Abstract

The role of law in regulating and mediating social inequality has been the subject of longstanding debates. While recent research on domestic service acknowledges the importance of regulation, the legal configuration of this activity sector is seldom assessed in a detailed or critical manner. This article builds on the claim that systematic observation should be dedicated to developments in the regulation of domestic service both in the local and international contexts. The first part of the article focuses on the advancement of law regarding domestic service in Portugal. The Domestic Workers Convention adopted by the International Labor Organization in 2011 provides a context for examining persistent constraints on change toward social recognition and equity. Difference between domestic service workers and standard wage earners is analyzed in depth, and nine unsolved practicalities of domestic service regulation in Portugal are examined in light of the recent international convention. Gender and ethnicity are identified as lingering political foundations of this employment sector. The minimal participation of domestic workers and their representatives in regulatory processes raises serious concern. The historical lens is used to clarify current particularities in the regulation of the sector.

Keywords

Domestic service, law, gender, ethnicity, International Labor Organization.