



International
Labour
Organization

Escaperating **OUT OF ISOLATION**

THE CASE OF MIGRANT DOMESTIC WORKERS
IN KUWAIT, LEBANON, & JORDAN



14-15 December 2014, Amman

Ready or not, here we are: Domestic workers slowly starting to self-organizing in Arab states

Although self-organizing of domestic workers is not yet a reality in the Middle East, seeds have been planted and nourished at ILO's Validation Roundtable in Amman 14-15 December 2014. Reflecting a global trend, new ideas are emerging on how to create space for domestic workers to *cooperate out of isolation*.

- Many parts of the world are seeing an upsurge of membership-based organizational activity among domestic workers. A study issued by the ILO's Migration and Governance Network (MAGNET)¹ entitled "Cooperating out of isolation: the case of domestic workers in Jordan, Kuwait and Lebanon," identifies emerging examples of self-organizing through cooperatives. Cooperatives² have been recognized as a viable business model that provides services to their members across a wide range of sectors, such as agriculture, finance, housing and social services. Cooperatives, as member-owned and controlled enterprises, can also serve organizational functions, allowing for joint learning and solidarity, and a collective voice to claim rights and decent working conditions.
- However, in the Middle East, there is still a long way to go. The fact that most labour laws in the region exclude domestic workers increases the risk of vulnerability and exploitation of the worker. Similarly, domestic workers in the majority of Arab countries are not allowed to establish a trade union, although they may have the right to join a national workers' union such as in Lebanon, Jordan and Kuwait. Despite the existence of informal networks and community-based initiatives, at times led by religious institutions, the level of formal organization of migrant domestic workers continues to be limited. Hence their voices remain largely unheard.
- The MAGNET study maps current legislative and policy frameworks, institutional structures and membership-based initiatives that can provide domestic workers with the space to economically organize in Jordan, Kuwait and Lebanon. It also looks at current opportunities in national legal frameworks that could allow and promote domestic workers' economic enterprises and solidarity economy organizations, with cooperatives being an attractive option. Effectively, research shows that cooperatives can help provide services for their members and improve the governance of the domestic work market, especially vis-à-vis private employment agencies.

Phil Fishman, Program Manager of Better Work Jordan opened the workshop:



- **Isolation:** In the Middle East, more than 2 million domestic workers work within a particularly isolating environment. Most of them are migrants, tied to individual sponsors under the Kafala system; typically "live-in" with no say in their contractual arrangements or working conditions. Restricted freedom of movement and cultural and linguistic barriers all compound their isolation, limiting their social interaction and integration.
- **Cooperating:** Calling upon governments to ensure that domestic workers and their employers enjoy freedom of association and right to collective bargaining, the adoption of the **ILO Domestic Workers Convention, 2011 (No. 189)** and Recommendation 201 has led to an

¹ MAGNET is funded by the Swiss Agency for Development and Cooperation.

² The ILO, in its Recommendation No. 193 on the Promotion of Cooperatives (2002), defines a cooperative as "an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise."

upsurge of organizational activity by domestic workers in membership-based organizations. Organizing through various forms of solidarity organizations can offer domestic workers a collective voice to advocate their rights to employers and policy-makers. In essence, that is what this Roundtable Meeting is about: reminding us that domestic workers are neither family members, nor servants, but workers with rights.

Objectives:

- 1) To empower migrant domestic workers to advocate for their rights and improved working conditions
- 2) To discuss ways to create enabling environments for domestic workers to organize and bargain collectively

The workshop was jointly organized by MAGNET, ACTRAV (Workers Bureau) and ILO's Cooperatives Unit, headed by Senior Technical Specialist **Simel Esim**:



- There is now a well-established body of experience of self-organizing of domestic workers in economic enterprises and solidarity economy organizations – primarily cooperatives – which the Arab region can build on and learn from. Cooperatives are democratic and can be instrumental in responding to domestic workers' needs and rights, while ensuring decent working conditions
- This is an occasion to look at opportunities, e.g. linking workers in sending and receiving countries, rethinking often exploiting labour mediation practices. Self-organizing through cooperatives may also provide solutions to the work of formalizing the informal sector and responding to increasing care needs across the world.

Senior Gender Specialist **Emanuela Pozzan** presented the four MAGNET strategy pillars to promote decent working conditions for domestic workers:



- 1) Research and awareness-raising
- 2) Advisory services to craft legal and policy reform
- 3) Capacity building of institutions to implement reforms
- 4) Organizing domestic workers

Geographical focus area: Bahrain, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia and the U.A.E.

Pierre Laliberte (picture) and **Mustapha Said** from ACTRAV pointed out that the starting point for all forms of workers' organizing is the need to raise their voice collectively, either in unions or cooperatives, which share many features:



- Protection and promotion of members' economic and social interest
- Voluntary adherence and resignation
- Democratic management and control
- Membership education and training
- Provision of services to members and support to self-employed workers

Differences between trade unions and cooperatives

Trade unions

- Members' fees
- Factors of success:
 - Numerical strength
 - Militancy
 - Membership discipline and loyalty
 - Action based on antagonism employers-workers
- Revendicative approach

Cooperatives

- Members shares
- Factors of success:
 - Quality/continuity of economic action
 - Management skills
 - Membership participation
 - Action based on suppression of social antagonism
- Direct economic management and responsibility

- The complementary role unions and cooperatives can play vis-à-vis each other is apparent in the ILO Labour Union Services Study: 85 % of unions surveyed stated it was important for labour organisations to work with cooperatives to improve standards of living. The study also revealed a considerable interest in supporting worker/producer cooperatives (74 %) and consumer cooperatives (69 %).
- **Mustapha Said** emphasized that domestic workers need to be included in the labour legislation in Arab states, that the sector must be recognized as such, and discrimination based on nationality be ended.

Presentations of findings from study



Researchers **Thoraya al Rayyes** and **Nizar Saghie** presented the findings of the study, focusing on legal loopholes and opportunities that allows domestic workers to organize in Jordan, Kuwait and Lebanon, while waiting for them to be included in the labour law on an equal footing with other workers including the right to form and/or join unions, to form cooperatives or other types of social and solidarity organizations.

- The legal picture is bleak but improving. Despite legal challenges in formalizing an organization, the study finds examples of domestic workers self-organizing and looks at how these structures can be formalized.
- Research shows cooperative model offers opportunities to address the economic, social and cultural needs of migrant domestic workers.
- **Options in Jordan:** Law allows establishment of cooperatives by migrants but has not yet been attempted. Creating a new union is difficult, but migrants can form a committee affiliated with trade union movement, or establish of a branch of a foreign organization. A foreign association branch does not need licensing by parliament but requires support from Jordanian nationals. Such an association could have branches in both Jordan and Lebanon.
- **Options in Kuwait:** Associations or committees affiliated to NGOs or embassies are possible options. It is difficult for nationals to establish unions and non-Kuwait cannot establish a union. NGOs can only be set up by nationals, and as all domestic workers are migrants, locals cannot be expected to establish NGO on behalf of domestic workers.
- **Options in Lebanon:** Domestic workers can join trade unions but not run for election. Possible to create committee under union (cf. Fensol). NGOs established by non-nationals are permitted. National associations are an option if allying with national domestic workers. A foreign association branch is difficult, and require licencing by parliament. Religious organizations could also be considered, as they are not likely to be challenged by authorities.

Examples of collective self-organizing in other parts of the world

Fish Ip from the International Domestic Workers Federation explained that in Asia, a range of models have been tried; some have worked, others have been less successful. It is necessary to be experimental and context-focussed.



Examples of models attempted in Asia:

- 1) Domestic worker cooperative under union*
- 2) Cooperatives working in parallel with unions
- 3) Domestic worker cooperative (stand-alone)
- 4) Community-based *collectives*
- 5) Cooperatives in sending countries

- Employers and supporters, including trade unions, need to create space and enable domestic workers to get together. Unionists who are themselves employers of domestic workers and need to be educated.

*Example: Domestic worker cooperative under union

Despite their significant contribution to the Indian economy, most self-employed women workers in India do not have affordable health care. A lack of sanitation and safe water can breed illness; poor health can interfere with a woman's ability to earn a living and to care for family, while seeking treatment can lead to debt and increased poverty. In 1984, the Self-Employed Women's Association (SEWA) of India introduced a full primary health care service that focused on disease prevention and promotion of well-being. SEWA, a trade union and association for Indian women working in the informal sector, had already negotiated with the Government of India for help to allocate maternity benefits to poor women. In addition, local women, especially traditional midwives (dais), were trained so that they could serve as "barefoot doctors" to their communities. In 1990, these health services developed into Lok Swasthya Mandali, a registered state-level cooperative of midwives and health workers that links SEWA members to preventive and curative health care, including maternal and child care. The LSM provides lifesaving, preventive health information and low cost, appropriate curative services at women's doorsteps. It also creates employment opportunities for women health workers (WIEGO in ILO 2014, "Cooperating out of Isolation").

"Solidarity is the basis for everything we do. We don't have the power and the capital that the employers have. But we have the people who care and are ready to act."

Rebecca Kemble, President of the US Federation of Workers Cooperatives



Rebecca Kemble, President of the US Federation of Workers Cooperatives, is member of a taxi cooperative where members collectively own vehicles and assets. They work in collaboration with civil society organisations and unions.

- The main objective of workers cooperatives is to create job, improve working conditions and improve wages. Cooperatives need to be member-driven are dependent on a critical mass and a second layer – a network of workers cooperative like the US FWC to be effectiveness and influential.

“The workers know what is needed. They just need to be given the space to organize.”

Ligia Gualpa, Workers Justice Project (WJP)

Ligia Gualpa runs the New York-based WJP, an NGO supporting domestic workers –previously were hired on street corners– to organize collectively:



- The women migrant domestic workers used to compete with each other, lacked protection and risked not getting paid, sexual harassment and hazardous working conditions. The formation of Apple Eco-Cleaning Co-op was driven by the workers themselves at their own speed. What they needed was the space, supportive structures and training.
- Achievements include raising working conditions, ensuring ownership and control of labour; \$20 per hour; safe working practice; flexible hours with right to lunch break; paid vacation time; training and leadership development and freedom from sexually harassed while cleaning homes.
- The cooperative has given the workers collective power to negotiating with the employers and legislators, allowing them to set new standards contribute to the passing of a national Bill of Rights for domestic workers which requires private employment agencies to inform workers about overtime, benefits and other entitlements, regardless of immigration status.
- In the US, unions have failed to organize and protect (undocumented) migrant workers in the informal sectors, such as house cleaning and construction. Yet, cooperatives cannot replace trade unions. Apple Eco-Cleaning Co-op is exploring opportunities for partnership with union.
- The role of employers is very important. The US needs a value system shift: How come the work of somebody who is caring for your home is not valued? How can a person feel they *own* someone else's labour? Employers – and workers – need to be held accountable. The US now has employer associations dedicated to shift the minds of other employers. We need to make sure that workers are protected, but also that their employer are held accountable.

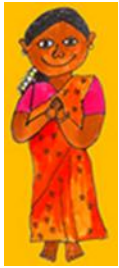
Grania Mackie, ILO Chief Technical Advisor in South Africa sees it as gender issue that domestic work is under- valued:



- Domestic workers are 5 % of the total South African workforce (1.2 million people). 96 % are women accounting for 15 % of total female workforce.
- Ratified Recommendation 189 in 2011 and has advanced legal framework:
 - Domestic workers Basic Conditions of Employment Act
 - Minimum wage and social protection compulsory
 - Cooperative development Act (contradicting labour law)
- South Africa has a strong Domestic Worker Trade Union SADSAWU and community constituencies, informal groups of domestic workers and migrant worker cooperatives, but no formal migrant domestic workers cooperatives.



Malati Gadgil presented the success story of how thousands of waste pickers in Pune in India came together and formed a worker cooperative to compete with private waste management companies threatening their livelihood.



- Solid Waste Collection and Handling (SWaCH) has a democratic structure with 2300 members engaged in door step collection of waste in Pune. They entered into a formal memorandum of understanding with Pune in 2008. The municipality does not pay them, but workers collect user fee for door step collection from citizens. Sale of scrap is their other source of income.
- The SWaCH model secures livelihood better conditions of work for waste pickers, cleaner waste for recycling industry and reduction in municipal expenses for waste management.
- Most cooperative members are also members of trade unions.
- For more information contact malti.gadgil@gmail.com.

Lebanon



Farah Abdallah from the Lebanese trade union federation Fenasol announced the plans of establishing a union for domestic workers in 2015, springing out of their domestic workers committee. The Lebanese labour law does not recognize the service of domestic work so workers cannot establish a union by themselves.

- The current committee represents over 400 domestic workers from various nationalities (notably Nepalese, Ethiopian, Filipino, Sri Lankan and Lebanese) and participated in the founding congress of the IFDW in Uruguay in 2013. Sub-groups have been created for different nationalities.
- Movement started in 2011- 2012 following a series of request for help from migrant domestic workers. Important to build trust and reach out through local human rights NGOs (Anti-Racism Movement, Kafa and Insan), balcony talks and social media. Now members pay a membership fee and more than 120 migrant domestic workers meet weekly and receive training and support from Fenasol and ILO.
- Fenasol is considering partnership with cooperatives, with support of NGOs. Fenasol is closely linked to the Lebanese Communist Party, which has a history of operating cooperatives.

Bernadette Daou and Kafa have been supporting organizing of Bangladeshi, and Nepalese migrant domestic workers since 2010 in partnership with the General Federation of Nepalese Trade Unions.



- Following capacity-building and leadership training, the Group of Nepalese Feminists in Lebanon (NARI) was formed. Members are trained to document rights violations and file complaints to police.
- GFNTU conducted pre-departure sessions in Nepal for migrant domestic workers and capacity building for NARI members in Lebanon.
- NARI is decentralized, and reach out to Beirut suburbs and North Lebanon. Members have generated revenue by selling handicrafts and organize activities in Migrant Community Centre auspices in Beirut.

“The main challenges we domestic workers face are excessive working hours, non-payment of salary, poor living conditions, confinement in the house and withholding of passport. The government needs to end the kafala system.”

Lydia Gebreselasie, domestic worker and community leader

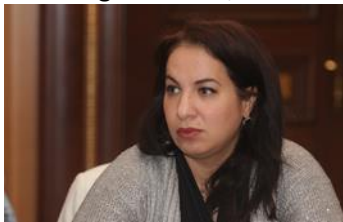
Lydia Gebreselasie is an Ethiopian domestic worker and community leader at the Migrant Community Centre, supported by the Anti-Racism movement.



- MCC provides a safe space in which migrant workers can meet and form networks. ARM facilitates the organization of migrant workers, advocates for their rights and refers domestic workers who come to them with an employer dispute to community leaders experienced in mediation.

Jordan

Hind Benammar from the International Trade Union Confederation (ITUC) announced that the Arab ITUC affiliated trade unions have agreed on the need to create space for domestic workers, including nationals, which will then be incorporate in the federation.



- The process has started in Lebanon, Morocco and Palestine. Jordan also plans to establish a committee for domestic workers under a trade union
- It is important to create space, share contact information of unions with domestic workers and collaborate with sending countries. The organization should start from country of origin.
- Unions must lobby to change the law to include domestic workers. Most domestic workers are excluded from the law. It is the role of the union to promote decent work for domestic workers through social dialogue.



Azzam Somadi from the General Federation of Independent Unions in Jordan said they are trying to establish a trade union of domestic workers operating outside the framework.



Mirvat Al-Jumhawee from the Garment union supports the organizing of women migrant workers in partnership with the **Emily Hylton** and ILO Better Work-run Workers Centre in Al Hassan Industrial Zone in Jordan since it opened early 2014.



- The centre offers a space where migrant factory workers from Sri Lanka, India, Bangladesh, Myanmar, Madagascar and Ethiopia (70 % women) can socialize, get training and address their issues.
- The centre, run by Jordanian and migrants staff who understand the situation of the workers, offers space for a life outside work with trainings (e.g. computer, language, self-defence), gym facilities and cafeteria. A group of women migrant volunteers took part in leadership training, learning what it means to be voice for their community. Many are now community leader and decided and manage services in the centre.
- In case of any rights violations or complaints, union is present and ready to assist workers in the centre. The union plays a facilitatory role and is depending on workers trusting them.

Free legal aid services are available to migrant domestic workers through Tamkeen (**Linda Al-Kalash**), the Adalah Center for Human Rights, the National Center for Human Rights and the Jordanian Women's Union.



- Civil society initiatives are also oriented towards awareness-raising on human and labour rights of migrant domestic workers and providing these workers with humanitarian and legal assistance.
- The Jordanian Women's Union also runs a shelter for abused women which accepts migrant women. Caritas Jordan runs a community center open to migrant domestic workers and organizes social events for them.
- **Sara Khatib** from the American Center for International Labor Solidarity has an anti-trafficking project in Jordan focusing primarily on domestic workers. They have established a network for domestic workers and link them to other initiatives. Providing a safe space and cooperation with embassies is important, especially since many of the domestic workers are undocumented and isolated in house of the employer.



Kuwait

Abdul Rahman Al Ghanem from the Kuwait Trade Union Federation (KTUF) insists that domestic workers needs to be recognized as workers and included in unions. A domestic workers committee would also strengthen the union. There is lack of awareness in the union on the importance of collective work for domestic workers, as well as fear of involving themselves.



- KTUF is an active advocate for rights of migrant workers and established a migrant workers office in the federation in 1993. KTUF has been considering the idea of forming migrant worker committees under its umbrella, the idea being that these committees would be able to conduct elections and advocate for migrant workers' rights without having to receive government approval for the formation of a trade union. KTUF is a member of Arab Regional Network for Migrant Workers' Rights and actively advocates for the abolition of the kafala system.

A few civil society organizations in Kuwait are active on domestic workers' rights and working conditions, mainly with a humanitarian focus.



- Kuwait Society for Human Rights (**Khaled Hamidi Ajmi**) has focused on awareness-raising activities, documentation of cases involving migrant domestic workers reported in media and is considering establishing a legal aid center. The society has expressed interested in establishing migrant domestic workers' committees associated with their society.

Bahrain

Abdulkarim Mohamed Ali from the General Federation of Bahrain Trade Unions believes the focus should be on cooperation between unions and cooperatives.



- In Bahrain, it is necessary to start with what is on the ground. There is freedom of association and trade union are open to organize all workers. The new labour law recognized domestic work in specific articles. Bahrain is also developing a system for transfer salaries of workers from banks.
- The federation works with women unions offering shelter for domestic workers in need. Domestic work used to be unpaid work, considered the duty of the mother in the family. There is a need to engage media to change this idea.

Oman



Mohammad Derwish from the General Federation of Oman Trade Unions explained that the union in Oman is still new.

- Oman shares some communalities with Kuwait. It would be better if domestic workers were included under the umbrella of the federation, and there should be a domestic workers committee that can communicate with other committees.
- It is difficult to reach out domestic workers and help them before they are deported, also considering that inspectors are not allowed to enter households.
 - The main problem is in the private employment agencies where domestic workers are put under financial pressure and forced to work against their will. Sometimes the workers has to pay their salary to the agencies the first months. Employers who cause trouble should be prevented from employing other workers.

Possible models for self-organizing for migrant domestic workers

These models emerged as the most plausible options for Arab states, based on roundtable discussions and research conducted as part of the MAGNET study.

- 1) Domestic worker cooperative supported by a trade union, or within a trade union, or within an association for production or service.
- 2) Domestic worker cooperative working in parallel with a trade union in country of origin with returned migrants.
- 3) Establish stand-alone domestic worker cooperative, if allowed to, in receiving countries.
- 4) Domestic workers join established trade union or an established cooperative in receiving countries or specific domestic worker trade union committees.
- 5) Domestic workers could join trade unions or cooperatives in sending countries.
- 6) Pre-cooperative or collective model tested before establishing a cooperative.
- 7) For Jordan or Lebanon: Establish an association or cooperative and exchange (branch/multi-country).
- 8) Multi country network of domestic workers
- 9) IDWF focal point in the Middle East
- 10) Associations/migrant worker organizations: establishing branches in receiving countries.

Ways forward for supporting migrant domestic workers



1) Structures and mechanisms for supporting migrant domestic workers

- Structures and models should include sustainability strategies from the beginning.
- Mechanisms that cut costs of the recruiter.
- Tools: ILO: emerging best practice tool to support decisions about different models of support for migrant domestic workers.
- ITCU's plan of action on supporting domestic workers.
- Encourage cross country learning and experience sharing.
- Sharing information about migrant domestic workers in a responsible way.

2) Partnerships going forward to supporting migrant domestic workers

- Partners should include or be driven from bottom up. The representation of domestic workers and giving them safe space for dialogue is important.
- Employers should be included as partners. Although a challenge to include individual households as employers.
- Stakeholder in sending countries should be included as partners (e.g. associations, trade unions, governments for data).
- Consider partnering national and migrant domestic (i.e. local workers in cleaning/ janitorial services) together to work towards common goals.
- Build on informal organizations that already exist in domestic worker networks (e.g. savings and community groups, social activities).
- Partnerships with other service providers to provide services for migrant domestic workers.
- Corporations/employers who may want to support better work for domestic workers.
- Women's rights groups are often natural partner to support domestic worker groupings.
- Network with IDWF: briefing on emerging practices in Arab region.
- Network with ATUC women's committee.
- Partnerships with receiving government for data and information (e.g. data base and location and contract details).

Annex: Background material and resources

	<p>Event page and video: “Living and working conditions of domestic workers in the Arab Region”</p> <p>English: http://www.ilo.org/beirut/events/WCMS_325235/lang--en/index.htm</p> <p>Arabic: http://www.ilo.org/beirut/events/WCMS_326273/lang--ar/index.htm</p>
	<p>Brief for discussion: “Cooperating out of Isolation: The Case of Migrant Domestic Workers in Jordan, Kuwait and Lebanon”</p> <p>English: http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_325243.pdf</p> <p>Arabic: http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_327587.pdf</p>
	<p>Background paper: Cooperatives and the world of work No.2: “Cooperating out of isolation: Domestic workers’ cooperatives”</p> <p>English: http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---coop/documents/publication/wcms_307218.pdf</p> <p>Arabic: http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_327583.pdf</p>
	<p>Concept note and agenda</p> <p>English: http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/meetingdocument/wcms_325237.pdf</p> <p>Arabic: http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/meetingdocument/wcms_326479.pdf</p>
	<p>Video: Living and working conditions of domestic workers in the Arab Region</p> <p>English: http://www.ilo.org/beirut/media-centre/multimedia/WCMS_319504/lang--en/index.htm.</p> <p>Arabic: http://www.ilo.org/beirut/media-centre/multimedia/WCMS_319537/lang--ar/index.htm</p>
	<p>Video: “The contract”</p> <p>English and Arabic: http://www.ilo.org/beirut/media-centre/multimedia/WCMS_317805/lang--en/index.htm</p>