

**GFMD Preparatory Workshop**  
**“International Migrant Domestic Care Workers at the Interface of Migration and Development: Action to Expand Global Practice in the Asian Region”**  
Manila, 15-16 October 2012

**Summary Report**

**A. Background**

The Philippine Government, with the support and cooperation of the Mauritian Chair of the Global Forum for Migration and Development (GFMD) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), hosted a GFMD preparatory workshop entitled “International Migrant Domestic Care Workers at the Interface of Migration and Development: Action to Expand Global Practice in the Asian Region” on 15-16 October 2012 in Manila.

Over sixty participants from nineteen countries of migrant origin and destination, four international organizations and two regional civil society organizations gathered for two days to discuss paramount issues on the protection of migrant domestic care workers’ rights and their role as development actors.

The main workshop goals were to:

- Discuss the normative and economic case to promote and protect the rights of migrant domestic workers, including discussions on the Migrant Workers Committee’s General Comment No. 1 on Migrant Domestic Workers, CEDAW and its General Recommendation No. 26 on Women Migrant Workers and ILO Convention 189 Concerning Decent Work for Domestic Workers (ILO C189);
- Share good practices in overcoming issues, gaps and challenges in implementing legal and social protection for migrant domestic workers, including providing updates on the status of ratification and implementation of ILO C189 and other standards;
- Share case studies on positive initiatives undertaken by domestic workers as development actors in both sending and receiving countries;
- Inform the deliberations and outcomes of GFMD Roundtable 3.3 on “Protecting Migrant Domestic Workers: Enhancing their Human Development Potential” of the GFMD 2012 Summit;
- Build on the work of GFMD 2010 and 2011 by encouraging governments to implement the GFMD Checklist to Protect and Support Domestic Workers as an aide to developing legal and social protection for domestic workers; and,
- Make recommendations on sustainable follow-up actions to reinforce the link between protection and development.

## B. Summary of workshop discussions

### 1. *Overarching considerations*

ILO places the number of domestic workers at around 53 to 100 million, 83 per cent of whom are women or girls. Given their sheer number, the potential for domestic workers to become effective agents of development is therefore considerable.

The continued demand for domestic workers, the realities of the global economy and the state of regulatory practices, among others, present significant challenges to the protection of domestic workers' rights due to:

- (1) The nature of domestic work, which is often undervalued and performed outside legal frameworks, thereby increasing domestic workers' vulnerability to social isolation, abuse and exploitation;
- (2) Non-transparent recruitment practices and processes, especially in cases when employment was obtained through irregular and/or informal means; and,
- (3) The lack or absence of redress mechanisms and support networks.

### 2. *Human rights instruments and international labor standards for better protection of migrant domestic care workers' rights*

This session provided an overview of the framework of human rights instruments, international labor standards and some available tools to provide better labor and social protection for migrant domestic care workers. The overview offered discussions on the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), its General Recommendation No. 26 on Women Migrant Workers, the Migrant Workers Convention and its General Comment No. 1 on Migrant Domestic Workers and ILO C189. The standards contained in these human rights instruments and international labour standards are all captured in the GFMD Checklist to Protect and Support Domestic Workers, which is an outcome of the 2011 GFMD Summit Meeting.

CEDAW, ratified by 187 countries, was acknowledged as the international human rights instrument that solely recognized the rights of women. Fourteen substantive articles of CEDAW address the social, economic, civil and political rights of women

in all the stages of the migration process: pre-departure, transit, on-site, return and reintegration. The gender focus is vital since 83 per cent of all domestic workers are women or girls according to ILO estimates.

ILO C189 and its Recommendation 201 were acknowledged as being key instruments in the promotion of the rights of domestic workers. These two international instruments are the first to tackle the protection of domestic workers by setting minimum standards that promote fair globalization through decent work. They are founded on the principles that domestic work *is* work and that the unequal economic power usually present between the employer and the domestic worker create situations that merit special protection. Chief among the protective features of ILO C189 is the recognition that it applies to *all* domestic workers, migrant or local.

The need to go beyond rhetoric and ensure that governments formulate concrete policy regimes and implement programs institutionalizing the protection of domestic workers was raised. To date, there are only three countries that have ratified C189: Uruguay, the Philippines and Mauritius. It was

therefore agreed upon to intensify the campaign for states' ratification and implementation of ILO C189.

The two-track approach on the ratification and implementation of ILO C189 by the Government of the Philippines was presented as a strategy. This two-track approach involved an active campaign for ratification while simultaneously working on enacting domestic legislation. Part of the campaign involved working with civil society groups, particularly domestic workers' associations, politicians and national councils.

It was underscored, however, that while ILO C189 had been ratified, Bilateral Labour Agreements (BLAs) must not be neglected. A prime example of the efficacy of BLAs is the agreement between the Governments of the Philippines and the Kingdom of Saudi Arabia with respect to the standardization of contracts for domestic workers.

The session concluded that given the sheer number of those needing protection and the attendant hazards of their employment, all avenues must be exhausted: (1) domestic, through the enactment of protective labor laws with the GFMD Checklist as an effective tool; and, (2) international, through the ratification of conventions, regional dialogue and BLAs.

### **3. *Good practices and lessons learned on protecting and empowering migrant domestic care workers***

The session identified several good practices from three countries: Sri Lanka, Saudi Arabia and the Philippines. The experiences focused on overcoming issues, gaps and challenges faced in the course of protecting migrant domestic workers in the different stages of the migration cycle.

Sri Lanka highlighted some of the challenges it experienced relevant to domestic workers: (1) institutional and legislative constraints primarily manifested in the inadequacy of labour migration systems; (2) absence of a mechanism for matching labour demand and supply; (3) uncoordinated movements among multiple stakeholders; (4) inadequate return and reintegration programs; and, (5) lack of policy coherence on migration issues.

Novel approaches to overcome some of these challenges were shared, notably in the areas of communication and technology. The Sri Lankan Government established a 24-hour welfare center, conveniently situated near the airport, equipped with medical facilities and staffed by care workers. Similarly, a 24-hour call center was established to receive calls from migrant workers requiring assistance. The Government likewise provides SIM cards to migrant domestic workers to facilitate continued protection through monitoring and constant communication.

The Sri Lankan Government also shared their good practices in monitoring potential malpractices by recruiters and recruitment agencies. Placed at the heart of rights protection was the rights-based pre-departure orientation provided to the migrant domestic care workers.

The presentation from the Kingdom of Saudi Arabia (KSA) shared similar innovative approaches to migrant worker protection hinged on the use of technology. The session introduced the concept of an 'Open Portal' (OP)—a concept currently being

studied by KSA authorities. This portal is envisioned to be a means to standardize processes and hold relevant data culled from multiple stakeholders—KSA government agencies, private entities, individuals—across seven countries. The OP is expected to streamline the different processes related to migration, from recruitment (job vacancy publication and job skills matching) to being an interface to receive reports of abuse.

The importance of training—prior to deployment and during reintegration—was discussed. Skills training initiatives were acknowledged as favourable to the overall development of migrant workers. Trainings and modules on human rights were also seen as instrumental in increasing social and political awareness.

In the Philippine presentation, key components of the reintegration program included financial literacy, entrepreneurship assistance and wage employment skills development. This program is carried out through partnerships with the private sector, local government units and community-based organizations thereby providing a holistic approach to reintegration.

In the discussions that followed the presentations, the regulation of the recruitment industry was identified as one of the main issues requiring urgent action in the Asia Pacific Region. Taking inspiration from the GFMD, ASEAN and the Colombo

Process, the session recognized that better dialogue among all the stakeholders must be conducted to consolidate good practices. It was agreed upon that any policy on the regulation of the recruitment industry needed to contain the following elements: (1) transparency and predictability for all stakeholders; (2) accessibility of accurate information for both migrant workers and employers; (3) the establishment of a consultative process that includes all stakeholders – countries of origin and destination, migrants workers and their families, private recruitment agencies and civil society; and, (4) the consistent application of human rights, gender and development perspectives.

#### **4. *Migrant domestic care workers as development actors***

This session discussed migrant workers' contributions to development in both their countries of origin and destination. The experiences and case studies shared by UN Women and the International Domestic Workers' Network were instrumental in making the case that providing legal and social protection to migrant domestic workers empowered them to become development actors.

Benefits to both countries of origin and destination were examined. With regard to the former, the most obvious are the economic benefits by way of monetary remittances which must be viewed with the multiplier effect that ensues following higher levels of education, debt payments, improved housing conditions, etc., for the families of migrant domestic workers. These 'upgrades' spread out to the community and eventually lead to better and more empowered social positions.


Aside from economic contributions, social remittances in the form of knowledge transfer, skills upgrade, introduction of global perspectives and an increased sense of awareness in exercising civil and political rights were highlighted.

While it is more difficult to measure migrant domestic workers' contributions in countries of destination, it was widely agreed upon that these workers contributed in the mainstreaming of gender equality and social empowerment of women, particularly to the economic and career development of middle and higher-class women by providing care and other housework that these women would have had to provide.

There was a consensus, therefore, on the need to develop a common methodology to measure the contributions of domestic work. Furthermore, data collection must be strengthened in the following areas: (1) labour force and economic statistics that measure all economic units and workers, including their productivity, earnings and contributions to GDP; (2) personal data capture of specific groups of domestic workers (i.e. migrant domestic workers); and, (3) information on the situation of migrant workers at countries of destination. Having this data will help improve the analyses that inform policy formulation and decision making.

The need to empower migrant domestic workers to organize themselves and join trade unions was highlighted. Organizations not only help improve their capacity to negotiate better protection measures and shape policies that are relevant to them, they likewise provide much-needed social support.

### C. Key findings

1. Not only do remittances help provide for the needs of migrant domestic workers and their families, their work affords the women in countries of destination greater participation in gainful employment 
2. Aside from the financial contributions of migrant domestic workers, there are also social contributions in the form of improved status of migrant domestic worker families, skills transfer and the empowerment of women.
3. It is important to bring domestic workers within the coverage of labor and social protection laws.
4. The GFMD Checklist to Protect and Support Domestic Workers is a useful tool based on international standards and good national practices to help policy makers formulate and implement national policies, laws and programs that promote and protect the rights of domestic workers.
5. The participation of all stakeholders, especially migrant domestic workers themselves, the organizations representing them and civil society, is important in formulating and implementing national policies, laws and programs that promote and protect the rights of domestic workers.

6. The following were identified as good practices in the protection of migrant domestic workers:
  - a common regional position, particularly on the use of **standard contract agreements** containing provisions protecting migrant domestic workers, currently being explored by the Gulf Cooperation Council countries;
  - a **system to monitor, evaluate and regulate recruitment agencies** based on their performance with a view to setting standard guidelines, reducing recruitment costs, improving the image of recruitment agencies and enforcing sanctions on erring agencies;
  - a **hotline or multilingual call center** for migrant domestic workers;
  - **pre-departure training** containing information on country of destination, including welfare and options available for domestic workers; and,
  - provision of **social protection**, including health insurance, pension schemes and other social security protection.
  
7. There is a need to ensure a **better balance between labor supply and demand** which requires consensus between governments of both countries of origin and destination.

#### D. Workshop recommendations

1. Agree on a methodology to better measure and reflect both financial and social contributions of migrant domestic workers.
2. Consider the costs of migrant domestic work and study how to reduce or mitigate these.
3. With regard to strategies for the ratification and implementation of ILO C189:
  - Develop an action plan to ratify and implement ILO C189 with proper leadership and coordination, funding and resource allocation and mobilization
  - Engage social media in this campaign
  - Seek support from international organizations (ILO, UN Women, IOM) for knowledge and capacity building
4. Identify gaps in existing government policies, programs and structures, for instance on the need for inter-ministerial collaboration and coordination, with the help of the GFMD Checklist, to legislate policy solutions and improve the protection of migrant domestic workers.
5. Include all stakeholders, particularly the migrant domestic workers themselves, civil society, private recruitment agencies and employers organizations, in formulating and implementing policies and programs concerning migrant domestic workers.
6. Consider the following practices:
  - **Inform and orient all stakeholders on the rights of domestic workers** in line with human rights instruments and international labor standards;
  - Sensitize both employers and employees on the **value of domestic work and the proper treatment**, including working conditions, **of domestic workers**;
  - Conduct **skills training** for migrant domestic workers in order to upgrade their skills;
  - Create a **forum for labor attachés of both countries of origin and destination** to explore their roles, share information and experience and study the possibility of having joint training and exercises;



- Encourage countries of destination to contribute to **reintegration plans and programs** of migrant domestic workers;
  - Ask employers to **report runaway cases** to the embassies and local authorities;
  - Study the possibility of **house inspections**; and,
  - Consider the ratification and implementation of **ILO Convention 181** on private employment agencies.
7. Strengthen international cooperation between countries of origin and destination.
  8. Task national human rights institutions to monitor progress made in the protection of domestic workers.