



## **Rights of Migrant Women Workers**

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Migration is becoming increasingly feminised with more women [1] migrating on their own agency, seeking safety, autonomy, better livelihoods and a way to sustain their families back home. Women increasingly migrate for work, which is disproportionately precarious, in informal, unregulated sectors and low-paid. Despite an upward trend in the migration of highly skilled women workers, women migrant workers are usually employed in jobs that are not covered or inadequately covered by labour legislation or by social security or other welfare provisions and where the right to organize and bargain collectively is denied in law or in practice.

Existing gender discrimination in labour markets plays out in a particularly acute form for migrant women workers. Across regions, migrant women are overrepresented in underemployment, involuntary part-time employment, temporary-contract employment, agency work and informal work. Despite bringing a range of skills, migrant women are confined mainly to service sector occupations. Many migrant women also provide unpaid labour for the social reproduction of the household (caregiving, food production, etc).

Migrant women are often temporary contract workers unable to claim the same rights as citizens, some with their status tied to one employer and at risk of labour exploitation and abuse. Many migrant women are not able to bring families. Migrant women workers with insecure immigration status often face widespread exclusion from labor protections, barriers of accessing services and workplace justice, and are prevented from joining unions because of justified fears of retaliation by employers and deportation. They may lack access to adequate or accurate information about the type of job they are being recruited for and information about their labour and civil rights in countries of destination. The international recruitment industry often operates in a legal vacuum and is responsible for many of the abuses experienced by migrant women workers: from gender-based violence, to extortionate fees leading to conditions of bondage, to withholding of wages and confiscation of passports.

The problem lies with the existing system. Migrant women workers are indeed agents of change and make significant contributions to development including women's leadership, knowledge and social and economic contributions in countries of origin and destination. However global international labor migration policy is creating a class of low paid workers who are segregated from society in destination countries, and separated from their families in origin countries. Guest worker and temporary worker programs that tap migrant labour without extending rights, family-unification and permanent status undermine migrant women's ability to claim rights.

A flawed development model relies on the exploited labor of migrant women while building barriers to their movement across borders and criminalizing their presence in destination countries. Nations benefit from their labor and their remittances, yet fail to protect their human

rights. Women migrant workers' role in development cannot be instrumentalized but must be seen in the complex nexus of their choices, their lack of choices, their family relationships and their ability to claim rights. Migrant women should not be criminalized for seeking escape from poverty, conflict, or displacement, but rather states and regions should take responsibility to their reliance on cheap migrant labor, particularly through regularization of migrant women workers. Globally, there is a need to increase regular channels for migration and family re-unification, particularly for low-paid migrants women workers.

## **Recommendations**

1. Human rights, women's rights, labour rights and decent work must be at the centre of all migration policy and governance. States should ensure effective protection for all migrant women experiencing violence, abuse and labour exploitation.
2. International instruments such as ILO Conventions 97, 143 and 189, the 1990 UN Convention on the Protection of the Rights of All Migrant workers and Members of their families and the CEDAW General Recommendation No. 26 on women migrant workers must form the cornerstone of labour migration policies. States should also adopt and implement ILO Convention 87, ensuring freedom of association and protection of the right to organize, particularly for undocumented migrant women workers. The right to form and join unions, the right to equal treatment and non-discrimination in the workplace, regardless of migration status, and the right to access justice are international human rights obligations which States must respect. States should adopt active labour market policies that address structural and systemic barriers relating to gender, race, nationality and migration status.
3. Labor migration programs must shift from an emphasis on temporary migration and separation of families to longer-term residency, rights and eventually a path to citizenship for those who want it, including family reunification initiatives.
4. States need to take measures to provide women migrating into the informal economy with full worker rights protections under ILO standards. States should address gender stereotypes in the labour market through national programs and monitoring.
5. States should ensure extensive monitoring and enforcement of labour standards particularly for low-paid and migrant workers with insecure migration status and proper regulation and monitoring of the activities of private international recruitment agencies. This should not justify a meshing of immigration enforcement and with enforcement of labour laws, such as workplace raids that further criminalize migrants under the excuse that they are victims of trafficking or labour exploitation. Enforceable national laws and access to justice is critical for migrant women workers to effectively combat exploitation.
6. States should institute programs to create decent work and social protection, including quality public services in home countries, making migration a choice rather than a necessity. This should include addressing gender segmentation in the workplace and recognition of women's unpaid labour in the home and community.
7. National security policy, leading to the criminalization of migrants, should not override human rights commitments and Governments should not use concern about labour trafficking to justify more intense border security, enforcement and criminalization which further penalises migrant women workers.