



Labour Migration Highlights No. 3

Migrant domestic workers

Female migration for domestic work: A growing global phenomenon ...

Global estimates indicate that there are around 53 million domestic workers worldwide, with significant regional differences. In Asia alone, at least 21.5 million women and men work in private households, while 5.2 million women and 3.6 million men work in private households in the Middle East, Europe and the Commonwealth of Independent States (CIS) respectively. Migrants are over-represented among domestic workers and, globally, 83 per cent of national and migrant domestic workers are female. At the same time, women represent around half of the world's 215 million migrants.

Domestic work is performed by migrant women in many countries around the world. Since the early 1980s, women have increasingly moved across borders as independent workers in search of better opportunities for themselves and their families, often finding these opportunities as domestic workers and caregivers. Immigration policies and regulations – in combination with employment and welfare policies – influence the number of (female) migrant domestic workers, the modalities through which they migrate, as well as the conditions under which they work in their countries of destination.

A number of factors and trends are contributing to the participation of migrant women in domestic work. Women are increasingly joining the labour market in many parts of the world and hence have less time to devote to the care of their families and households on an unpaid basis. Meanwhile, ageing populations and a reduction in the number of multigenerational households have intensified the need and demand for caregiving services. Welfare regimes also shape the organization of care within and across countries and societies: as fewer public care options are accessible, care needs are increasingly met through in-home caregiving services, sometimes provided within the informal economy. In some countries, the rise in wealth and living standards of the national population also seems to attract an increasing number of migrants into domestic work. In this context, in many countries of destination, families address their household and care needs by employing women workers from other countries who are often willing to accept lower wages, more flexible working arrangements and often poorer working conditions than nationals.

Women are also encouraged to migrate by the lack of employment opportunities in their home communities, and by the discrimination they face in the labour market and in society in general. Young women — and young men — who leave school unable to find local jobs are particularly prone to migrate, attracted by the prospect of better employment opportunities and higher earnings. They are more often than not unprepared for, and unaware of, the actual costs and benefits of working and living abroad.

... with serious decent work challenges

While migrant domestic workers greatly contribute to the economic and social well-being of their countries of origin and destination, their work continues to go unrecognized or is undervalued, and they often find themselves in situations of legal and social vulnerability.

The incidence of abuse and exploitation among this group of workers remains a matter of concern. Migrant domestic workers tend to be more exposed than nationals to the risk of exploitation and abuse due to the isolated nature of the workplace, insufficient legal protection, the mostly informal status of the sector as a whole, and due to their nationality and migration status (whether regular or irregular).

In many parts of the world, migrant domestic workers still do not enjoy fundamental principles and rights at work, and work under conditions that put their health, freedom, human dignity and security at risk in what is described by the ILO as “unacceptable forms of work”. Vulnerability to abuse is often the direct consequence of ill-conceived migration policies that ignore the specific circumstances of migrant women and/or which perpetuate unequal treatment of men and women migrants.

A fair migration agenda for domestic workers

In June 2011, the International Labour Conference adopted an ILO Convention and Recommendation concerning decent work for domestic workers. The Domestic Workers Convention, 2011 (No. 189), and Domestic Workers Recommendation, 2011 (No. 201), represent a historic step forward for making decent work a reality for these categories of work, setting minimum standards of protection for all domestic workers, irrespective of nationality, race, ethnicity, sex and migration status.

While not being migrant-specific instruments, Convention No. 189 and Recommendation No. 201 explicitly recognize the needs and vulnerabilities of migrant domestic workers, and include specific articles on migration-related issues such as confiscation of passports and recruitment, among others. A strategy for action on making decent work a reality for domestic workers worldwide, including a specific reference to migration, was then discussed by the Governing Body in November 2011 to guide future action by the International Labour Office to support efforts by ILO constituents in this area.

At the same time, responding to a clear call to action from its constituents, the ILO is renewing its efforts to promote the rights of migrant workers and, among them, groups who can be particularly at risk of exploitation. The necessity to address the specific needs of migrant domestic workers also clearly emerged from the discussions and outcomes of the High-level Dialogue on International Migration and Development (2013).

To this end, the ILO is pursuing a thematic strategy on migrant domestic workers with a view to better understanding the phenomenon and addressing the challenges it poses for migrants and societies. This strategy is guided by international labour standards as well as the ILO Multilateral Framework on Labour Migration (2006), and will contribute to the follow-up to the conclusions of the ILO Tripartite Technical Meeting on Labour Migration and the Declaration of the High-level Dialogue on International Migration and Development (2013). The strategy is also in line with the ILO Director-General’s call for a Fair Migration Agenda (2014), which promotes the rights of migrants, as well as equality of treatment, improved recruitment practices, stronger linkages between employment and migration policies, enhanced participation of ILO constituents in migration governance and reinforced multilateral partnerships. The overall objective of this thematic strategy is to ensure coordinated and coherent ILO action on making decent work a reality for migrant domestic workers.

In doing so, the ILO is primarily focusing on four main areas during the 2014-2015 biennium: (i) coordination and cooperation with UN migration-related initiatives for the promotion of ratification and implementation of Convention No. 189 (and other relevant Conventions), in particular through the ILO chairmanship of the Global Migration Group; (ii) provision of technical assistance to constituents at national level, based on global and comparative action-oriented research; (iii) promotion of the organization of migrant domestic workers and their employers; and (iv) awareness-raising of the migration-related aspects of domestic work and advocacy of their equal rights.

ILO action

The ILO implements this strategy at national, regional and global level, through technical cooperation projects and initiatives on expanding the knowledge base on migrant domestic work, gathering and documenting good practices and lessons learned on good governance of labour migration for domestic

work, and supporting constituents with capacity-building and advisory services for effective policy-making.

In addition, recognizing that one of the main barriers to effective protection and prevention is the lack of knowledge about rights and voice to uphold them, the underlying approach is one that seeks to empower workers and strengthen the structures and organizations that represent them.

Activities in this area include:

- Advising and assisting governments and stakeholders in the drafting and implementation of gender-sensitive migration policies and labour laws.
- Conducting empirical research on the dimensions, trends and characteristics of the phenomenon and analysing different approaches to regulating migration for domestic work across global care chains.
- Conducting analytical research on selected thematic areas (e.g. skills training and recognition, social security), with a view to identifying challenges and opportunities in the design and implementation of appropriate policies.
- Producing a policy resource package to guide policy-making and legislative reforms in the area of migration for domestic work, including the design and implementation of bilateral labour agreements and memorandums of understanding (MOUs) on domestic workers and the use of standard contracts.
- Producing targeted awareness-raising and capacity-building materials and tools, providing advisory services, and organizing training and capacity-building events on areas of specific interest and concern, such as recruitment, compliance and redress mechanisms, safe migration, occupational health and safety, and social security issues, among others.
- Facilitating bilateral and multilateral dialogue between countries of origin and destination with a view to improving migration policies specifically affecting migrant women.
- Supporting workers' organizations to develop and implement targeted strategies and approaches to better reach out to migrant domestic workers and enhance their voice and representation.
- Engaging in global policy debates with a view to raising global awareness on the subject and promoting ratification and implementation of Convention No. 189 and Recommendation No. 201.

Relevant ILO standards and tools

Declaration on Fundamental Principles and Rights at Work (1998)

Migration for Employment Convention, 1949 (No. 97)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Private Employment Agencies Convention, 1997 (No. 181)

The **Domestic Workers Convention, 2011 (No. 189)**, and **Domestic Workers Recommendation, 2011 (No. 201)**, contain a number of provisions that address migrant domestic workers, their particular needs and the specific risks they face: for example, the Convention requires that migrant domestic workers receive a written job offer or contract with the terms and conditions of employment enforceable in the country of destination, prior to their arrival (Art. 7 and Art. 8). The provisions of the Convention concerning live-in domestic workers (Art. 6 and Art. 9), the right to keep their travel and identity documents (Art. 9) and the regulation of private employment agencies (Art. 15) are also of particular relevance to migrant domestic workers, many of whom are recruited through such agencies.

The ILO **Multilateral Framework on Labour Migration (2006)** calls for the adoption of measures to ensure that national labour legislation and regulations cover all migrant workers, including domestic workers and other vulnerable groups, in particular in the areas of employment, maternity protection,

wages, occupational safety and health, and other conditions of work, in accordance with relevant ILO instruments (Art. 9.8). Similarly, it calls for measures to ensure, in law and in practice, that all migrant workers benefit from equality of treatment with national workers regarding safety and health protection, including measures to address specific risks in certain occupations and sectors, such as domestic work. Finally, it calls on member States to better identify abusive practices against migrant workers, including physical or sexual harassment or violence; restriction of movement; debt bondage; forced labour; withholding, underpayment or delayed payment of wages and benefits; retention of passports or identity or travel documents and threat of denunciation to authorities, particularly in those sectors that are poorly regulated and protected, such as domestic work.

A global flagship project

The ILO's Global Action Programme on Migrant Domestic Workers and their Families seeks to promote the human and labour rights of migrant domestic workers worldwide by addressing the challenges and vulnerabilities they face to exploitation and abuse. By concentrating on five migration corridors (Ukraine-Poland, Zimbabwe-South Africa, Indonesia-Malaysia, Nepal-Lebanon and Paraguay-Argentina), this project undertakes policy-oriented research and capacity-building in a variety of ways at both regional and global level to achieve the three following specific objectives:

- enhancing research and practical knowledge on migration and trafficking issues with regards to domestic work across global care chains;
- strengthening the capacity of policy-makers, domestic worker and employer organizations, and practitioners to advocate for migrant domestic workers' access to decent work and human rights;
- pilot-testing national capacity-building approaches to promote rights-based policies and regulations and empower migrant domestic workers throughout all stages of the migration cycle.

This project is funded by the European Union and is being carried out jointly with the Office of the High Commissioner for Human Rights (OHCHR), UN Women, the International Domestic Worker Federation (IDWF), the International Trade Union Confederation (ITUC) and the Confederation of Indonesia Prosperity Trade Union (KSBSI).

Technical cooperation portfolio

In different parts of the world, the ILO is implementing technical cooperation projects which have specific components addressing the specific needs of migrant domestic workers. Together, these projects contribute to expanding the knowledge base on the subject and to identifying and promoting emerging practices in this area. Examples of these projects are:

- Action Programme for Protecting the Rights of Women Migrant Domestic Workers (WMDWs) in Lebanon (PROWD)
- Development of a Tripartite Framework for the Support and Protection of Ethiopian and Somali Domestic Migrant Workers to the GCC States and Sudan
- Decent Work for Domestic Workers: Advocating Institutional Reform in the Middle East
- Improving Labour Migration Governance and Combating Human Trafficking in the Middle East (MAGNET)
- Tripartite Action to Protect Migrant Workers within and from the Great Mekong Subregion from Labour Exploitation (GMS TRIANGLE) in and across Cambodia, Lao PDR, Malaysia, Myanmar, Thailand and Viet Nam
- Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region (ASEAN TRIANGLE)
- Promoting Decent Work through Improved Migration Policy and its Application in Bangladesh
- Promoting Decent Work through Good Governance, Protection and Empowerment of Migrant Workers: *Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy*

Labour Migration Branch
International Labour Office
CH-1211 Geneva 22, Switzerland

migrant@ilo.org
www.ilo.org

June 2015