



DECENT WORK

A better world starts here.



International
Labour
Organization

Women and men migrant workers: Moving towards equal rights and opportunities

International migration – women and men moving from one country to another in search of decent work opportunities and a better life – has occurred throughout history. Yet migration has become one of the defining global issues at the dawn of the twenty-first century, rising to the top of the policy agenda at national, regional and international levels. Nearly all countries today are affected by migration, as origin, transit or destination countries, and often a combination of the three. The driving forces of migration in today's globalized world are disparities in incomes and wealth, decent work opportunities, human security, demographic trends, and social networks.

In 2005, it was estimated that 191 million women and men crossed borders to reside and/or work outside their countries of birth or citizenship, surpassing the population of Brazil, the fifth most populous country in the world. In 2005, female migrants made up 49.6 per cent of all migrants world-wide and more than 50 per cent in Europe, Latin America, North America and Oceania.¹ The ILO estimates that of the 191 million, about 94 million were economically active – migrant workers.² Since refugees and asylum seekers in the same year were not more than 15–20 million at the most, about 90 per cent of world's migrants are migrant workers and their families. Thus, international migration today is primarily a decent work and labour market issue.

"Migrants are an asset to every country where they bring their labour. Let us give them the dignity they deserve as human beings and the respect they deserve as workers."

Juan Somavía, Director-General of the International Labour Organization marking first UN designated International Migrants Day (18 December 2001).

In countries of origin, migration for employment can contribute to development through remittances, return migration, and engagement of transnational communities (diaspora). Return migrants bring back human capital,³ financial capital (savings) and social capital⁴ (contacts and access to networks). Return migrants and the diaspora facilitate the development of new markets, creation of commercial ties (between countries of origin and destination), the transfer of technology, and economic and political reforms in countries of origin. Women migrants play an important role in all these areas as remitters, return migrants, and transnational entrepreneurs, among others. The huge growth of monetary remittances serves to highlight the positive contribution of labour migration to reduce poverty and promote economic and social development. According to the World Bank, formal remittances sent home by migrants from developing countries amounted to \$240 billion in 2007,



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¹ United Nations Department of Economic and Social Affairs, 2005. *Trends in Total Migrant Stock* (Population Division, New York).

² Estimates by the ILO's International Migration Programme (MIGRANT), Geneva.

³ Human capital remittances is the transfer of skills and knowledge acquired abroad by migrants and their children.

⁴ Social capital remittances refer to the transfer of ideas, beliefs and new values on rights and opportunities.

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more than double the level in 2002.⁵ The actual size of remittances, including unrecorded flows through formal and informal channels, would be even larger. Remittances were more than double the level of official development assistance (ODA) flows to developing countries in 2007. In many poor countries, they are the largest source of external financing. While there is no global data, women are believed to be better remitters and savers due to their close affiliation to the family and their stronger concern for the welfare of their children. According to the World Bank, a 10 per cent increase in the share of remittances will lead to about a 2.0 per cent decline in the depth and/or severity of poverty in the developing world.⁶

In countries of destination, immigrants- of all skill levels- are making substantial contributions to productivity and growth. Highly-skilled workers meet the demand in high technology industries, and keep economies globally competitive. At the same time, low-skilled workers fill in jobs in high demand that national workers often shun but which represent essential work in sectors such as agriculture, construction, hospitality industries, among others. They render economically viable many traditional sectors and enterprises and contribute to non-inflationary economic expansion. Immigration also rejuvenates workforces and largely contributes to maintaining social security and welfare schemes in a context of population decline and ageing. Women migrants are essential to the health and care economy of many countries, carrying out household chores and caring for dependent children, the infirm and disabled and the growing numbers of the elderly – freeing national women to take up higher status, better paying jobs.

There is a dichotomy, however, between the increasing and often unacknowledged demand for foreign labour – fuelled by the demographic decline and labour market demands in destination countries – and the barriers being erected against the admission of potential men and women migrants, especially low skilled workers, from developing countries. The unrecognized demand for migrant workers to meet labour market shortages in various sectors in countries of destination often leads to growth of irregular migration and trafficking of women and men, leading to serious abuse and exploitation in destination countries. The ILO estimates that the percentage of undocumented migrant workers could be close to 15 per cent of the total number of migrant workers, but no firm data is available.

MALE AND FEMALE MIGRANT WORKERS IN SELECTED COUNTRIES							
	Total	Men	Women		Total	Men	Women
		%	%			%	%
Bahrain (2003)	221 546	83	17	Bahrain (2007)	373 656	84	16
Kuwait (1999)	1 023 628	79	21	Kuwait (2001)	968 960	78	22
Qatar (2001)	36 246	82	18	Qatar (2005)	53 936	78	22
Saudia Arabia (1974)	391 000	95	5	Saudi Arabia (2000)	3 000 000	64	36
UAE (1980)	505 000	95	5	UAE (2000)	1 300 000	67	33
Oman (1993)	432 000	90	10	Oman (2001)	530 000	66	35
Israel (2000) ¹	49 000	71	29	Israel (2007) ²	36 500	53	47
Taiwan (China)	...	...	...	Taiwan (2005) ³	327 396	39	61
Hong Kong SAR	...	...	...	Hong Kong (2006)	285 384	21	79
South Korea (2000)	332 087	62	38	South Korea (2006)	826 998	86	49
Chile (1992)*	35 547	70	30	Chile (2002)*	85 136	56	44
Costa Rica (1984)**	35 793	80	20	Costa Rica (2000)**	150 297	68	32
Argentina (1991)***	774 269	66	34	Argentina (2001)***	782 231	58	42
Brazil (1991)****	351 166	75	25	Brazil (2000)**	304 973	71	29
Venezuela (1990)**	607 015	70	30	Venezuela (2001)****	622 994	66	34

Sources: Asian Migrant Yearbook 2005; Bahrain Labour Market Authority (Tables A1&A2); Annual Statistical Abstract, Kuwait (2001); Annual Statistical Abstract, Qatar (2006); Population Census 2006, Hong Kong (China); International Labour Office, International Labour Migration Database; UN, International Migration: Latin America and the Caribbean, Demographic Observatory (April 2006); Korea National Statistical Office, Social Indicators in Korea (2007); Statistical Abstract of Israel (2006); Saudi Arabia - Ministry of Labour and Social Affairs; UAE - Population Census and Annual Statistical Abstract, Ministry of Planning; Oman - General Census of Population, Housing and Establishments (Ministry of Development Estimates).

¹ based on data from Border Control files.

² based on number of entrants with work permits.

³ based on number of contract workers as of December 2005.

* based on number of foreign-born, economically active population, aged 15 years and over.

** based on number of foreign-born, economically active population, aged 12 years and over.

*** based on number of foreign-born, economically active population, aged 14 years and over.

**** based on number of foreign-born, economically active population, aged 10 years and over.

... means unavailable data

⁵ Ratha, D. and Mohapatra, S. *Increasing the Macroeconomic Impact of Remittances on Development*, Development Prospects Group, The World Bank, Washington D.C. 20433, November 26, 2007.

⁶ Adams, R.H. and Page, J., 2003. *International Migration, Remittances and Poverty in Developing Countries*, Policy Research Working Paper Series, no. 3179 (World Bank, Washington D.C.) p.22.



Despite the lack of recognition, it needs to be highlighted that globally women account for half of total international migrants. While the share of females in total migration has shown only a marginal rise since 1960 or so, the global numbers do not reveal the important changes in the character of female migration. Data systems are still gender-blind. Over the years, the proportion of women who have migrated for work has grown rapidly and is still on the rise. Traditionally, women migrated to unite with their families. Today, more women and girls, of all skill levels, are migrating for work, often on their own – as sole breadwinners. As shown in the table below, the share of women migrant workers has increased significantly in some countries of destination, and in countries such as the Republic of Korea, Israel, Chile and Argentina, they almost represent half of the total migrant workers.⁷

Because of the rapid growth of female labour migration – often referred to as the feminization of migration, and because women and men migrants' experiences often differ, increased attention is today given to the gender dimensions of migration, including issues of special protection for women. Overall migration policy therefore requires specific gender sensitive analysis and solutions.

Women migrant workers often find themselves in domestic work and care giving, "invisible" sectors, where they are often not protected by the destination country's labour legislation. This can lead to high levels of exploitation and abuse. At the same time, immigration can also be empowering for women who gain additional portable skills, higher self-esteem and increased economic independence.

THE GENDER DIMENSIONS OF MIGRATION

WOMEN MIGRANT WORKERS CAN ACCUMULATE NUMEROUS LEVELS OF DISCRIMINATION:

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

The global segregation of labour markets largely affects the types of work available to both men and women migrant workers. Whereas many economic sectors are open for men, women migrant workers are heavily concentrated in female-dominated occupations, often the services sector. And these occupations are most commonly associated with traditional gender roles. There is an increasing demand for women migrant workers of all skill levels for care-giving jobs. For instance, by the year 2000, the percentage of foreign-born nurses in Organisation for Economic Co-operation and Development (OECD) countries represented 11 per cent of the total, and the percentage of foreign-born doctors 18 per cent of the total.⁸

On the other hand, today's migrants, men and women alike, face profound challenges including poor conditions of work and harsh working environments, racism, sexism and labour market discrimination. In addition, women and men migrants frequently sacrifice decent living conditions, health care, nutrition and education. Women migrant workers' concentration in private homes and other unregulated venues rather than public workplaces can represent more vulnerability in terms of discrimination on gender, racial, ethnic, occupational and nationality grounds. They may also find themselves victims of exploitation, hazardous work conditions and psychological, physical and sexual abuse. In occupations such as domestic work, women migrant workers often find themselves excluded from the right to family reunification. Large numbers of them can also often find themselves excluded from legal employment when arriving as spouses of temporary workers.

FAMILY REUNIFICATION AND ACCESS TO EMPLOYMENT FOR MIGRANTS' PARTNERS

It is widely recognized that the most painful social cost of migration is the separation of children from their parents, especially when it is the mother that has migrated. The ILO recommends that family reunification be facilitated, as much as possible. The right to family reunification is provided mainly in traditional immigration countries, but not in most countries offering migrants temporary contract labour arrangements, thus resulting in difficult and long separations of family members. In some instances, residence and work permits provided under regularization schemes benefiting a large number of women migrants do not facilitate family reunification: usually earning lower wages and concentrated in the domestic sector, women migrants often have greater difficulty accumulating the income and access to housing to prove they can sponsor relatives.

⁷ ILO's compilation of data based on national sources.

⁸ OECD, 2007. "International migration to OECD countries continues to grow in response to labour needs", http://www.oecd.org/document/39/0,3343,en_2649_33931_38835943_1_1_1_1,00.html, [accessed 5 December 2008].

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Household employment or domestic work is a major source of employment for both women migrant documented and women migrant undocumented workers. Data obtained on male and female migrant workers in the domestic service from a limited number of receiving countries (see table below), confirm that the percentages of women migrant workers out of the total of migrant workers in the domestic service are very high: 95 per cent for Argentina in 2001, 64 per cent for Bahrain in 2007, 87 per cent for Brazil and 92 per cent for Chile and Spain.⁹ An interesting trend in Bahrain and Spain, two of the most important receiving countries for women migrant domestic workers, is that the percentage of male migrant workers in the domestic sector is increasing. Many women migrant workers have acquired legal status for domestic sector jobs in the country they had found work. In Greece, Italy and Spain, for instance, a large number of women foreign workers concentrated in the domestic sector have been regularized.

MALE AND FEMALE MIGRANT WORKERS IN THE DOMESTIC SERVICE IN SELECTED COUNTRIES

		2000	2001	2002	2003	2004	2005	2006	2007
Argentina	Total		87 525						
	Women %	...	96	...	...	...	...	...	...
	Men %	...	4	...	...	...	...	...	...
Bahrain	Total			29 377	33 458	38 993	46 507	52 522	59 353
	Women %	...	...	67	66	66	66	65	65
	Men %	...	...	33	34	34	34	35	35
Brazil	Total	5 505							
	Women %	89	...	...	...	...	...	...	...
	Men %	11	...	...	...	...	...	...	...
Brunei Darussalam	Total						20 267		
	Women %						87		
	Men %						13		
Chile	Total			14 709					
	Women %	...	...	92	...	...	...	...	...
	Men %	...	...	8	...	...	...	...	...
Jordan	Total					41 321			
	Women %					49			
	Men %					51			
Spain	Total	45 650	51 611	72 519	79 182	73 893	175 051	223 131	
	Women %	94	95	95	95	95	93	92	
	Men %	6	5	5	5	5	7	8	
Thailand	Total						104 306		
	Women %						81		
	Men %						19		

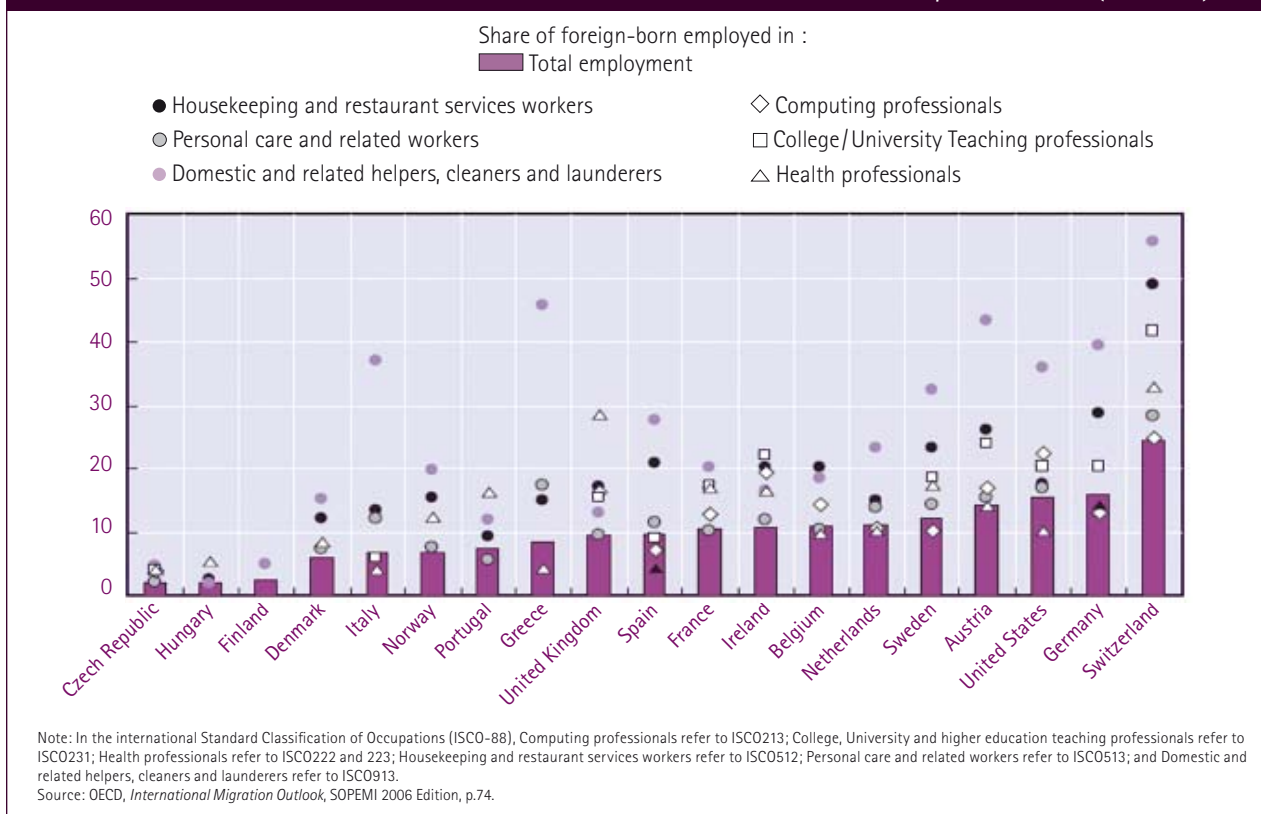
Other jobs held by women migrant workers include cleaning or waitressing services and in the entertainment industry. In this category, a lot of cases of trafficking have been reported. By the year 2005, it was estimated that 270,000 persons were found in a forced labour situation as a result of trafficking in industrialised countries.¹⁰

⁹ ILO calculations based on the following sources: Argentina, Brazil, Chile: UN- ECLAC, International Migration in Latin America (IMILA), Demographic Bulletin, 2000-2006. Bahrain: Labour Market Regulatory Authority based on General Organization for Social Insurance, Pension Fund Commission and Civil Service Bureau monthly data files. Notes: Data for 2006 Q2 is that of 2006 April and for 2006 Q3 is that of August. UNIFEM (2005): Good Practices to Protect Women Migrant Workers, High level Government Meeting of countries of Employment, 1-2 December, Bangkok - Thailand. Department of Statistics, Jordan, Population and Housing Census, 2004. Spain: Boletín de Estadísticas Laborales. Ministerio de trabajo y Asuntos Sociales. Data obtained assumes that the division by sex is similar to that of the totality of domestic workers. Department of Employment, Ministry of Labor, Thailand 2005.

¹⁰ ILO, 2005. *A Global Alliance against Forced Labour, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work* (Geneva), p.14.



SHARE OF FOREIGN-BORN EMPLOYED IN SELECTED OCCUPATIONS IN THE SERVICE SECTOR, 2004-2005 (IN PER CENT)



To a lesser extent women migrant workers can be also found in retail trade sales jobs, and in manual jobs in labour-intensive manufacturing, mainly in sweatshops. Only a limited number of migrant women can be found working in agriculture, although more recently, the hiring of women migrant workers replacing men in labour intensive tasks in several industrialised countries has been encouraged, for a range of reasons. Men migrant workers are predominant in mining and construction.

In spite of international standards to protect migrants, their rights as workers are too often undermined, especially if the migrants go abroad undocumented searching for a job. While no reliable data on undocumented migrants by sex can be found, the report on Gender and Migration prepared by the Global Commission on International Migration argued that due to "... the undervaluing of women's labour and restrictions on their right to work, a higher proportion of women migrants than men are statistically invisible and are or could become undocumented".¹¹

On this issue, a distinction needs to be made between migrants benefiting from permanent migration opportunities and those going abroad under temporary schemes. The proportion of documented women immigrants is slightly higher than that of men in traditional immigrant countries such as Australia, Canada, New Zealand, the United States and the United Kingdom that provide possibilities of permanent migration through point systems. However, most temporary migration schemes (with the exception of the migration of domestic workers to the Gulf States, the Middle East and some important Asian receiving countries such as Malaysia, Japan, and Singapore) seem to be providing more legal migration possibilities to men than to women migrants. In most OECD countries, when legal and official recruitment efforts take place for temporary migration, they are frequently aimed at construction workers and farm labourers, jobs usually done by men.



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¹¹ Piper, N., 2005. *Gender and Migration*, commissioned background paper for the Global Commission on International Migration, p.4.

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A very important reason for women migrant workers' vulnerability is that the jobs they find are mainly concentrated in the informal economy and are thus not covered or only partially covered by the labour legislation and social security and welfare provisions of the country of destination.¹²

In general, abuses and exploitation against women migrant workers are less identifiable than those suffered by men migrant workers since they occur either at an earlier stage of the migration process or in more "invisible" labour market situations with weak labour inspection services, like domestic work and care giving. These abuses can include non-payment or withholding of wages, control or lack of freedom of movement, withdrawal of passports and other identity documents, large working daily shifts (between 12 to 16 hours a day), long working weeks of seven days with no days-off, violations of physical integrity (physical punishments, intimidations, ridicule, verbal humiliations and sexual exploitation), as well as bad living conditions comprising inadequate provision of food, water, and lodging.

Skilled and highly-skilled women migrate to find better-paid jobs, depriving home countries of their often much-needed skills and services. However, since an important number of them migrate in an irregular situation, they often end up in occupations below their qualifications, resulting in their "deskilling," a process which appears not to be gender neutral. More women than men migrants are likely to experience deskilling or "brain waste" -- trapped in jobs not commensurate with their qualifications and experience. Not only does this deskilling represent a loss to the workers themselves, but also a loss of valuable human resources to both countries of origin and destination, called the brain waste.

A recent OECD report shows that emigration rates to OECD countries of highly-skilled women often exceed those of their male counterparts and that the proportion of highly-skilled migrant women is higher, the poorer is their country of origin. The report concludes that "the gender dimension of the brain drain should be at the core of the on-going efforts to improve the policy coherence for development, notably through migration policies and aid policies".¹³

Migration has also permitted unscrupulous organized gangs, recruitment agents and others, to engage in illegal practices like trafficking considered a criminal offence by international and national standards. Trafficking is a labour migration issue of major concern. ILO estimates indicate that women and girls are the overwhelming majority of those trafficked for commercial sexual exploitation (98 per cent). They also comprise 56 per cent of the victims of forced economic exploitation.¹⁴ Trafficking is a labour migration issue of major concern. The number of young women trafficked clandestinely across borders involving severe exploitation, deception, coercion and brutality continues to grow. Victims of trafficking are particularly vulnerable to exploitative labour situations due to their inability to speak the local language, and their irregular status in a foreign country.



ILO RESPONSES AND PARTNERSHIPS

The ILO is the only member of the UN family with a constitutional mandate to protect migrant workers. This mandate was re-affirmed by the 1944 Declaration of Philadelphia and the 1998 Declaration on Fundamental Principles and Rights at Work. Since its establishment in 1919, the ILO has pioneered international conventions to both direct migration policy and the protection of migration workers. All four sectors of the ILO – standards, employment, social protection and social dialogue – work on labour migration, with a view to ensure decent work for all. The ILO has adopted a rights-based approach to labour migration and actively promotes social dialogue in labour migration policy involving governments, employers and workers.

Two ILO Conventions specifically address the protection of migrant workers, namely the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), along with their accompanying non-binding Recommendations.¹⁵ These Conventions apply equally to women and men migrant workers, even though these Conventions were adopted at a time when women mostly migrated in the context of family reunification. In addition to the two ILO Conventions, the International Convention on the Protection of the Rights of all Migrant Workers and Their Families adopted in 1990 (entered into force in 2003), together serve as an international charter for the rights and protection of migrant workers and their families. To date, 80 countries have ratified one or more of the three Conventions. ILO instruments have inspired many countries to develop migration legislation even if these countries have not ratified any of these three instruments.

¹² ILO, 2004. *An Information Guide: Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers*, Booklet 4 "Working and Living Abroad" (ILO, Geneva), p.11.

¹³ Dumont, J.-C., Martin, J.P. and G. Spielvogel, 2007. *Women on the Move: The Neglected Gender Dimension of the Brain Drain*, OECD World Forum on Statistics, Knowledge and Policy, p.21.

¹⁴ ILO, 2005. *A Global Alliance against Forced Labour, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005*, Geneva, p.15.

¹⁵ See ILO Recommendations No. 86 and No. 151.



INTERNATIONAL INSTRUMENTS WHICH PROTECT WOMEN MIGRANTS INCLUDE:

- The Universal Declaration of Human Rights
- The UN's International Conventions on:
 - Protection of the Rights of All Migrant Workers and Members of Their Families;
 - Elimination of All Forms of Discrimination Against Women (CEDAW);
 - Elimination of All Forms of Racial Discrimination (CERD);
 - The Rights of the Child (CRC);
 - Covenants on Economic, Social and Cultural Rights (ESCR) and Civil and Political Rights (CPR);
 - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000).
- ILO Conventions no. 97 and no. 143 on Migrant Workers; its Declaration on Fundamental Principles and Rights at Work and its follow-up; and its Multilateral Framework on Labour Migration (2006).

Two other ILO instruments are relevant to the protection of women migrants. Firstly, the ILO Declaration on Fundamental Principles and Rights at Work (1998) places an obligation on all ILO member States (irrespective of ratification of the relevant conventions) to respect, promote and realize, in good faith and in accordance with the ILO Constitution, the principles concerning fundamental labour rights. These rights are: freedom of association and the right to collective bargaining, non-discrimination in employment and occupation, effective abolition of child labour and elimination of all forms of forced or compulsory labour. This Declaration applies to all men and women migrant workers, irrespective of their legal status.

Secondly, in 2004 the *World Commission on the Social Dimension of Globalization* proposed the development of a multilateral framework to govern international migration that would establish the basis for beneficial ways of increasing migration with due regard to the sovereignty of states, make processes predictable and legal, eliminate trafficking and other abuses committed especially against women, and ensuring protection against discrimination and facilitating their local integration. This was accomplished by the International Labour Conference (ILC) 2004 General Discussion and Resolution, that articulated a global analysis of the issues and challenges, identified main relevant policy lines for governance of labour migration, and set an explicit and comprehensive plan of action for the Organization and its tripartite constituents. The plan of action was adopted by consensus by tripartite delegations of 178 countries.

The centrepiece of ILO's Plan of action on Labour Migration is the 2006 *Multilateral Framework on Labour Migration*. This is a non-binding instrument that contains a number of principles and guidelines to assist member States to develop more effective labour migration policies. This Framework promotes the protection of women migrant workers in a number of ways, including by calling for gender-sensitive policies, sex-disaggregated data, the provision of opportunities for decent work for all women of working age, bilateral and multilateral agreements addressing gender-specific trends and measures to address trafficking and assist and protect victims. It also acknowledges the special circumstances of women and children in the context of trafficking and other abusive migration conditions.

Important practical tools recommended by its International Labour Conventions and Recommendations on Migrant Workers and used in ILO's work comprise: Bilateral Labour Agreements, Model Employment Contracts, Social Security Bilateral Agreements, Recognition of Diplomas Agreements, Labour Market Assessments and Labour Market Information Systems providing information on jobs at home and abroad.

New legal tools may be needed however to better address the protection of women migrant workers, specifically. The 2010 ILC is to discuss decent work for domestic workers, with a view to developing a new ILO instrument, which will serve to protect women migrant workers within this sector.



THE MINISTRY OF LABOUR AND ITS PUBLIC EMPLOYMENT SERVICE

Most migration today is about work and if the aim is to achieve informed and transparent orderly labour migration systems based on realistic assessments of labour market needs, the ILO believes that migration should be considered from the labour angle and that the Ministry of Labour should be a key actor in migration dialogue. The role of Ministries of Labour in countries of origin and destination is significant in providing, among others, employment services, labour inspection and the monitoring of private recruitment agencies.

The ILO provides capacity-building to its tripartite members in how to mitigate the circumstances driving migration in source countries through the generation of decent work opportunities (of adequate and rewarding employment), and reduce decent work deficits nurturing pressures to emigrate. In terms of fostering better employment of migrants in destination countries, the ILO provides capacity-building, among others, on gender-sensitive employment and vocational training policies that help migrant workers in their integration in the local labour market.

The ILO assists policy-makers in integrating and mainstreaming labour migration issues in national employment, gender equality, labour market and development policies to maximize opportunities and minimize risks for women and men migrant workers. In addition, it is important to address root causes of migration - labour market segmentation and discrimination; differential and often discriminatory impact of legislation, policies and programmes on different groups of women and men migrant workers; high unemployment; limited access to productive resources; and poverty; all factors which limit women's choices, concentrating them in market saturated, traditional 'female' activities with low visibility and poor, often dangerous working conditions.

MANILA CALL TO ACTION

Protecting the rights of migrant women was officially endorsed by more than 430 representatives at the *International Conference on Gender, Migration and Development* held in Manila, 25-26 September 2008. The *Manila Call to Action* was adopted by Governments from 36 countries, trade unions, employers' organisations, the private sector, civil society organizations, women's and religious associations, academia and international organizations. The Call highlights the importance of seizing opportunities and upholding the rights of women migrant workers and their families.¹⁶ More details can be found at www.ilo.org/manila or www.icgmd.info

The ILO is a founding member of the Geneva Migration Group, now the Global Migration Group (GMG), established in 2003 to enhance coordination and complementarity on migration. It also has an observer status at the Global Forum on Migration and Development. The Office works in close collaboration and cooperation with the OECD, the International Organization of Migration (IOM), the UN Department of Economic and Social Affairs' Population Division, the United Nations Development Programme (UNDP), the United Nations Development Fund for Women (UNIFEM), United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) the Organization for Security and Co-operation in Europe (OSCE), Council of Europe, and is in regular contact and consultation with the World Bank and numerous other members of the UN family. It also maintains information exchange, policy dialogue and collaboration with other governmental and non-governmental regional bodies in the developed and developing world. Lastly, it also participates in the Inter-agency Task Force on Remittances, working to make financial policies more employment intensive and remittances more closely linked to domestic financial sectors.



¹⁶ Rimando, M. 2008. *Manila Call to Action to Protect Migrant Women: ISSUES* (ILO, Regional Office for Asia and the Pacific, Manila), p.10.



The ILO believes that in order to ensure protection of migrant workers, governments together with the social partners (workers' and employers' organizations) need to be involved through social dialogue in the formulation and implementation of migration policy on the national level. During the past decade for example, global trade unions have been lobbying for local trade unions and destination countries to recognise and protect migrant workers' human and labour rights such as freedom of association and collective bargaining and for women to be significantly represented in migrant workers' trade unions.

WORKERS' AND EMPLOYERS' ORGANIZATIONS GOOD PRACTICES ON PROMOTING MIGRANT WORKERS' RIGHTS

The International Trade Union Confederation's (ITUC) second Global Forum on Migration and development (Manila, 27-30 October, 2008) Global Unions called for the construction of an architecture of protection of human and trade union rights, linked to development commitments, to underpin all migration policies. The importance of including a comprehensive, rights-based, gender-sensitive regulatory framework was stressed.

The International Organisation of Employers (IOE) is preparing a manual for employers on labour migration and the Employers' Association of Central and Eastern Europe has organised a meeting on establishing mutually beneficial migratory flows between sending and receiving countries.

The International Migration Programme (MIGRANT) is the mainstream unit responsible for labour migration in the ILO, undertaking a number of activities on priority areas of labour migration. It provides advisory services to member states, promotes international standards, provides a tripartite forum for consultations, serves as a global knowledge base, and provides technical assistance and capacity-building to constituents. It also promotes and supports work by other ILO units on migration within their respective mandates. The International Labour Standards Department (NORMES) supervises the effective implementation of key ILO Conventions that provide tools for both sending and receiving countries to manage migration flows and ensure adequate protection for this category of workers. The department also works on the Conventions that specifically address gender equality and non-discrimination. ILO's Programme on Promoting the Declaration (DECLARATION) promotes policies to implement the principles of the 1998 ILO Declaration and its interfaces between migration, forced labour and human trafficking in ways that are gender-sensitive. The ILO Bureau for Employers' Activities (ACT/EMP) has an advisory role and works through technical cooperation programmes with other ILO departments to, for instance, combat all forms of forced labour including trafficking. The ILO Bureau for Workers' Activities' (ACTRAV) work plan on labour migration includes strengthening the capacities of the trade union movement in promoting ILO standards and migrant policies that take particular account of women workers, as women and as migrant workers, also a recent ACTRAV trade union manual, *In search of Decent Work*, was especially reviewed to ensure gender balance. It draws specific attention to the situation of women workers and makes also specific references to their growing presence in the migration process. Particular attention is also paid on the situation of migrant domestic workers. The Bureau for Gender Equality (GENDER) works as both an advocate and catalyst in promoting progress towards women and men workers. GENDER offers advice to constituents and ILO units, alike, in addition to conducting technical cooperation Programmes and participatory gender audits.

BENEFITS OF REGULARIZATION PROGRAMMES

A 2007 report by the Parliamentary Assembly of the *Council of Europe* stated that at a conservative estimate there were 5.5 million irregular migrants living within the European Union, with a further 8 million irregular migrants in Russia. The report states that well governed regularisation schemes are valid options for labour markets. Migrant workers who attain a regular status can escape from abusive and exploitative situations. The main economic argument in favour of regularisation schemes is the need of reducing the size of the underground economy and to increase tax and social security contributions. In terms of safety and security, regularisation schemes can be a good instrument to gain a realistic picture of the total foreign population. Administratively, it could provide data to correct and assist in the reformulation of programs and policies.¹⁷

¹⁷ Council of Europe, 2007. *Regularisation Programmes for Irregular Migrants*, Doc. 11350, Parliamentary Assembly (Brussels). See: <http://assembly.coe.int> [accessed 5 December 2008].

WHAT CAN BE DONE?

In order to increase the protection and non-discrimination of women and men migrant workers and provide them with equal rights, treatment and opportunities, the ILO recommends that a number of steps be taken by governments, employers' and workers' organizations in sending, transit and receiving countries. The following non-exhaustive list may provide guidance in this regard:

- Demonstrating a commitment to the protection and non-discrimination of women and men migrant workers through the ratification and effective implementation of ILO Conventions on Migrant Workers, Nos. 97 and 143; ILO Convention No. 111 on Non-discrimination and Equality and ILO Conventions Nos. 19, 118, 157 and 165 on Social Security.
- Increasing cooperation between governments, local authorities, the private sector and employers' organizations, trade unions, migrant and Diaspora associations, and NGOs at global, regional, national and local level on migration, gender equality, and development, and tripartite consultative frameworks to promote coherent labour migration policies.
- Guaranteeing equality of opportunity and treatment between national and migrant workers - women and men alike.
- Regulating migration flows by negotiating and signing labour bilateral agreements between sending and destination countries.
- Promoting the regulation of migrant workers' employment through Model Employment Contracts for Employment abroad in the language of the migrant worker that indicate the conditions of employment and, in particular, the remuneration offered to the migrant and install a system of supervision of contracts.
- Negotiating and signing social security bilateral agreements to ensure the maintenance of social security acquired rights and those rights in the course of acquisition.
- Increasing the protection of the migrant workers through close collaboration between the Public Employment Service and Private Recruitment/Employment Agencies, as well as labour inspection and special monitoring schemes.
- Deploying labour attachés and other officials abroad to monitor migrants' working conditions and deal with complaints and urgent needs of national workers abroad, paying specific attention to the vulnerable occupations where women migrant workers are concentrated.
- Recognizing qualifications and competencies of migrant workers obtained in their home countries, thus using their full potential and reduce the negative impact of deskilling.
- Establishing and enforcing guidelines for ethical recruitment and supervision of private recruitment in consultation with employer and workers organizations, to ensure they do not expose migrants to exploitation and discrimination.
- Monitoring through labour inspectors or other labour officials the protection on wages and working conditions, particularly for vulnerable occupations where women are often concentrated as well as their occupational safety and health.
- Protecting the right to freedom of association of migrant workers into trade unions and other migrant associations.
- Ensuring that anti-trafficking interventions are gender-responsive and address trafficking as a consequence of lack of equal opportunities in terms of employment and training at home and in terms of a lack or weak migration governance.
- Repealing legislation which discriminates against women migrants including as regards to family reunification, legal immigration status and residence permits when they migrate accompanying partners.
- Providing women and men migrant workers with pre-departure information and training on social and working conditions abroad, life insurance, pension plans and medical insurance as well as basic language training to ensure a smooth transition of the migrant workers and members of their families to the country of employment.
- Acquainting migrants with occupational safety and health regulations.
- Supporting integration of migrants in communities and workplaces.
- Ensuring that migrant workers and accompanying family members have access to health care.
- Adopting measures to compensate origin countries for brain drain, including by orienting technical assistance to education and training in affected sectors in line with gender-sensitive policies.
- Ensuring availability of complaint mechanisms and easy access to the legal system.
- Facilitating information on available safety nets such as social and legal assistance offered by non-governmental organisations, religious groups or other associations to migrant workers.
- Providing retraining possibilities and alternative employment in case of loss of employment.



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This background brochure has been prepared as part of the ILO public awareness raising campaign on "Gender equality at the heart of decent work".
Please contact us on gendercampaign@ilo.org for information on additional ILO themes addressed by this gender equality campaign.