

FEUDAL ENCLAVES AND
POLITICAL REFORMS
Domestic Workers in Latin America

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Abstract: I examine how domestic workers have fared legally and politically in post-transition democracies in Latin America. Paid domestic work employs more than 15 percent of the economically active female population in Latin America, yet national labor codes tend to mandate lower salaries and benefits and longer working hours to those working in this sector. They also suffer from race, gender, and class discrimination. Although organizations advocating for domestic workers have demanded equal rights, political actors in the region have been extremely reticent to respond to these demands. By analyzing domestic workers' legal rights across the region and process-tracing political reforms in Chile and Bolivia, I find that although elite resistance to change is a constant, under the right circumstances, domestic workers can gain legal reforms. Domestic workers' social allies are labor, feminist, and indigenous organizations; however, to get the attention of these allies, and consequently to pressure politicians, they must first organize autonomously and publicize their cause. Although leftist parties are more likely to be receptive to their cause, they need pressure to act on behalf of the needs of such a marginalized group. Once they do, however, they need not be majority parties to get the issue on the agenda. The key political battle is getting and keeping the issue of domestic workers' rights on the political agenda; once it goes to a vote, it is unlikely to be rejected.

The more just the law is, the harder it is to get it approved.

Waldo Albarracín, Asamblea Permanente de Derechos Humanos de Bolivia, 2001

Since the third wave of democratization, increasing attention has been directed toward indigenous movements, women's movements, landless movements, and equal rights and antipoverty policies in Latin America. One significant group—domestic workers—has been overlooked. This omission is surprising, not only because paid domestic work employs more than 12 million women and girls, constituting more than 15 percent of the economically active female population in Latin America (Oficina

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Internacional del Trabajo 2005), but also because with this group, perhaps more starkly than with any other, race, gender, and class discrimination is crystallized (Chaney and García Castro 1989). Almost 95 percent of all domestic workers are women (Hite and Viterna 2005), and many or most are ethnic and racial minorities. Women working in this sector are not granted the same rights in national labor codes as other workers, such as salary, benefits, and working hours, and in some countries the codes even maintain what could be considered feudal clauses (e.g., mandating respect of the employee toward the employer but not the other way around). In addition, enforcement of the rights that do exist is inadequate, and most domestic workers labor informally, without written contracts or social security.

Advocates often claim that domestic workers are invisible and that their work is underappreciated and goes unnoticed. This invisibility is, ironically, also reflected and perhaps reinforced by the scant attention that social scientists have directed toward domestic workers. In 1989, Elsa Chaney and Mary García Castro published a seminal edited volume on domestic workers in Latin America, *Muchachas No More: Household Workers in Latin America and the Caribbean*. In the introduction, Chaney and García Castro (1989, 3) declared that “the scant attention paid to this important sector of working women is surprising” and called for further research. Although several excellent historical and anthropological works have since been published, the call has gone largely unanswered for studies from a sociopolitical perspective.¹ This article seeks to partially rectify this shortcoming. It also seeks to address the broader relationship between democratic politics and equal rights in Latin America.

Demands for equal rights in Latin America today take place in a (formally) democratic political context (aside from Cuba) and a neoliberal economic context. On the one hand, neoliberalism has reduced the power of organized labor (Cook 2007) as well as the working class as a social and political cleavage (Portes and Hoffmann 2003; Roberts 2002). On the other hand, democratization has allowed for other forms of previously marginalized groups, not as directly material (e.g., women’s and indigenous movements), to organize and demand more rights. This context poses both opportunities and constraints for domestic workers as a group, as

1. Much of the extant literature on domestic workers in Latin America is sociological, anthropological, and historical. Some of the main published works are by Bunster and Chaney (1985) on domestic workers in Peru; Chaney and García Castro’s edited volume (1989) on domestic workers across the region; Sandra Lauderdale Graham’s (1992) book on nineteenth-century domestic workers in Rio de Janeiro; and Lesley Gill’s (1994) anthropological investigation of domestic workers and their employers in Bolivia. Several others have written journal-length articles that are cited in text. More generally, much of the social scientific literature has focused on domestic workers as immigrants from less to more developed countries.

their specific shared identity is through the nature of their labor, but also virtually all are women and many are from ethnic or visible minorities.

The question I examine is how domestic workers have fared legally and politically in posttransition democracies in Latin America. This is a particularly central question in a region in which socioeconomic inequalities are the highest in the world. Legally and economically, the interests of domestic workers are opposed to the interests of their employers, who belong to the middle and upper classes. That is, the more (enforced) legal rights the workers have, the better their position is in relation to their employers. The higher their salaries, the more the employers have to pay them. How the state mediates this power relation—in terms of both laws and enforcement—is an indicator of how the state balances the interests of the rich versus the poor.

Although domestic workers' organizations have demanded social attention and equal labor rights, political actors in the region have been extremely reticent to respond to these demands, given that such changes go against the interests of their better-organized middle- and upper-class constituents. Therefore, it is important to ask how such issues make it to the political agenda and get passed, and when they do not achieve success, why. Phrased another way, when do domestic workers' interests win over those of their more powerful employers?

I propose a theoretical framework to understand how and when domestic workers—and disadvantaged groups more generally—get their demands for equal rights addressed. Although elite resistance to change is a constant, I argue that, under the right circumstances, domestic workers can gain legal reforms. There are two paths to legal reform: an issue-specific bill on domestic workers and clauses on domestic workers added to broader labor or constitutional reform. The first option is likely to require more social and political pressure, but the second is likely to result in only partial reform rather than equal rights, given that domestic workers are not the focus of the bill. In addition, the second is available only at times and in countries with labor or constitutional reform on the agenda.

Domestic workers' social allies are labor, feminist, and indigenous organizations; however, to get the attention of these allies, and consequently to pressure politicians, domestic workers must first organize autonomously and publicize their cause. Although leftist parties are more likely to be receptive to the cause of domestic workers, they need pressure to act on behalf of the needs of such a marginalized group. Once they do, however, they need not be majority parties to get the issue on the agenda. The key political battle is getting and keeping the issue of domestic workers' rights on the political agenda; once it goes to a vote, it is unlikely to be rejected.

To illustrate this framework, I analyze domestic workers' legal rights across the region and process-trace political reforms in Chile and Bolivia.

Of eighteen major Latin American countries, only six have reformed domestic worker laws since democratization (see table 1). Of these, three have resulted in virtually equal rights (Bolivia, Uruguay, and Colombia) and three (Chile, Brazil, and Peru) have resulted in partial reforms. Of the former group, both Bolivia and Uruguay had issue-specific bills; in the latter group, Brazil and Chile had reforms that were part of broader constitutional or labor reforms, respectively. Peru's bill was issue specific.² Finally, in Mexico, Costa Rica, and Guatemala, bills have been proposed but have gone nowhere (CONLECTRAHO 2004).

I have chosen Chile and Bolivia as case studies to illustrate the two reform paths. Although Chile and Bolivia are very different, in terms of both economic development and political institutions, they have both experienced some form of reform: an issue-specific bill in Bolivia and clauses in broader labor-reform bills in Chile. Given that Bolivia is South America's poorest country and Chile is among the richest, this implies that reform is not simply a function of economic development. In addition, the goal in my choice of case studies is to illustrate two types of reform paths rather than explicitly compare these two very different countries to each other. Finally, I do not explicitly analyze a no-reform case but draw on country examples in my discussion to show the contrast.

In Bolivia, domestic worker organizations, after years of organizing and militancy, were able to gain social allies and politicize the emerging ethnic cleavage in favor of their cause, and their struggle came to be equated with social justice for indigenous people. Their rights were equalized with the rights of other workers by Bolivia's Congress in 2003, during a time when Bolivia was rocked by political instability and the new left-wing Movimiento al Socialismo (MAS) party was rising in political representation (but before the presidential victory of Evo Morales, the country's first indigenous president, in 2005). In Chile, on the other hand, domestic worker organizations peaked during the late 1980s during prodemocracy protests. They were able to gain two reforms in 1990 (severance pay) and 1998 (maternity leave) with the help of sympathetic left-wing legislators who added clauses onto broader labor-reform bills, thus making it harder for opposed politicians to simply bury them. However, the organizations have declined since the 1990s and have been unable to foster effective social alliances. In July 2008 (as this article went to press), sympathetic officials in the current left-wing executive pushed through a clause during national minimum wage negotiations to gradually equalize the minimum

2. Colombia's reform took place through constitutional courts, and given their uniqueness, Colombia is not included in the discussion here. Peru's bill aimed for equal rights but became watered down to the extent that I classify its reforms as partial (i.e., eight-hour workday limit applies only to live-in domestics, and domestic workers still do not receive the national minimum wage).

wage of domestic workers to that of other workers. However, importantly, their legal working hours remain longer, the minimum wage of this group is 75 percent of the national minimum wage, and there is no current pressure to eliminate this discrimination.

The article proceeds in three parts. First, I discuss the socioeconomic context and laws on domestic workers across Latin America and their enforcement. Second, I provide a theoretical framework on organizations, coalitions, and agenda setting. Third, I illuminate the two legislative reform paths by using case studies of Chile and Bolivia; and fourth, I present the conclusion.

SOCIAL CONTEXT AND LAWS

A domestic worker is a person who works at an employer's private residence to provide cooking, cleaning, child care, or other prescribed services. Often domestic workers also live in the employer's residence.

Domestic service has deep historical roots in the region (Kuznesof 1989). Graham (1992, 3), writing about domestic workers in nineteenth- and early-twentieth-century Brazil, mirrors the nature of the employment relationship across the region and well into the twentieth century: "the power exercised over [servants] within the domain of family and households by masters was private and personal. No public institutions could be appealed to by dependents that might, on their behalf, counter the weight of private power or temper the personal actions of masters." When domestic service became subject to government regulations in the early twentieth century, authorities did not tend to view it as real work compared to other professions, and the preeminent focus was on minimal protections from abuse, regulation of the behavior of domestic workers, and on containing potential diseases (Blum 2004; Gill 1994; Graham 1992).

Despite twentieth-century economic development, paid domestic work has shown no indication of decline as a source of employment in the region.³ The profession is prominent in both the more and the less developed countries of the region; even in more developed Argentina, slightly less than 1 million women are domestic workers (CONLACTRAHO 2004, 176). In Brazil alone, there are more than 5 million domestic workers (CONLACTRAHO 2004, 13).

Overall, the job remains low paid, of low prestige, and is subject to exploitation. The subordinate socioeconomic position of domestic workers cuts

3. In 2003, the International Labour Organisation estimated that 15.4 percent of economically active women across the region worked in domestic service. The rates have remained relatively constant since 1980, indicating that this source of employment is not decreasing (Abramo and Valenzuela 2005; Hite and Viterna 2005; Oficina Internacional del Trabajo 2005, 97).

across countries; they are economically less advantaged, which has driven their choice of occupation (Chaney and García Castro 1989; Human Rights Watch 2002, 2004). Indeed, as Lesley Gill has stated, “Domestic service is rooted in inequality, and its most enduring feature is that servants are drawn from groups considered inferior by those in power” (Gill 1994, 141).

Table 1 provides information on legal work hours as well as other legal restrictions specific to domestic workers. The national labor codes of Latin American countries regulate the workday in general at eight hours a day, forty (or forty-eight) hours a week.

Table 1 indicates that there are striking similarities across countries on laws: the legal working hours of domestic workers are longer in all countries (except in Bolivia and partially in Peru since 2003, and for urban domestic workers in Uruguay since June 2007). Mexico and Brazil (and Peru and Bolivia until 2003) allow for sixteen-hour workdays. In Mexico, this explicitly contradicts the constitution that grants all Mexicans an eight-hour workday. The Dominican Republic allows for fifteen-hour workdays, and Venezuela, Guatemala, and Honduras allow for fourteen-hour workdays. In addition, minimum wages are often set lower than the national minimum wages (down to 40 percent in Paraguay), legally mandated vacations are generally shorter, and in many cases, domestic workers do not have any or equal rights to unemployment insurance or severance pay. Finally, Venezuela, Paraguay, Honduras, and Guatemala mandate respect of employee toward employer but not vice versa.

A set of surveys conducted in 1995 (funded by the International Labour Organisation) on the working conditions of domestic workers in six Latin American countries reveals highly exploitative conditions and weak enforcement of extant laws. For instance, in Peru, 41 percent of live-in domestic workers worked more than eighty hours a week (CONLACTRAHO 2004, 20), and in Brazil, 27 percent of domestic workers did not receive the eight hours of rest a night stipulated by law (CONLACTRAHO 2004, 13).

Clearly, the enforcement of laws is as crucial an issue as are the laws themselves, especially in Latin America, where significant percentages of the population work in the informal sector and even formal sector laws are often not enforced. Here the focus is on agenda setting and legal reform. Given that so little analysis exists on this topic, this focus is a crucial first step, from both a social scientific and a policy perspective.⁴ I turn now to a discussion of the theoretical framework.

4. For social scientists, understanding the political dynamics on equal rights—even if the laws are not consistently applied—is an important theoretical question, particularly in terms of democratic politics and citizenship. From an advocacy or policy point of view, it may not be efficacious to promote enforcement if the laws on the books are discriminatory. Equalizing laws is a necessary first, or at least simultaneous, step toward actual respect for equal rights.

Table 1 Labor Laws on Domestic Workers, Work Hours and Other Legal Stipulations, in Countries with Recent Reforms (date in brackets)

Argentina	<ul style="list-style-type: none"> -12-hour workday, 1 day off a week (or 2 half days) -Paid vacation depending on time served -Excluded from maternity leave 	Guatemala	<ul style="list-style-type: none"> -14-hour workday; 6 hours off per week -Can be fired for lack of respect -No mention of vacation or severance pay
Bolivia [2003]	<ul style="list-style-type: none"> 8-hour workday; 10-hour workday for live-in workers, 1 day off a week -National minimum wage 	Honduras	<ul style="list-style-type: none"> -Food and lodging included in salary -Up to 14 hours of work per day, 1 day off a week -Paid vacation according to general labor code -Can be immediately fired for lack of morality or respect -1 month severance pay per full-time year up to 4 months
Brazil [1988; 1997]	<ul style="list-style-type: none"> -16-hour workday -Unemployment insurance -National minimum wage -Maternity leave -Paid vacation 	Mexico	<ul style="list-style-type: none"> -Salary includes food and lodging -National Commission of minimum wages decides the wage for domestic workers, taking into account standard of living of employers -No specified hours: domestic workers need to have enough time off to rest and to eat -No mention of vacation or severance pay
Chile [1990, 1998]	<ul style="list-style-type: none"> -12-hour workday, 1 day off a week for live-in domestics, 75% minimum wage -Maternity leave -Paid vacation -4.11% of salary as severance pay 	Nicaragua	<ul style="list-style-type: none"> -12-hour work day, 1 day off a week -Salary: 50% of salary can be room and board -No mention of vacation or severance pay
Colombia [1998]	<ul style="list-style-type: none"> -8-hour workday, 10-hour workday for live-in domestics, Sundays off -Get legal minimum wage; up to 30 percent of this can be in kind -Severance pay: 1 month per year of work -15 days annual paid vacation 	Panama	<ul style="list-style-type: none"> -15-hour workday -1 day off a week -Paid vacation -Food and lodging included in salary

Costa Rica	-12-hour workday, half a day off a week. -15 days annual vacation -maternity leave	Paraguay	-40% of minimum wage -12-hour workday -Paid vacation in accordance with general labor law -Can be fired for lack of honesty or morality
Dominican Republic	-15-hour workday, 1.5-day weekend -2-week annual vacation	Peru [2003]	-8-hour workday for live-in domestic workers (others not specified), 1 day off a week -No minimum salary -15 days paid vacation -Severance pay: 15 days per year
Ecuador	-No work hours specified -1 day off every 2 weeks -15 days annual vacation	Uruguay [2006]	-8-hour workday, 1.5 days off a week, equal benefits to other workers -Rural domestic workers excluded
El Salvador	-12-hour workday, 1 day off a week, room and board included in salary. Legal requirement for morality and subordination -No mention of vacation or severance pay	Venezuela	-14-hour workday for live-in workers, regular workday for others -1 day off a week -Can be fired for lack of honesty, morality or respect -15 days paid vacation -Severance pay: half a month for each year worked

Sources: For general information, for cross-checking, and for Costa Rica: Pautassi et al., 2004; CONLACTRAHO, 2003. For country-specific information: Argentina: Ministerio de Trabajo, Tribunal del Servicio Domestico (<http://www.trabajo.gov.ar/asesoramiento/domestico.htm>); Bolivia: Gaceta Oficial de Bolivia, Ley No. 2450, Ley de 9 de Abril de 2003; Brazil: Lei no. 10 208, March 23, 2001. Presidência da República, Casa Civil, Subchefia para Assuntos Jurídicos; Chile: Dirección del Trabajo. *Guía de empleadoras y trabajadoras de casa particular*. Gobierno de Chile; Colombia: Ministerio de Protección Social, República de Colombia, *Las preguntas más frecuentes sobre la contratación del trabajo doméstico* (<http://www.minproteccionsocial.gov.co>); Ecuador: Régimen Laboral Ecuatoriano 14:68, 474–476; El Salvador: Código del Trabajo, no.15, libro I, título II, capítulo III (<http://www.leylaboral.com>); Guatemala: Código de Trabajo de la República de Guatemala, capítulo 4: Trabajo Doméstico (<http://www.mp.lex.gob.gt>); Honduras: Código de Trabajo de la República de Honduras, 47–50; Mexico: Ley Federal del Trabajo. Diario oficial de la Federación el 1 de Abril de 1970. Cámara de Diputados del H. Congreso de la Unión, Centro de Documentación, Información y Análisis; Nicaragua. Código del Trabajo, libro I, título VIII, capítulo I; Panama. Ministerio de Trabajo y Desarrollo Laboral. República de Panamá (<http://www.mitradel.gob.pa/codtrabajo.asp>); Paraguay: Gaceta Oficial, Ley no. 213, que establece el Código del Trabajo, 32–33; Peru: Ministerio de Trabajo y Promoción del empleo. Programa de difusión de la Legislación Laboral. Dispositivos legales especiales que regulan trabajo del hogar (<http://www.mintra.gob.pe/leyeshogar.php>); Uruguay: *El Espectador*, “Ley establece igualdad de derechos laborales para trabajadoras domésticas,” June 27, 2007; Venezuela: Ley Orgánica del Trabajo, capítulo II: De los Trabajadores Domésticos. Gaceta Oficial No. 5152, June 19, 1997.

THEORETICAL FRAMEWORK

In this section, I outline the context of elite resistance, the dependent variable of which is legal reform, and the key independent variables (organization, coalition building, and shifting political opportunity structures).

Given that increasing the position and rights of domestic workers involves some form of redistribution, elites are likely to resist such demands. Political elites tend to represent the interests of their more wealthy constituents, who are also employers of domestic workers. Also, the legislators' political participation, especially female legislators given traditional gender roles, is based on having domestic workers at home. The workers, then, are not represented in Congress but their employers are. Hence, there is an inherent conflict of interest among politicians in extending more rights to the workers, and the political system is, as a point of departure, unlikely to be responsive to the concerns of domestic workers. In addition, women's work within the household—whether paid or unpaid—has not historically been considered “real” work and deserving of the same rights as other forms of labor. Finally, racism among the elites makes them less likely to consider domestic workers who are darker or from different ethnic groups their social equals and deserving of the same rights. Implicit opposition to extending rights is likely to be broad and steadfast, and political elites will tend either to ignore such concerns or to table legislative bills addressing them.

Dependent Variable: Routes to Reform

The key for reformists is to get a bill on domestic worker rights onto the political agenda and to a vote. Once the issue is up for debate in Congress, it is less comfortable (though still possible and not uncommon) for legislators to openly oppose equal rights on principle and by resorting to explicitly sexist, racist, or classist claims. Even when they do so in debate, they are hesitant to actually cast a vote against such a bill, as more constituents are likely to come from the classes that provide domestic workers rather than the classes that employ them. Indeed, my research indicates that as of yet—to my knowledge—no domestic worker bills that have made it to a vote have been defeated.

The framing of arguments in favor of and opposed to equal rights is interesting in and of itself. To summarize, my findings indicate that arguments in favor focus on equal rights in principle and on protecting the most vulnerable members of society—in this case, domestic workers—in practice.⁵ For opposed arguments, the framing tends to focus more on prac-

5. Drawn from interviews and legislative debates in Bolivia, Brazil, Chile, and Peru.

tical effects and is in some ways similar to broader neoliberal economic arguments on the effects of increased labor rights on labor market conditions.⁶ The argument is that increased rights will produce unintended negative consequences for the intended beneficiaries of the bill by placing an unacceptable burden on the middle classes and hence making them reluctant to hire domestic workers. However, the arguments are unique in their explicitly patronizing tone, underappreciation of the work of domestic workers, and personal experiences that legislators often draw on during debates. Across countries, legislators have brought up the special, delicate relationship between employer and employee that may be disrupted by increased legal rights, revealing a sense of threat they perceive in equalizing the rights of this social group, both culturally and economically. This has deep historical roots in the region where the relationship between servants and masters has long been seen by elites as private and paternal (Blum 2004; Gill 1994; Graham 1992; Rubbo and Taussig 1983).

What, then, propels these reform projects onto the political agenda? There are two routes to legal reform: (1) broader legislative reforms (e.g., labor-code reforms or constitutional reforms that include labor reforms) that include domestic workers and (2) reforms that specifically address domestic workers. In both cases, the key struggle is to get the issue on the agenda and to force through a vote. However, the two routes have different dynamics as well. In the first case, reformists can take advantage of the fact that labor reform is already on the political agenda. Sympathetic politicians can attempt to include specific clauses enhancing the rights of domestic workers to general labor-reform projects and are better positioned to force a debate on such clauses. In the second case, initiating issue-specific legislation, more social pressure is required to get political attention to the issue to get it on the agenda on its own. On the other hand, given that its central focus is on domestic workers, it is more likely to result in a bill that equalizes rights rather than engages in piecemeal reform.

I argue that organizational strength, coalition building, and political allies (in Congress or in the executive) are key factors in forcing domestic worker rights on to the political agenda. The first two factors are particularly important for issue-specific bills. Subsequently I discuss how these variables interact, drawing on literature on social movements, gender, labor relations, and ethnic politics.

Organizations

Social movement theory analyzes the why and how of social mobilization. Social movements propel social and political change across the world, and they have become important players during and following the

6. I would like to thank Jennifer Pribble for this observation.

democratizations in Latin American countries (Alvarez 1990; Escobar and Alvarez 1992; Alvarez, Dagnino, and Escobar 1998). Unlike more institutionalized interest groups and lobbyists, however, social movements tend to ebb and flow in “cycles of protest” and lack stable access to resources (Tarrow 1994, 4).

This is even more acute for poor peoples’ mobilization. Economically disadvantaged people do not have the resources, networks, time, or skills to participate in the political system at the same level as more advantaged groups, nor do they tend to have representatives who promote their interests in politics (Bachrach and Baratz 1970; Piven and Cloward 1977; Strolovitch 2006; Tarrow 1994). This is particularly the case among domestic workers in Latin America. Although democratization and more stable economic climates have allowed domestic workers more space to organize, they face multiple barriers in trying to do so, particularly those who are live-in domestics. Such workers tend to have lower levels of education.⁷ The daily working hours of domestic workers are legally longer in Latin America than those of other workers, and they often have very few days off a month. In addition, their wages are very low. Given this, time available for meetings, resources for campaigns, and skills to understand and access the political system are scarce. Finally, by the nature of their work, domestic workers are socially isolated and hard to reach. Consequently, organizational affiliations of any kind are likely to be extremely low among domestic workers (Chaney and García Castro 1989; CONLACTRAHO 2004; Gill 1994). Even if they manage to create organizations, unionization as an option is more complicated, because domestic workers negotiate with individual employers and do not have an organized employers’ association to contend and bargain with. Given this, going on strike, for instance, is virtually inconceivable. Domestic workers must go through political channels and lobby the state to extend equal labor rights to them and to enforce the ones that exist.

These problems are, to an extent, a constant across Latin American countries. Where we see more politically salient variation is in the demographic composition of the domestic worker labor force (specifically ethnicity and citizenship) and in organizational leadership, that is, in both structure and agency.

Demographic composition, specifically the interaction of ethnicity and citizenship, affects domestic workers’ ability to present a unified organizational front and it influences social receptivity to the cause. If domestic workers are citizens and from a politically salient ethnicity or racial group, this can help organizing efforts and broaden coalitional appeals. If a visible sector of domestic workers are noncitizens, regardless of ethnic-

7. However, women who migrate to become domestic workers in wealthier countries often can be highly educated.

ity, it will hamper both organization and social receptivity to the cause. Indeed, in some more developed countries, many domestic workers are noncitizens, which makes it harder to push for equal rights. In Chile and in Costa Rica, the two more dynamic economies of South and Central America, a significant portion of domestic workers are Peruvian or Nicaraguan, respectively, and because of their status as noncitizens, they are less likely to organize and demand rights, and there is less pressure to grant them or the entire sector equal rights. Hence, while the politicization of ethnicity for citizens can act as a catalyst for more rights (as it did in Bolivia), a bifurcated labor force consisting of citizens and noncitizens (regardless of ethnicity) is likely to weaken support, as it has in Costa Rica and Chile.

A second factor that also affects the political salience of domestic workers' demands is leadership. In countries where domestic workers' organizations have become politically more visible, strong, committed, and persistent leadership has been essential. Some of the most successful leaders have forgone a private family life and dedicated themselves to organizing efforts. In Bolivia, Casimira Rodríguez and Basilia Catari dedicated all their free time to domestic workers' rights from the 1980s to 2003. In Chile, similarly, Aida Moreno spearheaded organizing efforts, marches, and political lobbying through the 1980s and 1990s; the current leadership is weak, divided, and demoralized, which affects their strategies and persistence.

Coalition Building

Potential social allies for domestic worker organizations are labor, feminist, and indigenous organizations. International human rights organizations can also help with financial support and international visibility but are unlikely to replace the need for a domestic support base.

The ability to tap into a more broadly framed cause is essential to gain social and political allies (Stetson and Mazur 1995; Tarrow 1994). For disadvantaged groups seeking equal rights, the injustice frame (Gamson 1992) and solidarity-based appeals are likely to be the most resonant. Also, given domestic workers' particularly vulnerable positions and their need to focus on solidarity, they are better off seeking to use legitimate forms of protest rather than risk reducing sympathy by engaging in violent or overly disruptive actions (Tarrow 1994).

Although labor unions as political actors have been around for a longer time, women's rights groups and indigenous movements have increased in visibility since Latin American countries emerged from authoritarian rule. These potential allies for domestic workers, however, are certainly not automatic ones. Given the marginalized status of domestic workers from three dimensions (i.e., class, gender, ethnicity and/or citizen-

ship), organizations dedicated to the rights of workers, of women, or of indigenous people broadly may not, as a point of departure, prioritize this group. That is, domestic workers are subdisadvantaged within each group (Strolovitch 2006).

The issue is even more complicated with gender. Although indigenous people and workers as a group tend to be economically disadvantaged, women cut across class lines (Blofield 2006; Htun 2004). Given deep class divisions, the majority of middle- and upper-class women in Latin America employ domestic workers in their households, and their preferences will be very different from those of their employees (Gill 1994). Opposition to legal reforms has also come from women, specifically right-wing, female politicians and conservative women's groups such as homemakers' organizations.

Even for feminists, the issue of domestic workers' working conditions and rights has, in general, not been a priority (Chaney and García Castro 1989). Given the entrenched traditional household division of labor in the region, which places the responsibility of housework on women, the ostensible liberation of most middle-class women is based on the availability of cheap domestic workers, and many feminists rely on domestic workers as well (for Brazil, see Alvarez 1990, 53–54). Although they are unlikely to publicly oppose extending rights, it affects their priorities.

Although power mobilization theory finds that labor unions and leftist parties promote workers' rights (Huber and Stephens 2001; Rueschemeyer, Stephens, and Stephens 1992), labor unions in Latin America have tended to focus on the interests of predominantly male workers in traditional labor sectors and have done less for outsiders (Cook 2007). Domestic service specifically has been denigrated as women's work and worthy of less attention by unions (Gill 1994), which have tended to sidestep or ignore domestic workers' organizations (Rodríguez and Moreno 2005, 102).

Where labor unions have been more successful are in enhancing collective labor rights (Cook 2007; Shrank and Murillo 2005) and in trade-related labor rights (Bartley 2003; Bellman 2004; Rodríguez-Garavito 2005; Schrank 2006), neither of which has improved domestic workers' conditions. Domestic work as a nontradable service is not, of course, covered in the latter, which has also kept it less visible. At the same time, the general increase in informal sector jobs has eroded labor organizing and rights (Cook 2007; Gill, Montenegro, and Dömeland 2002; Portes and Hoffmann 2003; Roberts 2002).

Ethnic identity has often been a more powerful organizing principle than class (Tarrow 1994, 5). Indeed, during the past two decades, countries with indigenous majorities or significant minorities have witnessed a substantial increase in indigenous mobilization and the politicization of ethnicity (Brysk 2000; Madrid 2005; Postero and Zamosc 2004; Sieder

2002; Van Cott 2005; Warren and Jackson 2002; Yashar 2005). Indigenous movements have been conceptualized as a “new social movement based on identity and consciousness” (Brysk 2000, 34; Alvarez, Dagnino, and Escobar 1998). Although much of the focus has been on land rights and cultural autonomy, Yashar (2005, 72–81) highlights how, in the context of democratic politics, “second-generation” indigenous groups have strategically framed specific social and political issues as *indigenous* issues, that is, drawing on the politicization of the indigenous cleavage to promote their demands. This context can enable domestic workers’ organizations in countries with significant indigenous populations to frame the issue as one of indigenous oppression, which has the potential to resonate with a broader populace, and indeed it did so in Bolivia. This is less effective, or can even be counterproductive, in countries where many of the domestic workers are noncitizens.

None of these potential social allies is automatic. Domestic workers’ organizations will have to engage in significant social mobilization and successful framing strategies (which may be country specific) to elicit solidarity, to broaden the coalitional appeal of their demands, and to embarrass politicians and the government into action.

Agenda Setting and the Political Opportunity Structure

Political instability, shifting alignments, and increased political access create windows of opportunity for social movements (Kingdon 1995; McAdam, McCarthy, and Zald 1996). Democratization in Latin America has provided the context for marginalized groups to mobilize (Alvarez, Dagnino, and Escobar 1998; Escobar and Alvarez 1992). Also, left-wing parties and parties with a popular support base are more likely to be sympathetic to the rights of disadvantaged groups than are other parties (Huber and Stephens 2001; Rueschemeyer, Stephens, and Stephens 1992; Stetson and Mazur 1995). To be effective, these parties need not hold a majority; even smaller leftist parties—or one very dedicated legislator—can play a crucial role in agenda setting, given that a bill on domestic worker rights is unlikely to be rejected once it is put to a vote.

Often, new left-leaning entrants to the party system or new majorities can provide a window of opportunity in agenda setting if the social pressure is there. This happened in Uruguay, when the left-wing Frente Amplio took office in 2005, and a left-wing congressional majority passed a law to grant domestic workers equal rights soon thereafter. In Bolivia, Evo Morales’s left-wing MAS party gained 20 percent of seats in Congress in 2002 and forced the domestic worker bill to a vote in the recalcitrant Senate. In Brazil, instead of a left-wing party, the 1988 constitutional reform process provided an opportunity for reformist lobbying, and do-

mestic workers were granted the legal minimum wage and access to social security in the constitution, though the workday remained at sixteen hours (Bernardino-Costa 2007).

However, this relationship between the left and disadvantaged groups is far from automatic. Many ostensibly leftist governments shift away from their electoral platforms once in power (Campello 2007), and even if they do not completely do so, they face pressures to serve the needs of their more advantaged constituents first. In addition, there have been few consistently programmatic leftist parties in the region (Roberts 2002). Even Venezuela, with an avowedly left-wing government in place since 1998, retains very unequal laws on domestic workers vis-à-vis other groups of workers (see table 1).⁸ Unless they face significant and organized pressure from disadvantaged constituents and their allies, even leftist politicians are likely to table such issues. In Peru, it took twenty-four years for the domestic workers' bill to become law. In Mexico, Costa Rica, and Guatemala, issue-specific bills are languishing in legislative commissions. Hence, broad social pressure often must be maintained over many years to make it onto the political agenda.

In summary, autonomous organizing, coalition-building strategies, and sympathetic political allies, even if only a handful, are essential to get domestic worker rights onto the agenda and passed. In the next section, I illustrate two different reform paths: clauses in broader labor reform bills in Chile and an issue-specific bill in Bolivia. I discuss the social and political context, as well as organizations, coalitions, agenda setting and legal reforms, first in Chile and then in Bolivia.

REFORM PATHS IN CHILE AND BOLIVIA

Chile

Chile has close to four hundred thousand domestic workers today. The number has doubled since 1980, indicating that the profession shows no signs of disappearing in South America's most dynamic economy (Gálvez and Todaro 1984, 13). It is estimated that roughly half of domestic workers have written contracts.⁹ This figure is higher than in other Latin American countries, indicating a generally stronger state and enforcement of the rule of law in Chile. However, often the legal rights that the workers have are not enforced, contract or no contract, particularly in the case of live-in domestic workers. According to one survey, domestic work-

8. In the constitutional reform referendum that Hugo Chávez held in December 2007 (and lost), he proposed extending pensions to informal sector workers, including domestic workers.

9. Author's interview with Claudia Iriarte, Servicio Nacional de la Mujer (SERNAM), August 12, 2006, Santiago.

ers work, on average, seventy to ninety-four hours a week, though the legal limit is seventy-two hours a week (twelve hours a day, six days a week).¹⁰

Traditionally, many of the domestic workers in the urban areas, most important Santiago, have come from the rural areas of Chile, many of them Mapuche and from the south (Sintracap 1992). Increasingly, however, Peruvian women have also migrated to Santiago to work in domestic service, given the economic differences between the two countries (Maher and Staab 2006; Stefoni 2003).

Chile redemocratized in 1990 after the seventeen-year military dictatorship of Augusto Pinochet, and has since remained stable, with relatively programmatic political parties compared to other Latin American countries. Since 1989, the left (Party for Democracy, PPD; Socialist Party, PS) and the center (Christian Democratic Party, PDC; minor Radical Social Democratic Party, PRSD) have joined forces in the Concertación coalition. Meanwhile, the two right-wing parties—the Independent Democratic Union (UDI), most closely identified with the previous authoritarian regime, and the National Renovation (RN), right-wing but less identified with Pinochet—have formed *Alianza por Chile*. Since the transition, the left and the center together have tended to receive just more than half the votes (split between the PDC and the left), while the right has tended to receive just more than 35 percent of votes. All four post-Pinochet presidents (1990–2006) have come from the Concertación—the first two from the PDC, and former President Ricardo Lagos (2000–2006) and current President Michelle Bachelet (2006–2010) from the left.

The Chilean labor code defines a specific regimen for domestic workers. At the time of the transition in 1990, domestic workers had few rights. Their workdays could extend to twelve hours, with only one day a week off, and they were legally entitled to only 75 percent of minimum wage. They had no severance pay and no maternity leave. Since then, two reforms have provided domestic workers with severance pay and maternity leave in 1990 and 1998, respectively, and in 2008 the executive introduced a scale to equalize domestic workers' minimum wage by 2011. However, legal work hours remain unequal.

Organizations, Coalition Building, and Agenda Setting / There are two main organizations of domestic workers in Chile: Asociación Nacional de Empleadas de Casa Particular (ANECAP, a Catholic Church-affiliated national organization) and Sindicato de Trabajadoras de Casas Particulares (SINTRACAP, a domestic workers' union). The former was created in the late 1950s and the latter in 1964. Although the 1973 military coup put an

10. Results from a study conducted by Rosario Corcoll of three thousand domestic workers, reported at BBC Mundo, "Quieren nana las 24 horas," August 1, 2006.

end to political organization, the 1980s witnessed the emergence of broad-based, prodemocracy protest movements. The domestic workers' organizations also gained momentum and peaked in their membership levels. They even organized street marches in 1988 to demand equal rights from the military government and submitted a petition to the Ministry of Labor (SINTRACAP 1989, 1992). In 1989, the center-left coalition won the presidency and gained a majority in the Chamber, although appointed (right-wing) senators tipped the balance of power in favor of the right-wing opposition in the Senate, forcing the governing coalition to negotiate with the opposition.

After inauguration in March 1990, given pent-up social demands and its mandate, the government set out to repeal some of the most radical Pinochet-era labor laws. The executive proposed a bill on labor rights that overturned the ability of employers to fire workers at will and gave them some, if weak, protections. The initial executive bill explicitly excluded domestic workers from employment protection and from severance pay, without explanation (Biblioteca del Congreso Nacional 1997, 6). Domestic workers mobilized against the exclusion and found a political ally in Laura Rodríguez, a left-wing legislator. The bill was introduced for debate in the Senate and, with Rodríguez's lobbying (she was in the Chamber), two left-wing senators (José Ruiz de Giorgio and Ronaldo Calderón, both former union leaders) recommended their inclusion with a 4.11 percent flat-rate severance pay. Given that the exclusion was particularly egregious, the clause was accepted by both the executive branch and the opposition and no public arguments were made against it. Interestingly, while the left had put the clause on the agenda, the right sought to appropriate ownership of it, given that it was one of the measures the right had been willing to accept. Of the thirteen speeches by senators regarding the bill in general, domestic workers were mentioned by only three, all of them on the right. One right-wing senator claimed personal credit for introducing the severance pay clause. Another congratulated his institution for passing "an extraordinarily important advance and a grand element of social justice," while a third expressed his "personal joy" at its passage (Biblioteca del Congreso Nacional 1997, 130–158). The left, dissatisfied with the compromises it had had to make with the right, focused on the remaining challenges regarding labor rights.

The second change took place during consideration of an executive bill on women's labor rights, specifically the rights of pregnant workers, introduced in 1995 and passed in 1998. Although other Chilean female workers already had maternity leave, a law from 1981 explicitly excluded domestic workers from it (Jiménez Mira and Parodi Macías 2003, 228). Under the leadership of Aida Moreno, the domestic workers' organizations lobbied the executive, unsuccessfully, to include maternity leave for them in the

bill.¹¹ However, one of the same senators, Ruiz de Giorgio, took up the cause and inserted a clause to expand maternity leave to them during a Senate commission meeting. This clause, unlike the other, divided the commission and the Senate along party lines and became the subject of heated debate.

Once the issue was on the agenda, right-wing senators had to publicly articulate their opposition. The arguments of the opposition centered on the adverse (if unintended) economic effects of maternity leave on the middle-class employers of domestic workers (many referred to personal examples and connections). In effect, several senators argued, maternity leave would either terminate domestic employment as a source of work altogether or lead to massive informalization, as employers would no longer want to contract employees with so many legal rights. Improved legal rights would hence end up hurting the intended beneficiaries. One senator argued that the employers made almost the same amount of money as their employees and hence could not afford it (though the leave would have come from a separate social security account). The second type of argument focused on the special nature of the work within a family, which made it very uncomfortable to “maintain a labor relationship after the worker has broken the employer’s trust [by becoming pregnant]” (Biblioteca del Congreso Nacional 1998, 153). Arguments in support focused on the need to promote equal rights for all, the injustice of discriminating against a group of workers who are already particularly vulnerable, and the need for Chile to legislate in accordance to international treaties it has ratified (Biblioteca del Congreso Nacional 1998, 150–159, 179–210). The final vote took two rounds. After the first round (sixteen in favor, fourteen against, and eight abstentions), some senators changed their mind (perhaps concerned of negative publicity and given that their abstention did not kill the clause) and the final result was twenty in favor, fifteen against, with one abstention (Biblioteca del Congreso Nacional 1998, 158–159).

In the Chamber, support and opposition were also divided along party lines. However, an external event produced an unexpectedly speedy and unanimous vote in favor of domestic workers’ maternity leave: forty votes in favor and one abstention (Biblioteca del Congreso Nacional 1998, 211–212). This was because the vote took place right after Pinochet’s arrest in London in late October 1998. Right-wing legislators had all rushed off to protest the detainment.¹²

11. Author’s interview with Aida Moreno, former president of SINTRACAP and long-time activist, August 14, 2006, Santiago. By this time, Rodríguez’s untimely death meant they had lost their ally in the Chamber.

12. Author’s interview with María Antonieta Saa, Partido por la Democracia (PPD) legislator August 10, 2006, Santiago.

Both legal advances addressed the explicit exclusion of domestic workers from rights that other workers had. In both cases, the initiative came from left-wing legislators, in response to pressure from domestic worker organizations and in the face of executive reticence. The third initiative—to gradually equalize the minimum wage—came from sympathetic left-wing officials at the Ministry of Labor. They agreed with domestic workers' demands for an equal minimum wage and included them in the national minimum wage adjustment negotiations in July 2008. This change, which Congress approved without a fight, was largely viewed as a symbolic affirmation of equal rights, as the current market wage for domestic workers is greater than the national minimum wage. Although these legal advances are not negligible, work hours of domestics remain much longer compared to other wage workers and changes are not on the agenda. I subsequently discuss why.

Domestic workers' organizations have, since 1990, gradually declined both in terms of their social base and their influence (Coordinadora Nacional 2000; SINTRACAP 1992). Several factors have contributed to reduced organizational strength and social mobilization. First, these problems are part of a broader defusion of social mobilization in Chile since the late 1980s (Blofield 2006; Haas 2000; Oxhorn 1995), thus reducing potential social allies. Second, the composition of the labor force in this sector has fostered structural barriers to organization. Although many of the domestic workers have traditionally been rural Chileans and Mapuche, ethnic discrimination was and is prevalent but not broadly and effectively politicized.¹³ Since the 1990s, an increasing number of immigrants from Peru have become domestic workers in Chile, particularly among the upper classes, who prefer what they consider more submissive workers (Maher and Staab 2006). Given the concerns the Peruvians as noncitizens have of losing their jobs and being deported, this has undercut labor rights and organization in the sector (though this is partly perception as well as reality).¹⁴ It has also fostered negative media coverage of the Peruvian "invasion."

Third, the organizations currently suffer from lack of unified and persistent leadership. A key domestic workers' rights activist—Aida Moreno, who spearheaded marches and both legal reforms—stepped down from a

13. For example, the Mapuche, only 4 percent of the population, do not have national political representation in representative bodies; rather, the government has somewhat halfheartedly set up national commissions instead (Richards 2004).

14. The director of the immigrant organization Programa Andino para la Dignidad Humana, Proandes, estimated that only about 4 percent of domestic workers in Chile are of Andean origin. However, 86 percent of those work in the two most-upper-class districts in Santiago (Las Condes and Vitacura), creating a popular and media-fostered perception of a Peruvian takeover in this field. Author's interview with the director of Proandes, August 10, 2006, Santiago, Chile.

leadership position in the late 1990s as a result of internal divisions, and it has been hard for the organizations to recoup momentum. Although both organizations claim that they have submitted petitions to politicians to equalize domestic workers' rights, both lack strong leadership and effective strategies to follow up (ANECAP 2005). The leadership of ANECAP is hampered by its dependence on the Catholic Church, which has in recent years strongly discouraged militancy in favor of equal rights (e.g., street marches), while SINTRACAP's lack of resources (e.g., no full-time employees) has made it hard to foster constructive alliances and to lobby politicians.¹⁵ In addition, the two organizations are divided. This has fostered a general demoralization among the leadership of both organizations and reduced their ability to form productive coalitions with labor unions or other groups. They cannot afford union dues and have not continued to aggressively promote their interests to the Central Labor Confederation (Central Unitaria de Trabajadores, CUT). Currently, they have virtually no contact with feminist, indigenous, or immigrant organizations for Peruvian domestics. According to the leaders, they are simply "trying to survive." As Moreno points out, "without a strong team to pressure politicians nothing gets accomplished."¹⁶

Indeed, their links to politicians, even sympathetic ones on the left, are weak. Although the current leaders of domestic workers' organizations claim that politicians ignore them, María Antonieta Saa, one of the most sympathetic left-wing legislators in Congress, claimed she had neither received a petition nor heard about a campaign to equalize labor rights when asked about it.¹⁷

The current left-wing executive—specifically officials in both the Servicio Nacional de la Mujer (SERNAM)¹⁸ and the Ministry of Labor—are sympathetic to the needs of domestic workers,¹⁹ and, in addition to the minimum wage change, are focusing on the enforcement of labor rights more broadly, which should benefit domestic workers as well.

However, we are unlikely to see a change in working hours, a more contentious issue, in the near future. Equalizing these rights would re-

15. Author's interview with María Gloria Fernández, president of ANECAP, August 10, 2006, Santiago; author's interview with Elena Urrutia, president of SINTRACAP, August 6, 2006, Santiago. For instance, the president of SINTRACAP can engage only in union-related activities on Sunday, as she works the rest of the week, and pointed out that it is hard to call legislators on a Sunday.

16. Interview with Moreno, August 14, 2006.

17. Interview with Saa, August 10, 2006.

18. In 1991, the center-left government set up the women's state agency Servicio Nacional de la Mujer (SERNAM), which has become important in drafting and implementing legislation on many women's issues (Franceschet 2005; Haas 2000).

19. Author's interview with Pamela Farías, Ministerio del Trabajo, August 12, 2006, Santiago, Chile; Author's interview with Claudia Iriarte, SERNAM, August 12, 2006, Santiago.

quire significant political campaigning, for which domestic worker organizations currently are not prepared.

Bolivia

In Bolivia, the social and political process has been very different. There are approximately 144,000 domestic workers in the Bolivian nation of 9 million people, 95 percent of whom are women (Fundación Solón 2001b). Ethnicity is very salient in this workforce. A 1995 survey of domestic workers in La Paz found that the first language of 83 percent of live-in domestics and 72 percent of live-out domestics in the sample was Aymara (CONLACTRAHO 2003, 35). The divide between the often white employers and indigenous employees is not only economic but also social and cultural (Gill 1994). Prior to the 2003 law, the labor code discriminated explicitly against domestic workers. It established a maximum daily workday of eight hours for other workers, but a separate clause for domestic workers allowed for a sixteen-hour workday, with only six hours off per week on Sunday, in effect making Sunday's workday ten hours long. Domestic workers received only ten days of legal annual vacation, as opposed to fifteen to thirty days for all other workers. In addition, employer notice for domestic workers was fifteen days, while it was ninety days for all other workers (Fundación Solón 2001b, 26–29).

The 1995 survey revealed highly exploitative conditions. Of seventeen- to twenty-five-year-old workers, 85 percent worked more than eighty hours a week. Some received an average of only three hours of sleep per night. Less than one-quarter actually received the legally mandated annual vacation. Many were not allowed by their employers to go see a doctor when ill (having to wait until time off on Sunday), and more than one-third complained of not receiving enough food (CONLACTRAHO 2003, 43–50). In addition, humiliating treatment and sexual abuse were common (Capítulo Boliviano 2005; CONLACTRAHO 2003; Gill 1994; Peñaranda Davezies, Arandia Davezies, and Castro 2005; Sindicato de Trabajadoras del Hogar 1982). Adolescents and girls were particularly vulnerable to exploitation (Defensa de Niños y Niñas Internacional 2004).

Bolivian politics has, since the fall of the authoritarian regime of Hugo Banzer and the holding of democratic elections in 1982, been characterized by high levels of political instability. Although three parties, the historically leftist parties Movimiento Nacional Revolucionario (MNR) and Movimiento de la Izquierda Revolucionaria (MIR) and the right-wing Acción Democrática Nacional (ADN), dominated the Bolivian political landscape in the 1980s, the 1990s witnessed new entrants to the party system. Two populist parties briefly rose and fell, and a more solid indigenous movement was gaining a social and political base (Albó 2002; Yashar 2005). As a gesture to recognize this rising movement, President Gonzalo Sanchez

de Losada appointed an indigenous activist, Víctor Hugo Cardenas, as his vice president in 1993. The indigenous movement continued to mobilize, and various factors propelled the rise of programmatic indigenous-based parties, most prominently, MAS (Van Cott 2005). By the 2002 elections, the MAS leader, Evo Morales, finished second in the presidential elections (of eleven candidates), and candidates from his party gained 22 percent of seats in Congress. Right-wing President Gonzalo Sánchez de Lozada governed with just one-fifth of the vote from 2002 until he was forced to resign in October 2003 amid increasing social protests and government repression. Carlos Mesa, his vice president, was installed as president. The growth of the indigenous movement and politicization of the ethnic cleavage, combined with highly unpopular government policies toward natural gas reserves and privatization, culminated in the 2005 election of Evo Morales to the presidency and his party, MAS, to the Congress, both with an absolute majority.

Organizations, Coalition Building, and Agenda Setting / Domestic workers' organizations began organizing during and following the democratic transition. In 1993, they introduced to Congress a bill to instate equal rights for domestic workers. After years of stalling, Congress finally approved an updated version in 2003 under severe social pressure, two years before the presidential victory of Morales, equalizing the legal rights of domestic workers. What accounts for this victory in the poorest country in South America?

First, the different composition of the labor force created a political space and networks to foster organization. Instead of transnational immigration (Bolivia is a labor exporter) rural-urban immigrants—virtually all Aymara or Quichua—form the majority of the domestic workers' labor force. Although they have been marginalized both socially and politically in La Paz, their large numbers and mutual isolation combined with their common cultural background has fostered solidarity and social networks among themselves (Gill 1994).²⁰ This created a more amenable social base for mobilization once ethnic discrimination became increasingly politicized and domestic workers could make demands as indigenous Bolivian citizens.

In addition, leadership has played an important role. A group of women dedicated to the cause has, since the late 1970s and despite numerous obstacles, tirelessly sought to recruit domestic workers and organize marches to fight for social attention to the plight of domestic workers and equal rights (CONLACTRAHO 2003). With the democratic transition in 1982, they were able to organize openly, though grassroots organizing

20. Author's interview with Basilia Catari, domestic worker and former president of the domestic workers' federation FENATRAHOB, July 24, 2006, La Paz.

was difficult at first, given fears of the workers and employer reprisals for participation (Gill 1994, chap. 7).²¹

Despite the obstacles, by 1992, growing small-scale organizations across the country were able to come together and create a national-level domestic workers' federation (Federación Nacional de las Trabajadoras del Hogar de Bolivia, FENATRAHOB). The first bill on domestic workers—written by FENATRAHOB with legal help—was introduced by a sympathetic legislator in the Women's and Minors' Commissions in 1992 (CONLACTRAHO 2003). The broader indigenous movement was gaining political force by this time, and traditional politicians had begun paying attention to and courting it (Albó 2002; Laurie, Andolina, and Radcliffe 2002; Postero and Zamosc 2004; Van Cott 2005; Yashar 2005). The executive appointment of Cardenas to the vice presidency raised FENATRAHOB's expectations that this high-level ally would force a congressional debate on their bill. However, he ignored their requests and the bill was buried (CONLACTRAHO 2003), showing how this group still remained marginalized within the indigenous movement as well.

From 1993 on, domestic workers staged marches and sought media attention to their cause. Although they were first isolated and targets of police repression and employer reprisals, their persistence paid off. Indigenous-based claims continued to gain increased political attention, and the organizers framed the issue of domestic workers as one of indigenous oppression and equalizing their rights as an issue of indigenous vindication. This brought them allies, and after 1996, more organizations joined the effort to force a congressional debate on the bill. International organizations provided funding, and domestic feminist, human rights, indigenous, and popular organizations came to support the cause (CONLACTRAHO 2003, 17).²² The rights of domestic workers became entwined more broadly with indigenous rights and social justice, and their fight for rights became identified with a broader struggle against colonialism and racism.²³ In 1998,

21. Key figures in this struggle were Casimira Rodríguez and Basilia Catari. The former led the federation for many years until she was appointed to the regional confederation and then as minister of justice by Evo Morales in 2006 (she stepped down a year later). Interview with Catari, July 24, 2006

22. Author's interviews with Lisette Dávalos, researcher at Fundación Ebert, July 25, 2006, La Paz; and with the leaders of FENATRAHOB, July 24, 2006, La Paz.

23. The following quotes are examples of public speeches on the struggle of domestic workers by social and political allies: "This theme brings out a broader dimension which are attitudes, colonialism, and racism" (Elizabeth Peredo, president of Fundación Solón; FENATRAHOB et al. 1998, 29); "In this colonialist society . . . there is discrimination. . . . We need to consider domestic work as any other form of work and give it the same respect and the same rights" (Legislator Clara Flores; FENATRAHOB et al. 1998, 37); the situation of domestic workers is one of "patriarchal colonialism" (Senator Erika Brockmann, quoted in Fundación Solón 2001, 18); domestic workers suffer from "ethnic, racial, economic and gender discrimination" and a "colonial relation" (Waldo Albarracín, Asamblea Permanente

FENATRAHOB and its allies formed an ad hoc committee to force congressional debate on the bill (Fundación Solón 2001b, 37–38). The committee exerted pressure on Congress, where sympathetic legislators kept trying to put the issue on the agenda through different commissions. The Women's Commission in the Chamber organized a series of workshops with the ad hoc committee, and the latter lobbied other commissions to break through the lack of political will (FENATRAHOB, Tahipamu, and Fundación Solón 1998; Fundación Solón 2001b, 44–45). The ad hoc committee even took the cause to the international level and added a civil society report on domestic workers to Bolivia's first official report on the state of its human rights to the UN Economic and Social Commission, which monitors human rights in each country. As a result, the UN Commission, in its 2001 report, noted "the deplorable de jure discrimination against domestic workers" in Bolivia (United Nations 2001).

Although the federation is affiliated with Bolivia's Central Labor Union (Confederación de Obreros de Bolivia, COB), the union initially paid little attention to the domestic workers' cause and was generally focused more on protecting the interests of the male support base rather than extending rights to women and the informal sector (Cook 2007; Fundación Solón 2001, 41; Gill 1994, chap. 7).²⁴ However, once the organization had reached prominence and gained social allies, COB also sent its representatives to their events (Choque 2003, 75).

This broad-based attention and pressure from so many social organizations, combined with political allies, finally forced the Chamber to open up debate on the bill. In Congress, positions on the bill did not coalesce along either party or gender lines. In fact, the most public opposition to reform came from a woman, Mabel Cruz, a self-identified feminist legislator from the (ostensibly leftist) MIR party. She argued that lack of legal regulation in domestic service was positive; it was not a purely contractual labor relation but a process by which indigenous girls were educated and socialized into modern urban life by becoming domestic workers. According to Cruz, the relation was not one of abuse but one in which "the girls form part of the family." The proposed bill, she argued, would destroy these nonmarket relations and make the situation worse for its intended beneficiaries.²⁵ This paternalist framing of the relationship is deeply historically grounded in the region.

de Derechos Humanos de Bolivia, Fundación Solón 2001, 25, 27); "The cultural resistance to recognizing the quality and just pay for work that is not considered real work, because it is done by women who are not only poor but also are from an indigenous background" (Ana María Romero de Campero, people's defender, Fundación Solón 2001, 9).

24. Interview with Dávalos; author's interview with Betty Pinto, official at the Defensoría del Pueblo, July 26, 2006, La Paz.

25. Author's interview with Mabel Cruz, MIR deputy from 1998 to 2002, July 19, 2006, La Paz.

Once Cruz's opposition was publicized, hundreds of middle-class women in La Paz came together and created a homemakers' organization for the specific purpose of fighting the law with Cruz. Many middle-class women felt that the bill was biased against them.²⁶ On a political level, many legislators privately confessed to Cruz that they agreed with her opposition. In fact, although Cruz claimed she was not racist, she acknowledged that many of those who supported her in Congress were. However, given what she referred to as the political power of the "indigenous anticolonial discourse," they were unwilling to publicly support her and oppose the bill.²⁷

The bill passed the Chamber in 2000—with the ad hoc committee watching in attendance—but was stonewalled in the Senate. Here, the only female (and self-identified feminist) senator, Erika Brockman, who was from the same party as Cruz, spearheaded the support for the bill. She engaged in intensive lobbying against what she called "feudal arguments" by senators (expressed in private) against the bill.²⁸

Meanwhile, the federation and ad hoc committee continued to fight from the outside, and Casimira Rodríguez, president of FENATRAHOB, delivered fourteen thousand signatures in support of equal rights to the president of the Senate (Choque 2003, 79). Despite this, the Senate decided to postpone dealing with the bill. Over the next two years, the ad hoc committee organized regular marches, media events, and protests, one in which police used tear gas on the protestors (Choque 2003, 80).

What finally forced the bill in the Senate onto the political agenda was the rise of the indigenous left-wing parties to Congress in 2002. By this time, indigenous politicians had articulated a clear stance in favor of approving the domestic workers' bill, which they viewed as an issue of indigenous rights. In fact, MAS had included in its 2002 electoral campaign a video clip of the plight of domestic workers, which was very effective.²⁹ Once the indigenous legislators gained eight of twenty-two seats in the Senate, they demanded a vote on the bill.

This rise in electoral representation of indigenous parties was accompanied by increased levels of mobilization against the right-wing government of Sánchez de Losada. In February 2003, the government responded to indigenous protests with repression, in what came to be referred to as Black February. The fallout and increased support for MAS drove the government to seek to shore up some legitimacy. One of the strategies was

26. See, e.g., journalist Gloria Luz Eyzaguirre (Memoria 1998, 22).

27. Interview with Cruz.

28. One senator told her that if domestic workers are given more rights, they will "get educated, they'll be ungrateful and leave." Author's interview with Erika Brockman, former MIR senator (1997–2002) and feminist activist, July 16, 2006, La Paz.

29. Interview with Brockman.

to give in to pent-up social demands such as the domestic workers' bill. With pressure from MAS legislators, the executive opened debate on the domestic workers' bill in early April, citing its need to respond to social concerns. Most senators did not dare to voice public opposition any longer. The few who did focused on the difficulties the middle classes would economically have in meeting provisions such as the minimum wage and paid vacations.³⁰ One senator argued that domestic workers, unlike other workers such as miners who really needed to rest, were not in need of legislated vacation time.³¹ The majority of arguments supported equal rights and social justice for indigenous women, and a modified version granting domestic workers equal rights was approved on April 2, 2003.³²

Since 2003, FENATRAHOB, along with the Ombudsman's Office have been working to ensure adequate implementation of the law (Defensoría del Pueblo 2004). Although the current political climate has been favorable, progress has been uneven (Capítulo Boliviano 2005, 407–408), partly because of a "down phase" in the organization's leadership.³³ This is not surprising given the inordinate amount of effort that was required to simply get the bill passed. Recent meetings with FENATRAHOB, lawyers, and Ministry of Labor officials may bode well for an improvement in enforcement mechanisms.

CONCLUSION

Democratization has provided the opportunity for civil society groups to organize and contest tradition, discrimination, and privilege in many areas. Yet persistent assumptions and prejudices have often gone unquestioned when it comes to domestic workers and their rights, and most countries in Latin America continue to retain unequal laws for this sector of society. There are remarkable similarities across countries in how political elites justify this; their discourse tends to be patronizing and reveals an underappreciation for the work of domestic workers. It is filtered through their personal experiences as employers of domestic workers and through their class, gender, and racial biases. It also reveals the threat they perceive in equalizing the rights of this group of workers.

Under what circumstances, then, does change come about? Domestic workers' organizations have had to, over many years, dedicate the few hours a week they have off to this collective cause. They have had to deal

30. Fifth and Sixth Extraordinary Session, Bolivian Senate, April 2, 2003, 3, 10, 21–25. Earlier congressional debates in the Senate or the Chamber have not been transcribed and are unavailable.

31. *Ibid.*, 25.

32. *Ibid.*

33. Interview with Pinto; interview with Dávalos; author's interviews with leaders of FENATRAHOB.

with sexism in the labor unions and in indigenous organizations and with classism in the feminist organizations, and convince their potential allies that their cause is worth supporting. They have dealt with politicians who refuse to take them seriously and demean the work they perform. In many countries, they have simply been unable to break through this firewall of active resistance or indifference. When they have succeeded, many factors have had to come together to propel their social demands into the political arena.

What I contribute to the literature at this point is, more than a well-defined theoretical framework, a set of interactive variables. In both Chile and Bolivia, autonomous organizing by domestic workers was essential. In Chile, the momentum from the 1980s mobilization enabled domestic workers' organizations to form ties with key political allies who ensured that broader labor reforms did not sidestep them. Although the 1990 and 2008 reforms were easier, maternity leave was a more difficult fight and relied heavily on the support of key left-wing senators. In Bolivia, domestic workers, after years of organizing, broadened their support base as they were able to articulate their demands as one of social justice for indigenous people. This finally paid off as the indigenous movement gained political representation and broke through Senate resistance.

This study reinforces the findings of power mobilization, social movements, and comparative feminist literature that autonomous organizing in civil society is a necessary but not sufficient cause of reform. It also shows that movements of disadvantaged groups tend not to prioritize the interests of groups that are multiply marginalized, or subdisadvantaged, as Strolovitch (2006) has shown in the case of the United States. Labor unions have not, in this case, been strong allies, reinforcing the arguments that they have become insiders—nor have feminists or indigenous movements. In Bolivia, what the rise of the indigenous movement did was not provide an automatic ally; rather, it allowed domestic workers to use their frame to their advantage.

In both Chile and Bolivia, strong leaders played an important role in mobilizing people and pushing domestic workers' rights onto the political agenda. From the perspective of advocacy, a useful strategy may be to help strengthen the skills of spokeswomen for domestic workers and their organizations. Such skills would help them assume leadership positions and promote visibility by mobilizing supporters, talking to the media, and lobbying well-placed politicians.

The political system, of course, is the final arbiter of social demands. In both countries, and especially in Chile, insider allies in Congress (and later in the executive) were essential. Although in general Latin American countries have been dominated by the executive branch, in this case, we see an important role played by sympathetic legislators in both Chile and

Bolivia, often in the face of not only legislative opposition but also executive reticence or indifference.

This study poses as many questions as it does answers. We need more research on other countries to determine how organizing, coalition building, and political allies—or lack thereof—interact to promote or to deter reform. How much does citizenship and ethnicity influence the political salience of domestic worker rights? How determinant has leadership on the outside or inside—or lack thereof—been in other cases? Are there cases—perhaps Uruguay—where the executive branch has played a more proactive role?

We also need to further explore the relationship of labor, feminist, and indigenous movements to the causes of other subdisadvantaged or doubly disadvantaged groups. If it is the case that feminists tend to prioritize middle-class concerns, that labor unions tend to prioritize the concerns of the relatively advantaged sectors of the labor force, and that indigenous movements tend to prioritize the concerns of their more prominent members, how and when do they break with this mold? How much of a mediating role does the media or international visibility play in promoting the causes of subdisadvantaged groups?

Ultimately, promoting domestic workers' rights is a two-step process: first, domestic workers need to equalize their rights with those of other workers. This is what I have analyzed here. The second step is to enforce those rights, which means seeking to enhance monitoring and to reduce the informality of the labor force. This is a broader struggle that involves the entire informal sector labor force. It is also difficult given the lack of organization within the informal sector and the weakness—and biases—of organized labor in the current neoliberal economic context. What this will entail, more than passing legislation, is enhancing the enforcement capacity of the ministries of labor (Schrank 2006).

Although democratic politics have provided the opportunity for disadvantaged groups to organize and make demands, the actual achievement of equal rights for those who most need such legal protection has been slow. The difficulties domestic workers have faced in translating their democratic right to organize into improved legal rights merits more scholarly attention. This article represents a step in that direction.

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