

**REPORT OF STUDY “THE DOMESTIC WORK IN MAPUTO CITY: A TYPE OF
MODERN SLAVERY?”**

By

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ACRONYMS

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| AEDOMO | <i>Associação dos Empregados Domésticos de Moçambique</i> [Domestic Worker Association] |
| AMUEDO | <i>Associação da Mulher Empregada Doméstica</i> [Association of Women Working as Domestic Workers] |
| CNDH | <i>Comissão Nacional dos Direitos Humanos</i> [National Commission of Human Rights] |
| COVID-19 | Coronavirus-2019 |
| ILO | International Labour Organisation |
| IMF | International Monetary Fund |
| INE | <i>Instituto Nacional de Estatística</i> [National Institute of Statistics] |
| INSS | <i>Instituto Nacional de Segurança Social</i> [National Institute of Social Security] |
| IPAJ | <i>Instituto de Patrocínio e Assistência Jurídica</i> [Legal Aid and Sponsorship Institute] |
| MITESS | <i>Ministério do Trabalho, Emprego e Segurança Social</i> [Ministry of Labour, Employment and Social Security] |
| MULEID | <i>Associação da Mulher, Lei e Desenvolvimento</i> [Association of Women, Law and Development] |
| OIT | <i>Oganização Internacional do Trabalho</i> [International Labour Organization] |
| OTM | <i>Organização dos Trabalhadores de Moçambique</i> [Mozambique Workers' Organization] |
| PGR | <i>Procuradoria Geral da República</i> [Attorney General's Office]. |
| PRE | <i>Programa de Reabilitação Económica</i> [Economic Rehabilitation Programme] |
| PRES | <i>Programa de Reabilitação Económica e Social</i> [Economic and Social Rehabilitation Programme] |
| SINED | <i>Sindicato Nacional de Empregados Domésticos</i> [National Union of Domestic Employees] |
| UEM | <i>Universidade Eduardo Mondlane</i> [Eduardo Mondlane University] |
| WB | World Bank |

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EXECUTIVE SUMMARY

The objectives of this report are to: (i) analyse the profile, motivation and the working conditions of domestic workers in Maputo City; (ii) identify the perceptions of institutions of the law, civil society organisations, researchers and domestic workers about the domestic work and the rights of domestic workers; (iii) identify social determinants influencing the production and reproduction of the indecent working conditions of domestic workers; and (iv) describe the impact of COVID-19 on the domestic workers' rights.

The study was based on document analysis of Mozambican and international legislation on domestic work. Additionally, in-depth interviews were carried out with domestic workers and individuals from the institutions of the law, civil society organisations and researchers that deal with labour issues and domestic workers.

The findings revealed that in relation to:

- (i) profile, motivation and the working conditions of domestic workers: the domestic workers have low levels of education and they lack vocational training; the domestic work is their last choice of employment; and they have precarious working conditions with heavy workload, high working hours and low wages;
- (ii) perceptions of institutions of the law, civil society organisations, researchers and domestic workers about the domestic work and the rights of domestic workers: the institutions of the law, civil society organisations and researchers point out that weak legislation on domestic work and lack of adequate inspection on domestic sector and the lack of knowledge on the domestic workers rights by the domestic workers contribute to the violation of domestic workers' rights by the employers and allows them to the working conditions similar to slavery;
- (iii) Social determinants influencing the production and reproduction of indecent work in Maputo City include historical-political factors such as lack of appreciation of domestic work and absence of policies on the domestic labour market; legal factors related to the existence of weak legislation and lack of adequate enforcement of existing laws and regulations; which is conducive to the violation of domestic workers' rights. In this sense, domestic workers still do not enjoy their rights adequately, despite the existence of a law that protects this class of workers. Other determinants that influence the reproduction of indecent work by domestic workers in Maputo City are the economic determinants, such as high unemployment rate, low market wages in general; and the socio-cultural determinants linked to the

poverty that characterises the origin of domestic workers, low level of education and lack of knowledge about their rights.

- (iv) COVID-19 also has a great impact on the rights of the domestic workers since it also contributes to the production and reproduction of indecent and precarious working conditions among domestic workers in Maputo City. COVID-19 has increased the workload and the activities of the domestic workers without additional pay, thereby violating their rights.

In conclusion, this study shows that the indecent conditions under which domestic workers work places them in a situation of vulnerability to exploitation and practices analogous to modern slavery, such as working and living in the workplace, working overtime without additional pay, and lack of time to rest. These indecent conditions stem from the socio-economic and political framework conditions and the nature of domestic work in Maputo City.

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DOMESTIC WORK IN MAPUTO CITY: A TYPE OF MODERN SLAVERY?

PART I. GENERAL INTRODUCTION

1. Introduction and contextualization

The domestic work represents one of the main sources of paid work in Mozambique (INE, 2019). Half million of Mozambicans are domestic workers (INE, 2019; Castel-Branco, 2019; Castel-Branco, 2017). One third of them are in the urban areas while two thirds are in rural areas (INE, 2019). Despite being regulated and created the Workers Association in the country, the paid domestic work is still being considered as a non-profession (Castel-Branco, 2019). Several studies have highlighted that many domestic workers not only continue exposed to several problems related to their working conditions but are also excluded from the social security mechanisms (Chipenembe, 2010; Castel-Branco, 2017). These practices could expose this group of workers to modern slavery practices. Nonetheless, the factors contributing to reproduction of indecent domestic working conditions of this group are still unknown. Moreover, the vulnerability of domestic workers to exploitation practices may have increased with the emergence of COVID-19 in Mozambique since March 2020. In addition, little is known about how the COVID-19 pandemic is affecting this working class.

This study main objective is to assess the working conditions and perceptions about domestic work in Maputo city, Mozambique. The specific objectives of this study are to:

- (i) analyse the profile, motivation and the working conditions of domestic workers;
- (ii) identify the perceptions of institutions of the law, civil society organisations, researchers and domestic workers about the domestic work and the rights of domestic workers;
- (iii) identify social determinants influencing the production and reproduction of the indecent working conditions of domestic workers; and
- (iv) describe the impact of COVID-19 on the domestic workers' rights.

In order to achieve the objectives above, the report has been structured in five parts. The first part presents the introduction of the study. In addition, objectives of the study and its structure are also presented.

The second part describes the methodology of the study. It describes the study design, the study setting and period, study sample, data collection, data analysis, ethical considerations and limitations of the study.

The third part explores the actual legislation of paid domestic work in Mozambique starting by the conceptualization of slavery and modern slavery; followed by an overview of social determinants of paid domestic work; and the domestic work in Mozambique.

The fourth part presents the results of the study structured as follows: the socio-demographic characteristics of the study participants; analyses of the working conditions of the domestic workers in Mozambique, in general, and in Maputo city, in particular; perceptions of institutions of the law, civil society organisations, researchers and domestic workers about domestic work and the rights of domestic workers; social determinants influencing the production and reproduction of the indecent work conditions of domestic workers; and impact of COVID-19 on the domestic workers' rights.

The fifth part discusses the results of the study taking into account its main objectives.

The sixth and last part draws together the main lessons learned from the study. It further makes some recommendations to the government, civil society organizations, researchers and domestic workers.

PART II. METHODOLOGY

2.1. Research design

This study has adopted a descriptive qualitative methodology (Creswell, 2013). The choice of methodology was influenced by the fact that a qualitative study enables researchers to explore individuals or organisations, through interventions, relationships, communities or programmes (Baxter & Jack, 2008). Because of its flexibility, this methodology is valuable for researching the working conditions, perceptions and practices of domestic workers in Maputo city, Mozambique. Another advantage of qualitative case study methodology is that it provides data from several sources allowing for exploration of multiple facts of the phenomena.

2.2. Study settings and period

This study was conducted in Maputo city, between February and June 2021. Maputo is the capital of Mozambique and it is located in the south of Mozambique. It has 346 km² and 1 080 277 inhabitants (INE, 2020). **Maputo city is indicated by the arrow in the figure 1.**

Figure 1: Map of the Republic of Mozambique



Source: Google maps

2.3. The study sample size

Participants of this study were purposively selected. A purposive sample is a selection of information-rich cases to be used for in-depth study (Palinkas, et al., 2015). In this instance, by following the referred participants' sample criteria, domestic workers and key individuals from governmental institutions, civil society organizations working to defend and promote the rights of domestic workers and researchers on labour field were selected. Bellow, are presented the institutions interviewed:

- Governmental Institutions: *Ministério do Trabalho, Emprego e Segurança Social* (MITESS) [Ministry of Labour, Employment and Social Security]; *Comissão de Mediação e Arbitragem Laboral* [Labour Mediation and Arbitration Committee], and *Instituto Nacional de Segurança Social (INSS)* [National Institute of Social Security]; *Instituto de Patrocínio e Assistência Jurídica (IPAJ)* [Legal Aid and Sponsorship Institute]; and *Comissão Nacional dos Direitos Humanos (CNDH)* [National Commission of Human Rights]; *Procuradoria Geral da República (PGR)* [Attorney General's Office].
- Civil society organisations: *Sindicato Nacional de Empregados Domésticos (SINED)* [National Union of Domestic Employees]; *Organização dos Trabalhadores de Moçambique (OTM)* [Mozambique Workers' Organization], *Associação da Mulher, Lei e Desenvolvimento (MULEID)* [Association of Women, Law and Development].
- Researchers from *Universidade Eduardo Mondlane (UEM)* [Eduardo Mondlane University] that are specialized on labour.

Thus, the participants of this study were eight (8) individuals from the governmental institutions mentioned above; four (4) individuals from the civil society organizations; two (2) researchers and lectures from Eduardo Mondlane University (UEM); and 13 domestic workers. Therefore, the sample size of this study was 27 participants as shown on table 1:

Table 1. Study participants and sample size

| Participants | Number |
|-------------------------|---------------|
| Domestic workers | |

| | |
|------------------------|-----------|
| Women | 10 |
| Men | 3 |
| Key informants | |
| Government institution | 8 |
| Civil Society | 4 |
| Researchers from UEM | 2 |
| Total | 27 |

2.4. Data Collection

Data collection was drawn mainly through document analysis and in-depth interviews.

Data was collected through **document analysis** of Mozambican legislation and policies regarding the domestic work. Moreover, literature review on domestic work and practices similar to modern slavery were also made.

In addition, the study also used **in-depth interviews** with 27 individuals from civil society organizations, governmental institutions, researchers, and domestic workers.

2.5. Data analysis

Document analysis and in-depth interviews were made following the study's objectives. In relation to the in-depth interviews, after its collection, the information was transcribed and then the interviews were translated from Portuguese to English after which, its analysis also was guided by the study's objectives. Data was analysed thematically.

2.6. Ethical considerations

It was also necessary to receive formal authorisation from all participants in the study. A participant information sheet was prepared as well as a participant consent sheet (Melham, et al., 2016) and the researchers' terms of responsibility (Melham, et al., 2016). These documents explain the objectives of the research, its importance and relevance, the research methodology, the instruments to be used for collecting data, the selection criteria for participants, the participants' freedom to participate or opt out of the research, a notice of confidentiality of the information collected, research feedback, and brief information about the researchers.

2.7. Limitations

The time of the study was limited. The time to collect data was too short. In addition, the COVID-19 pandemic also hindered more people to participate in the research.

PART III. DOCUMENT ANALYSIS

3.1. Concepts of slavery and modern slavery

Slavery is a practice that remote from early humankind and it has been presented in several forms in many civilizations across the centuries. Despite being legally abolished in the nineteenth and twentieth centuries and criminalised in many jurisdictions and under

international law (Crane, 2013), this practice still persists in many forms in contemporary societies, in both developed and developing countries.

Slavery is defined, in the 1926 Slavery Convention, “as the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (ILO, 1926). However, Scholars and activists use several terms to describe the conditions of a person that is treated in the similar way as the slaves who were legally owned in the past. These terms are, according to Kara (2017), *modern slavery*, *modern-day slavery*, *slavery-like practices* or *contemporary forms of slavery*.

Mende & Drubel (2020) point out that some scholars do reject the term modern slavery because of the blurry demarcation between modern and historical types of slavery; others prefer to use the term modern or contemporary slavery and is dedicated to define, capture and measure slavery (Mende, 2020), while others reject both terms. However, all of them aim at abolishing slavery or slavery-like conditions and diverge in terms of the determination of modern slavery scope and the strategies to eradicate it. Thus, the key to overcome their views is to integrate the approach under the scope of human rights dimension (Mende, 2019).

Furthermore, Mende (2019) point out that despite the fact that there are several definitions of modern slavery, there can be found certain images of modern slavery presented in international documents and scholar approaches such as: **the control of a person over another, the involuntariness of their relation and the exploitation element.**

Despite the fact that are several concepts of modern slavery or modern-day slavery, this report adopted Landman & Silverman (2019) and Crane (2013) **concepts of modern slavery which include several practices involving the exercise of power related to ownership such as forced labour, debt bondage, forced marriage, slavery and slavery-like practices and human trafficking.**

3.1.1. Forced labour as a modern form of slavery

The term modern slavery is an umbrella that includes the practices mentioned previously. Thus, this paper will only focus on the modern slavery practice related to forced labour since the focus of this research is paid domestic work or domestic servitude.

In the Labour Forced Convention held by the International Labour Organization in 1930, forced labour is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (ILO, 1930, No. 29).

From the ILO (1930) definition presented above, coercion and involuntariness of labour are the two key elements of forced labour. Because the two key elements of the ILO definition of forced labour were not defined in the ILO convention, scholars established indicators to determine forced labour. The indicators for coercion include: verbal, physical, sexual abuse or treat to the victim, family members or other workers; confiscation of identity or working documents; living and working in the same place, excessive surveillance, denial of sufficient food and water; manipulation of debt. The indicators of involuntariness include the inability to leave the work place or to pursue other work options without permission; prohibition to communicate with friends and family; working excessive hours without overtime payment; asking for permission to use restroom; obligation to work when sick or injured; lack of holidays, time to rest, adequate safety equipment, toilet and sanitation (Kara, 2017).

3.1.2. The concept of modern slavery in the Mozambican context

The concept of modern slavery is not used in Mozambican policies and legislation, although practices similar to modern slavery such as prostitution, forced labour, child labour, and human trafficking find shelter in it and are considered punishable practices. For instance, prostitution is forbidden in the Republic of Mozambique, as stated in the article 214 of the Mozambican Penal Code (República de Moçambique, 2019).

Forced labour is also a forbidden practice in the Republic of Mozambique, except those work carried out within the framework of the penal legislation as shown in the number 3 of the article 84 of the Constitution of the Republic of Mozambique (República de Moçambique, 2018). Moreover, No.1 of the article 196 of the Mozambican Penal Code provides the punishment between one month to one year of imprisonment and a fine until one year.

In relation to child labour, not all works of minors are prohibited in Mozambique. Generally, minors of 15 years old are allowed to work with the authorization of their

legal representatives as stated in the No. 1 of the article 26 of the Law of Work. However, there is an exception to this rule that allows minors between 12 and 15 years old to celebrate working contracts as long as they presented a written authorization of their legal representatives, as shown in the No. 1 of the article 27 of the same law. Human trafficking is also a criminal infraction in Mozambique and it is punishable by 16 to 20 years imprisonment, as stated in the No 1 of the article 196-A of the Mozambican Penal Code (República de Moçambique, 2019).

3.2. Social determinants influencing domestic work: general overview

In many countries, paid domestic work appears to be the only option to support the majority of poor families (Oelz & Rani, 2015). There are several factors influencing the increase paid domestic work in developing countries. These include structural factors such as, rural poverty, structural adjustment programs economic crises, economic characteristics of the countries and the **devastation of the agricultural sector** (Oelz & Rani, 2015; Jokela, 2015; ILO, 2013), unemployment, greater income inequality, and a **higher proportion of migrants** (Nesbitt-Ahmed, 2020). These factors have pushed women and girls into the domestic labour market (Oelz & Rani, 2015; Jokela, 2015; ILO, 2013).

Social and cultural factors, such as gender, social standard and social roles, and level of education also influence the paid domestic work. **Literature showed that paid domestic work is gender-based, and this under evaluates the domestic work, as these workers also perform the traditional role of care and household tasks (unpaid work) within their own households.** The effects of gender-based undervaluation appear to be higher in domestic work, likely due to its gendered nature and the **use of in-kind benefits such as food and accommodation as compensation, particularly in the case of live-in workers.** Low pay in domestic work resulting from gender-bias may also be contributing to low pay in other female-dominated sectors (Oelz & Rani, 2015).

Social standards and roles also play an important factor in the undervaluation of the paid domestic work. **Socialization process has often educated women to specialize in domestic activities and men in market activities because of culturally determined social standards and**

roles rather than economic factors. These social standards depend on religion, ethnicity, and position in the household hierarchy (Jokela, 2015).

As well, a higher level of education is associated with a larger male contribution to domestic work while women's contribution, however, remains virtually the same for both domestic tasks and market work regardless of their level of education. This finding tends to support the hypothesis of the minor role played by economic factors in the gender-based division of labour between market and paid domestic work (Herrera & Torelli, 2013).

Studies have also shown that in general, domestic workers frequently receive extremely low wages (OIT, 2015). This can partly be attributed to the fact that the formal skill requirements are relatively low. Other factors play a significant role, namely, innate skills required for domestic work that are often overlooked and not recognized on the basis that any woman can perform this type of work (OIT, 2015).

Another factor influencing paid domestic work is related to the power relation between the domestic workers and the employers. The bargaining position of domestic workers is often weak, especially in the face of high employment and where domestic workers lack strong representative organizations. These factors also lead to lower wages for domestic workers (ILO, 2013). Indeed, a study carried out in developing countries such as Brazil, Costa Rica, India, Indonesia, Mali, Mexico, Peru, Philippines, South Africa, Turkey, and Viet Nam, shows that the reasons for the low remuneration of domestic work: low formal skills and educational levels, high incidence of informality, lack of collective representation, weak individual bargaining power, lack of possibilities for income generation and vulnerable social status (Oelz & Rani, 2015).

A study of Central Administration of Statistics also showed that the people who are vulnerable to become domestic workers are those living in larger households, female headed households, larger dwellings, and with high aggregate household consumption (Fakin & Marrouch, 2012).

3.3. Paid domestic work in Mozambique

3.3.1 Domestic servitude during colonial and post-colonial in Mozambique

*Lighted iron on the wall
warms the whistle of the playful brat
and the violent voice of the boss.
Is the kid happy or not?
there is water and there is food
has trousers
and has a safe house and a violent voice from the boss.
(Source: Calane da Silva in Zamparoni, 1999)*

The extract above illustrates the relations established between employers and domestic workers in the colonial period in Mozambique, relations considered more humane when compared to those imposed on other paid jobs.

After defeating the State of Gaza, in 1895/6, the Portuguese colonial power headed by Mouzinho de Albuquerque acquired effective military control over the entire southern region of Mozambique, and, among other measures, imposed a supposed "moral obligation for work", termed *chibalo*¹ (Zamparoni, 1991), which was formally defined by indigenous labour law of 1899 (Castel-Branco, 2012).

Several studies show that during this period, domestic employment was an activity historically associated with blacks whose origin is linked to slavery, whose individuals provided work in households under the orders of an owner (Penvenne, 1995; Zamparoni, 1998; Gonçalves, 1996). Paid domestic work in the colonial period was regulated in 1904. However, the legal instruments did not protect the majority of domestic workers because the regulations did not provide certain benefits and rights, such as daily working hours, time off and holidays. In addition, the Portuguese colonial government made it compulsory for those involved to buy a plate proving that they only worked for one employer as a barrier to social mobility. In 1944, the colonial government replaced the 1904 regulation with the more comprehensive urban registration system, which was intended to further limit the mobility and wages of black workers. Despite these limitations, domestic work was considered an alternative to other types of work because there was a fear of going to forced labour as well as being deported and there was less violence in the domestic space compared to the *chibalo*.

In 1966, the regulation on domestic servants came into force, which in article 24 extended the rights of employers to the detriment of the rights of employees, e.g.: to require the employee

¹ Chibalo was considered the moral obligation of work imposed on all Mozambicans, between 14 and 60 years of age, to perform between ninety and one hundred and eighty days of work. (Zamparoni, 1991).

to perform the work agreed upon; to supervise and check how the service is performed; to determine hygiene measures and measures to prevent accidents at work and occupational diseases; and to maintain discipline. Article 27, on the other hand, sets out the following duties and not rights of the employee: to perform the agreed work diligently and honestly; to obey and respect the employer and the members of his family and those living or temporarily staying in his home; to observe the hygiene measures laid down by the competent authorities; to deal loyally with the employer and maintain good relations with the other employees, if any, so as not to jeopardise each one's work and the tranquillity of domestic life; to look after the employer's interests. Domestic employees then came to have a specific work card (Zaparoni, 1991).

In Lourenço Marques, the actual Maputo city, the overwhelming majority of domestic servants were men. Various factors, such as race and class contributed to this. According to Schmidt (op.cit Zaparoni, 1991), most of employers feared the phenomenon known as "yellow peril", that is, miscegenation between white men and black women. In colonial society, the African woman was considered to be tempting, as she supposedly embodied wild instincts such as sensuality and lust and constituted the secret object of white men's sexual desires. From this perspective, European women acted as guardians of civilisation and of the privileges of white-skinned people and assumed the primary responsibility of defending dignity and prestige of the Empire, maintaining the necessary social distance between rulers and ruled. Fear for their own safety by employing men in the domestic space was less than concern for respect for the British crown and European women kept away from African women. Thus, should their husbands seek the company of women of the "subordinate races", this would not only reduce the dignity that should govern the lives of Europeans, but they themselves would be singled out as failed wives. Another reason that kept African women away from paid domestic work was that it conflicted with the demands placed on them by attending to their own domestic work (Hansen, 1992). It is claimed that the domestic chores that African women learned in their own homes did not correspond to those expected of a paid domestic servant. Their houses were of mud and sticks, covered with reeds and beaten earth, with little furniture: beds, stools, and eventually a table. Food was prepared over a wood fire, in clay pots placed on stones. By contrast, the settlers' houses were larger, with specialised compartments, built of stone, concrete or brick, with glass windows and equipped with expensive and varied items of furniture, kitchens with running water and cookers. Thus, the work demanded by this type of house bore little relation to that learned in their homes (Zamparoni, 1991).

Most of the domestic servants served the white population followed by the Indian population. Among the members of the African segment few had any kind of domestic servant. In case of existence, they were nephews/nieces or relatives brought from the rural area, who seldom received more than bed and board for the help or work rendered (Zaparoni, 1991).

Though the above historical narrative highlights that during colonial period there was a tight regulation of domestic work, domestic workers were not properly protected because they were governed by the indigenous law system based on a racist construction of political, economic, and social citizenship.

After independence, there was an informalisation of paid domestic work. The paid domestic work was criminalised and excluded from the framework of labour and social protection. Unlike South Africa, where extending labour protections to domestic workers was considered essential to correcting the injustices of apartheid, in Mozambique domestic work was seen as a relic of the colonial period, to be eradicated rather than promoted (Castel-Branco, 2017). The political ideology after independence was to emancipate women, incorporating them in the market production (Kricks, 1983), rather than working as domestic worker, which was considered an oppression practice.

However, the expected ideology was not materialized due to a number of factors: failure of the political and economic models implemented after independence, which did not create enable conditions to access formal employment for everybody and civil war² (1977-1992) that affected the socioeconomic structure (Abrahanson & Nilson, 1998). Moreover, the shift of Mozambique from socialism model to democratic and liberalism model through the implementation of the Economic Rehabilitation Programme (PRE) in 1987 and the Economic and Social Rehabilitation Programme (PRES) in 1990 (Hanlon, 1996) imposed by International Monetary Fund (IMF) and World Bank (WB) also contributed to the socioeconomic crises because these models expelled most employees from formal market to informal market (Hanlon, 1996; Abrahanson & Nilson, 1998).

With market liberalism policy and economic crises, the informality became dominant in most urban areas, which was characterised by several activities, including paid domestic work. Paid

² Civil war and low economic performance spelled most people from rural to urban areas: women, men and children migrated to safe places, and most of them had lost their parents, and they had not economic support in the cities. This led many people to look for the means of livelihoods, as their economic and social support was destroyed.

domestic work was no longer prohibited and was no longer considered an oppression practice, but an alternative for the survival of most poor urban families. Additionally, paid domestic work was also boosted by the emergence of a new Mozambican bourgeois class, whose, with liberalism, had freedom to hire domestic workers (Ali, 2014).

The formalization of paid domestic work started in 2004 when some members of the Organization Labour (*OTM*) and National Confederation of free Syndicates [*Confederação Nacional dos Sindicatos Livres de Moçambique - CONSILMO*] organized domestic workers and created 3 associations: the first Association of Women Working as Domestic Workers (*AMUEDO*) was created in 2004 by *CONSILMO*. The *OTM* created the second, the Domestic Worker Association (*AEDOMO*) in 2006 and the third, Domestic Workers Syndicate (*SINED*) in 2008. The two associations led by *OTM* began drafting the domestic work regulation (Castel-Branco, 2017), which was then approved in 2008. Actually, there are three associations of domestic workers: *AMUEDO*, which is linked to the *CONSILMO* and *AEDOMO* and *SINED*, which are linked to the *OTM* (Ali, 2014; Castel-Branco, 2017).

3.3.2. Analysis of the actual legislation about paid domestic work in Mozambique

In Mozambique, the paid domestic work is regulated by Domestic Act no.40/2008 of 26th November. This Act defines domestic work as a subordinate service, provided on a regular basis to a household or similar, in its household. As well, domestic workers are considered as those who provide domestic work for others in their home or place of residence for remuneration. The minimum age of domestic workers is 15 years old and above. However, the law allows children under this age to be employed as long as they are authorized by their parents or legal representatives, except children under 12 years old. This legal norm is similar to that stated by the general Mozambican labour law no. 23/2007 of 1st August. However, the labour law recommends medical exams to determine the physical robustness, mental health and aptitude for the job for children aged between 12 and 17 years old before they are employed to an enterprise, which the Domestic Act no. 40/2008 does not put as a preliminary condition in the employment of children of such age. Thus, the Domestic Act does not accomplish the

ILO recommendation (ILO, 2018), which stipulates 15 years old as a minimum age for work in general, and 18 years as a minimum age for hazardous work³.

The Domestic Act no. 40/2008 states that the tasks of domestic workers include cooking, cleaning the house, washing and ironing the laundry, looking after children, the elderly or sick people, treatment and care of domestic animals, carrying out garden work, performing of external tasks related to the previous activities, and other agreed activities (Governo de Moçambique, 2008). However, The Domestic Act does not specify which tasks should not be performed by children aged between 12 and 17 years old, thus putting children hazardous work (ILO, 2018). Unlike this Act, the labour law specifies that all minors under 18 years old should not be engaged on unhealthy or dangerous work, or those activities that require high physical strengthening and big effort. Moreover, according to labour law the employer should provide adequate work to minors according to his/her age, health, education and professional training.

It is important to note that the definition of paid domestic work and domestic worker referred in the Mozambican law are similar to those presented by ILO (2011). However, there is some differences with regards to the boundaries of tasks of domestic workers. ILO (2011) establishes a clear and complete list of domestic work tasks, while the Mozambican Domestic Act opens space for inclusion of other activities which can be negotiated between the employer and employee. This could lead to overloading of tasks to domestic workers.

The Domestic Act states that the working contract of domestic workers is not subjected to a written form, and it can be fixed or indeterminate. However, according to the same law, the contract can be written when it is subjected to a fixed period, which cannot be more than 2 years. This presupposition may put domestic workers in vulnerability compared to other general workers, which the labour law establishes that the working contract is subjected to a written form. Moreover, the written contracts for domestic workers are not considered as optional (Castel-Branco, 2017).

³ Hazardous work is defined as work that, due to its nature or the circumstances in which it is carried out, is likely to jeopardize children's health, safety or morals (ILO, 2018; ILO, 1999).

According to the Domestic Act, domestic workers have rights to (i) receive remuneration in the agreed manner; (ii) weekly rest and annual vacations remunerated; (iii) medical and medication assistance in the event of an accident at work or an occupational disease; (iv) to be treated with correctness and respect; and (v) to enrol herself or himself in the scheme of self-employment workers of the Compulsory Social Security System. However, some of these rights are ambiguous and limited. The Domestic Act, for example, does not determine the minimum wage for domestic workers (Castel-Branco, 2017) and social protection is at risk as its enrolment and payment depends solely on the willing of the domestic workers. This is different from other workers covered by the labour law, where the employers have an obligation to enrol and pay⁴ for the Compulsory Social Security System of the employees. Moreover, different from the labour law, the Domestic Act does establish legal norms about occupational health and security at work (Castel-Branco, 2017).

The actual Domestic Act states that domestic workers are obliged to work a total of 54 hours per week, nine (9) hours per day, including 30 minutes of breaks for meals and resting. However, the starting and ending working time is established by the employer. These working hours are more than those established by the labour law for other workers, which is 40 hours per week, eight (8) hours per day. Thus, domestic workers are subject to work more hours, with short hours for break and only one day for resting per week. Furthermore, the Domestic Act does not limit the working hours for children under 18 years old; while the labour law establishes a maximum of 38 hours per week, seven (7) hours per day for children under 18 years old.

Though the domestic workers have right to one (1) day of resting weekly, which is Sunday, annual vacation, and public holidays, the Domestic Act establishes that such rights can be negotiated. Thus, the employer can request a domestic worker to work on Sundays and public holidays under payment agreement, or determining other days for weekly resting or a substitute of a public holiday. As well, the employer can pay the annual vacation as long as the domestic worker is enabled to have five (5) days of annual vacation.

⁴ According to the labour law, the employers pay 7% of the total salary of each worker monthly, out of which 4% is from the employers and 3% from the employees.

In general, the Domestic Act specifies the tasks and rights of the domestic workers, but it still far from fully protecting the people working in the domestic service. As the above analysis highlights, the Domestic Act classify domestic workers with a lower social and economic status than other workers, in general. This gap opens a space to glance domestic service as an area vulnerable to modern slavery practices.

PART IV. RESULTS

4. Profile and conditions of domestic work

4.1 General characteristics of domestic workers in Mozambique

In Mozambique, the majority of paid domestic workers in urban areas are from rural areas. These workers migrate to the city in search of work. According to the key informants interviewed, the rural exodus allows a number of people to migrate to suburban areas, who in turn feed the domestic labour market for citizens living in the city centre. In general, domestic workers are from poor families, they are not highly educated and have limited access to labour market opportunities, as illustrated in the narrative below:

"Mainly, a domestic worker is someone who does not have much education in the sense that he/she has not studied at least beyond grade 12. Generally, they are people who have not completed grade 12 or any training that allows them to obtain or access a formal job (...). In general, if it is in the south of Mozambique, it is a woman of poor origin, with little education to access the labour market and the only jobs available are low grade jobs such as that of domestic servant" (Male key Informant, Sociologist 1 and researcher from UEM, 2021).

The key informants said that in Southern Mozambique domestic work was carried out mostly by women, while in Northern Mozambique it was mostly done by men. The entry of women into the domestic labour market is associated with the deterioration of the economic conditions of the family and women that are becoming heads and/or providers of the families, as explained below:

"If we look at the southern zone, it is intriguing because if we look here, the gender issue is a central issue, because in the North, most domestic workers are men [who carry out domestic work] and here in the South [of Mozambique], most are women. In the South [of Mozambique] are women who come from the peripheral areas, where the husbands and families are in precarious situations and in very poor living conditions. Many of them need to work to ensure their livelihood. The other situation is that women themselves have become the providers for their families, that is, the heads of the families. And they have to earn a living and end up either in the informal sector or in domestic work. You rarely see a man as a domestic worker here in the South. And we have to consider that we are in a society where there is not enough jobs produced for the working age population and the level of unemployment is abysmal" (Male key informant, Sociologist 1 and researcher from UEM, 2021).

The differences in the domestic labour market between Southern and Northern Mozambique are due to the socially ascribed roles of men and women in household sustainability. For some key informants, although in the South zone men play the role of family provider, there is a clarity that women - their spouses - also have a responsibility to help generate income for the sustainability of the family. Contrary to the Southern zone, in the Northern zone men play the role of family provider and there is still little awareness of the need for women to help in the sustainability of the family. This fact means that in the northern zone men seek work, whatever it may be, to support their families:

"I think it has to do with our membership system or different membership systems. In the North, I think there are many more men who are in domestic work because men have this very clear routine that they need to support their wife necessarily without the female counterpart [of their wives]. And it is very clear there [in the North]. In the South, it seems to me that the idea that a woman needs to participate in the family income is very clear too. It seems to me that the difference is that, in the North of Mozambique, men have the idea that they alone have the task of supporting their family without any female counterpart. A man in the North does not complain if his wife is not working. Here in the South women should share in the rent, they are much clearer about this" (Male key Informant, Sociologist 1 and researcher from UEM, 2021).

Another important characteristic of the Mozambican urban domestic labour market is the existence of inequalities in working conditions between the various cities and Maputo city. For some key informants, domestic workers in the metropolitan city of Maputo have better conditions than domestic workers in other cities of Mozambique. This inequality is due, in the opinion of key informants, to the fact that Maputo City is richer and has a more educated population than other cities, and because there are more sources of information to enable citizens to access information about their rights:

"It is clear that looking at Maputo as the largest metropolitan area, the conditions of domestic work are a little better compared to other cities. And those from here enjoy slightly more privileged rights compared to workers from Central and Northern Mozambique. Of course, the degree of urbanisation and access to information contribute to this difference. Maputo City, for example, is a cosmopolitan city, the wealthiest in Mozambique, with sources of information, where people are much better educated. This helps people to have a relatively different vision and somehow to know more about their

rights and to have another kind of life expectation" (Male key Informant, Sociologist 2 and researcher from UEM, 2021).

4.2 General profile of domestic workers interviewed in Maputo City

Table 2 shows the socio-demographic characteristics of the domestic workers interviewed. Most of the participants are adult females, have only primary schooling and have between 1 and more than 5 children.

Table 2. Sociodemographic characteristic of the study participants

| Sociodemographic characteristics | NO. |
|---|------------|
| Sex | |
| Female | 10 |
| Male | 3 |
| Age | |
| 23-36 | 4 |
| 36-59 | 8 |
| 60 + | 1 |
| Level of education | |
| No | 1 |
| Primary | 11 |
| Secondary | 1 |
| Marital status | |
| Single | 1 |
| Lives in a marital relationship | 2 |
| Married | 3 |
| Separated | 6 |
| Widow(er) | 1 |
| Number of children | |

| | |
|------------|---|
| No | 1 |
| 1-2 | 6 |
| 3-4 | 3 |
| 5 and more | 3 |

The participants in this study said that they had an extended family, ranging from 4 to 9 family members. Apart from their children and spouses, some domestic workers said that they lived with their mothers, nieces and grandmothers. Other domestic workers said that their household members were not working and did not contribute any income to the sustainability of the family. Only a few domestic workers said that their partners also worked as domestic workers or restaurant servers, whose income was not more than 3500 Meticaï, equivalent to 56.5 USD⁵.

Place of residence and work of the domestic workers interviewed

All the interviewed participants (domestic workers) stated that they lived in the suburban areas of Maputo City (n=9) and Matola City (n=4) but they all worked in the centre of Maputo City.

The participants' experience in domestic work ranges between 3 and 27 years. However, the length of time in the current workplace varies between 3 and 5 years, and no participant had training in the area of domestic work.

Almost all participants (who do not live at their workplace) said that they move from their homes to the centre of Maputo City, where their workplace is located, using public transport known as "*chapa*". The cost of transport is about 600 meticaï per month (equivalent to 9.7 USD), and this is paid by the participants themselves. Only a few participants who live at their workplace do not cover the transport costs. Due to the long distance between the place of residence and the workplace and the high cost of transport, some participants said that they take one (1) *chapa* instead of two (2) *chapas*, and then walk to the workplace as a way to reduce the cost of transport:

⁵ 1 USD = 62 Metical, the average exchange rate for the months of March, April, May and June.

"I live in Matola, in the city of Matola, but I work in Malhangalene [a Maputo city neighbourhood]. I take one chapa from Matola to Avenida Guerra Popular [a Maputo city stop] and then walk to Malhangalene neighbourhood [where the house where she works is located]. I don't take another chapa [second chapa] to save money" (Female domestic worker, 2021).

4.3 Working conditions of domestic workers in Maputo City

Most of the participants (domestic workers) revealed that they carried out ordinary tasks such as washing, ironing, cleaning the house, cooking, and shopping. However, other participants said that in addition to the tasks mentioned above they also worked as shopkeeper at the bosses' shop, looked after children, planted vegetable gardens and looked after dogs:

"I wash, iron, clean the house and cook. That's all I do and sometimes I go to the market. But sometimes I go to the market with my lady [employer]" (Female domestic worker, 2021).

"I am the one who does almost everything in that house [the employer's house]: washing, ironing, cleaning, cooking, going to the market, looking after the dog, I also prepare the children to go to school. I prepare snacks. I also take care of the vegetables we plant, lettuce; everything that has to do with housework" (Female domestic worker living at the workplace, 2021).

Some participants (male domestic workers) worked as guards, took out rubbish, controlled the entry and exit of people and controlled the bosses' cars. Other participants also said that they did house cleaning and electrical work, an additional work that was not part of their working contract, but that they were not paid for the extra work:

"I am a guard. Every day, first I irrigate the garden and see if there are any things in the garden that are ready, sometimes I see if there are any vegetables that are ready to harvest... then I go to sleep, because I work at night and I guard the house... after my employers wake up and go to work it is when I can asleep. When I wake up I go and

cook for the dogs, sometimes I clean the dogs' house, clean the yard, but the salary does not increase" (Male domestic worker - guard, living at the workplace, 2021).

Working hours vary depending on the type of domestic work. There are three (3) types of domestic workers: i) day labourers, those who work once or twice a week in one or several households; ii) domestic workers who do not live at the workplace and iii) domestic workers who work and live at the workplace. The schedule of daily domestic workers depends on the employers. Sometimes these workers work on Sundays. Domestic workers who do not live at the workplace work from Monday to Saturday. Their work activities start at 6 a.m. and end at 5.30 p.m. from Monday to Friday and from 6 a.m. to 2 p.m. on Saturdays, while domestic workers who are guards work in shifts. Domestic workers who work and live at the workplace said that they work every day, including Sundays, and do not have a schedule for starting and ending domestic activities, as one participant narrated:

"Researcher: How many days do you work a week?

Interviewee: I don't even know what that is. Here I always have to wake up at 5 o'clock, I can't sleep any more, otherwise I won't have time to stop for a while at least to watch that 9 o'clock TV program. I wake up early to put the dog in its house because at night it stays outside. Then I start looking after the children for school during the week. There's also irrigation of the vegetables, which I have to irrigate in the morning.

Researcher: Don't you have set hours to work?

Participant: Here the timetable is not very useful. Here it's like at home. At any moment if you have to do something, you have to do it. I work every day until I go to sleep. I only rest on the days I have time off to travel and see my son there in Gaza [another province]" (Female domestic worker living at the workplace, 2021).

Few domestic employees (only men) said that they performed other activities besides working as guards. These domestic workers said that in their free time they also did electrical work, plumbing, loading goods and construction materials. These participants said that they did these activities to improve the low salary they received for their services:

"In my free time, I sometimes go and do odd jobs as an electrician and plumber. Sometimes they also call me to carry things, sand and stones on the building sites. This

salary is not enough. We have to manage to get something else" (Male domestic worker - guard, 2021).

Monthly wage of domestic workers

Wages for domestic worker participants range from 1500 to 6500 Meticaïs (equivalent between 24.2 USD and 104.8 USD). Most participants receive less than the minimum wage (1500-3000 Meticaïs = 24.2 - 48.4 USD), currently set at 4300 Meticaïs (69.4 USD). Only three (3) participants receive above the minimum wage (4800-6000 Meticaïs = 77.4 - 48.4 USD). Daily paid domestic workers, who are paid per day, receive less than domestic workers working full time. Domestic workers (guards) are paid less (3000 meticaïs = 48.4 USD) than domestic workers working full time.

Some participants working as guards said that they engaged in other activities that allowed them to have higher incomes than their salaries:

"But here in my work I get other money from outside [besides employment]. As it is a building, people come here to park their cars. They give us some money to keep their cars. The ladies when they come back from shopping have things to carry. Sometimes they call me to do plumbing in the houses here in the building. I usually manage to earn about 7000 Metical [112.9 USD] a month. That way you can live a little" (Male domestic worker - guard, 2021).

4.4 Motivation for joining domestic work

The motivation to join domestic work is related to the lack of employment, low level of education, the desire to satisfy the basic needs such as food, health and education of family members. This fact leads to the emigration of some citizens in search of better living conditions in Maputo City, as this presents itself as an attractive hub for the absorption of most domestic workers. For example, one of the participants said that he left Zambezia Province to Maputo City in search of better living conditions:

"I came from Zambézia to try to see if I could get a better job here because things were very difficult there. But here also when you haven't studied it is also difficult to find a good job" (Male domestic worker - guard, 2021).

Some participants said that they started looking for a job after their divorce and only got domestic work because they had a low level of education and they had no other alternative to get another job, as illustrated in the following speeches:

"I came from Inhambane through marriage. When I separated from my husband I started to look for a work, but as I didn't study well [she doesn't have a high level of education], so I only managed to get work as a domestic worker. Even to work in a shop you need to know people [who can get you work], it's difficult. Then another place where I worked, my boss was a foreigner, and when his contract ended, he returned back home. Then he referred me to my current lady that I am with her until now [the lady she currently works for]" (Female domestic worker, 2021).

"I started working as a domestic worker because I separated from the father of my children and as I had studied almost nothing and had no employment. I realised that to work in other sectors you need to be educated, and for those who come from the countryside like me it becomes more difficult, so the option left to me was to look for a job in domestic work. First, I worked for Indians, then I managed to get a job at the Save the Children Agency in the area of cleaning and that's when I met my current employer. But before I worked as a day labourer and then they hired me full time" (Female domestic worker, 2021).

In fact, the participants' statements show that domestic work is not a choice, but one of the sectors that welcomes citizens with the lowest academic qualifications. The labour force in the domestic work market in Maputo city consists mainly of citizens who have not completed primary or secondary education, or do not have any academic degree at all. Domestic work also presents itself as a space of shelter for some citizens who do not have a residence in Maputo city, especially those who work and live in the workplace:

"I came from Chidenguele, Gaza province, to buy things to sell, but that did not help me much because then I had to rent a house to live and I spent money. It is very

expensive to live here in Maputo City. Then my friend who also works and lives in the house of her boss told me that she managed to save money because she didn't spend the money to rent a house, buy food and pay transport. So, I asked my friend to also find me a job where I could work and live. And I got this job" (Female domestic worker living in the workplace, 2021).

Other participants said that they joined domestic work because they needed to help their spouses to increase the family income:

"I stopped studying for lack of conditions and then I had children. And I had to look for work to help my husband. So, I stayed as a maid" (Female domestic worker 4, 2021).

Almost all of the domestic workers interviewed got the domestic service job through or with the help of their relatives, friends, neighbours or other acquaintances:

"My lady [employer] is the niece of my neighbour there in Gaza province. It seems that she told her aunt that she needed someone to control her house in Maputo, and my neighbour as she knew of my difficulties, asked me if I wanted to work in Maputo... I spoke with my wife and we agreed that I can take the job... Sometimes I go to see my family and sometimes my wife comes here, in Maputo" (Male domestic worker working and living in the workplace, 2021).

"I started working for a lady who my friend told me wanted someone to work only two days a week, from 7am to 5.30pm. And this lady paid me 1500Mts. Then other days I would go from house to house asking if they were looking for someone to wash, iron, or do any housework. But sometimes I got work, sometimes I didn't get any. When I got work they paid me 350 meticais per day" (Female domestic worker, 2021).

5. Perceptions of law enforcement institutions, civil society organizations, researchers and domestic workers on domestic work and the rights of domestic workers

5.1 Perceptions of law enforcement institutions, civil society organizations and researchers on domestic work: a form of modern slavery?

The study identified three perceptions about domestic work. The first holds that domestic work cannot be associated with slavery since in Mozambique slavery does not exist. For the participants who had this perception, slavery is forced labour, where people, against their will, are forced to work without any income or any other kind of rights. The participants considered that slavery does not exist in the domestic work sector because there is still a salary although it is, in some cases, indecent and there is an exit schedule and freedom of choice in continuing with the work:

"As far as I know, in Mozambique there is no slavery, there may be excesses in the way domestic workers are treated by their employers, but it does not come close to comparing it with slavery... slave labour is forced labour, where people, against their will are forced to do it, without any income or any other kind of rights, but domestic work in Mozambique has a salary, time for the person to go home and do their own things, and freedom of choice if they want to be in one job or another... or if they want to work. There is still the law that protects domestic workers, so the worker is free to be able to report if he/she is being ill-treated. So, to compare it to slavery would be going too far" (Male key informant, Jurist from the MULEID, 2021).

"I think it's a bit of an exaggeration [to compare domestic work with slavery], because the person should also know that they are working for our needs, our house, our children. But if there were stipulated hours there would be no problem one can work...we have this regulation that helps us to do our work with domestic workers, which is 40/2008 of 26 November. This law helps us to know how to act in these situations" (Female key informant from the SINED, 2021).

The second perception is that the term modern slavery can be used to refer to domestic work because practices similar to modern slavery exist in the domestic work sector today. Some examples are given of child labour, imprisonment or limitation of the right to freedom in the household, absence of holidays, wages that do not even cover food. Another common phenomenon in urban areas, which practice justifies the association between slavery and domestic work, is the sending of children without economic conditions to close relatives in the name of a good education. Once there, the children are transformed into domestic workers,

without the right to a salary, and only have the right to food. In addition to the children linked by family ties, there is a tendency to use child labour in the domestic sector, which in addition to the absence or low wages, are subjected to forced labour above their capacities and to ill treatment such as physical and psychological aggression, sexual abuse and limitations to their freedom of movement, as illustrated in the following view:

"Researcher: Do you think there are labour practices similar to modern slavery in Mozambique?"

Participant: Yes, several.

Researcher: Could you give an example?"

Participant: For example we have child labour in the frequent areas... we monitor human rights and we find situations like this in big farms, in the home, we find people like workers who stay two days working without the right to anything, without the right to holidays... there is not much inspection and because of that, they put people to work without holidays, without rest... and in exchange for... sometimes they pay wages that are reduced to giving a little bag of something. I mean, they only work to eat. In some villages, in rural areas, they have the habit of taking the children and saying that they are going to educate them, but there, the child does a job that is far beyond their capacity and the education does not take place. There are children who are in families working without wages, also doing all kinds of hard work, so this is one of the areas that we should take into account; child domestic work. Then as you know, in that area there is no minimum wage determined. That work is really slavery work. And those jobs are hard. But if you go and ask if any labour inspector has ever been to a place where domestic work is done, you will see that he or she has never been. Unless the maid goes and complains. But in private companies, it's all that... a child, if he can't handle the work, the company hits him, insults him. It's all a set. Even moral offence. It's physical and moral abuse of all kinds. Whenever there are these situations, the victim doesn't have any rights. And if it's a girl, she's even sexually abused" (Male key informant from the CNDH, 2021).

"In all work situations there are these situations [non-respect for human rights], it is not only in domestic work.... Of course, in domestic work, as there is still not much in terms of legislation, there may be more cases related to attitudes that are not good for

workers... We have also been reported on this situation... But we also have to take into account that boys selling on the streets under someone's custody are also considered domestic work. So, we have to do a graduation of the types of domestic work.... So, ... we do believe that there are forms that are not appropriate...northere is no doubt that there are several cases.... of children up to below 15 years old who are working in people's houses... in other family members' houses, when they come from the districts to the city... we have several cases of these throughout Mozambique. Children who look after other children who are almost the same age as the children they are looking after..." (Male key informant from the Labour Mediation, 2021).

The third perception is that one can use the term modern slavery to designate current domestic work, but only as a metaphorical resource. The use of the metaphor is due to the abolition of the term slavery but that the same applies for the violent ways in which domestic workers are treated and the violation of their human rights. The metaphorical use is justified by the presence of a salary, freedom to give up employment and, by the existence above all, of a legal framework that confers equality on workers:

"I think that domestic work is a job like any other in the Mozambican legal system and is regarded as legally pre-defined work. Of course, it [domestic work] has to be done within what is the legal framework. From the moment that domestic work is done outside of what has been legally defined, if the work that is being done goes beyond what is normal definition of domestic work, for example, not understanding the minimum hours, not respecting the clock-in and clock-out times, resting time, then of course we already start to enter the forum of what we can conceptualise as slavery. Because slavery, from a conceptual point of view, is the non-observance of any minimum level of respect for the human person...of course it goes through what we can call slavery when the minimum labour standards are not observed....Mozambican society normally states that all work that a woman does should not be valued or is not valued because it is being done by a female person ...there is also a weight of gender aspects that undermine this situation of domestic work" (Female key informant, Jurist from PGR, 2021).

"Researcher: can we say that domestic work is a new form of slavery?"

Participant: Well, as far as I know, slaves had no right to remuneration. Now domestic work has the right to remuneration (...) what I think the previous slave was a person who was a tool of someone today the domestic worker (...) by analogy we can say that it is a slave, but metaphorical, since the employee today has the freedom to dispense with being an employee in quotes. Not long ago I said that people had no other alternative to have income so they opted for domestic work but I would not say slavery except in a metaphorical sense. People are subjected to working conditions that are not good at all" (Male key Informant, Sociologist 2 and researcher from UEM, 2021).

5.1.1 Domestic workers' perceptions about domestic work

There is a perception that domestic work is hard work that is not valued either by employers or by domestic workers themselves. For example, most of the domestic workers interviewed consider that although domestic work is considered as a work equal to other work in terms of dignity and value assigned to it, in most cases there are no limits on working hours and a large part of the tasks carried out by domestic workers have not been agreed upon, with domestic workers even carrying out all tasks, including those of small businesses carried out by employers, without overtime pay:

"My job is difficult because I wake up early to work in the house and then I have to work in the shack. And you know how it is... in the shack the drunks want to drink up to... sometimes I only go to sleep at 2 o'clock in the morning, and then wake up, work at home... like that. But they only pay me that money... they don't even give me a little of what I work in the shack, because at least they could give me a little allowance..." (Female domestic worker living at the workplace, 2021).

The perception that domestic work is hard and undervalued is clearly substantiated by the speeches made by domestic workers themselves when looking for a job. For domestic workers, the search for domestic work is presented as a last option in a desperate situation and is seen as a temporary phase in the search for decent work. Because the work is discriminated against and uninteresting, some domestic workers do not identify themselves with this class of workers and even less do they seek to know the rights associated with it. This perception is due to the

discrimination of the sector and the hard work not accompanied by the respective payment that allows the worker to have a decent life and be able to support himself and his family:

"(...) domestic work is the last option, because you know, they even say that when they are looking for work they are desperate and they say 'I'm looking for work, even that of a domestic worker'. I mean this work is only really when they are in a desperate situation because they know that it is a job that is really difficult...people enter this job hoping that they will find something better and there is not even talk about disclosure of the law because it is a class that doesn't want to be there, really and only goes [to the sector] until they find something better. Nobody wants to identify with this class. It's a class that has no other destiny...It's not worried about rights it just wants to work to get bread" (Male key informant from the CNDH, 2021).

"It's a very difficult job, it involves a lot of contradiction between the employee and the employer. In general, employees are treated as if they were semi-persons. This experience is not generalised, but I've heard of cases where the employees don't have the right to eat the meal they've prepared and it has to be food from the day before that they have to serve themselves and not the food they prepared at that moment. This type of treatment I think is inhumane, apart from the low wages. It is not a good experience for people to subject themselves to domestic work. It has to do with the fact that they don't have other work opportunities" (Male key informant, Sociologist 2 and researcher from UEM, 2021).

5.2 Perception of law enforcement institutions, researchers and civil society organisations on the domestic workers' rights

Most of the study participants belonging to the various law and civil society institutions point out that the legislation on domestic work has gaps that end up influencing discrimination against domestic work and the rights of domestic workers. Such gaps are the differentiation in daily working hours between domestic and formal work, the failure to establish the minimum wage, the fact that the minimum wage by definition is not eligible for the INSS deductions, and the difference in the issue of severance pay:

"First because in other jobs there is a minimum wage set by the state that everyone must comply with, while for domestic workers, the employer gives what he wants, on the day he wants. Domestic work is also considered to be self-employed. But we know that in order to register with the INSS you must have the employer's authorisation. If you don't, you can't register, which means that domestic workers are not self-employed as they say in the INSS, but employed by someone else. And if this is so, then a percentage must be guaranteed by the employer. But many domestic workers pay alone because their employers don't help. But those who are in companies, the employer, out of the 7%, pays 4%. But for domestics they don't treat them like that anymore. You depend on good-hearted employers when they help you. But the law doesn't protect us. Even on working hours. Domestic workers have nine hours, but in the formal sector they have eight hours, but they don't say why it is different" (Female key informant from SINED, 2021).

"...women in domestic work don't have the right to retire if they have even the bare minimum or something worthless. So for me we are in a situation of discrimination. We are treating equal situations in a completely different way and we totally fall into discrimination" (Female key informant Jurist, 2021).

Additionally, the SINED' key informants revealed that the difference in the issue of severance pay, the lack of notice in the law and the difference in maternity leave between domestic workers and other workers also contribute to discrimination of the domestic workers' rights:

"...even if we are talking about the compensation itself, our sector is 10 days for each year, but for the others it is not like that, it is between 30 to 40 days" (Female key informant from SINED, 2021).

"...we also have the issue of notice, we don't have it in the law. We also have domestic workers working on Saturdays and holidays, but the others who are in formal do not work like that. Now that maternity is already 90 days, we still continue with 60 days" (Female key informant from SINED, 2021).

Despite the existence of legislation on domestic work, law enforcement and civil society institutions point out that people do not respect many of the domestic workers' rights, most notably working hours and the minimum wage. The failure to respect the minimum wage may be related to the fact that the legislator left the decision on wages between employers and domestic workers:

"What should be established, the minimum wage for example, is not established. A lot of things practically the legislator legitimized that the families, that the bosses and the employers decide a lot of things about domestic work. The decisions were made available to the parties" (Female key informant and Jurist from PGR, 2021).

The other reason that contributes to the lack of respect for the rights of domestic workers is related to the lack of inspection in that sector because inspection falls only on formal work and domestic work is considered informal:

"It is very complicated. First the inspection is a public act and the inspection falls on formal employment and it cannot fall on domestic employment" (Female key informant and Jurist from PGR, 2021).

However, in case of a complaint of ill-treatment of domestic workers, the inspection can be made to the informal sector, such as domestic work:

"...exceptionally when we have a complaint and this complaint has to be about ill-treatment, violence or any other type of violence ... (there will be an inspection) ... the inspector would not go to a house just for the sake of it. You can't invade a home without a judicial decision... in extreme cases, only when there's a complaint. So practically in my point of view domestic employment is a job that does not have the same rights as other formal jobs... we still have a long way to go" (Female key informant and Jurist from PGR, 2021).

Another aspect that contributes to the violation of domestic workers' rights is related to the fact that many domestic workers work without contracts, which does not help them in case of non-compliance with agreements made in the context of employment:

"Researcher: what are the risks that employees may face with regard to the violation of their rights?"

Participant: The risks, for sure many are linked to the fact that they work without a contract, and this harms them, because they have no means to demonstrate that there was non-compliance with the agreements established in the contract. But even so, we try to work with witnesses to follow up on the matter. The second risk is the lack of knowledge of the laws, because if they delay in submitting the complaint, they run the risk of doing so after the statute of limitations has expired, and so we have no means to interfere" (Male key informant from IPAJ, 2021).

5.3 Domestic workers' perceptions of their rights

Domestic workers registered within the INSS said they know their rights to a minimum and know how to act if their rights are violated because they have had training at SINED:

"Researcher: Do you know your rights as a domestic worker?"

Participant: As I said before, we are usually given training at the SINED on our rights, but I don't always participate. What I do know is that we can go there to complain when they treat us badly at work, or when they delay paying us wages... but I don't know much about the law" (Female domestic worker registered with INSS, 2021).

Unlike domestic workers registered with the INSS, domestic workers who are not registered within the INSS do not know their rights and do not know where to complain if they have problems at work:

"Researcher: Do you know your rights?"

Participant: I don't know my rights. I don't even know that there is a law, I only know that you can't treat me badly, beat me...

Researcher: Do you know where you can go to complain in case you have a problem in your work?"

Participant: No" (Male domestic worker, 2021).

5.4 Institutions promoting the rights of domestic workers

In Mozambique there are some institutions and civil society organizations that promote the rights of domestic workers. The public institutions that defend and promote workers' rights are: *Ministério do Trabalho, Emprego e Segurança Social* (MITESS) [Ministry of Labour; Employment and Social Security], *Instituto de Patrocínio e Assistência Jurídica* (IPAJ) [Institute for Sponsorship and Legal Assistance], *Comissão Nacional dos Direitos Humanos* (CNDH) [National Human Rights Commission], *Polícia da República de Moçambique* (PRM) [Police of the Republic of Mozambique] and the *Procuradoria Geral da República de Moçambique* (PGR) [Attorney General's Office].

The MITESS is responsible for the design, dissemination, implementation and supervision of the Law, including the facilitation of the registration processes of domestic workers with the National Social Security Institute (INSS). To this end, in addition to the Law No. 40/2008 - Decree on domestic work, MITESS has designed and implemented the Decree No. 14/2015 of 16 July, which sets the rate of contributions for self-employed workers and Ministerial Diploma No. 105/2015 of 27 November, which determines the registration requirements for self-employed workers.

The Decree no.14/2015 determines that domestic workers are part of the group of self-employed workers and, as such, they must register and pay contributions individually without the employer's contribution. Similarly, the same Decree sets the contributions of this group of workers at 7% of the monthly salary or income earned. However, the Decree determines that only workers earning the national minimum wage - which currently is actually 4300 MZN (*Meticais*) - can register at the National Institute of Social Security. In order for domestic workers to register with the INSS, according to Ministerial Diploma No. 105/2015, of 27 November, they must comply with the following requirements: Identity Card, declaration confirming the exercise of activities, Unique Tax Identification Number (*NUIT*), bank account, telephone contact, email address and supporting documents of the household members. These procedures are different from the employees, that as stipulated by Decree no. 4/90, 13th April - which sets the global contribution rate between employers and employees - the global contribution for INSS is 7%, with employees contributing 3% and employers contributing 4%.

Self-employed persons as well as employees receive the same benefits, i.e. sickness, maternity, invalidity, old age and death pensions:

"All the benefits that employees have are the same as for the self-employed. For example, workers have the right to receive after contributing for 6 months in case of illness, but for the case of death it only takes 3 months. There is also the subsidy for illness, hospitalisations, then there is the paternity or maternity subsidy, when you give birth. There is also the disability pension, which is when, before the worker retires, the worker is unable to continue working and is therefore entitled to a disability pension. But we also have the old age pension, which has a minimum age to start receiving, but we also have an age at which the state says that this citizen is entitled to receive the old age pension. And finally the death when a worker dies, first there is the funeral allowance to support the ceremonies, we also have the value of 6 months payment to support family members and the survivor pension to assist the spouse, and also for children, but each of these payments, depends on the contribution that the worker makes and we have the respective requirements for each benefit" (Male key informant from the INSS, 2021).

However, there is differentiation in terms of time in some benefits, as advocated by the Mandatory Social Security legislation (INSS, 2019). In the case of sickness benefit, for example, employees are entitled to the benefit for 20 working days, which can be extended if the illness also extends, while self-employed workers are entitled to the sickness benefit for a period of only 30 days. The maternity allowance for female employees is three (3) months while domestic workers are entitled to maternity allowance for only two (2) months (INSS, 2019).

The INSS is responsible for the registration, collection of contributions and payment of benefits for domestic workers. The institution also promotes the dissemination of legislation benefiting domestic workers:

"The INSS has also been interacting with the trade union and workers' associations to promote and encourage workers to enrol, to register in the INSS. Also, the INSS makes campaigns in the social media about the benefits of the workers that are registered in the INSS" (female key informant from the INSS, 2021).

The MITESS, through the National Directorate of Labour Inspection and the Labour Mediation and Arbitration Commission, carries out inspection activities and mediates the resolution of

conflicts between workers, including domestic workers and employers. These institutions also disseminate the laws and sensitise communities on the existing mechanisms for the denunciation or resolution of labour problems:

"There are complaint mechanisms in the Provincial Labour Directorate, it has been doing the work of disseminating the Law and raising awareness at district level, with the involvement of the Attorney- General Office. At district level, in conjunction with the community leaders, to raise awareness in the communities about these problems, these situations The Attorney- General Office are even receiving training to know how to act in these cases" (Male key informant representing the Labour Mediation and Arbitration Commission of MITESS, 2021).

The Institute for Legal Aid (IPAJ) provides free legal aid to citizens who can prove that they are unable to afford private legal services. These citizens include, among others, non-working citizens, employees, and domestic workers. The Police of the Republic of Mozambique (PRM) is the justice institution to which citizens appeal in case of injustice or violation of their rights. The National Human Rights Commission (CNDH) promotes and oversees compliance with human rights for all citizens, including all types of workers, and is active in promoting the rights of domestic workers. One of its roles is to refer cases related to violation of the rights of domestic workers, including civil and criminal cases:

"We have a network of institutions that collaborate with us. If it is a criminal matter, we channel to the PRM or the prosecutor's office. For example, if it's a criminal case, we call the prosecutor straight away. If it's a civil case, we have IPAJ, if it's necessary the intervention of the Ministry, if it's a labour case, we have the Labour Inspectorate of MITESS. But there can be found some cases where we can prior see that these are already a crimes, so we call the police" (Male key informant from the CNDH, 2021).

Civil society organisations such as the Mozambican Workers Organization (OTM), National Union of Domestic Workers (SINED), Association of Women, Law and Development (MULEID) also defend and promote the rights of domestic workers.

OTM plays the role of an intermediary between workers and companies and the Government. With regard to domestic workers, OTM seeks to lobby the Government to improve the law on domestic workers and the status of domestic workers in the labour market:

"We have been lobbying our Government to improve the laws on domestic work. We are trying to change the Decree No. 40/2008 to ratify ILO Convention 189 and the Communication 122, because these principles will force the Government to look at domestic work like any other else" (Male key informant from the OTM, 2021).

The OTM has a trade union called SINED which deals only with matters relating to domestic workers. Domestic workers who join SINED can submit their problems to the union in particular or to the OTM in general:

"We have the domestic workers' union [SINED] affiliated here at OTM. But workers can come and complain here [OTM] or in the union, depending on them. But if they register, they register with the union. But we are the general, we deal with the issues of all kinds of workers" (Male key informant from the OTM, 2021).

The SINED has the task of raising awareness and registering workers. According to the SINED' representative, in order to domestic workers be registered in the union, they only need to present their Identity Card. The SINED also helps workers when they have problems on work, advises workers to register within the INSS, and disseminates Law No. 40/2008 on domestic work, the rights and duties of domestic workers. However, it is acknowledged that many domestic workers are not aware of the SINED's existence:

"The union usually gives lectures to domestic workers. They should have respect, not argue, not steal things from the owner. They should do their work properly so they don't have problems. They should know what their rights and duties are. Many people [domestic workers] don't have information. But when we started we did marches and we were on television and people saw us and came to register. But now we have stopped these activities because of COVID-19. Many don't know their rights and don't even know that the domestic workers' law exists" (Female key informant from the SINED, 2021).

The OTM and SINED' representatives said that they faced several challenges in carrying out their activities in safeguarding the domestic workers' rights. Such challenges are related, for example, to problems of relations between domestic workers and employers, limitations of the Law no. 40/2008 for supervision of domestic workers' activities and conditions at the workplace, constant violation of workers' rights, lack of training and knowledge of workers' rights, lack of laws determining minimum wage and working hours for domestic workers:

"One of the challenges we face is knowing how to deal with employers who invent situations in order not to pay their workers, because many of them usually say, sometimes they don't have money at the moment, sometimes they are asking to pay in instalment [in case of debts or indemnities], sometimes they invoke things that the worker didn't do, just to avoid paying. And we have no way of proving it, it's the word of one against the other. We can't go into people's homes to inspect their working conditions because the law doesn't provide for it. So the law is our biggest challenge to get supervision's right. Also the forms of work.... We can only get workers together on Sundays, because others don't even have the right to holidays. So we don't have much time to provide training so that they know their rights" (Male key informant from the OTM, 2021).

"(...) First thing is the minimum wage and many things that come after, we want all domestic workers to work in peace. We also want domestic workers to have a single schedule, that the person will work knowing how many hours and be stipulated legally. And we are working from morning until night, we don't have a fixed schedule. Our employers are the ones who determine the hours, from 7 until 6pm, 7pm, 8pm.... And we would only like to work the hours that we can work and come home and take care of our domestic affairs as well" (Male key informant from the SINED, 2021).

The, MULEID also promotes the rights of domestic workers by disseminating the Law No. 40/2008 and raising awareness of domestic workers' rights using campaigns, seminars and assistance to domestic workers in case of violation of their rights, including in criminal cases:

"We do these campaigns and seminars for them to know that we exist and for them to come to us. And a lot of people [domestic workers] come and ask for our support. There have been many cases, I don't have the number now, but they reach more than 20 cases"

a year. Only in 2020 they went down a little bit, maybe because of COVID-19 because our performance was also not so up for the same reason. But people come to us a lot" (Male key Informant from MULEID, 2021).

Despite the existence of various state and civil society institutions that promote the domestic workers' rights, the results of the interviews indicate that most domestic workers did not know where they could present their problems, and the few who knew about the existence of some institutions had almost never used these institutions to present their problems. Some participants who mentioned some institutions were members of the SINED. Other participants mentioned the police station as the place where they could turn to present their concerns. Some key informants said that the lack of use of institutions is partly due to the lack of knowledge of these institutions, lack of time to go to the institutions and fear of losing their jobs:

"He/she [domestic worker] knows that he/she can complain, but he/she is afraid of losing his/her job, being without a job and not being able to pay his bills. So, he/she is in a situation of fragility. So, he/she finds him/herself in the situation of staying with that job, even though he/she is in an inhumane situation, because he/she would not have another job opportunity in the short term" (Male key Informant, Sociologist 2 and researcher from UEM, 2021).

6. Social Determinants Influencing the Production and Reproduction of Indecent Paid Domestic Labour

This study identified several determinants that influence the existence of indecent work in the domestic work sector, namely: historical-political, legislative, economic, social and cultural factors.

6.1 Historical-political factors

There is a perception that domestic work is a result of the colonial legacy. Although the post-independence period has seen an extension of equal rights among citizens, the domestic work

sector has continued with several of the dominant characteristics of colonial domestic work. For example, the architecture of housing infrastructure built in the colonial period was designed around the settler's main house and outbuildings in the back of the house for domestic servants. This architectural structure has been maintained from the post-independence period to the present day as a way of serving the interests of employers at all times of the day without any agreement on wage payment or compensation for the extra time worked:

"I think that post-colonial domestic work is an extension... and I also said at the beginning, various labour relations have emerged, but in the domestic sector, specifically, it has not had its visibility... We are still heirs of the colonial period, you only have to see, every house, every building that is built, there is always a shelter for the domestic worker, so our thinking is still feudalistic thinking. We have the big house and we have the sanzala [shelters for domestic workers]. So, the construction of the premises serves as a warehouse, but it also serves as a shelter for the one who has to wait for the boss when the boss comes back at two in the morning, and he has to wake up to attend to the boss, and he doesn't get paid for that" (Male Key Informant, Sociologist 2 and researcher from UEM, 2021).

6.2 Legal factors

In Mozambique there are laws regulating labour relations in the domestic work sector. However, these laws need revision and consensus pacts between the main stakeholders, namely: employers, the State, civil society and the private sector. The current legislation does not fully protect the domestic workers' rights. The law only regulates but does not fully protect the worker due to inefficient inspection mechanisms as well as the persistence of some grey areas in relation to the establishment of more specific measures on minimum wages, working hours, compensation, inspection and impunity for those who infringe the rights of domestic workers:

"Researcher: To what extent, do you think this law protects domestic workers?"

Participant: I can say that it does not protect, but only regulates. The law does not protect because of the mechanisms that are not appropriate. First, the issues related to compensation... the inspection, I mean, there is no inspection in these areas, holidays, bonuses, salaries, you name it. It's a regulation that exists but it's not effective. Now in terms of principles, we have many interesting ones. In the Constitution, it is stipulated there, the standards of laws we have

international laws, but the guarantees of the efficiency of control, supervision, impunity, really leave something to be desired. Our country has laws that discourage this type of slavery, but already in the control.... " (Male key informant from the CNDH, 2021)

Some key informants feel that domestic work should be made extinct because it puts workers in indecent and deplorable working conditions:

"In legal terms something is missing. It seems to me that as soon as there is legislation that intends to ensure or dignify domestic work, it seems to me that domestic work should not somehow be fought against. In my opinion we should fight it (...) because I am of the opinion that all of us could, if [domestic work] were forbidden, do without domestic work and maids in our homes. Because we have the capacity in some way to assist domestic work" (Male key informant, Sociologist 2 and researcher from UEM, 2021).

"...domestic work, I will say straight away that in fact this area is one of the most worrying. To begin with, under normal conditions there should be no domestic work... That is why here at OTM we do not defend domestic work as a job like any other formal job, but since there is a lack of job and we are in a poor country, people end up looking for precarious and undignified jobs such as domestic work and because we can't stop these jobs, not even with the help of the law, we have no other option but to try to guarantee a legislation that tries to make this domestic work a little dignified ... That's why we fought for the existence of the Decree 40/2008, to prevent domestic work from becoming slavery. But what we see is that workers as well as their employers do not know this law, and those who know do not apply it and continue to exploit their workers in this sector. The employers don't respect working hours, don't pay overtime, workers are trampled underfoot, sometimes they can't eat, while she cooks, sometimes they can't use the bathroom that the boss uses... if they can't use the bathroom" (Male key informant from the OTM, 2021).

6.2.1 Factors relating to the enforcement of laws and regulations

The inspection of domestic work only happens in the formal sector in a more organised and consistent way. There is no inspection in the domestic work sector. On the one hand, inspection is only carried out in cases where the public denounces it and a labour inspector is sent to investigate the respective situation. On the other hand, there is a perception of impunity even in cases of denunciation. The lack of technical, material and financial conditions contributes to

a greater vulnerability in the inspection of this sector, since if someone denounces cases of human rights violations, it is up to the same person to create the conditions for the authorities to go there for inspection:

"There are also many areas where the state does not arrive to supervise. The other factor is the feeling of impunity, we always think that nothing will happen to us. These factors contribute to the aggravation... and also the lack of institutions to oversee these practices. If you report something that is happening today in Chókwe, for example, you are the one who has reported it and you have to arrange for the police to go there. So, this lack of technical, material, human and financial conditions also contributes a lot...Let's define private imprisonment, which is people who are not authorized to have the custody of people, or who are locked up. We have these situations that when the person doesn't do the job as the boss likes, they are locked up for a week, or more. So, in this case, the boss is king and, given the lack of supervision by the judiciary, people end up taking the law into their own hands" (Male key informant from the CNDH, 2021).

"The issue of labour inspection in the domestic layer there is no inspection.... Now there is no inspection, I can say. Because before they went from house to house trying to find out what was happening and negotiate good working conditions with the employer. They say there is inspection, but for me there is not because we are suffering and we are not seeing any help from anywhere" (Male domestic worker registered with SINED, 2021).

There is a perception that there is a pact of silence on the part of the state, which does little to intervene in these complaints because it cannot provide access to formal employment. Thus, employers violate human rights and the state pretends not to take harsh measures because it assumes that only this precarious situation is worth the total absence of employment, which further exacerbates the precarious working conditions of domestic workers:

"The state knows, knows, but does not want to enter into open conflict with employers because the state should create access to formal work. And if workers don't have access to formal work, what will be done? Because it is the state that has to create these jobs. It is a continuity of a cultural practice. But in Brazil, we can find day labourers, and in Europe, domestic workers are hired for very specific activities, due to the payments that are in accordance with what is stipulated by law. But not in our case. We still have these colonial, feudal practices as a result of the culture of our settlers, of our history But at the same time, the state knows that it does not have the conditions to ensure that people benefit from their rights, such as access to work

and a dignified life. There are attempts and proposals to improve the conditions of domestic work, but I don't know if the law that guarantees this is already in place. And the problem is this pact of silence. In Brazil they used to say "the state pretends to pay and we pretend to work" and all this is linked to the salary the state pays. If the state pays me a salary of 20000 MZN, how am I going to pay 5000 MZN to my employee. I can't. I can only pay him 1500 MZN. The state knows that what we have as salary is far from being able to meet our basic needs and give dignity to the human being" (Male Key informant, Sociologist 1 and researcher from UEM, 2021).

Finally, it must be considered that corruption also functions as a way of silencing the cases of denunciation to be submitted to inspection by the State sector. As can be seen in the following extract:

"So there are several factors, but there is also a transversal factor that is very important, which is corruption. If I have the power to pay the inspector, then... corruption exists at all levels, from the highest to the lowest, and this hinders the good performance of the institutions. It is a mosaic of factors" (Male key informant from the CNDH, 2021).

6.3 Economic Factors

One of the economic factors contributing to indecent work is related to the severe poverty affecting most of the population, in general, and the population with a low level of education, in particular. The formal labour market is selective and limited in terms of job offer (employment), which pushes most people with low educational qualifications into domestic work. With low qualifications and greater offer in the demand for employment, most employers offer occupations with low wages and limited rights to domestic workers. The low wages of the class of the domestic workers are mainly a result of the low income earned by the employers:

"From an economic point of view, it is linked to purchasing power and the capacity of markets to create jobs. And since we have difficulties, we end up entering the field of labour precariousness, which is domestic work.... security guards, domestic employees, are subject to these issues of precariousness. In rural areas this is not as intense as in urban areas because in rural areas the families themselves are those who have to work for their own sustenance. And the employees who sustain the urban environment come from the rural areas to the cities

in search of work. So, there is a little difference here. However, when we find a family in rural area that keeps a domestic worker, the working conditions of that domestic worker is much more deplorable because his salary is even lower, because the families are also poor (Male key informant, Sociologist 2 and researcher from UEM, 2021).

"Another aspect is poverty. When people are poor they often have no options and they are very vulnerable that they don't even demand rights. They just want to survive" (Male key informant from the CNDH, 2021).

6.4 Sociocultural and political factors

There is a combination of social and political factors that contribute to indecent work. The social factors include: (i) the low level of education that characterises the profile of domestic workers; (ii) the low level of knowledge about human rights and domestic workers' rights by the domestic workers and their employers; and (iii) sending minors to live with relatives with a certain economic power in the name of solidarity and exchange for adequate education, health and protection (a practice more common in urban areas). The study also identified some practices that subtly start as domestic work and unfold into premature unions in both urban and rural settings. For example, there are cases in which the underage girls are subjected to forced labour, which may start in the name of paying off a debt incurred by their parents or guardians, and the value of the debt being deducted from the work carried out by the girls. When the debt is huge and the girl reaches puberty in the workplace while the debt has not yet been paid off, then this girl becomes the wife of whom she is still owed the value:

"It seems that there is an interrelationship of factors (...) in a family or in a relatively disadvantaged social environment when one does not have the opportunity for formal education in the future he/she is forced to earn an income. As the market is closed to people with lower education, they are often forced to choose the domestic work. These are the options they have but at a lower level. So it seems to me that factors related to lack of education have to do with the fact that you come from an economically disadvantaged family, I imagine... people who don't manage to rise in education have to do with the fact that they can't continue with their studies. In general, it seems to be a case outside of situations where in some social cycles

education has no value ... families having some income that can be used to guarantee the education of their children simply choose not to use that income for that purpose. They opt to use that income for other tasks than the education of their children (...) In these social cycles it seems that formal education has no value. It has value, for example, going to the mines to earn money and not seeing the child with some higher education. People have difficulties in accessing formal market work because they haven't had access to formal training. If they didn't have access to formal training then there are other reasons that have to do with the fact that they come from generally poor families and education is probably not a priority. So it seems to me that these factors occur to me very well for people or their children (...) in the future to be potential domestic workers" (Male key Informant, Sociologist 2 and researcher from UEM, 2021).

"Participant: (...) you take the child, you say that he has to live with his godmother or people take their godchildren to raise in the expectation that they will have more life opportunities (...) and consequently, the child is taken to be raised there, by the godmother, supposedly because he/she will have more opportunities. But in general we see that this is not the case. Generally these children who are taken by this acquaintance end up serving as domestic labour. This is a cultural element that is worth exploring. It may be an issue linked to the culture of working early.... Because in the law you can only work at the age of 15, but with permission of the guardian. One thing we know is that children are working for people, children who even come from the districts and come to work for their relatives" (Female key informant from the Labour Mediation, 2021).

In relation to political factors, there is a combination of aspects that are linked to the policy that determines the minimum wage in the country, a policy that covers most employers, combined with market rules that are governed by the search for balance between supply and demand that contribute to the precariousness of domestic work. The combination of these factors means that employers cannot offer their domestic workers a decent wage. And, as the State does not interfere in the determination of the minimum wage for domestic workers, the latter are seen as victims of the "pact of silences" between employers and the State, as can be seen in the excerpt below:

"There is an attempt to regulate this activity [domestic work], but there are also a lot of tensions in the middle of that because the wages of the employers, especially those who are linked to the civil service is also not high. If they want to demand that domestic workers earn like servants and others who are linked to the formal sector, it means that we as the State employees will not

have the capacity to pay these employees.... It is as if it were a pact of silence between the State and employers, I might say, in order to save a category that still remain outside the formal parameters from the point of view of the labour rights. Even so, we can say that the issue of slavery continues, even if not very explicitly, it continues to exist. And partly even covered up by the State itself. Because the State knows... that it has not yet been able to protect and free the system of domestic work from a colonial process" (Male key informant, Sociologist 2 and researcher from UEM, 2021).

Cultural factors

Similar to some social practices that implicitly and covertly operate as determinants of indecent work mentioned above, from the cultural point of view there are cultural practices that also operate in the same subtle way as determinants of indecent domestic work. Thus, this study found that most key informants have the perception that (i) the use of child labour for domestic work in both urban and rural areas; and (ii) the payment of debts incurred by parents or guardians where the children are used as bargaining chips until the value of the debt is settled (more common practice in rural areas) hide forms of modern slavery:

"I think there is firstly a cultural factor. We have to think that Mozambique is a cultural mosaic. Another thing that we found is also linked to traditional practices when families go to a traditional healer for treatment, sometimes they pay with the children. That is, they leave the children in the house of the healer to do work until the father is able to pay for the treatment.

Researcher: And when the child stays there, what is the child's function?

Participant: It's for domestic work. But you have to be aware that if they don't pay, the child stays there forever. And if it's a girl, she will serve the chief while she is at work and when she grows up she will become one of his wives. In Manica this is common and these practices still exist" (Male key informant from the CNDH, 2021).

"According to our culture, there are certain houses where people start working and cleaning at the age of 8, 9, and maybe it's good for the person... but that's something people do inside their houses, not working for someone else. Now, when someone brings in an outsider to do

work, the situation is different.... There is no doubt at all that there are several cases of children up to below the age of 15 who are working in people's houses... in the house of other relatives, when they come from the districts to the city... we have several cases of these in all of Mozambique. Children who look after other children who are almost the same age as the children they are looking after "(Male key participant from the labour mediation, 2021).

In addition to the use of children for various domestic work purposes, there is a culture of male domination that makes use of power and intimacy and imposes practices of sexual abuse on adult domestic workers. In some cases, this practice culminates in marital unions between the employers and the maids. Sexual violation takes on alarming proportions in the contexts where the State's inspection and enforcement of the laws is limited, particularly in the rural areas:

"Violence continues...sexual abuse also continues. There are several cases of domestic workers being forced to have sex with their employers. Others complain, but there are others who even end up declaring themselves second wives of their employers. But what we have here is that the State itself has opened space for this aggression because the laws against violence helped to reduce this issue in urban areas, but in rural areas, where the State is almost not present, it is easier for these practices to spread" (Male key informant, Sociologist 2 and researcher from UEM, 2021).

7. Impact of COVID-19 on the Rights of Domestic Workers

The impact of COVID-19 on domestic workers was seen in relation to the following elements: type of work, daily workload, salary, contract and rights.

Regarding the type of work, most of the domestic workers living in the workplace and those living in their own homes stated that with COVID-19 the type of work has increased as they now have to be constantly disinfecting the spaces in the house, the objects in the house and the shopping items:

*"Researcher: now let us talk about COVID-19. Has anything changed in your work?
Interviewee: It has changed a lot because I have more work. Because now we have to clean everything that comes from outside. The cleaning inside the house has increased.
Researcher: What you did not do before but you start to do now with COVID-19?"*

Interviewee: Going out, coming back, changing clothes. Wash everything all the time. It's a lot of work because everything we bring from outside we have to wash or clean" (Female domestic worker 4, 2021).

However, some domestic workers who do not live in their workplaces stated that their weekly workload has reduced from six (6) days to three (3) days, but they still earn the same salary:

"Researcher: what has changed in your work since the COVID-19 started?"

Interviewee: With the start of COVID-19 I work every other day. But the schedule is the same" (Female domestic worker 2 registered at the INSS, 2021).

As for the daily workload, the domestic workers who live at their workplace and those who do not live at their workplace stated that the workload also increased with COVID-19 as they work between 9 and 12 hours from Monday to Saturday:

"Researcher: at what time do you start to work?"

Interviewee: I get in at 7.30am and leave at 5.30pm.

Researcher: Can you always leave at that time?"

Interviewee: No. Because I keep organising other things that I couldn't organise before and sometimes I postpone other things for tomorrow.

Researcher: and how many days do you work per week?"

Interviewee: from Monday to Saturday" (Female domestic worker 4, 2021).

Additionally, the domestic workers who live in their workplace revealed that with COVID-19 they work from early morning until late at night every day of the week:

"Researcher: don't you have established the working hours?"

"Participant: here this schedule thing doesn't serve much purpose. Here it's like at home. At any moment you have to do something, you have to do it. I work every day until I go to sleep. I only rest on these days that I said they give me to goto see my son in Gaza.

Researcher: How many days do you work per week?"

Interviewee: I don't even know what that is, sister" (Female domestic worker 3, 2021).

"Researcher: don't you have established the times to work?"

Interviewee: Here I don't have. As I live right here.

Researcher: How many days do you work per week?

Interviewee: I work every day (Female domestic worker 2 living at the workplace, 2021).

Only a minority of domestic workers stated that COVID-19 did not bring any impact on their work:

"Researcher: Did anything change in your work with the start of the COVID-19 pandemic?

Participant: nothing has changed with COVID-19. I went to stay with my son for a month when it started, but then I came back. But she paid me full salary that month.

Researcher: How did your relationship become with your employer?

Participant: nothing has changed" (Female domestic worker 3, 2021).

"Researcher: How has COVID-19 influenced your work?

Participant: nothing has changed with COVID. I still work from Monday to Saturday. Same hours.

Researcher: What care is required from you in the service due to COVID-19?

Participant: Nothing has changed. But my employers buy masks and alcohol" (Male domestic worker 1 registered at SINED, 2021).

As for the salary, most of the domestic workers in this study stated that it remained the same in COVID-19 time and their employers paid the entire salary:

"Researcher: Did anything change in your work due to the COVID-19?

Participant: Nothing has changed. I went to stay with my family for a month when illness (COVID-19) started, but later, I alone decided to return.

Researcher: and did they pay you the salary?

Participant: yes. They paid me" (Male domestic worker 2, 2021).

Regarding their rights, most of the domestic workers in this study said that COVID-19 has not changed their rights and their employers provided them with masks and alcohol for the prevention of COVID-19:

"Researcher: Did anything change in your work due to the start of the COVID-19?"

Interviewee: Not much has changed. I was only afraid of losing my job and of getting COVID19, but thank God I am still here" (Male domestic worker 3, 2021).

However, few domestic workers of this study said that COVID-19 has not affected their rights but their employers do not buy basic *kits* for the prevention against COVID-19 such as masks and alcohol:

"Interviewee: nothing has changed with COVID-19. I still work the same days. But masks and alcohol I have to buy by myself" (Female domestic worker 5, 2021).

"Researcher: Do you buy the hygiene materials by yourself or does your boss buy them?"

Interviewee: I buy everything by myself" (Female domestic worker 2 registered at INSS, 2021).

PART V. DISCUSSION

The research results show that the characteristics of the domestic workers interviewed resemble the general characteristics of this group of workers already described in several previous studies (Rocha & Pinto, 2018; OIT, 2015; Ferreira, et al., 2020). The participants interviewed in this study come from poor families in rural areas and live in poverty in the suburban area, present a low level of education, lack of training on domestic work, low wages, precarious working conditions and vulnerability to exploitation. The material condition of these participants makes them engage in domestic work as a way of seeking their livelihood and survival of their family. In this sense, domestic work is not an option, but the only means available to them due to their socio-economic characteristics.

Domestic workers in Maputo City present three (3) categories: resident monthly domestic workers, non-resident monthly domestic workers, and day labourers, as Rocha and Pinto (2018) had already suggested. These categories represent an object of differentiation between domestic workers in terms of the type of activities, working hours, wages and vulnerability to exploitation. The research findings show, for example, that resident monthly workers are more vulnerable to exploitation than their fellow non-resident monthly workers and day labourers as supported in previous studies such as that of Ramos (2013), as they do not have a time to start and finish their activities and, additionally, they undertake many more activities - some that are not necessarily domestic - than other domestic workers. Similarly, the wages of the day labourers are much lower than those of their peers. These workers also have an unstable job, as they depend on the existence of the job and negotiation of the number of days required to perform the house activities. The nature of the work of the participants in this research resembles indecent work (ILO, 2009).

The results of this research also reveal that there are gender differences among the domestic workers interviewed. Female workers tend to perform activities related to women, mainly the same ones they would perform in their homes, such as cooking, cleaning, childcare, shopping; while male workers tend to perform activities socially considered to be male work, such as garnishing a house, doing electricity work; notwithstanding the existence of male workers who also do house cleaning. These results partly substantiate the results of previous research that considers domestic work as female work (Maúngue, 2019) and predominantly carried out by women (OIT, 2016). However, the fact that Northern Mozambique is dominated by male domestic workers may reveal a local particularity, but more research is needed to gauge the nature of domestic work undertaken by men.

The results of this study clearly show that key stakeholders from law enforcement and civil society institutions are aware that the legislation on domestic work has gaps that end up negatively influencing the rights of domestic workers. Such gaps are the differentiation in daily working hours between domestic and formal work, the failure to establish the minimum wage, the fact that the minimum wage by definition is not liable to be discounted for INSS, and the difference in the issue of compensation. Therefore, there is a perception, among the key stakeholders from the Mozambican institutions of the law and civil society organizations, that domestic work can be perceived as an indecent work and, as such, similar to slavery. These results do not differ from the study conducted by Ramos (2013) which pointed that the rights of the domestic workers are often violated and they are also subject to indecent working conditions.

Key participants from law enforcement institutions and civil society point out that the violation of workers' rights may be related to the absence of inspection of domestic work in Mozambique, since the inspection is only carried out in the formal sector and not in the informal sector as is the case of the domestic work. This situation only confirms the results of previous studies (Ramos, 2013).

Similarly, part of the domestic workers in this study, especially those who are not registered at the INSS, stated that they do not know their rights. This fact may be related to the lack of a work contract and the massive non-dissemination of the rights of this class. Similar studies show that many domestic workers are subject to work without contracts which puts them in a situation of vulnerability regarding to their rights (Ramos, 2013).

Regarding the role of institutions that promote the rights of domestic workers in Mozambique, the research results show that despite the existence of several institutions that develop activities to promote the rights of domestic workers, the interviewed domestic workers still do not enjoy their rights due to the existence of gaps in the current legislation, workers' lack of knowledge about their rights and institutions that can assist them in their problems, and the existence of a very large gap between the institutions and citizens. These results show that the current legislation on domestic work is important but does not tend to solve the problems of the domestic workers (Castel-Branco, 2017). The weak legislation and the lack of regulations represent important barriers (OIT, 2016) because, on the one hand, they do not allow domestic workers earning less than one minimum wage to register with the INSS, harming them from all the benefits they could have as workers, and on the other hand, the legislation does not establish the minimum wage for domestic workers. Similarly, current legislation on domestic work and labour law does not allow the responsible institutions to supervise and act on practices considered indecent in the domestic labour market.

The study identified several determinants that condition the existence of indecent work in the domestic work sector, namely, historical-political factors, legislation, economic, social and cultural factors. Firstly, with regard to historical-political factors, there is a perception that domestic work is the result of colonial heritage. Although in the post-independence period, there has been an extension of equal rights among citizens, the domestic work sector has continued with many of the dominant characteristics of domestic work from the colonisation period. On the other hand, the architecture of the housing infrastructure built in the colonial period was not transformed - the concept of the Portuguese colonists to build the main house for themselves and the outbuildings in the back of the main house for the domestic servants remain until today as a way of serving the interests of the patronage at any time of the day.

Second, there are laws regulating labour relations in the domestic work sector, however, these laws need to be revised and consensus pacts are needed between the main stakeholders, namely employers, the State, civil society, the private sector. Current legislation does not fully protect workers' rights due to inefficient enforcement mechanisms and the persistence of some grey areas with regard to the establishment of more specific measures on minimum wages, working hours, insignificant compensation and impunity for those who infringe the rights of domestic workers. Third, enforcement of domestic work is non-existent. These data are consistent with

the Chipenembe study (2010) when referring to the fact that there are no formal mechanisms on the part of the State that enable the supervision of this activity. The lack of technical, material and financial conditions contributes to greater vulnerability of domestic workers, since if someone denounces cases of human rights violations, it is up to the same person to create the conditions for the authorities to move in for inspection. Fourth, poverty is one of the economic factors that contribute to indecent work. The formal labour market is selective and limited with low qualifications and increased job search, most employers offer occupations with low wages and limited enjoyment of domestic worker rights. The economic factor was identified as one of the most important determinants in contributing to the reproduction of the inhumane conditions that characterize domestic work, which differs from some studies that point to cultural and social factors as more prevalent (Herrera & Torelli, 2013).

Fifthly, there is a perception that some cultural practices contribute to indecent work, namely (i) the use of child labour for domestic work in both urban and rural areas; (ii) the payment of debts incurred by parents or guardians where the minors are used as bargaining chips until the value of the debt is paid off (most common practice in rural areas); (iii) sending minors to live with relatives with a certain economic power in exchange for adequate education, health and protection (most common practice in urban areas); and (iv) the practice of premature unions in both urban and rural areas. However, these factors mentioned above operate as latent and subtle forms of indecent work since at first sight they may not appear to be practices on paid domestic work but at the end is to comply with an oral labour contract as a form of payment of a debt or in the name of retribution for a solidarity action. Finally, there is a combination of social and cultural factors that contribute to indecent work namely (i) the low level of education that characterizes the profile of domestic workers; (ii) early unions that begin with the use of child labour up to puberty; (iii) the low level of knowledge about human rights and domestic workers' rights by domestic workers and by the employer; and (iv) the low wages of the domestic workers class mostly resulting from the low incomes of their employers. These data are consistent with the findings of various researches which point out that social and cultural factors such as, low level of education, gender inequalities and rural exodus are prevalent in creating inhumane conditions of the domestic work sector (Oelz 2015; Jokela 2015; ILO, 2013).

Regarding the impact of COVID-19 on domestic work, the majority of domestic workers who live at their workplace and those who do not live at their workplace revealed that COVID-19

had a considerable impact on the type of work performed and the daily workload that ranges from 9 to 12 hours, from Monday to Saturday. These results do not differ from those presented in similar studies showing that domestic workers in Mozambique have a daily workload of more than 10 hours (Castel-Branco, 2017; Chipenembe, 2010). Additionally, this study revealed that domestic workers living in their workplace work every day until they sleep, carrying out a range of domestic activities, including looking after children and vegetable gardens, which reveals a clear violation of their rights. However, it should be noted that this labour situation of domestic workers living at their workplaces does not only happen in cases of pandemic of COVID-19 but also at times without COVID-19. In fact, similar studies conducted before the pandemic of COVID-19 show that domestic workers living in their workplaces are subject to fragility, disrespect and violation of their rights because being in their employers' homes, they are available to help whenever they are requested (Ramos, 2013). Additionally, Neetha (2021) points out that the situation of domestic workers' vulnerability is not only caused by COVID-19 but by the failure of the whole structural system (Neetha, 2021) and the weak capacity or absence of inspection in that sector (Castel-Branco, 2017).

Although the domestic workers in this study claim that COVID-19 did not bring any changes in their rights, their discourses about the increase in the daily workload and the work done are a clear indication of the implicit violation of their rights. Implicit violation because they are not aware that their rights are being violated. Additionally, just the fact that their daily workload has increased but their salary has remained the same is already an indication of non-payment for overtime work. Previous studies conducted in several countries show that domestic workers are not rewarded for the extra hours of work done (Ramos, 2013). Further, studies show that although domestic work is considered essential, this symbolic appreciation does not extend to remuneration (Pandey, Parreñas, & Sabio, 2021).

An interesting fact in this study is that most of the domestic workers participating in this study said that COVID-19 brought no change in their wages, which contrasts with the similar studies showing that many domestic workers across the world experienced wage reduction in time of the COVID-19 pandemic (Rai Choudhury, Bhan, & Sampat, 2020).

PART VI. CONCLUSION AND RECOMMENDATIONS

6.1. CONCLUSION

This study identified and analysed the conditions of domestic workers, the determinants influencing the production and reproduction of indecent conditions of domestic work and, the impact of COVID-19 on the rights of domestic workers.

The results of this study show that domestic workers in Maputo City work in indecent conditions, characterised by precarious working conditions, overwork, high working hours, and low wages. These working conditions are influenced by the fact that domestic workers have low levels of education and lack vocational training. These factors do not allow domestic workers to have another type of employment and contribute to the reproduction of domestic work and indecent work.

The determinants influencing the production and reproduction of indecent work in Maputo City include historical-political factors such as lack of appreciation of domestic work and absence of policies on the domestic labour market; and legal factors related to the existence of weak legislation and lack of adequate enforcement of existing laws and regulations; which is conducive to the violation of domestic workers' rights. In this sense, domestic workers still do not enjoy their rights adequately, despite the existence of a Law that protects this class of workers.

Other determinants that influence the reproduction of indecent work by domestic workers in Maputo City are the economic determinants, such as high unemployment rate, low market wages in general; and the socio-cultural determinants linked to the poverty that characterises the origin of domestic workers, low level of education and lack of knowledge about their rights.

COVID-19 also represents a significant additional factor in the reproduction of indecent working conditions among domestic workers in Maputo City, as it exacerbated the already precarious working conditions of the domestic workers. COVID-19 has been influential in increasing work activities without additional pay, thereby violating the rights of domestic workers.

In sum, the indecent conditions under which domestic workers work places them in a situation of vulnerability to exploitation and practices analogous to modern slavery, such as working and living in the workplace, working overtime without additional pay, and lack of time to rest. These indecent conditions stem from the socio-economic and political framework conditions and the nature of domestic work in Maputo City.

6.2. RECOMMENDATIONS

- Review the labour law so that it is more general for all workers, introducing a well-stipulated timetable, minimum wage, issues of age for starting work and retirement, working conditions such as food, forms of treatment;
- Sensitise employers to respect workers' rights and human rights;
- Transform the domestic work sector into a formal sector;
- Review the domestic work law to accommodate the same rights accorded to the formal sector worker;
- Improve and expand the inspection of domestic work in the same way as formal work. This sector should be prioritized like any other and not seen as a marginal sector;
- Build the capacity of institutions such as the Prosecutor's Office and SERNIC to meet the challenges that the domestic work sector brings, as this is the sector where the greatest abuses and human rights violations occur;
- Improve and expand the inspection of domestic work;
- Train domestic workers in their rights;

- Raise the interest of the state by establishing a minimum wage; of trade unions and civil society organisations working for the defence of human rights by campaigning for the rights of domestic workers; and
- Raise awareness and involve civil society, trade unions, employers and State institutions in publicising and respecting the rights of domestic workers.

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