



International
Labour
Organization

Dignity, Rights and Domestic Work in the Arab States
Technical workshop on challenges and good practices

Istanbul, 12-13 October, 2014

Workshop Proceedings

*International Labour Organization
Regional Office for Arab States*

We want to call on all of you to support us, help us. We want the help of the media to make those who are far from us know that we are calling them to unite with us.

For the unions and ITUC, we need you to help us create a network with our countries of origin. From our government we need you to change the law, to include us.

I call on the recruitment agencies that bring us into the countries to work, to pay attention to how they place the women they employ and be aware of what is going on.

Put aside the statistics. We just want a better life.

*Rose Mahi
Migrant Domestic Workers Committee,
National Federation of Employees
And Workers in Lebanon (FENASOL)*

This report has been drafted by Hana Abul Husn, with inputs from Andrea Salvini, Carla Unger, Emanuela Pozzan, Myriam El-Kosseifi, Tina H. Oulie, Torsten Schackel and Zeina Mezher.

Background

In line with Convention 189 (C.189) and its Global Strategy on Decent Work for Domestic Workers, the International Labour Organization (ILO) has embarked on a variety of pioneering initiatives with the objective of improving working conditions for migrant domestic workers in Arab states. Two projects are fully dedicated to this issue, including the Action Programme for Promoting the Rights of Women Migrant Domestic Workers in Lebanon (PROWD) funded by the European Commission and the Swiss Agency for Development and Cooperation (SDC) and The Migration and Governance Network (MAGNET)¹ funded by SDC. These projects have piloted and developed a diversified range of activities and resources aimed at improving working conditions for domestic workers while advocating for regulated and monitored environments that protect the rights of all labour migrants. Challenges and opportunities have come to light in the process of ILO interventions at policy, institutional and grassroots levels building towards concrete measures for change.

A technical workshop, to provide a platform for sharing progressive experiences from selected countries and discuss possible adaptation and replication of successful ideas in the Arab States, was hosted by the PROWD and MAGNET projects in Istanbul, Turkey from 12 to 13 October 2014. The two-day technical meeting brought together government, employers' and workers' representatives from the Arab states, as well as expert practitioners and policy makers, representatives of private recruitment agencies, international organizations, civil society, activists and researchers.

Workshop objectives:

- To generate critical thinking on strategies and methodologies for possible replication to improve the rights of domestic workers in both sending and receiving countries.
- To foster dialogue on experiences, challenges and lessons learned related to migration governance systems and policy reform vis a vis domestic workers and their specific needs.
- To present innovative research, awareness raising tools and good practices that promote the dignity of domestic workers among different cultures.
- To cross-fertilize knowledge on collective organizing of domestic workers.

Highlights from the Opening Session

To set the scene, the technical workshop opened with a video clip entitled *The Contract*², a sensitization tool developed by PROWD, which poses a reflection on the value of the work

¹ Information on these initiatives is available at: http://www.ilo.org/beirut/projects/WCMS_213497/lang-en/index.htm and http://www.ilo.org/beirut/projects/WCMS_222976/lang-en/index.htm

² Available at: http://www.ilo.org/beirut/media-centre/multimedia/WCMS_317805/lang-en/index.htm

performed by domestic workers and challenges the audience on the need to improve their working conditions as compared to any other work.

The video was then followed by the opening statement delivered by Mr. Frank Hagemann, the ILO's Deputy Regional Director for the Arab States, who welcomed all participants and expressed his hopes for fruitful discussions between the international and regional players invited. He explained that the workshop would focus on *Dignity*, because domestic workers, like all other workers, are entitled to respect and recognition for their valuable contributions to society. *Rights*, because domestic workers are neither servants, nor family members, nor second-class workers. They are full-fledged workers and must be recognized as such, and be accorded the same rights as other workers. And, *the Arab States*, because despite recent attempts and progress of some countries in the region in regulating governance systems for migrant domestic workers, the lack of a comprehensive framework based on rights and duties, results in an uneven distribution of power in the working relationship between domestic worker and employer.

A key note address on the **ILO global strategy regarding domestic workers** was delivered by Ms. Manuela Tomei, Director of the ILO's WORKQUALITY Department. She stressed that domestic work is "Work performed in or for a household or households" and that a domestic worker is "Any person engaged in domestic work within an employment relationship" as stated in the ILO Domestic Workers Convention, 2011 (No. 189). She described the importance of recognizing the economic and social value of domestic work in that it enables other workers, women in particular, to work and societies to develop economically. Ms. Tomei touched upon the link between domestic workers and the deficiency of quality, accessible and affordable care services, as it is in the case of many countries including the Arab states. She also linked this to the context of ageing societies and changing family structures necessitating more care services. She also looked at the valuable contributions that migrant domestic workers with their remittances bring to the development of their home countries. Ms. Tomei went on to highlight the main facets set out by Convention No.189, fundamental principles and rights at work, protection from all forms of abuse, harassment and violence, fair treatment of employment and decent work and living conditions and minimum standards of employment. Finally, Ms. Tomei outlined the two main axes of a global strategy for domestic work which include legal and policy reforms necessary to ensure domestic workers' human and labour rights and the growing mobilization/organization and multiplication of advocacy initiatives involving domestic workers directly and aimed at voicing their needs and rights.

The morning session concluded with a short video³ aimed at highlighting realities of domestic work in the Arab States and setting out ideas for the ILO regional strategy on domestic work. This was followed by short presentations on the two ILO projects promoting decent work for migrant domestic workers in the Arab states. Ms. Zeina Mezher, National Project Coordinator for PROWD, presented pilot interventions in Lebanon, resulting in several lessons learned and good practices. These included the Participatory Action Research, bringing together workers, trade unions and NGOs to support the formation of a national union led by women migrant

³ Available at: http://www.ilo.org/beirut/media-centre/multimedia/WCMS_319504/lang--en/index.htm

domestic workers; and the development of a legal package to inform policy reform for future advocacy purposes. These also included capacity building activities with the Ministry of Labour (upgrade of a hotline for domestic workers) and Ministry of Social Affairs (engaging social development centres to provide services to migrant domestic workers), the Ministry of Interior and Justice (fellowship courses on Convention C.189), the Domestic Workers' Committee at FENASOL (training to form the union), and the Syndicate of Recruitment Agencies (development of a code of conduct). Production and dissemination of various awareness raising tools were also part of these activities. To complement, Mr. Andrea Salvini, Chief Technical Advisor for MAGNET presented work at country-specific level (profiles of institutions, policies, governance gaps, access to justice for domestic workers etc.). He then shared information on a guide on legal regulations for domestic work based on advisory services given to Jordan, and peer-to-peer bilateral workshops to highlight gaps and discuss how content of C.189 and R.201 should be reflected in national laws and regulations.

Plenary 1: Regulating domestic work at the national level – experiences from countries

This plenary session aims to provide an overview of options for reform of national policies and institutions to regulate domestic work and promote the rights of migrant domestic workers. The key message of this session refers to the importance of domestic workers to be an integral part of the labour code. It showcases three countries undertaking different steps to integrate domestic workers in the national labour legislation, Jordan, the Philippines and Italy.

1. The first technical presentation was delivered by Mr. Ibrahim Al-Saudi, Director of the Migration Department, Ministry of Labour in Jordan, on **“Work in progress: the case of Jordan”**. He began by stating the types of issues that concern employers such as the domestic worker's language and work-related skills, health condition and cases of “escape”. He then presented Jordan's efforts to address these issues and protect domestic worker rights. This included the provision of unified work contracts in English, Arabic and the language of the worker and a one-year insurance coverage for domestic workers with the option to renew. In Jordan, it is mandatory for employers to open bank accounts for each domestic worker, which can facilitate the process of monitoring payments of wages. The Ministry of Labour has also assigned an employee to each sending country embassy, to manage cases where domestic workers have “fled” employers' households. Mr. Al-Saudi stressed that employers had to meet all necessary criteria before being granted consent to hire domestic workers. He described the launch of training and health centres as well as a shelter with expert psychologists, sociologists and trainers, adding that Jordan benefited from the collaboration of the Philippines for the training sessions. Mr. Al-Saudi closed with a request for continued support with all these efforts.
2. With acknowledgement of Jordan's efforts, Ms. Nina A. Lanto, Director of the Pre-Employment Services Office in the Philippines, moved into her presentation on **“Integrating domestic workers in the national legislation of the Philippines”**. She started by saying that the Philippines is the second country after Uruguay to ratify

Convention No.189 on 18 May, 2012, concurred by Senate in 26 August, 2012, and pointed out the sequence and speed of its integration into domestic law in the form of Republic Act 10361 (domestic workers under labour law receive the same basic rights and minimum wage as all other types of workers). Importantly, Ms. Lanto noted that Convention No.189 had given the Philippines government the leverage to demand certain employment standards on foreign employers of domestic workers, which could not be done prior to ratification. Ms. Lanto also described the Household Reform Package, which sets the minimum age requirement at twenty-three, the minimum wage at \$400 USD, puts in place a standard employment contract, ensures no placement fee or salary deduction from the domestic worker and requires skill certification from the government and basic language training for each domestic worker. As for further protection, foreign placement agencies abroad must be pre-qualified to receive the Philippine Overseas Employment Administration certification. Two elements are required for the issuance of exit clearances for migrant domestic workers: a National Certificate for Household Service Workers issued by the Technical Education and Skills Development Authority, and attendance in a country-specific language and culture orientation by the Overseas Workers Welfare Administration. Finally, Ms. Lanto stressed that all individual employment contracts and subsequent job offers for migrant Filipino domestic workers must be verified to ensure adherence to all provisions of Convention No.189.

3. Bringing the first plenary to a close, Ms. Marilina Armellin, Embassy Counsellor for the Italian Permanent Mission to the United Nations in Switzerland, presented on **“Regulating domestic work in Italy”**. She highlighted Italy’s longstanding tradition of attention to this issue as the third largest employer of domestic workers in Europe, with the legally registered number at 900,000. The five main countries of origin are the Ukraine, Philippines, Moldova, Peru and Sri Lanka – 78.3 per cent women, and a relatively high age group of 30-50. While recognizing the importance of collective bargaining, Ms. Armellin pointed to the need to differentiate between the various types of tasks, ranging from cleaning, babysitting and caring for the elderly, performed by domestic workers. This in turn requires diversification of competencies, compensation and training. In answer to her own rhetorical question, why ratify Convention No.189 if national legislation already offered protection, Ms. Armellin emphasized the gender dimension, which she stated was particularly important in the perception of discrimination. In the recruitment of domestic workers, a survey showed that men seem to suffer more from discrimination than women, posing a great obstacle to their social integration. Further, given the profound change to Italian society with 8 per cent of the population now consisting of migrants, the importance of remaining cohesive and dispelling negative assumptions regarding migration is essential. Her final message was that recognizing domestic workers as a pillar to society and acknowledging their valuable contribution to daily life of Italian households is considered one of many steps in making integration a reality.

Working groups

Two working groups followed simultaneously, to discuss questions related to international labour standards; and to consider, by way of comparison, the regulatory and monitoring system applied in South Korea.

The working group on **“The Application of International Labour Standards”** was opened with a presentation by Mr. Torsten Schackel, the ILO Senior International Labour Standards Specialist for Arab States, who explained that in an ILO survey conducted in 2010, prior to adoption of Convention No. 189, a number of Arab states had replied that protection for domestic workers was important. However, none of the countries in the region had ratified the Convention so far, and despite some progress in regulation, domestic workers are still mostly excluded from the labour law. Model contracts have been developed in some countries, but they are not mandatory. Although bilateral agreements were adopted between some labour sending and receiving countries, they – by definition - cover only specific countries and cannot substitute for comprehensive regulatory frameworks.

Mr. Schackel went on to say that the visa sponsorship system, also referred to as *kafala*, limits workers’ freedoms such that they are not able to change jobs or leave the country without the written consent of their employer. This situation, combined with the lack of regulation of the employment relationship, often leaves domestic workers in a vulnerable position. If workers leave their job they are treated as having ‘absconded’ and are subject to arrest, detention and deportation. Nevertheless, some steps have been taken within the region: Bahrain, for instance, has taken steps to move the sponsorship functions away from private individuals to the public authorities, whereby the Labour Market Regulatory Authority will be sponsoring work permits for domestic workers, and some other countries, such as Jordan, have adopted or are considering specific regulations in order to regulate the employment relationship and provide a degree of protection for domestic workers.

Key messages from discussion:

- Need for increased awareness-raising on the purposes and principles of Convention No. 189;
- Need for Governments to regulate the employment relationship through inclusion of domestic workers in the general labour law and/or the adoption of specific regulations and standard unified contracts; and to consider alternatives or modifications to the current visa sponsorship system;
- Involvement of employers in the discussion to change perspectives on the work relationship with domestic workers.

The other working group was on **“Monitoring and Regulation: The Case of South Korea”** by Ms. Jinok Kwon, Deputy Manager of the Global Cooperation Team within the Human Resources Development Service of Korea (HRDKorea), moderated by Mr. Jumaa Albinkhalil, representative of the General Federation of the Workers and Trade Unions of Bahrain. Ms. Kwon began by giving an overview of HRDKorea’s Employment Permit System (EPS), based on a policy that allows small and medium sized industries to hire an adequate number of foreign workers. The system is run completely by the government, giving them control over the labour markets and the ability to decide how many migrant workers will enter Korea every year (decided yearly by committee on employment workforce) taking into consideration industry sectors, the economic situation of sending countries, market demand and overstay rate.

Ms. Kwon highlighted the most relevant features of the EPS, including the Korean language test and skills test administered to each potential foreign applicant before they are placed on rosters from which Korean companies can proceed to hire them. She emphasized the importance of highly developed Information Technology systems to support the EPS employment procedures, which are entirely electronic and transparent both on the side of the workers and employers. Importantly, Memorandums of Understanding have been undertaken with fifteen sending countries for a system of employment that ensures a commitment to rights, a vital part of which is a network between South Korea and the sending countries to exchange information. Ms. Kwon stressed the importance of providing training to workers and ensuring close collaboration between sending and receiving countries.

Key messages from discussion:

- Importance of the involvement of the state and role of the public authorities in the recruitment of workers;
- Need for matching demand with required skills;
- Need to establish strong relationship with sending countries on pre-departure training and content of contracts.

Plenary 2: Reforming recruitment processes

Global recruitment networks provide job opportunities for most domestic workers. High profit placement processes are in place; they are complex and involve a large number of intermediaries, often exploiting the vulnerability of domestic workers. This plenary addressed the concern of sending and receiving countries both of which are responsible for regulating and monitoring recruitment practices. While the focus of the workshop is domestic work, the session explored recruitment in other informal sectors to benefit from successful modules that contributed to fair recruitment.

The moderator, Mr. Andrea Salvini, began by clarifying that creative brainstorming is needed to reform recruitment processes, borrowing from different industries and regions. While the

South Korea case presents interesting practices that can prevent deception of contractual arrangements, the public regulator for agricultural workers from the U.K. (Gangmasters Licensing Authority (GLA), was invited to speak in this plenary because the ILO believes that state authorities can provide the rules of the game, making the process more efficient for employers and improving living and working conditions for migrant domestic workers.

To open, **“An experience from Lebanon’s Syndicate of the Owners of Recruitment Agencies in Lebanon” (SORAL)** was shared by Mr. Hisham El Bourji, President of SORAL. He began by emphasizing that the issue of domestic work has its own specificities and it needs to be addressed thereafter. He explained that recruitment agencies would benefit from adopting a Code of Conduct based on international standards as SORAL did, and made a business case for it. While the Code of Conduct was adopted by SORAL, its implementation faced some challenges due to the weaknesses of Lebanese laws. However, SORAL is working towards establishing a functional monitoring mechanism for its implementation. Mr. El Bourji expressed a concern over the fact that bans imposed by some sending countries hinder the work of SORAL’s members as licensed agencies; the Code of Conduct may be bypassed by having to deal with unscrupulous recruitment agencies in the sending countries and therefore hiring from the black market. Mr. El Bourji concluded by saying the future of the sector is Convention No. 189. SORAL’s vision is to alter the responsibility of sponsorship of domestic workers from individuals employers to companies, according to him this will benefit both the employers and the domestic workers.

This was followed by a presentation by Mr. Mark Heath, Deputy Director of the Gangmasters Licensing Authority (GLA), presenting on **“The Experience of the United Kingdom”**, where he described GLA as a labour provider, a small public body that is part of the Home Office, but not directly managed by them. GLA has the power of arrest and can obtain warrants for criminal investigations; it manages its work on an intelligence need-to-know basis. Any applicant who receives a request from GLA to describe how they conduct their business must comply. GLA follows a combination of the voluntary code and enacted legislation, the basic labour law standards are drawn from the ILO, but also replicate and take into account U.K. labour legislation. Many areas are covered: payment of wages, debt bondage, harsh treatment, intimidation, accommodation, max. hours of work, holidays, legality and rights of work.

Mr. Heath continued to say that tools and skills must be given to relevant industries for them to be able to give the licensing authority information and help lighten the burden, stressing the importance of this for the purpose of identifying human trafficking. This removes the burden from the most compliant companies, making way for dialogue with the regulator, and allowing regulation and “clean-up” of the industry in a transparent way. Key factors include training and education for regulating officers, and always seeking ways and initiatives to test their own practices. Notably, Mr. Heath stated that there is no detriment to the businesses that provide the workers and get licensed; in fact the output has greatly increased for businesses being regulated.

Mr. Salvini remarked that current transnational recruitment systems continue to be over the radars of national institutions in place to regulate the process of migration, *de facto* left to self-governance of recruitment agencies. The intervention of Mr. El Bourji described a system of self-regulation of recruiters in a destination country; this may inspire proposals of instruments that: i) on the one hand should not replace public institutions (the “rules of the game” should be binding by law) and on the other hand can and should play a critical role in increasing decent employment and working conditions of domestic workers viz. the current institutional vacuum.

Key messages from discussion

There is a need to:

- Improve and apply referral and complaint mechanisms to the domestic work sector;
- Strengthen the role of labour mediation. Private employment agencies now dominate the governance of traditional labour systems, and domestic workers should play a stronger role in this regard;
- Find ways to increase cooperation between embassies and recruitment agencies;
- Encourage normalization of freelance / live-out arrangements for domestic workers;
- Join forces between sending countries and recruitment agencies in destination countries (i.e. Philippines with SORAL) to stop illegal recruitment that can result in human trafficking and forced labour situations;

Plenary 3: Voicing domestic workers’ rights – the power of organizing

Despite the existence of informal networks and community-based initiatives, the level of formal organization of migrant domestic workers is limited in the Arab states. This session proposes constructive thinking on enabling factors that can promote collective organization and representation of migrant domestic workers. As Ms. Marieke Koning, Expert on Gender and Domestic Work for the International Trade Union Confederation in Belgium, highlighted while moderating the session, ten million workers worldwide now were better off with the adoption of Convention No. 189. Domestic workers in as many as 90 countries are able to join unions.

The first presentation by Mr. Castro Abdallah, President of the National Federation of Employees and Workers in Lebanon (FENASOL) spoke about **“Organizing before and after departure: the role of trade unions in receiving countries”**. He emphasized the importance of FENASOL’s work with domestic workers given that the Lebanese system and legislation does not protect them. FENASOL wants domestic workers to be able to express and defend themselves; he stated that they do not need pity, but empowerment. Mr. Abdallah went on to

say that domestic workers must know pre-departure, how they will set out to organize in the country of destination. FENASOL needs help and support to establish the Domestic Workers Committee, the first of its kind in the Arab world, which is now a part of FENASOL, but must become a body of its own. Further, Mr. Abdallah continued to explain that the future of domestic workers is to claim their due rights and that FENASOL revised its internal structure / system to accommodate them into the union. That said, he is convinced that these workers must be able to organize independently in order to properly receive their rights.

Ms. Anna Fernando and Ms. Rose Mahi, members of the Domestic Workers Committee in Lebanon, gave their personal take on **“The journey of organizing migrant domestic workers in Lebanon”**. The presentation explored the various stages that led to the establishment of the domestic workers committee in Lebanon; how it started with six community leaders participating in a research led by the ILO, and where their role was to recruit other domestic workers to take part in focus group meetings as well as facilitate those meetings. Through their involvement, the workers realized that they have common issues and worked to set common priorities that revolved around legal protection, decent treatment, pre-departure training, abolishment of bans, set working hours, freedom, and protection from any form of abuse. The workers agreed on a common goal for the community as “To assist Domestic Workers of all nationalities to be active in demanding their rights and refer them to relevant service providers”. Language, cultural barriers, motivation and the illegal status of some of the workers were the main challenges they faced in establishing the committee.

The presentation was followed by a speech by Ms. Mahi expressing the hopes and concerns of a migrant domestic worker in Lebanon: “In the language of many, domestic workers are at the lowest rungs of society, but I do not believe that this is the case. We are not only the ones who do the housework, we are the ones who allow you to do what you do, because when you go to work we stay back and take care of your homes, your children, your world. We come from different countries, we contribute to the development of our countries – every month that we send money back home, we pay a tax to your countries. We are just looking for respect from your part, and the right to live. We are not just the ones who clean after you, we do not want to be considered victims. And for this reason, us women migrant domestic workers have decided to unite and raise our voices and say no, now this is enough. So if we are now before you, it is to share with you that back at home we are doing something. And by home, I mean Lebanon, because of the time that we have lived and worked there....The ILO, FENASOL, have given us a hand, to create our union, but we have not yet arrived to the end of our road. For the moment we are in the process of calling all those who do not know of our existence, we invite them all to join us, so that united we can be stronger and be heard.”

Following on this Mr. Mustapha Said, the ILO’s Senior Workers’ Specialist for the Arab States, shed some light on the **“Legal aspect and feasibility of organizing”**, outlining the fundamental challenges faced by domestic workers in the context of not being able to form a union in Lebanon. He recognized that there has been some hope in this respect with the establishment of a union branch of ITUC in Jordan. Importantly, Mr. Said pointed out that domestic workers must be defended from abuse, gain the ability to raise their voices and network with relevant

organizations and among themselves. He claimed that there could be no advancement in society without this, and that without the ability to organize the nature of the Arab economy will not allow for equality among workers. Thus the importance of the ILO's work with FENASOL, which also put pressure on the countries of origin. Keeping in mind the challenges to domestic workers' ability to organize, including restrictions on mobility and time, the role of the union is to train the workers and advocate for policy reform. He added that an internal dialogue is needed between the unions, domestic workers and employers, and that communication with the parliament must be stronger. Finally, Mr. Said stressed that there is a responsibility among the organizations involved, which can help bring workers together and provide guidance, but that this does not replace the role of domestic workers. In his views, it is necessary to find a way to lessen the burden on domestic workers and provide them with incentives to organize.

Ms. Myrtle Witbooi, President of the International Domestic Worker Federation in South Africa, shared her thoughts on **"A recipe to empower domestic workers"**. She began with the question: What can we do for all these Arab countries, how can we reach out to the domestic workers? In South Africa, domestic workers could not challenge the employers in the past, and it was illegal for them to be out on the street after 6pm. "I'm not here to express the pain, but to empower the workers and tell you it can be done. Treat us as human beings like all other workers we are building the economies. Imagine in your own mind if on a Monday morning domestic workers around the world decided to stop working."

Ms. Witbooi's advice to domestic workers in Arab states is to talk about their struggle and think of the way to go forward. "Of course the employers in South Africa did not like what we were doing, but we challenged them. Some years later they challenged their government, and now South Africa has some of the best labour laws in the world." She also emphasized the need for labour inspectors. There is always the excuse of how much it costs, but it is not the concern of domestic workers. Ms. Witbooi ended by stating: "Our message is that we are workers, and as such we need to earn your respect. In June 2011, the ILO gave us back our pride, our dignity through the Convention No. 189, but we don't want it just to be on paper, we want all domestic workers to benefit from what we have won. It cannot work for us if you do not work with us. Even the governments of the Arab countries cannot be that high that they cannot listen. We need to free ourselves, we need to challenge our governments, we need to say it in front of them, and you need to follow us there. It's never been an easy road, I know what it's like to be inside a jail, locked up for speaking up, but if I can stand before you, tell you the struggle continues - together we can do it. One day we will come back to Lebanon and we will launch this domestic workers' union, and we will be so proud."

Key messages from the discussion

There is a need to:

- Find innovative ways to speed up the process of reforming legislation in a way that is aligned with Convention No. 189, until governments are ready to ratify;
 - Bridge gaps between the sending and receiving countries through workers' unions. The unions should all have a strategy to protect domestic workers and develop the relevant bylaws.
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Plenary 4: Strategic Approaches and Tools for Better Working Conditions

Strong labour migration governance systems are based on solid capacities of institutions and organizations to deliver comprehensive services both at sending and receiving countries. Ms. Zeina Mezher, moderating the session, stressed that the complexity of the issue requires complementary interventions at different levels. This session provides snapshots of different areas of capacity development aimed at improving the domestic work sector.

Ms. Marlene Atallah, Head of Division for the Beirut Department of the Ministry of Labour in Lebanon, gave an overview of the **“Challenges and Opportunities in Lebanon”**. She explained that a Lebanese National Steering Committee on Women Migrant Domestic Workers was established in April 2007 to address some of the challenges related to domestic work, involving relevant stakeholders. The goal has been to increase networking and communication between all the stakeholders and improve working conditions of domestic workers. According to Ms. Atallah, the most important achievement was the development and official adoption of a standard unified contract that weighs equally between the rights and responsibilities of workers and employers. Meeting the pre-set conditions linked to the standard unified contract is required for the domestic worker to receive a work permit. She added that multi-lingual awareness-raising tools were produced and disseminated in collaboration with the ILO.

Another decree was issued regulating the recruitment agencies and their relationship with domestic workers. Accordingly recruitment agencies are prohibited from taking any fees from the domestic workers and from exposing them to any type of abuse. In terms of the health and security of the workers, the General Security has been tasked with investigating and monitoring the situation of workers. Ms. Atallah concluded by stating that the development of relationships between Lebanon and the sending countries of domestic workers has been very important for communicating and agreeing on standards for the workers. Regarding Convention No. 189, the Ministry of Labour has been working on a national strategy to build on its articles.

Ms. Maria Elena Valenzuela, the ILO’s Chief Technical Advisor for the Global Action Programme on Migrant Domestic Workers and their Families presented on **“Improving working relations between domestic workers and the employers.”** She showed a [video](https://www.youtube.com/watch?v=tDZoOjS38MM)⁴ depicting how Uruguay, the first country to ratify Convention No. 189, has steadily improved the rights and protection for its 120,000 domestic workers, including a collective bargaining process. Along with the Liga de Amas de Casa (the league of housewives), which represented the employers, Uruguay’s tripartite commission consisted of one workers’ organization and chambers of commerce, and together they decided to promote the new legislation stemming from ratifying Convention No. 189.

⁴ <https://www.youtube.com/watch?v=tDZoOjS38MM>

Ms. Valenzuela explained that technical assistance programmes were designed for the workers' union and league of housewives, both of which were small, not very strong and did not have negotiation backgrounds. This included training and the development of an information campaign where workers and employers were informed about the new laws, the process of recruitment etc. A joint information guide was published to advise members of their rights and duties according to the law. Based on this, the first collective agreement was reached in 2008. With a few parting thoughts, Ms. Valenzuela stressed that it is important to identify the main issues prior to conducting successful social dialogue. Based on the case of Uruguay, three conditions can be considered: First, it is necessary to have legislation (a law that protects the rights of domestic workers and is adopted by all). Second, strong organizations are needed, and third there must be a mechanism and platform for social dialogue. Are these conditions present in the Arab countries? she asked the participants.

Finally Mr. Pdraig Dooley, Deputy Director of the National Employment Rights Authority (NERA) presented **"Alternative methods to inspection visits in the case of Ireland"**. Mr. Dooley outlined how NERA deals with disseminating information and conducting inspections and how this is applied to domestic work situations. To inform all migrant workers of their basic employment rights, all relevant leaflets are provided on a website. NERA's mission is to sustain a national culture of employment rights. NERA has 50 inspectors and an advisory board of social partners, unions, employers and workers; the biggest area of operations regards the provision of education and information to workers and employers alike. Workers receive information and education through call centres, which provide information in a non-directive way available in 14 different languages (including Arabic). NERA also performs thousands of inspections yearly, some of which are joint inspections. Inspector's powers include the right to exchange information and receive it from revenue social insurance and police authorities. Tools to assist inspectors include the legal right to share information, translation of documents, eight of the language inspectors are employed to speak other languages (other than Irish and English), and there are translators available by phone.

Mr. Dooley went on to detail the process of inspections, which involves examining records that the employer must keep, i.e. work hours start and end time signed off by employee, and interviewing the employer and employee, which can be done in outside the household. Types of offenses include failure to produce records, illegal work status, and minimum wage not met. He stressed that given the importance of empowering employers to follow procedures, the Employer's Guide to NERA inspections educates the employers, encouraging communication and cooperation. If it comes to a criminal prosecution, NERA publishes the names of the offenders in all cases where fines are imposed. Interestingly, Mr. Dooley shared some insight into the challenges of inspecting invisible work. Given the low number of complaints in these cases official records such as tax returns and employment permits, as well as recruitment agencies can be strong sources (i.e. having agencies write to homes pointing out basic minimum wage etc.). Another major challenge is the constitutional protection on private homes, where entry requires either consent or a warrant. NERA has countered this by inviting themselves to the employers' homes while letting them know their constitutional right to refuse, but reminding them that they have a legal obligation to be inspected and so must propose an

alternative location for the inspection if they refuse. This approach has yielded an 80 per cent acceptance rate into the homes. Finally, to be able to identify labour exploitation training and knowledge exchange has taken place between the police and NERA.

Working groups

Ms. Lama Oueijan, the ILO's Senior Employers' Activities Specialist for the Arab States, led a working group on **"Cases of involving the employers"**, while Ms. Mona El Boden, representative of the Association of Lebanese Industrialists, facilitated the session. Ms. Oueijan began by pointing to gaps within Convention No. 189 with regard to the employer. Notably, there is no article that defines the employer. Article 2.2 says the convention must be implemented where 'organizations of employers and workers exist' – but does not take into account situations where these do not exist at the national level. Given that the work provided by domestic workers is intangible, unique and provided at varying intervals and times per day, there are no guidelines on how to price it, who should price it and who regulates the fees of private employment agencies. Ms. Oueijan further outlined ambiguities within articles of C.189: the parameters of social security protection (including maternity protection). She suggested that a system that provides temporary replacement for the worker at no added cost for the employer needs to be in place. The uncertainty behind labour inspections, setting the number of work hours, the method of calculating remunerations (minimum wage and in-kind payments) are most needed in the Arab states as well as freedom of association and collective bargaining. In conclusion, Ms. Oueijan proposed actions aimed at employers, including raising their awareness, managing allegations of non-respect (grievance mechanisms), developing codes of conduct for households and disseminating these through private employment agencies. Her parting thought was that employers are also employees elsewhere, and they must recognize that domestic work is also valuable work.

Key messages from the discussion

There is a need to:

- Undertake research on employers, particularly on who is managing the work relationship. It is especially important to determine this when it comes to signing a contract (legal employer), and in the case of settling disputes;
- Find new ideas for organizing employers, particularly housewives;
- Raise awareness of employers on Convention No. 189 and specify their rights and obligations;
- Identify incentives for the employer, i.e. how they can benefit positively from changing their behaviour and improving the situation for domestic workers.

In parallel, Mr. Hilaire Willems, Director of the Belgian Ministry of Labour's Division of foreign employers and migrant workers, presented "**Good practices in involving labour inspectors**", facilitated by Ms. Tina Oulie, the ILO Associate Expert on Gender Equality for the Arab States. Mr. Willems specified that in Belgium migrant domestic workers have legal access to trade unions, labour courts and tribunals. Private employment agencies, domestic or foreign, must be licensed and are subject to regular inspections by several government agencies - if they do not comply their license is withdrawn. Migrant domestic workers can contact the Belgian labour inspectorate, which has constant access to all working places on Belgian territory, but must prove to the special magistrate that there is unusual activity to obtain a court order to enter a private household. They cooperate with social security office, police, magistrates and EU inspectorates.

Mr. Willems explained that in cases of forced labour or trafficking, the inspectorate has an obligation to cooperate with federal institutions: special reception centres for victims, prosecution magistrates specialized in dealing with trafficking and the foreign office. There are also prevention schemes in place that provide relevant information and assistance – migrant domestic workers are informed via different awareness raising channels such as websites in different languages both in Belgium and in countries of origin and embassies. Training is offered to specialists such as police, detention centre employees and doctors to recognize the signs of human trafficking. Mr. Willems explained that inspectors identify exploitation based on a list of indicators in the form of questions to ask themselves and the possible victim of trafficking / forced labour. Notably, if victims cooperate, they are protected by law from deportation and if the case is won, they get a permanent license to stay in Belgium or Belgian nationality.

To close, Mr. Willems shared good practices - the interview must be done by a labour inspector and not by the police as many migrant workers are undocumented and are afraid of the police. When a worker is found undocumented, the worker has the right to take three months of wages with arrears from payment. Inspectors must be aware of cultural political and economic situation of workers. Penalties involved include non-declared work, illegal worker, non-payment of salary per person and fines are imposed on employers.

Key messages from the discussion include the need to:

- Train labour inspectors on issues related to domestic work; and follow up on inspections with a response to anyone who files a complaint related to abuses of domestic workers;
- Find innovative techniques to ensure minimum wage payment and hourly rate of domestic workers – i.e. the voucher system through private companies in Belgium;
- Develop special checklists to identify cases of discrimination, human trafficking, force labour and any types of abuse;
- Consider workers' unions having their own inspectors who are sensitive to the issue of domestic workers and able to truly protect them in situations where they are otherwise too afraid or even unable to file complaints;
- Put a system in place to impose bans and other penalties on employers who have violated the required conditions based on labour inspections;
- Monitor and regulate inspectorate systems to ensure proper training / practices and reliability of inspectors i.e. inability to corrupt them through bribery or other means, as part of this ensure that employers and domestic workers have the ability to complain about inspectors. Other solutions include transferring inspectors yearly to slightly different areas so that they remain neutral and paying them a fair amount.

Closing Session

The final session consisted of an exercise to guide the way forward and inform the ILO's regional strategy on domestic work in the Arab States for the coming years. Participants were divided into four groups and a rapporteur from each group summarized their discussions.

Group 1 discussed "Modernization of Labour Migration Governance and Regulation of the Domestic Sector" and suggested to:

- Discuss labour interventions through organizing representation of workers and employers and participation in social dialogue for all relevant domestic work issues;
- Improve statistics (for labour market analysis) and research on recruitment agency practices;
- Organize discussions for workers and households on their needs and concerns, on a regular basis;
- Raise awareness; sensitize domestic workers and employers to each other's problems, on cultural aspects and human rights in general;
- Reform legislation such that once domestic workers have been in a country for two years, they have the right to regularize their existence and work in that country.

Group 2 discussed “Protection and Representation of Domestic Workers” and suggested to:

- Create a hotline for domestic workers and employers that feeds into a database;
- Create a domestic workers’ committee (with legal expertise and a tripartite component);
- Raise awareness through information guides distributed to migrant domestic workers upon arrival to the airport of the receiving country; and train them before their departure;
- Involve the Ministry of Labour as the regulator on the country-level, the Arab Labour Organization at the regional level and benefit from the ILO’s support, as well as its global perspective for the assessment of migration data regionally.

Group 3 discusses “Giving Voice to the Employers of Domestic Workers” and suggested to:

- Advocate for freedom of association with ILO’s support through a campaign to ratify Conventions No.189 on Freedom of Association and No. 87 on Protection of the Right to Organise;
- Establish a legal framework to give voice to the employers and comprehensively address the whole issue of domestic work with ILO’s legal and institutional support;
- Raise public awareness on decent work for domestic workers through the support of the ILO, civil society organizations, the public sector and Parliamentarians;
- Use existing bodies that govern employers, e.g. chambers of commerce, to motivate their involvement in the issue of domestic workers.

Group 4 discussed “Research Awareness Raising and Advocacy” and suggested to:

- Conduct research on the reality of the conditions of domestic workers in each community, country and the region, as well as on employers;
- Revise existing laws to implement legislation related to domestic work;
- Strengthen the role of media in advocacy work; and raise awareness and provide education to the workers and employers on their rights and responsibilities – authorities should also be targeted.
- Provide information on cultural awareness, society and tradition of both the sending and receiving countries and share the experience of each Arab country with other countries in the region.

To conclude the workshop, Mr. Frank Hagemann asked participants to share a sentence on whether they found the workshop useful and what they would take away from it. Participant responses showed enthusiasm for working towards improving the standards of domestic work and taking home the good practices learned from the workshop. They expressed that they were encouraged to find new ways to adopt the articles of Convention No. 189 into their national legislation, that common solutions to domestic work issues could be found from common challenges faced worldwide. The exchange of ideas and experiences was reported as beneficial for many. One of the participants expressed that “a fair employer is a happy employer,” and participants seemed to agree that balancing the rights and responsibilities for employers and workers was particularly important. Mr. Hagemann finally brought the technical workshop to a close stating that the role of the ILO is to bring together actors and parties that do not usually intervene with one another, and provide a forum for exchange of often controversial views, with the aim of eventually achieving consensus. As a follow up to this workshop, the ILO Regional Office for the Arab States will finalize a strategy that will guide the work on domestic work in the region ensuring coherence and effective response to the needs of the countries served.

Annex 1: Programme

Day 1: Saturday 11 th October, 2014		
19:00-20:30	Reception dinner at the Roof Bar, Dedeman hotel	
Day 2: Sunday 12 th October, 2014		
08:30-09:00	Registration	
09:00-09:45	Opening ceremony: Opening remarks - Mr. Frank Hagemann, Deputy Regional Director, ILO Regional Office for the Arab States (ROAS)	
	Introduction of programme and participants	
09:45-11:00 Session moderator: Ms. Emanuela Pozzan, ILO ROAS	Domestic workers: The ILO global strategy Key note address – Ms. Manuela Tomei, Director of WORKQUALITY, ILO H.Q.	
	- Dignity and rights of domestic workers: Realities in Arab states - Responding to regional challenges in the Arab region Presenters: Mr. Andrea Salvini and Ms. Zeina Mezher – ILO ROAS Discussion	
11:00-11:30	Group photo and coffee break	
11:30-12:30 Session moderator: Ms. Maria Gallotti, ILO H.Q.	Plenary 1: Regulating domestic work at national level: Experiences from countries	
	Work in progress: The case of Jordan , Mr. Ibrahim al-Saudi, Director of the Migration Department, Ministry of Labour, Jordan Integrating domestic workers in the national legislation of the Philippines , Ms. Nini A. Lanto, Director, Welfare and Employment Office, the Philippines Regulating domestic work in Italy , Ms. Marilina Armellini, Counsellor of the Italian Permanent Mission to the UN, Switzerland Discussion	
12:30-13:30	Working groups	
	Application of international labour standards Mr. Torsten Schackel, ILO ROAS Mr. Hadi Alenezi, Ministry of Manpower, Kuwait	Monitoring and regulation: The case of South Korea Ms. Kwon Jinok, Deputy Manager, Global Cooperation Team of Human Rights Department, South Korea Mr. Jemaa Ali Albenkhalil, Workers’ representative, Bahrain
13:30-15:00	Lunch	
15:00-16:30 Session moderator Mr. Andrea Salvini, ILO ROAS	Plenary 2: Reforming recruitment processes	
	An experience from Lebanon’s Syndicate of the Owners of Recruitment Agencies in Lebanon , Mr. Hisham El Bourji, SORAL, Lebanon An experience from the United Kingdom , Mr. Mark Heath, Deputy Director Gangmasters Licensing Authority, U.K. Discussion	
18:00-20:30	Bosporus dinner cruise	

Day 3: Monday 13th October, 2014		
09:00-10:00 Session moderator: Ms. Marieke Koning, International Trade Union Confederation (ITUC), Belgium	Plenary 3: Voicing domestic workers' rights – the power of organizing The journey of organizing migrant domestic workers in Lebanon , Ms. Anna Fernando and Ms. Rose Mahi, Domestic Workers Committee, Lebanon Organizing migrant domestic workers starts at home: Practical suggestions from sending countries – the example of Nepal , Ms. Binda Pandey, General Federation of Nepalese Trade Unions, Nepal A recipe to empower domestic workers , Ms. Myrtle Witbooi, President, International Domestic Workers Federation, South Africa Discussion	
10:00-11:00	Working groups	
	Legal aspects and feasibility of organizing Mr. Mustapha Said, ILO ROAS Mr. Jasim Hamoud Hamad Al Malki, General Federation of Oman Trade Unions, Oman	Organizing before and after departure: the role of trade unions in receiving countries Mr. Castro Abdallah, National Federation of Employees and Workers, Lebanon Mr. Fathalla Omrani, Jordan's Textile Workers Union, Jordan
11:00-11:30	Coffee break	
11:30-12:45 Session moderator: Ms. Zeina Mezher, ILO ROAS	Plenary 4: Strategic approaches and tools towards better working conditions Challenges and opportunities in Lebanon , Ms. Marlene Atallah, Head of Beirut Department, Ministry of Labour, Lebanon Improving working relations between domestic workers and the employers , Ms. Maria Elena Valenzuela, ILO H.Q. Alternative methods to inspection visits: The case of Ireland , Mr. Padraig Dooley, Deputy Director, National Employment Rights Authority, Ireland Discussion	
12:45-13:45	Working groups	
	Cases of involving the employers Presentater: Ms. Lama Oueijan, ILO ROAS Ms. Mona El Boden, Association of Lebanese Industrialists, Lebanon	Good practices in involving labour inspectors Mr. Hilaire Willems, Director, Division of Foreign Employers and Migrant Workers, Belgium Ms. Tina Oulie, ILO ROAS
13:45-15:00	Lunch	
15:00-16:30	The way forward	
16:30-17:00	Concluding remarks	

Annex 2: List of Participants

Name	Title	Institution/ Affiliation
Mr. Abdallah, Castro	President	National Federation of Employees and Workers in Lebanon
Ms. AbulHusn, Hana	Research Consultant	PROWD, ILO Regional Office for the Arab States
Mr. Al Enezi, Hadi	Representative	Manpower and Government Restructuring Program, Kuwait
Mr. Al Hsainat, Khaled	President	Recruitment Agencies Association, Jordan
Mr. Al-Bourji, Hisham	President	Syndicate of the Owners of Recruitment Agencies in Lebanon (SORAL)
Mr. Al-Hadid, Ali Falah	Representative	General Federation of Trade Unions, Jordan
Mr. Al-Malki, Jasim	Representative	Workers' Organization, Oman
Mr. Al-Saudi, Ibrahim	Director of the Migration Department	Ministry of Labour, Jordan
Mr. Albinkhalil, Jumaa	Representative	GFWTUB General Federation of the Workers and Trade Unions of Bahrain
Mr. Alkhalaileh, Mohammad	Representative	Jordan Chamber of Industry, Jordan
Mr. AlKhood, Mondher	Representative	Labour Market Regulatory Authority, Bahrain
Ms. Armellin, Marilina	Embassy Counsellor	Italian Permanent Mission to the United Nations, Switzerland
Ms. Atallah, Marlene	Head of Division	Beirut Department, Ministry of Labour, Lebanon
Ms. Berber, Ozge	Senior Officer	ILO, Ankara, Turkey
Mr. Dooley, Pdraig	Deputy Director	NERA - National Employment Rights Authority Dublin-Ireland
Ms. El-Boden, Mona	Representative	Association of Lebanese Industrialists, Lebanon
Ms. Erdogan, Seyhan	Professor	University of Ankara, Turkey
Mr. Fernando, Anna	Representative	Migrant Worker Committee, Lebanon
Ms. Galotti, Maria	Specialist in Migration Policies	ILO H.Q
Mr. Hagemann, Frank	Deputy Regional Director	ILO ROAS
Mr. Heath, Mark	Deputy Director	Gangmasters Licensing Authority, United Kingdom
Ms. Kobeissi, Rola	PROWD Communications Consultant	ILO Regional Office of the Arab States
Ms. Koning, Marieke	Expert on Gender and Domestic Work	ITUC, Belgium
Ms. Kwon, Jinok	Deputy Manager	Global Cooperation Team, HRDKorea, South Korea

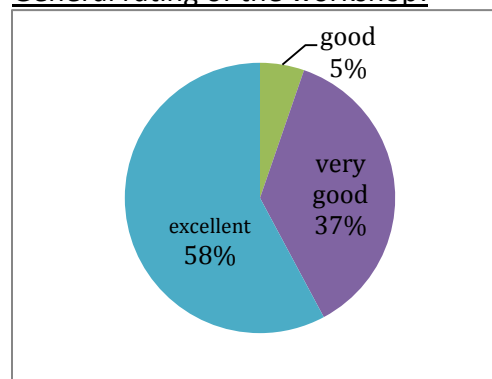
Ms. Lanto, Nini	Director	Pre-Employment Services Office, the Philippines
Ms. Mahi, Rose	Representative	Migrant Worker Committee, Lebanon
Ms. Mezher, Zeina	National Project Coordinator	PROWD, ILO Regional Office for the Arab States
Mr. Omrani, Fathalla	President	Jordan's textile workers union/Arab Trade Union Confederation, Jordan
Ms. Oueijan, Lama	Senior Employers' Activities Specialist	ILO Regional Office of the Arab States
Ms. Oulie, Tina	Associate Expert	ILO Regional Office of the Arab States
Ms. Pandey, Binda	Representative	Governing Council of GEFONT, Nepal
Ms. Pozzan, Emanuela	Senior Gender Equality Specialist	ILO Regional Office of the Arab States
Mr. Said, Mustapha	Senior Workers' Specialist	ILO Regional Office of the Arab States
Ms Saliba - Massad, Tania	PROWD Project Assistant	ILO Regional Office of the Arab States
Mr. Salvini, Andrea	Chief Technical Advisor, Migration and Governance Network	ILO Regional Office of the Arab States
Mr. Schackel, Torsten	Senior International Labour Standards Specialist	ILO Regional Office of the Arab States
Ms. Toksoz, Gulay	Professor	University of Ankara, Turkey
Ms. Tomei, Manuela	Director	WORKQUALITY, ILO H.Q
Ms. Unger, Carla	Project Consultant, Migration and Governance Network	ILO Regional Office of the Arab States
Ms. Valenzuela, Maria Elena	Chief Technical Advisor, Labour Migration Branch	ILO H.Q
Ms. Vejs Kjeldgaard, Rie	Senior official	ILO H.Q.
Mr. Willems, Hilaire	Director	Division of foreign employers and migrant workers, Ministry of Labour, Belgium
Ms. Witbooi, Myrtle	President	International Domestic Worker Federation, South Africa

Annex 3: Evaluation⁵

Most useful aspects of the workshop:

The majority of the participants valued the exchange of experiences and opinions from various countries. Many appreciated the representation of governments, workers' and employers organizations and the expertise provided by the ILO. Finally, information provided on Convention No. 189 was considered very useful and essential for understanding interventions done by the ILO so far.

General rating of the workshop:



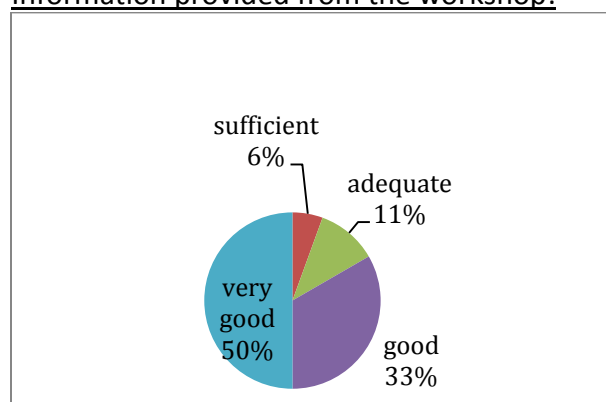
Least useful aspects of the workshop:

The majority of the participants considered that all the aspects of the workshop were relevant and useful. However, one commented that the time allocated to the working groups was short and another that the interpretation service was at times not good. One did not think the employers' opinions were taken sufficiently into consideration in the workshop, whereas another participant did not find the working group on labour inspection interesting. A person suggested that participants should be asked longer in advance of the workshop to prepare and propose solutions to issues exposed, and that participants were more encouraged to participate actively. Finally, it was proposed that human trafficking was more elaborated on during the workshop.

Suggestions for improvement:

Most of the participants considered that the workshop was very well organized, but some suggested there could have been a wider media coverage to optimize the sharing of information. Moreover, one suggested that all syndicates for this sector should be invited to similar conferences in other countries, and that conferences for families that employ domestic workers should be established in order to sensitize them on the rights of their employee. In addition, it was proposed that the ILO support the establishment of cooperatives which could provide recruitment agencies with inputs and information on tripartite structures, etc. In addition, help of Arab governments

Information provided from the workshop:

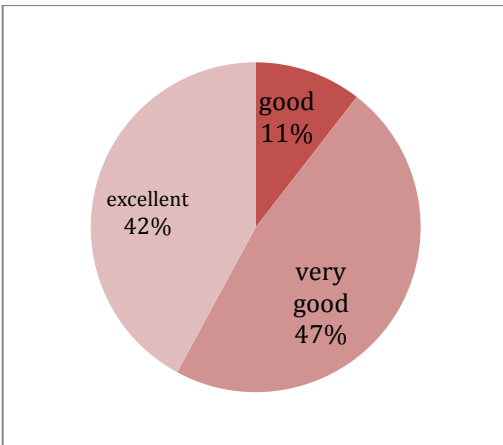


⁵ The evaluation is based on feedback form 20 participants.

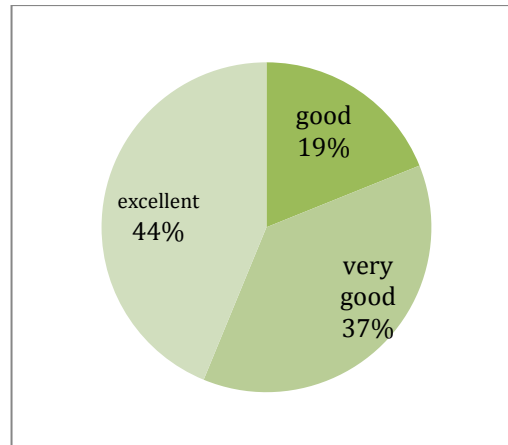
to ratify the Convention No. 189 is a must. Finally, a participant emphasized the importance of committing and implement actions identified at this workshop and previous meetings.

Evaluation of workshop sessions:

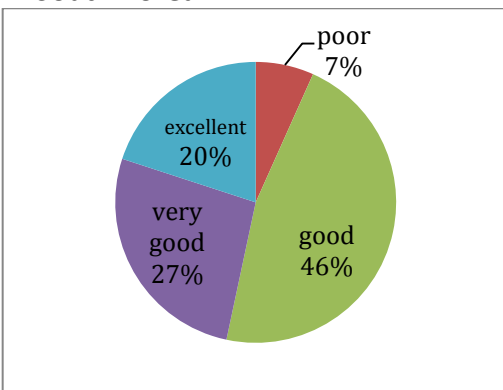
Plenary 1: Regulating domestic work at national level



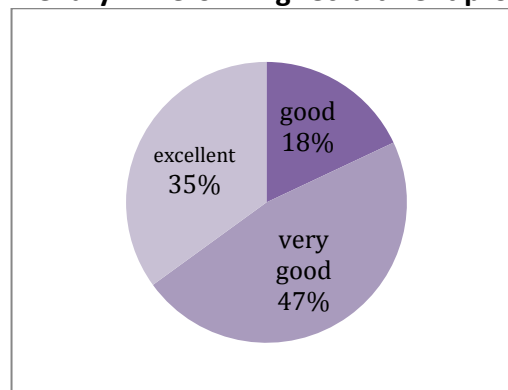
Working group: Application of international labour standards



Working group: Monitoring and regulation in South Korea

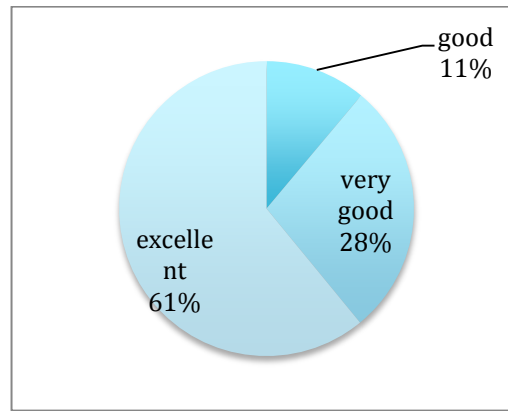
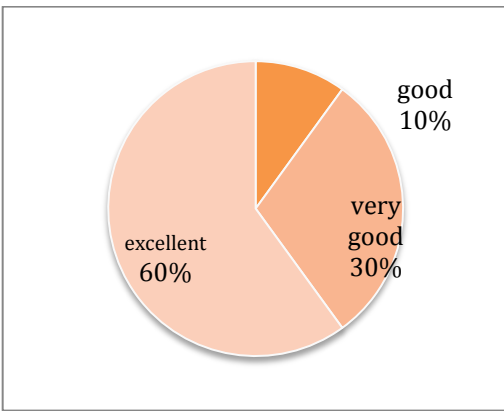


Plenary 2: Reforming recruitment processes

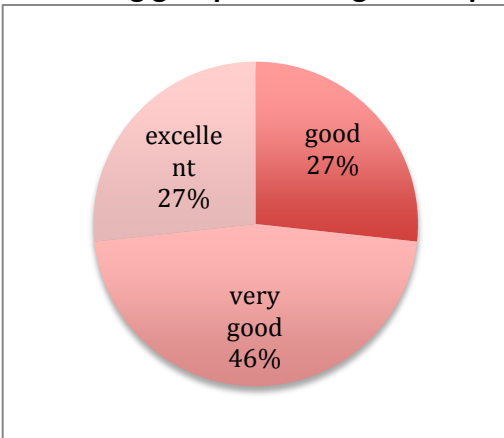


Plenary 3: Voicing domestic workers' rights

Plenary 4: Strategic approaches and tools to better working conditions



Working group: Involving the employers



Working group: Involving labour inspectors

