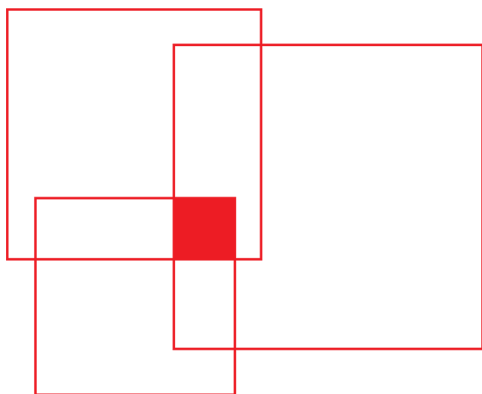




International
Labour
Organization



IMPROVING SOCIAL PROTECTION FOR ETHIOPIAN MIGRANT DOMESTIC WORKERS (MDWs)





BASIC DATA AND FACTS

- The number of international migrants has reached 244 million in 2015, an increase of 71 million (41 per cent) compared to 2000¹.
- Globally, there are 67.1 million domestic workers, of whom 11.5 million are international migrants² ;
- Migrants represent 17.2% of all domestic workers and domestic workers represent 7.7% of all migrant workers³ ;
- Of the 9.3 million domestic workers in Africa, only 650,000 are migrants. They account for 5.6% of the world's total 11.5 million MDWs;
- Around 8.5 million (73.4%) of all MDWs are women;
- Male migrant workers are unlikely to be domestic workers, except in the Arab States where 10.4% of MDWs are men. Three-quarters (73.1 %) of women domestic workers in the Arab states are migrants;
- South-East Asia and the Pacific host the largest number of female MDWs (24%), followed by northern, southern and western Europe (22.1%) and the Arab states (19%);
- 83 % of all DW's in Arab states are migrants and 10 % of all MDW's in the Arab states are men, they make up almost half of all male DWs in the world.
- Traditional countries of origin for MDWs are the Philippines, Indonesia, Sri Lanka, India, and Ethiopia. New emerging countries of origin are Nepal, Bangladesh, Madagascar, Kenya and Uganda.
- The Ethiopian Ministry of Labour and Social Affairs (MoLSA) has reported that around 460,000 Ethiopians have regularly migrated to the Middle East mainly to the Kingdom of Saudi Arabia, Kuwait and United Arab Emirates between September 2008 and August 2013 of which around 96% are female domestic workers.
- The irregular migration in Ethiopia is estimated to be double the figure of regular migration. In 2015, around 97,000 migrants arrived from the Horn of Africa to Yemen via the Red Sea, Arabian Sea and Gulf of Aden out of which 85% were Ethiopians⁴. An estimated 1,632 Ethiopians arrived on the Red Sea coast of Yemen in September 2016⁵.
- Between 2013 and 2014 163,018 (100,688 male, 53,732 female and 8,598 children) undocumented Ethiopian migrants were deported from the Kingdom of Saudi Arabia (KSA).
- The access of migrant workers to formal social protection is almost non existent, hence their ability to adequately manage their risks, is very limited which makes them a particularly vulnerable group.

¹United Nations, Department of Economic and Social Affairs, Population Division (UNDESA), Trends in International migration 2015 (New York, 2015).

²ILO: Global estimates on migrant workers: Results and methodology (Geneva, 2015).

³ILO: Global estimates on migrant workers: Results and methodology (Geneva, 2015).

⁴UN International Migration Report 2015

⁵Regional mixed migration Secretariat summary report for September 2016

Under these circumstances, extending social protection to MDWs goes beyond contributing to economic and social welfare; it is an indispensable component for strategies aiming at gender equality, poverty reduction and combating social exclusion. The social protection effort has gained sufficient momentum to significantly impact inclusive development and poverty reduction.

Today the right to social security is recognized as a human right in many international instruments. Building on the progress achieved under the Millennium Development Goals (MDGs), the new 2030 SDG Agenda proposes to implement appropriate national protection systems for all, including social protection floors.

Domestic work has been one of the areas of concern under the International Labour Organization's (ILO) Decent Work Agenda. In 2011, the ILO adopted the Domestic Workers Convention, 2011 (No. 189), and its accompanying Recommendation, 2011 (No. 201). Following their adoption, the ILO established an Office wide strategy to make decent work a reality for domestic workers, supporting law and policy to extend protections to domestic workers in some 70 countries. The Sustainable Development Goals (SDGs) specifically recognize the importance of social protection policies that cover women, migrants and those in precarious employment, wherein the MDWs are commonly classified under such vulnerable groups.





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BOX 1. SUSTAINABLE DEVELOPMENT GOALS (SDGs) RELEVANT TO MDWs

1.3 Implement nationally appropriate social protection systems and measures for all, and by 2030 achieve substantial coverage of the poor and the vulnerable.

5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.

8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.

10.7 Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

10.c By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent.



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ILO STRATEGY FOR BUILDING COMPREHENSIVE SOCIAL SECURITY SYSTEMS

Social Protection is one of the four strategic objectives of the Decent Work Agenda that defines the core work of the ILO. As the international agency specifically entrusted with setting international labour standards, the ILO has primary responsibility for the realization of the right to social security. ILO's two-dimensional strategy for the extension of social security aims at building comprehensive systems in line with national priorities and resources. The strategy consists in supporting rapid implementation of National Social Protection Floors, while progressively ensuring higher levels of protection, in line with the 1952 Social Security (Minimum Standards) Convention (No. 102) and other ILO standards.

Social protection is mainstreamed in the 3rd generation of the Ethiopian Decent Work country Programme (2014-2015). It is also identified as a priority outcome to improve social protection coverage for all workers by developing social protection policy and strategy among other things. Other actions with regards to improving social protection include improved

safe and healthy work environment, enhancing HIV/AIDS response at workplaces, creating a conducive environment for the empowerment and protection of Ethiopian MDWs as well as undertaking capacity building trainings and conducting awareness raising activities to enhance the overall social protection floor.

In general, ILO's two-dimensional strategy for the extension of social security aims at building comprehensive systems in line with national priorities and resources as was done in the Ethiopian context viewed by the development of the National Social Protection Document. These ILO strategy consists in supporting rapid implementation of National Social Protection Floors, while progressively ensuring higher levels of protection, in line with the 1952 Social Security (Minimum Standards) Convention (No. 102) and other ILO standards.

ILO LEGAL FRAMEWORK PERTINENT TO MDWs

There are no instruments specifically aimed at securing social security rights for MDWs. However, there is an existing framework of overlapping technical provisions allowing for the expansion of social security coverage to MDWs. ILO standards consist of Recommendations providing general or technical guidelines, and Conventions with legally binding obligations for ratifying Member states. Both contribute to realizing the ILO objective to extend social security to all.

ILO DOMESTIC WORKER PROTECTION INSTRUMENTS

The Domestic Workers Convention, 2011 (No. 189) calls for the progressive extension of social security to domestic workers (including MDWs) and for their effective protection against abusive practices. Article 14 of the Convention establishes that each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are no less favourable than those applicable to workers overall, with respect to social security protection, including with respect to maternity.

The Domestic Workers Recommendation, 2011 (No. 201) further emphasizes the need for equality of treatment regarding social security and access to entitlements for MDWs. The Recommendation calls for bilateral, regional or multilateral cooperation among Member states in order to ensure the social security rights of MDWs.

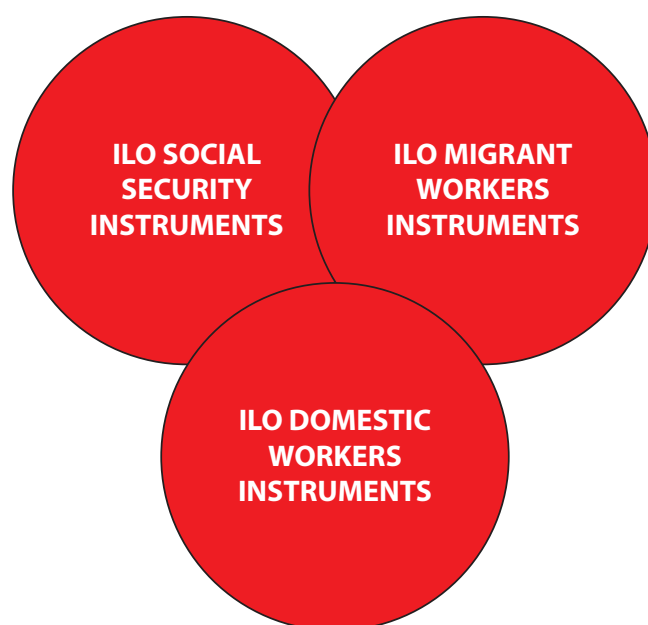


Figure 1. Intersecting provisions for MDWs under ILO instruments



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ILO SOCIAL SECURITY INSTRUMENTS

One of the benchmark of ILO Conventions that provides for the extension of comprehensive social security systems is the Social Security (Minimum Standards) Convention, 1952 (No. 102). Part XII of the Convention explicitly calls for the equality of treatment of non-national and national residents through bilateral and multilateral cooperation agreements.

Social Protection Floors Recommendation, 2012 (No. 202) complements Convention No. 189 and 102 by ensuring support for disadvantaged groups and persons both in the formal and informal economy, and extending social security coverage to all, including migrants.

- Equality of Treatment (Social Security) Convention, 1962 (No. 118) calls on Member states to grant nationals of any other Member state for which the Convention is in force, equality of treatment under its national social security legislation. Additionally, the Maintenance of Social Security Rights Convention, 1982 (No. 157) as well as its accompanying Recommendation, 1983 (No. 167) promote development of and access to social services, particularly for migrant workers. Universal access to health care is guaranteed under the Medical Care and Sickness Benefits Convention, 1969 (No. 130), assuring to non-nationals who normally reside and work on the territory of the signing Member state equality of treatment.
- Maternity Protection Convention, 2000 (No. 183)/ Maternity Protection Convention (Revised), 1952 (No. 103) applies to all employed women, including those in a typical form of dependent work, to which MDWs often belong.



ILO MIGRANT WORKERS' INSTRUMENTS

- The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) states that migrant workers shall enjoy equality of treatment in respect to rights arising out of employment as regards to remuneration, social security and other benefits, even in cases when the position cannot be regularized in the host country.
- The Migrant Workers Recommendation, 1975 (No. 151) recalls the clauses of Convention No. 143 and reiterates the equality of opportunity and treatment of migrant workers and members of their families as regards to remuneration, social security and other benefits, both in case of lawful residence on the territory of a Member state as well as in case where their position has not been or could not be regularized.
- The Migration for Employment Convention (Revised), 1949 (No. 97) contains relevant clauses regarding acquisition of social security by non-national workers, that is to say, legal provision in respect to employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme.
- The Private Employment Agencies Convention, 1997 (No. 181) is particularly relevant as it calls for an adequate protection for workers, including migrants, employed by private employment agencies, among other things, in relation to statutory social security benefits. Employment agencies are heavily used by MDWs in many regions.



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BOX 2. ILO SOCIAL PROTECTION FACTS IN DOMESTIC WORK SECTOR

Most countries apply health insurance schemes to domestic workers;

Approximately 14% of countries providing some form of social security for domestic workers, do not grant the same rights to MDWs;

In Latin America and the Caribbean, approximately 60% of countries have some social security coverage for domestic workers, in Africa this figure is 25%, while in the Middle East, Asia and the Pacific only one in five countries have social security provisions for DWs;

Worldwide, MDWs are usually excluded from social security schemes even where they claim legal residency in the destination country;

Globally MDWs remain the most vulnerable and unprotected sector

Ethiopian MDWs face major challenges in accessing social protection. Challenges for extending social security to MDWs are lack of focus of MDWs on the National social protection policy which might be due to their overrepresentation in the informal sector and discrimination and lack of equality of treatment with other workers i.e. MDWs remaining on the side-lines of trade union activity wherein their interests are seldom represented and in particular lack of labour inspection and difficulty of access to justice.

ETHIOPIAN NATIONAL SOCIAL PROTECTION POLICY:

SCOPE AND FOCUS OF THE POLICY

The National social protection policy of Ethiopia is focused on coordinated protective measures to those susceptible to serious vulnerability due to natural and manmade risks, establish multifaceted social insurance mechanisms to prevent exposure to risks, strengthen earnings and improving livelihoods of Ethiopian citizens, improve employment opportunities and living conditions, and provide legal protection and support for vulnerable to abuse and violence. In this policy, segments of the society vulnerable to different social and economic problems, especially, children, women, persons with disabilities, elderly, labour constrained unable to make earnings, and the unemployed who are living under difficult circumstances are given special attention.

The policy focuses on increasing access to social services and providing alternative care and support services for members of the society affected by economic shocks, natural and manmade calamities and those who require special support. These include, expanding formal and informal social insurance systems as preventive measures to protect citizens from falling in to destitution and risks as a consequence of livelihood shocks. The policy focuses on taking measures of enhancing knowledge, skill, and employment opportunities of citizens to increase their incomes and assets building capabilities. The policy also aims to protect citizens from exclusion and ensure their rights and needs are met by reducing the vulnerability to risk that emanate from economic and social structural imbalances.

With regards to migrants the following target groups are given due emphasis in the policy:

- Segments of the society vulnerable to violence and abuse;
- Segments of the society vulnerable to natural and manmade risks;
- Unemployed citizens;
- Citizens engaged in the informal sector and who have not social insurance coverage;
- Victims of human trafficking and repatriated emigrants;

With regards to labour migrants, victims of human trafficking and repatriated emigrants, the objectives of the policy include preventing violence, abuse, discrimination and exclusion of these vulnerable people and redress the impacts on victims. This is strategized to be implemented by;

- Promoting Productive Safety Net;
- Promoting employment and improve livelihood;
- Increasing social security and health insurance coverage;
- Increasing access to basic services;
- Providing legal protection and support to segments of the society vulnerable to abuse and violence.

BOX 3. ETHIOPIAN NATIONAL SOCIAL PROTECTION POLICY RELEVANT TO MIGRANT WORKERS

The National Social Protection policy of Ethiopia aims to establish labour market information system and take labour market corrective measures among other things to better protect labour migrants.

The National Social Protection policy of Ethiopia aims to promote, community-based health insurance scheme for the informal sector employees and labour migrants to expand the health service coverage. The informal social saving and insurance mechanisms like 'Idir' and 'ikub' play significant roles to reduce pressures caused by different problems and risks.

The National Social Protection policy of Ethiopia aims to strengthen informal sector social insurance system as well as the coverage of community based health insurance.



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MAIN CHALLENGES OF STANDARD SETTING FOR MDWs

MDWs receive poor legal protection and, in many cases, are explicitly excluded from social security:

The main challenges to providing social security coverage to MDWs are rooted in the limitations of national legislation. In many countries domestic workers are explicitly excluded from social security and if covered, may be subject to restrictions, such as minimum salary and/or minimum number of working hours for a single employer. In most countries they are not covered for the same contingencies as workers in other sectors. Some countries that require mandatory health coverage for DWs, have not included maternity protection and pension rights. Coverage for accidents and professional illness is uncommon as are unemployment benefits. Voluntary coverage is available in some countries, but international evidence suggests that it is largely ineffective as it appears to be an additional burden for the employer

Lack of coordination between countries: Where bilateral and multilateral social security agreements exist, MDWs are rarely identified as a specific group. In most cases they are included among other groups of workers regarding social security rights and coordination of benefits. Such generalizations in international social security agreements often lead to exclusion of those in irregular status or without a formal contract, as is the case of many MDWs. Nevertheless, bilateral or multilateral agreements have proven to be an efficient mechanism to recognize, retain and administer migrant workers' right to accumulated contributions or benefits in the host country. MDWs face multiple barriers to accessing social security coverage. In addition to those previously mentioned, there are strong linguistic and cultural barriers, as well as overall stigmatization and discrimination, which prevent MDWs from accessing information regarding their rights.

Complexity of procedures: Time consuming and difficult to understand procedures raise transaction costs for both employers and MDWs. Inadequacy of administrative mechanisms is often a deterrent to social security registration for MDWs. Further difficulties relate to monitoring and labour inspection activities of domestic work.

Lack of information: Lack of an adequate base of information translates into constraints for national administrations to determine a strategy for expansion of social security coverage to MDWs. This lack of information also leads to asymmetric positions in negotiations between workers and employers, putting MDWs at a disadvantage when advocating for their rights.

BOX 4. ETHIOPIA'S OVERSEAS EMPLOYMENT PROCLAMATION (NO. 923/2016), PERTINENT ARTICLE TO SOCIAL PROTECTION OF DOMESTIC WORKERS

With regards to expense coverage for MDWs, the overseas employment proclamation entails The employer cover the following expenses:

- entry visa fee to the country of destination;
- round-trip transport cost;
- work permit fee;
- residence permit fee;
- insurance coverage;
- costs associated with visa and document authentication paid to the embassy of country of destination which hosts in Ethiopia;
- With regards to employment contract approval service fee.

With regards to employment contract, the Ministry of Labour and Social Affairs shall prepare model contract of employment, at least including the following:

- regular working time, favourable wages for regular working hours and overtime pay, as appropriate, which shall not be lower than the prescribed minimum wage in the receiving country, the appropriate minimum wage set by the bilateral agreement, international agreements ratified by both countries, whichever is highest;
- annual leave, weekly rest and other similar vacations;
- free transportation to and from the worksite or offsetting benefit;
- free medication, food and accommodation or offsetting benefits;
- insurance coverage for life or disability;

With regards to Insurance Coverage for the MDWs;

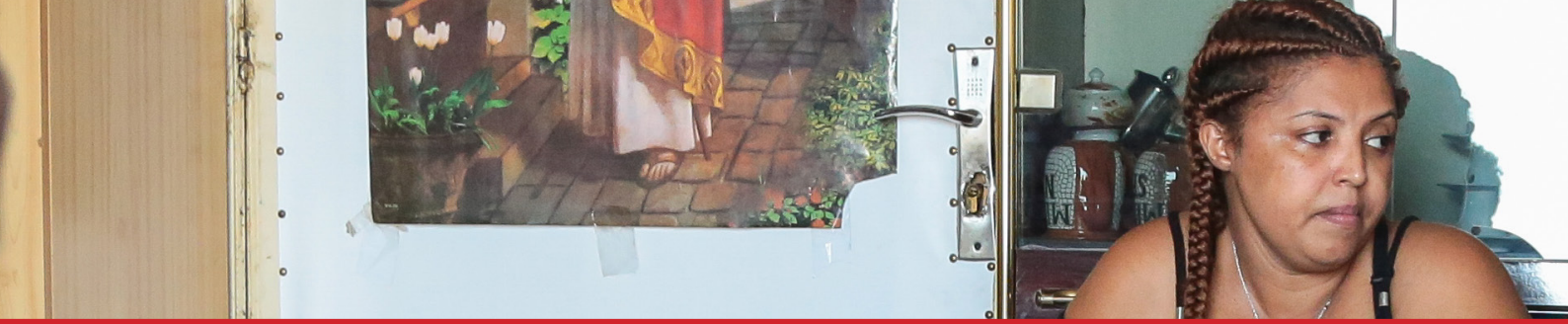
- The employer shall, from the domestic insurance market, buy life and disability insurance of the worker deployed overseas. The Ministry may issue a directive prescribing the details.
- An Agency or the worker shall present to the Ministry the insurance policy document accompanied with contract of employment.

With regards to assignment of a Labour Attaché for improved protection of MDWs;

- The Ministry shall, in consultation with the Ministry of Foreign Affairs, and after obtaining permission from Government, assign Labour Attaché in the mission of the receiving countries to ensure protection of the rights, safety and dignity of workers employed overseas.

With regards to Financial Guarantee for enhanced protection of the MDWs;

- Any Agency shall deposit USD 100,000 or its equivalent in Birr in a blocked bank account for purposes of guaranteeing the protection of the rights and safety of deployed workers.



SOCIAL PROTECTION PRACTICES FOR MDWS UNDER BILATERAL SOCIAL SECURITY AGREEMENTS

There are several examples of comprehensive social security bilateral agreements such as those entered into by France with Tunisia as well as Spain with Morocco and Ecuador.

- The bilateral social security agreement between France and Tunisia (1965) aimed at facilitating the arrival of workers in France while allowing the payment of family benefits. The agreement covers 54 per cent of the entire Tunisian community abroad and provides access to healthcare and social security benefits under the same conditions as for French citizens where the condition of legal residence is met. Maternity benefits are accessible as well with a minimum contribution period of 10 months before the birth date. A range of family benefits, such as family cash benefits, education allowance, childcare allowances, birth and adoption allowances, disabled child education allowance, supplementary family benefit and housing benefits, are available to foreign nationals without a minimum employment or contribution period.
- The two bilateral social security agreements signed by Spain with Morocco and Ecuador apply to workers who are or have been subject to social security legislations of either migrant-sending country, as well as to their dependents and survivors.

CONCLUSIONS AND RECOMMENDATIONS

- As a first step towards promotion and protection of MDWs rights and inclusion into social security systems, states should immediately ratify and implement the ILO Domestic Work Convention, 2011 (No. 189) and other ILO Conventions and Recommendations containing standards relevant to MDWs.
- Extend labour and social protection to domestic workers, including MDWs.
- Simplify procedures to register domestic workers to social protection schemes



- Consider incentives and subsidies to reduce the costs of registering for workers and employers
- The international community needs to support the Social Protection Floor Initiative and incorporate this into development strategies and comprehensive social protection frameworks.
- Extension of coverage by countries of origin to domestic workers employed abroad would overcome territorial restrictions and ensure universal access to social security. Transitional measures such as voluntary coverage, special programmes or differentiated coverage may be instrumental in achieving full legal coverage in the short-term noting that mandatory coverage may be a challenge for social security institutions in the countries of origin.
- Social security coverage for domestic workers must be built into comprehensive social protection frameworks; this will entail social protection schemes based on the principle of equal treatment, allowing MDWs to have the same labour rights as national workers, including the right to social security.
- Both countries of destination and origin are encouraged to adopt national social security
- Strategies on expansion of core schemes, in accordance with national circumstances and capacities, aiming at establishing a basic set of social guarantees and ensuring support for disadvantaged groups, such as MDWs.
- National measures to extend social security coverage to MDWs should be enhanced by cooperation between countries: making MDWs subject of a bilateral labour agreement or memorandum of understanding could help eliminate barriers faced by MDWs in accessing social security benefits and ensuring rights such as portability of social security and eliminating double taxation of income.
- Diplomatic representations should be empowered to monitor enforcement of MDW contracts abroad, thus encouraging regular employment status and ensuring MDW access to social security.
- Civil society, workers' and employers' organizations should be encouraged to continue their engagement in the design, implementation and monitoring of national policies to ensure that labourers in a vulnerable situation such as MDWs, have access to basic social protections.
- In addition to legal and policy advocacy in support of MDW rights, measures such as awareness raising campaigns, translation of indispensable information related to social security schemes, and implementation of complaint mechanisms among others, should be promoted and implemented in order to ensure that MDWs have effective access to social security benefits.

In Ethiopia, while social protection is being promoted as demonstrated by the adoption of the Overseas Employment Proclamation (No. 923/2016) and the drafting of the Ethiopian National Social Protection Policy, MDWs still face major challenges in accessing social protection. Particular challenges for extending social security to MDWs are lack of focus or exclusion of MDWs from social security legislation, overrepresentation in the informal sector, discrimination and lack of equality of treatment with other workers i.e. MDWs remaining on the side-lines of trade union activity wherein their interests are rarely represented and difficulty of access to justice.



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