



GFMD Third Thematic Meeting

Recognizing the contributions of women migrants to economic and social development in countries of origin and destination and addressing their specific needs

ILO Discussion Paper on Women Migrant Workers in Domestic and Care Work

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Introduction

Globalization processes have led to a new international division of labour where household and personal care services in developed or wealthier countries are increasingly carried out by foreign women from less developed, poorer countries, under particularly precarious conditions. Given the gender construction of societies this has translated in global “care chains” – a phenomenon that involves women entering employment who must outsource their domestic and care tasks to other women, often migrants from a poorer country, who themselves rely on other women from even poorer households to substitute their care duties.

In part, this is due to the deficit of care services in many countries and strict admission policies that limit or prevent migrant women from bringing their young children or families along in the migration process. It is also a reflection of the gendered structure of domestic care in our societies that places a larger burden on women and leads to care responsibilities being transferred from women to women nationally and transnationally. This has clear implications for access to decent work by migrant workers, the social protection of migrant families, the type and quality of care services delivered and on the long term well-being of societies.

More importantly, these growing “care chains” and a certain tolerance for poor working conditions in domestic and care work suggest that women migrant workers in these sectors will continue to suffer widening income and social inequalities. Such disparities could significantly limit the potential contribution of women migrants to countries of origin and destination alike.

How can we respond effectively to these global care chains? What policies can be put in place to foster women migrants’ access to decent work and enhance opportunities for their personal empowerment and positive participation and contribution to the well-being of their countries of origin and destination? Based on ILO experience in the field of labour migration and domestic work in particular, this paper examines the most salient challenges faced by migrant women in domestic and care work and provides examples of emerging promising practices that countries are putting in place to promote decent work for migrant domestic workers, a goal that can assure migration is fair and that prosperity is more equitably shared for all.

Gender, inequality and migration

At present, according to UN data (UNDESA 2013), women constitute approximately one-half of the 232 million international migrants in the world,¹ and about 52 per cent of all international migrants in the “global north”, and 43 per cent in the “global south” respectively.² Evidence indicates that since the early 1980s, women have increasingly moved across borders as independent migrant workers, often finding these opportunities in domestic and care work, frequently at the low-paid end of the scale. Reliable global data are not yet available, but preliminary research by ILO in this area suggests that in many parts of the world, in particular the Middle East and industrialized countries, migrants represent a considerable proportion of domestic workers.

For millions of women around the world, migration has become an important means for gaining economic, social and cultural independence and empowerment, and a better future for their families. Their situation varies widely across countries and depends on policies in place, including on social welfare, employment and migration. Yet, all too often, migrant women are found in jobs and employment situations that perpetuate gender-based inequalities in respect of access to economic opportunities and decent work, compared to nationals (women and men) as well as to migrant men. Work in these sectors is usually characterized by high levels of flexibility, informality, inequality and precarious working conditions. Further, women and girls are more at risk of forced labour and particularly sexual exploitation. Inequalities are also evident in terms of gender wage gaps in the labour market generally. ILO’s recent Global Wage Report highlights important wage differentials between migrants and nationals, indicating a

stratification of the labour market along gender and immigration lines with important implications for equality targets.³

Women's migration for domestic and care work in particular is a phenomenon clearly linked to globalization, which has resulted in adverse structural changes in the economies and societies of both developed and developing countries. In developed countries, a combination of demographic and socio-economic factors, such as population aging, changing family structures and growing labour market participation of women, as well as shrinking welfare systems, have led to a "care crisis" in the provision of care for children, the elderly, the sick and/or disabled. At the same time, in developing countries, structural reforms have increased poverty, inequalities and lack of decent work pushing more women to seek income opportunities abroad,⁴ often encouraged by misleading information from labour recruiters, as well as by the desire to enhance their socio-economic status.

Global care chains

Care work, defined as "looking after the physical, psychological, emotional and developmental needs of one or more other people",⁵ is one of the most relevant sectors of employment for migrant women.

Migration of women generates "global care chains", described as typically involving a woman entering paid employment in a given country who - given the gendered structure of societies in terms of family care - outsources her unpaid domestic and care tasks to another woman of a poorer country, who herself relies on another women, from even poorer households or from within her household members, to substitute her in "caring duties". "As we go down the chain, the value ascribed to the labour decreases and often becomes unpaid at the end of the chain."⁶ Global care chains exist transnationally, arising out of the need to sustain daily life, and have important socio economic implications for societies and emotional and psychological consequences for those involved.

Through this process, traditional gender, class and cultural inequalities are often perpetuated and poverty is eventually transmitted across generations of women and across countries. In fact, the growth of women's migration globally continues to be associated with a number of protection gaps and vulnerabilities that are - more often than not - left unaddressed by public policies and services and severely limit the development contribution of women's migration.

Targeted policies with respect to migrant women are few, and those that exist do not address the underlying societal causes of gender inequities and inequality. A clear example is the widespread exclusion of domestic workers from the protection of labour legislation. This makes women migrant domestic workers nearly invisible to the normal labour protection mechanisms, such as labour inspection, and to society's attention.

The enormous potential of the care economy for employment generation in the coming years applies to a range of different jobs in the care sector, from skilled health professionals to domestic workers, thus emphasising the need to reconsider social protection policies and priorities.

There is also a need to deepen the understanding of the intersection between care and migration fields, reflect on the care chain effects of women migration and its implications in terms of achieving gender equality and global sustainable development goals (SDGs),⁷ and to address policy gaps by promoting coherence between different policy areas. Similarly, it would be important to foster interregional and bilateral dialogue and cooperation, exchange knowledge and information, coordinate and articulate experiences and lessons learned in and across different regions, and distil relevant policy messages to inform and influence multilateral debates at global, regional and national levels.

The ILO's approach

The ILO supports a rights-based approach to labour migration governance which facilitates migrant-centred and gender-sensitive policies and which recognizes the labour market dimensions of migration. Actors of the real economy, employers' and workers' organizations, if actively engaged in migration policy debates can promote a form of global sustainable development that responds to labour market needs while protecting the rights of all migrant workers. International labour standards, and in particular the ILO Domestic Workers Convention, 2011 (No. 189)⁸ and its accompanying Recommendation (No. 201), together with relevant labour migration-specific conventions⁹, orient the organization's work in this area. Convention No. 189 and Recommendation No. 201, while not being migrant-specific instruments, nonetheless explicitly recognize the needs and vulnerabilities of migrant domestic workers and include provisions relevant to migration on important issues such as confiscation of passports and labour recruitment.

More recently, responding to a clear call for action from its constituents, expressed among others during a Tripartite Technical Meeting on Labour Migration in November 2013 as well as

in the more recent Fair Migration Agenda (see box below), the ILO has renewed its efforts to promote the centrality of the world of work as a critical link between migration and development and has participated actively in the global development debates. In addition, one of the seven global initiatives launched by the ILO's Director-General to mark the Organization Centenary in 2019, will be dedicated to "Women at Work", with a strong emphasis on the care economy.

With these policy documents as reference, ILO collects and documents good practices and lessons learned on fair labour migration governance,¹⁰ including for domestic and care work, and supports constituents with capacity-building and other technical advisory services for effective policy-making. In recent years, the ILO has multiplied its technical cooperation portfolio in the area of migration and domestic work and is now implementing a global programme on migrant domestic workers and members of their families, described below.

Box 1. Fair Migration Agenda

In his report to the International Labour Conference in May 2014, the ILO Director-General set an ILO Fair Migration Agenda that takes into account labour market needs while placing the rights of all workers, including migrants, at its core. The tenets of this agenda are:

- Making migration a choice rather than a necessity by creating decent work opportunities in countries of origin;
- Respecting the human rights, including labour rights, of all migrants;
- Ensuring fair recruitment and equal treatment of migrant workers to prevent exploitation and levelling the playing field with nationals;
- Forging stronger linkages between employment and labour migration policies;
- Involving Ministries of Labour, trade unions and employers' organizations in migration policy making; and
- Fostering genuine cooperation between countries and within regions.

The ILO implements its Fair Migration Agenda at a national, regional and local level, through technical advisory services, technical cooperation projects and initiatives on expanding the knowledge base on labour migration with a specific focus on those sectors where migrant workers are more vulnerable to abuse, such as domestic work.

Policy challenges and emerging promising practices

As indicated above, evidence shows the important contribution migrant women in care and domestic work make to the economies and societies of destination and origin alike, by sustaining and renewing human life and households, including those of its working members, and fostering productivity, economic growth and human development.

At the same time, labour migration can expose women to various human rights and labour rights' violations at each stage of the migration process: during recruitment at origin, the journey across borders, working and living in a foreign country, and returning to their countries of origin or re-migrating. Immigration policies and regulations, together with employment and social welfare policies, contribute to determining and sustaining the growth of (female) migrants' participation in domestic work, as well as migrant domestic workers' access, or not, to productive employment and decent work opportunities.

Responses to these complex challenges must therefore be multidimensional and placed within broader efforts to promote decent work for national domestic and care workers, gender equality and good governance of labour migration.

Below is a short overview of the possible range of policy interventions that could be adopted by different actors to enhance the development potential of international labour migration of migrant women involved in domestic and care work specifically.

I. Promoting decent work to address the root causes of migration

Decent work deficits in countries of origin are the main root causes of labour migration for women and men alike. These deficits are reflected by unemployment, underemployment and intergenerational poverty, which is particularly serious for women. As more women are faced with the compelling necessity to leave their countries to provide for their families, more and more diverse caring needs are often left unattended in countries of origin. The creation of productive employment and decent work opportunities should allow all women and men to exercise the right to work in their own countries in conditions of freedom and equality. Therefore, international efforts should be increased to support countries of origin to promote decent work, guarantee protection of labour rights, extend social protection coverage and promote social dialogue. Assessing and addressing the care and employment needs of women must be central to these efforts.

At the same time, the organization and provision of adequate care services in countries of destination has become a central policy challenge but one necessary to address in order to ensure that workers in this sector enjoy decent and fair working conditions. The promotion of

decent work for (migrant) domestic and care workers cannot be dissociated from a broader discussion on welfare and social policies and gender equality.

Such a comprehensive approach would set the conditions for positive international cooperation on labour migration, in the interests of countries of origin and destination as well as those of women migrant workers themselves.

II. Protecting migrant women's rights throughout the migration process

Contributions to sustainable development cannot be disassociated from the protection of migrant workers: Individual migrants' welfare, including their enjoyment of labour and human rights and fair and decent working conditions in countries of destination, is a determinant in maximizing their contributions to the economic and social development of their countries of origin and destination alike. The human rights, including labour rights, of migrant workers are articulated in international human rights treaties and in the international labour standards adopted by the tripartite members of the ILO. Migrant workers are entitled to the enjoyment of these rights by the mere fact of being workers.

International labour standards also recognize the special needs of women workers¹¹ and include specific provision for their protection and the promotion of gender equality goals. In a global context of widespread exclusion of domestic workers from the protection of labour laws, extending the coverage of national labour legislation to domestic workers represents a significant step forward in this direction. This means recognizing that domestic work is work as any other and hence granting migrant domestic workers access to decent working and living conditions as to any other worker, without distinction based on nationality. This includes guaranteeing their right to fair wages, to limited working time and to sufficient rest and leave periods, the freedom to dispose of their time outside working hours, the right to their privacy and family life and the right to retain their identity and travel documents, just to mention some.

In recent years, a wide range of countries of destination have undertaken policy and legislative reform either extending the coverage of national labour law to domestic workers without distinction based on nationality. In other cases countries have adopted separate specific regulations granting domestic workers no less favourable conditions than those granted to other workers.¹² For example, in March 2013, Brazil enacted a constitutional reform establishing equal labour rights for domestic workers¹³. In South Africa, the adoption of Sectoral Determination 7 for domestic workers in 2002 led to a formalization of the sector and a noticeable improvement in wages and other working conditions¹⁴. Spain has issued a Royal Decree extending certain protections to these workers, and facilitating their access to social security schemes¹⁵. In Asia, Thailand has adopted a ministerial regulation that grants domestic workers to at least one day off each week, public holidays, paid sick leave, and paid overtime for work during holidays, among others¹⁶.

Tackling irregularity and informality. Given the nature of the employment relationship in domestic work, the limitations of the labour and migration laws regulating it, as well as the insufficient public care provision which delegates care responsibilities to private families, irregularity of status and informality of employment is often predominant among migrant domestic workers. Today it is estimated that between 30 and 40 million international migrants are in an irregular status¹⁷ and while it is impossible to accurately estimate the number of migrant domestic workers in irregular status, we do know that widespread informality in domestic work attracts large number of irregular migrant women leaving them further exposed to poor working conditions, exploitation and abuse¹⁸. In the absence of regular channels and/or systems to ensure adequate job matching, irregular migration flows and informality are de facto tolerated, if not encouraged in some instances. A combination of coordinated policy interventions to promote formalization in the sector and reduce irregular migration is essential.

This implies the rethinking of public welfare policies as well as the creation of regular migration channels grounded on a sound assessment of labour market needs; the elimination of policies that tie workers to individual employers and facilitate mobility within the labour market; the simplification of overly bureaucratic migration and employment regulations and procedures; the setting up of effective labour and skills matching services; and the adoption of fiscal policies or public subsidies aimed at reducing the costs for employers. For example, in order to promote formalization, the Swiss canton of Geneva has adopted a voucher system¹⁹ that can be used by employers to regularly hire domestic workers and hence provide them with social security coverage, even if they are in an irregular migration situation. Regularisation processes such as the one recently implemented by Thailand (see above) have the potential to encompass thousands of migrant domestic workers and bring them under the protective coverage of the law.

Pre-departure information and training: Training and information during pre-departure are measures commonly adopted by countries of origin to support informed decision-making, and provide reliable information on the rights and obligations applicable at all stages of migration, on available support services as well as on the prevalent socio-cultural norms of countries of destination. Governments can make participation in free pre-departure training a condition for release of relevant emigration documents and develop advocacy and information dissemination campaigns to reach out to potential migrant women at the decision-making stage. The Philippines, for example, has developed a comprehensive protective mechanism covering all phases of migration, which includes a mandatory orientation programme for workers who are about to leave for employment abroad. This programme seeks to facilitate workers' smooth arrival in and adjustment to the country of destination, teaches them coping mechanisms if faced with difficulties, and to obtain other essential information to prevent welfare problems. It also includes skills-specific training for vulnerable sectors, such as domestic workers.

Specialised consular services and legal counselling: Providing consular services and legal counselling are measures that can be implemented by government, social partners and civil society organisations both at origin, transit and destination to ensure greater compliance and effective access to justice at all stages of the migration experience. Migrant women face multiple challenges in accessing justice. With a view to addressing these challenges, governments can strengthen their monitoring and enforcement mechanisms, including labour inspection and support services, such as multilingual hotlines and safe shelters for victims of abuse, including human trafficking. For example, in New York, the “New Day New Standard”²⁰ interactive hotline is accessible to domestic workers and their employers on their rights and obligations under the Domestic Worker’s Bill of Rights of November 2010²¹. In many countries of destination, governments, such as Saudi Arabia²², trade unions, such as the National Workers’ Congress in Sri Lanka, the Barbados Worker’s Union and the Filipino Workers’ Association, and civil society organisations offer free hotline services in different languages for information, counselling, as well as for receiving complaints²³.

Governments, often of countries of origin through their consular services, along with trade unions and civil society organisations have also taken active steps to provide legal assistance and representation in courts and through informal dispute-resolution mechanisms to obtain justice in cases of violations. In Lebanon, where civil society has been actively engaged in the provision of legal aid to migrant workers and capacity-building and awareness-rising activities have targeted judges, lawyers and those responsible for implementing the law, the number of legal decisions in favour of migrant domestic workers has multiplied over the last few years. In the Greater Mekong Sub-region, with the support of the ILO, government, trade union and civil society partners are running 26 migrant worker resource centres (MRCs) across six countries open to migrant workers seeking to migrate and migrant workers already in destination workplaces to receive information, counselling and legal assistance. Complaints are received and handled by the MRCs and other supported service providers or, where necessary, officially communicated to government channels. As a result, during the last four years, US\$2 million has been ordered as compensation for underpayment or accidents suffered in the workplace for around 1,000 cases involving more than 6000 migrant workers, about half of whom women migrants.

Regulating and supervising recruitment practices: Monitoring, oversight and regulation of recruitment of migrant workers, together with reducing labour migration costs, can help to ensure that migrants do not fall into the unscrupulous hands of abusive labour recruiters and criminal trafficking organisations. These should also be among government priorities for action. The choice to migrate in the first place, as well as the choice of destination country and the modalities to reach it, is largely influenced by the costs related to recruitment and travel. Evidence shows that, in order to cover these costs, potential migrants and their families often

incur heavy debts which makes them particularly vulnerable to exploitation and, in the worst cases, to debt servitude and other forms of forced labour. Once abroad, migrants often have to pay considerable salary deductions, in particular during the initial period of their stay. The length of stay is especially important for migrant domestic workers, as they are often migrating under temporary migration schemes or irregularly, and studies show that their net income tends to increase over time²⁴.

While the international legal framework clearly underscores that recruitment fees must not be borne by the worker,²⁵ this remains common practice globally and is also permissible by law in several countries, although there is usually a ceiling on how much can be charged to the worker. Insufficient or inadequate regulation and monitoring of recruitment and placement services create an enabling environment for unscrupulous labour recruiters to prosper and unlawful practices to go unpunished.

With the aim of addressing these challenges, governments can and are engaging in regulatory and enforcement efforts. For example, the Royal Government of Cambodia has adopted eight ministerial regulations to strengthen the existing protection mechanisms for migrant workers and set standards for private recruitment agencies, the recruitment process and pre-departure orientation training²⁶. In other countries, law-abiding private recruitment agencies, that face unfair competition from non-compliant businesses, are developing self-regulation initiatives and codes of conduct.

Minimising the costs of migration means not only strictly regulating and simplifying recruitment practices, but also maximising migrant earnings by ensuring that they enjoy equal working conditions as nationals, including in terms of wages, working time and social protection. For example, national legislation on minimum wages for domestic workers, where this exists, should cover migrant workers and nationals on an equal footing, and strict regulations should limit wage deductions in line with the provisions of Convention No. 189.

Adopting standard employment contracts: Many countries of destination, including Malaysia, Singapore, Hong Kong (China), Lebanon and Jordan, have introduced a standard employment contract for migrant domestic workers and some of them have attached the contract to Bilateral Labour migration Agreements (BLAs) or Memoranda of Understanding (MoUs) with countries of origin, for example, the MoU between Saudi Arabia and the Philippines and Indonesia respectively. In other cases, a standard employment contract can be imposed unilaterally by the country of origin prior to migration. The development of “model contracts of employment” is specifically recommended by ILO Recommendation No. 201 and their adoption has been welcomed as an improvement towards the formalization of the employment relationship and the promotion of equal treatment between migrants and nationals, based on minimum international labour standards. Standard employment contracts, however, are often not in line

with the minimum standards provided by Convention No. 189 and usually provide weaker protection than most labour laws as they are not be enforceable in the same way. While adopting standard employment contracts can be seen as positive protection measures, it is important to underline that they should complement labour legislation, and do not constitute adequate legal protection on their own.

Promoting access to social security and social security portability: Often due to, or exacerbated by their migration status, migrant women in domestic and care work face specific challenges in accessing social protection and enjoying social security benefits while at destination and upon return home. Migrant domestic workers often migrate under temporary worker schemes or find themselves in irregular situations, in effect preventing them from accessing social security, and in many cases even basic health services. Another challenge arises from the imposition of mandatory medical testing requirements, in particular with regards to HIV/AIDS and pregnancy tests which are tantamount to discrimination under international law. In some countries, domestic workers face immediate deportation in case they test HIV positive or become pregnant while abroad.

The insufficient coordination between countries of origin and destination, and lack of knowledge and information about applicable regulation tend to prevent migrant workers from claiming relevant social security benefits upon their return. The conclusion of bilateral social security agreements between countries of origin and destination, the possibility for irregular migrant workers to use “service vouchers”,²⁷ and the guaranteeing of universal access to health services, independent of migration status, are examples of such measures that governments have adopted to tackle some of the challenges in this area. For example, the Philippines have signed a number of social security agreements²⁸ and labour migration agreements with social security provisions with countries of destination. In addition, the Philippines and Sri Lanka have established welfare funds with defined social security benefits and services. Since their inception, both funds have participated in preventing and reducing poverty, especially with regard to the most vulnerable categories of migrant workers²⁹. These welfare funds try to palliate the lack of social security agreements with some major destination countries or the lack of social security provisions within labour agreements (e.g. GCC). However, the benefits remain limited in scope and level.

Enhancing organization and voice: Recognizing that one of the main barriers to effective protection and prevention is the lack of knowledge about their rights and the voice to uphold them, there is a need to empower workers and to strengthen the structures and organizations that represent women migrants, in particular domestic workers who face specific challenges in organizing. Domestic workers’ organizations in several countries are struggling to identify and adopt the most effective strategies to reach out to migrant workers in order to protect their rights and represent their voice. For example, the South African Domestic Services and Allied

Workers Union (SADSAWU) has adopted a plan of action specifically including a strategy for organizing and recruiting migrant domestic workers,³⁰ as well as a pre-migration awareness package outlining the rights of migrant domestic workers. Similar action has been taken by HomeNet in Thailand ³¹and Federation of Asian Domestic Workers Unions (FADWU) in Hong Kong³².

In addition, avenues for dialogue and cooperation between different types of workers' and civil society organisations should be supported to strengthen migrant domestic workers voice and representation. In some cases, trade unions of countries of origin have entered into bilateral agreements with other trade unions in countries of destination with a view to better cooperate and enhance workers' protection. For example, a bi-national workers agreement was reached in 2014 between domestic worker organizations and trade union confederations in Paraguay and Argentina to promote decent work for Paraguayan migrant domestic workers in Argentina³³. A declaration and joint action plan to promote decent work for migrant domestic workers were also agreed between Lesotho, Zimbabwe and South Africa trade unions and domestic workers' unions³⁴.

III. Enhancing migrant women's skills and competencies.

Some countries of destination are investing in professionalization policies and programmes for domestic workers with a view to providing them with the different skill sets and competencies required for the job, and therefore contributing to enhancing the value attributed to this work. In doing so, countries should take the specific needs of migrants into account, including the provision of language training. Similarly, there is a need to develop competency standards for domestic work that can be recognized and adopted by countries of origin and destination. For example, "regional model competency standards for domestic work" have been developed by the ILO for the Asia-Pacific region. They constitute a set of benchmarks that define the skills, knowledge and attributes required for domestic work. The standards are designed to be used as a basis for developing national standards and as a regional reference point.

Returning migrants are also potential drivers of development for their countries of origin, if successfully reintegrated into the local labour market. Policies directed to sustainably reintegrate returned migrant women into their countries of origin labour markets should include targeted active labour market policies that take the needs of women workers into account in order to facilitate the productive use of their savings, acquired skills and networks. Active labour market policies in countries of origin, such as vocational and skills training and education programmes, job search assistance and monitoring, administered through solid, well-resourced public employment services in country of origin, are more likely to have a positive impact on local development especially in times of economic crisis.

IV. Promoting bilateral and multilateral cooperation

Bilateral Labour Agreements (BLAs) and MoUs on labour migration have greatly increased in recent years. The value of such agreements in facilitating and regulating cross-border movement of temporary, mainly low-skilled workers and protecting the rights of these migrant workers has been recognized. Recently, a number of BLAs/MoUs have been specifically designed to cover migrant domestic workers and, in some cases, these agreements are accompanied by a standard employment contract. Convention No. 189 specifically foresees that migrant domestic workers receive a written contract or job offer prior to crossing national borders (article 8). Recommendation No. 201 calls on ratifying countries of origin to “assist in the effective protection of the rights of these workers, by, among others, informing them of their rights before departure” (article 21(2)).

While these emerging promising practices respond to the need to better protect migrant domestic workers and should be welcomed as a positive step forward, as highlighted above, if the labour law at destination does not cover this category of workers, the extent to which these instruments can be enforced, in practical terms, is tentative at best.

ILO technical cooperation work on migration and domestic work

A global strategic approach and a flagship project

With the objective of making decent work a reality for domestic workers worldwide, the ILO has developed a thematic strategy to ensure coordinated and coherent ILO action in this area and is implementing a series of technical cooperation projects. This thematic strategy includes four main areas of focus: (i) coordination and cooperation with UN migration-related initiatives for the promotion of ratification of Convention No. 189 and other relevant conventions; (ii) provision of technical assistance to ILO constituents at national level, based on global and comparative action-oriented research; (iii) promoting the organization of migrant domestic workers and their employers; and, (iv) raising awareness on the migration-related aspects of domestic work and advocating for their equal rights.

The centre piece of this strategy is the **Global Action Programme on Migrant Domestic Workers and their Families**, a project that seeks to promote the human and labour rights of migrant domestic workers worldwide by addressing the challenges that make migrant domestic workers particularly vulnerable to the risks of exploitation and abuse. It takes a multidisciplinary, participatory and evidence-based approach for the purpose of developing and strengthening national labour laws, migration policies and recruitment regulations and

practices that are oriented towards achieving decent work for migrant domestic workers across global care chains.

By concentrating on ten countries through five important migration corridors consisting of Ukraine-Poland, Zimbabwe-South Africa, Indonesia-Malaysia, Nepal-Lebanon and Paraguay-Argentina, policy-oriented research and capacity-building have been undertaken in a variety of ways at both regional and global levels to achieve the following three specific objectives:

1. Enhance research and practical knowledge on migration and trafficking issues with regard to domestic work across global care chains;
2. Strengthen the capacities of policy-makers, domestic worker and employer organizations and practitioners to advocate for migrant domestic workers' access to decent work and human rights; and
3. Pilot-test national capacity-building approaches to promote rights-based policies and regulations and empower migrant domestic workers throughout all stages of the migration cycle.

This project is funded by the European Union (EU) and is being carried out jointly with the Office of the High Commissioner for Human Rights (OHCHR), UN Women, the International Domestic Worker Federation (IDFW), the International Trade Union Confederation (ITUC) and the Confederation of Indonesia Prosperity Trade Union (KSBSI).

Conclusion

In recent years the international debate on migration and development has significantly broadened beyond a traditional focus on financial and economic remittances, placing the issue of enjoyment of human and labour rights at its very centre. In a context of growing and complex migratory movement, sustainable development for countries of origin and destination alike cannot be achieved without fair and productive employment for migrant workers and national alike. While women represent about half of the migrant population globally and their current and potential contribution to development is increasingly recognized, policies that tackle their specific needs and the care deficits of society in general are still scarce. Literature documenting migrant women's role in "global care chains" is expanding, and policies will need to be adjusted to respond appropriately.

Grounded on international human right standards and building on existing emerging practices, some of the described above, countries of origin and destination can and should take urgent

action to address the decent work deficits of migrant women and effectively tackle the caring needs of societies.

Convention 189, and the impressive workers' mobilization around it, represents a significant step in this direction. At the same time, the growing phenomenon of global care chains requires that we take a broader look at the gender construction of societies and how these shape women's roles in the care economy and in national and transnational care chains. Further research and policy dialogue in this area is needed to inform adequate and concerted policy responses.

Annex I

ILO Technical Cooperation Portfolio on Migrant Domestic Workers

In different parts of the world, the ILO is implementing or has recently implemented technical cooperation projects which have components addressing the specific needs of migrant domestic workers. Together, these projects contribute to the expanding knowledge base on this subject and identifying and promoting emerging promising practices in this area. Some examples of relevant projects are provided below:

- Action Programme for Protecting the Rights of Women Migrant Domestic Workers (WMDWs) in Lebanon (PROWD), 2011-2014.³⁵
- Development of a Tripartite Framework for the Support and Protection of Ethiopian and Somali Domestic Migrant Workers to the GCC States and Sudan, 2013-2016.³⁶
- Decent Work for Domestic Workers: Advocating Institutional Reform in the Middle East.
- Improving Labour Migration Governance and Combating Human Trafficking in the Middle East (MAGNET), 2012-2015.³⁷
- Tripartite Action to Protect Migrant Workers within and from the Great Mekong Sub-region from Labour Exploitation (GMS TRIANGLE) in and across Cambodia, Lao PDR, Malaysia, Myanmar, Thailand and Viet Nam, 2010-2015.³⁸
- Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region (ASEAN TRIANGLE), 2012-2016, with a 10-year second phase commencing in 2016.³⁹
- Promoting Decent Work through Improved Migration Policy and its Application in Bangladesh, 2011-2015.⁴⁰
- Promoting Decent Work through Good Governance, Protection and Empowerment of Migrant Workers: Ensuring the Effective Implementation of the Sri Lanka National Labour Migration Policy, 2013-2016.⁴¹
- Preventing the Exploitation of Women Migrant Workers in ASEAN, 2015—2016⁴²

Endnotes

¹ UNDESA, *International migration 2013* (New York, 2013), available at:

<http://www.un.org/en/development/desa/population/migration/publications/wallchart/docs/wallchart2013.pdf>

² There is no official definition of the “North” and “South”, for statistical purposes, UNDESA defines North and South on the basis of the UN classifications of developed and developing countries. The global North is classified as more developed regions, which includes Europe and Northern America, while the global South encompasses less developed regions, including Africa, Latin America and the Caribbean, Asia (except Japan) and Oceania (except Australia and New Zealand).

³ ILO, *Global wage report 2014/15* (Geneva, 2015), pp. 45-53,

http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_324678.pdf

⁴ United Nations Entity for Gender Equality and the Empowerment of Women (UN WOMEN), *Gender on the move* (Santo Domingo, 2013), pp. 37-41. Available at: <http://www.unwomen.org/en/digital-library/publications/2013/12/gender-on-the-move>

⁵ J. Ghosh, *Decent work and the care economy*, ILO 2014 (unpublished).

⁶ N. Yates, *Global care chains, a critical introduction*, Global Migration Perspectives, No. 44, September 2005.

⁷ The SDG 5, “Achieve gender equality and empower all women and girls”, includes targets on non-discrimination, elimination of violence against women and girls, including trafficking and sexual exploitation, and specifically target 5.4: “recognize and value unpaid care work and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally as appropriate”. See: <https://sustainabledevelopment.un.org/focussdgs.html>.

⁸ As of September 2015, the countries that have already ratified Convention no. 189 are: Argentina, Belgium, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Finland, Germany, Guyana, Ireland, Italy, Mauritius, Nicaragua, Panama, Paraguay, Philippines, Portugal, and South Africa and Switzerland.

⁹ Migration for Employment Convention (Revised), 1949 (No. 97) and Migration for Employment Recommendation (Revised), 1949 (No. 86); see also Migrant Workers Convention (Supplementary Provisions), 1975 (No. 143) and Migrant Workers Recommendation, 1975 (No. 151).

¹⁰ Consult the ILO Good practices database at: <http://www.ilo.org/dyn/migpractice/migmain.home>. In September 2015, 21 good practices related to “domestic work” are documented in the database.

¹¹ Equal Remuneration Convention, 1951 (No. 100).

¹² ILO, *Domestic workers across the world 2013 report*, available at:

http://www.ilo.org/travail/Whatsnew/WCMS_173363/lang--en/index.htm

¹³ See a description of the Brazil reform on the ILO website:

http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_208727/lang--en/index.htm

¹⁴ See: Sectoral Determination 7 in the official web site of the Ministry of Labour of the Republic of South Africa: <http://www.labour.gov.za/DOL/legislation/sectoral-determinations/sectoral-determination-7-domestic-workers>

¹⁵ See: *Developments in Law and Practice 2012: Spain approves new regulations for domestic employees on the legislative reform*, ILO, 2012:

http://www.ilo.ch/wcmsp5/groups/public/@ed_protect/@protrav/@travail/documents/publication/wcms_173686.pdf

¹⁶ See: *Developments in Law and Practice 2013: Thailand: new Ministerial Regulation offers better protection of domestic workers’ rights*, ILO, 2013:

http://www.ilo.ch/wcmsp5/groups/public/@ed_protect/@protrav/@travail/documents/publication/wcms_208703.pdf

¹⁷ See: OHCHR: *The Economic, Social And Cultural Rights Of Migrants In An Irregular Situation*, 2014: http://www.ohchr.org/Documents/Publications/HR-PUB-14-1_en.pdf

¹⁸ For an assessment of the situation of irregular migrant domestic workers in Europe, see: *Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States*, European Union Agency for Fundamental Rights, 2011.

¹⁹ See: *Formalizing domestic work through the use of service vouchers*, ILO, here: http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_220717.pdf

²⁰ See a description of the hotline on the webpage of the MIT Center for Civic Media: <https://civic.mit.edu/blog/beckyh/case-study-ndns-voip-drupal>

²¹ See: *About the Domestic Workers Bill of Rights Law*, NYS Department of Labour, 2010: <https://labor.ny.gov/legal/laws/pdf/domestic-workers/about-domestic-workers-law.pdf>

²² The creation of a hotline, under the country's labour ministry, for domestic workers to seek support and lodge complaints was announced, in 2014, though its effectiveness is still to be assessed. See: <http://gulfnnews.com/news/gulf/saudi-arabia/saudi-arabia-mulls-helpline-for-domestic-workers-1.1321935>

²³ For more details on several examples of Trade Unions' services for domestic workers, including free hotlines, see: *Achieving decent work for domestic workers. An organizer's manual to promote ILO convention no. 189 and build domestic workers' power*, ILO, 2012.

http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_181344.pdf

²⁴ For an analysis of the risks related to the recruitment phase and of existing different recruitment models, see for example: K.Jones, *For a fee. The business of recruiting Bangladeshi women for domestic work in Jordan and Lebanon*, ILO 2015; or: B. Andrees, A. Nasri, P. Swiniarski, *Regulating labour recruitment to prevent human trafficking and to foster fair migration: Models, challenges and opportunities*, ILO, 2015.

²⁵ The ILO Private Employment Agencies Convention, 1997 (No. 181) specifically prohibits private employment agencies from charging, directly or indirectly, any fees or costs to workers (art. 7).

²⁶ See a compilation of the eight ministerial regulations here: <http://apmigration.ilo.org/resources/cambodian-prakas-ministerial-orders-2> The regulations covered the following areas:

- Prakas 45/13 on the Use of terms in Sub-decree 190 on the management of sending Cambodian Workers abroad through private recruitment agencies
- Prakas 46/13 on Recruitment process and pre-departure orientation training
- Prakas 47/13 on Private recruitment agencies
- Prakas 249 on Complaint receiving mechanism for migrant workers
- Prakas 250 on Inspection of private recruitment agencies
- Prakas 251 on Penalty and reward to the private recruitment agency
- Prakas 252 on On site service of the private recruitment agency and repatriation
- Prakas 253 on Promulgation of minimum standards of Job Placement Services Abroad Contract (plus Annex containing Final Placement Services Contract)

²⁷ These are systems by which the employer buys vouchers -which include relevant social charges- from an agency (public or private) and pays the employee with these vouchers. For example, in the canton of Geneva, Switzerland, has a service vouchers system (Chèque Service) managed by a private social enterprise, PRO, that enables an employer to pay social insurance charges for people providing proximity services within the employer's home (housekeeping, gardening, guarding etc.), even if these workers are in Switzerland illegally. See, for a description of the system in France, Belgium and the canton of Geneva: http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_220717.pdf

²⁸ See ILO Social Security Inquiry (SSI) database:

http://www.ilo.org/dyn/ilossi/ssimain.viewScheme?p_lang=en&p_scheme_id=3034&p_geoaid=608

²⁹ See this good practice documented in the ILO good practices database on labour migration:

http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=151

³⁰ See this good practice documented in the ILO good practices database on labour migration:

http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=163

³¹ For a description of characteristics and activities of the network, see: M Mc Bride, *Thailand: Network of Domestic Workers in Thailand*, published on the webpage of the International Domestic Workers Federation (IDWFED):

<http://www.idwfed.org/en/affiliates/asia-pacific/network-of-domestic-workers-in-thailand>

³² See FADWU web site: <http://www.fadwu.org/>

³³ See ILO brief: *Bi-national Agreement Promoting a Decent Work for Migrant Domestic Workers in migration corridor Paraguay – Argentina*, ILO 2015: http://www.ilo.ch/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/newsitem/wcms_383894.pdf

³⁴ See this good practice documented in the ILO labour migration database :

http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=163

Endnotes to Annex I

³⁵ More information at: http://www.ilo.org/beirut/projects/WCMS_213497/lang--en/index.htm

³⁶ More information at: <http://www.gfmd.org/pfp/ppd/92>

³⁷ More information at: http://www.ilo.org/beirut/projects/WCMS_226948/lang--en/index.htm

³⁸ More information at: http://www.ilo.org/asia/whatwedo/projects/WCMS_304802/lang--en/index.htm

³⁹ More information at: http://www.ilo.org/asia/whatwedo/projects/WCMS_193023/lang--en/index.htm

⁴⁰ More information at: http://www.ilo.org/dhaka/Whatwedo/Projects/WCMS_205555/lang--en/index.htm

⁴¹ More information at: http://www.ilo.org/global/topics/labour-migration/projects/WCMS_226200/lang--en/index.htm

⁴² ILO is acting as an implementing partner of one component of this UN-Women led project