

Domestic Labor and Workers' Rights:
Legislation and Consolidation of Labor Safeguards in
Brazil

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Abbreviations

C 189: Convention 189 of the International Labor Organization;

CA 72: Constitutional Amendment number 72 of 2013 (*Emenda Constitucional no. 72/2013*);

CL 150: Complimentary Law number 150 of 2015 (*Lei Complementar no. 150/2015*);

CLT: Brazil's Labor Code (*Consolidação das Leis Trabalhistas*);

FGTS: Guarantee Fund for the Length of Service (*Fundo de Garantia do Tempo de Serviço*);

ILO: International Labor Organization;

PEC: Project of Constitutional Amendment (*Projeto de Emenda Constitucional*);

PT: Worker's Party (Partido dos Trabalhadores).

INTRODUCTION

Around the world, the field of domestic work has historically been and continues to be marked by social segregation and poor labor conditions. Workers in this category are predominantly poor women, and often immigrants and of racially or ethnically marginalized descent (Chaney and Castro 1989; Constable 2007; Hondagneu-Sotelo 2001; Moya 2007; Romero 1992). These women's experiences are not only hampered by the interconnections of gender-based violence, economic hardships, lack of citizenship status, and racism, but also low levels of labor protection. Recently, however, in the hopes of eliminating legally instituted inequalities between domestic and other workers, Brazil passed a series of progressive laws targeting that population.

After years of pressure from workers' associations and the International Labor Organization (ILO), in 2013, Brazil sanctioned its 72nd Constitutional Amendment (CA 72). This amendment proposed to eliminate the gaps between the rights of domestic workers and those of workers in other categories left by the Constitution of 1988, which restricted to domestic workers nine out of the 34 labor rights ensured to all other workers (Constituição da República Federativa do Brasil, Article 7). The 2013 amendment added an additional nine rights to workers previously excluded by the constitutional text, and was followed, in 2015, by the Complementary Law 150 (CL 150), which guaranteed another seven rights and more explicitly outlined new safeguards for domestic workers, updating a former and limited law of 1972 regarding domestic labor. Among the newly instituted rights, domestic workers in Brazil — at least those covered by the protections — are now entitled to work accident insurance, limited work hours (eight hours a day and 44 maximum hours a week), and overtime work pay.

Albeit significant, the legal achievement did not come without serious limitations. The main one is that most workers who perform paid domestic labor in Brazil are barred from the safeguards promised. The very definition of “domestic worker” in the CL 150 eliminates those who work fewer than three days in a given week for the same employer, the so-called *diaristas*, which, as 2018, corresponded to 44% of those who performed paid domestic labor in the country, or 2.5 million women (Pineiro et al. 2019:40). In addition, many domestic laborers who do work in the same residence for three or more days per week (*mensalistas*) and who are, hence, entitled to the protections do not benefit from them because they lack formal registration through work contracts (Costa, Barbosa, and Hirata 2016). Today, informalized workers (*diaristas* and *mensalistas* without work cards) constitutes over 75% of workers in the domestic labor sector in Brazil (Pineiro et al. 2019:25).

Even with these limitations, many have described the expansion of rights as a significant symbolic achievement towards eliminating vestiges of mercantilist slavery from the Brazilian domestic labor sector (da Costa 2013; da Silva 2017; Roberts 2018). Nonetheless, six years after the amendment, the extent to which the advancements that the law instituted translated into real improvements in the experiences of domestic workers remains understudied. While scholars of domestic labor largely agree that the paucity of work regulations in the category exposes workers to abuses and corroborates their symbolic and economic oppression (Avila 2009; Blofield 2012; Chaney and Castro 1989; Constable 2007; Gavanas 2013; Hondagneu-Sotelo 2001; Moya 2007), we still know little about what the effects are for workers when these regulations and rights are created.

My research contributes to this conversation by examining the outcomes of the new legislation in the experience of Brazilian domestic workers. My motivating question is twofold. First, how does the context of progressive legislation impact the realities of domestic workers in Brazil? Second, what do these juridical changes mean to domestic workers who are, either through a lack of state recognition (*diaristas*) or unlawful labor arrangements (*mensalistas* without work cards), excluded and deemed ineligible to rights and benefits? I am particularly interested in, given the symbolic significance of the CA 72 and CL 150, interrogating the symbolic dimensions of power that advance and hamper workers' conditions within and outside of the work setting and serve as mechanisms of their stigmatization, disenfranchisement, and precarity. This analysis enables us to not only comprehend the effects of this specific juridical change, but also reflect about the processes through which inequalities are sustained despite legal achievements. Engaging in this reflection, I argue, is an important first step towards the promotion of labor justice and equity, as envisioned by the proponents of the CA 72 and CL 150.

Overview

To assess the consequences of the CA 72 and CL 150 for workers who were and were not guaranteed protections, I investigate not only what rights those performing various forms of domestic work do and do not have access to but, more importantly, how much workers experience the symbolic effects of the presence of these rights. In other words, I interrogate how the declaration of legal isonomy (a change which carries symbolic importance at the macro-, state level) has impacted workers' conditions through changes in access to concrete entitlements (e.g., higher wages, fewer hours of unpaid

labor) and workers' symbolic capital to, for example, contrapose abuses at work (at the micro-, localized level). I divide my investigation into six chapters.

Chapter I gives an overview of the literature regarding labor rights among domestic workers in Brazil and around the world. While this literature provides valuable insights about factors to challenge the advancement and consolidation of labor safeguards for domestic workers, I maintain that it does not sufficiently address how changes in state classifications and delegation of rights in contexts of progressive legislation affect the conditions of workers. Chapter II details the Bourdieusian theoretical framework I employ to guide my interpretation of the legal change in the juridical sphere and workers' localized fields. Pierre Bourdieu's work is particularly relevant to this study for two main reasons: (1) it offers theoretical tools to comprehend the symbolic role of the state in producing mechanisms that sustain or reduce inequality and protect or challenge authority; (2) it allows us to appreciate the position of people's thoughts, beliefs, and attitudes as subjectively embodied social features that both reflect and sustain structures of power (a discussion which will be particularly relevant in Chapter V).

Chapter III provides an overview of Brazil's CA 72 and CL 150. In this chapter, I examine the guarantees that the constitutional amendment and law brought to workers, the political and civil processes that led to them, and the goals of their proponents. In Chapter IV, I detail the methodology I employ in the empirical qualitative component of this study. Specifically, I draw from in-depth interviews with twelve workers and one union lawyer in the city of São Paulo. Chapter V explains the most relevant findings from my interviews. I contend that, albeit pivotal to the expansion of workers' symbolic capital and the improvement of their material conditions, legal recognition alone is not capable

of eliminating domestic workers' oppression in and outside of the work setting. The transformative effects that proponents of the CA 72 and CL 150 intended are hampered by the resistance of other fields in which workers' oppression is produced and sustained, such as the employers' household and socio-historical hegemonic discourses. I conclude, in Chapter VI, by providing an overview of the main findings of the project, discussing its limitations and significance, proposing pathways for future research, and reflecting on its implications for advocacy.

CHAPTER I.

*DOMESTIC LABOR, LEGISLATION AND
INEQUALITY GLOBALLY AND IN BRAZIL*

Scholars studying labor rights of domestic workers have made important contributions to our understanding of how legal systems discriminate against these workers. These scholars also highlight the challenges regarding the expansion and consolidation of their labor rights (e.g. Avila 2009; Blofield 2012; Chaney and Castro 1989; Constable 2007; Gavanoas 2013; Hondagneu-Sotelo 2001; Moya 2007; Roberts 2018; Rollins 1985; Romero 1992). While this literature explains the intricacies that restrict the rights of domestic workers, we understand little about how expansions of labor rights translates into improvements for these workers; hence the objective of this project to understand the lived experiences and subjective perspective that domestic workers in Brazil have regarding the CA 72 and CL 150. In this chapter, I provide an overview of this scholarship and elucidate how the goals of this present study contribute to it.

Around the world, domestic workers enjoy fewer labor protections and encounter larger barriers to exercise their rights than workers in other professions. The causes for this exclusion are twofold. First, domestic labor is generally regarded by employers and legal systems as “second-class” employment rather than productive work (Avila 2009; Blofield 2012; Hondagneu-Sotelo 2001; Pinho 2015; Roberts 2018:37). Domestic labor is primarily performed by women within the family without remuneration and described as less vital than work performed outside of the home. In this context, paid domestic work is often not viewed as “real work” by employers, who frequently avoid formalizing workers through contracts (Hondagneu-Sotelo 2001). Blofield (2012:20-31) further explains that, in regarding paid domestic labor as “non-economic work,” Latin American elites have

historically denied its macro-economic importance for social reproduction, which has translated into lower protections for these workers.

In Brazil, this lower recognition also relates to the legacy of slavery the profession carries (Avila 2009; Pinho 2015). To this day, the field of domestic labor remains the major occupation of Afro-Brazilian women, 18.6% of which were employed in the category as of 2018 (Pinheiro et al. 2019:12). Owing to its legacy of slavery, Brazil's culture is characterized by a hegemonic discourse of profound loathing towards manual labor, excessive authoritarianism, and repulsion against the black body, all of which are aspects that still permeate employer/worker relationships in the realm of domestic labor in the country through emotional and physical abuse. These cultural practices hamper the consolidation of domestic workers' rights because they and their activities are not considered to be deserving of rights by employers and the law (Pinho 2015). This social undervaluing was made explicit when Brazil's 1943 Labor Code (*Consolidação das Leis Trabalhistas* – CLT), the country's first comprehensive bill of labor rights, entirely excluded domestic laborers under the justification that their work was “non-economic” (Pinho 2015:107).

Second, and relatedly, workers' marginalization from institutional politics and civil organizations also hinders the expansion of their rights and enforcement of those that exist. In Latin America's and Brazil's legislature, representation of lower-class women is scarce. In turn, most legislators are employers of domestic workers and, especially female legislators, depend on these workers' labor in order to exercise their public roles, which discourages many officials from advancing pro-domestic-worker policies (Blofield 2012:40; Roberts 2018:56). In addition, limits to formal labor

organizing also suppress workers' legal inclusions and consolidation of rights. Workers' negotiations with employers are generally based on individualized and unregulated verbal agreements rather than occurring through institutions or agencies. As a result, workers often lack information about their rights and the ability to advocate for these rights collectively through bargaining or striking (Blofield 2012; Hondagneu-Sotelo 2001; Rollins 1985).

The informal nature of contracts can sometimes provide workers with advantages, such as more leverage to work with multiple families and higher wages since social security taxes are not deducted from their payment (Costa et al. 2016; Fish 2006:18; Hondagneu-Sotelo 2001:43–47). However, these few advantages do not trump the fact that the low levels of labor protection expose workers to precarious conditions, such as long hours of unpaid work and meager salaries (Pinho and Silva 2010:98). Neither do they change the fact that domestic employment is marked by stark inequality. As Fish explains, this line of work carries “inherent power dynamics” between employers and employees, “who are positioned in distinctly asymmetrical relations to one another through class and race privilege” (2006:18).

The work of these scholars calls attention to social and historical mechanisms that perpetuate the exclusion of workers from legal protections at both the macro (e.g. laws, hegemonic discourses) and local (e.g. imbalanced negotiations with employers) levels. However, this literature lacks analysis of cases of expansion of labor rights for this category of workers. Cases like these provide a unique opportunity to understand if and how progressive transformations in the legislature targeting these workers produce their intended effects to elevate workers' conditions. Moreover, cases of the expansion of

rights offer the possibility to comprehend the conflicts that arise between new legal determination and old hegemonic systems that oppress domestic workers.

Prior research on the expansion of domestic workers' labor rights has focused on the acquisition of these rights, highlighting the significance of workers' mobilization in the process (Blofield 2012; Nadasen 2015; Valenzuela 1989). In this vein, the recent expansion of legal protections of domestic workers in Brazil has drawn the attention of academics who have framed these juridical alterations as an achievement of and by the workers with remarkable symbolic importance (Araújo 2015; Bernardino-Costa 2014; Roberts 2018). Specifically, unions are regarded as main actors in these legal accomplishments and as groups in which workers reframe their narratives from ones of victimization to ones of agency (Bernardino-Costa 2014). Considering the CA 72 and CL 150, Araújo argues that the legislative change represented a "rupture with the archaic distinctions inherited since the abolition of slavery in the country" (2015:22). In addition, drawing from philosophers George Herbert Mead and Axel Honneth, she contends that the new labor rights are both a result and a catalyst of what she calls "self-respect" among domestic workers (Araújo 2015:28). In her view, "self-respect," that is, the acknowledgement of the value of oneself and one's group and work, is what enabled workers to organize and fight for judicial recognition; this recognition, in turn, reinforces workers' sense of importance and reduces their internalized shame.

Studies that focus on the acquisition of labor rights, particularly in Brazil, often consider how the expansion of legislation is informed by and can inform workers' identities. However, they do not provide a substantive examination of the localized consequences of labor safeguards in people's lives and relation to work and outside of the

work setting. They primarily focus on the political mobilization of workers into legislative realms and theorize about the symbolic significance of their legal achievements without also interrogating the extent to which these achievements translate into changes in workers' everyday experiences (e.g., decrease in abusive behavior of employers; ability to access their new rights; less stigma).

Furthermore, even though scholars lament the low unionization rates among domestic workers (Bernardino-Costa 2014:76; Roberts 2018:57), they overlook the experiences of the vast majority of laborers, who rarely interact with unions, and instead focus on workers who participate in collective organizing. In reality, domestic labor is the profession with lowest degree of unionization in Brazil, at a rate of 3.1% (Roberts 2018:57). But because most scholarship focuses on the experiences of unionized workers, it is hard to conjecture if or how the symbolic effects Araújo writes about, for example, influence the experiences of workers outside of associations.

Finally, the literature has yet to consider the workers who are barred from rights introduced by legislation. In the case of Brazil's CA 72 and CL 150, I argue that considering workers who are not covered is important for two reasons. First, they provide a reference for comparison which allows us to examine how the experiences of workers with labor safeguards contrast to those without. Second, employment status is not a fixed identity and workers often shift from being covered to not being covered by legal protections. In recent years, rates of informalization among domestic workers have risen considerably and, thus, many who were, until recently, protected by safeguards today are not (Costa et al. 2016; Pinheiro et al. 2019). These people's experiences as workers who both have and have not enjoyed labor protections provide a key perspective on how the

presence and lack of labor laws, and coverage under existing labor laws, inform people's lives and expose them to different challenges.

In summary, the literature above describes domestic labor, in the world, as a field with particular challenges, including low levels of labor safeguards. Brazil's recent legal measures to decrease discrimination against these workers provides us with an interesting opportunity to investigate domestic laborers' realities in a context of evolving labor laws. Instead of exclusively concentrating on the narratives of workers who mobilized through unions to fight for these legal achievements, the current research examines the perspectives of nonunionized workers who were and were not covered by the new safeguards to understand how the new rights have or have not affected their experiences inside and outside of work.

CHAPTER II.

TOWARDS A BOURDIEUSIAN ANALYSIS OF

DOMESTIC LABORERS' RIGHTS

Despite the conceptualization of the home as the field of the personal and intimate, what happens in the employers' house is intertwined with social structures of power. In part, that means to say that interactions that take place in the home between domestic workers and their employers do not arise spontaneously and independently from material structures of economic, cultural, or social stratification. As the Marxist tradition would contend, objective "material" structures heavily dictate subjective behaviors and worldviews in the social space, including within the worker/employee relation in the work setting (in this case, the employers' household) (Marx 2001:57–81).

However, the relationship between material economic structures and worldviews is not simply a one-way arrow. Differently from what the Marxist thought would suggest, the dispositions of actors involved in these interactions are not rigidly imposed by the macro-social structure of the capitalist economy. While these structures build the constraining conditions to shape the beliefs, thoughts, and behaviors that people carry and display in interactions, the assumption that localized exchanges and subjective worldviews deterministically reflect objective economic structures limits the understanding of how these practices, exercised in everyday exchanges and embodied in the self, are dynamically negotiated as to sustain or challenge macro-social structures (Bourdieu 1989:15).

In this sense, Pierre Bourdieu's theorizing proves uniquely relevant for the purpose of understanding localized consequences of rights expansion because it offers instruments to comprehend the interconnections between inequality and power in both micro- and macro-level social processes while rejecting an economically deterministic notion that would disregard the significance of cognitive, that is, symbolic struggles that

shape the social order. In this chapter, I briefly expound the Bourdieusian concepts which I borrow and adapt to guide my analysis through this study: symbolic power, symbolic capital, and symbolic violence.

Symbolic power

Bourdieu defines symbolic power as the “power of constructing reality” (Bourdieu 1991:166), of determining how agents make sense of social structures and modes of domination and come to accept them as legitimate. That is, it is the power to shape the “immediate meaning of the [social] world” (1991:166) which is subjectively incorporated as to sustain or challenge social reality. Since it is a power of cognitive conditioning (i.e., of influencing people’s beliefs, perceptions, and consenting actions), symbolic power can only exist inasmuch as it is “*recognized*, that is, misrecognized as arbitrary” (1991:170). In other words, symbolic power is “the ability to make appear as natural, inevitable, and thus apolitical, that which is a product of historical struggle and human invention” (Loveman 2005:1655).

In modern societies, according to Bourdieu, the greatest example of symbolic power is in the state (Bourdieu 1989:198, 2014:162–75), “this institution that has the extraordinary power of producing a socially ordered world without necessarily giving orders, without exerting a constant coercion” (2014:166). The modern state’s monopoly on symbolic power is what fundamentally allows it to constitute consensus around the legitimacy of its existence to, in turn, for example, define its borders, intervene in institutions, and designate the rights, obligations, and entitlements of physical and juridical persons. That is, the state’s symbolic power grants it the capacity to deem the hierarchical structures that stratify the agents within different fields in the nation-state as

rightful, indispensable, and inexorable. In its pivotal role of ascribing the “official” and “universal” (1989:22) classifications, the state becomes a crucial site of struggle between agents seeking to frame their interests and viewpoints as legitimate (i.e., through the law).

This dynamic becomes evident when considering the juridical changes targeting domestic workers in Brazil. The CA 72 and CL 150 represented not only an expansion of domestic workers’ rights per se, but in fact, a process through which the state deemed domestic workers *legitimately* entitled to a level of recognition that they were previously denied. Organized agents who advocated for the juridical change, such as unions and international workers’ institutions, strategically identified this focal symbolic power of the state and competed for it (a point I will return to in Chapter III). The question that remains is, to what degree does the state’s recognition of the legal (and thus symbolic) equity between domestic workers and other workers translate into changes in those workers’ experiences? By considering workers’ intimate experiences with the law, I seek to understand if and how the symbolic alterations in domestic workers’ recognition in the national legal discourse influence how they are recognized locally inside and outside of their work settings. In other words, I intend to understand how state recognition influences these workers’ level of symbolic capital.

Symbolic capital

Symbolic capital is broadly conceptualized, in the Bourdieusian framework, as “the *recognition* ... that [agents] receive from a group” (Bourdieu 1991:72) to exert power and access and retain other forms of capital without using force. Symbolic capital is what is generally regarded as “a *sign of distinction*,” or “prestige, authority” (Bourdieu and Wacquant 2013:297), which provides dominant agents with the profit of having their

superiority accepted and their power and privilege within the social space justified.

Examples of symbolic capital can include prominent last names and titles of nobility.

Although the Bourdieusian tradition has placed great focus on studying the symbolic capital of agents in the upper end of social hierarchies, it has rarely examined how mechanisms of accumulation and retention of symbolic capital operate among the dominated. Bourdieu, in conceptualizing symbolic capital through attributes dominant agents have, has overlooked the notion that domination is enabled through not only the *high level* of symbolic capital of the dominant, but also the *low level* of symbolic capital of the dominated. Legal discrimination against domestic workers, for instance, as discussed in the previous chapter, provides a clear example of this dynamic. On the one hand, that domestic workers are barred from juridical recognition that other categories of workers are granted functions as a means to *uphold employers' symbolic capital* (i.e., their legitimate authority over their workers with little obligations). On the other, this exclusion represents a mechanism to *curtail workers' symbolic capital* (i.e., their legitimate entitlements to access means of economic security and resist employers' unrestricted authority).

For the purpose of this research, therefore, I assert that the concept of symbolic capital is useful insofar as it is not narrowly defined as a mark of “distinction” to guarantee one’s ability to dominate; instead, I use “symbolic capital” to describe the “legitimate” entitlements, rights, and obligations that are ascribed to agents, which shape what is considered their proper social position. Through this conceptualization, I contend that the renegotiation of power implied by CA 72 and CL 150 provides an exceptional opportunity to analyze how legal recognition of labor rights can translate into

accumulation of symbolic capital among the dominated (i.e., domestic workers, particularly informalized workers) to counterpoint the power of the dominant (i.e., employers). While previous scholars have contended that the juridical change represented greater “recognition” (what I am calling “symbolic capital”) to domestic workers at the discursive level (Araújo 2015; Bernardino-Costa 2014; Roberts 2018), I investigate whether comparable alterations in workers’ level of symbolic capital have taken place in their subjective experiences.

Symbolic violence

The concept of “symbolic violence” emerges from Bourdieu’s ethnographic studies in the Kabyle society in Algeria (Bourdieu 1977:183–97, 1990:122–34). As Thompson (in Bourdieu 1991:24) explains, Bourdieu originally uses the concept to designate “personalized means of exercising power over others”, wherein obedience is sustained by the expectations surrounding notions of kinship, honor, loyalty, etiquette, and so on. These expectations may arise, for example, in the context of gift exchange. As Bourdieu explains, when a wealthy person offers a poor person a gift, especially a “generous gift,” the “moral obligations and emotional attachments created and maintained by the generous gift” (1990:125, 126) binds the receivers in an unspoken contract of subjection, in which the giver’s power is concealed through the misrecognition that it is, indeed, power. As such, power is incontestably preserved. Symbolic violence, in this sense, is characterized by bonds between individuals within interpersonal relationships of tacit indebtedness, that is, of dependence and domination, in which the use of physical force is unnecessary due to the fact that the dominant party’s authority is presupposed only implicitly and fails to be overtly recognized as authority.

In this study, I resort to the concept of symbolic violence to designate instances wherein the authority of employers over domestic workers is disguised under an affective rapport. As I hope to demonstrate in Chapter V, symbolic violence should be understood as a mechanism of domination that hampers the consolidation of workers' rights within their profession. For instance, by building a close "family-like" rapport with their domestic workers, inviting them to vacations or giving them gifts, employers may create a situation in which workers feel compelled to grant them favors to the detriment of their own necessities or feel embarrassed to confront employers against a right violation. More seriously, furthermore, workers may, even if resentful about constant violations, refrain from resisting abuses owing to the "love," to quote one respondent, they may have for the family.

In conclusion, an analysis of effects of CA 72 and CL 150 that takes into consideration their subjective effects in workers' perceptions, behaviors, and rapport with employers proves pertinent to the debate of the efficacy of the juridical change for two reasons. First, examining workers' perceptions and practices in the context of progressive legislation allows us to observe the implications of state recognition in workers' symbolic capital, as manifested in shifts in their understanding of their legitimate entitlements and ability to advocate for them (e.g., by confronting employers). The fact that a large share of domestic workers is informalized and, thus, barred from the legal recognition allows for an even clearer understanding of the role of the symbolic power of the state in granting agents symbolic capital. That is, by considering the attitudes of workers who are and are not protected by the new guarantees and who, thus, are and are not recognized by

the state as “domestic workers,” we are able to analyze how state recognition shapes different outcomes of symbolic capital for workers according to their status (i.e., *mensalista* and *diarista*; formalized and informalized).

Second, as discussed in the previous chapter, the state is not the only agent to forge the deprivation of domestic workers’ symbolic capital. Across the world, and in Brazil in particular, along with juridical exclusion, racial and gender-based modes of domination as well as employers’ manipulation and coercion, for example, also function as mechanisms through which symbolic violence against domestic workers is maintained. Hence, I ask: to what extent can the state’s declaration of domestic workers’ isonomy affect change in their realities given the prevalence of these other sources of symbolic power? And what conflicts arise between these sources and the “official” state classification (i.e., that domestic workers are entitled to the same rights as any other worker)? I contend that these conflicts are eminently visible in workers’ perceptions of their experiences with the law, which I discuss in Chapter V. Before we can move on with this discussion, however, we need to first establish a detailed account of the rights instituted through CA 72 and CL 150 and the legislative process that led to them, which is the goal of the next chapter.

CHAPTER III.

*“PEC DAS DOMÉSTICAS”: THE STATE AS A SITE
OF SYMBOLIC STRUGGLE*

The previous discussion has highlighted that, in modern society, the state represents the central body to impose the normative understanding of agents' permissible entitlements and obligations within the social space. As such, the state, although not the *only* site of “the struggle for the production and imposition of the legitimate vision of the social world” (Bourdieu 1989:22), becomes the *main* field in which these conflicts are disputed. Agents, recognizing state's power to shape symbolic paradigms of domination, understand that juridical changes are a fundamental step towards transforming relations of power in the structural and localized level. This notion is clear when we analyze the trajectory of the CA 72 of 2013 and the CL 150 of 2015 through state institutions. This analysis is the main goal of this chapter. In the following pages, I describe the goals of the proponents of the CA 72 and CL 150, the rights these laws instituted, and the political process that led to their success.

The CA 72 and CL 150 emerged from negotiations that began in Brazil's Congress in 2010 with the Proposal of Constitutional Amendment (*Projeto de Emenda Constitucional* – PEC) number 478, which became popularly known as “*PEC das Domésticas*,” Originally, the PEC proposed “repealing the sole paragraph of article 7 of the Constitution,” (Bezerra 2010b) which ensured domestic laborers only nine out of the 34 Constitutional rights provided by other workers. Congressman Carlos Bezerra, who introduced the amendment project, referred to the paragraph as a “stain in the ... Constitution” that constituted a “normative system which permits the existence of ‘second-class’ workers” (Bezerra 2010a). The paragraph read:

The category of domestic workers is assured the rights set out in subparagraphs IV, VI, VIII, XV, XVII, XVIII, XIX, XXI, XXIV... as well as integration into the social security system.

(Translated by Rosenn 2019:15; edited)

Table 3.1: Labor rights guaranteed by Article 7 of the 1988 Constitution (before CA 72)

- IV a national uniform minimum wage, fixed by law, capable of meeting a worker's basic living needs and those of his family...;
- VI irreducibility of salaries or wages, except when provided for in a collective agreement or accord;
- VIII a thirteenth-month salary based on full pay or the amount of pension;
- XV paid weekly rest, preferably on Sundays;
- XVII an annual paid vacation, at a rate at least one-third higher than normal pay;
- XVIII maternity leave without loss of job or wages for a period of one hundred-twenty days;
- XIX paternity leave, as provided by law;
- XXI advance notice of dismissal proportional to length of service, with a minimum of thirty days, as provided by law;
- XXIV retirement pension;

Brazil's Constitution of 1988. Translated from Portuguese by Keith Rosenn (2019).

The PEC was remarkable in the sense that, at least in its first stages, the politicians who proposed and endorsed it did not seek to simply mitigate the lawfully instituted disparities between domestic and other workers, but to promote legal isonomy between these categories by completely eliminating the above paragraph. In reality, however, this was not what the PEC accomplished. In the three years that the PEC lingered in Congress until it came out as the CA 72, it transformed from a proposal to repeal the sole paragraph of article 7, to one to expand the list of rights that it ascribed to domestic workers. So, in 2013, through the CA 72, nine new rights, including limits of work hours and overtime payment, were added to the paragraph (as described in Table 3.2 below).

Table 3.2: Labor rights guaranteed by Constitutional Amendment 72 of 2013

- VII guaranteed salary, equal or above minimum wage, to those who receive varying remuneration;
- X wage protection, as provided by law, with intentional retention constituting a crime;
- XIII normal working hours not to exceed eight hours per day and forty-four hours per week, permitting a trade-off of work hours and reduction in the work day through an accord or a collective bargaining agreement;
- XVI a pay scale for overtime at least fifty percent higher than that for normal work;
- XXII reduction of risks inherent in the job by means of health, hygiene and safety rules;
- XXVI recognition of collective bargaining accords and agreements;
- XXX prohibition of any difference in pay in performance of duties and in hiring criteria by reason of sex, age, color or marital status;
- XXXI prohibition of any discrimination with respect to pay and hiring criteria for handicapped workers;
- XXXIII prohibition of nighttime, dangerous or unhealthy work for those under eighteen years of age, and of any work for those under the age of sixteen, except as an apprentice;

Brazil's Constitution of 1988. Translated from Portuguese by Keith Rosenn (2019).

Two years later, the CL 150 passed, substituting law number 5.859 of 1972 which until then regulated domestic employment relations (Presidência da República 1972). Additionally, CL 150 added seven more rights to the sole paragraph of article 7, as described in Table 3.3. Among the changes this law introduced, it required employers to contribute to their employees' Guarantee Fund for Length of Service (FGTS), a government-run insurance system funded by employers to assist workers in case of wrongful dismissal or other emergencies.

Table 3.3: Labor rights guaranteed by the Complementary Law 105 of 2015

- I employment protected against arbitrary dismissal or dismissal without cause, as provided for by complementary law that shall establish severance pay, among other rights;
- II unemployment insurance, in the event of involuntary unemployment;
- III Guarantee Fund for the Length of Service (Fundo de Garantia do Tempo de Serviço);
- IX higher remuneration for nighttime work than for daytime work;
- XII family allowance for dependents of the low income worker, as provided by law;
- XXV free assistance for children and dependents from birth to 5 (five) years of age in day-care centers and pre-schools;
- XXVIII occupational accident insurance, paid for by the employer, without excluding the employer's liability for indemnity in the event of malice or fault;

Brazil's Constitution of 1988. Translated from Portuguese by Keith Rosenn (2019).

In other words, while the CA 72 and CL 150 granted domestic workers 16 constitutional rights that these workers were previously denied, domestic workers still miss nine rights that workers in other categories are entitled (see Table 3.4). That is to say that, from a legal standpoint, to affirm that there is juridical isonomy between formalized domestic and all other workers in Brazil is wrong. Brazilian domestic workers are still legally discriminated and barred from constitutional rights such as equal rights for occasional workers. Nevertheless, this fact has often been overlooked in the rhetoric surrounding the CA 72 and CL 150. Writers, activists, and politicians have described these laws as remarkable achievements and “a historical reparation” (Roberts 2018:39) for domestic workers and for black women in general. In a speech after CA 72 passed the Senate, Renan Calheiros, the then President of the Senate, for instance, compared the

Amendment to the Golden Law, which abolished slavery in Brazil in 1888. He stated: “only today, 125 years after the end of slavery, do we close the last slave quarter and throw away the key” (Roberts 2018:38–39).

In this context, while Brazil’s legal system still discriminates against domestic laborers, in the discursive sphere, the *PEC das Domésticas* has been conceptualized as a transformative “reparation,” an “emancipation” (Arias 2013), a “rupture” (Araújo 2015:22). Albeit inaccurate, the narrative that the laws provided domestic workers with juridical isonomy raises one important question: what effects did the symbolic significance rhetorically ascribed to the legal changes have in workers’ experiences? That is, even though juridical equality is not a reality for domestic workers, could the ubiquitous notion that this equal recognition exists have been somehow positive for the category? As I intend to demonstrate by the end of this project, this narrative is harmful for several reasons, one of which is that it discourages advocacy for further expansion of rights of domestic workers by promoting the erroneous idea that these workers are already on an equal footing with all other workers. To start answering this question, however, it is useful to consider the very reasons that enabled the PEC’s success.

Table 3.4: Constitutional rights excluded from sole paragraph of Article 7

- V a salary floor in proportion to the extent and complexity of the work;
- XI participation in profits or results, independent of remuneration, and, exceptionally, participation in management of the company, as defined by law;
- XIV a workday of six hours for work performed in continuous shifts, unless otherwise established by collective bargaining
- XX protection of the job market for women through specific incentives, as provided by law;
- XXIII additional remuneration for strenuous, unhealthy or dangerous work, as provided by law;
- XVII protection because of automation, as provided by law;
- XXIX a cause of action for amounts due from employment relationships, with a statute of limitations of five years for urban and rural workers, up to a limit of two years after termination of the labor contract;
- XXXII prohibition of any distinction among manual, technical and intellectual work or among the respective professionals;
- XXXIV equal rights for workers with a permanent employment relationship and for occasional workers.

Brazil's Constitution of 1988. Translated from Portuguese by Keith Rosenn (2019).

So far, I have shown that domestic workers in Brazil have been systematically excluded by the state from rights guaranteed to workers since Brazil's Constitution of 1988 and that, although *PEC das Domésticas* promised to eliminate this inequality, juridical discrimination against domestic laborers persists. Given this historical exclusion, we still need to understand how it was possible that the *PEC das Domésticas* passed in Congress and Senate with practical consensus. After all, Brazilian politicians, a group at the top of the country's income pyramid, are often themselves employers of domestic workers (Roberts 2018:55, 56). Indeed, the project's promulgation into law stemmed

largely from three main factors: (1) external and internal pressures, (2) a favorable political and economic climate, and (3) the fact that the juridical changes were actually not as profound a “reparation” as they appeared to be, because the majority of domestic workers were not covered under the law.

First, as of external and internal pressures, we can highlight the role of the International Labor Organization (ILO), the activism of national labor unions, and the popular support the PEC received. In 2011, ILO’s Convention 189 (C 189) promoted a series of discussions to raise awareness of domestic employment around the world and established a number of policy recommendations for governments to ensure the rights of workers. The participation of Brazilian unionized laborers was pivotal (Fish 2015:159, 161). After the Convention, these unions engaged in significant advocacy to pressure legislators to ratify the C 189 and call media’s attention. In May of 2012, for example, about 40 women in aprons, including union organizers, NGO representatives, and congresswomen, demonstrated in Congress, holding signs and sharing pamphlets with politicians demanding that Brazil signed the C 189 (Roberts 2018:49). The strategy of the ILO and unions to promote improvements for workers through state determination illustrates the importance of the state as a site wherein power is sustained and challenged. These efforts saw in the expansion of labor rights not only a possibility for an improvement of workers’ economic conditions, but also, most importantly, a unique opportunity for resistance against workers’ oppression. Moreover, in 2013, while the amendment lingered in the legislature, it received considerable public attention and high levels of approval from constituents. A survey requested by the Senate that year concluded that 95% of the country was aware of the bill and that 80% endorsed it

(Senado Federal 2013). The project's scrutiny was particularly important then, given that 2014 was an election year for seats in the Senate and Congress.

The second reason for the success of the amendment was the favorable progressive political and economic climate of 2013. It was a moment of economic growth and the then president Dilma Rousseff was from the left-wing Worker's Party (*Partido dos Trabalhadores* – PT). In the years when it led the executive branch (from 2002 to 2016), the PT introduced and endorsed a series of welfare and labor reforms targeting the poor including the *PEC das Domésticas*, which President Dilma promulgated (Roberts 2018:38, 47–48, 56). Following President Dilma's impeachment in 2016, however, this political and economic context shifted. Brazil's economy entered a recession and a series of austerity measures to reduce labor safeguards were introduced by former President Michel Temer and current President Jair Bolsonaro (Castro 2017; Fernandes and Tomazelli 2019). Since 2016, income inequality has increased, and so have the rates of informalization, including among domestic workers (Pamplona 2019; SEADE 2019).

The third reason for amendment's success, as Roberts (2018:56) argues, was, paradoxically, the very fact that it excluded most workers in the domestic labor sector. In spite of the historical significance ascribed to these legal achievements, in reality, only about 30% of workers were actually covered (Pinheiro et al. 2019:25), owing to both explicit exclusions and poor levels of formal registration. As of explicit exclusions, sustaining the definition of law number 5.859 of 1972, the first article of CL 150 characterizes a domestic laborer as an individual who “performs his or her services in a continuous, subordinated, onerous, and personal way ... to a person or family in a residential setting for more than 2 (two) days per week.” This definition caters

exclusively to workers who work for the same employer for at least three times per week, the so-called *mensalistas*, overtly barring those who work in one or multiple houses a week but less than three days in the same residence, the *diaristas*. As of 2016, *diaristas* constituted about 37% of all domestic workers. In 2018, this number rose to 44% fueled partially by the economic recession that has, on the one hand, made it harder for employers to sustain the costs associated with employing a formalized worker and, on the other, with economic incentives that workers have to choose working for several employers as opposed to one, even if to the detriment of social safeguards (Pinheiro et al. 2019:21, 22).¹

Poor level of formal registration is also a major reason for the limited reach of the juridical changes. Although all *mensalistas* are legally included under the protections of the CA 72 and CL 150, as of 2016, 54% of them do not have access to the juridical achievements because they are not formalized through work cards. In the context of economic recession, in turn, the share of unprotected *mensalistas* increased even more and, in 2018, 56.5% of them lacked worked cards (Pinheiro et al. 2019:25). To sum up, whereas *mensalistas* with work cards (which I refer to as formalized workers) have benefited from Brazil's new regulations, *mensalistas* without work cards and virtually all *diaristas* (which I refer to as informalized workers) have not. Combined, due to the economic recession and lack of juridical action to expand formalization among domestic workers, about 70% of them were informalized as of 2018 (Pinheiro et al. 2019:25), and

¹ Employers of *diaristas*, although not required, can opt to formalize their employment relationship by registering these workers through work cards. In this case, *diaristas* can access rights guaranteed to domestic workers by the CA 72 and CL 150. The proportion of *diaristas* in this situation is, however, derisory, at about 9% (Pinheiro et al. 2019:25). For effects of conciseness, therefore, I refer to all *diaristas* as informalized workers.

therefore did not benefit from the rights extended through the CA 72 and CL 150. Table 3.5 summarizes the distinctions of employment status among domestic workers and shows how the economic downturn has increased informalization in the category as a whole.

Previously in the chapter, I have demonstrated that the rhetoric that the amendment and complimentary law represented the notion that the state finally recognized domestic workers as equal to other workers was inaccurate given the fact that those workers are still barred from constitutional rights. The reality that *diaristas* and *mensalistas* without work cards combined constitute the majority of laborers in the category, furthermore, exposes another part of the irony in the narrative that the CA 72 and CL 150 were a step towards an “emancipation” of domestic workers from juridical exclusions. In reality, that the legal changes would affect only the few domestic workers who already counted with some form of formalization meant that the outcomes of the law would be, at least in the short term, limited. The very prospect of little transformation encouraged legislators across the political spectrum and class interests to endorse the bill (Roberts 2018:56).² As Chapter V will describe, moreover, this rhetoric proves particularly hurtful to informalized domestic workers, since it produces the general perception that the situation of domestic workers has been “transformed” while, simultaneously, alienates informalized workers from the symbolic mechanisms to recognize their interests as legitimate entitlements and claim them.

² Roberts (2018) suggests it was clear that the new legislation’s effect would be reduced since neither would most domestic workers be covered, nor did legislators propose concrete measures to include the ones who were excluded. Roberts’ analysis, however, counts with no empirical observation. Moreover, in this study, I go further to ask not only if the law had any significance among uncovered workers, but also if it substantively changed the realities of workers who *were* covered.

Table 3.5: Description of status of domestic workers in Brazil with respective proportions (%) in 2016 and 2018

		Employment status	Description	Proportion of workers			
				2016		2018	
Formalization	Informalized	<i>Diaristas</i>	Work in one or more (but usually in multiple) houses but less than three days a week for the same employer. Are not considered under a permanent employment relationship by the law and thus do not benefit from constitutional work protections.	32.7%	66.7%	38.8%	71.4%
		<i>Mensalistas</i> without work cards	Work for more than two days per week for the same employer. Are under unlawful employment conditions and thus do not benefit from constitutional work protections.	34.0%		32.6%	
	Formalized	<i>Mensalistas</i> with work cards	Work for more than two days per week for the same employer. Can benefit from constitutional work protections according to the law.	29.2%	33.3%	24.4%	28.6%
		<i>Diaristas</i> with work cards*	<i>Diaristas</i> whose employers, although not required by law, register workers through work cards and contribute to their social security. Can benefit from the constitutional work protections as long as employers continue to assume the formal contract.	4.1%		4.2%	

* The proportion of workers under this status is small and their status as formalized workers is, rather than guaranteed by the law, dependent on their employers' will. Furthermore, none of the respondents interviewed in this project who were *diaristas* were formalized. For these reasons and for conciseness, in this study, I refer to all *diaristas* as informalized workers.

Source: Pinheiro et al. 2019:21-25

CHAPTER IV.

THE METHODS OF THE STUDY

I draw from in-depth, semi-structured interviews I collected in person in the city of São Paulo in 2019 with domestic workers and a lawyer. I interviewed 12 workers: five formalized *mensalistas* (who are covered by the guarantees of the CA 72 and CL 150), six *diaristas* (who are not entitled to the same safeguards), and two informalized *mensalistas*¹ (who are legally entitled to the Constitutional rights but are barred from them because they are under an unlawful labor agreement). In addition, I interviewed one lawyer, Dr. Nathalie Rosário, from *Sindoméstica*, a prominent domestic workers' union in the metropolitan region of São Paulo (Doméstica Legal 2019; SINDOMÉSTICA n.d.).

Most of the workers I interviewed resided in the neighborhood of Jardim Fontalis, the community I am from in the periphery of the North Zone of the city of São Paulo. My sampling approach combined purposeful and snowball sampling. To observe variations in workers' lived experiences based on coverage under the law, I recruited cases diverse with respect to employment status (i.e., formalized and informalized *mensalistas*, as well as *diaristas*). Some of my respondents have known me and my family since I was little. Others were recruited through pamphlets (Appendix A) hung in hair salons and stores in my community and references from residents, including my mother, who has been herself a domestic worker since the age of 12 and today is a *diarista*. After my first round of interviews, I used snowball sampling to broaden the diversity of my respondent base. Table 5.1 offers a brief description of the case selection with respect to job status.

¹ One of the informalized mensalista interviewed also works as a diarista for other employers (see Table 5.1).

Respondents were all women,² their age ranged from 37 to 61 years and have worked in domestic services for at least five years.

Interviews lasted from 34 to 125 minutes and took place in different locations: interviewees' homes, my house, and a hair salon in the neighborhood, according to workers' convenience. I worked to ensure my respondent's privacy as much as circumstances allowed. For example, with the interviews in my house, I made sure I was alone with respondents and, in the hair saloon, used a private room with the saloon's owner's permission. However, the possibility to ensure complete privacy to respondents in their homes was, in some cases, precluded. Some of my respondents' homes were small and, as a result, their family members would sometimes be in near rooms or (in one case) in the same room where the interviews were carried out. In these cases, I reminded interviewees of the sensitive nature of some of my questions at the start of our conversations and reassured them of their right to skip any questions before and during the interview process. The interviews included questions about respondents' background, their history in their profession, positive and negative experiences in their work, and if (and how) they perceived that the changes introduced by CA 72 and CL 150 affected them personally and the category in general.³ In addition, my interview with Dr. Rosário not only clarified legal inquiries I had, but also examined her institutional perspectives on the outcomes of the legal changes for the *Sindoméstica*'s affiliated members and unassociated workers who reach out for their support.

² I was not able to identify any male domestic worker. This absence is reflective of the disproportionate female share of the category's demography. Specifically, in the metropolitan area of São Paulo, 97% of domestic workers are women (SEADE 2019:1).

³ For the interview protocol, see Appendix B' and B''.

Conducting qualitative research with people within my networks required careful consideration of potential risks to respondents relative to the scholarly advantages that this context offers for outreach. On the one hand, that my respondents and I shared networks partially expedited the recruitment of interviewees and helped me establish rapport quickly. Another benefit, given my positionality as the son of a domestic worker and resident of a poor neighborhood, was my ability to recruit from a network of domestic workers, as opposed to one of employers. This approach reduced concerns that the information interviewees shared with me could reach their employers.

On the other hand, the fact my respondents and I shared networks raised the possibility that my collocutors would either feel coerced to participate in the study or omit information fearing my judgment and the possibility of a breach of confidentiality with people in the community. I remained aware of this risk during my research and made efforts to reduce it. For example, before each interview, I read an accessible verbal consent which clarified the project's goal, my obligation as a researcher to keep the respondent's information confidential, and the respondent's right not to answer any questions and to quit the study at any time. I asked respondents to verbally consent to participate and have their interviews recorded as well as requested them to keep a written copy of a consent form (Appendix C' and C''). I chose to obtain verbal consent from respondents rather than a written one to cater to participants with limited reading skills. Another strategy I used to mitigate these challenges was to remind participants, throughout the interviews, about the confidentiality of the study and their right not to answer questions. I did so especially when tackling sensitive issues, like emotional abuse.

Sometimes, interviewees chose not to respond or probe about observations they raised, a decision which I did not contest.

Another challenge for this study was the need to rely on respondents' recollection of transformations that the law introduced in their experiences. Ideally, I would have followed the same cohort of respondents before and after the CA 72 and CL 150 were sanctioned to compare how their attitudes and conditions changed or remained the same. However, given the lack of longitudinal data, to study the perceived effect of the change in workers' subjective experiences necessarily entails a retrospective investigation like this one. I was careful, therefore, to ask interviewees to provide the accurate or approximate years that the events they narrated occurred in order to compare them with the chronology of the amendment and law.

Finally, it should be clear that this study, as is largely the case with qualitative research, is not able to provide generalizable results: my sample is small, non-random, and does not provide conditions to establish causality or statistical generalizability. As Small (2009) contends, the goal of qualitative inquiry should be neither to achieve a "representative" sample of a general population nor to make statistically generalizable conclusions about that population but, rather, through evidence-based inference, generate theoretical insights that can explain social mechanisms and inform future work. Thus, qualitative analyses are stronger if their methodologies focus on refining pertinent tools to allow for logical inference, such as identifying unique and diverse cases and establishing effective rapport with respondents. The sampling strategy and methodology employed in this work were guided by these considerations. The main contribution of my approach is that it offers in in-depth examination of the outcomes of the legislative

change in the lived experiences of domestic workers and suggests a set of hypotheses around consolidation of workers' rights in a context of expansion of pro-laborer policy that scholars can further scrutinize and test.

Table 5.1: Description of respondents' employment status, age, and race

Respondent*	Age	Race	Formalization
Ulyane	41	black	Formalized (<i>mensalista</i> with work card)
Maria	45	white	
Paula	47	black	
Beatriz	52	mixed	
Marina	53	mixed	
Valentina**	37	black	Informalized (<i>mensalista</i> without work card)
Talita	61	black	
Valentina**	37	black	Informalized (<i>diarista</i>)
Laura	39	mixed	
Flávia	42	white	
Severina	42	mixed	
Juliana	48	white	
Isabel	52	mixed	

* Respondents are referred by pseudonyms.

** Respondent is both a *diarista* and informalized *mensalista*.

CHAPTER V.

A FRAGILE EMANCIPATION

So far, I have shown that the CA 72 and CL 150 have been regarded as transformative because they fundamentally challenge, especially at the discursive level, Brazil's legal tradition of disenfranchisement of domestic workers. The question that remains, however, is if (and how) the transformations in the juridical sphere translate into the realities of these laborers. This chapter details the main findings from the narratives of workers who were and were not explicitly granted new rights. Three interrelated questions guide the following discussions. First, do workers perceive that the CA 72 and CL 150 have had a symbolic importance to improve the social condition of domestic workers? Second, do workers perceive that the legal achievements of the CA 72 and CL 150 brought about changes in their personal experiences at work? Finally, how do the experiences of excluded workers compare to the ones of those who benefited from the legal reform? These narratives, as I hope to demonstrate, offer vital insights as to how inequalities between these and other workers are sustained under the context of expansion of labor rights.

I. Do workers perceive that the CA 72 and CL 150 have had a symbolic importance to improve the social condition of domestic workers?

As previously discussed, some authors have argued that domestic workers' legal achievements in Brazil have had a symbolic importance insofar as they expanded larger society's recognition of the workers and of their labor. In this sense, the CA 72 and CL 150 have served to not only guarantee benefits and protections previously denied to the category, but also advance these workers' symbolic capital through state legitimation (Araújo 2015; Bernardino-Costa 2014; Roberts 2018). The evidence in this study partially supports this argument.

Converging with the claims of these previous scholars, many workers interviewed in this study have a positive perception of the juridical changes and see them as a catalyst for greater equity for and recognition of domestic workers. Maria¹ (45 years old, white), who has worked as a domestic worker since she was thirteen under informalized and formalized status, and today is a *mensalista* registered with a work card, illustrates this point:

Gustavo (G): So, in general, do you believe your rights [as a worker] are respected?

Maria (M): Yes, I do today... because of the laws that exist, but not in the past, do you understand?

G: How was it different then?

M: Take the *diarista*, for example: if she works, let's suppose, three times in the person's house, she needs to be registered today, but she didn't before. Do you understand? So that's why I'm saying that the laws today have improved [the situation of domestic workers] a lot ... that's very good, because in the past this was all different: we did not have overtime pay, we did not have... I think there was more abuse then, that kind of thing, you know?

It is important to notice that Maria's understanding of a *diarista* diverges from the formal legal definition. Rather than explaining the status of *diarista* through the number of days of service provided for a certain employer in a given week (fewer than three, according to the law), Maria defines a *diarista* as someone who, regardless of how regularly she works, is not under a formal status and therefore is neither juridically recognized as a domestic worker nor entitled to labor rights and benefits. This framing is revelatory of the ways the law constructs symbolic mechanisms of distinction between formalized and informalized workers, influencing how the legal changes of the CA 72

¹ I refer to all workers interviewed in this study by the pseudonyms that they chose.

and CL 150 have affected formalized and informalized workers differently, a discussion I will return to later in this chapter.

For now, I would like to highlight that Maria's justification of the perception that her rights are respected centers on juridical recognition. That is, to justify her view, Maria refers to two legal changes introduced by the CA 72 and CL 150. More precisely, she alludes to the rights laid down in the clauses XIII (daily and weekly limits of working hours) and XVI (overtime payment) of Article 7 of the Constitution expanded to domestic workers through the CA 72 (Table 3.2). To be sure, the argument that the legal changes have altered guidelines for workers' formal registration is misguided. In fact, since law 5859 of 1972, employers of laborers who work more than twice a week for the same employer have been legally obliged to register their workers through work cards. Still, by referencing the idea of "registration" Maria may be referring to clause III of the CL 150 which determines that employers need to contribute to formalized workers' the Guarantee Fund for the Length of Service (*Fundo de Garantia do Tempo de Serviço* – FGTS; Table 3.3), which they did not need to previously.

By explaining that, in her view, her rights as a worker presently are respected because the law today guarantees rights to domestic workers which it previously denied, Maria stresses the power of the state to formally distinguish who is and is not respected as a worker, by determining who can access what rights. Therefore, in the question "do you believe your rights [as a worker] are respected?", Maria interprets that the implicit agent of the verb "to respect" is the state, as opposed to, for example, her employers. To have one's rights as a worker respected, in this sense, means to have these rights recognized legally, at a macro-level, rather than locally in each workers' work setting.

Whether or not these rights actually come to be consolidated through changes in practices in the job is secondary in this definition of “respect” and dependent on legal determination. Thus, as Maria perceives, the state’s recognition that domestic workers are legitimately entitled to the same rights as any other worker has raised the level respect that domestic workers receive not only by their employers (“I think there was more abuse then”) but also society in general.

To further corroborate the notion that the legal changes have carried symbolic importance, some workers in this study perceive that stigma² against domestic workers in Brazilian society as a whole has lessened and contend that legal achievements are, at least in some part, responsible for this improvement. Talita (61 years old, black), one of the respondents I interviewed, shares this perception. Talita migrated to São Paulo in 1978 from the Northeastern state of Sergipe, encouraged by an uncle who connected her with the people that came to employ her. She has worked for the same family uninterruptedly since then, as a live-in formalized *mensalista* until she moved from her employer’s house when she got engaged in 1995 and under an informal *mensalista* status since her retirement in 2009. She recounts an episode that took place when she first started working, in which, upon attempting to set up an installment plan to buy a gift to her mother at a furniture store, she was asked her profession and, once she revealed she was a

² My conceptualization of “stigma” is borrowed from Link and Phelan, who, rather than understanding stigma as confined in performances within social interactions (Goffman 1963), call attention to the “macro-level factors that drive stigma processes” (Link and Phelan 2014:30). Building on Bourdieu’s theory of symbolic power, Link and Phelan coin the term “stigma power” to characterize “instances in which stigma processes achieve the aims of stigmatizers with respect to the exploitation, control or exclusion of others” (Link and Phelan 2014:24). Following this conceptualization, I stress that the stigma domestic workers experience is embedded in objective and symbolic structures, both because it serves the purpose of “keeping [domestic workers] in, down or away” (Link and Phelan 2014:31), and because it is constantly negotiated by agents in daily interactions in which the meanings of being a domestic worker are maintained, reinforced, challenged, or transformed to, respectively, maintain, reinforce, challenge, or transform structures of power.

maid, denied the purchase unless she could provide the store with her employer's signature as a sponsor.

G: How did you feel in that situation?

Talita (T): Oh, I felt as if I didn't exist ... Today, people don't discriminate so much anymore, but in the past... "Ah, you work as a maid?" They would think you were worthless... That store has done the same they did to me to other people, because I've heard that from a lot of friends. This was in the past, though. Now they don't do that anymore.

G: Do you think this kind of attitude doesn't exist now?

T: It doesn't exist as much. At least not this kind of discrimination that people will think "Oh, because you're a maid, I think you're a nobody", because there was a lot of that when I started working. For them, domestic work was not a profession... A lot of people have said that to me ... It's a normal job, except people didn't use to think it was. A lot of people didn't. They do these days, now that the laws have changed. Now it's become better, but before no one could say she was a domestic worker.

G: I understand. Do you think the fact that domestic workers have more rights has changed this discrimination?

T: It did ... I think people value [domestic workers] more now. Domestic workers can do everything today. Installment plans, everything. Nobody ... discriminates against [you] because you're a domestic worker.... In the past, people would say "Ah, she's a maid..." As if [she] wasn't a person ... Not anymore. Nowadays, everybody says openly: "I work in that place, I work in that house, I work this and that day." Before, people didn't talk about it, because they knew that people thought that a domestic worker was only good for cleaning other people's toilets. You weren't valued, that wasn't a proper job ... people are much better. After that law, it's gotten a lot better. And ... I see from the girls that work in the building where I work, everybody has their work schedules, they have a time to arrive and a time to leave. I don't even meet them anymore, because they come in after I do and leave before. So, for them, it's gotten a lot better ... I liked that, an improvement for the people. Not for me, but for others. That's good.

The shifting level of stigma Talita describes can be understood as a change in the level of symbolic capital of workers, which results in concrete limitations to workers' power to participate in civil society and access services and opportunities. As she notices, the changing perception of the domestic worker from "worthless" and "a nobody" to a person who, like others, perform "a proper job" accompanies the worker's greater capital to integrate social spaces (e.g., not be excluded due to her profession) and access resources (e.g., installment plans). This greater capital and lower discrimination also bring about significant shifts in the worker's self-esteem and disposition to, for example, talk openly about her profession. Thus, Talita's account illustrates that, by determining who is and is not a legitimate worker, the state holds the power to affect not only people's professional lives, but also their experiences in fields outside of work and even their very self-perceptions.

Although Talita perceives that legal changes have produced greater dignity and respect for domestic workers in society as a whole, she, like other respondents, does not observe parallel changes in employers' behaviors in her specific work setting ("...an improvement for the people. Not for me, but for others. That's good."). On the one hand, this observation suggests that the social significance of the symbolic recognition of the state extends beyond the work setting even if alterations within it do not take place for all workers. On the other, it forces us to consider how it is possible that changes like these may occur in general society while abusive behaviors in the employer's household are sustained. I will further analyze this pattern when answering my second and third research questions.

To be sure, I do not contend that Talita's narrative is evidence that the legal achievements *sparked* the changes that she observes. It is plausible to hypothesize that the transformation in the level of stigma she describes started developing before the legislative changes of 2013 and 2015, boosted by factors such as declining inequality during the 2000s and early 2010s (Arnolds and Jalles 2014), which would help explain the overwhelming popular support that the *PEC das Domésticas* received. Nonetheless, that the idea that legal recognition has lessened the stigmatization of workers exists (and is shared by other respondents) is itself revelatory of the symbolic power of the state as a producer of common sense and the holder of "the monopoly over legitimate naming" (Bourdieu 1989:21). In other words, through the perception that legal changes brought about concrete social changes such as less discrimination against the category of domestic workers as a whole, Talita stresses that state recognition is not inconsequential; it matters in shaping what is socially defined as "a [legitimate] profession" and "a normal job," to use her terms.

Maria's and Talita's perceived benefits of the CA 72 and CL 150 reinforce the argument that the juridical changes contributed to a greater social recognition and symbolic capital, lower stigma, and general improvement of the condition of domestic workers within Brazilian society. Nevertheless, the evidence in this study also complicates the notion that these legal changes promoted, at least in absolute terms, greater equity for these workers.

To start with, rather than a reality of the past, stigma against domestic workers is still prevalent in Brazilian society, as elucidated by numerous narratives of recent events that workers shared with me during my interviews. Both informalized and formalized

workers may hesitate to share their profession with others to avoid the discrimination they often experience in interactions with, for example, strangers, friends, prospective partners, and family members. To illustrate, when justifying why she would not want her daughters to become domestic workers, Laura (39 years old, mixed, *diarista*) explains: “(If) I tell the person ‘I’m a diarista. I’m a domestic worker,’ the person says right away ‘Ah, she’s worthless. She works as a domestic worker.’ They treat you like you’re dirty. I don’t know. You can tell. They don’t like it. They don’t respect it. They think it’s a dishonest job.” Although no scholar investigating the effects of the CA 72 and CL 150 has gone so far as to argue that these legal achievements have entirely eliminated stigma against domestic workers, the fact that this stigma exists in spite of greater juridical equity forces us to ask: why does social discrimination against these workers based on their profession persist if the state has declared (virtual)³ juridical isonomy between them and all other workers?

The significance of the CA 72 and CL 150 can also be questioned when we consider the second question I propose, which pertains to the perceived effects of the juridical changes in workers’ personal work settings.

II. Do workers perceive that the legal achievements of the CA 72 and CL 150 brought about changes in their personal experiences at work?

In spite of the fact that workers tend to feel that the CA 72 and CL 150 were positive and, in the case of formalized workers, brought about benefits such as access to the FGTS, few of the workers interviewed experienced changes in behaviors of employers after these laws were passed. Specifically, while two out of five formalized

³ As I explain on Chapter III, domestic workers are still barred from certain clauses from article 7 of the Constitution (Table 3.5).

workers interviewed report that the legal changes have brought improvements in their work, four of them claim that the changes have provoked no alterations in behaviors of employers or their (the workers') likelihood to advocate for the consolidation of a given right. Conversely, all informalized workers (including *mensalistas* without work cards and *diaristas*) report that the legal changes have not produced any improvements or changes in their employer's attitudes or behavior. In fact, workers describe employers' continued violations of rights such as consistently late payment and unpaid overtime labor, as well as abuses such as verbal harassment and even sexual assault. Even Maria, introduced earlier, the only respondent to report that her employers have become relatively "less abusive," describes that she often needs to work overtime without getting paid, in direct violation of clause XVI of article 7 of the Constitution. This observation not only complicates the notion that the CA 72 and CL 150 brought about new and more egalitarian conditions for domestic workers, but it also encourages us to ask: how can abuses and rights violations be sustained despite juridical accomplishments?

Both this question and the question formerly posed about the pervasiveness of stigma in spite of legal achievements presuppose that the domination of domestic workers within and outside of their work settings does not depend exclusively on juridical endorsement and that, therefore, other mechanisms help sustain inequalities experienced by domestic workers specifically. The qualitative nature and limited sample size of this study does not allow us to draw any causal or generalizable conclusions (e.g., the law did not change workers' everyday experiences at work), but it does provide substantive evidence to identify and describe some mechanisms of inequality and explain why the

perceived importance of the legal achievements does not correlate with concrete changes in workers' particular labor conditions.

The first barrier to the consolidation of rights intended by the proponents of the legislative changes is economical. As my interview responses indicate, fear of losing their jobs will sometimes discourage workers, especially those who are the main source of their families' income, from confronting employers. Moreover, Brazil's context of economic recession and increasing informalization has jeopardized the economic stability of workers, further pressuring them to avoid conflicts that could result in their dismissal. As *Sindoméstica's* lawyer Dr. Nathalie Rosário summarizes: "Some employers, although there is a law, do not take the legislation seriously. And the workers, faced with this situation of high unemployment in this damaged economy, end up letting go of some rights." The economic dependence workers have on their employer, therefore, functions as a pillar of support for employers' power and an impediment to the consolidation of workers' labor rights.

A second obstacle is cultural capital, specifically workers' access to formal education and information about their labor rights. Low formal education attainment poses challenges to workers' comprehension of the law, which is why some report being informed about their rights through their employers. Moreover, some workers I have interviewed describe having a low level of awareness of labor rights, which hinders the consolidation of rights that exist and of which workers are not aware. However, low formal education and limited awareness of labor rights, although part of the problem, do not explain why workers, even when perfectly cognizant of a right violation, will be reluctant to advocate for the given right, as is often the case.

Albeit pivotal, economic and cultural capital are not exclusive features of domestic labor when it comes to protecting employers' determinations to the detriment of workers' labor rights, nor are they the only obstacles to the redefinition of the power struggle between employer and worker. Symbolic violence, I argue, is also a chief barrier to the consolidation of workers' labor rights relative to employers' interests, and functions in distinctive ways in this specific labor category. To begin with, a common means through which symbolic violence take place is, paradoxically, the affective rapport that frequently exists between workers and their employers. One of the ways this affective relation is realized is through the notion that domestic workers are "[part] of the family," to quote several respondents. Laura (39 years old, mixed, *diarista*) offers an interesting explanation of what being treated "like family," in this context, means to her.

G: What does it mean to treat you like family?

Laura: Because they value us that way. Because there are places where we work, [where] people just want our work. They don't give a damn. Not there (with her employer), though. She invites me to go to the beach house with her. She calls me to go to her grandchildren's birthday. I don't go, but she invites me. She texts me to see if I'm okay ... almost every day. When she travels, she brings me a present. She remembers at least that I exist. I think that's it. [To be treated like family means that,] ... in addition to our work, the person knows that we are human beings just like them. They have respect.

To justify the importance of the affective treatment she receives from her employer, Laura recalls previous work experiences she has had in which she was made to feel less than a "human being just like [her employers]." In her case, this feeling was derived from former employers' ongoing exercise of humiliation tactics and harassment, including being made to use separate glasses, dishes, and utensils ("as if I was dirty"). Even more seriously, Laura reported having been repeatedly sexually harassed by a

former employer while working. Her current employer, in contrast, does not humiliate her in the same way her previous ones did, and also displays affectionate attitudes such as sending invitations to family vacations and events, texting, and giving gifts. From Laura's perspective, these behaviors demonstrate that her employer values her as an individual regardless of her labor.

As other scholars have noticed, however, the conception of the maid as a family member is not without its contradictions and conflicts (Harris 2008:90–109). Challenging the idea that the value the employer who treats workers as “part of the family” gives them is unconditional or devoid of expectations about the workers' labor, struggles often arise when workers' productivity is hindered due to illness or other emergencies. For instance, a worker may feel resentful and confused when an employer who has regarded her “as family” lays her off unexpectedly in a moment of emergency when the worker needs to travel to assist her ill mother (Isabel, *diarista*, 52, mixed). Moreover, employers often resort to emotional arguments to persuade workers to provide (often unpaid) extra labor to the detriment of workers' personal needs. Laura, for example, describes that her employer has requested her not to skip work in times Laura needed to take her younger daughter to the hospital. She recalls her employer saying, “Don't do this to me because I'll go crazy. How am I supposed to manage without you here?” Finally, the perception of being “part of the family” often discourages workers from seeking legal action when employers violate their labor rights. As Dr. Rosário explains:

As this work takes place in a home, it is very difficult to negotiate, to talk, because [workers] say: “Ah, he considers me as family, I find it embarrassing to sue or call him to the union to talk.” Yes, an embarrassment to you, but what about him who's not giving you your rights? Do you think you're really considered family?

Insofar as the affective nature of domestic labor serves as a factor to make workers reluctant to confront their employers, it is necessary to understand this affect in relation to control of power within the employer's household in the worker/employer relation. Following a Bourdieusian framework, I propose thinking of the employer's household as one of the fields in which the symbolic power that defines the domination of the worker in relation to the employer is enacted and produced.⁴ That is to say that the employer's household functions as a field in which the hierarchy between worker and employer is sustained by not only stagnant economic constraints, but also a dynamic symbolic pressure, shaped through the affective rapport between worker and employer. In this sense, the violation of rights and abuses workers experience do not take place *in spite of* the affect of "familiarity" (e.g. "intimacy," "friendship" and "trust"), but, partially, *because of* this affect. Put differently this affect produces the conditions for symbolic violence, as they facilitate employer's abuse on the one hand and coerce workers' compliance on the other.

In this context, the sense of "embarrassment" Dr. Rosário refers to reveals that, on top of economic instability and lack of information, consolidation of rights is hampered by a pressure to adhere to symbolically defined roles. On the one hand, the worker is aware that her rights, as defined by the symbolic power of the state, are being violated. On the other, the understanding that she has an emotional, or "familial," bond with her employers, established through her rapport with the family, challenges her willingness to

⁴ It is noteworthy to point out that the household is the central field to set the symbolic inequalities in the employer/worker relation, but it is not the only one. As Laura's description of her employer's use of communication devices and invitations to family vacations illustrates, the interactions between these agents (employer and worker) extends beyond the employer's household. For the purpose of conciseness, I focus on the household as the main field of symbolic domination in the relationship between these individuals.

take action to defend her rights. This “embarrassment,” therefore, is the consequence of the workers’ conflicting position, facing the divergence between state and employers’ symbolic definitions of what her legitimate entitlements are.

The affective rapport embedded in domestic work is so powerful that even workers who hold a cynical perspective about being “part of the family” also struggle with the prospect of opposing their employers. This is the case of Beatriz (mixed, 52 years old), a formalized worker who migrated from a rural town in the state of Minas Gerais at 17 and who has remained working for the same employer since then as a *mensalista* and, at times of economic hardship, for additional employers as a *diarista*. Instead of defining her position within her employers’ family as one of a family member, Beatriz describes it as one of, to quote her, a “slave.”

G: Is there any advantage to the work you do? Anything that is positive about the work you do?

Beatriz (B): Look, Gustavo, today what I see as positive for me is the love that I have for them, because I have attached myself to the family, that is what holds me there. But, apart from that, nothing, because what security do you get? None at all... if you get sick, they want your job, they don’t care about you. I had to operate my varicose veins and they said to me, “All right, you’re not working, you’re not getting paid.” And my mother, too, when she was about to die, I had to take care of her, I told my employer and she said, “You can go, but when you come back you won’t get paid.” I said, “No, I’ll go, it’s fine.” So you have no security, if there’s a family illness or you’re ill, you have nothing to hold onto, because they want you there working, or [they will] put someone else to work in your place and you will not get paid.

G: This [happens] even though you are formalized?

B: Yes, yes.

G: Have you ever been in contact with a union or labor organization?

B: No.

G: Why?

B: I've never sought, you know, that. Like my work card, an accountant told me that it is a case for the Ministry of Labor because my work card has been unregulated for twenty years, with a salary of R\$ 300. I told them (the employers) that, they say that this is normal, that it there's no problem, what matters is what's on the paper. But in the future, I think I'll have to check that.

In this quote alone, Beatriz describes the violation of at least three clauses from article 7 of the Constitution: III (access to the FGTS funds in case of health emergency and dismissal), IV (a guaranteed minimum wage, which, as for the fiscal year of 2019 was defined at R\$ 998), and XVII (guaranteed paid leave). With the exception of the right to access to the FGTS, introduced with the CL 150, the remaining rights her employers violated were already lawfully guaranteed to domestic laborers by the Constitution of 1988 before the CA 72 went into effect. As such, Beatriz's narrative elucidates not only that the legal achievements did not reduce the abusive behaviors of her employers, but also how economic, cultural and symbolic capital interconnect to sustain the worker's subjugation despite the existence of formal protections. The economic dependence Beatriz has on her employers coupled with her low level of awareness of her exact rights places her in a position of low "security," wherein the consolidation of her rights is heavily dependent on her employer's determination. Conversely, having worked to raise two generations of children in the family, the "love [she has] for them" is the main motivation for her to remain working, even though she is aware her rights are being violated. Thus, this "love" ultimately confines her under her employers' dominance. To the extent that she believes that this dominance is justified given the love she feels for her employers' family, this situation characterizes a condition of symbolic violence.

Furthermore, evidence that the affective rapport built in the employer/worker relations contributes to employers' dominance is also found among workers who do not experience this kind of affection with employers at all. Cognizant of the abuses that emotional rapport with employers may enable, some workers choose to actively stave off personal relationships at work, as illustrated by the following dialogue with Valentina, a 37-year-old black worker who currently works as a *diarista* in five houses and as an informalized *mensalista* in one:

G: Have you ever felt undervalued in your work?

Valentina (V): No ... if I did, I didn't even notice, because I'm there focused on the job. And I'm not very chatty with employers, I just say "hi, good morning, and bye" ... And sometimes [the employer] sits down to talk and I don't have a lot of patience to listen. I don't like it very much... to mix things up. Mixing the professional with the personal ... Talking about one's life ... I don't like that. I've even questioned that ... "Hey, I don't really like mixing things up... You want to become a friend; I don't like that." ... I'm there to work, my focus there is work ... I don't consider myself [as family] ... No, I think I'm just an employee, from my point of view, I'm just an employee. Now, if they think I'm family, then that's them, but from my point of view, I'm just an employee.

G: And you've always had this point of view, since you started?

V: Yes, because when I started, an aunt who worked for many years as a maid, she said to me, "When you go to work in a person's house, you always have to know your place, which is from the kitchen out, don't mix." Then I put that in my head, you know?

G: Why do you think she taught you that?

V: I don't know, she might have experienced something, right? That she never told me, I guess...

G: And you said that she told you that it's important for you to know your place, what does "your place" mean?

V: Not to get mixed up, because there are impertinent maids, you know? ... So, I don't like that. Look, I've never sat on a couch, no, never, ever sat like that. I don't feel good, sitting... Now,

when I went to the beach, at [my] first [job], [my employers] would call me to carnival, I would go with them, the boys who were almost all my age ... I would go for ice cream, I would go to the mall and I would always go to the mall with the wife too, take a walk ... I felt a little uncomfortable sometimes.

Valentina's discomfort arises when her employers defy what she understands as the proper behaviors in an employer/employee dynamic by attempting to talk about personal matters and include her in family activities. As Valentina notices, these actions, rather than eliminating the power hierarchy that the employer/employee relationship entails, merely blur it by "mixing things up." In this sense, Valentina's definition of boundaries and of "[her] place" serves her as a protective mechanism against the kinds of abuses experienced by workers like Beatriz and helps explain why Valentina does not feel uneasy when confronting her employers to demand timely payment, for example.

Concomitantly, Valentina's definition of the appropriate roles of employers and workers does not fundamentally challenge the symbolic dominance of employers. Instead, her understanding of "[her] place," as her aunt taught her, involves a defined notion of her limits with her employers and, in turn, their limits with her. In fact, she judges workers who overstep these limits and who, in her words, do not remain in "[their] place" as "impertinent."⁵ Valentina's opinion, thus, also reflects the symbolic power of her employers. Her view reflects a normative perspective that reifies abstract social roles (i.e. worker and employer) into concrete set of expected behaviors in a relationship of subjugation and authority. Hence, Valentina feels discomfort and displacement when

⁵ Albeit similar, "impertinent" does not perfectly capture the meaning of "*folgada*," the original Brazilian Portuguese term used by Valentina. In its colloquial connotation, the adjective "*folgada*" (the feminine form of "*folgado*") describes an individual who is "impudent" and "avoids her responsibilities and obligations" (translated from *Dicionário Caldas Aulete* - Francisco J. Caldas and Lopes dos Santos n.d.)

these roles are violated. While this perspective allows her to protect herself against some abuses, it does so without questioning the legitimacy of employers' symbolic or economic power. Thus, by insisting in a separation between "personal" and "professional" and rejecting an affective rapport with employers, the worker, at an individual level, copes with violations of rights while, simultaneously, not questioning the legitimacy of the deep social inequalities between her and her employers.

So far, I have argued that, combined with economic and cultural stratification, symbolic power hampers the consolidation of labor rights for domestic workers. I have also claimed that this symbolic power is produced in the (sometimes conflicting) spheres of the law through juridical determinations of the official entitlements of workers on the one hand, and of the employers' household through the affective rapport between employers and employees on the other. Valentina's narrative, however, pushes forward the argument that the symbolic power to shape the domination of workers is built in the household. Her testimony illustrates that the notion of the appropriate "place" of the domestic worker (as disputable as this notion can be) precedes the worker's individual trajectory within her employer's family (in Valentina's case, she inherited this notion from an older aunt). That is to say that the definition of employers' and workers' relative symbolic capital does not arise spontaneously in the work setting, but is, instead, socio-historically constructed.

To recognize that employers' and domestic workers' symbolic capital are historically and socially produced requires acknowledgement that the meaning of "domestic worker" itself extends beyond the denotation of a professional category. Instead, the definition of "domestic worker" is formed through the gender, racial, and

class lines that embed the socio-historical context that generates this meaning outside of the employer's household. When I asked, Talita, the 61-year-old, black, informalized *mensalista* I introduced earlier in the chapter, if she could envision a future São Paulo without domestic workers, she replies "Yes," because "today many *patroas* [employers] do not have domestics ... They themselves do their own cleaning." Through this observation, Talita clarifies that the title of *patroa* is not simply demarcated by the employment of a paid domestic worker, but is itself a status, a symbolic social position, defined by whiteness and class privilege. In Talita's revelatory doxic (Bourdieu 2014:173–75) use of the term, "*patroa*" is a metonymy for middle/upper class white womanhood. In this sense, the position of "domestic worker" is, similarly, a status rather than simply a profession, defined in direct opposition to that of the *patroa*. In other words, paid domestic work in Brazil is itself a status category that carries the historical legacy of social subjugation and power disadvantage, particularly (but not only) in relation to employers built through centuries of enslavement of black women. The juridical changes of the CA 72 and CL 150, in this sense, challenge the meaning that is ascribed to the status of domestic worker, hence the perception of workers like Talita, who feel that, even if their work conditions have not improved, their category as a whole is more respected. Nonetheless, the legal changes do not eliminate the violent hegemonic meaning produced through the status's historical legacy, hindering the advancement of workers' symbolic capital to access their rights.

Flávia (*diarista*, 42 years old, white), who arrived in São Paulo from the Northeastern state of Paraíba at 20 and has worked as a domestic worker in the city since then under formalized and informalized contracts, provides an interesting illustration.

Recalling an event in 2008, when, as a formalized worker, she confronted her employer, Flávia explores the reason she believes employers deprive workers of their legally established rights.

The problem with working on this job is that many employers think that because you don't have a lot of schooling, because you're a Northeasterner, because you come from the woods, you don't have the basic background information about the job you do. Because, at the time, I knew that we were not entitled to the Guarantee Fund (FGTS), but I knew that there were thirty days of vacation, a third of the pay during vacation and a minimum wage ... you couldn't earn less than a minimum wage. And many employers would say that you didn't have these rights, because you were a person who had not studied much and came from the Northeast, which I am repeating from what I've heard: that the northeastern is dumb, that the northeastern does not have information. But that's their mistake, it's not like that. There are people who know [their rights, but] they are afraid to come and talk to their bosses. Like ... I went on vacation and said to my boss "Oh, but I have to get thirty percent [of my salary during my] vacation." And she's like "No, you don't, you don't have that right." ... Then I said, "Okay, fine" ... But I was not stupid, and I went to the domestic workers' union and there I explained the situation, everything that was happening, that I went on vacation and did not get paid, [I asked] if I had that right ... they did the math on how much I earned, how many percent I had and then they put it all ... on a document and I just took it and showed it to her (the employer). "Look here, you said I wasn't entitled to paid vacation." And then she went "ah, Flavia, that's true, you are." Then she paid me everything straight, because by the attitude I had to go to the union, she thought I was going to fight in court over that. So she gave me my vacation pay.

Flávia's narrative illustrates that the reasons employers violate the rights of their domestic workers extends far beyond the work setting and are, in fact, intertwined with a hegemonic discriminatory imaginary. In her case, this discrimination is most pertinent to her geographical origin as a Northeasterner Brazilian, a group that is perniciously racialized across Brazil and, particularly, the country's South and Southeast (de Assis

Barbosa Júnior 2015). However inaccurate, the assumption that Northeasterners are gullible and “dumb,” Flávia explains, incites employers to make use of dissimulation to protect their own interests to the detriment of the workers’. Furthermore, the historical legacy of slavery, state negligence, and exclusion that the status of domestic worker carries contributes to a resistance among some employers to recognize their workers’ rights, a point that other scholars have also stressed (Avila 2009; Pinho 2015). Conversely, the intersection of the class-, gender-, and race-based stigma rooted in this hegemonic discourse sustains the stigma against domestic workers despite the declaration of their juridical isonomy relative to other workers.

While Flávia’s explanation exposes how the discrediting connotation of “domestic worker” supports beliefs and behaviors that concretely hamper workers’ conditions, it nevertheless reveals that this connotation does not univocally determine workers’ actions. Instead, she highlights that the worker is capable of, even at the micro-level, disrupting the expectations ascribed by her social status by recognizing that she is entitled to rights and, provided she has the resources to do so (e.g., access to unions), advocating to ensure that they are realized. Thus, Flávia clarifies that the expectations associated with the relative status of workers and employers in the work setting are not static or immutable, but dynamically produced and liable to questioning and redesign. Analogously, these roles can be re-signified collectively through workers’ organizing and structurally through rights recognition.

III. How do the experiences of excluded workers compare to the ones of those who benefited from the legal reform?

While the economic and symbolic barriers discussed above prevent the consolidation of rights for all domestic workers, informalized workers face the additional barrier of lack of legal recognition when challenging domination at work. As I have explored, the state, as the central institution to symbolically delegate people's legitimate entitlements and status, is a key agent in determining workers' symbolic capital within and outside of the work setting. In this context, the lack of legal recognition severely restricts informalized workers' symbolic capital and, thus, expands their exposure to economic vulnerability and violence. Insofar as the law symbolically produces who is and, concomitantly, is not a worker worthy of formal protections, the legal exclusion of informalized workers further legitimizes their economic precarity and oppression.

By excluding workers from legal protections, the state, through its symbolic power, fundamentally defines who is and who is not a domestic worker. As previously explained, the official classification of the CL 150 (which sustains the specifications of the law 5859 of 1972) excludes *diaristas* by defining "domestic worker" as the individual who "performs his or her services in a continuous, subordinated, onerous, and personal way ... to a person or family in a residential setting for more than 2 (two) days per week." This classification has concrete consequences for perceptions of *diaristas'* status, as reflected in the distinction workers make between "domestic workers" and *diaristas*. Rather than using "domestic worker" as an umbrella term to incorporate *mensalistas* and *diaristas* as I, following the convention of academic publications, have done throughout this study, my respondents use the expression to refer to *mensalistas* exclusively.⁶ In my

⁶ In fact, the term "*mensalista*" would sometimes cause confusion, as it was not often used by respondents. Because of this mismatch between the terminology I and my respondents used, after my initial interviews, I incorporated the habit of saying "diarista and mensalista domestic workers," instead of simply "domestic workers" when wishing to refer to all domestic workers.

interviews, for example, *diaristas* would sometimes correct me if I referred to them as “domestic workers.” Similarly, during my outreach to respondents, *diaristas* would frequently be unsure of whether or not they qualified to be interviewed, as they did not describe themselves as domestic workers. These examples illustrate that the effect of state’s official legal distinction transcends the technical discourse to tangibly shape whether or not people include themselves in the category of worker.

Furthermore, it is worthwhile to emphasize that the juridical definition of “domestic worker” does not mirror an intrinsic distinction in the nature of the work that *diaristas* and *mensalistas* in reality perform. In fact, both *diaristas* and *mensalistas* generally work, to quote the legal definition, “in a continuous, subordinated, onerous, and personal way ... to a person or family in a residential setting.” First, like *mensalistas*’, *diaristas*’ labor is undisputedly “subordinated, onerous, and personal.” Second, *diaristas* also work in a “continuous” way. All the *diaristas* who contributed to this study have a permanent relation with most of their employers, working for them on a weekly or bi-weekly basis. The employer/*diarista* relation, moreover, can also exist for an indefinite number of years. Five out of six of the *diarista* respondents, for example, have remained with at least one of their employers for more than five years. It is true that workers (both *mensalistas* and *diaristas*) will, eventually, be informally hired by people they do not have a recurrent relationship with (e.g., to serve at an event), but these are rare instances relative to the bond with specific families that most *diaristas* maintain. Therefore, while the determination that laborers need to work more than three times a week for the same employer is not based on defining factors that actually differentiate the labor of workers

who are and are not included, it nonetheless produces the symbolic conditions to exclude a large share of laborers from the idea of membership to the status of domestic worker.

The first obvious detriment that this exclusion poses to *diaristas* is their marginalization from mechanisms of greater economic stability that the Constitution guarantees workers. Even though *diaristas* earn more in gross terms than *mensalistas* do (the reason why many actually prefer to work as *diaristas*), these extra earnings come with the eminent risk of an abrupt partial or complete break in their income. This can happen in many instances, including inability to work due to illness, pregnancy, emergencies, and even payment withholding. In the latter case, Dr. Rosário clarifies, seeking judicial action to compel employers to pay can be intricate since, as the law does not conceptualize “*diarista*” as a profession, workers in this situation need to prove that they were deceived in ordinary court rather than labor court, a task that is sometimes impossible given their lack of contracts or other documentation to prove the violation. Finally, once laid off, *diaristas*, regardless of how many years of services provided, are not entitled to any security benefits.

Intertwined with the first, the second consequence of the legal exclusion is the limited symbolic capital informalized workers possess to defend their interests. The reason why all the *diaristas* I interviewed did not observe (nor expect to observe) any changes in the behaviors from their employers after the CA 72 and CL 150, which aspired to be “a historical reparation” (Roberts 2018:39) and fundamentally transform Brazil’s notion towards domestic laborers, was because these workers understood that they did not participate in the law’s conceptualization of domestic worker. As Juliana (white, 48 years old), a *diarista* who has worked for the same family for 20 years, asserts:

G: Do you remember having ... any expectations about [the CA 72 and CL 150]?

Juliana (J): What do you mean, for the diarista? No, because the diarista doesn't have this right. The diarista is autonomous, she doesn't have these rights as when she is registered per month ... I understand that those who are autonomous don't have those rights like everyone else. We have to be respected, of course, because all work is a profession ... Though she can be a diarista, it is still a profession. But in terms of right, I know I have no right at all. Since I am autonomous, I have no right to anything, I only have the right to work and get paid for the day I worked.

G: And do you think that [the legal change] has in any way affected any kind of change in the behavior of your employers ...?

J: No, it's still the same. Because they understand that I'm a diarista, so we're still the same.

The idea that the expansion of rights of domestic workers would bring changes to Juliana's specific contexts provokes confusion. My question does not make sense to her because, as she explains, *diaristas* "don't have those rights." To experience alterations in the work setting through changing behaviors of employers is only conceivable to Juliana and others to the extent that the law encompasses these workers. In other words, a change in the worker's symbolic capital through the CA 72 and CL 150 presupposes that she is legally recognized as a domestic worker to begin with. Juliana's statement reveals the cognitive dissonance that this entails: on the one hand, she is able to appreciate that her labor is "a profession" like any other, which thus merits "respect"; on the other, the fact her work is not recognized as a profession by the state leads her to accept that she has "no rights at all."

Interestingly, Juliana uses the legal term "autonomous," borrowed from Brazil's Labor Code (*Consolidação das Leis do Trabalho – CLT*) to refer to herself. According to the CLT, autonomous workers are those whose labor does not characterize a profession entitled to Constitutional labor rights and benefits because, instead of being subjected to the authority of employers, they work "independently," under no employment contract

(Guia Trabalhista 2002). The definition of *diaristas* as “autonomous workers,” as such, not only obscures the imbalance of power involved in the relationship between these workers and their employers, but also, as Juliana’s confused reaction illustrates, conceptually distance *diaristas* from workers recognized by the law, however similar their labor can be.

Therefore, legal marginalization represents a double exclusion for informalized workers⁷: an exclusion from the entitlements and benefits of the law, and an exclusion from the symbolic capital that the worker needs to advocate for her interests. This latter exclusion, I claim, is even more perverse than the former, because it fundamentally limits what workers can imagine their legitimate claims at work to be, thus undermining the likelihood of political action to expand their rights. If the worker cannot conceptualize basic life necessities (such as the necessity to rest, to have a reasonable limit to hours of work, or earn an income to survive and sustain one’s dependents in a time of illness) as legitimate rights, her possibility to advocate for these necessities, at either the personal or collective level, is inherently precluded.

⁷ Although I have focused on informalized *diaristas*, a similar lack of symbolic capital is also experienced by the informalized *mensalistas* I interviewed. Talita, for example, who has worked under an informal status for the past eleven years since she retired, describes that she only expected that the rights expansion would bring changes to a formalized colleague who used to work with her at the time of the CA 72.

CHAPTER VI.

REIMAGINING THE MAID'S PLACE

By examining Brazil's legislative changes to extend juridical isonomy to domestic workers, this project has sought to interrogate the effects of expansion of labor rights in workers' lived experiences within and outside of their employers' household. Building on Pierre Bourdieu's structuralist framework, I have stressed the role of the state, as the official body of symbolic power, to delegate workers' and employers' symbolic capital. In the efforts that resulted in the CA 72 and CL 150, the state is claimed by agents such as organized workers, both nationally (i.e. through unions) and internationally (i.e. through the ILO), as a field of symbolic struggle. This means that these efforts revolved around not only the acquisition of workers' rights per se, but also the expansion of their symbolic capital to obtain greater power inside and outside of the work setting.

The evidence from my in-depth interviews with domestic workers offers some support for the notion that the CA 72 and CL 150 have had symbolic significance for workers, but this significance has come with contradictions and limitations. On the one hand, workers highlight that the juridical changes have helped promote both a general decrease in social stigma and greater access to social security benefits. On the other, the view that the legal changes revolutionized the reality of domestic workers is complicated by two main observations. First, while some workers perceive that stigma against domestic workers on the basis of their profession has declined, it still remains ubiquitous. Second, my interviewees do not report significant changes in their employers' behavior following the legal change; rather, most workers reported that violations of rights and verbal and emotional abuse are still customary.

I identified several factors that hinder the consolidation of workers' rights and sustain social stigma in spite of legal recognition. First, workers' economic insecurity and

limited knowledge about the law hampers their symbolic power to advance their work conditions. Second, the employer/worker relationship is often accompanied by emotional bonds and affective rapport that induce workers to comply with employers' determinations to the detriment of their own needs and wishes, functioning as a symbolic mechanism of workers' domination – i.e., as symbolic violence (Bourdieu 1977:183–97, 1990:122–34). Symbolic violence is also produced socio-historically through gender-, class-, and race-based oppression. In this context, moments of violation of juridically-guaranteed rights represent a conflict between the “official” definition of the workers' entitlements and the “informal,” but equally pervasive, understanding of the “maid's place” borne by, at the micro-level, employers and, at the macro-level, a patriarchal, classist, white-supremacist hegemonic discourse. While the declaration of domestic workers' juridical isonomy may challenge some of these mechanisms, it does not eliminate them, reason why both abuses and stigma persist. Finally, considering the experiences of workers who have been excluded from CA 72 and CL 150 uncovers an additional layer of the symbolic dimension of the juridical changes. The exclusion of informalized workers represents not only a denial of their access to social security and legal protections, but also their marginalization from the means of symbolic capital to resist their domination.

Future quantitative work that builds on this study could provide verification through causal analysis of the theoretical mechanisms I propose. As addressed in Chapter IV, my goal with this project's qualitative approach was not to establish causation or offer generalizable conclusions, but rather, through the detailed analysis of a selection of cases, provide an examination of discursive patterns that allow for logical inferences and

theoretical insights. It would, therefore, be worthwhile to employ statistical methods to observe, for example, how economic (e.g. income), cultural (e.g. formal educational attainment), social (e.g. access to unions), and symbolic (e.g. formalization status) capital determine outcomes for workers such as perceived levels of social stigma, employers' abuse, and ability to confront employers' abuses. Quantitative approaches could also be useful in measuring changes in levels of stigma and rights violations before and after the CA 72 and CL 150. One should take into account, however, that the lack of longitudinal data to document attitudes and behaviors towards domestic workers before and after the legal changes complicates this analysis (reason why I needed to rely on the respondents' recollections).

I should also note that this project comes with the limitation of a restricted diversity of its case selection. Specifically, the fact that only five of my respondents were formalized posed problems to my analysis. For example, I sometimes resorted to the use of quotes from workers who were not covered by the legislation to illustrate patterns observed also among formalized workers (for example, to explain the concept of "being part of the family"). Although I am confident that none of these choices invalidate my arguments (as my observations of workers' attitudes are also shared by ethnographers and other qualitative studies), I recognize that a purposeful overrepresentation of formalized workers would have been preferable. Similarly, this study would have benefited from a larger number of cases of informalized *mensalistas* (I counted with two of these cases), which would have allowed for a comparison of symbolic capital between *diaristas* (who are formally excluded from the law) and informalized *mensalistas* (who are officially supposed to be covered by the constitutional rights but in reality are not). Moreover, my

selection does not include workers whose relationship with employers are intermediated by agencies, or mobile app companies, and future studies can enhance this present analysis by considering a comparative examination between the symbolic capital of workers under these forms of contracts and those under direct the authority of their clients.

In spite of these limitations, this project offers some significant contributions to debates about rights acquisition for domestic workers and the symbolic dimensions of informalization. To begin with, focusing on consolidation of rights in a context of progressive legislation, a topic still understudied in the discussions of domestic workers' rights, I have called attention to mechanisms through which domination of workers can persist despite state recognition, highlighting, in particular, symbolic mechanisms such as symbolic violence within the work setting, oppressive hegemonic discourses, and marginalization from legal incorporation. The inclusion of informalized workers, furthermore, provides an important contribution to this conversation. The experiences of these workers suggest the pernicious effects of explicit legal exclusion for workers' symbolic capital and their possibilities for self-advocacy and political mobilization. In a global context in which domestic workers are systematically excluded from social safeguards, scholars, as I have attempted to demonstrate, should notice the importance of symbolic barriers that the lack of state recognition poses to workers' conditions and opportunities to mobilize. Concomitantly, the role of legal marginalization in workers' symbolic capital and ability to advocate for improvements should also call the attention of scholars studying other similarly precarious categories, given the international neoliberal trend of relaxation of labor policies and increasing informalization.

These conclusions also result in implications for interventions to subvert the subaltern condition imposed upon domestic workers worldwide. The example of Brazil shows that, while legal recognition functions as a fundamental step to elevate domestic workers' collective symbolic capital, efforts to eliminate legal discrimination should be mindful of two complications. First, it is important to consider how the occupational category of domestic worker is operationalized. The juridical definition of domestic workers entitled to legal protections must be pluralistic and seek to combat mechanisms that exclude workers from legal protections (i.e., lawful and unlawful informalization). In other words, laws to cater to domestic workers must include *all* domestic workers, so that the very efforts which aim at benefiting the category as a whole do not alienate an even more disadvantaged informalized subgroup within this population. Second, eliminating juridical discrimination is not enough to promote access to rights nor abolish symbolic mechanisms that reproduce workers' oppression. On the one hand, this is to say that the kind of juridical changes Brazil implemented require adjunct efforts to ensure workers can access their newly acquired rights (e.g. inspection of abuses, distribution of accessible legal orientation for workers, strategies to combat unlawful informalization).

On the other hand, it is paramount to understand that the simple exclusion of explicitly discriminatory laws does not automatically subvert hegemonic discourses which shape workers' oppression. The rhetoric that just eliminating legal discrimination against domestic workers represents a mechanism for workers' equality (whether equality of rights or of social recognition), therefore, is a narrative which needs to be taken carefully. This narrative, as has been the case in Brazil, can obscure that, despite formal declaration of domestic workers' juridical isonomy, legal mechanisms can remain to

prevent most of them from experiencing material and symbolic gains to contrapose injustice. More importantly, however, this rhetoric often fails to capture the deeper structures which configure the oppression against domestic workers. The definition of “the maid’s place”, a position violently demarcated by boundaries to one’s possibilities of autonomy and life chances, is designed not only by overt legal discrimination, but also by hegemonic cognitive and material structures of class, race, and gender segregation that support the capitalist economy. Redefining “the maid’s place”, therefore, demands challenging these very structures.

APPENDICES

Appendix A:

Recruitment Flyer (Portuguese)



**TRABALHA COM SERVIÇOS
DOMÉSTICOS?**

**EM BUSCA DE PARTICIPANTES PARA
ENTREVISTA SOBRE CONDIÇÕES DE
TRABALHO E BEM-ESTAR**

**SUA EXPERIÊNCIA É
IMPORTANTE E PODE AJUDAR
A DEFINIR INICIATIVAS PARA
MELHORAR VIDAS DE
TRABALHADORAS DOMÉSTICAS**

Diaristas, mensalistas, babás,
cuidadoras com ou sem carteira
assinada, mulheres ou homens maiores
de 18 anos podem participar

*Interessada(o)? Favor entrar em
contato por WhatsApp no
número [REDACTED] ou email
gustavo.20@dartmouth.edu
(Gustavo)*

English Translation:

- First Heading: Do you work as a domestic worker?
- Second Heading: In search of participants for interviews about work conditions and wellbeing
- Third Heading: Your experience is important and can help define initiatives to improve the lives of domestic workers
- Fourth Heading: Diaristas, mensalistas, babysitters, caretakers, with or without formal contract, women or men over 18 can participate
- Fifth heading: Interested? Please contact [REDACTED] through WhatsApp or email gustavo.20@dartmouth.edu (Gustavo)

APPENDIX B'

Interview Protocol (English)

Opening Statement

Thank you so much for participating in my project. My name is Gustavo, and I am a Sociology student at Dartmouth College. In this interview I will be asking you about your experiences as a domestic worker, about your wellbeing, and opinions on your labor rights. The purpose of my research is to better understand the experiences of domestic workers in the metropolitan area of São Paulo and propose ways to improve workers' lives. My mother, grandmother and many other people in my family are domestic workers and this is a very important topic for me personally and for our society in general. Your perspective is very important and I am very grateful for your participation. Do you have any questions about the purpose of this study and why I have reached out to you?

In the course of the interview, I will ask you questions about your personal background. Some of these questions will address times when you felt valued or devalued in your work, times when you felt that your rights were protected or violated and how these experiences relate to your wellbeing. Your perspective on these issues is very important and I would love to hear your answers. However, I understand that topics like these can be sensitive and personal, so please let me know if you would like to skip or only partially respond to a question, take a break, or momentarily stop the recording. Part of my job here is to make sure that you feel free to share as much as you decide to and are comfortable with.

On that note, your safety and confidentiality are very important to me, so let's make up a name for you - I will use this name in my research instead of your real name. If you don't mind, I am going to record this conversation so that I can listen to you rather than take notes. Is that okay? Do you have any questions about how I plan to protect the information that you share with me?

Section I: Opening Questions

1. How did you start working as a domestic worker?

- a. How long have you been in this profession? How old were you when you started?
 - b. Have you ever had any other professions?
2. Can you tell me about the daily/weekly routine in your work?
 - a. Do you work in more than one house every week?
 - b. How many days do you work in a week?
 - c. What do your responsibilities at work involve (e.g., cleaning, cooking, taking care of kids, iron)?
 - d. Are you a diarista or mensalista? Are you formalized? (If informalized: why?)
 - e. How long does it take you to get to work and come back? Do you take public transportation?
 - f. In addition to your job, do you also have other care responsibilities? For example, taking care of your house, child or elder care? Does anyone else help you with these responsibilities?
 - g. Do you take long breaks from work? How many weeks/days in a year? Do you get paid when you're on vacation?
3. Overall, considering all the things you do on a regular day (your work, transportation, your house chores and anything else), what would you say is the best or most rewarding part of your day? What would you say is the hardest or most stressful part of your day?
4. What are the biggest advantages in your work? What is the best or most rewarding thing about doing the work that you do? How does it make you feel?
5. What are the biggest disadvantages in your work? What is the hardest or most stressful thing about your work? How does it make you feel?
 - a. How do you deal with the challenging aspects of your work?
 - b. Do you discuss these challenges with anyone? If yes, who with? If no, why?
6. If you could change anything about your profession, what would it be?
7. I would like to ask you some personal questions about you to get to know you a little more. Feel free to skip any questions.

- a. Where were you born? If not in São Paulo, when and why did you move?
 - b. How old are you?
 - c. How would you describe your race or ethnicity?
 - d. How would you describe your class status?
8. Do you feel valued in your work? What does feeling valued mean to you? Can you tell me about a time when you did feel valued?
 - a. Have you ever felt devalued at work? Can you tell me about a time when that happened?
 9. How would you describe your physical health? Why? Do you think that the labor that you do has had any effects on your physical health? If yes, how?
 10. How would you say your mental health is? Why? Do you think that the labor that you do has had any effects on your mental health? If yes, how?

Section II: CA 72

Thank you so much for your answers so far. In this part of our conversation, I'd like to ask you some questions about legislation around domestic work. In 2013, Congress approved a law to expand the rights of domestic workers, which became known as "*PEC das Domésticas*," and was expanded in 2015. In this section, I'd like to ask about this legislation and the effects it might have had on your life.

11. Are you familiar with the *PEC das Domésticas*? What do you know about it?
(Skip to question 16 if respondent doesn't know about the legislation.)
12. Do you remember watching any reports in the media or hearing people talk about the law when it was about to pass in 2013 or when it became a constitutional amendment in 2015? What did you remember hearing? Do you remember having any expectations? Since 2013, 6 years have passed. Have any of your expectations been met? Was there anything that didn't meet your expectations? If yes, what and how?
13. Has the law had any impact on your work? If yes, how? If no, why? Has it made your job easier, harder or has the level of difficulty stayed the same? (Probe about examples on how new regulations might have affected respondent's work).

14. Has the law impacted in any ways how aware you are of your rights? If yes, how (probe about specific rights that respondent has been made aware of through the law passing/media coverage)? If no, why?
15. Have your employers' behavior changed in any way after the law was passed? If yes: how? (Probe about examples of behaviors that have changed.) How long-lasting was this change of behavior?
16. Can you tell me about a time when you felt that your rights as a worker were being respected? How often do situations like this happen to you?
17. Have you ever felt like your rights as a worker were being violated? Can you tell me about a time when this happened? How often do situations like this happen to you?
18. Do you think that the labor laws that currently exist are enough to protect your rights and the rights of other domestic workers like you? If not, in what ways do you think the laws are failing?

Section III: Closing Questions

We are reaching the end of the interview and I would like to thank you for your openness, patience, and honesty answering all these questions. I only have a few more questions that I'd like to ask you if that's okay.

19. Do you see yourself continuing working as a domestic worker into the future?
Would you change professions if you could?
20. What advice would you give to a young person who is starting to work as a domestic worker?
21. What is one thing you would wish everyone who hires domestic workers knew?
22. Was there anything that I asked you that was hard for you to talk about?
23. Was there anything you were hoping that I would ask you about your experience that I did not?
24. Is there anything else that you would like to share that would help me better understand your experience?
25. Do you know any other domestic workers that would be interested in talking to me about their experience? If you do, I would really appreciate if you could hand

them these coupons with my contact information in case they would like to reach out to me.

Debriefing Statement

Thank you so much for taking the time to participate in this study. The main goal of this study is to learn about the experiences of domestic workers in São Paulo, about the health and wellbeing of these workers and the effects of labor rights on their lived experiences. These are incredibly important matters for us to understand, but I recognize that it can take a lot of courage to speak openly about these topics and that doing so can sometimes be stressful.

I want to reassure you that everything you shared with me today will be handled with the utmost care. Let me explain a bit about what the research process looks like for interviews like the one you took part in today. I will use the recording of our conversation today to create a written transcript for my analysis. Both the transcript and the recording of our conversation will be stored securely on a drive to which only I and the research team have access, and all written and audio records of our conversation will be marked only with the nickname you gave me today, not your real name. Any summary of what we discussed or direct quotations from the interview that appear in academic publications will be anonymized so that you cannot be identified, and care will be taken to make sure that other information in the interview that could potentially identify you is not revealed (like the name of your employers or other people and the neighborhood where you live and work). I will not make any exceptions to these conditions without reaching out to you to obtain further explicit approval. Do you have any questions or concerns about how I plan to use your data?

You are welcome to contact me at any point if you have any remaining questions or concerns about the study. And because the topics we discussed today might have brought new issues to your awareness or caused some distress, I wanted to provide you with a list of public resources that can provide support of various kinds, in case you'd like to reach out to them. Thanks again for your time and your kindness. Do you have any other questions?

APPENDIX B''

Protocolo de Entrevista (Portuguese)

Declaração inicial

Muito obrigado por participar do meu projeto de pesquisa. Meu nome é Gustavo e estou cursando meu último ano de sociologia na Universidade de Dartmouth nos Estados Unidos. Nesta entrevista, eu farei perguntas sobre sua experiência como empregada(o) doméstica(o), sobre seu bem-estar e opiniões a respeito dos seus direitos trabalhistas. O propósito da minha pesquisa é entender melhor as experiências de trabalhadoras e trabalhadores domésticos na região metropolitana de São Paulo e propor formas de melhorar a vida desses trabalhadores. Minha mãe, avó e muitas outras pessoas na minha família são empregadas domésticas e este é um assunto muito importante para mim pessoalmente e para a sociedade como um todo. Sua perspectiva é muito importante e eu sou muito grato pela sua participação. Você tem alguma pergunta sobre o propósito deste estudo e por que eu tenho interesse em te entrevistar?

Ao longo da entrevista, eu farei perguntas sobre sua história pessoal. Algumas perguntas serão sobre momentos em que você se sentiu valorizada(o) ou desvalorizada(o) no seu trabalho, momentos em que você sentiu que seus direitos estavam sendo protegidos ou violados e como essas experiências afetaram o seu bem-estar. Seu ponto de vista nessas questões é muito importante e eu adoraria ouvir suas respostas. Porém, eu entendo que tópicos como esses podem ser sensíveis e muito pessoais, então por favor me diga se você não quiser responder a quaisquer perguntas ou somente responde-las parcialmente, ou se você quiser dar uma pausa na entrevista ou tirar algo da gravação. Parte do meu trabalho aqui é assegurar que tenha a liberdade para dividir o quanto você decidir e estiver confortável para compartilhar comigo.

Falando nisso, sua segurança e sigilo são muito importantes para mim, então vamos inventar um nome para você – eu usarei esse nome na minha pesquisa no lugar do seu nome verdadeiro. Se você não se importar, eu vou gravar esta conversa para poder prestar atenção a você e não precisar tomar notas. Tudo bem? Você tem mais alguma pergunta sobre como eu planejo proteger a informação que você dividir comigo?

Seção I: Perguntas de Abertura

1. Como você começou a trabalhar como empregada(o) doméstica(o)?
 - a. Há quanto tempo você está nesta profissão? Quantos anos você tinha quando começou?
 - b. Você já teve outras profissões?
2. Você poderia me descrever a sua rotina no seu serviço? Diária e semanal?
 - a. Você trabalha em mais de uma casa regularmente?
 - b. Quantos dias na semana você trabalha?
 - c. Quais são suas responsabilidades no trabalho (e.g., limpar, cozinhar, passar, cuidar de crianças)?
 - d. Você é trabalhadora diarista ou mensalista? Você possui carteira assinada? (Se não, por quê?)
 - e. Quanto tempo você leva para chegar ao trabalho? Você usa transporte público?
 - f. Além do seu serviço, você também tem outras responsabilidades ligadas a cuidado? Por exemplo, cuidar da sua casa ou de crianças ou idosos na sua família? Há alguém mais que te ajuda nessas responsabilidades?
 - g. Você tira férias do trabalho? Quantas semanas ou dias em um ano? Você recebe enquanto está de férias?
3. De forma geral, considerando todas as coisas que você faz em um dia normal (seu trabalho, transporte, responsabilidades em casa e etc), qual é para você a melhor ou mais gratificante parte do seu dia? E qual seria a parte mais difícil ou estressante?
4. Quais são as maiores vantagens no seu trabalho? Qual a melhor coisa ou a coisa mais gratificante no trabalho que você faz? Como isso te faz sentir?
5. Quais são as maiores desvantagens no seu trabalho? Qual é a pior coisa ou a coisa mais difícil no trabalho que você faz? Como isso te faz sentir?
 - a. De que maneiras você lida com os problemas do seu trabalho?
 - b. Você discute esses problemas com alguém? Se sim, com quem? Se não, por quê?
6. Se você pudesse mudar uma coisa na sua profissão, o que você mudaria?

7. Eu gostaria de fazer algumas perguntas pessoais para te conhecer um pouco melhor. Você é livre para pular qualquer pergunta.
 - a. Onde você nasceu? Se não em São Paulo, quando e por que você se mudou?
 - b. Quantos anos você tem?
 - c. Qual sua raça ou etnia?
 - d. A que classe social você pertence?
8. Você se sente valorizada(o) no seu trabalho? O que “se senti valorizada(o)” significa para você? Você pode me contar sobre uma vez em que você se sentiu valorizada(o) no trabalho?
 - a. Você já se sentiu desvalorizada(o) no trabalho? Você pode me contar sobre um momento em que você se sentiu assim?
9. Como você descreveria sua saúde física? Por quê? Você acredita que o seu trabalho tem impactado sua saúde física? Se sim, como?
10. Como você descreveria sua saúde mental? Por quê? Você acredita que o seu trabalho tem impactado sua saúde mental? Se sim, como?

Seção II: EC 72

Muitíssimo obrigado por suas respostas até aqui. Nesta parte da nossa conversa, eu gostaria de te perguntar sobre a legislação que existe em relação ao trabalho doméstico. Em 2013, o Congresso aprovou uma lei para expandir os direitos das trabalhadoras domésticas no Brasil, que ficou conhecida como “PEC das Domésticas” e que foi expandida em 2015. Nesta seção, eu gostaria de fazer algumas perguntas sobre essa lei e os efeitos dela na sua vida.

11. Você conhece ou já ouviu falar da PEC das Domésticas? O que você conhece sobre ela? (Pular para pergunta 16 caso entrevistada(o) não conhecer a legislação.)
12. Você se lembra de ter assistido a alguma reportagem na mídia ou ouvido pessoas falarem sobre a PEC das Domésticas quando ela estava para passar em 2013 ou quando ela se tornou uma emenda constitucional em 2015? O que você lembra ter ouvido? Você lembra ter tido alguma expectativa? Desde 2013, 6 anos se

passaram. Houve alguma expectativa que se concretizou? Houve alguma expectativa que não se concretizou? Se sim, quais e como?

13. Essa lei teve algum impacto no seu trabalho? Se sim, como? Se não, por quê você acredita que não houve impacto? A lei tornou seu trabalho mais fácil, difícil, ou não houve mudança no nível de dificuldades? (Perguntar sobre exemplos se como a nova legislação afetou o trabalho do entrevistado.)
14. Essa lei afetou o seu nível de consciência em relação aos seus direitos? Se sim, como (perguntar sobre exemplos de direitos específicos que entrevistado conheceu pela lei/mídia)? Se não, por quê?
15. Houve algum tipo de mudança de comportamento ou prática dos seus padrões devido a essa lei? Se sim, como? (Perguntar sobre exemplos específicos de comportamentos que mudaram.) Essas mudanças duraram bastante tempo ou foram passageiras?
16. De forma geral, você pode me contar sobre um momento em que você sentiu que os seus direitos como trabalhador(a) foram respeitados? Com que frequência situações assim ocorrem com você?
17. Você em algum momento na sua vida profissional sentiu que seus direitos como trabalhador(a) foram desrespeitados? Você pode me contar sobre um momento em que isso ocorreu? Com que frequência situações assim ocorrem com você?
18. Você acredita que as leis trabalhistas que existem hoje são suficientes para proteger os seus direitos e os direitos de outras(os) trabalhadoras(es) domésticas(os)? Se não, de que forma você acredita que as leis estão falhando?

Seção III: Perguntas de encerramento

Nós estamos chegando ao fim da nossa entrevista e eu gostaria de agradecer por sua transparência, paciência e honestidade respondendo a todas essas perguntas. Eu só tenho mais algumas perguntas que eu gostaria de te fazer para concluirmos.

19. Você se vê continuando a trabalhar como empregada(o) doméstica(o) no futuro? Você mudaria de profissão se pudesse?
20. Que conselho você daria a uma pessoa jovem que está começando a trabalhar com serviços domésticos?

21. O que você gostaria que todas as pessoas que contratassem serviços domésticos soubessem?
22. Das perguntas que eu te fiz, houve alguma que foi difícil para você discutir?
23. Há algo que você gostaria que eu tivesse te perguntado sobre sua experiência que eu não perguntei?
24. Há algo mais que você gostaria de dividir que me ajudaria a entender sua experiência?
25. Você conhece alguma outra trabalhadora ou algum outro trabalhador doméstico que poderia ter interesse em conversar comigo também? Se sim, eu ficaria muito grato se você pudesse distribuir estes panfletos com o meu contato.

Declaração Conclusiva

Muitíssimo obrigado por ter dedicado seu tempo para participar deste estudo. O principal objetivo da minha pesquisa é aprender sobre as experiências de trabalhadoras e trabalhadores domésticos em São Paulo, sobre a saúde e bem-estar desses trabalhadores e trabalhadoras e sobre os efeitos de direitos trabalhistas nas suas vivências. Essas são questões muito importantes para nossa sociedade entender, mas eu reconheço que falar abertamente sobre esses tópicos requer muita coragem e pode ser estressante.

Eu quero enfatizar de novo que tudo que você dividiu comigo hoje vai ser protegido com muito cuidado. Deixe-me brevemente explicar de novo como funciona o processo de pesquisa com entrevistas como esta que você participou hoje. Eu vou usar a gravação da nossa conversa para criar uma transcrição escrita que eu vou analisar. Tanto a transcrição quanto a gravação da nossa conversa vão ser armazenadas em um arquivo que só eu e as pessoas que estão me ajudando nesta pesquisa têm acesso, e todos os áudios e textos escritos da nossa conversa hoje vão ser armazenados usando o nome inventado que você me deu hoje, não o seu nome real. Qualquer resumo do que nós discutimos aqui hoje ou citação direta da entrevista que aparecerem publicadas vão ser de forma anônima para que você não possa ser identificada(o), e eu tomarei cuidado de mudar outras informações na entrevista que podem ter o potencial de te identificar (como o nome dos seus padrões ou outras pessoas, o bairro em que você mora ou trabalha). Eu não vou abrir nenhuma exceção a esse combinado sem entrar em contato com você primeiro para pedir

sua permissão. Você tem alguma dúvida ou preocupação sobre como eu planejo utilizar as suas informações?

Sinta-se livre para entrar em contato comigo a qualquer hora se você tiver mais perguntas ou preocupações sobre esta pesquisa. E, porque os tópicos que nós discutimos hoje podem ter te trazido alguma questão ou causado desconforto, eu gostaria de te dar esse panfleto que contém uma lista de recursos públicos que podem oferecer diferentes tipos de suporte caso você queira buscar ajuda de profissionais de saúde. Muito obrigado mais uma vez pelo seu tempo e gentileza. Você tem mais alguma pergunta?

APPENDIX C'

Verbal Consent (English)

RESEARCH PROJECT INFORMATION SHEET

Title of the Study: Experiences of Domestic Workers in São Paulo: Legislation and Wellbeing

Principal Investigator: Gustavo de Almeida phone: [REDACTED] email:
Gustavo.20@dartmouth.edu

Faculty Advisor: Prof. Kimberly Rogers phone: +1 603-646-8212 email:
krogers@dartmouth.edu

DESCRIPTION OF THE RESEARCH

I am interested in learning about the personal and work lives of domestic workers in São Paulo, Brazil, and understanding how workers' experiences may affect their wellbeing. You have been asked to participate because you live and work as a domestic worker in the metropolitan area of São Paulo. This study includes adults, age 18 and older.

WHO IS CONDUCTING THIS RESEARCH?

This study is being run as part of Gustavo de Almeida Silva's undergraduate thesis project. Gustavo is a student at Dartmouth College (USA) majoring in Sociology. He is running interviews like this one to write an academic paper and will present his results to a panel of faculty in the Sociology Department at Dartmouth in May of 2020. Gustavo is being advised by Dartmouth Professor of Sociology Kimberly Rogers.

WHAT WILL MY PARTICIPATION INVOLVE?

Your participation in this study is completely voluntary. If you decide to participate in this research, you will be asked to respond to interview questions about experiences related to your work. Completion of this interview will take approximately 2 hours. Please keep this information sheet for your records.

WILL I BENEFIT FROM TAKING PART IN THIS STUDY?

There is little chance you will personally benefit from taking part in this research study. I hope to gather information that may help people in the future.

WHAT ARE THE RISKS INVOLVED WITH TAKING PART IN THIS STUDY?

Some of the questions or discussion topics may make you feel uncomfortable. You may skip any questions you are not comfortable answering and stop participating in the study at any time if you wish. You will be given a list of public resources at the end of the study session that you may contact if you would like to further discuss any issues raised by the interview.

HOW WILL MY PRIVACY BE PROTECTED?

The information collected for this study will be kept secure and confidential. Your name will not be linked to your interview responses in any way, and the data you provide will be accessible only to the research team.

WHOM SHOULD I CONTACT IF I HAVE QUESTIONS?

You may ask any questions about the research at any time. If you have questions, you may contact Gustavo at [REDACTED] (WhatsApp), or through email at Gustavo.20@dartmouth.edu. You may also contact Gustavo's advisor Professor Kimberly Rogers at +1 603-646-8212 or krogers@dartmouth.edu.

If you are not satisfied with the response of the research team, have more questions, or want to talk with someone about your rights as a research participant, you may contact the Dartmouth College Committee for Protection of Human Subjects (CPHS) at +1 603-646-9141.

APPENDIX C''

Verbal Consent (Portuguese)

FICHA DE INFORMAÇÃO DE PROJETO DE PESQUISA

Título do Estudo: As Vivências de Trabalhadores Domésticos em São Paulo: Legislação em Bem-Estar

Investigador: Gustavo de Almeida fone: [REDACTED] email:
Gustavo.20@dartmouth.edu

Orientadora: Prof. Kimberly Rogers fone: +1 603-646-8212 email: krogers@dartmouth.edu

DESCRIÇÃO DA PESQUISA

Eu estou interessado em aprender sobre as experiências pessoais e profissionais de trabalhadoras e trabalhadores domésticos em São Paulo e entender como essas experiências podem afetar o bem-estar desses trabalhadores e trabalhadoras. Sua participação foi solicitada porque você vive e trabalha como empregado(a) doméstico(a) na região metropolitana de São Paulo. Este estudo inclui adultos maiores de 18 anos.

QUEM ESTÁ CONDUZINDO ESTA PESQUISA?

Este estudo está sendo desenvolvido como parte do projeto de conclusão de curso de graduação de Gustavo de Almeida. Gustavo estuda Sociologia na Universidade de Dartmouth (EUA). Ele está conduzindo como esta para escrever um artigo acadêmico e apresentar suas conclusões a um painel de professores do Departamento de Sociologia da sua universidade em maio de 2020. Gustavo está sendo orientado por Kimberly Rogers, que é professora de Sociologia na Universidade de Dartmouth.

O QUE A MINHA PARTICIPAÇÃO VAI ENVOLVER?

Sua participação neste estudo é completamente voluntária. Se você decidir participar nesta pesquisa, você será convidado(a) a responder a perguntas sobre experiências relacionadas ao seu trabalho. Esta entrevista durará aproximadamente 2 horas. Por favor, mantenha esta ficha.

HAVERÁ ALGUM BENEFÍCIO SE EU PARTICIPAR?

As chances de você se beneficiar pessoalmente por participar neste estudo são poucas. Eu espero poder coletar informações que possam ajudar pessoas no futuro.

QUAIS SÃO OS RISCOS ENVOLVIDOS EM PARTICIPAR DESTA PESQUISA?

Algumas perguntas ou tópicos de discussão podem de trazer desconforto. Você pode pular quaisquer perguntas que você não se sentir confortável em responder e interromper a entrevista em qualquer momento que você desejar. Ao fim da conversa, eu te darei uma lista de recursos públicos que você poderá contatar se você desejar discutir quaisquer problemas que a entrevista gerar.

COMO MINHA PRIVACIDADE SERÁ PROTEGIDA?

As informações coleadas neste estudo serão mantidas de forma segura e confidencial. Seu nome não será conectado às suas respostas de nenhuma forma e os dados pessoais que você oferecer só serão acessíveis ao time de pesquisa.

QUEM EU DEVO CONTATAR SE EU TIVER PERGUNTAS?

Você pode entrar em contato para fazer perguntas a qualquer momento. Se você tiver dúvidas, você pode contatar Gustavo no WhatsApp [REDACTED], ou por e-mail (Gustavo.20@dartmouth.edu). Você também pode contatar a orientadora do Gustavo pelo telefone +1 603-646-8212 ou e-mail krogers@dartmouth.edu.

Se você não estiver satisfeito(a) com o time de pesquisa, tiver mais perguntas, ou quiser conversar sobre os seus direitos como participante, você pode contatar o Comitê de Proteção de Sujeitos Humanos de Dartmouth pelo telefone +1 603-646-9141 (chamadas em inglês) ou e-mail cphs.tasks@dartmouth.edu.

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