



## **FEMALE MIGRANT WORKERS' SITUATION IN THE LABOUR MARKET**

**by Gloria Moreno-Fontes Chammartin  
ILO's International Migration Programme**

### **I. Introduction**

The present report provides information on the sectoral and occupational concentration of women migrant workers, as well as their presence in the skills' ladder distribution, and their working conditions. The report will also touch on other major issues concerning women migrant workers such as: brain waste, the recognition of diplomas, provision of educational opportunities and vocational training, the existing labour market discrimination at several levels, and the fact that there exists fewer avenues for regular labour migration for women.

Lastly, the present report includes some of ILO recommendations identified as contributing to improving the legal, labour and social protection of women migrant workers in countries of origin, as well as in countries of destination.

### **II. Women Migrants' Concentration by Economic Sector**

While men migrate to a variety of economic sectors, female migrant workers are mainly concentrated in the **services sector**. Only a reduced number of women migrant workers are found working in the **agricultural sector**. However, the search for cheap and docile labour in agriculture, has lately encouraged the hiring of women migrant workers replacing male migrants in labour intensive tasks in several industrialised countries.

In the **industrial sector**, migrants' insertion in manufacturing includes women as much as men. The main manufacturing subsector is the textile and garment industry where migrant workers are paid low rates (because of low productivity and stiff competition), and get the worst jobs. Some employers are migrants themselves and employ people from the same areas of origin. As it is difficult for labour inspectors to even locate these sweatshops irregular employment remains important.

In the case of **mining and construction**, the percentage of women migrant working in them is insignificant.

### **III. Women Migrant Workers by Occupational Segregation**

Female labour migration is strongly characterized by the concentration in a very limited number of female-dominated occupations which are associated with traditional gender roles. Indeed, the types of jobs where demand for women migrant workers exists are defined by the labour market segmentation in countries of destination and stereotypes. As a result, demand is

mainly increasing for care services in both less skilled and devalued jobs such as domestic work that includes home cleaning and children care, as well as skilled and valued (nurses, and private institutions health care workers for the elderly and the handicapped). Other jobs held by women migrant workers include enterprise and hotel cleaning services and waitressing services in restaurants, entertainers, and sex work. To a lesser extent women migrant workers can be also filling in retail trade sales jobs, and manual jobs in labour-intensive manufacturing, mainly in sweatshops.

**i) Retail trade** in the informal economy has represented an important “niche” for the absorption of women migrant workers in some South East Asian and Central American countries.

**ii) Personal services: Household employment or domestic work** is a major source of employment for women migrant documented as undocumented workers. For example, domestic work is the single most important category of employment for women migrants in those countries that permit the temporary legal entry of workers into the domestic sector: Hong Kong, Malaysia, Singapore, Taiwan, as well as the Gulf States, Jordan and Lebanon. However, domestic work is not socially valued and most Western European countries do not consider domestic work as valid work for the allocation of a residence and work permit. Besides, for undocumented workers, the fact of working in a household makes it difficult for many women migrants to supply proof of employment and benefit from regularization schemes.

Still, many women migrant workers acquire legal status for domestic sector jobs in the country they find work in. In this regard, best practices have been identified in Greece, Italy and Spain, where a large number of women foreign workers concentrated in the domestic sector have been regularized. However, in some instances, work permits provided under these regularization schemes consider workers temporary and normally do not permit to bring in family members. In other cases, applying for family reunification to bring in spouses and children is difficult due to their labour market position and greater difficulty in accumulating the necessary resources (income and access to housing)<sup>1</sup>.

**iii) Nursing and other Health Care Services-** According to Public Services International (PSI), a significant number of nurses and other health professionals are migrating overseas in search of better terms and conditions of work or increased professional development opportunities. PSI particularly registered a dramatic growth in the level of international recruitment of nurses to Canada, UK and US. For example, they mention that “nearly half of newly registered nurses in the UK in 2001-2002 came from countries outside the UK including the Philippines, India and South Africa”, and mentioned that “the National Health Service in England, estimated in 2004 having a shortage of more than 20,000 nurses”. Nursing shortages in countries of destination (in addition to other factors such as higher wages) drive this migration and are providing opportunities for women to migrate in a regular situation either temporarily or permanently<sup>2</sup>.

While this is one of the only legal channels of migration open mainly to women and it is welcomed, PSI recognizes that this migration may possibly have adverse effects on the

---

<sup>1</sup> KOFMAN, Eleonore, *Women Migrants in the European Union*, Paris, OECD, Paper presented at the conference “The Economic and Social Aspects of Migration” organised jointly by the European Commission and the OECD, January 2003, p.2.

<sup>2</sup> PUBLIC SERVICES INTERNATIONAL, *An Introductory Guide to International Migration in the Health Sector for Workers and Trade Unionists*, Ferney Voltaire, 2003, p.3.

quality of health care in countries of origin experiencing themselves nursing shortages. For this reason, some countries have established *Codes of Practice* to discourage the targeted recruitment of health workers from countries that are experiencing shortages<sup>3</sup>.

**iv) Enterprise Cleaning Services, Hotels, Restaurants and Catering, Tourism-** In 2000, in the **United States of America**, 28.4% of all hotel workers were immigrants. Compared to U.S. workers, they were younger, had less formal education, and were more likely to be women and less likely to be white<sup>4</sup>. In **Italy**, they account for the employment of 13-18% of the migrants who are hired yearly with a contract (bars, hotels and restaurants alone account for 7-9%). In metropolitan areas the proportion is even higher. Most jobs in these occupations are not registered. For example, both in Italy and in Spain, there exists a large number of undocumented Chinese workers in Chinese-owned restaurants. Many Latin Americans also work in small hotels and restaurants not holding a regular labour contract, but, even if they do, their working conditions are considerably worse than those of their local counterparts: short-term contracts without opportunity of renewal, low wages, long working hours, unskilled and physically demanding jobs.

**v) Community Services: Advocacy, Mediation, Inter-cultural specialists, Home language instruction and Translation** are occupations that have enabled women to do other jobs than low level service jobs. These occupations have permitted women migrants to occupy positions of social workers and provide teaching services in integration programmes offered to their own communities.

**vi) Sex work-** It is estimated that 80% of trafficked victims are involved in sex work and that the European Union had between 200,000 to 500,000 women migrants working undocumented as sex workers by the year 2000. Trafficking is a labour migration issue of major concern. The number of young women trafficked clandestinely across borders involving severe exploitation, deception, coercion and brutality continues to grow. Victims of trafficking are particularly vulnerable to exploitative labour situations due to their inability to speak the local language, and their irregular status in a foreign country. This type of forced migration is successfully handled by unscrupulous middlemen that serve as job brokers and convince young girls of a better life in the West.

#### **IV. Skills' Ladder Distribution**

The female foreign labour at the highly-skilled level represents only a minority even if their number has been increasing during the past decades. They normally comprise employees of transnational companies or international institutions in IT related occupations or other highly specialised professions such as doctors. However, worldwide, there is a smaller proportion of women migrating into highly-skilled sectors than men. One of the main reasons for this weak percentage is that women's education tend to be concentrated in the Humanities and Social disciplines that permit them to enter professions (teaching, health and social work) that while opportunities are opening due to industrialized countries ageing workforce, these opportunities are still largely closed to migrant labor from third world countries. In the year 2004, in OECD countries, to a larger extent than men, foreign women employed in science and technology sectors, represented only a very weak percentage of the total employment of foreign women: only 12% of the Green card permits in Germany in 2000 were given to women.

---

a<sup>3</sup> PUBLIC SERVICES INTERNATIONAL, *ibid*, p.2.

<sup>4</sup> Working for America Institute: *Hotel Jobs Update*, 2002.

At the next level of the skills' ladder, skilled foreign women employed in education in relation to the total number of foreign women employed only increased slightly from 1994 to 2004 in Belgium, Germany and France, while it strongly diminished in the United Kingdom, Spain and Italy<sup>5</sup>. Indeed, the representation of women migrant workers in the professional, skilled categories (excepting teachers and nurses) is limited.

As it is the case with male migrant workers, the large majority of women migrant workers are single youths aged 20 to 40 and at least with a high-school education occupying low-skilled jobs. Domestic services, healthcare and social services in OECD countries received a growing percentage of women in the foreign labour force. Indeed, in the majority of countries of destination, women migrant workers are predominantly undocumented and found concentrated in unskilled and semi-skilled occupations such as domestic work, small manufacturing sweatshops, catering and low-level urban services. Indeed, the closure of European Union labour markets to Third country nationals with professional qualifications (with a few exceptions) has meant that for many women, the only way of gaining access to work was either in the domestic sector or other low-skilled level service jobs<sup>6</sup>. The demand for women migrant workers in unskilled occupations, in particular those going into domestic service, is often high and sustained since they represent a form of "replacement mobility" for female nationals who are freed from their household and care responsibilities to take up other positions in the labour market<sup>7</sup>.

## V. Working Conditions and Lack of Protection

The most widespread working conditions' issues in occupations covered by women migrant workers are low remuneration, heavy workloads comprised of long working hours, limited training facilities, poor career development, and in some countries lack of freedom of movement, as well as recorded abuses. In addition, they usually occupy jobs classified as in an inferior position in the occupational ladder. The best example is domestic work where due to the highly personalized relationship with their employers, psychological, physical and sexual abuse is common. In some countries, women migrants are required to work unpaid overtime, their wages are withheld and they do not enjoy weekly rests.

Women migrant workers are usually also employed in jobs, not covered or inadequately covered by labour legislation or other social security or welfare provisions, even more so than those jobs occupied by their male counterparts and the best example is domestic work. According to Vega Ruiz, the fact that domestic work takes place within the household sphere is the crucial factor that determines its exclusion from the ambit of labour law<sup>8</sup>.

Indeed, most domestic workers are women who remain excluded from the very scope of labour legislation in almost all countries since their work is done in households (not

---

<sup>5</sup> OSO-CASAS, Laura and GARSON, Jean-Pierre, *The Feminisation of International Migration*, Paris, OECD, p.13. Paper presented at the seminar "Migrant Women and the Labour Market: Diversity and Challenges", Brussels, 26-27 September, 2005.

<sup>6</sup> KOFMAN, Eleonore, *Women Migrants in the European Union*, Paris, OECD, p.5. Paper presented at the conference "The Economic and Social Aspects of Migration" organised jointly by the European Commission and the OECD, January 2003.

<sup>7</sup> ILO, *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, An Information Guide*, Booklet 1 Introduction: Why the Focus on Women International Migrant Workers, Gender Promotion Programme, Geneva, p. 29.

<sup>8</sup> VEGA-RUIZ, María Luz, *La relación laboral al servicio del hogar familiar en América Latina*, Montevideo, ILO, RELASUR, 1994, p.35.

considered as workplaces) of private persons (not considered employers) that cannot be supervised by labour inspectors. In consequence, migrant domestic helpers are not normally considered employees themselves and their work ends up being completely unprotected. The specificity of their employment relationship is not addressed in national legislation, denying them their status as “real workers” entitled to labour protection. Domestic workers’ employment situation is considered not to “fit” the general framework of the existing employment laws and their working conditions remain, in essence, unregulated. In fact, not only do some countries not consider household helpers or domestic workers as workers and exclude them from protection under their national labour codes, but do not provide them with optional protection under any other national law.

## **VI. Brain waste and recognition of diplomas**

Many migrant workers, especially women, sacrifice themselves in occupations for which they are overqualified. Some of them possess university or other highly-qualified degrees: university graduates architects, doctors, accountants, etc. A large number of these women migrant workers, for example, enter domestic work and have a difficult time, especially if they are undocumented, to climb up the occupational ladder.

One of the main reasons why there exists such a large bulk of brain waste of human resources is the lack of legal opportunities to gain access as a labour migrant in other occupations and the lack of a system of recognition of diplomas between major countries of origin and countries of destination. The recognition of qualifications obtained abroad is thus the other main area in which significant changes to national policy and practice are necessary in order to ensure that regular entry migrant workers can access employment on equal terms with national workers. Indeed, one prerequisite to being capable of competing with nationals in accessing employment is to have qualifications which are recognized in the country of employment. However, the recognition of vocational and academic qualifications of migrant workers does not appear to be an area where States have advanced a lot unilaterally or at the bilateral and regional level. Only few of them seem to be doing work on the subject.

One of the most important areas where work also needs to be done is on promotion of vocational training and retraining opportunities for migrant workers. For example, domestic workers that are interested in climbing up the occupational ladder should be given the opportunity to be trained as health assistants and qualified health care workers to be able to work in private nursing homes and homes for the elderly where they can earn a better pay and enjoy better working conditions, and social security protection.

## **VII. Fewer existing avenues for regular labour migration for women**

Although there is insufficient research on this point, evidence indicates that shrinking opportunities for legitimate employment in countries of origin have affected women disproportionately to men and acted as a further push factor in women’s migration. Notwithstanding, the large number of women workers migrating abroad on their own, when we look at totals of yearly legal inflows of migrants into most industrialised countries, women are under-represented. Since legal recruitment efforts continue often targeting highly-skilled male dominated occupations (IT workers) and temporary migrant workers’s schemes also tend to aim at attracting semi-skilled and unskilled workers for male-dominated occupations (construction, agriculture), women’s opportunities to migrate legally continue being more

limited than men, especially to industrialised countries<sup>9</sup>. Indeed, when legal, official recruitment efforts take place, they frequently continue aiming at opening the doors only to male-related occupations. Migration policies are not openly biased by sex. However, in some countries restrictions have been imposed on admissions of migrants for female type of occupations.

As a result, large numbers of undocumented women migrant workers moving independently live separated from their families for many years due to the nature of employment that is available to them (personal services) that do not usually provide a work and residence permit. This family separation may create long lasting socio-psychological problems in parents and children.

### **VIII. Discrimination in the labour market**

Most countries still need to address issues such as gender discrimination and inequalities against women migrant workers. In order to maximize their positive results, such policies should recognize the similarities and differences in the migration experiences of different categories of women and men and should aim at eradicating all forms of discrimination, and gender inequality, as well as tackling other vulnerabilities, violations and their consequences.

The following levels of discrimination have been identified in the case of women migrant workers:

- Gender: as women workers vis-à-vis men workers
- Nationality: as foreign workers vis-à-vis nationals
- Migration status: as undocumented vis-à-vis documented
- Occupation : as performing jobs where they are not considered workers
- Wages: performing jobs where the principle of “equal pay for equal work” is not applied
- Racial and ethnic: in labour market situations where the principle of “equal treatment and opportunities” is not applied, mainly in the case of women migrant workers belonging to a certain ethnic or racial group vis-à-vis the racial or ethnic origin of the majority of the population of the country of destination.

As a result, one of the most important strategies supported by trade unions worldwide is *pay equity* between migrant and national workers as one of the most powerful ways to improve the terms and conditions of work in both sending and receiving countries.

### **IX. Conclusions and Recommendations**

In order to provide a larger protection to all migrant workers in general, and in particular to women migrant workers, ILO has identified some areas of intervention where legal, labour and social protection could be improved in countries of origin, as well as in countries of destination:

---

<sup>9</sup> An exception to this rule are Gulf States, Lebanon, and Jordan plus Malaysia, Singapore, Hong Kong and Taiwan where domestic work has been recognised to be in demand in the local labour market.

### **Countries of origin**

1. Creating a single and effective system of labour market information on existing jobs abroad, making sure that an equal number of jobs for women migrants are included;
2. Strengthening the monitoring of job recruitment agencies and other agencies providing information on jobs abroad;
3. Ensuring that the migrant worker has signed a contract before leaving the country;
4. Creating a database with a registry comprising a copy of the contract, the full address of the recruitment agency, name of recruitment agent, full address of employer and other useful information in case of grievance;
5. Providing useful pre-departure information on who to contact in case of urgent need, legal rights, and other information on cultural differences, etc.
6. Providing enough labour attachés in consulates or embassies in countries of destination to deal with complaints and urgent needs of national workers abroad.
7. Negotiating with countries of destination the establishment of institutions such as the one mentioned on point 4 below.
8. Negotiating labour exchange bilateral agreements as well as social security bilateral agreements with main countries of destination.

### **Countries of destination**

1. Recognizing the labour market demand for female workers' jobs accompanied with the opening up of legal channels of migration for women workers (establishing labour migration agreements including a 50-50 quota for men and women);
2. Providing legislation protection in those occupations where women migrant workers are concentrated in: amending and enforcing laws and regulations covering the rights of women migrant workers and enforcing prosecution in the case of recruitment agents and employers/sponsors identified as having violated their contractual obligations and having committed abuses. Flexibility in changing sponsors (without imprisonment and deportation) could be introduced in cases of workers complaining of abuses and free of charge lawyers could be offered;
3. Establishing a commission comprising Government authorities, concerned Embassies, IGO's, NGO's and other international and national bodies to discuss, identify and find solutions to migrant workers' (especially domestic workers) issues of concern;
4. Creating a national institution to monitor the treatment given to migrant workers, in general, and to women migrant workers in particular by recruitment agents, and sponsors;
5. Setting up a central registry or database comprising a copy of the contract, the full address of the recruitment agency, name of recruitment agent, full address of employer and other useful information in case of grievance;
6. Strengthening labour inspection or providing monitoring through social services;
7. Regularizing the workers that have been engaged in the labour market for a number of years;
8. Recognizing diplomas and qualifications;
9. Providing re-skilling and training strategies for women providing them opportunities to climb the occupational ladder;
10. Diversifying employment opportunities for women migrants;
11. Promoting entrepreneurship and self-employment among women migrants;
12. Adopting a new approach to family-linked migration;

13. Recognizing the social value of female-dominated occupations such as domestic work;
14. Undertaking awareness-raising campaigns aiming at changing practices such as withholding passports, withholding of wages, and physical, sexual and psychological abuses;
15. Adopting measures to ensure that all migrant workers are directly paid 100% of their wages on a regular basis and that they have the freedom to dispose of their wages as they wish, and that all wages are paid upon termination of employment;
16. Ensuring that social security systems provide the necessary protection to migrant workers and that social security bilateral agreements are signed with migrant workers' main countries of origin.