

DECENT WORK ON WOMEN MIGRANT WORKERS

OVERVIEW AND RECOMMENDATION



TRENDS AND REALITIES



I THE DRIVERS OF MIGRATION - MIGRATE OUT OF DESPERATION



Migration should be a choice. However, in reality, most of the women migrant workers migrate out of necessity and desperation. Escape from poverty, lack of decent work opportunities, political instability and conflicts, climate changes, gender-based violence and discriminations are some of the structural factors that compel women to leave their country.



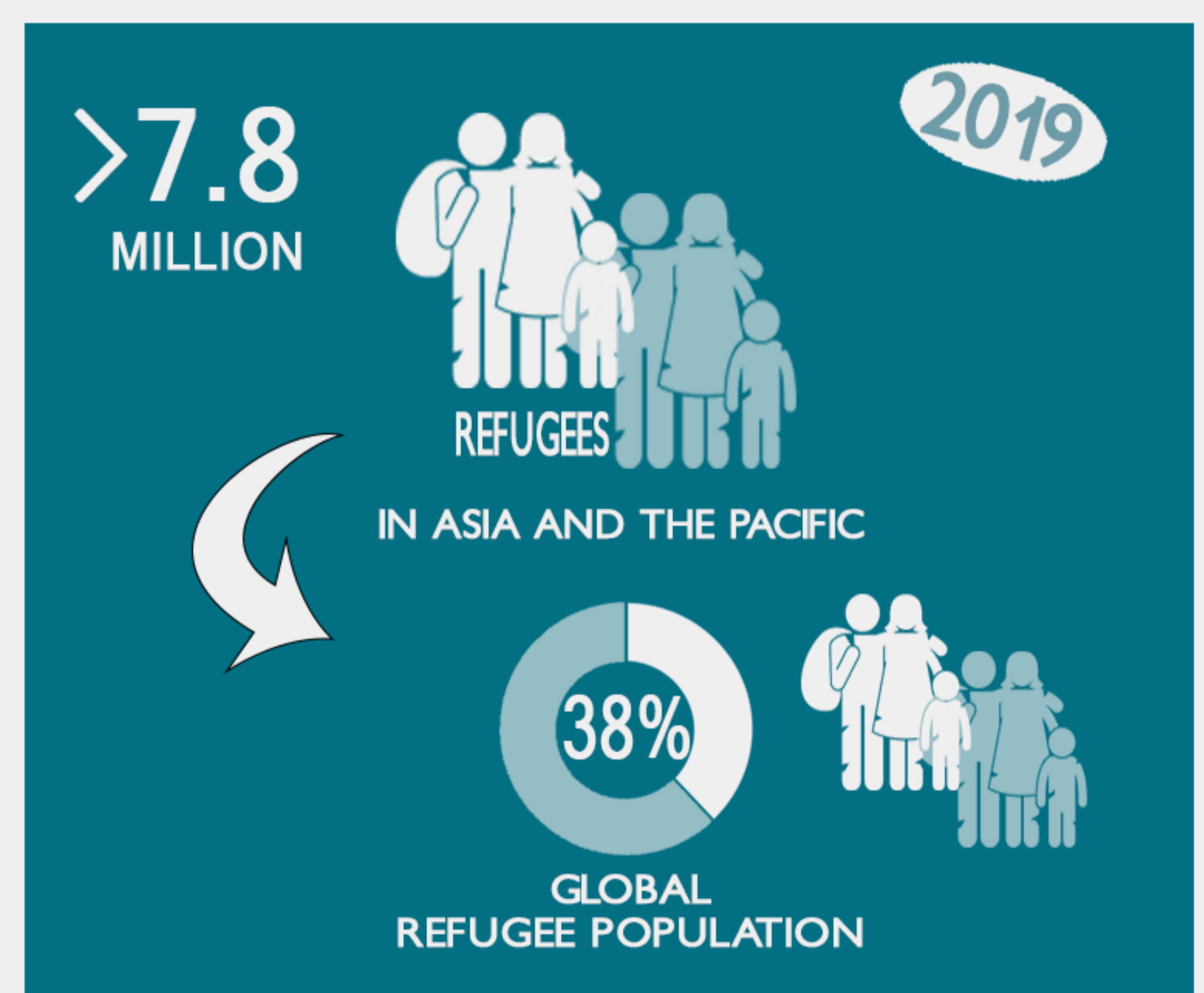
Poverty – 233 million people in Asia Pacific still live below the international extreme poverty line (less than USD 1.9 a day). Nine hundred eighty eight million live on income below USD 3.2 a day (the poverty line for lower middle-income countries).¹ In the region, 80 percent of all of those living under USD 2 a day in the region, are women.



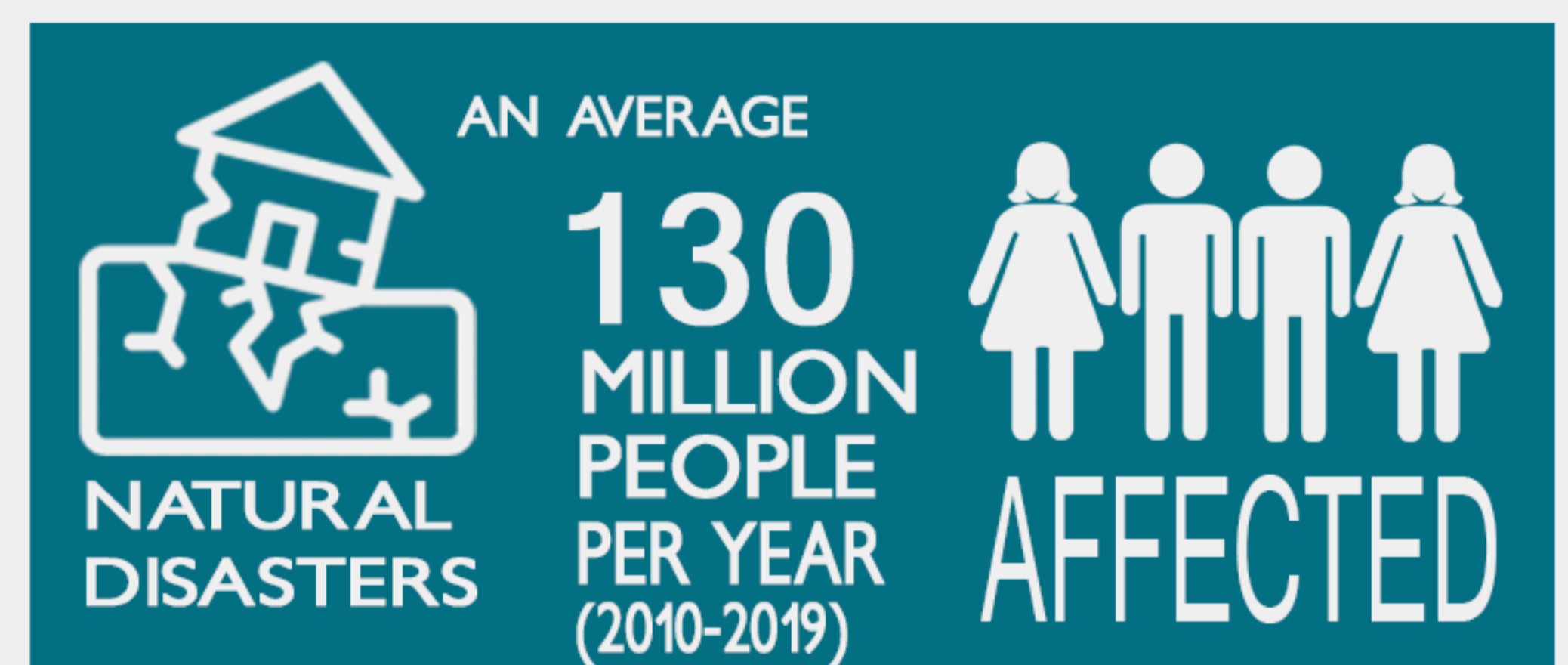
Lack of decent work opportunities – the level of wages of women workers cannot fulfil the basic needs of them and their family – In Asia and the Pacific, 45 per cent of those earning below the minimum wage are women. Agricultural workers and domestic workers are the groups which are most often being excluded from statutory minimum wage protection.² For instance, in Bangladesh, the current minimum wage for garment workers is BDT 8,000 (USD 95) a month, far below the demands of the unions and campaign groups which is BDT 16,000 (USD 190) per month.



Political instability and conflicts – Political instability, armed and resources conflicts, human rights violations, violence and insecurity, corruption and political persecution are the crises acting as driving forces for refugees and migrants seeking better lives and opportunities for survival. At the end of 2019, there were over 7.8 million refugees and people in refugee-like situations in the region, representing 38 per cent of the global refugee population.³ The conflicts in Burma/Myanmar caused large scale displacement and ethnic women and girls, transgendered women are particularly being subjected to sexual and gender-based violence by the military.⁴



Climate crisis induced migration – Natural disasters affected an average of 130 million people per year in the region over 2010–2019. Migration becomes the coping strategy in avoiding the negative impact and socio-economic pressure induced by the climate crisis. Five countries in the Asia-Pacific region – Bangladesh, Nepal, Sri Lanka, Thailand and Vietnam are ranked in the category of top ten high-risk countries in the globe.⁵ Eighty per cent of people displaced by climate change are women.⁶ 7.6 per cent of the region's population is experiencing severe food insecurity and 22 per cent is experiencing moderate or severe food insecurity.⁷



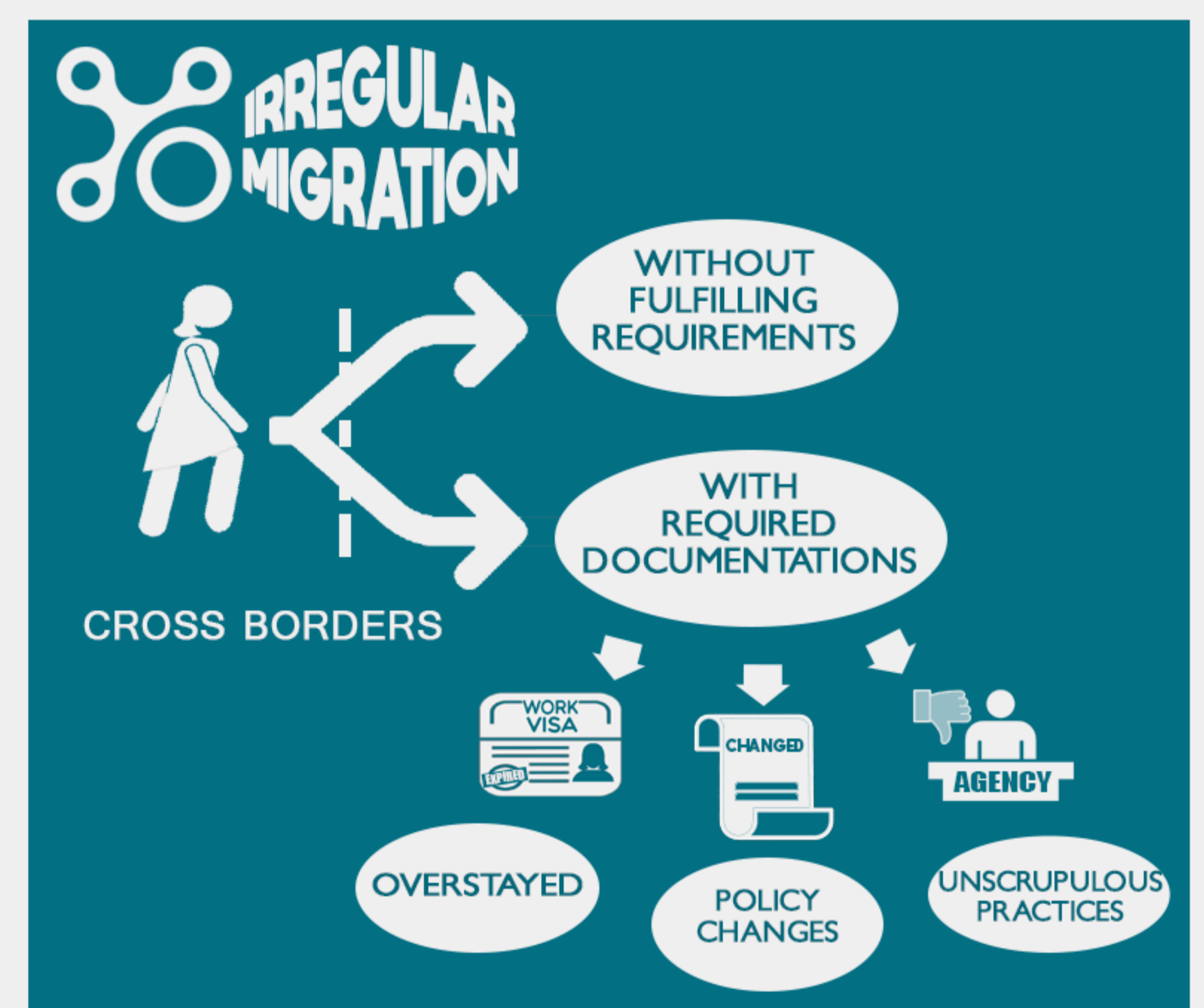
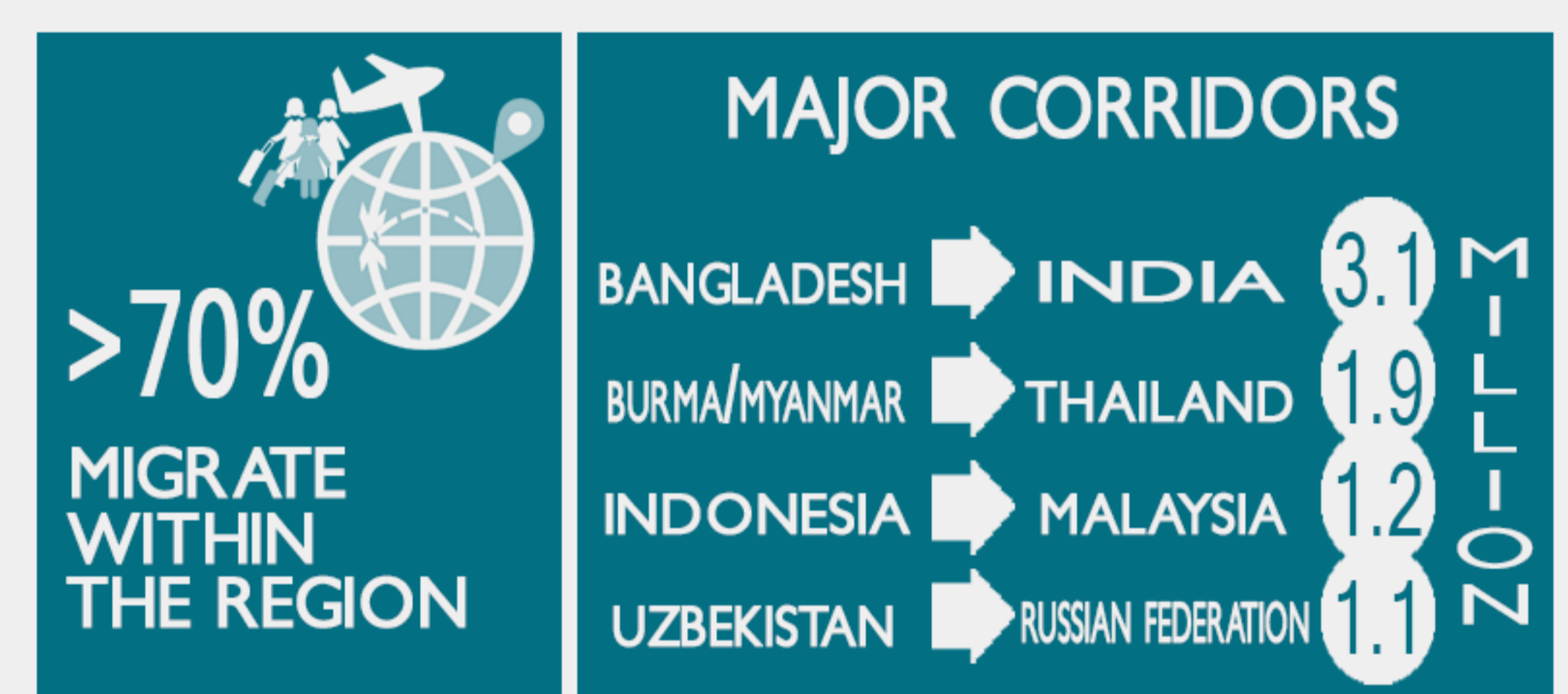
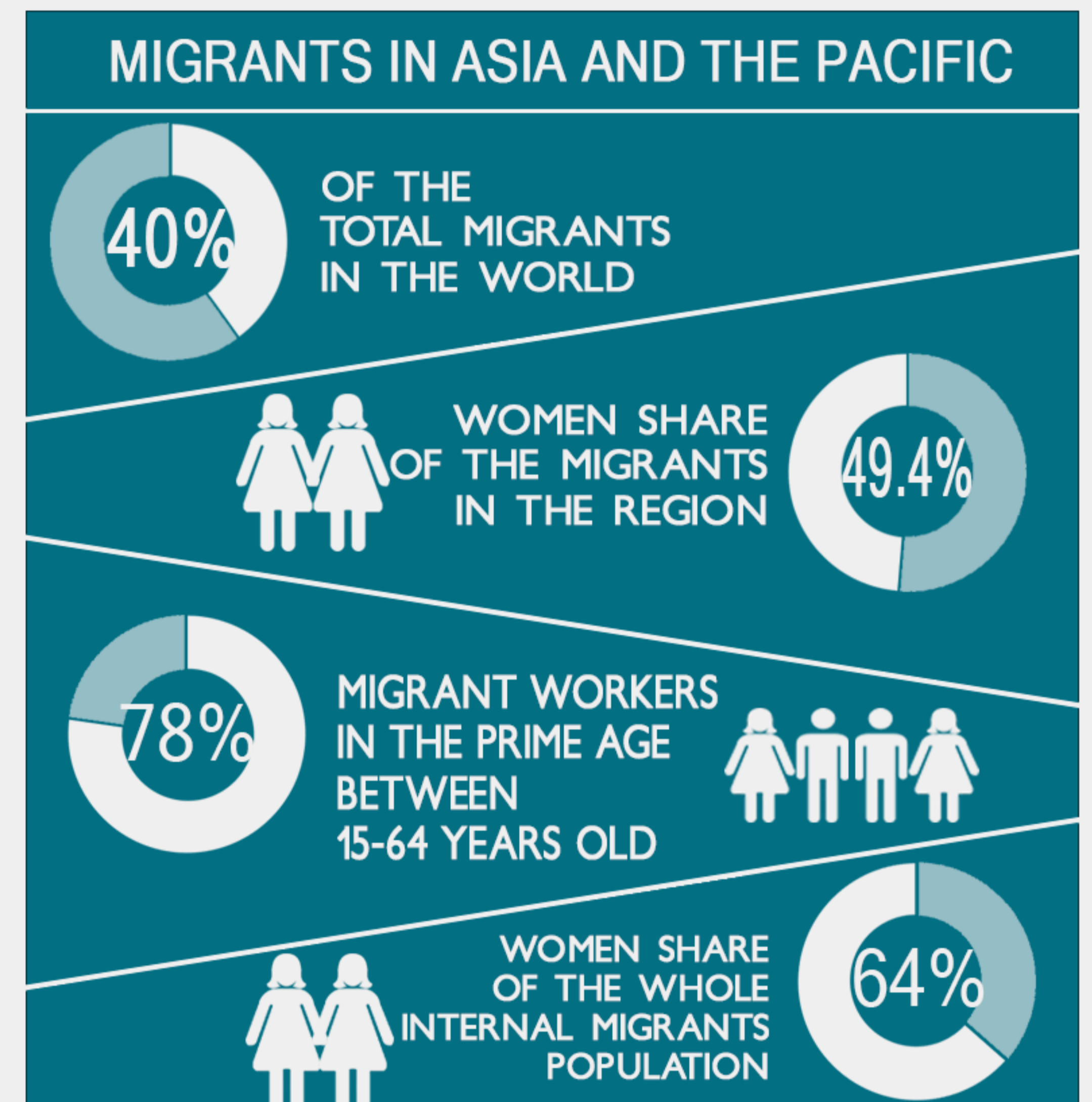


2

INCREASE IN MIGRATION - IN NUMBER



- The number of migrants in the region has increased over the past 30 years from 52 million in 1990 to 65 million in 2019⁸, which is about 40 per cent of the total migrants in the world.
- Forty-nine point four per cent of the migrants in the region are women⁹ and over 78 per cent of the migrants in the region at their prime working age are between 15 and 64 years old.
- Women represent a higher share of internal migrants, comprise of 64 per cent of the whole internal migrants population.¹⁰
- Women migrants represent the majority of migrants in Central Asia (51.3 per cent), East Asia (52.4 per cent) and the Pacific (50.4 per cent) in 2019.¹¹
- Over 70 per cent of the migration in Asia and the Pacific are within the region. Some of the major migration corridors within the regions are: Bangladesh to India (3.1 million), Burma/Myanmar to Thailand (1.9 million), Indonesia to Malaysia (1.2 million), Uzbekistan to Russian Federation (1.1 million).¹²
- Irregular migration exists in many forms. Some migrants cross borders without fulfilling the requirements by the destination countries; while some migrants enter destination countries with required documentation, or they may then enter an irregular status due to overstaying or working without proper documentation due to policy changes or unscrupulous practices by recruiters or employers. No overall data on irregular migration exist, but some studies show that irregular migration in the region is significant. For instance, a study of over 1,800 migrant workers from Cambodia, the Lao People's Democratic Republic, Burma/Myanmar and Vietnam in Malaysia and Thailand, found that 74 per cent of respondents had migrated through irregular channels.¹³ In 2016, Japan identified about 2,270 Vietnamese, 1,770 Thai and 4,010 Chinese nationals in situations of irregular residence. In the Russian Federation, in 2018, around 4.2 million people declared that their reason for entry was work; however, only 1.8 million working visas were issued, suggesting that the number of irregular migrants is significantly high.¹⁴



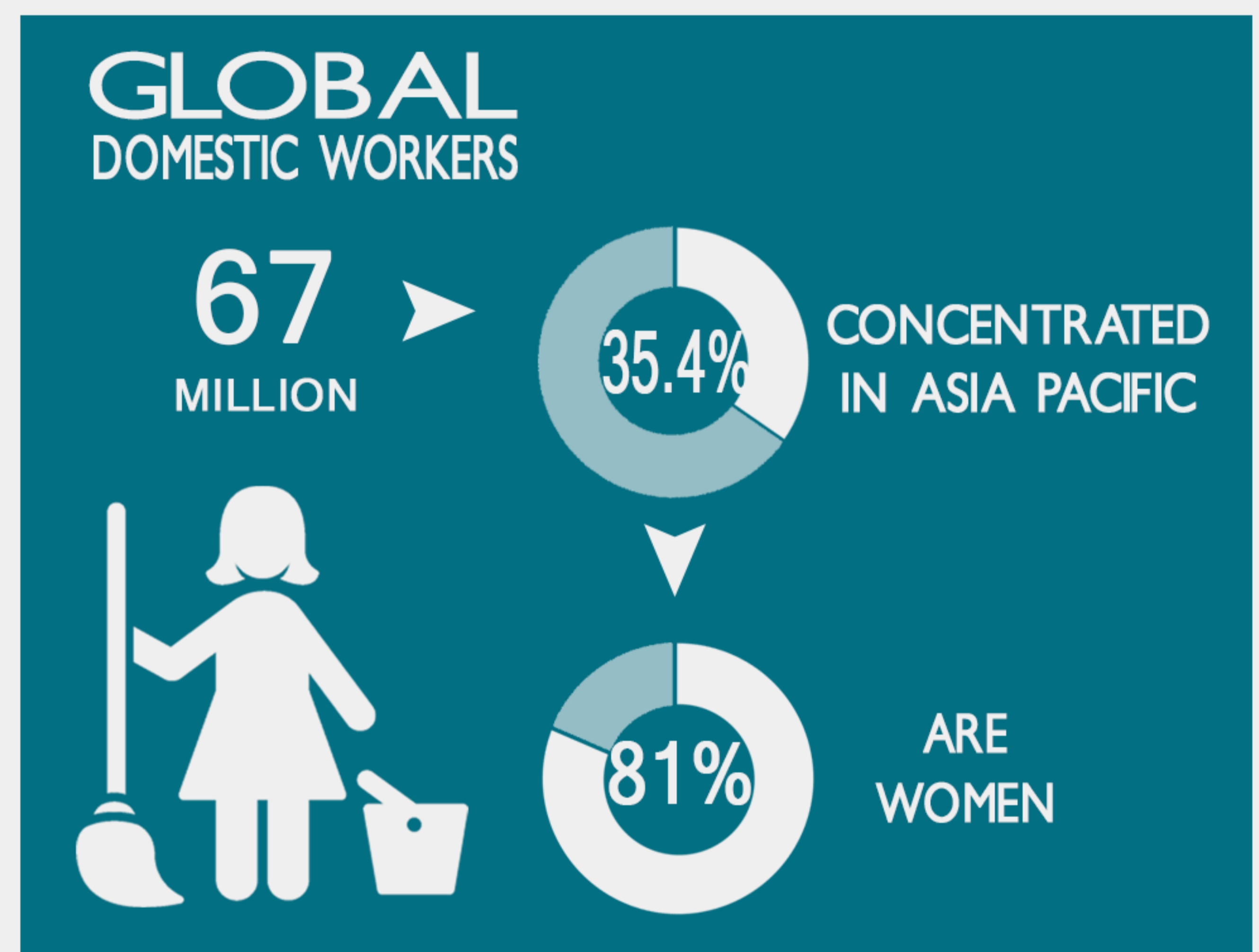


3

SECTORS & TYPES OF EMPLOYMENT MOST CONCENTRATED FOR WOMEN MIGRANT WORKERS



- Global care chains began through unmet care needs in the Global North – increasingly, they are also beginning in middle-income countries in the Global South.¹⁵
- Informal employment is highly prevalent in the region with close to 70 per cent of all workers.¹⁶ In the subregion of South Asia, around nine out of ten workers work in the informal economy.¹⁷ 92.3 per cent of women migrant workers in Nepal and 94 per cent of women migrant workers in Bangladesh are informal workers.¹⁸
- A large proportion of migrant workers, and particularly women migrant workers, in Asia and the Pacific work as domestic workers, nurses, caregivers and other personal service providers. Amongst the estimated 67 million domestic workers globally, 23.7 million (35.4 per cent) were working in Asia and the Pacific region, and within that 23.7 million, 3.34 million (14.1 per cent) were migrant domestic workers, and 81 per cent were women.¹⁹ In China alone, there were estimated 25 million domestic workers in 2016, although 88.6 per cent of them are internal migrants migrating from rural to urban areas rather than internationally.²⁰
- Besides domestic work, women migrant workers also predominate in care work, hotel and catering services, the entertainment and sex industry, agriculture and assembly lines in the region.





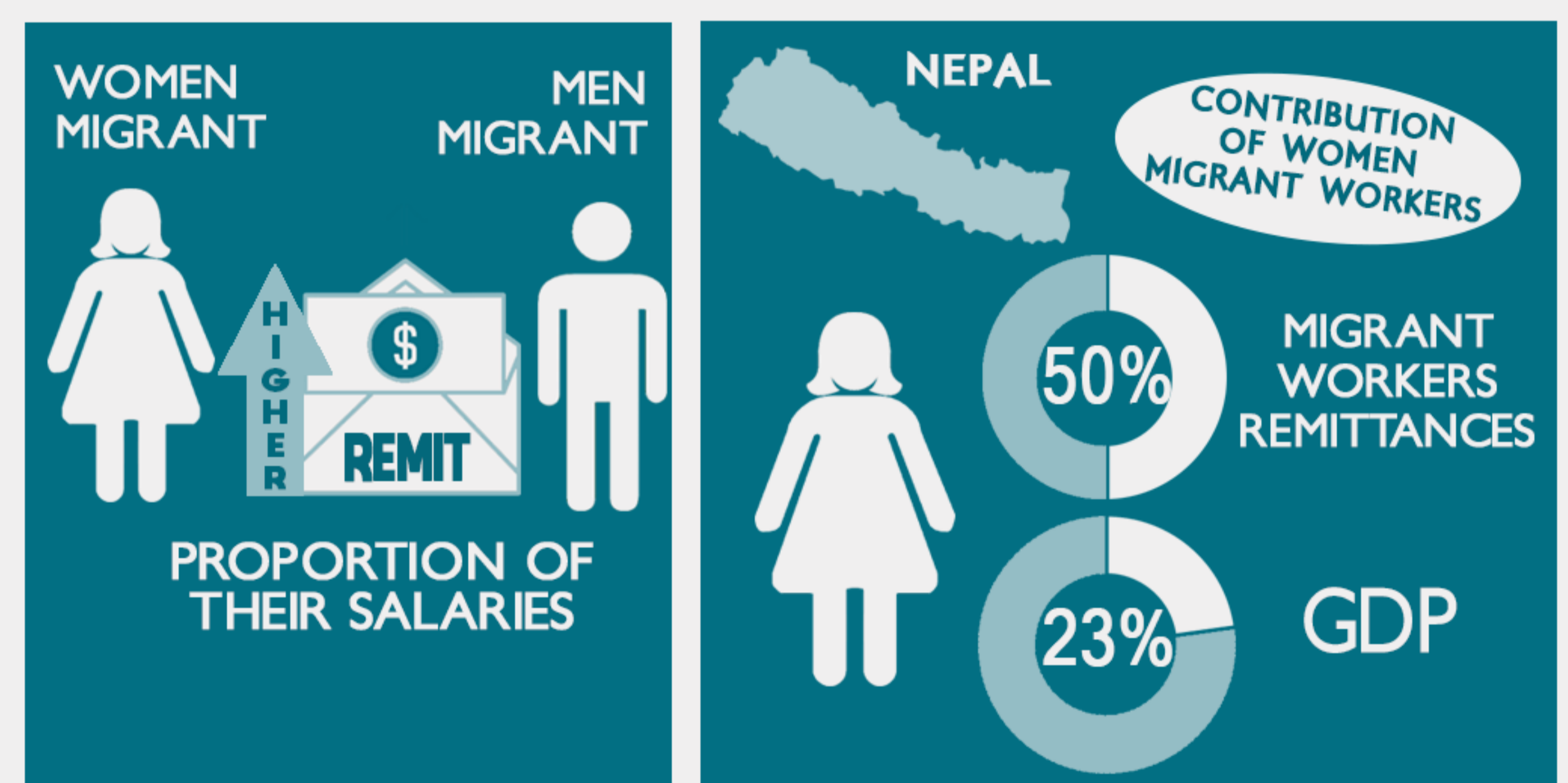
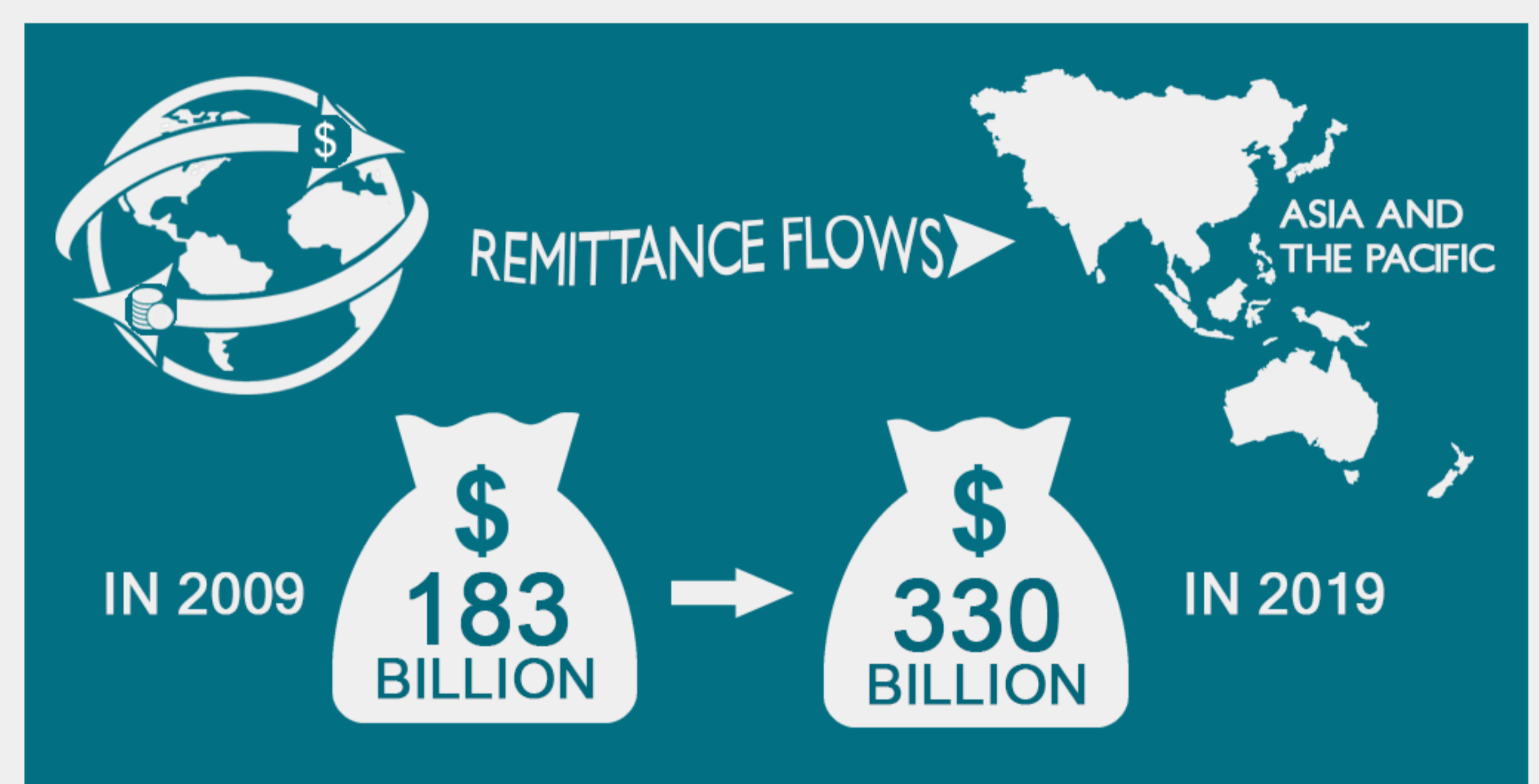
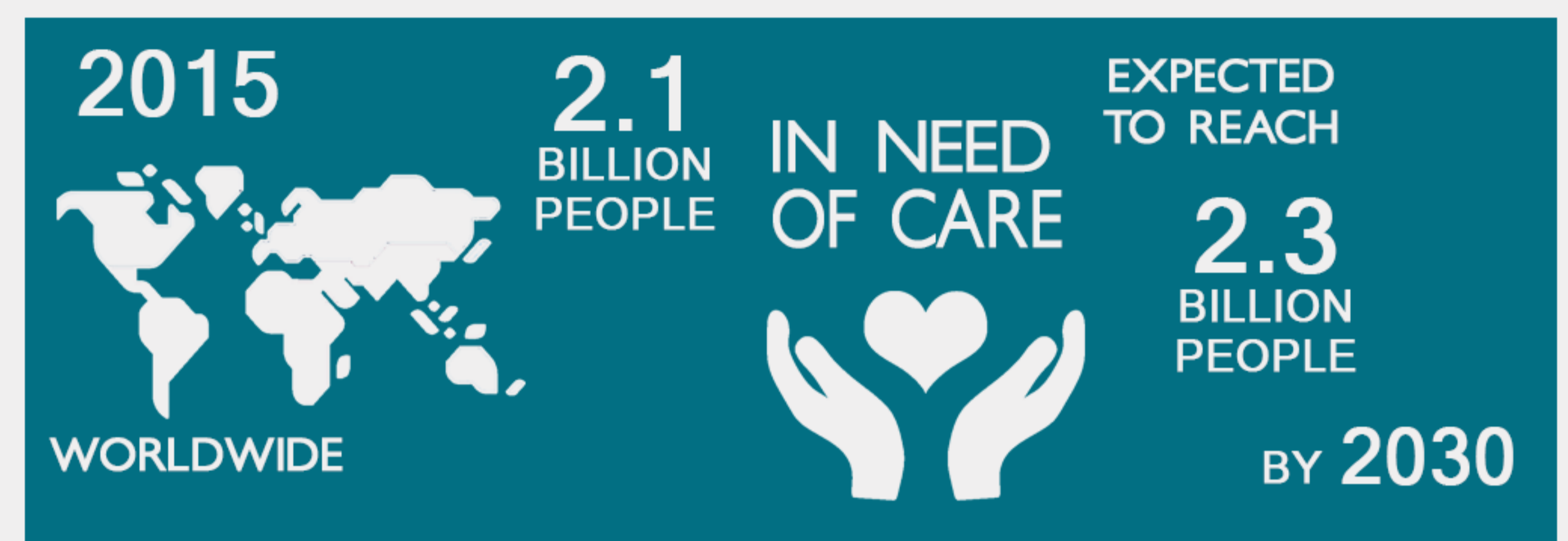
TRENDS AND REALITIES



4 CONTRIBUTION OF WOMEN MIGRANT WORKERS



- 2.1 billion people were in need of care in 2015 worldwide, and this number is expected to reach 2.3 billion by 2030.²¹ The burden of care work is mostly carried by women workers (both local and migrant), significantly underpaid or unpaid.
- Remittances from the migrant contribute tremendously to the national economy of the sending country and their own family. There was a significant rise in remittance flows to Asia and the Pacific from USD 183 billion in 2009 to USD 330 billion in 2019.²² In Kyrgyzstan, remittances reduced poverty rates by 6–7 percentage between 2010 and 2014.²³
- While women migrant workers tend to find employment in low-skilled jobs and are paid less, their participation and contribution to the economic growth is high in destination and origin countries.²⁴ Women migrant workers remit higher proportions of their salaries than men.²⁵ In the Philippines Migration Survey, 11 per cent of female respondents indicated sending remittances in 2018, compared to 9 per cent of men.²⁶ In Nepal, women migrant workers – mostly domestic workers – contribute about 50 per cent of migrant workers' remittances, or around 23 per cent to GDP.²⁷



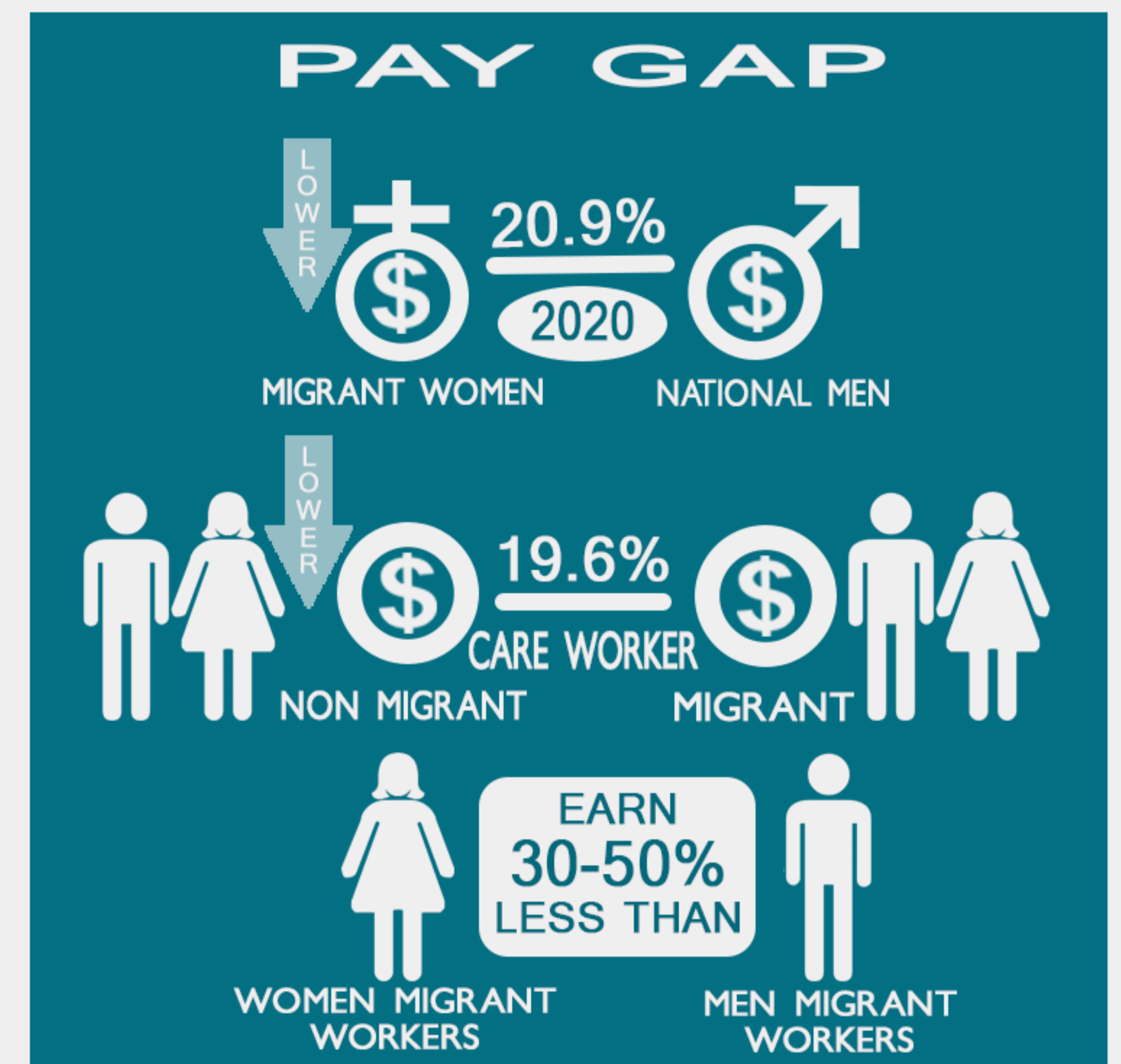


5

REALITY OF WOMEN MIGRANT WORKERS



Migrant and gender pay gaps – The pay gap between men nationals and migrant women is estimated at 20.9 per cent in 2020.²⁸ The migrant pay gap is also wide in the care economy – the pay gap between migrant care workers and non-migrant care workers is about 19.6 per cent. Women migrant workers earn 30–50 per cent less than male migrants due to low-paid jobs.²⁹ In Brunei, women migrants earn half the average monthly wage of migrant men, and less than half of the local female workforce. In Malaysia, there is also a 50 per cent wage gap between women migrant workers and the local workforce, and a 30 per cent wage gap between migrant men and migrant women.³⁰



Excessive working hours – Both Thailand and Malaysia have set “normal hours of work” for workers at eight hours a day, but this legislation does not apply to domestic workers. In reality, the average working hours for migrant domestic workers in Malaysia were 14.42 hours and Thailand were 11.89 hours a day.³¹ In Singapore, there are migrant domestic workers who report that they regularly work more than 16 hours a day.



Gender-based violence in the workplace – Harassment and violence against women workers remains high and severe – 47.3 per cent of women workers in Nauru, 18.5 per cent of women workers in Indonesia and 14 per cent of women workers in Mongolia experienced sexual violence perpetrated by non-partners, including co-workers and supervisors.³² 67.8 per cent of women in Tonga, 27.8 per cent of women in Bangladesh have experienced physical violence by non-partners.



Ban on women’s labour migration – Some countries impose migration bans and restrictions to attempt to protect women migrant workers from exploitation and abuse during the foreign employment. For instance, Burma/Myanmar ban on migration for domestic work in 2014, the Cambodian government imposed suspension on migration for domestic work to Malaysia in 2011, and the Government of Nepal imposed various provisional bans for women labour migration from the 1990s until now. Despite all these migration restrictions, women workers continue to migrate for work through irregular channels.



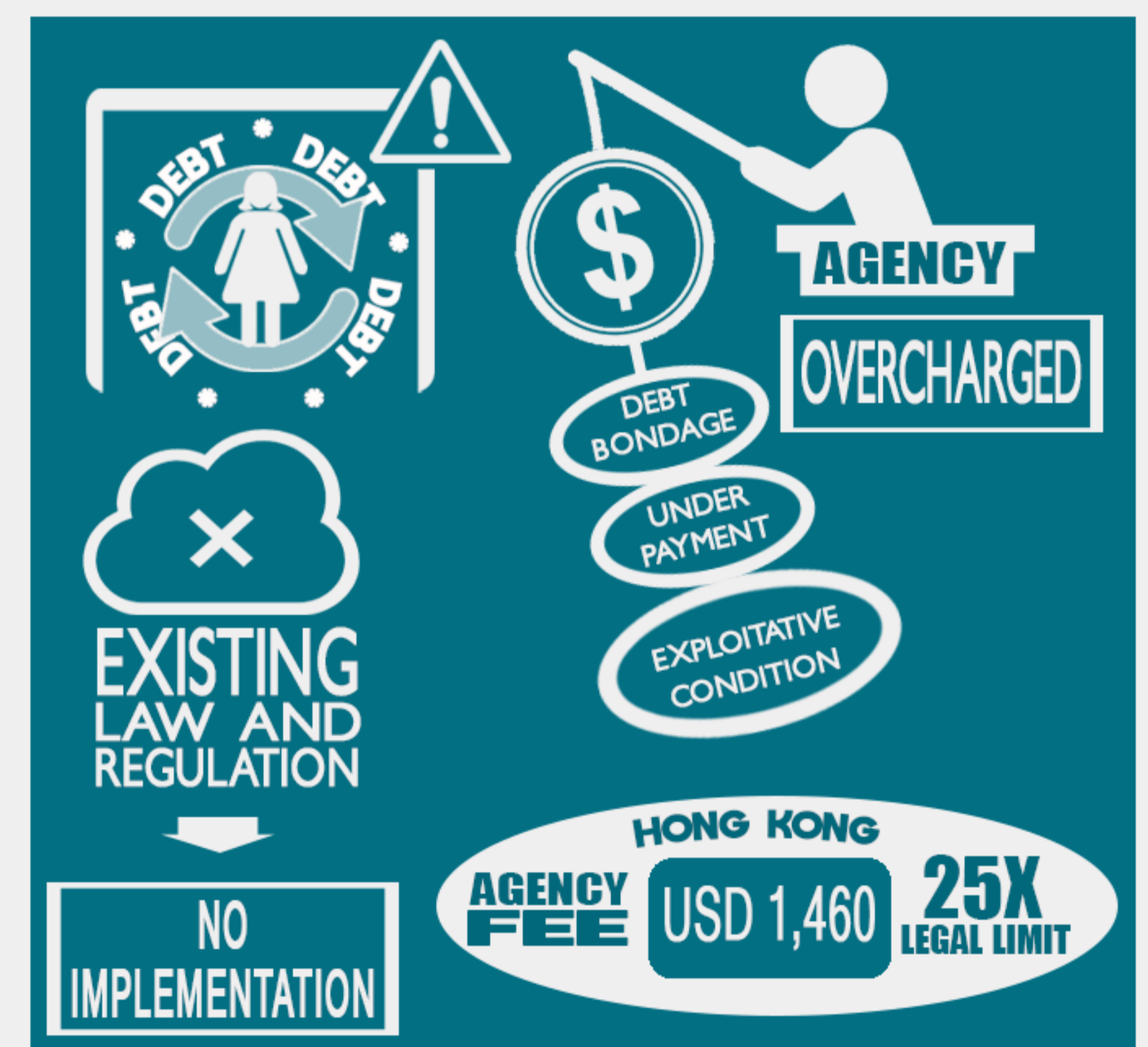
5 REALITY OF WOMEN MIGRANT WORKERS



Irregular migration – Women migrant workers who migrate through irregular channels more often face the risk of economic exploitation, discrimination, sexual and gender-based violence (SGBV) from intermediaries and employers, with little access to legal protection or justice and protection services. While forced labour is a risk for many individuals using irregular channels, women migrant workers are more susceptible to being trafficked for sexual exploitation, constituting 98 per cent of all such victims. Almost 21 million people are victims of forced labour worldwide, of which about 11.4 million are women and girls. Additionally, 29 per cent of all victims of forced labour are migrants.³³



Recruitment agencies and debt bondage – Migrant workers are caught in a cycle of debt due to overcharging by recruitment agencies, and are often placed in dangerous and/or exploitative workplaces. Despite existing law and regulations to regulate the practice of recruitment agencies, in practice, recruitment agencies tend to overcharge and cause debt bondage, underpayment and exploitative working conditions for workers. For instance, in Hong Kong, migrant domestic workers need to pay recruitment agencies fees of around HKD 11,320 (USD 1,460) on average – about 25 times more than the legally permitted limit.



Rights to organise and collective bargaining

- Low collective bargaining coverage from just 1–2 per cent in Malaysia and the Philippines, 5–6 per cent in Bangladesh and India, 10 per cent in Indonesia. Migrant workers are often being excluded from collective bargaining and trade union membership.³⁴
- Low unionisation and oppression in union organising – low unionisation rate occurred due to the restriction for migrant workers to form trade unions or hold leadership positions. Also, there are direct consequences for workers who attempt to organise, for instance police violence against NutriAsia workers protesting in Manila, Philippines,³⁵ the dismissal of 405 workers, including two union leaders and 14 union members from a palm oil plantation in Kalimantan, Indonesia after they took part in protests to demand a living wage and better occupational health and safety,³⁶ and the dismissal of 11,000 workers in the Bangladesh garment industry for protesting and demanding higher wages³⁷.



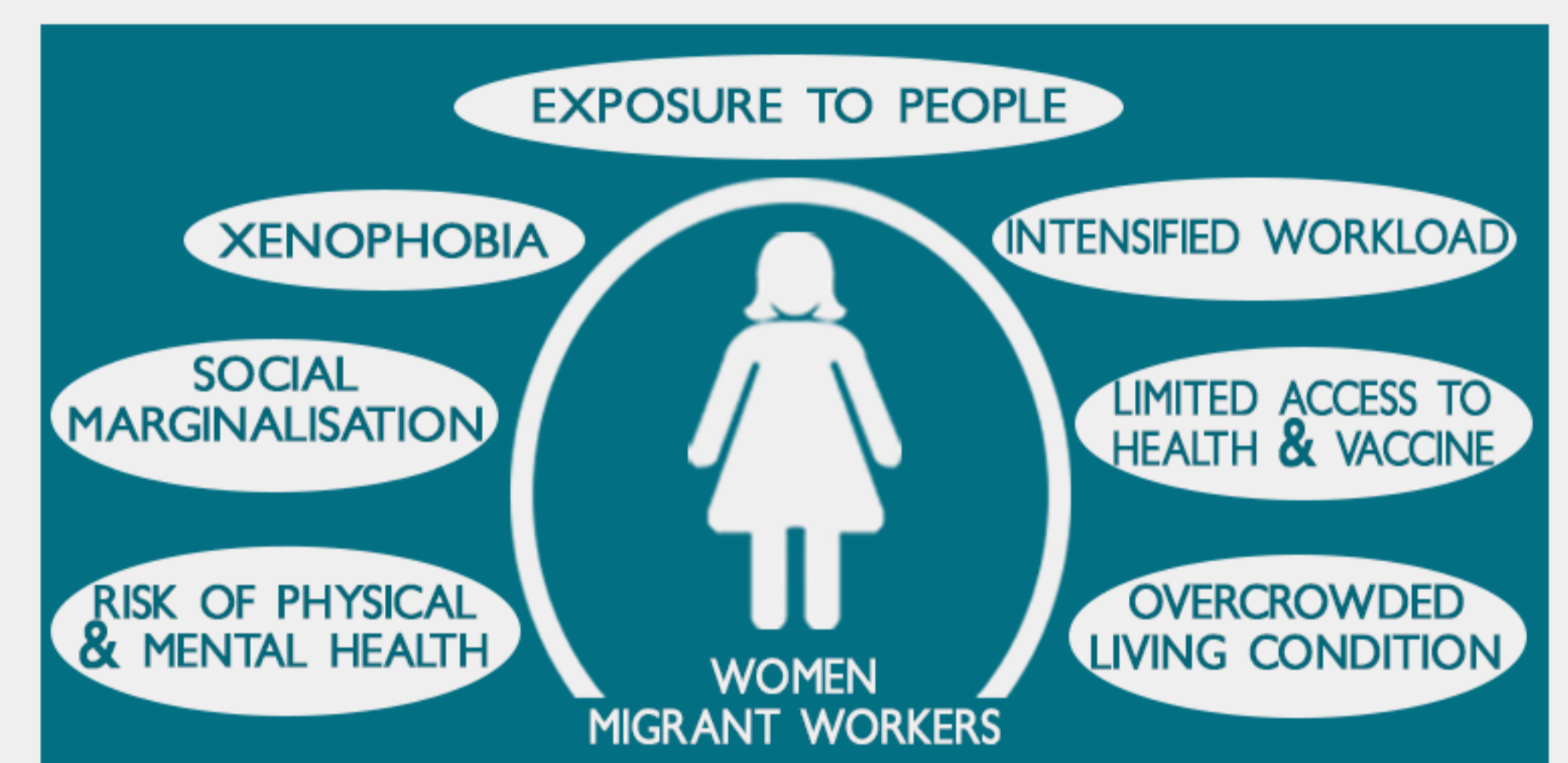


5 REALITY OF WOMEN MIGRANT WORKERS



Cost of COVID-19 pandemic

- Migrant workers have been among the hardest hit by the economic downturn associated with the COVID-19 pandemic. Unemployment is higher among migrants than non-migrants and women are at higher risk of losing jobs among migrants.³⁸ ILO estimated that 72.3 per cent of domestic workers either lost their jobs or saw their hours reduced during the lockdown period in 2020.³⁹
- For the women migrant workers who are able to continue working, most of them are essential workers. They experience increased exposure to people, intensified workload, barriers to access health services and vaccination and overcrowded living conditions – all of these leading to a heightened risk of physical and mental health.
- Lockdown measures exacerbate the isolation of live-in migrant domestic workers, increasing risks of abuse or discrimination by employers. An organisation⁴⁰ that provides shelter, rescue and emergency assistance to migrant workers in distress in Hong Kong has received a doubled number of cases from 5,023 in 2019 to 11,285 in 2020. Social marginalisation and xenophobia experienced by migrants is on the rise, feeding public perceptions of migrants as carriers and spreaders of COVID-19.





RECOMMENDATIONS

Human rights should prevail over profit. Equal access to decent work is just as important as having a job. To ensure that women migrant workers can obtain decent work and dignity at work, the governments of the sending and receiving countries should take the following actions to achieve the agenda of decent work in the four pillars: 1) Achieve full and productive employment through creation of decent jobs with a living wage; 2) Guarantee rights at work; 3) Extend social protection to guarantee essential social security to all workers; and 4) Promote social dialogue through ensuring freedom of association for all workers.

1 ACHIEVE FULL AND PRODUCTIVE EMPLOYMENT



- **Provide decent work opportunities with living wage** – Create decent jobs that deliver living wages, safe working conditions, social protection for families, and opportunities for personal development and social integration for workers. The government should eliminate the adverse drivers and structural barriers that force people to migrate, including poverty eradication, employment creation, decent work, promotion of women's rights and climate change mitigation.

2 GUARANTEE RIGHTS AT WORK



- **Stop all deportation, detention, arrests of irregular migrants** and recognise their rights to work, stay and move within and across the country. Governments should remove gender-specific restrictions on migration policies; for instance, the travel ban to stop women workers for overseas employment.
- **A zero recruitment fee policy** for all migrant workers, as per international standards set in the ILO Private Employment Agencies Convention, 1997 (No. 181), the accompanying Private Employment Agencies Recommendation, 1997 (No. 188), and the 2016 ILO General Principles and Operational Guidelines on Fair Recruitment, should be legislated and enforced.
- **Ratify ILO Convention 189 on Decent Work for Domestic Workers and Convention 190 concerning the elimination of violence and harassment in the world of work** to ensure immediate implementation through national legislation and policies.

3 SOCIAL PROTECTION



- **Establish universal and non-discriminatory national social protection systems**, including social protection floors for nationals and migrants. Migrant women workers at all skill levels must have access to social protection in both receiving and sending countries. Migrants should have equitable access to national public and health care services such as medical care, treatment, vaccination, food aid and national welfare plans regardless of their migration status.

4 ENHANCE SOCIAL DIALOGUE



- **Access to justice** - Independent, safe, effective, accessible and migrant-friendly complaint, report and redress mechanisms should be established by law. Governments should ensure that migrants have full access to legal and other services and remove any obstacles to their use. This access should apply regardless of migrant status, with particular attention on the most vulnerable, including victims of trafficking, those affected by crisis or disaster, women, survivors of gender-based violence and migrants in irregular situations.
- **Recognise equal protection and freedom of association for migrant workers** - Extend labour protection in national laws to migrant workers, including domestic workers, to ensure equal protection under the law. Migrant workers should enjoy treatment no less favourable than that applicable to nationals, including with regard to freedom of association. Migrant workers should have the right to form or hold office of trade unions and organisations, to organise and exercise workplace democracy, and to address the power imbalance between migrants and employers which drives labour exploitation.

REFERENCES

- 1, 16
2
3, 8, 9
13, 14
4
5
6
7
10
11, 12
15, 21
17, 18,
28
19
20
22
23
24
25, 27,
33
26
29, 30
31
32
34
35
36
37
38
39
40
- ESCAP (2021) Social Outlook for Asia and the Pacific: The Protection We Want.
ILO (2021) Global wage report 2020/2021, Retrieved from https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_762534.pdf
ESCAP (2020) Asia-Pacific Migration Report 2020
UN Human Rights Council (2019) Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts, Retrieved from https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/sexual_violence/A_HRC_CRP_4.pdf
Germanwatch (2018) The Global Climate Risk Index 2019, Retrieved from <https://reliefweb.int/report/world/global-climate-risk-index-2019>
UN Women (2020) Costing Options for measuring gender equality in climate action
FAO, UNICEF, WFP and WHO. 2019. Placing Nutrition at the Centre of Social Protection. Asia and the Pacific Regional Overview of Food Security and Nutrition 2019. Bangkok, FAO.
UN Women (2020) Migrant women and remittances: explore the data from selected countries
UNDESA (2019)
ILO (2018) Care work and care jobs for the future of decent work
ILO(2020) The migrant pay gap: Understanding wage differences between migrants and nationals, Retrieved from https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_763803.pdf
ILO (2015) Global estimates on migrant workers
LaValle (2019) Domestic workers in China: Invisible, vulnerable and indispensable, Retrieved from <https://supchina.com/2019/03/15/domestic-workers-in-china-invisible-vulnerable-and-indispensable/>
Ratha, Dilip and others (2020). Phase II, COVID-19 crisis through a migration lens. Migration and Development Brief
UNDP (2015) Labour Migration, Remittances and Human Development in Central Asia, Retrieved from <https://www1.undp.org/content/dam/rbec/docs/CAM&RHDpaperFINAL.pdf> .
UN Women(2017) Women Migrant Workers in the ASEAN Economic Community, Retrieved from <https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2017/06/aec-women-migration-study.pdf?la=en&vs=4122>
UN Women (2017) Women Migrant Workers' contributions to Development, Retrieved from <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2017/policy-brief-women-migrant-workers-contributions-to-development-en.pdf?la=en&vs=5117>
Philippine Statistics Authority(2018) 2018 National Migration Survey: Migration Experiences of Filipinos. Retrieved from <http://rssocar.psa.gov.ph/population/2018-national-migration-survey-migration-experiences-filipinos>
UN Women & Australian Aid(2017) Will women workers fully benefit from increasing job opportunities and mobility in Southeast Asia? Retrieved from <https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2017/08/infographics-will-women-workers-fully-benefit-r01.pdf?la=en&vs=506>
UN Women & ILO (2016) Worker, helper, auntie, maid? : Working conditions and attitudes experienced by migrant domestic workers in Thailand and Malaysia Retrieved from <https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2016/11/working-conditions-s.pdf?la=en&vs=1535>
UNFPA (2020) Violence Against Women - Regional Snapshot, Retrieved from https://asiapacific.unfpa.org/sites/default/files/resource-pdf/knowvawdata_regional_vaw_map_july_29_2020_final.pdf
ILO(2016) Wages in Asia and the Pacific and the Arab States, Retrieved from https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_534369.pdf
Cinco, Maricar (2019) 'Violence erupts as Nutriasia workers go on strike in Laguna'. Retrieved from: <https://newsinfo.inquirer.net/1138501/violence-erupts-as-nutriasia-workers-go-on-strike-in-laguna>
Feminist Participatory Action Research (FPAR) conducted by Palangkaraya and Human Rights Studies (PROGRESS). APWLD Labour Programme 2017-2019. Socio-economic impact of large scale palm oil plantation on women workers in Central Kalimantan, Indonesia. Retrieved from https://apwld.org/wp-content/uploads/2019/04/2019_Labour_FPAR_country_brief_Indonesia_Progress.pdf
People's Dispatch (2019) 'Over 11,000 more workers fired in Bangladesh for trade union activity' Retrieved from: <https://peoplesdispatch.org/2019/02/13/over-11000-more-workers-fired-in-bangladesh-for-trade-union-activity/>
ILO (2020) Who are the women on the move? A portrait of female migrant workers, Retrieved from <https://ilostat.ilo.org/who-are-the-women-on-the-move-a-portrait-of-female-migrant-workers/>
ILO (2020) Impact of the COVID-19 crisis on loss of jobs and hours among domestic workers, Retrieved from https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_747961.pdf
Migrant Workers (MFMW), a non-profit organisation that provides shelter, rescue and emergency assistance to migrant workers in distress in Hong Kong, the number of distressed foreign domestic workers they assisted in 2020 more than doubled to 11,285 compared to 5,023 in 2019



Asia Pacific Forum on Women, Law and Development

Email : apwld@apwld.org
Website: www.apwld.org
DESIGN & LAYOUT BY ALIZA

Produced with the support of Sida,
Norad, Foundation for a Just Society
and Wellspring