

“Domestic Care Workers at the Interface of Migration & Development in the Caribbean: Action to Expand Good Practice”

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Background Paper For the Global Forum on Migration and Development (GFMD) 2011¹

Summary

This Background Paper is intended to inform and support the discussions of the GFMD workshop in Jamaica on “Domestic Care Workers at the Interface of Migration & Development in the Caribbean: Action to Expand Good Practice”. It sets the global context for a specific debate on the Caribbean experiences and challenges, both intra-regional and out-of-region; including the international regulatory framework available for protecting and supporting migrant domestic workers. It highlights the connections between domestic work, migration and development, showcases some good practices around the world and offers some recommendations for practical next steps by governments and their international and civil society partners.

The workshop forms part of the Swiss Chair’s global thematic program for GFMD 2011. It carries forward the discussions of GFMD 2010 in Puerto Vallarta on *Migration, Gender and*

¹ This paper was prepared by Andaiye in consultation with and with inputs from the Swiss GFMD Chair, the Planning Institute of Jamaica (PIOJ), Govt. of Jamaica, UN Women and IOM. A very special acknowledgment to Mr Steven MacAndrew, Specialist, Movement of Skills-Labour, CSME Unit, Barbados, for his many prompt, courteous and helpful email responses to the author’s queries. A special thanks to Alyssa Trotz and others for inputs and information provided.

Family, including the recommendation by governments to ensure that gender equality and women's empowerment issues related to migration and development are on the GFMD 2011 agenda. The outcomes of the workshop will be considered in the GFMD Concluding Debate by governments on 01-02 December 2011 in Geneva.

PART A: THE GLOBAL SITUATION

1. Definition of care work, including domestic care work, in the household

Care work, performed by unwaged carers in or for their own homes, involves a range of activities - physical, mental and emotional – which keep individuals, families and communities going. It is the work of ensuring that the special needs of household members who are older, sick or disabled are met, and most centrally but most invisibly of bringing up the future labour force and daily replenishing the energies of the present labour force.² This work is thus the foundation on which all economies and societies are built.

Article 1 of ILO Convention No. 189 defines domestic work simply as “work performed in or for a household or households” and domestic worker as “any person engaged in domestic work within an employment relationship”. Article 2 of the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families defines the term migrant worker as follows: a “migrant worker” refers to any person who “is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a

² The definition is a reworking of an original definition in Andaiye, “The Valuing of Unwaged Work”. Prepared for presentation at the ECLAC/CARICOM/UNIFEM Caribbean Sub-Regional Conference Preparatory to the 4th World Conference on Women, Curacao, June 28-29, 1994. The Banchte Shekha (Learn how to survive) group from Bangladesh has produced a poster which graphically shows the many facets of care work in the household, though in a particular setting. It depicts a rural woman: like the goddess Kali she has many arms. Framed by the words “My wife does not work”, the arms perform tasks including comforting a toddler, cooking, offering water to a sadhu (an itinerant seeker of truth), tending to a sick elder, milking a cow, sowing grain, fetching water, forking up a kitchen garden, sweeping, feeding chickens, serving food to her husband and child, fanning her husband and embroidering. Meanwhile with her foot she pounds grain. This multitasking of course demands thinking and planning.

national”. Domestic workers may however also be internal migrants working within national boundaries.

Domestic work may however involve specialization, that is, domestic workers may be employed to carry out one of the multiplicity of tasks involved in unwaged care work. In Jamaica, for example, where the domestic worker sector is relatively highly organized, one category of domestic worker is the child-care provider who takes care exclusively of younger children or infants. The task may be performed by a full-time live-in or live-out worker. The child care provider can be found in the more affluent homes, as she works alongside other domestic workers, for example, what is called a “day’s worker” (see Box 3 further on).³

2. Global trends in the movement of domestic workers

2.1. Numbers, local and migrant

Collecting statistics on domestic workers is difficult. In the main, this is because in spite of improvements in how the informal sector is accounted for in labour statistics, large numbers of domestic workers remain invisible. This continued “invisibilisation” results from the fact that domestic work is not only part of the informal economy; it is also part of three other forms which have been identified by Feige (1990) to assess “underground economic activities”: these are the “unreported economy” (employers evade fiscal regulations or paying social security benefits); the “unrecorded economy” (employers avoid reporting the employment of a domestic worker to national statistical agencies); and the “illegal economy (ie, trafficking or forced labour).⁴ Other reasons why statistics on domestic workers are unreliable include differences in the definitions of domestic worker and in how studies source their information (Schwenken and Heimeshoff 2011, p6). At another level, we can also argue that there is a low visibility (and therefore under-counting) of domestic work that is tied to, in fact we might even say derives from, the invisibility of unwaged caring work.

³ Shirley Pryce, President, Jamaica Household Workers Association, by email, August 30, 2011.

⁴ Feige describes the informal economy as “activities that avoid social security systems and/or are excluded from national labour laws.

There are thus significant variations in the data on domestic workers from one official report to the next, or even from one year to the next of the same official report. This paper therefore relies on ILO Domestic Work Policy Brief 4, “Global and regional estimates on domestic workers”, which set itself the task of correcting previous estimates.⁵ The new estimates show a minimum of 52.6 million domestic workers globally and a maximum of 100 million. This spread alone reveals just how sketchy and unreliable available estimates or data are. Using the figures we have, globally, domestic work is estimated at 3.6 per cent of wage employment and in our region, Latin America and the Caribbean⁶, at 11.9 per cent of wage employment, the highest in the Global South. Women are estimated at 83 per cent of domestic workers globally and 92 per cent of domestic workers in Latin America and the Caribbean. (p. 8). In Latin America and the Caribbean, too, paid domestic work accounts for more than a quarter (26.6 per cent) of female employment; along with Asia, it is one of the two regions with the largest number of domestic workers. Crucially, the brief points out that the estimate for Latin America is higher than previous estimates in part because it includes the Caribbean - 31 countries instead of 18 (p. 10).

Since the Policy Brief does not include an estimate of the number of migrant domestic workers we have to continue to rely on estimates which might use the very methodologies which the Brief set out to correct. The most recent figures found state that “Worldwide 17-25 million female migrants are estimated to work in domestic service sector” (Pannell and Altman, 2007 p. 35 in IDWN 2010, p. 6)

⁵ The brief states that “In response to a lack of robust statistical figures, this policy brief presents new minimum global and regional estimates on the number of domestic workers.” Figures in the brief rely on official statistics, mainly labour force surveys and population censuses covering 117 countries and territories, and the brief attempts to cover the remaining gaps by using what it calls “an established methodology that provides unbiased regional and global figures” (p.1).

⁶ The English speaking Caribbean is seldom adequately represented in writing and statistics on Latin America and the Caribbean.

2.2 The global care economy and care chains

“From the 1980s onwards”, writes Alissa Trotz, “we have seen the growing phenomenon of this particular labour market (domestic care work) relying on immigrant labour – predominantly from the Global South, to several regions of the world, particularly South East Asia (like Singapore, Hong Kong), the Middle East (like Dubai, Bahrain), Europe and North America” (Trotz, January 2011).

Referencing Beneria (2008),⁷ Fudge (2010) argues that the increased demand in the Global North for domestic carers “is fuelled by the increase in women’s labour force participation, falling fertility rates, increasing life expectancy, changes in family structure, shortages of public care, and the increasing marketization of care in the North, all in a context where caring work in the household remains overwhelmingly the responsibility of women. On the supply side, economic trends such as growing inequalities between high- and low-income countries, insecurity, vulnerability, and instability due to economic crises combine with gender-related factors such as abuse, family conflict, and discrimination to increase the numbers of women who migrate in order to obtain paid work” (p. 1).

At its starkest, the global care economy is created out of the inequalities of wealth and power between countries, classes, races and ethnicities, and sexes. In plain words, poor women in poor countries, often women of colour, migrate to provide care work in the households of better-off women in better-off countries, in the process leaving the caregiving in their own households either to other women, or to children.⁸ Of course, it is not a new phenomenon for poorer and more exploited sectors of women to be forced to leave their

7 Lourdes Beneria. “The Crisis of Care, International Migration, and Public Policy” (2008) 14 (3) *Feminist Economics* 1-21.

8 In addition to the migration from South to North there is migration from poor to better-off communities and countries inside both South and North. In both North and South, too, domestic workers are sometimes employed by women who while better-paid than they and accorded a higher status, are also under-paid; an example in the South would be say, teachers in CARICOM countries, and in the North, women in the waged workplace who cannot afford childcare and who have lost childcare subsidies as a result of economic adjustment policies.

own children behind to care for the children of the more powerful; slavery was the most extreme example of this. The new factors are the numbers of women involved, the global reach of the phenomenon, the level of organizing among domestic workers, and with the adoption of ILO Convention No. 189; the General Comment on Migrant Domestic Workers by the Committee on Migrant Workers, 2010; and CEDAW General Recommendation No. 26 on Women Migrant Workers, 2008; the recognition that domestic workers are workers with rights that must be protected.

3. The contribution of unwaged and waged care work to development

There have been several official and unofficial valuations of unwaged care work:⁹

Box 1: Selected valuations of unwaged work internationally

India: Indian women's home based work was valued at \$612.8 billion per year. [Evangelical Social Action Forum, Nagpur, India, 2009]

Spain: National Institute of Statistics published its first Satellite account of homes in Spain in 2008. Housework contributes the equivalent of 27.4% of GNP, 214,889 million euros (\$308,393 million). It's a low estimate as the wage is set at 4.33 € /hour (\$6.22), the wage of a domestic worker.

UK: The satellite accounts 2000 valued unwaged housework in the UK at £929 billion (104% GDP). [UK Office of National Statistics 2002] Carers who look after relatives or friends save the state £119bn a year, or almost as much as the entire cost of the NHS. The figure, equivalent to £13.6m every hour, represents the value of the contribution of the estimated 6.4 million informal carers when priced at the official unit cost of home care by paid workers, £18 an hour. [Carers UK and University of Leeds, May 2011]

<http://www.guardian.co.uk/society/2011/may/12/carers-save-uk-119bn-a-year>

United States: About 42.1 million family caregivers in the U.S. provided care to an adult with limitations in daily activities at any given point in time, and about 61.6 million provided care at some time during the year. The estimated economic value of their unpaid contributions was approximately \$450 billion in 2009. [Valuing the Invaluable: 2011 Update - The Growing Contributions and Costs of Family Caregiving, AARP Public Policy Institute].

Worldwide: Unwaged work was valued at US\$16 trillion, of which women's share was (under) estimated at USD\$11 trillion (UNDP, Human Development Report, 1995).

9 (1) After years of transnational campaigns and lobbying efforts, the International Women Count Network (IWCN) successfully lobbied governments at the 4th World Conference in Beijing in 1995 to agree to measure and value women's unwaged work, with CARICOM governments supporting the lobby. The effort was bolstered by the release of the 1995 UN Human Development Report cited in Box 1. One country (Venezuela) gave concrete expression to the recognition of this value by providing social security to carers under the Bolivarian Constitution. (2) The former United Nations International Research and Training Institute for the Advancement of Women, now UN Women was one of the main agencies engaged in developing methodologies for valuing unwaged work. The valuations in the table should not be measured against each other since there are several methodologies and the exact valuation is determined by the methodology used. The table is designed only to indicate the large monetary values being put to unwaged caring work.

These valuations of unwaged care work are an indicator of the undervaluing of the waged care work performed by domestic workers, and buttress the argument that the value of their work is far higher than reflected either in the pay that they receive or the status they are prescribed.

The contribution of waged care work or domestic work to development is generally assessed in terms of the fact that it frees other women to go out into the waged workplace; subsidizes government expenditure on care services; and enables domestic workers to send home enormous remittances, mainly to the Global South.

We don't know the precise monetary value of any of these three contributions to development but we do know the magnitude of the remittances from all migrants to the Global South and we can use these figures as indicative. Between 2000 and 2009, remittances to CARICOM countries from all migrants grew from USD1.7 billion to USD4 billion.¹⁰ In terms of the wider Latin America and the Caribbean region, remittances from family members working in the U.S. are a significant portion of the GDP in many Latin American countries. In Haiti, remittances comprise a record 30 percent of GDP, followed (among CARICOM countries by Guyana (24.5%) and Jamaica (18.5%). "As a whole, Latin America receives USD 58.9 billion every year, dwarfing both U.S. FDI (USD 19.2 billion, 17% of total) and foreign aid (USD 448 million) to the region combined."¹¹ Worldwide, World Bank data estimates that officially recorded remittances to the Global South was USD338 billion in 2008, an increase of 16 per cent from 2007 (USD285 billion). This was more than half the value of foreign direct investment and almost three times the level of official aid from the OECD countries.¹² We can confidently assume that more than half of the remittances came

10 Claremont Kirton, Migration and Remittances Trends: the Caribbean Experience. PPT Presentation, Mona, UWI, March 2011.

11 "One Way Ticket or Circular Flow: Changing Stream of Remittances to Latin America", Council on Hemispheric Affairs (August 04, 2011).

12Dunn & Gibb, p55.

from women since “Available data illustrates that women send a larger proportion of their lower earnings than men- regularly and consistently. Of the more than \$1 billion in remittances sent back to Sri Lanka in 1999, women contributed over 62 per cent of the total. A study in the year 2000 by UN Women and the International Organization for Migration (IOM) illustrated that Bangladeshi women working in the Middle East sent home on average 72 per cent of their earnings.”¹³ It is noteworthy that there are no sex-disaggregated data on remittances to CARICOM countries.

4. Why domestic care work is under-valued, considered unproductive and excluded from labour and social protections

According to the ILO, domestic work is “undervalued, underpaid, unprotected and poorly regulated” (ILO, 2010) for several reasons: i) the similarity between paid domestic work and the unpaid care work done by women in their own homes in the form of housework and caring for other household members; ii), the fact that domestic workers are usually not male breadwinners but overwhelmingly women (who may well be the main breadwinners for their families and themselves) and, in many countries, child labourers; and iii), the fact that they often belong to “historically disadvantaged and despised communities such as minority ethnic groups, indigenous peoples, low-caste, low-income rural and urban groups, or are migrants” and are therefore especially vulnerable to discrimination in respect of conditions of employment and work (ILO 2010).

Of these three reasons, it is the first which explains why domestic employment is considered unproductive: as long as unwaged care work in the home is unvalued, waged care work in other people’s households will continue to be undervalued.

In a background paper for the GFMD 2010 in Puerto Vallarta, UN Women and IOM explained that since domestic work is normally performed by women in the family, it is perpetuated by

¹³ Integrating migration and remittances into LDC national and regional planning, including through a gender perspective. A side event by the International Organisation for Migration (IOM) and the United Nations Entity for Gender Equality and Women’s Empowerment (UN Women) at the Fourth United Nations Conference on the Least Developed Countries (LDC-IV) 9-13 May 2011 – Istanbul, Turkey.

gender stereotypes that define women primarily as nurturers and care givers. It is commonly deemed intrinsic to women's nature and considered a labour of love. It is unpaid, not included in a country's GDP and thus deemed non-productive, non-economic and hence not work. When care work enters the public space of the market, it is provided within the domesticity of the home by paid workers. When it is provided for a salary in foreign employer households by migrants, the care-giving back home is often taken over by other members of the family and/or by paid lower-class domestic workers, in both cases mostly women. Women thus become integrated into gendered, occupationally segmented global care economy chains involving a hierarchy of women in countries of origin and destination.¹⁴

5. Implications of this exclusion for domestic workers, employers and governments

The exclusion of domestic workers from social and labour protections renders them vulnerable to both the routine exploitation of poor wages and conditions of work that almost all domestic workers face and the super-exploitation that is inflicted on smaller, but still massive numbers. It is a reflection of the low status they are ascribed and of their still inadequate level of organizing.

For both employers and governments, this exclusion is a convenience they contrive to maintain. It allows employers to save costs by paying bad wages and avoiding payment of social security and taxes, leaves them free to exploit the workers, and gives them extraordinary power to determine the terms of the relationship.

¹⁴ See the Annex to the Background Paper for Roundtable 2.2, GFMD 2010, in Puerto Vallarta, Mexico, "The Global Care Economy and Chains: Uncovering the interfaces between Gender, Family, Migration and Development", available at the GFMD website: www.gfmd.org.

Box 2: Singapore government urged to give maids the day off

In the country that officially works the longest hours in the world, where one in six families has domestic help, the legal right to a day off has long seemed unthinkable for maids.

But a government minister's suggestion that a mandatory rest day could minimise stress has reignited a long-standing debate in Singapore over workers' rights...

... no legal right to a day off isn't the only problem for Singapore's 201,000 domestic workers, for whom there is, perhaps not surprisingly, no minimum wage either. It's the attitudes of their employers – and indeed the country at large – that stands in the way of progress.

"Are maids really that overworked?" asked schoolteacher Low Ai Choo, in a letter to the local Straits Times. "My maid has a day off once a month. Every time she comes back from her outings she appears even more tired and listless, and needs to recuperate from her outing..."

Low is one of many employers reacting angrily to Yacob's suggestion, which came after the International Labour Organisation (ILO) agreed last week to give domestic workers a day off every week, as well as other basic labour rights. Singapore, along with the UK, was among 63 member states that abstained from the vote. (Kate Hodal, guardian.co.uk, Friday 8 July 2011).

Further, since the absence of social and labour protections makes the employment of domestic workers more attractive to the employer, it provides an area of employment for large numbers of women who might otherwise be unemployed, saving governments the cost of providing them with some form of support. Where migrating domestic workers are concerned, while Governments in both sending and receiving countries have a certain ambiguity about the migration, those in sending countries benefit from the remittances their nationals send home, while for those in the receiving countries, migrant domestic workers facilitate cutbacks, for instance, in socialized daycare for children and the elderly.

PART B: DOMESTIC WORKERS IN THE CARIBBEAN COMMUNITY (CARICOM)¹⁵

Introduction

While there are different categories or tiers of domestic workers in some countries in CARICOM (see Box 1 re Jamaica), this paper is concerned mainly with those categories of domestic worker in the region who form the majority - those who face the most difficult conditions as non-migrant and migrant workers. In relation to the latter, while domestic workers in Jamaica, for example, may migrate legally, often through an agency, they also migrate on their own to work as undocumented workers.¹⁶

Box 3: the 3 most frequent categories of domestic worker in Jamaica¹⁷

In addition to the child care provider referred to in Part A, Jamaica has the following categories:

A Day's Worker: works periodically, usually on specified days, to do, for example, general cleaning, washing, and ironing. Should not be required to cook, clean, wash, iron, and clean windows in one day. Paid by the day and the 8-hour day is legally applicable. Arrangement allows the household worker to work for several employers within the same week and can yield the highest earnings but at the same time attract the largest volume of work, and the least benefit. Worker gets no type of leave and the law does not compel the employer to pay statutory deductions on her behalf.. Some employers employ a combination of day's worker and *full time live in* or *full-time live out*.

Full-time live out: a non- residential worker who travels to work daily. Performs routine tasks such as washing, cooking, cleaning, ironing, and elderly and childcare; and may be required to 'run the household.' Entitled to pay, vacation and sick leave based on the stipulations of the Ministry of Labour. The 8 -hour day/40 -hour week is legally applicable.

Full -time live in: lives in the employer's home or on the premises which can make it difficult to have defined working- hours. Employment however legally governed by the 8-hour day/40 hour week. Arrangement can be the most complex because of the live in scenario. Perform tasks such as washing, cooking, cleaning, ironing, and elderly and childcare, and entertaining among other duties. May be required to 'run the household'. May go home on weekends or at other times as agreed by the employer. The law however provides for one day off per week. Some employers arrange with the worker to give alternate weekends off instead. This category of workers consists mainly of workers from the rural areas who migrate to the urban area in search of employment.

Shirley Pryce, Jamaica Household Workers Association

¹⁵ CARICOM member states are Antigua and Barbuda; the Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Haiti; Jamaica; Montserrat; St. Kitts and Nevis; St. Lucia; St. Vincent and the Grenadines; Suriname; and Trinidad and Tobago.

¹⁶ Shirley Pryce, JHWA, by email, August 30, 2011.

¹⁷The house-keeper may be regarded as a separate category and is usually a live in full time worker who is expected to 'run the household', in keeping with the supervisor's directions and perform tasks as assigned. This person may be required to do the shopping for the household, but may not be required to do heavy laundry by hand or to take care of babies or infants. She sometimes works in conjunction with other arrangements such as with a day's worker and may be regarded as a full-time live in worker.

6. Numbers and Flows of Migrant CARICOM Domestic Workers

6.1. Numbers and flows outside CARICOM

Historically, since the early twentieth century, the main flows of domestic workers from CARICOM outside the Caribbean region have been to the United Kingdom, Canada, and the United States.¹⁸ Trotz (forthcoming) points out that it was after the passage of the Commonwealth Immigration Act of 1962 drastically reduced the numbers of Caribbean migrants to the UK (along with a corresponding relaxation of previous and highly stringent immigration controls in the US and Canada) that Caribbean migrants turned mainly to the United States and Canada. Some of the migration was via regularized schemes, as in Canada, for example, where by 1955 the first regularized scheme for Jamaican migrants was created with a yearly quota of unmarried household helpers on temporary employment visas, able to obtain permanent residence after a year (Dunn and Gibb in Canadian Development Report 2010, p. 59-60).

Organized migration as domestic workers attracted not only working class but middle class women:

Caribbean women's migration to North America was also a partial response to specific institutional arrangements that would see women (including many professionals) taking jobs as paid domestic workers in Canadian and American households. In Canada, for example, the fact that more Caribbean women migrated than men can be attributed to the various schemes put in place by the Canadian government to recruit domestic workers from the region over the course of the twentieth century. (Calliste,1991).

More recently, women have been recruited from the Caribbean as temporary workers in the hotel industry in the United States (Thomas, 2008) but today there are no existing domestic

¹⁸ This refers only to domestic workers from the English-speaking countries of CARICOM; the shift from migration of domestic workers to outside the region to a migration that is largely intraregional has been in those countries.

worker schemes between any Caribbean country and any other country.¹⁹ Dunn and Gibb write that in Canada, while Jamaicans are a significant presence among temporary foreign workers (Jamaica, Mexico and the Philippines constitute one-quarter of all temporary foreign workers in Canada), the number of domestic workers among them is insignificant. The great majority of Jamaica's temporary foreign workers (TFWs) in Canada in 2008 were agricultural workers (and men). There was a steady increase in the number of women but the total in 2008 was still only 616 out of 7,320 – 170 in agriculture, 70 babysitters and nannies, and another unstated number in occupations including housekeepers, food and beverage servers, and light duty cleaners (p. 57). In 2009, as a result of recession, there was a sharp drop in the request for nannies in most recession-hit provinces: Ontario, Alberta and British Columbia (p. 58).

The majority of domestic workers in Canada now come from the Philippines and increasingly, Eastern Europe. Over the last two and half decades, the proportion of Caribbean migrant domestic workers to Canada dropped relative to recruitment of women from the Philippines in particular, where both government and private sector are investing heavily in the organization of the export of citizens - for example, via the establishment of training institutes for domestic workers. Remittances now constitute one of most significant sources of foreign exchange for that country (Alissa Trotz, by email, August 29, 2011).

6.2. Intra regional migration of domestic workers

6.2.1. Numbers and flows

There are no accurate statistics on the number of domestic workers in CARICOM, but using the census category “elementary occupations” as a rough guide, domestic workers constitute about one-quarter of female employment.

¹⁹ This has been confirmed by two experienced researchers on domestic workers, Dr. Linda Carty and Dr. Abigail Bakan, by email on August 7, 2011. Dr Carty added that there are significant numbers of Caribbean domestic workers in Boston, Miami and especially New York but locating them will require primary research. Asked about the phenomenon of Caribbean middle class women going to the US as visitors and working as nurses aides, Dr Carty answered that this still exists, but in apparently reduced numbers, since NY now requires that all nurses aides be certified.

In December 2009, CARICOM Heads of Government agreed to extend the Free Movement of Persons in the Caribbean Single Market and Economy (CSME) to domestic workers who had acquired certification. The certification could be either an existing national qualification (dubbed a National Vocational Qualification or NVQ) or a new qualification, the Caribbean Vocational Qualification (CVQ) (Steven MacAndrew, by mail, August 18, 2011).

Since January 2010, therefore, domestic workers in CARICOM member states have had three routes to intraregional migration for the purposes of work: they can move under the Caribbean Single Market and Economy/Free Movement of Persons (CSME/FMoP), they can use work permits, and they can work “illegally”.

Whichever route they take statistics on their numbers and flows within the CARICOM area are woefully deficient.²⁰

What evidence *is* available indicates that very few domestic workers have been using the FMoP facility. To date, the use of the facility by all sectors is very small; as one official put it, the anticipated flood did not happen. In a report prepared for the CARICOM Secretariat on the impact of free movement of persons and other forms of migration on member states,²¹ Brown et al ascribe this to the fact that “the free movement regime is in its infancy and

20 In relation to the movement of domestic workers on work permits, unsuccessful attempts were made to obtain data from official sources in Barbados and the Bahamas. Most of the information for this section therefore came from the report by Brown et al referred to at note 18 and the head of the CSME Unit via email exchanges. Even this information is limited. (1) Since the statistics used in Brown et al are mainly on all intraregional migration for the purpose of work, there is only occasional information on domestic workers, e.g., that more than 89 percent of work permits issued in Dominica to CARICOM nationals in 2007 and 91 percent in 2008 were issued to Haitians, and 13 percent of those Haitians were domestic workers (Brown et al p. 83). For Montserrat, the main occupations in which work permit holders were engaged for 2009 were labourers and domestic workers (p. 143). (2) The statistical base of the CSME Unit is so far weak, since work permits are issued at the discretion of member states which are not required to pass the information to the Unit. (MacAndrew, CSME Unit, Barbados, by email, July 13, 2011).

21 Dennis Brown, Noel Watson, Lynette Joseph-Brown and Denise Leander-Watson. Final Report submitted to the CARICOM Secretariat by A-Z Information Jamaica Limited for a consultancy to assess the impact of free movement of persons and other forms of migration on member states. Programme – Caribbean Integration Support (CISP). September 2010.

movers under the pre-existing regime – the work permit system – still outnumber those under the CSME migration scheme” (p. iii).²² Although none of the data sources is disaggregated by sector, we can deduce that the number of domestic workers involved was insignificant since, as Brown et al point out, the FMoP has so far facilitated the movement of the educated elite (the majority of them women),²³ and the movement of artisans and domestics has been limited by problems associated with certification (p. iv).

While this analysis asserts that more domestic workers use work permits than the FMoP facility, it also shows that the number of domestic workers who use work permits is itself insignificant since for all sectors, of the 18,300 work permit holders in the region in 2008, for example, only 15 per cent were held by CARICOM nationals (Brown et al, p. v).

The available data on the use of the FMoP and work permit facilities by CARICOM domestic workers leads inescapably to the conclusion that their migration is largely as undocumented workers. Speaking of the wider Caribbean, Ferguson (2003) posits that “Throughout the region, undocumented labour fuels a boom in construction, *provides the bulk of domestic service (my emphasis)*, and accounts for much street vending and other small-scale commerce” (p. 4).

Unfortunately, what we have in relation to the movement of CARICOM domestic workers is based only on observation, experience and deduction. The Specialist, Movement of Skills/Labour in the CSME Unit head suggests that domestic workers in CARICOM are not primarily undocumented, since in most receiving countries such as Barbados and Antigua and Barbuda, there was and is a demand for domestic workers as most nationals of these countries are not prepared to do this work and as a consequence domestics are able to

22 A table entitled “Movement of Persons Statistics Presented at the Eleventh Meeting of Officials on the Free Movement of Skills and Facilitation of Travel” on November 12, 2008 confirmed the very limited movement under the FMoP.

23 The previous categories were university graduates, media workers, musicians, sportspersons, teachers, nurses, holders of associate degrees, and artisans with a CVQ.

obtain work permits fairly easily, once they secure a job. Of course, he added, you also have domestics who overstayed and became illegal, undocumented (by email, July 13, 2011). The opposite view comes from women who work with grassroots women. In Guyana, for example, the women's group Red Thread, which has attempted unsuccessfully to organize domestic workers and keeps an eye on what domestic workers are doing, believes that a significant number of women travel to Barbados and Trinidad as visitors where they work as domestics, living in bad conditions to cut costs in order to send money home for their children and "fix de house"; their intention is often not to remain permanently. The group adds that some domestic workers leave Guyana not by plane but by boat while others go overland to Suriname. Although they could travel with an existing qualification, the National Vocational Qualification (NVQ), many Guyanese domestic workers are unaware of this right. Besides, the habit of what Guyanese call "back-tracking" – migrating by routes which bypass Immigration ports - is so deeply entrenched in the country that it has acquired the status of a norm.²⁴

What Brown et. al call "problems associated with certification" (see above) is more than the slow action by governments to make arrangements for the introduction of the CVQ or unawareness on the part of domestic workers of the facility. For those who *are* aware of the facility, including the fact that they may travel on existing national certification, reasons for not using the facility may include the following:

- 1) The duration and cost of the training (in Guyana, for example, the two existing courses are a diploma in Catering and Hospitality and a Household Management course,²⁵ both of which last for two years and have a registration fee of USD42.50); and related to this, the fear or reality of not being able to do the required course work and exams (in the same example, these include Maths and English).

²⁴ The term is also used to refer to migrating with the use of false documents.

²⁵ The courses are offered at the Carnegie School of Home Economics, Guyana's only school offering comprehensive formal education in Home Economics.

- 2) The fact that women in the main sending countries whose economies have been battered by years of Structural Adjustment Programmes and the concomitant loss of jobs, are forced to make survival decisions which often negate any possibility of long-range planning, especially for their own development. They navigate large, spreading informal sectors, often engaged in more than one area of waged informal work at the same time, or moving from one to the other, and they often travel between countries, traversing the CARICOM and wider Caribbean region as they historically have, without work permits or certificates.

6.2.2 The main sending and receiving countries in CARICOM

According to the CSME Unit Specialist, Movement of Skills/Labour, Jamaica has been the main sending country for domestic workers so far, mainly because National Vocational Qualifications (NVQs) in Housekeeping were introduced there a number of years ago, while the main receiving country was St. Kitts and Nevis which needed the Jamaican workers for a hotel that was reopening (MacAndrew, by email August 7, 2011). He was unaware of the numbers but they would have been insignificant, and the report is a further indication of just how small the numbers of CARICOM domestic workers using the FMoP facility are. Obviously, the CSME head is here referring to Jamaica as the main sending country for *documented* migrant domestic workers.

Brown et al identify sending and receiving countries of intraregional migrants as a whole in relation to economic factors, or more precisely, the level of international capital flowing into those countries, explaining that. "It is those territories that have had a recent or ongoing expansionary presence of international capital that tend to be the main attractors of labour to their shores". The authors assert that their analysis "also provides insight into the steep declines and reversals suffered by Guyana and Jamaica and the fact that they have become the chief senders of labour within the region" (p. vii). This seems to me incorrect; Guyana, for

example, is attracting huge investments but continues to haemorrhage migrants of all classes;²⁶ and as suggested earlier, economic conditions in Jamaica and Guyana are not unrelated to the duration of Structural Adjustment Programmes in those two countries. Still, we can agree that here as elsewhere, the presence of jobs is a magnet for migrants (and therefore the issue is the *kinds* of investment a country is attracting).

In fact, of the main sending countries identified, the top sender is Guyana. In Antigua and Barbuda, for example, between 2001 and 2006 the highest number of work permits provided went to Guyanese (Huggins, p.16). In Barbados, too, Guyanese are the largest proportion of CARICOM nationals entering under the FMoP and the work permit system, and “Research indicates that they are also most likely, the largest group of undocumented immigrants in this country (Brown et al, p. 63). For Trinidad & Tobago, for both work permits and certificates under the CSME/FMoP, “Guyana continues to be the leading country from which applications are received” (p. 232). A few years ago it was reported that the phrase “to rent a Guyanese” had entered the Trinidadian lexicon, a kind of metaphorical indicator of the significance of the Guyanese presence in jobs ascribed a low status. Trinidad & Tobago and Barbados are the very top receivers of intraregional migrants.

This analysis of main sending and receiving countries is limited to CARICOM. But there is also the migration from inside CARICOM to outside CARICOM: Belize to North America; Suriname to The Netherlands, the Netherland Antilles and St. Maarten; Guyanese over borders to Venezuela, Brazil, and through Suriname to French Guiana. In CARICOM as elsewhere, proximity and kinship are important factors in migration although increasingly, CARICOM women (and men) are migrating to wherever they believe they can find work. And then there is the special case of Haiti.

26 89% of Guyanese with tertiary education are migrating. F. Docquier & A. Marfouk, “Measuring the international mobility of skilled workers,” World Bank Policy Research Working paper No. 3381 (Washington DC: World Bank, 2004); Prachi Mishra, “Emigration and brain drain: Evidence from the Caribbean,” IMF Working Paper 06/25 (Washington DC: IMF, 2006).

6.2.3. Haiti: CARICOM's main exporter of migrants to the wider Caribbean

According to Ferguson, in the documented intraregional migration in the wider Caribbean over the last 40 years, the main sending countries have been Haiti, the Dominican Republic, Guyana and Jamaica, and the main receiving countries, the Bahamas, the Virgin Islands (British and US) and the Turks and Caicos Islands (TCI).

The figures on overall migration cited above do not include the large-scale undocumented Haitian migration into the Dominican Republic (p. 7). Haitians move mostly to the Dominican Republic, but also to the Bahamas, TCI and the French overseas departments of French Guiana, Guadeloupe and Martinique (p. 4). Haitians in the Dominican Republic comprise a small group of documented and legal migrants; a large community of long-term residents who were born in Haiti; and a "floating, transient population of temporary Haitian migrant workers" (p. 10). The number of Haitians and Haitian-descended Dominicans living and working in the Dominican Republic is unknown. Estimates vary from the Inter-American Commission on Human Rights (IACHR) figure of 500,000–700,000 in 1999 to the head of the Dominican army figure of 'a million or so' in 2001, according to Human Rights Watch (HRW). The Haitian Embassy in the Dominican capital Santo Domingo puts forward a similar figure in 2001, and some Dominican media reports have guessed at 1.5 million. (p. 8). The Embassy also estimated in 2001 that there were 280,000 Dominico-Haitians born to Haitian parents within the country (p. 8). Women are an increasingly significant presence; Listin Diario said in August 2002 that "50 per cent of all domestic workers in the Dominican Republic were Haitian or Haitian-descended women...preferred by employers because they accept lower wages and enjoy little or no job security" (p. 16).

In the Bahamas, census figures do not include estimates of the Haitian population, but the Grand Bahama Human Rights Committee puts the figure at 40,000–75,000. According to the Bahamian Ministry of Migration, 5,000 of these are legally registered migrant workers, with

13,000 dependent family members, leaving a total of 20,000–50,000 Haitians living in the Bahamas estimated to be undocumented (p. 24).

Ferguson points out that of all Caribbean peoples, Haitians have borne the brunt of discrimination in the region as a result of poverty, language difference, Church hostility to the practice of voodoo and in the Dominican Republic in particular, racist attitudes which “condemn Haitians and their children as blacker than Dominicans, ‘uncivilized’ and ‘inferior’ “ (p. 4). Across their history in the Dominican Republic, Haitian migrants have faced regular large-scale deportation exercises targeting anybody of ‘Haitian appearance’ (i.e. black) or whose accent betrays Haitian origins (p. 7) and in 1937, the massacre of 15,000 Haitians (p. 4).

6.2.4. Why CARICOM domestic workers migrate

Given the disparities of pay and exchange rates between CARICOM countries, becoming a migrant domestic worker is a rational way to exploit limited options, especially for women in the main sending countries.²⁷ Further, precisely because domestic work takes place in “private space”, and is isolated, it becomes “easier” for undocumented immigrants to hide from discovery and deportation; paradoxically, of course, this also increases the chances of and possibilities for exploitation.

Domestic workers of different categories migrate in different ways and in pursuit of different strategies to expand their economic opportunities or increase their survival chances. The strategies include the following:

- 1) As indicated earlier, they may migrate temporarily to work as domestic workers, saving money on accommodation, food and clothes so they can send home remittances to meet an immediate expense like paying school fees or repairing a

²⁷ USD1 = Guyana \$200; Jamaica \$86; Trinidad and Tobago \$6.50; and Barbados \$2.

house, or to make a larger investment such as building a house. This strategy is most likely to be used by undocumented migrant domestic workers.

- 2) They may also migrate as domestic workers into or from CARICOM member states, using one country as a jumping off point to another. According to Ferguson, “Some territories, less economically developed, act as trans-shipment points for undocumented migration. In June 2003, *El Caribe* (a newspaper in the Dominican Republic) reported that the small Eastern Caribbean island of Dominica served as a point from which Haitian and Dominican migrants (i.e. from the Dominican Republic) were ‘shipped off’ to destinations like Guadeloupe, St Martin and the US Virgin Islands (p. 7).

- 3) Other categories of domestic worker may use household domestic work as a stepping stone to domestic work in industry. As in the example of Jamaican women trained in Housekeeping who migrated with work permits to take up jobs in the hotel industry in St Kitts and Nevis, the national qualifications which domestic workers can use under the FMoP facility are already being used for work in the tourist sector, not households. This trend is likely to grow stronger. Given the kinds of qualifications domestic workers need for certification (see, for example, the Guyana case cited earlier), we can anticipate that more of the women who are able to gain these certificates will use them as entry points for jobs in the tourist industry. In times of economic downturn when the number of tourists arriving decreases, they may also move back into household domestic work until tourism picks up.

These are routine strategies of CARICOM migrant domestic workers. In situations of political crisis they may also use migration as an escape, as other CARICOM women and men do. The main example of this is Haiti, where “periods of intense political upheaval ... produce larger than normal outflows of migrants into the Dominican Republic. According to the National Coalition for Haitian Rights (NCHR), some 25,000–30,000 Haitians crossed the border in the

immediate aftermath of the 1991 anti-Aristide coup (p. 9). Ferguson also states that the coup “fuelled a massive exodus of ‘boat people’, many of whom landed in the Bahamas” (p. 23). It is a fair assumption that many of these were domestic workers.

6.2.5. Concerns of migrant domestic workers in CARICOM countries

The recorded concerns of CARICOM nationals migrating to work (see, for example, in Brown et al as summarized in Section 8) not only apply to *all* CARICOM nationals migrating for jobs but are based solely on responses from those who are documented. To focus on the concerns of migrant and largely undocumented domestic workers, the paper therefore relies mainly on the author’s observations at the Barbados and Trinidad airports; stories widely recounted in Guyana not only by domestic workers but by other Guyanese; and experiences that Guyanese domestic workers have had in other countries which they recounted to Red Thread.²⁸ From these, the following issues have been extracted:

- 1) Discrimination and indeed, harsh treatment by Immigration officials, is prevalent. This includes allegations of sexual abuse which have usually been refuted by the authorities in the countries where the allegations have been made, but the persistence of the allegations demands investigation and action.
- 2) Migrant domestic workers face discrimination among some other CARICOM citizens, bordering on, when not actually expressing, disrespect and contempt.
- 3) Migrant domestics live with a constant fear (and sometimes threat) of deportation; this is of course particularly true for those who are undocumented. A related problem is ill-treatment by some employers who take full advantage of their vulnerability.

²⁸ It is because the underlying politics of Red Thread’s organizing is the demand for recognition of women’s unwaged and low-waged caring work that the group consistently tries to draw out their experiences from unwaged and low-waged carers.

- 4) Race/ethnic prejudice is a problem particularly for Guyanese of Indian descent in countries that are predominantly of African descent. For example, in some of the public debate in Barbados about the impact of migration of other CARICOM nationals into that country there have been explicit references to the presence of Indo-Guyanese.²⁹
- 5) Migrant domestic workers feel the absence of organizational support, including from “national” organizations which, in defending “decent” nationals of their countries against attacks, even join in the attacks of those who are “illegal”, i.e., undocumented.

The obstacles in the way of migrant domestic workers taking their children with them are not only a major concern for them; it is a major gender, human rights and development issue for the region. There is a growing phenomenon of the children of migrant domestic workers – particularly the children of single mothers - left to fend for themselves, either completely or under the nominal care of other adults who may be relatives, friends or mere acquaintances. Huggins (2010, unpublished) has analysed the gender impact of the CSME/FMoP policy; although her focus is Antigua and Barbuda and her analysis is not limited to domestic workers, her findings are useful for the gender impact of CSME/FMoP on domestic workers, who – in the context of CARICOM countries – are almost entirely women. Huggins argues that the failure to introduce the CSME Protocol on Contingent Rights which was put forward as a way to provide a “seamless provision of services to children and others throughout the region as they move within the CSME” (Caricom Secretariat, “Caricom moves forward with Contingent Rights Protocol”, in Huggins p. 39) is a critical gender issue, given the overwhelmingly responsibility that women in CARICOM have for unwaged caring work in the household.

²⁹ Migration from Guyana to the Caribbean is Indo-Guyanese and Afro-Guyanese. Although 9 per cent of Guyana’s population is Indigenous, the migration of Indigenous peoples is wholly across Guyana’s borders, mainly to Venezuela and Brazil.

There are abundant examples of how this failure plays out. In Barbados, for example, while official policy is that children of eligible skilled nationals with a Certification of Recognition will be automatically allowed in the country, they must apply for a student's visa. Officially, spouses are allowed in and can work without a work permit as long as they have no criminal record, in reality immigration officers require spouses to obtain a job offer before they can get a work permit, which is discretionary. The rights of dependents are still to be resolved. Skilled CARICOM nationals with children born in Barbados find it hard to get documents like passports (Brown et al, p. 48). In Trinidad and Tobago, while the authorities are administratively facilitating agreement for spouses to work without work permits, the situation for children is unresolved. Children of skilled CARICOM nationals can accompany parents and have the right of access to primary and secondary education but have no right to free tertiary education. They also have to apply for students' visas, renewable annually (Brown et al, p. 227).

While documented migrant workers find it difficult to take their children with them, undocumented migrant domestic workers are unable to take theirs at all.

7. Implementation of international labour and human rights standards in CARICOM

The ILO Domestic Worker Desk Review (Pargass, 1997), which focuses on non-migrant domestic workers, is still the best source of information on the implementation of international labour standards in CARICOM. The lack of data on which Pargass remarked remains true today; and "Few qualitative studies on domestic workers (including migrant workers) in the region have been carried out" (p. 28). Moreover, little action has been taken on legislation. For Jamaica, for example, the head of the Institute for Gender and Development Studies (IGDS) at the University of the West Indies Mona campus, Leith Dunn, has confirmed that there is still no specific legislation re domestic workers (Leith Dunn, email to Andaiye, July 21, 2011). For Trinidad and Tobago, the National Union of Domestic Employees (NUDE) reports that domestic workers are still not deemed workers under the

Industrial Relations Act and do not enjoy the same protections under the Occupational Health and Safety Act and the Retrenchment and Severance Benefit Act.

Pargass' findings included the following:

- 1) Low wages, in some cases below the minimum wage, in all, below the level of a living income;
- 2) Long hours of work without overtime, this particularly but not only affecting live-in domestic workers;
- 3) Lack of benefits, including maternity benefits;
- 4) Unfair termination of employment, including for pregnancy;
- 5) Employer abuse including sexual abuse; and
- 6) Lack of written employment contracts or even of written guidelines outlining the scope of the job – facilitated by the absence of a comprehensive definition of the work of domestic workers.

Fourteen years later, the President of the Jamaica Household Workers listed the following as some of the issues and problems affecting domestic workers in that country: low wages; long working hours with no overtime pay; too many things to do in one day; employers not contributing to statutory deductions (National Insurance Scheme); abuse (sexual, emotional, and physical-mostly from children); scorn and disrespect from employers' children; and employer's poor hygiene, e.g., not taking care (Shirley Pryce, by email, August 30, 2011).

As Pargass points out, even where there is legislative protection for the domestic worker "The personalized nature of the employer-employee relationship, the class differences which are so evident in the relationship, and the extreme isolation of this group of workers combine to virtually prevent domestic workers from pursuing their legal rights" (p. 26).

In relation to human rights standards there is no record of systematic violations in CARICOM of the kind that we see elsewhere. Nonetheless, human rights violations exist. The worst

case scenario for domestic workers in the region is forced labour; while there are examples of non-migrant workers suffering this abuse it appears to be a more critical problem for migrant workers in the region. The report on a 2005 IOM “exploratory assessment” of trafficking in the Caribbean region stated “The findings from this report point to some level of human trafficking in the areas of forced labor, sexual exploitation and domestic servitude”. The research for the report did not reveal the size of the problem but gave some concrete examples. Trafficking was found in all the countries included in the research: among CARICOM countries these were the Bahamas, Barbados, Guyana, Jamaica, St. Lucia and Suriname. (p. 2). Unfortunately, there is little or no data from governments and women’s groups to support IOM findings.

Box 4 provides an example of forced labour from Trinidad and Tobago.

Box 4: Trinidad & Tobago: Guyanese and OECS nationals held as slaves in Trinidad, claims minister

There are reports of people from Guyana and small Caribbean islands being held as virtual slaves in homes in Trinidad, said Foreign Affairs Minister Surujrattan Rambachan. The Trinidad Express reported Rambachan as making the remark on Friday during debate on the Human Trafficking Bill in Parliament. “From time to time, you heard in this country, up to this day, about people who are virtually slaves in homes of people in this country. Who have been brought from Guyana ...or other small islands and working as supposedly maidservants in homes, their passports taken away and they cannot get out of their homes and begging people to get out of the country,” the Express reported Rambachan as saying. Daily New Round-up, 11-16 April 2011. Published on April 13, 2011 by Global News Staff PORT OF SPAIN, Trinidad

Even where there is shared language and shared culture between CARICOM migrant domestic workers and the nationals of the countries to which they migrate, the same job isolation that renders household domestic workers vulnerable internationally renders them vulnerable here. For migrant domestic workers who are undocumented, this isolation is compounded by the lack of social networks except with others in the same perilous situation, the fear of losing a job, the fear of deportation, and the complete absence of protections.

8. The CSME policy and the key challenge to its implementation

In a presentation to a Retreat of CARICOM Heads of Government in May 2011, the present CARICOM Chair revealed the deficit in implementation of the CSME. Box 4 outlines the areas for urgent action which he identified.

Box 5: Action needed for implementation of the CSME/FMoP

Ensure that the existing agreed **ten categories of free movement of Skilled Community Nationals work efficiently, smoothly and seamlessly across all member states**. The ten categories include household domestics who have obtained a CVQ or equivalent qualification;

Fast-track the implementation of CVQ administrative arrangements; so that a wide group of artisans and domestic workers are drawn into the net of CSME entitlements and benefits.

Fast-track the Protocol on Contingent Rights of Community Nationals working in member states in exercise of their CSME Rights. If some member states have capacity constraints with regard to access to their social services, the principle of variable geometry may be invoked.

Apply the automatic six-month stay consistently and transparently by all member states. Exceptions and derogations should be clearly stated

Agree that Community nationals should have the right of appeal in cases of alleged unfair and/or otherwise inappropriate treatment.

Ensure that immigration and other officials who interact with Community nationals in member states, know what the policies and agreements are; and that they treat Community nationals with due respect and courtesy.

Expediently review the schedule of implementation for full freedom of movement of Community Nationals; and communicate the decision and the reason for it to the regional public.

“Re-energising Caricom integration”, PM Tillman Thomas of Grenada, CARICOM Chair. Presented to the CARICOM Heads of Government at their Retreat, May 21-22, 2011 .

The broad CSME/FMoP policy provides that CARICOM nationals moving under the CSME/FMoP must be granted national treatment, that is, legally they cannot be treated differently from a national of the receiving country. All labour laws of the receiving countries are immediately applicable to them on their entry. The CSME/FMoP therefore adds the legal right to enter any CARICOM country which participates in the CSME to work, without a work permit, to the rights that migrant domestic workers have under international instruments (MacAndrew, by email, Aug 18, 2011).

Brown et al identify what they call “three main sources of tension” in the implementation process of the CSME/FMoP policy: the absence of an overarching authority structure at the regional level; lack of resources and capacity in member states; and the movement of persons from traditional sending countries to the most recent receiving countries (p. 256). Underlying all of these, however, is the historic tension in CARICOM between nationalism and regionalism. As against the longstanding drive of Caribbean people, now with women in the lead, to treat CARICOM and the wider Caribbean as a single economic and “home” space, with shifts in the main receiving and sending countries corresponding to shifts in economic fortunes,³⁰ there is an anti-“region” feeling that has erupted as intraregional migration has increased. On the one hand there are genuine fears; the disparities of economic development which fuel the migration place pressure on a few countries, in an environment which is frequently one of great anxiety over the countries’ economic future. But on the other hand, in the conduct of Immigration officials and some of the public debate linking the presence of “foreigners” to crime and the deterioration of health and education services there is also xenophobia, compounded in the case of domestic workers by class bias.

9. CARICOM domestic workers claiming their rights: Recommendations for action

Introduction

The legal rights environment in which the Forum is taking place is favourable to domestic workers in the member states of the Caribbean Community (CARICOM), both non-migrant and migrant. Increasingly, the struggle to promote their rights has a number of legal tools at its disposal. In support of the Caribbean Single Market and Economy/Free Movement of Persons CARICOM has developed, with the ILO’s assistance, model bills with respect to non-discrimination and equality in employment which all member states are required to enact

³⁰ The paradox is that the “legalization” of free movement in fact places new barriers to free movement, at least in the wider CARICOM: whereas as the CSME Unit head reports, under the new OECS Economic Union all nationals of the OECS have the right to free movement and to search for economic opportunities outside of their “home” territory, in CARICOM free movement is limited to the ten eligible categories and self-employed persons (juridical and natural) (CSME head, by email, August 7, 2011).

(MacAndrew, by email, August 16, 2011). At the global level there are at least three key international instruments that specifically address the socio-economic, civil and political rights of domestic workers. ILO Convention No. 189, recognizing domestic workers as workers entitled to the protection and promotion of their rights as workers, was adopted on June 16, 2011; CEDAW and its General Recommendation No. 26 on Women Migrant Workers (2008); and the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families – General Comment No. 1 – Migrant Domestic Workers (2010), that focus in great detail on migrant domestic workers’ rights from a gender perspective, laying out standards at all stages of migration and addressing discriminatory immigration and labour laws.

But although the legal rights environment is good, we have to bear in mind that as the paper explains above, the political and economic environment is unfavourable. Further, just as “national” imperatives or perceived “national” imperatives will be obstacles to overcome in a campaign for implementation of both the CSME/FMoP agreement and the international instruments protecting the rights of migrant domestic workers, the class relations among women in CARICOM countries, often at their starkest between employer and domestic worker, will have to be confronted in the struggle for domestic workers to be fully recognized as workers.

The recommendations that follow are designed to win ratification (where necessary) and implementation of all the instruments outlined above. To identify the main actions that need to be taken to achieve this, a number of questions were asked. What are the gaps we need to fill? In what order do we need to implement the actions to take account of the economic and political environment in the region – or put another way, what might win ready support and what will meet resistance? What steps have we already taken that we might/should build on – in other words, can we recognize any incipient good practices and if so, what might we build upon? What new initiatives should we take and how might these be informed by good practices from elsewhere?

Proposed recommendations:

1) Ensure the collection of comprehensive data on the situation of non-migrant and migrant domestic workers in the Caribbean, for more evidence-based policies to protect and support migrant domestic workers.

- For example, international organizations in the Caribbean, such as UN Women, IOM and ILO could work with the CSME Unit, the CARICOM Statistical Work Program, Governments and relevant academic institutions in the Caribbean to develop a regional Migration Profile (drawing on individual national efforts at Migration Profiles, such as in Jamaica; and baseline studies such as that planned by the Institute for Gender and Development Studies on the Mona campus of the University of the West Indies on the situation of domestic workers in Jamaica).
- Other initiatives could include baseline studies on the situation of domestic workers in member states other than Jamaica; tracking of migration routes of CARICOM migrant domestic workers, including to Latin America; an update of the 1997 ILO Desk review providing an audit of existing legislation protecting domestic workers and analyzing in partnership with governments, civil society and international organizations, the implementation of labour and human rights standards in CARICOM, particularly in relation to migrant domestic workers; undertaking research on sex and sector disaggregated data on remittances, and advocating for collection of disaggregated data on migration and migrant remittances through censuses and labour force surveys.

2) Build a regional network of domestic worker organizations, women's groups and institutions, and trade unions, to advocate for protection and support of domestic workers, including migrant domestic workers.

- This could build on the alliances formed in the process of advocating for ILO Convention No. 189; the adoption and implementation of CEDAW and its General Recommendation No. 26 on Women Migrant Workers (2008); and the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families – General Comment No. 1 – Migrant Domestic Workers (2010).
- It could assist with the region-wide campaign for ratification of ILO Convention No. 189 (Decent Work for Domestic Workers) and implementation of CEDAW and its General Recommendation No. 26 on Women Migrant Workers (2008); and the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families – General Comment No. 1 – Migrant Domestic Workers (2010). It could do this by bringing together governments and groups such as the Public Services International, the global public sector union, Jamaica Household Worker's Association, Jamaica Employers' Federation, Women's Committee of the Joint Confederation of Trade Union etc.

3) Provide technical support to governments to develop and implement labour and social protections that promote, support and protect the rights of domestic workers.

- This could be grounded in a mapping of good practices in the region and beyond by a consortium of international experts and civil society partners and customizing these in the region; using the checklist resulting from the GFMD regional workshop in Jamaica as an aid and support to implementing bilateral/regional partnership projects. The collaboration should be among governments, civil society organizations and relevant international organizations.

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