

SUMMARY REPORT FOR THE GFMD

“Domestic Workers at the Interface of Migration and Development: Action to Expand Good Practice”

Kingston, Jamaica, 7-8 September 2011

<i>Organized and hosted by:</i>	Government of Jamaica (Planning Institute of Jamaica (PIOJ) and the Ministry of Foreign Affairs and Foreign Trade)
<i>In Collaboration with:</i>	Swiss GFMD Chair, UN Women, IOM.
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<i>Workshop Chair/rapporteur:</i>	Senator the Honourable Marlene Malahoo Forte, State Minister in the Ministry of Foreign Affairs and Foreign Trade, Jamaica.
<i>Workshop Coordinator:</i>	Ms Toni-Shae Freckleton, PIOJ
<i>Overall moderator:</i>	Dr Lindsay Lowell, Georgetown University
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<i>Planning Committee:</i>	Planning Institute of Jamaica; UN Women (Barbados and New York) and IOM Kingston ¹
<i>Note Taker:</i>	Mr Thomas Rohland, IOM New York
<i>Participants:</i>	Governments from the Latin America and the Caribbean region, North America, Asia and Europe; national, regional and international civil society; private sector; academia; and international organizations.
<i>Total number of participants:</i>	75

1. Introduction - the GFMD context

Migrant domestic workers were identified during the 2010 Global Forum on Migration and Development (GFMD) meeting in Puerto Vallarta as a particularly vulnerable group at the interface of migration and development. In the broader context of global labour mobility, domestic work has become a predominant means for people from low income countries to work in higher income countries, often without proper migration documentation or status. There is also increasing South-South movement in this field. The private nature and location of this work often leaves the workers vulnerable to exploitation and abuse.

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Domestic work is an emerging global employment issue. There is a growing demand for domestic work, in particular care work, in both high and low income countries as more women enter workforces, societies age, and family structures change. This has helped spur the recent adoption at the International Labour Conference of the ILO Convention No. 189 on Decent Work for Domestic Workers, including the CEDAW General Recommendation No. 26 on Women Migrant Workers and the Migrant Committee's General Comment on Migrant Domestic Workers.² Domestic work is directly relevant to the 'decent work' paradigm and the drive towards a universal social protection floor. The protection of workers in private homes and informal spaces of work becomes more urgent in the case of undocumented migrants who are isolated in the home and from the protection and support of government.

Statistics are scanty, but ILO estimates that there are some 53-100 million domestic workers globally, untold numbers of these having crossed borders. They form a sizeable part of the statistics on remittances sent home to support families and communities, particularly in lower income countries. Despite its socio-economic contribution, domestic work is poorly regulated, if at all, in most countries. For the GFMD, this issue raises a number of development-relevant issues such as: migrant rights, social and financial protection, skills and job matching, transnational families, gender, children, costs of migration, health etc.

Hosted by the Government of Jamaica in partnership with the Swiss Chair, UN Women and IOM, this regional meeting offered a timely opportunity to explore actions and good practices in preparation for GFMD's December 2011 meeting. The 2010 GFMD highlighted migrant domestic work as illustrative of a range of migration and development challenges dealt with in other parts of the Forum, including the need for more evidence-based policies, high costs of migration, social protection of temporary migrants irregular migration. The meeting also shed light on another dimension of migration and development, by acknowledging the contribution made by women in what is a gendered and occupationally-segmented work space.

2. Key issues and Outcomes of the Workshop

The workshop was regional in focus, but yielded global messages. It discussed good practices in 1) policy and legislation, 2) social protection, services and self-organization, and 3) safe remittance transfers, asset building and investments, including diaspora investment.

Experts highlighted two underlying points: **First**, the broad and unreliable estimate of 53-100 million domestic workers worldwide illustrates the challenges associated with collecting exact data. Working in the informal sector, often in private homes and without a clear definition of 'domestic work', domestic workers are not always captured by labour market surveys. **Second**, domestic work is perceived as 'women's work', often also as a 'labour of love'. As such, it is undervalued, a fact reinforced by its exclusion from legislation and policies targeted at workers employed in the formal sector. A lack of formal protection by governments can lead to

² Hereinafter referred to as the ILO Convention, the CEDAW General Recommendation and the CMC General Comment. These instruments are treated as complementary and mutually reinforcing, given their similarities, albeit different emphases, processes, constituencies and levels of ratification.

exploitation, violence and sexual abuse. Participants called for domestic work to be moved from the periphery to centre stage of development policy.

Good practices in policy and legislation were explored at global, regional and national levels.

Globally, the recent adoption of the ILO Convention on Domestic Workers (189), the CEDAW General Recommendation on Women Migrant Workers and the Migrant Committee's General Comment on Migrant Domestic Workers provided an important point of reference and coherence for all players. The follow-up ratification process was an opportunity to create a favourable domestic legislative environment. Taken together, these are powerful and complementary instruments to improve the lives of domestic migrant workers and their families, also in line with broader international instruments to protect and empower migrant workers. The meeting called for early implementation of these instruments in the region.

At the **regional level**, CARICOM and the Caribbean Single Market Economy (CSME) provide an enabling context for free and safe movement of workers across borders. But while domestic workers were included as a skill category in the free movement of labour in 2009, this provision has been little utilized, because of different levels of implementation and certification throughout the region. Moreover, statistical assessments are made on a national basis and are not necessarily comparable across the region. Migrants' lack of awareness about their rights and provisions under the CSME have also often caused people to move in irregular and risky ways. Regulations and practices within the single market need to be improved and standardized.

At the **national level**, Barbados and Jamaica offered some good practices of incremental changes to rights and protections. In Barbados, the imminent introduction of an Employment Bill would confer certain rights on domestic workers, such as receiving a written statement of employment and fair dismissal. In Jamaica, the National Minimum Wage Act and legislation on Employment and Termination and Trafficking in Persons cover protection for domestic workers, and help raise public awareness. But there was agreement that good laws and policies require good implementation and execution. Barbados would do this through a combination of enforcement, awareness raising and capacity building (particularly regarding labour information). Outside the Caribbean, the New York Domestic Workers Bill of Rights makes state-wide provisions to protect the estimated 200,000 domestic workers in metropolitan New York (cf. 2.5 million in the USA). It is the first such state-led protection initiative to include undocumented workers.

While good policy and legislation are vital, it is equally significant for domestic workers to **access social protection services and attain effective self-organization**.

Bilateral agreements offer one effective way to tackle the issue of social protection of domestic workers, the Philippines negotiates protective bilateral labour agreements as a matter of course, including on social security. Sri Lanka has a bilateral agreement with Italy to send domestic workers, which provides for social protection to be factored into employment contracts. The Sri Lanka-Italy agreement provides for access to social services and social security paid by both employers and employees. It was agreed that there was a need for bilateral agreements to have built-in implementing and monitoring mechanisms.

Frontline services offered by some governments, civil society and other agencies include pre-departure training, trafficking prevention and reintegration preparedness and assistance. The Philippines' extensive frontline services to emigrants, particularly women, are considered best practices globally. In both Metropolitan Manila and Quezon City, specific ordinances exist to register domestic workers and provide for their welfare.

However, often the best forms of social protection for sectors such as domestic work can be achieved through advocacy by the workers themselves. Household workers associations, NGOs and syndicates at national and regional levels have been effective in Trinidad and Tobago, Jamaica, Guyana and the United States. Encouraging the self-organization of domestic workers, a fundamental right in the new ILO Convention, CEDAW and other instruments, can give a voice to those who may be excluded from traditional unions.

Finally, the links between migration and development can be strengthened through cheaper, convenient remittance transfers, asset building and investments, that take account of the special circumstances of women domestic workers. In view of the many women domestic migrant workers abroad, there was a need for financial services to encourage savings and investments via remittances. This could include linking existing remittance relationships with a financial institution to other products within the same bank, such as through direct saving deposits. Obstacles to accessing financial services included the need for an ID document - impossible for undocumented domestic workers - and general low literacy, both alphabetical and financial.

In addition to utilizing remittances to access financial products such as savings accounts, insurance, health insurance and pensions, domestic migrant workers have the option to invest. This can in turn lead to the creation of more and decent jobs, skills-training and other positive externalities as demonstrated in the Mexican programme "Invierte en México" (Invest in Mexico) in Hidalgo and elsewhere, which creates local jobs in the production of export quality agave bath sponges, through diaspora investments complemented by funds from the state and IADB.

Outcomes

The workshop resulted in two specific outcomes that could help take forward the general recommendations of participants:

- a) a **gender-sensitive checklist** to protect and support migrant domestic workers, intended as a practical guide to governments setting up their policies, legislation and programmes to implement ILO Convention 189, the CEDAW General Recommendation and the CMC General Comment.
- b) An agreement among UN Women, ILO and NGO representatives to **establish a Caribbean Network of Domestic Workers** to work together with Caribbean Governments. This would launch a regional campaign in October 2011 for ratification of the ILO Convention, and its implementation, together with the CEDAW General Recommendation and other relevant

instruments. A sensitization programme on Convention 189 as well as the CEDAW General Recommendation 26 and other relevant instruments, would also be launched.

The checklist will be posted on the GFMD website as a general practical tool for all interested parties. The Caribbean Alliance of Domestic Workers should serve as a model collective mechanism to advocate for standard practices across the region in ratifying and implementing the terms of ILO Convention 189, the CEDAW General Recommendation on Women Migrant Workers and the Migrant Committee's General Comment on migrant Domestic Workers.

The Background paper for the workshop also recommended 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 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).

Following are the **general recommendations** made to all governments in support of implementing the objectives and principles laid out in the abovementioned human rights treaties.

1. Create the economic environment that permits households to employ domestic workers in a regular and safe way. For example, tax incentives for households, social programmes that enable the affordability and quality of care in the home, thus creating more and decent work for domestic workers.
2. Encourage governments to ratify the ILO Convention 189 on Decent Work for Domestic Workers.
3. Develop, implement, monitor and evaluate policies and programmes in line with the ILO Convention, the CEDAW General Recommendation and the CMC General Comment. Two immediate opportunities to take this agenda forward are the Employment Rights Bill in Barbados and the free movement of people provisions under the CSME framework.
4. Provide frontline social and financial services such as health insurance and social security; information and orientation; lower the transaction costs of remittances; financial packages to facilitate savings and sustainable investment; and skills training to empower domestic workers economically and socially.
5. Foster collaboration and partnerships among stakeholders such as civil society, employers and government actors to formulate and implement policies and programmes to promote and protect the rights of domestic workers.
6. Raise public awareness about the value of domestic work and the protection of the service providers.

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