

MIGRANT DOMESTIC and issues

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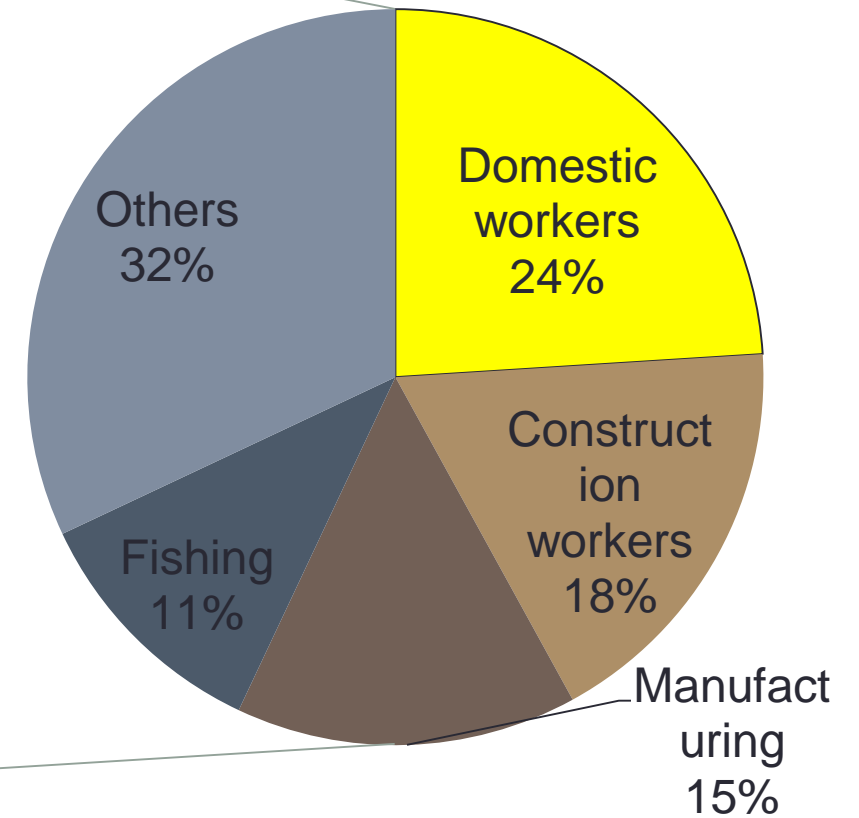
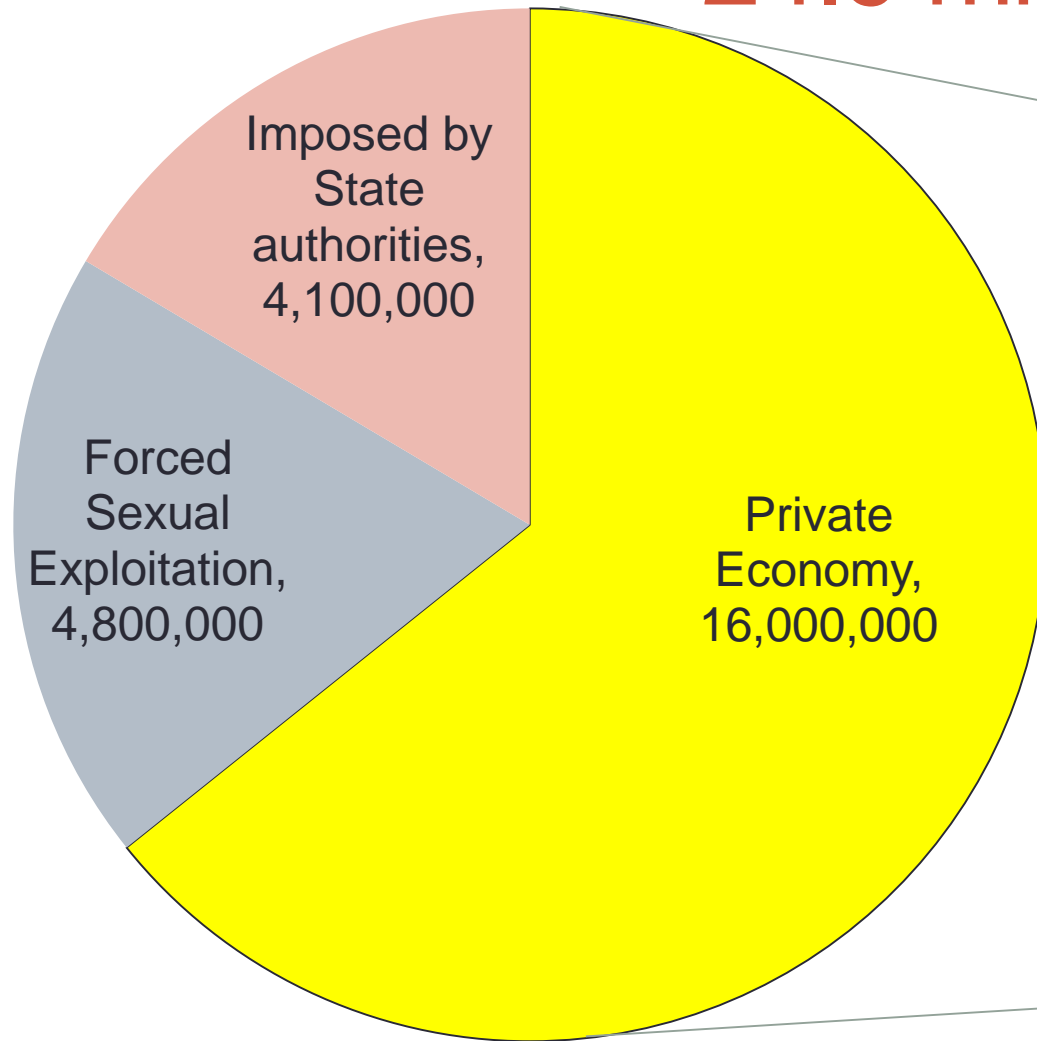
- **Domestic workers:** 70.1 million globally (ILO, 2018); 41% in Asia (2013).
- **Migrant domestic workers:** 11.5 million globally; 3.8 million in Asia Pacific (ILO, 2015)
- **Growing care need:** People in need of care: 2.1 billion in 2015; 2.3 billion in 2030 with an additional 200 million elderly and children (ILO, 2018)

	Countries				All M+F
	Low income	Lower-middle income	Upper-middle income	High income	
All domestic workers ('000)	4.7	16.4	32.2	13.9	67.1
Migrant DW ('000)	0.49	0.72	1.19	9.13	11.52
Migrant DW in %	4.2	6.2	10.3	79.2	100
Migrant DW as a proportion of all migrant workers	13.8	4.2	6.8	8.1	7.7
Migrant DW as a proportion of all DW	10.5	4.4	3.7	65.8	17.2

(ILO, 2015)

24.9 million victims of forced labour

(ILO, 2017:11)



Main situation of MDW

- 83% are **women**
- Many do not enjoy **Freedom of Association**
- Low **wage**
- Long **working hours**
- Often no **Weekly rests**
- **Deception** / fake contract
- Restriction of **Movement**
- Confiscation of **identity documents**
- Physical and sexual **violence**
- **Isolation**
- Unpaid / underpaying **wages**
- **Debt** bondage
- Indecent **Food and accommodation**
- Difficult **Access to Justice**
- **Discrimination**, e.g. mandatory health check
- Deprived of **reproductive rights**

Legal and Policy Gap

- **Non-recognition of domestic workers:** only 3% of Asian countries covering domestic workers by general labour laws to the same extent as other workers; 61% totally excludes domestic workers from labour laws. (ILO, 2013)
- **Immigration rules' restrictions** on migrant workers from enjoying labour rights:
 - Sponsorship / Tied work permit system
 - Tight visa restrictions, e.g. two week rule
- **inadequate rules and monitoring recruitment process:**
 - Inconsistent laws and policies between Countries of origin and destination, lack of legally binding agreements
 - Lack of laws tailored to the monitoring of employment agencies on MDW

ILO Convention 189 Decent Work for Domestic Workers



ILO Convention 189 Decent Work for Domestic Workers

- Ratifications: Globally 27 ;
Asia 1 - Philippines
- C189:
 - ILO conventions apply to domestic workers
 - Domestic workers are workers
 - Equal rights with other kind of workers
- Labour laws and policy reforms to recognize domestic workers
 - Philippines
 - Bangladesh
 - Nepal
 - Pakistan
 - Nepal
 - Thailand
 - Cambodia



Strengthening measures to protect MDWs – highlights

- Monitoring employment agencies:
 - Hong Kong: Code of Practice and increased punishment of illegal practices
- Inspection:
 - Taiwan
 - Singapore
- Weekly day-offs:
 - Hong Kong (mandatory day-offs)
 - Singapore (but workers are allowed to work with overtime compensation)
- Labour hotlines in MDWs' languages:
 - Taiwan
 - Hong Kong (Bhs Indonesia)
- Regulations for domestic workers
 - Thailand



👉 Hong Kong FADWU leaders at Press Conference Launch of “Agents of Change?”, monitoring employment agencies



Novelita Valdez Palisoc at TEDxPlacedesNationsWomen



Jassy Santos at Jornal Tribuna de Macau



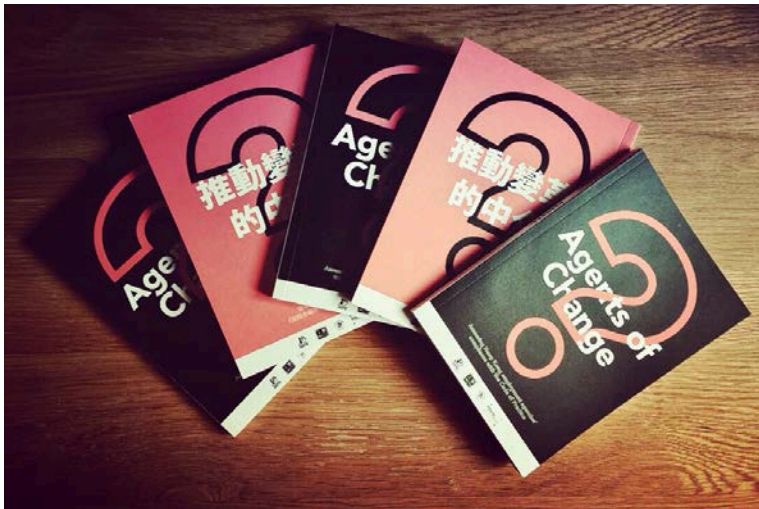
👉 AMMPO leaders at PAOS (Post Arrival Training in Malaysia)

Leadership and voices of migrant domestic workers

Code of Practice on Employment Agencies

Based on legislations in Hong Kong, the Code of Practice lay out rules and guides that employment agencies have to follow:

- Maximum employment agency fee charged to workers (10% of workers' 1st month salary);
- Information of business operations, service agreements with job seekers and with employers,
- provision of payment receipts,
- avoiding involvement in financial affairs of job seekers.



However, FADWU – Hong Kong Federation of Asian Domestic Workers Unions' investigation finds out:

- 96% were not fully compliant with crucial elements of the Code
- 57% were charged with illegal fees by Hong Kong employment agencies

My Fair Home RUMAHKU YANG ADIL หน้าแรก 我的公平之家 MI JUSTO HOGAR ជំនឿ ឥដ្ឋ យុត្តិធម៌របស់ខ្ញុំ

MITT RÄTTVISA HEM ເຮືອນທີ່ມີຄວາມບັນທຳຂອງຂ້າພະເຈົ້າ NGÔI NHÀ BÌNH ĐẲNG CỦA TÔI MEIN FAIRES ZUHAUSE LA MIA
CASA GIUSTA मेरो राम्रो घर العادل بيتي MON DOMICILE EQUITABLE MINUN REILU KOTINI 공정한 가사근로를 위한 선서

- I will ensure **fair wages** are paid to domestic workers in my home (at least the minimum wage) and that domestic workers in my home have **reasonable work hours and time to rest**.
- I will negotiate the terms and conditions of employment with any domestic workers in my home, ensuring a mutual understanding through a **written agreement**.
- I will ensure that domestic workers in my home have **access to decent healthcare**.
- I will actively ensure a work environment that is **free from abuse, harassment and violence**.
- I will ensure that domestic workers in my home enjoy **decent living conditions and a safe, secure and private bedroom**.
- I will ensure that domestic workers in my home are able to **spend their free time** wherever and however they choose.

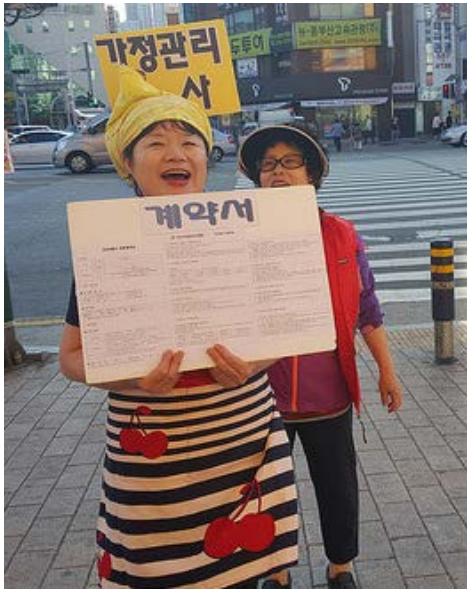


- ✓ أضمن دفع أجور عادلة وساعات عمل معقولة ووقت للراحة لعاملات المنازل في بيتي.
- ✓ أحترم شروط وظروف العمل المذكورة في عقد العمل الموقع بين عاملات المنزل وبيتي.
- ✓ أضمن حصول عاملات المنازل في بيتي على الرعاية الصحية اللائقة.
- ✓ أضمن بيئة عمل خالية من الإساءة والتحرش والعنف.
- ✓ أضمن تمتع عاملات المنازل في بيتي بظروف معيشية لائقة وغرفة نوم خاصة وأمنة.
- ✓ أضمن أن عاملات المنازل في بيتي قادرات على قضاء أوقات فراغهن أينما وكيفما أردن.



My Fair Home Campaign @ South Korea: promoting written contract

<http://idwfed.org/myfairhome>



Europe: EFFAT adopts My Fair Home



- Launch of My Fair Home Campaign at the residence of Sri Lankan ambassador in Lebanon



Employers at My Fair Home Campaign Launch in Hong Kong with a focus on fight against abuses by employment agencies



ILO-UN Women Safe & Fair project – the EU-UN Spotlight Initiative

- Realizing women migrant workers' rights and opportunities in the ASEAN region:
 - Labour migration governance and end violence against women;
 - Women migrant workers: access to information and services, opportunities to network and organize;
 - Data and evidence on experiences of women migrant workers;
 - Understanding contribution of women migrants
- IDWF
 - Organize migrant domestic workers;
 - Campaign and advocacy for rights of migrant domestic workers (MDWs);
 - Awareness raising in countries of origin
 - Training and representation of MDWs in regional and international level



Spotlight Initiative
To eliminate violence against women and girls

Recommendations

- Remove exclusions of domestic workers in labour laws and policies, **ensure equal treatment** to domestic workers and migrants – Refer to **ILO Convention 189** Decent work for domestic workers
- **Family friendly laws and policies:**
 - Adequate Public care services
 - Working hours limit
- Laws and Policies on **monitoring recruitment process**
- services and support catered to the characteristics of migrant domestic workers:
 - **Labour inspection;**
 - Ensure MDW's **access to legal information, services, justice system** (language support, shelter, extension of visa and support in pursuant of justice in judicial process etc)
 - **Pre-departure training, On-arrival and Post-arrival information seminars**

References

- ILO (2018). Care work and care jobs for the future of decent work .Available at https://www.ilo.org/global/publications/books/WCMS_633135/lang--en/index.htm. [Accessed on 20 Jan 2019]
- ILO (2017). Global Estimates of Modern Slavery - Forced Labour and Forced Marriage. Available at https://www.ilo.org/global/publications/books/WCMS_575479/lang--en/index.htm. [Accessed on 20 Jan 2019]
- ILO (2016), Social protection for domestic workers: Key policy trends and statistics. Available at https://www.ilo.org/secsoc/information-resources/publications-and-tools/policy-papers/WCMS_458933/lang--en/index.htm. [Accessed on 20 Jan 2019]
- ILO (2015). ILO Global Estimates on Migrant Workers. Available at https://www.ilo.org/global/topics/labour-migration/publications/WCMS_436343/lang--en/index.htm [Accessed on 20 Jan 2019]
- ILO (2013). Domestic Workers Across the World: Global and regional statistics and the extent of legal protection. Available at https://www.ilo.org/travail/Whatsnew/WCMS_173363/lang--en/index.htm. [Accessed on 20 Jan 2019]