frelimo was primarily concerned with developing the public sector, heavy industry, and large-scale agriculture (Pitcher 2002).

Second, the Frelimo leadership saw domestic work as the remnant of a colonial system. To legitimise the profession was to perpetuate colonial relations. Furthermore, Frelimo distrusted domestic workers as a class. In his speeches President Samora Machel frequently used the symbol of the servant as a metaphor for Mozambicans' acquiescence to colonialism (Machel 1974).

Third, while Frelimo was committed to the emancipation of women, emancipation was conceived within a very narrow framework. Frelimo argued that through decades of oppression, women had internalised a sense of inferiority and only by becoming integrated in the formal sector, could they overcome this (Arthur 2004a). Under this ideological framework, domestic work merely replicated gender oppression.

Fourth, there was not an influential, autonomous, gender machinery in Mozambique. In South Africa, feminists were able to successfully influence policy debates in the transition period, and promote a feminist agenda that broadened the definition of productive labour to include domestic work (Seidman, 1990). In Mozambique, the *Organização da Mulher Moçambicana* (Organisation of Mozambican Women - OMM) was not autonomous from the state. Rather it was founded by Frelimo to mobilise and engage women in the revolutionary process (Newitt 1995). OMM shared Frelimo's disdain for feminism as a bourgeois, divide-and-conquer strategy (Arthur 2004a), and emphasised the importance of women's participation in productive activities (Cochran and Scott 1992), without challenging the definition of productivity.

Finally, with the consolidation of production councils into the *Organização dos Trabalhadores Moçambicanos* (Organisation of Mozambican Workers - OTM), autonomous labour movements were centralised into an arm of the vanguard state (Cochran and Scott 1992). Noticeably domestic workers were excluded from the federation. On one hand, OTM was reluctant to organise domestic workers because of the dispersed nature of the workplace. AMUEDO Secretary General explains:

When we had regional seminars, the issue always came up. "It would have been easier if it were three or four companies," they said. "But imagine organising domestic workers flat-by-flat in all these buildings in Maputo." (Interview with AMUEDO General Secretary, 1 July 2011)

However, it is also important to note that with little autonomy from Frelimo leadership, OTM functioned as a *transmission belt* for Frelimo's decisions (Webster, Wood et al. 2006). Even if it had been more visionary, there was little space to organise around an alternative agenda to Frelimo priorities (Marshall 1990; Cochran and Scott 1992).

In the absence of a structure that regulated and protected domestic workers, conflicts between employers and employees were most frequently arbitrated at the police station where the employer had the monopoly on power (Interview with Labour Inspector Maputo Division, 1 February 2012). When legal cases were lodged against employers, these were arbitrated according to the colonial *Regulamento do Trabalho Doméstico* (1966). It was in this context of deregulation that domestic work once again thrived.

Between 1983 and 1997, the number of domestic workers increased by more that 25 per cent (INE 2007). During the same period domestic workers shifted from *houseboys* to *aunties*, as women came to dominate this sector (Zamparoni 2000). By 2007 there were more than 39,000 registered domestic workers living in and around the city of Maputo; a 50 per cent increase in just 10 years. Over 85 per cent of domestic workers are women and the vast majority, 75 per cent, have Grade 5 or less (INE 2007). Bound up in Mozambique's history of colonisation and forced labour, paid domestic work has become the most important occupation for women after self-employment. The next section will explore the social and political context for the re-regulation of domestic work through *Decree* 40/2008

#### 4.4 From Aunties to Workers:

# Re-regulating Domestic Work in the post-Washington Consensus

In 2008, Mozambique's National Assembly extended labour protections to domestic workers through *Decree 40/2008*. It is no coincidence that two decades after the Mozambican state first embarked on a project of liberalisation, deregulation, and privatisation, domestic workers were recast as engines of economic growth, capable of boosting employment in the context of massive unemployment. As part of a broader tax overhaul, the Mozambican state sought to incentivise the formalisation of informal sectors such as domestic work through the extension of labour and social protections (Byiers 2007). The growth of casual employment, coupled with a crumbling public care system as public sector crèches closed down with privatisation, further incentivised the Mozambican state to formalise domestic work. Ally (2010) describes a similar process in South Africa: "... the state presented the 'privatisation' of care through the market provision of domestic workers as the resolution to the continued labour market participation of both employers and employees" (Ally 2010, 131).

Pressure from organised labour created a further impetus for the passage of *Decree* 40/2008. Though OTM had initially overlooked domestic work, by 2004 it began to explore the possibility of organising informal sector workers in alliance with the *Associação dos Operadores e Trabalhadores do Sector Informal* (Association of Operators and Workers in the Informal Sector--ASSOTSI) (Webster, Wood et al. 2006; Dibben 2010). OTM was hit hard by Mozambique's economic restructuring. Between the 1980s and 2003, membership dropped from 300 000 to 90 000 members. The 1990 constitutional reforms that democratised the labour movement and delinked OTM from the state further weakened the federation. At the precise moment when OTM faced rising pressure from its membership to take action against the repressive activities of newly privatised companies, it found itself without the capacity or means to respond. This seriously compromised OTM's position among its membership, sowing the seeds for a divided labour movement (Arthur 2004a). In 1992, three unions split to form what is known today as the *Conselho Nacional dos Sindicatos Livres e Independentes* (National Federation of Free and Independent Unions - CONSILMO) (Webster, Wood et al. 2006).

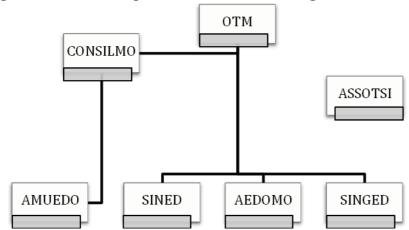
During the declining membership, the informal sector became a strategic growth area for OTM (Arthur 2004b), with the potential to mobilise significant members, resources, and political power. The Coordinator of OTM's *Comité da Mulher Trabalhadora* (Working Women's Committee – COMUTRA) explains:

In Mozambique the unions have had a strong interest in the informal sector for a while. When the factories closed many former OTM members had no recourse but to turn to the informal sector. OTM recognised this and pushed for the formalisation of these sectors. OTM was already fielding calls for help from domestic workers. The inclusion of domestic workers in the labour law was OTMs idea. (Interview with COMUTRA Coordinator, 23 June 2012)

Foreign donors and international unions further encouraged organised labour's reorientation towards the informal sector generally, and domestic work specifically. According to the Coordinator of COMUTRA, the International Labour Organisation (ILO) and the South African Domestic Service and Allied Workers Union (SADSAWU) were key motivators. The Norwegian Embassy and Italian Cooperation also provided support as part of their women empowerment strategy (Klaveren, Tijdens et al. 2009).

A final reason for the shift in OTM's position is that leaders from its own ranks began to organise domestic workers (Interview with COMUTRA Coordinator 23 June 2012). After a former COMUTRA representative clandestinely registered an AMUEDO and affiliated with the rival federation CONSILMO in 2006, OTM formed its own association, the *Associação de Empregados Domésticos de Moçambique* (Mozambican Domestic Workers' Association - AEDOMO). Unbeknownst to them, a third union, *and the Sindicato Nacional de Empregados Domésticos* (National Union of Domestic Workers - SINED) registered in 2008. Because of the changes in the labour law in 1991, unions can now register without affiliating with a federation, though SINED eventually did affiliate with OTM. All three organisations are Maputo-based. More recently, the Beira-based *Sindicato Nacional dos Guardas e Empregados Domésticos* (National Union of Guards and Domestic Workers - SINGED) also affiliated with OTM. Fig 4 illustrates an institutional map of domestic workers' organisations.

Fig 4 Institutional map of domestic workers' organisations



Source: compiled by author, based on interviews with key informants.

By 2007, OTM had joined AMUEDO, and lawyers at the *Ministério do Trabalho* (Ministry of Labour - MITRAB) in drafting *Decree 40/2008* [Imensis 2007; Sixpence 2007). According to the coordinator of the project, *Decree 40/2008* was inspired by the 1966 colonial regulation on domestic work (CanalMoz 2007). Domestic workers were minimally included in the elaboration of the decree. The Minist ry of Labour held three roundtables with stakeholders. It was a process of compromise, recalls AMUEDO General Secretary:

I would tell the domestic workers, 'we don't need to rectify everything right now. We need to keep this legislation moving. The areas we feel we need to improve, we can improve in 5 years. (Interview with AMUEDO General Secretary, 1 July 2011)

One of the most contentious debates was around whether to establish a minimum wage for domestic workers. Ultimately it was decided to leave salary negotiations up to the employer and employee. According to the Ministry of Labour's lawyer, the absence of a minimum wage protects both employer and employee:

...A minimum wage would put workers at risk, because some employers also receive a minimum wage. On the other hand, domestic workers are also in need of payment, regardless of how small that amount is. (Sixpence 2007)

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Interestingly OTM did not include its affiliate AEDOMO in the drafting of the regulation. The General Secretary of AEDOMO explains:

After the elaboration of the regulation we received a document from the Ministry asking for feedback. We brought together the executive committee of the association. The Ministry gave us very little time to provide feedback, which meant that we were not able to consult with our membership. We had help from a law student. After that I was invited by the national OTM to participate in their meetings that were also analysing the law. I remember that we had a lot of discussion. There were a number of points where our colleagues had to be reminded that they were fighting in the interests of domestic workers. I had to tell them "don't forget that there is a domestic worker here among you." (Interview with AEDOMO Secretary General, 09 July 2011)

In November 2008, labour protections were finally extended to domestic workers. Domestic workers now have the right to a written contract, set schedule, daily break, weekly and annual leave, and social protection.

#### 4.5 Conclusion

This chapter traces the evolution of paid domestic work from the colonial period to the present day. It illustrates that formalisation is not a unidirectional process. As the Mozambican state shifted from a fascist colonial to a Marxist-Leninist and then neoliberal state, so did the labour regimes in which domestic workers operated. Second, this chapter demonstrates the qualitative difference between regulation and protection. During the colonial period, domestic work was highly regulated yet workers were poorly protected. Third, this chapter shows that institutional interests are not static; they shift according to changing social, political, and economic circumstances. Finally, this chapter exposes the dynamic and highly contested nature of the gender division of labour (Beneria and Sen 1981; Harding 1987). Three decades after independence, Mozambican domestic workers are now covered by labour protections. Yet there is significant debate about the role of legislation in such an intimate sector. Based on early indications of the impact of *Decree 40/2008*, Chapter 5 and Chapter 6 explore the opportunities and limitations of labour protection in improving domestic workers' conditions.

#### **CHAPTER 5:**

# WORKING IN THE "PATIENCE INDUSTRY": A PROFILE OF PAID DOMESTIC WORK IN MAPUTO

"You just have to be patient. That's why we call domestic work the patience industry."

- Interview with Fernanda (8 November 2011)

#### 5.1 Introduction

Nicknamed the *patience industry*, domestic work has become a hallmark of modern urban living. Along Maputo's streets one can easily spot workers taking children to school, doing the household shopping, or running errands for employers. Posters advertising domestic workers' placement agencies line the walls of apartment buildings. Street traders hawk *batas* or uniforms at intersections. In 2008 Mozambique's National Assembly passed *Decree 40/2008*, extending labour protections to domestic workers (Boletim da República 2008). Drawing from semi-structured interviews and observations with domestic workers in the cement city, Chapter 5 provides a detailed overview of domestic work in Maputo. It compares current working conditions to the rights and responsibilities outlined in *Decree 40/2008*, and explores the informal strategies and tactics domestic workers use to negotiate concrete improvements.

# 5.2 Work Schedule

According to *Decree 40/2008*, domestic workers' daily schedules must not exceed nine hours a day or 54 hours per week (Boletim da República 2008). Neighbouring countries stipulate a shorter workweek. In South Africa, domestic workers cannot work more than 45 hours a week or 12 hours a day, including overtime (ILO 2012). The average workday in the sample is 10 hours; above the legal maximum but far below the average found in Chipenembe's (2010) study. According to Chipenembe (2010), live-out domestic workers work on average 12 hours, while live-in workers work between 14 and 16 hours. Similarly, wages in this study were higher than those cited by Chipenembe (2010), suggesting that respondents' working conditions may be above average for Maputo.

Despite above-average conditions, long workdays were the primary grievance identified by respondents. Live-in workers in particular are vulnerable. Filomena started working as a domestic worker in her teens, after her father passed away. Domestic work not only enables her to earn a steady income, but also gives her access to housing. She currently lives and works in a two bedroom, brick and zinc structure, constructed in the parking lot of an apartment building located in Maputo's working class neighbourhood of Alto Maé. Her employer is a single mother who works during the day. Filomena has little time to herself:

You can never rest... If it's a house with babies like this one, I have to be there at 6:30am...We agree that I'll knock off at 16:30...but I never finish my work. The only time when I rest is when I lay my head on the pillow...They are constantly asking you to do things at whatever hour of the day or night. "I want coffee, I want I don't know what. The baby is crying"...It wasn't the agreement but since we're right there, there's no way to escape. (Interview with Filomena, 13 June 2012)

For many live-out workers, long commutes add to the rigorous schedule. Teresa, who is in her mid-60s, has been a domestic worker for 13 years. Three years ago her employer retired to a *mashamba* (small farm) outside of Maputo. Exhausted, Teresa finds the rigorous workday, intensity of work, and long commute from Maputo to the *mashamba* unbearable. However, with limited alternatives, she continues to work, effectively, as a farm worker:

I leave my house at 3:00am...I get there at 5:30am, I sweep her yard. I'm not a guard ... Nonetheless I'm there sweeping her yard...These tasks we had not agreed on... I get home at around 9:00 or 10:00pm... I barely have time to sleep. Instead of giving me Saturday off to compensate for the longer travel time, she makes me work Saturdays as well... As I walk early in the morning to the taxi rank I pray, I ask, "God, please find me an alternative job, maybe not outside of domestic work, but at least closer to home." (Interview with Teresa, 16 June 2012)

Urban sprawl, increased congestion and an inadequate public transport system have transformed the daily commute into a costly struggle. Like most domestic workers, Josina is expected to arrive before her employer leaves for work. Fearful of arriving late, she catches a minibus in the opposite direction, and then double-backs towards the city. She ends up paying double but if she waited for a direct route she would never manage to

secure a seat; women have lost their lives fighting to get into the packed minibuses. Employers, she reflects turn a blind eye to the transportation crisis:

Back when there wasn't a lot of traffic in the city, I was always punctual... But now, arriving on time is difficult and there is a lot of tension [with employers] around schedules. They [employers] pretend that they don't know that there's a transportation problem in Maputo, but they know. It's constantly on TV. Maybe it's also because they don't watch the Mozambican news stations. They prefer to watch cable that doesn't touch on the reality of our country. (Interview with Josina, 16 June 2012)

Long workdays take a toll on domestic workers' personal lives. Fernanda is a single mother of three. She returned to domestic work when her husband left her. For Fernanda, the schedule is more family-friendly than for instance, restaurant work. Fernanda takes pride in her job; she takes pleasure from learning how to do things in a different way, a middle-class way, and enjoys earning her own salary. However, as her children grow older, she worries that she cannot provide closer supervision:

At what time do you get home? And you still have to do housework. That's when your own children start to deviate. Because they say mum doesn't live at home, she lives on the street, she just sleeps at home, so you can do whatever you want...Because I'm working long hours, I'm not able to take care of my own family. And we have families. We have children to look after. (Interview with Fernanda, 8 November 2011)

#### 5.3 Remuneration

Salaries in the sample ranged between Mts 2000<sup>7</sup> and Mts 7500 a month; again, far above Chipenembe's (2010) range of Mts 500 to Mts 4500. Nevertheless, the majority of respondents identified low salaries as a major drawback. Among the respondents, only Maria negotiates her salary. Desperate for a job, domestic workers prefer to wait until they have built some level of rapport with employers before asking for an increase. If employers refuse, they negotiate with their feet. Filomena explains her strategy:

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 $<sup>^{7}</sup>$  Mts: abbreviation for Metical, the Mozambican currency. ZAR 1 is approximately Mts 4.

Because I need that job and the shelter ... I prefer to accept even a wage as low as Mts 1000 if that means I can have a job. However, I will continue to look for work...I prefer to do that than to have a long drawn out confrontation...I will quickly jump to someone who pays more. (Interview with Filomena, 13 June 2012)

Josina counsels against simply moving from one employer to another. There is no guarantee that the next employer will be better than the last. Instead she recommends cultivating a strong relationship with an employer through open communication. This takes time and requires patience:

Pick a day when you see that your employer is calm and explain your problem... if he tries to justify his actions, to elevate himself, you need to bow down to him because he can't accept that you're equals. You need to be patient. You'll have your time to talk to him, but you shouldn't get into a heated discussion. If I can't work, I'll ask to go home...I'll explain to him that if I stay, I may destroy dishes, the things around me. (Interview with Josina, 16 June 2012)

While Fernanda agrees that communication with employers is important, she argues that many times employers do not fulfil the promises they make:

... She [employer] was very smart, she never paid me [overtime]. I worked for her for a year and three months and then her contract ended...I told her that I needed to register the house under my name and could use the extra money to do that...She said that she would compensate me... But when she left she just gave me \$100. (Interview with Fernanda, 8 November 2011)

Employers also have the privilege to refuse to dialogue, sometimes forcefully. Maria describes her employer's reaction when she began to be more assertive:

She perceived me as misbehaving because I stood up for myself. When I first started working there, she abused me and I would start crying... eventually I stopped crying. Then she got upset because I no longer cried. (Interview with Maria, 18 November 2011)

Gifts and payments in kind are also an important source of remuneration for domestic workers. Tina became a domestic worker when her husband passed away. Her first employer, a Swedish woman, would purchased gifts for her and her four children, pay for incidentals, and even bought Tina a ticket to Sweden (Interview with Tina, 14 June

2012). However, gifts also often reinforce the unequal relationship between worker and employer. Ismael is in his early 20s. After moving from Beira to Maputo, he took a temporary job cleaning a boat. Soon after, his employer bought him a bike. When Ismael was dismissed, his employer demanded the bike back. Ismael refused. He explains why:

He was the type of employer who was always controlling what you bought...So when I told him I was going to buy myself a bike, he said don't worry, I'll buy one for you. I even picked it out...He bought me the bike, I should keep it. (Interview with Ismael, 14 June 2012)

Given the unequal employee-employer relationship, remuneration is often set at the employer's whim. *Decree 40/2008* does not stipulate a minimum wage for domestic workers. Given that employers' incomes vary widely, the National Assembly argues that a minimum wage would undermine employer's ability to secure care for the young and elderly, and cause mass retrenchments among domestic workers. The *Sindicato Nacional de Empregados Domésticos* (National Union of Domestic Workers—SINED) disagrees. A minimum wage is the only mechanism to address the extremely low wages in this sector. However, the Secretary General of the *Associação de Empregados Domésticos de Moçambique* (Mozambican Domestic Workers' Association - AEDOMO) is concerned that a minimum wage could actually lower salaries.

There may be opportunistic employers who currently pay above what a minimum wage would likely be. We have colleagues who earn Mts 3000, Mts 4000 or even Mts 5000 and I doubt that minimum wage in Mozambique for a domestic worker would be more than Mts 2000. Even if it got up to Mts 1500, that would be a favour. [If there was a minimum wage, employers] would be inclined to fire current workers, and hire new workers at a lower rate. (Interview with AEDOMO Secretary General, 09 July 2011)

Varying wage determinations is one way to accommodate differences in geographical areas and skills required for different types of domestic work.

#### 5.4 Rest and Meals

Decree 40/2008 mandates that domestic workers have a total of at least 30 minutes of rest during the workday (Boletim da República 2008). In contrast, Zimbabwean domestic workers are entitled to a meal break of at least 30 minutes, a lunch break of an hour and a tea break of 15 minutes (ILO 2012). While most respondents have access to breaks in theory, in practice employers' expectations and the nature of the work, prevents them from resting. Josina explains:

My *patrão* tells me that I am entitled to a 30-minute break but it's impossible to take because of the intensity of work... Even a telephone needs to be recharged...if I'm able to, I rest in the corner for a few minutes because I get dizzy...If I'm resting my boss will come and order me around. He says one thing but he does another. (Interview with Josina, 16 June 2012)

Lunch breaks are particularly challenging because in many households domestic workers are not allowed to eat the same food as the employer. Some employers provide a loaf of bread, others, yesterday's leftovers. In some instances they purchase more substantial rations, though these tend to be of inferior quality. With no time to cook their own meals, most domestic workers labour from early in the morning until late in the evening without eating. While employers may agree to share food, in practice domestic workers have to negotiate access to meals on a daily basis. Fernanda explains:

She [employer] would say "eat, eat, eat, everything you cook you should eat." The moment I would take a little bit of food, she would come back and ask for that very same food I ate...How am I going to work if I'm feeling hungry? No one can do that... If the *patroa* is hungry, that same hunger will be felt by the worker. But I think employers think we're animals. That we're made out of iron. That we don't feel hunger. That we're just here to work like machines...That's why many domestic workers steal. (Interview with Fernanda, 8 November 2011)

## 5.5 Paid Leave

According to *Decree 40/2008* all domestic workers have the right to one day off a week, usually Sunday (Boletim da República 2008). In South Africa, domestic workers are entitled to 36 hours (ILO 2012). While most domestic workers have Sunday off, Maria, who became a domestic worker in the 1980s when she moved to Maputo as a refugee fleeing the civil war, had to negotiate for it:

When I first started, there were two of us and we would take turns. One would work Saturday, the other would work Sunday. After a while, we said no, we want to go to church on Sundays...She got angry. She didn't want to have to stay home on Sundays...We insisted, we complained, we got angry, until she accepted that we would both get Sunday off. (Interview with Maria, 18 November 2011)

Decree 40/2008 also mandates the right to 12 days of annual paid vacation in the first year, 24 days in the second year, and 30 days in the third year and thereafter. Workers can choose not to take their full vacation but must take at least five days off by law, and the employer is required to pay compensation for the forfeited days. Three quarters of respondents said that they did have access to paid holidays but it was up to the employer to decide when. The primary obstacle to taking time off is that many employers expect domestic workers to find a replacement. This means that domestic workers not only forfeit their wages but risk losing their jobs permanently. Filomena explains:

If I want to go on holiday I need to find someone to take my place while I'm gone. When I come back they are supposed to leave... If my employers like them, it's difficult to take that person out, and so I risk losing my job. That's why I don't take holiday time. (Interview with Filomena, 13 June 2012)

According to *Decree 40/2008*, workers have the right to paid vacation after the first three months of employment, yet two respondents said that they had not taken time off because they had yet to complete a year with their employer. This suggests that respondents were misinformed about their rights.

Decree 40/2008 further stipulates three paid sick days, 60 days of maternity leave, and five days for weddings and bereavements. Only two domestic workers in the sample have reliable access to paid sick days. Josina creatively negotiated paid sick days:

He [employer] expected me to come back to work after going to the hospital. I would say yes, and sometimes pretend that I'd gotten confused, and go straight home. If they expected to me to leave the hospital and come straight back to work, they clearly didn't treat me like I was sick. (Interview with Josina, 16 June 2012)

Others have been less fortunate. Francisco has been working for the same family since 1961, when he moved from Gaza Province to the city of Maputo. However, this year he was fired when he got sick and his employer refused to grant him paid sick days.

When I got sick, my employer didn't give me paid time off. I brought receipts from the hospital, to show him that I was seriously sick but my *patrão* didn't want to know about it, he didn't accept it. (Interview with Francisco, 16 July 2011)

Negotiating paid time off to attend funerals or weddings is particularly contentious. Isabel is in her mid-40s. Initially a homemaker, she became a domestic worker 12 years ago, when her husband could no longer make ends meet. She has been working for the same employer since. When her neighbour's son passed away, she asked for time off to attend his funeral. This triggered a discussion. Angered by Isabel's insistence, her employer dismissed her:

I tried to negotiate with her [employer]. I told her that she could discount the day from my salary and that's what she did. But she never paid me for that month, she fired me instead...She told me to leave her house, that I was giving her bad luck. I had been working for her for 12 years and she owed me my holidays and severance pay...To this day I haven't received my pay. (Interview with Isabel, 16 July 2011)

# **5.6 Social Security**

Decree 40/2008 extends social security benefits including subsidised paid sick days, maternity leave, and pension to domestic workers. Registration with the *Instituto Nacional de Segurança Social* (National Institute of Social Security - INSS) is voluntary, and is the responsibility of the worker rather than employer. The employer and employee are expected to contribute four per cent and three per cent, respectively. SINED's Secretary for Organising argues that this is impractical given domestic workers' low wages and the unequal power relationship between employee and employer. Under the current system, domestic workers must convince employers to contribute to the fund regularly (Interview with SINED Secretary for Organising, 30 June 2011)

None of the domestic workers interviewed in this study are registered with the INSS. Despite the fact that in 2008 the Mozambican state extended social protections to this sector, the Ministry of Labour has yet to issue guidelines for their incorporation. Only domestic workers who in their former profession had an INSS account, are able to make contributions. The co-founder of Celeste Hospitality, a personalised training and

placement agency for domestic workers, explains the challenge:

I suggest to the employer that they pay social security. However, there is a problem. The Institute for Social Security doesn't actually accept social security deposits for domestic workers because they have not written up the protocol yet. This is despite the fact that the 2008 law stipulates it. One of my clients wanted to contribute to social security but it was actually physically impossible to do so. (Interview with Celeste Hospitality Co-founder, 15 June 2012)

#### **5.7 Contracts**

Under *Decree* 40/2008 a written contract is not mandatory for domestic work. None of the respondents in the study, including union members, had a written contract. This corresponds to Chipenembe's (2010) findings. It also reflects findings by Hertz (2004), Fish (2006), King (2007), Ally (2010), Bhorat (2010), and Du Preez (2010) on the formalisation of domestic work in South Africa.

Respondents had different positions on the utility of a written contract. Graça, a domestic worker for over a decade, argues that only with a written contract can domestic workers defend themselves (Interview with Graça 18 November 2011). Maria on the other hand feels intimidated by the legalistic language of contracts (Interview with Maria 18 November 2011). Others are sceptical about whether written contracts can really protect them. According to *Decree 40/2008* domestic workers can only rescind the contract if the employer forces them to perform illegal acts, if their rights as defined by the regulation are violated, if they are subject to abuse, or if their employer moves house. If a domestic worker rescinds the contract without due notification or just cause, they are liable to pay a fine to the employer. Filomena is opposed to a contractual relationship with her employer because it would undermine her individual agency. Given the unequal employee-employer relationship, the ability to leave one's job is an important option:

For me to have a contract, I would need to have a guarantee about the conditions of work. I wouldn't want to sign up for a contract without these. But it's impossible to get these. (Interview with Filomena, 13 June 2012)

In her study of the formalisation of domestic work in South Africa, Ally (2010) describes how some domestic workers refused to sign mandatory contracts, even when employers

implored them to. She attributes their refusal to sign as an attempt to preserve the familial relationship between employer and employee. However, Fernanda's response suggests that there may be a more pragmatic reason. As Constable (1997) argues in her study of domestic workers in Hong Kong, refusing to sign a contract is a means of maintaining a level of autonomy over one's work in a context where regulation is at least perceived as irrelevant or not enforced (Constable 1997).

# **5.8** Health and Safety

Decree 40/2008 emphasises employers' rights to determine health and safety conditions. A remnant of the 1966 colonial regulation, it is concerned primarily with regulating domestic workers' hygiene rather than establishing health and safety codes. For Josina this is a significant concern:

I work meat and bones, absorbing toxic substances...When the *patrão* fumigates or paints the house they go on holiday, they stay in a hotel. But they expect that I should work. Then I get sick, have to go to hospital, and don't have money to pay. (Interview with Josina, 16 June 2012)

Decree 40/2008 does stipulate that employers must compensate domestic workers for workplace-related injuries and illnesses. However, as with paid sick leave, respondents say that it depends on the employer's mood. Maria's has received small loans for hospital care, but these have been immediately deducted from her salary:

If I got sick, really sick, I had to come into work, ask to go to the hospital, go to the hospital and then come back to work. She wouldn't pay our medical bills. Sometimes you could ask her, "Please lend me Mts 50 (\$2) to go to the hospital." But I had to repay her. If I couldn't repay her she would discount it from my salary at the end of the month. (Interview with Maria, 18 November 2011)

Decree 40/2008 also states that domestic workers should be provided with adequate equipment to perform the required tasks. The definition of adequate equipment however, is left up to individual employers. In practice, domestic workers have little control over the physical environments in which they work.

#### 5.9 Discrimination, Abuse and Humiliation

According to *Decree 40/2008*, domestic workers have the right to be treated with respect and consideration. However, during interviews, domestic workers consistently mentioned that they experience high levels of discrimination, mistreatment and abuse. Fernanda describes her experience working for a Mozambican judge:

She's a racist; she's black but racist. She wouldn't allow me to drink water from her cup, to hold her spoon, to sit in the seat where she sits... You had to take off your shoes and hide them far away from her. She would say, "I don't want your street shoes in my house. I don't want your street clothes in my house, because they have bacteria." But she wants you to do the work. What's the difference? I touch her food and make it into a meal, and she eats it...Yes, that continues even after colonialism. (Interview with Fernanda, 8 November 2011)

Like Fernanda, Josina finds employers' generalised lack of respect paradoxical given the intimate nature and important contribution of domestic work to the household:

We are the pillars of their households. We protect their belongings, their families, even the money they leave lying around. I raised a child from when he was born until he was ten. I was their second mother...yet we get no respect. We have the same blood running through our veins but we are treated as an alien species. (Interview with Josina, 16 June 2012)

High levels of scrutiny as one of the defining characteristics of domestic work:

You will never be able to do a good enough job alone, the house will never be clean...You have to look after the kids, you have to go cook, you have to clean the whole house. How can you do all of that in one day? This work never ends. (Interview with Maria, 18 November 2011)

Finally, Maria adds, domestic work is characterised by humiliating tasks such as hand washing dirty underwear and cleaning intimate items:

The worst thing is to force a domestic worker to wash dirty underwear, especially if the *patroa* is having her period or if you have to wash the underwear of a man with all his dirt. That's what's really horrible. That should not be done. Would she [the employer] accept washing someone else's panties if she was a domestic worker? No. One's dirt should never be passed onto someone else. Either you wash it yourself or put it in the washing machine. But employers insist that the domestic worker wash the panties by hand. (Interview with Maria, 18 November 2011)

#### 5.10 Criminalisation

During fieldwork, a prison guard from the Maputo central jail came into the offices of AMUEDO. A domestic worker, he said, had been arrested for stealing and was currently locked up. Desperate to find her some help, he had stopped by on his way to work to see whether the association could intervene. The domestic worker, he said, claimed that her employers had set her up. A few days later, an employer walked into the SINED offices with her domestic worker who she said had stolen her hair extensions. Taking pity on her, the employer decided to take her to the union rather than the police station, in the hope that the union officials would administer a beating. These two anecdotes illustrate the important role that the police play as arbitrators of conflict. In the first three months of 2012, employers accused 1300 workers of theft (Verdade 2012). Domestic workers rarely carry the same weight as employers in the eyes of the law. According to SINED's Secretary General, the constant threat of criminalisation fosters a deep-seated fear among domestic workers and weakens their bargaining position:

If you complain, or even think of complaining, they [employers] will retaliate by accusing you of taking something, just to prevent you from lodging a complaint. So as a domestic worker you're stuck, the employer is the boss. (Interview with Fernanda, 8 November 2011)

Seizing on this vulnerability, some domestic workers try to frame their colleagues in order to secure their own jobs. As a rule, Fernanda is always careful to disclose theft to an employer. This is not only ethically correct, but important if she is to protect her own position. New hires are particularly vulnerable. If an employer sees that belongings are missing, Fernanda argues, they are more likely to blame the new recruit.

## 5.11 Juggling Tensions

The majority of domestic workers interviewed in this study juggle competing tasks and priorities. They have a pecking order of bosses, the *patrão* or *patroa* at the top, each with their own concerns and approaches. According to *Decree 40/2008*, domestic workers must obey all orders, whether given by the employer or other members of the household. Juggling contradictory orders, personalities, and ever-changing family structures is

stressful, argues Teresa:

I'm never sure who the boss is. Sometimes she pays me; sometimes he [nephew] pays me.... He has been spreading rumours that I steal food from the *mashamba*...That's hurts me. I try to talk to madam but she doesn't pay attention. He's the one overseeing my work. (Interview with Teresa, 16 June 2012)

Domestic workers also have to juggle tensions with colleagues. *Decree 40/2008*, obliges them to get along but this is not always easy, particularly in a precarious labour market such as Mozambique's. Fernanda tries to pre-empt potential sources of tension:

We don't all have the same heart. There are some colleagues who want to undermine others, to safeguard their job or get my job. They try to ruin your work, to make you look bad in front of your employer...When I was hired, *madam* asked me whether I could cook but I saw that they already had a cook in the house so I said no, I don't know how to cook. I didn't want to undermine the other cook, foster competition or hard feelings. (Interview with Fernanda, 8 November 2011)

#### **5.12 Conclusion**

Findings suggest that *Decree* 40/2008 has had little direct impact on working conditions. First, more than half of domestic workers interviewed had no knowledge of Decree 40/2008. Second, in relation to labour protections in neighbouring countries, Decree 40/2008 is weak. It does not stipulate a minimum wage. It mandates longer workdays, fewer meal breaks, and shorter weekends. It does not include occupational health and safety standards. It does not provide incentives for compliance. Written contracts are optional and there is no protocol for extending social protections to this historically marginalised sector. Disciplinary processes overwhelmingly favour the employer. Third, there is a mismatch between labour protections and the realities of domestic work. For instance, Decree 40/2008 stipulates a 30 minute meal break a day yet the nature of domestic work and of employers' demands means that in reality domestic workers have difficulty in taking a break in the middle of the day. Fourth, domestic work is intimate work and negotiations over working conditions take place directly between worker and employer. Institutionalised power relationships mean that employers have significant discretionary power. As Isabel reflects, "It really depends on the madam. Some are considerate...others inconsiderate" (Interview with Isabel, 16 July 2011).

In a context where regulation is at least perceived as irrelevant or unenforced, domestic workers resort to sometimes-contradictory forms of resistance and accommodation to advance their interests. On one hand, as Josina's attempt to secure paid sick days illustrates, they use subtle forms of resistance to indirectly negotiate better working conditions. On the other hand they exhibit high levels of *patience*, preferring to wait for conditions to improve or better options to surface, than to make outright demands from employers. Given the unequal employee-employer relationship, the ability to leave one's job is an important option for domestic workers. Consequently, some domestic workers see the written contract as a mechanism of control rather than a tool of liberation, and resist formalisation. Ultimately, *Decree* 40/2008 does not address the structural issues that funnel urban women and men into domestic work. Nonetheless for Josina *Decree* 40/2008 is an important first step towards improving working conditions:

We were treated as invisible, neutral. We knew we existed but the government didn't recognise us. The state treated our work as voluntary work and therefore felt that they didn't have to provide any labour protections. (Interview with Josina, 16 June 2012)

Chapter 6 explores the role of state and non-state institutions in enforcing *Decree* 40/2008 and improving domestic workers' conditions.

# **CHAPTER 6**

## REGULATING THE "PATIENCE INDUSTRY":

## OPPORTUNITIES AND LIMITATIONS

"The state is our patrão. They don't want to listen to us. They say they'll discuss our rights next week but I have a wound inside that has not healed. We want our own rights."

-SINED General Secretary, Seminar on Convention 189, (11/12/2011)

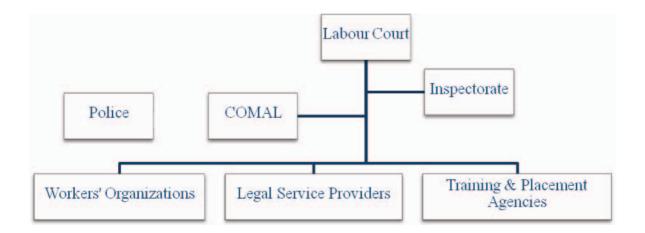
#### 6.1 Introduction

It has been three years since Mozambique extended labour protections to domestic workers and the Secretary General of the *Sindicato Nacional de Empregados Domésticos* (National Union of Domestic Workers - SINED) is frustrated by the limited impact of *Decree 40/2008*. To her, the state is like an employer; oppressive and manipulative but necessary. The irony is not lost on the audience of domestic workers. The majority of bureaucrats and policy-makers that make up the state apparatus are themselves employers.

Chipenembe (2010) attributes the limited impact of *Decree 40/2008* to the absence of regulatory institutions. However, this chapter illustrates that there is in fact a budding regulatory framework made up of state institutions such as the *Comissão de Mediação e Arbitragem Laboral* (Commission for Labour Mediation and Arbitration - COMAL), the Inspectorate, the Labour Courts, and the *Instituto de Patrocínio e Advocacia Jurídica* (Institute for Legal Aid and Advocacy - IPAJ); non-governmental legal service providers; private training and placement agencies; and perhaps most importantly, domestic workers' organisations.

The more interesting question therefore is not whether formal institutions exist but how these institutions of regulation, protection, and opposition both enable and constrain the extension of labour protections to domestic workers. Through an institution-by-institution analysis, this chapter maps the regulatory context in which domestic workers operate and the ways in which domestic workers leverage institutions to advance their interests.

Fig 5 Institutional map of Maputo's complaints mechanism



#### **6.2 Labour Courts**

While *Decree 18/92* mandates the creation of Labour Courts, these have yet to be constructed. Labour-related disputes are settled within the labour section of the Maputo Court. The Labour Court is the point of last resort for domestic workers. Only cases that have already go ne through mediation are accepted. In reality, few cases get to this level (Interview with Maputo Labour Division Judge, 13 July 2011) for a number of reasons.

First the majority of employees and employers are not aware of Decree 40/2008 (Chipenembe 2010). The state has done little to educate domestic workers, employers and state officials about regulation. Instead it has relied on under -resourced unions and workers' associations to perform this role. AMUEDO General Secretary explains:

MITRAB [the Ministry of Labour] did no outreach. They received money from the ILO to outreach but they have done nothing to support us in reaching out to the base of domestic workers. They didn't even give us the 100 copies of regulation they promised us. (Interview with AMUEDO General, Secretary 1 July 2011)

Second, the majority of cases are resolved through mediation and conciliation. Domestic workers are generally able to win stronger benefits during mediation because employers are eager to settle case s and thus more willing to give in to domestic workers' demands

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(Interview with Maputo Labour Division Judge, 13 July 2011). In contrast, Labour Court decisions must follow the letter of the law. Under *Decree 40/2008* the burden of proof lies with the accuser, most frequently the domestic worker. Without a written contract, domestic workers find it difficult to substantiate their arguments.

Ismael submitted a case against his employer for Mts 21,000 in severance pay and back wages. His employer, claims that Ismael was a domestic worker. However, Ismael disputed this, arguing that he was a seaman because his primary function was to clean his employer's boat. The boat was part of his residence, contends the employer, who said that Ismael did not possess the skills to navigate a boat. With no formal contract, his employer called Ismael's neighbour and former colleague as a witness to corroborate the story. The judge ruled that Ismael was indeed a domestic worker.

Third, costs are prohibitive. In order to schedule a hearing, the accuser has to pay a fee. Judges can waive this fee but the process is complicated and few claimants are aware of it (Interview with Maputo Labour Division Judge, 13 July 2011). Supporting documents include a contract, and pay stubs, a personal declaration, and proof of hardship are required.

Fourth, though legal representation is not necessary, even well trained union mediators feel that they need guidance from lawyers to navigate the judicial process (Interview with SINED Secretary for International Relations 30 July 2011). In theory, the *Instituto de Patrocínio e Advocacia Jurídica* (Legal Aid and Advocacy Institute - IPAJ) should legal assistance, but as will be discussed later, there are chronic problems.

Finally, the process is lengthy. As CONSILMO Labour and Legal Affairs Secretary explains, there was a backlog of 15,000 cases:

Therefore it was improbable that your case would ever be heard. It became clear that if the cases were simple, the courts should declare themselves incompetent of dealing with the situation. Not incompetency in terms of training but in terms of capacity to resolve the issue. (Interview with CONSILMO Secretary for Labour and Legal Affairs, 1 February 2012)

# **6.3 Inspectorate**

Decree 40/2008 tasks the Inspectorate General with enforcement. The Inspectorate is not mandated to carry out workplace inspections but is responsible for following up on verbal or written complaints made by domestic workers. In reality, the Inspectorate handles very few domestic workers' cases (Interview with Labour Inspector Maputo Division, 1 February 2012). First, with the establishment of COMAL, non-criminal labour disputes are no longer dealt with at the inspectorate. Criminal cases such as sexual assault are forwarded to the Labour Court.

Second, mediation is more desirable because it offers the opportunity for reconciliation, thereby preserving the employment relationship:

We used to submit cases to the Inspectorate but when the inspector would go to the house, the employer would say that there wasn't a problem. The inspector would go away and then the employer would find some reason to get rid of the worker. Sometimes domestic workers would be physically abused, other times the employer would call the police and send domestic workers to jail. So the union felt that mediation and conciliation was a better avenue to ensure that workers did not lose their jobs. (Interview with SINED Secretary for International Relations, 30 July 2011)

Third, inspectors neither have the mandate nor capacity to inspect the tens of thousands of private homes that employ domestic workers. There are approximately 120 inspectors across Mozambique, working on roughly 11,000 cases annually (Interview with Labour Inspector Maputo Division, 1 February 2012). In contrast, in South Africa inspectors have the right to inspect private homes and carry out raids (ILO 2012).

Finally, the absence of standards in relation to minimum wage, tasks performed, and occupational health and safety, make this a difficult sector to regulate.

When you inspect a factory you go to one place where there are a lot of workers. You want to make sure that the working conditions are up to standard, that Occupation Health and Safety is followed. But with domestic work, you have one worker in one workplace, each employer is very different from the other, workers work in a private space, and there are no standards. (Interview with Labour Inspector Maputo Division, 1 February 2012)

## 6.4 Commission for Labour Mediation and Arbitration (COMAL)

Decree 50/2009 set up COMAL. Fashioned after South Africa's Commission for Conciliation, Mediation and Arbitration (CCMA), COMAL is an autonomous, tripartite institution with in theory, equal parts representation from the state, unions, and employers. In 2010, it began to operate in earnest. The role of mediation is to broker a binding consensual agreement between the employee and employer. By law, no agreement can be worse than the benefits established in the regulation. In practice however, the law is not applied in a rigorous manner. If for instance a worker is owed severance, and the law mandates that she get ten days for every year worked, but they agree to seven days, COMAL accepts it. A COMAL mediator describes the challenge of reaching consensus:

Most times, the relationship between the employer and the employee is already very bad...They sit down, I listen first to the worker's side of the story, then to the employer's. We try to find consensus regardless of who is guilty, of who is responsible. (Interview with COMAL Mediator-Maputo Section, 8 April 2012)

The most common sectors are security guards, domestic workers, retail workers, and hotel workers. The most common issues are dismissal without just cause, unpaid wages, and accusations of theft (Interview with COMAL Mediator-Maputo Section, 8 April 2012). Though statistics are not readily available, between January 2010 and April 2011, COMAL oversaw 9 297 cases. Of these, 64 per cent ended in agreements, 11 per cent are current cases, and 25 per cent resulted in an impasse (Interview with OTM Head of Legal Labour and Social Affairs, 5 July 2011). If no agreement is reached the mediator declares an impasse, and cases should in theory be forwarded to arbitration. Currently there no arbitration section due to lack of trained staff so cases are referred directly to the Labour Court (Interview with COMAL Mediator-Maputo Section, 8 April 2012).

Overall, key informants feel that COMAL has been a tremendous success. First, it is a quick and affordable way to deal with labour disputes. Workers do not have to pay a fee to open a case against an employer and a resolution at COMAL is often found within 30

days. Previously conflicts were mediated either via the inspectorate, overburdened-Labour Courts, or most commonly, the police.

Second, workers do not need to be represented by a lawyer. In fact, mediations are often more successful if lawyers are absent:

Lawyers often feel that if they reach impasse and go to court, they will win the case, or else the case will be forgotten. The informal character of mediation can lead to more successful resolutions. (Interview with OTM Head of Legal Labour and Social Affairs, 5 July 2011)

Finally, mediation seeks to rekindle the relationship between employer and employee, which is critical to safeguarding domestic workers' jobs. Particularly in cases of unpaid wages, both parties are able to reconcile and the worker is able to return to work (Interview with COMAL Mediator-Maputo Section, 8 April 2012).

However, workers' organisations and domestic workers argue that COMAL still has a long way to go. First, employers often retard the process by refusing to accept the summons. Under the current system, domestic workers are responsible for handing the summons to the employer. Given the unequal power relationships between employer and employee, it is often a challenge to get the employer to take the summons seriously. Even when the union intervenes, some employers dismiss them, (Interview with SINED Secretary for International Relations, 30 July 2011). According to the law, the police can be enlisted to escort employers to COMAL. However the mediator argues that the police rarely assume this role. When COMAL becomes fully functional, it will be responsible for summoning the employer directly (Interview with COMAL Mediator-Maputo Section, 8 April 2012). For now, if the employer refuses to attend mediation, COMAL issues a second and then a third summons. It is a criminal offence to dismiss the summons, and if the employer refuses to attend for the third time, the case is forwarded to the Labour Court. For a domestic worker seeking a quick resolution however, this is not the ideal outcome (Interview with OTM Head of Legal Labour and Social Affairs, 5 July 2011).

Second, though lodging a claim is free, it requires time and money. Virginia is a mother of two small children. When her employer of three years fired her, she went to COMAL to claim her severance pay. However, she did not have the resources to collect and submit the necessary documents and eventually gave up:

... They told me I had to go to Matola, which is where I was working at the time. At the time I didn't have money to take transport to Matola, get this document from here; that document from there. I couldn't do it. So I never did get severance. (Interview with Virginia, 30 January 2012)

Third, in a context where few domestic workers have a written contract and where the burden of proof rests on the domestic worker, workers struggle to provide sufficient evidence to make their cases. After almost 16 years working for the same family, Maria was fired without just cause. With help from SINED she filed a case for severance pay. The law says that domestic workers are entitled to 10 days of severance for every year worked. Maria's employer argued that Maria worked there for only 12 years. The mediator suggested a compromise of 14 years. Maria conceded. Once the severance was calculated, the employer said that she would like to pay it over the course of a year. The mediator rejected this, suggesting three months. Maria again conceded. At the end, Maria reflects on her experience:

She was outrageous. I raised her daughter and now she's pretending that she didn't know how long I worked for her. She can afford to pay it to me all in one go, but she doesn't want to because she still wants to control me. She doesn't want me to take this money and make something of my life. Instead she hopes that I will spend it slowly and have nothing left in the end. I feel sorry for her... If it weren't for the union I wouldn't have pursued this case... When I tried to negotiate severance with her before, she told me she was going to take me to the police station where I would be whipped. (Interview with Maria, 18 November 2011)

Fifth, mediators have not received training on *Decree 40/2008*. In fact, according to one mediator, the Ministry of Labour did not even disseminate copies of the regulation (Interview with COMAL Mediator-Maputo Section, 8 April 2012). Mediators must personally purchase copies, study them and interpret them to the best of their abilities.

Interpretation of the *Decree* 40/2008 is particularly difficult given the vague and sometimes contradictory nature of clauses. For instance, workers technically are not eligible for severance pay if they are fired without just cause (Boletim da República 2008). Sometimes, argues the mediator, domestic workers assume that they are entitled to benefits when in fact they are not. This fuels the sentiment among domestic workers that regulatory institutions are rife with corruption, further undermining these.

Finally, though mediations can result in conciliation, the conflict between employer and employee often escalates to the point of no return. Six months after Maria's mediation, she is now working for a different employer. Asked how she felt about the mediation process she responds:

I feel good because she had to pay me. It's true that the amount of money was very little, but I've put the whole thing behind me. The money she gave me, is the money I used to buy bread. (Interview with Maria, 18 November 2011)

# **6.5 Legal Service Providers**

Some domestic workers do seek legal assistance. There are a number of legal service providers in the city. The *Centro de Práctica Jurídica* (CPJ) is a free law clinic attached to the Eduardo Mondlane University. Here, law students provide legal representation and perform mediations. If no resolution is reached, CPJ refers the case to COMAL. *Associação Mulher Lei e Desenvolvimento* (Women, Law and Development Association - MULEIDE), a local non-governmental organisation, provides legal services to women. MULEIDE's goal is to get the domestic worker rehired. In cases where a worker needs to retire, they try to negotiate for the employer to hire one of their children so that the family can maintain their income. If the employment relationship is severed, MULEIDE seeks to negotiate severance (Interview with MULEIDE Lawyer, 7 December 2012).

Workers' organisations have sought to partner with legal service providers. However, the low profit margins and tedious process means that many lawyers are unwilling to follow up on commitments (Interview with AMUEDO General Secretary, 1 July 2011). IPAJ is a national government-run legal aid centre responsible for providing legal services to

low-income Mozambicans. However, the agency has been plagued by problems. Lawyers frequently miss hearings and appointments. Limited financial incentives mean that lawyers have in the past demanded bribes from clients who technically cannot afford lawyers. While IPAJ is an important initiative, the majority of Mozambicans do not have adequate representation in the justice system (Nahe, Mabota et al. 2009).

# **6.6 Training and Placement Agencies**

Domestic worker training and placement agencies have become increasingly important in Maputo. One such agency is *Hospitality Celeste*, *which* provides high-end services including recruitment and training to expatriates (Interview with Celeste Hospitality Cofounder, 15 June 2012). Working conditions are negotiated directly between the employer and employee, though Hospitality Celeste does provide information on domestic workers' rights and responsibilities to both parties. According to the company's co-founder, by professionalising domestic work, providing trainees with a certificate, and helping them develop a network of references, working conditions can improve. Asked whether she would consider partnering with a union, she says no:

I think collaborating with unions would make me partial to workers. If there was an association that was not associated with the labour movement I may work with them, but not unions. (Interview with Celeste Hospitality Co-founder, 15 June 2012)

Hospitality Celeste is one of a handful of companies that provide training and placement services. *Mãos e Artes*, did partner with SINED in the past. According to SINED, the union would funnel members to *Mãos* e *Artes* for training, and the latter would funnel trainees to the union when there was conflict with employers (Interview with SINED Secretary for Organising, 30 June 2011). This relationship soon disintegrated but nonetheless provides a model for how to merge the twin objectives of access to work and improvements in working conditions.

AMUEDO has also experimented with running a training and placement agency. However, this initiative has been plagued by a lack of resources. Despite good intentions,

AMUEDO's training and placement agency has yet to get off the ground. Domestic workers would "rather pay Mts 10 0000 to take a course at the Escola Andalucía, which has a much narrower but more renowned training program" (Interview with AMUEDO General Secretary, 1 July 2011).

## 6.7 Workers' Organisations

Three organisations in Maputo represent domestic workers: the *Associação de Empregados Domésticos de Moçambique* (Mozambican Domestic Workers' Association - AEDOMO); the *Associação das Mulheres Empregadas Domésticas* (Women's Association of Domestic Workers - AMUEDO); and the *Sindicato Nacional de Empregados Domésticos* (National Union of Domestic Workers - SINED). All three are affiliated with organised labour.

Maputo's first association of domestic workers was AMUEDO. Formalised in 2006, AMUEDO was founded by its current Secretary General, a former leader in the *Organização dos Trabalhadores Moçambicanos* (Mozambican Workers' Organisation - OTM) After attending an organising training on behalf of the labour federation, she clandestinely registered a domestic workers' association and began to recruit domestic workers. When OTM found out she was suspended and instead affiliated her association with the rival federation, the *Confederação Nacional dos Sindicatos Independentes e Livres de Moçambique* (National Federation of Independent and Democratic Unions-CONSILMO) (Interview with AMUEDO General Secretary, 1 July 2011).

AMUEDO claims to have 7990 members, of which 320 are men. It is based in the city of Maputo, and operates in six provinces, each with its own coordinator. AMUEDO was involved in crafting *Decree 40/2008*. Currently it has four branches of activity: membership recruitment, conflict resolution, mobilisation, and a training and placement agency that has yet to be actualised.

After AMUEDO affiliated with CONSILMO, the *Organização dos Trabalhadores Moçambicanos* (Organisation of Mozambican Workers - OTM) founded its own

domestic workers' association, the *Associação de Empregados Domésticos de Moçambique* (Mozambican Domestic Workers' Association - AEDOMO) (Interview with COMUTRA Coordinator, 23 June 2012). While AMUEDO maintains that the creation of AEDOMO was an attempt by OTM to carve out a space in domestic worker organising and to undermine their work, AEDOMO argues that this was a natural process for OTM:

In past years domestic workers who were laid off or had problems in the workplace would go to OTM for help. So OTM decided that it would be better to create some kind of structure that could advocate for the domestic sector. (Interview with AEDOMO Secretary General, 09 July 2011)

AEDOMO claims to have 800 members, 104 of which are men. Dues are Mts10 a month. AEDOMO did not participate in the elaboration of *Decree 40/2008*. AEDOMO's work consists of raising awareness about domestic workers' rights, membership recruitment, and mediation. If a domestic worker comes to the association with a problem, AEDOMO first asks them to try and negotiate directly with the employer. If the problem cannot be resolved directly between the employer and employee, AEDOMO requests that the employer attend a mediation. If no solution is found, the case is forwarded to COMAL. AEDOMO's emphasis is on conciliation. If mediation results in impasse, their lawyer submits a petition to the Labour Court.

At every point in the conflict resolution process, we try to come to a resolution, to prevent, to the greatest extent possible, the case from going forward to the next stage. (Interview with AEDOMO Secretary, General 09 July 2011)

SINED was formed informally in 2006 when a dozen domestic workers, street traders, and young organisers began to meet regularly at the *Sal do Mundo* Church in the working class suburb of *Urbanização*. SINED experienced significant growing pains, and by 2007 the majority of members left because they felt that the group had neither the capacity nor competency to develop a union (Interview with SINED Secretary General 30 June 2012). Eventually with the help of a lawyer, SINED was formalised in 2008. Shortly after, it affiliated with OTM. SINED claims to have 2035 members in four provinces. Dues are 1

per cent of workers' salaries. SINED did not participate in developing *Decree 40/2008*. Its initial focus was on promoting professionalisation through a partnership with the training and placement agency, *Mãos e Artes*. Currently, the union has three pillars of work: membership recruitment, mediation, and mobilisation. SINED organisers outreach to domestic workers at a taxi rank three times a week.

Maintaining a constant presence is very important. It's not only about recruiting members. It's also about helping domestic workers navigate problems at work. This establishes confidence in the union. (Interview with SINED, Executive Secretary for Maputo 4 July 2012)



Photo 1 SINED members proudly display their union id cards

Credit: Ruth Castel-Branco

Members in good standing can access the union's mediation services for free, non-members 15 per cent of the settlement. Much like AMUEDO and AEDOMO, SINED's focus is on conciliation not confrontation. Only a small fraction of cases go to COMAL:

No one wins if a domestic worker is dismissed. So we first encourage workers to think about ways to de-escalate the situation by communicating with their employer on one-on-one basis. If it comes to mediation, we speak in a soft tone; we try to understand employers' point of view; we try to remind both parties of the long history they've had together. (Interview with SINED Secretary for International Relations, 30 July 2011)

Workers' organisations have played a critical role in enforcing *Decree 40/2008*. Through training, organising, and direct action, they have increased the visibility of this historically marginalised sector, organised politically around key demands, and sought to change how employers perceive domestic workers. Workers' organisations also provide valuable mediation services, vastly reducing the number of cases lodged with COMAL and speeding up the conflict-resolutions process.

However unions face many constraints. First, the labour movement is splintered. The three workers' organisations, AEDOMO, AMUEDO and SINED, do not communicate, let alone collaborate, with each other. Instead they spend significant energy and time reinventing the wheel, in the context of very limited resources. Competition between organisations have made some domestic workers wary of joining unions explains SINED Executive Secretary of the National Council of Youth Domestic Workers:

Some workers refuse to talk to us. Even if we talk nicely to them they dismiss us...Frankly I understand it. They don't trust us. Since we started mobilising publicly, recruitment has gotten easier because they see that we're serious. (Interview with SINED Executive Secretary of the National Council of Youth Domestic Workers, 4 July 2012)

The absence of collaboration is perplexing given organisations' almost identical demands, strategies, and tactics. OTM has attempted to merge its affiliates, SINED and AEDOMO, but SINED is reluctant. Given the labour federation's tight control over AEDOMO, SINED fears that a merger would ultimately undermine their autonomy at the very moment when they are expanding (Interview with SINED Secretary for Organising 30 June 2011). Domestic worker organising has become a battleground for autonomy, power and resources. Despite ILO prodding, AMUEDO is unwilling to collaborate with any OTM affiliate:

I started first. SINED and AEDOMO don't know anything. OTM has set them up to demoralise and weaken AMUEDO. (Interview with AMUEDO General Secretary, 1 July 2011)

A second obstacle is fear. Domestic workers are scared of joining a union or association, and even more scared of talking about it with their employers for fear of losing their jobs. Eliza became a domestic worker five years ago after her husband was retrenched. Though he initially approved, he became increasingly unhappy with her choice because of the long hours. Eliza is proud that she can be the primary breadwinner in her family. She joined the SINED because she believes that only through the union can working conditions improve. However, many domestic workers disagree:

Domestic workers treat the union with a certain amount of contempt. They say, oh we are not interested in joining, everything is going well with my boss. But well, that isn't really the truth. But since they are working, and they accept whatever treatment they get. (Interview with Eliza, 1 July 2011)

SINED has tried to counter this fear by encouraging members to talk to employers about their rights and membership in the union. However, in the context of power disparities, employers rarely create a space for dialogue. AEDOMO Secretary General explains:

I would give domestic workers the regulation and tell them, "Give it to the guard. After a few days, the guard should hand it to the employer and say that someone from the domestic worker's association stopped by to deliver it." One of the women did exactly that. In response her employer said, "Go tell the association that this regulation is out of date. There is a new law that regulates domestic work but it's not this shit. Go tell the association that they need to get their facts straight." The next time I went to the corner, domestic workers were furious. Humiliated, they felt like I gave them an out of date document just to trick them. (Interview with AEDOMO Secretary General 09 July 2011)

Domestic workers are further dissuaded from joining the union by documentation requirements. Though Filomena lives and works across from the AMUEDO offices, she has not officially become a member because she does not have her ID card (Interview with Filomena, 13 June 2012).

The fourth obstacle is that workers' organisation have limited resources. Low salaries, no ability to deduct dues automatically, and limited capacity to collect dues from members on a regular basis, mean that workers' organisations have difficulty in adequately servicing their members, organising new workers, and following through on campaign

programs. All three organisations have developed alternative sources of income. AEDOMO provides mediation services for non-members at a fee of 10 per cent of the settlement. AMUEDO has secured a grant from the Norwegian Embassy. SINED has secured grants from both the International Domestic Workers' Network (IDWN) and the International Trade Union Confederation (ITUC). The reliance of foreign donors is symptomatic of the broader Mozambican labour movement, and has repercussions for unions' political programs:

Each donor has its own philosophy, its own programme that it will fund, so we generally try to be flexible, to gear our programme to what is being funded. (Interview with OTM Secretary for Internal Organising, 5 July 2011)

A final challenge for all three organisations is leadership development. AEDOMO is dominated by OTM. AMUEDO is dominated by a charismatic General Secretary who has transformed the association into a family enterprise in which her children serve as administrative assistants. SINED has developed more concrete roles and responsibilities within the union structure. Over time, these have shifted as organisers' commitments change. SINED relies heavily on worker leaders like Josina to help organise actions:

You have to be an active member. We want to move this union forward, to expand...from Rovuma to Maputo. Many of our colleagues are really suffering and they have nowhere to go, they don't know that there's a union." (Interview with Josina, 16 June 2012)

#### 6.8 Conclusion

This chapter suggests that there are some structural limitations to the current institutional framework for regulating and protecting paid domestic work. The Labour Courts continue to be heavily backlogged; the inspectorate neither has a mandate nor the capacity to inspect the tens of thousands of homes that employ domestic workers, and the state legal aid centres are plagued by scandals and lack resources to meet the demand.

However, this study also identifies grounds for optimism. First, though still relatively young, COMAL has provided a quick and affordable mechanism to resolve conflicts

between workers and employers. COMAL's emphasis on reconciliation may in rare instances help to preserve the employment relationship. Interventions therefore, should be targeted at strengthening this institution. Second, *Decree 40/2008* has also galvanised domestic worker organising, creating a focus of mobilisation and advocacy with the potential to profoundly affect working conditions in this sector. Workers' organisations play a critical role in securing *de facto* rights for domestic workers. In contrast to Ally's (2010) analysis of the formalisation of domestic work in South Africa, the findings in this chapter suggest that the extension of labour protections to domestic workers has not undermined their individual or collective agency. However, in the context of a fractured labour movement, domestic worker organising has become a battleground for autonomy, power and resources. It is still too early to know whether domestic workers will ultimately benefit.

As Chen (2011) argues, formalisation is on-going process in which the terms must be negotiate and renegotiated.

## **CHAPTER 7**

## CONCLUSION

"They don't have a problem with the status quo. It's us that need to fight, that need to get them to understand, we need to start a profound dialogue with them. It's us who need to do it."

-Interview with Josina (16 June 2012)

#### 7.1 Introduction

It is June 16<sup>th</sup> 2012, the first International Domestic Workers' Day and Josina is among the dozens of workers gathered at the symbolic *Praça dos Heróis* to demand that the Mozambican state ratify ILO *Convention 189*. In a tradition usually reserved for officially recognised public holidays, she lays a wreath at the monument commemorating Mozambique's fallen heroes, before leading the group in song: "My father is a garden boy, my mother is a kitchen girl, that's why I'm a unionist, I'm a unionist, I'm a unionist." Originally a South African hymn, it has been adapted to a Mozambican audience; a reflection of the transnational linkages that have emerged with support from the International Domestic Workers' Network (IDWN), African Domestic Workers' Network (ADWN) and the International Trade Union Confederation (ITUC). Looking over at the crowd, Josina feels encouraged. Two employers have come to support the action. While labour protections are useful, she argues, it is domestic workers who will ultimately transform this historically marginalised and undervalued sector.

This chapter revisits the debate on the relationship between legislation, collective action, and domestic workers' individual agency in the introductory section of this study. Drawing on the results, it reflects on the opportunities and limitations of legislating worker justice in an intimate profession.

## 7.2 Legislating Worker Justice in an Intimate Profession

While it is still too early to gauge the full impact of *Decree 40/2008*, this study suggests it has had only limited effect on domestic workers' working conditions in Maputo. Its ambiguous language, poor dissemination, and weak regulatory structure, combined with the precarious nature of Maputo's labour market and entrenched power relations between

workers and employers, mean that domestic workers exhibit high levels of accommodation or *patience*, preferring to wait for conditions to improve or better options to surface, than to make outright demands from employers. The state has relied heavily on under-resourced workers' organisations to disseminate *Decree* 40/2008. Consequently, neither the majority of workers nor employers are aware of the regulation. Given the entrenched employee-employer power differential, a well-resourced, state-led, public dissemination campaign is necessary.

Furthermore, in comparison to neighbouring countries, *Decree 40* is weak. It does not stipulate a minimum wage. It mandates longer workdays, fewer meal breaks, and shorter weekends than neighbouring countries; it does not include occupational health and safety standards; written contracts are optional; disciplinary processes overwhelmingly favour the employer; and there are no incentives for either workers or employers to comply with the law. In a context where few domestic workers have written contracts and where the burden of proof rests on the worker rather than on the employer, employers hold the balance of power. The ratification of *Convention 189* may provide grounds to amend *Decree 40/2008*, specifically in relation to a minimum wage, disciplinary procedures, the role of labour inspectors, and social security protocols.

In addition, there is a mismatch between *Decree 40/2008* and the realities of domestic work. Domestic work is intimate work and negotiations over working conditions take place directly between worker and employer. State interventions need to address this power imbalance through inspection and enforcement. With the shift away from inspection to mediation, employers face fewer penalties. While mediation may help preserve the employment relationship in theory, only in rare cases do domestic workers go back to work. Rather the current institutional framework allows domestic workers at best to secure a few months of severance pay. Strategies of formalisation need to be adapted to the peculiarities of domestic work.

There is also a mismatch between the letter of the law and the protocols put in place to enforce it. The Labour Courts have not been fully operationalised. Mediators have neither received copies of the regulation nor training on *Decree 40/2008*. Arbitrators have not

been trained. The police rarely assume their role in summoning employers to mediation. Inspectors neither have a mandate nor the capacity to inspect the tens of thousands of private homes that employ domestic workers. The majority of the population does not have access to the legal justice system either in the courts, or in the police stations. Rather than concluding that labour protections are of no use, this chapter suggests that state interventions matter, and can play an important role if crafted correctly. As Chen (2011) argues, labour standards need to be negotiated and renegotiated by employers, workers, and the state.

Ultimately, it is important to recognise the limitations of labour protections. *Decree* 40/2008 does not address the structural issues that funnel women and men into domestic work. For most of the respondents, becoming a domestic worker was not a choice. Rather, it was a response to the limited opportunities during moments of crisis. In a precarious labour market such as Mozambique's, domestic workers exhibit high levels of patience. Rather than negotiating working conditions upfront, they prefer to build rapport with employers. If employers refuse to improve conditions, the domestic workers' primary practice of power is to leave. However, in the context of limited opportunities, they often fall back on patience.

## 7.3 State Power and Domestic Workers' Agency

In her analysis of the formalisation of paid domestic work in South Africa, Ally (2010) argues that labour protections can have a detrimental impact on domestic workers' individual and collective agency. First, as contractual rights and responsibilities replace the intimate employee-employer relationship, domestic workers may find that they have less flexibility to negotiate working conditions. However, this study challenges the notion that labour protections necessarily disempower domestic workers. Because conditions are negotiated on a one-on-one basis with employers, its implementation is ultimately dependent on domestic workers' active participation. This study suggests that there may be a more pragmatic reason for refusing to sign a contract. Given the unequal employee-employer relationship, the ability to leave one's job is an important option for domestic workers. Under *Decree 40/2008*, domestic workers are liable to pay a fine if they quit

without just cause. Paradoxically, they are not eligible for severance pay if they are fired without just cause. In a context where regulation is at least perceived as irrelevant or unenforced, domestic workers may see a written contract as a mechanism of control rather than a tool of liberation.

Furthermore, *Decree 40/2008* has provided a focus around which domestic workers can collectively mobilise, organise, and advocate. Since its elaboration, the number of organisations representing domestic workers has proliferated. The current campaign around the ratification of *Convention 189* has the potential to further strengthen organising by providing a space for collaboration among rival organisations, an opportunity to build alliances with unions and non-governmental groups, a chance to educate funders about domestic workers, and to propose state interventions. Far from a hegemonic force, formalisation is a slow on-going process, which incorporates varying forms of formality (Chen 2011).

## 7.4 Collective Action and Workers' Organisations

Given the limited impact of *Decree 40/2008*, domestic workers' informal strategies and tactics are the primary mechanism by which workers negotiate working conditions. Workers' organisations play a crucial role in securing improvements in their working conditions. Through *know your rights* training, strategy group sessions, and one-on-one conversations, workers' organisations mobilise members to negotiate around common demands. As Parreñas (2001) reflects, if individual acts of defiance take place at a collective level, they can also take on a collective character.

Three organisations in Maputo represent domestic workers: the *Associação de Empregados Domésticos de Moçambique* (Mozambican Domestic Workers' Association - AEDOMO); the *Associação das Mulheres Empregadas Domésticas* (Women's Association of Domestic Workers - AMUEDO); and the *Sindicato Nacional de Empregados Domésticos* (National Union of Domestic Workers - SINED). All three are affiliated with organised labour. They inform domestic workers about their rights and responsibilities, help them navigate conflict, provide valuable mediation services, and

increase the visibility of this historically marginalised sector.

However workers' organisations face many constraints. Domestic workers are scared of joining unions or associations, and even more scared of talking about it with their employers for fear of losing their jobs. Low salaries, an inability to make automatic dues deductions, and limited capacity to collect dues from members on a regular basis, means that workers' organisations have difficulty in securing the resources to adequately service their members, recruit new members, and follow through on campaign programmes. In the context of a fractured labour movement however, domestic worker organising has become a battleground for autonomy, power, and resources. It is still too early to know whether domestic workers will ultimately benefit.

This study also illustrates that unions are a terrain of struggle and change. More than thirty years after independence, informal work in general and domestic work in particular, has become a strategic growth area for organised labour. Organising models have shifted in response to the realities of intimate work, revitalising the labour movement in the process. Taxi ranks, parks and street corners have replaced the factory floor as centres of mobilisation and political education. Collective action has been redefined to include individual acts of everyday resistance. Tactics have adapted to the peculiarities of this sector. Strict interpretations of the class-consciousness have been replaced with more fluid conceptions of collective action. After all, as Cobble (2010) points out:

What does a fully realized 'worker consciousness' look like? Does it require the shedding of other desirable identities, such as those tied to household, family and community and the development of an autonomous market-based self? And is such a narrow and self-interested 'worker identity' a necessary precondition for collective mobilization? (Cobble 2010, 283)

## 7.5 For Further Research

Despite the stigma attached to the occupation, domestic work affords workers a source of regular income, some freedom and control over finances, working hours that in relation to other professions are compatible with child rearing responsibilities, and opportunities to

learn how to do things in a different way - in the middle-class way. Future research would benefit from exploring in more depth the discursive forms of power domestic workers employ, the contradictions between pleasure and accommodation, resistance and acquiescence.

Second, this study was based in Maputo's cement city, because it is precisely here where domestic workers are more likely to be connected to the state apparatus. If labour protection had little impact on domestic workers' working conditions in the cement city, it is not likely to have more of an impact in other parts of the city or the country. Future research would benefit from an analysis of working conditions that extends beyond Maputo to the working class suburbs and rural areas. In this sample domestic workers worked on average less hours and received more pay than domestic workers in Chipenembe's (2010) study. Stereotypes suggest that class and cultural differences between workers and employers in the suburbs are not as large as in the cement city.

A third limitation is that this study did not interview employers. While Josina eloquently argues that it is ultimately up to domestic workers to fight for better working conditions, interviews with employers may expose important findings in relation to formalisation in general, and incentive structures in particular.

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## **APPENDICES**

## Appendix 3.1.1: Domestic worker's interview guide--English

#### Background:

- Tell me a little about yourself? Where were you born? What work did your parents do? Where did you go to school?
- How long have you been a domestic worker?
- Why did you choose to become a domestic worker? (Family, migration, etc.)
- How did you find your current job?
- Are you a union member?
- [For union members] When did you join the union?
- [For union members] Why did you choose to become a union member?
- [For union members] How did you get involved in the union?

#### The Act:

- Did you know that in 2008 the government passed an Act giving domestic workers basic labour rights?
- If so, how did you hear about it?
- Did your employer discuss the content of the law with you? If so, what did your employer say?
- The Act stipulates the following conditions. Do you have access to these?

Breaks Salary
Week-end Food
Paid weation Regula

Paid vacation Regularly paid?
Paid sick leave Social Security
Maternity Leave Workers Comp
Hours Contract

- What do you think are the strengths of the Act?
- How would you compare your working conditions now to how as they were 5 years ago?
- What do you think has made them change (if they have)?
- Has Act 269 made a difference?

#### The work:

- What is it that you like most about domestic work?
- What is it that you like least?
- How do you think that domestic workers as a whole are treated?
- What are the most common challenges that you face? (Wages, insecurity, etc. etc.)
- Have you had particularly good experiences with employers? Example
- Have you had particularly bad experiences with employers? Example

## Navigating conflict:

- Have you ever experienced tensions or conflicts with an employer?
- [Refer to cards] Using the stages, trace your experience in conflict resolution (can do multiple).
- When did the conflict begin?
- What was the source of the conflict?
- Who were the actors involved?
- What strategies did you use?
- How did the employers respond?
- Who did you draw support from?
- How the unions and government agencies enable/ constrain improvements?
- How have you responded to these constraints?
- What was the outcome of the conflict?
- How do you feel about this outcome?
- Rank the cards according to how effective they are in improving working conditions for domestic workers. Explain
- Are there are organisational entities or social networks missing from this list. If so, what are they and what role do they play in your life.
- Has the way you deal with conflict changed? Why? How?
- What do you think would improve the working conditions of domestic workers?

## **Appendix 3.1.2: Domestic worker's interview guide--Portuguese**

### Informação geral:

- Há quanto tempo que você é uma trabalhadora doméstica?
- Por que é que você escolheu formar-se como trabalhadora doméstica?
- Você é um membro de um sindicato?
- [Para os sindicalistas] Quando é que você ficou membro do sindicato?
- [Para os sindicalistas] Por que que você escolheu tornar-se membro do sindicato?
- [Para os sindicalistas] Como é que você se inscreveu no sindicato?

#### O regulamento:

- Você sabe que em 2008 o governo moçambicano aprovou um regulamento que garante certos direitos laborais aos trabalhadores domésticos?
- Se já ouviu falar da lei quem é que informou? O empregador, o sindicato, o governo, a televisão, amigos, colegas?
- A lei garante as seguintes condições. Você tem acesso a estas?

Intervalo	Salário regular
Dias de Folga	Comida
Férias	Segurança social
Dias de enfermedade	Ajuda médica
Dias maternidade	Contracto
Horário de trabalho	

- O quê que você acha que são os pontos fortes do regulamento?
- O quê que você acha que são os pontos fracos do regulamento?
- Como você compararia suas condições de trabalho agora como elas costumavam ser? Lei tem 269 fez a diferença?

#### O trabalho:

- O quê que você mais gosta sobre o trabalho doméstico?
- O quê é que você menos gosta?
- Como é que você acha que os trabalhadores domésticos são tratados em geral?
- Quais são os desafios mais comuns que você enfrenta?
- Você já teve boas experiências com empregadores? Pode dar um exemplo.
- Você já teve experiências más com empregadores? Pode dar um exemplo.

#### Navegando conflito:

- Você já teve problemas ou conflitos com um empregador?
- Usando os cartões em baixo, pode dar um exemplo de como resolveu estes problemas.
- Quando é que o conflito começou?
- Qual foi a causa do conflito?
- Quem eram os atores?
- Que estratégias e que você usou?
- Como é que os empregadores respondem?
- Onde é que você conseguiu receber apoio?
- Como é que os sindicatos e órgãos governamentais ajudaram ou restringiram a sua luta?
- Como é que você respondeu a essas restrições?
- Qual foi o resultado do conflito?
- Como é que você se sente sobre esse resultado?
- Olha outra vez para os cartões. Quais foram as instituições (formais ou não) que foram mais eficazes em termos de melhorar as suas condições de trabalho.
- Existem outras entidades ou redes sociais importante que forma excluídas da lista? Em caso afirmativo, quais são, e qual é o papel que desempenham na sua vida.
- A maneira como você lida com o conflito mudou? Por quê? Como?
- O quê que você acha que é necessário para melhorar as condições dos trabalhadores domésticos?

## Appendix 3.1.3: Interview guide for labour union/association leaders-- English

#### The person:

• How did you get involved in Union?

#### Union

- When was the Union founded?
- What was the driving force behind the creation of the Union?
- At the time of its founding was the Domestic Workers Legislation already being developed?
- Did the Union receive external help in the early stages? From whom?
- How many members does the Union have? Who are they? Where do they live?
- What is the Union's structure? How does it relate to COMUTRA, OTM and Forum Mulher?
- What is the strategic program of the organisation?

## Development of the Domestic Workers Legislation:

- When did the Legislation begin to be developed? Was the Union already formed?
- Who were the main actors?
- Why did the Union decide to prioritize legislative change?
- Did the Union have other program areas concurrently? If so, how did these relate to the legislative campaign?
- What role did the Union play in the passage of this legislation? (Drafting, mobilising, lobbying, research, etc.)
- Did the Union receive international support (e.g. ILO, WIEGO, DWN, SADSAWU)
- What was the timeline for the development of the legislation?
- What changes did the Labour Ministry and the National Assembly make? Why? Did you agree with these changes? Were they contentious?

## Impact of the Legislation:

- In your opinion what are the principle strengths of the legislation?
- What are the main weaknesses of the legislation? How important are these weaknesses?
- Has the union attempted to compensate for these weaknesses in any way? If so, how?
- The legislation initially included a minimum wage but this was removed. Why was that the case? Do you think this is a serious obstacle to improving the working conditions of domestic workers?

- The legislation does not require a contract? What is the rationale behind this clause?
- The legislation requires that domestic workers remain respectful and loyal to employees. This is rather unusual language. Was this language incorporated into the legislation from the outset or was it added as part of a compromise. Please explain.
- What is the enforcement structure that has been put in place?
- Where is the enforcement structure strongest?
- Where is the enforcement structure weakest?

#### Leveraging the Legislation

- How has the Union used this legislation to improve to conditions of work for domestic workers?
- Did the Union organise awareness-raising campaigns during and after the elaboration of the law? How and where did these take place? Are these on-going? Do they have alternative purposes? (E.g. Membership recruitment and development) How successful have they been?
- Has the Union taken on individual employers? If so, how?
- Does the Union provide legal services? Do you partner with legal service providers such as MULEIDE and Liga dos Direitos Humanos? How does this partnership work?
- Does the Union mobilize members for collective action? If so, how, what is the frequency, what kinds of action?
- [For AMUEDO] AMUEDO recently started a domestic workers agency. How does it work? What are the benefits, challenges, etc?
- This month the ILO approved the convention for Domestic Workers. What significance do you think this convention has for Mozambican domestic workers in particular. What are the next steps for the Union?
- What do you think is the significance of the Union for the Mozambican labour movement? What is your relationship like with OTM and COMUTRA?
- What do you think is the significance of the Union for Mozambican women workers?
- What have been some of the challenges to the continued growth and development of the Union?
- How is AMUEDOs work funded?
- *Next steps:* Contact requests, visits and upcoming events, documents.

## Appendix 3.1.4: Interview guide for labour union/association leaders —Portuguese

• Como juntou-se ao movimento laboral?

#### Sindicato:

- Quando foi fundado o Sindicato?
- Qual foi a força motriz da criação do Sindicato?
- Na época de sua fundação, a Legislação Nacional dos Trabalhadores já tinha sido elaborada?
- Quantos membros tem o Sindicato? Quem são?
   Onde vivem?
- Qual é a estrutura do Sindicato? Como relacionam com a COMUTRA, OTM e Fórum Mulher?
- Qual é o programa estratégico da organização?

## Elaboração da Legislação Nacional dos Trabalhadores Domésticos:

- Quando é que a legislação foi elaborada?
- Qual foi o processo de elaboração?
- Quais eram os atores principais?
- Quais foram os grandes debates e alterações?
- Sente-se satisfeito com o resultado?
- Por que o Sindicato decidiu priorizar esta ação legislativa?
- Quais são as outras áreas de trabalho do sindicato? Como relacionam com a campanha legislativa?
- Qual foi o papel do Sindicato na elaboração desta legislação?
- O Sindicato recebeu ajuda externa (por exemplo, da OIT, WIEGO, DWN, SADSAWU)?

#### Impacto da Legislação:

- Na sua opinião quais são os pontos mais fortes em relação a legislação?
- Quais são as principais deficiências da legislação? Quão importante são estes pontos fracos?

- A legislação incluiu inicialmente um salário mínimo, mas foi retirado. Porque? Qual será o impacto nas condições de trabalho dos empregados domésticos?
- A legislação não exige um contrato? Qual é a lógica atrás desta cláusula?
- Qual é a estrutura de fiscalização?
- Onde é que a estrutura é mais forte?
- Onde é a mais fraca?

#### Aproveitando a Legislação

- Como é que o Sindicato aproveita esta lei?
- O Sindicato organizou campanhas de sensibilização durante e após a elaboração da lei?
- Já enfrentaram empregadores?
- O Sindicato presta ajuda jurídica? Tem uma parceria com prestadores de serviços jurídicos? Como funciona essa parceria?
- O Sindicato mobilizar os membros para a ação coletiva? Se sim, como, qual é a frequência, que tipo de ação?
- [Para Amuedo] Amuedo iniciou recentemente uma agência de trabalhadores domésticos. Como funciona? Quais são os benefícios, desafios, etc?
- Este mês a OIT aprovou a convenção para os trabalhadores domésticos. Qual e a importância desta convenção para os trabalhadores domésticos? Quais são os próximos passos para o Sindicato?
- Qual e o papel do seu Sindicato dentro do movimento laboral moçambicano? Qual é o seu relacionamento com a OTM e COMUTRA?
- Qual e a importância do Sindicato para as mulheres moçambicanas?
- Quais são os desafios para o crescimento e sustentabilidade do Sindicato?
- Próximos passos: pedidos contato, visitas e eventos futuros, documentos

## Appendix 3.1.5: Interview guide for legal service providers--English

## What is [MULEIDE]?

- Structure
- Employees
- Cases
- Most common problems
- Most active sectors

## Do you handle domestic workers cases?

- How many?
- What are the most common problems?

Describe and evaluate the process for problem resolution (letter, meeting, COMAL, courts).

- What happens if the employer doesn't show up to the mediation or follow through? What did you do before COMAL was created?
- How would you evaluate COMAL?
- How would you evaluate the courts?
- What is the most common outcome in domestic workers' cases?

#### Evaluation of Act 269:

- Strengths of the regulation
- Weaknesses of the regulation
- Where is the enforcement structure strongest?
- Where are there challenges with the enforcement structure?

## Appendix 3.1.6: Interview guide for legal service providers—Portuguese

O que é [MULEIDE]?

- Estrutura
- Empregados
- Casos
- Problemas mais comuns, em geral
- Os sectores de trabalho mais comuns

Você já lidou com casos de trabalhadores domésticos?

- Quantos?
- Quais são os problemas mais comuns?

Descreve e avalia o processo de resolução de conflitos (reunião, carta, COMAL, tribunais).

- O que você fez antes COMAL foi criado?
- O que acontece se o empregador não atende à mediação?
- Como avaliaria o COMAL?
- Como avaliaria Secção Laboral dos tribunais?
- Qual é o resultado mais comum de mediação nos casos dos empregados domésticos?

## Avaliação da Lei 269:

- Pontos fortes do regulamento
- Pontos Fracos do regulamento
- Onde é que a estrutura de execução e mais forte?
- Onde é que a estrutura de execução e mais fraca?

## Appendix 3.1.7: Interview guide for domestic workers' agencies--English

### History

- Can you tell me a little bit about why and how you founded this agency?
- When was it founded?
- By whom was it founded?
- What are the functions of the agency?

#### Job Placement:

- Do you do job placement?
- If so, how many clients do you have? How many of these are looking for domestic workers?
- What is the process for placing domestic workers?
- Who negotiates working conditions with the employer? Are there minimum standards?
- Do you have a contract?

## The Regulation:

- Do you know that in 2008 the government passed an act giving domestic workers basic rights?
- How did you hear about it?
- Has the Act impacted your work?
- What do you think are the strengths of the act?
- What do you think are the weaknesses of the act?
- What happens if a worker is abused in her job, not paid, etc.?
- Do you collaborate with a union or association?

## Collaborating with Unions:

- Previously, you had some kind of connection with the union? What was that relationship that you had?
- How was that relationship formed?
- Why did you form that relationship?
- Do you still work together?
- What are the disadvantages of working with the union?
- What are the advantages of working with the union?

## **Training**

- Do you provide training?
- If yes, what types of training do you offer?
- How many people do you train a month?
- How many of these are domestic workers?
- What is the curriculum for training domestic workers?
- Do you include "know your rights" classes in your curriculum?
- What happens after the end of the training program?

## Recruitment:

- How do you recruit domestic workers?
- How to you recruit employers
- Where do you advertise?
- Why do domestic workers come to the agency?

## Concluding question:

- How do you think domestic workers are treated in general?
- What do you think would improve the conditions of domestic workers?

## Appendix 3.1.8: Interview guide for domestic workers' agencies--Portuguese

#### História

- Pode me contar um pouco sobre como fundou esta agência?
- Quando foi fundada?
- Por quem foi fundada?
- Quais são as funções da agência?

#### Colocação de trabalho:

- Você faz a colocação de trabalho?
- Se sim, quantos clientes tem? Quantos deles estão à procura de trabalhadores domésticos?
- Qual é o processo de colocação de trabalhadores domésticos?
- Quem negocia condições de trabalho com o empregador? Existem requisitos mínimos?
- Você tem um contrato?

#### O regulamento:

- Sabia que em 2008 o governo aprovou um regulamento para os trabalhadores domésticos?
- Se sim, como?
- O regulamento teve algum impacto sobre o seu trabalho?
- Quais são os pontos fortes do regulamento?
- Quais são os pontos fracos do regulamento?
- Se um trabalhador não é pago, é despedido sem justa causa, etc. o que acontece?
- Colabora com um sindicato ou associação?
- sQuais são as desvantagens de trabalhar com o sindicato?
- Quais são as vantagens de trabalhar com o sindicato?
- Colaboraria? Por que? Por que não?

#### Formação

- Você oferece formação?
- Se sim, quais são os tipos de formação que oferece?
- Quantas pessoas forma dentro de um mês?
- Quantos são trabalhadores domésticos?
- Qual é o currículo de formação de trabalhadores domésticos?
- Você inclui formação sobre os direitos no currículo?
- O que acontece após o fim do programa de formação?

#### Recrutamento:

- Como recruta trabalhadores domésticos?
- Como recruta empregadores?
- · Onde anunciar?
- Por que que os trabalhadores domésticos vêm para a agência?

#### Conclusão:

- Como acha que os trabalhadores domésticos são tratados em Moçambique?
- O que acha que poderia melhorar as condições dos trabalhadores domésticos?

## Appendix 3.1.9: Interview guide for government officials--English

- How did you become a [labour inspector, mediator]?
- How long have you been a [labour inspector, mediator]?
- Tell me about the [inspectorate, COMAL]:
  - o Role
  - o When was it set up? Was it affected by the labour law changes?
  - o How many employees are there?
  - o How does this fit within the broader MITRAB structure?
- What does an average day look like for you?
- Cases:
  - Number of cases
  - Types of cases
  - Most active cases
  - # of domestic worker cases
- What is the process for problem resolution (trace the different stages)?
  - o Is this different for domestic workers?
- The new labour law 23/2007 introduced the concept of an institution for mediation and arbitration.
  - o [For inspectorate] Did this change the role of the inspectorate? If so how?
  - o When does this process work well?
  - o Are there instances where this process works less well?
- The domestic workers regulation was passed in 2008.
  - Were you trained on it? If so, by whom?
  - o How has this regulation affected how you deal with domestic workers' cases?
  - O What are the strengths of the regulation?
  - o What are the weaknesses of the regulation?
- What do you see as the biggest challenges facing domestic workers?
- What do you think will improve the working conditions of domestic workers?

## Appendix 3.1.10: Interview guide for government officials--Portuguese

Como ficou um [inspetor do trabalho, mediador]?

- Há quanto tempo que e um [inspetor do trabalho, mediador]?
- Como funciona o departamento de [inspeção, COMAL]:
  - Papel?
  - Quando foi criado?
  - Quantos funcionários tem?
  - Como relaciona com outras estruturas dentro do MITRAB?
- O que e um dia normal para você?
- Casos:
  - o número de casos
  - tipos de o de casos
  - casos mais comuns
  - n º de casos de trabalhadores domésticos
- Qual é o processo para a resolução de problemas?
- Este processo é diferente para os trabalhadores domésticos?
- O regulamento de trabalhadores domésticos foi aprovado em 2008.
  - Você recebeu alguma formação? Se afirmativo, por quem?
  - Qual foi um impacto do regulamento no processo de resolução de problemas?
  - Quais são os pontos fortes do regulamento?
  - Quais são os pontos fracos do regulamento?
- A nova lei laboral 23/2007 introduziu o conceito do COMAL.
  - A criação da COMAL mudou o papel desta instituição? Se sim, como?
  - Quando é que este processo funciona bem?
  - Existem casos quando este processo não funciona tão bem?
- Quais são os maiores desafios que enfrentam os trabalhadores domésticos?
- O que vai melhorar as condições de trabalho dos trabalhadores domésticos?

## Appendix 3.2.1: Sample informed consent form--English

#### Informed Consent Form

(To be read out by researcher before the beginning of the interview. One copy of the form to be left with the respondent; one copy to be signed by the respondent and kept by the researcher.)

My name is Ruth Castel-Branco (student number 211551606). I am doing research on a project entitled 'Legislating worker justice? The role of the state in formalising and strengthening domestic workers' rights'. This project is supervised by Professor Francie Lund at the School of Development Studies, University of KwaZulu-Natal. I am managing the project and should you have any questions my contact details are:

School of Development Studies, University of KwaZulu-Natal, Durban OR Instituto de Estudos Sociais e Economicos –Maputo/Mozambique. Cell: 00258 8221462198. Email: ruthcastelbranco@gmail.com or 211551606@ukzn.ac.za.

Thank you for agreeing to take part in the project. Before we start I would like to emphasize that:

- -your participation is entirely voluntary;
- -you are free to refuse to answer any question;
- -you are free to withdraw at any time.

The interview will be kept strictly confidential and will be available only to members of the research team. Excerpts from the interview may be made part of the final research report. Do you give your consent for: (please tick one of the options below)

Your name, position and organisation, or	
Your position and organisation, or	
Your organisation or type of organisation (please specify), or	
None of the above	

to be used in the report?
Please sign this form to show that I have read the contents to you.
(signed) (date)
(print name)
Write your address below if you wish to receive a copy of the research report:

## Appendix 3.2.2: Sample informed consent form--Portuguese

## Ficha de autorização

(Para ser lido pelo pesquisador antes do início da entrevista, e assinado pelo entrevistado. Pode deixar uma cópia com o entrevistado).

Chamo-me Ruth Castel-Branco e sou estudante de Mestrado no Departamento de Estudos de Desenvolvimento da Universidade de KwaZulu-Natal, Durban, África do Sul (número de aluno 211551606). Estou a fazer uma pesquisa sobre a formalização do trabalho doméstico em Moçambique. A minha supervisora é a Dra. Francie Lund.

Obrigado pela sua participação neste projeto. Antes de começarmos, eu gostaria de enfatizar que:

- -a sua participação é voluntária;
- -você pode recusar responder qualquer pergunta;
- -você pode retirar-se a qualquer momento.

Se você tiver qualquer dúvida os meus contactos são:

Celular: 00258 8221462198.

E-mail: ruthcastelbranco@gmail.com ou 211551606@ukzn.ac.za.

A entrevista será confidencial. Partes da entrevista podem ser incluídas no relatório final. Você autoriza-nos a: (assinale uma das opções abaixo)

<ul> <li>Identificar o seu nome, cargo e organização, ou</li> <li>Identificar a sua posição e organização, ou</li> <li>Identificar a sua organização ou tipo de organização, ou</li> <li>Nenhuma das alternativas acima.</li> </ul>
Por favor, assina este formulário, autoriza esta entrevista.
(Assinado) (data)
(Imprimir o nome)

Escreva o seu endereço se você deseja receber uma cópia do relatório final:

## Appendix 3.3.1: Sample interview request letter--English

Date: [June 12, 2012]

SUBJECT: AUTHORISATION REQUEST

Honourable [Doctor Judge of the Court of Judicial Maputo City]:

I hereby would like to request permission to observe the procedures of the judicial court of the city of Maputo-Labour Section. This observation is part of my Master's thesis, which focuses on the formalisation of domestic work in Mozambique.

The aim of this thesis is to develop recommendations for trade unions, nongovernmental organisations and public officials engaged in the formalisation of this sector in other countries.

I will examine three key questions:

- 1. What is the institutional framework for the formalisation of domestic work?
- 2. How do domestic workers use these institutions to promote their interests?
- 3. What are the informal strategies do domestic workers use to improve their working conditions?

The research will be conducted in the second half of 2011 and will include among others, interviews with AMUEDO, SINED, AEDOMO, the Inspector General's work, Arbitration and Mediation Centre, and 12 interviews with domestic workers.

Your cooperation is greatly appreciated. If you have any questions, please contact Ruth Castel-Branco, +258 82 146 2198, or ruthcastelbranco@gmail.com.

Participation in this research is voluntary. All information will be confidential. You may receive a copy of the final work, if requested.

Regards,

Ruth Castel-Branco School of Development Studies, University of KwaZulu-Natal

## **Appendix 3.3.2: Sample interview request-- Portuguese**

Data: [12 de Junho de 2012]

## ASSUNTO: PEDIDO AUTORIZAÇÃO

Meritíssimo [Doutor Juiz de Direito do Tribunal Judicial da Cidade de Maputo]:

Pela presente gostaria de pedir autorização para observar os procedimentos do tribunal judicial da cidade de Maputo— secção laboral.

Esta observação faz parte da minha tese de mestrado, cujo foco é a formalização do trabalho doméstico em Moçambique.

O objectivo da tese é a elaboração de recomendações para sindicatos, organizações nãogovernamentais e funcionários públicos, engajados na formalização deste sector em outros países.

Vou examinar três questões fundamentais:

- 1. Qual é o contexto institucional para a formalização do trabalho doméstico?
- 2. Como é que os trabalhadores domésticos utilizam estas instituições para promover os seus interesses?
- 3. Quais são as estratégias, fora das instituições formais, que os trabalhadores domésticos usam para melhorar as suas condições de trabalho?

A pesquisa será realizada na ultima metade de 2011 e incluirá entre outras, entrevistas com a AMUEDO, SINED, AEDOMO, o Inspetor-geral de trabalho, o Centro de Mediação e Arbitragem e 12 entrevistas com trabalhadoras domésticas.

A sua cooperação é amplamente apreciada. Caso tenha alguma questão, por favor contacte Ruth Castel-Branco, +258 82 146 2198, ou <a href="mailto:ruthcastelbranco@gmail.com">ruthcastelbranco@gmail.com</a>.

A participação nesta investigação é voluntária. Toda informação será anónima. Poderá receber uma cópia do trabalho final.

Cumprimentos,

Ruth Castel-Branco School of Development Studies, University of KwaZulu-Natal

# Front:



# SOU EMPREGADA DOMÉSTICA, PRESTO TRABALHO NA HABITAÇÃO E NA RESIDÊNCIA DE QUALQUER PESSOA

#### SÃO MEUS DIREITOS:

- Receber o valor combinado pelo meu trabalho:
- Gozar o descanso semanal e os feriados sem me descontarem do salário;
- Ter assistência médica e medicamentosa em casos de acidente de trabalho ou doença causada pelo meu tipo de trabalho;
- Ser tratada com gentileza e com respeito;
- Inscrever-me na segurança social obrigatoriamente;
- Ter um contrato de trabalho escrito, caso eu deseje.



## Coordenação:



Rua Vila Namuali, n°246, Bairro da Malhangalene. Telfas: 21414037 Cel. 82 311 9320 Email: fórum@forumulher.org.mz www.forumulher.org.mz Maputo- Moçambique



Av. Albert Lithulli, nº 941-R/C, Baïrro do Alto Maé. Telefax: +25821400888 Cel.82 5721265 Maputo − Moçambique

## SÃO MINHAS OBRIGAÇÃOES:

- Chegar sempre a horas ao local de trabalho;
- Cumprir o trabalho e ser sempre honesta;
- Obedecer e respeitar todas as pessoas que vivem ou estejam de passagem na residência;
- Ter a maior atenção na higiene e na segurança do trabalho de acordo com as recomendações da patroa/patrão;
- Ser honesta e cortês (educada) com os restantes empregados da residência para não prejudicar o trabalho e a vida doméstica;
- Zelar pelos interesses da patroa/patrão;
- Em casos de constatar que há perigo devo fazer tudo para o evitar;
- Devo procurar sempre proteger o meu corpo.