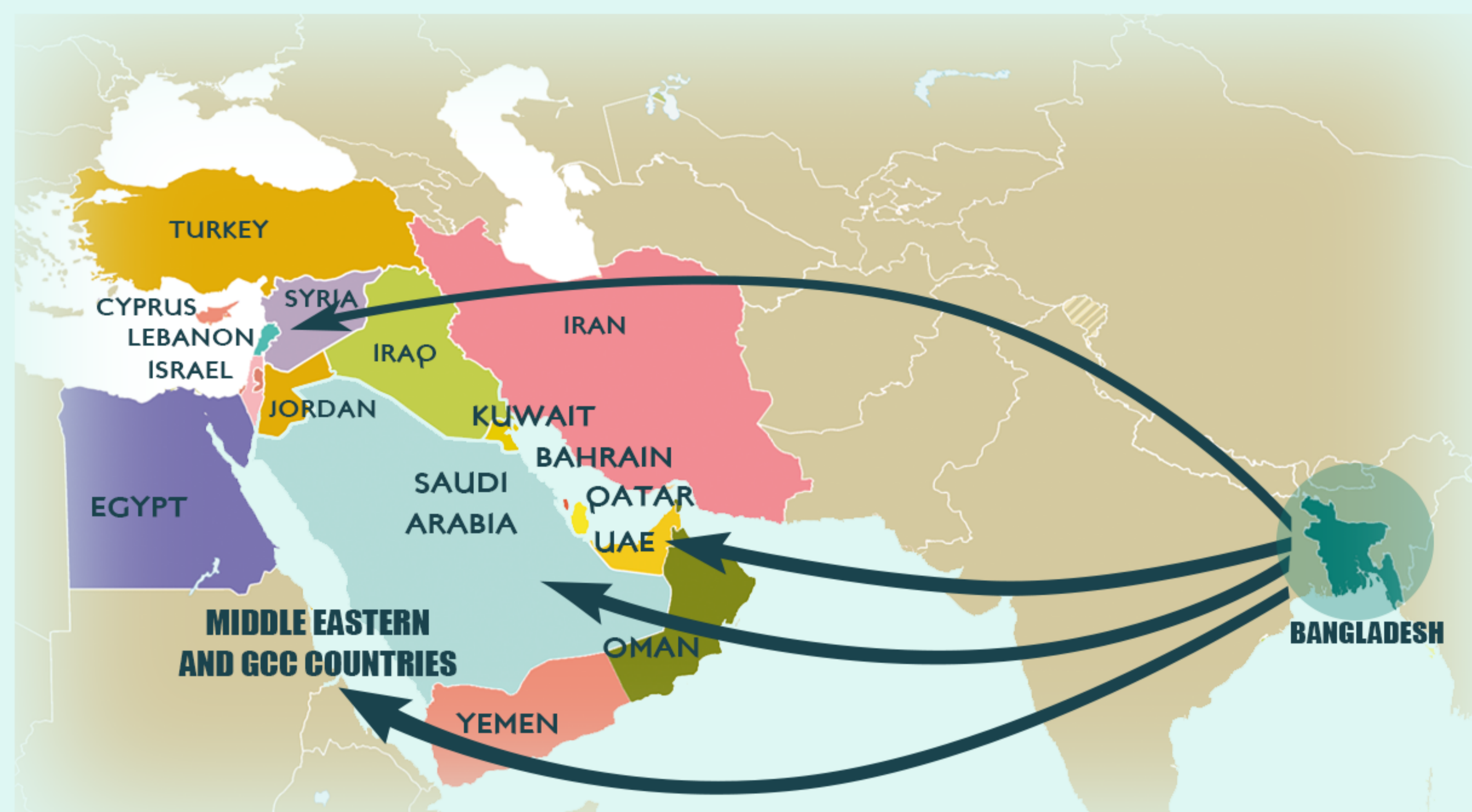


COUNTRY BRIEFER BANGLADESH

DECENT WORK FOR WOMEN MIGRANT WORKERS SERIES



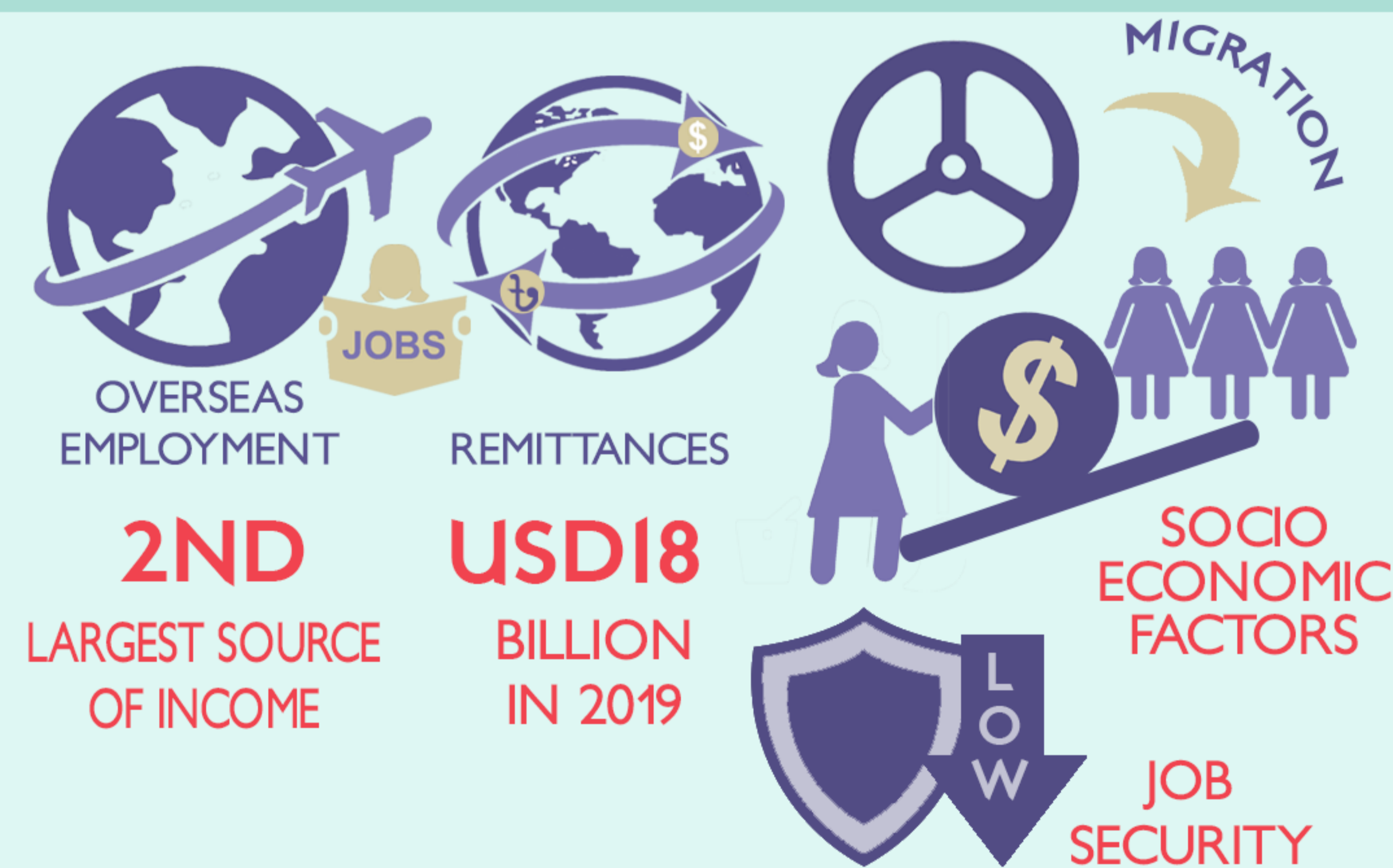
BACKGROUND



Bangladesh is a major labour-sending country in Asia and the Pacific region and overseas employment is the country's second-largest source of income, with remittances amounting to USD18 billion in 2019.² Lack of available jobs and poverty are the biggest drivers of migration of women workers from Bangladesh. Despite the boom of the ready-made garments (RMG) sector in Bangladesh, economic and social factors are driving women to look for opportunities abroad, especially in countries in the Middle-East. Other drivers of migration include prevalent gender-based violence (over half of women in the RMG sector face physical or verbal abuse at the workplace³), low job security and socio-economic reasons, such as the financial pressure they often face as primary bread-winners of their families.

COUNTRY OVERVIEW

Main Countries of Destination	Mostly Middle Eastern and GCC countries such as Lebanon, UAE and Saudi Arabia
Women's share of total migration	The total number of women migrants is 121,925, around 12 per cent of total labour migration in 2017. ¹
Main sectors of employment	Domestic work, care-giving, ready-made garments (RMG), beauty parlours and salons



Women migrant workers also suffer in accessing labour markets and seldom have the same degree of freedom as men do in choosing work. Majority of women migrant workers from Bangladesh are employed in domestic work.

TOP RECIPIENTS

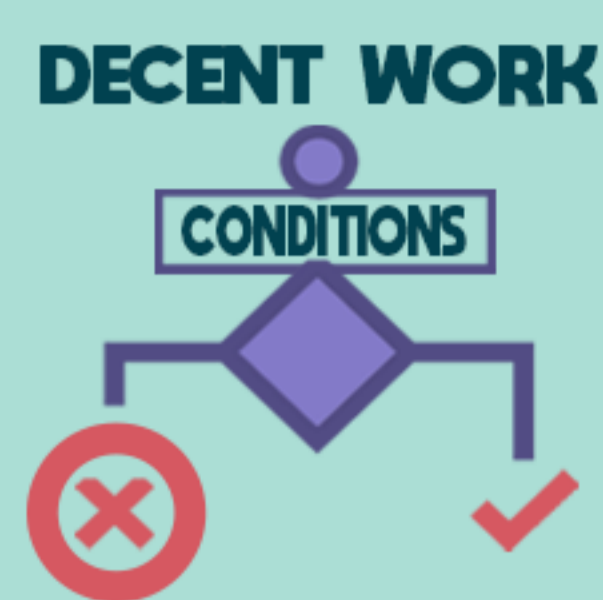


The top recipients of women migrant workers from Bangladesh are Gulf and Middle Eastern countries such as Lebanon, Saudi Arabia, Oman and UAE but also in other countries such as Hong Kong.⁴

In recent years, an increasing number of women workers have been migrating for garment sector work. Poor wages provide one of the strongest incentives for women RMG workers to migrate abroad; while the increasing trend in precarious work has intensified the problem of job insecurity. With the increasing pace of globalisation, intensified global competition and technological change, more women workers in Bangladesh have participated in flexible forms of employment.

Migrant women workers, especially domestic workers, are at risk of physical, sexual and emotional abuses, including confinement, underpayment or non-payment of wages. Allegations of abuse also include beating, starvation and imprisonment in the employer's house. Bangladeshi migrant workers in the garment sector are often denied rights to join unions or organise against abusive conditions.

THE STATE OF 'DECENT WORK' FOR WOMEN IN BANGLADESH



Bangladesh falls short in many of the conditions necessary to ensure decent working conditions within the country,

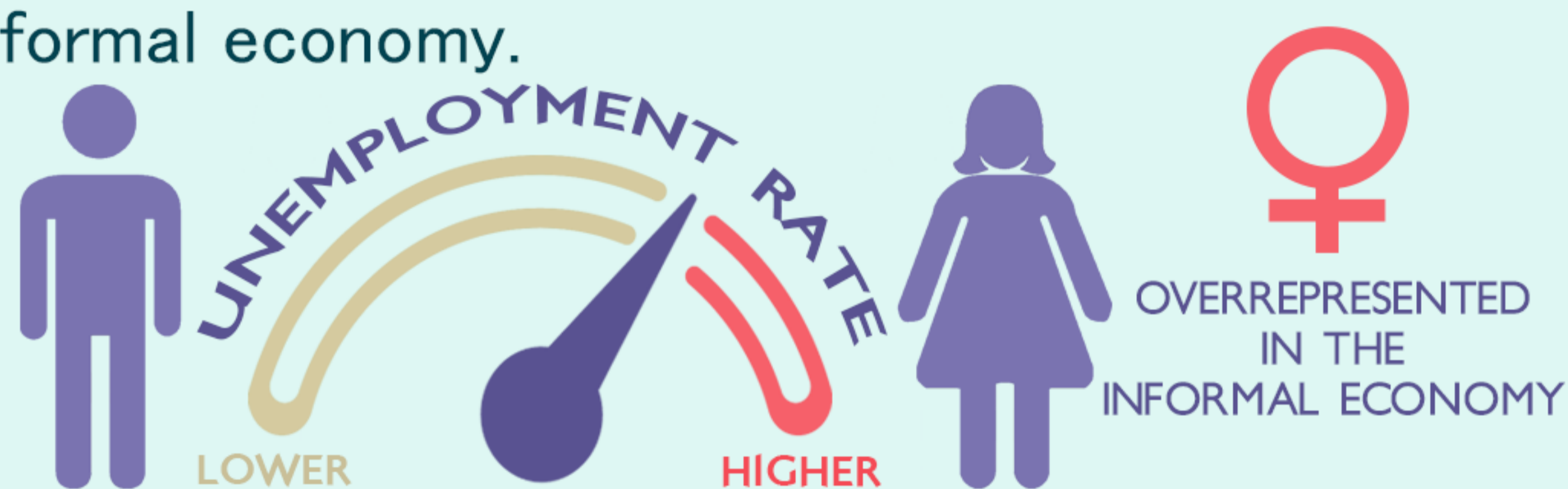
which creates the necessity and impetus for women workers to migrate abroad.



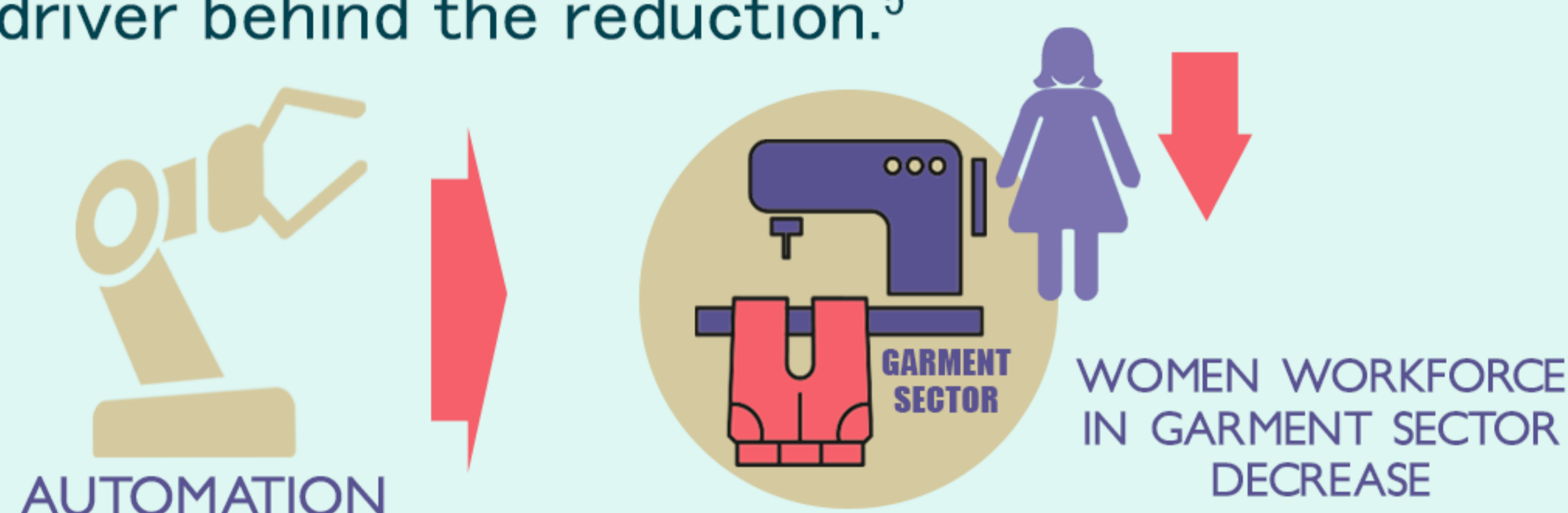
FULL AND PRODUCTIVE EMPLOYMENT



Although Bangladesh has seen steady economic growth in recent years, progress in employment opportunities has been mixed in the areas of gender, youth and informal employment. The unemployment rate for women is higher than that of men and women are overrepresented in the informal economy.



The garment sector is the largest source of formal sector employment for women. However, according to recent studies, this number has been in steady decline – the number of women as a percentage of the ready-made garments workforce declined from 64 per cent in 2015 to 61 per cent in 2016. Automation was the primary driver behind the reduction.⁵



MINIMUM WAGE



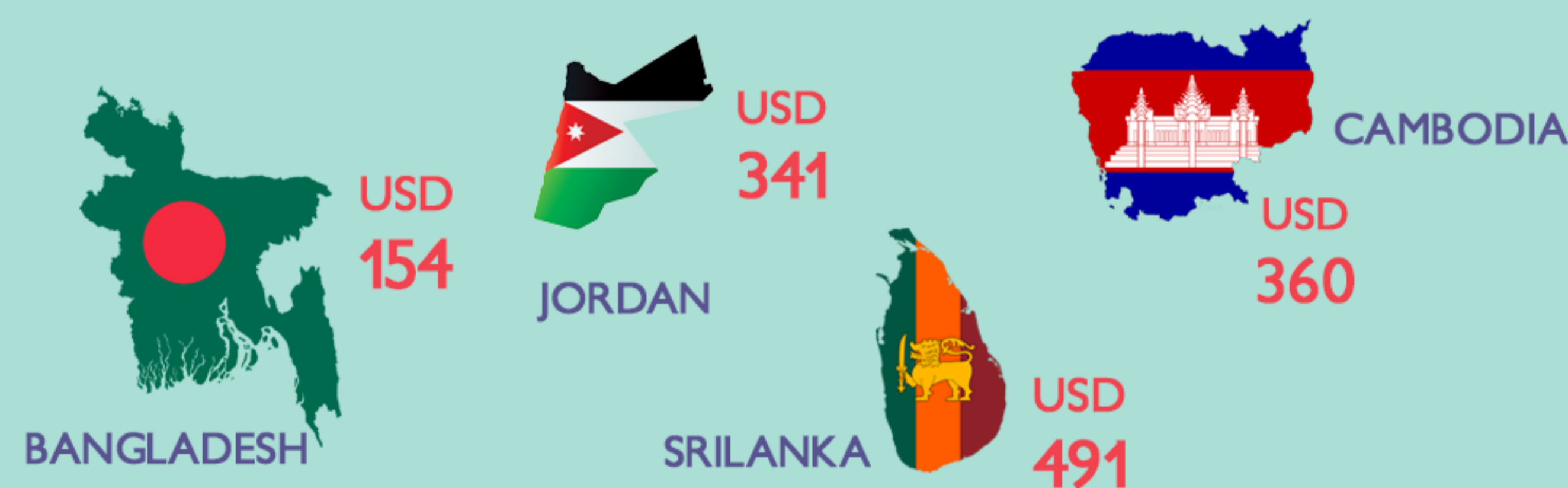
Bangladesh has a government-mandated minimum wage. The wage level is set nationally every five years by the National Minimum Wage Board in a tripartite forum.

In September 2018, the government announced the new minimum wage for 4.5 million garment workers at Tk 8,000 (USD 95) a month. The new wage level is far below the demand of the unions and campaign groups, which proposed at least Tk16,000 (USD 190) a month. The long-awaited revision of minimum wage sparked a large-scale demonstration. Tens of thousands of workers in Bangladesh went on strike against the low wage level. Unions and workers are outraged and consider the new wage level is hardly even an increase (the previous minimum wage is Tk 5,300 (USD 62) given inflation in the country over the past five years.⁶ Moreover, the minimum wage policy of the government has been inadequate in terms of protecting employees because of non-compliance of employers and non-enforcement by labour authorities.

According to research from the Fair Labor Association, the purchasing power of average compensation in the RMG sector falls below the World Bank poverty line. Purchasing power parity

of average RMG factory compensation in Bangladesh is around USD 154, which is less than half of Jordan (USD 341) and significantly below countries such as Cambodia (USD 360) and Sri Lanka (USD 491). The main destination countries for women garment sector workers are Mauritius, Libya, Jordan and Japan.

PURCHASING POWER PARITY OF GARMENT WORKERS



In terms of equality of opportunity and treatment in employment, some progress has been achieved over the last five years, resulting in a rise in women's participation in law, politics and management and a narrowing of the gender wage gap among regular employees. However, while the wage inequality between men and women has decreased, significant challenges remain in expanding education, employment opportunities, ensuring equal pay for work of equal value and enhancing protection for overseas migrant workers, particularly women engaged in domestic work.

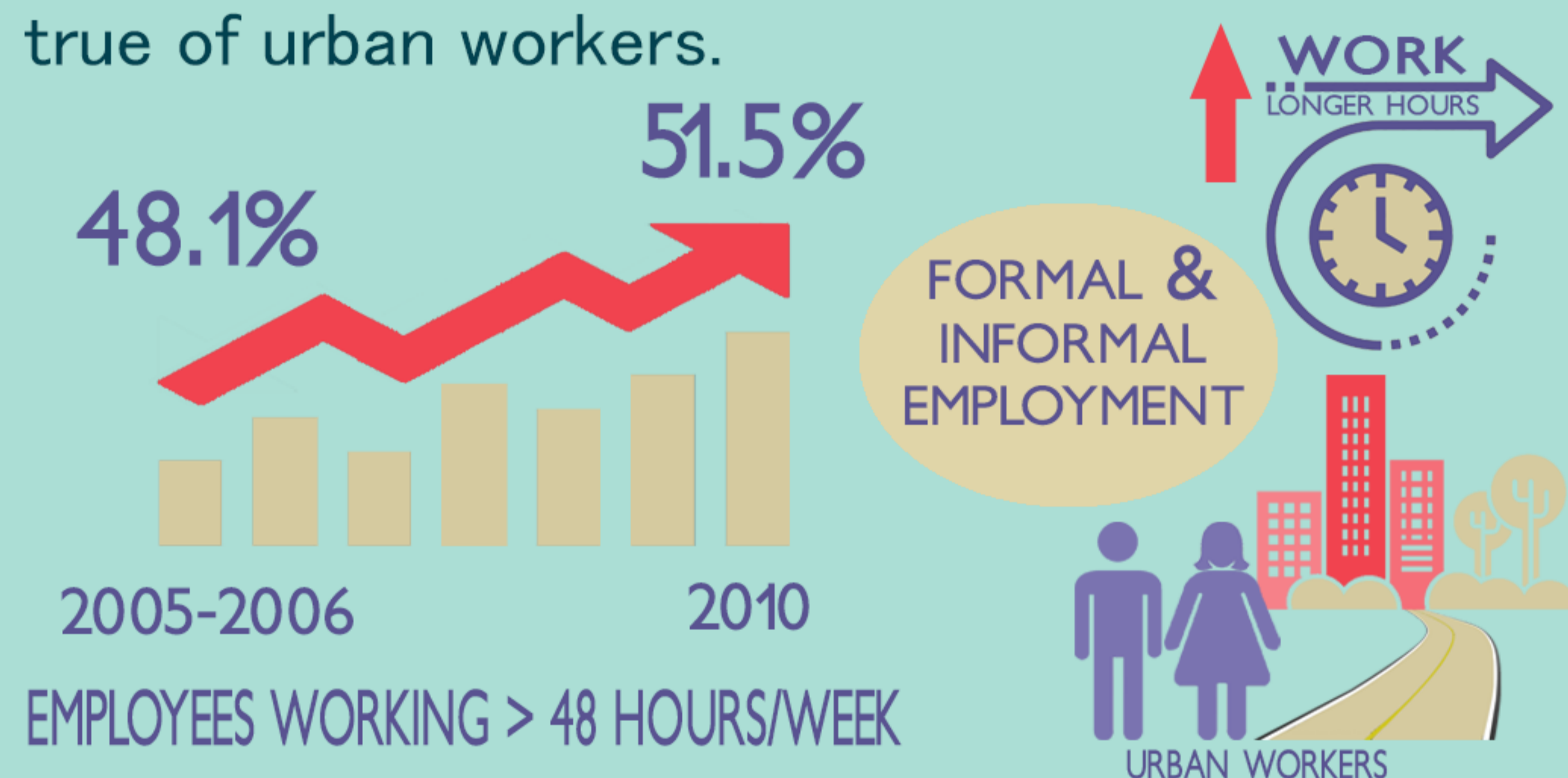
THE STATE OF 'DECENT WORK' FOR WOMEN IN BANGLADESH

WORKING HOURS



For approximately half of Bangladesh's workers, the average working week exceeds the legal limit. The percentage of employees working more than 48 hours per week increased from 48.1 per cent in 2005-06 to 51.5 per cent in 2010.

While working hours have been regulated by the government in order to provide workers with a more balanced work, family and personal life, workers in both formal and informal employment increasingly work longer hours. This is especially true of urban workers.



In a recent ILO study, it shows that while the male factory workers work slightly longer hours in factories, women's working days are considerably longer when combined with the time they spend at paid work and unpaid domestic work. Women's working days are 14.1 hours long, compared to 12.9 hours for men.⁷ Some women workers also reported that they need to wake up earlier each morning to use a shared kitchen and toilet due to insufficient income to afford a personal cooking stove or toilet.

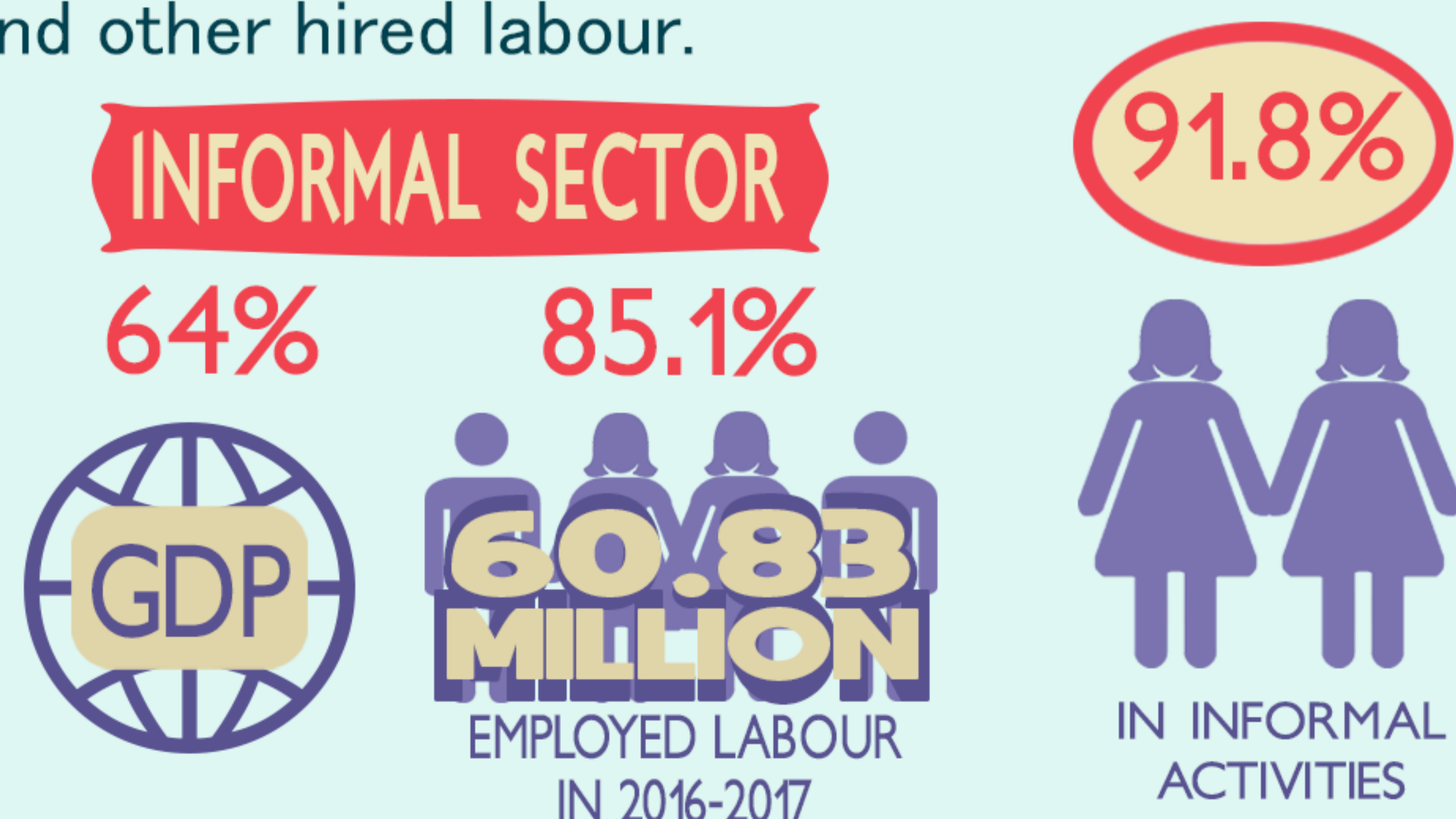


RIGHTS AT WORK



In the area of stability and security of work, the labour market has experienced an increase in flexible forms of employment and higher job insecurity. Informal sectors constitute the dominant economic activities in Bangladesh with the contribution of the GDP around 64 per cent.⁸ In 2016-17, out of the total 60.83 million employed labour in the country, 85.1 per cent work in the informal sector; women are more involved in informal activities at 91.8 per cent.⁹ Those working in the informal economy include wage labourers, self-employed persons, unpaid family labour, piece-rate workers, and other hired labour.

The Bangladesh Labour Law contains legal provisions on occupational safety and health for workers in Bangladesh. A tripartite National Council for Industrial Health and Safety was established in 2009 to ensure more effective enforcement of the law. Since the Rana Plaza collapse in 2013, much more attention has been focused on occupational health and safety in the garment sector. However, severe gaps remain in other areas, especially the informal sector, such as agriculture, household work, small family business, where the majority of women work.



THE STATE OF 'DECENT WORK' FOR WOMEN IN BANGLADESH

SOCIAL PROTECTION



In 2015, the Government of Bangladesh announced a National Social Security Strategy (NSSS) to ensure a more comprehensive social protection system for its population. However, no existing laws provide for universal coverage of social security with compulsory contributions, except for old-age pensions for public servants. The Social Security Net Program (SSNP) under the NSSS has allocated the biggest amount of budget on the Pension for Retired Government Employees and their families, which provides pension for the top level of government officials only.¹⁰ While some social safety-net programmes include old-age benefits, there are no provisions for unemployment insurance.

The government increased maternity leave from four months to six months in 2011. However, the enforcement of maternity rights and benefits remains a challenge in reality.



SOCIAL SECURITY NET PROGRAMME (SSNP)



PROMOTION OF SOCIAL DIALOGUE



Bangladesh has ratified the main ILO conventions on social dialogue and employers' and workers' representation. However, progress in recent years has been mixed with a decline in the number of trade unions and low rates of union membership (around seven per cent of all employees in 2010).

A mass garment workers' unrest in the Ashulia industrial area in December 2016 over demand of wage hike was met with arrests, firing of over 1,600 garment workers and the closure of union offices.¹¹ This shows that workers' rights to freedom of association and collective bargaining remains a significant challenge in Bangladesh.



LOW RATES
UNION MEMBERSHIP



7%

UNIONISATION RATE
IN 2010

CHALLENGES FACED BY WOMEN MIGRANT WORKERS FROM BANGLADESH

Women migrant workers from Bangladesh often face harsh working conditions, abuse, non-payment of wages and other types of rights violations in the destination countries.

The following describes some of the challenges they face before migration and after their return to Bangladesh.

HIGH COSTS AND EXPLOITATION IN RECRUITMENT



The cost of migration is high, especially if migrant workers use private recruiting agencies. In Bangladesh, most of the recruitment of migrant workers are done by private agencies and brokers in both the sending and receiving countries. Interviews with returning women RMG migrant workers show that employment agencies usually charge between Tk 30,000 – 60,000 (USD 360 – 720) in fees per person, which is equivalent to two to four months of salary. This creates enormous financial strain on the workers and likely the situations of debt bondage, which can force workers to stay in unsafe or abusive working conditions. These agents and brokers control employment and work permits for migrants, further pushing migrant workers vulnerable to the power of those private recruitment agencies.¹²

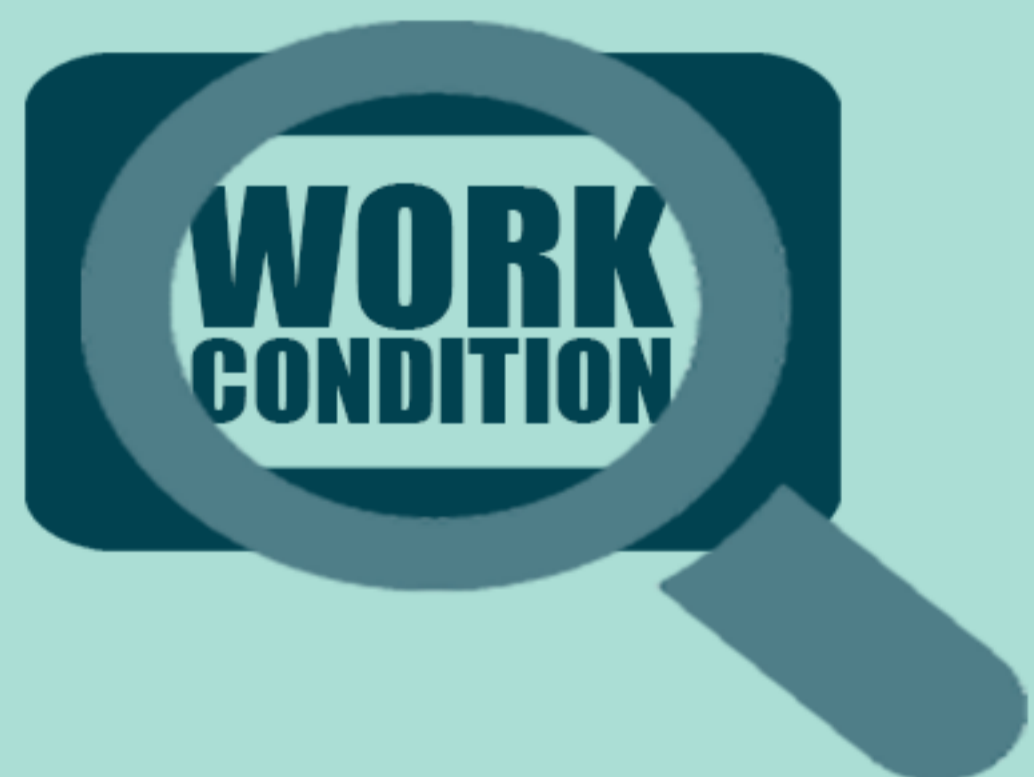
Informal networks based on personal contacts and direct referrals to employers can also play a significant role in recruiting women migrant workers. For example, the kafala, or sponsorship recruitment system is widely used for domestic workers in the GCC countries. This system does not require upfront payments, which is beneficial for many women migrants. However, in the kafala system, the employers or sponsors have disproportionate power over their employees. Women migrant domestic workers can end up in precarious situations where the sponsor holds their papers, secures piecework for them with several employers and then charges them for the sponsorship services. In this system, the women are isolated and their movements are restricted by their sponsors. The kafala system in the GCC countries restricts workers from changing employers, making them completely dependent on their sponsors, resulting in abuse and exploitation.¹³

PLACEMENT
FEES



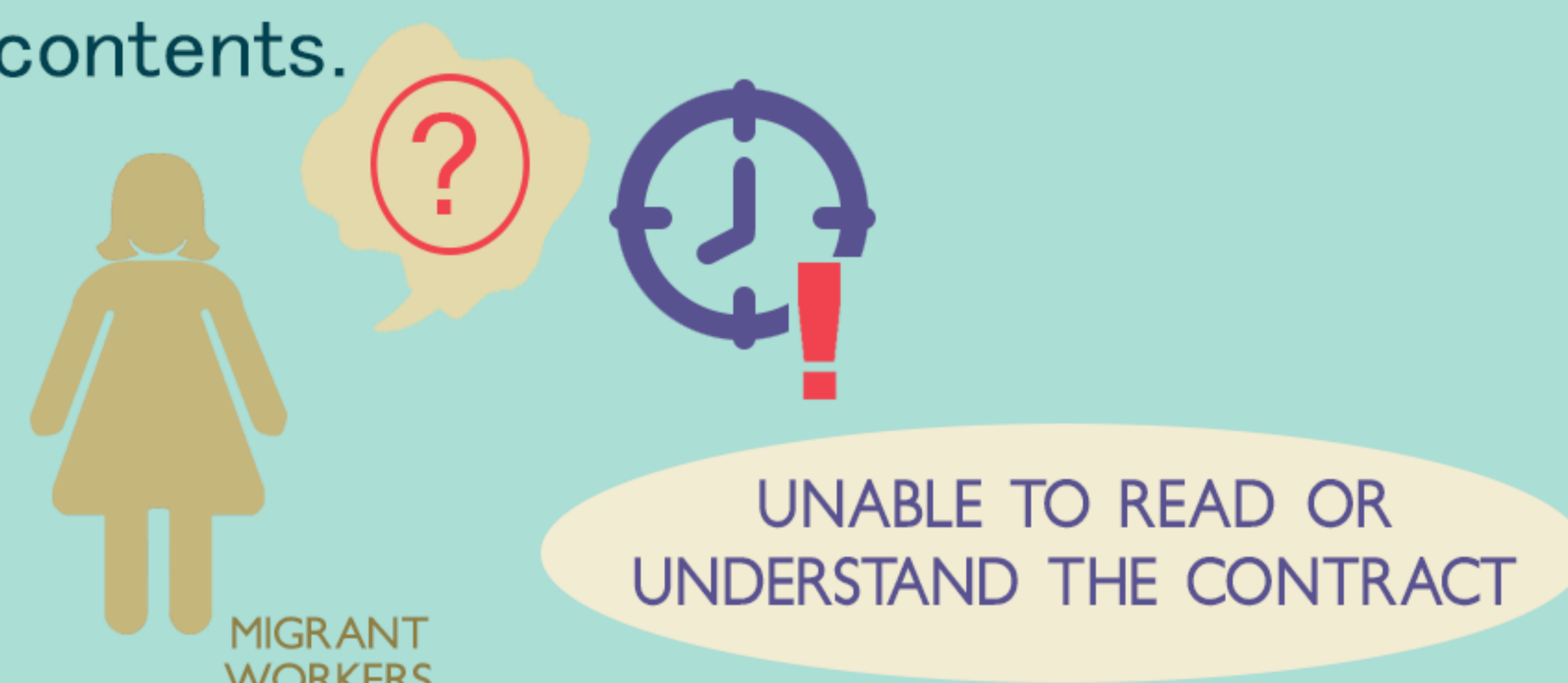
2-4
MONTHS SALARIES

LACK OF CLARITY ON CONDITIONS AND BENEFITS BEFORE DEPARTURE



Returning migrant workers often complain about being misled on the terms of their employment, salary and benefits by recruitment agents. This can include actual salary being less than advertised, benefits such as free food and lodging not being provided, less leave days or lack of paid time off among others.

In most cases, migrating workers do not receive their contracts in time in order to review the terms and conditions. Many women RMG migrant workers have said that they received their contracts at the airport a few hours before departure.¹⁴ Once they receive the contracts, they are often unable to read or understand their contents.



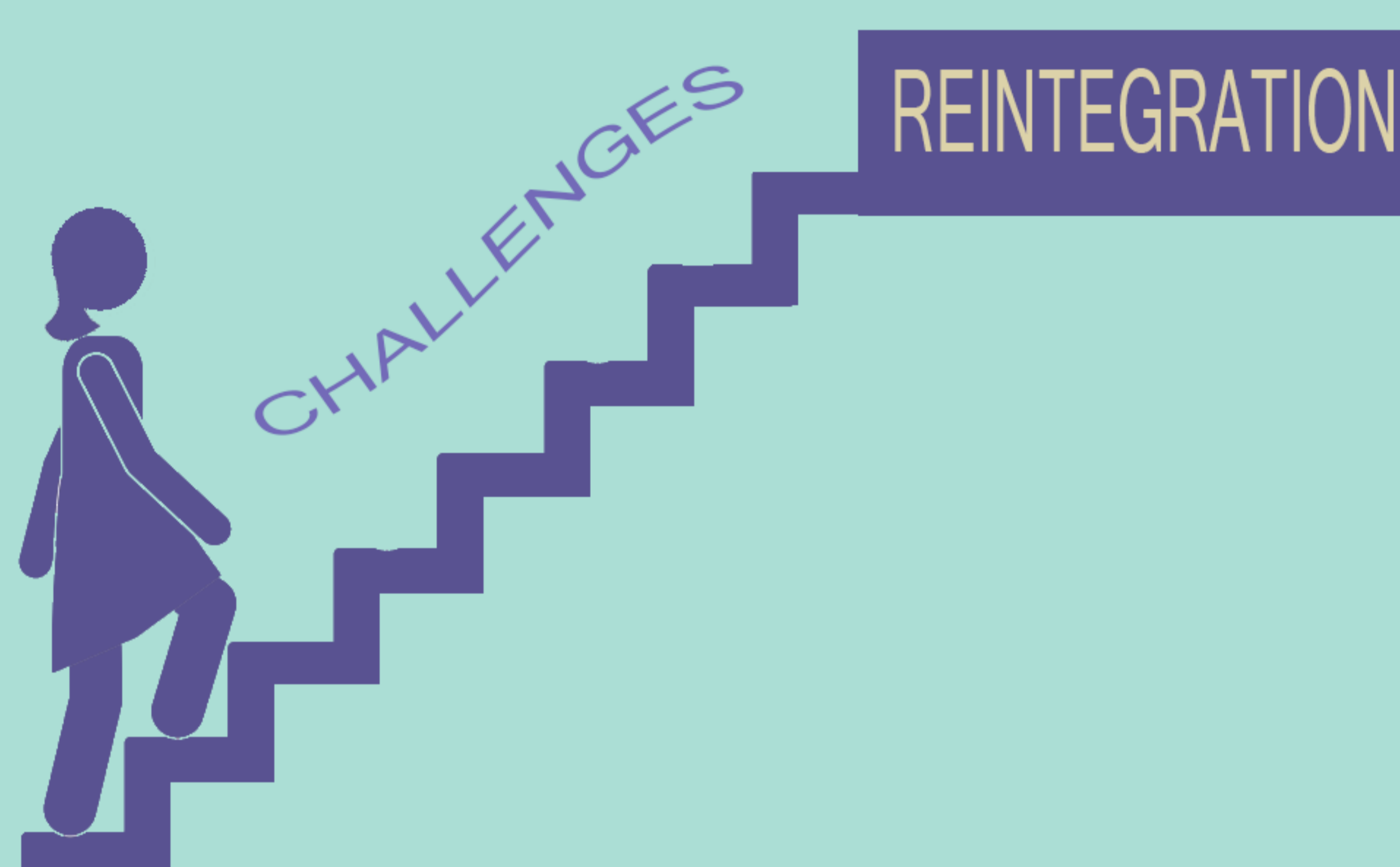
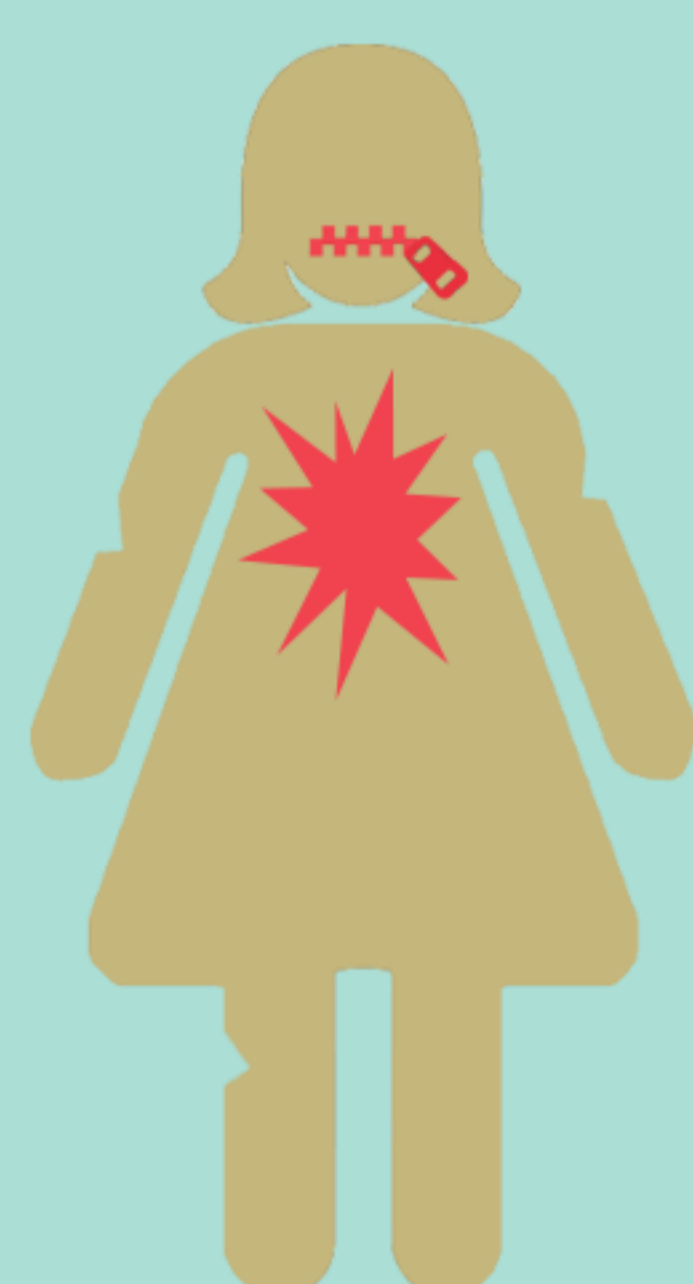
CHALLENGES FACED BY WOMEN MIGRANT WORKERS FROM BANGLADESH

SOCIAL CHALLENGES AND DIFFICULTIES IN REINTEGRATION



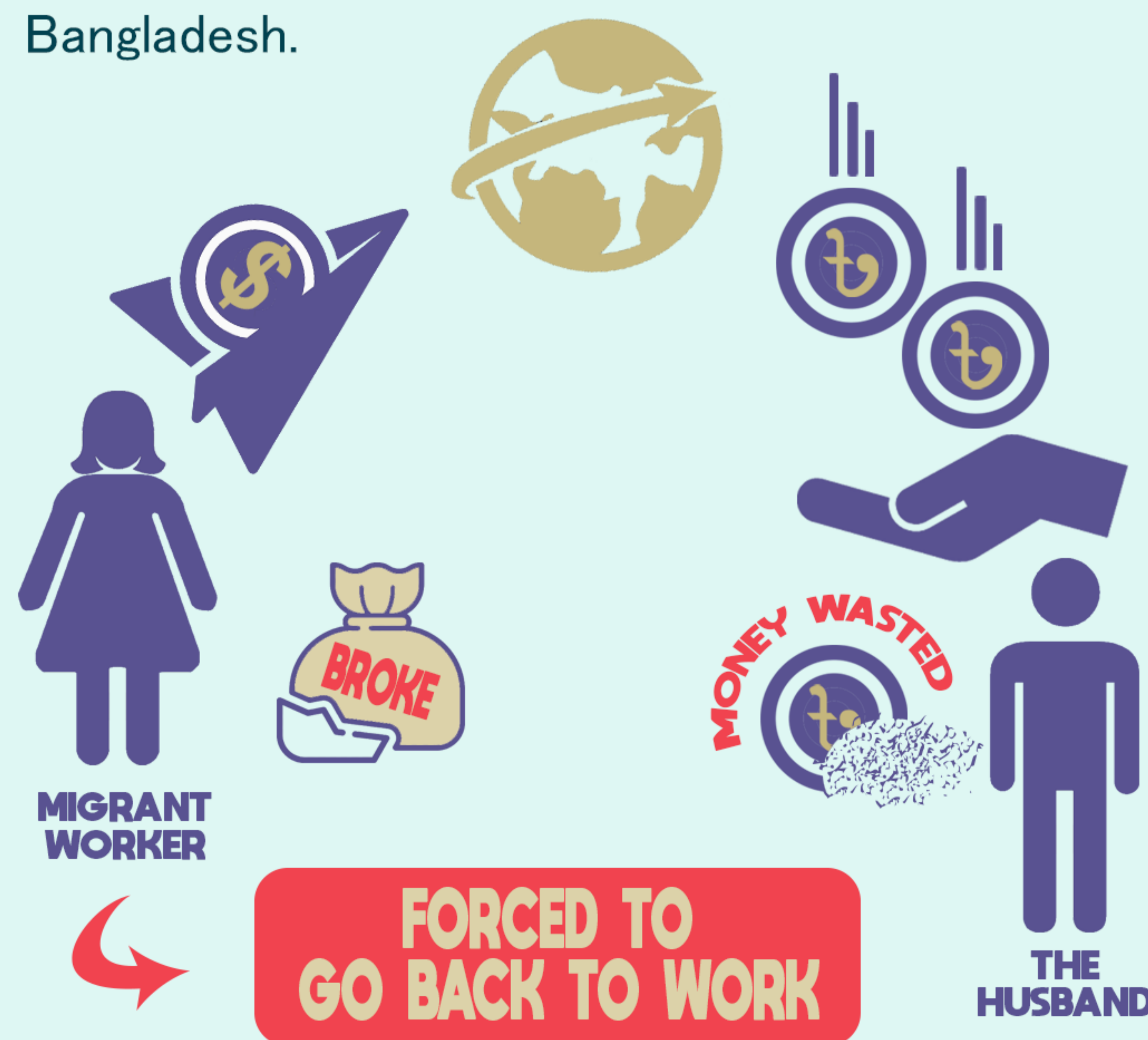
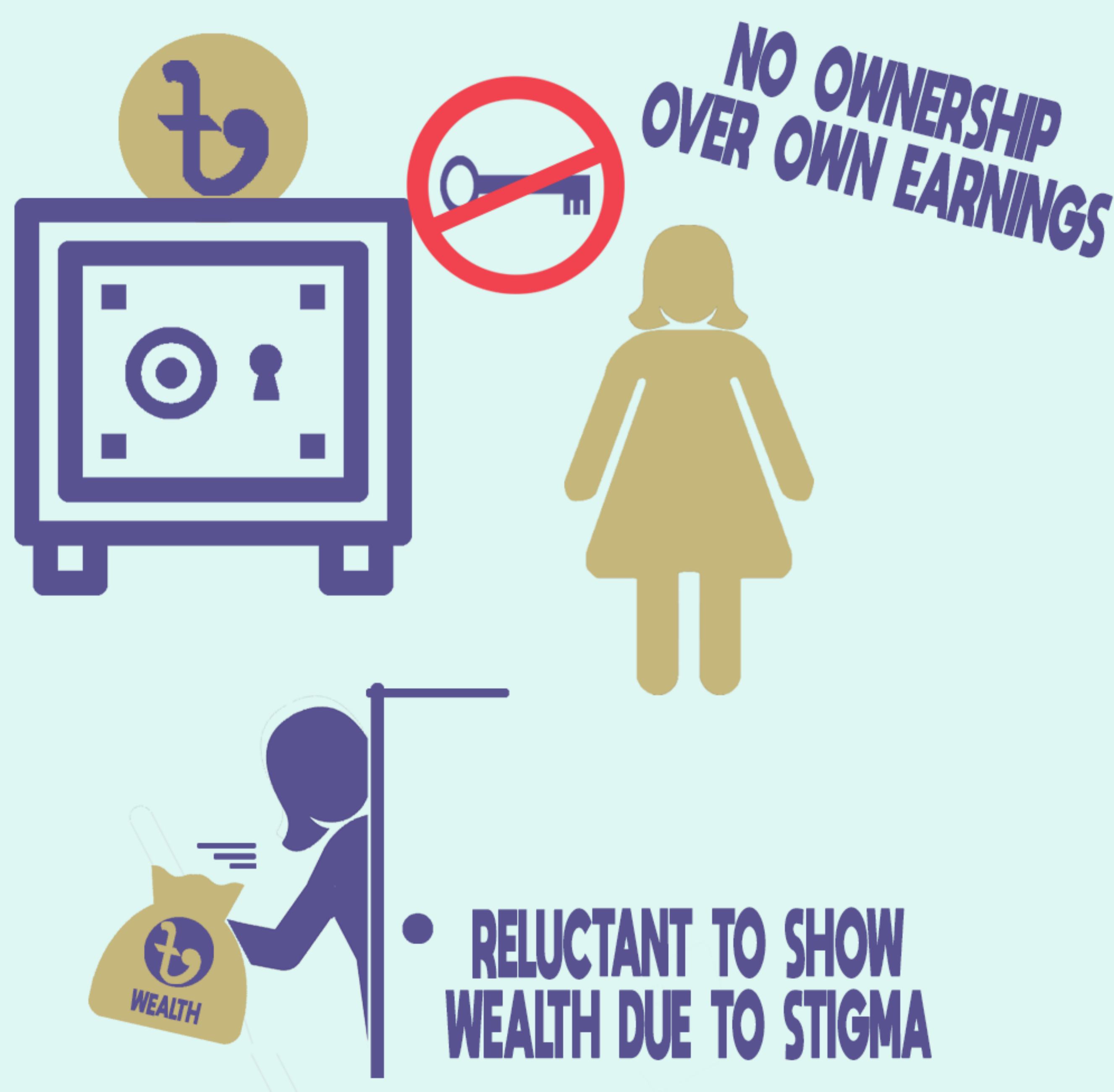
Migrating women face severe social stigma because they leave their families behind to go abroad. Their virtue and loyalty to their families can be called into question as they are seen to be too 'independent', defying social expectations of how women should behave. As a result, women migrant workers do not feel free to speak about the abuses they face at their workplace as it can add to the stigma and shame.

Reintegration poses a serious challenge for women migrant workers. After returning, many migrant women workers do not engage in income-generating activities. In the case of domestic workers, they are not able to use the skills they learnt during their work in their locality. Many fail to bring home enough earnings to start a business or are still in the process of repaying the loans they took in order to go abroad.



Women migrant workers also do not feel ownership over their own earnings because of the stigma attached to migration. Testimonies from women migrant workers and their families report that unlike male migrant workers, women migrant workers are often reluctant to show their wealth, such as by constructing a nice house in their village, because the community might be suspicious of how this money was earned.

Women workers often also send their earnings back to their husbands, which puts them in a vulnerable position. There are numerous examples of husbands either squandering the money or taking that money and leaving the family to get married again. In these cases, the women migrant workers are left with nothing once they return home after years of work abroad. Some of these women are then forced to go back to work as domestic workers or in the RMG sector in Bangladesh.

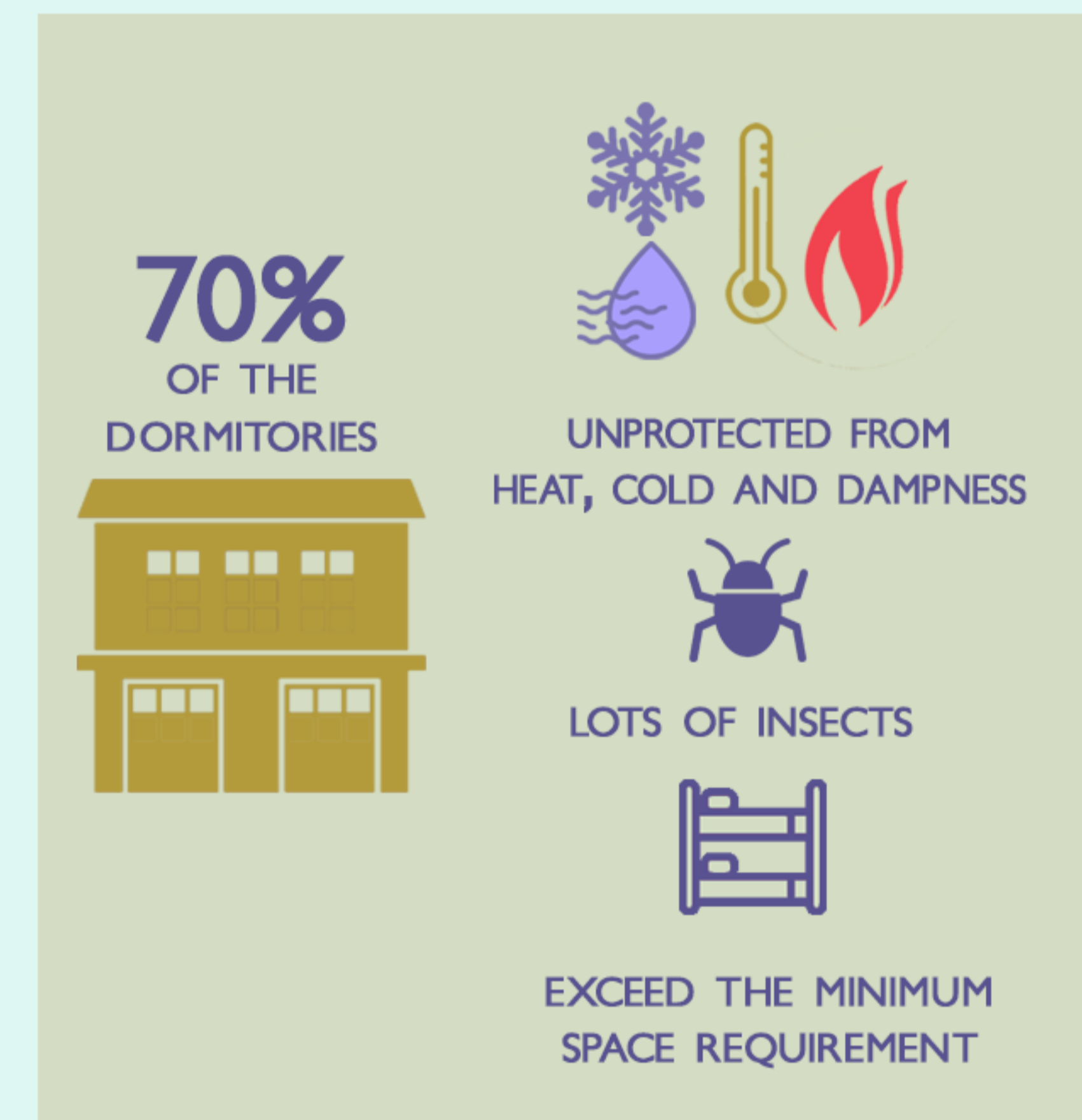


CHALLENGES FACED BY WOMEN MIGRANT WORKERS FROM BANGLADESH

POOR WORKING CONDITIONS AND INTIMIDATION IN JORDAN

The garment industry in Jordan employs over 65,000 workers, most of whom are migrant men and women from South Asia. The majority of migrant workers are women from Bangladesh, followed by women migrant workers from India, Nepal, Sri Lanka, Burma/Myanmar, Pakistan, Madagascar and Cambodia.

Testimony from returning Bangladeshi women migrant workers from Jordan and research by Better Work Jordan found that occupational safety and health violations are rampant in the garment sector. While garment factory employers in Jordan provide accommodation for migrant workers, nearly 70 per cent of the dormitories do not comply with minimum space requirements, are inadequately protected against heat, cold and dampness and have a significant presence of insects. There have been several cases in Jordan where food and lodging was promised as part of the compensation. However, once they arrived, workers discovered that they had to work two hours of unpaid overtime each day in order to compensate the employer for food and lodging. Similarly, actual leave days are often less than what workers were promised before departure.



The General Trade Union of Workers in Textile, Garment and Clothing represents all workers in the apparel sector in Jordan. However, migrant workers are not allowed to participate in elections or be represented in union committees. Moreover, it was found that factory owners show interest in women workers and not men as women are much less likely to get involved in trade union activities.

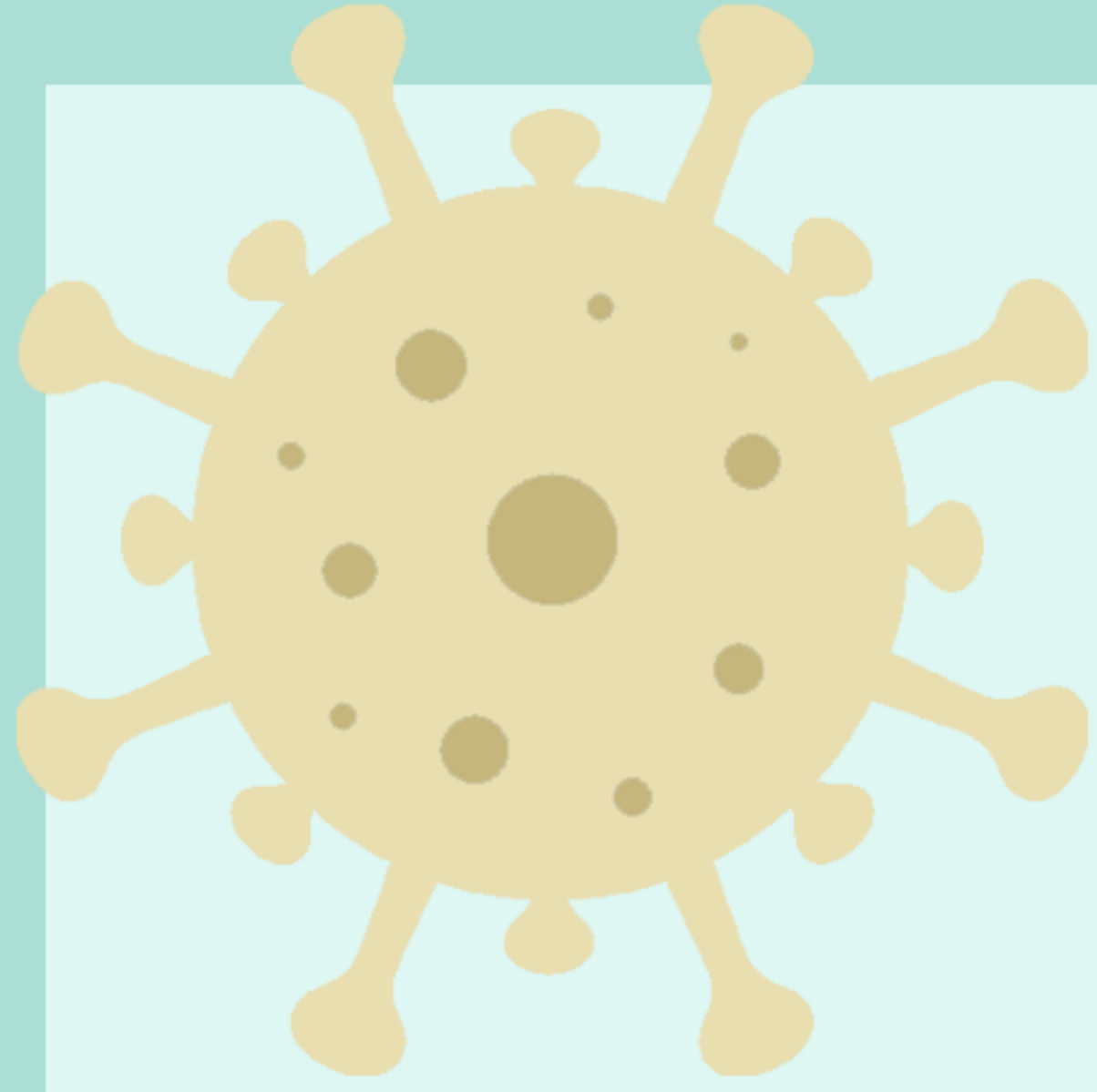


In 2016, Jordanian workers' rights NGO Tamkeen brought several cases against two factories for allegations such as abuse on the production floor, failure to pay salaries, seizure of passports and overcrowded living quarters. Tamkeen reports that every year they bring about 10 collective action cases from workers against factories. Considering that there are 50–100 workers attached to each case, this is a huge number in the context of the Jordanian garment sector.¹⁵

CHALLENGES FACED BY WOMEN MIGRANT WORKERS FROM BANGLADESH

IMPACT OF COVID-19

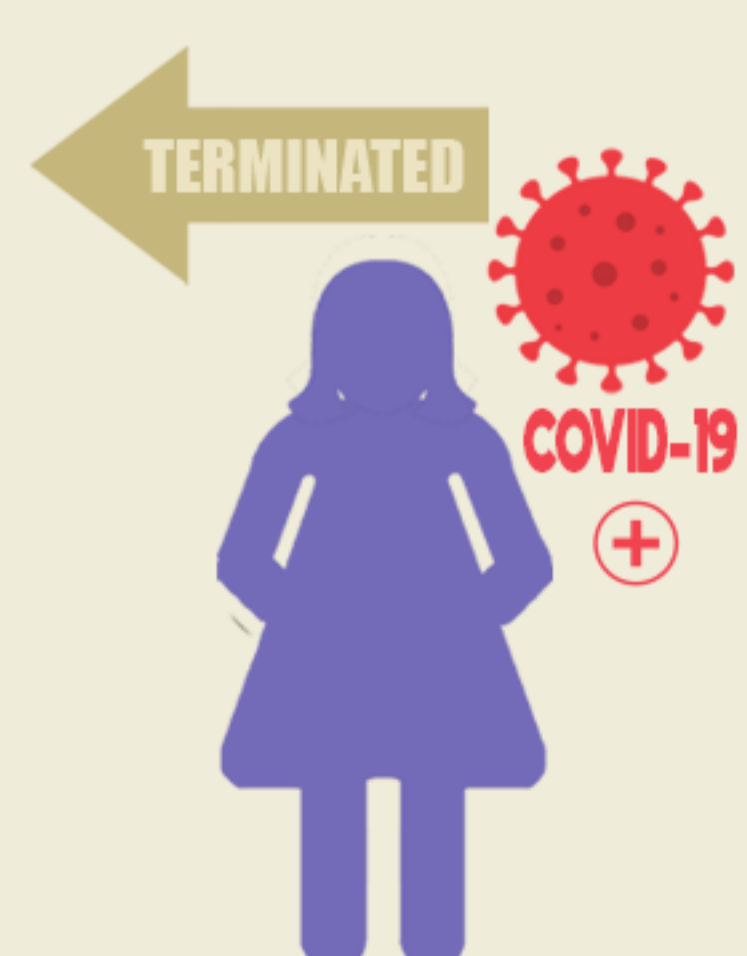
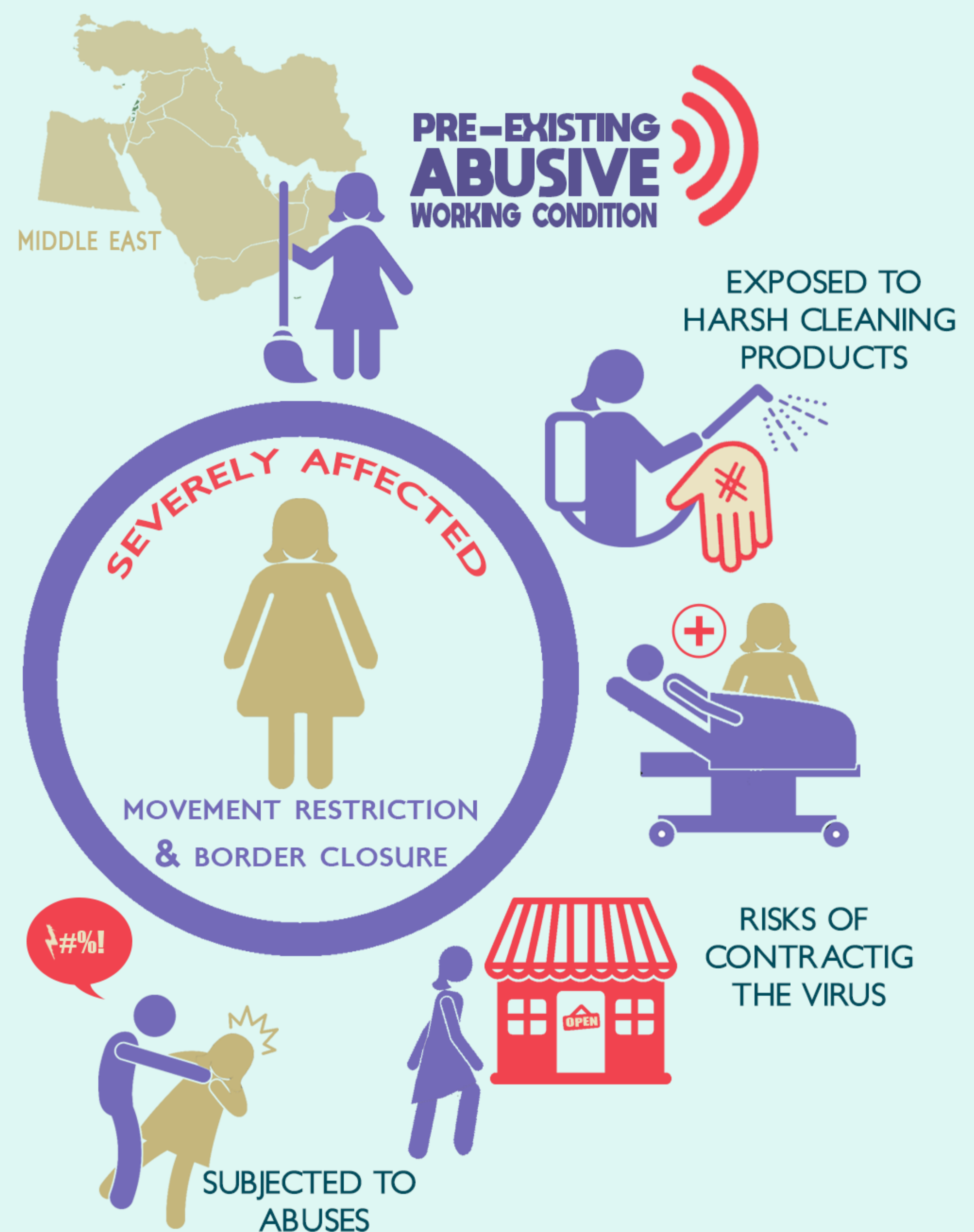
ON BANGLADESHI WOMEN MIGRANT WORKERS



Bangladeshi women migrant workers have been severely affected by the extreme movement restrictions and closure of international borders imposed by destination countries. In the Middle East, the COVID-19 pandemic has amplified pre-existing abusive working conditions for Bangladeshi women migrants working as domestic workers. Domestic workers have sometimes been required to take on extra duties disinfecting homes, leading to burns, rashes or other injuries due to harsh cleaning products. They are more exposed to the risk of contracting the virus as they are required to care for employer's family members who fall ill with COVID-19. They also face higher risks of contracting the virus when they are sent outside to perform tasks such as throwing out the garbage or grocery shopping without adequate personal protective equipment. Reports also indicate that domestic workers have been subjected to heightened emotional, physical, economic and sexual abuse during the pandemic lockdown period.¹⁶

If a domestic worker contracts COVID-19, employers can kick them out with limited access to health or other types of support services. There have also been reports of employers reducing salaries during the pandemic or not paying wages at all. This has created enormous financial and emotional strain on migrant workers who are unable to send remittances home to support their families.

When women migrant workers are able to return home, they also face significant challenges such as loss of livelihood and social stigma. It has been reported that returnee women migrant workers have been shunned by their community and confined to their homes for fear of having COVID. The social ostracisation not only prevents them from seeking new livelihood opportunities at home but also compounds their stress and emotional distress.¹⁷



LAW AND POLICIES ON MIGRANT WORKERS' RIGHTS

The Bangladesh Labour Law of 2006 and the Overseas Employment and Migrants Act (2013) set the legal framework for regulating the labour market and working conditions within the country. However, the high cost of migration from Bangladesh indicates that regulation efforts are not very effective on the ground.

Research from the Asian Development Bank found that the actual cost of migration from Bangladesh to the Middle East is 4.5 times higher than the Philippines and Sri Lanka.

This sharp difference in cost of migration to similar destination countries indicates ineffective administration of the migration process. The research also found that over 60 per cent of the cost in Bangladesh goes to intermediaries and agency fees.¹⁸



FOREIGN EMPLOYMENT

Overseas Employment and Migrants Act (OEMA) facilitates foreign employment and ensures a safe migration governance system. As part of the Act:

- (1) all workers migrating from Bangladesh, including domestic workers, are recognised as workers and are guaranteed basic labour rights;
- (2) they have the right to legal remedy;
- (3) they can access labour courts, mobile courts and other courts; and
- (4) the Bureau of Manpower, Employment and Training (BMET) and labour attaches in destination countries are recognised as key rights custodians.

RECRUITMENT

The recruitment agency shall be responsible to conclude an employment contract between the worker and the employer, in which stipulations concerning the worker's wages, accommodation facilities, duration of employment, compensation amount in the event of death or injury, cost of emigration to and return from the foreign country, and so on shall be stated.

The recruitment agency shall be deemed to be a representative of the overseas employer, and both the recruitment agency and the employer shall be liable jointly and severally for the responsibilities arising from the contract.

If a person or recruitment agent sends migrant workers overseas unlawfully, such as hold or detain the passport and related documents of workers without valid reason, or induce a worker into a contract for migration by giving false promise of high wages and benefits, the recruitment agent may be sentenced to imprisonment of a term up to five years and with a penalty not less than Tk100,000 (USD 1,179)

LAW AND POLICIES ON MIGRANT WORKERS' RIGHTS

EDUCATION AND TRAINING

The Ministry of Expatriates' Welfare and Overseas Employment is the highest government body entrusted with the responsibility of migrant welfare and overseas employment. The Bureau of Manpower, Employment and Training (BMET) is the agency responsible for regulating the process of overseas employment. A Wage Earners' Welfare Board under the BMET is mandated to provide various services to migrant workers, which include pre-departure briefing, scholarship for workers' children and assistance in repatriation cost of deceased migrants.

Experts contend that current BMET policies and processes (such as pre-departure training and orientations) are not gender sensitive and do not provide enough protection measures for women migrant workers. For instance, women migrants do not receive awareness trainings on how to protect themselves against violence and sexual harassment at the workplaces.¹⁹

SOCIAL PROTECTION

Currently, Bangladesh has 114 disparate social protection programmes²⁰, primarily centred around food distribution and cash transfers. However, these social protections are only for formal economy workers in Bangladesh.

OVERSEAS SUPPORT

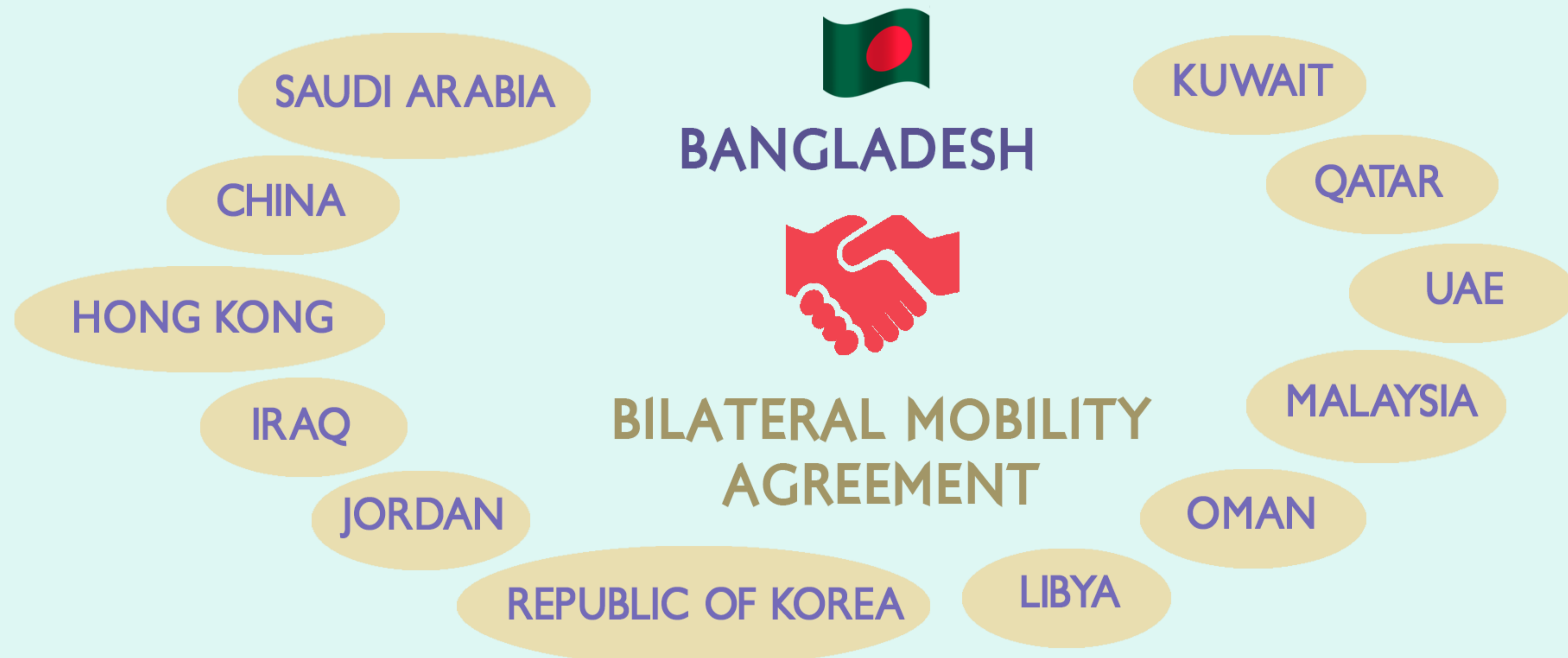
The Ministry of Expatriates' Welfare and Overseas Employment provides legal assistance, pursuit of compensation from foreign employers for deceased migrants, scholarships for children of migrants, assistance to afflicted migrant workers, health services, inspection of workplaces, return of dead bodies of the migrant workers and financial assistance to the family of the deceased migrant workers.²¹

REPATRIATION AND REINTEGRATION

The Ministry of Expatriates' Welfare and Overseas Employment has set up a Tk700 crore fund and undertaken various programmes to provide welfare for the Bangladeshi migrant workers who have returned home after losing their jobs overseas.

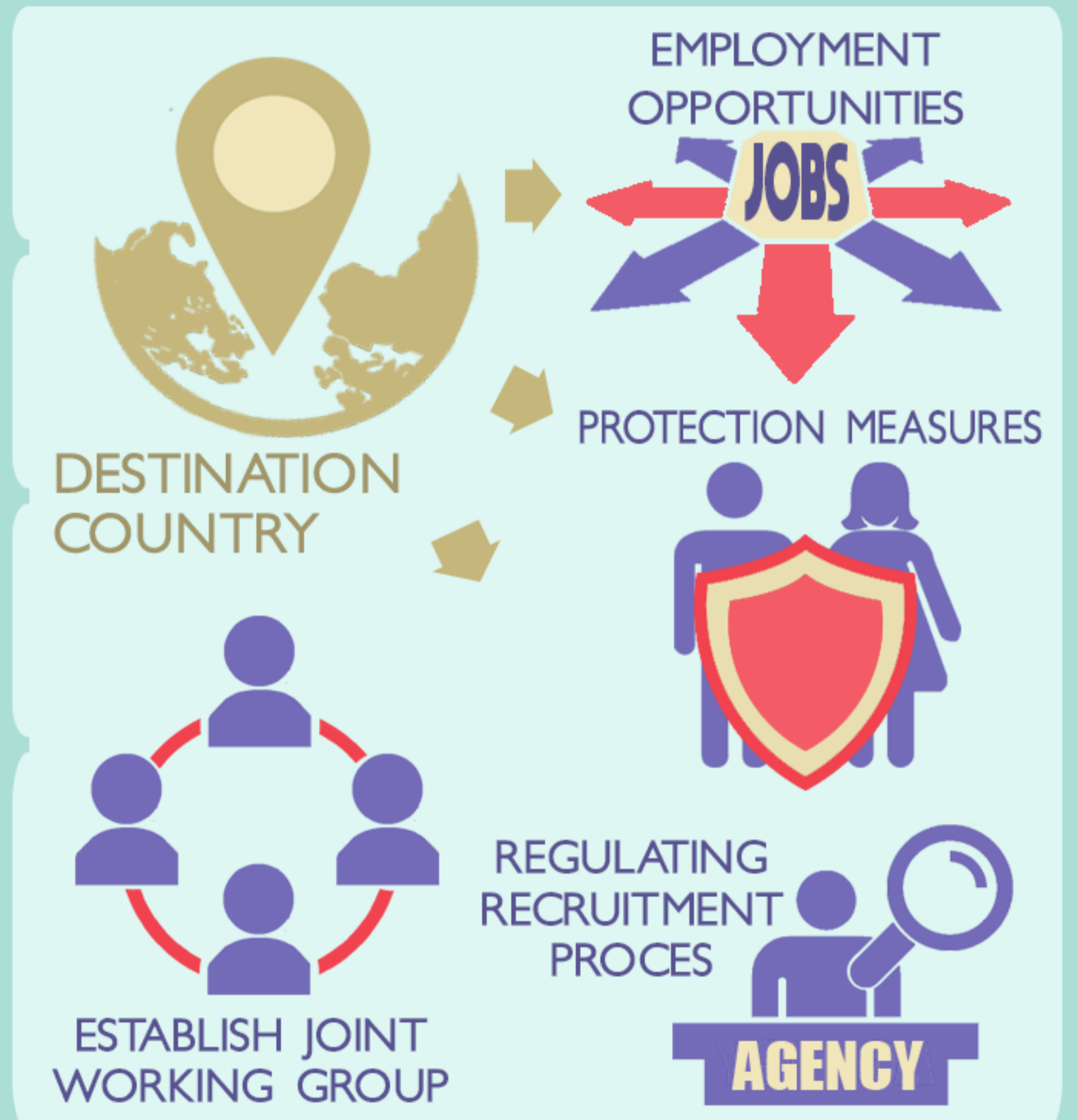
MEMORANDUM OF UNDERSTANDING (MOU'S), BILATERAL AGREEMENTS AND BANS

Bangladesh currently has bilateral mobility agreements with Kuwait, Qatar, UAE, Malaysia, Oman, Libya, Republic of Korea, Jordan, Iraq, Hong Kong, China and Saudi Arabia.



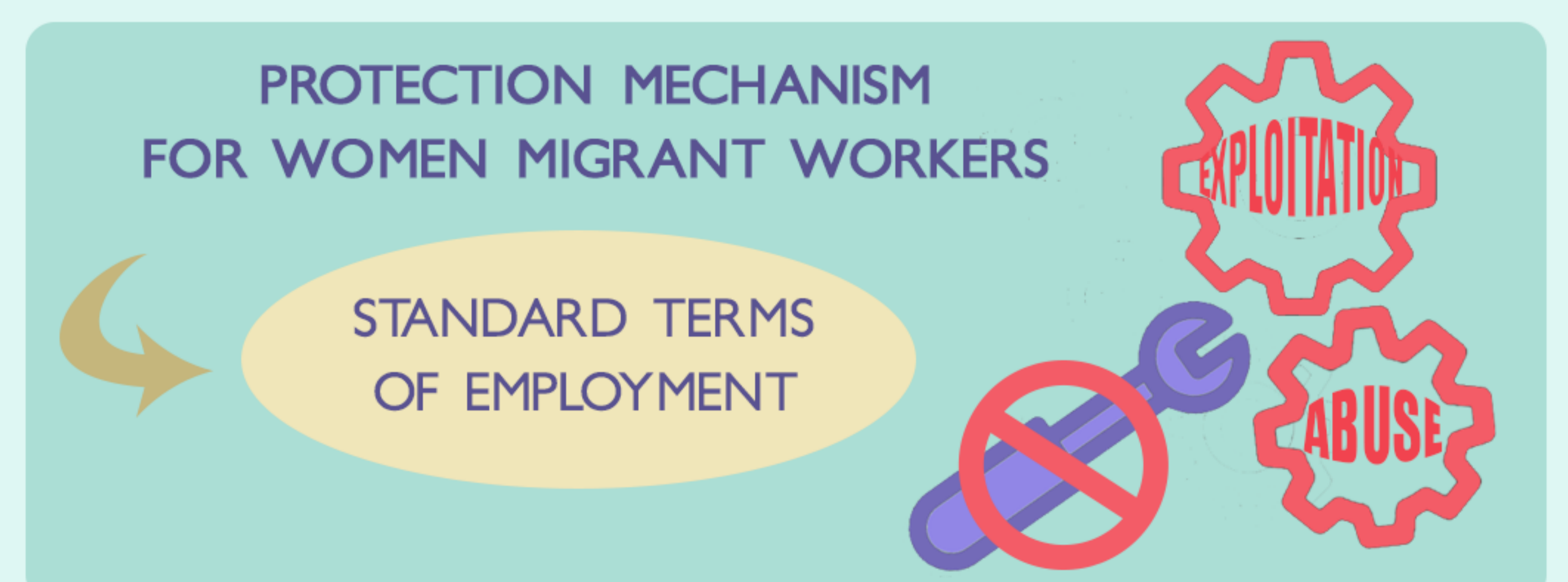
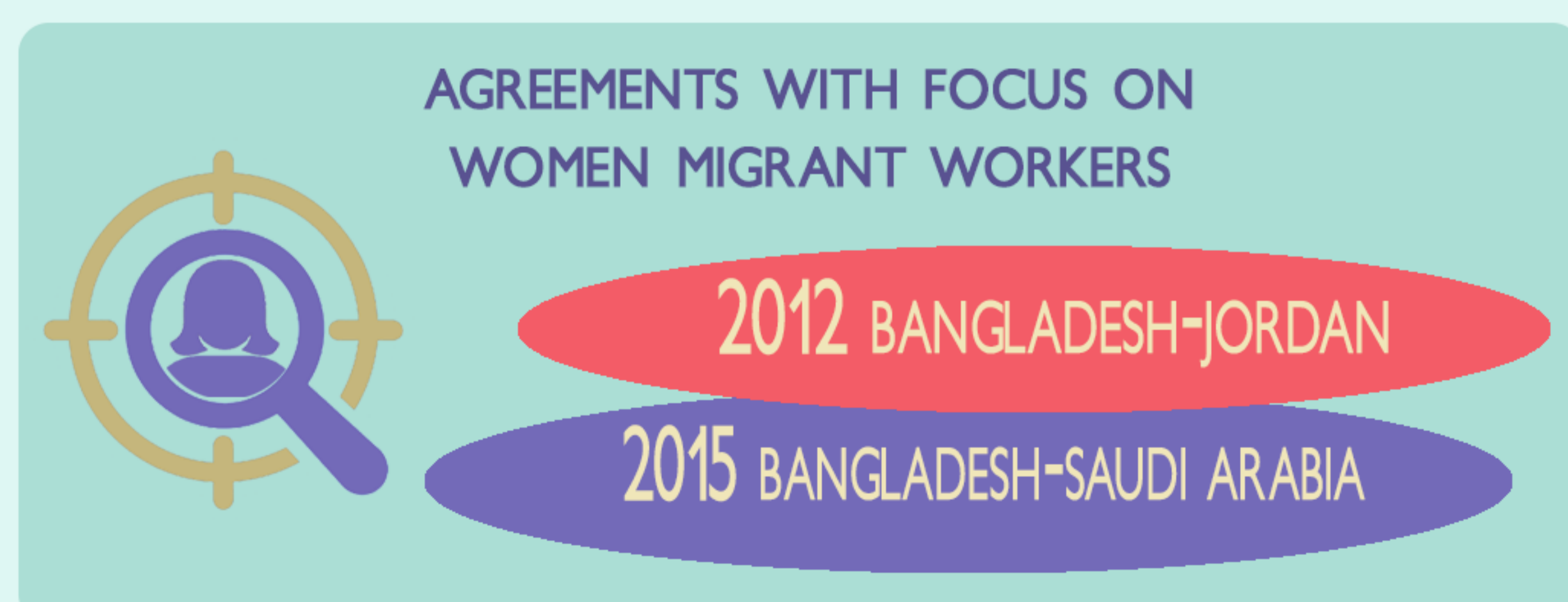
THESE AGREEMENTS FOCUS ON:

- ✓ ENHANCING EMPLOYMENT OPPORTUNITIES IN THE DESTINATION COUNTRIES;
- ✓ ENSURING THE HOST COUNTRY TAKES MEASURES TO PROTECT WORKERS AND THEIR WELFARE;
- ✓ REGULATING RECRUITMENT PROCESSES;
- ✓ ESTABLISHING A JOINT WORKING GROUP TO ENSURE THE MEMORANDUM OF UNDERSTANDING (MOU) IS BEING IMPLEMENTED AND THAT ANY LABOUR CONCERNS CAN BE RESOLVED BILATERALLY.



However, only a few agreements focus on women migrant workers. Two notable ones are the Bangladesh–Jordan memorandum (2012) that provides Bangladeshi domestic workers with the protection and rights of Jordan’s labour law, and the Bangladesh–Saudi Arabia memorandum (2015) that focuses on the recruitment of domestic service workers.

Another mechanism to protect women migrant workers is standard terms of employment. Apart from stipulating working conditions, such terms also protect the workers’ rights. However, these terms cannot address the larger, structural constraints in current labour migration systems that foster conditions for abuse and exploitation.²²



STATUS OF RATIFICATION OF INTERNATIONAL INSTRUMENT AND CONVENTIONS

NAME	ADOPTION STATUS
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)	✓
INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)	✓
INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)	✓
CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)	✓
INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES ICMW)	✓
ILO 29 FORCED LABOUR CONVENTION	✓
ILO 87 CONVENTION ON FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE	✓
ILO 97 MIGRATION FOR EMPLOYMENT CONVENTION	✗
ILO 98 CONVENTION ON RIGHT TO ORGANISE AND COLLECTIVE BARGAINING	✓
ILO 100 CONVENTION ON EQUAL REMUNERATION	✓
ILO 105 ABOLITION OF FORCED LABOUR CONVENTION	✓
ILO 111 DISCRIMINATION IN EMPLOYMENT AND OCCUPATION CONVENTION	✓
ILO 143 MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION	✗
ILO 181 ON PRIVATE EMPLOYMENT AGENCIES CONVENTION	✗
ILO 183 MATERNITY PROTECTION CONVENTION	✗
ILO 189 DOMESTIC WORKERS CONVENTION	✗
ILO 190 VIOLENCE AND HARASSMENT CONVENTION	✗

✓ Signed and Ratified

✗ Not ratified

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