

fact sheet

today's fight for tomorrow's freedom

Migrant Domestic Workers

What is Domestic Work?

Domestic work includes a range of tasks carried out in private homes including cooking, cleaning, laundry, taking care of children and the elderly, and running errands. Many domestic workers live in their employer's homes and women and girls make up the overwhelming majority of domestic workers worldwide. Domestic work represents up to 10 per cent of total employment in some countries. Despite this, domestic work is looked upon by many as unskilled and remains undervalued and under regulated.

Photo: Lucas Perrini



A survey with Lebanese employers of Migrant Domestic Workers showed:

- 88% believed the employer has the right to confiscate their employee's passport
- 31% lock their domestic worker in the house when they go out
- 80% do not allow their employee to leave the house on her day off ¹

¹ Data collected by KAFA from interviews with 102 male and female Lebanese employees, Abdulrahim, Beirut: 2010 (p 37-40)

Key Issues and Concerns Related to Migrant Domestic Work

Economic and social pressures and a lack of education compel women to migrate in search of lucrative employment abroad. With little knowledge of the migration process or what their work will involve, their vulnerability is exploited by agencies, brokers and employers. Migrant domestic workers are particularly vulnerable to abuse and exploitation, including forced labour, due to the unique and specific circumstances of the work inside a private household, combined with a lack of legal protection and regulation, and their vulnerability as migrants living in a foreign country. Many are trafficked for forced labour, with some employers forbidding them from leaving the house, confiscating their passports, and using violence or threats

of violence to control and force them to work, often without pay. Others fall into bonded labour as a result of the transportation and recruitment costs, as well as the commission fees charged by the agent and/or broker incurred in taking up a job abroad.

Their vulnerability is compounded on arrival in the destination country as migrant domestic workers rarely speak the language of their employers, have little or no knowledge of their rights and are often mistreated and forced to work long hours with very little pay or food. Many migrant domestic workers have reported experiencing physical, mental and sexual abuse, having their salary withheld and being confined in their employer's house, consequently they feel isolated and desperate with little hope of paying the debts incurred by agency imposed migration fees.

Every domestic worker has the right to a safe and healthy working environment. Each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.

Article 13, International Labour Organization Convention 189 concerning decent work for domestic workers

I did not even get enough food. Sometimes I only had bread and tea. I worked all day, with only bread and tea. One day, I asked for my full salary and I told madam not to send me to work at the houses of her friends and relatives, and I said that, "If you don't give me my salary I will not work at all". After saying this, I was beaten right away. She even used shoes to beat me. My right hand was broken and there were bruises all over my body." Amrita²

²Female Nepali domestic worker (name changed) interviewed as part of KAFA newsletter, *Stop the Exploitation of Migrant Domestic Workers*, issue #2, Beirut: 2010, (p.7)

Anti – Slavery International's Research and Findings

In 2012 Anti-Slavery International conducted research in Nepal, Lebanon and India examining the legislation, policy and practice of the migration cycle in origin and destination countries with particular reference to its impact on female migrant domestic workers. It concluded that a combination of gender discrimination in policies, lack of pre-departure preparedness, lack of legal protection and little or no regulation of recruitment agencies has resulted in a failure to protect female migrant domestic workers at every level. Whilst some positive policies have been introduced, overall the research showed that many policies and practices expose women to greater risks and vulnerabilities.

Our research also showed that there is a disproportionately high rate of reported suicide amongst Nepali migrant domestic workers in Lebanon. In 2010 alone a Nepali Times article reported that 15 Nepali domestic workers committed suicide, but it is believed that many more cases go undocumented.³

³ Hom Karki, Suicide in Lebanon, Nepali Times: issue #517, 27 August 2010 Nepali Times

*She [the domestic worker] is under my name. I am responsible for her in everything. So, I would feel worried if she goes out or if she sleeps outside my house. I would be scared that she might do something wrong...I would be responsible for that.*⁴

⁴ Abdulrahim, Beirut: 2010 (p 17)

Legislation, policy and practice which create a vulnerability to slavery:

Travel Bans: Abuse and exploitation of migrant domestic workers is so widespread that origin countries, amongst them Nepal, Ethiopia, the Philippines and Madagascar, have banned their nationals from travelling to certain countries including Lebanon and the Gulf to find domestic work.

Rather than halting the flow of migrant domestic workers to destination countries, labour bans:

- Hamper the ability of service providers and duty bearers to monitor, support and protect migrant workers.
- Prevent monitoring of recruitment agencies, brokers and employers.
- Encourage women to seek employment through informal routes thus exposing themselves to further risks and vulnerabilities.

Sponsorship Systems: In many countries a domestic workers right to work is tied to a specific employer, meaning that they are less likely to

leave a slavery-like situation since they could be deported and lose their livelihood if they leave that employer. Since employers are legally responsible for the worker during her stay, sponsorship also encourages restrictions on freedom of movement and communication, thus leaving them vulnerable to abuse. The right to change employer is a fundamental safeguard and the practice of tying migrant workers to a particular employer has been identified by anti-trafficking experts as one of the key factors contributing to trafficking and can lead to victims becoming 'illegal' and the perpetrators going unpunished.

Lack of regulation of recruitment agencies and employers: High fees imposed by the agencies, both in the origin and destination countries, leave the domestic workers with debts and make them more vulnerable to exploitation. Due to the nature of domestic work, employers have increased control over their employees and a lack of monitoring bodies and regulation means abuses often go undetected and unpunished.

Lack of pre-departure preparedness of female migrant domestic workers travelling to destination countries: Preparation before departure is an

important method for educating migrant domestic workers to make them less vulnerable to exploitation from recruiters and employers. An investigation of the Nepali government's training course aimed at migrant domestic workers highlighted a number of issues including lack of awareness of the availability of the training, high costs, inaccessibility of training centres in rural areas, lack of monitoring of training centres and the wide availability and use of fake proof of attendance certificates.

Absence of legal protections: Domestic workers are frequently excluded from Labour Laws, which denies them all rights given to workers in other sectors such as minimum wage, annual and sick leave, maximum hours of work, the right to form associations and organize, and the right to resign with proper notification.

Lack of embassy representation: Our research has highlighted that migrant domestic workers in countries where there is little or no diplomatic representation from their own countries are particularly vulnerable to exploitation. Equally, where there is embassy representation, there is frequently a lack of cooperation between the foreign missions and the destination countries to ensure better protections and conditions of work.

Recommendations:

It is of the utmost importance that both origin and destination countries work to establish effective prevention, protection and rehabilitation mechanisms through which migrant domestic workers can be supported.

Anti-Slavery International also urges all Governments to:

Lift all Labour Permit Bans: All restrictions on migration must be lifted. Governments should encourage potential migrant domestic workers to obtain work permits legally, thereby limiting the number of women using informal routes and enabling authorities and other concerned stakeholders to better identify, track and support those domestic workers going to destination countries.

Create an alternative to existing sponsorship systems: A government sponsored visa system must be created that allows domestic workers employment mobility and does not tie their visa to a specific employer.

Improve recruitment processes by better regulating and monitoring private recruitment agencies. Abusive recruitment practices must stop. There is a need for stronger provisions for the regulation, monitoring and prosecution of agents and subagents who knowingly deceive potential migrants and/or engage in trafficking activities.

Extend labour protections in national law to domestic workers: Governments should also introduce additional protections to address the specific nature of domestic work including living accommodations, food provision, the right to form associations and organise and the right to resign with proper notification.

Improve pre-departure training for domestic workers: The experience of returnee migrant domestic workers must be utilised as the best source of information for supporting potential migrant domestic workers. Training needs to be decentralised in order to make training accessible for those women living in rural areas. Migration information and policies should also be publicised widely through local media.

We also urge governments to promptly sign, ratify and domesticate:

ILO Convention No.189 on Decent Work for Domestic Workers and The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention)