

## **Moroccan Women in the Domestic Services Sector: Recognizing The Unrecognized: Fez as a Case Study**

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### **Abstract**

The present paper aims to uncover the socio-economic and legal situation of women involved within the domestic services sector. It draws on parts of the findings brought about by a research paper I conducted in the fulfillment of the requirements for the degree of doctorate at the Faculty of Letters and Human Sciences in Fez, Morocco. Being more essentially based on ethnography, the study was carried out through the use of observation, focus group and structured/semi-structured interviews which were conducted and analyzed in the light of the established theoretical framework of this exploratory investigation. What is new in this article is the fact that the investigation's findings will be analysed and discussed through a critical re-reading of the Moroccan Labour Law on domestic workers to gauge the extent to which it complies with the International Labour Standards set by the Domestic Workers Convention. As a result of structural adjustment, a considerable number of unemployed workers are urged to invade the informal sector. This study reveals that women involved in the domestic services sector as an informal and feminized sector are not only economically and socially marginalized, but they are also marginalized at the legislative level. All this indicates the importance of recognizing the unremunerated and the under-remunerated contributions of women to the domestic services sector and to all aspects of development. It also suggests the urgent need to amend the labour law on domestic workers and bring it in line with the International Labour Organization Standards to improve domestic workers' conditions.

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**Keywords:** Domestic services sector, socio-economic/legal situation, labour law, Domestic Workers Convention, structural/ideological barriers

## **Introduction**

The present paper deals with women's situation in the informal sector. Its central objective is to uncover the socio-economic as well as the legal status of women involved within the domestic services sector as an informal feminized sector. Moreover, more focus will be on the main structural and ideological barriers to women's integration in development. The investigation findings will be analyzed and discussed through a critical re-reading of the Moroccan Labour Law on domestic workers to see whether it complies with the International Labour Standards or if it subsequently falls short of the new international standards set by the Domestic Workers Convention.

## **Statement of the problem**

As Morocco adjusts to the economic crisis, few jobs are being created in the formal sector. With fewer formal-sector jobs available, a growing number of women have been pushed towards jobs at the lower extremes of the domestic services sector. Women's vulnerable situation in this sector becomes more serious if we take into consideration their socio-economic and legal status in the workplace. All this provokes the researcher's interest to raise relevant questions.

## **Research questions**

This study attempts to answer the following questions:

- 1) What is the socio-economic and legal situation of women involved in the domestic services sector as an informal sector?
- 2) Is women's access to paid work in the domestic services sector a means to their emancipation or exploitation?
- 3) What are the factors that marginalize women's work and belittle their tasks? Are these factors structurally and economically produced or ideologically constructed?
- 4) Are the provisions of the Moroccan Law on domestic work in line with the international standards or do they subsequently fall short of meeting the new standards set by the International Labour Organisation (ILO) and the new Domestic Workers Convention?

## **Rationale of the study**

Women's situation in the domestic services sector has not been deeply approached from a gender-based perspective. The rationale behind carrying out this research, hence, is, first, to contribute to the literature written about women and work. In fact, there are different views about the effects of work on women's lives. One is that paid work emancipates women and liberates them at the social and economic level. Another is that women workers are

exploited under the archaic systems of patriarchy/tradition and the newly economic trends of globalization/modernity. It is these areas that I wish to examine in the present investigation.

Moreover, through this study, I will attempt to contribute to the literature written about women involved in the domestic services sector. To my knowledge, no research has been specifically conducted in the city of Fez on the socio-economic situation of women involved in this sector, and no investigation has deeply dealt with the laws governing the involvement of women in the domestic services sector before and after the amendments of the labour Law.

### **A Feminist rethinking of the term “Work”**

The term “work” in its lexical definition refers to what somebody does as a job in order to earn money. It also implies the use of one’s body or mind to do something in contrast to rest or play. (*Oxford advanced learner’s dictionary of current English*, 2003).

According to the first perception, work is defined in terms of material conditions in any ideological construction. Such a definition leads to the marginalization of domestic labour as a means by which women regenerate labour power for capitalism by serving their households and other families.

The second perception on the other hand is compatible with the feminist ideals that challenge the political concepts as well as the theoretical and socio-economic position of materialist thinking within capitalism, a system where ideology is a constant companion. Feminist theorists argue that the social relations of work, its cognitive and affective domains, and sexual divisions are structured around gender. Feminist theory has developed an epistemology of feminist materialism that provides contemporary politics with its most thorough account of work to date.

Feminist historians point out that women’s work spans community and industry. For instance, feminists analyzing women’s work in England and France from 1500 to 1700 challenge the traditional view that industrialization separated the family from work and demonstrate that family had a role in reproduction (Tilly & Scott, 1978). Currently, feminist scholars cite the history of women as an instance of the collaboration between capitalism and patriarchy.

Radical feminists argue that work constraints will end only with a major revolution in the structure of the economy and society. In fact, Ferguson and Folbre in “The unhappy marriage of patriarchy and capitalism” (1981) suggest that women’s participation and exploitation at work have increased because of the burden of domestic labour. They argue that the social relations of women’s nurturance work accounts for our oppression but might be our strength in a new revolutionary culture.

Ferguson (1979), thus, identifies another kind of domestic labour overlooked by social theorists which she calls sex/affective production or women's work in producing sexual and child nurturance.

Marxist feminists examine the effects of class and the impact of a late monopoly capitalist economy on the position of women both domestically and internationally (Kuhn & Wolpe, 1978). Indeed, many feminists argue that only a synthesis of Marxism even if it is an unhappy marriage, can emancipate women. The aims of Marxist feminists are to describe the materialist basis of women's subjugation, the relationship between the modes of production and women's status, and to apply theories of women and class to the role of the family.

Contemporary feminism argues that the dominant conceptions of work make the home invisible. In *Silences* (1978), Olsen eloquently explores some of these issues. She shows how the capitalist modes of production can lead to the delineation of domestic labour and ultimately the invisibility of the home as a private sphere. Rich in *Of women born: Motherhood as experience and institution* (1976) suggests that, commonly, women's domestic labour is not defined as work. In "The political economy of women's liberation" (1969), Benston draws attention to the fact that domestic work must be taken seriously in any analysis of non-existent status (as it was by Marx and Engels).

Most women's economic experience is one of destitution or hardship in the face of bad harvests, epidemics and desertion. By describing the international reach of the sexual division of labour, feminists have made visible much of women's hitherto invisible economic activity and demonstrated how this activity is organized for men's benefit. This new way of conceptualizing the economic realm informs pioneering feminist theories of economics.

According to Maggie Humm (1990), economics can be defined as theories which account for the making and consumption of wealth. Alexandra Kollontai (1977) provided an early feminist critique of economics. She believed that the destruction of old social forms was an economic inevitability and believed in the emancipating force of collectivized domestic labour.

There is more to a woman's place in modern economies than the distinctiveness of her labour supply patterns. The relationship between the work women do, the kind of income it produces (money or directly needed goods and services), and the kind of income they can claim (money or directly needed goods and services), involves a broad range of institutions of which labour markets are only one, and perhaps the least important one at all.

According to Penelope Ciancanelli (1987), the political dimension of the income-work linkage is exemplified by government policies towards the elderly, the infirm, and the unemployed. Governments provide monetary income to people in these categories and the amounts are independent of current work performed. In fact, when one considers intra-familial transfer payments, one discovers that over half the population gains income through transfer rather than from paid employment. The work-payment linkage for adult women contrasts sharply with this pattern. Women perform a great deal of socially necessary work, but do not receive payment for it or, in case they luckily receive payment, their work is under-numerated. Moreover, there operates a specific and powerful ideology that denies either the necessity or justice of payment for this work. It does so by denying its economic and social character- casting women's work to the realm of personal choice. Thus, a great deal of work women are socially expected to perform appears to be outside the economic system.

The treatment of this work in the national accounts and its exclusion from the Gross National Product (GNP) is the prime example of this mid-set. It is instructive to quote Stanley Lebergott as a leading labour force economist on the subject of housework:

There is considerable warrant for considering such work (e.g. housework) as no less real- and for more vital- than work outside the home. However, there would be little analytic value to measures that always showed about 100 of women in the labour force, varying not at all through the business cycle or through time (1964, p. 56).

The claim here seems to be that certain kinds of work go on whether or not economy grows. That is, unpaid work is an essential, hence invariant, requirement of the society but not of the economy. Its inclusion, he argues, would provide us with little analytic power in the process measuring overall economic activity.

What Lebergott was working toward in the argument quoted above is a different conceptual universe in which labour force definitions were developed. In it, employment is not defined as any utility creating work, but only that work which is paid for. Such a definition embodies the market concept of income. Accordingly, only women who are paid to do housework are considered to be income producing. The unpaid creation of utility is not treated as income.

As Ciancanelli (1983) argues, in another twist of logic, however, even this more limited concept of income is not uniformly applied. While

housework must need this criterion, analytically identical forms, such as farm production for own use, are estimated at market value, and this estimation is included in measures of GNP).

From a feminist perspective, the asymmetric treatment of domestic work in GNP statistics (and the conflicting conceptions of income that give rise to it) is both cause and effect of women's inferiority. On the other hand, the exclusion of housework and domestic work from GNP constitutes an official denial that this work is socially necessary and, therefore, productive of goods and services that contribute to the overall standard of living. On the other hand, it exposes a serious contradiction in the economists' approach to the study of social reproduction. This approach claims that women's specialization in housework maximizes domestic work income (Becker, 1981). Nevertheless, how can income recognized at the microeconomic level not add up to a positive net contribution at the macroeconomic level?

All these theoretical views and feminist perceptions of the concept of work lead us to reconsider the definition of the term "work" which neglects all forms of unrewarded or under- rewarded activities. Such a limited definition draws us to raise important issues. Does the concept of work refer only to rewarded activities, or does it stand as a flexible notion which can be extended to suggest all human activities that have a monetary utility or are far from the market concept of income within both the private and public spheres? If it is labour that earns a paycheck, then what is the status of women involved in the domestic services sector? Such questions represent key elements in this research that will trace their response through an investigation of the socio-economic as well as the legal situation of women involved within the domestic services sector as an informal and feminized sector.

This research paper represents an exploratory study that draws on the theories of feminism and economy about gender and work. For more concrete connections between such theories and the actual perceptions of women's work and their socio-economic as well as their legal situation within the domestic services sector, interviews, observation, open conversations and focus groups as main techniques of data collection are conducted and analysed in the light of the established theoretical framework of the present study.

## **Methodological framework**

### **The research sample**

In this investigation, the population chosen consists of working women involved in the domestic services sector. The study is based on a research conducted in the city of Fez (Morocco) about urban women and work before the amendment of the Moroccan Labour Law in 2011, and,

hence, before the approval of the Draft Law on domestic work by the government in June 2013 and the adoption of the new Labour Law on domestic workers in June, 26, 2016 by the House of Representatives.

The dissertation targeted the polar realms of the public/private in order to scrutinize the concept of gender and investigate its impact on working women's legal, financial and social situation. The main purpose was to investigate the main reasons behind women's access to paid work and uncover the impact of paid work on their socio-economic situation as well as their legal status in the workplace (public space) and within the unit of the family as a private sphere. In other words, the thesis' main objective was to see whether women's access to the labour market has brought about a change in their socio-economic situation and provoked an alteration of gender roles. As a matter of fact, I addressed women being recruited in the public (40 women) and private sector (160 women) which comprises both the formal and informal sectors (100 women in the formal sector and 60 women in the domestic services sector as an informal sector).

One way of reducing the possibility of error affecting the sample is to adopt the theoretical sampling method. It is through this method that I attempted to address as a more representative sample of the respondents as possible. Indeed, I addressed women being recruited in the domestic services sector as an informal sector (50% of household workers and 50% of women working as servants in hospitals, administrations, companies, factories, restaurants, clubs, cafes, boutiques, super-markets, hotels and clinics). The original sample consisted of 70 informants, but only 60 provided their feedback. In fact, 10 respondents fell into the hit and miss category. This sample included single and married women, illiterate women and women with a bare level of education or primary and secondary education levels. The main purpose, in this respect, was to determine the existing similarities and differences in their working conditions and disclose their situation within this sector. This, in turn implies that the informants were different in terms of their age, familial status as well as their socio-economic and educational background.

### **The research instrument**

Given the fact that a great majority of the respondents involved in service and domestic jobs were illiterate, (83%) I was urged to take notes and write down their responses. Accordingly, the questionnaires used to target the other categories of women involved in the formal sector (public/private) were implicitly transformed into structured and semi-structured interviews, which triggered the conversation between the informants and me. The adoption of a conversational approach to the interview process made the interviewees more relaxed when providing answers. In this way, the

“interrogator-informant” relationship common to both structured and semi-structured approaches was carefully reduced so as to enlarge the space of discussion.

Focus group as a preliminary technique of data collection was used to explore the subjects’ ideas and attitudes. Such a method enabled me to deal with the problem of time given the fact that most respondents were usually under time constraints. The purpose of focus group used in this study was to obtain qualitative data from a predetermined and limited number of people. (Kreuger, 1988).

As a qualitative field research, direct observation was not necessarily an alternative to other types of field research methods such as qualitative interviews or focus groups. Rather, it was used in this research as an initial approach to understand the setting, group individuals, or form of behavior prior to interacting with the informants or developing interviews protocols. Such a method affected contextual data on the interactions, the informants and the setting of the present investigation.

### **Data analysis method and procedure**

To analyse data and approach the material systematically, critical ethnography as a theoretical framework was adopted in this investigation. This was carried out basically through direct observation (non-participant observation), focus groups, structured and semi-structured interviews.

Critical ethnography as the main method of data analysis adopted in this investigation sets out to get insights into meanings and locate them within a broader setting. It focuses on meaning as cultural or structural aspects according to which people live and operate and investigates the meaning of a subject in relation to these aspects. (Soyini Madison, 2005).

To reach a well organized discussion with intersecting data, two sections are devoted to the main themes of this investigation. The first one is about women’s socio-economic situation. In this regard, the research sample was divided into four categories of women involved in the domestic services sector as will be mentioned in the present paper. The second section is more essentially concerned with a critical re-reading of the laws regulating the domestic services sector as an attempt to reflect its similarities and differences from the other sectors (industrial sector and the liberal professions in the public and private sector) and, hence, demonstrate the gaps existing in the Labour Code. This will be followed with a discussion of the main structural as well as the ideological barriers that stand against women’s integration in development. Ultimately, the study will advance a set of implications and recommendations that would possibly bring about a promising progress in the socio-economic as well as the legal situation of women involved in service and domestic jobs.



## Data analysis and findings

### 1- Women’s socio-economic situation in the domestic services sector

Table 1: Women’s income in the domestic services sector

	Percentage	Frequency
Women who receive a fixed income	25%	15
Women who do not receive a fixed income	75%	45

As the above tables indicates, a large number of the respondents (75%) who are involved in service and domestic jobs claim that they do not receive a stable and fixed salary. Their indefinable salaries are closely related to the nature of their jobs. In fact, we can distinguish four categories of all women involved in the domestic service:

*-The first category* represents women who permanently live with their employers. They work in return for food, clothing and a limited amount of money which depends on the mood of the employer. It is mostly given to them in religious feasts and family celebrations or ceremonies. This suggests that this category of women receives a salary which is not stable or fixed at a specific amount of money.

According to the findings of the present investigation, most of these women are relatives who are pushed by the economic shortage to leave their households and earn their living in the domestic service. The family relationship relating the employee to the employer alleviates the negative and demeaned connotation that the concept “khadima” (house servant) bears for other people and even for these women.

After a detailed description of her daily routines of housekeeping, cleaning, washing, sweeping, hovering, cooking, shopping, and child-rearing, one respondent proceeds to give a detailed account of her life. She says,

- “After the death of my parents, I realized that I went beyond the typical marrying age and, according to our social traditions, became a spinster. I was left alone with the wife of my elder brother who joined the “Mekhzen” (the military service). I was asked by one of my relatives upon her visit to our village to go and live with her in the city. Now, I cannot deny the fact that I have become one member of her small family. To tell you the truth, I do not receive a fixed salary, but I am well fed, well dressed and well treated. I have the right to visit my brother’s wife and children whenever I like. In the religious feasts, I go to the “bled” (village) to visit them, bringing with me the “baraka” (the amount of money) that I occasionally receive from my relative in order to help my brother. Since my relative spends the whole day at work, I have to undertake all the routine actions of housekeeping and childrearing. Still, I feel free and responsible. At least I have a role to play: to

look after her children who have become mine. I have been working in this house for 15 years and I will never leave it.”

Work for these women provides them with shelter and protection despite the indefinable salary they receive for a long day of hard work. As it is mentioned in the above statement, the word salary takes another meaning. It is closely tied to the meaning of gift or donation (baraka) that depends on the employer’s mood.

**-The second category** of my respondents comprises those women who claim to receive a monthly fixed wage. They are the domestics who work in households in return for an income that ranges between 300 and 800Dhs depending on their age and their competence. The average salary of the women interviewed is 600Dhs per month less than one-quarter of the 2570, 86Dhs National Minimum Wage (NMW) (Salaire Minimum Interprofessionnel Garanti) (SMIG)<sup>1</sup> for the industrial sector in Morocco.

In fact, age and competence remain key elements to the salary about which the employer bargains with the broker. In nearly all of the investigated cases, the salaries of this category of women are negotiated between the girls’ parents or guardians and the unlicensed intermediary or jobber. Most of the girls report that they do not directly receive any wages, which are automatically paid to their parents.

During the long journeys I undertook with the broker looking for a domestic who could help me in undertaking the domestic chores, I realised that there, actually, exists another black labour market. This new market is based on the principle of order and supply as potential elements regulating

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<sup>1</sup> - The National Minimum Wage (NMW) of a country (Salaire Minimum Interprofessionnel Garanti) (SMIG) is the minimum amount (lowest salary) that employers may legally pay to workers on an hourly, daily, weekly or monthly basis.

In Morocco the National Minimum Wage has progressed in the following way:

- from 2000 to 2004 it was fixed at 1674Dhs;
- from 2004 to 2007 is increased to 1842Dhs.
- In 2008 it was fixed at 1933DHs to reach 2029DHs in 2009 and 2010.
- In 2011 it was fixed at 2231DHs to reach 2334DHs in 2012 and 2013.

See: <http://countryeconomy.com/national-minimum-wage/morocco?year=2007>

- from 2015 to 2017 it reached 2570. 86Dhs. It is fixed at:
- 3000Dhs in the public sector;
- 2570.86Dhs in the private sector and 69.73Dhs per day for agricultural workers.

See: <http://blog.ojraweb.com/code-du-travail-salaire-minimum-legal-au-maroc-a-partir-du-01072015/>

- See also: Maroc : à la veille de l'augmentation du SMIG, faible progression des salaires dans le secteur privé en 2014. Retrieved from: <http://www.usinenouvelle.com/article/maroc-a-la-veille-de-l-augmentation-du-smig-faible-progression-des-salaires-dans-le-secteur-prive-en-2014.N333381>

-List of minimum wages by country. Retrieved from: [https://en.wikipedia.org/wiki/List\\_of\\_minimum\\_wages\\_by\\_country#cite\\_ref-157](https://en.wikipedia.org/wiki/List_of_minimum_wages_by_country#cite_ref-157)

the production process within the capitalist system. The unlicensed broker or the jobber is most of the time a woman who looks for the domestics and brings them to the clients. She has the freedom to invade the houses of these domestics at any time she wishes without even knocking at the doors. Another element which enlarges her authority over the “girls”<sup>2</sup> is the fact that the jobber can host and feed these domestics– especially the ones who come from rural and far areas– in her house till the moment where they can find a client<sup>3</sup>. The jobber does not only play the role of the mediator between the employer and the employee, but he/she also intervenes to impose the domestics’ conditions and bargain their salaries. This work is done in return for an amount of money that he/she receives from both the employer and the employee and which approximately fluctuate between 200 to 300Dhs. In this respect, some respondents reveal that the jobber promises to look for another better client and recommends them to contact him/her at the end of the month, immediately after receiving their salaries. This, in fact, reflects a strategy deliberately deployed by the jobber so as to maintain both the employer and the employee as permanent clients and, hence, guarantee a constant income. Therefore, the broker intervenes as another important element to manipulate and determine the employer/owner and employee/owned relationship.

All this implies that in addition to the economic needs, this category of women is extremely manipulated and exploited by other women belonging to the same social class<sup>4</sup>.

*-The third category* of my respondents includes women who eke out an income by hiring themselves out for a day. One unexpectedly comes across them in a corner or in public parks waiting for a freehanded client to take them from the *Mouqaf*<sup>5</sup>. These women argue that they ignore both the shape (quality) as well as the quantity of the tasks that will be allotted to

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<sup>2</sup> - A special term used by the jobber and the domestics to label this category of women and avoid the demeaning term of “khadima” (house servant).

<sup>3</sup> - Client is another term used exclusively by the jobbers and the domestics to refer to the employer. It belongs to the jargon of this category of women.

<sup>4</sup> - The majority of these jobbers live in some neighbourhoods that are scattered along different areas in the city of Fez especially in the old medina such as Bab Ftouh, Jnan Iwerd, Sidi Boujida, Ben Debbab and Aïn Haroun. Other women live in Al Atlas as, another neighbourhood in the city centre, in addition to other areas in the suburbs away from the city of Fez namely, Al Merja, Bensouda, Zwagha, Aïn Smen Wlad Taïb, Aïn Chkef and Aïn Chegag. Most of the domestics live in the same neighbourhoods where the jobbers themselves live such as, the shantytowns of Douaar Lmechmach, and Douaar Lmerja.

<sup>5</sup> - A special term used to refer to the place where women wait for their clients who take them to their households in order to undertake the domestic tasks. The famous place for the Mouqaf is found in Al-Atlas and a parking near the central market (Marché Central) in the city centre.

them in the households; a fact indicating that their salaries remain indefinable and not fixed at a specific amount of money.

As it is reported by a considerable number of the informants, the daily income of this category approximately ranges between 50 and 80Dhs<sup>6</sup> for a long day of ceaseless and hard work. These women argue that they sometimes do not receive any amount of money in case of dispute or misunderstanding with the employers or clients who are mostly of their sex.

Other women argue that in addition to the quantity or quality of the hard tasks allotted to them, they are always confronted by the negative perceptions that the rigid mentalities hold about their miserable, despised, and scorned work. These women are subject to sexual harassment and torture. I still remember the day when I went to the “Mouqaf” to contact some of my respondents. I found only one of them waiting for me on the corner of the central market. The other women were not there; they went to the Security Province, as the woman reported to me, in order to protest against the ill-treatment of people and the sudden or unexpected invasions of “larafe” (the police) to the “Mouqaf”. She proceeds to say,

- “We are persistently harassed by the suspicious and greedy gazes of people that devour our exhausted corpses and increase our feelings of guilt. We are at the mercy of heartless clients who do not differentiate between a descent woman who works to earn her living and a prostitute who hires her body out for a meagre and mean amount of money.”

Among these women, I met widows, repudiated and divorced women who take the “Mouqaf” as a shelter. Work for this category of “*women without men*”<sup>7</sup> is not covered by legislation; their circumstances and destiny are similar.

**-The fourth category** includes women who eke out a weekly or a monthly indefinable income by hiring themselves out for a whole day of cleaning, swapping and washing. They work in clinics, hotels, schools, sport centres, beauty centres, companies, restaurants, cafés, and public toilets, or clean the stairs and sweep the windows of some residences and buildings. These women argue that in addition to their unfixed working hours, both the quantity and quality of the tasks allotted to them remain indefinable. They claim that their incomes approximately fluctuate between 100 and 125Dhs per a week or 400 to 500Dhs per a month.

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<sup>6</sup> - Due to the dramatic increase of inflation rates in Morocco, domestic workers as well as the intermediaries' salaries have witnessed a remarkable raise.

<sup>7</sup> - A special term used by Willy Jenson to refer to the category of widows, divorced, repudiated women.

- See Jansen, W. (1987). *Women without Men*, Brill: Leiden E. J.

### **Women's legal status in the domestic services sector**

In the Moroccan legislation, there exists no law which guarantees full rights for the category of women who are engaged in the domestic service. The Dahir (law) of January 10<sup>th</sup>, 1947 which concerns the service sector stipulates that both the employer and employee should respect all laws that regulate their relations. Still, as it is demonstrated in the present investigation, this law does not cover domestics and servants. Consequently, there exists no legal text that regulates or delimits the domestics' relations with their employers. Moreover, there exists no regulatory framework which protects these workers with regard to health, safety and hygiene occupational standards. (Dhimene, 2002)

Morocco's Labor Code sets a limit of 44 hours a week for most workers, but the code does not cover domestic workers. The majority of the respondents argue that they work for over 100 hours a week and only 10% of the household workers receive a weekly day for rest.

Criminal prosecutions against employers responsible for physically abusing domestic workers and exerting all folds of symbolic violence against them are rare. Also, fines are hardly or almost never imposed on employers who mistreat this category of workers or hire under-age children for domestic work.

What is most striking is that domestic workers as the study reveals (91%) are often unaware of existing mechanisms to assist vulnerable women or do not know how to access them.

Morocco was urged by Human Rights watch to adopt a draft, that has been under discussion for several years, on domestic workers and to amend it to ensure compliance with the ILO Convention on Decent Work for Domestic Workers. The convention adopted in 2011 establishes global standards for domestic workers to secure their financial rights and protect them with regard to health, safety and hygiene occupational standard. Still, it has not as yet been ratified by the government to ensure its implementation in the Moroccan Labour Law.

The convention specifies that domestic workers should be covered by minimum wage requirements. It also stipulates that working hours for domestic workers should be equivalent to those involved in other sectors (C189- Domestic Workers Convention, 2011 (N. 189). The draft law, on the other hand, would allow employers to pay domestic workers only 50 percent of the minimum wage for industrial sector. Moreover, it does not set working hours for domestic workers.

In a report published by Human Right watch in 2012 that concerns children involved in domestic work, it was documented that children under 15 as the minimum age for employment in Morocco work as domestics in violation of the Moroccan and the International Labor Law. Moreover, it was

reported that domestic workers over age 15 are excluded from basic protection under Morocco's Labor Code. (Lonely servitude, child domestic labour in Morocco, November 15, 2012).

Middle East and North Africa advocacy and communication director at human Right Watch Tamara Alrifai argues that: "*Moroccan domestic workers are excluded from the labour Law; leaving them no legal right on their working hours or even a weekly day of rest*" (Cited in Morocco revises draft law on domestic workers, November 21, 2013).

The draft law sets key provisions that cover: paid annual leave, paid religious and national holidays, and paid leave for significant family events; a weekly day of rest of at least 24 hours; a minimum wage equivalent to the formal sector for domestic workers who do not live with their employers; the prohibition on domestic workers' recruitment by unlicensed intermediaries; the prohibition of recruiting domestics under age 15 and the requirement for the permission of a guardian for the employment of children between the ages of 15 and 18; dismissal compensation; a prohibition on tasks that can jeopardize the workers' safety, exceed their capacity or compromise their morals; the use of appropriate terminology to label this category of workers (domestic worker rather than house servant), and, more importantly, the requirement of an employment contract to be deposited with the labour inspection office, and financial penalties on employers who break the law or fail to observe other specified provisions of the law.

However, the standards set by the ILO Domestic Workers Convention are not met by the draft law, particularly with respect to employment contract, securing domestic workers' right to a weekly day off and paid leave, a minimum wage, limited working hours, and establishing mechanisms for settling disputes and violations. In fact, most of the provisions set by the draft law remain subtle and vague and, hence, need more coordination and precision.

All this reveals the fact that the draft law which concerns all workers involved in the domestic services sector proves to be incompatible with the global standards underlying the ILO Convention on Decent Work for Domestic Workers.

To bring the labour law in line with the standards set by the International Labour Organisation, the Moroccan parliament approved the law that regulates domestic work on July 26, 2016. Pursuant to its article 27 "*one year after the necessary texts needed for its implementation have been published in the official gazette*", the law will come into effect in August 22,

2017. (Royal Decree 1.16. 121. Official Gazette, No 6493 (August 22, 2016)8.

The new law requires proper labour contract signed by both the employer and the domestic worker, sets a minimum wage, secures days off and paid vacations, and limits their working hours. It also provides financial penalties for employers in case of these provisions' infringement, and even prison for repeat offenders. Moreover, the law stipulates that adult domestic workers work 48 hours per week, while for other sectors the Moroccan labour code provides for a minimum of 44 hours per week. Another debatable provision which was strongly criticized by *Insaf*, a collective Moroccan nongovernmental organization that opposes child labour, is mainly related the minimum age for domestic workers. The new law in Morocco sets 18 as the minimum age for domestic workers, with a phase-in period during which girls between 16 and 18 are allowed to work under their guardians' permission. The minimum wage for domestic workers, as another source of inequality, is fixed at 60 percent of the minimum guaranteed wage by the labour code.

In spite of these limitations, the new labour law will secure legal protection for domestic workers as the most vulnerable category of workers.

### **General discussion and evaluation**

Few jobs have been created in the formal sector as Morocco adjusts to the economic crisis. Unemployed workers and new entrants in the labour-force are compelled to invade the informal sector to survive. With fewer formal-sector job opportunities available, this has become the case for the category of wives whose marginal income is constantly required in order for the household to meet the most basic of needs. It also reflects the most disempowered of the poor, dutiful daughters working to sustain their families in the export-oriented textile and garment industries as well as the domestic services as marginalised sectors.

Moroccan women's access to the public sphere has brought about radical changes in the Moroccan family structure. Indeed, power relations inside the family have been reconstructed as a result of the emergence of two career couples, which stimulated the proliferation of service jobs (domestics). Concerning this point, Sadiqi in *Women gender and language in Morocco* states:

The dominance relation between the mother-in-law and the daughter-in-law shifted to the dominance

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<sup>8</sup> - Royal Decree 1.16. 121. Official Gazette, No 6493 (August 22, 2016). Retrieved from [http://www.sgg.gov.ma/BO/Ar/2016/BO\\_6493\\_Ar.PDF?ver=2016-08-23-141835-253](http://www.sgg.gov.ma/BO/Ar/2016/BO_6493_Ar.PDF?ver=2016-08-23-141835-253).

relation between homemakers and the domestics. Workingwomen are reclaiming the status that the mother-in-law used to have at the expense of the domestics. (2003, p. 70).

Given her vulnerable socio-economic situation, the young domestic, like the newlywed, is constantly subject to all forms of physical and symbolic violence: physical abuse, confinement at home or reluctance to give her money. In this respect, *Mernissi* argues: “*The relationship between the master and servant is characterized by intimacy in addition to inequality*”. (1982, p. 147).

Pushed by poverty and economic shortage, a vast army of “invisible women” seeks service jobs in households. For these women, domestic service represents one of the various possibilities to eke out an income without actually having a definable, regular job.

Faced with the new trends of globalisation and the persistent demands of tradition and modernity as mutually exclusive concepts, these women prove to be unable to develop their full potential. They stand for the category of the marginalised and disempowered members of society who are excluded from the economic mainstream. All this entails that both social disempowerment and economic poverty, as closely intertwined factors, collude to the marginalization of women and accentuate the feminization of poverty.

In addition to the economic shortage that is fostered by globalization and unemployment, the respondents’ lack of awareness remains a primary reason behind their exploitation. Indeed, the problematic issue lies with the nature of the incorporation of these women into work. These women do not have adequate information about the conditions of work before investigating in their move. In this regard, problems facing women- which are not due to globalization- can be summarized in their lack of information.

It follows that there exist serious barriers that hamper women’s participation and integration in all trends of sustainable development. These barriers are mainly of two types: **structural** and **ideological**. According to Ennaji (2002), these barriers are structural because of the impact of structural adjustment trends that have accentuated privatization and economic structuring policies, and because the international financial institutions are over-dominating and are persistently in control.

Investment fuelled by low wages leaves as quickly as it is materialized, leaving dislocated workers and structural unemployment in its wake. This kind of investment proves to bear short-term objectives and benefits. Consequently, women from working-class with lower or bare levels



of education or those with intermediate education levels are first job seekers; they also include dislocated women who previously lost jobs as a result of privatisation and economic adjustment.

The conservative mentality which reinforces the prevailing gender bias against women whereby the male is the breadwinner and the female is the homemaker represents the second type of barriers to women's participation and integration in development. This view asserts the wrong idea that women may have husbands or male relatives who can cater for their socio-economic needs. It favours jobs for men because they must earn a living to feed their families and support their households. Thus, undoubtedly account for gender discrimination at the level of women' salaries in the service and domestic jobs.

Additionally, in all sectors, gender segregation aggravated at the professions, business to-echelons (levels of authority) and politics by gendered perceptions of leadership potential and authority is evident in the workplace.

All this proves that gender discrimination which is mandated by the intentional abortion of law is also reinforced by customary discrimination and social barriers.

### **Gender-based implications and recommendations**

Faced with this situation, one good solution would be to trace ways of integrating women in the democratization and development process. Educations, training and legal sensitisation stand as key elements to empower women, qualify them to meet the new challenges, and, ultimately, help them safeguard their rights and interests.

Civil society plays a crucial role in sensitising officials and people alike about the prominent role of women in development and training them to develop a new culture which takes into account a gendered-agenda. Additionally, mechanisms that serve to coordinate the actions of domestic services workers to collectively bargain with employers and improve the quality of the workplace have to be supported and encouraged (development and enforcement of legal rights, health and safety standards, the right to establish domestic workers committees, the right to unionize).

On the other hand, decision-makers, social activists and all human rights agents must take into consideration gender dimensions in all their undertakings and transactions by the national, bilateral and international accord.

To implement the new Labour Law, Morocco should undertake a public awareness campaign to ensure that domestic workers and employers are aware of the law. The government should also train labour inspectors and other law enforcement officials, and raise awareness of penalties imposed on

employers who violate these classes. The inspectors must have the authority to inspect any place where a domestic worker is involved, and to meet with the workers in private to discuss their working conditions. These enforcement mechanisms will allow the implementation of the legal reforms by the new government.

Equally, there is the need to amend the new Labour Law that concerns domestic work to ensure compliance with the 2011 ILO Convention 189 on Decent Work. In respect with this view, we urge further revisions, in particular:

**Minimum working age:** The new law in Morocco allows 16-year-olds to work as domestic workers. Indeed human rights groups contend that the law allowing the employment of workers between 16 and 18 years old for a transitional period of five years would allow minors' exploitation and abuse for that period<sup>9</sup> (Saad Guerraoui, 2016). In this respect, the National Council for Human Rights recommends that the law set the minimum age for domestic work at 18 to avoid abuse and exploitation of minors. Equally, there is the need to attach the domestic worker to school if he/she is still of school age.

**Working hours:** According to the present investigation's findings, one of the most common abuses that domestic workers confront is excessive working hours. Although the Moroccan Labour Code specifies a maximum of 44 hours per week for workers in the formal sector, the new labour law specifies 48 hours per week as a limit for domestic workers in the domestic services sector, and sets 40 hours as a maximum number of working hours per week for 16 and 17 years old workers. Furthermore, the new law makes no reference to overtime compensation as it is clearly referred to in Article 10 of Convention 189. This entails that a specific provision setting maximum hours of work along with overtime compensation will stand against domestic workers' exploitation.

**Employment contract:** The new Law stipulates that a sample contract made by a regulatory text should regulate the employment of domestic workers. Still, it does not delineate the conditions as well as the terms to be specified in the contract. Thus, a copy of the available regulatory text would be the basis of a sample contract that would address the terms and conditions of employment specified in article 7 of the Domestic Workers Convention. This includes the nature of work to be performed, number of working hours, the wage and remuneration, paid annual leave, daily and weekly rest periods, as well as the provision of food and accommodation, when applicable. Moreover, the new Law doesn't specify the way to terminate the contract

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<sup>9</sup> - Moroccan Labour Law stipulates that the minimum age of employment is 15 years. (Law 65.99 of 2003, art . 143, Ministry of Justice Adala Maroc portal (in Arabic). Retrieved from <http://adala.justice.gov.ma/AR/home.aspx>

and the reasons for its termination. It stipulates that domestic workers are entitled to spend an actual year to demand compensation for arbitrary dismissal.

***Days of rest and paid leave:*** The new Law states that a domestic worker's weekly day of rest can be accumulated for up to two months. It also specifies that such accumulation can be agreed on between the employer and the employee. However, the inherent power relation between the two parties suggests that many domestic workers will be urged to accept the employer's request. Conversely, paragraph 113 of Recommendation 201 accompanying the Domestic Workers Convention stipulates that weekly rest days should not be carried over for more than two weeks. Moreover, the new Law should abide by the 2011 ILO Convention<sup>189</sup> on Domestic Workers global standards related to maternity leave provisions that the new Law doesn't specify.

***Minimum wage:*** Although ILO Recommendation 201 specifies that the limits of in-kind payments should allow a salary necessary for sustaining domestics and their families, the new Law continues to allow for a salary significantly lower than the prevailing minimum salary for live-in domestics. It sets 1542Dhs per month as a minimum wage, 60 percent of the minimum guaranteed wage by the labour code. In fact, the value of the compensation that live-in domestics receive in terms of accommodations and food is, in many cases, unlikely to make up the gap of 40 percent between the minimum wage for domestic workers and other workers covered under Morocco's Labour Law. All this suggests the importance of reconsidering the minimum wage that should guarantee a decent life for this category of workers.

***Violations and disputes:*** While Article 17 of the Domestic Worker Convention stipulates that effective complaints measures and mechanisms to enforcement and penalties are to be established by states, the procedures outlined in the new Law in case of complaints filed by domestic workers prove to be clumsy and vague. Indeed, the new law stipulates that in case the inspector fails to reach an agreement between the employer and employee, he/she is entitled to file a report with the general prosecutor. Still, in the event of violations and infringements, the law does not specify the way the penalties are to be imposed. Additionally, the new Law does not grant the domestic workers, who are arbitrarily dismissed, compensation for the harm and risks and equally fails to provide health insurance for these workers. (Raseef 22, 2016). Thus, the legislator should be more precise in terms of the establishment of all complaints measures and enforcement mechanisms.

All these steps will pave the way to Morocco's ratification of the ILO Convention on Decent work for Domestic Workers as a groundbreaking treaty. They will also ensure that Morocco's initiatives to extend labour

rights to domestic workers are consistent with the new Domestic Workers Convention in particular and the International Labour Organisation standards at large.

Having established significant measures for domestic workers at the legislative level, Morocco has to take further steps to ratify the ILO Convention on Decent Work for Domestic Workers adopted in 2011. In fact, with the exception of the Middle East and North Africa, the Convention has been ratified by 22 countries from all regions of the world<sup>10</sup>. The convention's ratification will, undoubtedly, qualify Morocco to become a pioneer among the countries of the region in advancing domestic workers' rights.

Without such actions, child and female domestic workers will continue to be lured into exploitation, physical abuse and symbolic violence in private homes, forgoing their full rights to an education, family contact, and the opportunity to develop their fullest potential and achieve their economic independence.

## **Conclusion**

As the present investigation reveals, a growing number of women have been pushed towards jobs at the lower extremes of the domestic services sector. Women's vulnerable situation in this sector becomes more serious if we take into consideration their socio-economic and legal status in the workplace. Most of the jobs available in the domestic sector are low-level positions. They have taken on characteristics of insecure, low paying jobs with no prospects for advancement. Personal and domestic services have been highly feminized in the city of Fez in particular and in Morocco at large. This accounts in part for the increase in female labour force participation, as men are less willing to take these jobs. In fact, these women prove to be naturally more docile and willing to accept tough work discipline. They are perceived to be more suited to repetitious and monotonous work. All this indicates the existing barriers that are ideologically and structurally constructed to hamper all initiatives to integrate women in the process of sustainable development.

Throughout a careful consideration of the labour code, it follows that there actually exists a deep gap in the law governing women's recruitment in the domestic services sector. The new law that concern domestics' income, working hours, employment contract, working age, days of rest and paid leave, violations and disputes in addition to health, safety and hygiene occupational standards prove to be subtle and vague. This, undoubtedly,

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<sup>10</sup> - See: Morocco: New law advances domestic workers' rights. Key protections, but significant gaps remain (August, 1, 2016). Retrieved from <https://www.hrw.org/news/2016/08/01/morocco-new-law-advances-domestic-workers-rights>

implies that women's access to paid work in the domestic services sector as an informal sector has accentuated their exploitation and, eventually, led to their exclusion from all prospects of change towards development.

Additionally, the new Law which concerns all workers involved in the domestic sector proves to be incompatible with the global standards underlying the new Domestic Workers Convention in particular and the International Labour Organisation at large.

All this entails the importance of recognizing the unremunerated as well as the under-remunerated contributions of women to the domestic services sector and to all aspects of development. It also suggests the urgent need to amend the labour Law and bring it in line with the International Labour Organization Standards to improve domestic workers' conditions.

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