

Good Practices to Protect Women Migrant Workers

High-Level Government Meeting of Countries of Employment

Co-hosted by: Ministry of Labor, Royal Thai Government and
United Nations Development Fund for Women (UNIFEM), East and South-East Asia

1-2 December 2005 Bangkok, Thailand



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Concept Paper

The aim of this meeting is to provide a forum for sharing information on the profile of women migrant workers in destination countries; facilitate the exchange of information on good practices by destination country governments to protect women migrant workers, especially domestic workers; and encourage the adoption of good practices by all destination countries.

Migration for employment purposes is a component of population movement in all countries, with the Asian region contributing a large percentage of the world's migrant workforce, notably from the Philippines, China, Indonesia and several South Asian countries. In fact, many countries are both senders and receivers of migrant workers. The benefits of economic migration to countries of origin are well-documented. Migrant worker remittances make significant contributions to GDP; family welfare, education and consumer demand; and community-level development.

Migrant workers are also a vital though often overlooked component in the economies and the development aspirations of many destination countries. Migrant labor in various sectors (domestic service, manufacturing, construction, etc) contributes to destination country economic development directly through productivity gains and indirectly through taxes and consumption. In addition, migrant workers facilitate the expansion and diversification of the indigenous labor market. Women nationals in destination countries, for example, may be able to enter the workforce because of the availability of migrant domestic service workers. Benefits to destination countries therefore occur at several levels and migrant workers constitute a valuable resource for these countries. Conversely, irregular migration can also create problems for destination countries, including trafficking, other criminal activities and health risks, as

well as increased risks to migrant workers' welfare.

Destination countries therefore have good reason to invest in measures to assist safe and orderly migration and to protect migrant workers within their jurisdictions, for productivity, good governance and humanitarian reasons. A feature of overseas migration for work within Asia and from Asia to the Arab states that needs to be taken into account by destination countries is the increasing feminization of the migrant workforce. Women now constitute 50% or more of all migrant workers, and from countries such as Indonesia and the Philippines, women migrant workers outnumber men. Measures to protect all migrant workers are needed, however, it is now well-recognized that women migrant workers have different experiences to their male counterparts, often encountering greater hardships and adverse experiences during the pre- and post-migration phases and while working in destination countries. Women migrant workers are both voluntary and involuntary, including those working abroad as a consequence of trafficking activities. Given this, there is a need for destination countries to develop and implement measures to specifically address the protection of women migrant workers.

Several destination countries have developed good practices to meet this need, such as signing Memoranda of Understanding (MOU) between countries of origin and destination to ensure protection and benefits for migrant workers. MOUs may include agreement to use authorized employment agencies, use employment contracts detailing terms and conditions, extend protection under domestic laws to migrant workers, provide effective repatriation measures and take measures against trafficking and related illegal activities. Other measures include developing or amending existing labor and immigration legislation to specifically address

issues affecting women migrant workers. It is in the interests of destination countries, as well as women migrant workers and countries of origin, that such measures become the norm and overseas migration for work becomes regularized.

Objectives

- ▶ To enhance understanding of the profile and protection needs of women migrant workers in countries of employment, especially domestic workers
- ▶ To share information on existing good practices developed by countries of employment to protect women migrant workers and facilitate the wider adoption of good practice initiatives and mechanisms

Outcomes

- ▶ Enhanced understanding of the needs of women migrant workers and potential good practice mechanisms among countries of employment
- ▶ Enhanced appreciation of the need to continue to monitor women migrant workers' needs, especially domestic workers, and to develop and implement appropriate policies and other mechanisms to protect them
- ▶ Adoption of Meeting Statement recognizing good practices that have potential for use at the country and regional levels



Meeting Statement

Recommendations of the High-Level Government Meeting of Countries of Employment on Good Practices to Protect Women Migrant Workers, Especially Migrant Domestic Workers Co-Hosted By Ministry of Labor, Royal Thai Government and UNIFEM, East and South-East Asia

Bangkok, Thailand
1-2 December 2005

WE, SENIOR GOVERNMENT OFFICIALS, representing Ministries/Offices of Labor and Women's Affairs from Bahrain, Brunei Darussalam, Jordan, Malaysia, Singapore and Thailand, having been invited by the Ministry of Labor, Royal Thai Government and the United Nations Development Fund for Women (UNIFEM), East and South-East Asia to the "High-Level Government Meeting of Countries of Employment on Good Practices to Protect Women Migrant Workers, Especially Migrant Domestic Workers," after discussions and deliberations on 1-2 December 2005 at the Siam City Hotel in Bangkok, Thailand,

Mindful of the continuing increase in women's labor migration, their productive contribution to countries of origin and employment and the economic and social development opportunities that migration has provided for large numbers of women,

Also conscious of the need to protect women migrant workers, particularly those in low-end jobs, because they are more vulnerable to gender-based discrimination and abuse at different stages of the migration process,

Recognizing and being aware of the vital role and the social responsibility of governments as major stakeholders in the protection of women migrant

workers at all stages of the migration process, especially in a foreign country, and

Drawing from good practices in countries of employment, and toward addressing continuing concerns, WE considered and identified the following priority recommendations:

MIGRATION MANAGEMENT:

1. Develop and promulgate a legally enforceable written standard working contract (pertaining to conditions of work and benefits) for domestic workers, in line with national laws and international standards, and consider protecting the labor rights of women migrant workers, especially domestic workers, through legislation.
2. Ensure the enforcement of legal protections for women migrant workers, especially migrant domestic workers, by encouraging setting up of appropriate monitoring, complaints and grievance mechanisms.
3. Strengthen the monitoring of overseas employment service providers and recruiting agents and take appropriate enforcement measures to protect migrant workers, especially women.

WELFARE AND SUPPORT SERVICES:

4. Develop and provide welfare and support services to assist women migrant workers (such as counseling, interpretation services, information on contracts, recruitment agencies, entitlements, and how to avail of these both in countries of origin and employment etc.).

5. Facilitate gender sensitive awareness programmes for employers, recruiting agencies, law enforcers, service providers and the general public to respect and protect women migrant workers, especially migrant domestic workers.

DIALOGUE AND COORDINATION:

6. Convene South Asian, South-East Asian and Arab Gulf countries Ministerial Meetings to discuss good practices to protect women migrant workers (to use the Gulf Cooperation Council framework for labor migrants developed in 2005 as a base for discussion).
7. Promote in countries of origin and employment safe, legal, and inexpensive mechanisms for transfer of remittances by women migrant workers.
8. Encourage civil society organizations (NGOs, migrant workers associations, national trade unions) to partner with governments to provide support services for women migrant workers.
9. Promote labor cooperation between countries of origin and employment, including but not limited to, developing bilateral MOUs and agreements with provisions to protect migrant workers including women, in line with national laws and international standards.

RECOMMENDATIONS

Finally, the plenary discussions looked towards future action that participants could work towards upon their return. In this respect, the following general recommendations were made:

- ▶ In the country of origin and prior to departure, workers must be made adequately familiar with information regarding the country in which they will be working. They should be made aware of whom or which agencies they need to contact in the country of employment in case of any problems they may face. This pre-departure orientation should be linked to an orientation on arrival of the worker at the country of employment to make them familiar with what kind of protection is offered to overseas workers in that country.

- ▶ In countries of origin, labor attachés should be identified who can engage with migrant women workers and assist with their problems overseas. At the same time, the respective embassies in the countries of origin should be responsible for bringing stakeholders together to discuss issues concerning any migrant woman worker.

- ▶ Regarding the issue of over-charging of workers in the country of origin, joint initiatives are required between governments of sending and receiving countries in order to keep this practice in check. OEPs who violate the regulations regarding the amount that workers can be charged should have their licenses revoked. Hence, bilateral MOUs between sending and receiving countries may help to ensure that OEPs operate according to the rules set for them.

- ▶ Reformulation of labor laws may be required in most countries so as to include and recognize domestic work. It may be advisable to have a common set of laws instead of different laws for different categories of workers. However, this is a long-term objective and certain short-term measures must be taken to protect workers until the reformulation of laws takes effect.

Welcome and Opening Speech

Mr. Thapabutr Jamasevi

Deputy Permanent Secretary

Ministry of Labor, Royal Thai Government

At present, international migration is widely accepted as a global phenomenon, particularly in the fast changing environment of today. The movement of people from country to country has created mutual benefits and at the same time has impacts, positive or negative, to both countries of origin and destination.

With reference to the estimation of the United Nations Population Division, there are now almost 200 million international migrants, which is equivalent to the fifth most populous country of the world - Brazil. Thus, international migration is an important factor for the world economy today.

Recently, the Global Commission on International Migration has undertaken a comprehensive examination on the issue of international migration. The report has recommended six principles for action that each country should consider when formulating and implementing policies on international migration. One of the principle recommendations is to protect the rights of migrants, which coincides with the agenda of our meeting.

Having realized the significant impacts of international migration and its scope and complexity, the Government has initiated various measures to manage the issues. During the past decade, Thailand has been both a sending and a receiving country. While we are sending our workers overseas, we are also receiving a number of migrants to work in the country. In the past few years, an increasing number of migrant workers have formed part of the Thai labor market, which in turn contributes to the growth of the economy besides contributing towards the well-being of migrant workers and of the countries of their origin.

Protection of migrant workers is an issue that needs government attention. Generally, the Labor Protection Law of Thailand has covered both Thai and migrant workers. At present, Thailand has around one million migrant workers, of which 105,000 work in the household service sector and 84,415 of them are women migrant workers. In this regard, the Government has initiated additional measures apart from those specified in the Labor Protection Law to protect women migrant workers, the details of which will be presented during the meeting.

Today's meeting is a result of a joint effort between UNIFEM and the Royal Thai Government in response to the need for more dialogue between labor sending and labor receiving countries on the issue of international migration, particularly for women migrant workers. These two days will serve as a good opportunity to share information and learn more about best practices that have been implemented in various countries in order to protect women migrant workers and to propose recommendations for future activities and cooperation.

Opening Speech

Dr. Jean D’Cunha

Regional Programme Director

United Nations Development Fund for Women

East & South-East Asia Regional Office, Bangkok

This is indeed a very gratifying moment for UNIFEM, gratifying because this is UNIFEM’s first ever partnership with the Ministry of Labor here in Thailand under the aegis of UNIFEM’s Asia Pacific and Arab States Regional Programme on Empowering Women Migrant Workers in Asia, and we thank His Excellency the Minister of Labor and the Royal Thai Government for that. It is the first time ever that South-East Asian and Arab States employing women migrant workers are meeting here in Bangkok and in South-East Asia to share their good practices to protect women migrant workers. As a UN agency whose mission and mandate it is to promote gender equality and women’s empowerment, we are encouraged to see such a rich pool of good practices that can be shared, adapted and adopted by countries.

But why is protection of women migrant workers so critical? There are numerous reasons for this:

- ▶ Migration is becoming an enduring structural feature of the Asian region. Recorded flows for the periods 1990-1994 and 1995-1999 suggest that gross emigration rose at a yearly rate of 6 percent for the entire region, making migration growth over twice faster, on average, than the growth of the work force in countries of origin, which affirms the claim that mobility has increased significantly in some parts of Asia. Moreover, there have been a growing number of South-East Asian countries of employment.
- ▶ There is a conspicuous increase in women migrating overseas for work. Women constitute about 50% of the overseas workforce in Asia, Latin America and growing proportions elsewhere. In countries like the Philippines, Indonesia, and Sri Lanka, the numbers of women migrant workers outstrip the numbers of male migrant workers.

- ▶ Women are migrating autonomously as temporary economic migrants largely as a family survival strategy, and are recruited into woman-specific skilled and unskilled jobs in formal and informal manufacturing or service sectors. But the heaviest concentration of women migrant workers is at the lower end of the job hierarchy in domestic work and the entertainment sector, where they suffer gross human rights violations.

Some of the common forms of discrimination and violation are:

- ▶ Women’s greater lack of access to information about the costs and benefits of migration, countries of employment, terms and conditions of work, rights and entitlements and how to avail of these and protect themselves in the event of abuse.
- ▶ Abandonment, sexual and physical abuse en route to countries of employment.
- ▶ Discriminatory stereotypes that label women as ‘sexually available,’ and men as ‘national security threats,’ ‘criminals,’ ‘drug runners’ and ‘thieves’.
- ▶ Fewer skilled, legal and decent jobs for women, and non-recognition of certain women’s jobs like domestic work as work, which consequently exclude domestic workers from legal protections.
- ▶ Sectors in which women predominate, such as domestic work and the hospitality industry involve the provision of personal and intimate services that invade a woman’s privacy and being very different from male migrants’ work at construction and manufacturing sites. The overlap in living and working

spaces in these sectors, severe restrictions on mobility and association make it more difficult for women than men to access external assistance in the event of abuse.

- ▶ Contract substitution, non-payment of wages, lower wages than men for jobs of the same or similar nature, no rest days, poor living and working conditions that reduce privacy and safety levels much more for women.
- ▶ Lack of access to health care; health and well-being concerns like unwanted pregnancies, unsafe abortions, STDs/HIV/AIDS, gynecological problems, anemia, physical and sexual injuries, workplace accidents, emotional trauma, suicide and even murder.
- ▶ Stigmatization by family and community when women return earlier than scheduled without savings or traumatized.

Against this background, protecting women migrant workers is a development issue. It promotes human rights, human development, human security, peace, stability and economic growth. Women migrant workers contribute by way of their skill and labor and help generate profits in countries of employment. They further contribute to the economy of countries of employment as consumers of goods and services. They plug labor shortages in certain sectors, and facilitate educated middle class women's paid public employment and consequent increases in the latter's family income through their domestic work. As domestic workers, too, they subsidize what the State would otherwise have to invest for childcare and other domestic services. Migrant women workers contribute to countries of origin by way of remittances, and to the economic and social development of families and communities back home.

Abuse of migrants, including women, is a drain on economic and financial resources. It involves direct costs, such as spending on medical care, expenditure on a range of services to facilitate recovery from abuse, loss of productivity, absenteeism, loss of wages, and a reduction in GDP. It involves indirect costs to families of women migrants in the form of emotional stress and the like.

Protecting migrants, including women migrant workers, is a human security issue. If women suffer routine abuse, the human security of half the human population is threatened and is a poor reflection on our capacity to provide safe environments. Moreover, gender-based discrimination and violence - including sexual violence - is a major cause of HIV/AIDS transmission to women, including women migrant workers, which creates a human security crisis in yet another form.

Protecting migrants, including women migrants, is an indication of good governance, as good governance is associated with protecting human rights and creating and ensuring peace, stability and human security.

It is consequently incumbent on governments to introduce policies and programmes that protect women migrant workers, in line with global human rights frameworks like CEDAW that have been ratified through a process of consensus.

It is, therefore, refreshing to see an increasing pool of good practice by countries of employment, such as on-site services for women migrant workers; awareness-raising for employers on worker protection; registration of undocumented migrant workers; and MOUs between countries represented here that have clauses to protect migrant workers. We further have examples of countries amending the labor law to include domestic work as work, to recognize domestic workers as workers and introduce legal protections for domestic workers. This is a precedent-setting initiative in the Arab region and Hong Kong Special Administrative Region, China, and we do hope that more countries in South-East Asia set similar precedents and pioneer the introduction of legal protections for domestic workers for the South-East Asian region.



Technical Paper

Strengthening the Links: Good Practices for Protecting Foreign Domestic Workers in Countries of Employment

Mr. Philip S. Robertson, Jr.

Consultant, UNIFEM

Everyday in countries in South and South-East Asia, female migrant workers – mothers, daughters, and sisters – board buses, trains and planes as the first step in voyages that will take them as ‘explorers’ to new lands. They are leaving behind children, parents, and husbands for periods that will stretch into many years. For some particularly vulnerable and unlucky women, they will never return – leaving only memories, some photographs perhaps, and a gaping hole in the efforts of a family struggling to survive.

While some of these women may be naive about the lives they will face as migrant domestic workers (MDWs), and all of them are quite vulnerable to abuse and exploitation, most female migrants have carefully weighed options, sorted through information, sought to reduce risks in their movement, and are now making what they feel is the best choice for themselves and their families. Many mortgage or sell land, homes and crops, or take out large loans to pay the fees charged by recruitment agencies who promise them placement overseas. Others take even higher risks by relying on informal networks to migrate surreptitiously, outside established legal channels. In both cases, the failure of the migration experience – whether by early termination in their job, being cheated out of funds, or worse yet, becoming a victim of human trafficking – has profound impacts on the woman involved, as well as the financial and psychological well-being of her family in the country of origin.

Given the massive number of lives that depend on the success of these women, the question of how to effectively protect female migrants through the process of migration, as well as in the countries of employment, must be effectively answered. It is notable that the benefits of this process do not only accrue to the MDWs, but also to the families in the countries of

employment who hire them as domestic workers. The Special Rapporteur for Migrants, Ms. Gabriela Rodriguez Pizarro, observed that “...in developed countries, migrant domestic workers are becoming indispensable to enable women to advance in employment and society. The work of migrant domestic workers in caring for the elderly has taken on particular importance as a result of the ageing of the population in many developed countries.”¹ The challenge is to identify good practices to protect MDWs, and to root these interventions solidly in efforts to build mutually beneficial arrangements for MDWs, employers, and the countries of both origin and employment.

THE FEMINIZATION OF ASIAN MIGRATION

Unlike a generation ago, today the face of the average Asian migrant is often the face of a woman. UNIFEM’s research found that in 1976, 146,600 Asians migrated overseas for work. Of this figure, approximately 21,960 were women. Almost twenty years later, in 1995, the number of women migrants from Asia had grown by over 40 times to approximately 800,000 going overseas to work per year.² This trend has been part of the significant growth of migration within and from Asia, in general.

Migration has become an economic and social fact of life in countries of origin, as well as countries of employment, where whole industrial and service sectors

¹ UN Economic and Social Council, “Report of the Special Rapporteur, Gabriela Rodriguez Pizarro, submitted pursuant to Commission on Human Rights Resolution 2003/46,” 12 January 2004.

² UNIFEM Regional Programme on Empowering Women Migrant Workers in Asia, “Facts About Women’s Migration for Work in Asia,” in *Empowering Women Migrant Workers in Asia: A Briefing Kit*.

are now dependent on these workers. A core research paper on Asia-Pacific migration done under the Global Commission on International Migration noted that migration will “continue to increase in scale, diversity, and impact,” and recommended that policy makers revamp their views to take this permanent structural change into account.³

PARTICULAR CHALLENGES IN PROTECTING MIGRANT DOMESTIC WORKERS

MDWs are one of the most vulnerable groups of workers. Isolated in households, often with restricted rights of movement and expression and limited ability to communicate in the national language, domestic workers are highly dependent on their employers’ good will. In many countries, MDWs are not considered “workers” under the labor law, depriving them of basic protections and benefits extended to other workers, and placing them outside the reach of labor inspectors.

MDWs often face exploitative situations, especially in terms of pay, hours of work, and working conditions and accommodation. Cases have been documented in various countries where pay was withheld for months or no pay whatsoever was given; unauthorized deductions were made from pay; less pay than the minimum wages set in law was given, or less than the salary written in the work agreement; costs of recruitment that employers are liable for were passed on to the MDW; and other manipulations to reduce pay and increase MDWs dependency on their employer for survival.

In terms of working hours, a lack of legal protection and the proximity of the worker to the employer means that the MDW can find herself constantly ‘on call’ 24 hours a day, 7 days a week.⁴ National studies of domestic MDWs in four Arab states done by the International Labor Organization (ILO) found that these women were working an average of 101 to 108 hours per week. The examination of the United Arab Emirates (UAE) found that not a single MDW interviewed received any days off during the course of a month.⁵ A recent report by Human Rights Watch examining treatment of MDWs in Singapore similarly found very few received more than one day off a month, and were expected to work between 13-19 hours a day.⁶

Often the MDW is expected to not only take care of the employer’s household, but also work at the family store, and possibly clean other relatives’ houses, as well. Caring for babies and the elderly often means waking up in the middle of the night to provide support. In some cases, MDWs are forced to work through holidays, and prevented by work and restrictions on movement from attending temple or church, or conducting required daily prayers. Such treatment has a profound psychological effect that creates or deepens feelings of isolation and depression. An important way to counter this isolation is through social inter-action with peers. Yet the ability to meet and associate with other MDWs implies both freedom of movement and freedom to use public spaces to engage in representational, social, and/or cultural pursuits as a group or network. Unfortunately, often for MDWs, these basic freedoms are either very limited or not provided at all.

The total dependence of MDWs on their employers also opens them up to gender-based violence, including sexual harassment and rape by male members of the household, and in some cases even trafficking into sexually exploitative situations. When these sexual crimes are discovered, it is the MDW who is most frequently blamed by the women of the household, and sometimes penalized. Confiscation of an MDWs’ passport and residence documents makes these MDW particularly vulnerable. Devastating physical abuse

³ Hugo, G. “Migration in the Asia-Pacific Region,” report commissioned by the National Centre for Social Applications of GIS, University of Adelaide–Global Commission on International Migration, Sept. 2005.

⁴ A survey of 284 female domestic workers in Singapore in November and December 2003 by the Straits Times newspaper found that less than 50% of these workers received any days off at all. Approximately 23% received one day off a month, and only about 10% received one day off a week. Singapore has recognized this as a problem and is taking corrective action. Starting in January 2006, all agencies accredited by Case Trust and the Association of Employment Agencies Singapore (AEAS) will have to include a clause in their employment contracts that gives time off to domestic workers. Standard contract language is under review by the Ministry of Manpower and a decision is expected soon. (Straits Times , October 25, 2005).

⁵ Chammartin, G. “Domestic Workers: Little Protection for the Underpaid,” ILO, April 1, 2005, courtesy of the Migration Policy Institute, www.migrantinformation.org

⁶ Human Rights Watch. *Maid to Order: Ending Abuses Against Migrant Domestic Workers in Singapore*. New York: Human Rights Watch, December 2005.

amounting to torture has been inflicted on MDWs, and permanent injuries or deaths have occurred.⁷ Attacks against MDWs may include slapping and punching, beating with objects, scalding with hot water or objects, and other abuses that constitute grievous assault. Yet, because these acts occur behind the closed walls of a home rather than out on a street, the abuse often is overlooked. The employers also deploy psychological threats by threatening the primary objective of the MDW to come to the country of employment in the first place to earn money for her family. Illegitimate and unlawful docking of wages, refusals to pay the worker in a timely way, and bullying by repeated threats to terminate the worker so that she would be immediately deported are common.⁸

MANAGEMENT AND PROTECTION OF MIGRANTS

There are several core premises to this study that underlie the discussion about good practices in management and protection of MDWs by countries of employment and origin:

► Core Premise One:

Migration management must take into account gender perspectives.

The first premise is simple: Just as those who are migrating from Asia are increasingly female, so the structures, approaches, and imperatives to manage migration must change, and clearly take into account a gender perspective.

UNIFEM succinctly notes that “gender refers to relative status, position and relationship between men and women, with women more disadvantaged in most contexts” and adds that these outcomes are “largely socially determined.”⁹ Accordingly, all programmes and interventions must be examined through a gender lens. Governments should fully examine and assess national plans and policies for MDWs for differential and discriminatory impacts based on gender, and take appropriate remedial steps.

► Core Premise Two:

Links forged by migrant workers bind countries of origin and countries of employment.

The second premise is that all the stakeholders are in this situation together, and are bound together in ways they may not immediately realize.

Domestic work is denigrated as unskilled work requiring little formal education and an escape valve for women who would otherwise have little chance of earning substantive wages in their home country. Yet for women and their families in countries of employment, the domestic worker is arguably one of the most critical persons in their lives. She provides support for children and old people, takes care of all housework, performs most or all of the meal preparation and clean up, and does household organization and maintenance. No other employment relationship is so highly personalized. That high degree of personalization can be abusive, reflecting inhuman demands of work on the domestic worker and other violations of privacy; but in other circumstances, it can lead to a relationship of mutual benefit, respect, and trust.

MDWs are socially and economically beneficial to countries of employment. Indeed, the increased professional engagement of educated women in countries of employment, and expansion of these women’s social networks beyond the nuclear or extended family, initially fuelled the need for MDWs. These positive changes in work and lifestyle of women and families in countries of employment are sustained by the continued presence of MDWs. From this perspective, it can be seen that the interests of the employer and the domestic worker, and of the country of origin and country of employment, are intrinsically linked.

Just as the interests of MDWs and their employers are inter-dependent, so too are the interests of countries

⁷ In some of these cases in Singapore and Malaysia, public opinion against the abuses has helped to ensure that the employers responsible were convicted and jailed. But other similar cases in East Asia, South-East Asia, and the Middle East have gone unpunished, feeding concerns that unless the abuses reach a level of unacceptable savagery and the case catches the attention of the media, domestic MDWs can be mistreated with impunity.

⁸ UNIFEM Regional Programme on Empowering Women Migrant Workers in Asia. Human Rights Protections Applicable to Women Migrant Workers: A UNIFEM Briefing Paper. Bangkok: UNIFEM, 2003.

⁹ UNIFEM. Empowering Women Migrant Workers in Asia: A Briefing Kit. Bangkok: UNIFEM, 2003.

of origin and countries of employment fundamentally joined. Countries of origin benefit from significant remittances from MDWs overseas, since their money plays a critical role in jump-starting small and medium enterprises, and promoting investment in rural areas often left behind by national development initiatives. Countries of employment benefit from increased productivity of women workers freed from the daily burdens of housework, and the economy benefits from the greater spending capacity of a two income family. Education for girls, shown to be one of the investments in development that provides the highest returns, expands as school-age girls previously kept home to assist with domestic work can now attend school.

► **Core Premise Three:**
Promoting legal flows of MDWs can benefit all stakeholders.

The third premise is that all stakeholders, from both countries of origin and employment, are more likely to benefit if the flows of MDWs are done legally, in accordance with policies and regulations set and enforced by the respective governments. These government policies, regulations, and laws should be guided by international standards, and contained in international conventions or agreements to which countries have already subscribed. The benefits of rule-based, legal migration are obvious. Better data can be collected about the women who are migrating to work. The country of employment's need for this type of labor can be more accurately assessed. MDWs can be educated about their rights and responsibilities. Agents and final employers can be more easily monitored to ensure that hiring practices, work assigned, and conditions of work comply with applicable regulations and laws.

This premise is embraced by the Global Commission on International Migration, which recommended that "States should address conditions that promote irregular migration by providing additional opportunities for legal migration and by taking action against employers that engage migrants with irregular status."¹⁰

► **Core Premise Four:**
Migrant domestic workers have a strong self-interest in protecting their own rights and will do so if allowed.

The fourth premise is that MDWs have a strong self-interest in protecting themselves, and will take effective measures to do so if they are given the opportunity. No stronger ally exists for government regulators than an informed MDW who has the courage to speak out against her exploitation, has protection in law or regulation against abusive practices, and receives the support of a network of her peers to file her complaint. Her cooperation is critical because labor regulators are often either unwilling or unable to inspect working conditions in the house and, therefore, unable to investigate abusive situations.

One effective way is to ensure that the MDWs are first educated about the protections afforded to them, and then second, can easily access mechanisms to report problems and seek support services if needed. Associations of migrant workers can support workers facing difficulties while also emphasizing bonds of origin country language and culture that improve MDW's morale. As the Hong Kong experience has shown, such associations can serve as effective and well-informed interlocutors with government and other stakeholders in developing policies on MDWs.

► **Core Premise Five:**
Protection of migrant domestic workers is the responsibility of both the countries of origin and the countries of employment.

The fifth and final premise is that the measures taken must be based on a commitment from both countries of origin and employment to fully protect the human rights of MDWs. This protection should be in line with the Universal Declaration on Human Rights (UDHR), the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Elimination of All Forms of Discrimination (CERD), and other relevant international human rights conventions. Where competition between origin countries for quota or placements of MDWs exists, selection decisions should be based on the level of skills possessed by the MDW, and not on the degree to which a country of origin is willing to abdicate its responsibility to protect MDWs.

¹⁰ Global Commission on International Migration. "Migration in an Interconnected World: New Directions for Action," n.p.: GCIM, October 2005.

BENEFITS BROUGHT TO COUNTRIES OF EMPLOYMENT BY MIGRANT DOMESTIC WORKERS

There has been much written about the economic benefits of migration for the countries of origin, focusing primarily on the issue of remittances. Increasingly, the focus is turning to research on the very important benefits that MDWs bring to countries of employment.

Put simply, MDWs contribute to the well-being of employer countries by helping release local women into higher end, higher productivity jobs. Without MDWs, especially in countries of employment with relatively small home populations or a tight labor market (e.g. the Middle East, Singapore, Japan), finding available and affordable domestic workers would be almost impossible.

In Hong Kong, where certain areas of the city have become known gathering spots for MDWs on their days off, new business enterprises have sprung up to offer a range of services, such as food, clothing, publications, personal goods, long-distance telecommunications, money transfer/remittances, legal assistance, etc. MDW recruitment agencies in countries of employment also provide significant employment for the local economy. In Singapore, for example, there are over 500 such companies engaged in recruitment of foreign domestic workers.

Using Hong Kong Government statistics and realistic estimates, the Asian Migrant Center (AMC) computed in 2004 the amount of contributions that MDWs make to the Hong Kong economy. They found the amount totaled HK \$13,784,205,540, which they noted is equivalent to almost 1% of HK's annual GNP. This figure included local spending by MDWs, fees paid to recruitment agencies by MDWs, levies paid by employers to the HK Government, and costs saved by Hong Kong because of MDWs work/support in child care, tutoring for school-age children of the employer, care for the elderly, care for the sick and disabled, and other work performed (illegally) by MDWs outside of the home at the behest of the employer.¹¹ There is no denying that MDW's work accounts for a significant proportion of the economy. This is an important area for further research that should be taken up urgently.

GOOD PRACTICES FOR CONSIDERATION BY COUNTRIES OF EMPLOYMENT

Good practices adopted by countries of employment for MDWs can be divided into five broad categories: (1) regulations, laws and access to justice; (2) systems of information exchange, cooperation, and multi-stakeholder action; (3) capacity-building and awareness-building strategies; (4) participation, outreach and inclusion of MDWs and their organizations; and (5) adoption of international instruments that underpin commitments to follow international standards in the regulation of MDWs.

Each category speaks to the core premises of an effective system for protecting MDWs and supporting a “win-win” system of mutual benefits for both countries of origin and countries of employment. A number of these practices have been effectively implemented, in whole or in part, by other countries of employment.

REGULATIONS, LAWS, AND ACCESS TO JUSTICE

- ▶ **Coverage of MDWs and domestic work under national labor laws and regulations and effective enforcement to ensure that MDWs receive protections as provided under law.**

Terms and conditions of work for workers are invariably defined and provided for in the national labor law(s), and often serve as a minimum standard that must be met. Critical provisions that affect MDWs, and are usually provided for in the labor law, are fair and just provisions for hours of work and provisions for overtime, rest days, annual leave, time off on national holidays, minimum wage, severance pay, clear rules regulating dismissal, maternity leave, a bar against seizures of a worker's papers, and defining what wage deductions are legal. Good practice ensures that MDWs are fully integrated into the law so that there is clarity for both employers and MDWs about what practices are permissible, what actions violate the law, and what

¹¹ Asian Migrant Centre. “Economic Contributions of Foreign Domestic Workers in Hong Kong.” Hong Kong SAR: AMC, September 2004.

the consequences of violations are. The ILO noted in a tripartite resolution adopted in its 92nd session in 2004 that “To be effective, credible and enforceable, national policy and practice regarding labor migration and protection of migrant workers requires a solid legal foundation based on rule of national and international law.”¹²

Coverage of MDWs under the labor law implies the Ministry of Labor has the primary duty to ensure the law is implemented, resulting in clear lines of responsibility within government for regulation of the treatment of MDWs. In some countries, a good practice is ensuring support for the efforts by the Ministry of Labor in a collaborative, inter-Ministry manner by a Ministry of Women’s Affairs (and/or a Ministry of Social Welfare) that has expertise in gender and social work.

The experiences of Hong Kong, South Africa, and Italy are particularly relevant in explaining this good practice. In Hong Kong, MDWs are covered under the Employment Ordinance, which provides important benefits such as one day of rest in seven; public holidays; annual leave; one month notice for termination, or one month’s pay in lieu of notice; payment of wages and definition of allowable deductions by employers, etc.¹³ Since the employment of MDWs is clearly covered by the law, disputes between employer and worker can be taken to the Hong Kong Labor Department, and if the dispute cannot be conciliated, the Department will recommend resolving the matter in the Labor Court. While there are provisions in Hong Kong regulations that provide MDWs with fewer rights than other workers,¹⁴ providing coverage through the labor law is the first step towards providing meaningful protection for MDWs.

In South Africa, MDWs are included in the coverage of most key national labor laws, including those governing wages, formation of trade unions, equity and non-discrimination, skills development, and even coverage under the unemployment compensation scheme. In this way, MDWs have the protection afforded by a written contract — which must be in line with the provisions of the labor law, and therefore is enforceable in court. If she is dissatisfied, a MDW can appeal to government authorities and seek redress, or join a labor union and bargain with her employer. Their

coverage under the unemployment fund also provides some protection against termination, a frequent threat by employers, and MDWs also enjoy the opportunity to upgrade their skills through training.¹⁵

In Italy, MDWs play an important ‘substitutive’ role for working Italian women, and serve prominently as caregivers to the elderly and to children. MDWs legally present in Italy are provided with the same protections as other workers, and enjoy the same benefits – such as minimum wages, medical benefits, one day of rest in seven, paid annual leave, 13-month salaries, participation in social pension funds, and severance pay. Discrimination of any sort is prohibited by the Constitution, and enforced by law. Importantly, unlike Hong Kong and many other countries, loss of employment by a legal MDW does not require that she be forced to immediately leave Italy. She is legally allowed to remain until the expiration of her government-issued residence permit, and may seek a new employer for the duration of the time on her permit. This is good practice because it removes the threat of deportation often wielded by employers against MDWs, and enables workers to legally leave employers who are abusive, or regularly violate the labor law. In this way, market forces are aligned with efforts to end abuse of MDWs.¹⁶

Given the vulnerability of isolated MDWs to abuse because of their dependency on their employers, it is

¹² ILO. “Resolution Concerning a Fair Deal for Migrant Workers in the Global Economy,” adopted by the 92nd Conference. Geneva: ILO, 2004.

¹³ Hong Kong SAR Department of Labor. Guidebook for the Employment of Domestic Helpers from Abroad. Hong Kong: Dept. of Labor, n.d.

¹⁴ For instance, the so-called “two week rule” which provides that a MDW who is terminated must locate a new employer within two weeks or leave the country. Workers in all other professions have a month to find a new employer and can, in some instances, extend their visas longer while seeking work. Author’s discussion with Ms. Bungon Tamason, Chairperson, Thai Regional Alliance in Hong Kong, 19 November 2005, and Asian Migrant Coordinating Body (AMCB) pamphlet, “What is the Two Week Rule?”

¹⁵ Ramagoshi, M. “Migrant Domestic Workers in South Africa: Key Concerns and Recommendations and Strengths and Limitations of the Law,” presented to CEDAW Expert Group Meeting, October 21-22, 2005, Manila, Philippines.

¹⁶ D’Alconzo, G. et al. “Italy: Good Practice to Prevent Women Migrant Workers from Going into Exploitative Forms of Labor,” Genprom Paper #4—Series on Women and Migration, Gender Promotion Programme. Geneva: ILO, n.d.

particularly important that any law covering MDWs clearly forbids seizure of workers' documents and allows freedom of association so that an MDW has the choice to join an organization of her choosing. Similarly, the law should provide for national treatment for MDWs in line with the principle of non-discrimination to which most countries of employment agree in theory.

► **Governmental development and promulgation of a standard contract for hiring domestic MDWs that must be used by all employers and employment agencies to hire workers; this standard contract should be fully in line with the national labor law and applicable international standards, and legally enforceable through expeditious consideration by the relevant national court(s).**¹⁷

Jordan is an excellent example of this good practice in action. A "Special Working Contract for Non-Jordanian Domestic Workers" was instituted by the Ministry of Labor on January 21, 2003. This contract was developed through the joint work of UNIFEM and the Ministry of Labor of the Hashemite Kingdom of Jordan. In this task, they were supported by a multi-stakeholder group that included other relevant ministries, the National Commission for Women, the Jordanian Women's Union, and embassy representatives from Indonesia, the Philippines, and Sri Lanka.

Critically, this contract cannot be bypassed by employers or recruitment agencies. The contract is the only binding document that is acceptable for the purposes of securing a visa for an MDW to enter Jordan, and to apply and receive a work permit and a resident permit for an MDW.¹⁸ The Ministry of Labor is also working on amendments to the labor law to bring domestic workers under its coverage.

Similarly in Hong Kong, a standard domestic MDW contract ("Employment Contract for a Domestic Helper Recruited Abroad") promulgated by the Government of Hong Kong SAR is considered the only legal contract that can be used. Employing a different, unauthorized contract is a criminal offence.¹⁹ Since the contract's terms are in line with the Employment Ordinance, it is legally enforceable in Hong Kong's Labor Courts.

There are several important reasons to adopt this good practice. First, standard contracts provide for clear regulations protecting MDWs, while also laying out in clear details the rights and responsibilities of both employers and workers. Second, the contracts provide a clear standard for regulation, inspection and enforcement by government authorities. Third, MDWs and employers can be educated in a clear and concise way on the contractual protections given to MDWs, creating a more informed and transparent sector of the labor market that authorities can oversee.

However, there is still one shortcoming in these contracts. This is the linking of the MDWs' legal presence in the country of employment with an ongoing contractual relationship. By ensuring that termination by an employer will inexorably lead to deportation of the worker, the system puts in the hand of employers a powerful weapon to intimidate their workers. These threats significantly reduce the likelihood that an MDW will stand up to employer mistreatment, or report an employer to the authorities if s/he violates the law.

¹⁷ The recommendation of this good practice tracks closely with the recommendations of the Special Rapporteur on Migration in her report to the UN Economic and Social Council of January 12, 2004. In Recommendation 80, she calls for all MDWs to have a written contract, and covers specific provisions for protection of MDWs that she believes should be included. In Recommendation 81, she "views as good practice the drawing up by States of destination of model contracts for domestic workers which also apply to illegal immigrants, stipulating working hours and minimum wages. Such contracts should give migrant domestic workers the possibility of claiming their rights in court."

¹⁸ Jordan's standard contract provides for provisions for rest days; timely payment of wages and prohibition on unauthorized deductions paid to third parties; prohibition on additional requirements to work outside the employer's residence; employer payment of airline tickets and government fees; provision of accommodation, medical care and food, and the MDW's right to correspond freely with others; the MDW's right to hold her passport; and requirements for the employer to provide life and accident insurances.

¹⁹ The Hong Kong standard contract specifies wages (which cannot be below the minimum wage set by the Government), provides one rest day per week, limits work to be performed to only the residence of the employer, and stipulates that the employer must provide suitable accommodation, free food (or an additional financial allowance in lieu of food), free medical care, coverage of round-trip travel and government fees, requirements for one-month notice before termination (or payment of one month in lieu of notice), and other important provisions.

- ▶ **Effective enforcement of all aspects of the labor law applying to MDWs, and creation of a complaints line (or similar mechanisms affording access for MDWs to officials in order to bring complaints) for MDWs to report abuses, using their own language.**

Precisely because domestic workers are hidden behind the walls and doors of their employers' homes, it's critical to provide an official hotline for MDWs to report abusive treatment, non-payment of wages, or other significant violations. Just as a phone call usually brings the fire department to a scene of a fire, so a complaint line can help inspectors apprehend employers who violate the laws and policies regarding MDWs. Jordan's Ministry of Social Welfare and Family Protection has established a hotline to receive calls from MDWs alleging abusive treatment, including physical and sexual harassment. Similarly, in Hong Kong, the law provides that MDWs must be paid a minimum wage of HK \$3,320 per month in a timely manner and without unauthorized deductions. To help enforce this law, the Department of Labor has set up a "Labor Law Enquiry Hotline" that receives complaints from MDWs about unlawful treatment. Complaints received must be immediately and thoroughly investigated.

Severe penalties should be established to prevent retaliation against an MDW for filing a complaint against an employer. Recognizing that MDWs often can not make such phone calls except at odd hours when others in the household are away or asleep, arrangements should be made to ensure that there is 24-hour coverage for such a hotline, perhaps through use of mobile phones with government officials at least able to speak English, in addition to the national language.

- ▶ **Deployment of necessary personnel and resources to effectively prosecute employers who violate the labor law, or physically or sexually abuse MDWs; provision of shelters for victimized MDWs, with appropriate services to assist their recovery, and protection guaranteed for MDWs who are witnesses in criminal proceedings.**

Covering MDWs under the labor law is only as effective as the enforcement that accompanies it. Necessary

resources and personnel must be made available to pursue legal cases where employers violate the law. Only through continuous and effective prosecution of abusive employers will deterrence be effectively built. Since violations occur behind the walls of a private home, the testimony of the MDW is critical to successfully prosecute an abusive employer. The country of employment should provide necessary protection to ensure that MDW witnesses to crimes are not intimidated or victimized. The Special Rapporteur on Migrants focused important attention on this need, urging "...States to ensure that their legislation does not create adverse consequences for migrant domestic workers who report their employers for violating their labor and other rights, but allows them to remain in the country and provides them with the necessary assistance to take part in the trials of the employers and obtain justice."²⁰ Ultimately, the country of employment should continually seek to make a public example of the worst employers, and ensure that heavy fines/prison sentences are levied and the results of the cases are widely publicized.

Shelter and both physical and psychological treatment/assistance should be made available to MDWs who are abused. Adopting a victim-centric approach, where the needs of the victimized MDW are held to be paramount, is critical to build the MDW's confidence to pursue prosecution of her employer, if she so desires.

This important good practice has been also recommended by a meeting of overseas labor recruitment agencies. The agencies called for countries of employment to "Establish, whenever feasible and appropriate, 'resource, support, and welfare centers' in labor-receiving countries where there are large concentrations of women migrant workers, to provide, *inter alia*, counseling, welfare assistance, information, monitoring, and other services for their benefit."²¹

²⁰ Ibid., p. 18.

²¹ Covenant of Ethical Conduct and Good Practices of Overseas Employment Service Providers, adopted at the UNIFEM Regional Consultation of Overseas Employment Service Providers on Good Practices to Protect Women Migrant Workers, Bangkok, Thailand, November 15, 2005

- ▶ **Strict monitoring of labor recruiting agencies to ensure they operate in accordance with all government guidelines and laws governing recruitment of domestic MDWs, and pro-active investigation and suspension of the licenses of agencies that violate those guidelines and/or laws.**

Employer countries must set out clear guidelines for labor recruiting agencies, covering all aspects of their operations. Governments should dictate model contracts and set clear limits on the amount that recruiting agencies can charge to MDWs (or their employers). In Hong Kong, for example, this figure is set at 10 percent of the first month's pay. Regulations should state that employers pay the up front costs of bringing the MDW to the country of employment, including round-trip airfare, as well as the relevant fees for visa, residency and work permit. Deductions by the employer from the MDW to pay for the benefit of third-parties (such as recruiting agencies) should be strictly prohibited.

Recruitment agencies that repeatedly violate the law should have their licenses withdrawn, and owners and key agency personnel involved in these violations should be barred from future involvement with labor recruitment.

- ▶ **The creation of safe, legal and inexpensive channels for MDWs to send remittances to their countries of origin.**

The Global Commission on International Migration estimates that in the year 2004, approximately US \$150 billion was sent as remittances through formal channels, and another US \$300 billion was remitted informally.²²

Most countries of employment receiving MDWs from Asia are pursuing temporary migration schemes, designed to fill gaps in labor supply. Clear time limits are set for MDWs to work before they must return to their country or renew their contract. MDWs have a primary goal to earn as much as possible, and remit those earnings to their home country. Therefore, as long as countries of employment wish to maintain temporary migration programmes, they have a self-interest in enabling MDWs to remit as much of their earnings as possible because this gives MDWs an incentive to return

to their country, perhaps to use their saved remittances to set up a micro-enterprise. One way to do so is by creating safe, cheap and legal channels for remittances to flow through formal systems, rather than by underground networks.

The World Bank, in its *2006 Global Economics Prospects* report, notes that:

The GEP recommends increasing access by poor migrants and their families to formal financial services for sending and receiving remittances. This could be done by encouraging the expansion of banking networks, allowing domestic banks in origin countries to operate overseas, providing recognized identification cards to migrants, and facilitating the participation of micro-finance institutions and credit unions in the remittances market.²³

The GCIM also concurs with this conclusion by the World Bank, noting prominently in its recommendations that “Governments and financial institutions should make it easier and cheaper to transfer remittances and thus encourage migrants to remit through formal transfer systems.”

- ▶ **Periodic registration opportunities for illegal/irregular migrant workers to apply for legal status, employing a clear process (explained in the languages of migrants) that is both inexpensive and fair; require employers seeking to hire these domestic MDWs to register, and ensure hiring is fully in accordance with law and standard domestic worker contracts.**

Thailand successfully employed this good practice in 2004, when it registered over 1.2 million irregular migrants from Myanmar, Cambodia, and Laos PDR. The registration included all categories of workers, not just MDWs. A clear process was designed for irregular

²² Global Commission on International Migration. *Migration in an Interconnected World: New Directions for Action—Report of the Global Commission on International Migration*. Geneva: Global Commission on International Migration, October 2005.

²³ World Bank. *Global Economic Prospects Report 2006*. Washington, D.C.: World Bank, November 16, 2005.

migrant workers to report, along with the owner of their house of residence, and register with the Ministry of Labor. This registration immediately provided the migrant worker with one year of legal status in Thailand. Simultaneously, employers who wished to hire migrant workers were required to register their interest with the Ministry of Labor, explain the nature of their business, and the number of migrant workers required. Both of these initial registration processes were free.

Following registration, employers and migrant workers were required to take further steps to formalize the hiring process, and ultimately, seek the issuance of a legal work permit for the migrant workers from the Ministry of Labor. Migrant workers were required to pay 600 baht (approximately US \$15) for a health exam, and 1,300 baht (approximately US \$32.50) for health insurance. Workers who tested positive for certain diseases were excludable. Following presentation of additional evidence, and an additional submission, the MOL then issued legal working papers for the migrant with that employer.

One short-coming of this registration process is the difficulty in changing employers if an MDW lands in an abusive situation. The Special Rapporteur has called for de-linking of immigrant status from the MDW's relationship with her employer, noting that "The Special Rapporteur urges States...to review their legislation and make sure that workers' immigration status does not depend directly on the employment relationship with a given employer and that, under certain circumstances and conditions, workers may change employers."

An approach to consider could start with the filing of a complaint by an MDW, which prompts an investigation by authorities that finds abuses were perpetrated against the MDW. In such a case, the MDW could then be entitled to legally seek a new employer without having to leave the country of employment to fulfill the duration of the term of her contract. If the process is structured correctly and implemented impartially, this would provide an alternative to MDWs having to flee abusive employers and become irregular migrants.

- ▶ **Absolute prohibition on seizure of MDW's passport, work permits, ID cards, and residency permits.**

The seizure of these personal documents by an employer or recruitment agency significantly increases the vulnerability of the MDW because it deprives her of the evidence that she is in the country legally. Many countries of employment formally prohibit the seizure of these documents. However, there is little enforcement of these provisions, and employers take and hold these documents with impunity, often allegedly to prevent an MDW from running away. Yet, if an MDW did in fact run away with her passport, in most countries of employment she would immediately become irregular. Therefore, the holding of these documents is more often an illegal system of intimidation and control that fosters abusive practices.

In Thailand it is often common to hear migrant workers stating that the employer kept the original ID, and just provided a photocopy of the ID for the worker to carry. Unfortunately, a photocopy of the ID is not recognized by local police as a legitimate form of identification. While seemingly a small matter, this practice goes to the heart of migrant workers' lack of security of person and fear that they can be arrested or possibly be deported at any time.

The Special Rapporteur on Migration recommends that States "...ensure that legislation prohibits the withholding of passports, and that complaints by migrants of such withholding are investigated seriously."²⁴

SYSTEMS OF INFORMATION EXCHANGE, COOPERATION, AND MULTI-STAKEHOLDER ACTION

- ▶ **Creation of a national database of MDWs in the country of employment, which can be matched with a national database created in countries of origin of MDWs who have left their country to work.**

Improving information systems in both countries of origin and countries of employment is good practice since it enables more effective government oversight and regulation of MDW recruitment. As needed, technical assistance and support to implement databases

²⁴ Special Rapporteur report to ECOSOC, January 12, 2004, p. 18.

should be made available by international organizations. Governments of countries of origin and countries of employment would have to cooperate and coordinate efforts to ensure compliance of their labor recruiting agencies with provisions needed to keep the databases updated with the latest, most accurate information, and severely penalize those agencies that fail to comply.

► **Creation of bilateral MOUs between countries of origin and countries of employment, providing effective government-to-government migration channels, setting out methods of migration management to be jointly implemented, and guaranteeing MDWs coverage under the labor law.**

There are many different bilateral agreements and MOUs between countries of origin and countries of employment, and they are too numerous to list here. What is important is the collaborative, government-to-government channel they create, based on defined rules set out in a written agreement, to manage migration. These rules may vary, but good practice dictates that, at a minimum, they should include provisions for ensuring that all legal migrant workers are covered under the labor law (see Thailand-Lao PDR, Thailand-Cambodia, and Thailand-Myanmar MOUs on employment cooperation for language); lay out clear steps for recruitment, entry into the country, and departure from the country after the term of contract is completed; provide necessary support for the social welfare and health of migrant workers; provide incentives for the voluntary return to the country of origin after a contract is completed; and set out a binding mechanism for resolving disputes between the two countries.

The Global Commission on International Migration strongly supports adoption of this good practice, stating in its report that “Bilateral agreements are a valuable means of addressing migration issues that affect two states. They must always respect the normative framework affecting international migrants and thereby safeguard migrant rights.”²⁵

Labor recruitment agencies are also supportive of this approach. In a meeting convened with recruitment agencies by UNIFEM, the agencies noted that there should be:

Regional agreements to stop violation to migrant workers through (i) advocacy with governments of labor sending and receiving countries to sign treaties, covenants and/or binding international agreements or understanding, or (ii) inter-country or regional agreements and understanding involving national associations of overseas employment service providers and counterpart organizations, in order to stop discrimination against foreign workers, and provide better, responsive, uniform, equitable, and timely protection and welfare to women migrant workers.²⁶

► **Support for the development of multi-stakeholder roundtables to provide a forum for coordination between ministries of countries of employment, embassies of countries of origin, NGOs, and where they exist, associations organized by the MDWs; coordination can take place on a number of fronts, ranging from cases of MDWs requiring assistance to wider policy on MDWs.**

This good practice is grounded in the participatory principle that an open dialogue leads to building of trust between stakeholders involved with MDW issues in countries of employment. Information can be exchanged, problems analyzed for root cause(s), policies explained, and advocacy efforts strategized and implemented. Particularly important for the MDWs is an active diplomatic attaché. for labor issues at her embassy to whom she can reach out when facing mistreatment. While participants at such a roundtable may vary from country to country, most observers agree that the concept of having a common forum that meets regularly has its own merit. The roundtable might start simply with representatives of the Ministry of Labor of the country of employment, labor attachés from the countries of origin, and perhaps a UN agency or two. The initial mix of partners is important, but so is the general goal of initiating a dialogue process.

²⁵ GCIM report, p. 82.

²⁶ The “Covenant of Ethical Conduct and Good Practices of Overseas Employment Service Providers” was created at a UNIFEM meeting in Bangkok from 14-15 November 2005.

The Global Commission on International Migration concurs that this is good practice, stating that:

While Governments remain the primary actors in the domain of international migration, many other stakeholders, including NGOs, civil society institutions and migrant associations, are well placed to contribute to the formulation and implementation of migration policy. The engagement of these actors is especially needed to ensure that migration policies and programmes are culturally sensitive, take account of local specificities, and recognize the importance of gender issues.²⁷

CAPACITY-BUILDING AND AWARENESS-BUILDING STRATEGIES

- ▶ **Training for government authorities, especially police, to enable them to quickly and accurately identify victims of human trafficking, and establishment of a clear policy and plan (in cooperation with international organization, agencies, NGOs, and embassies of employee countries) to provide these victims with special services and support.**

Human trafficking has been recognized around the world as an international crime that requires immediate and continuous attention from individual Governments and from the international community, as a whole. The UN Transnational Convention on Organized Crime commits nations to cooperate internationally to suppress cross-border crimes, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children provides for cooperation to stop human trafficking.

Good practice in identifying victims of human trafficking involves intensive training for front-line responders (such as the police, social workers, labor inspectors, etc.) as well as providing for specialized responses from police and for support for victims to return home (if they desire) or receive rehabilitative services in a secure shelter until they are prepared to resume work.

The Recommended Guidelines and Principles on Human Rights and Human Trafficking, formally

adopted by the UN Economic and Social Council in July 2002, recommends a victim-centric approach that victims of trafficking are recognized as such, and fully protected from further harm. The Principles and Guidelines calls specifically for “...guidelines and procedures for relevant State authorities and officials...to permit the rapid and accurate identification of trafficked persons...” and “...providing appropriate training to relevant State authorities and officials in the identification of trafficked persons and correct application of the guidelines and procedures above.”²⁸

It is important to note that human trafficking can occur to both MDWs who are legally in the country of employment as well as those who have an irregular status. Yet often it is precisely a lack of legal status that makes a woman even more vulnerable to victimization. According to international standards and practice, a lack of legal status of the trafficking victim shall not prevent her from being identified and assisted.²⁹

- ▶ **Substantive orientation sessions for incoming MDWs on labor and other relevant laws, MDW policies and regulations of the Government of employment, and cultural and social expectations of MDWs while they are in the country; information should also be provided on mechanisms to access assistance from the Government of employment and the MDWs’ own embassy.**

In addition to pre-departure training, which should be required before MDWs depart the country of origin, a good practice is also to have MDWs arriving in the country of employment be required to complete a one-day orientation, in which government officials and representatives of the embassy of origin brief them on protective measures in place for them, their

²⁷ GCIM report, October 2005, p. 2.

²⁸ UN Economic and Social Council. Recommended Principles and Guidelines on Human Rights and Human Trafficking: Report of the United Nations High Commissioner on Human Rights to the Economic and Social Council. New York: UNECOSOC, May 2002.

²⁹ Specifically, the Guidelines and Principles recommends that “Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry or residence in countries of transition or destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.”

responsibilities, cultural and social issues in the country of employment, and ways to request assistance from the embassy of their origin country. A standard curriculum should be developed to deliver this training, written as a collaborative project by all relevant stakeholders. The orientation for incoming MDWs should be done in the language of the MDWs.

- ▶ **Effective public relations campaigns through TV, radio, and print media to remind employers and recruitment agencies of their responsibilities to strictly comply with the laws, regulations and policies covering MDWs.**

It is good practice to have a pro-active, multi-faceted public relations effort targeting current and future employers of MDWs, explaining the policies and regulations governing the hiring and employment of MDWs, and warning of the penalties for violations. As policies change, information must be updated and communicated to the public. The Governments of Hong Kong SAR and Singapore are excellent examples for closer study of this good practice.

PARTICIPATION, OUTREACH AND INCLUSION OF MDWS AND THEIR ORGANIZATIONS

There are two central principles that underpin action to overcome the isolation factors surrounding MDWs. The first is making sure that all information on systems of protection, and the applicable laws and regulations in effect in the country of employment, are effectively conveyed to MDWs in their own language. Methods should be developed so that MDWs are able to easily and continuously access new information, and remain up to date. The second principle is that the MDWs must have the opportunity to meet, share information, and provide assistance to each other in order to protect themselves.

Taking these steps will help the country of employment to better enforce its laws and regulations because the MDWs (and their embassies, which are often the first point of contact by an MDW in difficulty) will actually play an important role in pointing out abusive employers and recruitment agencies who are violating the law.

- ▶ **Encouraging embassies to assign labor attachés to assist MDWs from their countries, and further support of these attachés to work together in a collaborative fashion; the labor attaché network should design methods to reach out to MDWs and provide information about services and assistance they can provide.**

Elements of this recommendation have been discussed already, but the key point is that labor attachés must be pro-active, engaged advocates of MDW rights who will diligently work for the best interests of MDWs who contact them. A ‘business-as-usual,’ 9-to-4 diplomatic working day approach is not appropriate in the critical position of the labor attaché. Care must be taken by the countries of origin to select attachés who are genuinely committed to helping.

- ▶ **Country of employment laws to ensure that MDWs can take at least one rest day per week, and the setting aside of safe and convenient areas for MDWs to meet in order to undertake social and cultural activities.**

Ensuring that MDWs can get one rest day in seven and providing for freedom of movement for these workers enables social and cultural bonds to be built that can develop into a supportive community. Such bonds are critical to diminish feelings of isolation and alienation, which have deleterious effects on the psychology of the MDW. The International Covenant on Economic, Social, and Cultural Rights provides in Article 15 everyone’s right to “take part in cultural life,” so this recommendation is squarely in line with international standards. Moreover, such support networks can contribute to a positive migration experience for the MDW, and a willingness to renew contracts after they have completed their first term. In this way, the country of employment will be in a position to benefit from more, better trained MDWs who are more conversant in the national language, culture and society of the country of employment.

Providing areas for MDWs to gather in safety and security during their rest days is important. In Hong Kong, certain public areas are known to be gathering spots for different nationalities of MDWs – Filipinas, Indonesians, Thais, Nepalis, and others – and many of

the migration associations conduct all their activities on that one rest day, often in these public areas where MDWs gather. In Thailand, activities for ethnic Shans are often organized at local Buddhist temples, which offer a greater degree of sanctuary for activities to proceed, or in Christian churches for ethnic Karen.

- ▶ **Protection of MDWs freedom of association and expression by permitting the formation of MDW worker associations or groups, allowing them to meet, and allowing them to network without hindrance with other migrant workers associations; Governments should recognize MDW associations as valuable partners, with information and perspectives to share that lead to a more thorough analysis of MDW issues and concerns.**

The goal of covering MDWs under the labor law is to provide the same protections as national workers, and this includes provisions for freedom of association. It is good practice to have one law apply to all, rather than having multiple and different standards based on the category of workers, which is discriminatory and, from a practical perspective, difficult to enforce. Numerous countries, including Thailand,³⁰ South Africa,³¹ Italy, and Malaysia,³² allow for migrant workers to either form and/or join a legally registered trade union.³³

As a first step towards good practice of full associational rights for MDWs, countries of employment should permit the creation of associations of MDWs to pursue common social, cultural and economic interests. Again, lessons from Hong Kong are instructive, as a vibrant and varied group of migrant associations exist, such as the Thai Regional Alliance, United Filipinos – Hong Kong, Far East Overseas Nepalese Association, Asia Pacific Mission for Migrants, Association of Sri Lankans, Friends of Thailand – Hong Kong, and the Association of Indonesian Migrant Workers. They are all legally registered as associations under relevant Hong Kong laws and have formed a coalition body named the Asian Migrant Coordinating Body (AMCB). The AMCB and its member organizations are regularly invited by the Government of the Hong Kong SAR to provide input and feedback on policies and regulations affecting MDWs. While certainly these associations do not win all their arguments, the important factor is that they are

recognized as legitimate partners and representatives of the MDWs, and accorded a place in the policy dialogue.

- ▶ **Support by employer countries of organizations and NGOs to set up 24-hour hotlines with appropriate counselors to listen to and advise MDWs about their problems, and to provide assistance in getting out of abusive conditions; information from the hotlines can be used to guide NGO cooperation with appropriate authorities to enable possible rescues of MDWs from the most abusive situations.**

MDWs in trouble often require more than just immediate assistance. They require support, counseling in their own language, social workers with a nuanced gender perspective to better understand their experience, and a sense of both safety and community as they recover from traumatic situations. NGOs have strong advantages to provide these services, including committed staffs, close relationships with migrant workers, and years of trust with migrant communities built up through collaborative efforts. As a good practice, Governments should support NGOs in efforts to provide hotlines, encourage creation of shelters for MDWs in trouble, and forge collaborative relationships with NGOs. In cases of violence against the MDW, cases can be referred to police for rescue actions. If complaints concern labor issues, the NGO can work directly with the MDW to file necessary court cases. A diversified network of supporting organizations for MDWs can thus be developed, focused on enabling easy access to help and support.

³⁰ The Labor Relations Act of 1975 gives the right for legally registered migrant workers to join unions (but not be one of the ‘founders’ for the purposes of registration), but unions can only be organized in enterprises with 10 employees or more, effectively preventing domestic workers from joining.

³¹ MDWs are allowed to join unions without restrictions under the Labor Relations Act 66 of 1995.

³² The Trade Union Act of 1959 provides migrant workers with the right to join unions, but the Employment Act does not cover domestic workers.

³³ Unfortunately, this protection for migrants does not always apply to MDWs because of a mixture of factors: failure to consider domestic service as “work”; numerical thresholds for size of establishments in which a union may be organized; and nationality restrictions on who may form or join a union.

► **Provision of community radio programming that will reach MDWs in their own language in order to inform them about their rights, laws, regulations, and other matters.**

The isolation of MDWs is difficult to overcome, especially in countries of employment where they are afforded few or no days off, and where their freedom of movement is severely restricted. In parts of Thailand, some NGOs are working with community-based organizations, and pioneering approaches with Burmese, Karen and Shan language programmes on community radio stations, aimed at MDWs. Critical aspects of radio programming to consider include broadcasting in the MDWs' own languages, development of educational messages and access mechanisms (providing hotline numbers or post office boxes where assistance can be asked for), and creating interesting educational programmes on MDWs' rights and responsibilities, for instance through incorporating messages into dramas that provide higher entertainment value. The timing of broadcasts must also be assessed carefully, since restrictive employers may prohibit their MDW from listening to the radio when the employer is in the household.³⁴

BRINGING LAWS AND PRACTICES INTO LINE WITH INTERNATIONAL STANDARDS

► **Ratification of relevant international conventions and instruments, including CEDAW, CERD, CMW, ICESCR, ICPCR, and CAT.**

The Global Commission on International Migration concisely confronts the wide gap between States' voluntary adoption of international human rights standards and the continued failure to implement these standards in practice. It found that:

The establishment of a coherent approach to migration requires states to demonstrate a greater respect for the provisions of the legal and normative framework affecting international migrants, especially the seven core UN human rights treaties. In the course of its consultations, the Commission observed that on too many

occasions, there is a significant gap between the legal commitments that states freely enter into when they ratify such treaties, and the extent to which they implement them in practice. While this problem is related to the question of capacity, it is also often an issue of political will.³⁵

Little can be added to this succinct characterization of the situation.

CONCLUSION

Throughout this discussion, it is critical to recall one fact that will not change for the foreseeable future. This fact is that for all intents and purposes, the countries of origin and the countries of employment are now roped together in a mutual dependence created by MDWs. Households in countries of employment have been effectively re-formed into two-career homes and/or social lives built around the assumption that an MDW will be present to care for children, the elderly and the infirm, and perform other tasks involved in domestic service. In most countries of employment, national domestic workers who are readily available at an affordable wage no longer exist. In countries of origin, households of overseas MDWs have become dependent on remitted wages for their sustenance, as well as for hope of a better economic future.

The way in which these hard-working, self-sacrificing women – the mothers, wives, daughters, and sisters – are treated will have an increasingly large impact on the nature of this deepening relationship between countries of origin and countries of employment. For the sake of these women, and for the sake of mutual economic benefit between countries of origin and countries of employment, the time has come for serious action to systematically protect MDWs. The good practices documented above offer clear and practical ways to move forward.

³⁴ Author's phone interviews with NGO representative in Chiang Mai and with Dr. David Feingold, a specialist in human trafficking at UNESCO Bangkok

³⁵ GCIM report, October 2005, pp. 2-3.

BIBLIOGRAPHY

Aghatise, Esohe. "The Case of Italy: Women Migrant Workers," presented at Expert Group Meeting on the CEDAW General Recommendations on Women Migrants, Manila, Philippines, 21-22 October 2005.

Al-Najjar, Sabika. "Women Domestic Migrant Workers in Bahrain," *International Migration Papers* 47. Geneva: International Migration Programme, ILO, n.d..

Arshad, Alina. "Days Off for Maids A Must Next Year," *The Straits Times*. Singapore, October 25, 2005.

Arshad, Alina. "Make It Law to Give Maids Day Off, Say Agencies," *The Straits Times*. Singapore, October 26, 2005.

Asian Migrant Center. "Economic Contributions of Foreign Domestic Workers in Hong Kong," unpublished report. Hong Kong SAR, September 2004.

Asian Migrant Coordinating Body (AMCB). "Summary of the External and Internal Environment of AMCB," unpublished report.

Asia Pacific Mission for Migrants (APMM). "Feeding the Hungry: The Situation of Migrant Workers in Taiwan and Hong Kong," submitted to the Asia Pacific Convention on People's Food Sovereignty, Dhaka, Bangladesh, November 25-27, 2004.

APMM. "Macau SAR Country Profile," July 2005, at www.apmigrants.org

APMM. "Taiwan Profile as of February 2005," at www.apmigrants.org

"Asia Women's Forum on Migration Statement, Seoul, South Korea, September 26-28, 2005," online at www.asian-migrants.org

Asis, Maruja M.B. "Not Here for Good? International Migration Realities and Prospects in Asia" in *The Japanese Journal of Population*. n.p., Vol. 2, No. 1, March 2004.

Baker, Mark. "Hell's Kitchen for Singapore Maid," *The Age*. Melbourne: n.p., July 24, 2002 (accessed online).

Chammartin, Gloria Moreno-Fortes. "Domestic Workers: Little Protection for the Underpaid." ILO

document courtesy of Migration Policy Institute, www.migrantinformation.org

Ciceri, Fr. Bruno. "Taiwan: Land of Dreams and Tears," unpublished report prepared for "On the Asian Migration Trail" seminar for Asian journalists, Bangkok, Thailand, February 13-15, 2003.

D'Alconzo, Giuseppina; La Rocca, Simona; & Marioni, Elena; "Italy: Good Practice to Prevent Women Migrant Workers from Going into Exploitative Forms of Labor," *Genprom Paper #4 – Series on Women and Migration*. Geneva: ILO Gender Promotion Programme, n.d.

Esim, Samel and Smith, Monica (eds.). *Gender and Migration in Arab States: The Case of Domestic Workers*. Beirut: ILO Regional Office for Arab States, June 2004.

Human Rights Watch. *Help Wanted: Abuses Against Female Domestic Migrant Workers in Indonesia and Malaysia*. New York: Human Rights Watch, Vol. 16, No. 9 (b), July 2004.

Human Rights Watch, *Bad Dreams: Exploitation and Abuse of Migrant Workers in Saudi Arabia*. New York: Human Rights Watch, Vol. 16, No. 5 (E), July 2004.

Human Rights Watch, *Abuses Against Domestic Child Workers in El Salvador*. New York: Human Rights Watch, Vol. 16, No. 1 (B), January 2004.

Immigration Department of the Government of the Hong Kong Special Administrative Region (HKSAR). "Employment Contract for a Domestic Worker from Outside Hong Kong" found at www.immd.gov.hk

ILO ACTRAV. "Conclusions and Recommendations: ILO Asia-Pacific Regional Symposium for Trade Union Organizations on Migrant Workers," from symposium in Petaling Jaya, Malaysia, December 6-8, 1999.

ILO. *Towards a Fair Deal for Migrant Workers in the Global Economy*, Report VI from the International Labor Conference 92nd Session. Geneva: ILO, 2004.

ILO. *Resolution Concerning a Fair Deal for Migrant Workers in the Global Economy*, from the International Labor Conference 92nd Session. Geneva: ILO, 2004.

International Organization for Migration (IOM) website

(19 June 2006): <http://www.icm.int/iomwebsite/publications/servletsearch> Publication/gender+and+migration

Kawar, Mary. "Gender and Migration: Why Are Women More Vulnerable?" *Femmes en Mouvement*. Website address (19 June 2006): http://www.iued.unige.ch/information/publications/pdf/yp_femmes_mvt/10-m.kawar.pdf

Malaysian Trades Union Congress (MTUC) Concluding Resolution, MTUC Conference on Migrant Workers, Petaling Jaya, Malaysia, April 18-19, 2005.

Matsuda, Mizuho. "Japan: An Assessment of the International Labor Migration Situation – The Case of Female Migrant Workers," *Genprom Working Paper No. 5, Series on Women and Migration*. Geneva: ILO Gender Promotion Programme, n.d.

Memorandum of Understanding Between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Cooperation in the Employment of Workers, May 31, 2003.

Memorandum of Understanding Between the Government of the Lao People's Democratic Republic and the Government of the Kingdom of Thailand on Cooperation in the Employment of Workers, October 15, 2002.

Ministry of Labor of the Hashemite Kingdom of Jordan. "Special Working Contract for Non-Jordanian Domestic Workers." Amman: Ministry of Labor, January 2003.

Newland, Kathleen. "Migration as a Factor in Development and Poverty Reduction," online June 1, 2003 report at Migration Policy Institute website: www.migrationpolicy.org

Pakkiasamy, Divya. **Saudi Arabia's Plan for Changing Its Workforce**, Migration Policy Institute, Washington, D.C., online November 1, 2004 report at: www.migrationpolicy.org

Penang Office for Human Development. "Looking Beyond the Torture of Nimala Bonat," *Aliran Magazine*. May 2004. Accessed online at: www.aliran.com

Ramagoshi, Mmabatho. "Migrant Domestic Workers in South Africa: Key Concerns and Recommendations and Strengths and Limitations of the Law," unpublished paper presented to CEDAW Expert Group Meeting, October 21-22, 2005, Manila, Philippines.

Sabban, Rima. "Migrant Women in the United Arab Emirates: The Case of Female Domestic Workers," *GENPROM Working Paper No. 10, Series on Women and Migration*. Geneva: ILO Gender Promotion Programme, n.d.

UN Economic and Social Council. "Report of the Special Rapporteur, Gabriela Rodriguez Pizarro, submitted pursuant to Commission on Human Rights Resolution 2003/46," Committee on Human Rights, 60th Session, Item 14 (a) of the provisional agenda, 12 January 2004.

UNIFEM. "The Jakarta Recommendations for Action on Recognizing, Protecting & Empowering Women Migrant Workers in Asia" from meeting in Jakarta, Indonesia, December 9-11, 2003.

UNIFEM. "Covenant of Ethical Conduct and Good Practices of Overseas Employment Service Providers," adopted at UNIFEM Regional Consultation of Overseas Employment Service Providers on Good Practices to Protect Women Migrant Workers, Bangkok, Thailand, November 15, 2005.

UNIFEM. *Empowering Women Migrant Workers in Asia: A Briefing Kit*. Bangkok: Regional Programme on Empowering Women Migrant Workers in Asia, 2003.

UNIFEM. *Human Rights Protections Applicable to Women Migrant Workers: A UNIFEM Briefing Paper*. Bangkok: Regional Programme on Empowering Women Migrant Workers in Asia, 2003.

UNIFEM Arab States Regional Office. "Special Working Contract for Non-Jordanian Domestic Workers: An Opportunity to Enhance Protection for a Particularly Vulnerable Group of Women Workers," January 21, 2003 press release, found on www.unifem.org.jo

Zlotnik, Hania. *The Global Dimensions of Female Migration*. Washington, D.C.: Migration Policy Institute, March 2003.



Country Papers

Women Migrant Workers in Bahrain

Ministry of Labor, Bahrain

Good Practices for Migrant Workers in Brunei Darussalam

Department of Labor, Brunei Darussalam

**Protection of Migrant Women Workers in Jordan:
Achievements and Remaining Challenges**

Ministry of Labor, Jordan

**Good Practices to Protect Women Migrant Workers in Malaysia,
Especially Migrant Domestic Workers**

*Ministry of Human Resources,
Labor Department, Malaysia*

Good Practices to Protect Women Migrant Workers in Singapore

Ministry of Manpower, Singapore

The Case of Migrant Workers in Thailand

*Ministry of Labor and Ministry of Social Development &
Human Security, Royal Thai Government*

Bahrain

Women Migrant Workers in Bahrain

Ministry of Labor, Bahrain

The majority of domestic women workers in Bahrain come from Asia. There are five categories of domestic workers under the Bahrain Labor Law of 1976. These are: nannies (who take care of children), gardeners, cooks, drivers (for private houses), and domestic maids. Women migrants are generally restricted to work in only three of these categories, namely working as nannies, cooks, and domestic maids.

The domestic worker categories have been treated differently than other types of workers since 1976, when the current law replaced previous labor legislation from

1957. In fact, domestic worker issues really garnered attention during the 1980's. Prior to that time, there were only a handful of foreign maids hired by wealthy households. During the 1980's, however, the country experienced dramatic economic growth, and most of the population could afford to hire domestic workers. Even non-Bahrainis who earned US \$1,000+ could apply to get a visa for a domestic worker. The following table presents 10-year census statistics for Bahrain's labor force, and aptly illustrates the ballooning presence of women migrant workers (highlighted):

Table 1: Bahrain Labor Force: 10-Year Census Statistics

Nationality/Gender	1971	%	1981	%	% Change	1991	%	% Change	2001	%	%Change
Bahrainis											
Men	35,884	95	51,949	84	44	73,118	80	40	94,353	74	29
Women	1,843	5	9,250	16	401	17,544	20	89	32,768	26	86
Total	37,727	-	61,199	-	62	90,662	-	48	127,121	-	40
Non-Bahrainis											
Men	20,884	93	74,230	91	255	113,739	83	53	147,123	81	29
Women	1,400	7	6,855	9	389	22,047	17	221	34,097	19	54
Total	22,284	-	81,085	-	263	135,786	-	76	181,220	-	33
Total Labor Force											
Men	56,768	94	126,179	88	122	186,857	82	48	241,476	78	29
Women	3,243	6	16,105	12	396	39,591	18	145	66,865	22	68
Total	60,011	-	142,284	-	137	226,448	-	59	308,341	-	36

Source: Basic Results Population, Housing, Buildings & Establishments Census

The above statistics indicate that the number of women migrant workers increased four times its original size from 1971 (1,400 women) to 1981 (6,855 women). By 1991, their numbers also tripled to 22,047; however in 2001, the number only gradually increased to 34,097.

Table 2: Distribution of women migrant workers throughout Bahrain's labor market by occupation and age

OCCUPATION	AGE GROUPS											
	TOTAL	65+	60-64	55-59	50-54	45-49	40-44	35-39	30-34	25-29	20-24	15-19
LEGISLATORS, SENIOR OFFICIALS, MANAGERS & BUSINESS OWNERS	455	3	9	17	30	64	96	87	70	58	21	-
SCIENTIFIC, TECHNICAL & HUMANITIES PROFESSIONALS	1768	5	13	47	100	167	230	280	299	342	280	5
SCIENTIFIC, TECHNICAL & HUMANITIES TECHNICIANS	2261	5	9	50	119	322	389	447	477	346	90	7
CLERICAL WORKERS	1166	-	4	17	38	102	171	232	241	205	149	7
SALES WORKERS	452	-	1	3	12	36	58	115	85	87	46	9
SERVICES WORKERS	24342	28	52	132	445	1203	2664	4439	6600	5225	3513	41
AGRICULTURAL, ANIMAL HUSBANDRY WORKERS HUNTERS & FISHERMEN	10	-	-	-	1	-	-	2	2	3	2	-
INDUSTRIAL, CHEMICAL & FOOD INDUSTRIES WORKERS	3021	2	4	13	58	112	122	312	561	953	883	1
PRINCIPAL & AUXILIARY ENGINEERING OCCUPATIONS	24	-	-	1	-	5	2	1	3	9	3	-
UNKNOWN	288	2	1	2	7	30	25	52	80	58	18	13
TOTAL	33787	45	93	282	810	2041	3757	5967	8418	7286	5005	83

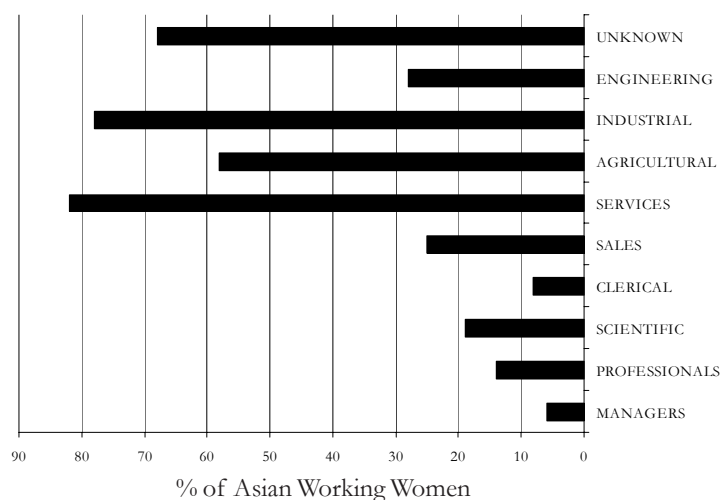
Source: www.bahrain.org.bb/ 2001 Census, Part 2, Working Population

As indicated in table 2, 96 percent of migrant women workers are aged between 20-49 years, and 72 percent of these working women are employed in the service sector. Looking closer at the service sector, census figures indicate that the distribution of the working population is as follows:

- ▶ Service workers = 24% of the total population
- ▶ Non-Bahraini women = 75% of the service workers
- ▶ Non-Bahraini women = 18% of the total working population

Of these numbers, Asian women account for the largest proportion – 82 percent – of service working women, and represent 47 percent of the total population of working women in Bahrain. It is important to note, however, that Asian women work in a variety of sectors in Bahrain. Figure 1 illustrates a breakdown of their employment percentages by occupation:

Figure 1: Percentage of Asian Working Women by Occupation Groups in the Bahrain Labor Market 2001



Source: www.bahrain.org.bb/ 2001 Census, Part 2, Working Population

Table 3: Migrant Women's Educational Status By Occupation - 2001

OCCUPATION	TOTAL	HIGHEST EDUCATION LEVEL											
		UNKNOWN	Ph.D	M.A./M.S	HIGH DIPLOMA	B.A./B.S	ABOVE SECONDARY	SECONDARY CERTIFICATE	ABOVE PREPARATORY	PREPARATORY CERTIFICATE	PRIMARY CERTIFICATE	READ & WRITE	ILLITERATE / READ ONLY
Legislators, Senior Officials, Managers, and Business Owners	455	27	4	44	40	188	58	74	7	5	4	4	-
Scientific, Technical and Humanities Professionals	1768	71	56	165	122	584	207	313	24	48	21	131	26
Scientific, Technical and Humanities Technicians	2261	67	16	106	362	674	615	290	24	36	15	35	21
Clerical Workers	1166	15	-	19	66	221	368	400	24	22	9	13	9
Sales Workers	452	28	-	8	18	91	47	176	21	32	7	17	7
Service Workers	24342	538	2	23	162	504	552	3360	536	2222	2437	7706	6300
Agricultural, Animal Husbandry Workers, Hunters and Fishermen	10	1	-	-	-	-	-	1	-	1	-	5	2
Industrial, Chemical and Food Industries Workers	3021	280	-	-	5	42	60	228	41	265	232	1641	227
Principal and Auxiliary Engineering	24	5	-	-	1	1	2	6	1	2	1	5	-
UNKNOWN	288	204	-	-	1	4	2	8	2	6	8	5	48
TOTAL	33787	1236	78	365	777	2309	1911	4856	680	2639	2734	9562	6640

Source: www.bahrain.org.bh/ 2001 Census

POLICY AND PROGRAMMES TO ADDRESS MIGRANT CONCERNS

In addressing the concerns that women migrant workers face at the national and regional level, the Government of Bahrain has undertaken the following actions. The first three are enforceable under the country's 1976 labor law.

- ▶ **Producing a statement of the need for a domestic helper.** This must be secured for the application of visa for the migrant worker. The household should list all the family members and their status so that the Foreign Employment Section can check their files. In other cases, elderly people in the family are also included.
- ▶ **Requiring the sponsor to prove availability of adequate monthly salary.** This should be more than US \$1,200 a month in order to apply for a first housemaid, around US \$2,700 to employ a second housemaid, and more than US \$4,000 to employ a third.
- ▶ **Ensuring the sponsor's background.** An employer must have a good file at the Ministry of Labor, and should not have a record of any dispute or complaints against him regarding sponsoring domestic workers. (Any domestic workers who have any dispute against their sponsors can file a complaint free of charge at the Labor Relation Section at the Ministry of Labor).

In addition, the Government of Bahrain is currently in the early stages of two other programmes that implicate migrant workers:

- ▶ **Construction of a shelter** for both male and female migrant workers. Many agencies will participate in assisting with this shelter: the Ministry of Health to help with medical assessment, the Ministry of Justice to help in defending workers, the Ministry of Interior for security reasons, the Immigration Agency for visas, the Ministry of Labor for labor issues and the Ministry of Social Development for social help.

- ▶ **Smart cards** will be initiated that will “fingerprint” each person who enters Bahrain. A number of non-Bahrainis claim that they have lost their identification card and do not know who their sponsors are. This card will, therefore, help to regulate movement in and out of the country, and will close the door to overstay in Bahrain after the expiration of a migrant's work permit

GOOD PRACTICES

Good Practices that can be considered are the **sponsorship measures** applied and created in the Arabian Gulf countries. This is the old traditional cultural way of the head of the tribal law that the natives can help anyone who will ask for help of any kind. This means that the sponsors have to provide **housing, clothing, food and beverages, full salary, special allowance and after two years of sponsorship may treat the worker as a family member**. In many cases, some **sponsors marry the house maids**. In some other cases, a maid could invite her family to come and live with her. Hence, there are cases wherein two sisters are working together in the same household or the maid and her children work in the same household. It is also legal for workers whose salary is over \$1,700 to invite their family to live with them under the same sponsorship.

The Government of Bahrain protects all the workers including the domestic workers without charging any **tax** from them. They also provide free **Medicare** for all people living in Bahrain.

Bahrain has adopted a Central Personal Record (CPR) which started in 1982 for every single person living in Bahrain. This is a card which records all personal data under a 9-digit number in the Central Information Organization (CIO). This CPR can be verified at all government organizations since they share one central main frame at CIO. The CPR can record any child born as a Bahraini citizen or any non-Bahraini under a visa to enter the country. This is done to give everyone fair treatment just as citizens. Essential food items are also subsidized by the Government.

Brunei Darussalam

Good Practices for Migrant Workers in Brunei Darussalam

Department of Labor, Brunei Darussalam

Brunei Darussalam is a receiving country for migrant workers, especially domestic workers or maids. The traditional source for this labor is mainly from neighboring countries such as Malaysia, the Philippines, Indonesia and Thailand. The demand for migrant domestic workers is on the rise because local workers increasingly seek employment outside of the domestic sphere.

Labor Market Situation in Brunei Darussalam

Brunei Darussalam had a small population of about 360,000 in 2004, of which 52 percent were male and the remaining 48 percent were female. The annual population growth was about 2.9 percent. In the same year, the total labor force was approximately 164,400, of which 60 percent were male workers and the remaining 40 percent were female workers. That year, the total workforce was around 158,600, of which 61 percent or 76,678 were foreign workers (excluding domestic workers). However, most of the foreign

workers were working in the services sector, including more than 24,000 workers in construction; more than 6,000 workers in mining, quarrying and manufacturing; and more than 4,000 workers in community, social and personal services.

In spite of the limited availability of jobs in the public sector, government employment is still the first choice for locals, even though wages for similar work are sometimes lower in the public sector as compared to the private sector. Some locals do work with the private sector, but many still see the Government as the ultimate employer. Stable income and attractive fringe benefits are among the reasons why locals prefer government work. At present, locals working with the Government make up 75 percent of the total workforce, while foreigners account for the same percentage of those working in the private sector.

The total number of domestic workers in Brunei Darussalam as of 25 August 2005 was as follows:

Table 1: Total Number of Domestic Workers in Brunei Darussalam

No.	COUNTRY	GENDER		TOTAL
		MALE	FEMALE	
1	Bangladesh	48	10	58
2	Myanmar	2	9	11
3	Ethiopia	-	1	1
4	Singapore	1	1	2
5	Indonesia	1917	13858	15775
6	India	243	45	288
7	Sri Lanka	1	6	7
8	Malaysia	80	104	184
9	Nepal	24	8	32
10	New Zealand	1	2	3
11	Philippines	191	3539	3730
12	Pakistan	16	1	17
13	Taiwan	3	-	3
14	Thailand	55	101	156
	Total	2582	17,685	20,267

The employers are either locals or expatriates who are working with the Government or companies. Not everybody is eligible to employ foreign domestic workers or maids. Under the Labor Act 1954, the Commissioner of Labor may in his discretion issue a license to a prospective employer if he is satisfied that the applicant is “fit and proper.” In other words, the employer has to prove that he is in a sound financial position and is able to provide sufficient basic necessities such as food and shelter for the worker.

In the past, most labor disputes were amicably settled, but nowadays the Department of Labor does not hesitate to haul errant employers to court if they fail to pay salaries to their workers. Such action is taken not only to ensure that employers must meet their obligations, but also to send a strong signal to them that they will be penalized for breaching the law.

Several errant agents have been reported to deduct a fee from the worker’s monthly wages. Such irresponsible actions very often lead to maids receiving no salary at all for several months. The department also deals with cases where domestic workers often run away from home because of ill-treatment by the employer, non-payment of wages or simply because they want to return home.

According to police reports, there are cases where employers have committed offences to the domestic workers that are punishable under the country’s penal code. However, many cases are unreported because workers are reluctant to go to the police and thereby suffer loss of income during the process of investigation.

GOOD PRACTICES TO ADDRESS THE CONCERNS OF WOMEN MIGRANT WORKERS

In addressing the issue of domestic workers, various measures have been introduced by the Government such as:

► Introduction of Employment Agencies Order 2004.

This Order was introduced to control the activities of employment agencies relating to employment in the private sector, such as domestic workers. Previously,

there was no law to regulate the activities of employment agents who bring foreign workers into Brunei.

Before the enforcement of this Order, employers who had licenses to bring in foreign workers normally used the services of agents to recruit them based on the quota approved. Such activities raised many complaints from employers about instances of misuse and abuse of their licenses.

There are also instances where domestic workers have been brought into the country without the knowledge of the actual employer. Many have been brought in without confirmed employment, thus, forcing them to look for jobs or work as ‘freelancers.’ This practice has consequently tarnished the good name of the country, with reports published by foreign media of alleged human trafficking in Brunei Darussalam.

With the enforcement of the new Order, entry of foreign workers has been controlled and the welfare of the foreign workers is protected from irresponsible employers. At the same time, employment agencies must operate according to regulations established under the Order and the Department of Labor takes firm legal action against those who violate it.

The Order requires all employers who have been granted licenses to employ foreign workers to use the services of approved employment agencies. The direct employment of foreign workers or through unregistered agents is now prohibited. It is hoped that the licensing of employment agencies will crack down on illegal recruiters who prey on desperate foreign workers looking for employment in Brunei Darussalam.

► Deposit.

To indemnify the Government against any costs incurred during the recruitment of foreign workers such as repatriation, the payment of a deposit was introduced in 1986.

This deposit is usually used either in cash or in the form of a “Banker’s Guarantee” to settle any dispute between a worker and his employer. The deposit serves to cover

the air fare for the worker’s return home. In cases where salaries are unpaid, the deposit is crucial to send the worker back to her home country because the employer often fails to pay for the ticket.

The amount of deposit paid is based on country or area as follows:

Table 2: Amount Paid as Deposit by Country

COUNTRY/AREA	AMOUNT
Malaysia/Singapore/Philippines/Thailand/Indonesia	\$600.00
Myanmar/Laos/Cambodia/Vietnam	\$900.00
Indian Sub-Continent:India/Pakistan/Bangladesh/Nepal/Sri Lanka	\$1800.00
Australia & New Zealand	\$2600.00
Europe	\$3500.00
Other Areas	\$4500.00

► Other Legislation.

The protection of foreign workers is also covered by other legislation such as the Penal Code and Human Trafficking Act 2004.

► Pre-Employment Briefing.

When signing the Contract of Agreement, domestic workers are required to be present at a briefing session that is conducted by Labor Officers. The meeting briefs them regarding their rights, the do’s and do not’s. They are also given the Labor Hotline Number for their access to report any abuse or complaints.

► Reduction of Employer Quotas.

For cases that can not be settled amicably, the Department of Labor will take administrative action against the employers by canceling or reducing their quota, and the domestic worker is sent back to her/his country of origin.

► Promotion through the Media.

All court cases are publicized through the media as a reminder to employers of the need to comply with prevailing laws and regulations.

POSITIVE OUTCOMES AND CHALLENGES ENCOUNTERED IN IMPLEMENTATION

Employment agencies now take more care in preparing the CV’s of foreign workers. They make more effort to ensure the qualifications and reliability of workers in order to meet employers’ expectations. Still, the quality of workers needs to be enhanced so as to ensure that employers are satisfied with the services provided by the employment agencies.

With the introduction of a system to collect deposits, workers are expected not to be stranded and can be sent back to their home countries. However, there have been situations when the Banker’s Guarantee expires and the employers cannot afford to renew it, which creates a breakdown in the system. The Department of Labor, thus, has to ensure that the Banker’s Guarantee remains valid as long as the worker is still employed in Brunei Darussalam.

FURTHER INITIATIVES TO PROTECT WOMEN MIGRANT WORKERS

Additional initiatives that could be introduced to protect women who migrate to Brunei Darussalam for work include the establishment of a Foreign Workers Training Center and a Foreign Workers Social Center. These could provide services such as counseling, promoting social integration, and providing appropriate training.

CONCLUSION

In view of our small population size and labor force, Brunei Darussalam will continue to recruit foreign workers, including domestic helpers. As such, protective measures to safeguard the interests of domestic workers will continue to be enforced and improved, as necessary. An abusive employer will face criminal and civil penalties. The Government will continue to play its role in mediating labor disputes to ensure harmony, as well as to ensure the safety of those who come to the country for work.

Jordan

Protection of Migrant Women Workers in Jordan: Achievements and Remaining Challenges

Ministry of Labor, Jordan

The demand for migrant domestic workers has been expanding in Jordan. Simultaneously, the number of sending countries has been increasing, as well. These increases have created a challenging situation for labor migration management. With the increasing supply of migrant women domestic workers, more efforts are needed to ensure that their vulnerability is not exploited while they work in the country. The following study describes work undertaken by the Ministry of Labor in managing labor migration and ensuring that discrimination and abuses are curtailed.

THE CONTEXT: THE SITUATION OF WOMEN MIGRANTS IN JORDAN

Jordan considers itself part of the international community that upholds the rights of individuals regardless of nationality, sex or race. The country has ratified major human and labor rights conventions. These include:

- ▶ The Universal Declaration on Human Rights.
- ▶ The International Covenant on Social, Cultural and Political Rights.
- ▶ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Jordan has also ratified a large number of ILO conventions and 7 of the 8 core standards on Fundamental Principles and Rights at Work. These include:

- ▶ Freedom from forced labor.
- ▶ Right to organize.
- ▶ Equal remuneration.
- ▶ Protection from discrimination in employment and worst forms of child labor.

Most national laws - especially the labor law - are based on these international standards. Nevertheless, one important factor that Jordan shares with many other countries is that the labor law excludes domestic workers.

Jordan is a small country. It is both a labor sending country of skilled workers and a labor receiving country of semi-skilled and unskilled workers. Approximately 20 percent of the Jordanian labor force is comprised of migrant workers. Women migrant workers in Jordan are estimated to be around 50,000, and 98 percent engage in domestic work. The monthly wages of most domestic workers ranges between US \$150.00 and US \$250.00.

Research reveals that some domestic workers face problems. Some of these problems are related to working conditions inside the households and others are outside the household, related to migration management in the country. Inside the household, the major problems are:

- ▶ Non-payment or partial payment of wages.
- ▶ Long working hours.
- ▶ Restrictions on freedom of movement.
- ▶ Withholding of identity papers.
- ▶ Abuse - physical or sexual.

The problems outside the workplace are related to:

- ▶ Irregularities of labor recruitment offices.
- ▶ Weakness of enforcement mechanisms.
- ▶ A view of problems with women migrant workers as police or security issues.

GOOD PRACTICES FROM JORDAN: THE MINISTRY OF LABOR PROJECT ON EMPOWERING MIGRANT WOMEN WORKERS

Before the Ministry of Labor embarked on this project, the procedures for getting migrant domestic workers were complex (and included, in addition to the recruiting agencies, the Ministry of Labor and the Ministry of Interior). As such, many employers refrained from completing these official procedures. As a consequence, many women were working in irregular situations (especially in terms of overstaying their original visas), and also government authorities were not able to compile accurate data on migrant women workers.

During 2001, immediately after the first National Workshop on Protecting Migrant Workers, the UNIFEM-Ministry of Labor project on empowering migrant domestic workers was launched. The objectives of the project were as follows:

- ▶ To establish dialogue between source and destination countries.
- ▶ To improve recruitment procedures through policies and legislation.
- ▶ To sensitize government recruitment agencies, employers and NGOs about migrant women's rights.
- ▶ To empower migrant women and improve their access to social services and awareness of their human rights.

This project was initiated by establishing a Steering Committee that included all stakeholders. Among them were representatives from the Ministry of Labor; Ministry of Interior; Public Security Department, Family Protection Unit; Jordanian National Commission for Women; Jordanian Women's Union; Sri Lankan, Filipino and Indonesian embassies; and the International Labor Organization. The aim of the Committee was to establish collaboration through dialogue and to reach bi-lateral agreements.

▶ Special Working Contract

One major achievement of this National Committee was the development and endorsement of the 'Special Working Contract for Non-Jordanian Domestic Workers.' This contract is the first of its kind not only in Jordan, but also in the region. It is expected that the document will become a model for other countries that do not include domestic services in their national labor legislation. It augments the coordination between sending countries and Jordan as a receiving country, and guarantees migrant women's rights to life insurance, medical care, rest days and repatriation upon expiration of the contract. The contract also reiterates migrant women's rights to be treated in compliance with international human rights standards. The contract is now considered as a requirement for obtaining residency, a work permit and a visa to enter Jordan.

This contract became the basis for a bi-lateral agreement which was signed between Jordan and Indonesia. Discussions for similar bi-lateral agreements with Sri Lanka and the Philippines are underway.

Most importantly, this one contract is shared by the worker, employer, recruitment agency and the officials of both sending and receiving countries. It exists in the mother-tongue of all those concerned. As such, a woman who leaves her home to work abroad knows exactly where she will work, how much she will earn, and what to expect in terms of her rights.

▶ Regulating Work of Recruitment Agencies

In parallel, two major efforts have been made to regulate the work of recruitment agencies. The first has been the amendment of a new labor law to register recruitment agencies. This law allows the Ministry of Labor to monitor the work of recruitment agencies and take serious measures if they violate the regulations intended to protect migrant women workers and their employers, as well. Secondly, the Ministry of Labor has improved its coordination on recruitment procedures with the Ministry of Interior, which has also served to strengthen the enforcement mechanism on complaints against recruitment agencies.

► Information and Awareness-raising

Another achievement of the project is information and awareness-raising. With UNIFEM's support, the Ministry of Labor has published a mapping exercise of the migration process that highlights the roles and responsibilities of key players. Another booklet containing information for recruitment agencies and employers is in its final stages of preparation.

REMAINING CHALLENGES AND THE WAY FORWARD

One remaining challenge for Jordan and within the context of the UNIFEM project is in the area of social welfare and support services to migrant women. To date, there is little that is being offered apart from the services offered by the embassies. At present, there is a limited role for civil society organizations. One recent

and positive development is the development of an NGO to support migrant women workers. Yet, this NGO remains in its beginning stages. Another area of challenge is the further strengthening of enforcement mechanisms, not only for recruitment agencies, but also for employers.

CONCLUSION

Jordan has done some pioneering work in the Arab region in protecting migrant women domestic workers, and the situation today is visibly better. To date, it is the only Arab country to develop a standard working contract in collaboration with sending countries to safeguard women workers rights. Despite these important steps, however, more can be done to ensure that the migration experience of all women workers in Jordan is a successful one.

Malaysia

Good Practices to Protect Women Migrant Workers in Malaysia, Especially Migrant Domestic Workers

*Ministry of Human Resources
Labor Department, Malaysia*

This study considers the current situation of women migrant workers in Malaysia. It is particularly concerned with identifying measures to protect these women, especially those engaged in domestic work.

CONTEXT: WOMEN MIGRANTS IN MALAYSIA

Issues pertaining to the employment of women have been of significant concern in recent times. There have been various complaints lodged by women workers through the Labor Department, and several other employment issues have been raised recently that indicate how important it is that each country closely monitor the female workforce so as to ensure its welfare.

The Ministry of Human Resources, Malaysia (MOHR) recognizes the significant contribution that women make to the country. The Department of Labor is responsible for the welfare of workers, including foreign workers, through the enforcement of laws pertaining to the employment of workers.

LEGISLATION

The primary labor legislation in Peninsular Malaysia is Employment Act 1955. It contains provisions relating to the right and obligation of employers and employees, and sets forth minimum terms and conditions of employment in the private sector. This act covers employees whose earnings do not exceed RM 1,500 a month and for manual employees, irrespective of their salary.

Similarly, Labor Ordinance (Sabah Chapter 67) and (Sarawak Chapter 76) Amendment 2005 covers those who work in Sabah and Sarawak, and whose earnings do not exceed RM 2,500 a month and for manual employees, irrespective of their salary.

ISSUES CONCERNING MIGRANT DOMESTIC WORKERS

Inappropriate actions by employment agencies and employers, as well as by the migrant domestic workers themselves, result in some of the following problems:

Employment Agency:

- ▶ Manipulation by the agency such as providing fake medical documents.
- ▶ Providing different terms of contract once the domestic servant enters Malaysia in terms of the wages or nature of work.
- ▶ Failure to provide proper insurance documentation to the employer.

Employer:

- ▶ Failure by the employer to pay wages at the designated time.
- ▶ Failure by the employer to provide proper accommodation.
- ▶ Very long hours of work, e.g. from 5.00 am to 12.00 pm at night.
- ▶ Unlawful deduction of wages.
- ▶ Sexual harassment by the employer.
- ▶ Physical abuse by the employer.

Migrant domestic worker:

- ▶ Leaving place of employment.
- ▶ Unable to perform tasks due to lack of training.
- ▶ Criminal activity (kidnapping, stealing and murdering).
- ▶ Suicide.

GOOD PRACTICES

To ensure the welfare of the employer and the migrant domestic worker, the Ministry of Human Resources has enforced several provisions under Employment Act 1955 that will assist in close monitoring of employers and migrant domestic workers. An employer hiring a migrant domestic worker has to abide by the following provisions under Employment Act 1955:

- ▶ Need to **report the particulars of the migrant domestic worker** who is currently employed with the respective employment agency within 14 days from the date of employment.
- ▶ **Signing of an employment contract**, which includes the employment terms and conditions, and briefing of the migrant domestic worker about the contents of this contract.
- ▶ **Pay wages no later than 7 days** from the consecutive month.
- ▶ **No deduction of the domestic worker's wages** unless agreed to by them and subject to the consent of the Director General of Labor.

Employment Agencies are also expected to abide by all the provisions as quoted in the Private Employment Agency Act 1981. Certain additional terms have been implemented so as to monitor the recruitment of migrant domestic workers and the need for issuance of agency licenses, which are as follows:

- ▶ **Forwarding of the details of migrant domestic workers and employers** to the Labor Department.
- ▶ **Paying visits to the employer's residence** (at the employer's convenience) to check on the welfare of the migrant domestic worker.
- ▶ **Providing the migrant domestic worker with the contact details** of the employer, concerned employment agency and the Labor Department in case of employment conflicts and emergencies.

- ▶ **Assisting in finding a suitable replacement** migrant domestic worker for the employer in cases where a current worker does not perform her duties properly during the official period of employment.

CONCLUSIONS AND RECOMMENDATIONS

In conclusion, a number of corrective measures to solve problems caused by employment agencies, employers and domestic servants are recommended:

- ▶ Employers intending to get a migrant domestic worker directly from the source country should get potential candidates from the employment agency registered with the government of the source country.
- ▶ The recruitment of migrant domestic workers from the source country should go through the private employment agency registered with the authorized authority of the respective source country.
- ▶ Employers need to ensure that the authorized authority of the respective source country has authenticated the employment contract.
- ▶ Each employment agency that brings a migrant domestic worker should ascertain that every candidate has undergone pre-departure courses/ programmes pertaining to socio-cultural issues of the destination country, as well as the job description.
- ▶ Special insurance needs to be established under the Workmen Compensation Scheme, which has to be approved by the respective government for foreign workers.
- ▶ The migrant domestic worker should perform tasks only at the designated employer's premises and not elsewhere.
- ▶ The employer should be directly responsible for the welfare of the migrant domestic worker.
- ▶ The employer should be responsible for providing proper accommodation to the migrant domestic worker.

Singapore

Good Practices to Protect Women Migrant Workers in Singapore

Ministry of Manpower, Singapore

This study seeks to give an overview of the Ministry of Manpower (MOM) foreign domestic workers (FDWs) management policies.

OVERVIEW OF WOMEN MIGRANT WORKFORCE

In Singapore, the total foreign workforce population is approximately 620,000.¹ Among the foreign female workers, there are about 150,000 foreign domestic workers (FDWs). Other female migrant labor works predominantly in the manufacturing and services sectors.

Singapore's FDWs come from countries such as Bangladesh, India, Indonesia, Malaysia, Myanmar, the Philippines, Sri Lanka and Thailand. By helping with household chores and bearing part of the responsibility for care of children, the elderly and the sick, they help to contribute to Singapore's economy and the well-being of families.

PROTECTION MEASURES

Singapore adopts a multi-faceted approach to safeguard the well-being and to protect the interests of foreign workers. The various measures and initiatives that MOM undertakes to protect the well-being of FDWs in Singapore are highlighted as follows:

► Raising Entry Requirements.

The minimum age of new FDWs was increased from 18 to 23 years with effect from January 2005. FDWs must also have completed at least 8 years of formal education. An entry test in English was also introduced in April 2005 to validate the FDW's linguistic, numerical and practical abilities. These measures are aimed at raising the overall quality and maturity of FDWs in Singapore, thus promoting more harmonious working relationships.

This will also ensure that FDWs are better able to understand their rights and protection provided under Singapore law.

► Education.

MOM has put in place training courses to educate both the employer and the FDWs. With effect from April 2004, all first time employers have to attend a compulsory Employers Orientation Programme (EOP). This course aims to educate employers on their obligations towards the FDWs and encourages good employment practices to promote harmonious relationships and mutual respect between both parties. MOM also provides written materials to employers to highlight and underscore the lessons taught during the EOP. In addition, with effect from October 2004, employers who change FDWs five or more times in the same year would also have to attend the compulsory EOP. Employers who continue to change FDWs frequently are interviewed by the Ministry, and will subsequently be barred from replacing FDWs in future if no satisfactory reasons are given.

MOM also distributes advisories for FDWs in native languages that explain their rights and obligations while working in Singapore. It provides useful telephone numbers that they can call in the event of an emergency. Since April 2004, MOM requires all first-time FDWs to attend a compulsory safety-awareness course (SAC) conducted in their own language. The course covers topics such as the hazards of working in an urban high-rise environment and highlights the necessary safety precautions to be taken.

¹ Includes professionals, managerial, executives and specialist manpower

► **Regulating Employment Agencies (EAs).**

Employment agencies provide recruitment and placement services. There are three aspects to MOM's regulation of EAs: legislation, licensing and accreditation (for FDWs using the services of EAs).

The EA legislative framework encompasses the EA Act, EA Agency Rules and EA License Conditions. Under the EA Act, errant EAs could be fined up to S \$5,000 and/or imprisoned for up to 2 years. Contraventions of the EA Act, Rules or License Conditions could lead to revocation or non-renewal of licenses. MOM also enforces against errant EAs and acts on public complaints. For instance, anyone who is found guilty of withholding the passport or work permit of any foreign worker could be fined up to S \$1,000 and, in the case of subsequent convictions, could be fined up to S \$2,000 and/or imprisoned for up to 6 months. From January 2004 to November 2005, MOM had revoked two EA licenses and declined to renew another nine licenses out of a total of 508 FDW-placing EAs in the industry. Another thirteen EAs have faced prosecution from April to November 2005.

EA license applicants are screened for previous court convictions. Singapore also imposes a security deposit of S \$20,000. This deposit will be forfeited upon revocation of the license.

To raise the professionalism of local employment agencies, MOM made accreditation of FDW-placing EAs compulsory from June 2004. The requirements for accreditation include proper orientation of FDWs, employer education in regards to their obligations towards the welfare of FDWs, and the facilitation of written employment contracts between FDWs and their employers. This accreditation scheme also serves to ensure EAs take ownership of the training and quality of FDWs that they place.

► **Legislation.**

All foreign workers who choose to work here are governed and protected under Singapore rules and regulations without prejudice.

Under the Employment of Foreign Workers Act (EFWA), MOM imposes work permit (WP) conditions that bind all employers to look after the well-being of their FDWs. These conditions include provisions on personal safety, proper housing, prompt salary payment and adequate food and rest, and require employers to pay for a medical checkup for the FDW every six months. Employers who breach these work permit conditions can be punished with a fine of up to S \$5,000 and a jail term of up to 6 months. The work permit conditions were further revised on 1 February 2005 to specifically require employers to pay salaries regularly, within 7 days of the calendar month. Employers who default on salary payments have also been ordered by the courts to make payment, in addition to a fine and/or jail sentence. From 2004-05, MOM successfully prosecuted five errant employers for failing to pay wages under the WP conditions. Three employers were eventually jailed.

Recognizing the vulnerability of FDWs, Singapore changed its Penal Code in 1998 to increase by one-and-a-half times the penalties for acts of abuse against FDW by their employers or household members. Employers who do not take the necessary measures to ensure the safety of their FDWs can also be charged in court for criminal negligence. The number of substantiated abuse cases handled by the police has accordingly fallen from 157 cases in 1997 to 59 cases in 2004. From January to September 2005, there were 32 substantiated abuse cases. From 2001 to 2004, 26 employers, spouses or household members were jailed for FDW abuses. Employers who are convicted of abuse are also permanently barred from employing another FDW.

► **Conciliation.**

MOM assists employers and employees in resolving employment disputes amicably through conciliation. Additionally, a Well-Being Department under the MOM Foreign Manpower Management Division and a special FDW hotline have been set up to help FDWs in need. In situations where conciliation does not lead to a satisfactory outcome and the employers are found to be at fault, MOM could prosecute errant employers. Nonetheless, more than 90% of employment disputes are settled amicably through conciliation without the need for prosecution.

► **Partnerships.**

MOM also works closely with key partners to promote the social welfare of foreign workers. To reach-out to the FDW community, MOM works closely with unions, NGOs, the media and foreign embassies. These partnerships seek to recognize the contributions of FDWs and promote social welfare and learning through organized activities, events and competitions. For instance, in collaboration with the Humanitarian Organization for Migration Economics (HOME) and a committee of volunteers from various agencies such as the National Safety Council, MOM facilitated the formation of an FDW Association for Skills Training (FAST) in March 2005. The aim of FAST is to provide development courses for FDWs to enhance their employability and to promote social integration and community building amongst FDWs.

► **Administrative Measures.**

MOM requires employers to take up a Personal Accident Insurance policy for a minimum assured sum of S \$10,000. This covers medical and other costs should any accidents befall the FDW.

To ensure that employers repatriate their foreign workers at the end of their contract, MOM requires employers to furnish a security bond of S \$5,000 for every foreign worker. Should the employer fail to repatriate the employee, the bond is confiscated and the Immigration and Checkpoints Authority will assist the worker's repatriation to her country of origin.

CONCLUSION

In summary, Singapore has a set of legislative, administrative, and educational measures in place to protect all foreign workers, including FDWs. We are also constantly reviewing our foreign worker management framework to further enhance the protection and well-being of all FDWs in Singapore. As a testament to Singapore's proactive and comprehensive approach in safeguarding the well-being of FDWs, large numbers of FDWs continue to seek employment or extend their employment period in Singapore. In a survey conducted by the *Straits Times* newspaper in December 2003, 80 percent of all FDWs said that they were happy with their employment in Singapore. This is further borne out by the fact that 1 in 3 FDWs choose to extend their 2-year contracts and continue to work under the same employer in Singapore.

Thailand

The Case of Migrant Workers in Thailand

Ministry of Labor and Ministry of Social Development & Human Security, Royal Thai Government

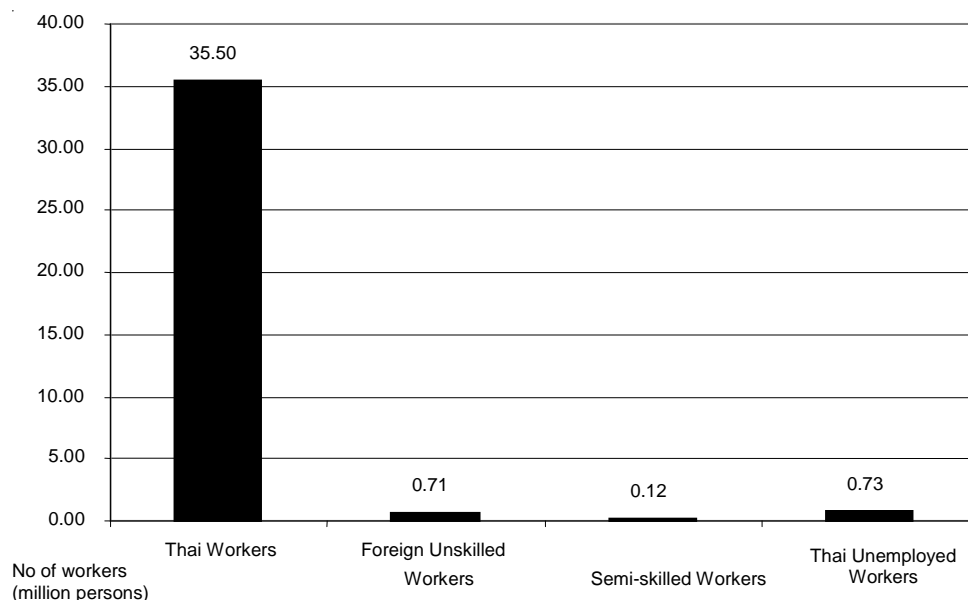
International migration is a common phenomenon for the global economy. While increasing migration - both internally and internationally - has been important to the growth of Thailand, its rising scale, scope and complexity demands a more integrated management approaches. Yet, the Royal Thai Government is aware of the challenges and opportunities that have been created due to this phenomenon.

In the past few years, Thailand has been acting both as receiving and sending country of migrant workers. The country sends Thai workers to overseas destinations, while also receiving migrants from other countries, particularly from neighboring countries, to work in Thailand. The growth of the global economy and the advancement for trade and investment liberalization also leads the country to be more open to international migration, especially economic migration.

The growth of the economy is a major factor that attracts migrants from other countries to work in Thailand, especially from neighboring countries. Easy access, greater opportunities for getting employment, the demand for labor in the sectors that Thai workers no longer work, such as “3-D” jobs (dirty, dangerous and demeaning) and a higher standard of living are some of the pull factors for the movement of migrant workers. Besides, the poverty that prevails in the countries of the migrants also contributes to the push factors that drive migrants out of their countries. In addition, the increase in the number of migrant workers not only contributes to the growth of the country, but also to the well-being of migrants themselves and to their countries of origin, as well.

Figure 1 shows the composition of Thailand’s labor market classified by type of worker.

Figure 1: Thailand’s Labor Market Classified by Type of Worker



Source: Department of Employment, Ministry of Labor, 2005

In recent years, Thailand has had approximately 150,000 Thai workers seek overseas employment as contract workers, with an annual remittance of about US \$1.5 billion. The primary destination country is Taiwan. Among overseas Thai workers, 4 out of 5 workers are male.

Similarly, with reference to Ministry of Labor statistics, there are 122,849 migrant workers who work in Thailand with temporary working permits. Apart from this official record, we also have undocumented migrant workers who work in Thailand. In 2001, there were

568,249 undocumented migrant workers, and these numbers increased to 705,293 in 2005. Most of the undocumented migrant workers labor in the agricultural and household sectors.

ECONOMIC MIGRANT WORKERS IN THAILAND

As of September 2005, there were 122,849 migrant workers employed under working permits in Thailand. The details are shown in Table 1 below.

Table 1: Migrant Workers Employed under Working Permits in Thailand

Type of Occupation	Total	Male	Female
1. Law maker/Senior Official/ Manager	56,505	50,849	5,657
2. Basic skill worker	21,386	13,108	8,278
3. Professionals	18,680	12,911	5,769
4. Clerk/Technician/Salesman	17,606	12,517	5,089
5. Farmer/Fisherman	4,738	2,894	1,844
6. Trainer	203	118	85
7. Other	3,730	3,451	279
Total	122,849	95,848	27,001

Source: Department of Employment, Ministry of Labor, 2005

As for undocumented migrant workers, with reference to the latest figures from migrants' renewal of registration this year (2005), the total number was 1,284,920 persons, of which 705,293 applied for temporary working permits. Table 2, thus, shows the number of undocumented migrant workers who work temporarily in Thailand as of August 2005.

Table 2: Undocumented Migrant Workers Employed Temporarily

Type of Activities	Total	Male	Female
1. Agriculture and Husbandry	138,419	88,814	49,605
2. Household service	104,306	19,891	84,415
3. Fishery related production	68,333	29,092	39,241
4. Fishery	36,141	33,086	3,060
5. Construction	12,093	65,591	33,831
6. Others	258,672	139,255	119,417
Total	705,293	375,729	329,564

Source: Department of Employment, Ministry of Labor, 2005

From the above table, it is evident that most of the undocumented migrant workers have been working in the Agricultural and Husbandry sector, followed by the Household Service sector. As for Household Services, from the total number of 104,306 persons classified by country of origin, 67,759 persons are from Myanmar,

27,305 persons from Lao PDR and 9,242 persons from Cambodia. When classified by sex and country of origin, it is found that more than 80 percent of the migrant workers who work in domestic services are women. The numerical breakdown for foreign workers employed in domestic services is as follows:

Table 3: Foreign Workers Employed in Domestic Workers

Country of Origin	Male	Female	Total
Myanmar	12,341	55,418	67,759
Lao PDR	5,013	22,292	27,305
Cambodia	2,537	6,705	9,242
Total	19,891	84,415	104,306

Source: Department of Employment, Ministry of Labor, 2005

GOVERNMENT POLICIES AND PRACTICES ON MIGRANT WORKERS

The Thai Government realizes that the issue of undocumented migrant workers needs to be resolved. As a result, a policy on management and regulation of the undocumented migrants has been in place since 1996. However, due to the failure of the policy, coupled with the influx of migrants from neighboring countries, the Government launched a new programme in 2004 to register undocumented migrants who illegally enter the country. A temporary working permit is also granted to registered migrants who apply for it.

In order to manage international migration, the Ministry of Labor has assigned the Office of the Alien Worker Administration to manage all documented migrant workers, while the Office of Illegal Migrant Workers Administration is responsible for the management of undocumented migrant workers. The management of documented migrant workers has been governed by the Act on Employment of Alien Worker B.E. 2521 (1978). The Act stipulates all necessary conditions that migrant workers have to comply with in order to receive a working permit to work in Thailand. They must possess the necessary qualifications that Thai employers need and the employers must have a minimum capital investment in order to acquire foreign workers, for example.

The management of undocumented migrant workers is governed by Cabinet resolutions that regulate all undocumented migrants, and not only for economic migration. The Ministry of Labor acts as the coordinating agency to ensure the collaboration of all the concerned agencies, namely, the Ministry of Interior, Ministry of Public Health, Ministry of Defense and the Royal Thai Police. Guidelines from the Cabinet resolution include:

- ▶ In solving the case of undocumented migrant workers, it must be based on the real demand and supply of migrants workers.
- ▶ The number of needed migrants must be based on the need of economic sectors.
- ▶ The recruitment of migrant workers is not extended to cover their families.
- ▶ The promotion of a neighboring country's economic development is important in reducing the movement of migrants to Thailand.
- ▶ Wages for migrants must be based the migrant's skills and qualification, and must not defer the employment of Thai workers.
- ▶ There should be measures to prevent the return of migrants who have been repatriated.

Under these guidelines, the Ministry of Labor has set up a measure to manage those undocumented migrants with two steps of implementation. The first step is the registration of all undocumented migrants in order to:

- ▶ ascertain the current number of migrants and their families and the demand for migrant workers;
- ▶ provide migrants with medical check-ups and insurance;
- ▶ allocate quotas to employers; and
- ▶ issue temporary working permits.

The second step is the regulation of procedures that aim to nationalize and legalize registered migrant workers in order for them to obtain official working permits. As part of this regularization, Memorandums of Understanding have already been signed and are currently being implemented with Myanmar, Lao PRD and Cambodia.

PROTECTION OF MIGRANT WORKERS IN THE WORKPLACE

In Thailand, the Act on Labor Protection B.E. 2541 (1998) has laid down principles for labor standards in the workplace, which cover both Thai and migrant workers. Both receive full and equal protection under this Act. The Department of Labor Protection and Welfare, Ministry of Labor is the agency that is responsible for verifying compliance with the law. The condition of employment under this Act is in line with International Labor Organization (ILO) standards, and covers wages, working hours, working conditions and welfare. However, the Government is also aware of the increasing number of migrants. As a result, special programmes to protect migrant workers have been provided. These include:

- ▶ **Providing interpreters** in the areas or provinces that hire a lot of migrant workers.
- ▶ **Coordinating with embassies** in order to help migrant workers file cases against abusive employers.
- ▶ **Producing and distributing a pamphlet for migrant workers** about their basic rights under the Labor Protection Act B.E. 2541 (1998) in languages such as Lao, Burmese and Khmer in order to provide

migrant workers with an understanding of their rights and obligations under the law.

- ▶ **Using various media to provide information** to employers and migrant workers about legal issues and places for assistance when their rights have been violated.
- ▶ **Organizing special labor inspections** at businesses to protect migrant workers in Bangkok and nearby provinces.
- ▶ **Providing legal services and receiving complaints** through the 24-hour telephone hotline no. 1506.
- ▶ **Providing assistance and welfare** to migrant workers who have been deceived with cooperation from the Ministry of Social Development and Human Security.

Even though Thailand does not have a separate protection measure for men and women workers, the Government recognizes that in the household sector most of the workers are women, especially women migrant workers, who may need protection of a different kind from workers operating in other sectors. In this regard, the Department of Labor Protection and Welfare has issued the Ministry Announcement to Protect Women Migrant Workers that stipulates additional protections as follows:

- ▶ **Prohibiting sexual harassment** of women migrant workers by employers.
- ▶ **Entitling women migrant workers** who work for a period of one year to **6 days annual holiday**; if the working period is more than one year, both sides can agree to have an annual holiday accumulation of more than 6 days, and if the working period is less than a year, both sides can agree to have the annual holiday calculated proportionally.
- ▶ **Paying of wages in Thai currency** at the workplace; the payment must be paid at least once a month on the exact date.

CASE STUDIES: POLICY ENFORCEMENT

Even though the Thai Government has initiated various measures or practices to protect migrant workers - particularly women migrant workers - there are still problems on the implementation side. The following are three examples of how governmental authorities have addressed the issues.

Case One: A Clothing Factory

On September 2004, Officials from the Ministry of Labor and Ministry of Social Development and Human Security joined police to investigate a clothing factory based on complaints received that the factory was hiring undocumented migrant workers and engaging in actions suggestive of human trafficking. After the investigation, authorities found that the factory was violating the regulation on recruitment of migrant workers. The migrant workers were subsequently sent to a social welfare center for rehabilitation, while the employer currently faces charges on hiring underage workers (less than 15 years old), not informing officials about the recruitment of child labor (age between 15-18 years old), not paying for overtime work, not paying for working on holidays, not paying for working overtime during holidays and paying less than the minimum wage. At the moment, the case is in the Labor Court.

Case Two: A Household Service

The Ministry of Social Development and Human Security received a case from the Laotian Government informing authorities that there were two Laotians locked up at a house in Bangkok. The Ministry of Social Development and Human Security investigated the case, and found a Laotian broker had deceived two 15-year-old girls to work as maids at the house. The working conditions in the house were very poor. The girls were forced to work from 6 a.m. to midnight or sometimes until 2 or 4 a.m. in the morning, were given only one meal per day, were not paid, and were brutally beaten. After they were rescued from the house, the girls were provided with medical aid, including psychological treatment and vocational training. They were later sent back home.

Case Three: A Household Service

The Labor Inspector from the Department of Labor Protection and Welfare received a complaint from the Children Development Foundation about the case of Ms. Wandai Wongviharn, a migrant worker. Ms. Wandai was 17 years old and worked as maid at Ms. Sumalee Naratip's house from March 2001 until 7 April 2005. Her salary was 1,500 baht per month, but she only received a payment of 12,000 baht, making for 61,850 baht overdue. Sumalee admitted to the Labor Inspector that she did not pay Wandai, and she was subsequently requested to pay the outstanding balance to the Department, which was then handed over to Wandai at the Bann Krettrakarn Welfare and Occupational Development (where she stayed after being rescued from the house).

PRESENT CHALLENGES

From the above three cases, it can be seen that even though the Government tries to protect migrant workers, there are still some issues that need to be addressed, particularly social and legal issues. Migrant workers, both documented and undocumented, contribute to the growth of the country, to the well-being of both Thai and migrant workers and to the higher competitiveness of the Thai industrial sectors. However, when we look at the social aspect of migration, there are still some issues that need more attention; for instance, issues such as migrant health, environmental conservation, national security, organized crime, drugs, community safety, child labor, children of the migrants, statelessness and trafficking.

As for women migrant workers, there are three issues to which the Ministry of Labor has given high priority:

- ▶ Communication problems, due to different languages.
- ▶ Employers and migrant workers who don't know their rights and obligations.
- ▶ Coordination problems between the Ministry of Labor and the women migrants who have already returned home, due to incorrect records of their addresses.

CONCLUSIONS AND RECOMMENDATIONS

In conclusion, economic migration is now part of the Thai development picture. Migrant workers contribute to the growth of the economy just as Thai workers. It is also the Government's responsibility to take care and protect all workers in the country. As mentioned in the country's Labor Protection Act, migrant workers receive the same protection as Thai workers. However, it is a common phenomenon that some migrant workers may face difficulty while working in Thailand. The Ministry of Labor, in collaboration with the Ministry of Social Development and Human Security, has implemented various measures in order to help and protect migrant workers. The initiatives have been implemented at various stages of a migrant's work experience.

Nevertheless, some migrant workers may be deceived by brokers from their home country or from Thailand to work in Thailand, particularly in illegal sectors, or

may be abducted or trafficked across borders. The Government has made the solving of this problem a top priority. Accordingly, a cooperative plan among concerned agencies, such as the Ministry of Social Development and Human Security, Ministry of Labor, Immigration Office, Ministry of Interior, and Royal Thai Police, is underway to combat this problem.

Thai authorities have implemented various measures to solve or mitigate a number of migration issues. These include Thailand's signing of MOUs with neighboring countries and its membership in various international agreements that are intended to protect migrant workers. However, since there are many countries – destination, origin and transition - involved in the migration issue, greater international collaboration and dialogue at both regional and sub-regional levels should be initiated and strengthened. Apart from strengthening collaboration, a comprehensive approach in managing international migration should be introduced with the involvement of all stakeholders as a necessary condition for success.



Summary of Discussions

The presentation of the Technical Paper and six related Country Papers during Day 1 of the meeting evoked extensive discussions among the participants. At the end of each presentation, participants put forward comments or questions that were answered by the presenter. There were also three Open Forums during Day 1, while Day 2 was mainly spent on discussions related to drafting the Meeting Statement.

Interesting ideas and challenges were brought up after the presentation of the Technical Paper regarding the role “countries of origin” play in a successful migration process, and also dealing with concerns facing women migrant workers. Some of the issues raised were:

- ▶ Many of the problems faced by migrant women workers cannot be solved by the countries of employment alone. The countries of origin often have a role to play in these problems.
- ▶ Sending workers abroad to work has become a business venture in most countries of origin. The Overseas Employment Providers (OEP) often overcharge the migrants when sending them abroad to work. In such situations, the country of employment has very little control.
- ▶ Women migrant workers often face a number of problems at their place of work because they are not adequately protected by laws and because domestic work is not recognised by labor laws in most countries of employment.
- ▶ One problem for countries of origin is that there is no government agency that has control over what happens between a migrant domestic worker and her employer abroad.

LESSONS LEARNED

Based on Country Paper presentations, meeting participants undertook further discussions about lessons learnt from their experiences, which resulted in the following observations:

- ▶ In Bahrain, after approximately two years of employment or when good and trustworthy relations develop between the employer and migrant worker, workers are treated like members of the family. Workers eat the same meals as the employers, live in the same house, are paid their salaries regularly without restrictions, are allowed to send money home and can practice their religion. In most cases, the migrant workers prefer to extend their employment contract and some workers even work for more than 25 years with the same employer.
- ▶ In many cases in Bahrain, migrant workers who are qualified as tailors, secretaries and the like end up in domestic employment. The authorities in Bahrain are trying to formulate ways to assist such workers find appropriate employment.
- ▶ Singapore has recognized that sometimes workers with certain skills are underpaid. Thus, Singapore would like to initiate a skills certification so that workers with certain skills can be paid appropriately.
- ▶ Very often in Jordan, migrant workers are only paid at the end of their 2-year contract. Efforts are now being made to ensure regular payments by employers. Also, efforts are being made to make provisions for a provident fund for these workers.

- ▶ Jordan has formulated a Standard Working Contract which has legal status, even without the formal recognition of domestic work under its labor laws.
- ▶ By involving more partners and perspectives in the country of employment, authorities can handle migrant domestic worker (MDW) problems more effectively. Doing so may also serve as a catalyst to improve the MDW situation, as done by Jordan where partners from embassies and government ministries have worked together to make a significant change in the way migrant worker issues are addressed and handled.
- ▶ UNIFEM in Jordan has been working with newly established NGOs on capacity-building. Besides, overseas employment providers (OEPs) in Jordan are now licensed. The Ministry of Labor has closed down a number of OEPs for violations. UNIFEM has also been working with the Ministry to use the word ‘worker’ rather than the word ‘servant’ in official correspondence. Also, UNIFEM in Jordan is engaged in creating a booklet that details important information for OEPs, employers and migrant workers, as well as translating it into the various languages of countries of origin.
- ▶ UNIFEM has also been working with OEPs. A regional consultation was held in Bangkok in November 2005 with some of these agencies, and they have developed a code of ethics from their own good practices.
- ▶ Jordan’s Standard Working Contract ensures that workers are paid regularly and that they can remit money to their home countries. UNIFEM has, in fact, been working on savings mobilisation for migrant workers, which is an effort to raise awareness among migrant workers and to develop the habit of saving.
- ▶ The issue of remittances is, however, important and tricky - especially their legal implications. The World Bank has become an ally in this issue, and has recently released an annual report on “Global Economic Prospects.” The theme this year has been on migrant workers and remittances. Hence, countries of employment could draw on the technical expertise

of the World Bank in understanding the legal implications as regards safe remittances for migrant workers.

- ▶ Singapore has provisions to place a worker with another employer in case of abuse with an existing employer. Workers can also transfer to another, higher category of work. However, if the job requires a separate work permit, the worker would need to exit the country and re-apply for a visa. This is done in order to discourage people who enter Singapore for social visits from applying for jobs.
- ▶ Singapore also assists with a system of direct payment of bills in their countries of origin in order to ensure (MDWs) that their money is being used judiciously and that it is not just squandered or misused by family members if sent home directly.

Field Visit

Kredtrakarn Protection and Occupational Development Center, Thailand

Thailand's Ministry of Labor organized a field trip for meeting participants on 2 December 2005 to Kredtrakarn Protection and Occupational Development Center, commonly known as Baan Kredtakarn. The Center provides protection and assistance to women and children who are victims of trafficking and who suffer from various types of social problems such as behavioral problems and domestic violence. Baan Kredtakarn currently falls under the supervision of the Bureau of Anti-Trafficking in Women and Children, Department of Social Development and Welfare, Ministry of Social Development and Human Security. The participants received a warm welcome from Baan Kredtakarn administrators, followed by a video presentation about the Center's background and activities currently offered there.

Baan Kredtrakarn can accommodate up to 550 girls and women enrolled for recovery services. Most women and children arrive after being rescued from violent or exploitative situations following police raids of illegal establishments. Others walk into the Centre looking for help, mostly to escape difficult living conditions. The Centre provides support to three main target groups:

- ▶ Girls under 18 years who are engaged in prostitution, and women over 18 years of age who wish to receive protection and vocational training assistance from the Government in accordance with the Prevention and Suppression of Prostitution Act of 1999.
- ▶ Women who suffer from social problems.
- ▶ Women and girls, both Thai and non-Thai, who are victims of trafficking.

Apart from providing the girls with accommodation, food and medical care, the Center provides a host of other services for children and women, such as:

- ▶ **Counseling services:** individual and group counseling.
- ▶ **Psycho-social programme:** aims to improve the victim's mental well-being and personality and to raise their self-confidence and self-esteem.
- ▶ **Education:** non-formal education, using curricula prescribed by the Ministry of Education.
- ▶ **Recreational services** and social activities.
- ▶ **Life Skills** education: including skills such as financial management, decision-making, negotiation, problem-solving and crisis resolution.
- ▶ **Vocational training:** such as dress-making, weaving, arts and craft, cooking, traditional Thai massage, etc.
- ▶ **Reintegration assistance:** to help the women reunite and reintegrate with their families and with society.

Participants were invited to visit the girls while they participated in a non-formal education session, and they were impressed by the facilities available at the Center and the dedication of the instructors. There were some discussions about the non-traditional and market-oriented training. Likewise, the interagency coordination which supported the Center's operations was also noteworthy.

Creating space for the girls and children of neighboring countries is a very positive initiative to protect them, and this exposure provided the participants of the Regional Consultation with a practical insight into the good practices of the Royal Thai Government. Participant feedback indicated that the field visit was appreciated and considered a valuable learning experience.



Appendices

Appendix 1: Press Release

Appendix 2: Meeting Programme

Appendix 3: List of Participants

Appendix 4: Abbreviations

Appendix 1: Press Release

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PRESS RELEASE

For release on 1 December 2005

Ministry of Labor, Thailand and UNIFEM Host High-Level Government Meeting of Countries of Employment on Good Practices to Protect Women Migrant Workers

United Nations, Bangkok – The Ministry of Labor of the Royal Thai Government and the United Nations Development Fund for Women (UNIFEM) are jointly hosting a meeting of high-level government officials from countries of employment who will share good practices on protecting women migrant workers. This meeting is to provide a forum for sharing information among the governments of Brunei, Bahrain, Jordan, Malaysia, Singapore and Thailand to encourage the adoption of these practices by countries of employment.

It is perhaps the first time ever that South-East Asian and Arab States employing women migrant workers are meeting in Bangkok and in South-East Asia to share practices to protect women migrant workers. There is a conspicuous increase in women migrating overseas for work. Women constitute about 50% of the overseas workforce in Asia, Latin America and growing proportions elsewhere. In fact, in some countries in the region, women exceed the number of men. The feminization of migration is a feature that is embedding itself in the Asia socio-economic and political system.

Women are recruited into woman-specific skilled and unskilled jobs in the formal and informal manufacturing and service sectors. But the heaviest concentration of women migrant workers is at the lower end of the job hierarchy in domestic work and the entertainment sector where they suffer gross human rights violations. Remittances to countries of origin contribute significantly to GDP, family health and welfare, education and consumer demand and community development.

Women have different experiences than their male counterparts. Women migrant workers can sometimes be involuntary victims of trafficking activities which is yet another reason for destination countries to develop and implement policies to specifically address the issues of women migrant workers.

Protecting women migrant workers is a development issue. It promotes human development, human security, peace, stability and economic growth. Women migrant workers contribute by way of their skill and labour and help generate profits in countries of employment. They further contribute to the economy of countries of employment as consumers of goods and services. They plug labour shortages in certain sectors and as domestic workers they facilitate educated middle class women's paid public employment and increase family income. They also subsidize what the State would otherwise have to invest in for child care and other domestic services.

Abuse of migrants, including women, is a drain on economic and financial resources. It involves direct costs such as spending on medical care, as well as other expenses to facilitate recovery from abuse, loss of productivity, absenteeism, loss of wages, and a reduction in GDP. It involves indirect costs to families of women migrants in the form of emotional stress and the like. This makes protecting these women an issue of equality and efficiency.

Protecting women migrant workers is a human security issue. If women suffer routine abuse, the human security of half the world's population is threatened. It is a poor reflection on our capacity to provide safe environments. Moreover, gender-based discrimination and violence, including sexual violence, is a major cause of HIV/AIDS transmission to women, including women migrant workers, creating another type of human security crisis.

Protecting women migrants is an indication of good governance which is expressly tied to creating and ensuring peace, stability and human security.

It is gratifying that there is a pool of good policies and practices that protect women migrant workers to draw

from, in line with global human rights frameworks like CEDAW that have been ratified through a process of consensus that governments own.

Some of these practices include on-site services for women migrant workers; awareness-raising for employers on worker protection; registration of undocumented migrant workers; and in Thailand MOUs have clauses to protect migrant workers. There are other examples of countries amending the labor law to include domestic work as work, domestic workers as workers and legal protections for domestic workers. This is a precedent setting initiative in the Arab region and we hope countries in South-East Asia set similar precedents and pioneer the introduction of legal protections for domestic workers for the South-East Asian region.

UNIFEM is the women's fund at the United Nations, providing financial support and technical assistance to innovative programmes promoting women's human rights, their economic and political empowerment, and gender equality in over 100 countries. For more information, visit www.unifem.org.

Appendix 2:

Meeting Programme

WEDNESDAY, 30 NOVEMBER 2005

18:00 Registration (*Duangkamol Room, Siam City Hotel, Bangkok*)

THURSDAY, 01 DECEMBER 2005

08:30 - 09:00 Registration (*Duangkamol Room, Siam City Hotel, Bangkok*)

09:00 - 09:30 Welcome and Opening:

- ▶ Ministry of Labor, Royal Thai Government
- ▶ United Nations Development Fund for Women (UNIFEM), East and South-East Asia

09:30 - 10:00 Group Photo and Coffee Break

10:00 - 10:45 Presentation of Concept Paper :

“Strengthening the Links: Good Practices for Protecting Foreign Domestic Workers in Countries of Employment”
by: Mr. Philip S. Roberston, Consultant, UNIFEM

Discussion and Open Forum

10:45 - 12:00 Country Presentations: (*Bahrain, Brunei Darussalam and Jordan*)

12:00 - 12:30 Open Forum

12:30 - 13:45 Lunch

13:45 - 14:45 Country Presentations: (*Malaysia, Singapore and Thailand*)

14:45 - 15:15 Open Forum

15:15 - 15:30 Coffee Break

15:30 - 16:00 Summary of Discussion

19:00 - 20:30 Welcome Reception

Hosted by the Ministry of Labor,

Royal Thai Government (*Kamolthip Room III, Siam City Hotel, Bangkok*)

FRIDAY, 02 DECEMBER 2005

08:30 - 08:45 Briefing on Workshop Guidelines

08:45 - 10:30 Workshop:

Objectives:

- ▶ Identify 3 priority concerns of women migrant workers in countries of employment
- ▶ Identify 3 policy/programme interventions to address these concerns at the national and regional levels

10:30 - 12:00 Discussion and Adoption of Meeting Statement (*Working Coffee Break*)

12:00 - 12:15 Closing

12:15 - 13:00 Press Conference

13:00 - 14:00 Lunch

14:00 - 17:30 Field Trip *Kredtrakarn Protection and Occupational Development Center, Thailand*

Appendix 3: List of Participants

BAHRAIN

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Appendix 4:

Abbreviations

AMCB	Asian Migrant Coordinating Body
APMM	Asia Pacific Mission for Migrants
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
EAs	Employment Agencies
EFWA	Employment of Foreign Workers Act
EOP	Employers Orientation Programme
FAST	Foreign Domestic Worker Association for Skills Training
FDW	Foreign Domestic Workers
FMDW	Female Migrant Domestic Worker
GCIM	Global Commission on International Migration
GDP	Gross Domestic Product
GEP	Global Economic Prospects
HOME	Humanitarian Organization for Migration Economics
ILO	International Labor Organization
MDWs	Migrant Domestic Workers
MOHR	Ministry of Human Resources
MOM	Ministry of Manpower
MOU	Memorandum of Understanding
NGO	Non-governmental Organization
OEP	Overseas Employment Providers
UAE	United Arab Emirates
UN	United Nations
UNIFEM	United Nations Development Fund for Women

