

Labor Mobility, Labor Rights and Decent Work

Women In Migration
GFMD-Civil Society Days 2015, Istanbul, Turkey

***'Existing gender discrimination in labor markets plays out
in a particularly acute form for women migrant workers'***

-Migrant Women Workers-

- A majority of women are migrating on their own account in search of work that will help sustain their families back home.
- Women migrant workers are usually employed in jobs that are not covered or are inadequately covered by labor legislation or by social security or other welfare provisions, including maternity protection; and where the right to organize and bargain collectively are denied in law or in practice.
- Recruitment of migrant workers increasingly takes place under bilateral agreements which not only tend to ignore any applicable normative framework; they often facilitate discrimination and abuse of the rights of migrant workers, including different remuneration for the same work. Bilateral agreements have become an instrument of trade, further commodifying the labour of migrant women.
- The international recruitment industry is big business. A lack of political will to regulate and monitor the industry means that it 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, withholding of wages, and confiscation of passports.
- Migrant women, in particular, often lack access to adequate or accurate information about the type of job they are being recruited for, information about their labour and civil rights in countries of destination and access to justice should things go wrong.

-Labor Market Integration-

- Existing gender discrimination in labour markets plays out in a particularly acute form for women migrant workers. Across regions, migrant women are overrepresented in: underemployment, involuntary part-time employment, temporary-contract employment and informal work.
- Despite bringing a range of skills, migrant women are confined mainly to service sector occupations: cleaning, catering, domestic care, health care, social care.
- Incoherent national migration policies that are often the domain of interior and security ministries with little input from labor ministries aggravate structural and systemic barriers.

- The demand for migrant women in domestic employment worldwide is fueled by the withdrawal of state provision of crucial public services such as child and elderly care services, combined with women's increased labor force participation in both countries of origin and destination. Migrant women are increasingly providing the infrastructure that allows other workers, especially those in medium and high skill occupations, to better reconcile work and family life.

-Recommendationsⁱ-

1. International instruments such as ILO Conventions 97 and 143, 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 labor migration policies. 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 to courts, including labor courts and other grievance mechanisms are international human rights obligations, which States must respect. States should adopt active labor market policies that address structural and systemic barriers relating to gender, race and nationality.
2. Proper regulation and monitoring of the activities of private international recruitment agencies is crucial to ensuring fair recruitment and improving outcomes for migrant women workers. States should develop avenues for low-wage workers to obtain visas, fostering alternative opportunities to migrate other than temporary work. While unscrupulous recruitment agents are a concern in the temporary worker model, agents would not be necessary if other options were available.
3. Guest-worker and temporary worker programs tap migrant labour without extending rights, family-reunification and permanent immigration status undermine migrant women's ability to claim rights. These should be replaced with full immigration status and rights, and access to citizenship.
4. States should institute programs to create decent work in home countries, making migration a choice rather than a necessity.
5. States should ratify and implement ILO Convention 189 on Domestic Workers, and recognize domestic workers as workers, providing protections for them under national labour laws. Women's care work is work, and should be valued and adequately remunerated.
6. Governments need to impose substantial financial sanctions on those who exploit or abuse migrant workers. States should allow labour unions to monitor migrant labour rights with particular concern for the rights of migrant women workers.
7. Governments should work to ensure that the employment of migrant women is not primarily limited to the informal sector and that rights protections are extended to women in the informal sector, including the right to association. Address gender stereotypes in the labour market through national programs and monitoring.
8. Consulates have the responsibility to protect their nationals abroad. Budgets should be increased to support workers abroad, particularly women.

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ⁱ See also Women and Migration 2013 Advocacy Document in English, Spanish, French: <http://wgmwq.org/wp-content/uploads/2013/08/final-advocacy-doc-ENGLISH.pdf>