



Submission to the UN Special Rapporteur on the role of workers' organizations in preventing and addressing contemporary forms of slavery in Brazil

*Submitted by the International Domestic Workers Federation (IDWF)
March 30, 2024*

This submission is presented by the International Domestic Workers Federation ¹representing 88 domestic workers unions and associations in 68 countries a total of 670,000 individual domestic workers in Africa, Asia, Latin America, the Caribbean, North America, Europe and Middle East and North Africa. This submission focuses on the labour and human rights conditions of DWs in Brazil.

There are 75.6 million domestic workers (DWs) globally aged 15 years and over (ILO, 2021). This sector is particularly important in developing regions, Latin America has the second largest population of DWs after Asia, there are 14,8 million DWs which account for 19,6% of the global DWs (ILO 2021). Brazil has the major concentration of DWs in the region (6 million). Domestic work in Latin America constitutes a source of employment for 14% of the female population; however they work in conditions of unprotection and with 72.3% of informality rate. In a regional average DWs earn 45% less than the minimum wage of other workers in other sectors. In Latin America, many DWs are Afro-descendants or indigenous people who often face multiple forms of discrimination as consequences of colonialism, slavery and poverty, racial inequality, and patriarchal systems.

In Brazil, racial slavery endured for over 300 years. Workers abducted from Africa and transported to Brazil were treated as commodities, subjected to violent and brutal enslavement. Even after 136 years since the abolition of this form of labor exploitation, forced labor conditions persist, notably in sectors such as domestic work.

Article 149 of the Brazilian Penal Code stipulates clear penalties, including up to eight years of imprisonment, for the crime of reducing individuals to servitude and forced labor. However, in 2023, 3,190 people were rescued from forced labor conditions nationwide (including 41 domestic workers). Since the creation of the Mobile Inspection Groups by the Ministry of Labor in 1995, over 63,000 individuals have been rescued from situations akin to slavery in Brazil².

The majority of victims are predominantly black women in situations of social vulnerability, many of whom are minors and have little to no formal education. These women receive extremely low wages or no wages at all, live in precarious conditions, endure poor-quality nutrition, face grueling working days (without resting time or vacations), lack health coverage

¹ [The International Domestic Workers Federation \(IDWF\)](#) is a Global Union Federation of domestic and household workers founded in 2013, comprising 88 affiliates from 68 countries, serving a membership of over 670,000 domestic/household workers. Its primary objective is to protect and advance domestic workers' rights everywhere and is committed to helping domestic workers build strong, democratic and accountable workers' unions, and to weave these organisations into an influential global federation to protect domestic/household workers' rights

² <https://www.brasildefato.com.br/2024/01/28/em-2023-3-190-pessoas-foram-resgatadas-da-escravidao-no-brasil-maior-numero-desde-2009>

and access to social security, and are often subjected to mistreatment, violence, and sexual abuse.

According to PNAD (National Household Sample Survey) data from 2022, domestic work in Brazil employed over 6 million people, with 98% of them being women and 67% being black women. It is the sector that employs the most women in the country, particularly black women from low-income backgrounds (40% living in poverty) and with limited formal education. It also exhibits the highest level of informality, with 75%³.

It is essential to acknowledge that domestic slave labor is gendered, racially biased, and tied to socioeconomic status, with its persistence reflecting a legacy of slavery, racism, and misogyny that has normalized servitude among society's most disadvantaged members.

Domestic slave labor remains invisible because it is normalized. It is still common for families to take in girls in early adolescence to care for them in exchange for promises of education. However, this educational opportunity never materializes, and these girls end up forever caring for that family, performing caregiving activities every day without regulated work hours, weekends, vacations, or salary. This cycle can continue for decades, reflecting the normalization of a patriarchal culture that devalues caregiving and assigns it to the most vulnerable women in society.

All this occurs eleven years after the approval of the "PEC das Domésticas," a national law that extended a range of rights to these workers, rights already guaranteed to other professional categories, such as a salary not lower than the minimum wage established by law, an 8-hour workday, introduction of health, hygiene, and safety standards, among others; rights further expanded in 2015 through Complementary Law 150/2015.

QUESTION 1

Brazil has yet to ratify C87, which guarantees freedom of trade union organization. This delay is attributed to inconsistencies with the labor and trade union legislation dating back to 1940, which mandates a singular principle for trade union organizations. This principle dictates that trade unions can only organize workers within specific categories and territories, limiting the freedom of trade union organization in Brazil. Trade unions must obtain recognition and approval from the Ministry of Labor, which has the discretion to grant or deny permission for trade union activities.

In 1949, Brazil ratified ILO Convention No. 98, thereby committing to uphold the right to organize and engage in collective bargaining. This recognition places workers' representative organizations as legitimate parties to agreements and conventions aimed at advancing labor and trade union rights within the framework of general legislation. Additionally, the possibility of union organization, as established by the CF/1988, has paved the way for organized domestic workers to engage in collective bargaining. This allows them to collectively negotiate rights and obligations directly with employer representatives⁴.

Beyond international conventions, Brazil boasts a robust judicial system dedicated to labor matters, featuring a Supreme Labor Court and a Public Ministry of Labor. Likewise,

³ <https://www.al.sp.gov.br/noticia/?id=471883>

⁴ <https://repositorio.ipea.gov.br/handle/11058/11446?mode=full>

regulatory bodies oversee compliance with labor laws, including those concerning workers' health and safety, and combatting the exploitation of slave and child labor, as well as all forms of discrimination. One such body is the Labor Fiscal Audit, which operates nationally and conducts direct inspections in workplaces, including private residences where instances of forced labor among domestic workers are reported.

QUESTION 2 and 4

To combat contemporary forms of slavery affecting domestic workers, complaints play a crucial role as they serve as a vital source of information for institutional oversight and surveillance bodies. These bodies conduct workplace inspections, facilitate worker rescues, and apprehend employers found to be engaging in enslavement practices.

FENATRAD⁵, the National Domestic Workers Federation, collaborates with various national trade union confederations (such as CUT, Força Sindical, and UGT) and the International Domestic Workers Federation to organize awareness campaigns aimed at preventing exploitation, forced labor, and abusive working conditions among domestic workers. Given the challenging nature of identifying and reporting modern slavery within domestic work, particularly due to the principle of the inviolability of private homes, these organizations work closely with Special Mobile Inspection Groups (GEFM) to report cases resembling slavery and rescue victims. By lodging complaints with competent authorities such as the Federal Police and the Labor Fiscal Audit Office of the Ministry of Labor, these groups facilitate access to private homes for expedited investigations. If the allegations are substantiated, perpetrators can be arrested and held accountable.

There is also the Observatory for the Eradication of Slave Labor and Human Trafficking, which is part of the Decent Work SmartLab initiative, jointly developed by the Labor Public Prosecutor's Office (MPT) and the International Labor Organization (ILO), with the support of the Labor Inspection Secretariat (SIT), the Ministry of Labor and Employment, and the Ministry of Women, Family, and Human Rights⁶.

QUESTION 3

One of the most emblematic cases of slavery-like conditions, which illustrates how the entrenched culture of domestic work, particularly when performed by Black women, is still viewed as acceptable by members of the ruling class in Brazil, is that of Sonia Maria de Jesus. Sonia was rescued in June 2023 after enduring 40 years of forced labor at the hands of Judge Jorge Luiz Borba and his family, in the state of Santa Catarina. Throughout that period, Sonia never received a salary, medical care, or formal education. Her inability to communicate with others deprived her of social contact and contributed significantly to her confinement in the workplace.

⁵ The National Domestic Workers Federation (FENATRAD), founded in 1997, is an organization composed of 22 unions and one association operating in 13 Brazilian states. It represents a category consisting of approximately 7.2 million domestic workers (www.fenatrad.org)

⁶ <https://www.prt19.mpt.mp.br/informe-se/noticias-do-mpt-al/1482-em-25-anos-mpt-e-grupo-especial-de-fiscalizacao-movel-atuaram-no-resgate-de-55-712-vitimas-do-trabalho-analogo-a-escravidao>

An anonymous report about Sonia's situation prompted the police and labor authorities to inspect the house where she worked, confirming the forced labor conditions she endured for four decades and removing her from that environment. However, both the labor court and the supreme court authorized the judge to bring Sonia back to his home, despite her numerous health issues in addition to deafness, on the grounds that she was considered “part of the family”.

FENATRAD and trade union confederations, with the support of mainstream media outlets, exposed the psychological manipulation employed by the judge's family to coerce Sonia into returning to their home. Furthermore, in October 2023, a complaint was filed with the Inter-American Commission on Human Rights of the Organization of American States (OAS) regarding the egregious violations of human and labor rights in Brazil. This collective effort involved FENATRAD, the IDWF, CONLACTRAHO, Themis - Gender, Justice, and Human Rights, the Inter-American Conference on Social Security (CISS), CARE International, the French Development Agency (AFD), and several Brazilian workers organizations.

As of now, Sonia Maria de Jesus remains at the judge's house, and the labor inspector who rescued her is under investigation and facing legal action by the judge⁷.

QUESTION 5

- Limitations on the rights to organize and take collective actions, including bargaining.
- Limitations/challenges for collective bargaining due to the lack of representation of employer's unions.
- Inadequate/limited workplace inspection due to the principle of inviolability of private homes.
- Shortage of inspectors to cover the national territory.
- Power and economic influence of those who exploit domestic workers over certain decision-makers (judges, primarily).
- Little knowledge about the available reporting channels
- Low reporting of cases of modern slavery or forced labor for various reasons: fear of the victims, normalization of the situation by the victims (who sometimes consider themselves as members of their employers' family rather than workers), lack of commitment or awareness of the situation by third parties (neighbors, other domestic workers, employers' relatives, etc.).

Recommendations

- Effective implementation the ILO Convention 189 on Decent work for domestic workers
- Effective implement ILO convention 190 on the Elimination of Violence and Harassment in the World of Work
- Reevaluate the measure declaring the inviolability of private homes, hindering adequate inspection of the conditions in which domestic work is performed.

⁷ <https://www.cfemea.org.br/index.php/pt/?view=article&id=8698:combater-escravidao-no-brasil-faz-policia-federal-bater-em-sua-porta-a-mando-do-judiciario-caso-quem-escraviza-seja-juiz&catid=587:direitos-humanos>

- Promote the reporting of forced labor cases, as authorities can only inspect homes based on formal complaints.
- Enhance the visibility of domestic unions as organizations actively combating slave labor.
- Support and strengthen domestic workers unions active participation in design of preventative mechanisms and access to justice for domestic workers facing slave-like conditions
- Create and strengthen institutionalized social dialogue spaces bringing workers, employers and government representatives to find measures and pathways to equalize domestic workers rights.
- Raise awareness about the rights of domestic workers and the various ways in which these rights are violated, such as excessive working hours, lack of rest or vacation time, poor working and living conditions, inadequate nutrition, among others.
- Educate domestic workers about exploitation and forced labor, as many may consider working under slave-like conditions as normal or acceptable.