



Issue Brief 1



International Labour Organization
Regional Office for Arab States

Promoting the Rights of Women Migrant Domestic Workers in Arab States: The Case of Lebanon

This Issue Brief is part of a series that examines women's labour force participation in Arab States using a gender equality and workers' rights perspective¹. It looks at the increasing employment of women migrant domestic workers to fill the unmet needs in provision of social care services. The brief examines women migrant domestic workers' lack of legal protection and resultant vulnerabilities. Based on work in Lebanon, the brief outlines lessons learned that can be applied throughout the region on mobilizing concerned actors and raising awareness for policy change and enforceable standards to protect women migrant domestic workers' rights.

Growing care crisis and the role of women migrant domestic workers

Labour migration, if well managed, can be beneficial to both sending and receiving countries. It provides jobs and training for millions of women and men who leave their home countries as well as remittances to their families. Moreover, the influx of workers contributes to the national economy in host countries. Of the 95 million migrant workers globally today, half are women (UNFPA, 2006).

In Asia, women's economic emigration has exceeded the numbers of male migrants. The largest numbers of women who migrate to Arab States for domestic work come from Sri Lanka, Indonesia and the Philippines. For example, in the 1990s, 84 per cent of all Sri Lankan migrants to the region were women; now their numbers are estimated at 59 per cent (UNFPA, 2006; HRW, 2007). In the case of women's migration, the jobs available are mostly an extension of women's care work in the household, including domestic duties and taking care of children, the elderly, sick or disabled.

Demographic shifts and the transformation of families, gender roles and working patterns have

resulted in growing social care needs in Arab States. A shortage of quality, accessible and affordable public, private or non-profit services creates an increasing demand among households for in-home care providers. The care deficits create: labour market obstacles for women in these countries who wish to work outside the home; and burgeoning employment opportunities for women migrant workers from other countries. In the absence of comprehensive social and labour policies and programmes that take into account the care needs of workers and their families, domestic workers are likely to continue to provide the much needed help that allows women in these countries to be economically active.

A vulnerable, invisible work force

Worldwide, domestic workers are the single largest group of unprotected workers, excluded from labour legislation in most countries and often denied fundamental rights, such as freedom of association and social protection. A key problem in Arab States is that migrant domestic workers are classified as foreigners under the Ministries of Foreign Affairs or Interior rather than as workers under the Ministries of Labour. As in many other countries, the majority of Arab States do not regulate the private sphere, which is where most women migrant workers are found. Labour inspectors do not cover the home as a workplace: these women are not recognized as workers, nor are the private citizens they work for considered employers. Thus, migrant domestic workers remain largely invisible in labour statistics, laws, policies and programmes.



¹Issue Brief 2 in the series concerns "Social Care Needs and Service Provisions in Arab States: Bringing Care Work into Focus in Lebanon".



Migrant domestic workers are often isolated from other employees, friends and family. Many cannot communicate in the language of the host country, are undocumented or lack adequate contracts. Many women migrant domestic workers endure labour rights abuses, such as extremely low wages, non-payment of salaries, excessive work hours, restrictions on rest times and movement, withholding of passports, lack of privacy, unhealthy or unsafe working and living conditions and lack of social protection in addition to instances of verbal, psychological or physical abuse. An underlying cause of the abuse is the lack of national policies and institutional capacities to regulate and monitor private placement agencies and employers, and to hold them accountable (see Box 1). Such a marked legal, political and institutional vacuum can often result in *de facto* modern forms of coerced labour.

Box 1. “Maid” in Lebanon

For many Lebanese middle- and upper-middle class families, the “foreign housemaid” is an indispensable care provider. Embassies put the number of women migrant domestic workers in Lebanon between 130,000 and 200,000 — in an overall population of 4 million. By far the largest group are from Sri Lanka (around 80,000), followed by the Philippines and Ethiopia (each around 25,000) (ILO/IOM, 2008). An extensive network of largely unregulated recruitment agencies in sending countries and placement agencies in receiving countries exist to facilitate their employment.

In Lebanon, migrant domestic workers are not covered under labour laws. They are under the *kafala* or sponsorship system, in which they must have a local sponsor who is considered fully and legally responsible for them for the duration of their contract. This is a serious violation of an elementary human rights principle — that adults are responsible for themselves. This arrangement forces women migrant domestic workers to be highly dependent on their employers and negates their legal rights and responsibilities as workers.

Source: ILO et al., 2005

Direction for change: National standards, policies and regulations

The protection of migrant workers’ rights and the promotion of their equal treatment and opportunity is a principle enshrined in the International Labour Organization (ILO) Constitution. Its Decent Work Agenda requires conditions of freedom, equity, security and human dignity for all men and women workers. Core international labour conventions and standards apply to migrant workers in the same way as they apply to citizens². The ILO’s Multilateral Framework on Labour Migration provides a central reference on better regulation and management of international labour migration and respect for workers’ rights (ILO 2006a). And the ILO continues to further domestic worker’s rights at the international level (see Box 2).

Box 2. ILO calls for international convention on domestic workers

The need for a special international legal instrument on domestic work has long been voiced by workers’ and advocacy organizations and by international institutions³. In March 2008, the ILO Governing Body agreed to place “decent work for domestic workers” on the agenda of the International Labour Conference (ILC) in 2010. The result is likely to be a new ILO convention and recommendation to provide stronger protections for domestic workers, a particularly vulnerable category hitherto not covered by international law, to be adopted in June 2011.

The decision has received broad support from governments, the international trade union movement, as well as employers’ organizations worldwide.

Source: ILO Governing Body, GB.310/2, 301st Session, March 2008.

The approach of the ILO Regional Office for Arab States (ROAS) is to bring about legal recognition of migrant domestic workers as workers, entitled to labour protections and rights, and to establish mechanisms to regulate placement agencies and households (see Box 3). Generally,

² Relevant ILO Conventions that are in effect include: Convention No. 97 on Migration for Employment, 1949; Convention No. 143 on Migrant Workers (Supplementary Provisions), 1975; and the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990. During its reviews in 2006 and 2007, the ILO’s Committee of Experts on the Application of Conventions and Recommendations (CEACR) further reinforced the principle of equal treatment between nationals and migrant workers.

³ At the International Labour Conference, far back as in 1965, the ILO expressed the need for standard-setting action on domestic workers.

national actors concerned with migration do not have much know-how on issues related to domestic work; and there is very little coordination among governmental and non-governmental agencies. But advocacy work by the ILO, trade unions and other human rights and women's organizations has led some countries to adopt relevant legislation and others to consider doing so.

Box 3. Advocating for women migrant domestic workers

The ILO policy and regulatory work embraces the following principles and actions:

- Migrant domestic workers are workers with rights.
- They are entitled to fair, clear, enforceable, standardized work contracts with reasonable working hours, daily and weekly rest, minimum wage and legal protection from any form of exploitation or abuse.
- MOL should step up its role as the lead government agency.
- MOL inspections should target private placement agencies and all locations where migrant workers are employed (including private homes) in order to effectively supervise compliance with employment contracts and monitor working conditions.
- If this is not possible due to the privacy laws of the country, social workers need to be adequately trained to monitor disputes between migrant domestic workers and agencies or employers.
- Labour abuse cases should be prosecuted to showcase the repercussions of exploiting workers.
- Domestic workers should be made more aware of their legal rights and have viable access to trade unions and legal aid.
- Employers should be made equally aware of their rights and duties and receive protection if workers do not respect the terms and conditions of their contracts.
- Local civil society and the media should be encouraged to report on migrant domestic workers from a labour rights perspective.
- Training institutes should promote skills development for migrant domestic workers. An official certification programme for care givers should be established to professionalize the occupation, including those working in private homes.

Source: ILO/IOM 2008.

ILO initiatives in Lebanon

Although Lebanon has not ratified the 1990 International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families, it has ratified several human rights conventions and international labour standards that include migrant workers in general and migrant domestic workers in particular. In the fall of 2005, the MOL requested technical support from the ILO in raising awareness of the policy implications surrounding the issue of women migrant domestic workers.

Since then, the following actions have been undertaken:

- Key stakeholders were brought together in an awareness-raising workshop to assess the situation⁴. This meeting resulted in recommendations including drafting of a comprehensive national action plan.
- The Prime Minister established a National Steering Committee under the auspices of the MOL to serve as a participatory policy dialogue platform with line ministries, the syndicate of placement agencies and international and national non-governmental organizations. The ILO and the United Nations Office of the High Commissioner for Human Rights (OHCHR) are observers to the Steering Committee.
- The Steering Committee formed three technical working groups led by the MOL, ILO and OHCHR: to tackle issues through legal and institutional assessments and context-appropriate tools for migrant domestic workers.

To date, the policy and regulatory changes that have come about as a result of this process include:

- Draft proposal for changing pertinent articles in relevant laws (e.g. labour law and social security law) to include domestic workers;
- Draft of a comprehensive unified rights-based standard labour contract to be adopted throughout Lebanon to be signed by worker and employer (see Box 4);
- Plan to progressively require all labour-sending countries to adopt the unified contract by working through bilateral agreements;
- Plan for establishing a code of conduct for the members of the placement agency syndicate; and

To date, awareness-raising and multi-media materials include:

- Booklet on the rights and duties of women migrant domestic workers in Lebanon, which has been translated into nine languages (Amharic, Arabic, English, French, Nepali, Sinhalese, Tagalog, Tamil and Vietnamese) with plans for a similar booklet for

⁴ The meeting was conducted by the MOL, ILO ROAS, Office of the High Commissioner for Human Rights (OHCHR) in the Middle East, UN Development Fund for Women (UNIFEM) and Caritas Liban-Migrant Centre.

employers. The booklets will be distributed through orientation sessions for workers conducted by social workers and volunteers from different communities;

- Second documentary film following “Maid in Lebanon I” entitled “Maid in Lebanon II: Voices from Home” targeting Lebanese employers, media and public; and

- Two Disk music CDs compiling songs from sending countries on the experience of migrant workers, both in their original languages (Disk 1) and in Arabic (Disk 2).

Box 4. Model labour contracts in Arab States

In 2003, with the assistance of the United Nations Development Fund for Women (UNIFEM), the Jordanian MOL developed a mandatory contract that guarantees migrant workers – mainly women – the right to life insurance, medical care, rest days, timely payment, employers bearing the travel and work permit costs, repatriation upon expiration of contract and regulation of treatment in compliance with human rights norms. In addition, Jordan has amended the labour law to reformulate oversight of recruitment agencies with an emphasis on their obligations to the Government, the employer and worker.

More recently in 2007, the Cabinet of the United Arab Emirates (UAE) set up a task force to draft a law to regulate the relationship between domestic workers and their sponsors — to ensure that the rights and duties of both sides are guaranteed. In addition to many of the provisions of the Jordanian contract, the UAE Human Rights Organization has recommended that all contracts be translated into languages known by domestic workers.

Sources: UNIFEM, 2005; Salama, 2007.

ILO next steps

The ground-breaking process under way in Lebanon and elsewhere can be seen as a preliminary step towards the realization of decent work initiatives for women migrant domestic workers across the region. The ILO institutional capacity building and training programmes, advocacy and awareness-building initiatives are applicable to other Arab States beyond Lebanon. Products and lessons from its in-depth research on social policy alternatives to the unmet

care needs and gaps in care services provision in Lebanon can be transferred to other countries in the region as well.

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Cartoon by Maarten Wolterink <http://home.filternet.nl/~fn001073/>

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