



**Spotlight
Initiative**



Organizing women migrant workers: Manual for trade unionists in ASEAN

Collaboration between:

ILO Bureau for Workers' Activities (ACTRAV)

Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region, a joint programme of the International Labour Organization and UN Women under the EU-UN Spotlight Initiative to eliminate violence against women and girls.



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First published 2021

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ISBN: 9789220345498 (Print), 9789220345481 (Web PDF)

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Printed in Thailand

Foreword

The ILO Violence and Harassment Convention, 2019 (No. 190) and its supplementary Recommendation No. 206 are a milestone for paving the way to build workplaces free from violence and harassment for all workers. Trade unions recognize the importance of the Convention and its accompanying Recommendation as instruments to improve policies and working conditions across the world. Violence and harassment faced by women migrant workers in the world of work is often the result of intersecting circumstances and risk factors that are closely connected to gender inequalities and rooted in gender-based forms of power and control. Research indicates that violence and harassment can manifest itself, in its many forms, in all sectors, jobs and occupations. The great majority of cases of gender-based violence and harassment in the world of work, especially those with a sexual nature, are reported by women, often because of the discriminatory social norms and structures that reinforce power inequalities based on gender. Women migrant workers, in particular, can be in situations of heightened vulnerability to sexual harassment and violence, as they are often in situations of power imbalance vis-à-vis managers, employers and recruiters, and they are frequently in low-paid occupations with non-standard working conditions. During the COVID-19 pandemic, cases of violence and harassment have increased with particular intersectional and intensified effects related to gender and migration status. Trade unions are often the first point of call for women migrant workers, including those experiencing violence and abuses, and trade unions' ability to provide initial emotional support, legal services or referrals to specialized coordinated quality essential services can be lifesaving.

In the Association of Southeast Asian Nations (ASEAN) region in recent years, new national labour migration policies and regulations have been imposed. Regionally, bilateral and multilateral cooperation between countries of origin and destination has been enhanced with states aiming to harness the benefits of migration. The 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers helped establish a framework for cooperation on migrant workers' rights in the region, and stipulated the general principles and fundamental rights of migrant workers and their families. Globally, the Global Compact for Safe, Orderly and Regular Migration (GCM), an inter-governmental non-binding agreement with a holistic and comprehensive approach to international migration, was formally endorsed by the United Nations General Assembly in 2018. The GCM "ensures that the human rights of women, men, girls and boys are respected at all stages of migration, their specific needs are properly understood and addressed and they are empowered as agents of change. It mainstreams a gender perspective, promotes gender equality and the empowerment of all women, recognizing their independence, agency and leadership in order to move away from addressing migrant women primarily through a lens of victimhood" (Art. 15(g)). This perspective helps guide this manual.

Trade unions have maximized their efforts to promote safe migration for women and men migrant workers through improved legislation, union–union collaboration and organizing, among others. The Inter-Union Cooperation Agreement among ASEAN Unions adopted by ASEAN Trade Union Council in 2014 promotes decent work for migrant workers. To improve inter-regional trade union cooperation, a memorandum of understanding (MOU) was signed by the ATUC, the South Asian Regional Trade Union Council (SARTUC) and the Arab Trade Union Confederation (Arab TUC) in 2015, followed by the operation of a Migrant Worker Resource Centre in Amman, Jordan. Further, a global network for trade union cooperation was established through an MOU signed by six regional and subregional trade union organizations in 2018. The ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), put forward fundamental human rights that all workers, including women migrant workers, are entitled to, regardless of their gender or their employment or migration status. These critical instruments enable women migrant workers to empower themselves and improve their working conditions. Organizing is an entry point to strengthen voice and representation, to negotiate and improve working conditions, and to prevent and respond to violence, exploitation and discrimination. However, migrant women are often excluded from organizing efforts in the first place; so they are often underrepresented in trade union membership and leadership.

This new manual reflects trends and changes to support today’s trade union strategies in organizing women migrant workers in particular, while also promoting safe, orderly and regular migration. With the inclusion of important developments in cross-border cooperation, international labour standards and gender-based analyses, this manual highlights strategies to organize women migrant workers in the informal economy, including in the domestic work, entertainment, services and home-based manufacturing sectors. This manual provides tools for trade unions in ASEAN and beyond to move towards better protection of the rights of women migrant workers.

A world in which women migrant workers are organized is one in which women have the bargaining power and tools to combat violence and harassment and to realize full rights at work. We sincerely thank the colleagues mentioned in the acknowledgements who made this manual available. The ILO and UN Women expect that this manual will contribute to concerted efforts by trade unions, actors and institutions in making a world of work free from violence and harassment for all workers, including women migrant workers.



Ms Chihoko ASADA-MIYAKAWA
ILO Assistant Director-General
and Regional Director for Asia and
the Pacific



Mr. Mohammad Naciri
Regional Director
UN Women Regional Office
for Asia and the Pacific

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Acknowledgements

This report was produced jointly by the ILO Bureau for Workers' Activities (ACTRAV) and the programme Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region. Safe and Fair is jointly implemented by the ILO and UN Women, under the multi-year European Union–United Nations Spotlight Initiative to end violence against women and girls.

Special thanks go to Ms Reena Arora, an international lawyer who conducted in-depth primary and secondary research and drafted this manual. Thanks are extended to ACTRAV and ILO–UN Women Safe and Fair staff, in particular, from ACTRAV: Mr Pong-Sul Ahn, Regional Specialist in Workers' Education; Mr Victor Hugo Ricco, Specialist in workers activities (HQ).

From ILO–UN Women Safe and Fair: Ms Deepa Bharathi, Safe and Fair Chief Technical Advisor; Ms Rebecca Napier-Moore, Safe and Fair Programme Technical Officer; Ms Valentina Volpe, Safe and Fair EAW Programme Specialist; as well as Safe and Fair National Programme Coordinators who facilitated national level field work: Ms Yen Ne Foo, Ms Nguyen Ha, Ms Sinthia Harkrisnowo, Ms Natthanicha Lephilibert, Mr Tith Lim, Mr Viengprasith Thiphasouda, Mr Rex Varona, and Ms May Thu Ne Win. Further, gratitude must be extended to the specialists and experts who reviewed the manual and provided valuable technical inputs, not least: Mr Nilim Baruah, ILO Regional Migration Specialist; Mr Alain Pelce, ILO Senior Specialist on International Labour Standards and Labour Law; Mr Gurchaten Sandhu, ILO Programme Support Officer on Non-discrimination; Ms Joni Simpson, ILO Senior Specialist on Gender, Equality and Non discrimination; and Ms Inkeri Von Hase, UN Women Policy Specialist, Gender and Migration.

Appreciation is expressed to the women migrant workers and trade union organizers and leaders who participated in the research and review of this manual. Representatives of the following organizations gave inputs:

- Association of Overseas Filipino Workers in Malaysia (Assosasyon ng mga Makahayang Manggagawang Pilipino Overseas, or AMMPO)
- ASEAN Trade Union Council (ATUC)
- Cambodia Confederation of Trade Unions (CCTU)
- Cambodia Labour Confederation (CLC)
- Center for United and Progressive Workers (Sentro ng mga Nagkakaisa at Progresibong Manggagawa, or SENTRO)



- Confederation for All Indonesia Trade Unions (Konfederasi Serikat Buruh Seluruh Indonesia, or KSBSI)
- Indonesian Migrant Workers Union (Serikat Buruh Migran Indonesia, or SBMI)
- Indonesian Trade Union Confederation (Konfederasi Serikat Pekerja Indonesia, or KSPI)
- Confederation of Trade Unions Myanmar (CTUM)
- Federation of Free Workers (FFW)
- International Domestic Workers Federation (IDWF)
- International Trade Union Confederation – Asia Pacific (ITUC-AP)
- Labour Congress of Thailand (LCT)
- Lao Federation of Trade Union (LFTU)
- Malaysian Trades Union Congress (MTUC)
- Migrant Workers Rights Network (MWRN, Thailand)
- National Congress Private Industrial of Employees (NCPE)
- National Trade Union Center of the Philippines (NTUC Phi)
- Progressive Labour Union of Domestic Workers – Hong Kong, China (PLU)
- Progressive Labour Union of Domestic Workers – Macao, China (PLU)
- Singapore National Trades Union Congress (SNTUC)
- State Enterprises Workers' Relations Confederation (SERC)
- Thai Trade Union Congress (TTUC)
- United Domestic Workers of the Philippines (UNITED)
- Vietnam General Confederation of Labour (VGCL)

This manual was copyedited by John Maloy and designed by Florian Saint-Aubin.

Abbreviations

ACTRAV	Bureau for Workers' Activities [ILO]
AFML	ASEAN Forum on Migrant Labour
AMMPO	Assosasyon ng mga Makahayang Manggagawang Pilipino Overseas (Association of Overseas Filipino Workers in Malaysia)
ASEAN	Association of Southeast Asian Nations
ASETUC	ASEAN Services Employees Trade Union Council
ATUC	ASEAN Trade Union Council
BMKQ	Bayanihan ng Manggagawa ng Konstruksyon ng Qatar
CDE	Centre for Domestic Employees [Singapore]
CEACR	Committee of Experts on the Application of Conventions and Recommendations [ILO]
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CLC	Cambodia Labour Confederation
CSO	civil society organization
CTUM	Confederation of Trade Unions in Myanmar
FADWU	Federation of Asian Domestic Workers' Unions [Hong Kong, China]
FFW	Federation of Free Workers [Philippines]
GCM	Global Compact for Safe, Orderly and Regular Migration
HKCTU	Hong Kong Confederation of Trade Unions

HOME	Humanitarian Organisation for Migration Economics [Singapore]
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IDWF	International Domestic Workers Federation
ILC	International Labour Conference
IOM	International Organization for Migration
ITUC	International Trade Union Confederation
ITUC-AP	International Trade Union Confederation – Asia Pacific
KSBSI	Konfederasi Serikat Buruh Seluruh Indonesia [Confederation for All Indonesia Trade Unions]
KSPI	Konfederasi Serikat Pekerja Indonesia [Indonesian Trade Union Confederation]
LGBTI+	lesbian, gay, bisexual, transgender, intersex persons and other sexuality, sex and gender diverse (+)
LFTU	Lao Federation of Trade Unions
MMN	Mekong Migration Network
MOU	memorandum of understanding
MRC	Migrant Worker Resource Centre
MTUC	Malaysian Trades Union Congress
MWRN	Migrant Workers Rights Network [Thailand]
NGO	non-governmental organization

OFW	overseas Filipino worker
OSH	occupational safety and health
PEKKA	Programme Pemberdayaan Perempuan Kepala Keluarga
PLU-HK	Progressive Labour Union of Domestic Workers – Hong Kong [China]
PLU-Macao	Progressive Labour Union of Domestic Workers – Macao [China]
SBMI	Serikat Buruh Migran Indonesia [Indonesian Migrant Workers Union]
SDGs	Sustainable Development Goals
SENTRO	Sentro ng mga Nagkakaisa at Progresibong Manggagawa (Center for United and Progressive Workers) [Philippines]
SERC	State Enterprises Workers’ Relations Confederation [Thailand]
SEWA	Self-Employed Women’s Association [India]
SEZs	special economic zones
SNTUC	Singapore National Trades Union Congress
UNDESA	United Nations Department of Economic and Social Affairs
UNITED	United Domestic Workers of the Philippines
WCF	Workmen’s Compensation Fund [Thailand]

Glossary of terms

Country of destination: The country where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be. ¹

Country of origin: The country of which the person concerned is a national. ²

Decent work: Coined by the ILO in 1999, the term “decent work” is concerned with the availability of employment in conditions of freedom, equity, security and human dignity. The decent work agenda consists of four pillars: decent and productive jobs, rights at work, extension of social protection and social dialogue. Decent work is central to improve working and living standards and to achieve inclusive and sustainable economic development. ILO Member States develop Decent Work Country Programmes as integral policy for national development, and these programmes are implemented through a tripartite process.

Discrimination: Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment. ³

Domestic work and domestic worker: The term “domestic work” means work performed in or for a household or households. ⁴ The term “domestic worker” means any person engaged in domestic work within an employment relationship. ⁵ A domestic worker is an individual who is paid to perform domestic duties such as cleaning, cooking and looking after children or elderly people in the home. A person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker. ⁶

Gender: The economic, social and cultural attributes and opportunities associated with being men or women in a particular point in time. Gender also refers to the socially constructed relationship between women and men, and the attributes, behaviour and activities to which each is expected to adhere. Gender differences are determined and reinforced by cultural, historical, ethnic,

¹ Adapted from Article 6(b) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990. See also: ILO, *Guidelines Concerning Statistics of International Labour Migration*, ICLS/20/2018/Guidelines (2018), para. 26(b), which notes: “[T]he country of destination of for-work international migrants refers to the country which the migrant entered to undertake or seek employment.”

² Adapted from Article 6(a) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990. See also ILO, *Guidelines Concerning Statistics of International Labour Migration* ICLS/20/2018/Guidelines (2018), para. 26(a), which notes: “[T]he country of origin of for work international migrants may be the country of birth, the country of citizenship or the country of previous usual residence, depending on the definition of international migrants used for measurement purposes.”

³ Discrimination (Employment and Occupation) Convention, 1958 (No. 111). See also the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) for “discrimination of women”, and UN Secretariat, *Secretary-General Bulletin: Prohibition of Discrimination, Harassment, including Sexual Harassment, and Abuse of Authority*, ST/SGB/2008/5, 2008.

⁴ ILO Domestic Workers Convention, 2011 (No. 189), Article 1(a).

⁵ ILO Domestic Workers Convention, 2011 (No. 189), Article 1(b).

⁶ ILO Domestic Workers Convention, 2011 (No. 189), Article 1(c).

religious and economic factors. Gender roles differ over time and between cultures, but may be changed. Gender is often wrongly conflated with – or assumed to be the same as – “sex”, which refers to biological differences.⁷

Gender-based violence and harassment: Violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.⁸

Gender-blind: The failure to recognize that gender is an essential determinant of social outcomes impacting on projects and policies. A gender-blind approach assumes gender is not an influencing factor in projects, programmes or policy.⁹

Gender equality: Enjoyment of equal rights, opportunities and treatment of all people, with recognition that people of different genders have different needs, priorities and experiences of injustice.¹⁰

Informal economy: All economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements. Their activities are not included in the law, which means that they are operating outside the formal reach of the law; or they are not covered in practice, which means that – although they are operating within the formal reach of the law, the law is not applied or not enforced; or the law discourages compliance because it is inappropriate, burdensome or imposes excessive costs.

Intersectionality: The intersection of gender with other areas of discrimination and exclusion, including but not limited to race, class, caste, gender, ethnicity, sexuality, gender identity, disability, nationality, immigration status, geographical location, religion and so on.¹¹ Intersectional analysis looks at how multiple areas of exclusion compound injustices and social inequalities.

Irregular Migration: A cross-border movement that takes place outside the regulatory norms of the sending, transit and receiving countries.

Irregular-status migrant worker: A person who moves cross-border for employment and/or works outside the regulatory norms of the country of origin, transit or destination (The term “irregular-status migrant” or “undocumented migrant” is preferable to “illegal migrant” because the latter is seen as stigmatizing and associative with criminality).

Labour migration: The movement of persons from one geographical location to another in order to find gainful employment.¹²

⁷ UN Women, “Glossary of Terms from Programming Essentials and Monitoring and Evaluation Sections”.

⁸ ILO Violence and Harassment Convention, 2019 (No. 190), Article 1(1).

⁹ UNDP, *The Gender and Human Rights Analysis of the National Multisectoral Strategic HIV and AIDS Framework 2009-2014*, n.d.

¹⁰ UN Women Training Centre, “Gender Equality Glossary”.

¹¹ UN Women, *The Value of Intersectionality in Understanding Violence Against Women and Girls*, 2019.

¹² ILO and the United Nations Alliance of Civilizations, *Media-Friendly Glossary on Migration: Middle East Edition*, 2017.

LGBTI+: An acronym for lesbian, gay, bisexual, transgender and intersex persons that is also used as shorthand for “persons of diverse sexual orientation, gender identity, gender expression and with diverse sex characteristics”. The “+” is intended to cover those who may identify as queer, questioning, asexual, aromantic, and other possible uses.¹³

Maternity protection: Protections ensuring equality of opportunity for women and enabling women to combine productive and reproductive roles, including: maternity leave, cash and medical benefits, health protection, employment protection, non-discrimination in employment and rights to breastfeed.¹⁴

Migrant worker: A person who migrates or who has migrated from one country to another with a view to being employed otherwise than on their own account and includes any person regularly admitted as a migrant worker.¹⁵

Migrant Worker Resource Centre (MRC): MRCs deliver services directly to migrant workers and their communities in countries of origin and destination and are often housed in government institutions, trade unions or civil society organizations. MRCs provide information on migrating to work, and provide a space to ask questions and to lodge complaints and get legal aid. Counselling is provided at MRCs and in communities through outreach activities and meetings, in addition to online and over the phone.¹⁶

Regular/documented migrant worker: A migrant worker who is authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party.¹⁷ In some instances this refers to a migrant worker having authority to leave her or his country. The rights and permissions afforded to documented or regular migrant workers may, under certain conditions, be granted to members of their families.

Remittance: Remittances are monies earned or acquired by migrant workers that are transferred back to their country of origin.¹⁸

Violence against women: Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.¹⁹ See also next term “Violence and harassment in the world of work”.

¹³ Adapted from UNHCR and IOM, *LGBTI Glossary 2017*, 2017.

¹⁴ ILO Maternity Protection Convention, 2000 (No. 183), and Maternity Protection Recommendation, 2000 (No. 191); cited from Rebecca Napier-Moore, *Protected or Put in Harm's Way? Bans and Restrictions on Women's Labour Migration in ASEAN Countries* (ILO and UN Women, 2017).

¹⁵ ILO Migrant Workers Convention, 1975 (No. 143). Also note that a migrant worker is defined as “a person who is to be or has been engaged in a remunerated activity in a State of which he or she is not a national” per the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.

¹⁶ ILO, *Migrant Worker Resource Centre Operations Manual*, 2014.

¹⁷ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, Article 5(a).

¹⁸ ILO and the United Nations Alliance of Civilizations, *Media-Friendly Glossary on Migration: Middle East Edition*, 2017.

¹⁹ Declaration on the Elimination of Violence against Women. 1993, Article 1.

Violence against women is manifested in a continuum of multiple, interrelated and sometimes recurring forms, encompassing, but not limited to:

- Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women and girls, non spousal violence and violence related to exploitation.
- Physical, sexual and psychological violence occurring within the general community, including rape; sexual abuse; sexual harassment and intimidation at work, in educational institutions and elsewhere; trafficking in women and girls; and forced prostitution of women and sexual exploitation of girls.
- Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Violence and harassment in the world of work: A range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment. This term was agreed in the ILO Violence and Harassment Convention, 2019 (No. 190).²⁰



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²⁰ For definition of “world of work”, see ILO Violence and Harassment Convention, 2019 (No. 190), Article 3.

How to use this manual: Pointers for trainers

- This is a big manual! You could use it for a whole week of trainings, or you could pull out two or three activities for a small half-day workshop.
- There are many topics you could cover. Find out first what your training participants know already and where the gaps are in their knowledge. Build your workshop from there.
 - If your training participants tend to organize mostly men and do not understand much about gender equality or violence and harassment, then pick out one or two activities in every module focused especially on these issues. Do not miss Module 8.
 - If they already know how to organize hard-to-reach groups, but have not worked with migrant workers before, then start with the basics of labour migration in Module 1, and do not forget to work on myth busting in Module 6.
 - If women migrant workers in your area have a specific problem that organizers want to tackle, then look through Modules 3–5 and find information and activities specific to your issue. Next go to Modules 7–10 and find examples of ways other trade unions have tackled it.
 - If they are already organizing women migrant workers and want to take their efforts to a new level through advocacy, then start with Module 2 on international law, and complement that with examples in Module 7 – Pillar 1.
 - If they are already convinced that organizing women migrant workers is a good idea, but do not know how to do it, then start with Module 7 and work through as many modules as you have time for.
- The activities in this manual will be the core of the trainings that you conduct. ILO Bureau for Workers' Activities (ACTRAV) and the ILO–UN Women Safe and Fair Programme have put together comprehensive background information on each topic. They are there for your reference as a trainer, so you feel informed as you start each session. There is no need to read the background information to training participants.

- This manual has a lot of examples from the ASEAN region, but applies globally to any trade union wanting to organize women migrant workers. If you have examples from other regions, feel free to use them in your trainings.
- We all have biases, including us as trainers. We pick up social norms throughout our lives – these often tell us that men are more worthy than women, or nationals are inherently better than people from another country. This manual can be a mirror for both you and your training participants to see what those biases are, and an invitation to change any lingering views that hinder the workers' movement for equality and decent work for all.



Why this manual?

One of the most effective ways of preventing the exploitation of migrant workers, including women and those in the informal economy, is by guaranteeing the right to organize, collectively bargain, and to establish or to join trade unions in destination countries. There are lower levels of labour exploitation, child labour, trafficking and forced labour found in industries with strong trade union representation. Organizing is an entry point to increase new members of trade unions, to address their concerns, to provide better access to education and training, and eventually enable them to bargain collectively to reduce gender pay gaps, increase pay and benefits, and improve working conditions, including preventing violence and exploitation (ILO and UN Women 2019c, 1).

Universal rights of equal treatment and non-discrimination apply to all migrant workers regardless of gender. All migrant workers must enjoy equal pay for work of equal value and be able to exercise their rights – **including trade union rights** – without threats of harassment or violence. Ensuring these rights also ensures that neither migration nor gender are misused for the purpose of undercutting existing terms and conditions of work (ILO 2014a, para. 42).

Of the estimated 11.6 million migrant workers in South-East Asia and the Pacific in 2017, 5.2 million were women, a near equal share (ILO 2018d). Yet in this seemingly equal landscape, data indicate that migrant workers receive lower pay than nationals, and women migrant workers have the lowest pay of all (ILO and UN Women 2020a). Economies in Asia and the Pacific have benefitted from women's labour, but the returns to women have not been equitable – particularly for migrant women.

As emphasized by the United Nations (UN) Secretary-General in 2019, “This discrimination [faced by migrant women] affects the enjoyment by women and girls of their human rights and increases the likelihood that they will experience targeted, compounded or structural discrimination, including the risk of violence” (UN General Assembly 2019, para. 10).

The majority of migrant workers, including the women among them, are non-unionized in ASEAN countries, and cannot take advantage of the rights of collective action inherent in trade unions to combat prevalent forms of violence and harassment, discrimination and exploitation they face in the workplace (Marks and Olsen 2015). Migrant workers are often not allowed by law or in practice to join or form trade unions, or are barred from holding trade union leadership positions. Sectors that predominately employ women, particularly in the informal economy, such as domestic and entertainment work, also face greater restrictions or obstacles to exercising the freedom of association. Women migrant workers thus face unique forms of discrimination – both as migrants and as women – that deny them the right to organize and collectively bargain.



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Women in Asia and the Pacific are the least represented in trade union membership among all regions worldwide, and only make up 34.1 per cent of members within the region – much below the global average of 42.4 per cent (Equal Times 2018, 10). Globally, women make up 14.4 per cent of the top two trade union leadership positions – president and vice president – within individual unions (Equal Times 2018, 15). Women migrant workers face barriers to organizing such as long working hours, lack of days off, isolated workplaces, language barriers and limited knowledge of rights. Many also fear being fired or facing sanctions from local authorities if they engage in organizing activities. If they are able to and want to be involved in organizing, women migrant workers commonly face a deterring triple burden of paid employment duties, care and household work, and trade union responsibilities. This is all in addition to a lack of basic rights due to their migrant status.

Trade unions regionally and globally often work on either migrants' issues, or on gender equality and women's empowerment. ACTRAV and Safe and Fair aim for this training manual to enable trade unions to address the specific needs of women migrant workers, bringing these two elements together.

The programme Safe and Fair: Realizing Women Migrant Workers' Rights and Opportunities in the ASEAN Region (2018–2022) is part of the multi-year European Union–UN Spotlight Initiative to Eliminate Violence Against Women and Girls. Safe and Fair is implemented by the ILO and UN Women, in collaboration with the UN Office on Drugs and Crime. Safe and Fair delivers technical assistance and support with the overall objective of making labour migration safe and fair for all women in the ASEAN region. Safe and Fair has partnered with ILO ACTRAV to increase opportunities for women migrant workers to organize at the regional, national and local level to address labour exploitation and gender-based discrimination and to enhance safe and fair migration.

The ACTRAV manual *In search of decent work: Migrant workers' rights: A manual for trade unionists* developed in 2008 was a useful reference for designing this manual. This current manual reviews recent trends in migration with a focus on women migrant workers, examines international labour standards and other instruments relating to the rights of migrant workers and women among them, and spotlights developments concerning migration and national labour laws in ASEAN. The manual provides learning modules on the working and living conditions of women migrant workers, gender-responsive social protection, the socio-economic contributions of women migrant workers and common myths that undermine protection of their rights. The manual explores issues of exploitation such as violence and harassment against women, pregnancy discrimination, lack of maternity protection, as well as issues unique to industries in which women are predominant, such as care/domestic work and entertainment work. The manual will focus on discussing how to build women's leadership as well as how to organize in the informal economy, where migrant women workers predominate.

At the *ILO regional conference on women and the future of work in Asia and the Pacific* in 2018, attending advocates explained that in any process to expand women's leadership and voice, specific gendered constraints and perceptions must be confronted to undo unconscious biases. Behavioural psychologists suggest everyone, even those who care deeply about diversity, are subject to unconscious biases. Stereotypical perceptions persist about the roles and responsibilities of women and men, and of nationals and migrants, which present formidable challenges to increasing women's leadership and ensuring inclusion of migrants in the labour movement (ILO 2018b, 22). The pedagogy of this manual encourages reflection on these unconscious biases as a means to promote greater leadership among and by women and migrants.

The participation and leadership of women and migrants in the trade union movement are paramount to addressing gender issues in the workplace and to reducing gender gaps in the workplace and in society.



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Module 1. Gendered trends of labour migration

Activity 1.1. Trade union attitudes towards migrant workers and women workers

Objective

To start a discussion on what attitudinal obstacles trade unions might face when organizing migrant workers, and what positive framing trade unions can use to overcome these obstacles. To reflect on advancement of trade unions in tackling women's issues.

Outcome

Participants will reflect on their own personal perspectives on trade unions organizing migrant workers and identify points of solidarity between their current union membership and migrant workers. Participants will reflect on trade unions' advancements on women's issues.

Methodology

Reflective journaling/partner sharing

Materials

Handout 1.1. Trade unions' perspectives on migrant workers

Instructions:

Part 1. Attitudes towards migrant workers

- 1) Facilitator distributes **Handout 1.1. Trade unions' perspectives on migrant workers**. Facilitator asks for a volunteer to read it aloud.
- 2) Facilitator asks each participant to read the quote and answer these questions in a notebook or on a piece of paper:
 - a. What do you think the general attitudes of trade unions in your country towards migrant workers are – are they primarily seen by their identity as fellow workers, or primarily seen as foreigners?
 - b. How about your trade union specifically?
 - c. Do your union members experience unjust treatment at work in similar ways as migrant workers? Can we find solidarity in these injustices?
- 3) Facilitator asks each participant to turn to the person beside them and summarize their thoughts and compare perspectives.

Part 2. Attitudes towards women workers

- 1) Facilitator plays the International Trade Union Confederation – Asia Pacific (ITUC AP) video “Shared Story of Mission Possible” on organizing women: https://youtu.be/ox_ThCi70qI.
- 2) Facilitator asks each participant to reflect on the achievements of their own trade union in promoting women’s rights and participation.
- 3) Facilitator asks each participant to discuss with the same partner what their union has or has not done, and compare perspectives.

Overview of labour migration, especially of women

In 2019, the United Nations Department of Economic and Social Affairs (UNDESA) estimated that there are approximately 272 million migrants globally, a nearly 50 per cent increase since 2000, though that trend was affected by COVID-19 in 2020. Among all international migrants worldwide, 39 per cent were born in a developing country and are residing in another developing country (so called “South–South migrants”), and 80.1 per cent of migrants originate from the same region they migrate to.

Women make up almost half of migrant workers, estimates place the figure at 41.6 per cent but may not capture the numerous women migrant workers who are working informally or without documentation. According to an estimate by the ILO, among all the migrants globally, approximately 234 million are migrant workers, representing 4.2 per cent of the global population (ILO 2018c, 5).

Within the Association of Southeast Asian Nations (ASEAN), three countries host 91 per cent of intra-ASEAN migrant workers – Malaysia and Thailand each host 35 per cent, and Singapore 21 per cent (UNDESA 2015). Seven ASEAN Member States¹ deployed over 2.1 million migrant workers within ASEAN (UNDESA 2015), many of whom were in low- and medium-skilled categories of work under temporary or short-term contracts (ADB and ILO 2014, 83–100). Myanmar and Cambodia deploy 93.4 and 66.8 per cent of their migrant workers, respectively, to other ASEAN Member States. Meanwhile, Indonesia, the Philippines and Viet Nam have higher overall deployments of total migrant workers abroad, but they have lower deployments within ASEAN (UNDESA 2015).

Including both migrants and nationals, 65 per cent of women workers in ASEAN are in precarious employment, characterized by inadequate earnings, low productivity and difficult conditions of work that undermine workers’ fundamental rights (UN Women 2013).

Current regional integration through the ASEAN Economic Community involves enhancing financial and trade liberalization. The political economic model to drive growth and intra-ASEAN competition

¹ Cambodia, Indonesia, the Lao People’s Democratic Republic, Myanmar, the Philippines, Thailand and Viet Nam.

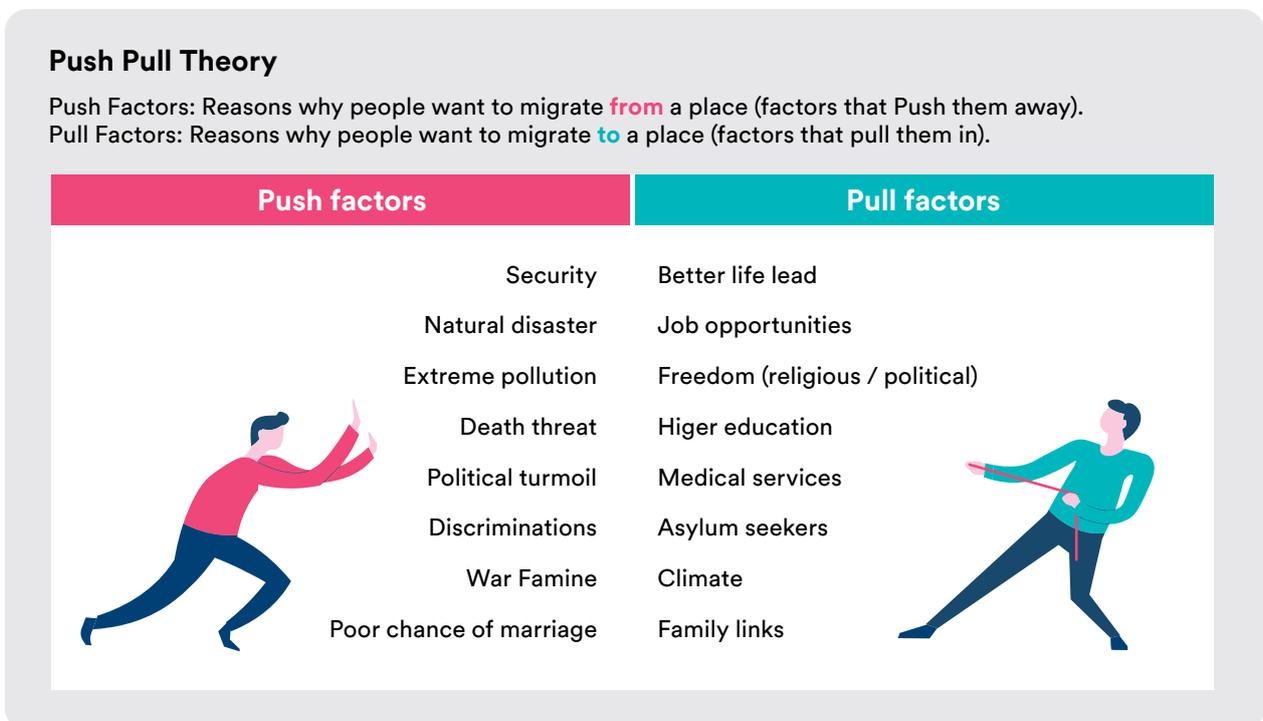
encourages making labour more flexible in the region; however, the ASEAN Economic Community prioritizes mobility for only eight professions,² involving only an estimated 1.5 per cent of workers in ASEAN (Sugiyarto and Agunias 2014). There is a political standstill on the regional policy frameworks relating to the 98.5 per cent of workers who do not work in the eight specified professions, including low-wage migrant workers and the numerous women who work at the base of value chains.

Understanding labour migration from a gender perspective

There are numerous factors that may prompt a person to migrate, and their decision may involve a complex set of drivers and incentives.

Migrant women may choose to migrate to seek better job opportunities, reunite with family or to acquire new skills. They may also be compelled to migrate by deeply entrenched gender inequalities such as sexual and gender-based violence, traditional gender roles that limit opportunities, lack of access to productive resources, poverty, conflict and climate change (see figure 1.1.). The porous borders along the South-East Asian migration corridors between Cambodia/Lao People's Democratic Republic/Myanmar and Thailand and between Indonesia and Malaysia have also historically led to substantial migration flows. Some migrants may utilize recruitment agencies or informal brokers to assist them with the migration, others may travel on their own.

Figure 1.1. Opportunities and challenges of migration from a gender perspective



² The eight professions are: medical doctors, dentists, nurses, architects, engineers, accountants, surveyors and tourism professionals.

Only select groups of migrants are afforded formal international legal recognition, such as refugees and asylum-seekers, those threatened with torture, and victims of trafficking. Survivors of violence and harassment are not, however, regularly granted special permissions to stay or to complete legal proceedings. Even when there are protections available to them, migrant women and men may not have access to adequate information or even be aware of these protections.

Upon arrival, the first step is to find work (if they had not already secured a job prior to migrating). Whatever reason caused the migrant to leave their country of origin quickly transforms into a new challenge: building a livelihood to support themselves and their family.

Job opportunities are generally limited, in particular for migrant women. As women and as migrants, a smaller range of jobs and opportunities are generally open to them. Earning money is crucial, and women often have little choice in the kind of work they do in their new country. Women are often in jobs and tasks deemed as low-skilled, low-paid and precarious forms of work in the informal economy. Work deemed “women’s work” is also often undervalued.

Activity 1.2. Understanding the work migrants do

Objective

To chart the types of occupations migrant workers do, and to analyse: how dangerous the work is; the differing levels of legal protection; gender dynamics; and the biggest industries employing migrant workers, and women among them.

Outcome

Participants will establish the groundwork for an understanding of the occupations and challenges inherent in the work of migrant workers. This is necessary to later explore organizing strategies.

Materials

- Meta cards
- Handout 1.2. Intra-ASEAN women’s labour migration map

Part 1. Brainstorming occupations of migrant workers

- 1) Facilitator divides participants into small groups of 3–4 participants. Each group will be given a pile of blank meta cards. Facilitator asks each group to assign a person as the secretary.

- 2) Within each small group, participants name jobs that low-wage migrant workers (not professionals) do, and the secretary writes one job per meta card.
- 3) Facilitator asks each group to read out one job and either writes them on a chart or on a PowerPoint/document projected on screen (try to limit to 15–20 jobs). The other tables listen, and if they have the same job on a card, they turn that card over. If the announced job was not among the meta cards of the group, the group will add it. (Aim: to have the same job list for every group.)

Part 2. Charting conditions of work for migrant workers, for women migrant workers

- 1) Facilitator divides participants into four new small groups, and each group has the agreed list of jobs on meta cards and a flip chart paper.
 - a. **Group One:** Ask participants to list the jobs in order of hazards. Most hazardous at the top to least hazardous at the bottom.
 - b. **Group Two:** Ask participants to list the jobs in order of the numbers of migrants performing that particular job in your country/region. Highest numbers of migrants at the top, to smallest numbers at bottom.
 - c. **Group Three:** Ask participants to divide the jobs into three different lists: (1) work done mostly by men (male-oriented); (2) work done mostly by women (female-oriented); and (3) work that both men and women do.
 - d. **Group Four:** Ask participants to divide the list into jobs with the most legal protections to jobs with least legal protections.
- 2) Facilitator asks a representative of each group to present and invites comments from all participants.
 - a. Facilitator should encourage participants to discuss issues regarding employment: payment of wages, physical security, seasonal vs continuous employment, type of employment (sub-contracting, etc.), and the correlations between these lists.
 - b. If there are people defending inequalities or stating that men/nationals are better at certain work/deserving of better conditions, it is important to challenge these positions. Encourage people to imagine themselves in the position of other people.
- 3) Facilitator distributes **Handout 1.2. Intra-ASEAN women's labour migration map** and asks participants to review it. They should look specifically at their country and identify what types of work women migrant workers do in their country and what percentage of migrants are women.

Facilitator ask participants if their trade union is currently connected to these workers.

- a. If a participant raises hand to say, “Yes”, ask others if they agree that the union is reaching these types of workers, or if more needs to be done. Share strategies!
- b. If a participant says, “No”, ask to them to identify what is the biggest reason why not. Ask other participants if they agree, and if they do not, why not? What lessons can be learned from the attempts that unions have already made?
- c. Are these traditionally organized sectors or unorganized? (Group may come to the realization that the sectors where women are concentrated are more likely to be unorganized. Discuss why this may be, and whether this presents an opportunity for the union.)

Potential exploitative actors for migrant workers

Trade unions all have different methodologies and multiple strategies in the work they do:

- focusing on organizing members in a single workplace to collectively bargain with their employer;
- organizing workers across common industries to address wide-sweeping issues;
- organizing separate trade unions into a national federation; or
- lobbying the government for laws and enforcement to promote and protect workers’ rights.

Women migrant workers face exploitation, violence and harassment in the workplace, and are affected by actors beyond employers, such as: unlicensed brokers, recruitment agencies and governments in the countries of origin and destination, including law enforcement. The wide range abuses and actors involved can make identifying core issues and analysing proposals to resolve problems tricky and challenging, as there is often the possibility of unintended negative consequences – meaning fixing one problem might create new problems or cause more harm than benefit.

Activity 1.3. Actor mapping: Exploitation of migrant workers

Objective:

To explore different actors that have the power to abuse or exploit migrant workers.

Outcome:

Participants have a framework of the different advocacy needs of migrant workers and potential targets for campaigns.

**Methodology:**

Small group brainstorming and recording information

**Materials:**

Handout 1.3. Actor mapping chart

Instructions:

- 1) Facilitator distributes **Handout 1.3. Actor mapping chart**.
- 2) Facilitator divides participants into four groups, one for each row of the chart: (i) pre departure or during the recruitment process; (ii) outside the workplace in the country of destination; (iii) at work in the country of destination; and (iv) upon return to their country of origin. Ask each of the four groups to brainstorm and answer the questions in the columns.
- 3) Facilitator asks a representative from each group to volunteer to share their answers.
- 4) Afterwards, the facilitator asks all participants if they have any additional ideas to add.
- 5) Facilitator asks all participants whether they think the answers are equally true for women and men migrant workers? Facilitator asks participants if there are any increased or unique risks faced by women migrant workers? What about the rights of LGBTI+ migrant workers?
- 6) Facilitator asks participants to keep their handout, as they will return to it later in the training when we explore ideas and ways trade unions can support and advocate for migrant workers.

(Please see section “LGBTI+ migrant workers: Compounded discriminations” in this Module (1) for more information.)

Challenges facing women migrant workers in ASEAN

Employment without labour protection, wage inequality, and violence and harassment at work

Women are generally afforded fewer opportunities for work and are often driven into lower paid informal work in the informal economy, where jobs are more readily available in areas that fit into gendered notions of what is “appropriate work” for women, such as domestic or entertainment work. Work in the informal economy generally offers fewer opportunities to migrate formally or to regularize one’s migration status, leaving migrant women without either the critical labour

or legal protections to safeguard their rights. In ASEAN countries of destination, in addition to domestic work and entertainment work, migrant women are often the majority in seafood processing, electronics, garments and other manufacturing because employers think they are suited to the work, justifying this with sexist, stereotypical discourse about women having, for example, “nimble fingers” and therefore assuming they are better at detailed work (ILO 2019a, 17). Men in these industries tend to be given higher paid technical or managerial work. There is nothing biologically inherent to being a woman or a man that should determine who does these jobs. Unfortunately, so-called “feminine” jobs and roles generally are not valued, nor paid well.

Women migrant workers often exist in the margins and in the shadows. They are often restricted from travel because they lack legal status or kept by employers in isolated conditions. They often work in industries with few (if any) labour protections and limited (if any) access to support services, and are effectively denied access to legal recourse to hold exploitative actors accountable (ILO 2016d). Just as women’s household work remains unpaid work, domestic work in countries of destination continues to be underpaid and lacking key labour protections that are afforded to workers in other sectors (including no minimum wage, no guaranteed leave, no maximum hours/overtime pay, and denied access to social security systems, including maternity protection). Domestic workers are often seen as “part of the family” rather than as workers, undermining societal and legal recognition of their valuable labour (Anderson 2016). The sex industry is also dominated by women, and often remains outside of labour protections, or is criminalized (Empower Foundation 2016).

Globally, the average gender pay gap is 19 per cent (ILO 2018e). Inequalities in pay are compounded with other inequalities in access to education, social security, formal sector employment, promotions, skills training, migration status, complaints mechanisms at work, trade unions and other organizing, control of resources, and leadership positions (ILO 2018d).

Migrant women face violence and harassment at work as well as insufficient or absent maternity protections and healthcare, including sexual and reproductive healthcare (For more information see “Module 3. Working and living conditions of women migrant workers” and “Module 4. Social protection”).

Special economic zones (SEZs) frequently incentivize investment by relaxing labour standards, which often leads to concentrations of businesses in women-dominant sectors, such as the garment industry. Wage discrimination, lack of freedom of movement, lack of childcare and trade union repression in SEZs have been reported (ILO 2016d; MMN and AIT 2019, 79–85). SEZs are often at borders, and employ women migrant workers on day- or month-long border zone visas. Laws governing SEZs and border passes vary from country to country, with some offering more rights protections than others.

Activity 1.4. Gender norms

Objective

To introduce concepts of gender and the role of gender norms in our society and at work.

Outcome

Participants can acknowledge how gender norms may result in them reacting differently to different policies based on their societal upbringing and gendered point of view.

Methodology

Reflection

Materials

Handout 1.4. Gender norms – Definitions and statements

Instructions:

- 1) Facilitator distributes **Handout 1.4. Gender norms – Definitions and statements** and introduces the two definitions:

Gender: The economic, social and cultural attributes and opportunities associated with being men or women in a particular point in time. Also refers to the socially constructed relationship between women and men and the attributes, behaviour and activities to which each is expected to adhere. Gender is often wrongly conflated with “sex”, which refers to biological differences.³

Sex: The physical and biological characteristics that distinguish males and females⁴ (as distinct from socially constructed roles, or gender).

- 2) The facilitator tells participants they will be sharing a list of statements. Each participant should individually write down the very first thing that comes to their mind. They will have limited time, and the idea is to write down their first reaction to the statements.
- 3) The facilitator reads out the following statements:
 - a. The government announces that it wants to increase the population and all families must have at least four children.

³ UN Women, “Glossary of Terms from Programming Essentials and Monitoring and Evaluation Sections”.

⁴ UN Women Training Centre, “Gender Equality Glossary”.

- b. Domestic workers are calling for rights as workers (that is, set working times, specified jobs, regular days off, overtime pay).
 - c. The government will raise the retirement age to 68 years.
 - d. The government will introduce a quota system for women political candidates. All parties will have to field at least 45 per cent women candidates.
 - e. A judge gives a seven-year sentence to a man who raped his wife.
 - f. A judge gives a one-year parole to a woman who killed her husband after years and years of being physically, sexually and emotionally abused by him.
 - g. You have new neighbours. The wife goes out to work every day and the husband stays at home, looks after the children, does the cleaning, washing and cooking.
 - h. You have new neighbours. They are two single men living together and appear to be a couple. They take evening walks around neighbourhood holding hands. The government criminalizes same-sex intimacy.
 - i. An employer requires all biological females to wear full traditional dress to work and biological males to wear a white T-shirt and pants.
 - j. An employer builds a single stall toilet separate from “women’s” and “men’s” toilets for workers who do not feel comfortable in group bathrooms.
- 4) Afterwards, facilitator repeats each statement one by one, and for each statement asks for volunteers to share their reactions to each of the statements (Facilitator should solicit a diversity of perspectives).
- 5) Facilitator asks participants if they noticed any differences in the responses based on ideas about gender, sex and gender norms. Facilitator discusses:
- a. how different policies may impact different groups differently (such as statement (a) on the four-child policy);
 - b. how people see gender roles differently (for example, statement (g) where the wife works outside and the husband does caretaking work at home);
 - c. how people see different ways to solve particular problems (such as statement (d) on quotas for elections, or statements (e) and (f) on criminal sentencing, etc.).

Activity 1.5. Intersectionality

Objective

To introduce the concept of intersectionality and reflect on how multiple forms of discrimination are faced by women migrant workers.

 **Outcome**

Participants will have a framework to understand intersectionality and how it impacts women migrant workers.

 **Methodology**

Reflection

 **Materials**

Handout 1.5. Identity wheel

Instructions:

- 1) Facilitator distributes **Handout 1.5. Identity wheel** and asks participants to examine the wheel and to think about and write answers to the questions on the handout.
- 2) Facilitator asks for volunteers who have two or more strong identities that they think might have helped them get ahead at work or socially. How do they believe these identities have added together/compounded to affect their lives positively?
- 3) The facilitator then asks if anyone who identified as belonging to one or more often marginalized identities would be willing to speak about those identities and share how they have affected their lives.

Box 1.1

Important terminology on sexual orientation, gender identity and expression, and sexual characteristics

LGBTI+: An acronym for lesbian, gay, bisexual, transgender and intersex persons that is also used as shorthand for “persons of diverse sexual orientation, gender identity, gender expression and with diverse sex characteristics”. The + is intended to cover those who may identify as queer, questioning, asexual, aromantic and other possible uses. ¹

Homophobia, biphobia, transphobia: Fear or hatred of gay or lesbian people, of homosexuality, of bisexuality or of transgender individuals. May manifest in exclusion, discrimination or violence. ²

Gender non-conforming: Persons who do not agree or follow ideas or social stereotypes about how they should act or express themselves according to the sex assigned at birth. ³

Pronouns: A pronoun is a word that refers to either the person talking (I or you) or someone or something being talked about (she, he, it, them or this). Transgender people face difficulty when the pronoun with which they identify does not match the sex they were assigned at birth or with others' perception of their gender identity. For example, a transgender woman may be called "he" by people who are unaware she identifies as female and prefers the pronoun "she", by people who are confused by her gender identity or by people who are deliberately trying to hurt her. Commonly used gender-neutral pronouns in English are they, them and theirs. Less commonly used are ze, hir and hers (pronounced zee, here and heres). For example, "Caleb really likes their new bike. It's a great fit and they saved up to buy it themselves!" or "Linh prefers to make hir food by hirself, but ze is always happy to share hir meal." Some languages don't require pronouns to indicate gender or have a gender-neutral option, including Japanese, Swahili, Swedish and Turkish. Sweden has added to their language the gender-neutral pronoun "hen" to complement "han" (he) and "hon" (she). Other languages don't mark gender at all, including Armenian, Finnish, Hungarian, Persian and Yoruba. ⁴

SOGIESC: An acronym for sexual orientation, gender identity and expression, and sexual characteristics:

Sexual orientation is understood to refer to each person's enduring capacity for profound romantic, emotional and/or physical feelings for, or attraction to, other people. This encompasses hetero-, homo-, bi-, pan- and asexuality, as well as a wide range of other expressions of sexual orientation. This term is preferred over sexual preference, sexual behavior, lifestyle and way of life when describing an individual's feelings for or attraction to other people. ⁵

Gender identity is understood to refer to each person's deeply felt internal and individual experience of gender, which may or may not correspond with their sex assigned at birth or the gender attributed to them by society. It includes the personal sense of the body, which may or may not involve a desire for modification of appearance or function of the body by medical, surgical or other means. ⁶

Gender expression is a range of cues, such as names, pronouns, behaviour, clothing, voice, mannerisms and/or bodily characteristics, which individuals use to interpret other individuals' genders. Gender expression is not necessarily an accurate reflection of gender identity. People with diverse sexual orientation, gender identity or sex characteristics do not necessarily have a diverse gender expression. Likewise, people who do not have a diverse sexual orientation, gender identity or sex characteristics may have a diverse gender expression. ⁷

Sex characteristics are each person's physical features relating to sex, including chromosomes, gonads, sex hormones, genitals and secondary physical features emerging from puberty. ⁸

Transgender: Umbrella term used by people whose gender identity and, in some cases, gender expression, differs from what is typically associated with the sex they were assigned at birth, including those whose assigned sex is different from their gender identity and people whose gender identity is neither male nor female as traditionally defined. “Transgender” is preferred over “transsexual”, as it encompasses transsexual and other gender identities.⁹

¹ Adapted from UNHCR and IOM, *LGBTI Glossary 2017*, 2017.

² Per UNHCR and IOM, *LGBTI Glossary 2017*, 2017.

³ ILO, *Information Paper on Protection against Sexual Orientation, Gender Identity and Expression and Sexual Characteristics (SOGI/ESC) Discrimination*, 2019.

⁴ Per UNHCR and IOM, *LGBTI Glossary 2017*, 2017.

⁵ Per IOM, *SOGI/ESC Full Glossary of Terms*, 2020.

⁶ Per IOM, *SOGI/ESC Full Glossary of Terms*, 2020.

⁷ Per IOM, *SOGI/ESC Full Glossary of Terms*, 2020.

⁸ Per IOM, *SOGI/ESC Full Glossary of Terms*, 2020.

⁹ UNHCR and IOM, *LGBTI Glossary 2017*, 2017.

LGBTI+ migrant workers: Compounded discriminations

LGBTI+ persons experience violence, prejudice, harassment, bias and exclusion in various forms in all parts of the world. ... Global studies reveal a range of manifestations of direct and indirect discrimination in employment and occupation, such as bullying and harassment based on sex or gender-stereotypes, reduced job opportunities, reduced work related benefits and dismissal often cited as being at the heart of the prejudice and harassment (Thomas and Weber 2019c, para. 7).

Gender is still often understood in a binary way that only takes into account two genders – women and men – with aligned socially constructed ideals of masculinity and femininity. Any sexual orientation, gender identity and expression, and/or sex characteristics that do not conform with binary gender norms or that challenge the cultural bias towards heterosexual relationships may be considered by those in the majority as “abnormal”. LGBTI+ people are often on the receiving end of verbal abuse in the form of intolerant jokes, gossip and insensitive comments. Transgender persons are particularly subjected to intrusive questions about their private lives, and to insinuations, slurs and insults about their gender expression and gender identity. LGBTI+ people are also pushed into specific sectors where there are fewer protections for workers. When in the formal economy, LGBTI+ people often do not receive equal pay for work of equal value in comparison to their cisgender, straight, male counterparts. When these homophobic, transphobic or endosexist reactions and attitudes are coupled with a lack of legal protection against discrimination on SOGI/ESC grounds, LGBTI+ people are placed at risk of discrimination and violence (Thomas and Weber 2019c, para. 7). LGBTI+ persons face many forms of violence, from taunting and bullying, to physical and sexual violence, including groping, physical assault and rape.

Globally, there have been a series of actions to recognize, establish and mainstream human rights standards to protect LGBTI+ people. In 2016 the United Nations Human Rights Council created the mandate of an Independent Expert on sexual orientation and gender identity. In the South-East Asia region, Viet Nam lifted the ban on same-sex marriage in 2015, allowing many same-sex couples to plan for wedding ceremonies, and the Philippines has been considering a LGBTI+ anti discrimination bill.

However, despite progress, activists, civil society organizations and trade unions have long reported stigma, discrimination and violence against LGBTI+ individuals in the South-East Asia region – rights abuses which continue. Same-sex intimacy is criminalized in approximately 70 countries globally (some through colonial laws still in place). There are few studies on the experiences of LGBTI+ migrant workers, though existing research suggests that sexual and gender minorities do indeed show poorer outcomes in their family life, education, labour market and health, in particular due to discrimination (ILO 2015a).

Transgender persons are more marginalized and excluded from formal employment than lesbian, gay, and bisexual persons. The rights of intersex people have been largely overlooked by policymakers and legislators. As they face barriers in modifying identity papers and documents to align with gender identity, transgender people are often excluded from employment opportunities if their gender presentation does not conform with their legally recognized gender.

When faced with repeated job rejections, a hostile work environment, limited freedom of gender identity and expression at work, and limited career advancement opportunities, many LGBTI+ persons opt out of formal economy work, and thus also lack the security associated with such work. Without identity documents that recognize their gender, transgender and intersex migrant workers may experience compounded discriminations, given the need to show documentation to officials with relatively high frequency.

COVID-19 and women migrant workers

In the face of the COVID-19 pandemic, many trade unions in the region have taken various actions, including advocacy through the circulation of leaflets to return migrants; distributing sanitary goods to return migrants; offering food to stranded migrant workers; and lobbying governments of origin and destination to assist migrant workers (ITUC 2020b).

The International Trade Union Confederation (ITUC), for instance, has supported calls for governments to suspend enforced return of migrant workers and address the issue of unpaid wages. The ITUC has also appealed for a cost-free, expedited, accessible and efficient Transitional Justice Mechanism for repatriated workers who lost jobs as a result of the pandemic (ITUC 2020b).

The COVID-19 pandemic has exacerbated the risks women and migrant workers face, and made apparent their lack of social safety nets. In response to the COVID-19 pandemic, countries in the ASEAN region and globally implemented varying measures to prevent the spread of the pandemic, including lockdowns, quarantines and border closures. Policy responses related to migrant workers varied from facilitating visa extensions, to immigration raids and detention. Throughout the region, many businesses and other organizations (including migrant and women support services) had to cease operations or reduce working hours.

COVID-19 is not only a health crisis, but also a crisis with detrimental effects on employment, income, social protection, access to services, freedom from violence and harassment, and access to justice. The emergency situation results in increased risk of violence and harassment against women migrant workers perpetrated by employers, partners, law enforcement officials or front line service providers. “Physical distancing” measures, particularly when implemented through movement restrictions and quarantine procedures, may increase the risk of violence against women migrant workers, as they may find themselves trapped with those who perpetrate violence against them (ILO and UN Women 2020a).

While women and men migrant workers in the region strive to protect their livelihoods and their health, many women migrant workers have been disproportionately affected by COVID-19 and the economic and health impacts of the pandemic. Migrant workers faced cuts in pay and retrenchment, often before nationals. Some of those still employed report they have been forced or coerced to continue working in unsafe conditions, or without sufficient protective equipment (ILO 2020a).

In these situations, movement restrictions and quarantine procedures restrict women migrant workers from seeking assistance and accessing social networks and support services. The above mentioned increase in violence and harassment and the changing nature of labour rights violations come at a time when violence response services, migrant support and legal aid are downscaling (ILO and UN Women 2020a).

The ILO (2020b) introduced a “Policy Framework for COVID-19 and Country-Level Implementation” as a policy tool to support its tripartite constituents in tackling socio-economic impact of the COVID-19 crisis and their reconstructing efforts. It has a set of four pillars that collectively contribute to support constituents in building back better from the COVID-19 crisis. The four pillars are: (i) stimulating the economy and employment; (ii) supporting enterprises, jobs and incomes; (iii) protecting workers in the workplace; and (iv) relying on social dialogue for solutions (see table 1.1). International labour standards provide a foundation for all pillars.

Table 1.1. ILO's policy framework for responding to the COVID-19 crisis

Stimulating the economy and employment	Supporting enterprises, jobs and incomes	Protecting workers in the workplace	Relying on social dialogue for solutions
<ul style="list-style-type: none"> • Active fiscal policy • Accommodative monetary policy • Lending and financial support to specific sectors, including the health sector 	<ul style="list-style-type: none"> • Provide various types of relief, including financial and tax relief, for enterprises • Implement employment retention measures • Extend social protection to everyone 	<ul style="list-style-type: none"> • Strengthen occupational safety and health measures • Adapt work arrangements (for example, teleworking) • Prevent discrimination • Provide access to health for all • Expand access to paid leave 	<ul style="list-style-type: none"> • Strengthen the capacity and resilience of employers' and workers' organizations • Strengthen the capacity of governments • Strengthen social dialogue, collective bargaining and labour relations institutions and processes

Source: ILO 2020b.

Activity 1.6.**COVID-19 and migrant workers' rights: Spotlight on the Malaysian Trades Union Congress (MTUC)** **Objective**

To consider what role trade unions can play in assisting migrant workers in times of crisis.

 **Outcome**

Participants understand the unique issues migrant workers face in times of crisis (such as the COVID-19 pandemic) and consider actions they could take to support migrant workers.

 **Methodology**

Brainstorming in small groups and recording information

 **Materials**

Screen

Instructions:

- 1) Facilitator plays the clip “COVID-19 Pandemic and Migrant Workers: The Experience from Nepal”, available at: https://www.ilo.org/actrav/media-center/video/WCMS_749240/lang--en/index.htm.
- 2) Facilitator shares that in response to COVID-19 the Malaysian Trades Union Congress (MTUC) called on the relevant agencies to conduct immediate checks on workplaces and foreign workers’ dormitories nationwide to mitigate fresh outbreaks of COVID-19 cases,⁵ and that among the thousands of unregistered migrants who were stranded in Malaysia without work due to COVID-19, eight workers from Myanmar committed suicide.⁶
- 3) Facilitator divides participants into three groups, with each group considering a particular issue: (1) migrant worker housing in country of destination; (2) workplace; and (3) repatriation.

Each group should discuss three points:

- a. What are the problems COVID-19 might cause to the safety, physical health and mental health of migrant workers?
 - b. What are the unique problems COVID-19 might cause for women migrant workers?
 - c. What actions could trade unions take to support all migrant workers and women migrant workers?
- 4) Facilitator asks a representative from each group to volunteer to share the group’s answers. Facilitator asks all participants if they have any ideas to supplement.

⁵ Kenneth Tee, “MTUC Calls for Stringent Checks on Workplaces, Migrant Workers’ Dorms after Fresh Outbreak of COVID-19 Cases”, in Malay Mail, 26 May 2020.

⁶ Zaw Zaw Htwe, “Myanmar Seeks to Fly Illegal Migrants Home from Malaysia as More Suicides Reported Amid COVID-19”, in The Irrawaddy, 23 June 2020.



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Module 2.

International labour standards and other instruments

The rights of migrant workers – regardless of gender – stem from numerous sources. This module will briefly cover relevant international human rights law, international labour standards, non binding international instruments on migration, and ASEAN initiatives.

The module will also examine the national labour laws of some ASEAN Member States with a focus on freedom of association and the right to collectively bargaining.

Activity 2.1. Where do our labour rights come from?

Objective

To examine differing sources of labour rights and reaffirm that most labour rights apply equally to national and migrant workers, regardless of migration status.

Outcome

Participants recognize how international laws may support advocacy for migrant workers of all genders and support all the other important ways trade unions seek to guarantee labour rights.

Methodology

Marketplace (participants place ideas in different corners of the room on flip chart paper)

Materials

Five pieces of flip chart paper. Each paper is labelled with headings and divided into two columns (one marked with a + and one marked with a –), and hung up in different areas of room.

Instructions:

- 1) Facilitator explains that our labour rights come from many different sources. Nearly all labour rights are internationally recognized to apply to all workers regardless of nationality or gender. One exception is that there is no recognized human right to enter a country that is not your own (except in exceptional circumstances, such as seeking political asylum).
- 2) Facilitator explains the different places we may find the basis of our labour rights per the five prepared flip chart papers with the following titles:

- National Labour Law
- International Labour Standards – ILO Conventions, Protocols and Recommendations
- Collective Bargaining Agreements
- Individual Employment Contracts
- Company Rules/Policies

Each flip chart paper is split into two columns: positives (+) and negatives (-).

- 3) Facilitator distributes post-it notes to the participants and asks the participants to think about what are possible positives and negatives about relying on the different labour rights sources when planning to advocate for better working conditions. They should write each positive or negative they think of on a post-it note, and place it in the “+” or “-” column.
- 4) Facilitator asks for a volunteer to read out the responses. Facilitator may want to highlight/supplement or guide participants with following examples:
 - National Labour Law: (+) strong and can take violations to arbitration and court; (-) the rights may not be strong enough, such as minimum wage being too low, and workers wanting higher wages/a living wage.
 - International Labour Standards: (+) the world is in agreement on these labour rights, so have support for with a request to the employer; (-) the employer may not care or may say that International Labour Standards don’t apply to the national context (especially if not ratified) or to the particular workplace.
 - Company Rules/Code of Conduct: (+) may include things not covered in laws, and were written by the employer and therefore more likely to be implemented; (-) company rules may be weak, and employers can also change them if they want to.
 - Individual Employment Contract: (+) enforceable in law, so problems can be taken to arbitration or to court; (-) employer might ignore rulings, and contract terms may also favour employers over workers.
 - Collective Bargaining Agreement: (+) strong, bargained for by trade union, can include anything workers need; (-) the employer may close factory/worksite or bust trade union to avoid meeting obligations.
- 5) Facilitator asks the workers to think about which is the most powerful tool to advocate for the rights of their own union members. Facilitator asks participants to share their thoughts. Facilitator then asks if participants would choose the same strategy in advocating for migrant workers’ rights and why.
- 6) Facilitator then asks them if their answer is the same or different for women or LGBTI+ migrant workers specifically.

International human rights law related to women and LGBTI+ migrant workers

There are nine core human rights' treaties that define basic, universal human rights and ensure their explicit extension to vulnerable groups worldwide (table 2.1). The United Nations (UN) human rights instrument that most directly addresses migrant workers' rights is the 1990 **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)**, and women's rights are addressed in the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**.

Box 2.1

Core human rights treaties and ratification status in all ASEAN States

9 Core human rights treaties	Signed, acceded to or ratified	Not ratified
International Covenant on Civil and Political Rights	Cambodia, Indonesia, Lao PDR, Philippines, Thailand, Viet Nam	Brunei Darussalam, Malaysia, Myanmar, Singapore
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand, Viet Nam	Brunei Darussalam, Malaysia, Singapore
International Convention on the Elimination of All Forms of Racial Discrimination	Cambodia, Indonesia, Lao PDR, Philippines, Singapore, Thailand, Viet Nam	Brunei Darussalam, Malaysia, Myanmar
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Viet Nam	n.a.
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Philippines, Thailand, Viet Nam	Malaysia, Myanmar, Singapore
Convention on the Rights of the Child	Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Viet Nam	n.a.
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	Brunei Darussalam, Lao PDR, Malaysia, Myanmar, Singapore, Thailand, Viet Nam	Cambodia, Indonesia, Philippines
International Convention for the Protection of All Persons from Enforced Disappearance	Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Thailand	Malaysia, Myanmar, Philippines, Singapore, Viet Nam
Convention on the Rights of Persons with Disabilities	Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Viet Nam	n.a.

n.a. = not applicable; Lao PDR = Lao People's Democratic Republic.

Although the **ICRMW** entered into force in 2003, it still has yet to be ratified by many countries. Within ASEAN, only the Philippines and Indonesia have fully ratified the Convention, while Cambodia is a signatory. These countries are primarily countries of origin for migrants, though Indonesia does have a sizable inbound migrant population. Destination countries such as Thailand, Malaysia, and Singapore have not ratified the Convention (Argentina and Chile in Latin America are the only notable exceptions of ratifying countries of destination). The lack of international recognition and ratification from destination countries undermines the influential power of the Convention.

By contrast, most countries have supported international efforts to address discrimination against women. **CEDAW** enjoys complete ratification in ASEAN and wide ratification globally. The 2008 **CEDAW General Recommendation No. 26 on Migrant Women** clarifies the specific obligations of countries of origin, transit and destination for women migrant workers. For instance:

- States Parties should ensure that their visa schemes do not indirectly discriminate against women by excluding certain women-dominated occupations from visa schemes.
- States Parties should introduce flexibility into the process of changing employers or sponsors (without resorting to deportation) in cases of workers make complaints of abuse.
- States Parties should ensure that employers and recruiters do not confiscate or destroy the travel or identity documents belonging to migrant women.
- States Parties should also take steps to end the practice of women migrant workers being kept in forced seclusion or locked in the homes of employers, especially women migrant workers in domestic work. Police officers should be trained to protect the rights of women migrant workers from these abuses (Article 2(e)).

Protection of the human rights of LGBTI+ migrant workers are grounded in the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, which enshrines the right to work as well as the principle of non-discrimination. Article 2(2) prohibits discrimination, including on grounds of gender. The UN treaty body responsible for the interpretation of the ICESCR forbids any discrimination on the basis of sexual orientation. The UN Human Rights Committee also holds that the principles of the **International Covenant on Civil and Political Rights** apply equally to all and without discrimination to LGBTI+ persons, including guaranteeing persons the right to leave any country (including their own) and to enter their own country without discrimination.

International labour standards

The ILO is the UN specialized agency responsible for the development, promotion and application of international labour standards. The ILO was originally founded in 1919 after the First World War. The development of international labour standards at the ILO is done through a unique “tripartite” legislative process involving ILO constituents – government, worker representatives and employer representatives – who together set the standards that are adopted at annual

International Labour Conferences. These international labour standards include Conventions, Protocols and Recommendations.

The **1944 ILO Declaration of Philadelphia** recognized that “labour is not commodity”. It is not an inanimate product, like a piece of fruit or a car that can be negotiated for the lowest price. Work is part of people’s daily life, and economic development should lead to work in freedom, safety and dignity. International labour standards help ensure that economic development does indeed improve the life and dignity of workers (ILO 2019c, 13).

International labour standards are instruments to guarantee human and labour rights in the world of work. They provide a roadmap for ILO Member States to draft and implement law and policy in conformity with internationally agreed standards, in consultation with employers and workers. International labour standards are considered the minimum, and can be surpassed by countries offering greater protection. For many countries, consideration of international labour standards provides the opportunity to examine and, if necessary, revise their laws and policies to improve compliance and possibly ratify an ILO Convention or Protocol (ILO 2019c, 25).

Box 2.2

ILO Conventions: How they work in your country

ILO Conventions and Protocols are legally binding international treaties once they are ratified by an ILO Member State; while Recommendations serve as non-binding guidelines. ILO Conventions, Protocols and Recommendations are adopted at the ILO’s annual International Labour Conference. Once instruments are adopted, Member States are required under the ILO Constitution to submit these instruments to their competent authority (normally the parliament) to consider for ratification and/or application. By ratifying a Convention or a Protocol, Member States commit themselves under international law not only to apply the Convention or Protocol in national law and practice, but also to report on its application at regular intervals.

According to the ILO Declaration on Fundamental Principles and Rights at Work (1998), all ILO Member States are obliged to respect, promote and realize fundamental rights, including:

- freedom of association and the effective recognition of the right to collective bargaining;⁷
- elimination of all forms of forced or compulsory labour;⁸
- effective abolition of child labour;⁹ and
- elimination of discrimination in respect of employment and occupation¹⁰.

⁷ Per the Freedom of Association and the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

⁸ Per the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); and the Protocol of 2014 to the Forced Labour Convention, 1930.

⁹ Per the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182).

¹⁰ Per the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The Resolution on the ILO Centenary Declaration for the Future of Work (2019) includes a request to the Governing Body to consider, as soon as possible, proposals for including safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work.

Box 2.3

ILO Centenary Declaration for the Future of Work, 2019

The ILO Centenary Declaration for the Future of Work, 2019, adopted at the 108th International Labour Conference marked the 100th anniversary of the ILO. ILO Member States held tripartite dialogues to discuss the priorities, challenges and opportunities at the national and international levels for the future of work, ranging from technology and climate change, to demographic shifts and the need for new skills.

The Declaration provides guidance for dealing with these pressing issues and serves as a platform for cooperation with other organizations in the international system, while also reaffirming the ILO's social justice mandate and the critical role of social dialogue and international labour standards.

The Declaration states in Part II, Section A, that in further developing its human-centred approach to the future of work, the ILO must direct its efforts towards:

- 7) achieving gender equality at work through a transformative agenda, with regular evaluation of progress made, which:
 - ensures equal opportunities, equal participation and equal treatment, including equal remuneration for women and men for work of equal value;
 - enables a more balanced sharing of family responsibilities;
 - provides scope for achieving better work–life balance by enabling workers and employers to agree on solutions, including on working time, that consider their respective needs and benefits; and
 - promotes investment in the care economy; ...

(xvi) deepening and scaling up its work on international labour migration in response to constituents' needs and taking a leadership role in decent work in labour migration.

The Declaration also states in Part II, Section D, that safe and healthy working conditions are fundamental to decent work.

Source: ILO Centenary Declaration for the Future of Work, 2019.

Box 2.4

ILO core conventions

The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), protects the right of all workers and employers, without distinction whatsoever, to establish and join organizations of their own choosing, as well as the right of these organizations to freely elect their representatives and to decide on their activities and programmes. The Convention protects these organizations against administrative suspension or dissolution.

The Right to Organise and Collective Bargaining Convention, 1949 (No. 98), requires adequate protection of workers against anti-union discrimination, and protection of workers' and employers' organizations against interference by each other. The Convention requires measures to promote the use of voluntary collective bargaining to regulate terms and conditions of employment.

The Forced Labour Convention, 1930 (No. 29), requires the suppression of all forms of forced or compulsory labour – defined as any work or service exacted under the menace of a penalty and for which persons have not offered themselves voluntarily – and to make forced labour a criminal offence punished with adequate and strictly enforced penalties.

The Protocol of 2014 to the Forced Labour Convention, 1930, requires effective measures to prevent and eliminate the use of forced labour and to provide victims with protection and access to effective remedies, including through specific action against trafficking in persons.

The Abolition of Forced Labour Convention, 1957 (No. 105), requires the complete abolition of forced or compulsory labour for the purposes of: political coercion or education; mobilization of labour for economic development; labour discipline; punishment for strikes; and racial, social, national or religious discrimination.

The Minimum Age Convention, 1973 (No. 138), requires States to pursue the effective abolition of child labour by progressively raising the minimum age of admission to employment or work, which must not be lower than the age of completion of compulsory schooling, and to set a minimum age not lower than 18 for work likely to harm the health, safety or morals of children.

The Worst Forms of Child Labour Convention, 1999 (No. 182), requires immediate and effective measures for the prohibition and elimination of the worst forms of child labour, including: all forms of slavery or forced labour; use for prostitution or pornography; use for illicit activities; and work likely to harm the health, safety or morals of children.

The Equal Remuneration Convention, 1951 (No. 100), requires States to promote and, where possible, to ensure the application to all workers of the principle of equal remuneration for men and women for work of equal value.

The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), requires States to pursue a national policy for the elimination of any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national extraction or social origin – or other grounds determined at the national level – which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Activity 2.2. Let's make an international labour standard: Tripartite agreement

Objective

To analyse key standard-setting issues to ensure the labour rights of domestic workers, and to debate from the points of view of different constituents on standard setting.

Outcome

Participants will understand the tripartite process to set up international labour standards, and gain an understanding of the Domestic Workers Convention, 2011 (No. 189).

Methodology

Role play/debate

Materials

- Handout 2.2a: Proposed standards chart
- Handout 2.2b: Convention No. 189 principles chart

Instructions:

Part 1. You are a negotiator at the conference

- 1) Facilitator explains this is a role play and participants are at the annual International Labour Conference to set standards for the ILO Domestic Workers Convention. At the conference there will be representatives from three constituents: government, workers' groups and employers' groups, at a ratio of 2:1:1 in the official delegation, respectively.
- 2) Facilitator divides participants into three groups: Workers, Government and Employers. Each group should nominate a note-taker, a presentation speaker, a rebuttal speaker and a conclusion speaker.

- 3) Facilitator introduces that Article 7 of the International Covenant on Economic, Social and Cultural Rights makes clear the human right of everyone to enjoy just and favourable conditions of work that ensure, in particular: rest, leisure, reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.
- 4) Facilitator distributes **Handout 2.2a. Proposed standards chart**. Facilitator tells participants that in each of three four groups they should decide what kind of labour rights/standards apply to domestic workers for each of the topics in the first column of the chart. They should argue from their assigned point of view, as government, employers, or trade unions. The topics in the chart are as follows:
 1. normal hours of work;
 2. stand-by hours (periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls; also known as on-call time);
 3. overtime compensation;
 4. periods of daily and weekly rest;
 5. paid annual leave;
 6. coverage of employment injury/occupational illnesses compensation;
 7. healthcare;
 8. social security and maternity protection; and
 9. trade union rights.
- 5) Round robin
 - a. **Round Robin, Part 1 – Presentation:** The facilitator presents a topic and the Presentation Representative from each group has one minute to state their point of view, going through topics 1–9.
 - b. **Round Robin, Part 2 – Rebuttal:** The Rebuttal Representative from each group has one more minute to rebut any arguments by the other groups.
 - c. **Round Robin, Part 3 – Conclusion:** The Conclusion Representative from each group has one more minute to conclude with their group’s final argument/point of view.
- 6) Facilitator asks each group to reflect on the round robin tripartite consultation process. Did we agree to any standards?

Part 2. Reality check: What was agreed on in the Domestic Workers Convention, 2011 (No. 189)?

- 1) Facilitator distributes **Handout 2.2b. Convention No. 189 principles chart**. This chart lists what was actually agreed and is now international law in the Domestic Workers Convention, 2011 (No. 189). Facilitator asks participants to review the worksheet against the proposals in the Role Play exercise for several minutes on their own.

- 2) Facilitator asks for the volunteers to share the differences and similarities.
- 3) Facilitator explains that when the discussions around Convention No. 189 happened, many trade union or government representatives were also employers of domestic workers. This means that, in practice, all three tripartite representatives were often employers. Facilitator asks participants whether and how this would undermine the tripartite process, and asks for a volunteer to share their thoughts.

ILO conventions essential to women migrant workers

For full text of the Conventions online, please use the ILO's NORMLEX database, where you can search by the number, name or topic of the Conventions. NORMLEX is available at: <https://www.ilo.org/dyn/normlex/en/f?p=1000:12000:::NO:::>

The ILO's key gender equality Conventions are:

- Equal Remuneration Convention, 1951 (No. 100);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);¹¹
- Workers with Family Responsibilities Convention, 1981 (No. 156);
- Maternity Protection Convention, 2000 (No. 183); and
- Violence and Harassment Convention, 2019 (No. 190).

ILO Conventions most relevant to migration include:

- Migration for Employment Convention, 1949 (No. 97);
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and
- Private Employment Agencies Convention, 1997 (No. 181).

Recent ILO Conventions and Protocols with special significance to women and migrant workers include:

- Protocol of 2014 to the Forced Labour Convention, 1930;
- Domestic Workers Convention, 2011 (No. 189); and
- Violence and Harassment Convention, 2019 (No. 190).

Conventions concerning gender equality

The purpose of the **Equal Remuneration Convention, 1951 (No. 100)**, is to ensure that the work done by women and men is valued fairly, and to eliminate pay discrimination on the ground of sex. Remuneration covers all payments and benefits, and equal remuneration is also known as equal pay or pay equity. The concept of “equal pay for work of equal value” applies to cases

¹¹ Note that this Convention does not address distinctions made on the basis of nationality.

where men and women undertake the same work and also to the common situation where men and women carry out work that is different in content but of equal value.

With the adoption of **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**, discrimination in remuneration was prohibited not only on the basis of sex, but on seven grounds listed in the Convention – race, colour, sex, religion, political opinion, national extraction, and social origin – and also any additional grounds as provided in national legislation and policies. Non discrimination principles apply to all sectors of activity and cover all occupations and employment in both the public and private sectors, as well as in the informal economy. The Convention also covers unpaid, contributing family work, and independent and own-account work in addition to wage employment. It also protects workers in all stages of the employment cycle (including those preparing for/seeking work or at risk of losing their work). What are not deemed to be discriminatory are special measures of protection or assistance designed to meet the particular requirements of people recognized to need such measures due to reasons associated with, for example, sex, age, disablement, family responsibilities, or social or cultural status.

National and migrant workers are equally protected by the Convention against discrimination on the basis of any of the seven listed grounds. The Convention does not, however, require promotion of equality of opportunity and treatment between nationals and foreigners.¹²

The **Maternity Protection Convention, 2000 (No. 183)**, and **Recommendation No. 191** aim to preserve the health of both mother and child, and to provide job security to the mother (especially from dismissal and discrimination), maintenance of wages and maintenance of benefits during maternity, as well as the right to resume work after giving birth. The Convention and Recommendation are comprised of five principal elements:

1. Maternity leave or period of rest from paid work in relation to pregnancy (of not less than 14 weeks), childbirth and the postnatal period.
2. Cash and medical benefits during absence for maternity and for healthcare related to pregnancy, childbirth and postnatal care.
3. Health protection at the workplace for both the mother and unborn child during pregnancy and for both mother and child during breastfeeding.
4. Employment protection and non-discrimination, which are a guarantee of women's employment security and right to return after maternity leave to the same job or an equivalent one with the same pay.
5. Breastfeeding arrangements to help women at the workplace breastfeed or express milk.

Article 9 prohibits employers from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations with respect to work that is: (a) prohibited or restricted for pregnant or nursing women under

¹² See preamble of Convention No. 143.

national laws or regulations; or (b) where there is a recognized or significant risk to the health of the woman and child.

The **Workers with Family Responsibilities Convention, 1981 (No. 156)**, is intended to promote equality of opportunity and treatment in employment for men and women workers with family responsibilities, as well as between workers with family responsibilities and those without such responsibilities. The instrument seeks to enable persons with family responsibilities to exercise their right to obtain or engage in employment without being subject to discrimination, and to the extent possible without conflict between their employment and family responsibilities. The Convention also provides that family responsibilities should not constitute a valid reason for termination of employment.

Ratifying countries must take all measures compatible with national conditions, and possibilities shall be taken to:

1. enable workers with family responsibilities to exercise free choice in employment;
2. take account of their needs in employment terms and conditions, and in social security needs and community planning;
3. develop or promote community services, such as childcare and family services and facilities;
4. provide vocational training and guidance to help workers with family responsibilities enter and remain in the labour force; and
5. promote information and education that contribute to broader public understanding about the principle of equality of opportunity and treatment for women and men workers with family responsibilities.

Conventions related to labour migration

The **Migration for Employment Convention (Revised), 1949 (No. 97)**, provides for equality of treatment and non-discrimination with respect to nationality, race, religion or sex between migrant workers who have been regularly admitted and nationals, arising out of laws or regulations or the practices in four areas: living and working conditions, social security, employment taxes and access to justice. The provisions include equal remuneration, membership of trade unions and enjoyment of the benefits of collective bargaining.

The Convention, and its accompanying Recommendation No. 86, also set out details for contract conditions, the participation of migrants in job training or promotion, and deal with provisions for family reunification and appeals against unjustified termination of employment or expulsion, as well as other measures to regulate the entire migration process. The Convention has three annexes that are considered “flexible”, meaning that States can decide to exclude any of these annexes at the moment of ratification.

Part I of the **Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)**, is the first attempt by the international community to deal with irregular migration and to do it from a rights-based perspective. Article 1 states, “Each Member for which this Convention is in force undertakes to respect the basic human rights of all migrant workers.” However, Article 3 stipulates, “Each Member shall adopt all necessary and appropriate measures, ... to suppress clandestine movements of migrants for employment and illegal employment of migrants” in order to prevent and to eliminate abuses. The intention is to affirm, without challenging the right of States to regulate migratory flows, the right of migrant workers to be protected, whether or not they entered or remain in the country on a regular basis, with or without official documents. The rights of all migrant workers, regardless of their status, are to be respected.

Article 9 guarantees to migrant workers who have performed work, even if in an irregular situation, the right to be paid their salary and entitlements to social security and other benefits, as would apply to a migrant in a regular situation.

The **Private Employment Agencies Convention, 1997 (No. 181)**, was adopted in the context wherein employers typically cover the migration costs of highly skilled migrants in full (given that demand usually exceeds supply for such workers), but where low-skilled workers often pay a disproportionate share of migration costs themselves. The ILO’s long-standing principle of no fee recruitment is reflected in Article 7(1) of Convention No. 181, which states, “Private employment agencies shall not charge directly or indirectly, in whole or in part any fees or costs to workers.”

The Convention applies equally to private employment agencies in countries of origin and destination. It requires:

- Licensing and monitoring:
 - Governance of the operations of private employment agencies through a system of licensing and certification, or regulated by law and other means.
 - Establishment of adequate mechanisms for the investigations of complaints, alleged abuses and fraudulent practices.
- No charging of direct or indirect recruitment fees or costs to workers.
- Protection of the workers using private employment agency services, including:
 - right to freedom of association and to bargain collectively;
 - equality of opportunity and treatment;
 - adequate protection in relation to minimum wages, working time, social security benefits, occupational safety and health, including efforts to prevent abuses; and
 - processing of migrants’ personal data.
- Cooperation between public and private employment services

Article 4 of the Convention requires States to take measures to ensure that the workers recruited by private employment agencies are not denied the right to freedom of association and the right to bargain collectively.

Recent instruments with special significance to women migrant workers

The **Protocol of 2014 to the Forced Labour Convention, 1930**, requires the protection of migrant workers against abusive and fraudulent practices during the recruitment and placement process. The Protocol specifies that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, must have access to appropriate and effective remedies, such as compensation. It further requires that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities that they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

The **Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)**, contains important provisions for the protection of migrant workers against forced labour. It calls for coordinated efforts to facilitate regular and safe migration and to prevent trafficking in persons, including coordinated efforts to regulate, license and monitor labour recruiters and employment agencies and to eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion. The Recommendation refers to measures to eliminate abuses and fraudulent practices by labour recruiters and employment agencies, such as:

- eliminating the charging of recruitment fees to workers;
- requiring transparent contracts that clearly explain terms of employment and conditions of work;
- establishing adequate and accessible complaint mechanisms;
- imposing adequate penalties; and
- regulating or licensing these services.

Effective protection of migrants subjected to forced or compulsory labour, irrespective of their legal status in the national territory, should include:

- provision of a reflection and recovery period in order to allow for an informed decision relating to protective measures and participation in legal proceedings, during which the person is authorized to remain in the territory;
- provision of temporary or permanent residence permits and access to the labour market; and
- facilitation of safe and preferably voluntary repatriation.

All victims of forced or compulsory labour should have access to justice and other appropriate and effective remedies, such as compensation for personal and material damages, including by:

- ensuring their effective access to courts to pursue remedies, such as compensation and damages;
- providing that victims can pursue compensation and damages from perpetrators, including unpaid wages and statutory contributions for social security benefits;

- ensuring access to appropriate existing compensation schemes;
- providing information and advice regarding victims' legal rights and the services available, in a language that they can understand, as well as access to legal assistance; and
- providing that both national and non-national victims can pursue appropriate administrative, civil and criminal remedies, irrespective of their presence or legal status.

The Domestic Workers Convention, 2011 (No. 189), was ground-breaking for domestic workers, and migrants among them. Please see **Activity 2.2. Let's make an international labour standard: Tripartite agreement and Handout 2.2b. Convention No. 189 Principles Chart** for information on Convention No. 189. Box 2.3 also gives information on trade union campaigns to ratify Convention No. 189.

The **Violence and Harassment Convention, 2019 (No. 190) and its accompanying Recommendation No. 206** seek to address violence and harassment in the world of work. Multi-year advocacy campaigns by trade unions built momentum towards the adoption of these instruments. According to the Convention, the term “violence and harassment in the world of work” refers to “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. The Convention defines gender-based violence and harassment as “violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment”. The Convention protects all workers – irrespective of their contractual status (former, volunteers, jobseekers, etc.) or whether they work in the formal or informal sector. It emphasizes that the “world of work” is broader than just the workplace, and can be:

- in the workplace, including public and private spaces when they are a place of work;
- in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
- during work-related trips, travel, training, events or social activities;
- through work-related communications, including those enabled by information and communication technologies;
- in employer-provided accommodation; and
- when commuting to and from work.

The Convention calls for broad enforcement and remedies to be applied, including:

- protecting the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate, and ensuring that requirements for privacy and confidentiality are not misused;
- providing for sanctions, where appropriate, in cases of violence and harassment in the world of work;

- providing that victims of gender-based violence and harassment in the world of work have effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support, services and remedies;
- recognizing the effects of domestic violence and, so far as is reasonably practicable, mitigating its impact in the world of work;
- ensuring that workers have the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management.

Please see **Activity 7.3. Campaigning for the rights of women migrant workers** for a further look into what trade unions can do to help their members on issues of violence and harassment in the world of work. See also box 2.5 below on trade union campaigns for ratification of Convention Nos 189 and 190.

Box 2.5

Trade union campaigns for ratification of Conventions Nos 189 and 190

In December 2011, the ITUC launched the “12 by 12” campaign (later called the “12 + 12” campaign) aimed at the ratification of the Domestic Workers Convention, 2011 (No. 189), by 12 countries by the end of 2012. The ITUC supported the establishment of the International Domestic Workers’ Federation (IDWF), a key partner in the campaign. As of May 2020, the IDWF has 74 affiliates from 57 countries, representing over 560,000 domestic/household worker members.

“The key to what would become a highly successful campaign was alliance building, the close partnership between the ITUC and the IDWF and their consistent messages to encourage cooperation between domestic workers and national [trade union] centres. In addition, the ITUC initiated 12 by 12 campaign activities in a number of targeted countries and asked its affiliates, domestic workers and allies to sign up to the campaign. This resulted in stronger or new national coalitions ([trade union] national centres, domestic workers’ unions and associations, human rights, women’s and migrant organisations) and campaigns in around 90 countries” (ITUC, IDWF, and ILO 2016, 14).

LET'S CAMPAIGN

FOR THE RATIFICATION OF C190!

As unions we have an important role to play to make sure that this Convention is transformed from paper into reality.
We need to work together so that member states ratify the Convention and make it part of their national laws.

WHAT CAN UNIONS DO:

- Raise awareness and provide education to union members and society at large.
- Actively campaign for the ratification of C190 in each country.
- Mobilize around the issue of violence and harassment in the world of work.
- Build alliances with other trade unions, national centres, NGOs and especially women's rights groups to help eliminate workplace violence and harassment.
- Develop structures for advocating the ratification.

You can find more campaign materials here:

UNI GLOBAL UNION www.breakingthecircle.org
 PSI www.publicservices.international/campaigns/stop-gender-based-violence-at-work?id=5676&lang=en
 IUF www.iuf.org/show.php?lang=en&id=82
 IDWF www.idwfed.org/en/campaigns/c190
 INDUSTRIALL www.industrial-union.org/women-0
 IFJ www.ifj.org/what/gender-equality.html

Logos for UNI Global Union, PSI, IUF, IDWF, INDUSTRIALL, IFJ, and ILO are displayed at the bottom.

Within five years of the adoption of Convention No. 189 and Recommendation No. 201 in June 2011, around 50 countries had adopted policy, legislative and institutional reforms aimed at extending labour and social protections to domestic workers and improving their working conditions (ILO 2017b, p.5). As of the end of 2020, 31 States have ratified Convention No. 189.

Since the 12 by 12 campaign, the ITUC has continued its close cooperation with the IDWF, including on the care economy and the #RatifyC190 campaign.



Trade unions are now actively **campaigning for the wide ratification of Convention No. 190**, and the effective implementation of the Convention and its accompanying Recommendation No. 206. The ITUC is impressing the importance of ratifying Convention No. 190 in light of 2020's **COVID-19 global pandemic as well**. On its website, the ITUC (2020a) states, “Trade unions are demanding that governments integrate domestic violence in their pandemic response measures and are taking action themselves to ensure that workers experiencing domestic violence have support and assistance. Reports suggest

that many essential or key workers are experiencing increased exposure to gender-based violence from employers, colleagues and/or members of the public. This includes workers in health and care services – including domestic workers – as well as food retail workers, transport workers, cleaners and others. Health and care workers, over 70 per cent of whom are women, are experiencing trauma and psychological impacts on a daily basis. They must have immediate access to mental health services and support, as well as the necessary personal protective equipment”.

Activity 2.3.

National report card: How is your country doing?

Objective

To review the current level of national compliance (of the country that the trade union operates in) with international labour standards and evaluate which actors are advocating for improved standards.

Outcome

Participants will have a common understanding of the current shortcomings in the national framework and share information on actors lobbying for change other than trade unions.

 **Methodology**

Chart/analysis

 **Materials**

Handout 2.3. National Report Card Chart

Seven flip chart papers hung up at the front of the room. Each paper is titled with one of the standards from Handout 2.3, and each paper is divided into two columns:

Column 1: Does your national, state or local government guarantee these rights?

Column 2: Who, if anybody, in the country is advocating for better protections? Is your union?

Instructions:

- 1) Facilitator explains trade unions are instrumental in establishing international labour norms, advocating for their passage into national labour laws and ensuring their effective enforcement, along with prioritizing the needs of their members and often fighting for far more than what the law offers.
- 2) Facilitator explains that it is important to take stock of what your country and union has worked on with regards to some of these norms. It is important to understand whether the government is adhering to norms and who you might know who is a key player advocating for better rights.
- 3) Facilitator distributes **Handout 2.3. National report card chart.**
- 4) Facilitator asks participants to form themselves into groups of three and fill in the Report Card.
- 5) Facilitator has the seven flip chart papers in the front. When participants are finished discussing in their groups of three, they can add their thoughts on the flip chart papers. They only need to add a response if it is not already on the flip chart.
- 6) Afterwards the facilitator reviews the compiled answers on each flip chart sheet and asks participants if any information is missing.

Global Compact for Migration

The [Global Compact for Migration](#) (GCM) is the first-ever UN global agreement on a common approach to international safe, orderly and regular migration. It is not legally binding.

The GCM offers the opportunity to improve workplace productivity and deliver decent work outcomes for migrant and national workers, as well as to shift current misperceptions of migration, by readjusting migration policies to effectively include all labour market aspects. Laws, policies and institutions – within countries and across borders – matter greatly in achieving this goal (ILO 2017d).

The GCM has 23 objectives for better managing migration at the local, national, regional and global levels. The GCM specially sets forth guiding principles, with gender-responsiveness being one of the key guiding principles: seeking to ensure that the specific needs of women are properly understood and addressed, and that women are empowered as agents of change. The GCM seeks to mainstream a gender perspective, promote gender equality and the empowerment of all women, recognizing their independence, agency and leadership in order to move away from addressing migrant women primarily through a lens of victimhood (UN Global Compact on Migration, para. 15).

See **Activity 2.4. What needs to be done to implement the Global Compact for Migration** and **Handout 2.4. The objectives of the Global Compact for Migration** for information the GCM's objectives.

Gender-responsiveness in the GCM

The GCM offers an opportunity to strengthen the development and implementation of gender responsive migration governance. Article 15 of the GCM ensures that:

the human rights of women, men, girls and boys are respected at all stages of migration, their specific needs are properly understood and addressed and they are empowered as agents of change. It mainstreams a gender perspective, promotes gender equality and the empowerment of all women, recognizing their independence, agency and leadership in order to move away from addressing migrant women primarily through a lens of victimhood.

The GCM incorporates a gender-responsive approach as a guiding principle. This is a unique opportunity for Member States to put in place inclusive and gender-responsive migration laws, policies, regulations and programmes. The GCM seeks to:

- ensure that the human rights of women, men, girls and boys are respected at all stages of migration;
- ensure their specific needs and contributions are properly understood and addressed;
- ensure that they are recognized and empowered as agents of change;

- mainstream a gender perspective and promote gender equality and the empowerment of women and girls; and
- recognize migrant women’s independence, agency and leadership, and move away from addressing migrant women primarily through a lens of victimhood (UN Women 2019).

Nonetheless, the Women in Migration Network (2018), a network that convenes trade unions (including the ITUC), organizations and activists ¹³, released a “Statement on Conclusion of Negotiations on the UN Global Compact for Safe, Orderly and Regular Migration”, wherein it expressed concerns that the GCM distinguishes between irregular and regular migrants in terms of access to services instead of recognizing the need to protect the human rights and fundamental freedoms of all migrants, including women, regardless of their migratory status. ¹⁴

Activity 2.4.

What needs to be done to implement the Global Compact for Migration?

Objective

To have an in-depth understanding of the Global Compact for Migration and to assess how to implement it.

Outcome

Participants will gain an understanding of the contents of the GCM and its utility.

Methodology

Small group discussion

Materials

Handout 2.4. Objectives of the Global Compact for Migration

Instructions:

- 1) Facilitator distributes a **Handout 2.4. The objectives of the Global Compact for Migration**. Facilitator divides participants into four groups.

¹³ For list of network members see: <http://womeninmigration.org/about-us/members/>.

¹⁴ Despite the fact that gender has been mainstreamed in the GCM and is part of its guiding principles, there is no specific objective on gender (as is the case with the Sustainable Development Goals (SDGs)), and there are various gaps that need to be addressed: for instance, addressing the need for full access to sexual and reproductive health and rights for all migrant women; the special needs and rights of pregnant women and breastfeeding mothers; and the rights of LGBTI+ migrants and non-discrimination on the grounds of sexual orientation. See Gottardo and Cymant 2019, 67–83.

- 2) Facilitator asks each group to discuss and respond to the following questions:
 - a. What is the most important clear measurable action your government would need to take to achieve the GCM objectives from a gender perspective?
 - b. What role can trade unions play to support the gender-responsive implementation of the GCM?
- 3) Facilitator asks each group to report back.

Box 2.6

ILO Fair Migration Agenda

Migrant workers make considerable economic and social contributions to societies worldwide. However, as a result of economic protectionism, xenophobia and classism, among other problems, migration is often treated as a “toxic issue”.

The ILO plays a central role in promoting policies and practices to maximize the benefits and minimize the risks of labour migration. In 2006, the ILO adopted the Multilateral Framework on Labour Migration: Non-binding Principles and Guidelines for a Rights-Based Approach to Labour Migration¹. The Multilateral Framework on Labour Migration represents a considered response to widespread demands for practical guidance and action with a view to maximizing the benefits of labour migration for all parties.

The Director-General of the ILO set an ILO Fair Migration Agenda in his report to the International Labour Conference in May 2014. The Fair Migration Agenda takes into account labour market needs while placing the rights of all workers, including migrants, at its core.

The tenets of this Agenda are:

- making migration a choice by creating decent work opportunities in countries of origin;
- respecting the human rights, including labour rights, of all migrants;
- ensuring fair recruitment and equal treatment of migrant workers to prevent exploitation and levelling the playing field with nationals;
- forging stronger linkages between employment and labour migration policies;
- involving ministries of Labour, trade unions and employers’ organizations in migration policymaking; and
- fostering genuine cooperation between countries and within regions.

¹ Available at: https://www.ilo.org/global/topics/labour-migration/publications/WCMS_178672/lang--en/index.htm; Source: ILO 2015a, 4.

The 2017 General Discussion of the International Labour Conference passed a [resolution concerning fair and effective labour migration governance](#). Afterwards the ILO Director-General called on the international community “to make no concessions to attitudes which are offensive to the ILO’s values and standards and to provide real guidance and leadership in the construction of governance systems (...) which allow the realization of the benefits of migration for all concerned” (ILO 2017e). The Committee for Labour Migration proposed the following priorities in relation to ILO’s work on Labour Migration:

- **International labour standards:** Promote the ratification and effective application of ILO Conventions, Protocols and Recommendations, as appropriate.
- **Skills: Provide support for:** (i) the development of skills; (ii) better assessment of skills needs; and (iii) the alignment of training to meet labour market demands.
- **Fair recruitment:** Support and promote constituents’ efforts to operationalize the ILO General Principles and Operational Guidelines for Fair Recruitment. Pursue efforts in developing and testing a methodology to measure recruitment costs under Target 10.7 of the 2030 Agenda for Sustainable Development and further work on the definition of recruitment fees and related costs.
- **Data:** Collect and disseminate comparable data on labour migration, disaggregated by sex and age, among others, and on its effect on labour markets in countries of origin, transit and destination, and on migrant workers.
- **Social protection:** Build constituents’ capacities to develop and implement bilateral and multilateral social security agreements and extend social protection systems to migrant workers.
- **Freedom of association:** Work with ILO constituents to identify obstacles to freedom of association for migrant workers and assess the most effective measures and strategies to address them.
- **Temporary labour migration:** Conduct a comparative analysis of temporary and circular labour migration schemes.
- **Irregular labour migration:** Encourage sharing of good practices on reducing irregular labour migration, including on pathways out of irregularity. Promote respect for human rights and fundamental principles and rights at work of migrant workers, irrespective of their migrant status (ILO 2017f).

Legal frameworks and policies in ASEAN

Apart from global movements to establish human rights and labour standards, there are also regional efforts, such as the establishment of the Association of Southeast Asian Nations (ASEAN). ASEAN ratified its charter in 2007 and specifically addressed the rights of migrant workers in the region in the Declaration on the Protection and Promotion of the Rights of Migrant Workers (referred to as the “Cebu Declaration”), a non-binding agreement that details

obligations of countries of origin and destination and of ASEAN generally. In 2008, the ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers was formed with representatives of governments to strengthen labour migration governance in the region and to develop an ASEAN instrument on migrant workers. The ASEAN Inter-Governmental Commission on Human Rights and the ASEAN Commission on the Protection and Promotion of the Rights of Women and Children are further bodies with scope to provide gender-sensitive rights protection to migrant workers in the region. Then, in 2009, the ASEAN Forum on Migrant Labour (AFML) was established to advance the principles of the Cebu Declaration. With the ILO's support, the AFML annually convenes key migration stakeholders: ASEAN governments, workers' and employers' organizations, and civil society.

In November 2017, after nearly a decade of deliberation, the heads of ASEAN's Member States signed the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers as the instrument meant to further actualize the Cebu Declaration. However, it is also a non-binding document, and despite considerable advocacy effort, still excludes protection of irregular/undocumented workers and protection of migrant workers' families.

Activity 2.5.

Evaluating the ASEAN Consensus on Migrant Workers: Is anyone left behind?



Objective

To review the limitations within the ASEAN Consensus on Migrant Workers and to perform a gender analysis.



Outcome

Participants understand how current developments at the regional level continue to leave women migrant workers behind, and why they need to advocate for change.



Methodology

Small group analysis



Materials

- Handout 2.5a. Excerpt from Chapter 4 of the ASEAN Consensus;
- Handout 2.5b. Excerpt from an ATUC and ACE Joint Statement

Instructions:

- 1) Facilitator distributes **Handout 2.5a. Excerpt from Chapter 4 of the ASEAN Consensus** and **Handout 2.5b. Excerpt from an ATUC and ACE Joint Statement** and asks participants to read both documents.
- 2) Facilitator asks participants to break into small groups and discuss the following questions:
 - a. Do you agree with the key priority issues in the joint statement? Is there anything you would want your union to add on gender equality or freedom from violence?
 - b. Do you think that Chapter 4 of the ASEAN Consensus is gender-blind? Gender-responsive?
 - c. From the perspective of women migrant workers, what else needs to be added?
- 3) Facilitator asks a representative from each small group to report back their thoughts.

Freedom of association and collective bargaining

The rate of ratification of ILO Conventions and international human rights law concerning the right to organize and the rights of migrant workers is relatively low across the ASEAN region (see table 2.2. below). The two key ILO Conventions that protect workers from anti-union discrimination – the **Freedom of Association and Protection of the Right to Organise, 1948 (No.87)**, and the **Right to Organize and Collective Bargaining Convention, 1949 (No. 98)** – are ratified only by half or fewer of ASEAN Member States; though the right to freedom of association is, for instance, covered in other Covenants (like the ICESCR) that have more uptake. While all ASEAN States have ratified CEDAW and committed to elimination of gender-based discrimination in employment, there is still discrimination against women migrant workers accessing trade unions. The CEDAW Committee states that “States Parties should ensure that constitutional and civil law, as well as labour codes provide to women migrant workers, the same rights and protection that are extended to all workers in the country including the right to organize and freely associate.”¹⁵

Table 2.1. Ratification status in ASEAN of select ILO Conventions relevant to women migrant workers

ASEAN country	C087	C098	C097	C143	C183	C189
Brunei Darussalam	✗	✗	✗	✗	✗	✗
Cambodia	✓	✓	✗	✗	✗	✗
Indonesia	✓	✓	✗	✗	✗	✗
Lao People’s Democratic Republic	✗	✗	✗	✗	✗	✗
Malaysia	✗	✓	✗	✗	✗	✗

¹⁵ CEDAW General Recommendation No. 26 on Women Migrant Workers, Paragraph 26(b).

ASEAN country	C087	C098	C097	C143	C183	C189
Myanmar	✓	✗	✗	✗	✗	✗
Philippines	✓	✓	✓	✓	✗	✓
Singapore	✗	✓	✗	✗	✗	✗
Thailand	✗	✗	✗	✗	✗	✗
Viet Nam	✗	✓	✗	✗	✗	✗

✓ = ratified; ✗ = not ratified.

C087 = Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

C098 = Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

C097 = Migration for Employment Convention (Revised), 1959 (No. 97)

C143 = Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

C183 = Maternity Protection Convention, 2000 (No. 183)

C189 = Domestic Workers Convention, 2011 (No. 189)

The right of migrant workers to join and establish trade unions is not consistently or equally provided for in law across ASEAN and in countries of destination. Looking at the primary countries of destination in ASEAN – Brunei Darussalam, Malaysia, Singapore and Thailand – migrant workers are permitted to join trade unions under the law in all four. However, in Malaysia, Singapore and Thailand, migrant workers are not permitted to establish trade unions or hold official positions within trade unions.^{16 17} Since migrant workers in Thailand often work in areas and industries where essentially all workers are migrant workers, these bans effectively deny them the right to organize and collectively bargain. Countries of origin may also impose restrictions on their migrants by permitting the use of standard contracts for migrant workers that contain clauses that prohibiting unionizing.

In addition, heavily feminized sectors of migrant work are often excluded from national labour laws, and this also creates a de facto gendered legal barrier to organizing and collective bargaining. For instance, domestic workers do not have the right to unionize in Singapore. The Malaysian Trades Union Congress (MTUC) has twice applied to register a Domestic Workers Association, but the applications have been rejected without explanation, and a 2014 appeal has not yet received a response. The ILO supervisory body on Freedom of Association noted in October 2017 to the Malaysian Government:

¹⁶ **Malaysia:** The Trade Union Act states that migrant workers are allowed to join trade unions but not hold official positions or form their own trade unions. **Singapore:** The Trade Unions Act states, “No person who is not a citizen of Singapore shall act as an officer of a trade union” or be elected as a trustee, unless they receive Minister approval. **Thailand:** Under the Labour Relations Act B.E. 2518 (1975), section 88, only Thai nationals may form a labour union or be elected to the board of directors of the union.

¹⁷ Similar prohibitions or other restrictions are also found in countries of origin in ASEAN. **Cambodia:** Under the Law on Trade Unions (2016), foreign employees may only lead/manage/administer trade unions if they are able to read and write in Khmer; have worked in Cambodia for a minimum of two years; and have permanent residence in Cambodia. Additionally, foreign workers in Cambodia can only be shop stewards if they are able to read and write in Khmer (this clause is ambiguous because it is discussed in relation to education level). **Myanmar:** The Labour Organization Rules (2012) impose a five-year Myanmar residence requirement to be a member of the executive committee of a labour organization. **The Philippines:** Per the Labour Code (Presidential Decree No. 442 of 1974), foreign workers may only participate in a labour union if the workers’ home country grants Filipino workers the same right. **Viet Nam:** Under the Trade Unions Law, only Vietnamese nationals have the right to establish, participate in and operate a trade union.

The Committee is bound to express its deep regret that despite its previous recommendations, no legislation or policy has been adopted to allow domestic workers to form and join organizations for the defence of their occupational interests, nor has the association of migrant domestic workers been registered. The Committee is therefore obliged to reiterate its recommendation that the Government urgently take the necessary measures, including legislative, to ensure in law and in practice that domestic workers, including contract workers, whether foreign or local, may all effectively enjoy the right to establish and join organizations of their own choosing (ILO 2017g).

Migrant workers in the entertainment industry are completely excluded from the right to join trade unions in all four main countries of destination in ASEAN.

National laws and labour protections

Just as the ILO general principle concerning International Labour Standards is that all International Labour Standards apply to all workers, including migrant workers,¹⁸ all national labour laws (such as those that determine wages, leave, severance protections, etc.) should apply to all workers, regardless of migration status. This is often not the case.

The national labour laws of all ASEAN Member States do not discriminate between national and migrant workers for rights regarding hours of work, wages (minimum wage and overtime) and leave/days off/holidays.¹⁹ However, in many countries, certain occupations and industries are excluded from coverage by labour law protections or from labour inspection. For instance, domestic work, sex/entertainment work, agricultural work, or work in the informal economy or in special economic zones (SEZs) are excluded in several countries. As a result, numerous women migrant workers in these sectors or in SEZs have limited or no coverage under national labour laws in practice and no mechanisms for governmental oversight against exploitative practices by employers.

Migrant workers' rights may further be restricted by social security legislation that makes distinctions between migrant workers and nationals, with no justifiable basis.

Under ILO Convention No. 111, national and migrant workers are equally protected on the basis of any of seven grounds (race, colour, sex, religion, political opinion, national extraction, and social origin). In practice, however, anti-discrimination laws may only apply to citizens of a country, and in any case, access to the legal system may be barred in practice to migrant workers, particularly

¹⁸ Unless, of course, the International Labour Standard refers solely to a particular category of workers.

¹⁹ **Brunei Darussalam:** Employment Order 2009, sections 63–71; **Cambodia:** Labour Law, chapter VI, sections 1–5; **Indonesia:** Act (No. 13 of 2003) Concerning Manpower, chapter X; **Lao People's Democratic Republic,** Labour Law (2013), articles 51–57, 60, 68–69; **Malaysia:** Employment Act 1955, section 60; **Myanmar:** see ILO Guide to Myanmar Labour Law 2017, p. 48; **Philippines:** Labour Code (Presidential Decree No. 442 of 1974), book 3, titles 1–2; **Singapore:** Employment Act 2009, sections 35–38, 43; **Thailand:** Labour Protection Act B.E. 2541 (1998), chapter V; and **Viet Nam:** Labour Code 2012, chapters VI and VII.

as they are often deported upon loss of employment or due to a labour dispute before they can file a complaint or prosecute a case (which can often take years to complete).

In accordance with Article 1 of ILO Convention No. 183, maternity protection is to be available to any female person without discrimination whatsoever. Maternity protection for women migrant workers is often non-existent, and migrant women are frequently dismissed and repatriated when pregnant. Article 11(2) of CEDAW requires States “to introduce maternity leave with pay or comparable social benefits”, and “dismissal on the grounds of pregnancy or of maternity leave” is prohibited. Nonetheless maternity leave for women migrant workers is not a norm in the ASEAN region, and dismissing women migrant workers (and indeed women nationals) from work upon pregnancy is not uncommon.

Singapore has applied the following reservation to CEDAW Article 11: “Singapore considers that legislation in respect of article 11 is unnecessary for the minority of women who do not fall within the ambit of Singapore’s employment legislation.” Malaysia and Singapore have imposed legal restrictions, subjecting women migrant workers to pregnancy discrimination and sanctions during all the phases of their migration: recruitment, employment and termination. Women are required to perform a pregnancy test prior to departure from their country of origin and to repeat it after employed. If the test proves to be positive, the woman will be deported at her own expense. In Thailand, women migrant workers are protected by law from pregnancy discrimination. In practice, however, research has shown that dismissals are not uncommon (ILO 2016c).

A frequent element of labour migration legislation in many countries is to make it mandatory for a migrant worker to stay with the same employer for a given period of time, failing which they may be deported. The Bali Declaration, which was adopted at the 16th Asia and Pacific Regional Meeting of the ILO on 6–9 December 2016, prioritized enhancing labour migration policies based on international labour standards that “redress employer–worker relationships that impede workers’ freedom of movement, their right to terminate employment or change employers” (ILO 2016a, para 8(e)). This is critical to avoid an increased power imbalance by permitting the employer to pressure their employee or to respond to a labour dispute by threatening to stop or not renew the employee’s contract, which would cause the worker to lose permission to remain in the country and likely to face deportation. Employers may use the threat of deportation as a “menace of penalty” or as psychological coercion to compel the forced labour of migrant workers.

Box 2.7.

Migrant domestic workers: Fully covered by labour laws?

No ASEAN country of destination fully includes domestic workers in labour law:

- The **Brunei Darussalam** 2009 Employment Order excludes domestic workers from labour law protection.

- In **Malaysia**, domestic work is currently excluded from the Employment Act of 1955, except for the right to a notice period upon termination of employment. Although Malaysia does not grant migrant domestic workers a day off in law, a rest day is provided under a standard employment contract for the employment of domestic workers. As of mid-2020 a draft domestic work law is in progress.
- **Thailand's** 2012 Ministerial Regulation No. 14 on the Protection of Domestic Workers extended to domestic workers some – but not all – of the labour protections provided under the Labour Protection Act (1998), namely a weekly rest day, traditional public holidays, 30 days of sick leave, six days of paid annual leave after one year of work, payment of unused leave days in case of termination, and minimum age of work, all of which are to be recognized with or without a written contract. Domestic workers remain excluded from working hour limits/overtime and a minimum wage. Enforcement of these rights continues to be a challenge.
- In **Singapore**, domestic workers are not covered under the Employment Act. However, under the Employment of Foreign Manpower Act, they are accorded protection for payment of salaries, provision of proper food, rest days, accommodation, medical care and safe working conditions.





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Module 3.

Working and living conditions of women migrant workers

Activity 3.1. Introduction to working and living conditions

Objective

To lay the ground work of what trade unions currently do for their members to address working and living conditions and to assess whether their efforts could be expanded to women migrant workers.

Outcome

Participants will learn from each other what their trade union does for its members and the limitations of their union's work.

Methodology

Pair work

Materials

Notepaper

Instructions:

- 1) Facilitator assigns the following eight topics evenly among all participants:
 - Freedom of association
 - A world of work free from violence or harassment
 - Right to worship according to one's religion
 - Access to adequate housing
 - Right to communication with their family
 - Occupational safety and health
 - Equal treatment of migrants and nationals
 - Access to social security.
- 2) Facilitator asks everyone to organize themselves into pairs with someone who has been assigned the same topic. Facilitator asks participants to discuss whether members of their union have shared complaints about the topic. The pairs should discuss what the complaint was and if and how the union was able to assist.
- 3) In a large session, Facilitator asks for volunteers to share any stories and examples they have.

- 4) Facilitator asks participants whether they think women migrant workers would share the same concerns or do they have unique or different problems? Facilitator asks for volunteers to share thoughts.
- 5) Facilitator asks participants if they think trade unions would be equipped to assist women migrant workers in the same ways as their own/current membership? Why or why not? Facilitator asks for volunteers to share thoughts.

This module will detail and share testimonials of some unique issues that women migrant workers face in their working and living conditions including:

- explicit restrictions on changing employers due to the terms of their immigration status or the threat of arrest and deportation for irregular/undocumented workers,
- either recruitment agents or employers confiscating travel and/or identity documents;
- prevalence of employer-provided accommodations that offer little privacy, not enough space for social distancing during COVID-19, and increased exposure to assault and sexual violations by employers, managers or other workers;
- the enormous fees they pay to migrate and the salary deductions or loans they must repay, which put them in various forms of debt bondage; and
- long hours and lack of days off to connect with other workers or community members, which also limits access to trade unions, community groups, medical services and services in cases of violence.

The module will share some of the key issues for and testimonials from women migrant workers from ASEAN, including on violence against women, unfair recruitment, access to decent work, exploitation, health and safety conditions and housing conditions.

Violence and harassment against women migrant workers

“Our lives are not safe. It is worse for women. There are rape cases that happen even when husbands or family members are around. We have to take care of our own safety. We just lock ourselves in our rooms and stay quiet when men are not [at home].” – Woman migrant returnee from Thailand in Myanmar (MMN 2020, 45)

Women migrant workers are regularly at risk of being subjected to violence, harassment or abuse, living in a constant state of insecurity in several aspects of their lives: in public spaces, at the workplace, in transportation and in their accommodation. In public spaces, government officials – particularly immigration officials, police and soldiers, and private brokers – exploit migrant women’s precarious legal and social status, with violence or harassment committed with impunity. In the workplace, employers, managers and foremen take advantage of the enormous

power differential to abuse migrant women, threatening them with deportation and loss of income if they do not silently comply and endure violence and harassment.

Activity 3.2.**Violence and harassment in the world of work: What benefits for workers?** **Objective**

To understand C190 and its potential benefits to workers.

 **Outcome**

Participants will see potential for using C190 in their advocacy.

 **Methodology**

Watch video and discuss

 **Materials**

- Screen to show video
- Computer and Wi-Fi access

Instructions:

- 1) Facilitator explains that after many years of negotiations, the ILO adopted a Convention and Recommendation on violence and harassment in the world of work in 2019, with the votes of trade unions, government and employers' associations.
- 2) Watch video with Marie Clarke Walker, Worker Vice-Chairperson of the Committee on Violence and Harassment: https://www.ilo.org/actrav/media-center/video/WCMS_711392/lang--en/index.htm.
(Alternative video option on COVID and violence and harassment: https://www.ilo.org/actrav/media-center/video/WCMS_760733/lang--en/index.htm.)
- 3) Facilitator asks the group to answer the following question: How can workers take advantage from the new Convention and Recommendation?

Table 3.1. The impact of violence and harassment against women in the world of work and the positive outcomes of addressing it

The impact of violence and harassment on women workers	Positive outcomes for an employer if the problem is tackled effectively.
<ul style="list-style-type: none"> • Workers' psychological, physical and sexual health, dignity and self-esteem are affected. • Motivation, performance and attachment to the workplace are compromised. • Higher rates of absenteeism and higher turnover. • Severe harm and danger for victims and co-workers who may intervene to stop violence and harassment. • Negative impact on workplace relations, team working performance and company reputation. • Impact on the quality of services provided (for example, to the public). • Victims' capacity to carry out their job effectively or reaching their full potential at work is reduced. • Career chances are jeopardized, particularly if a victim leaves her work without a reference. • Ramifications beyond the workplace, including poor social functioning and harmful coping mechanisms (such as alcohol/substance abuse). 	<ul style="list-style-type: none"> • Days lost from sick leave will be reduced. • Contributes to a good working environment, benefitting workers' health, safety and wellbeing. • Companies have improved reputations, enabling them to attract and retain workers. • In the absence of violence and harassment, productivity of former victims and perpetrators, as well as bystanders, improves. • Workers' satisfaction improves if they are able to talk to someone they trust and find trusted solutions to their problems. • There is a positive impact on the wider community and family relationships if violence and harassment at work is identified and stopped.

Source: ILO and UN Women 2019a.

Box 3.1

Sexual harassment

According to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography, and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection to such behaviour would disadvantage her in connection with her employment (including recruitment or promotion) or when it creates a hostile working environment. ¹ General Recommendation No. 26 of the Committee on the Elimination of Discrimination against Women (2008) recognizes that women migrant workers, who are often in low-paid jobs, are more vulnerable to sexual harassment. Because of cultural and patriarchal norms and the shame associated with sexual encounters, women migrant workers may internalize blame for these types of incidents or face judgment and shaming for sharing or reporting these incidents.

¹ Per CEDAW General Recommendation No 19, Violence against Women (1992).

In the home, husbands may abuse their wives with impunity, taking advantage of the fact that their wives have few options to leave violent situations and even fewer channels of legal recourse because they are outside their origin country. In all of the above situations, most migrant women have little or no access to justice after suffering violence, as they are unable to interact with government officials, or even medical professionals, without facing risks of their own arrest and/or deportation or other negative consequences. Both documented and undocumented/irregular migrant women may be fearful to speak up to report violence, a fact known by the perpetrators of violence, who do not fear punishment.

“We were afraid of the owners. We did not dare say much because they had guns. Those who did the [rubber tree] tapping with us always carried guns. As a woman, I was scared and tried to stay away from them. They carried guns everywhere.” – Woman migrant agricultural worker returnee from Thailand in Myanmar (MMN 2020, 32)

Other contributing factors that lead to impunity among perpetrators and lack of access to justice for migrant women who have experienced violence include:

- Many women migrant workers do not know their rights and have no idea how to access legal recourse in the country of destination law after experiencing violence. Lack of awareness of rights leads to a dearth of reports of violence against women.
- Many women migrant workers do not speak the local language in the country of destination, and therefore, cannot ask for help or file a case against the perpetrators.
- Many women migrant workers do not have information on available services to contact or what to do, in case they have been abused. They face added difficulties in accessing support services, such as healthcare, justice and social services.
- Officials may have attitudes that tend to ignore violence committed by both national and migrant perpetrators against women migrant workers, or they may blame the women migrant worker victims and consequently refuse to investigate or to file a complaint.
- Societal attitudes and behaviours – such as victim blaming and shaming, as well as seeing violence as a normal part of life – can discourage women from seeking help. Some women may feel social pressure not to report a case or to seek redress because they fear losing their jobs and cannot afford to not send money back home to families. Women migrant workers – especially those without documentation – also fear arrest, detention and deportation if they report cases of violence. Women migrant workers may fear retribution, collective punishment and/or stigma by their employer, the local community, officials or criminal elements against themselves, their families or the larger migrant community.

- Women migrant workers who have already returned home may also face social stigma if they are seen by their families or communities to be seeking services.
- Between ASEAN (and other) countries of destination and origin there are few cross-border referral mechanisms for legal redress. There can be limited referral networks within countries as well.
- Absence of protection orders and re-traumatization when they report abuses or testify in court are also impediments, as are the lack of language interpreters and women first responders (ILO and UN Women 2020e).

Activity 3.3. Risks of sexual abuse faced by migrant farmworkers

Objectives

To gain an insight into how precarious workers are particularly at risk of gender based violence and harassment.

Outcome

Analysing a documented case study will help participants realize the imbalance in power relationships that creates occasions for abuse against women migrant workers in most vulnerable situations. Participants will devise organizational and trade union solutions aimed at preventing sexual harassment.

Methodology

Case study and a structured discussion in two phases: first in small groups, to allow more confidentiality and opportunities for each of the participants to express their views, and then in plenary, to reach a consensus on possible organizational changes to avoid this problem.

Materials

- Handout 3.3. Patricia's story
- Flip charts and Post-It cards
- Markers
- Tape (if needed)

Instructions:

- 1) Facilitator gives an introduction and sets the scene to the activity, stressing that a culture of sexual harassment and abuse predominates in sectors that are heavily dependent on seasonal, migrant and unauthorized workers, because these workers are particularly dependent on employers, which makes power relations unequal.
- 2) Background reading: Participants are split into small groups and asked to read the information in **Handout 3.3. Patricia's story**.
- 3) In small groups, participants are asked to discuss the following questions:
 - a. Whose responsibility was it that Patricia was sexually abused? Consider the role played by the manager, Patricia and the farm employer.
 - b. Why was Patricia particularly at risk of sexual abuse?
 - c. What organizational strategies could be introduced on the farm to help protect women migrant farm workers from sexual abuse? How could trade unions help toward that goal?

For the last question, ask participants to elaborate on a flip chart: (i) their vision of the existing workplace problems; (ii) the organizational changes needed; and (iii) strategies that trade unions could pursue to help make these organizational changes.

- 4) Each group will provide a brief report on their discussion to the plenary, presenting the flip chart showing workplace problems, changes needed and trade union strategies.
- 5) In the plenary session, facilitate a discussion of the different inputs provided by the small groups and draw up an agreed group response to the organizational changes and trade union strategies that are needed to prevent sexual harassment of vulnerable women workers.

Source: Adapted from ILO ITC and Fair Wear Foundation 2016.

Some trade union leaders in the ASEAN region are also former migrant workers who have experienced violence and are now working through trade unions to prevent and respond to violence against women migrant workers. See boxes 3.2 and 3.3 below, which highlight two trade union leaders' stories.

Box 3.2

Extraordinary women: Journeys out of the ordinary

This is the story of Novelita Palisoc, a former migrant worker, now President of United Domestic Workers of the Philippines (UNITED):



Photo: UN Women/M R Hasan

I was in my third year of college in the Philippines and worked part time as a domestic worker when I took a detour from my studies to go to Qatar to work. My Filipino employers at that time had a grandchild and the parents of that child were moving to Qatar and asked me to go with them to take care of the baby. I had planned to come back and finish my studies later, and I expected to earn a lot of money in Qatar to pay for my studies and to help my parents and siblings.

The agreement was that I would only take care of the baby. But when we got to Qatar, my employers brought me to an agency and said that I must get another job in order to get a visa. And I didn't live with the family, I lived in a compound.

Because I already knew my employers from back in the Philippines, I expected to be treated well. The woman was the daughter of my previous employers and had always been kind. But once we got to Qatar, she was not kind anymore and I didn't know my rights as an employee. She was verbally abusive and made me go and work in different houses. I was paid about half of what was promised, and I became very skinny because they didn't give me any food. I had to pay for food myself.

I also worked as a bus conductor and cleaner at a school, and one day the driver of the bus attacked me in the bathroom and tried to rape me. I fought him off, and one of my friends arrived and rescued me. I complained to the management, but the bus driver denied everything, and the employer did nothing.

I didn't want to continue working with the man who had attacked me, so I transferred to another job as a laundry worker. And again, another colleague, who was a caretaker, came into the kitchen and attacked me when I was doing laundry. I picked up a knife to scare him off, and when my supervisor arrived, I told him what had happened. This time the supervisor fired the attacker.

But I still felt alone, as if I had nobody to talk to. I didn't know who to trust. I also felt disappointed, because by this time all my classmates back in the Philippines had graduated while I had lived for two years with verbal abuse from my employer and sexual harassment and discrimination at work. I also didn't earn very much money. I didn't know that there were organizations that could help me.

After two years of this, I went back to the Philippines and finished my studies with a bachelor's degree in secondary education. I worked for five years as a teacher, and then one of my friends invited me to join a union for domestic workers (UNITED). At that time, I didn't want to be involved in a union. However, I went to an orientation seminar anyway, and I was impressed. I learned about my rights as a worker and about benefits. I also learned that going through a licensed agency is best, and I learned the importance of pre-departure seminars, and especially, knowing where to get help.

My message to the next generation of women migrant workers is: "Learn about your destination country and find out which organizations can support you if needed. Never be afraid to seek help!"

Source: UN Women 2019b.

Box 3.3

From domestic worker to organizer in Indonesia:

"I hope my work can light women's way when they migrate for better opportunities"

Ms Jejen Nurjanah, a former migrant domestic worker from Indonesia, is now a trade union activist who provides guidance on safe and fair migration to women who decide to migrate for work. This is her story, in her words:



Photo: © UN Women/Pathuumporn Tongking

When I first arrived to Qatar, I felt like I was walking into darkness. I thought that was normal and it was okay to feel that way. If there had been one small light that I could follow, my migration experience could have been a different story. And now, I want to be that light which other women migrants can follow.

Like many other women migrant workers, family was my motivation to migrate. Back then, my husband had no regular income and was not paid well enough to support our two children, and also my sisters and sick father.

Unfortunately, I experienced sexual harassment from a recruitment agent, who was supposed to be someone who could help when in trouble.

I was staying at the agent's house because my employer had ended my contract due to some injuries I had. One evening, when I was taking rest, the agent came into my room and tried to rape me. I shouted out for help, but no one was listening. I managed to escape. Later on, I learnt that there were nine women migrant workers who had a similar experience. I didn't know where to go to seek help. I didn't even know where the Embassy of Indonesia was, or that I could contact officials there.

Today, my organization, SBMI [Indonesian Migrant Workers Union] provides information about violence against women, including trafficking, and available services in case of abuses. We also make sure we tell women migrant workers about migration procedures, labour rights, women's rights, and financial literacy. By working with the ILO-UN Women Safe and Fair Programme, I can proudly say, now we have deepened our knowledge on violence against women migrant workers. This allows us to give better information to others including where to seek support. I know from my experience that information is the key to safe and fair migration.

I hope my work can light women's way when they migrate for better opportunities.

SBMI is working in East Java to reach Indonesian women who have returned or are planning to migrate for work, sharing information on safe and fair migration, and working to ensure better access to information and services and to prevent violence throughout the migration cycle.

Source: UN Women 2019b.

Unfair recruitment

Women migrant workers, often pay very large fees to migrate, either to recruitment agencies or unlicensed brokers, sometimes far in excess of legal caps and regulations, which are not effectively enforced. However, according to ILO Convention No. 181, recruitment fees should be borne by the employer but not by the workers. A recent ILO (2020c) study found that the mean cost for a migrant worker from Cambodia, the Lao People's Democratic Republic or Myanmar to migrate for work in Thailand was US\$461, rising to an average of US\$517 for those coming from Cambodia. Another ILO study on costs, looking at the Viet Nam to Malaysia corridor, found that mean costs were US\$1,374 (Baruah, Lautenschlager and PE Research 2018).

To pay these amounts, women may borrow money either from lenders with high interest rates or from friends and families. The debt, which also may be deducted from their earning by their employer, is another factor limiting women migrant workers' mobility and validating poor working conditions. Debt can further render women unable to escape violent or exploitative situations.

"In 2014, I registered to work as a caregiver in Taiwan [China]. The cost was about 90 million [Vietnamese] dong. On paper, it was written [US]\$3,300 [about 60 million dong], but in reality, I had to pay nearly 90 million dong." – Migrant woman caregiver returned from Taiwan (China) in Viet Nam (ILO and UN Women 2020b)

In addition, where recruitment agencies offer contracts to women migrant workers before departure, the contracts are often substituted upon arrival in destination, with the substitute contract potentially being in a language the workers are unable to read. Many migrants are not

given copies of their contract. Women migrant workers are often accused of breaching contracts, or they find that their employment is unauthorized under their visas. However, many migrant workers are fearful to leave their employers and only do so if absolutely necessary, even when the employer or recruitment agent has breached the contract in the first instance by changing the working conditions, hours or pay from the original offer.

“Workers pay a health insurance premium to the company. This money goes to the brokers [in Taiwan, China] who set a regulation that when the workers fall ill, they are to contact the brokers who are to take them to have a health check-up. The brokers will charge [an additional] interpretation fee when taking the workers to these health check-ups and medical treatments. However, in reality, when we felt ill, we called the brokers, and they did not come. ... If the employers are good and kind, we workers can get their help. If not, we have to pay an additional amount of money to Taiwanese brokers [for them to take us to see a doctor].” – Migrant woman factory worker returned from Taiwan (China), in Viet Nam (ILO and UN Women 2020b)

Access to decent work

For women migrant workers, the different policies and practices that impact their working and living conditions are complex and multi-faceted. For example:

- Labour migration policies often offer limited visa categories and opportunities for formal migration for women.
- Governments may not invest in the long-term futures of women migrant workers and will instead feed them into occupations that rarely offer opportunities to build skills and advance over time into better positions or higher salaries.
- Restrictions related to travel or to changing employers leave women migrant workers isolated and make it nearly impossible to not only escape abusive or violent conditions but to have the freedom to pursue better opportunities.

In ASEAN, some cultures, policies and labour markets restrict women to working in gender segregated segments of the labour market, which often lack labour rights protections that are afforded to men-dominant sectors and pay significantly less because the work is undervalued. For instance, domestic work and care work typically lack numerous legal protections in countries' legislation and are seen as “household work” or women's natural duties.

In South-East Asia and the Pacific, vulnerable employment among women – characterized by inadequate earnings, low productivity and difficult conditions of work that undermine workers' fundamental rights – is more than 10 percentage points higher than among men (Olivier 2018, 20). Further, a 2015 study on the gendered impacts of ASEAN integration found that, while technical and high-earning sectors in ASEAN (such as automotive or electronics) are expanding,

women will see little benefit from that growth because women-dominant sectors, such as the garment industry, are stagnant. Sectoral gender segregation leaves women little chance of equally benefitting from economic growth in the region (ASEAN Secretariat 2015).

Women migrant workers from South-East Asia are disproportionately represented in domestic work and care sectors but also work in large numbers in other sectors, including construction, agriculture, manufacturing, services and entertainment. In men-dominant sectors, like construction, women migrant workers also systemically receive less pay for the same work than their peers who are migrant men or women nationals. Women migrant workers are also overlooked for skills training and promotion, even though in Thailand, for instance, they make up 38 per cent of the migrant labour force in the construction sector (ILO 2016c, 17).

Lack of labour protection or inspection

As discussed in the section on labour laws in ASEAN Member States, there are numerous national legal frameworks that exclude women migrant workers from labour protections and/or inspection. Notably there continues to be advocacy to realize domestic workers' basic labour rights in law and practice, such as the right to one day off per week – let alone maximum hours and the right to overtime pay. Malaysia still denies coverage of domestic workers under the majority of the provisions of its labour law, the Employment Act of 1955 (which only requires domestic workers be given employment letters and two weeks' notice of termination). Agricultural workers have been historically excluded from numerous labour law provisions across the world, and while small scale farmers may fall within the informal economy, women migrant workers are more often directly employed by large land owners but may still be unable to access their rights. The ILO reports very low inspection rates of agricultural worksites in the region, particularly in a recent analysis of Thailand (UN Thematic Working Group on Migration in Thailand 2019, 63).

Furthermore, “the increasing number of ‘disguised employment relationships’ is a growing problem across the world, when an employer treats an individual as other than an employee in a manner that hides his or her true legal status as an employee, and that situations can arise [which] have the effect of depriving workers of the protection they are due”.²⁰ Per the ILO Employment Relationship Recommendation, 2006 (No. 198), countries are called on to “address the gender dimension [of disguised employment relationships], in that women workers predominate in certain occupations and sectors where there is a high proportion of disguised employment relationships, or where there is a lack of clarity of an employment relationship”, and recognizes “workers especially affected by the uncertainty as to the existence of an employment relationship, including women workers, as well as the most vulnerable workers ... workers in the informal economy [and] migrant workers.”²¹

²⁰ ILO Employment Relationship Recommendation, 2006 (No. 198), Paragraph 4b.

²¹ Recommendation No. 198, Paragraphs 5–6 (emphasis added).

Workplace exploitation

Insufficient and unequal wages

“I think the jobs for women and men are not different in construction. We all get to work on heavy jobs, and it is tiring. I think everyone gets paid differently. However, I think women get paid less. I don’t know why.” – Myanmar migrant man in Thailand (Napier-Moore and Sheill 2016, 35)

Women migrant workers face numerous challenges in receiving payment for the work they have already performed, as well as in earning adequate wages to live. Wage theft is rampant; wage theft is the non-payment of agreed upon or legally entitled wages and can sometimes amount to weeks, months or years of non-payment of salaries. Lack of enforcement of the labour laws allows employers to regularly engage in wage theft with impunity. Furthermore, few migrant women enjoy protections under minimum wage provisions, either because of the exclusion of their work from protection or because of widespread non-adherence by employers that goes unpunished.

Because of the great power differential between employers and employees in low-wage sectors, migrant workers, particularly women migrant workers, often feel that there is no recourse against such violations, and will simply change employers. Even in the rare cases where women migrant workers are able to access legal aid, employers’ common tactics of hiding assets and the biases within the legal system often mean women migrant workers are only able to recover a small fraction of what they are owed.

“Only women Thai workers get 300 baht [\$8.49], Khmer don’t. Thais are paid more regular and OT [overtime] rates. Why do they treat us like this? I am not happy but don’t know what to do, but I know this sector and this site are better than others.” – Khmer woman migrant worker, Bangkok (Napier-Moore and Sheill 2016, 35)

The extensive non-enforcement of minimum wage provisions for migrant workers means that women migrant workers enjoy neither the benefits of a minimum wage nor equal wages with migrant men counterparts. While women migrant workers may earn a higher wage in the country of destination than they would earn in their origin country, it does not guarantee a basic or decent standard of living. The wages may be barely enough to survive, let alone adequate to care and support their families (whether the family is with them in the country of destination or they send remittances to them). Women migrant workers also face income levels that stagnate, because pay in the industries in which women predominate do not increase in tandem with the rising costs of living over the years they remain in the country of destination.

Exploitative leave policies

“We worked all days without rest. We worked even on Sundays and holidays. Every month we had only a day off, and we took the day off because if we worked, we received no pay, not like other companies.” – Woman migrant factory worker returned from Malaysia in Viet Nam (ILO and UN Women 2020b).

Women migrant workers rarely can take sick leave, annual leave or days off for public holidays, whether unpaid or paid, without risking the loss of their job. In certain industries, such as domestic work or other informal work, or during certain seasons for agricultural work, women migrant workers can rarely take even a weekly day of rest. To ask or take time off, could risk them losing their job, or alternately they simply cannot afford to lose even a day’s worth of income.

“Thai workers can take a rest but we migrant workers are scolded and pressured to work without a break. Previously, we would have two 15-minute breaks, one in the morning and one in the afternoon. But this system was ended by employers years ago. Even when we are not feeling well, employers still force us to work. When we ask for leave, employers will often scold us and do not grant it. If we take any sick leave or days off, we do not receive any wages.” – Woman migrant agricultural worker from Myanmar (MMN 2020, 28)

“When I stayed at my last employer, I had one off day from work every month. In the mornings I normally woke up at 5.15 a.m. and I went to bed at 11 p.m., so when it was the end of the month, I felt excited. Soon I could have my rest day. I felt tired during the work days, I had no time to rest. I was supposed to have one off day every week, but the employer just gave me one per month. All us domestic workers are waiting for Sunday, the off day. I woke up Sunday morning, cleaned the house, made breakfast and waited for my employer to wake up. Because before I could leave, my ma’am always checked my bag, my pants and my jacket. When she let me out of the house, she always told me: “You must come back before 5.30, and be back on time.” – Woman migrant domestic worker in Singapore (HOME 2017a)

Lack of any leave and inadequate rest has enormous consequences to the health and wellbeing of workers, putting them under enormous strain both mentally and physically. Lack of sick leave particularly has consequences on migrant workers, endangering their health and that of those around them. Without sick leave, they are unable to access health services or to properly rest and recover from their sicknesses, and this potentially poses a hazard to others if their infection is contagious, especially in crowded working situations such as factories.

The failure to guarantee leave impacts women disproportionately because they are responsible for the greater share of household and domestic responsibilities outside work. Their “second shift” of housework begins after they leave the workplace, thus meaning they are often doubly

overworked. It is also vital that women of reproductive age have the ability take leave to see healthcare providers for sexual and reproductive healthcare, particularly when pregnant. By denying women migrant workers leave, employers not only reduce worker productivity, but they create a system in which fatigue, poor health and injury are more likely to occur. A system where leave is systematically denied not only violates basic labour rights, but it grossly reduces the quality of life of women migrant workers, further constraining their autonomy and independence from their employer, and perpetuating their exploitation.

Long hours of work

“They paid Myanmar workers 300 baht, but to Thai workers they gave 500 baht. When Thais arrived late, it went unnoticed, but when Myanmar migrants arrived late, the employer would get angry. Migrants started working at around 6 or 7 a.m., but Thai workers started at around 9 a.m. Thai people took breaks and then worked. Myanmar workers had to work non-stop. Because Thai people arrived to work late, they did not produce as much as Myanmar workers.” – Woman migrant returnee from Thailand in Myanmar (MMN 2020, 30)

A recent ILO–International Organization for Migration (IOM) survey of over 1,800 migrants who had worked in Malaysia or Thailand found that the average migrant works 10 hours per day and nearly every day (6.4 days per week) (Harkins, Lindgren, and Suravoranon 2017).

Women migrant workers, particularly domestic, factory and some plantation workers may end up working extraordinarily long hours, sometimes averaging up to 14 hours a day, far over the standard of 8 hours a day prescribed by international labour standards set by the ILO²². The long hours of work, compounded with the lack of leave detailed in the previous section, are severely detrimental to the physical, mental and emotional wellbeing of women migrant workers. Gendered notions of these occupations as “women’s work” diminish and undervalue the taxing nature of such work. Domestic workers are commonly on standby even during their non-working hours and thus never have privacy or time off (Anderson 2016, 59). And, as mentioned earlier, many women migrant workers return home after working long hours and are responsible for the household cleaning, cooking and care work.

Arbitrary or short notice dismissal

Women migrant workers also experience a high degree of employment insecurity and are easily dismissed by employers if they do not meet their expectations (for example, for taking time off, not producing a high enough yield and/or daring to demand better working conditions). When migrant women are dismissed from work, they face a loss of income and are often barely able or unable to stay afloat. This situation forces many to seek new employment with little or no bargaining power for working conditions or terms of employment. They are rarely entitled to

²² ILO Hours of Work (Industry) Convention, 1919 (No. 1), Article 2; ILO Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), Article 3.

unemployment benefits under social protection schemes and are at risk of deportation if their immigration status is tied to their employment status.

Activity 3.4. Pregnancy discrimination

Objective

To gain a better understanding of how pregnancy discrimination operates for women migrant workers, and what standards should address this issue.

Outcome

Participants have ideas of what laws or standards they would want their trade union to fight for to protect women migrant workers – and all women – from pregnancy discrimination.

Methodology

Case study.

Materials:

- Handout 3.4a. Key provisions in the ILO Maternity Protection Convention, 2000 (No. 183)
- Handout 3.4b. Pregnancy discrimination in practice
- Notepaper

Instructions:

Part 1. Role play

1) Facilitator distributes the handouts:

- **Handout 3.4a. Key provisions in the ILO Maternity Protection Convention, 2000 (No. 183)**
- **3.4b. Pregnancy discrimination in practice**

Facilitator introduces background and the handouts.

2) Facilitator asks volunteers to read aloud the case study in **Handout 3.4b: Pregnancy Discrimination in Practice**.

- 3) The group picks four people to do a role play. One person will be the employer, and three people will each be a pregnant migrant worker (in the role play, have some fun: men can also be pregnant!). The three pregnant workers choose and act out the current three options most women migrant workers have:
- Keep the baby and go home.
 - Abort the baby and stay.
 - Keep the baby and “run away”.

As noted above, many women migrant workers have taken on loans/debt to migrate, with many owing money to their employer. In the role play don't forget to bring up these loans to show how much money is at stake. The stakes are high and the choices are hard to make.

- 4) Facilitator asks each participant to review **Handout 3.4a: Key provisions in the ILO Maternity Protection Convention No. 183**.
- 5) Facilitator asks the participants: In this exercise our role players had three options to choose from – what should Option 4 be? If the ILO Convention was followed, what fourth option would women have? (Hint: Option 4 = Go on paid maternity leave, keep their baby, stay in the country of destination and get their job back after maternity leave.)

Part 2. What can your trade union do?

- 1) Facilitator asks participants to divide into three small groups and each answer one of the following questions:
- What kind of policies could your union lobby the government for to protect the maternity rights of women migrant workers?
 - What demands could your union make on employers to protect the maternity rights of women migrant workers?
 - What kind of measures could you put into memoranda of understanding between trade unions of countries of origin and destination to address these issues?
- 2) Facilitator asks each group to report back.

Occupational safety and health conditions

“The work at this company was manual. At first, I had to weigh so much squid and cuttlefish – dozens of tonnes – ending in my arms hurting. I also had to sort them into different trays. For small squids, it was easy to weigh 18–20 of them and put them in a tray. For [large squid], it was harder to balance, and I had to substitute one with another, resulting in my arms [getting] really tired and hurting. I had to use medicated plasters all the time. Some workers fell unconscious during work. Truc, a young girl from the city, fell down because she was so tired. When I left home, I weighed 57 kilograms, but in the destination, I lost weight, to be only 50–51 kilograms.” – Migrant woman factory worker returned from Malaysia in Viet Nam (ILO and UN Women 2020b)

Migrant workers face unsafe and dangerous conditions, with little compliance to occupational safety and health standards. Women migrant workers in various sectors encounter unsafe working conditions that can result in injuries and illnesses. In industries such as garment factories, construction and agriculture, workers are not given or not encouraged to use personal protective equipment. Electrical wirings and machines are not properly maintained, leading to numerous accidents including electrocutions and/or fires. The failure to improve fire safety conditions and provide fire safety training has serious consequences when a fire breaks out at a work site, especially where conditions are crowded and many people must evacuate quickly. The violence and harassment women migrant workers experience in the workplace are also occupational health and safety hazards:

“I sat close to the machine. My gloves were torn, and [one day] the torn parts of my glove got stuck in the machine, injuring my right hand with two open wounds that needed six stitches. I was lucky not to lose my right arm. Someone told me I was sleepy. But the two supervisors – an Indian and an Indonesian – said I had never been sleepy [and that the injury was due to] the torn glove which was driven into the machine.” – Woman migrant factory worker returned from Malaysia in Viet Nam (ILO and UN Women 2020b).

“The protective equipment we have is insufficient. Even though we wear gloves, after spraying for several hours, it [the pesticide] seeps into our hands. I think long gloves offer better protection. We also need long-sleeved clothes and rain coats to protect our body. There is a kind of mask that looks similar to a plastic cup, and it has openings for breathing. The employers need to pay for [the equipment] and provide it to us workers” – Woman migrant worker from Myanmar, working in Thailand (MMN 2020, 38)

Housing conditions

Some employers make living in on-site housing a condition of employment for migrant workers, and in numerous labour migration scenarios it is the only viable access to housing for migrant women. This is true for several reasons:

- **Lack of affordable available housing:** Many landlords in countries of destination will not rent to migrant women and/or the housing is unaffordable. Women migrant workers may also lack of information about how to access the housing market, or lack sufficient funds to pay for the deposit necessary to rent. Their employment may be too short-term and unpredictable to guarantee rental payments each month, and women migrant workers often do not have the language skills needed to be able to speak and negotiate with the landlord.
- **Lack of transport:** The place of work may be located far away from town and there is no publicly available transport.
- **Security:** Migrant women may need to live on-site in order to protect themselves against arrest, detention and deportation. Some fear that if they leave the worksite the risk of arrest is high (especially if they are undocumented).

Housing migrants on worksites can also seriously curtail migrant women's ability to avoid violence and abuse. Employer-provided accommodation and transport to/from work further migrant women's dependency on their employer, which inhibits their ability to escape violent and exploitative situations.

Factory dormitories can be behind locked gates, protected by security guards. The gates in some factories can be closed permanently while others open in the early evening for a limited period to allow migrants to go for walks or buy food. Agricultural workers may live in remote or isolated places, without any means of transport. For domestic workers, on-site housing means often living in forced seclusion with no access to the outside world.

Living in the same place as employers can also have implications for mobile phone access. A recent ILO–UN Women study found that over 50 per cent of employers of domestic workers in key destinations for ASEAN migrants do not allow domestic workers access to their mobile phones, even out of work hours, making it hard for workers to access family, trade unions, civil society organizations and other service providers when they face violence or other abuses and need help.²³

²³ Over 1,000 members of the public were surveyed in each of Japan, Malaysia, Singapore and Thailand. Among employers of domestic workers, allowance of access to mobile phones out of work hours ranges from 94 per cent in Japan, 53 per cent in Singapore, 63 per cent in Thailand, and 69 per cent in Malaysia (ILO and UN Women 2019b).

During the COVID-19 pandemic, migrant workers' housing made the news on many occasions, as dormitories in Malaysia and Singapore became hotspots for the virus. Crowded, unsanitary conditions meant that there was not space for social distancing.



“Real living conditions of an Indonesian Domestic Worker who came to our HOME office yesterday. The woman told me she was overworked, ate only leftover food (which always came very late), and her room was improper – a storage room. From what I see at the helpdesk regularly, all of this are common examples of what employers give to their domestic workers. This domestic worker had to get up @ 5 am in the morning, to start doing her house chores until 11 or 12pm late at night. Even the regulations of MOM [Ministry of Manpower]

say that Domestic Workers should be treated fairly, that she needs reasonable working hours, proper food, and the privacy of a room to rest in” – Woman migrant domestic worker in Singapore (HOME 2017b. Reproduced with permission.).

Activity 3.5. Prioritizing the rights of women migrant workers

Objective

To review the rights of women migrant workers and to consider which areas should be priorities for advocacy.

Outcome

Participants are able to recognize: (i) the universe of important rights of women migrant workers; (ii) which rights may be greater priorities for advocacy; and (iii) which rights could be a challenge to enforce and which could more easily be fought for.

Methodology

Organizing/prioritizing information.

Materials

Handout 3.5. Priority checklist – Women migrant workers' rights

Instructions:

- 1) Facilitator distributes **Handout 3.5. Priority checklist – Women migrant workers’ rights** and explains that the checklist draws from international human rights law and the evolving international labour standards that participants learned about in Module 2. The checklist covers the important rights that women migrant workers are entitled to, as well as those that advocates are fighting for.
- 2) The facilitator asks participants to assign four rights to each of the following categories:
 - Top priorities (select four)
 - Lowest priorities (select four)
 - Most challenging (select four)
 - Most likely/easiest to achieve (select four)

Facilitator asks participants to note their selections in the first empty column on the right side of the checklist.

- 3) After they have finished, the facilitator asks participants to answer the same question but from the perspective of women migrant workers in the second empty column on the right side of the checklist.
- 4) Facilitator asks the participants, “Whose perspective were you considering when you wrote down your answers the first time? Was it your personal perspective or the union’s perspective?” Follow this up by asking, “Were your answers in the second column the same or different?”
- 5) Facilitator asks for volunteers to share their thoughts on the exercise.



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Module 4.

Social protection

Social protection is a general term covering all guarantees against reduction or loss of income in cases of illness, old age unemployment or other hardship, and includes:

- family and ethnic solidarity;
- collective or individual savings;
- private insurance;
- social insurance;
- mutual benefit societies;
- social security, etc.

Social protection has a wider meaning than “social security”, as it encompasses protection provided between members of a family or by a local community. The term is, however, commonly used interchangeably to mean protection provided by state-managed social security schemes.

Social security covers the provision of benefits, in cash or in kind, to secure protection from:

- lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age or death of a family member;
- lack of access or unaffordable access to healthcare;
- insufficient family support, particularly for children and adult dependents; and
- general poverty and social exclusion.

Under the [Social Security \(Minimum Standards\) Convention, 1952 \(No. 102\)](#), the nine principal branches of social security are: (1) medical care, and benefits for: (2) sickness; (3) employment injury; (4) family; (5) maternity; (6) unemployment; (7) old age; (8) disability and (9) survivors (upon death). “Social protection floors” are nationally defined sets of basic social security guarantees that should ensure – as a minimum – that over the life cycle, all in need have access to essential healthcare and to basic income security, which together secure effective access to goods and services defined as necessary at the national level. National social protection floors should comprise at least the following four social security guarantees, as defined at the national level:

1. access to essential healthcare, including maternity care;
2. basic income security for children, providing access to nutrition, education, care and any other necessary goods and services;
3. basic income security for persons of active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability (including for workers who suffer from workplace injuries or illnesses); and
4. basic income security for older persons.

Social security mechanisms are typically designed to be country-specific, and are structured to serve workers employed for a continuous period within the country, not those outside it. In this regard, migrant workers have inherent limitations to being covered by social security. Some States do not allow migrant workers to be covered under social security or exclude them from

tax-funded or other social protection schemes. In cases where coverage is allowed, there may be conditions such as completion of a vesting or qualifying period before one can be eligible for the benefits. The short duration of migrant employment may render compliance with the vesting requirements impossible. There are also practical barriers to migrant workers effectively accessing social security protection systems (such as documentation, language, lack of information).

While migrant workers working in the formal sector may be legally covered by existing national social security systems, they may face challenges in exercising their rights to benefits, particularly in the case of old-age pensions, maternity benefits and unemployment benefits, given that many national restrictions do not allow them to be in the destination country when they are old, pregnant or without a job. Large majorities of migrant workers confined in low-skilled and low-paid jobs in the informal economy are excluded from national schemes in the countries of destination. Some countries of origin, such as Indonesia and the Philippines, have developed specific schemes to cover their nationals while they are working abroad (ILO 2018f, 150).

Social security protection across ASEAN for women migrant workers

The operationalization of social security institutions across ASEAN varies greatly. The unique political and economic infrastructures of each ASEAN Member State, as well as differing economic and institutional priorities and levels of development, has led to variance. Women especially, and migrant women among them, in many countries are still primarily employed in the informal economy, and are therefore outside of regulatory schemes.

Table 4.1 Coverage of migrant workers and nationals under social security by country and benefit, 2017

	Medical care		Sickness		Unemployment		Old age		Work injury		Family		Maternity		Invalidity		Survivors benefit		national workers abroad?
	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	
Brunei Danussalam	✓	✓*1	✓**	✓**	—	—	✓	✓*	✓**	✓**	—	—	✓	✓*	✓	✓*	✓	✓*	No
Cambodia	✓	✓	✓**	✓**	—	—	✓	✓	✓	✓	—	—	✓	✓	✓	✓	✓	✓	No

	Medical care		Sickness		Unemployment		Old age		Work injury		Family		Maternity		Invalidity		Survivors benefit		national workers abroad?	
	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals	Nationals	Non nationals		
Indonesia	✓	✓	✓**	✓**	—	—	✓	✓	✓	✓	—	—	✓	✓	✓	✓	✓	✓	✓	Yes
Lao PDR	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	—	✓	✓	✓	✓	✓	✓	✓	Yes ²
Malaysia	✓	✓***	✓**	✓**	—	—	✓	✓***	✓	✓***	—	—	✓**	✓**	✓	✓***	✓	✓***	✓***	No
Myanmar ³	✓	✓	✓	✓	✓	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Yes ⁴
Philippines	✓	✓	✓	✓	—	—	✓	✓	✓	✓	—	—	✓	✓	✓	✓	✓	✓	✓	Yes
Singapore	✓	✓ ⁵	✓**	✓**	—	—	✓	✓*	✓**	✓**	—	—	✓**	✓**	✓	✓** ⁶	✓	✓** ⁶	✓** ⁶	Yes ⁷
Thailand	✓	✓ ⁸	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Yes
Viet Nam ⁹	✓	✓	✓	✓	✓	—	✓	✓	✓	✓	—	—	✓	✓	—	—	✓	✓	✓	Yes

Note: * - permanent residents only; ** - employer liability; *** - separate scheme

1 Universal coverage - permanent residents, employers liability - other migrant workers (insurance-based).

2 Via a Labour Fund.

3 Not applicable to establishments with fewer than five employees. Such employees can register voluntarily.

4 Voluntary contribution possible.

5 For those who are not permanent residents, employer based/employer-insured provision is available.

6 This includes foreign domestic workers as well as work injury-related cases, though mandatory insurance coverage - feedback received from SLOM Singapore, July 2017.

7 In relation to Medishield Life - the Singapore Government provides for continued contribution to Medishield life even while overseas.

8 Undocumented non-nationals (except for those who completed the National Verification Process) are covered under a separate scheme.

9 2018 position indicated here: as from 1 January 2018, regular migrant workers will be covered by compulsory social insurance.

Infographic source: (ILO 2018d, 32)

Box 4.1**Social protection for migrant workers in ASEAN:
Developments, challenges and prospects**

Migrant workers' access to social protection in the ASEAN region is fraught with challenges and shortcomings. Legislative barriers limiting migrant workers' access to social security benefits are compounded by the fact that social security systems cover only minority of the labour force. In some ASEAN Member States countries, migrant workers are often employed in sectors of the labour market that are not covered by social security or in which compliance with social security laws is poorly enforced. A worker's specific immigration status may make him or her ineligible for accessing benefits. It may also be that the worker is not covered by social security systems of either the [destination or origin] country, as a result of any or a combination of:

1. lack of extra-territorial application of domestic laws;
2. nationality and/or residence requirements;
3. a contribution period required for long-term benefits (e.g., retirement); and/or
4. worker is employed in the informal economy.

Migrant workers in ASEAN also face other documentation and bureaucratic/administrative barriers, such as mis-transliterations of their name on different documents meaning their documents do not have the same spellings on them.

Source: ILO, 2018d, xiv

Migrant women in ASEAN have few opportunities for formal employment and few regular channels for migration²⁴ (see Module 1 – Challenges facing women migrant workers in ASEAN), and are thus less likely to be enrolled in formal social security schemes. Women, then, find themselves more often than men in precarious situations without social safety nets.

The limited scope of application of protective legislation also directly and indirectly bars women migrant workers from accessing social protection, leading to multiple forms of discrimination. Barriers to accessing social security schemes may include:

1. Exclusion or exemption of categories of workers from protection: This often includes domestic workers, sex/entertainment workers, and other jobs in the informal economy.
2. Exclusion of smaller employers: This is particularly problematic for domestic workers.
3. The inability of migrant workers to meet the eligibility criteria for accessing certain social security benefits, in particular long-term benefits such as an old-age pensions.

²⁴ In Thailand, for example, migrant workers also said that with limited funds to pay for documentation and care responsibilities, families may opt only to go through regularization processes for male members of the household, who can earn higher wages because of the gendered wage gap (ILO 2016c, 20).

4. The inadequate time that a migrant worker has to finalize social security benefit payments upon termination of employment before being forced to return to country of origin.
5. The exclusion of women migrant workers from maternity benefits or pre-natal and birthing healthcare due to regulations stipulating deportation upon pregnancy.
6. Large-scale absence of portability arrangements in the legal systems of ASEAN countries of destination and countries of origin (ILO 2018d, xv).

There is no existing ASEAN-wide social protection or social security agreement that can cover migrant workers wherever they are in the region. In 2013, ASEAN adopted the Declaration on Strengthening Social Protection, pledging the completion of social protection floors as a priority for achieving growth with equity. The 2018 ASEAN Consensus does not expressly mention social security, although it says, “Receiving State will provide migrant workers with access to adequate medical and healthcare in accordance with the applicable laws regulations and policies of the Receiving State” (para. 41) and “if migrant workers leave the Receiving State, they should not lose their rights to benefits arising from their employment in accordance with the national laws, regulations, and policies of the Receiving State” (para. 17).

Activity 4.1. Access to healthcare

Objective

To examine the barriers women migrant workers face when trying to access healthcare in the country of destination.

Outcome

Participants will understand the barriers that exist for women migrant workers to access healthcare, and how it impacts women uniquely (related to sexual and reproductive health and rights and to violence against women). They will also be to identify points for trade union advocacy.

Methodology

Small group discussion

Materials

Handout 4.1. Breaking down the barriers

Instructions:

- 1) Facilitator distributes **Handout 4.1. Breaking down the barriers** with a chart identifying six different types of problems migrants face when accessing healthcare in Malaysia.
- 2) Facilitator breaks participants into six different groups for each subtitle in the handout.
- 3) Facilitator asks each group to discuss the barriers that migrants face and answer the following questions:
 - How could this problem affect migrant women differently or uniquely than migrant men?
 - How could this problem affect migrants differently or uniquely than nationals?
 - What are possible roles a trade union could play to directly assist and/or lobby for migrants with this problem?
- 4) Ask representatives from each group to report back. Facilitator should raise the concepts of “sexual and reproductive health rights” and “violence against women” if participants do not bring them up or do not highlight them when they are mentioned.

How to extend social protection to migrant workers

The ASEAN Trade Union Council (ATUC) issued a paper regarding social protection being provided to migrant workers, laying out the following analysis, country examples and advocacy agenda:

There are generally four approaches in extending social protection and social security to migrant workers:

- i) unilateral action by the country of origin;
- ii) bilateral agreements on social security between countries of origin and destination;
- iii) multilateral agreements among several countries of origin and destination; and
- iv) international instruments such as treaties and [C]onventions.

[To illustrate the second point,] pursuing specific bilateral social security agreements is not by any means easy. [Countries of destination] typically have more developed social protection and social security legislations than countries of origin. Because the principle of reciprocity is part of any bilateral agreement, both origin and destination countries may face political and practical constraints. [Countries of origin] are in a particularly weak position, having no leverage to negotiate unless they first improve the social protection and security provisions for their own nationals at home. ...

The Philippines, which has the greatest number of overseas workers among AMS [ASEAN Member States], has the most developed model for the first approach. It has taken unilateral actions to provide social protection to its temporary migrant workers (known as overseas Filipino workers or OFWs) as well as permanent migrants in a foreign country, who can enjoy the same social security benefits as private sector employees in the Philippines. Under a new social security law, all sea-based and land-based OFWs are now compulsorily covered by the Philippine social security system. For sea-based OFWs, the manning agencies are declared to be agents of their foreign principals and are considered the employers for purposes of remitting social security contributions. On the other hand, land-based OFWs are declared as compulsory members and are considered in the same manner as self-employed persons. Recruitment agencies are required to secure a compulsory insurance policy for each migrant worker, at no cost to the latter, effective for the duration of the migrant worker's employment to cover: accidental death; permanent total disablement; repatriation cost of the worker if his/her employment is terminated without any valid cause, including the transport of his or her personal belongings; subsistence allowance benefit for a migrant worker who is involved in a case or litigation for the protection of his/her rights in the [country of destination]; money claims arising from employer's liability; provision for compassionate visit when a migrant worker is hospitalized; medical evacuation; and medical repatriation. Welfare benefits are also provided to OFWs registered with the Overseas Workers Welfare Administration including, among others, social benefits such as death and disability benefits, healthcare benefits, and education and training benefits. ...

ATUC's Advocacy Agenda

Clearly, the bigger task is to translate the aspirational pronouncements to concrete operational mechanisms that will give effect to the right to social security and protection as a portable right attached to the migrant worker taking into account its spatial dimension (that is, the migrant worker can effectively exercise and enjoy the right wherever he is) as well as its temporal dimension (that is, the migrant worker has the continuing ability to accumulate or totalize, aggregate and move his or her contributions wherever he or she goes over his or her entire working life).

For this purpose, ATUC proposes national, sub-regional and regional consultations among governments and all stakeholders with two major agenda items. **The first item in the agenda will be to effectively operationalize and implement the points recognized in the ASEAN Consensus**, specifically:

- How to ensure that migrant workers, especially the low-skilled and those in vulnerable occupations, will not lose their rights or benefits arising from their employment when they leave the receiving State.

- How to promote the right of migrant workers to transfer their earnings and savings in any modes of transfer in accordance with laws and regulations on currency transmission in the receiving and sending States.
- How to facilitate enrolment and access of migrant workers in social security systems in States of origin. ...

Complementary to the above agenda, **ATUC will continue to push for effective universal social protection coverage across ASEAN Member States, particularly the inclusion of migrant workers in building the concept of social protection floors.** It will also continuously strengthen its capacity to provide pre-departure and re-integration assistance, enhance arrangements among national affiliates in providing on-site services and assistance, and disseminate information on social security” (ATUC 2020a, paras 26–27, 29, 32–33, 36; emphasis in original).

ASEAN Forum on Migrant Labour: Portability of social protection

The 9th ASEAN Forum on Migrant Labour (AFML) on the theme “Better Quality of Life for ASEAN Migrant Workers through Strengthened Social Protection” was held in 2016. At this AFML, ASEAN Member States acknowledged that “everyone, including migrant workers are entitled to have equitable access to social protection that is a basic human right”.

The Forum participants not only recommended actions to extend social protection for migrant workers in ASEAN, but also recommended the following actions concerning the portability of the social security of migrant workers in ASEAN:

- **Recommendation 12.** Explore and assess the feasibility of developing bilateral or regional agreements or arrangements on portability of social protection for migrant workers between Sending States and Receiving States, either as a specific agreement and/or include in Memorandum of Understanding or Bilateral Labour Agreement.
- **Recommendation 13.** Support implementation of ASEAN Declaration on Strengthening Social Protection and its Regional Framework and Action Plan particularly with reference to extending social protection coverage to all migrant workers through inter-sectoral cooperation of SLOM [ASEAN Senior Labour Officials Meeting] and Senior Officials Meeting on Social Welfare and Development (SOMSWD). Recommendations of the 9th AFML should be submitted by SLOM to SOMSWD as the focal point for inter-sectoral cooperation on social protection at ASEAN level.
- **Recommendation 14.** Engage multi- and cross-sectoral stakeholders including governments, employers’ organizations, workers’ organizations, civil society organizations,

private sectors and migrant communities in raising awareness and implementing social protection for migrant workers as relevant.

- **Recommendation 15.** Ensure timely remittance of social protection contributions and benefits to migrant workers and their families that are due to them.

Box 4.2

Workers' compensation and social security in Thailand and Malaysia

Thailand

After advocacy from Thai trade union State Enterprises Workers' Relations Confederation (SERC) and other stakeholders (see "Access to Thai social security and workers' compensation – SERC" in Module 7), the Thai Supreme Administrative Court issued a decision on 9 September 2015 holding that protection under the Workmen's Compensation Fund was intended to cover all employees without any discrimination or categorization of the employee. However, after the decision, the Fund was still unavailable to completely undocumented workers and had sector-specific exemptions. In 2017, the ILO supervisory body for the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), reminded the Thai Government that undocumented/irregular migrant workers, including domestic workers, seasonal workers and workers in agriculture and fisheries, are entitled to equal treatment with national workers with regards to benefits from the social security system in the event of employment accidents.¹ As of March 2019, according to an announcement of Thailand's Ministry of Labour, the Fund no longer has sector-specific exemptions, and only exempts the self-employed, who are defined as "employers who have neither legal entity nor any business-related work to contribute to WCF [Workmen's Compensation Fund]".² It is unclear whether migrant workers – regardless of immigration status – will now have access to the fund in practice.

Malaysia

For several years the ILO supervisory body for the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), expressed their concern with the different and unequal compensation schemes for workplace injury utilized by the Malaysian Government with regards to migrant workers and nationals. In 2018, the International Labour Conference Committee on the Applications of Standards noted that concerning Malaysia, "The Committee of Standards recalls that, in its previous comments, it has repeatedly drawn the attention of the Government to the fact that, since 1993, the national legislation provided for foreign workers employed in Malaysia for up to five years, to be transferred from the Employees' Social Security Scheme (ESS), which provides for periodical payments to victims of industrial accidents, to the Workmen's Compensation Scheme (WCS), which guarantees only a lump-sum payment of a significantly lower amount."³ Malaysia sought technical assistance from the ILO, and from 14 to 17 October 2019 the ILO conducted a direct contacts mission, which has led to the satisfactory implementation of the coverage of accident compensation for migrant workers under the Employees' Social Security Act, 1969.⁴

¹ ILO, “Observation (CEACR) – Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) – Thailand, adopted 2016, published 106th ILC session (2017)”.

² Announcement of the Ministry of Labour Regarding the Size of the Business, the Area Where the Employer Pays Contributions, Contribution Rates, Deposit Rates, Assessment Methods and Contributions, available at: http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/E/067/T_0019.PDF.

³ ILO, “Observation (CEACR) – Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) – Malaysia – Peninsular, adopted 2018, published 108th ILC session (2019)”.

⁴ ILO, “Observation (CEACR) – Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) – Malaysia – Peninsular, adopted 2019, published 109th ILC session (2020)”.

Gender-responsive social protection

The following is an excerpt from ILO and UN Women, “[Social Protection: Women Migrant Workers in ASEAN](#)”, Women’s Labour Migration in ASEAN Policy Brief, 2015, 2–3:

A gender responsive and rights based approach to social protection can ensure that the assessment of eligibility is fair and equitable, reflective of women’s needs and provides appropriate benefits and coverage. For example, more women than men in ASEAN work in the informal economy, and many have to take time out during childbearing years. Informality and compounding lack of maternity protections limit workers’ ability to meet qualifying conditions (years of contribution) for social insurance schemes, leaving women particularly vulnerable, especially when they have young children and in old age. Gender responsive social protection schemes would recognise this reality and ensure that women have access despite their often informal employment status.

Similarly, as identified in Goal 5 of the SDGs [United Nations Sustainable Development Goals], gender responsive social protection should recognize and value the unpaid care and domestic work that women regularly provide, especially in relation to care for children, the elderly and disabled. This care role should be recognised both in terms of the barrier it creates to women’s access to employment and ability to qualify for social protection; and the contribution that this work provides in social protection terms, by facilitating the capacity of others to work outside the home. In order to respond to women’s needs, gender responsive social protection must include maternity protections, parental support, healthcare (including specialized care in situations of violence, reproductive healthcare, and gender specific preventative care, e.g. breast cancer screening and human papilloma virus (HPV) vaccination), gender responsive education and training, adequate housing, and essential social services. ...

Migrant women work in some of the more vulnerable sectors in ASEAN, in particular in the domestic and sex and entertainment sectors. These women migrant workers face unique challenges due to discriminatory practices resulting from the intersection of their gender, ethnicity, migrant status and specific work. Women migrant workers cannot legally migrate into the entertainment and sex sector and hence use irregular migration channels that limit

access to social protection. While domestic workers can be recruited through regular channels in some migration corridors, domestic work is largely unregulated and may not provide access to social protection where these schemes are restricted “employees” or “workers”, distinct from “helpers”, “au pairs” or “maids”. Malaysia, Singapore and Thailand ... provide limited benefits for domestic workers. Exclusion from social assistance and insurance schemes compounds the vulnerability of these women migrant workers, particularly to health risks, violence, and harmful working environments.

Activity 4.2. Self-care by women migrant workers

Objective

To understand why women migrant workers rely on self-care and what needs they have for improved care.

Outcome

Participants evaluate the self-protection schemes in their country for their own trade union members and whether women migrant workers have different needs.

Methodology

Case study/reflection.

Materials

- Handout 4.2a: Quote from the MMN *Self-Care & Health Care* report
- Handout 4.2b. Case Study: “Leaving problems untreated or returning home for treatment”
- Notepaper
- Screen and projector

Instructions:

- 1) Facilitator distributes **Handout 4.2a. Quote from the MMN *Self-Care & Health Care* Report** and **Handout 4.2b. Case Study: “Leaving problems untreated or returning home for treatment”**.
- 2) Facilitator introduces the report by the Mekong Migration Network (MMN) researching the self-care methods migrant women workers utilize because of barriers to accessing

healthcare. Facilitator asks for a volunteer to read aloud the quote from **Handout 4.2a. Quote from the MMN Self-Care & Health Care report.**

- 3) Facilitator asks participants to read **Handout 4.2b. Case Study: “Leaving problems untreated or returning home for treatment”** quietly to themselves.
- 4) Facilitator projects onto a screen the following questions and asks each participant to write down their thoughts or replies on the notepaper.
 - How well do the social protection schemes operate in your country for your union members?
 - What obstacles are there to accessing these protection schemes?
 - What, if any, tactics are you using to address these obstacles?
 - What do you think is the most critical first step to expanding social protection for your members?
 - What about for the inclusion of women migrant workers in social protection schemes?
- 5) Facilitator asks if any volunteers would like to share their thoughts.





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Module 5.

Economic and social contributions in origin and in destination countries

Activity 5.1. Migration and development from trade unions' perspectives

Objective

To examine recent perspectives on the relationship between migration and development, and what unique views trade unions may have on these topics.

Outcome

Participants understand possible negative and positive correlations between migration and development, and are able to identify what the perspective of their trade union might be.

Methodology

Cost/benefit analysis

Materials

- Handout 5.1. Costs and benefits analysis
- Four pieces of flip chart paper labelled:
 1. Costs to Development / Countries of Destination
 2. Benefits to Development / Countries of Destination
 3. Costs to Development / Countries of Origin
 4. Benefits to Development / Countries of Origin

Instructions:

- 1) Facilitator distributes **Handout 5.1. Costs and benefits analysis** and asks a participant to read the quote at the top of the handout aloud.
- 2) Facilitator explains that the quote reflects the different perspectives held mostly by States and governments, but we want to know how trade unions feel on the matter. Facilitator tells participants they will be asked to imagine the possible costs and benefits from the perspective of trade unions from both countries of origin and countries of destination.
- 3) Facilitator divides participants into small groups and asks them fill out the perspectives chart on handout as best as they can. Facilitator explains that the points of view to be considered are not necessarily those from your personal union but from trade unions more generally.

- 4) Ask participants to add their thoughts to the four labelled flip charts.
- 5) Facilitator reviews the answers for each flip chart. Facilitator then asks volunteers to share any reflections on the exercise.

Economic benefits: Remittances and more

Remittances – financial transfers from individuals abroad – are largely driven by migrant workers who send their earnings to their country of origin to support their families or to realize other projects. Remittances globally exceed international development assistance and have become a major contributor to the economies of many countries of origin.

In many developing countries, the amount of remittances regularly surpasses the amount of foreign direct investment and overseas development aid flowing into the country. In 2018 personal remittances to the eight largest ASEAN Member States reached around US\$74.6 billion, with remittances in the Philippines contributing to 10.2 per cent of their GDP; Cambodia, 5.8 per cent; Myanmar, 3.8 per cent; and Viet Nam, 6.6 per cent (ADB 2020, 20). For some of the countries in the region, such as Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam, governments view labour migration as a means to alleviate poverty by providing employment when job opportunities are unavailable domestically and by facilitating economic growth through remittances received and spent by migrant workers' families back in the country of origin (ILO and UN Women 2015d, 3).

Women migrant workers' remittances and economic contributions

With an increasing demand for intra-ASEAN migration of women migrant workers, more emphasis has been placed on the economic contributions that women migrant workers make to their countries of origin, including policy developments designed to increase women's remittances. Though women migrant workers are likely to earn less than men, and pay more in remittance fees, they have been found to remit higher proportions of their earnings and at more stable and regular intervals when compared to men (UN Women 2020). Studies indicate that rather than being spent on assets and building capital, women's remittances are more likely to be treated like extra income and spent on education, health and family development (UN Women 2013; 2017a).

Women's interaction with remittances is more complex, and gender cuts through many decisions connected with women's labour migration, remittances and how those remittances are spent. Women family members are also the receivers of remittances, and spending on health and education may reflect the gendered considerations in the decisions that prompted the migration in the first place. Remittances from women migrant workers can be used to supplement or substitute public services that would otherwise largely benefit women (ILO and UN Women 2015d, 3).

“Whether as remitters or receivers, when women have control over money, they often invest in the well-being of the household and its members. This further supported by studies that show that women are less likely to spend money on themselves than men. In this way, the migration can also be seen as a phenomenon that has gendered characteristics throughout the cycle, from the drivers to migrate, the proportion remitted, the way remittances are spent, and by whom” (ILO and UN Women 2015d, 3).

Socio-cultural contributions

“The idea of social remittances – transfers of practices, norms, identities, and social capital – focuses on the concept that the contributions of women migrant workers can reach further than the act of transferring money. The experiences of migrant women can inform and change social, cultural, and political norms and can influence positive social change across households and communities in origin and destination countries. For instance, when a woman’s new earning capacity has the effect of elevating her status in her family and/or community, she may have more influence on how that money is spent, as well as on other significant decisions that she might previously have been excluded from influencing” (UN Women 2017b, 3).

The contributions of women migrant workers are numerous and varied. The benefits may be realized through the children of women migrant workers’ improved access to education and health, enabling greater opportunities for the following generation. Their income may be invested in ways in countries of origin that encourage employment and economic growth in the community or they may return with skill sets, such as new agricultural techniques, that they can transfer to their work in the home country.

The ageing populations and shrinking numbers of young workers resulting from decreased fertility rates in many developed countries, as well as lack of state-funded welfare and public services, has led to an increase in the demand for work that is often provided by women migrant workers. The women migrant workers who migrate as care workers and domestic workers provide enormous benefits to countries of destination, caring for the elderly and sick and also enabling more potential national workers to take up work outside of the home, which in turn contributes to economic growth in these countries. The term “global care chain” refers to women migrant workers who leave their country of origin to provide caregiving services abroad, and then may have to assign their own caregiving duties either to a paid worker or a family member. Goal 5.4 of the 2030 Agenda for Sustainable Development specifically aims to “recognise and value unpaid care and domestic work” (UN General Assembly 2015).

Activity 5.2. Women migrant workers strike! **Objective**

To engage participants after completing heavy training material with a lighter exercise that explores the valuable nature of the work women migrant workers do.

 **Outcome**

Participants begin to appreciate all the types of contributions women migrant workers make to society.

 **Methodology**

Role play

Instructions:

- 1) Facilitator states that one of the ways advocates for domestic workers' rights have tried to educate society about the valuable nature of domestic work was to ask the public to imagine what would be happen if all the domestic workers in the city went on strike for a single day. How would the city survive?
- 2) Facilitator asks participants to break up into groups of 4–5 and create a role play of what life would look like if women migrant workers (domestic worker and workers in other sectors) all went on strike and refused to perform any work at a place of employment or at home. Participants can play whatever roles they would like, but they should cover the impact on the greater society (in the country of destination).
- 3) Ask each group to perform the role play in front of the large group.



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Module 6.

Myths and misunderstandings

Activity 6.1. The triple burden

Objective

To confront how women's challenges are present in participants' own lives.

Outcome

Participants are oriented to the challenges that women workers face.

Methodology

Reflecting on news article and journaling

Materials

- Handout 6.1a. Women's triple burden makes participation challenging; and
- Handout 6.1b. 24-hour daily use schedule.

Instructions:

- 1) Facilitator distributes:
 - **Handout 6.1a. Women's triple burden makes participation challenging;** and
 - **Handout 6.1b. 24-hour daily use schedule.**
- 2) Facilitator asks participants to read the news article and the ILO excerpt concerning the "triple burden" women face.
- 3) Facilitator asks participants if they can think of a woman in their life (it can be themselves) who faces numerous burdens. Facilitator instructs participants to the 24-hour daily use schedule in the handout to list the duties this woman has over a period of 24 hours. Participants should include activities from the time the selected woman wakes up until the time she goes to bed. Participants can depict multiple activities at the same time.
- 4) How many hours is the woman working? How many of those hours are paid work? How many are home work – including cleaning, care, etc.? Trade union work? Community work? How many jobs does the woman have?!
- 5) Facilitator asks for volunteers to share any reflections from the article and the exercise.

In a 2008 training manual for trade unions on organizing migrant workers, the ILO drew attention to evidence to dispel three common myths – that is, commonly held but false beliefs – about migrant workers. The three myths were:

- Myth 1 – “Migrant workers are a burden.”
- Myth 2 – “Migrant workers steal our jobs.”
- Myth 3 – “Migrant workers drive down wages.”

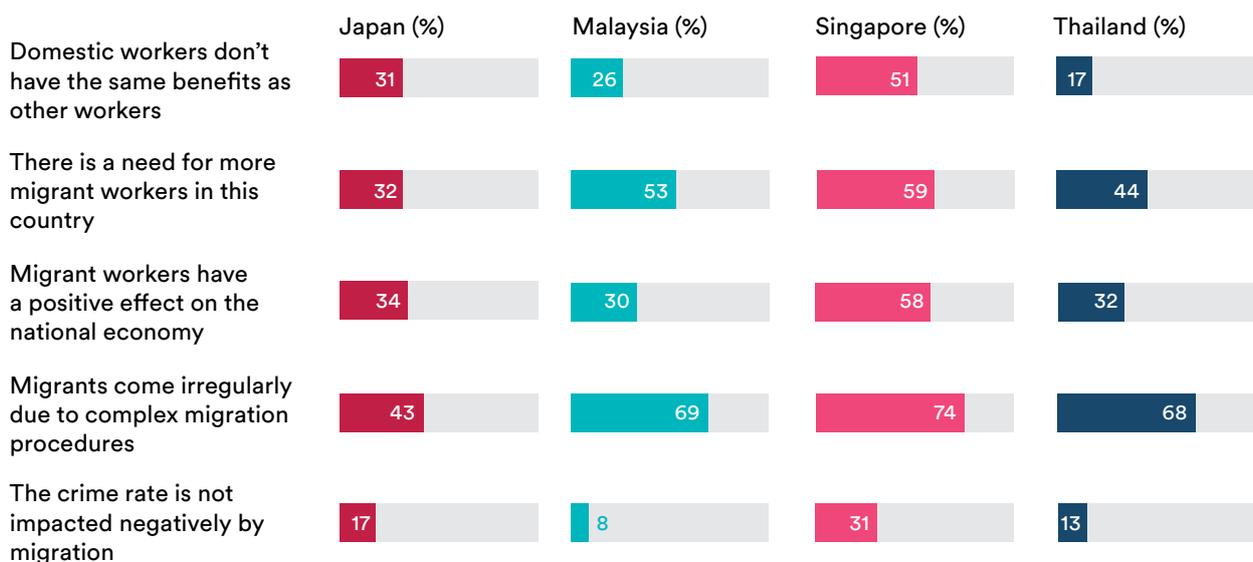
The manual discussed how in actuality:

1. Migrant workers are an asset, contributing to every country where they bring in labour.
2. Migrant workers often act as a complement to national workers and do not compete with them for work, meaning migration for labour has does not raise national unemployment.
3. The overall impact of immigration on the wages of national workers is very small (ILO 2008, 46–47).

Despite growing awareness of evidence dispelling such myths, migrant workers continue to be misunderstood and are often political scapegoats for national problems.

According to 2019 research conducted by the ILO and UN Women in the report *Public Attitudes towards Migrant Workers in Japan, Malaysia, Singapore, and Thailand*, myths persist in major countries of destination (see figure 6.1).

Figure 6.1. Percentage of the public in select countries of destination who indicated knowledge of these factual statements about migrant workers



Base: all respondents.

Note: See section 3.1 for discussion of trends related to these statements in the region.

Source: ILO 2019, 48.

Trade unions in ASEAN are generally better aware than the general public of the false nature of these kinds of myths and know how to educate their members and others. However, other types of myths and misunderstandings that specifically damage women migrant workers continue to persist in the region, and it is important for trade unions and their members to not only understand these myths but be equipped to explain the facts that undermine these misconceptions.

Myths about women migrant workers

Activity 6.2. Myth busting!



Objective

To examine common myths about women migrant workers and to provide information that dispels common misconceptions.



Outcome

Participants are able to identify misconceptions about women migrant workers and artfully argue against them.



Methodology

Case study/role play



Materials

Handout 6.2. Four myths

Instructions:

- 1) Facilitator asks participant to break into four groups.
- 2) Facilitator assigns a different myth to each group and distributes only the section of **Handout 6.2. Four myths** that corresponds with the group number (that is, Group 1 receives Myth 1 pages only; Group 2 receives Myth 2 pages only, etc.).
- 3) Facilitator asks participants to read their assigned myth and excerpt.
- 4) Facilitator then asks each group to choose two volunteers to engage in a role play. One participant will be arguing the myth to be true and will provide the traditional reasons why

people tend to believe the myth. The second participant will use rationale they know and information from the excerpt to explain to the first participant why it is not true. The groups should all spend time prepping, with the other members of the group giving feedback to the role players.

- 5) Facilitator asks each group to present their role play in front of all the participants.
- 6) After each presentation, facilitator asks the participants if they learned anything new from the exercise. The Facilitator then asks for volunteers from the general group of participants to share anything they learned or any differing points of view.
- 7) Facilitator distributes remaining pages of **Handout 6.2. Four myths** to all participants for their reference.

The migration bans explained by the group covering Myth No. 4 in Activity 6.2 are often viewed as gender-biased policies that are a form of “protectionism”. Protectionism is a perspective that perceives women as inherently in need of protection and limits their mobility and freedoms to achieve that protection (Napier-Moore 2017). It is important to note that while protecting the rights of women migrant is essential, the method to do so needs to be critically assessed as to whether it undermines the agency of women migrant workers and actually combats exploitation in practice.

Activity 6.3. Examining alternatives to bans and moratoriums

Objective

To think creatively about alternatives to bans and moratoriums to address widespread exploitation of migrant workers, especially women migrant workers.

Outcome

Participants know alternatives to moratoriums and bans they could possibly lobby for through their advocacy.

Methodology

Small group discussion/brainstorming.

Materials

Handout 6.3. Alternatives to migration bans and moratoriums – The example of migrant men in the Thai fishing industry

Instructions:

- 1) Facilitator distributes **Handout 6.3. Alternatives to migration bans and moratoriums – The example of migrant men in the Thai fishing industry** and asks participants to read the passage to themselves.
- 2) Facilitator states that women migrant workers are being recruited from the ASEAN region to many of the Arab States, including Kuwait, Qatar and Saudi Arabia. In Viet Nam, the incentives for women to work in the Arab States region are great, Saudi Arabia not only applies zero recruitment fees, additional money is immediately sent to women's families in Viet Nam at the start of employment. However, despite education and advocacy efforts, many domestic workers who migrate to the Arab States region have their passports confiscated, and are still on call 24 hours a week, seven days a week without any free time or personal freedom to go out and/or meet other workers.²⁵ Facilitator asks the participants to break into small groups of mixed genders and to discuss possible policies other than a protectionist migration moratorium or ban that would work in such a situation.
- 3) Facilitator asks a representative from each group to report back.



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²⁵ See, for instance: Yen Duong, “Overworked, Abused, Hungry: Vietnamese Domestic Workers in Saudi”, in *Al Jazeera*, 19 September 2018.



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Module 7.

How trade unions promote and protect migrant workers' rights: ACTRAV's suggested four pillars approach

Activity 7.1.**Spider diagram: Who do women migrant workers turn to when they experience violence?** **Objective**

To identify the different institutions that migrant workers seek assistance from and to consider what relationship trade unions have with them.

 **Outcome**

Participants will begin to think strategically about how to provide support to women migrant workers.

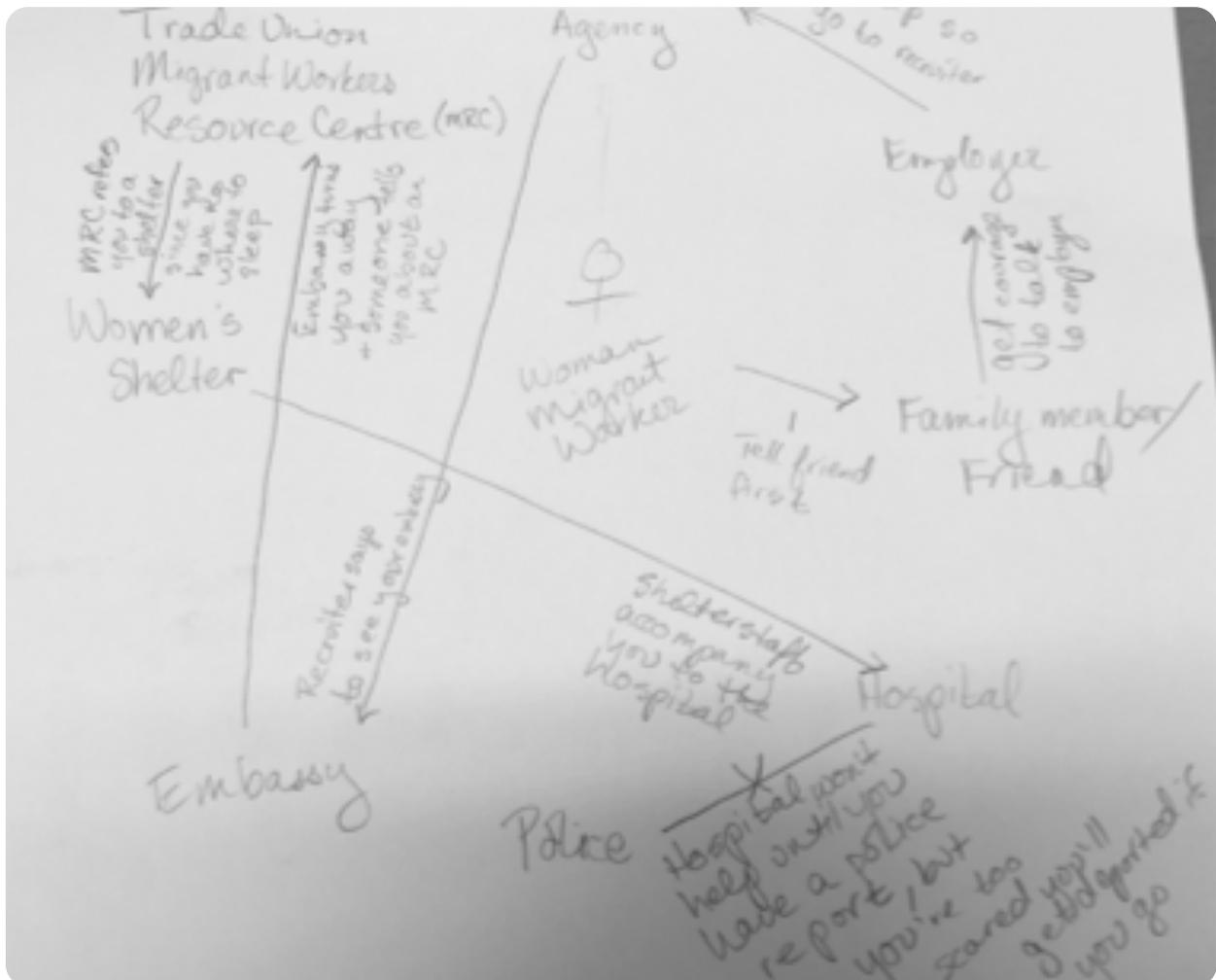
Methodology: Spider diagram

 **Materials**

- Projector to show video
- Five pieces of flip chart paper
- Markers

Instructions

- 1) Facilitator explains that participants will be asked to map out who women migrant workers turn to when they encounter problems. For instance, it may be various government agencies or community groups. Facilitator explains that to give the participants a better idea of the nature of the exercise, they will view a video that describes the essential services that survivors of violence against women and girls need. Facilitator plays UN Women's "[Sarah's Story](#)".
- 2) Facilitator divides participants in groups of 4–5. Facilitator asks each group to draw a spider diagram of the various organizations, associations and governmental agencies that women migrant workers in need of assistance may be in contact with. For instance, which ministries or groups would women migrant workers turn to for help, or which institutions make up the rules or laws that affect their lives. Where does the person go first and then second, etc.? Suggest that maybe someone in the room has previously assisted a migrant worker to find help, and if so, what can they draw from that experience? Participants' diagrams might look like the example diagram below, but they should be encouraged to make their own drawings based on what they know or imagine happens in real life.



[Infographic]

- 3) After the participants are finished preparing their diagrams, the Facilitator asks participants to examine where trade unions are in this diagram.
- 4) Facilitator asks participants within their groups to identify whether their trade union has a role or influence over the actors and if there is any room for collaboration.
- 5) Facilitator tells participants they will return to the diagram shortly for a another activity.

Overview of ACTRAV suggested four pillars approach

The four pillars approach that the ILO's Bureau for Workers' Activities (ACTRAV) puts forward in the 2008 trade union manual *In Search of Decent Work: Migrant Workers' Rights* outlines

the four areas of action in which trade unions can have an impact on protecting and promoting migrant workers' rights. The four areas are:

1. promoting a rights-based migration policy;
2. creating networks between trade unions in countries of origin and destination;
3. educating and informing trade union members; and
4. reaching out to migrant workers.

Pillar 1: Promoting a rights-based migration policy involves trade unions advocating on labour migration policies such as campaigns for legal reform to ensure transparency and accountability of recruitment agencies or to guarantee domestic workers' labour rights. Trade unions may lodge complaints with ILO mechanisms or engage in research to investigate and document abuses of migrant workers.

Pillar 2: Creating networks between trade unions in countries of origin and destination may be achieved through bilateral or multilateral memoranda of understanding (MOUs) and/or dual union membership. It may also involve collaboration with civil society organizations (CSOs) for joint campaigns.

Pillar 3: Educating and informing trade union members imparts the leaders and members of trade unions with greater knowledge and awareness of migrant workers' rights.

Pillar 4: Reaching out to migrant workers involves efforts to organize and unionize migrant workers, and may be facilitated through offering reduced dues or waiving dues, establishing migrant worker resource centres, and/or offering assistance through help hotlines, legal services or negotiations with migrant workers' employers.

ILO Pillar 1: Promoting a rights-based labour migration policy

Trade unions in the ASEAN region have been actively involved in promoting rights-based migration policies through a variety of methods. In Indonesia, trade unions were involved in a campaign that reformed the Placement and Protection of Indonesian Migrant Workers Law in 2017, and are still actively lobbying for sub-regulations to ensure proper standards for recruitment agencies and protections for women migrant workers. Similarly, Cambodian trade unions participated in the technical working group tasked with drafting eight prakas (ministerial orders) supporting Sub-Decree 190 on the Management of Sending Cambodian Workers Abroad through Private Recruitment Agencies, which was launched 16 December 2013 ahead of International Migrants Day (18 Dec). Trade unions are also working with associations of recruitment agencies, utilizing ILO mechanisms to advocate for equal treatment in workplace accident compensation, and collaborating with CSOs to advocate for better assistance from migrant workers' home embassies.

Indonesian trade unions and the collaborative campaign for law reform ²⁶

The trade unions in Indonesia embrace collaboration with CSOs to promote policy changes for migrant workers. Since 2010, trade unions (including the KSBSI, KSPI and SBMI ²⁷) and 28 CSOs have collaborated together to form the Migrant Worker Network (Jaringan Buruh Migran) and to advocate for changes to Indonesia's Law No. 39/2004 on the Placement and Protection of Indonesian Migrant Workers. The coalition was particularly concerned with the role of private recruitment agencies and government oversight/regulation of those agencies. In 2017, the coalition sought to review root causes of problems associated with the law through consultations, built a nationwide campaign and held activities on international migrant workers' day, including a demonstration. The coalition used a mixture of methods, including outreach via media and a road show. The coalition investigated how the law operates at multiple levels including: village, provincial and central governance. In an interview, KSBSI expressed appreciation of how important networking and consulting with CSOs is for their advocacy and movement work. In 2017, a new law passed, entitled Law No. 18/17 on the Protection of Indonesian Migrant Workers. The Migrant Worker Network continues to advocate for sub-regulations, particularly rules to alter the roles of the private sector in migration and the coverage of social security. The trade unions are also assisting with a gender analysis of Law 18/17 to improve rights protection of women migrant workers and provided input to the Minister of Women Empowerment Regulation on Women Migrant Workers Protection.

Myanmar trade unions' collaboration and advocacy with recruitment agencies – CTUM ²⁸

The Confederation of Trade Unions Myanmar (CTUM) has been contacted by recruitment agencies, particularly those assisting workers migration to Thailand through the MOU process (a formal labour migration process pursuant to a bilateral MOU between Myanmar and Thailand), to assist with mandatory pre-departure trainings. Through their assistance in pre-departure trainings, CTUM established a relationship with Myanmar Overseas Employment Agencies Federation (MOEAF), an industry association of private recruitment agencies ²⁹ that it now contacts to help resolve disputes on behalf of migrants. Generally, CTUM assists cases where migrants face issues with agencies; for example, if any agency violates the contract, the migrant worker and CTUM negotiate with the agency directly. If the attempts of the migrant worker and CTUM are unsuccessful, CTUM will utilize its relationship with MOEAF to put pressure on the agency. If

²⁶ Telephone interview with KSBSI (Confederation for All Indonesia Trade Unions), Ms Yatini Sulistyowati, Chairperson of the Migrant Workers Department, 15 November 2019.

²⁷ KSBSI stands for Konfederasi Serikat Buruh Seluruh Indonesia (Confederation for All Indonesia Trade Unions); KSPI stands for Konfederasi Serikat Pekerja Indonesia (Indonesian Trade Union Confederation), and SBMI stands for Serikat Buruh Migran Indonesia (Indonesian Migrant Workers Union).

²⁸ Telephone interview, Confederation of Trade Unions Myanmar (CTUM), Ms Htwe Nge (Htwe Htwe Thein), Head of Migration Department, 10 December 2019.

²⁹ All recruitment agencies in Myanmar are required to be a member of MOEAF, an industry group created with the support of the Ministry of Labour, Immigration and Population and tasked with monitoring and supervising agencies to ensure compliance with the law, assisting and protecting workers abroad, and assisting in the resolution of complaints (as per the Rules and Regulations for License Holders of Overseas Employment Agencies, 2014).

necessary, the worker and CTUM will submit complaints to government ministries. In 2019, CTUM assisted approximately 179 cases involving 527 women migrant workers. Of these, 128 reached a resolution, enabling migrant workers to recover 650,050,280 Myanmar kyat (approximately US\$430,000) in compensation.

Lobbying the Malaysian Government for domestic workers' labour rights – MTUC

The Malaysia Trades Union Congress (MTUC) has created a trade union position on domestic workers, and in the context of openings for legislative reform for domestic work, is advocating the Government of Malaysia to provide equal protection to domestic workers, both local and migrant. The MTUC's position and recommendation for legal reform are:

1. Laws to protect domestic workers:

- a. The MTUC calls on the Government to discuss the proposed law on domestic workers with social partners and implement immediately the proposed law on domestic workers that has not come into effect to date despite numerous discussions. This law would implement proposals by the Ministry of Human Resources as per the guidelines they have issued to employers. This law should protect all domestic workers, that is, Malaysians, migrants, refugees and asylum-seekers.
- b. Contracts of employment are to be in a language understood by the domestic worker, as this will ensure they know their rights and responsibilities.

2. Basic rights of domestic workers

- a. **Privacy:** All domestic workers are to have privacy in their own rooms and in their interactions in general, as this is a basic human need.
- b. **Living space:** Rooms are to be of a comfortable size with proper amenities so the worker may get proper rest in a comfortable and safe manner, as per the Workers' Minimum Standards of Housing and Amenities Act 1990. Allocating a storeroom as the worker's room is inhumane. There have been cases where the prayer room is bigger than the room given to the domestic worker.
- c. **Passport:** Employers to comply with the Passport Act 1966 and ensure the worker's passport is with the worker at all times. Without their passports, domestic workers are inadvertently restrained in the dwelling in which they work, and this hampers their freedom of movement during their break days or whenever necessary.
- d. **Rest days:** Compulsory to give one rest day to the worker, as opposed to making them work seven days a week.
- e. **Wages:** If workers are made to work more than eight hours in a day, they should be paid overtime. The employer should give the worker a transfer/bank slip evidencing payment of salary.
- f. **Meals:** Decent meals with proper nutrition to be provided, as per Ministry of Health and World Health Organization guidelines. Many workers are only given one meal per

day, even though their work is extremely energy consuming; this affects domestic workers' health and should not be tolerated.

- g. **Safety and health:** Many domestic workers have been abused mentally, physically, emotionally. This has to stop, as it is against fundamental human rights.
- h. To ensure that the workers are well guided, a compulsory post-arrival training should be held for them, just as the Philippine Embassy is doing in Malaysia.
- i. In the event the domestic worker falls sick, their medical fees should be borne by the employer, and if the worker needs to be sent back to their home country, the employer should pay for all arrangements, from the departure from Malaysia up until the domestic worker reaches their home country.

Access to Thai social security and workers' compensation – SERC

In June 2009, the State Enterprise Workers' Relations Confederation (SERC), a Thai trade union, lodged a complaint with the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) to investigate the case of a Shan woman migrant worker from Myanmar who had suffered an injury while performing construction work to build a hotel in Chiang Mai, Thailand. As a result of the accident, both of her legs lost function and she became permanently wheelchair-bound. The complaint to the CEACR inquired whether Thailand had violated the ILO Equality of Treatment (Accident Compensation) Convention, 1925 (No.19), (ratified by Thailand) by refusing migrant workers access to the Workmen's Compensation Fund (WCF). This prompted a request from the CEACR to the Thai Government for a review of the policy. Subsequently, the ILO indicated the situation in Thailand effectively deprives migrant workers of protection by the WCF enjoyed by the Thai workers, noting "with deep concern the situation of some 2 million workers from Myanmar, many of whom were described by the SERC as being in 'a social zone of lawlessness' where they were not protected by the laws of Thailand or Myanmar".³⁰ The SERC made a subsequent submission in 2011, reporting that migrant workers were still unable to access the WCF due to the complexity around its policies for regularizing workers' migration status. On the 30 March 2016, the Supreme Administrative Court in Thailand deemed the migrant worker in question an employee per the definition set forth in the Workmen's Compensation Fund Act, and that she was entitled to the protection provided by the WCF Act and compensation from the Fund (HRDF 2016).

Country of origin accountability: Indonesians in Singapore – IDWF and KARTINI

The International Domestic Workers' Federation (IDWF) is working with the domestic workers' group KARTINI as well as Humanitarian Organization for Migration Economics (HOME) to support domestic workers in Singapore. In 2019, KARTINI reached out to 13 other Indonesian groups and they agreed to create a platform called "Suara Kita", a network of Indonesian domestic workers. The IDWF team in Malaysia conducted regular mentoring with Suara Kita, with specific meetings in September, October and December 2019. A dialogue held among the Suara Kita members in

³⁰ ILO, "Observation (CEACR) – Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) – Thailand, adopted 2009, published 99th ILC session (2010)".

September 2019 involved 120 persons, including Indonesian domestic workers, representatives of recruitment agencies and the Indonesian Embassy. The domestic workers lobbied both the recruitment agencies and the Indonesian Government on policies and practices affecting their lives, including the overcharging of recruitment fees, as well as the need for increased support services from the Indonesia Embassy.

ILO Pillar 2: Creating networks between trade unions in countries of origin and destination

Trade unions in ASEAN are facilitating national and international cooperation to strengthen labour rights for migrants. There has been a proliferation of bilateral and multilateral MOUs among trade unions in the region and active multilateral coordination as well. Online platforms are being utilized to streamline and expand information sharing and trade unions' advocacy efforts concerning ASEAN mechanisms on behalf of migrant workers.

Memoranda of understanding (MOUs)

Even with trade unions actively attempting to organize migrant workers, it can be challenging for migrants, especially those involved in temporary and circular migration programmes, to join and participate in trade unions. Cooperation between trade unions in countries of origin and destination can be useful in addressing these protection gaps. ACTRAV has supported the establishment of such agreements, which are based on the text of a model bilateral agreement developed 2008. The model bilateral agreement for trade unions in countries of origin and destination to protect migrant workers is available at: <https://www.ilo.org/dyn/migpractice/docs/208/Model.pdf>, and also is provided in **Activity 7.2. Opportunities and barriers for bilateral and regional cooperation** and **Handout 7.2. ILO model trade union agreement**.

Box 7.1

Current MOUs concerning ASEAN countries

Multilateral MOUs:

- In 2018 the following trade unions signed an MOU establishing a firm commitment to cooperate and to carry joint trade union campaigns for the promotion and protection of the rights of migrant workers:
 - ASEAN Trade Union Council (ATUC);
 - South Asian Regional Trade Union Council (SARTUC);
 - African Regional Organisation of the International Trade Union Confederation (ITUC-Africa);
 - International Trade Union Confederation – Asia Pacific (ITUC-AP);
 - Arab Trade Union Confederation (Arab TUC); and
 - Trade Union Confederation of the Americas (TUCA).

- The ATUC, SARTUC and Arab TUC signed an MOU in 2015 for bilateral cooperation on migration, which was followed by the establishment of a Migrant Worker Resource Centre (MRC) in Jordan in 2018.

Examples of bilateral MOUs between countries of origin and destination include:

- Multilateral MOU between the General Federation of Bahraini Trade Unions and the International Domestic Workers Federation (IDWF) as well as Sri Lankan trade unions to promote migrant domestic workers' rights and welfare in Bahrain
- The Malaysian Trades Union Congress (MTUC) has bilateral MOUs with a number of country of origin trade unions, including the Viet Nam General Confederation of Labour, the KSBSI (Confederation for All Indonesia Trade Unions), SENTRO (Philippines), and GEFONT (Nepal).
- A number of Thai trade unions (Labour Congress of Thailand; National Congress of Private Industrial Employees; and Thai Trade Union Congress) have bilateral MOUs with Myanmar's CTUM and with various Cambodian trade unions (Cambodia Labour Confederation; Cambodia Confederation of Trade Unions; and National Union Alliance Chamber Cambodia).
- The Korea Confederation Trade Unions (KCTU) has an MOU with GEFONT (Nepal).

Other trade unions are in the process of negotiation, such as for a proposed MOU between the Lao Federation of Trade Unions (LFTU) and trade unions in Thailand, and a proposed MOU between Singapore and Malaysia.

Subregional cooperation – ATUC

At the subregional level, the ATUC is an apex body of 18 national trade union centres in ASEAN countries that adopted an inter-union agreement in 2014 seeking to strengthen the cooperation among national confederations from both countries of origin and destination in ASEAN. The ATUC conducts research and evaluation of union–union cooperation, including MOUs and obstacles to the ratification of ILO Conventions on migration. It also analyses the application of ratified Conventions, including national laws and regulations passed or under consideration, and cases brought to the ILO on non-application of ratified Conventions. The ATUC seeks to strengthen trade union services for migrant workers, including training of ATUC affiliates' focal points, evaluating standard complaint forms and sharing best practices on complaints handling mechanisms.

In 2015, the ATUC signed an MOU with the Arab TUC and SARTUC to promote interregional cooperation on migration. With the support of the ITUC-AP, a joint Migrant Worker Resource Centre (MRC) was established in Amman, Jordan, in July 2018. The MRC is initially serving migrant workers from selected countries in South-East and South Asia (ATUC 2018; Ibáñez Prieto 2018).

As a result of the ITUC AP/Arab TUC/SARTUC/ATUC joint MRC, the first trade union of domestic workers in Jordan – the Jordan Domestic Workers’ Syndicate – was formed on 1 March 2019. The trade union quickly reached over 400 members after forming, and is composed of migrant workers from Bangladesh, Indonesia, the Philippines and Sri Lanka.

Activity 7.2.

Opportunities and barriers for bilateral and regional cooperation



Objective

To evaluate the opportunities and barriers for increased bilateral and regional cooperation.



Outcome

Participants will have gained understanding of the elements of an MOU for cross border collaboration, what opportunities are available and what elements are challenging to implement.



Methodology

Analysis and small group discussion.



Materials

Handout 7.2. ILO Model trade union agreement

Instructions:

- 1) Facilitator distributes **Handout 7.2. ILO Model trade union agreement**.
- 2) Facilitator divides participants into four groups. Facilitator assigns each group one of the following four topics/perspectives:
 - a. Opportunities to implement increased cross-border collaboration (from the perspective of trade unions in countries of origin)
 - b. Barriers to implementing increased cross-border collaboration (from the perspective of trade unions in countries of origin)
 - c. Opportunities to implement increased cross-border collaboration (from the perspective of trade unions in countries of destination)
 - d. Barriers to implementing increased cross-border collaboration (from the perspective of trade unions in countries of destination)

- 3) Facilitator gives each group time to discuss their ideas under their assigned topic/perspective, and let the groups know that they will need to select someone to report their conclusions. The Facilitator explains that each group should review the ILO Model Agreement for ideas, but should also try to think of ideas beyond those included in the Model Agreement and to think practically about the situation of the trade unions in this region.
- 4) Facilitator asks a representative from each group to make their report, and opens up the floor after each presentation for other participants to contribute their thoughts.

Online sharing – ATUC Information system and ITUC’s recruitment advisor platforms

In 2018 the ATUC developed the ATUC Information System for Migrant Workers, an online platform for migrant workers and prospective migrants in and from South-East Asia to make inquiries and file complaints. ATUC affiliates have designated migrant worker focal points who then provide information and assistance to these migrants and prospective migrants. The system was subsequently relaunched as ATIS 2.0 to provide multi-lingual service, with case-reporting forms available in six languages including Burmese, Indonesian, Khmer, Lao, Thai and Vietnamese. ATIS can be found at: <https://migrantwatch.org/>.

In 2018, the International Trade Union Confederation (ITUC) developed an online platform entitled “Recruitment Advisor” to allow more transparent information on and reviews of labour migration recruiters (agencies and individuals). The Recruitment Adviser platform launched as a mobile app that helps protect migrant workers from abusive employment practices by providing them with peer-to-peer reviews of recruitment agencies in countries of origin and destination. Recruitment Advisor was developed by a consortium of trade unions from different countries, and currently has coordination teams in five countries (Indonesia, Kenya, Nepal, Malaysia and the Philippines). Together with several other organizations in each country, the teams reach out to migrant workers and prospective migrant workers in order to raise awareness of workers’ right to be fairly recruited based on the [ILO General Principles and Operational Guidelines for Fair Recruitment](#) and to encourage workers to share and learn about fair recruitment through the Recruitment Advisor. Recruitment Advisor can be found at: <https://www.recruitmentadvisor.org/>.

In ASEAN, the following trade unions participate in Recruitment Advisor: SENTRO, FFW, MTUC, KSPI, and KSBSI.

Advocacy with ASEAN – ASETUC

The ASEAN Services Employees Trade Union Council (ASETUC) founded on 27 March 2007 in Kuala Lumpur is a network of trade unions in the ASEAN region created by the joint efforts of the three Global Union Federations, namely UNI Asia Pacific, Building and Wood Workers International Asia Pacific, and Public Services International Asia Pacific. The ASETUC aims to formulate and implement a consolidated trade union response to the fast moving economic and social development in ASEAN. The ASETUC Migrant Workers’ Council engages with the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion

of the Rights of Migrant Workers and the ASEAN Forum on Migrant Labour (AFML). To further strengthen its societal power, the ASETUC also involves regional CSOs (such as, the ASEAN Peoples' Forum/ASEAN Civil Society Conference, Migrant Forum Asia, the Global Coalition on Migration, and the Human Rights Working Group) in its activities, while also involving itself in the various CSOs' activities and campaigns. Collaborating with CSOs enhances the ASETUC's strategic leverage and societal power in engaging with ASEAN bodies.

ILO Pillar 3: Educating and informing trade union members

Trade unions in ASEAN hold regularly hold training workshops on issues related to labour migration and gender and conduct research to strengthen the capacity of their leadership and members to advocate, serve and organize migrant workers.

Gender-responsive, safe migration services and access to justice – LFTU and CLC

The Lao Federation of Trade Unions (LFTU) runs Migrant Worker Resource Centres (MRCs). The LFTU members who staff the MRCs receive ongoing trainings on gender equality and migration, including gender mainstreaming, gender stereotypes, and issues affecting some Lao women migrant workers, such as irregular migration, exploitation, violence and trafficking, as well as safe migration processes and coordinated quality services. In December 2017, the Cambodia Labour Confederation (CLC) organized a legal workshop on Unions' Freedoms, Procedures of Dispute Settlement in Internal and External Judicial System. The workshop took place in Phnom Penh with a total of 65 participants (60 per cent women) from many occupational sectors, including the garment, construction, industrial, tourism, agriculture and transportation sectors as well as the informal economy. The MRC manager from Prey Veng Province trained the workers on safe migration, discussing the main factors and issues that push workers to migrate, the laws regulating recruitment agencies, necessary legal documentation to migrate, and how to seek legal assistance.

Violence and harassment in workplace – Indonesia

In 2019, four major trade union confederations, including the KSPSI³¹ and KSBSI, participated in an ILO-organized workshop on the Violence and Harassment in the World of Work (Convention No. 190). The training aimed to improve participants' understanding of violence and harassment in the workplace as well as gender equality and non-discrimination, and the training materials included the "16 Essentials for quality multisectoral service provision to women migrant workers subject to violence". The trade unions also discussed how they can effectively work on organizing women migrant workers and advocate for gender-responsive labour migration regulations. In the past three years, the SBMI (Indonesian Migrant Workers Union) has trained approximately 650 workers on topics related to gender, including types of gender inequality and discrimination, such as marginalization, subordination, stereotyping and violence. The SBMI's training also empowers

³¹ KSPSI stands for Konfederasi Serikat Pekerja Seluruh Indonesia (Confederation of All Indonesian Workers' Unions).

women to participate in establishing gender-responsive policies, explaining that their input must be part of any policy related to their needs as workers, as women and as citizens.

Value of domestic work in Malaysia – IDWF

In 2019, the International Domestic Workers' Federation (IDWF) held three trainings in Malaysia with Indonesian migrant domestic worker leaders. IDWF specialists trained participants from SERANTAU, NGAPAK and PAWON (domestic worker organizations in Malaysia), developing their analysis of the value of domestic work and of domestic work within social, economic, political and gendered contexts. The IDWF also held a consultation – *Organizing Indonesian Migrant Domestic Workers in Malaysia* – with 24 participants from 12 trade unions, domestic workers' organizations and non-governmental organizations (NGOs) and 14 migrant women domestic workers. This consultation resulted in domestic workers:

1. suggesting a training course on public speaking;
2. setting up an agreed place where they can meet and gather regularly and safely (so they can strategize, share any abuses and violence, and seek support from each other when faced with violence, abuse or exploitation); and
3. suggesting a formal membership system.

Research and advocacy in Hong Kong, China – FADWU, PLU-Hong Kong, SBMI-HK

The Federation of Asian Domestic Workers Union (FADWU) in Hong Kong, China, launched a research and campaign project to address illegal agency fees in the Philippines. The FADWU designed the study, identifying research parameters and campaign objectives. The project was implemented by the Progressive Labor Union of Domestic Workers (PLU, an affiliate of FADWU) in Hong Kong, China, with support from the Hong Kong Confederation of Trade Unions (HKCTU) and the IDWF. The trade unions carried out in-depth interviews with 68 Filipino migrant domestic workers in Hong Kong, China, and Macao, China, and visited ten different placement agencies in Hong Kong, China, between October 2015 and June 2016, posing as recently terminated migrant domestic workers seeking new employment. Interviewees were charged in total an average of 66,177 Philippines pesos (US\$1,426) to secure a job in Hong Kong, China, which was normally collected in full before their departure. Although recruitment agencies in the Philippines were prohibited from charging a placement fee, 84 per cent of interviewees (54 out of 64) from the study were charged fees. In addition to charging illegal recruitment fees, recruitment agencies frequently compelled experienced migrant domestic workers to undergo unnecessary training so that they could charge them for it. Utilizing the findings of the research, the FADWU engaged in advocacy in Hong Kong, China, and in 2018 the Government increased the penalty for employment agencies overcharging (FADWU 2016, 3).

In Jan 2016, the SBMI-HK (SBMI's Hong Kong, China, chapter) and FADWU received complaints from a number of Indonesian domestic workers that a recruitment agency was charging them illegal agency fees. The agency collected around 15,000 Hong Kong dollars through a loan

company. With the support of the SBMI-HK and FADWU, five workers made complaints against the agency. However, some of these workers were then fired by their employers only because they refused to pay the illegal fees. The owner of the agency was found guilty in court, though the FADWU considers the penalty imposed by the court (9,000 Hong Kong dollars) to have been too low. The FADWU continues its advocacy, noting that a 9,000 dollar penalty is obviously too low if the workers were overcharged by more than 10,000 dollars, especially when the Employment Agency Regulations state that overcharging the intermediary fee comes with a maximum penalty of 50,000 dollars. The FADWU continues to campaign that the Government shall ensure that the punishment be no less than that of the wages held in arrears as a result of the overcharging.

ILO Pillar 4: Reaching out to migrant workers

Trade unions in ASEAN are reaching out to migrant workers to inform, organize and support them. They are utilizing new methods and formats to reach out, such as performing dramas on public television, outreach via social media (for example, Facebook), running MRCs to provide multiple forms of assistance and creating diverse partnerships with government offices and private businesses to support migrant workers. Trade unions are also extending membership to migrant workers, whether at home or abroad, as well as assisting in the formation and registration of worker associations or trade unions comprised primarily of migrant workers.

Mass media outreach to migrants through dramas in the Lao People's Democratic Republic – LFTU³²

After the ASEAN Forum on Migration and Labour (AFML) in Singapore in October 2018, the Lao Federation of Trade Unions (LFTU) was inspired to engage in greater outreach to potential migrants. The LFTU decided to utilize radio and television programmes and other mass media outreach to educate Lao workers on safe migration and how to follow the rules of countries of destination. The programmes are created in collaboration with the Ministry of Information, Culture and Tourism and the outreach is targeted towards potential migrants at both the national and provincial levels. The LFTU utilizes the format of a drama/soap opera to attract viewers and listeners. A 10-minute clip airs between 9 and 10 a.m. every Saturday on the national public television station, and information is also distributed through national radio and newspapers. The programmes include information on how to contact and request support from labour attachés in Thailand and hotline numbers. The LFTU also has its own hotline Facebook page to disseminate information and assist workers.

³² Telephone interview, LFTU, Mr Phonesane Vilaymeng, Director-General, Department of Labour Protection and Management, 11 November 2019.

Information and communication technologies in Indonesia – KSBSI ³³

The KSBSI has a Facebook page affiliated with the ITUC's Recruitment Adviser (see earlier section). The KSBSI has found social media to be extremely useful, because it does not require migrant workers to save and remember a phone number or contact information, and the name of the trade union is easy to remember or search for. Through the Facebook page, migrant workers can send direct messages to the KSBSI. The KSBSI also keep the page updated with information on trainings for domestic and migrant workers.

Through the aforementioned MOU with the MTUC, the KSBSI has been able to assist in seven recent cases involving Indonesian migrant workers facing hardships in Malaysia. These workers contacted the KSBSI through Facebook, utilizing the page and Facebook Messenger. The KSBSI was then able to assist with document collection and facilitate communication between the workers and the MTUC for their support. The MTUC followed up with the police department and Labour Department, seeking a resolution in less than a week. Nearly all the cases involved domestic worker claims of unpaid wages made against private employers.

Box 7.2

A leader's story: From IMWU's outreach to the formation of SBMI

After working as a domestic worker for four years in Hong Kong (China), Dina Nuriyati has been advocating for labour rights protection as a trade union activist. With her passion, she utilizes her experiences to help other women migrant fellows. Dina is now an Advisory Board Member and the Coordinator of Research and Foreign Relations for SBMI (Indonesian Migrant Workers Union).

From Indonesia to Hong Kong: A journey of her dreams

As the third of six kids from an Indonesian family, Dina, after graduating from high school, knew that her father's income could not support the whole family, not to mention to cover the cost of her university tuition fees. Therefore, in 1997, to alleviate her family's financial burden and save money for her own further study, Dina headed to Hong Kong, China, and worked as a domestic worker in a local household. However, instead of the "high wages" and "ideal living conditions" depicted by her employment agency, what she encountered were long working hours, no days off and an excessive workload. Even though a monthly wage of 3,860 Hong Kong dollars was agreed upon in her contract, she ended up finding herself only getting paid 2,000 dollars. Her recruitment agency, who withheld her passport during the whole migration process, repeatedly emphasized a doctrine of ultimate loyalty, stressing that "a good worker" was expected to follow closely all the orders from her employers. In terms of rest days, she was granted only two breaks each month, even though "at least one day off over a seven-day period" was stipulated by Hong Kong, China, employment regulations.

³³ Telephone interview, KSBSI, Ms Yatini Sulistyowati, Chairperson of the Migrant Workers Department, 15 November 2019.

Becoming part of trade union activism

After paying almost three months' earnings, which Dina later on realized was a case of overcharging, she shifted to work for another employer. The house she worked in was more spacious, and sometimes she had to take care of two houses her employer owned. This time, Dina's labour rights were better fulfilled. Her payment increased to what was specified in the contract and she was able to get one day off a week as well as on public holidays. However, she knew that domestic workers were still not fully recognized, respected and rewarded with the entitlements they deserved. Fortunately, the weekly days off put some limited time at her disposal, so she registered in a computing course and a Mandarin learning course, where she came in contact with the Indonesian Migrant Workers Union (IMWU). This connection opened the door of collective advocacy for her. Trainings and activities organized by the IMWU equipped Dina with paralegal, organizing and leadership knowledge and skills. Most importantly, she realized that "as women, as workers and as citizens, women migrant workers are entitled to act as their own agents and fight for their rights."

The power of organizing

Dina did not abandon her battle after she returned to Indonesia. With a group of returned migrant workers, she worked with others to establish a trade union focusing on the fulfilment of the labour rights of migrant workers, the Federation of Indonesian Migrant Workers Organization, later known as SBMI. Elected as the first chairperson, she led a series of initiatives to accelerate legal reform, bolster awareness raising and strengthen collaboration building with various agencies working on the migration issue. SBMI strategically promotes the organizing of migrant workers in their destination countries and proactively participates in social dialogues with relevant stakeholders on issues that migrant workers are concerned about in order to reach consensus on these issues.

Because of her own migration experience, Dina can easily sympathize with the feelings and needs of other migrant women, and is also deeply aware of the frequent presence of gender-based violence and inequalities. That is why she has constantly advocated for better treatment of women migrant workers, ranging from respect from employers to opportunities for workers to upgrade their skills and unionize with their fellows. "The identity of migrant workers has been in the blood of my body, and the only thing I should do is to keep moving forward," said Dina.

Source: <https://www.spotlightinitiative.org/news/exploited-worker-labour-rights-advocate>

ILO Migrant Worker Resource Centres

ILO's numerous programmes have established and supported Migrant Worker Resource Centres (MRCs) within ASEAN and in regions that host migrant workers from ASEAN. Within ASEAN, the TRIANGLE in ASEAN programme – as well as the Migrant Workers Empowerment and Advocacy

project in Malaysia – have established MRCs in Cambodia, the Lao People’s Democratic Republic, Malaysia, Myanmar, Thailand and Viet Nam. The Safe and Fair programme is expanding MRC coverage to also include Indonesia, the Philippines and Singapore in 2019 and 2020. MRCs are developed as partnerships with government institutions, trade unions and civil society organizations, and many are now independently and sustainably run. The ILO and UN Women’s Safe and Fair programme supports MRCs specifically to provide gender-responsive services and support to women migrant workers, emphasizing gender equality, women’s empowerment, the differences in the migration experiences of women and men, assistance in the event of violence against women, and addressing attitudes and stereotypes that limit women migrant workers’ access to decent work.

Box 7.3

What is a Migrant Worker Resource Centre?

A Migrant Worker Resource Centre (MRC) is a physical space where potential migrants, migrants, returned migrants, migrants’ families and other community members can visit to obtain information and assistance regarding migration. MRC staff in countries of origin conduct outreach activities to potential migrants in schools, training centres and other community spaces. Some MRCs are run by trade unions in countries of origin and destination, and offer migrant workers access to needed services and grievance mechanisms, including: legal services, recreational and cultural activities, counselling and other psychological support, medical and healthcare services, vocational training and education, organizing and collective

An MRC in a country of destination is often a ‘one stop shop’ – run by government, trade unions, civil society, faith-based organizations, or a coalition of multiple partners - which offers migrants access to needed services and grievance mechanisms, including:



LEGAL SERVICES



RECREATIONAL AND CULTURAL ACTIVITIES



MEDICAL AND HEALTHCARE SERVICES



COUNSELLING AND OTHER PSYCHOLOGICAL SUPPORT



VOCATIONAL TRAINING AND EDUCATION



SUPPORT IN ORGANIZING AND COLLECTIVE ACTION

action, and safe migration information. MRCs in countries of origin provide referrals for returned migrants who may want to pursue legal claims against their recruiters or employers, or assist those looking for jobs, either locally or in another country. MRCs may additionally partner with other types of service providers to offer language lessons, medical or health checks, and vocational or financial skills training.

For migrants who have been victims of violence, abuse, exploitation or trafficking, MRCs can offer services and referrals for particular rights violations. MRCs provide an essential service to women, particularly those who have experienced gender-based violence or harassment.

Trade union-run Migrant Worker Resource Centres (MRCs): Examples from Jordan, Malaysia, the Lao People's Democratic Republic and Thailand

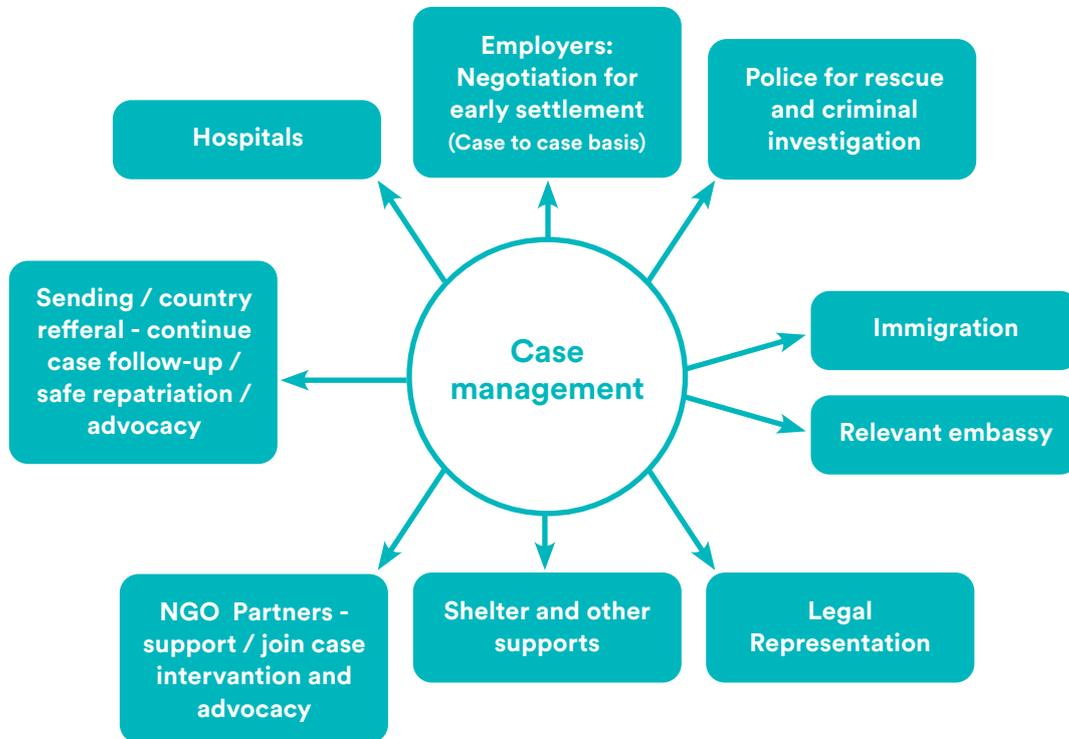
Trade union-run MRCs are an essential hub to support organizing and collective action among migrant workers. Staff at trade union-run MRCs often assist migrant workers in negotiating with employers and taking on labour law and other cases.

The aforementioned MRC supported by ITUC-AP/Arab TUC/SARTUC/ATUC in Amman, Jordan, uses video infographics as tools to explain the situation of migrant domestic workers, creating 37 videos that were disseminated via Facebook and WhatsApp groups to migrant domestic workers mainly coming from South Asia. The MRC and the General Federation of Jordan Trade Union concluded a bilateral agreement with the Ministry of Labour to enable the MRC to file complaints with government agencies, and the Centre subsequently provided legal assistance in 182 cases in 2019. The cases mainly involved physical and sexual abuse by employers or recruitment agencies and/or withholding of salaries and confiscation of passports. The MRC also provides assistance on other matters, such as registering the children of migrant domestic workers for public school.

The Malaysian Trades Union Congress (MTUC) runs four MRCs in three different areas of Malaysia: Penang (northern), Kuala Lumpur/Selangor (central) and Johor (southern). The MTUC's MRC in Johor has a particular focus on providing gender-responsive support services covering issues such as violence against women and trafficking in persons. It has also formed a local support group for women migrant workers.

The four MTUC MRCs run activities including:

- Mapping organizing target areas and locations;
- Identifying women migrant workers to build networks and organize peer groups in order to later organize the workers into trade unions;
- Case management, including assistance in situations of abuse, conflict resolution, documentation, case monitoring and analysis (see figure 7.1). Particularly complex case management has been provided during the COVID-19 pandemic.
- Providing food supplies and building networks with migrant workers during the COVID 19 Movement Control Order lockdown;
- Working with authorities by organizing and participating in labour inspection;
- Information dissemination on labour rights, including migrants' rights related to arrest and detention;
- Representation of claimants at industrial disputes and labour claims;
- Collaboration with labour attachés of countries of origin for effective case management;
- Networking among countries of origin and destination – selected CSO and trade union partners among affiliates and non-affiliates; and
- Training on promoting and protecting the rights of migrant workers, access to justice, redress, occupational safety and health matters, and social issues, including HIV/AIDS.

Figure 7.1. MTUC Penang MRC case management: Referral and intervention

Source: [MTUC Penang MRC Facebook page](#). Reproduced with permission.

The Lao Federation of Trade Unions (LFTU) also operates a women-centric MRC in Savannakhet Province, which conducts outreach and awareness-raising activities targeting women in the garment sector and recent graduates who may potentially work overseas. The MRC organizes provincial-level events in celebration of International Women’s Day, Labour Day, International Domestic Workers Day, International End Violence Against Women Day and International Migrants Day, with a focus on highlighting the contribution of women migrant workers, addressing negative perceptions, and raising awareness about safe migration, violence against women and trafficking.

In Thailand, trade unions have collaborated in the running of MRCs. In Samut Prakan, the Thai province with the highest concentration of industry, there is an MRC is jointly run by the Labour Congress of Thailand, the National Congress of Private Industrial Employees, and the Thai Trade Union Congress. The MRC’s main objectives are to promote the trade union policy on the protection of migrant workers and to provide direct assistance through support services for migrant workers.

Forming branches in countries of destination – Philippines FFW-BMKQ branch in Qatar ³⁴

BMKQ (Bayanihan ng Manggagawa ng Konstruksyon ng Qatar) is a Qatar branch of the Federation of Free Workers (FFW) in the Philippines. FFW’s constitution permits members who are outside

³⁴ Interview, Federation of Free Workers (FFW), Mr Julius H. Cainglet, Vice-President for Research, Advocacy and Partnerships, 17 December 2019.

of the country. Formally established in 2015, BMKQ was immediately given accreditation by the Philippine Embassy in Doha as a Filipino community association to represent the interests of the 300,000 Filipinos in Qatar. The BMKQ has been instrumental in the formation of this broad community alliance. BMKQ is working with construction migrant workers in anticipation of the 2022 FIFA World Cup in Doha. It provides the following services to construction workers, among others:

- post-arrival orientation seminar, in coordination with the Philippine Embassy;
- occupational safety and health training certification course;
- paralegal, leadership and financial literacy trainings;
- mobile registration for social insurance schemes (SSS, PhilHealth and Pag-Ibig Fund), in cooperation with the relevant agencies;
- medical missions, in partnership with other Filipino community organizations;
- legal assistance;
- livelihood support in the Philippines, in cooperation with appropriate government agencies; and
- sports programmes (BMKQ n.d.).³⁵

Diverse partnerships – CDE³⁶

The Singapore National Trades Union Congress (SNTUC) set up the Centre for Domestic Employees (CDE) in January 2016 as a non-governmental organization to assist domestic workers, both local and foreign, in addressing work-related challenges they may face. The CDE does so by proactively engaging stakeholders to aid domestic workers in distress, actively developing partnerships with service and training providers to facilitate the upskilling of domestic workers, and harmonizing the relationships among employment agents, employers and domestic workers.

The CDE partners with the Singapore Ministry of Manpower Services Centre, where migrant domestic workers register their biometric data during the issuance of their work permits. Since June 2019, the CDE has had a help desk on-site where it provides all migrant domestic workers who pass through with a card sleeve imprinted with the CDE's 24-hour toll-free helpline, as well as a brochure in their native language that details the CDE's services. The CDE is also in the process of developing a module for the Foreign Domestic Worker Settling-in Programme.

The CDE set up a charity fund – the Domestic Employees Welfare Fund – in late 2016 to support ex-gratia payments for migrant domestic workers in need, and more recently, the fund has been used to support “last mile” assistance for medically unwell migrant domestic workers who face difficulties in their repatriations.

³⁵ “About us”, BMKQ Official Website, <https://www.bmkq.org/index.php/about-us>

³⁶ Email correspondence with Centre of Domestic Employees (CDE) (affiliated with Singapore National Trades Union Congress), Mr Don Chen Jiaqing, 15 November 2019.

Since February 2019, the CDE has developed pre-departure videos to be screened in various countries of origin before migrant domestic workers depart for Singapore. The CDE is now working with the embassies of Cambodia, India, Indonesia, Myanmar, the Philippines and Sri Lanka to screen the pre-departure videos at training centres in these countries of origin. The base video is in English, and it is voiced-over in nine different native languages (Khmer, Tamil, Hindi, Punjabi, Bahasa Indonesia, Burmese, Hakha Chin, Tagalog and Sinhalese).

The CDE has partnered with the SNTUC LearningHub to develop a skills certification framework (CDE–SNTUC LearningHub Skills Certification Framework) that is modelled after the Workforce Skills Qualifications administered by Skills Future Singapore. The certification framework is designed to assess migrant domestic workers in basic competencies in cleaning, cooking and ironing. Migrant domestic workers who pass the certification will receive a certificate jointly conferred by CDE and the SNTUC LearningHub. The certification programme is currently voluntary, and about 300 domestic workers have gone through it since October 2018. The CDE, together with partners, also offers domestic worker upskilling programmes in toddler care and elder care, entrepreneurship and hairstyling.

The CDE has also partnered with POBS (a local Singaporean bank) to offer POSB Payroll Accounts to migrant domestic workers. The account does not require an initial deposit, and has no minimum balance requirements. The employer of a migrant domestic worker can open the bank account at the time when the worker is issued a work permit, and the migrant worker will receive their account information and an ATM card within 14 days of a successful account application and opening. The ATM card is co-branded with the CDE and also serves as a CDE membership card. Migrant domestic workers are entitled to discounts at selected merchants when they flash the membership card. Benefits include: medical (discounts at clinics and dentists); phone (discounted top-ups or free gifts); courier (discounted fees when sending parcels); remittance (preferential rates on remittances); services (discounted haircuts, etc.); and training (discounted skill courses like elder care and child care).

The CDE has also partnered with the Red Cross on “Last Mile Assistance Support”, medical repatriation for domestic workers who are chronically ill or seriously injured. Under the scheme, the Red Cross picks the domestic worker up from the hospital in an ambulance and brings them to the airport. The CDE facilitates the discharge from the hospital as well as check-in at the airport. The Red Cross arranges for a medical escort (a trained nurse) to accompany the domestic worker on the flight back home and processes an expedited check-out for the worker at the airport in their home country. The Red Cross will also arrange for an ambulance service from a partnering organization in the country of origin to pick the worker up from the airport and send them either to the hospital for further treatment or to their home for recovery.³⁷

³⁷ See the story of an Indonesian domestic worker who had an accident in Singapore and was repatriated back to Lombok with the support of the CDE, the Singapore Red Cross and Palang Merah Indonesia (Indonesian Red Cross), available at: <https://www.facebook.com/sgredcross/posts/we-recently-completed-our-very-first-last-mile-assistance-support-cross-border-t/2183221865069592/>.

Activity 7.3. Campaigning for the rights of women migrant workers

Objective

To identify what concrete measures trade unions could lobby for to realize the objectives of the ILO's Violence and Harassment Convention, 2019, No. 190.

Outcome

Participants will produce ideas for measures they could campaign for to realize the goals of Convention No. 190 beyond ratification.

Methodology

Case study/brainstorming.

Materials

- Handout 7.3a. Convention No. 190 campaign materials
- Handout 7.3b. “Hands off pants on”

Instructions:

- 1) Facilitator distributes **Handout 7.3a. Convention No. 190 campaign materials** and **Handout 7.3b. “Hands off pants on”**. Referring back to box 2.3 “Union campaigns for ratification of Conventions Nos 189 and 190”, the Facilitator explains that campaigning for the ratification of ILO Conventions has been incredibly important with regard to the Domestic Workers Convention, 2011 (No 189) in order to increase awareness, alter discourse and lobby for changes in national laws. The Facilitator discusses how campaign efforts regarding Convention No. 190 are growing.
- 2) Facilitator asks for volunteers to read aloud the **Handout 7.3b. “Hands off pants on”**.
- 3) Facilitator explains that while meaningful legal recourse after an incident of sexual abuse or harassment is important – trade unions are also looking at creative ways to lobby for laws or policies within collective bargaining agreements that better protect women workers. The Unite Here’s campaign is an example that shows concrete steps that trade unions in the United States are taking to address sexual harassment on the job to benefit its members.
- 4) Facilitator asks participants to break into small groups. Facilitator asks groups to discuss what creative concrete measures could their union ask for/advocate for to address issues of violence in the workplace to benefit its members or women migrant workers?
- 5) Facilitator asks for volunteers to share any ideas they came up with.



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Module 8.

Gender equality and women's empowerment

Activity 8.1.**My personal gender history: From childhood to unionizing** **Objective**

To understand how our own personal gender history informs our views and perspectives about gender.

 **Outcome**

Participants confront and challenge their own belief systems concerning gender.

 **Methodology**

Handout/writing/reflection

 **Materials**

Handout 8.1. My personal gender history

Instructions:

- 1) Facilitator distributes **Handout 8.1. My personal gender history**.
- 2) Facilitator asks the participants fill out the chart entitled “My personal gender history” based on their personal experiences.
- 3) Facilitator asks for volunteers to share any thoughts they have. Spend extra time, if possible, on gender roles in trade unions (the last column of the chart).

“Recent times should have dispelled any doubts that might exist about the significance of women’s leadership. In the face of mounting racism, xenophobia and misogyny, polarised societies and environmental degradation, women are showing the way with true feminist vision and leadership. ... If we are to succeed, we need to transform our own organisations. Whilst progress is being made, there are still far too few women in positions of power and influence in the decision-making bodies of trade unions (King 2018, 2)

There are a number of recurring barriers to women’s leadership in trade unions, regardless of the continent or context, as found by the 2017 ITUC Gender Survey – a special publication of Equal Times magazine explains:

“One [of the obstacles] was the lack of support with regards to care duties. Women workers usually have demanding family responsibilities, be it as wives, mothers, daughters, or all three. Adding trade union activism to that mix is, for many, impossible, especially as meetings and organising activities often take place at times (in the evening) and places that are inconvenient, both in terms of family responsibilities and personal safety” (Gausi 2018, 17).

Trade unions in ASEAN are engaging in a variety of initiatives to increase women’s engagement, participation and leadership within trade unions. Firstly, they are seeking to identify the specific obstacles to increasing women’s representation and the attitudes and cultural norms that need to be transformed. Secondly, they are experimenting with ways to overcome these obstacles, such as establishing targets or quotas, creating women’s or gender equality commissions, and engaging in capacity building through long-term leadership development. Trade unions worldwide are also considering how to better support members who identify as LGBTI+ and creating policies to address the discrimination LGBTI+ workers face. Initiatives such as creating a friendship house where women or LGBTI+ workers can connect and socialize, upskilling them on information technology, or instituting savings/financial cooperatives are other methods trade unions can utilize to serve the needs of these workers.³⁸

Obstacles to women’s leadership – ITUC Gender Equality Survey

The ITUC’s 2017 Gender Equality Survey showed globally that women’s trade union membership rates averaged around 42.2 per cent, but women are still significantly underrepresented in leadership positions, with women comprising just 28 per cent of the members in the highest decision-making bodies of trade unions. The survey explains: “The reasons are numerous: discrimination and harassment; the ‘triple burden’ of balancing work and family responsibilities with trade union activism; a lack of training and mentorship; and the failure to enable women to stand for elections and to be included in decision-making bodies and collective bargaining teams” (Gausi 2018, 5).

The majority of trade unions have either a specific gender committee (61 per cent) or a broader equality/diversity committee (18 per cent). Seventy per cent of trade unions have an internal operational strategy about women’s representation (such as internal guidelines or quotas). On average, 34 per cent of trade union executive committee members are women. Worldwide, around 30 per cent per cent of trade unions’ wage negotiation teams are women, but this is closer to 20 per cent in Asia and the Pacific, Africa and the Arab States region (King 2018, 2–3).

While trade unions in South-East Asia are taking initiatives (such as quotas) to increase women’s participation in leadership and training, the burdens of both working and taking care of the household

³⁸ The ITUC has recently undertaken research and put out policy briefs on the gender pay gap and on gendered priorities for social protection. To find more information, see: ITUC, “[The Gender Wage Gap](#)”, ITUC Economic and Social Policy Brief, 2019; and ITUC, “[Gender Gaps in Social Protection](#)”, ITUC Economic and Social Policy Brief, 2018.

still pose challenges. In Indonesia, the KSBSI's constitution gives women 40 per cent of leadership positions, and other by-laws require women to account for at least 30 per cent of attendance at all trainings at every level – be it district, provincial or national. In an interview with *Equal Times*, Emma Lilifena, who chairs the Women's Committee for KSBSI, says that the KSBI is doing “everything we can to improve the capacity of our members. As well as networking, we provide training and also discussion groups where female trade unionists can share their experiences. They not only talk about what challenges they face but also how they get around them” (Gausi 2018, 17).

In Brazil, quotas alone have not gone far enough to increase women's representation for various reasons, such as elections that were run with closed lists in which women candidates were overshadowed by a multitude of men candidates, and the prevalence of patriarchal attitudes, even among women. Junéia Martins Batista, the National Secretary for Women Workers for CUT Brazil, explains, “There is still a tendency for people, including women, to believe in men more than we do in women. People will point out a woman's mistakes without acknowledging her virtues, while voting for men without even knowing if he is capable of doing the job!” (Gausi 2018, 7).

The ITUC's Gender Survey also identified barriers to freedom of association and collective bargaining in many countries and a lack of awareness among women about rights to join a trade union and about the benefits of membership as obstacles preventing women from assuming leadership roles. In addition, women who dare to take roles as leaders are often subject to persistent verbal abuse or online harassment, and even physical danger in some parts of the world (Gausi 2018, 17).

Establishing targets – The Count Us In! campaign

The Count Us In! campaign was endorsed by the Third ITUC World Congress in May 2014. The campaign sought to address key structural issues impeding women's advancement in the labour market, with a particular focus on the role of the care economy. The Count Us In! campaign embodied the vision expressed by the ITUC General Assembly of an inclusive and feminist trade union movement, which organizes the unorganized, whether migrant workers, workers in the informal economy, the gig economy, precarious, temporary or agency work, or any other forms of work where women workers are deprived of their rights and protections.

The Count Us In! campaign established dedicated, time-bound targets, including aiming for 80 per cent of ITUC General Council members to achieve at least 30 per cent representation by women in their decision-making bodies. The ITUC's campaign recognized that creating an infrastructure and an enabling environment is necessary to advance gender equality within trade unions and to promote women's leadership. The ITUC also encourages its members to establish mechanisms to identify potential women leaders from the membership of trade unions and associations, and to provide the capacity-building resources to enable these women to assume leadership positions.

Gender equality commission and collective bargaining – KSBSI

Creating networks for women in trade unions – whether at a local, sectoral, national or international level, and whether online or offline – can allow women to strategize and support one another, and potentially provide vital access to leadership roles and elected positions. Gender departments and women’s committees are considered “crucial safe spaces for the incubation of gender equality policies and the next generation of female leaders”, but they do not negate the need for trade unions to integrate gender equality throughout their organizational agendas and structures (Gausi 2018, 14).

Around 2014, the KSBSI in Indonesia began to train women to take part in collective bargaining negotiations to ensure gendered bargaining priorities are included in collective agreements. In an interview with *Equal Times* (Gausi 2018), Emma Lilifena, who chairs the Women’s Committee for KSBSI, says that the institution of networks and the provision of quotas and training at every level of her trade union across the country was instrumental to strengthening the position of women workers. As well as running gender audits, the KSBSI also provides leadership training for women. The KSBSI has Gender Equality Commissions made up of three women and two men in 23 provinces, and runs two major programmes: one focusing on gender counsellors and the other on gender negotiations. The gender counsellors are available to all women workers by phone or text at any time to discuss the problems they are facing in their workplaces. The KSBSI also trains women to take part in collective bargaining negotiations at the company level to ensure that gendered bargaining priorities, such as childcare, are on the table. As a result, some of the collective bargaining agreements negotiated by the KSBSI now include equal pay, the promotion of women to top positions and maternity leave. The KSBSI attributes the increase in women negotiators to the increase in the number of gender-responsive agreements.

The KSBSI credits altering their committee from one focused on women and children to one focused on gender equality as critical for its success. The KSBSI emphasizes the importance of men’s participation in gender trainings as well, and has a quota requiring that at least 30 per cent of participants in gender trainings must be men, to ensure that men understand their roles and responsibilities in support of gender equality. The KSBSI also notes that building effective leadership requires long-term investments of time and resources at every level.

Long-term leadership development

In recognition of the need for long-term investment and support in developing women leaders, the International Trade Union Confederation – Asia Pacific (ITUC-AP), in collaboration with the ATUC to focus on South-East Asia, is running a pilot programme to build women and youth leadership over three years (2019–21). The programme covers eight countries in ASEAN and Timor-Leste.

³⁹ A baseline survey ITUC-AP conducted from February to April 2019 found that, while the total

³⁹ More information is available on the ITUC-AP website, including through the pilot programme’s *WaY2Go* newsletter: <https://www.ituc-ap.org/issues/ituc-apdgbbwproject/>.

trade union membership of the 15 surveyed national centres was 19,770,654 and the average proportion of women members was 54 per cent, there was an underrepresentation of women in the governing bodies of the trade unions. To address this, the ITUC-AP is developing a “living” training and curriculum manual, which they will regularly revise and update based on inputs and consultations with members.

Box 8.1

PEKKA case study: Transformative and feminist leadership for women’s rights in Indonesia

In Indonesia, activist Nani Zulminanri saw significant need and interest in saving money collectively, so she began to organize women into savings groups, together called the Women-Headed Families Empowerment Programme, or Programme Pemberdayaan Perempuan Kepala Keluarga (PEKKA). PEKKA’s purpose was to build a grassroots movement of women-led economic cooperatives that empower women individually and collectively to transform their lives and their communities. Similar to trade unions, PEKKA holds democratic elections for women to take on positions of leadership in the associations. Women in the PEKKA associations exercise their leadership in multiple ways. They organize multi-stakeholder forums, which challenge the Government to recognize the problems women heads of family face on a day-to-day basis, and they also bring the government officials to villages to meet directly with women who are equipped to discuss their challenges directly.

Key lessons from PEKKA’s experience organizing women leaders include:

- **Transforming invisible power and cultural norms is complex:** In many cases, unlearning old norms and values is as important as learning ones that may be new and unfamiliar, particularly in very repressive and restrictive contexts. Unlearning the deeply held cultural belief system that women cannot be leaders and must be dependent on someone is the biggest challenge to the development of women’s leadership. Sometimes women feel empowered, and ready to face the challenges, and other times they lose that confidence.
- **Maintaining collective leadership is challenging in the formal system:** The feminist and collective consciousness that women gain while working together can be challenged when the move into larger systems dominated by patriarchal norms. Further, when women enter public roles, they often continue to maintain their household responsibilities.
- **A long-term approach is needed:** Changing the way women perceive themselves requires more than training in traditional leadership skills or dealing with the system. It requires accompaniment—sustaining and continuing conversations that support women in seeing themselves anew and gaining power to operate in new contexts. They have found it takes an average of three years for women to become more comfortable with taking leadership responsibilities.

- **The real issue is social norms:** Politically, there are many good laws to protect women, but real change is needed on the cultural, social, and religious levels. ... [T]here should be a strong cultural approach seeking to transform the culture.

Source: Wakefield 2017, 44–45 and 50–51

Activity 8.2. Trade union report card for women's leadership

Objective

To assess what participants' unions are doing to promote women's leadership, and how to extend those practices to women migrant workers.

Outcome

Participants will have concrete ideas to better encourage and promote women's leadership among current members of the union and when organizing women migrant worker leaders.

Methodology

Analysis.

Materials

Handout 8.2. Trade union report card for women's leadership

Instructions:

- 1) Facilitator distributes **Handout 8.2. Trade union report card for women's leadership**. Facilitator explains that the chart is based on an research brief entitled, "Seven Strategies to Encourage Women's Activism and Leadership in Unionism" (Caiazza and Clevenger 2007).
- 2) Facilitator divides participants into small groups of mixed gender, and asks them to fill in the chart as their "Union Report Card". For each strategy, participants should describe what their trade union is currently doing; what it could do better; and how the union's strategy may be directed towards women migrant workers.
- 3) After completing the Union Report Card, Facilitator asks each group to choose one action they would like to see their union do in the near future that they are not already doing.

- 4) Facilitator asks a representative from each group to share the answer with the large group.

Fighting for freedom from violence and harassment

Violence and harassment are prevalent in workplaces all over the world. Increasingly so are union activities to tackle these problems. As the examples in the boxes below show, within ASEAN, unions in the Philippines and Viet Nam have been very active in successfully tackling violence and harassment, through:

Box 8.2

Negotiations with employers

In the Philippines, violence and harassment, particularly against women in the health sector, has led to decreased morale, absenteeism, high staff turnover and loss of productivity amongst workers. In response, the healthcare union, the Alliance for Filipino Workers (AFW), negotiated agreements with hospital employers on a range of measures – including training and awareness-raising and new guidelines to tackle third-party violence. The AFW cites the impact of poor work organization and a poor working environment in the public sector as factors leading to co-worker conflict and harassment at work. The AFW has given a specific focus to violence and harassment as an occupational safety and health issue. The union was supported by Public Services International (PSI) in order to build awareness of violence at work as a psychosocial hazard, based on international Framework Guidelines for Addressing Workplace Violence in the Health Sector, co-authored by the ILO, the International Council of Nurses, World Health Organization and PSI. In 2017, the AFW formed the Registered Nurses Task Force, which has carried out “listening tours” to provide a space for nurses, union members and non-members alike, to air their grievances and exchange information about violence at work.

Source: ILO and UN Women 2019a, 48.

Box 8.3

Including sexual harassment in OSH and in skills trainings

In the Philippines, the National Union of Building and Construction Workers has addressed sexual harassment and HIV and AIDS as a part of occupational safety and health (OSH) awareness and training under the Non-traditional Skills Training Project (2004–2010). The introduction of the landmark Anti-Sexual Harassment Act of 1995 gave recognition to sexual harassment in the workplace. Unions point out that, because of lobbying and awareness-raising of Philippine trade unions, sexual harassment has become an OSH issue in the workplace, increasingly recognized by employers.

Source: ILO and UN Women 2019a, 60.

Box 8.4

Agreeing on tripartite codes of conduct

The Code of Conduct on Sexual Harassment in the Workplace was drawn up in 2015 by the Ministry of Labour, the Vietnam Chamber of Commerce and Industry (VCCI) and the Vietnam General Confederation of Labour, with the support of the ILO. Currently implemented in 20 enterprises, the Code recommends the “development, implementation and monitoring of a workplace policy on sexual harassment to promote safe and healthy workplaces, where all workers, irrespective of sex or status, are treated with fairness, dignity and respect”. It applies to all companies in the public and private sector and covers all locations “where work-related business may be conducted”, including work-related social activities, conferences, training sessions, business travel and business meals, as well as work-related telephone conversations and communications through electronic media. The Code also provides an evidence-based sample workplace policy.

Source: ILO and UN Women 2019a, 65.

Box 8.5

Lobbying for sexual harassment laws and workplace committees

Unions in the Philippines were instrumental in lobbying for the Anti-Sexual Harassment Law of 1995 and, in recent years, they have sought to implement the law, which requires the establishment of workplace Committees on Decorum and Investigation (CODI). The role of the CODIs is to receive complaints of sexual harassment, investigate in line with the prescribed procedures, submit a report of its findings with recommendations, and to take a lead in raising awareness on sexual harassment and how it can be prevented.

In the electronics sector, two collective agreements were signed between unions and employers. The first was signed by Mitsumi Philippines, located in an export processing zone, and the Mitsumi Philippines Workers Union, leading to the establishment of a CODI, regular consultations with workers, and awareness raising on sexual harassment across the company. The second collective agreement on sexual harassment was agreed to between the Katolec Philippines Corporation, in the electronic industry, and the Katolec Philippines Labor Union, and led to the formation of a CODI in the company.

In addition, an anti-sexual harassment project run by the Associated Labor Unions was initiated because of growing evidence of violence at work, relating particularly to sexual harassment, job discrimination, domestic violence and the abuse of women migrant workers. The project resulted in the implementation of six company policies, 89 implementing rules and regulations, and eight collective agreements with anti-sexual harassment provisions

benefitting over 5,075 workers, 87 per cent of whom were women. In addition, more than 259 CODs were established in the public and private sectors, benefitting 81,398 workers, 58,444 of whom were women. Finally, sexual harassment was included in the Department of Labor and Employment company inspection system, with an inventory on government monitoring mechanisms, company policies and practices, and programs in implementation.

Source: ILO and UN Women 2019a, 75.





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Module 9.

Women migrant workers' rights and inclusion

Through case studies and activities, this module shows there are measures that trade unions in ASEAN can take to help protect the fundamental rights of migrant workers, regardless of sex, gender, migration status and other characteristics – such as right to life, right to human dignity, right to health, right to work and right to education. There are movements and initiatives to ensure that women migrant workers have proper access to public healthcare, education, adequate housing, labour protections, legal recourse/justice and essential social protection, and social inclusion.

Activity 9.1.

How can trade unions facilitate social inclusion of women migrant workers?

Objective

To understand the ways that women migrant workers are subject to social exclusion and the harm it causes.

Outcome

Participants understand the value of social inclusion for migrant workers and the role trade unions can play to facilitate social inclusion.

Methodology

Small group

Materials

Handout 9.1. Case studies on social inclusion

Instructions:

- 1) Facilitator divides participants into four groups and distributes **Handout 9.1. Case studies on social inclusion**. Facilitator explains that the case studies were part of research on the social inclusion of migrant workers in a country of destination in ASEAN. Facilitator asks participants to read through all four examples, but then assigns each group just one case study for small group discussion.
- 2) Facilitator asks each small group to think through what their trade union could do (if anything) to assist migrant workers' resolve the problems they face in these situations. The participants should consider not only how they might provide direct assistance within the structure of their union but how they might promote systemic change. Participants should identify what steps both within and outside the union would need to take place.

- 3) Facilitator asks a representative from each small group to present their solutions to the large group. After each presentation, Facilitator asks the other participants for any reflections or additional ideas/thoughts.

Trade unions in ASEAN are thinking of ways to creatively facilitate migrant workers' inclusion, from creating cross-cultural connections through celebrations of different holidays, to finding new ways to facilitate cooperation with government agencies and compliance with regulations. Trade unions are thinking through initiatives that facilitate integration and provide holistic support in countries of destination and also considering upskilling and reintegration in the country of origin. The ATUC is supporting the concept of a "union passport" through the ASEAN region, and globally, trade union coalitions are providing guidelines on how to support undocumented/irregular workers, who are often the workers most vulnerable to discrimination, abuse and harassment. A greater focus needs to be placed on how the specific needs and vulnerabilities of women migrant workers can be addressed by trade unions.

Creatively addressing legal limitations on migrant organizing (and setting up a safe bus route!) – SERC ⁴⁰

The State Enterprises Workers' Relations Confederation (SERC) is a state enterprise/public service national trade union confederation in Thailand and affiliate to the ITUC. SERC holds considerable influence with the Thai Government in policy formulation, advocating on issues such as anti-privatization and national wage increases, and has undertaken numerous initiatives to support migrant workers, ensuring their safety and facilitating interactions with different governmental agencies.

SERC helped with the establishment of the Migrant Worker Rights Network (MWRN), a membership-based association for migrant workers modelled after the structure of a trade union, including the structure of the network's committees. Because the MWRN's migrant staff and organizers need work permits in order to perform activities effectively without harassment or fear of arrest and deportation, members of SERC came together to register the SERC Foundation. The SERC Foundation is a registered Thai foundation and has authority to apply for work permits for MWRN staff to then work legally in Thailand. The organizers can also participate in the Thai social security system and receive welfare support. Previously, MWRN staff could be threatened by authorities for organizing, but working under the SERC banner and for the SERC Foundation offers them protection.

SERC, in collaboration with the MWRN, also began a "Humanitarian Transportation Project", creating a new bus route to enable migrant workers to travel safely between their hometowns in

⁴⁰ Interview, State Enterprises Workers' Relations Confederation (SERC), Mr Sawit Kaewvarn, SERC General Secretary; Ms Neeranuch Jittsom, SERC Executive Board Member, Women and Migrants Groups; and Mr Sathien Thanprom, Manager of the SERC Foundation, 6 November 2019.

Myanmar and their places of employment in Thailand. Before the project, migrant workers had a difficult time travelling home for holidays or to see their families. The price of van transport was too expensive, and interference and harassment from government officials made it difficult to travel. Seeking to address this issue, SERC worked with its affiliate, the Transport Company Limited State Enterprise Union, the Ministry of Labour and provincial authorities, in addition to coordinating with immigration officials, to secure vehicles and a safe bus route.

Integration and holistic support – CDE ⁴¹

The Centre for Domestic Employees (CDE) in Singapore utilizes the “four flow framework” to design its approach to integration for migrant domestic workers in Singapore. The “four flows” work as follows:

- Flow-in:** To integrate first time domestic workers who are new to living and working in Singapore by equipping them with necessary skills required for their job and to integrate them into the living and working environment of Singapore.
- Flow-up:** To strengthen the competencies of existing domestic workers and continually build a cohesive and supportive environment and community.
- Flow-on:** To support returning domestic workers with “last mile” services ⁴² and to equip them with capability and capacity so that they can be employed in a different and better role back in their home countries.
- Flow-back:** To provide support in the resolution of claims and to assist domestic workers under the care of CDE to go back to work.

Table 9.1 Examples of initiatives under the CDE Four Flow Framework

Focus	Flow-in	Flow-up	Flow-on	Flow-back
Care	First-touch point at Ministry of Manpower Service Centre Hall	24-hour Helpline CDE membership programme	“Last mile” support for distressed workers	Case management Shelter management
Develop	Skills certification; Workshops at CDE’s satellite offices	Maternity, early childhood, and elder care programmes	Entrepreneurship programmes Financial programmes	Training programmes at CDE shelter
Engage	Heartland outreach Festive celebrations	Volunteer programme	Returnee engagement programme	Social and community programme at CDE shelter

⁴¹ Email correspondence, Centre of Domestic Employees (CDE) (affiliated with Singapore National Trades Union Congress), Mr Don Chen Jiaqing, 15 November 2019.

⁴² CDE “last mile” services refers to medical repatriation for domestic workers who are chronically ill or seriously injured. See the section “Diverse partnerships – CDE” in Module 7 above for more details.

“Union passport” – ATUC

The following is an excerpt from ATUC, *Realizing the Rights of Migrant Workers to Join Trade Unions*, 2020, paras 10, 35–35. Reproduced with permission:

Migrant workers need to harness the power of voice and collective action to take more control of their working lives and beyond. Central to this is the effective recognition of the right to self-organization or to form or join trade unions. It is the position of ATUC that migration policies and institutions must always be built on the portability of these rights. A portable right is one that follows or is attached to the person wherever he or she goes. In relation to migrant workers, it is a right that:

1. is recognized and given effect in both the migrant worker’s state of nationality or origin and state of employment or destination;
2. when exercised in one State, can continue to be given effect in another State that the conditions and benefits for its full and free exercise and enjoyment are not bounded by the short-term nature or the place of employment but can be made operational and effective in both states of employment and states of origin; and
3. is not diminished or nullified simply by the migrant worker’s cessation of employment or transfer of employment from one employer or one state to another. The migrant worker should have the ability to keep his or her trade union membership or affiliation in the states of origin and of destination.

ATUC’s position proceeds from ATUC’s long-standing and continued advocacy for the fundamental principles and rights at work, the objectives of decent work, and its statement of core principles.

Based on these provisions, a practical model of portable trade union membership – one not dependent on State action through legislation or regulation but on the exercise of trade union autonomy – can emerge. As trade unions have full freedom to define the terms of membership, subject only to the interests of public order and national security as defined by the State in which they operate, they can incorporate in their constitution and rules provisions: 1) rules allowing them to accept or retain members who do not have the status of being in an actual employment relationship even if they are still in the state of origin, and 2) rules indicating their international trade union affiliations. Once deployed, the migrant worker can then become a member or at least be represented by the affiliate trade union in the State of employment. This kind of “union passport” effectively internalizes the legal and practical constraints discussed above, specifically the precondition that one must be actually employed in the state of employment before he or she can exercise his or her right to organize.

For this model to be effectively operationalized, trade unions themselves will have to restructure, possibly by industry, sector, or occupational or skills categories, with special arrangements to those migrant workers who are engaged in occupations that are difficult to reach (i.e., household or domestic workers). National affiliates should also make representations with their respective governments so that this expanded trade union model will be officially and formally recognized.

Box 9.1

Ten ways unions can promote undocumented workers' labour rights:

1. Raise awareness of and advocate for undocumented migrants' rights, and that protecting their rights is an essential component of the trade union agendas to advance human rights, equality and labour standards for all workers, as well as to fight racism and xenophobia.
2. Secure clear commitment from the senior levels of your union to support undocumented workers' rights.
3. Draw up specific policies to enable undocumented workers to join your union. Waive, or offer a reduced fee, and the option to pay in cash. Recognise them as workers, regardless of employment status and the type of work, and issue a membership card.
4. Make it a goal to organise and recruit undocumented workers. Do outreach activities (e.g. go to places where undocumented migrants work, target key sectors, distribute leaflets in several languages, hire migrant organisers), and promote their representation at all levels of the union.
5. Offer information and advice services to migrants, regardless of status or union membership, through tailored service centres within your union structure.
6. Pursue mediation, and if this is unsuccessful, organize collective actions, including demonstrations, strikes, media coverage, public protests and/or support filing of complaints and legal casework (individual and collective).
7. Ensure that undocumented workers' rights are included in your union's education and training programmes, especially for union representatives and negotiators.
8. Include undocumented workers' rights in your collective bargaining agenda and tripartite dialogue in order to ensure equal treatment and prevent abusive practices.
9. Build common messages with employers to advocate laws and policies that improve regulation and accountability, and raise awareness that social partners stand together with undocumented workers.
10. Work in partnership with migrants' rights NGOs and community organisations to exchange resources and expertise, and develop joint campaigns, actions, training, and advocacy. They can also help with outreach.

Source: ETUC, UnionMigrantNet, PICUM (2017)

Partnership with women migrant returnees – CLC ⁴³

In 2018, Cambodian women migrant returnees formed the Women Migrant Network – a network of 20–25 women returnees who offer consultations and share migration experiences with workers and women who want to look for a job abroad. The network members act as resource persons for the Cambodia Labour Confederation (CLC), providing their knowledge and experiences to CLC members in trainings, forums and other national and international events, as well as conducting trainings and workshops organized by the CLC-led MRC. Network members share their personal stories as well as general information concerning safe migration, challenges and solutions while working abroad, how to maintain communication with family at home, and how to manage a budget.

Activity 9.2. What can trade unions do to support women migrant workers?

Objective

To identify new, innovative ways to support women migrant workers based on the examples shared in this manual.

Outcome

Participants have several mappings that will help them develop targets, advocacy and campaigns.

Methodology

Spider diagrams (again)

Materials

- Spider diagrams from **Activity 7.1. Spider diagram: Who do women migrant workers turn to when they experience violence and harassment?**
- **Handout 1.3 Actor mapping chart**, from **Activity 1.3. Actor Mapping: Who is involved in the exploitation of women migrant workers, and what can be done?**

⁴³ Telephonic interview, Cambodia Labour Confederation (CLC), Ms Meng Navy, Research Officer, 13 Dec 2019.

Instructions:

- 1) Facilitator asks groups to return to the groups they made the spider diagrams with. They should bring **Handout 1.3. Actor mapping chart** from Activity 1.3.
- 2) Facilitator asks participants to consider the examples of initiatives of trade unions in the region that have been shared during the training. Returning to the spider diagram and their earlier responses, participants should discuss:
 - a. Is there anything else they would like to identify that their union might do?
 - b. Is there anything you could add about working with different actors involved in migrant workers' lives? Is there anything in your diagram that you might change now that you have learned about more trade union initiatives?
- 3) Facilitator asks a representative from each small group to present their revised spider diagram and point out the changes their group made and to offer any reflections on the exercise.





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Module 10.

Organizing women migrant workers

Activity 10.1. Examining tensions

Objective

To examine the tensions that may arise when advocating for the rights of migrant workers if trade union members/leadership, government officials or other stakeholders also employ women migrant workers.

Outcome

Participants will confront the tensions that exist when organizing women migrant workers and create space to discuss these tensions openly.

Methodology

Reading and reflection.

Materials

- Handout 10.1. “My family’s slave”
- Notepaper

Instructions:

- 1) Facilitator distributes **Handout 10.1. “My family’s slave”** and asks participants to read the excerpt from the article “My Family’s Slave”.
- 2) Facilitator explains that in the article, the author describes how his parents’ attitudes towards domestic workers could be vicious, but they were loving parents. Often domestic workers endure abuse and violence in the household by persons who are well-liked, hard-working professionals who would not be suspected of engaging in such violence.

The Philippines trade union SENTRO has shared that through its involvement in campaigning for the ratification of the Domestic Workers Convention, 2011 (No. 189), and through creating technical working groups, they were able to confront the biases of their own members, some of whom are employers of domestic workers.

- 3) Facilitator explains how resistance to granting rights to domestic workers often comes from the fact that government officials, judges, NGO staff, UN staff and even trade union members and leaders are employers of domestic workers themselves.
- 4) Facilitator asks participants to answer the following question in their journal:

- Do you think people can have different standards on how they expect to be treated as a worker versus what they expect for someone they employ? Why?
- 5) Facilitator asks a volunteer to read aloud the next excerpt in **Handout 10.1** from the ILO report entitled *Closing the gender pay gap: What role for trade unions?*
- 6) Facilitator notes that a trade union can represent workers' interests and can bargain collectively, but there are challenges in the domestic work sector, not least of which is the fact that employers are not organized and only one worker works in each workplace. Facilitator asks participants to answer the following questions and to write answers on a piece of paper at their table:
- Do you agree/disagree that mobilization of women migrant workers may at times benefit from creative thinking outside the “formal union system” or outside the usual ways of working?
 - Do you have concerns over trade unions and NGOs working together? What would a successful collaboration look like for you?

Women migrant workers predominate in occupations that have often been considered to be challenging to organize, such as domestic work and work in the informal economy (See Module 1. Challenges facing women migrant workers in ASEAN). Although legal barriers exclude unionization rights for either migrant-dominant sectors of work or deny migrant workers the right to form and lead in trade unions, vibrant organizing is still occurring.

Different typologies of migrant domestic worker organizing (see next section) illustrate various ways to organize difficult-to-reach workers and how partnerships between trade unions in countries of origin and destination and global networks have help fuel organizing successes.

Organizing through establishing savings or business cooperatives or by facilitating financial literacy are also methods being used in Asia to meet the needs of women migrant workers.

Domestic worker organizing

IDWF emphasizes that the methods to organizing migrant domestic workers are the same methods in essence of trade union organizing. The key aspects are:

- Engage in mapping groups and set up focal points
- Train a small group for potential executive members
- Give practical support, including regular contacts and facilitate access to social or care services

- Organize activities in a safe place, like a trade union building, which is very important to migrant workers to reduce fear of the harassment by officials
- Provide assistance in legal cases to facilitate access to justice (although not all countries provide avenues for relief). Assist with interpretation or navigate legal procedures, as many countries do not guarantee translation.
- Support a unifying stance for labour rights for all workers, regardless of immigration status. Study key laws and policies related to migration policy and how immigration policies may undermine protection of labour rights and/or guarantees under the constitution. While trade unions are well versed in the application of labour laws, in order to assist migrant domestic workers, they must build a knowledge base of immigration policies as well. It would be useful if trade unions collaborate with NGOs who specialize on these topics. Migrant worker leaders need help from both TUs and NGOs. TUs hold key political power to change migration policy.
- Organize solidarity activities where migrant domestic workers may meet to connect and share stories, and utilize creative ways to share such as performing dramas. Also allow migrant domestic workers to meet trade union members in other sectors and share their stories, which may also influence trade union members who are also employers of domestic workers.
- Advocate employers about the value of domestic and care work and facilitate discussions on the topics.⁴⁴

Activity 10.2. Typology of migrant domestic workers' organizations

Objective

To understand the different ways domestic workers have been organizing themselves.

Outcome

Participants will have an understanding of the variety of existing methods used to organize migrant domestic workers.

Methodology

Case Studies/ Small Group Work

Materials

Handout 10.2. Typology of migrant domestic workers' organizations

⁴⁴ Telephonic interview, Ms. Fish Ip., 13 Nov 2019.

Instructions:

- 1) Facilitator distributes **Handout 10.2. Typology of migrant domestic workers' organizations**.
- 2) Facilitator explains that different typologies of migrant domestic workers' organizations currently exist, depending on the national context and laws that may restrict migrants and domestic workers organizing. Four examples of existing ways that domestic workers organize in practice are:
 - 2.1 Women migrant domestic workers forming and joining trade unions*
 - 2.2 The association model of organizing*
 - 2.3 Collaboration between the association and union models*
 - 2.4 International alliances and organizing*
- 3) Facilitator divides the participants into four groups and assigns each group one of the four typologies. Facilitator asks each group to read the section that relates to the typology that have been assigned. Afterwards, the facilitator instructs the small group to discuss what the situation is currently within the context of your country and whether you think this is an effective type of organizing based on your context. What is needed in the national context to support domestic workers formal unionizing?
- 4) Facilitator asks for two volunteer representatives from each group. One volunteer should present a summary of the article and some highlighted examples. The second volunteer should present the group's answer to the question concerning the specific context for their trade union and country.
- 5) Facilitator opens it to other participants to comment at the end of each presentation.

Innovative collaborations: Migrant domestic workers in Hong Kong (China) and beyond – HKCTU, FADWU, SENTRO, IDWF, PLU-Macao, PLU-Hong Kong, AMMPO

Hong Kong, China, has historically had an overwhelming demand for domestic workers, and migrant domestic workers from numerous countries all over the world travel to work there. For decades, migrant domestic workers came together during whatever time off they had, building connections and communities. They also started forming associations based on nationality (sometimes even based on particular regions of their home countries) and along gender identity lines as well (lesbian groups). The laws of Hong Kong, China, provided an unusual opportunity for migrant domestic workers – the right to unionize, which so many countries within Asia and around the world still deny to domestic workers. Through decades of experimentation, important

partnerships and lessons were built through the synergetic cross collaboration that can happen across countries of origin, countries of destination, and globally.

Through domestic workers' organizing, several key partnerships were borne. The first was domestic workers connected with the Hong Kong Confederation of Trade Unions (HKCTU), which covers a number of occupations and affiliates registered trade unions. Because domestic workers in Hong Kong, China, had already been organizing themselves largely based on their own countries of origin (Philippines, Indonesia, Nepal, Thailand, China), they were able to come together in 2010 to form the Hong Kong Federation of Asian Domestic Workers Union (FADWU), which is formally affiliated with the HKCTU. As a result of the vibrant organizing domestic workers were doing not only in Hong Kong, China, but in places all over the world (including through global advocacy for the ILO Domestic Workers Convention, 2011 (No. 189), the International Domestic Workers' Federation (IDWF) was born – a global network supporting chapters of domestic workers associations/groups and trade unions around the world.

More key partnerships followed when workers decided to partner with trade unions from countries of origin. One example is with SENTRO (formerly the Alliance for Progressive Labour) in the Philippines. SENTRO became involved with organizing in Hong Kong, China, supporting the Progressive Labour Union of Domestic Workers – Hong Kong (PLU-Hong Kong). Organizers at SENTRO emphasized to trade union leadership the need for trade unions within the Philippines to support Filipina women migrant workers abroad, who are often subject to the worst labour rights abuses. After it began supporting migrant domestic workers in Hong Kong, China, SENTRO expanded to support Filipina migrant domestic workers in Macao, China (PLU-Macao), and Malaysia (AMMPO).

In Hong Kong, China, members pay joint dues to SENTRO and the FADWU, and in Malaysia members pay joint dues to SENTRO and the IDWF. Each new country or city brings with it new challenges, and the all the key players regularly convene to discuss new strategies and initiatives. Even though each country of destination presents new challenge and it is difficult to replicate previous successes, the trade unions are continuing to think of creative ways to support workers, such as seeking recognition of AMMPO by the Philippines Embassy in Malaysia, since AMMPO is not recognized as a trade union under Malaysian law. (On 19 June 2016, AMMPO was officially registered with and recognized by the Embassy of the Philippines.)

In April 2019, PLU-Macao ⁴⁵ (with the support of SENTRO and the IDWF) partnered with the Greens Philippines Migrant Workers Union, the PEDULI Indonesian Migrant Workers Concern Group, and an Indonesian migrant rights' advocate to submit a petition to the Macao (China) Government concerning the lack of worker representation in the formulation of a new law concerning employment agencies. The standing committee of the Legislative Assembly of Macao, China, allowed a few representatives to their meeting, marking the first time migrant domestic

⁴⁵ Interview, Progressive Labor Union of Domestic Workers – Macao (PLU-Macao), Ms Jasmin Bebeth Santos Singhan, President, 17 December 2019.

workers represented themselves at the Legislative Assembly of Macao, China. Even though the trade union is fairly new and relatively small, they are actively building partnerships and pursuing advocacy to defend their rights.

In an interview with Fish Ip⁴⁶, Regional Coordinator – Asia Pacific at IDWF and formerly an organizer with FADWU/HKCTU, she explained that the partnerships between countries of origin and Hong Kong, China, are critical to the success of unionizing migrant domestic workers. Representatives from countries of origin can address the roles of trade unions, as many workers may have negative thoughts about trade unions based on the culture at home. Trade unions from countries of origin are better also equipped to explain to workers the cultural and sectoral concepts of unionizing. In her experience, it is also important for trade unions in Hong Kong, China, to seek support of trade unions from countries of origin because of the differing social statuses and historical backgrounds of organizers from Hong Kong, China, which can create barriers to trust and relationship-building. Trade unions from countries of origin can navigate these differences and already understand the institutional context from the perspective of home countries. Trade unions in the countries of origin also benefit from international engagement and organizing, as many workers will remain as trade union members or become leaders when they return from abroad.

Organizing on the ground in Malaysia – IDWF

Public security concerns for migrants in Malaysia make outreach and networking efforts aimed at organizing migrant domestic workers extremely challenging, especially as a result of COVID-19-related restrictions. In order to organize Indonesian women migrant domestic workers in Malaysia, the IDWF started outreach in parks and via social media. From March 2019 to July 2019, organizers had recruited 40 Indonesian women domestic workers to be members of their WhatsApp group, and 79 Indonesian women domestic workers to be members of their Facebook group. From August to December, women migrant workers were themselves trained to take on the role of organizers, forming four area-organizing teams in Kuala Lumpur and organizing bimonthly outreach to other domestic workers. In 2019, grassroots organizers reached 116 women migrant workers, and were mentored by IDWF staff throughout the organizing process. The networked women domestic workers are a diverse group – full time, part-time, live-in and live-out domestic workers. Social media groups are serving as platforms to post information related to IDWF activities, to share news, and to disseminate information related to domestic workers. The platforms have been active, as workers are also reporting cases of violence and abuse and discussing ways to handle these problems in the group. In December 2020, 90 Indonesian domestic workers in Malaysia formed their own organization, Persatuan Pekerja Rumah Tangga Indonesia Migran (PERTIMIG).⁴⁷

⁴⁶ Telephone interview, International Domestic Workers Federation (IDWF), Ms Ip Fish, Regional Coordinator (Asia), 13 November 2019.

⁴⁷ For more information, see: https://idwfed.org/en/updates/malaysia-the-indonesia-migrant-domestic-workers-finally-formed-their-own-organization-2013-pertimig?ct=t%28IDWF+e-Newsletter+%2347+-+December+2020%29&mc_cid=71ee06a873&mc_eid=%5BUNIQID%5D.

Box 10.1

Why do migrant domestic workers organize?

Through organizing, migrant domestic workers can:

- Come together to share problems and solutions.
- Build their organization (group, association, trade union, cooperative, network) around common issues to bargain and negotiate with employers, government and local authorities for better labour and social protection.
- Publicize existing rights and work together to prevent abuse and exploitation.
- Offer help and advice in a systematic manner to domestic workers in need.
- Campaign for better working conditions:
 - decent wages and working hours;
 - regular time off and holidays;
 - social protection with maternity protection; and
 - better living conditions, especially for live-in domestic workers.
- Help develop economic support measures, including savings and insurance schemes, and welfare services.
- Gain self-confidence, recognition and respect for their work.
- Know where to go for help when they have a problem at work.
- Have someone to speak for them if they feel they are being treated unfairly.
- Meet with others to talk about common issues, and learn from each other.
- Work together to solve problems and improve their working conditions.
- Take part in choosing who will represent and speak for them with local authorities or with government officials, employers' organizations and the media.
- Get new skills through training activities.

A main part of organizing is that workers listen to and inform each other, building trust and confidence in their collective ability to change their situation. Workers' participation in decision-making at all levels is very important because they are the organization. They are the ones who will bring social change for the better.

Source: ILO and IDWF 2017a.

“There were no handbooks”: Grassroots domestic worker organizing – UNITED

SENTRO and the IDWF also decided to support local domestic workers organizing within the Philippines, which began as an initiative by the Labor Education and Research Network. The resulting local trade union calls itself the United Domestic Workers of the Philippines (UNITED).

The following is an excerpt concerning UNITED from the report: ILO and IDWF, *Decent work for domestic workers: Eight good practices from Asia*, 2017, 158–161.

UNITED's experience as a grassroots union was unprecedented. It presented novel means by which union organization could adapt to the complex, ever-evolving conditions of the domestic worker workforce.

- There were no handbooks for organizing domestic workers. The workplace was the household, and the bargaining units were individuals, rather than groups of employees. The structure of the sector demanded innovative ways of establishing contact and then drawing individuals into the fold. Thinking outside the box led to what might be described as “retail organizing” – door-to-door organizing efforts in extending the rights and benefits of social movement unionism within the fragmented domestic work sector. ...
- Retail organizing promoted household-level contacts, and maximized networking helped shape UNITED as an organization. The house-to-house strategy, combined with the referral system, was effective in identifying potential recruits. At the same time, this strategy harmonized with domestic workers' working hours. It did not disrupt their working hours, which also encouraged them to participate and eventually join.
- UNITED organized into chapters at the barangay level, and covered those both residing and working there. This facilitated organizational life at the chapter level, and ensured that members were able to keep in touch for updates and in mobilization for activities.

The Kasambahay Law required the registration of domestic workers in the barangay, moreover, which also opened possibilities for local-level political participation over the longer term, since the barangay presented the frontline government interface with communities.

- UNITED broke the barrier, in organizing domestic workers, by not limiting itself to the standard definition of a domestic worker in the law, RA 10361. Its organizing framework was holistic, its membership included young child labourers, unpaid family workers, part-time workers and even those returned from working abroad who faced the challenge of resettling and finding work back in the Philippines. The domestic worker union thus achieved a grasp on the whole range of issues that afflict the domestic work sector. Yet building sufficient capacities to respond to all these issues remains a matter for future programme development.
- UNITED used savings mobilization as an organizing platform. This strategy served the dual purpose of drawing more members into the union, while helping members to feel more secure, knowing they were prepared for financial emergencies.

While this strategy was not new, it was innovative when applied to domestic workers, who historically have had difficulties saving money, given that they remit most of their earnings to relatives and families in their places of origin. An efficient savings scheme has the potential to become a sustainable safety net for domestic workers in distress. ...

- Investment in personal relationships and addressing domestic worker needs were key to organizing UNITED. A political agenda was not front-loaded when domestic workers were being drawn into what would later become UNITED. Instead, the personal was to represent the political. ... [O]rganizers ... focused on the target members' working conditions, and from there stressed the need for collective action as the only viable mechanism by which their grievances could be addressed.
- [UNITED] adopt[ed] generally non-confrontational approaches, maintaining an awareness of unorganized [domestic workers'] sense of vulnerability and often, for only too good reason, typically mistrustful responses. ...
- UNITED membership was dominated by women, but it also included men and youth.

Organizing workers in the informal economy

National trade union centres have assisted informal economy workers not only by supporting them as members of the trade union, but also by promoting cooperative business development, workers' funds, and savings and credit accounts for trade union members. In addition to this, the formation of welfare and solidarity funds provides benefits to members in case of accidents, funeral expenses or other social incidents. Different trade unions have adopted different methods and strategies in organizing informal economy workers, which include: income-generating activities, such as cooperatives and self-help groups; extension of social protection; legal support; friendship houses; skills development and vocational training; social mobilization and advocacy; and education (Ahn 2007).

In many cases, trade unions have been able to satisfy the needs of informal economy workers by providing a strong and collective voice and assistance on traditional core competencies, such as representation, negotiation or mediation. The main services offered by trade unions to its informal economy members include activities relating to negotiation and representation, including collective bargaining, training and education, representation (at enterprise, national and international levels), counselling, and generic advisory roles. These services can be referred to as "low hanging fruits" because trade unions may only need to broaden their scope of representation and bargaining to enter into some form of common understanding with local authorities. The use of existing in-house capacities and competencies (for example the use of trade union negotiators and paralegal training) can help in meeting the needs of the informal economy (ILO 2019b, 29).

There are situations where trade unions have entered into dialogue and agreements with the local community, municipal administrations and authorities (such as police and tax collectors) on diverse issues, including market space, fair taxation, sanitation facilities and improved relations with traffic police. Informal economy workers have also benefited from trade union representation in lobbying for the extension of national labour law, social security, occupational health and safety, vocational training and education, fair taxation, and trade initiatives.

One of the top needs of informal economy workers is access to financial services, micro-credit loans, and business and entrepreneurial training. Trade unions may need to go beyond their in-house capacity to provide some of these services. It is therefore important to build a network of external resources and partner/collaborating organizations, such as vocational training centres and banking and financial institutions. Another service offered to informal economy associations and workers is access to trade union networks and alliances, which are normally out of reach to most informal economy workers. Trade unions wanting to organize informal economy workers into their trade union must try to sort out issues of representation and participation of informal economy workers within existing trade union structures and bodies (ILO 2019b, 29).

Spotlight on SEWA: Self-employed workers in India

The Self-Employed Women's Association (SEWA) is a national trade union of 1.5 million women working in the informal economy in 14 states of India. SEWA members are all women workers in the informal economy engaged in sectors such as manual, agricultural, construction, and service work, such as domestic work. Members also include home-based workers and street vendors. The SEWA trade union organizes tens of thousands of women across India, with poor women workers as leaders. As the central issue for its members is to ensure livelihood security, the trade union also encourages and supports them to form their own cooperatives (ILO 2018a, 13).

SEWA spans the two categories of “association” and “trade union”. As an association, it brings together a very large number of different types of smaller groupings, ranging from self-help groups to associations, trade unions, cooperatives, corporate entities and even a federation of cooperatives, among others. SEWA sees education and training of members as among its core strategies, with the intention that it “phase out” its own role over time as the smaller organizations become more self-reliant. SEWA and the workers it organizes engage in the full range of trade union activities, including strikes. Its activities can be broadly categorized in two streams: (i) related to membership; and (ii) related to services offered to members. Membership-related activities include membership campaigns, awareness creation, perspective building (on benefits of membership and rights and duties of members), and capacity building. Service-related activities include support and facilitation in income generation, savings, wealth creation, and social security.

“The hybrid nature of SEWA and its sheer size mean that it is much better placed than smaller organizations to provide services and benefits to workers” (WIEGO 2013, 14).

“India is still a deeply patriarchal society, and in mixed cooperatives of women and men, women would often be side-lined and not allowed to participate as equals. Wherever mixed cooperatives exist, women members tend to remain veiled or remain silent due to cultural norms. In cases when women members dare to speak out, they are shouted at to remain silent and their voices are drowned out. Similar observations have been made on the workings of cooperatives with mixed women and men members in other patriarchal social contexts. Therefore, a ‘women-only’ space offered by a women’s cooperative gives them the opportunity to build up their confidence and leadership skills in a space that is culturally appropriate and non-threatening” (ILO 2018a, 19).

In its early years, SEWA members expressed a need for trustworthy financial services, given that most money lenders charged them exploitative rates. At the time, India’s nationalized banks refused to offer services to barely literate women who dealt in small amounts of savings and loans. In 1974, 4,000 SEWA members contributed 10 rupees (US\$0.15) each, and with the Association’s support, set up their own women’s cooperative bank – SEWA Bank – in Ahmedabad. Since then, the SEWA Cooperative Federation has supported the creation of at least 115 cooperatives across the country, of which 106 have organized 300,000 women and have an annual turnover of 3 billion rupees (US\$46.8 million). Some of these are labour cooperatives, others are producer and service cooperatives. Cooperatives are democratic, membership-based and member-driven organizations and enterprises, and thus, along with the trade union, are a good fit organizationally for SEWA (ILO 2018a, p.18).

Organizing through financial literacy – SBMI ⁴⁸

The SBMI (Indonesian Migrant Workers Union) is an Indonesian trade union formed by and composed of returned and prospective Indonesian migrant workers and their family members. The SBMI’s core programmes focus on protecting migrant workers’ rights and on socio-economic empowerment and reintegration. These programmes are carried out through direct interventions, unionizing/organizing training, paralegal training, initiation of dialogues and advocacy with the Government through media campaigns, and collaborative activities. For women migrant workers, the SBMI has a referral system that facilitates access to psychosocial counselling, safe housing, and pro-bono attorneys that will assist them to seek legal recourse in both countries of origin and destination against recruitment agencies and/or employers. The SBMI holds trainings with organizers on gender equality and gender-sensitive methods. While the SBMI has women case workers, it is still challenging to recruit women organizers due to the pressures of family responsibilities that limit many women’s mobility.

Financial literacy is a priority for the SBMI, specifically for empowering returned women migrant workers. The SBMI has engaged in organizing migrants’ groups and linking them to programmes

⁴⁸ Telephone interview, Serikat Buruh Migran Indonesia (SBMI), Ms Dina Nuryati, Research and Foreign Relations/Board Member, 13 December 2019.

on entrepreneurship and financial services, either with the private sector (including monetary/financial institutions) or in some cases through local government programmes providing support or funding assistance, which are often handled by the district or provincial social affairs office. The SBMI has cooperatives in Central Java, East Java and West Java. The economic incentives that these financial cooperatives offer attract workers, and the SBMI can utilize their participation to also educate workers on other topics, such as safe and fair migration, workers' rights and the benefits of unionizing. The SBMI recognizes that in order to organize workers, it must also engage families and communities, and it therefore offers varying types of economic incentives, since most potential or returned migrant workers are from lower income areas. One of the SBMI's cooperative programmes offers trainings to educate migrants on how to run a variety of businesses, including selling local snacks, raising livestock (goats, chickens), dairy farming, opening a grocery business, or providing savings and lending services. The cooperative also supports its members when they experience financial difficulties. Financial literacy builds members' capacity on how to properly plan their future and their next movement should they decide to re-migrate. When women migrant workers are successfully trained in financial literacy and gain knowledge, their subsequent achievements incentivize other migrants and family members to join the SBMI and utilize its programmes. New members seek out the benefits belonging to SBMI members – the opportunities for training, networking and skills development, as well the chance to give back by assisting other migrant workers.

SBMI members are active in a number of different campaigns, including demanding legal reforms to improve its members' lives. In 2014, the SBMI campaigned for the elimination of the KTKLN, a government-issued migrant workers' card. While the card was intended to protect Indonesian migrant workers; in practice it became a source of illegal levies and discrimination, especially in airports, where failing to show a KTKLN caused some workers to face extortion or be banned from flying. The SBMI employed several strategies for this campaign, including:

1. Asking its members to utilize the social media hashtags #HapusKTKLN or #EradicateKTKLN.
2. Educating migrant workers to record incidents on their phone cameras if they are banned by the airline or at airport for not having a KTKLN.
3. Assisting workers to engage in direct advocacy daily at the airport.
4. Pressuring ten airlines directly to not ban migrant workers who do not have a KTKLN, and forcing airlines to give free tickets to those previously banned.
5. Publicly campaigning with other networks, including INFEST.
6. Sending the recorded incidents and data from individual cases in letters to government agencies.

Activity 10.3. The rap method of organizing

Objective

To practice organizing women migrant workers.

Outcome

Participants end the training on a light note and are ready to do on-the-ground organizing.

Methodology

Creative writing and performance

Materials

Handout 10.3. The rap method

Instructions:

- 1) Facilitator distributes **the Handout 10.3. The rap method** which was utilized by Indonesian organizers of domestic workers, and asks the participants to read all six steps to themselves. It is called the RAP method and the organizers are “rappers”, borrowing the term from rap music.
- 2) Facilitator explains that while participants are all experienced trade union organizers, they should reflect after reviewing the six steps of the rap method on whether their own organizing strategy to build membership is similar or different to the rap method.
- 3) Facilitator breaks participants into groups of three to four. Facilitator states that just for fun, each group should try write an actual rap song/poem (that rhymes) with some key messages that you would say when trying to organize women migrant workers to your union.
- 4) Facilitator asks the participants to perform their rap song/poem for the large group.

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For matters related to the Safe and Fair Programme please contact:

Deepa Bharathi

Chief Technical Adviser, Safe and Fair Programme

ILO Regional Office for Asia and the Pacific
email: bharathi@ilo.org

Valentina Volpe

**Ending Violence against Women Specialist,
Safe and Fair Programme**

UN Women Regional Office for Asia and the Pacific
email: valentina.volpe@unwomen.org



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ISBN 978-92-2-034549-8



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