Domestic workers, informal construction workers, and the state...and almost everything else

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Domestic workers and are predominantly employed informally, and so are large numbers of construction workers[1]. In many parts of the world, both jobs are heavily populated with migrants, whether internal or cross-border. Beyond that, there might not appear to be many commonalities between the two types of work—one mainly gendered female and one mainly gendered male (though with important exceptions). However, in this note I will end up emphasizing commonalities more than contrasts. I start by describing developments on the ground, and then turn to recent theory and research, at which point my focus will broaden to include what I describe as "almost everything else." I draw on a growing literature and especially on work by collaborators in a six-country comparative research project on informal construction worker and domestic worker organizations, funded by the Ford Foundation.[2]

Domestic work: Developments on the ground

There is a perception in many countries that domestic work employment is on the rise, due to increases in inequality and in women's labor force participation. However, actual patterns are quite mixed: for example, in China, where domestic work had been reduced to a few enclaves by the 1970s, the occupation is exploding now, whereas in Mexico and the USA, long-term trends are still downward.

In recent decades this sector has seen expansion of domestic worker organizations *and* consolidation of regulation and governance of the terms of domestic work, the two advancing in tandem and fueling each other. Both trends have advanced at local, national, and international levels. The most dramatic milestones have been the ILO's 2011 adoption of Convention 189 on the rights of domestic workers (Mather 2013, Fish 2017[3]) and the 2013 formation of the International Domestic Workers Federation, which today has affiliates in over 40 countries (IDWF 2014, 2017). These accomplishments are rendered even more dramatic by the fact that the networking process that yielded them commenced in earnest in 2006.

But more limited advances began long before. Peru passed domestic worker legislation in 2003, China issued its first occupational standards for the sector in 2000, and New York State extended collective bargaining rights to home-based workers employed by a third party (covering home care workers who are publicly funded) as early as 1976. The Latin American domestic workers' federation, CONLACTRAHO, had its first congress in 1988, and Mary Goldsmith (1992) and Premilla Nadasen (2016) have documented domestic worker unions in Mexico and the United States, respectively, as early at the 1930s. Also, it is important to temper the optimism of the portrayal of recent gains by underlining that the

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[1] My original charge referred to day laborers. I interpret "day laborers" to refer to workers hired by the day in construction, landscaping, and residential gardening—not *jornaleros* (agricultural day laborers) or any number of other groups of workers hired by the day. I have opted to broaden the discussion to informal construction workers more generally, a group that includes day laborers thus defined but other informal work arrangements as well.

[2] The six countries are China, India, Korea, Mexico, South Africa, and the United States.

[3] References available upon request.

vast majority of domestic workers, even in countries with laws on the books, labor with little or no actual organization or protection.

Informal construction workers: Developments on the ground

Day laborers, or more generally informal construction workers, have not seen the same kinds of broad advances. To start with, there as a more unambiguous growth of day labor and other informal construction employment in countries as different as China, Korea, Mexico, and the USA. In construction, neoliberalization has typically taken the form of extension of subcontracting chains, avoidance of unions where they exist, and widespread flouting of labor and social insurance regulations, shifting more construction jobs into informal territory. Thanks to accompanying growth in inequality, high-end consumers have nurtured booms in construction and rehabilitation, both residential and commercial.

Informal construction workers have mounted spirited, but mainly localized responses. Because these are not as well-known in the WIEGO milieu, I list a number here:

- At one end of the spectrum of effective responses are limited but symbolically important actions. Informal construction crews confront their supervisor or threaten sabotage to challenge wage theft (Swider 2015). A Guatemalan union, no longer able to engage in collective bargaining or even recruit members due to neoliberal policy turns and ongoing anti-labor repression, continues to advocate for workers and run workforce development programs (Mora, Sarmiento, and Tilly 2015).
- In a middle range, organizations have scored more institutionalized gains. Organizations of informal women construction workers in India have won tripartite welfare funds (Agarwala 2013). US day laborers also fall in the intermediate range, having won the legal right to solicit work in public, in some localities also gaining funding to run job centers and provide a variety of services (Sarmiento et al 2016).
- A few organizations have overcome the odds to achieve even more substantial successes. Notably, the Korean Construction Workers Union has won strikes and secured collective bargaining rights for informal construction workers in a number of regions (Lee and Chun forthcoming).

But the overall track record is spotty at best. In Mexico and South Africa, both of which have dynamic domestic worker movements, colleague and I have been unable to find organizations of construction workers of any significance.

The global union federation embracing construction workers, the Building and Wood Workers International (BWI), has led campaigns supporting migrant worker rights, and pushing for labor standards in construction linked to mega-sporting events (Olympics, World Cup). BWI has notched important successes, including hammering out a comprehensive labor standards agreement with Qatar, which will host the 2022 World Cup. However, BWI has not yet been able to build a network, identity, voice, and coordinated global program for informal construction workers in the way that IDWF has done.

Theory and research relevant to these struggles

Three theoretical/empirical discussions are particularly relevant for formulating strategies to improve the situations of informal domestic workers and construction workers. I hasten to add that these discussions speak to informal workers more broadly, so I am sure there will be overlap with what others write and present.

First and foremost, many have pointed out the importance of winning recognition of these workers as *bona fide workers*, what Chun (2009) calls a *classification struggle*. This has been particularly challenging for domestic workers, whose status as women (in large part), and often internal or cross-border migrants, doing reproductive labor in the home has widely barred them from worker status in law and in the public mind. Latin American activists' adoption of the term *trabajadora del hogar* (household worker), rather than *trabajadora domestica* (which conveys echoes of servitude), and the US National Domestic Workers Alliance slogan "the work that makes all other work possible" are examples of contestation on this terrain. Demands for official identity card also engage the issue (Agarwala 2013).

A second conceptual and strategic arena is the question of appropriate forms and levels of regulation. Regarding the *level* of regulation, schematically there is a perpetual debate between a Hernando de Soto (1989) view of the economy—regulation stifles enterpreneuship and should be minimized—and a Daron Acemoglu (Acemoglu and Robinson 2012) view—robust institutions ordering economic life are essential to growth, stability, and development, as well as equity. Regarding the *form* of regulation, one important choice is between *formalizing* informal work and *upgrading* it while keeping it informal. As Agarwala (2013), Itzigsohn (1999), and others have forcefully pointed out, informal workers often prefer the flexibility of informal labor—while seeking to reduce the precarity associated with it. Day laborers, along with street vendors and waste pickers, introduce another dimension of regulation: control of public space. Through lobbying, negotiation, protest, and simple *de facto* occupation, workers dependent on public space to ply their trades have reworked urban governance to accommodate their activities (Sarmiento and Tilly forthcoming).

A third rich area of analysis is understanding *how* informal workers mobilize and win in varied settings. Many researchers cite Polanyi's (1944) notion of *counter-movements* that temper capitalism's tendency to strip away institutional protections from markets (e.g. Tilly et al 2015). Most informal workers, and certainly the two groups focused on here, tend to lack structural economic power and therefore often turn to the state for support. Chun (2009) spotlights *symbolic power*, the garnering of public support by demonstrating worthiness and commitment. The intersectional status of many informal workers can be an important asset, yielding multiple identities that can facilitate mobilization or issue framing. Over the last century, US domestic workers have at various times foregrounded identities as women, African Americans, low-wage workers, and immigrants; Mexican domestic workers have tapped a similar intersectional mix of roles (Tilly, Rojas, and Theodore forthcoming).

On the other hand, traditional power politics is also in play. Agarwala (2013) emphasizes electoral vote-banking by informal worker organizations. Many, including Sarmiento et al (2016), document the critical role of alliance-building, and show how self-organization generates the legitimacy and credibility necessary to attract allies, as well as the capacity to effectively use them.

In many settings, alliances of informal worker organizations with traditional trade unions are particularly important (Fine 2011, Milkman et al 2009, Milkman and Ott 2014,

Sarmiento et al 2016, Tilly et al 2013, Tilly, Rojas, and Theodore forthcoming). But such alliances often build in two tensions. A first friction point is between *sympathy without solidarity* and *solidarity without sympathy.* Broad middle class publics often sympathize with the plight of the worst-off workers, those struggling to maintain subsistence and to achieve basic rights, but feel no solidarity for those (such as many unionized workers) who have managed to rise above subsistence and seek to further improve their bargain with capital—*sympathy without solidarity.* On the other hand, trade union memberships may feel solidarity for their fellow unionists, but little concern or responsibility for those, even in the same sector, who fall outside the union's safety net—*solidarity without sympathy*. A related tension pits *advocacy without accountability* against *accountability without advocacy*. NGOs, advocacy groups, and informal worker associations advocate broadly for the rights of marginalized groups of workers, but rarely are the leaders of these organizations *structurally* accountable in the sense of gaining office through election and/or sustaining a budget primarily through dues contributions—*advocacy without accountability.* On the other hand, trade unions, at least in principle, structurally accountable (with elected leadership and dues-funded budgets), but that very accountability to an often pragmatic or myopic membership creates disincentives to advocate for broader groups of workers—*accountability without advocacy* (Eade and Leather [2005] explore this second tension in depth). A growing literature examines cases in which pro-worker actors have overcome these tensions (for example Milkman 2009, Anner and Evans 2005), but the challenges remain substantial.

In closing

This note has ranged from nitty-gritty summaries of gains secured by organizations of informal domestic workers and construction workers, to reflections on cosmic contradictions confronting informal worker movements. Domestic workers and day laborers encounter distinctive challenges and have deployed distinctive strategies. But perhaps the most instructive findings in research on these groups point to significant commonalities across the two groups and indeed many other groups of informal workers.