Health and safety in paid domestic work: what does the COVID-19 pandemic reveal?

Saúde e segurança no trabalho doméstico remunerado: o que revela a pandemia da COVID-19?

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ABSTRACT | Reproductive labor, whether paid or unpaid, is gradually occupying different places of interest in research, not only in Brazil but worldwide. Brazil, specifically, has had a historical delay in acknowledging and regulating such work as an occupation, which occurred only in 2013 with the 72nd Amendment to the Constitution and in 2015 with Complementary Law 150, after decades of struggle by these workers. This delay also reverberates in the near absence of discussion about the occupational health and safety of this profession. The purpose of this essay is to reflect on the vulnerability of occupational health of paid domestic workers in the Brazilian context and on discussions about the “indispensability” of such work during the COVID-19 pandemic. Support for these reflections is based on theories of the sexual division of labor in the context of reproductive labor, specifically paid domestic work. We consider the socio-historical-cultural conditions of domestic workers, which concentrate structural elements of an exclusionary society with disparate social inequalities: racism, gender, class, and education. There is an urgent need to standardize these aspects both from a technical point of view, such as through surveys of risks, provision of collective and personal protective equipment, establishment of causal links, and reporting of occupational accidents; and from the standpoint of socio-historical-cultural hazards that involve the profession. We conclude by discussing challenges faced in addressing the deep, harmful scars that exist in our society.

Keywords | paid domestic work; occupational health; pandemic; COVID-19.

RESUMO | O trabalho reprodutivo, seja remunerado ou não, tem gradualmente ocupado diferentes lugares de interesse na pesquisa não apenas no Brasil, mas em todo o mundo. O Brasil, especificamente, tem um atraso histórico no reconhecimento e na regulação da profissão, que ocorreram apenas em 2013 com a Emenda Constitucional nº 72 e em 2015 com a Lei Complementar nº 150, após décadas de lutas dessa classe trabalhadora. Esse atraso também reverbera na quase ausência de discussão sobre a saúde e segurança ocupacional da profissão. O objetivo deste ensaio é trazer uma reflexão sobre a vulnerabilidade da saúde ocupacional das trabalhadoras domésticas remuneradas a partir do contexto brasileiro e das discussões a respeito da “indispensabilidade” desse trabalho em tempos de pandemia da doença do coronavírus 2019 (COVID-19). A sustentação dessas reflexões ocorre através das teorias da divisão sexual do trabalho, no contexto do trabalho reprodutivo, especificamente sobre o trabalho doméstico remunerado. São consideradas as condições sócio-histórico-culturais das trabalhadoras domésticas, que concentram elementos estruturais de uma sociedade excludente e com discrepante desigualdade social, isto é, racismo, gênero, classe e escolaridade. É apontada a urgência da normatização desses aspectos tanto de um ponto de vista técnico, como o levantamento de riscos, a disponibilização de materiais e equipamentos de proteção individual, o estabelecimento de nexo causal e o registro de acidente de trabalho, quanto do ponto de vista dos riscos sócio-histórico-culturais que envolvem a profissão. Finalizamos no entendimento dos desafios no enfrentamento das marcas deletérias profundas existentes em nossa sociedade.

Palavras-chave | trabalho doméstico remunerado; saúde do trabalhador; pandemia; COVID-19.
CONTEXT: THE SITUATION OF DOMESTIC WORKERS AMID THE COVID-19 PANDEMIC IN BRAZIL

Since social distancing and self-isolation began in Brazil as non-pharmacological interventions to reduce the spread of coronavirus disease 2019 (COVID-19), paid domestic workers became a center of discussion and attention in the mainstream media in relation to their “indispensable” services. Previously an invisible, undervalued, and stigmatized occupation, paid domestic work became “essential”. Essential work, as the term implies, is work whose disruption can result in a breakdown in the functioning of society. Examples of such work—which, “if not attended to, would endanger the survival, health or safety of Brazilians”—include medical and hospital services; law enforcement and private security; homeland and civil defense; water capture, treatment, and distribution; the food service industry; waste and wastewater collection and treatment; and the generation, transmission, and distribution of electricity and natural gas.

Several Brazilian states made domestic work “essential” only to subsequently withdraw these provisions and/or make them more flexible. These deliberate, government-level decisions, made without set criteria or any technical justification, ultimately excluded domestic workers from the right to stay at home. Thus, these workers—mostly poor, Black, under-educated women, in one of the lowest-paid occupations—found themselves at risk of not being able to protect themselves from contamination, since for many, self-isolation would represent the loss of their sole source of income.

The first death by COVID-19 in Brazil, on March 17, 2020, was of a domestic worker. In the same month, a “Letter and Manifesto from the Daughters and Sons of Maids and Charwomen” was launched on a petition website, with an accompanying petition titled “For the Life of Our Mothers”. Both documents highlighted the “emergency of complying with the quarantine mandated by the authorities” and called for “paid leave for domestic workers and day laborers” in order to comply with the precautionary measures imposed to fight the spread of COVID-19. The Letter contained the following testimonial:

For years our mothers, grandmothers, aunts, cousins have dedicated their lives to other families. We are all affected by these backwards, slave-like “labor relations”. Our lives have been scarred by this context, which must be reconsidered by society as a whole, and especially by employers.

The National Federation of Domestic Workers (Federação Nacional das Trabalhadoras Domésticas, Fenatrad) launched the “Take care of those who take care of you” campaign, also advocating for the right of domestic workers to self-isolate and attempting to raise awareness among employers and government officials. As they judged that there was no satisfactory result from this campaign, the Federation filed a request for administrative proceedings with the COVID-19 Working Group of the labor prosecutor’s office. However, according to the workers, this attempt was equally fruitless, and they remained unnecessarily exposed to the virus while the rest of the population exercised the right to self-isolation.

It is within this context that we aim to reflect on the occupational health vulnerabilities of paid domestic workers, as triggered by the COVID-19 pandemic, which unveiled deeply exclusionary, stigmatizing, and exploitative traits in the labor relations to which these workers are subjected in Brazil.

To that end, the present essay is structured into the following sections, including this introduction: a theoretical conceptualization of reproductive labor; background on the current situation, with some data on paid domestic work in Brazil; some considerations
on health and safety and the specifics of paid domestic work; historical context, based on a brief overview of the struggles and achievements of paid domestic workers; and, finally, our concluding reflections.

**DOMESTIC WORK AS REPRODUCTIVE LABOR**

Studies on reproductive labor have largely informed the discussion on the sexual division of labor, which highlights the existing segmentations in labor relations, in which men are “destined” for the public sphere whereas women are “destined” for the domestic environment. These labor relations result in a culture in which an expendable aspect is ascribed to “women’s work”: while men’s work is highly valued and well paid, women’s work is undervalued and underpaid.7-9 The most representative example of such undervalued and underpaid (or unpaid) labor is domestic work.

Since the 1970s, reproductive labor has been made visible by a number of scholars7-12 dedicated to analyzing the work performed outside so-called “productive” labor. “Reproductive” labor is so termed because, according to Christine Delphy11, the capitalist mode of production coexists with another mode of production – namely, the “domestic” mode of production. It is in the domestic sphere that the workforce is reproduced and made available to the market. This means that, without reproductive work, productive work would be impossible, since the former supports the latter.7-9 According to Delphy,11,12 the social relations that define wage labor also define domestic work. The latter, neutralized as seemingly “natural”, remains invisible and entirely lacking in the tensions necessary in labor relations, relying on the subordination of women. This subordination is expressed in the delegation of activities, such as cleaning and keeping house, educating children, preparing meals, and caring for the elderly and infirm, among other activities considered to fall primarily (or exclusively) within the purview of women.

In analytical terms, reproductive labor comprises two types of domestic labor: unpaid (“housewife’s work”) and paid (by domestic workers or servants). Paid domestic work may be done by day laborers, monthly workers, or even live-in housekeepers, with or without a formal employment contract. Reproductive labor is conceptualized via its linkage to productive labor, which is economically recognized as generating value and, therefore, is at the center of all analyses of occupational health and safety (OSH).

Conversely, when it comes to reproductive labor, the technical aspects that should guide any discussion about OSH have been resisted and neglected for historical reasons, as a result of the decades-long exclusion of these occupations from regulation, as well as for reasons inherent to domestic work (such as the issue of the family home being the working environment). These barriers directly influence issues such as recognition and reporting of occupational accidents, risk assessment and mitigation, oversight and inspection, and the provision of tools and equipment, among others.

The various management methods designed to increase production and output, whether in agriculture, industry, or the service sector, all assume an organization of labor linked to the productive market. This organization of labor has its “regulations” expressly laid out in formal normative order, i.e., with prescribed tasks and activities for each worker. To date, there has been no discussion on the issues needed to regulate the occupation of paid domestic worker. Before describing more specific aspects of OSH, the next section will outline the profile of domestic workers in Brazil based on statistical data.

**KEY DATA ON PAID DOMESTIC WORK IN BRAZIL**

Paid domestic work is historically classed, racialized, and gendered; due to a lack of options in the labor market, the typical profile of a domestic worker is that of a Black woman with low income and low educational attainment. These distinctions need to be considered when discussing health and safety on a broader spectrum in professions such as domestic work. The COVID-19 pandemic has shed stark light on the harmful effects of these occupational hazards and on the vulnerability of an entire professional class in...
Brazil, the country with the largest number of domestic workers in the world.\textsuperscript{15}

In the first quarter of 2020, the number of domestic workers in the country, as calculated by the Brazilian Institute of Geography and Statistics (IBGE)\textsuperscript{6} through the National Household Sample Survey (PNAD), was 6 million, which represents a 6.1\% decrease compared to 6.3 million in the last quarter of 2019.\textsuperscript{6} This reduction may indicate that a portion of these workers were dismissed, without compensation, as a result of the COVID-19 pandemic.

In a study conducted by the Institute for Applied Economic Research (IPEA)\textsuperscript{14} based on data from the Continuous PNAD, of the then-6.2 million Brazilians employed in domestic service in 2019, 4 million were Black, of whom 3.9 million were women. Data collected by Pinheiro et al.\textsuperscript{14} give the following average income values for paid domestic workers in 2019: R$1,349.50 for day workers with a formal contract, R$1,296.00 for monthly workers with a formal contract, R$712.00 for day workers without a formal contract, and R$692.30 for monthly workers without a formal contract.

It is evident that the lowest average wages are linked to the mode of employment that represents the majority (monthly workers without a formal contract), while the highest average wages are linked to the least common mode of employment (day workers with a formal contract). According to Pinheiro et al.\textsuperscript{14}, informal employment represents 70\% of paid domestic workers in the country (44.5\% monthly workers and 28.6\% day workers). Specifically concerning day workers, only 9\% have a formal contract, and 4\% are registered as individual micro-entrepreneurs.

In paid domestic work, several structural elements of an exclusionary society with discrepant social inequalities (by race, gender, class, and education) are combined. At the base of this social pyramid are Black women with low educational attainment, shouldering the burden of centuries of slavery, a process whose deep scars continue to translate, to this day, into barriers to access to rights, recognition, respect, and dignity.

Antunes,\textsuperscript{15} on the occasion of the approval of the proposed “Domestic Workers’ Amendment to the Constitution” in 2013, noted: “The slaveholding, patriarchal origins of our society, conceived from the dynamics of the “big house” and the “slave’s quarters”, were able to adapt to the encroachment of cities. Conservative modernization has given a new lease of life to the servile relations of the big house, extending it to city-dwelling families. The ruling classes have always demanded both the advantages of urbanization and the benefits of servility (…). As the industrialization of wage labor excluded Black workers from the factories (depreciated in favor of white immigrants), the surplus population of formerly enslaved laborers soon found shelter in domestic work.”

The particularities of domestic work carry challenges of several sorts: it is built upon the heritage of enslavement, is rarely ever formal and is carried out in the household of the hiring family, in solitude, with neither a formal job description nor any formal limitation of tasks. Paid domestic work is also associated with limited recognition and reporting of occupational health hazards. Specifically, the domestic work environment contributes to a muddled recognition of what does and does not constitute an occupational accident, by workers and employers alike. The conditions of domestic labor themselves also influence the high degree of underreporting of accidents, given the imprecision in defining which of its activities and settings could be considered occupationally hazardous.

Seeking to contribute some important points about the OSH of these workers, in the next section we will explore selected aspects of this discussion.

**HEALTH AND SAFETY CONSIDERATIONS AND THE SPECIFICS OF PAID DOMESTIC WORK**

Legally, a domestic worker is “a person who provides, personally, onerously, and subordinately, services of a continuous nature, not for profit, to a person or family, within the household”.\textsuperscript{16} In the Brazilian Classification of Economic Activities (CNAE),\textsuperscript{17} this activity is classified as “domestic services”, under code 9500-1. This classification contains the following descriptors: chaperone, nanny, maid, cook, houseboy (no female counterpart), live-in gardener, washerwoman (no male counterpart), chauffeur (no female counterpart).
The summary description in the Brazilian Classification of Occupations of 'general domestic workers', under code 5121, is as follows: "[...] they prepare meals and provide personal assistance; take care of apparel, including clothing and shoes; and assist in the running of the household, following instructions. They tidy up or clean, and may care for houseplants and pets."\(^1\)

The three descriptions above clearly show that the job descriptions of domestic workers are both imprecise and overbroad. In short, they render services to families, within the household, extending to the outdoors, plants, and pets; these services consist of maintenance of reproductive labor. This purported unlimited extension of activities contributes to a marked exploitation of domestic workers.

These very same reasons contribute to inattention and neglect of their health and safety. Five types of environmental hazards are recognized by Brazilian legislation, through Ordinance No. 3.214 of June 8, 1978 (NR-5)\(^2\): physical, chemical, biological, ergonomic, and accident-related. This validated risk classification clearly shows two distinct features of domestic workers as a professional category: its overall neglect and the invisibility of other hazards posed by domestic work, which are not immediately hazardous to life or health but are equally harmful, such as socio-historical-cultural hazards.

These aspects, however, were covered at the 100th International Labor Conference,\(^2\) held in 2011 in Geneva, Switzerland, by the International Labor Organization, during which several international instruments were adopted for the protection of domestic workers. As a result of this process, Convention 189\(^2\) and Recommendation 201,\(^2\) regarding decent work for domestic workers worldwide, were issued.

The aforementioned documents contain several aspects relevant to our discussion, especially Article 13 of Convention 189,\(^2\) which alludes to the adoption of "effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers", and Article 19 of Recommendation 201,\(^2\) summarized below:

(a) eliminate or minimize work-related hazards and risks;
(b) provide an adequate and appropriate system of inspection and appropriate penalties;
(c) establish procedures for collecting and publishing statistics on occupational illnesses and accidents related to domestic work;
(d) advice on matters of occupational safety and health (ergonomic aspects and protective equipment); and
(e) develop training programs and disseminate guidelines on occupational safety and health specific to domestic work.

Despite the provisions of Convention 189, little has been done in this direction. Regarding the profession of paid domestic workers, our analysis suggests that some challenges are especially pressing:

- a survey of occupational hazards and their levels, as has been done for physical, chemical, biological, ergonomic and accident-related hazards in other occupations;
- as a result of this survey, a definition of which equipment, tools, and household items are necessary and/or permitted for use;
- determination of personal protective equipment needs;
- recording and reporting of occupational accidents, with establishment of causal links;
- differentiation of occupational hazards in the household setting vs. in non-household settings.

Another important aspect concerns Article 24 of Recommendation 201, which deals with the need to establish means of access to the premises in which domestic work is carried out (respecting employers' privacy) for inspection of working conditions.\(^2\)

These issues, in our view, are related to regulation of paid domestic work as a profession and must be further developed and advanced. However, in addition to these more technical issues, there remains the challenge of recognizing, debating, and overcoming the manner in which Brazilian society perceives and acts towards paid domestic work—a manner rooted in slavery, generating adverse circumstances for this entire professional class, such as the dramatic situations encountered by domestic workers during the COVID-19 pandemic.

Despite the difficulties and resistance encountered by this category throughout post-abolition history in Brazil, this trajectory of organized struggle by domestic workers has resulted — however slowly and belatedly — in increasing access to labor rights and a path
towards equality with other professions. The following section briefly summarizes these achievements.

STRUGGLES AND ACHIEVEMENTS OF PAID DOMESTIC WORKERS IN BRAZIL

The Consolidation of Labor Laws, established through Decree-Law No. 5.452 of May 1, 1943, regulated and therefore provided legal protection to all urban and rural professions in Brazil, but explicitly excluded paid domestic workers. These only achieved regulation after decades of struggle, through the 72nd Amendment to the Constitution in 2013 and Complementary Law No. 150 in 2015. There is, therefore, a distinction that segregated and excluded them from recognition and from all labor protections, compared to other occupations; this distinction lasted 70 years.

Delgado & Delgado consider that “the legal evolution of domestic work contracts in Brazil provides [...] one of the most dramatic examples of exclusion from civilization seen in Brazilian society in the 20th century”. For informational purposes, Box 1 below displays, in chronological order, the core legal framework in Brazil for the protection of paid domestic workers, a professional category which, according to the aforementioned authors, remained in a “remarkable legal limbo until the latter decades of the last century” (Table 1).

Delgado & Delgado contend that, from a legal standpoint, the 72nd Amendment and Complementary Law No. 150 completed a “cycle of integration of domestic workers into the Brazilian labor laws” (p. 25). However, it is important to highlight that day laborers were specifically excluded from this legislation, which also implies the need to expand the scope of regulation for these workers.

The aforementioned achievements are the result of decades of struggle by domestic workers through associations and trade unions, since the founding of the Brazilian Association of Domestic Workers by Laudelina de Campos Melo in 1936. Her dedication was the driving force behind the establishment of several other trade associations across the country, currently represented by Fenatrad. Fenatrad comprises 22 unions and one association of domestic workers and has 7.2 million affiliated workers, distributed across 13 states of Brazil: Acre, Bahia, Espírito Santo, Maranhão, Paraíba, Paraná, Piauí, Pernambuco, Rio Grande do Sul, Rio de Janeiro, São Paulo, Santa Catarina, and Sergipe.

Venues for discussion with civil society and attempts to address barriers and thus ensure the implementation of public and social policies have demonstrated the strength of organizing and the persistence of this working class in exercising its democratically ensured rights, as well as overcoming the limitations imposed over decades of Brazilian history.

CONCLUDING REMARKS

The COVID-19 pandemic has had incalculable consequences for countries such as Brazil. Many problems deeply rooted in politics, resulting from historical processes that have lasted years and years, resonate strongly in the weaker layers of society. Paid domestic workers are one of the most vulnerable professional classes in terms of the power structure to which they are subjected and how the country’s elites have come to expect servility and submissiveness from one class to another.

The COVID-19 pandemic has served as a stress test for governments regarding their ability to manage their health situation, as well as to develop political, social, and economic responses to protect their citizens. At the time of writing (September 2021), the Brazilian response had been disastrous and inefficient; the country was hostage to COVID-19, which had already claimed approximately 600,000 lives.

The current situation is likely to have immediate, incalculable repercussions which will need to be overcome, since the social structure of Brazil is already beset by inequalities, segregation, and exclusion of large segments of the population. We—civil society—and the various spheres of government are left with serious challenges: addressing the deep, harmful scars of racism, misogyny, and income concentration, among
others, in our society; ascribing due value to the working class and acknowledging that work is central to social organization; ensuring a more equal income distribution and job generation; and sustaining and strengthening democracy and the rule of law.

Paid domestic workers are at the base of Brazil’s social pyramid. To give this professional class—made up of approximately 6 million female workers—the attention it is due is to recognize the urgent need for actions to reduce the harmful effects of historical exclusion on the lives of these women. The collective action of nationally organized domestic workers shows us which trails still need to be blazed in order to build healthier working conditions and labor relations for

| Year     | Law                                                                 | Inclusion                                                                 |
|----------|----------------------------------------------------------------------|--------------------------------------------------------------------------|
| 1972     | Law No. 5,859 (the Domestic Work Act)                                | - Right to a formal employment contract                                   |
|          |                                                                    | - Right to 20 days’ paid annual leave                                     |
|          |                                                                    | - Enrollment in the social security system                                |
| 1987     | Decree No. 95,247                                                   | - Transportation vouchers                                                 |
| 1988     | Constitution of the Federative Republic of Brazil                   | - Minimum wage                                                            |
|          |                                                                    | - Wage irreducibility                                                     |
|          |                                                                    | - 13th-month salary                                                       |
|          |                                                                    | - Weekly off pay                                                          |
|          |                                                                    | - Paid annual leave, with vacation pay at least 1/3 greater than usual wages (the “constitutional third”) |
|          |                                                                    | - 120-day maternity leave                                                 |
|          |                                                                    | - Paternity leave as provided for in the law                              |
|          |                                                                    | - At least 30 days’ notice                                                 |
|          |                                                                    | - Retirement (Art. 7)                                                     |
| 2006     | Law No. 11,324                                                      | - Paid leave on holidays                                                  |
|          |                                                                    | - Guaranteed employment for pregnant women, from confirmation of pregnancy to five months after delivery |
|          |                                                                    | - Ban on deducting food, clothing, hygiene, and housing expenses from wages |
|          |                                                                    | - Tax incentives (income tax deduction) for employers                      |
| 2013     | 72nd Amendment to the Constitution                                 | - Guaranteed salary never below minimum wage                              |
|          |                                                                    | - Wage protections                                                       |
|          |                                                                    | - 8-hour work day and 44-hour work week                                  |
|          |                                                                    | - Reduction of risks inherent to occupation through health, safety, and hygiene standards |
|          |                                                                    | - Recognition of collective bargaining agreements                         |
|          |                                                                    | - Ban on differences in wage, roles, or hiring criteria due to sex, age, skin color, or marital status |
|          |                                                                    | - Blanket ban on wage and hiring discrimination of disabled workers      |
| 2015     | Complementary Law No. 150                                           | - Protections against arbitrary and unfair dismissal                      |
|          |                                                                    | - Unemployment insurance                                                  |
|          |                                                                    | - FGTS                                                                    |
|          |                                                                    | - After-hours wages                                                       |
|          |                                                                    | - Family allowance                                                        |
|          |                                                                    | - Allowance for children and dependents attending daycare or preschools, from birth to 5 years of age |
|          |                                                                    | - Occupational accident insurance                                          |
| 2018     | Convention 189 and Recommendation 201                              | - Addition of domestic work to the ILO Decent Work agenda                |

Source: Delgado & Delgado, 2016.6 FGTS = Severance Indemnity Fund; ILO = International Labor Organization.
all. The first step is to recognize the importance of reproductive labor for the functioning of society and its economic, social and human value.

The contribution of this essay is to draw attention, based on what the COVID-19 pandemic has revealed, to the health and safety of paid domestic workers—lives that seem not to matter and that have remained vulnerable to contamination by this devastating disease that has spread the world over. The burden of slavery and subsequent expectations of servility seem to prevent these workers from being recognized and treated as the workers they are, both historically (as they were long excluded from labor protections) and presently (as they face struggles for regulation and recognition, as well as massive resistance from Brazilian elites).

The lives and health of paid domestic workers matter and need to be acknowledged, from a regulatory standpoint, just as any other occupation; this includes the development of occupational health policies and the standardization of OSH aspects. We hope that, after the pandemic, we will be able to mount a robust response to the problems described herein, and provide—as a society—quality of life fair and labor relations to paid domestic workers and, of course, to all workers.

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