Fighting Exclusion

Domestic Workers and Their Allies Demand
Labor Legislation, 1923–1945

In 1924 we asked the honorable Congress . . . to grant and recognize suffrage for our trade: but the legislators of that time did not concern themselves with a petition brought by the same empleados who kept their houses clean, watched over their property, and sometimes risked our lives to defend them. We needed a savior, a revolutionary movement that would argue our just cause to end the constitutional ban on our suffrage, which was a stigma, a disgrace that humiliated our trade, considering the level of education, culture and progress that we are fortunate to possess.

—Domestic Workers Union President Lucas Salas, 1930 interview

How much more can I take, I ask myself? How long will I let them ‘sploit (que me speloten) and exploit me? They don’t make my social security payments or give me a day off, and they’ve even had the police after me.

—Ana González as “La Desideria,” on Radiotanda’s Cinderella, circa 1940

One of the most persistent disputes over domestic work in Latin America over the course of the twentieth century concerned the status of paid domestic workers in national labor legislation. Chile was not unique in explicitly excluding workers in domestic service from early labor legislation, which was designed primarily to address the contentious relations between
labor and capital in Chile’s growing industrial sector.¹ Mired in the “traditional” and paternalistic relations of the home, domestic service was considered a private, quasi-familial relationship where the state should not intrude. The political transitions that marked Chile’s early decades—from the Parliamentary Republic to military rule in 1924, and thereafter to civilian regimes driven by liberal, populist, and authoritarian agendas—reflect the political conditions that shaped labor relations and the emerging welfare state. Even as legislators reacted primarily to the “labor problem” they associated with the political mobilization of male industrial workers, however, empleados domésticos continuously lobbied for greater regulation of their work, demanding changes that would fully incorporate them into Chile’s “family of labor.” Whether it was Lucas Salas, rationally justifying the demands of domestic workers to a journalist in 1930,² or the radio personality “La Desideria,” laughing with her audience about her employers’ utter disregard for her right to social security,³ the state’s failure to protect and provide for Chile’s most ubiquitous and vulnerable workers was a consistent theme in public discourse in the early decades of the twentieth century.

Chile’s first labor regimes categorically excluded domestic workers from the fundamental protections it extended to other workers in 1924, such as the right to make contracts, unionize, limit the workday, take maternity leave, and earn a minimum wage. Even the 1931 Labor Code, which addressed domestic service labor through a special article requiring employers to sign contracts with their domestic employees, largely failed to recognize and regulate domestic workers’ rights in the workplace. But even as the state excluded empleados domésticos from Chilean labor law, they included them—in their status as salaried workers—in its nascent social welfare system: the 1924 Social Security Law included paid domestic workers, granting them access to the maternity and child health services of state-run health clinics. As Chilean law increasingly recognized and regulated domestic service over time, it also inaugurated the state’s persistent tendency to address those workers through separate laws and regulations, rather than reversing their exclusion from existing law.

This chapter examines how state officials, employers, and domestic workers engaged in debates over whether and how domestic service should be subject to state regulation in early-to-mid-twentieth-century Chile. Regularly excluded from emerging workers’ associations in the late nineteenth century, the men and women employed in paid domestic work had by the 1920s begun to organize collectively and protest their working conditions in newspaper articles and petitions to parliamentary representatives. Most of this activism stemmed from the Sindicato Autónomo de Empleados de Casas Particulares de Ambos Sexos
(Independent Union of Household Employees of Both Sexes), a small union founded in Santiago in 1926 to petition legislators, labor inspectors, state health officials and journalists for greater regulation of their trade. The union addressed petitions to parliament and the Ministry of Labor; sent representatives to workers’ congresses; documented cases of employer abuse; donated funds for other striking workers; and pursued cultural and social activities to strengthen their association. Arguing that empleados domésticos should be treated like other workers and recognized in labor law, activists also emphasized the super-exploitation of women and children in their trade.

Another important characteristic of these early efforts was the attention paid to empleados domésticos by journalists and state officials, many of whom regularly protested the injustice of denying to domestic workers the benefits afforded other workers by the state. As early as 1918, a newspaper editorial commented on the 1907 Sunday Rest Law, then under renewed discussion in Congress because it severely restricted male workers’ holiday rights, protesting the fact that “the law’s prescriptions do not apply to domestic service.” Officials from the Ministries of Labor and Social Welfare, in particular, focused increasing attention on the unjust exclusion of both domestic workers and peasants from protective legislation, arguing that, as workers who paid into state welfare accounts, empleados domésticos and peasants should also be protected by the country’s labor laws. Finally, domestic service activists—through associations led early in the twentieth century exclusively by men—fought their wholesale exclusion from labor law by stressing the nature of domestic labor as skilled, salaried work, portraying empleados domésticos as “workers like all the rest of them.”

This chapter describes when and how domestic workers struggled for attention to their status, analyzing how and with what success activists and their allies sought to remedy their exclusion from labor laws. Their efforts led to extended debates in parliament on a number of specific remedies, ultimately shaping the 1925 decree-laws that still excluded domestic workers from labor regulations but granted them status as salaried workers covered by state health insurance. Complaining that the unregulated status of domestic service in the 1925 legislation exposed them to employer abuse, domestic worker activists organized their first labor union in 1926 and got to work lobbying the press, labor and welfare officials, and politicians from the legislative and executive branches. While this activism undoubtedly shaped the articles on domestic service included in the 1931 Labor Code, which granted domestic workers some of the rights enjoyed by other workers (such as contracts, rest periods, and vacation pay), the lack of regulatory legislation made the article essentially a dead letter, while a narrow legal
definition of “domestic employee” restricted protections to live-in, full-time domestic workers. Even in success, therefore, domestic workers’ activism in the first decades of the twentieth century were both predicated upon and limited by the sharp distinctions drawn between domestic and other forms of wage labor. Activists and legislators alike stressed the uniquely exploitative conditions that prevailed in domestic service—particularly for women—promoting greater legal protections with arguments referencing the need for human dignity, the vulnerability of domestic workers, and the rights of citizenship. While legislators were clearly motivated by the distinctively intimate nature of domestic service relations—broadly referenced as *convivencia*—their repeated construction of domestic service as a family affair fundamentally constrained their legislative proposals, resulting in the 1931 creation of a separate legal code for domestic service protections that would remain in place for over half a century.⁵

Challenging Legal Regimes of Exclusion

Rooted in the slave and free labor regimes of the early Republic, domestic workers and rural day laborers remained, almost by definition, outside of the bounds of liberal citizenship and labor relations. Whereas the late nineteenth and early twentieth centuries saw the emergence of new coalitions between organized labor (primarily in the transport, industrial, and export industries) with leaders of new associations and political parties dedicated to the rights of workers, some categories of work—and workers—were not legible as such within emerging regimes and discourses of wage labor. Legislators and labor leaders alike were, in Chile as elsewhere across the globe, preoccupied with the revolutionary potential of industrial labor, the motor of economic modernization as well as political transformation. Dominant conceptions of domestic and rural labor as subservient and degrading—even when it was performed for wages—contributed to the continuing marginalization of domestic workers and peasants from early-twentieth-century debates about social legislation. Even the most liberal legislative proposals, such as President Arturo Alessandri’s 1921 Project for Labor and Social Welfare Codes, excluded empleados domésticos from labor contracts, accident protection, and other proposed laws for Chilean workers.⁶

Frustrated by this continued exclusion, Chilean domestic workers during the 1920s increasingly demanded that their trade be incorporated into labor law, bringing evidence of employer abuses to the attention of responsive members of the media, Labor Office, and political parties. Using language and strategies typical of organized labor in this period, domestic worker activists went on to
lobby Congress and shape the content of a series of important legislative proposals between 1923 and 1931. The first evidence of this activism was a 1923 letter presented to Congress by members of “The Society for the Future of Household Employees” (La Sociedad el Porvenir de Empleados de Casas Particulares), in which activists from this patriotic trade association petitioned legislators to extend suffrage rights to male empleados and regulate domestic service relations. Although the mixed-sex union was led by men, the petition foregrounded the exploitation of female domestic workers, arguing that domestic service work put wives and mothers in particularly grave physical and moral danger. In this respect, the Society’s petition mirrored trends evident in the trajectory of protective legislation in Chile at the time, when observers across the social and political spectrum argued that the state should protect women’s reproductive and moral well-being in the workplace rather than the rights of all workers. From the petition’s very prologue, which argued that “Domestic service labor should be dignified by our political leaders, as a way to avoid begging, prostitution rings, etc.,” the petitioners reasoned that women’s reproductive capacities and family responsibilities had already been compromised by the state’s failure to curb the exploitation of women through domestic service. They argued, for example, that work that endangered women’s reproductive health—such as cleaning stairs and windows, or waxing floors—should be prohibited in order to protect motherhood and la raza (the Chilean race). Echoing arguments made about female industrial labor, the petition argued that women’s work hours in domestic service should be contractually limited, allowing women to care for their own children, attend night school, and form their own families, “which would prevent prostitution and illegitimacy.” In a rare reference to the prevalence of sexual abuse of female domestic workers, the letter also demanded that women domestic workers be allowed to investigate the paternity of their illegitimate children. The petition closed with demands for severance pay indexed to years of service, the creation of a unit within the Labor Office charged with implementing the proposed reforms, and effective suffrage for domestic workers, “equal in condition to the rest of the citizens of the Republic.” Activists also emphasized that they preferred the term “workers in private homes” (empleados de casas particulares) over “domestic workers” (empleados domésticos), and called on both men and women to join their Society and “ask for our legitimate rights as citizens.” Unsuccessful in their immediate efforts to provoke legislative reform, the Society’s efforts were criticized by other labor organizers, who argued that domestic workers’ rights would not be achieved by petitioning the Congress but rather by joining a broader revolutionary movement.
Speaking to journalists in 1930, activists retrospectively blamed legislators for the failure of the 1923 petition, which caused empleados to turn instead to building alliances with other unions and throw their support to the military leaders of the 1924 and 1925 revolutions. Because legislators had refused to act on their behalf, union president Lucas Salas reported, empleados domésticos had gone on to build stronger alliances with other unions and threw their support to the military leaders of the 1924 and 1925 “revolutions.” The military regime quickly decreed seven labor laws, including laws on contracts, strikes, unionization, accidents, minimum wages, and work hours. For women employed in industry and commerce, like their male counterparts, the military decree-laws represented a dramatic shift in the mechanisms of available assistance and redress, particularly if they organized in legal unions that were entitled to arbitration through the Labor Office. But domestic workers were again excluded, as were the specific social concerns of female empleadas: as union secretary Mercedes Céspedes explained, paternity investigations were still needed to protect single mothers “and prevent women from looking for ways to abort their children because of ignorant prejudices that exist today, or from being pushed into prostitution by rape and other factors.”

Rather than protective laws, the single most important change for domestic workers stemming from the 1924 military intervention came in the form of the military’s Social Security Law (4054), which granted state subsidies for illness, maternity, disability, and old age for workers in all trades, including two months’ paid maternity leave and other benefits for pregnant industrial workers. Excluded from the other provisions of the sweeping 1924 legislation (such as obligatory contracts and the eight-hour day), domestic workers were limited to receiving medical and social assistance through the Caja de Seguro Obligatorio (CSO or Obligatory Insurance Fund), support that pregnant empleadas would rely on heavily in subsequent decades. The CSO provided pregnant women with prenatal and postpartum care, including a stipend equivalent to 50 percent salary for three weeks following the birth of a child, and 25 percent subsidy until the child was weaned. However, pregnant domestic workers did not enjoy the broader benefits granted by the 1924 Labor Code to women employed in industry and commerce, such as longer paid maternity leave, or breastfeeding and child-care provisions.

Despite military leaders’ failure to respond to domestic workers’ concerns, one of the more important effects of the new social security system they imposed was the provision mandating employer contributions to workers’ insurance. Although this law empowered the Labor Office to determine the amounts that all
workers and employers should contribute, this process that posed specific challenges in an unregulated, private labor relation like domestic service. Because domestic workers often lived in employers’ homes and received partial payment in the form of food and housing, these contributions were calculated on the basis of salary plus the cost of food and housing (regalia), the latter estimated by the Labor Office in accordance with local salaries and expenses. While data for the twenties and thirties are not available, in 1941 the social security contributions for domestic employees and their employers throughout Chile were set at 2 percent for employees and 5 percent for employers, except for the nitrate regions, where employees paid 3 percent and employers 6 percent. CSO inspectors could charge employers who failed to make payments 20 pesos for the first infraction and 100 pesos for the second, but despite these fines, many domestic workers never demanded or received the insurance payments to which they were entitled by law.

According to newspaper accounts, oral histories, and ministerial records, the savings book (libreta) for recording these insurance payments became one of the principle sites of struggle between employers and their domestic workers, many of whom worked for decades without receiving social security. The 1954 law establishing social security was important enough, and employers’ failure to pay it so commonplace, that it also appeared thereafter as a trope in Chilean dramatic renderings of domestic service relations. One of the most famous empleadas in Chilean popular culture was “La Desideria,” a comedic personality popular on radio and television in the 1940s. A caricature of a feisty, assertive, unrefined working-class woman, La Desideria was known for her constant complaining about her employers’ failure to pay her libreta. Ana González Olea (1915–2008), the national prize-winning actress who played La Desideria on radio and television for over fifty years, also repeatedly deployed her celebrity to speak out for domestic workers’ rights. In another example, Fernando Debesa’s 1954 play Mama Rosa, which portrayed the life of several generations of an oligarchic Chilean family from 1906 to 1950, was driven by tensions over the meanings of domestic service in a rapidly changing world. In a scene between the adult daughter of the household, Leonor, and Mama Rosa, the aging servant declares that times have changed for domestic workers, invoking the recent Law 4054 as evidence that she will enjoy social security in her retirement. However, calling social security “so many buildings and people, just so you can get an aspirin or a bicarbonate of soda,” Debesa’s tragic figure clings fervently to old ways of lifelong service, ending up a senile and penniless dependent on the family’s private charity. Significantly, although they employed very different media, González
and Debesa each centered the empleada in their criticism of Chilean social relations, acknowledging the limitations of Law 4054 as they did so.

The exclusion of empleados domésticos from the labor laws of 1924 did not prevent empleados and their employers from asking state officials to intervene in labor disputes. Responding to dozens of complaints from domestic workers that they had been denied severance pay, for example, Labor Office officials either indicated their lack of jurisdiction, sent the complainants to civil court, or in rare cases compensated workers whose employers would not pay severance fees. In several cases, employers correctly argued that the law on labor contracts “specifically excludes domestic workers from coverage by its provisions.” Likewise, Labor Office officials used the same reasoning to show that they could not intervene, instructing their inspectors to refer these cases instead to lower and regional courts. Significantly, in most cases where employers ultimately paid severance to their empleados domésticos, workers had served their employers in places other than private homes, such as hotels, tailor shops, and laundries. According to Labor Inspector Arancibia Muñoz, “As we’ve noted before, the criteria accepted by the Labor Office is that those who work in these kinds of establishments are workers and not empleados domésticos. Moreover, in practice it has been confusing, since the employers in these establishments have accepted without objection the Labor Office criteria in the above sense.” The “confusion” referenced by Arancibia Muñoz illustrates the discursive segregation of empleados domésticos according to their place of work: as legal definitions of domestic service and workers themselves would later make explicit, empleados domésticos working in public spaces were more easily incorporated into labor relations indexed to public, industrial, wage labor than their counterparts who labored in family settings.

The status of domestic workers in Chilean law was not settled in the 1920s, either in local or international circles. Chile’s Labor Office officials were certainly aware that, by the late 1920s, the International Labor Organization (ILO) had devoted some attention to the plight of domestic workers and mandated new regulations, making recommendations that would eventually shape the drafting of Chile’s 1931 Labor Code. According to Arancibia Muñoz, after 1927 the ILO introduced, and by 1935 Chile approved, agreements to secure welfare coverage for illness and retirement among industrial, commercial, and domestic workers. Debates over the application of the 1924 laws to empleados domésticos also appeared on the “Empleados y Obreros” page of La Nación, which published workers’ questions about their labor rights. In January 1930, for example, the paper’s “experts” clarified that, although domestic workers enjoyed social security,
the law on severance pay did not apply to them: “The person you have served for such a long time does not owe you any payment when your employment ends. But we can hope that he realizes his moral obligation to reward or compensate someone who has served him so well.”23 This sentiment was apparently shared by other government officials, who lobbied the Labor Office to incorporate domestic workers into contracts: “For my part, I would be most happy to support, when the time is right, the Labor Office’s proposals to include domestic workers and rural workers in Article 1 of Law 4033 (Labor Contracts), so that these servants (servidores) can also reap the benefits of our social laws, which I think would be just.”24 The wave of severance complaints and public debates that characterized the 1920s reflects the ambiguous status of domestic employees in the emerging labor relations system, further demonstrating continuing disagreement about the status of domestic service as “work.”

Perhaps because of continuing legislative inaction on the question of regulating domestic service in the 1920s, the domestic workers’ union continued to press for increased state oversight throughout the decade. After submitting their unsuccessful petition in 1923, the leaders of the Sociedad Porvenir went on in 1926 to participate in founding a new union for male and female domestic workers, the Independent Union of Household Employees of Both Sexes. This union, which in its early years boasted a membership of about 2,480 workers, functioned regularly with just few brief interruptions between 1926 and 1945.25 Renamed in 1936 the Sindicato Profesional de Empleados de Casas Particulares (Professional Union of Household Employees), the group also cultivated close relations with unions of hotel workers, chauffeurs, waiters, and bus drivers and conductors, at times holding their meetings in the union halls of the bus inspectors and theater workers. These alliances stemmed from the shared trades practiced by workers in a variety of occupations that were performed in both domestic and commercial service settings—such as cooking, driving, food service, cleaning, or landscaping—which reflected how men in particular could move both in and out of occupations performed in both public and private spaces. In similar fashion, the leaders of the Professional Union of Domestic Workers frequently participated in and even led commercial service workers’ unions. For example, recognizing that empleados domésticos were also employed in hotels, the Hotel Employees’ Union in 1930 lobbied the legislature in support of a bill mandating minimum wage and tips for all hotel workers.26 Domestic workers’ unions also affiliated nationally with the Workers’ Social Congress and the Chilean Workers’ Confederation, which provided opportunities for broader alliance with workers in other trades.
At the local level, the Santiago union’s activities resembled those of other unionized workers in this period, including their participation in the local newspaper’s yearly beauty pageants, holding dances and parties to raise funds, and offering some courses in domestic economy and primary education as well as temporary housing for recent migrants to the capital. The union also cultivated ties with journalists, legislators, and state officials, organizing campaigns that emphasized three key issues: domestic workers’ dignity (protesting cases of abuse), citizenship (advocating participation in the political process), and labor rights (i.e., extension of protections granted to other workers). Union activists tied their activities closely to Labor and CSO officials, labor media outlets, other unions, labor federations, and political parties. In some cases, activists used these alliances to draw attention to the plight of domestic workers (in particular the absence of labor protections), and in others cases to recruit membership: in mid-1936, for example, the union directorate issued a petition to leftist politicians, asking them to encourage their own empleados domésticos to join the union. Likewise, union officers appealed to fellow union activists (such as the chauffeurs’ union) to spread the word about their union among domestic workers, and in the late 1930s and early 40s, the union cultivated a particularly strong relationship with the Hotel Workers’ Union. For these domestic worker activists, at least according to their meeting minutes and press releases, there was nothing specific to their occupation that prevented them from mobilizing politically.

The emerging union took advantage of new opportunities for exerting political influence, publishing a new petition in the Santiago daily El Mercurio in March 1927, demanding protection from dangerous work, time to eat during the workday, and Sunday rest: “If employers expect decency, loyalty, respect, honor, good conduct, etc., it is only humane and just that that they recognize the nature of our work and the demands of daily life.” These were the kinds of demands that were taken up and investigated by the lawyers and social workers employed as inspectors by the Department of the Labor Office, who in early 1928 submitted a lengthy report to the Minister of Welfare in order “to answer the queries we have received about organization among male and female empleados domésticos, as well as the demands they have made.” The report offered support to some of the union’s requests, agreeing that domestic workers should be granted two hours off per week, allowed to unionize, bring complaints before the labor courts, and receive severance pay if fired without cause. But the report also went on to recommend against the union’s request for regulation of work hours, Sunday rest, and a minimum wage, citing “current circumstances” and “the very nature of domestic service” as obstacles to regulating the trade. In other words, while some employer
abuses could and should be curbed, state officials considered other aspects of domestic service relations to remain outside of the state’s jurisdiction.\textsuperscript{30}

The most significant changes in the regulation of Chilean domestic service began only in 1928, when first the House of Deputies, then a commission on social legislation convened by President Carlos Ibañez, began to study the problem. Congressional debate began in earnest when Deputy Luis Ayala delivered a scathing critique of Chilean domestic service, which he claimed ruined Chile’s status as a leader in progressive social laws.\textsuperscript{31} Citing Swiss and Austrian protective legislation as a model, Ayala introduced an elaborate legislative project for regulating domestic service in Chile, proposing articles for written contracts, union rights, better housing and treatment, nine hours’ daily rest, severance pay and procedures, and Labor Office oversight. Ayala’s bill would have voided nine titles of the Civil Code, including the article affirming the legal standing of an employer’s word over that of the empleado doméstico, as well as the article of decree-law 4053 that excluded domestic workers from the right to make contracts.\textsuperscript{32} Although Ayala’s bill on domestic workers did not pass, it was the first of several attempts to protect empleados domésticos, and his provisions were later included in Deputy Francisco Araya’s proposal to establish a minimum wage for women employed in industry, commerce, home work, and domestic service. Significantly, Araya addressed women’s low salaries across industrial and domestic sectors, stressing that domestic workers in particular “generally work from seven in the morning until ten or eleven at night, and only receive scarce wages for it.” Proposing that women’s minimum wage be set at six pesos per day, and limiting their work day to eight hours, Araya’s proposal highlighted the unequal status of women working in both industry and domestic service, but his motion died for lack of a second.\textsuperscript{33}

For its part, the executive branch drew attention to domestic service in its comprehensive overhaul of social legislation in late 1928. Beginning its work under the Ministry of Welfare in November 1928, President Ibañez’s special commission to reform social legislation criticized existing legislation (particularly Law 4053 on contracts) for failing to protect both rural and domestic workers, as well as workers in small industries. “The commission has concluded that it is not reasonable or convenient to totally exclude these workers from the law,” and went on to argue that, even if some aspects of the labor code could not be applied to these occupations, “that should not stop us from including articles to address how these trades differ.” Significantly, the Commission also went on to propose a broad definition of domestic service as all those employed in “private homes, hotels, boarding houses, residences, schools, and other similar
establishments,” a definition that would later be narrowed to cover only those domestic workers employed in private homes.34

Prompted by the work of that commission, Labor Office officials also contributed to discussions about regulating domestic service, presenting a preliminary proposal for domestic service laws to the Sub-committee for Union Organization and Labor Contracts in 1929. Like the Ministry of Welfare report, and notwithstanding the frequent distinction made in practice between domestic service performed in private versus public spaces, the Labor Office defined domestic service labor as that occurring not only in private homes, but also in hotels and boardinghouses, including in this way any personal services rendered to an employer. The Labor Office proposal required employers and their empleados domésticos to agree on the type of work, salary, and length of contract, fixing a maximum of five years as a limit of a single contract. Article 71 of the project is also telling, insofar as it stipulated that “domésticos will not have the eight-hour day, but rather the time period stipulated in the written contract executed by the parties; this must provide, in any case, a minimum rest period of two hours over the course of a day.” Some articles clearly affirmed the rights already demanded by domestic workers themselves—such as time off each week to practice religion—but others were less generous than those proposed previously by other deputies, stipulating just one week’s vacation per year and requiring clean housing and moral protection only for domésticos who are “female or under eighteen.” In short, the proposal for regulating domestic service that the Labor Office presented to parliament mandated legal contracts for a broad range of empleados domésticos, but failed to indicate a minimum wage and provided a mere two hours’ daily rest.35

Once again, however, this proposal remained just that, and never became law: new protective legislation for domestic service was not accomplished by parliament, but rather by legislative fiat, when in 1931 President Ibañez, exercising special executive powers granted him in light of the upheavals provoked by worldwide depression, authorized the 1931 Labor Code, one of the most comprehensive and enduring pieces of labor legislation in Chile’s history. Decree-laws, rather than the proposals painstakingly defended in the parliament, would come to define the legal rights of empleados domésticos in Depression-era Chile.

Definition and Regulation of Empleados Domésticos in the 1931 Labor Code

In May 1931, operating with extraordinary powers granted him by the legislature, President (and former general) Carlos Ibañez promulgated Executive Decree
The new Labor Code ratified existing military decree-laws from 1924 with respect to contracts, work hours, and accident protection, constituting a sweeping transformation of Chilean labor relations that shaped labor regulation and political mobilization thereafter, until the military coup suspended the provisions of the code and replaced it entirely in 1978.36

Significantly, the 1931 Labor Code also included the country’s first legislative article on domestic service. When he sent a draft of the Labor Code to Congress in June 1930, President Ibañez noted that the articles on domestic service “establish specific rules that correspond to the labor conditions of that trade” and urged the labor courts and inspectors to more energetically enforce existing laws.37 The prelude to the eventual legislation noted that existing laws “exclude from their benefits a sizable part of the salaried classes, such as the home-workers and empleados domésticos and others, who rightly demand the legal protection appropriate to their needs and social condition.”38 The new Labor Code’s article on domestic service was significant because it specified the terms by which domestic service work could be defined and regulated, just like any other form of salaried employment. Even as the new regulations remained virtually impossible to enforce, they nevertheless affirmed domestic workers’ status as a category of worker, a meaningful distinction for empleado activists, health and labor officials, and legislators who supported increased state intervention in domestic service relations.

By signing this new legislation, Ibañez accomplished by decree what President Alessandri, and Senator Malaquías Concha before him, had not: addressing the previous exclusion of domestic workers from Chilean labor law. The union president Lucas Salas recalled President Alessandri’s speech (in his last address to Congress) about domestic workers, quoting him as saying: “It is an irritating injustice that, even in the twentieth century, domestic workers are deprived of their right to vote.”39 As Salas later noted, Ibañez was “the first president who remembered that there are two great trades at the margins of the law (domestic workers and rural workers), and thanks to his initiative they were included in the Labor Code, a just act that speaks loudly for the people’s great love for our great president.”40 According to other newspaper accounts, President Ibañez had for several years cultivated support with domestic workers through the Republican Confederation for Civic Action (Confederación Republicana de Acción Cívica or CRAC), a national labor union in which domestic worker union delegates Manuel Rojas and Lucas Salas Suárez were active participants.41 Speaking in a 1930 CRAC assembly, for example, Rojas called on the organization to “dignify” empleados domésticos and campesinos by lobbying for new legislation.42
After the fall of the Ibañez government in August 1931, the empleados’ union suspended its activities “until the political [leadership] of the country should change, since the vested interests and current prejudices will never allow the just and human goals of our trade to thrive.”

The Labor Code’s articles on domestic service established, for the first time in Chilean law, the status of all empleados domésticos as workers, as well as the state’s interest in regulating their work hours, vacation time, probationary hiring, and severance pay. One of the most significant elements of this law was the new article’s stipulation that contracts were not just recommended but obligatory for both parties to a domestic service arrangement. Sample contracts later approved and distributed by the Labor Office required employers and workers to agree on specific terms of employment, including workers’ responsibilities and hours (including nine hours daily rest), the employers’ responsibility to provide clean housing and sufficient salary (including the cost of food, light, and fuel), and the circumstances under which contracts could be broken, by whom, and with what compensation: notably, employers were required to give advance notice and pay severance to workers, except in cases of abandonment, immorality, or poor behavior on the part of the domestic worker. Such contracts entered into force after two weeks’ probation, and defined fixed time periods of service that could be renewed by consent of both parties. The 1931 mandate for signed contracts, and the specific forms promulgated to secure them, reflected the greater incorporation of domestic workers into the norms and practices of labor regulation in Chile.

However, breaking with previous Ministry of Welfare and Labor Office reports, the law also excluded important categories of domestic workers when it defined as empleados domésticos only those who worked in private homes and for a single employer. This narrow definition excluded temporary workers, those who worked for more than one employer, as well as workers in hotels, schools, and businesses. Also, because the law allowed for oral contracts, written contracts in domestic service remained rare, leading to poor enforcement and no specific sanctions for employers who failed to sign contracts or honor agreements, leaving domestic workers with a largely empty victory. According to the jurist Arancibia Muñoz, “the contracts of empleados domésticos are not written but oral, and do not allow therefore the inclusion of these kinds of stipulations [on hours, responsibilities, and end of contract].” More importantly, as Arancibia Muñoz also noted, the emphasis on written contracts negatively impacted workers’ subsequent claims before labor tribunals: citing three cases addressed in Iquique in 1933 and ’34, Arancibia Muñoz demonstrated that the
absence of written contracts implied that petitioners were not, in fact, empleados domésticos, but were rather dependents of the household. The absence of written contracts in such cases verified employers’ claims the plaintiffs were engaged in a family relationship, “a reflection of the patrona’s humanitarian sentiments, in taking in and protecting another person, as the complainant herself recognizes were like the attentions of a real mother.”

Such norms for domestic service relations established in the 1931 Labor Code, however, did allow labor inspectors greater opportunity for supervision, which they pursued with special attention to workers’ maternity care. Labor Office officials not only made regular visits to private homes, but also received complaints from union officials, intervened in specific (and sometimes dramatic) cases, and studied and disseminated their findings about recurring problems affecting domestic workers. Labor Office reports and decisions in the 1930s demonstrate that, despite Executive Decree 178’s lack of regulatory teeth, labor inspectors recognized domestic service as falling within the scope of the Labor Office’s jurisdiction, although it would require additional legislation to sufficiently protect the rights of workers in that sector.

In most respects, in this period Labor Office officials treated empleados domésticos as just another category of worker, whose employment was subject to the normal operations of the Labor Office. When it came to the regulation of private employment services, Labor Office rulings were unequivocal in treating empleados domésticos as workers like any others. In statistics regularly reported in the government publication Revista de Trabajo, empleados domésticos were treated as a significant category of employment. In national figures for 1933, for example, 99 percent of domestic workers seeking employment remained, like empleados particulares, unemployed each month (unlike obreros, who found employment at rates of 11 to 13 percent). In a study of the Santiago Labor Office’s employment services in December 1935 and January 1936, however, over 50 percent of empleados domésticos seeking work through the office were contracted, rates far superior to those of white-and blue-collar workers in the same period.

In their attempts to regulate employment agencies and prevent debt peonage of workers, labor officials issued a number of findings to clarify the status of empleados domésticos in the Labor Code, in one case finding that employment agencies founded exclusively for domestic service arrangements were prohibited, since those workers were included in by the article’s definition of “obrero,” whose employment could not, by law, involve third parties: “In our opinion, empleados domésticos are included within the category of ‘worker’ used in the law, in Article 87.” This ruling, just one more exchange in the long-standing battle
over employment agencies, demonstrated just how easily Labor Office officials incorporated empleados domésticos into the category of worker.

Finally, publications of the Labor Office throughout this period regularly included domestic workers in their rulings on worker maternity, singling out empleadas as the most disadvantaged group of women workers because they were excluded from the extended paid maternity leave guaranteed to women working in other sectors. In a report prepared by Olga Maturana Santelices in 1933, for example, the women’s labor inspector observed that “the empleada has to face the prenatal stage without being able to work in a normal way and without any direct help, beyond that granted her by the law 4054 (of social security). She can’t work after the birth, either, because of the difficulties her employers pose to letting her work with her baby.” In her quest to secure better protections for breastfeeding working mothers and their children, Maturana advocated the creation of “breastfeeding insurance” that would compliment both the Social Security provisions and those of factory creches, securing better support for nursing mothers (including empleadas).52 Despite these concerns, however, labor inspectors repeatedly upheld empleadas’ exclusion from Article 67 of the Labor Code, which stipulated that employers could not fire pregnant workers in commercial or industrial establishments: “There is no legal impediment to firing the empleada doméstica, if her contract does not have a fixed duration and if she does not enjoy maternity leave. I’m telling you that the empleada never enjoys the maternity leave that the law grants to pregnant workers (obreras).”53

Through the collection of statistics on domestic workers, as well as regular inspections of workers’ homes and studies of the situation of pregnant empleadas, the Labor Office gave regular attention to domestic service relations. Although union leaders often protested that labor inspectors ignored their trade, a high proportion of the inspectors’ activities in 1939–1940 were in fact dedicated to domestic service. According to Labor Inspector Arancibia Muñoz, “Labor Inspectors carry out periodic home visits, in order to collect data on compliance with the articles governing empleados domésticos, and in order to send out reports on these articles.” In early 1939 alone, the provincial labor inspectors made 2,136 visits throughout Chile to assess enforcement of domestic service relations, fully 12.6 percent of all inspections (whereas industry received just 10.8 percent of inspections, and commerce 19.4 percent). Inspectors then reportedly made return inspections of 718 sites (a lower rate of second inspection than in either industry or commerce).54

In this respect, Labor Office officials proved to be progressive in their broad interpretation of empleados domésticos’ status as “workers” in Chilean social
legislation. By 1952, interactions between Labor Office officials and domestic workers in the province of Santiago remained frequent, resulting in 1,343 interventions in domestic worker complaints and 1,485 letters from employers. According to the social worker Pérez Monardes’ review of these records, empleadas domésticas sought labor inspectors’ extra-official support for claims of unpaid salary, severance, and social security payments, as well as twelve cases of denial of paid annual leave. For their part, a majority of employers’ letters to the Labor Office concerned abandonment of employ; others just recorded end of contract. Significantly, a third of all interventions resulted in successful agreements between domestic workers and their employers, while another third were remanded to the labor courts, where most were never tried because these workers lacked funds to pursue litigation; another third of these cases were abandoned, rejected, or ongoing at the Labor Office. From subsequent legal and social work studies, we see that the 1931 article confirmed the identity of empleados domésticos as workers, and that Labor Office officials exerted oversight, even though its regulatory authority remained ambiguous.

Service to Servants: Social Workers and “La Nueva Empleada”

The narrow dispositions of existing social legislation also attracted the sympathetic gaze of officials employed in the state’s social welfare bureaucracy, where an emerging corps of lawyers, doctors, and social workers became increasing critical of domestic service relations as a remnant of Chile’s celebrated traditional society. Engaging with domestic workers in domestic and clinical settings, this emerging group of middle-class professionals focused on material, psychological, and health effects of domestic service, at once certifying their expertise and asserting the role of the state in a modernizing Chile. In the early 1940s, medical and social work students and professionals focused squarely on the plight of empleadas, publishing over a dozen academic studies that relied on sweeping generalizations about the historic roots of Chilean “servitude,” but also analyzing domestic and international legislation and conducting field research through clinics and domestic workers’ associations. While these welfare professionals’ studies offer a wide range of diagnoses of the critical state of Chilean domestic service relations at midcentury—from pathologizing rural migrants’ cultural and racial deficiencies to harsh criticisms of employer abuse—these observers universally attributed the immediate cause of the problem to the lack of state regulation of this sector. In this manner, state professionals combined “modern” prescriptions for incorporating empleadas into existing labor law, while
simultaneously asserting the public health obligations of the state in protecting their maternity and the health of the Chilean “race.”

Like the Labor Office, the CSO was one of the state entities whose officials most regularly interacted with domestic workers. Following decree-law 4054, after 1924 the CSO operated medical clinics and paid pensions for scores of ill, injured, and pregnant empleadas. In the regional CSO Medical Center of the port of Valparaíso, for example, roughly 10 percent of women and 1 percent of the men attended by the CSO in the late 1920s and early 1930s worked in domestic service, and almost 47 percent of insured women treated at the clinic were empleadas. In 1942 Dr. José Vizcarra, head of Santiago’s CSO, reported that domestic workers in Chile received services at a variety of clinics, including the Medical Center's children's office, anti-venereal campaign, pulmonary clinic, heart clinic, and the Valparaiso anti-venereal campaign.56

This increasing attention to the plight of domestic workers came about not only because of their participation in social security benefits but also due to the expansion and reorientation of professional social work in Chile in the same period. Professional education in social work expanded after 1940 (from one school founded in 1925 to three in 1940), and this rapidly growing cohort staffed the growing offices of the CSO administration: between 1934 and 1941, the CSO budget nearly tripled, and by 1945, its staff of social workers had increased from 25 to 115.57 This rapid expansion of social work education stimulated and responded to the re-orientation of professional social work from Catholic, charitable models to an approach informed by the “social medicine” movement among leftist health professionals in the 1930s. As Karin Rosemblatt has shown, leftist professionals argued that “the expansion and modernization of the state would make it more sensitive to social determinants of health and disease, well-being and misery,”58 the expansion of the CSO in the early 1940s was deeply shaped by officials’ progressive orientation toward the “science” of modern welfare. Among the growing population of predominantly female professional social workers, this transformation was slower to take hold, in part because of the profession’s enduring ties to elite women’s charitable activities, as well as the marginal status of social workers’ primary subjects, working-class women, within the Popular Front project. But ultimately the work of progressive female social workers was no less visible: in 1945, led by a cohort of Communist social workers, progressives formed the Social Studies Circle (Círculo de Estudios Sociales) to promote their profession’s increased status as well as modernize and democratize it from within. Consequently, many social workers’ interest in domestic service shifted to reflect more progressive approaches to “the problem of domestic service” in
Chile, including the focus on labor conditions and maternity specific to women workers.\textsuperscript{59}

The deep roots of professional social work in women’s charitable activities were evident in Juana Concha’s “La empleada doméstica y sus problemas,” was submitted at the “Elvira Matte de Cruchaga” School for Social Work in Santiago in 1940. Graduates of this school of the Catholic University were known for their charitable and traditional approach to the poor, and Juana Concha presents the 250 domestic workers she studied as fatalistic and childlike. Following a brief overview of the relevant sections of the 1931 Labor Code, Concha focused her attention on the moral dangers of domestic service, which she argued were triggered by contact between empleadas and male members of the employers’ family, as well as the limitations of domestic workers themselves, who generally lacked primary and vocational training and were products of families characterized by disorganization, weak manners, economic misery, and ignorance. Warning that she could not determine “the exact cause of [the empleada’s] personal weaknesses and defects,” Concha went on to attribute the 20 percent rate of single motherhood among domestic workers to “the poor moral, religious, and intellectual training she got at home and at school.” Concha’s final recommendations called for marriage and religious training for the unfortunate, mothering empleada, as well as greater charity and consideration on the part of employers. Although she faulted the Labor Code for its lack of maternity protections, minimum wages, religious and professional training, her thesis advisor Guillermo Gonzalez P. criticized the thesis for failing to analyze existing social legislation or mention existing domestic worker organizations, two topics that would figure prominently in other social work theses produced in the 1940s.

The charitable and moralizing orientation that characterized Concha’s thesis was soon eclipsed by the emergence of social work professionals who employed what they considered more scientific and “modern” approaches to “the problem of domestic service.” In several presentations on domestic service delivered to the Inter-American Conference of Social Welfare, held in Santiago in 1942, three top CSO officials presented evidence of the dismal work and health conditions common among three marginal groups of workers: rural, “independent,” and domestic workers. Pointing to the “principal difficulties” obstructing the work of the CSO, officials decried “the very conditions of the environment in which the [rural and domestic workers] live and exercise their profession,” including geography, the hacienda system, ethnicity, and poor health, housing, and nutrition.\textsuperscript{61} The solution, they argued, was to increase state intervention, improving rural workers’ access to CSO services and strengthening the enforcement of domestic
Fighting Exclusion

service articles in the 1931 Labor Code. Noting that the libreta system had facilitated domestic workers’ access to CSO services, the presenters blamed the lack of state regulation for domestic workers’ poor health; they lived in misery “since the legal codes do not establish [their right to] a minimum wage, clean housing, and nutritional intake suitable to their duties.”

In his own presentation to the same conference, Dr. José Vizcarra, drawing on data from CSO clinics in Valparaíso, focused exclusively on the plight of female empleadas, arguing that the deep and continuing barriers to domestic workers’ well-being could be solved only through professional training and changes to the Labor Code. Framing the contemporary exploitation of domestic workers through a historical narrative of the abolition of slavery and the creation of the Chilean social welfare state, Vizcarra drew on published legal studies of the 1931 Labor Code to demonstrate the inadequacy of existing social legislation: “Do people comply with current social legislation? Do the laws resolve or satisfy the effects of labor-capital relations that we see daily? Have they turned the empleado doméstico into a citizen who enjoys society’s benefits? Have they even challenged class relations, or do they uphold the social inequality of the Spanish and early Republican periods?” Vizcarra then answered his own questions by detailing the terrible health statistics for domestic workers, which showed alarming rates of infant mortality, fertility, venereal disease, tuberculosis, heart disease, mortality, and abortion. Significantly, when it came to listing the systematic disadvantages that empleadas in particular were facing, Dr. Vizcarra argued that more than half of the hospital abortions performed from 1926 to 1930 were performed on domestic workers, adding that his own clinical experience confirmed high rates of abortion, illegitimacy, and prostitution among this population.

This data eloquently demonstrates that current labor legislation has been ineffective for this group of workers, because of the working conditions and bio-social deficits we associate with the empleada doméstica. Unfortunately, we must recognize that the labor laws and social policies so wisely applied to other groups of workers have not had the same beneficial effects for domestic workers. By looking at the problem in this way, the solutions become clear: improving the domestic employee’s education, changing employers’ consciousness about their obligations and making basic changes to current labor legislation.

Vizcarra concluded by recommending a maximum sixty-hour work week; broadening the definition of domestic worker to include part-time workers and those who serve more than one employer; minimum wage, or salaries calibrated
to reflect years of service; an increase of weekly time off; Sanitary Office oversight of domestic worker living conditions; and biannual medical examinations of domestic workers at the CSO clinics. These changes, Vizcarra argued, would allow employers “to improve their relations with these new domestic workers (nuevas empleadas domésticas), who will be educated, honest, efficient, and fully protected by the law.”

Six years later, the CSO clinics were also a critical source of data for the social worker Violeta Paez Boggioni, whose study, “The empleada and maternity,” also emphasized the need for stronger protective legislation. But Paez Boggioni went beyond the reiteration of Vizcarra’s alarming statistics to present over seventy biographies of pregnant domestic workers treated in the maternal-infant ward of the CSO’s Epidemiology and Social Services unit in 1946–1947. The empleadas discussed in Paez Boggioni’s study sought maternity care in the CSO Servicio Materno-Infantil (postpartum clinic), but many also received a variety of other services, including medical attention and child care from the Mother-Child Institute, birthing at the public hospital, and receiving testing and treatment for tuberculosis and other infectious diseases in the CSO Epidemiology Clinic. Seventy-seven empleadas, contacted with some difficulty through that clinic, provided Paez Boggioni with information about their working and housing conditions, marital status and sexual activity, economic, living and family circumstances, and psychological health. In contrast to the employers who relied on these skilled and trusted workers, Paez Boggioni argued, empleadas faced enormous disadvantages, including lack of time to form relationships and families, sexual harassment from men in the homes of their employers (often followed by pregnancy and unemployment), and high levels of marital separation and child vagrancy. Criticizing the values that “allowed our society to form this idea of a ‘servant class,’ based on class and cultural differences,” Paez Boggioni faulted employers’ families for treating domestic workers as “things,” unworthy even of proper names (but rather “india” and “china”) and regularly subjecting them to physical and psychological abuse. This context, according to Paez Boggioni, usually converted the empleada “into a servile being, incapable of valuing herself” or mustering the initiative and self-confidence necessary to seek work other than domestic service and prostitution.

In addition to the painful details that emerge about the lives of the empleadas surveyed by Paez Boggioni, her study illustrates the regular engagement of pregnant domestic workers with CSO social workers, doctors, and institutions in the 1940s. In one case study after another, her study shows how social workers intervened in these pregnant women’s lives, inspecting their homes and those of their employers; instructing young mothers in breastfeeding and puericultura...
Fighting Exclusion

(child-rearing); seeking to legitimize consensual unions; tracking down errant “progenitors”; finding domestic service positions for postpartum mothers; tending to domestic workers’ abandoned or ill children; and, at times, pressing employers’ families to recognize children born of sexual unions between empleadas and male members of employers’ families. An extreme example of the level of social worker involvement from Paez Boggioni’s study includes that of “Rita R.R.,” a twenty-five year-old part-time empleada, separated from her first husband and living with the alcoholic father of her child-to-be in precarious conditions:

Given what had happened and the scarce support he gives her, we convinced Rita to separate from her boyfriend. We found her work in a home that allows her to bring two of her children with her. The older child went to live with the mother-in-law, until her skin condition improves. The infant was left with her boyfriend’s married daughter. We gave an antifungal cream to the client’s oldest daughter. We collected the infant from the boyfriend’s daughter’s house and brought her to Rita’s workplace. We taught her puericultura, health, and family education. We will continue monitoring the infant’s care.69

In Paez Boggioni’s analysis, the systematic economic and social marginalization of empleadas domésticas were primary causes of high infant mortality, abortion, and child abandonment rates that represented both a social and moral crisis in Chilean society. Among Paez Boggioni’s most striking conclusions was her observation that—contrary to prevalent assumptions about the advantages of independent living—domestic workers who lived within and outside of their employers’ homes lived in equal squalor, since those renting their own homes typically had too many family members per bed and per room in unhygienic conventillos with little privacy and services.70 In her final recommendations, Paez Boggioni attributed the poor circumstances of empleadas—particularly in relation to maternity—to the failures of both employers (for poor treatment) and domestic workers (for poor education and training), and like Vizcarra recommended reform of the social security system, changes to the Labor Code, and new schools for domestic workers. Better services and laws would, according to Paez Boggioni, ensure employers’ proper treatment of domestic workers, while the latter would create a “new class of empleada doméstica,” a woman trained in specialized domestic skills who would exhibit “the habits of professional honor, responsibility, and efficiency in her work and morals.”71

In yet another social work study of domestic service—this one conducted by Gladys Pérez Monardes in 1954—the question of the empleada-patrona
relationship took center stage. Pérez Monardez combined data collected from 469 single-mother empleadas attended at the CSO’s maternal-infant service with interviews conducted with fifty domestic workers (located through the CSO) and fifty employers (whose selection was not explained). In addition to corroborating the demographics, working conditions, educational and marital status, age, and working patterns evident in other studies, Pérez Monardes explored the attitudes empleadas domésticas and their employers held about one another, principally to analyze the possibility for improving those relations through social workers’ involvement. Like her social work colleagues, Pérez Monardes grounded her discussion in a review of quantitative clinic and CSO data, which confirmed the low educational level and poor salaries of most empleadas; significantly, of those treated in the mother-child clinic, an 82 percent majority worked as general housekeepers (para todo servicio) and almost 50 percent still lived puertas adentro.72

Another innovative aspect of Pérez Monardes’s 1954 study was her detailed analysis of 145 histories taken from domestic workers interned at the Casa Madre, an institution created in 1936 by the National Children’s Defense Council to provide pre-and postnatal care to poor women, with a focus on breastfeeding support. Focusing her attention on single empleadas at the Casa who enjoyed social security benefits—almost three quarters of the workers—the social worker drew an alarming picture of their extreme plight: 75 percent had been dismissed from jobs because of pregnancy (and others from parents’ or lovers’ homes). The social worker then recounted her intervention in these 145 cases, seeking to reestablish relations with family members, secure information about paternity, shore up domestic workers’ access to CSO benefits, register children’s birth and CSO benefits, and facilitate domestic workers’ exit from the Casa by setting them up with jobs and housing.73 Pérez Monardes’s study once again confirms the multiple venues for empleadas’ interaction with state agencies, and the regularity with which social workers came into contact with them, particularly during pregnancy and childbirth. In order for domestic workers to overcome the cruelty of employers and the abuses of employment agencies, Pérez Monardes argued, domestic workers needed to build their associations, secure the state’s oversight of their labor, and access educational and social services.74

Emergence of the Women’s Household Workers Union

In addition to fundamentally altering the legal framework for state regulation of domestic service relations, the 1931 Labor Code also transformed the politics
of domestic worker activism, inspiring new waves of participation among female domestic workers and encouraging the movement of male service workers into separate organizations. In 1936 domestic worker activists revived their union, which initially demonstrated significant continuity with the earlier union with respect to leadership, but now reflected the trade as it had been redefined in Executive Decree 178: as a group of workers engaged in full-time employment in private homes, now constituted almost entirely of women members. The new union was renamed the Professional Union of Household Employees (Sindicato Profesional de Empleados de Casas Particulares), an adaptation to the language of the 1931 Labor Code, which advocated “professional unions” dedicated to “the study, development, and legitimate defense of the common interests of the associated persons.” The revived union also worked closely with Labor Inspector Escudero, demanding that he enforce applicable laws, such as overseeing employers’ homes to enforce the labor contract, certifying that workers were getting yearly leave, and reviewing their libretas. Announcing plans for a new unionization drive, the group called for mandatory union membership and promised to visit Senator Malaquías Concha, “the long-time defender and friend of our trade, so that he knows we are back in the struggle.”

And return to the struggle they did, starting with a letter and a visit to the newspaper Las Últimas Noticias in order to protest a letter previously published by the newspaper that had portrayed domestic workers in a negative light. Union leaders showed up in the newspaper’s offices, bearing a letter signed by Manuel Rojas L. (President) and Ramon Reyes (Secretary) that detailed the inaccuracies and prejudice of the article by Eduardo Barrios, “Against the Poor,” which they called “a degrading diatribe against a trade [of domestic work] that is as deserving of consideration and respect as any other.” The union leaders took particular umbrage at Barrios’s opposition to the unionization of domestic workers: “Perhaps the writer does not know that our country has a law of unionization, to which we have the perfect right to ascribe to as a trade . . . ?” The activists went on to reassure their readers that “our Union is not an association for struggle, nor can it be a danger to anyone; by unionizing, we are obeying social laws; and for this reason we would like to see these laws obeyed, which unfortunately is not happening.” The letter went on to describe how employers had failed to comply with their labor contracts, skimping on workers’ two week’s paid yearly vacation and social security payments. Finally, the unionists launched a personal attack, citing Barrios’s mistreatment of his own empleados domésticos: “He leaves them hungry. Yes, he confesses to this without embarrassment and then complains about how eating is ‘animalistic.’” The activists responded that “many of us, in
the course of our basic struggle for existence and with no need of his paternalistic and gratuitous advice, have acquired that valuable virtue of “service” that you like to boast about.”

Although the story of unionization and legislative debate recounted in this chapter reveals the important presence of male workers in domestic service trades in the 1920s, over the next two decades the domestic service sector—and therefore the discursive construction of domestic service as a “problem” in Chile—became predominantly female, a process shaped both by the legal and political redefinition of men’s paid reproductive labor as well as by the continuing influx of girls and young women from poor rural families to Santiago and other urban areas. The increasing presence of displaced rural girls working in urban homes provided the foundation for a score of efforts, both by and for domestic workers, to ameliorate or transform the circumstances of their work from the 1930s to the 1950s. The Chilean winter of 1936 marked the return of domestic worker activists to public life. By 1939, the reinvigorated union of more than 10,000 workers was supporting work to advance domestic workers’ rights, studying proposed reforms to the 1931 Labor Code and continuing to protest individual employer abuses, strengthening ties to labor inspectors, and pressing the CSO for funding to open a “social center” for their members. These campaigns were discussed in multiple meetings of the union membership, and publicized in a long manifesto penned by the union president, Manuel Rojas. The speech—which addressed the need for greater legal protections for domestic workers and better enforcement of existing legislation—is not as impressive as the list of those invited to a dinner served up on the union’s second anniversary, complete with live entertainment and an orchestra.

Other activities organized that year by the union included an assembly attended by the union’s doctor, lawyer, and accountant; that same meeting was attended by an employer recognized for raising his workers’ salaries, Abraham Atala. The union went on to hold a dinner for journalists and labor inspectors, “in recognition of the work that they do in support of the goals of union organizations.” By this time, the union had grown to over ten thousand members and was planning to offer classes in domestic economy and fashion, designed for workers who wished to become more independent. Outreach to other unions continued apace, as did correspondence with the domestic workers’ unions of Viña del Mar and Osorno. Despite union leaders’ success in lobbying the highest levels of government, they were discouraged about the slow pace of change. In meetings with President Pedro Aguirre Cerda, union leaders learned that domestic workers’ problems “cannot be resolved as one would like, as long as [the Popular Front] does not have a majority in both houses.”

Although
the statutes of the domestic workers’ union—like other workers’ associations granted legal status by the Labor Ministry—prohibited partisan activity, by the Popular Front period such politics in fact regularly disrupted the work of the union’s directorate.

The story of this union’s political conflicts also reflects the changing composition of its membership, since the shift to female leadership coincided with the ousting of the union’s male Communist president Valentín Navarro in 1940. While women had always participated in union assemblies and served on the directorate, in the early 1940s women’s membership and leadership of the union increased dramatically. By mid-1939, a woman named Graciela Sánchez started to lead the union from the treasurer’s position, where she promoted union membership among empleadas domésticas in Viña del Mar and Santiago’s elite neighborhoods. Sánchez enjoined new members to read the Labor Code and the union statutes, particularly the “rule of style” that committed union members to decorous behavior. Citing the recent recruitment of eighty-two new members from October to December 1940, the directorate agreed to “tell those skeptics that if they don’t like what the union does, they can just stop being members of it, and that we beg no one.” Sánchez gradually became the union’s primary political representative, traveling to Viña del Mar to make contacts with the Hotel
Workers Union and serving as a delegate both to the Popular Front government and the Chilean Workers’ Confederation (Confederación de Trabajadores de Chile or CTCh). When she was sworn in as union president in July 1940, Sánchez declared the union’s priority as setting up a social center and obtaining a minimum wage for domestic employees, benefits already granted to other unions by the Ministry of Labor. During her first presidency, Sánchez formed work commissions composed almost entirely of female union members in the areas of hygiene, parties, accounting, work placement, member relations, unemployment, and propaganda.

If one reason for the rise of female participation and leadership in the domestic workers’ union was the narrow definition of service contained in the 1931 Labor Code, another was the exodus of male chauffeurs and other workers previously defined as “domestic” from the sector by the late 1930s. As early as October 1934, Deputy Alejandro Serani had sponsored a bill proposed by President Alessandri that would have excluded chauffeurs from the category of empleado doméstico, categorizing them instead as obreros: “The functions that this class of salaried workers complete, even if they are done in service to a domestic, they carry out outside of the home, of a relatively technical and independent character, which makes us consider their work as more similar to that done by a worker in a factory or a workshop than to that carried out by an empleado doméstico as such.” Debate on the status of chauffeurs extended through early 1937, and included Malaquías Concha’s attempt to extend workers’ rights to bus drivers and conductors. In the end, the legislature approved Law 6242 in September 1938, effectively re-categorizing chauffeurs as workers, not empleados domésticos. The leaders of the new chauffeur’s union, however, along with those of the hotel workers and waiters’ unions, remained in close contact with the domestic workers’ union for at least the next decade.

In 1941, Sánchez also reported the union’s new affiliation with an unnamed “organization of women of the left,” most likely the MEMCH, a women’s political movement associated with the parties of the Popular Front coalition. Attention to the plight of domestic workers had been evident in the MEMCH as early as 1933, when the first issue of the organization’s newspaper, La mujer nueva (The New Woman), reported that MEMCH had included both obreras and empleadas in its statutes. Eulogia Román provided the first report on the topic: protesting the unlimited nature of empleadas’ workday, and poor treatment at the hands of employers, Román called for domestic workers to organize within...
the MEMCH, making no mention of existing unions for empleadas in Chile.\textsuperscript{91} The following year, journalist and leading feminist Delie Rouge protested the lack of labor protection for empleadas, calling on the Panamerican Labor Congress to approve a MEMCH proposal for such a law.\textsuperscript{92} Later news stories—this one profiling the populations suffering from illegal abortion—would point to domestic workers’ exclusion from the Labor Code, including the child care and breastfeeding protections granted other workers,\textsuperscript{93} and offer reports on training courses on gender inequality that included domestic workers; incipient provincial domestic service unions; and the implementation of new domestic worker legislation in New York. This and other bits of evidence from MEMCH publications illustrate the fact that domestic service, if not the reinvigorated union later led by Sánchez, had registered its concerns with the leading women’s group of the Popular Front era, whose attention to women’s work and reproductive rights made it a unique expression within Chilean leftist feminism of the era.\textsuperscript{94}

Under Graciela Sánchez’s leadership, the union’s directorate pursued two key strategies for advancing their interests: strengthening alliances with other unions and active representation of the union in the CTCh.\textsuperscript{95} In her travel to nearby Viña del Mar in January 1940, for example, Sánchez met with members of a fledgling empleadas’ union, urging them to join forces with those “workers who are similar to us in work and exploitation,” the Hotel Workers’ Union (Central de Trabajadores Hoteleros).\textsuperscript{96} The directorate went on to protest state repression of that union in July 1940—“even under the Popular Front governments”—and to express solidarity in November of that year with the hotel workers in their dispute with the Waiters’ Union.\textsuperscript{97} Sánchez’s own involvement in the intra-union disputes became clearer in March 1941, when the former domestic workers’ union president Valentín Navarro complained to hotel workers that Sánchez was corrupt, whereupon the empleadas’ union promptly banned Navarro and reaffirmed its solidarity with the Hotel Workers’ Union.\textsuperscript{98} These episodes demonstrate the ways in which some domestic worker activists participated in—and debated—the wider politics of organized labor.

Serving as the union’s delegate to the CTCh from late 1939 through at least 1946, Sánchez also ensured that the union’s demands were voiced in one of the most critical arenas of Popular Front-era union politics. Sánchez offered the directorate of the domestic workers’ union regular reports on CTCh activities, which sparked repeated controversy about her reports of partisan infighting and provoked members to ask whether the domestic service union should even participate in the confederation. Sánchez’s prominence in CTCh activities is reflected in political attacks leveled against her leadership, as well as by her
contributions to *CTCh*, the news arm of the confederation. In June 1946, for example, Sánchez (by then a provincial representative to the CTCh) published an editorial calling women to action in defense of their labor rights, as well as a report on the union’s demand for the creation of professional certificates for domestic workers. In that report, Sánchez wrote: “our laws for domestic service are very insufficient, and make it necessary for public authorities to resolve this problem, which becomes more acute with the current economic crisis, and for which the Professional Union of Domestic Employees presses to achieve, as soon as possible, the creation of professional certificates.”

Through her participation in CTCh, Sánchez repeatedly placed the specific concerns of domestic workers on the broader agenda of the CTCh, clearly articulating her union’s struggle for empleadas’ rights as workers’ rights.

The clearest evidence of Sánchez’s success in bringing the specific concerns of the domestic workers’ union to the CTCh was the publication, in January 1947, of “Concrete Agreements on General Demands,” authored by the General Demands Committee of the CTCh. Following a list of eleven legislative projects the CTCh was pressing on legislators, the Committee listed “problems that are affecting the professional trades,” including hotel workers, domestic workers, state employees, and industrial workers. Sánchez’s hand in the list of demands is evident, as it included a call for professional certificates, restaurant-schools, family salaries, vocational schools, and day care for the children of domestic workers. Notably, the list also included the demand that the word “domestic” be removed from the Labor Code, “because it is a damaging term for a respectable part of our citizenry.” Given the general invisibility of domestic workers on the political agendas of national labor federations in this period, the inclusion of this list of demands offers powerful evidence of the impact of Sánchez’s participation in the broader labor movement in the 1940s.

While the meetings of the union were marked by members’ systematic engagement with union leaders, legislators, and state officials, they were also frequently the site of heated discussions about the abuses suffered by individual domestic workers. In many cases, union leaders moved quickly to redress these claims, contacting the press, health and labor inspectors, and individual politicians. In one remarkable case, the employer accused of mistreating the domestic worker in his employ was David Lama, a doctor employed in the CSO, who refused to allow her to return to his house to collect her clothes. The dispute was finally resolved through the intervention of a labor inspector, who accompanied the worker to collect her things, which had already been ripped up by her angry mistress. “This matter was so serious that we debated for a long time,” union
minutes record, whereupon the group decided to have several female leaders send a note to the CTCh “thanking them for the way they have intervened in this case, and asking that they intervene again until we find a way that Señor Lama gets what he deserves; we would like the CTCh to put new notices in the newspapers and ask for punishment, because something like this cannot and should not be done.”

This dispute, and the union’s quick response, speaks to the union’s close relationship with the national labor federation, as well as with the inspectors of the Labor Office, who they felt they could summon to intervene in this type of conflict.

Because there is a gap in the domestic workers’ union records that extends from 1945 to 1950, we cannot know exactly what transpired within the union while Sánchez continued her efforts as a provincial delegate of the CTCh. When the union reconvened in 1950 under new leadership, no mention of the union’s links to other unions or the CTCh remained. Instead, the union leadership worked closely in this new era with a new actor: the Hogar de la Empleada (Empleadas’ Home), an association founded by a group of domestic workers previously active in union affairs, in league with some progressive clergy of the Young Catholic Worker movement. Characteristic of this phase of organization was conflict with Communist-identified unions, one of which sought to organize a competing union for domestic workers. Under new leadership by 1954, the union finally returned to activities promoting new labor legislation for domestic workers, under the supervision of the CTCh subsecretary Luis Gálvez. Finally, in this third founding of the domestic workers’ union, the fact of the profession’s almost entirely female composition came to be recognized in the union’s new name: The Union of Women Household Employees Number 2 (Sindicato de Empleadas de Casas Particulares No. 2). Further, the work of the union and attention from MEMCH in the 1940s inserted domestic workers in Chilean political life as women workers, consolidating a discourse of political citizenship and women’s rights that would emerge with great force in Cold War Chile.

Conclusion

This chapter has demonstrated an important finding: domestic worker activism in Chile was not a late twentieth-century phenomenon, the product of feminist and neoliberal forces. Rather, the men and women of domestic service organized and were consistently recognized as workers by journalists, state officials, and some labor organizers from early in the twentieth century. From the earliest petitions penned by La Sociedad el Porvenir, through the wholesale inclusion of
domestic workers in the social security system, to the inclusion of special articles on domestic service in the 1931 Labor Code, the logic of regulating domestic service as work made steady if halting progress. At the same time, the limits placed on the regulation of service inside private homes (or rather, the absence of strict regulations) and the Labor Code’s treatment of domestic workers as separate from industrial and other workers installed workers in that trade in a legally secondary status in the 1930s. This continuing failure in state oversight over a significant number of workers, along with the fact that many activists had developed strong connections to state agencies and organized labor, made social legislation both a source of continuing marginalization and a site of struggle for domestic workers.

Despite these limitations, however, domestic workers registered significant legislative triumphs, as paid domestic labor moved from private paternalism to separate treatment in articles of the 1924 laws and incorporation into in the 1931 Labor Code. But as union complaints and labor office rulings demonstrated, the significant curtailment of these workers’ rights and barriers to regulation persisted throughout the period. Though scores of workers brought their complaints to the Labor Office, or sought collective redress through union activism, employer abuses of domestic worker wages, hours, access to medical care, and firing (particularly for pregnancy) continued apace. While state professionals from Labor Office inspectors to the doctors and social workers of the CSO generated studies and responses to the “problem” of domestic work, the increasingly female-led domestic workers’ union and their union, feminist, and party allies continued to press for legislative protection and oversight for this group of workers excluded from 1931 Labor Code. Significant in their own right because of how they document the emergence of social medicine and other progressive influences in the profession, social work studies of the ’40s and ’50s also reveal important details about domestic workers’ experience, from working conditions and maternity to participation in Church and union associations. In this respect, the story of domestic service regulation and services in this period reflects the broader developments of Chile’s Popular Front era, especially its gendered history of female professionals, family allowances, and female suffrage, and links the visibility of empleadas to the rise of middle-class women’s professionalization and political activism. In these critical years, domestic service became even more closely associated with the economic and sexual exploitation of poor women—variously diagnosed as a problem of social inequality and/or moral weakness—in a manner that would later facilitate Church campaigns directed toward them in the 1950s, campaigns that incorporated union demands for
domestic workers’ citizenship and labor rights within a Catholic framework of the struggle for dignity and moral rectitude.

Over the first four decades of the twentieth century, therefore, a variety of historical sources testify to the existence of comparatively early debate and activism in Chile concerning the equal labor rights of domestic workers, a reality often ignored in social science literature on late-twentieth-century domestic worker struggles and legislative successes. Despite the categorical exclusion of both male and female empleados domésticos from legislative proposals in the teens and ’20s, workers themselves sought state oversight and intervention, identifying common ground with industrial labor with respect to working conditions, family, and political struggle. In this struggle, empleados domésticos counted regularly on alliances with political leaders, labor office officials, journalists, and legal and social work professionals, all of whom recognized the exploitative relations evident in domestic service arrangements and promoted a “modernizing” vision of domestic service as work, rather than patronage or kinship.