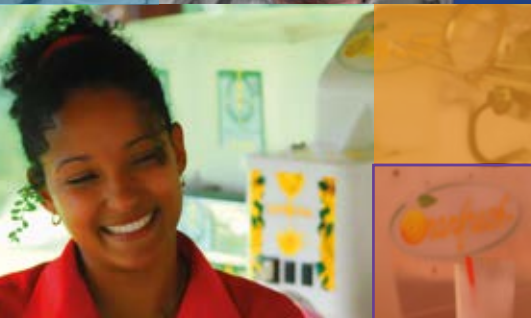
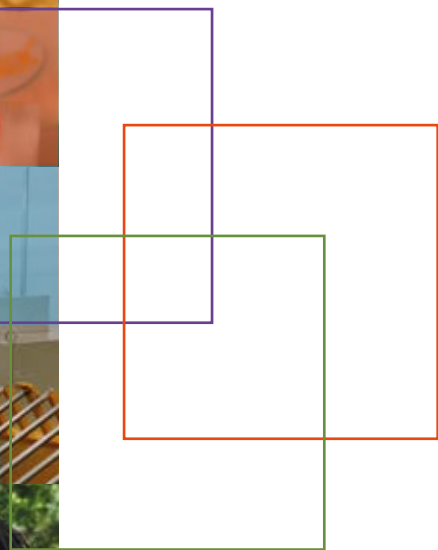




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Practical Guide on Maximising the Contribution of Women Migrant Workers to Development



A Practical Guide on Maximising the Contribution of Women Migrant Workers to Development

Gloria Moreno-Fontes Chammartin



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Foreword



The UN Secretary-General's 2013 *Eight-point Agenda for Action* presented in his report to the 2013 *High-level Dialogue on Migration and Development* provides a renewed mandate to advance work on labour migration and development, particularly in its call for the protection of human rights for all migrants, ratification of human rights and ILO conventions, and to take practical measures toward development such as reducing the costs of labour migration.

At the same time, the ILO's Director-General has recently highlighted that the link between migration and development should transcend remittances and focus on the respect and protection of the migrant workers behind those remittances as a key means of expanding their contribution to development.

As a result of rapidly changing global labour markets, the opportunities and pressures for women to migrate have increased. This has led to what the international community calls, "*the feminisation of labour migration.*" Yet, we know little about the relationship between migration and gender, and even less about the linkages between migration and development from a gender perspective. It is within this context that the *Practical Guide on Maximising the Contribution of Women Migrant Workers to Development* gains its relevance as a tool for addressing the needs of women migrants who continue to face particular challenges in realizing their human and labour rights.

Globally, women migrants have proven to be powerful agents of change by transforming present realities into opportunities for positive growth and development for themselves, their families and communities of countries of origin and destination. However, while labour migration can enhance women migrants' autonomy and empowerment, their possibility to contribute to development is affected by, among other factors, continuous gender inequalities that can arise from highly segmented and discriminatory global labour markets.

Governments, employers, workers and other stakeholders in both places of origin and destination can be facilitators of positive outcomes for women migrants by ensuring non-discrimination and equality of treatment and better opportunities in terms of working conditions and wages, social protection, recognition of skills and qualifications, as well as access to regular channels of labour migration at all skill levels. The *Practical Guide* sheds valuable light on how to foster policies on migration and development through both a gender and rights-based approach. This can ultimately strengthen the contribution of women migrant workers to development.

In 2003, the ILO published an *Information Guide on Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers* that sought to advance knowledge on the vulnerabilities that migrant workers face, especially women. This *Practical Guide* complements the *Information Guide* by providing practical information and recommendations to enhance the labour market situation of women migrant workers, thereby maximizing positive development outcomes for women migrants and the communities in which they live and work.

In particular, the *Practical Guide* analyses the critical link between migration, gender and development. It provides information on the factors related to a lack of recognition of labour market needs and how the limited provision of rights and labour protection to women migrants can result in large numbers of women having an irregular migration status. It highlights their concentration in the informal economy, and the unfair working conditions and wages, deskilling, and lack of social protection that can affect their human security and ability to contribute to development, including through remittances. The *Practical Guide* is designed to provide ILO constituents, other policy makers and stakeholders with guidance on better protecting women migrants and in supporting their full development potential.

The *Practical Guide* also advances the contemporary discourse on migration, development and gender by highlighting the importance of ratifying and implementing International Labour Conventions and Recommendations on Migrant Workers that are complemented by the guidelines and principles of the non-binding ILO *Multilateral Framework on Labour Migration*. Adherence to these principles can not only ensure that women migrant workers are empowered through equitable and inclusive development, but serve to promote decent work for *all* migrant workers.

Michelle Leighton
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Acronyms



CEACR	Committee of Experts on the Application of Conventions and Recommendations
EU	European Union
GBA	Gender-based analysis
GDP	Gross domestic product
GFMD	Global Forum on Migration and Development
HLD	High-Level Dialogue on Migration and Development
ILC	International Labour Conference
ILO	International Labour Organization
IOM	International Organization for Migration
IT	Information technology
MDG	Millennium Development Goals
NQF	National Qualification Frameworks
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
RAS	Rapid Assessment Module
SAWP	Seasonal Agricultural Workers Program (Canada)
UAE	United Arab Emirates
UK	United Kingdom
UN	United Nations
UNDAF	United Nations Assistance Development Framework
UNDP	United Nations Development Programme
UNFPA	United National Population Fund
US	United States

Summary



The overall objective of the *Practical Guide on Maximising the Contribution of Women Migrant Workers to Development* is to provide guidance to policy-makers and other stakeholders on how to enhance the contribution of women migrant workers to development by advancing knowledge on the critical links between migration, gender equality and development. In this effort, the Practical Guide includes best practices and recommendations to governments, trade unions and employers' organizations, and to migrants' associations and other civil society organizations. The Guide consists of five chapters that discuss important links between migration, gender and development. They also provide relevant international Conventions and Recommendation and key principles of the ILO's *Multilateral Framework on Labour Migration* in an effort to provide guidance on maximising the contribution of women migrant workers to development, and to promote decent work for all.

Chapter 1 introduces the topic and provides information on how to use the Practical Guide.

Chapters 2 and 3 argue that factors related to lack of recognition of labour market needs and lack of provision of workers' rights and labour protection to women migrants result in large numbers of them in an irregular migration status, their concentration in the informal economy, unfair working conditions (mainly wages), and lack of social protection affecting directly or indirectly the level of remittances, and must be considered as key in providing women migrants with the opportunity to develop their full development contribution potential. The chapters contend that women migrant workers have less opportunities to migrate abroad as documented workers since sex segregation in sectors and in occupations impacts employment opportunities and treatment of women and men migrants differently.

Chapter 4 studies the linkages between and among deskilling, brain waste and gender, migration and development. It also provides advice on policies that can promote the portability and recognition of skills, qualifications and competencies.

Chapter 5 concludes the *Practical Guide* by summarizing its key arguments and highlighting important avenues and policy directions for maximising the contribution of women migrant workers to development.

The *Practical Guide* is accompanied by *Annexes 1, 2, 3 and 4* including: background chronological information on international events on migration, gender and development since 1994; the ILO's 2004 Conclusions and Resolution including ILO's Plan of Action for Migrant Workers adopted by consensus by 177 tripartite delegations participating in the International Labour Conference (ILC); the ILO's contributing work on advancing the Millennium Development Goals; and work done on gender issues within the past *Global Forums on Migration and Development*.

Chapter 1.



Introduction

1.1 Background

The *Practical Guide on Maximising the Contribution of Women Migrant Workers to Development* (herein referred to as the *Practical Guide*) aims at contributing to the international debate on migration and development and should be considered as a complement to the International Labour Office's 2003 *Information Guide on Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers*.¹

The International Labour Organisation (ILO) has recognized international migration as largely a labour market and decent work issue, and the report “International Migration and Development” presented by the United Nations Secretary General to the 2013 High-Level Dialogue on International Migration and Development (HLD) acknowledged that international “migration has been instrumental in achieving many of the Millennium Development Goals (MDGs).² The ILO estimates that more than 50 per cent of international migrants are workers, and that, together with their families, they account for 90 per cent of the total of international migrants.³ In some countries, the foreign labour force can represent up to 96 per cent of the total labour force⁴. Even those fleeing persecution, armed conflict and environmental disasters often find a job in the labour market of countries of destination. Individuals accompanying family members and those migrating as students also seek work eventually, either as employees or in self-employment. Moreover, almost half of the total international migrant population today are women,⁵ increasingly migrating for work on their own account, and often as their family's primary income earner.⁶

Women and men migrant workers' labour and skills play important roles in labour markets and make valuable contributions to the economies and societies in origin and destination countries. Without their labour and skills, the productivity and efficiency of important parts of the economy would suffer due to labour and skill shortages. Migrants also contribute to development through their support to social security systems, as consumers of goods and services, and through the creation of jobs; they can facilitate stronger commercial ties between countries of origin and destination; transfer technology, improving their children's education and skills, as well as their own skills; transfer their skills and knowledge acquired abroad, and their ideas, beliefs and new values on rights and opportunities.

While global discussions of the past largely overlooked a gender-responsive approach to migration and development, recent discourses have shed light on, and given importance to, the contribution of women to migration and development. For example, the United Nations Secretary General's report prepared for the 2013 HLD addresses the need, among other things, to ensure a gender-sensitive and rights-based approach to international migration and recognises that migration can empower girls and enable gender equality⁷.

Issues linked to labour rights and protection of men and women migrant workers need to be considered since they determine the positive and negative impacts of international migration to development, as well as to the present and future challenges in the World of Work. Providing guidance to policymakers, governments, trade unions, employers' organizations, civil society organizations, migrant workers themselves and migrant organizations on how to enhance the contributions of migrant workers to development is essential in order to advance awareness on these issues. Therefore, it is important and timely that labour migration policies are gender-sensitive and reflect gender-responsive and rights-based analyses and solutions.

The impact of demographic change was identified in the ILO's Director General 2013 report "*Towards the ILO centenary: Realities, renewal and tripartite commitment*" as one of the seven forces transforming the world of work. The report acknowledged that there are five evident areas in which the ILO's own work will necessarily need to address their consequences: job creation, social protection, migration, fragile and conflict-affected states and planetary limits. The report also states that one of the dimensions of inequality in the World of Work originates from direct or indirect discrimination on the basis of sex, race, religion, social origin or other grounds. The report acknowledges that inequality is also the result of violation of the right of equal treatment, and that the ILO *Declaration on Social Justice for a Fair Globalization of 2008* states that "gender equality and non-discrimination must be considered to be cross-cutting issues" in the strategic objectives of the ILO.⁸

As the ILO's Director General 2013 report mentions: "the ILO's mandate requires it to carry forward its struggle for social justice into the second century of its history". The report recapitulates that the *Constitution of 1919*, the *Declaration of Philadelphia of 1944*, the *ILO Declaration on Fundamental Principles and Rights at Work* and its Follow-up of 1998, and the *ILO Declaration on Social Justice for a Fair Globalization of 2008* are all "powerful expressions of the ILO's commitment to social justice, and serve as reference points in determining in concrete terms how that commitment needs to be translated into action". It also reiterates that some subjects have figured continuously throughout ILO's historic work: "respect of fundamental rights; an adequate living wage; social protection; prevention of unemployment; protection of children; migration; and education and training".⁹

The UN Secretary General's 2013 HLD report includes an *Eight-point Agenda for Action* which covers the following issues: protecting the human rights of all migrants (point 1); reducing the costs of labour migration (point 2), and strengthening the migration evidence base (point 7). The first two points of the agenda are particularly important to the ILO since they call on countries to: "eliminate all discrimination against migrants with regard to working conditions and wages and with regard to fundamental rights"; "enhance access to legal migration channels reflecting actual and projected labour market needs"; and "enhance the portability of social security and other acquired rights and by promoting the mutual recognition of diplomas, qualifications and skills".¹⁰

The ILO has had a constitutional mandate since 1919 to "protect workers employed in countries other than their own". In 2004, a renewed mandate was given to the ILO by 177 tripartite participating delegations to the 92nd Session of the International Labour Conference (ILC) who adopted by consensus the *Conclusions and Resolution on a Fair Deal for Migrant Workers in a Global Economy*,¹¹ which included an *ILO Plan of Action for Migrant Workers*. The UN Secretary General's

Eight-point Agenda for Action reaffirms the ILO's mandate to continue advancing work on labour migration and its linkages to development.

The 2004 International Labour Conference (ILC) *Conclusions and Resolution on a Fair Deal for Migrant Workers in a Global Economy* acknowledged that, "as part of the broader commitment to promoting decent work, the ILO and its constituents agree on the desirability of maximizing the benefits to all that can flow from: (i) promoting policies that give priority to economic growth and employment; and (ii) encouraging regular labour migration. They mention that the promotion of policies that maximize the contribution of migration to development is an essential component of a comprehensive policy to address the global context of migration, and that demographic trends in some regions suggest that immigration will in some instances be an important component of a long-term solution to the anticipated problems raised by ageing. They include recognition that "among many of the beneficial elements of labour migration are non-inflationary economic expansion, job creation, growth and cross-fertilization of skills, technology exchange, rejuvenation of populations and stimulation of development through remittance flows".

ILO 2004 *Plan of Action for Migrant Workers* recognizes the need to adopt national policies aimed at equal treatment of migrant workers with nationals in respect of national labour laws and access to applicable social protections, combating the exploitation often associated with migrants in irregular status, and the promotion of basic human rights for all migrants. In addition, it mentions that "Considering the needs expressed by many member States for technical assistance in many areas of labour migration policy and administration, expanded advisory services and technical cooperation should be a key priority for the ILO to help governments and social partners formulate and give effect to national and regional policies and practices concerning labour migration", including, inter alia:

- a) developing gender-sensitive national migration policies;
- b) considering the gender dimension in the application of relevant international labour standards, as well as to the various categories of temporary migrant workers, including seasonal workers;
- c) establishing and promoting comprehensive national approaches to improving social welfare, inclusion and cohesion in the context of labour migration that reflect the different conditions that migrant women and men face, and to reducing specific vulnerabilities faced by female migrants;
- d) entering into bilateral or multilateral agreements to provide social security coverage and benefits to regular migrant workers and, as appropriate, to migrant workers in irregular situations, in conformity with relevant international standards and practices; and
- e) building a global knowledge base on international labour migration by strengthening knowledge management tools on continued qualitative and quantitative research in areas of migration for employment, including on the gender dimensions of migration.

At the same time, the ILO's 2004 Plan of Action for Migrant Workers called for the development of a non-binding Multilateral Framework for a rights-based approach to labour migration

which takes account of national labour market needs, and would comprise international principles and guidelines, illustrated by best practices, on areas including, but not limited to “addressing the specific risks for all migrant workers, men and women, in certain occupations and sectors with particular emphasis on dirty, demeaning and dangerous jobs, and on women in domestic service and the informal economy”. The ILO’s *Multilateral Framework on Labour Migration* adopted in 2006 is a practical policy-advice tool providing significant principles and guidelines derived from relevant international instruments.

In addition, recent ILO-led international tripartite dialogues have also highlighted the importance of migration and development, as well as analysing it through a gender perspective and highlighting the importance of social dialogue on the formulation of labour migration policies, legislation and practices. The ILO’s *Technical Tripartite Meeting on Labour Migration* held on 4-8 November 2013, concluded that the ILO should, “in light of the growing feminization of labour migration, enhance the capacities of [its] constituents to apply a gender lens to advance and implement labour migration policies”. It concludes that “through social dialogue at local, national, bilateral, sub-regional, regional and international levels, the ILO’s tripartite constituents can play an important role in the development of rights-based, transparent and coherent labour migration legislation and policies, taking account of labour market needs”.¹²

With respect to the future Post-2015 UN Development Agenda, the ILO advocates for a decent work goal. The 2004 report of the World Commission on the Social Dimension of Globalization, *A fair globalization: Creating opportunities for all*¹³, recommended practical action on Millennium Development Goal (MDG) 8:

- making decent work a national and global objective;¹⁴
- creating fair rules for trade, investment, **international** finance and **migration**; better international policies (e.g. meeting aid needs and debt relief) and more accountable institutions;
- stressing national and international responsibilities for good governance and reforms to ensure fairness and sustainable global growth, with a move from donor conditionality to national ownership of policies;
- increasing policy coherence between international economic, social and environmental policies in a reformed multilateral system.

In 2005, Target 1B on “achieving full and productive employment and decent work for all, including women and young people” (under MDG 1) was recognized by the UN General Assembly as central to the sustainable recovery of the real economy. This accomplishment acknowledged that employment and decent work are legitimate and fundamental objectives in their own right, and are not the automatic by-products of growth. As a result, the ILO was tasked to track progress not only in relation to Target 1B, but also on the employment of women (Target 3.2).

Without doubt, the ILO recognizes that in order to overcome extreme poverty, gender equality and the empowerment of women are essential. As a result, a new MDG Target (3.2), the “share of women in wage employment in the non-agricultural sector,” was included to further respond to promoting gender equality and empowerment of women, as defined by MDG 3. The ILO places gender

concerns at the heart of all its policies and programmes in order to create employment, promote training, develop entrepreneurship and improve access to the labour market under fair and equal conditions for both men and women, which is essential in achieving MDG 3. The ILO does this by:

- ✓ Promoting equal opportunity in access to jobs, income-earning activities, assets, education and training;
- ✓ Gender-specific measures and action aimed at both men and women;
- ✓ Women's empowerment through employers' and workers' organizations;
- ✓ Social dialogue and collective bargaining for gender equality;
- ✓ The promotion and realization of rights; and
- ✓ Ratification and implementation of international labour standards.¹⁵

Undeniably, the ILO's main contribution in advancing work on the Millennium Development Goals has been to promote its decent work agenda comprising the following four pillars:¹⁶

- **Employment** – recognising that the principal route out of poverty is through decent work;
- **Rights** – considering the importance of respecting workers' rights in order to empower them to escape from poverty and contributing to reducing income inequalities;
- **Social protection** – highlighting that one of the most powerful ways of breaking the vicious circle of transmitting poverty from one generation to another is by providing social protection to the poor and vulnerable; and
- **Social dialogue** – ensuring the participation of employers' and workers' organizations in shaping government policy for poverty reduction guarantees that are sustainable and equitable.

In addition to its work on MDGs 1 to 7, the ILO has contributed particularly to MDG 8 through its Decent Work Agenda by:¹⁷

- ❖ promoting decent work as a global goal in fair globalization;
- ❖ calling for greater policy coherence for poverty reduction across the multilateral system;
- ❖ encouraging employment-intensive approaches, especially in the context of technological change;
- ❖ assessing and addressing the effects of trade on employment and labour rights; and
- ❖ developing the capacity of workers' and employers' organizations to participate meaningfully in the formulation of national development policy.

At the country level, the ILO works for the inclusion of decent work goals in *Poverty Reduction Strategies* coordinating with the UN family through the United Nations Development Assistance

Framework (UNDAF), an important tool through which UN Country Teams can support national development priorities and MDGs.

Nevertheless, sustainable, inclusive and equitable migration-development linkages have yet to recognize and incorporate adequately the goal of decent work for women and men migrant workers of all skill levels, and the key role of labour market institutions (e.g. important role of Ministries of Labour, Public Employment Services, Vocational Training Institutions, Labour Inspectorates, etc.) in ensuring their labour protection during the whole migration process, as well as providing them with social protection in order to maximise their contribution to development.

Some of the most important added-value characteristics of ILO's labour migration work are that labour standards and social dialogue are at the heart of all its activities. Indeed, the ILO is a standards-based institution and involves social dialogue between its World of Work tripartite constituents (Governments, employers and workers representatives) in the development and implementation of labour migration policy and legislation, including through the establishment of tripartite consultative processes. The ILO also recommends that Labour Ministries play a key role in policy formulation, elaboration and administration of labour migration to ensure that employment and social protection considerations are included in labour migration discussions. In addition, the ILO calls for the establishment of Inter-Ministerial mechanisms to ensure coordination and consultation of its labour migration work.

To ensure that migration is safe and respectful of human rights, including labour rights, ILO promotes a protection framework on labour migration that is guided by relevant international labour standards¹⁸ and other relevant international and regional instruments. One of ILO's main priorities is to promote the ratification and implementation of the Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), as well as the implementation of accompanying Recommendations Nos. 86 and 151, and migration policies that conform to them.

The ILO advocates for labour migration policies that include a migrant-centred approach (focusing on the women and men migrant workers behind the remittances, their working conditions, wages, etc.) that is gender-sensitive and incorporates a rights-based framework in order to maximise development outcomes. Many of these issues have already been significantly advanced by the ILO in the past. However, further harmonization of employment, social protection and labour migration policies with development planning is crucial to achieve successful development outcomes.¹⁹

1.2 Why a women migrant-specific Practical Guide?

Are women migrants even more disadvantaged than men migrant workers? Is there a real need for this women-focused, gender-specific *Practical Guide*? Responses to these broader questions can be found in Booklet 1 of ILO's *Information Guide on Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers* which observes that women are at a greater risk throughout all the stages of the migration process²⁰ to discrimination, exploitation and abuse, and that they accumulate different levels of discrimination within and outside their workplace, including dis-

crimination as women vis-à-vis men; as foreigners compared to nationals; as dependents compared to autonomous migrants; and as those in an irregular situation relative to documented migrants²¹.

Women international migrants participate significantly and productively in countries of destination's labour markets, which could scarcely function without their presence. However, gender stereotypes affect their migration experience such as limited access to regular migration channels, labour market integration and unfair living and working conditions. At the same time, the often discriminatory practices (gender-equality related and others) that migrant women find before their departure in their countries of origin, during transit, and in countries of destination affect their ability to provide for families remaining back home. Discriminatory practices can also result in unfavourable labour market outcomes for migrant women.

In addition, it is important to highlight that while men migrate for a variety of jobs ranging from low to high-skilled jobs, female labour migration is strongly characterized by their concentration in a very limited number of female-dominated occupations which are associated with traditional gender roles. Indeed, the types of jobs where demand for women migrant workers exist are defined by the labour market segmentation in countries of destination and stereotypes.

Nowhere is this more obvious than in the health and care sectors. Labour market demand for women migrants' labour and skills is mainly increasing for care services in both less-skilled jobs such as domestic work that includes home cleaning and children care, as well as semi and highly skilled occupations (nurses, health care workers for the elderly and the disabled). Other jobs held by women migrant workers include enterprise and hotel cleaning services and waitressing services in restaurants, and entertainers. To a lesser extent, women migrant workers can also be filling in retail trade sales jobs and manual jobs in labour-intensive manufacturing, mainly in sweatshops.

However, labour market demand is often not recognised in many countries of destination resulting in large numbers of women migrants working in the informal economy, particularly but not exclusively in the domestic sector, especially in caring for young children, disabled persons, the elderly and household work. In most cases, migration takes place through irregular channels, or migrants enter lawfully and overstay or take up work without permission from the authorities, and women migrants are found in low-wages jobs, with no social protection and limited chances of career progress. Labour market demand in the services sector, and particularly in care-related occupations will surely continue with aging populations in most developed countries and more national women entering the labour force, resulting in a growing need for women migrants.

ILO's *Information Guide Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers* had underlined some of the areas covered by this *Practical Guide*, particularly concerning women migrants:

- a) Concentration in the informal economy where decent work deficits are most serious: lack of respect for labour rights and normative working conditions, unproductive and poorly remunerated jobs, little or no social protection and lack of organization, representation and voice vis-à-vis employers and the authorities;
- b) Limited or non-recognition of labour market demand resulting in fewer regular channels of migration into those jobs where women migrants tend to work;

- c) Lower wages as compared to immigrant men and national women and men workers;
- d) Employment in jobs not covered or inadequately covered by labour legislation, or other social security or welfare provisions;
- e) Concentration in a limited number of occupations, especially in those where women have typically dominated and which are associated with traditional female roles and sex stereotypes;
- f) Limited representation in the professional, skilled categories; the only exceptions are as teachers and nurses;
- g) Concentration in the SALEP (Shunned by all Nationals Except the Very Poorest) and “3D” (dirty, dangerous and degrading) jobs – mainly as domestic workers, “au pairs”, entertainers, sex workers, helpers in restaurants and hotels, cleaners, sales girls and manual workers in labour intensive manufacturing in small factories and sweatshops – low-skilled, low-paid jobs, with inferior working conditions, which they would have probably rejected in their home countries; and
- h) Limited or non-recognition of their qualifications/diplomas and competencies resulting in the deskilling of large numbers of them.

Other specific vulnerabilities that characterise women migrant workers in the labour market of destination countries, and that were identified by the ILO’s *Information Guide Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers*, can be summarized as follows:

- i) Exposure to occupational hazards and safety and health risks, including harmful chemicals, substances or radiation for those working in small factories and sweat shops and health risks for those in the entertainment sector. Many work in hazardous buildings or premises without adequate safety exits in case of fires or industrial accidents;
- j) Individualised work situations where there is greater isolation, invisibility and lower likelihood of establishing networks of information and support;
- k) Nature of employment characterised by a relationship heavily in favour of the employer, lack of autonomy and a strong relationship of subordination and dependence;
- l) Lack of organization, representation and voice with no bargaining power or representation vis-à-vis employers or the public authorities²².

If migrant women are to fully benefit from migration, and countries of destination’s economies, labour markets and societies are to benefit from their presence, policymakers need to identify and effectively address the labour market demand for those jobs where women tend to concentrate, and ensure that migration policies provide rights to women migrant workers on the basis of equality and non-discrimination.

Regular labour migration opportunities could be offered to women migrant workers, including through bilateral labour agreements that contain the necessary protection provisions, and ensure an adequate labour supply into semi-skilled and low-skilled jobs that provide social protection for women migrants in the formal economy. In addition, other areas such as the recognition of

diplomas and qualifications should be quickly advanced in order to make sure women migrants are offered the opportunities they deserve to become larger development contributors.

1.3 The need for gender-sensitive labour migration policies

In order to ensure that international migration contributes substantially to the achievement of equitable, sustainable and inclusive development, policymakers and other stakeholders must consider including a gender-sensitive and rights-based approach in labour migration policies in order to enhance the protection of all migrant workers and their families, and equally benefit countries of origin and destination, as well as women and men migrant workers themselves.

But, what are gender-sensitive labour migration policies? Gender-sensitive labour migration policies²³ take into account the differences in socio-cultural roles, needs, opportunities, constraints and vulnerabilities of women and men. They guarantee that human, including labour rights, are equivalently enjoyed by women and men migrant workers, and that legislation, policies and programmes ensure equality of access and results for both women and men migrant workers.

Gender-sensitive policies adopt a gender-equality approach that addresses the different impacts of rights' violations on women - because of their different and less valued roles.

The main elements of a gender-sensitive policy include that rights should be enjoyed by all on the basis of equality and non-discrimination. This does not necessarily mean equal treatment in all instances. Promoting gender equality may include special provisions to compensate long-term discrimination, because formal equal treatment can sometimes reinforce and perpetuate inequalities.²⁴

1.4 Purpose of the Practical Guide

During the past decades, increased attention to the financial or monetary remittances sent by migrant workers to their families has given hope that migration could equalize development gaps between countries. Yet, policy-makers and practitioners have difficulty in transcending the extensively studied remittances' nexus and identifying labour and social protections to advance migration-development objectives, as well as changing systems and traditions that keep women migrant workers in a disadvantaged position.

The level of remittances migrant workers, and in particular women, can send back home significantly depends, among other factors, on:

- a) the recognition of labour market needs for migrant workers that has a direct impact on the migration status of the worker and his/her family;
- b) their concentration, or not, in the informal economy;
- c) the respect for principles of equality of treatment and opportunity in terms of working conditions and wages, not only between migrant workers and nationals, but also between men and women migrant workers; and

- d) the extent of migrant workers' enjoyment of their labour rights and social protection.

The **overall objective** of this *Practical Guide* is to advance knowledge on the critical link between migration, gender equality and development, and to provide guidance to policy-makers and other stakeholders on how to enhance the contribution of women migrant workers to development by improving policy and legislation identified as unfair and that impedes women migrants from realizing their full development potential.

The *Practical Guide* includes good practices and recommendations to governments, workers' and employers' organizations, as well as to civil society in general on how to maximize the potential contribution of women migrant workers to development. This can be achieved by optimizing their protection and providing equal opportunities between men and women migrant workers as well as equal treatment between migrant and national workers to become more substantial contributors to development.

The **specific objectives** of the *Practical Guide* include:

- Enhancing knowledge about and understanding of the multi-faceted gender dimensions of various areas linking international migration and development - women migrants' working conditions and wages, their concentration in the informal economy, deskilling and portability of skills, provision of social protection;
- Explaining and emphasizing why gender dimensions matter in migration and development discussions, and in determining the positive and negative impacts of migration on development;
- Providing guidance and informative tools to policymakers, governments, trade unions, employers' organizations, civil society organizations, and migrants and migrant organizations on how to enhance the contributions of women migrants and migrant workers to development through their empowerment and promotion of gender equality;
- Presenting practical examples and findings from various studies and observations on identified gender, migration and development themes; and
- Indicating the scope for, and the advantages of, cooperation and collaboration between government agencies, trade unions, employers' organizations, civil society organizations, and/or migrants and migrant organizations to optimize the benefits of development by promoting gender equality and, in particular, by enhancing the empowerment of women migrants.

Each chapter comprises a section including evidence-based examples of the issues discussed and provides information on the ILO's technical advisory work including tools (e.g. gender-sensitive bilateral agreements on social security and recognition of skills, as well as model employment contracts) and recommendations on how to improve the situation of women migrant workers in the areas discussed. Information on the principal International Labour Conventions and Recommendations relevant to issues in each chapter, as well as the principles, guidelines and good practices in the ILO *Multilateral Framework on Labour Migration* are also included.

1.5 Target audiences

The main target audiences of this *Practical Guide* are advocates, policymakers, implementers of migration and development policies and programmes, as well as the migrants themselves and stakeholders involved in the welfare of women migrants and migrant workers in general, such as:

- Immigration officials, labour, trade and industry representatives, gender and development specialists, social security, public health, education, and law enforcement officials;
- Embassy and consulate officials;
- Workers' and employers' organizations;
- Public and private recruitment agencies involved in labour migration;
- Financial institutions such as banks, credit unions or cooperatives, and social microfinance institutions;
- Civil society organizations and non-governmental organizations involved in the protection of the rights, welfare and socio-economic well-being of migrants and their families; and
- International organizations.

1.6 Contents of the Practical Guide

The Guide consists of five chapters that cover some of the major areas where migration, gender and development interlink.

Chapter 1 comprises introductory information on the background, purpose, target audiences, content, as well as guidelines on how to use it.

Chapters 2 and 3 claim that factors related to women migrant workers' rights and labour protection, such as their concentration in the informal economy, migration status, working conditions (mainly wages) and social protection, affect directly or indirectly the level of remittances, and must be considered as key in providing women migrants with the opportunity to develop their full development contribution potential. The chapter states that the level of remittances women and men migrant workers can send back home significantly depends, among other factors, on: a) the level of recognition of labour market needs in jobs where women migrants tend to concentrate and the impact on the migration status of the worker and his/her family; b) their concentration, or not, in the informal economy; and, c) the respect for principles of equality of treatment in terms of working conditions and wages, and of social protection not only between migrant workers and nationals, but also between men and women migrant workers.

These chapters include information mentioning that women migrant workers have even less opportunities to migrate abroad lawfully, that sex segregation in sectors and occupations continue impacting employment opportunities and treatment for migrant women and men differently and

often result in discriminatory outcomes for the former. Therefore, the chapters also include information on the types of sectors and occupations women migrant workers tend to concentrate in, and explore the degree of their labour protection, labour force participation, working conditions and wages in comparison to their male counterparts. They analyse issues such as the situation of undocumented migrant workers, the non-payment and/or withholding of wages, the lowering of wages without migrants' agreement and the inadequate implementation of the principle of "equal pay for work of equal value", as well as the invisibility of women migrant workers in some occupations. The chapters conclude by recommending policies that can positively affect these trends, as well as women migrants' income and ability to send larger remittances.

Chapter 4 studies the linkages between and among deskilling, brain waste and gender, and migration and development. It also provides advice on policies that can promote the portability and recognition of skills, qualifications and competences. In addition, this chapter also discusses the following questions:

- Do women migrants have greater difficulty in gaining recognition of their skills, diplomas and competencies than men?
- Do these deficits in the portability of skills affect women more than men migrants' income and their possibility to send larger remittances?
- If labour market sex segregation in sectors and occupations differs between higher and lower-skilled segments, how are women affected if they tend to be mainly concentrated in lower-skilled occupations?

Chapter 5 concludes the *Practical Guide* by summarizing its key arguments and highlighting important avenues and policy directions for maximising the contribution of women migrant workers to development.

Lastly, the *Practical Guide* is accompanied by four annexes comprising background chronological information on international events on migration, gender and development since 1994; on the ILO's 2004 Conclusions and Resolution including the ILO's Plan of Action for Migrant Workers adopted by consensus by 177 tripartite delegations participating in the 92nd session of the International Labour Conference (ILC); ILO's work contributing to advancing the Millennium Development Goals; and work done on gender issues within past *Global Forums on Migration and Development*.

1.7 How to use the Practical Guide?

The *Practical Guide* intends to provide user-friendly information to target audiences that can use it in a variety of ways and for different purposes. Although it places emphasis on women migrants and migrant workers in the migration-and-development process, the approach throughout is gender-responsive. As a result, where necessary its contents can also be helpful and useful to do work on maximising the contribution of male migrant workers to development, if disadvantages concerning them are identified.

Individual and institutional users of this *Practical Guide* may select one or more chapters, or take it as a whole; each chapter contains a list of recommendations and includes references with website links, if available.

For which **purposes** can the Guide be used?

- ✓ *Awareness-raising or sensitization* about existing gender inequalities and the need for gender-sensitive, and often gender-specific policies and programmes that provide women migrant workers with the necessary labour rights and social protection in order to contribute to the reduction of identified gender-equity gaps;
- ✓ *Advocacy and publicity*, by using its contents to lobby for policies and programmes to benefit migrant workers in general, and migrant women, in particular;
- ✓ *Tool for action*, aiming at advancing knowledge on international labour standards and recommendations that adhere to the protection of the human rights, including labour rights of migrants, and sharing practical experiences related to reducing gender inequality to contribute to maximising women migrants' contribution to development;
- ✓ *Training purposes*, as those running entrepreneurship training programmes for women migrant workers can probably find the information, including the context of the various issues, practical and useful; and as a
- ✓ *Networking tool* to seek collaborative endeavours between government representatives, trade unions, employers' organizations, civil society organizations, migrant workers' themselves and migrants' organizations.

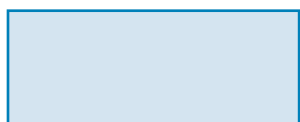
1.8 Organization of the Guide's contents

The parts and sub-parts of the *Practical Guide* are written in a linear manner to help the reader understand the messages, facts, information and implications of the contents.

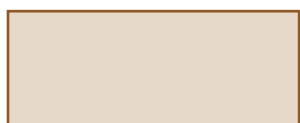
Readers of the Guide should also take note of the various icons and symbols used in the chapters. These icons and symbols guide the reader as follows:



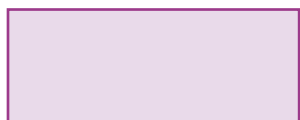
Text box in coloured italics: main themes and highlights of different sections of the information guide









Text box in bold italics: International Labour Conventions and Recommendations, as well as other international instruments



Text box in bold italics: ILO Multilateral Framework on Labour Migration



Coloured text box: important explanations or examples of policies or actions

	Key point
	Elaboration of key point(s)
	Good practices
	Practices to be improved
	Refer to, cross-references
	Lessons learned

Chapter 2.



Less Recognition of Labour Market Needs for Women Migrants and their Concentration in the Informal Economy

2.1 Introduction

The impact of demographic change was recognized in the ILO's Director General 2013 report *Towards the ILO centenary: Realities, renewal and tripartite commitment* as one of the seven forces transforming the world of work. The report acknowledged international migration as one of the five noticeable areas in which the ILO's own work will need to address demographic challenges²⁵.

Without a doubt and according to the ILO 2013 report on *Employment and Social Protection in the New Demographic Context*, "demographic trends are generating and, most likely continue to generate, labour and skills shortages resulting in practically all developed countries experiencing below-replacement fertility rates". The report mentions that "the ageing effect will no longer be compensated for by growing labour market participation rates of women and older workers", and that population ageing is placing financial affordability and sustainability pressures on social security systems by driving up expenditure on pensions and health care, contracting the tax and contribution base, and increasing benefit expenditures²⁶.

Indeed, labour market shortages having a negative effect on productivity and efficiency, but innovation can persevere in labour markets despite the economic crisis and high levels of unemployment. The persistent need for migrant workers suggests a structural demand not only for highly-skilled migrant workers, but for workers of all skill levels, rather than a temporary gap. The *Employment and Social Protection in the New Demographic Context* report further argues that labour and skills shortages will not be limited to the higher skill segments of the labour market only, but will comprise, among others, the need for long-term care services in countries where labour is too expensive and no public provisions are in place to afford long-term care (e.g. Italy and Germany), and shortages in other economic sectors such as construction and manufacturing. It includes data showing that because of the skills shortage, about a million jobs are vacant in Germany today, and in the Netherlands, demand could create 600,000 new jobs by 2015, but based on demographics, the labour market will only grow by 225,000. The same report shows that European economies may face considerable shortages in their labour supply after 2018 as the population aged between 20 and 59 years will shrink quite dramatically, while the age group between 60 and 69 years will continue growing for another 20 years²⁷.

Finally, the report debates that “while migration is not the sole solution to population ageing, well-managed migration policies and programmes are part of the solution and can bring about mutual benefits for sending and receiving countries”. It adds that “the two main characteristics of migration flows – the concentration of migrants at young ages at the time of the move and the high labour force participation of migrants at destination – are the basis for arguing that admitting international migrants can be one of the strategies to reduce some of the potentially detrimental effects of population ageing”²⁸.

However, while the issue of labour and skills shortages remains a structural trend, there is lack of political recognition of labour market needs particularly for jobs where women migrants tend to concentrate (e.g. domestic work, hotels, restaurants, cleaning services, retail trade, nursing and other care services, education), resulting in irregular migration and a large number of them entering into the informal economy. Indeed, one of the main reasons for existing labour shortages is the lack of political will to recognise those labour market needs mainly in semi-skilled and low-skilled jobs, and of the necessity to respond to them, among others, by opening up labour markets to regular labour migration channels.

Industrialised countries seem eager to recruit and accept the presence of highly skilled migrants to offset labour shortages, but there is a reticence to acknowledge that there is a demand for semi and low-skilled occupations, too. Countries want the services provided by migrant women and men, but not necessarily the migrant workers themselves, at least not on a permanent basis. The lack of acknowledgment of labour demand results in large numbers of women migrating irregularly, often under dangerous situations.

During the past decades, increased attention to the financial or monetary remittances sent by migrant workers to their families has given hope that migration could equalize development gaps between countries. Yet, international migration policies have difficulty in transcending the largely studied remittances’ nexus and including a migrant-centred approach (focusing on the women and men migrant workers behind the remittances), and identifying migrant workers’ labour and skills as an essential contribution to achieve equitable, sustainable, and inclusive Post-2015 development objectives.

Similarly, this approach fails to recognize that the level of remittances migrant workers, and in particular women, can send back home significantly depends, among other factors, on:

- a) recognition of labour markets needs at all skills levels respecting the principles of non-discrimination and gender equality;
- b) migrant workers’ concentration, or not, in the informal economy and their lack of social protection and portability of social security benefits;
- c) respect for principles of equality of treatment and opportunity in terms of working conditions and wages, not only between migrant workers and nationals, but also between men and women migrant workers;
- d) portability and recognition of skills; and on
- d) social protection and portability of social security benefits.

2.2 Gender inequality in recognizing labour market needs resulting in large numbers of women in an irregular migration status

While labour market demand for women migrants' labour and skills is mainly increasing due to population ageing and the lack of public care services available, as well as the changing household and labour market structures and dynamics, including the increased participation of women in paid employment, often those labour shortages are not recognised in most countries of destination resulting in large numbers of women migrants working in the informal economy, particularly but not exclusively present in the domestic sector caring for young children, the disabled, the elderly and household work.

Principle 5 of the ILO's Multilateral Framework on Labour Migration recommends expanding avenues for regular labour migration taking into account labour market needs and demographic trends and includes five guidelines that provide advice to ILO constituents on this particular area.

Guideline 5.1 recommends the establishment of systems and structures for periodic, objective labour market analyses that take into account gender issues that include:

- 5.1.1. sectoral, occupational and regional dimensions of labour shortages their causes, and relevant issues of labour supply;
- 5.1.2. shortages of skilled workers in both origin and destination countries, including in the public, health and education sectors; and
- 5.1.3. long-term impact of demographic trends, especially ageing and population growth, on the demand for and supply of labour;

In addition, **Guidelines 5.2 to 5.5** recommend:

- 5.2. establishing transparent policies for the admission, employment and residence of migrant workers based on clear criteria, including labour market needs;
- 5.3 where appropriate, establishing policies and procedures to facilitate the movement of migrant workers through bilateral, regional or multilateral agreements;
- 5.4. promoting labour mobility within regional integration schemes; and
- 5.5. ensuring that temporary work schemes respond to established labour market needs, and that these schemes respect the principle of equal treatment between migrant and national workers, and that workers in temporary schemes enjoy "human rights regardless of their status"²⁹.


Although there is insufficient data available, the little evidence indicates that shrinking opportunities for regular channels of migration have affected women disproportionately to men, and has acted as a further push factor in women's migration in an irregular situation. According to the report "*Statistical analysis of female migration and labour market integration in the EU*", women


constitute a large proportion of migrants with irregular status due to gender-based discrimination which makes it more difficult for them to gain regular (legal) status than men, and thus streams them into working in informal sectors where it is easier to find employment often in unregulated work environments.³⁰

Notwithstanding, the large numbers of women workers migrating abroad on their own, when we look at totals of yearly regular inflows of migrants into most industrialised countries, women are under-represented.

According to the 2008 OECD report “Gender and Sustainable Development: Maximising the Economic, Social and Environmental Role of Women”, legal recruitment efforts continue often targeting highly-skilled male dominated occupations (IT workers), while temporary migrant workers’ schemes also tend to attract semi-skilled and unskilled workers for male-dominated occupations (construction, agriculture and manufacturing, which are often more regulated and more visible³¹), women’s opportunities to migrate in a regular situation continue being more limited than men, especially to industrialised countries. Indeed, when legal, official recruitment efforts take place, they frequently continue aiming at opening the doors mainly to male-related occupations.



International migration policies seem to attribute a higher value to male-related occupations. In the case of permanent immigration opportunities, as can be seen in Box 2.1, most highly-skilled occupations required in Canada and Australia comprise opportunities for male-related occupations such as: engineering managers, geoscientists and oceanographers, chemical engineers, mining engineers, petroleum engineers, geological engineers, aerospace engineers, ship’s engineer, ship’s master and ship’s officer, project builder.  (Box 2.1)

Skilled women migrants often arrive to the host country as family dependents. In Canada, for example, a large number of skilled women migrants enter the country as spouses and dependents rather than as principal applicants. As shown in Box 2.2, less than a third of the total number of principal applicants were women, representing the majority of spouses and dependents³².  (Box 2.2)



Some countries distinguish between the rights of migrants to reside and those to work. In a large number of receiving countries, women entering as dependants of permanent immigrant do not have the right to a work permit. Thus, their possible insertion into the informal economy results in lower wages and high likelihood of working in precarious conditions. For many migrant workers in the informal economy, the impossibility or near impossibility of obtaining and maintaining a valid work permit constitutes a major barrier to entering the formal economy, even in countries where there is demand for semi-skilled and highly-skilled foreign workers.

“Family reunification, formation and sponsorship then become a key mode of migration for skilled migrant women”³³. In several countries women who enter as dependents face problems in integrating into the host’s labour market due to legal and professional restrictions.

At the same time, most temporary migration schemes (with the exception of the migration of domestic workers to the Gulf States, the Middle East and some important Asian receiving coun-

Box 2.1 Permanent Immigration Opportunities to Canada and Australia

Canada

Specific-eligibility criteria

Federal skilled workers

As of May 2013:

- Engineering managers
- Financial and investment
- Analysts
- Geoscientists and oceanographers
- Civil engineers
- Mechanical engineers
- Chemical engineers
- Mining engineers
- Petroleum engineers
- Geological engineers
- Aerospace engineers
- Computer engineers (except software engineers/designers)
- Land surveyors
- Computer programmers and interactive media developers
- Industrial instrument technicians and mechanics
- Inspectors in public and environmental health and occupational health and safety
- Audiologists and speech-language pathologists
- Physiotherapists

Australia

Professional and other skilled migrants - Skilled occupation list

As of July 2013:

- Project Builder
- Engineering Manager
- Production Manager (Mining)
- External Auditor
- Internal Auditor
- Actuary
- Land Economist
- Ship's Engineer
- Ship's Master
- Ship's Officer
- Medical Administrator
- Nursing Clinical Director

Source: Government of Canada, Department of Citizenship and Immigration: *Specific eligibility criteria – Federal skilled workers*, <http://www.cic.gc.ca/english/immigrate/skilled/apply-who-instructions.asp?expand=jobs#jobs>

Government of Australia, Department of Immigration and Border Protection: *Annual Update of Skilled Occupation List – July 1 2013: Professional and Other Skilled Migrants*, <http://www.immi.gov.au/skilled/general-skilled-migration/skilled-occupation-list.htm>

Box 2.2 Skilled women – the case of permanent migration - Canada

Permanent Residents in the Economic Class, by Principal Applicant vs Spouses Dependents and by Gender (2007)

ECONOMIC CLASS	Principal Applicant					Spouses and Dependents				
	Total	Male	%	Female	%	Total	Male	%	Female	%
Skilled Workers	41253	28055	68	13198	32	35355	2361	6.7	32994	93.3
Business Immigrants	2808	2391	85	417	15	7371	2894	39.3	4477	60.7
Live-in Caregivers	3433	169	5	3264	95	2684	1788	66.6	896	33.4

Source: Government of Canada: *Citizenship and Immigration Canada, Facts & Figures, 2007*, <http://www.cic.gc.ca/english/pdf/pub/facts2007.pdf>

tries such as Malaysia, Japan, and Singapore) seem to be providing more legal channels of migration to men than to women migrants. One of the most important examples is Canada's Seasonal Agricultural Workers Program (SAWP) where, in 2011, female temporary foreign workers accounted for only four per cent of all migrant workers under this temporary scheme³⁴. Another example that can be mentioned is the United States where a 2007-09 National Agricultural Workers Survey found that only 22% of all migrant farm workers in the US were female³⁵. In addition, a 2011 study on the Employment Permit System (EPS) in Korea done by the Friedrich Stiftung Foundation comprising a representative sample of migrant workers registered by the EPS, found that the majority of manufacturing migrant workers were male (86.6 per cent) while only 13.4 per cent were female.

In the US, the spouses of temporary visa holders, who are usually women, are not allowed to enter the labour market. In general, migration policies and regulations are not formulated in a way that explicitly differentiates between women and men. However, experts coincide in pointing out that they often have differentiated impact on both sexes, because of their different roles they tend to play in the labour markets and societies.

In some developing countries restrictions have been imposed on the migration of migrant women including imposing specific-age bans, or on admission of migrants for female type of occupations such as domestic work. In additions, the large demand for certain low-skilled jobs (e.g. domestic work) is not recognized and a large number of women migrants work hidden in households and are neither provided with a work or a residence permit by national authorities.

2.3. Concentration in the Informal Economy


Expansion of legal migration opportunities in line with labour market needs and ensuring equal treatment and opportunities, as well as gender equality is an important first step in providing women migrants with access to decent working conditions.

An ECOSOC report remarks that “Migrant workers can make their best contribution when they enjoy decent working conditions, and when their fundamental human and labour rights are respected in the host countries.” It concludes by stating that “The most vulnerable workers to abuse of human and labour rights are women migrant workers, especially domestic workers, migrant workers in irregular status, trafficked persons and youth migrant workers. Low skills add to their vulnerability while skilled workers are better able to protect themselves.”³⁶

A European Parliament 2006 report called on the European Commission and Member States to “prevent the negative impact of irregular immigration, and the marginalisation and economic exploitation of women immigrants in the host countries” and to ensure that “women immigrants enjoy secure legal and labour status in the host countries”.³⁷

In its introductory paragraphs, the European Parliament report mentioned that women immigrants, “as a general rule, encounter significant problems in integrating, primarily in terms of difficulty in accessing the labour market, low employment rates and high rates of unemployment, employment in temporary or low-paid jobs, often without social and economic protection or in sectors of the “grey” economy and undeclared employment, limited linguistic skills, a low rate of participation in basic, and above all, tertiary educations, limited participation in social, political, trade union and cultural life of the host country, poverty and social exclusion. The same report adds that “a by no means negligible number of young graduates from the higher education systems of their countries come to take relatively unskilled jobs in the European Union, for example as domestic staff, as a consequence of the high rate of female unemployment in their countries and the low pay for the professions and jobs of their skills and qualifications...”³⁸

The European Parliament report also called on Member States to incorporate, in their national action plans on employment and social integration, measures to promote the participation of women immigrants in the labour market, fight undeclared work, ensure respect for women’s rights (equal pay, social security, pension rights, etc), provide support for entrepreneurship, ensure that elderly women immigrants do not suffer poverty and exclusion and promote the role of the social partners and trade unions, in the process of women’s social and economic integration;”

 According to UNDP, there were **30-40 million undocumented migrants worldwide**, representing 15-20 per cent of all international migrants³⁹. However, there is a considerable lack of data about the proportion of women migrants within global irregular migration since available statistics are not easily disaggregated by gender⁴⁰. According to the report, “*Gender and Migration*”, prepared by the Global Commission on International Migration: “The undervaluing of women’s labour (e.g. domestic labour) and restriction on their right to work, and involvement in activities that are deemed to be criminal offences or against public order (e.g. prostitution) means that a higher proportion of women are statistically invisible and are, or become undocumented”⁴¹.

In main destination countries with large informal economies⁴², the percentage of migrant workers in the labour force can represent as much as 70 per cent of the total number of informal workers. In 2006 in Spain, while 37 per cent of native Spanish nationals were found working in the informal labour market, almost two thirds of the total (63 per cent) were immigrants.⁴³ In the Russian


Box 2.3 Limited number of occupations available to women migrant workers in OECD countries

“Migrant women face a gender-stratified labour market where they find themselves at the low-skill rather than high-skill end. Low-skilled migrant women tend to find jobs in a limited number of occupations associated with gendered roles, such as cleaning and catering services and domestic work. There has been a large increase in immigrant women in the domestic services sector in OECD countries due in part to the growing need for household help (including child care), following the increased participation of women nationals in the labour force. This is also a result of higher demand for assistance to the elderly due to ageing populations in the OECD area.”

Source: OECD: *Gender and Sustainable Development: Maximising the Economic, Social and Environmental Role of Women*, 2008, p. 56.

Federation, the Federal Migration Service estimated in 2009 that 70% of all migrant workers were active in the informal economy.⁴⁴

Women migrant workers often face a series of barriers that continue to confine them to the margins of the informal economy. Sex segregation in sectors and occupations continue impacting employment opportunities and treatment for migrant women and men differently and often result even in worst discriminatory outcomes for the former. Data for informal employment in domestic and care work indicates that there were 600,000 of migrants working irregularly in Italy, and 2 million undeclared domestic workers in Germany.⁴⁵ In addition, a comparative analysis of the number of women and men migrant workers officially employed in Russia indicated that 64 per cent of men migrant workers signed a labour contract with the employer, while the same was true for only 42 percent of women.⁴⁶

Indeed, women migrant workers are usually employed in jobs in the informal economy, not covered or inadequately covered by labour legislation or other social security or welfare provisions, even more so than those jobs occupied by their male counterparts. They tend to concentrate in a limited number of occupations and also tend to have a limited representation in skilled categories.  Box 2.3 provides evidence from a 2008 OECD report.

Women migrants in the informal economy are definitely at a disadvantage, especially if they work in less regulated economic occupations not covered or inadequately covered by labour legislation and social protection provisions (domestic and care work, or entertainment), or even criminalized. These low status jobs are characterised by low wages, long working hours and insecure contracts often coupled with precarious legal status.

The following policy-related barriers and obstacles can be encountered by women migrant workers and could be contributing to the growth in their numbers in the informal economy:

- a) Restrictive migration policies geared towards attracting highly skilled workers while not recognizing semi-skilled and low-skilled needs in the labour market;
- b) Underestimation of labour market needs for jobs where they labour;

- c) Complex and bureaucratic administrative procedures providing authorizations to work, and to renew working and residence permits;
- d) Existing legislation not extending protection to sectors and types of employment where women migrant workers are concentrated;
- e) Lack of labour inspection services in enterprises and households hiring them;
- f) Language courses too costly or not easily available to migrant workers, thus not permitting them to easily integrate into the formal labour market;
- g) Existing impediments not permitting migrants to register in the social security system and/or not permitting the portability of their social security benefits⁴⁷;
- h) Problems with recognition of qualifications and competencies impeding access to the formal economy;
- i) Working permits tied to a single employer that do not provide workers with alternatives in case of exploitative working conditions and can result in regularly admitted migrant workers slipping into a situation of irregularity by overstaying their visa or by running away from their designated employers;
- j) Discrimination and xenophobia that can affect a large number of documented migrant workers creating obstacles in access to employment and unequal treatment in the workplace; and
- k) Unclear labour migration policies.



According to ILO's 2013 *Policy Resource Guide Supporting Transitions to Formality* an "irregular migration status is not the only barrier to formal employment for migrant workers and documented migrants can also find themselves trapped in the informal economy." The Policy Resource Guide mentions that the following list of groups of documented migrants can be found working in the informal economy, but does not exclude others:

- a) asylum-seekers with a residence, but no work permit;
- b) young migrant students with a part-time work permit;
- c) dependents of principal applicants with a residence permit, but no work permit;
- d) documented migrants with a residence and work permit that cannot find a job in the formal economy for discrimination practices (can include second generation migrants) or language barriers;
- e) documented migrants that do not want themselves, or their employers do not want, to pay social security contributions and/or taxes;
- f) self-employed migrants; and
- g) in the case of the EU, nationals of new EU Member States facing transition periods to access the labour market.⁴⁸

Box 2.4 Women migrants in low-skilled occupations – The case of Italy

In Italy, there is a 7.6 per cent probability that women migrants are concentrated in a low-skilled occupation (compared to 2.3 per cent for men).

Source: Giaccone, M: *Migrant workers found mainly in low-skilled occupations*, Eurofund, European Working Conditions Observatory, 2009

 **As a result, in most countries of destination, there is a clear concentration of migrant women in low-skilled, low-paid personal and social services, especially in hotels and restaurants, as sales clerks and manual workers in small factories and sweatshops.**  Box 2.4 provides evidence from a study carried out in Italy in 2009.

- ◆ As is the case in many OECD countries, most migrant workers in Germany are men. Between 2006-2011, the annual share of employment permits issued for women represented only from 26 to 33 per cent. Yet, women are overrepresented in domestic work (93 per cent) and they account for a large share of the unskilled work permits. On the other hand, only 13% of the information technology recruits from abroad are women, and only 25 per cent of foreign-trained skilled migrants are women⁴⁹.
- ◆ The Philippines has sent more than 1.5 million female workers throughout Asia, most of whom find work as domestic workers, representing the most feminised flow of labour migration⁵⁰.
- ◆ Female migrants are typically confined to the lower echelons of labour markets, such as in service and care sectors which are defined by their unstable and temporal nature, both in high- and low-income countries⁵¹. In Russia, an estimated 20 per cent of all migrant workers are employed in retail trade, and 5 per cent are working in the service sector. The majority of these workers are women.⁵²
- ◆ “The strict stratification by gender and ethnicity in labour markets of destination countries signifies multiple discrimination against women migrants. Not only do they work in the most precarious but their very insertion reinforces gender roles since they are required to perform services in the sectors of care and domestic work that national women do not wish to engage in”⁵³.
- ◆ For instance, female migrant earning capacity in the US is negatively affected by employers’ recruitment practices that institutionalise their segregation into very particular jobs and roles. This form of sex segregation is also maintained through both women’s and men’s social networks that communicate information on sex-specific job opportunities⁵⁴.

Women migrants are often streamed into working for the manufacturing export processing sectors. In Madagascar’s garment industry, for example, women migrants have a “high level of education that is somewhat lower than, but generally comparable to, that of men,” yet, the majority of women migrants work in unskilled jobs and earn low wages, while men often occupy skilled positions with higher pay. Furthermore, wage increases have only been relegated to skilled workers rarely benefitting women migrants⁵⁵.

2.4 Good practices on providing protected legal channels of migration respecting gender equality, non-discrimination principles

Argentina has developed since 2004 an exemplary immigration law (No. 25,871) that provides equal treatment in access to social rights and facilitates immigration for nationals of MERCOSUR and UNASUR member countries. The 2004 migration policy offered a simplified procedure in obtaining a resident and working permit to South American immigrants who could enter the country and had three months to present an employment contract.

The regulations agreed in 2010 to implement the law represent a significant advance in the field of international migration to consider migration as a human right and to promote the social integration of migrants. One of the highlights of the 2010 law is that migrants from MERCOSUR countries and Associated States parties have access to residence and MERCOSUR citizenship (after a two year period) in Argentina without the need to submit an employment contract.

The **Plan to Facilitate the Movement of Workers in MERCOSUR** was signed in August 2013 (MERCOSUR / GMC / RES.N 11/ 13). The Plan's overall objective is to develop actions, through progressive implementation, designed to facilitate the movement of workers within MERCOSUR. It considers migrant workers' formal integration into labour markets as a strategy to improve the quality of jobs in MERCOSUR including in its border areas. The Plan is based in the provisions included in the Social and Labour Declaration of MERCOSUR of 1998 which had set up a Tripartite Labour Commission to discuss advances in this area through social dialogue and consensus of the three sectors (Government, employers and workers representatives). The Plan also includes consideration of the Regional Agreement for Nationals of member States and Associated States parties of MERCOSUR and other regional instruments dealing with the subject.

The **Social and Labour Declaration of MERCOSUR** is based on the principle of non-discrimination, mentioning that "every worker is guaranteed the effective equality of rights, opportunity and treatment in employment and occupation without discrimination or exclusion based on race, national origin, color, sex or sexual orientation, age, religion, political or trade union opinion, ideology, economic status or any other social or family status. States Parties undertake to ensure the validity of the principle of non-discrimination providing equal rights and working conditions to migrant workers as those granted to nationals.

2.5 Women's potential to remit larger percentages of their remuneration



Notwithstanding, the large concentration of women migrants in the informal economy which usually provides them with low wages, women continue to remit a significant proportion of their remuneration back home. They usually remit a larger percentage of their remuneration than men.

Box 2.5 How irregular migration from Mexico to the US impacts remitting behavior

The report, “Illegal migration, wages and remittances: semi-parametric estimation of illegality effects”, includes the following main findings:

- Migrants in a regular migration situation remit larger amounts.
- Migrants in an irregular migration situation suffer a wage penalty.
- Migrants in an irregular migration situation retain more money, perhaps as a result of their perception of increased precariousness based on their status.


“This evidence suggests that remitters in an irregular situation sent 30 percent less because of the lack of legal status”.


Source: Wahba, J. and C. Schluter: *Illegal migration, wages and remittances- semi-parametric estimation of illegality effects*, (Discussion Papers in Economics and Econometrics 0913, Southampton, University of Southampton, 2009, p.23, <http://ftp.iza.org/dp4527.pdf>)

“These results are relevant to migration policy as they quantify the substantial losses to the migrant arising from the lack of legal status; turning this around, these illegality effects quantify the substantial gains that would arise from amnesty-style policies or the losses to the migrant from more restrictive migration policies.”


Source: Wahba, J. and C. Schluter: *Illegal migration, wages and remittances- semi-parametric estimation of illegality effects*, (Discussion Papers in Economics and Econometrics 0913, Southampton, University of Southampton, 2009, p. 24, <http://ftp.iza.org/dp4527.pdf>)

- ◆ “Because women typically receive less pay than men for equal work (or work in sectors that offer poor wages), the total amount women remit may be less compared to that remitted by their male counterparts. Available data, however, shows that women send home a higher proportion of their earnings—regularly and consistently.”⁵⁶


At the same time “migrants regular migration status has a great influence on the patterns of sending remittances, in that it conditions the possibilities of access to formal channels and the migrant’s own insertion into wider social networks than those comprised by migrants of the same nationality”⁵⁷ Indeed, their immigration status matters in terms of the income obtained resulting in a negative effect on the amount of remittances that can be sent back home. In addition, if women migrants are in an irregular situation, their access to formal remittance channels could be complicated.  (Box 2.5).

-  When women migrants are provided with opportunities to migrate abroad documented, they can easily optimize their gains from migration. Women are more likely than men to send remittances to their extended family and to do so for a longer period of time.

Indeed, documented migrant workers have greater opportunities to obtain a fairly-paid job, and can be in a better position to send larger amounts of monetary remittances. Documented migration is also recognized to be the most important means to guarantee the protection of men and women migrants against discrimination and exploitation⁵⁸.

-  **Women migrants in an irregular situation have limited options by remitting through informal non-banking channels, which are often more expensive than formal banking remittance channels.**


Box 2.6 The Mexican “Matrícula Consular”

 The “Matrícula Consular” is an identity card provided by Mexican Embassies or consulates to Mexican nationals living abroad.

“In May 2003, the US Treasury Department established regulations recognizing the cards as proof of identity for the purpose of opening a bank account. It has been particularly useful for undocumented Mexican migrants in that it provides them with identification documents. In 2005, 118 banks in the United States have accepted the Matrícula Consular as an alternative form of identification to open bank accounts. Increased access to banks has the additional benefit of reducing transfer costs of remittances from the US to Mexico”

Source: ILO Database: *Good practices in Labour Migration*, 2006.

- ◆ “The value of a well-managed system of remittances for development has also been recognized, but in order for such a system to operate successfully, migrants need a degree of security in the country of employment”⁵⁹.
- ◆ “For their optimum development impact to be realized, remittances should be transferred through legal channels, which irregular migrants are unable to do if, for example, they are not permitted to open bank accounts”⁶⁰.

Mexico represents a good practice on supporting undocumented migrant workers to send their remittances through legal transfer channels and to reduce the cost of the remittance transfer through the provision of the Matrícula Consular  (Box 2.6).

2.6 ILO’s technical assistance and tools in determining Labour Market Needs for Migrant Workers, and in Regulating Migration Flows

In addition to adopting ILO standards and recommendations, the ILO has for many years been actively engaged in many areas of labour migration policy, ranging from elaborating policy approaches on protecting departing migrant workers to offering advice on how to address problems of irregular migration. It provides capacity-building to policy-makers, social partners and administrators, and renders advisory services on policy development, legislation, and other labour market-related work.

The ILO involves, in all its work, its social partners (Governments, workers and employers’ organisations) in developing labour migration policies and legislation. In the areas covered in this chapter, the ILO provides support to its constituents improving their capacity to evaluate labour market needs to determine the supply and demand for migrant workers and regulate labour migration flows, as well as to ensure the protection of both women and men migrant workers and encouraging the regulation of labour migration flows. Among others, some ILO tools can include work on developing:

- a) **Bilateral labour agreements**⁶¹ based on **ILO’s Recommendation No. 86**⁶² that embraces 24 basic protection elements, where gender equality, equality of treatment and anti-discrimination principles should be considered. For example, protection elements such as terms and

conditions of employment should ensure maternity protection; provisions for checking the conditions of accommodation in private homes; coverage of social protection or social security; non-discrimination against women migrants in vacancy notification (skills required, nature of the work to be performed, general age limits, details of job vacancies), list of candidates, pre-selection of candidates and final selections of candidates.

- b) **Labour market needs assessments** - ILO provides support in documenting the process by which the need for migrant workers is determined in order to assess the gaps and provide some directions for a more accurate assessment of needs, as well as developing comprehensive methodology for assessing labour market needs for migrant workers that contribute to inform Labour Market Information⁶³.
- c) **Public Employment Services (PES) and Private Employment Agencies (PEAs)**- The ILO has developed specific guides and tools (e.g. support in the development of **Catalogue of occupations difficult-to-fill in the labour market** which identify vacancies that can be occupied by migrant workers) to provide capacity building to PES and PEAs labour matching functions across countries while respecting migrant workers' rights, particularly gender equality and non-discrimination principles, and to strengthen their regional networks.
- d) **Labour Migration Statistics Module** - ILO's Labour Migration Statistics Module can be attached to household or labour force surveys (comprising over 200 questions). The module measures dimensions of migration such as migration history, reasons for moving, working conditions, social protection, migration networks, pre-migration characteristics, methods of finding employment, and current labour force situation. It has been tested in two countries (Armenia and Thailand) in 2006 and in Egypt, Senegal, Ecuador in 2007 as well as in Ukraine and Moldova in 2011.
- e) **Rapid Assessment Module (RAM)** –The ILO has developed with UN-ECLAC (United Nations, Economic Commission for Latin America and the Caribbean) a Rapid Assessment Module to determine the supply and demand for migrant workers in labour markets of countries of destination.
- f) **Policy advice on permanent or punctual regularisation programmes**- based on provisions respecting equality of treatment principles, the ILO advises constituents in processes to regularize migrant workers having an impact on reducing the size of the informal economy and providing migrant workers with social protection.
- g) **Reduction of administrative barriers** to registering foreign workers and renewing their working and residence permits to remove strong incentives for undeclared work and leading to significant formal sector job creation⁶⁴ (e.g. the use of service vouchers to facilitate formal contracting of domestic workers);
- h) **Research on the Impact of migrant workers in countries of destination**- The ILO is carrying out with the OECD the project “Assessing the economic contribution of labour migration in developing countries as countries of destination”. The overall objective of the project is to have a reliable and evidence-based understanding of the economic contribution of labour immigration in low-income and middle-income countries, covering at least: (i) contribution to GDP and

growth; (ii) impact on the labour market (sector analysis, impact on wages, labour shortage, employment etc.) and (iii) impact on public finances and social services.

2.7 Recommendations based on principles included in International Labour Standards and ILO Multilateral Framework on Labour Migration, relevant to the need to recognise labour market needs and the presence of women migrant workers in the informal economy

Governments

1. Consider expanding avenues for regular labour migration taking into account labour market needs and demographic trends, including by establishing systems and structures for periodic, objective labour market analyses that take into account gender issues.
2. Sign and implement bilateral and regional labour agreements ensuring equality of treatment and opportunities between nationals and migrant workers and gender equality between men and women.
3. Ensure labour inspection at workplaces that respect human and labour rights in order to monitor working conditions and compliance with employment contracts.
4. Adopt gender-sensitive policies and legislation to formalize the informal economy (e.g. taking necessary measures to reduce administrative barriers to registering foreign workers; targeting specific sectors previously excluded or types of occupations where women migrant workers are concentrated).
5. Establish transparent policies for the admission, employment and residence of migrant workers based on clear criteria, including labour market needs.
6. Ensure that temporary work schemes respect equal treatment between national and migrant workers, as well as respecting their human rights, irrespective of status.
7. Ensure that labour migration policies are gender-sensitive and address problems and particular abuses that women migrants often face in the migration process.
8. Establish policies and procedures to facilitate the movement of migrant workers through bilateral, multilateral or regional agreements.
9. Implement policies that ensure that particular vulnerabilities face by certain groups, such as women and those in an irregular situation, be addressed.
10. Promote labour mobility within regional integration schemes.

Trade unions and employers' organizations

1. Contribute through social dialogue in identifying labour shortages and advocating for their recognition and the opening up of regular channels of migration for men and women migrant workers and developing strategies to formalize the informal economy.
2. Eliminate all forms of discrimination, abuse, xenophobia and gender inequality against women and men migrant workers in employment and occupation.
3. Advocate for the regularization of migrants in an irregular situation and the utilization of employment contracts in the hiring of both women and men migrant workers.
4. Disseminate information on programmes that aim at formalising the informal economy.
5. Provide social, administrative and legal support to migrant workers in the informal economy.
6. Through social dialogue, encourage governments to regularize female and male migrant workers in an irregular situation.

Migrants' associations and other civil society organisations

1. Provide pre-departure and post-arrival information on rights and legislation in countries of destination.
2. Provide interpretation and translation services for migrant workers during legal and administrative procedures.
3. Provide legal counselling to migrants to contribute to defending their rights.
4. Disseminate information to all potential migrants about the risks and implications of the migration process, including in the informal economy, and of the specific vulnerabilities that women can encounter.
5. Consider establishing a welfare fund to assist all migrant workers and their families in cases of injury, illness, abuse, repatriation and death.

2.8 Provisions in International Instruments relevant to issues included in this chapter

C29 - Forced Labour Convention, 1930 (No. 29)

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

C181 - Private Employment Agencies Convention, 1997 (No. 181)

Article 8

1. A Member shall, after consulting the most representative organizations of employers and workers, adopt all necessary and appropriate measures, both within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses.
2. Where workers are recruited in one country for work in another, the Members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment.

C100 - Equal Remuneration Convention, 1951 (No. 100)

Article 1

For the purpose of this Convention-

- (a) the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;
- (b) the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.

Article 2

1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Article 1

1. For the purpose of this Convention the term discrimination includes--
 - (a) any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
 3. For the purpose of this Convention the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Paragraph 2

Each Member should formulate a national policy for the prevention of discrimination in employment and occupation. This policy should be applied by means of legislative measures, collective agreements between representative employers' and workers' organisations or in any other manner consistent with national conditions and practice, and should have regard to the following principles:

- (a) the promotion of equality of opportunity and treatment in employment and occupation is a matter of public concern;
- (b) all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of--
 - (i) access to vocational guidance and placement services;
 - (ii) access to training and employment of their own choice on the basis of individual suitability for such training or employment;
 - (iii) advancement in accordance with their individual character, experience, ability and diligence;
 - (iv) security of tenure of employment;
 - (v) remuneration for work of equal value;
 - (vi) conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment;

United Nations Instruments

Universal Declaration of Human Rights (1948)

Article 23

1. Everyone has the right to work, to free choice of employment, to [just and favourable conditions of work](#) and to protection against unemployment.
2. Everyone, without any discrimination, has the [right to equal pay for equal work](#).
3. Everyone who works has the [right to just and favourable remuneration](#) ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to [join trade unions](#) for the protection of his interests.

International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (1990)

Article 1

1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.
2. The present Convention shall apply during ... the entire period of stay and [remunerated activity](#) in the State of employment as well as return to the State of origin or the State of habitual residence.

Article 11

1. No migrant worker or member of his or her family shall be held in [slavery or servitude](#).
2. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.

Article 25

1. Migrant workers shall enjoy treatment not less favorable than that which applies to nationals of the State of employment in respect of [remuneration](#) and:
 - (a) Other conditions of work, that is to say, [overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work](#) which, according to national law and practice, are covered by these terms;
3. States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any [irregularity in their stay or employment](#). In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of such irregularity.

2.9 Principles in the ILO's Multilateral Framework on Labour Migration relevant to issues included in this chapter

ILO Multilateral Framework on Labour Migration Non-binding principles and guidelines for a rights-based approach to labour migration, 2006

Part II Means for International Cooperation on Labour Migration

Principle 2. Governments, in consultation with employers' and workers' organizations, should engage in international cooperation to promote managed migration for employment purposes. Governments and employers' and workers' organizations should work with the ILO to promote coherence of labour migration policies at the international and regional levels based on the guidelines set out below. The ILO should promote dialogue with other relevant international organizations with a view to developing a coordinated approach on labour migration based on the non-binding ILO Multilateral Framework on Labour Migration.

- 2.3. promoting, where appropriate, **bilateral and multilateral agreements** between destination and origin countries addressing different aspects of labour migration, such as **admission procedures, flows, family reunification possibilities, integration policy and return**, including in particular gender-specific trends.

Part IV. Effective management of labour migration

Principle 4. All states have the sovereign right to develop policies to manage labour migration. International labour standards and other international instruments, as well as guidelines, as appropriate, should play an important role to make these policies coherent, effective and fair.

- 4.2. ensuring coherence between labour migration, employment and other national policies, in recognition of the wide social and economic implications of labour migration and in order to promote decent work for all and full, productive and freely chosen employment;
- 4.4. implementing policies that ensure that specific vulnerabilities faced by certain groups of migrant workers, including workers in an **irregular situation**, are addressed;
- 4.5. ensuring that labour migration policies are **gender-sensitive** and address the problems and particular **abuses women often face in the migration process**.

Principle 5. Expanding avenues for regular labour migration should be considered, taking into account labour market needs and demographic trends.

Guidelines

- 5.1. establishing systems and structures for periodic, objective labour market analyses that take into account gender issues and that include:
 - 5.1.1. sectoral, occupational and regional dimensions of labour shortages and their causes, and relevant issues of labour supply;
 - 5.1.2. shortages of skilled workers in both origin and destination countries, including in the public, health and education sectors;
 - 5.1.3. long-term impact of demographic trends, especially ageing and population growth, on the demand for and supply of labour;

- 5.2. establishing transparent policies for the admission, employment and residence of migrant workers based on clear criteria, including labour market needs;
- 5.3. where appropriate, establishing policies and procedures to facilitate the movement of migrant workers through bilateral, regional or multilateral agreements;
- 5.4. promoting labour mobility within regional integration schemes;
- 5.5. ensuring that temporary work schemes respond to established labour market needs, and that these schemes respect the principle of equal treatment between migrant and national workers, and that workers in temporary schemes enjoy” human rights regardless of their status.

Principle 6. Social dialogue is essential to the development of sound labour migration policy and should be promoted and implemented.

Guideline

- 6.1. Establishing or strengthening national procedures of social dialogue to ensure consultation on all aspects of labour migration, including on the preparation of educational programmes and materials and provision of services and assistance to migrant workers and those considering migrating for work, both men and women, who may have different needs.

Part VII Migration Process

Principle 12. An orderly and equitable process of labour migration should be promoted in both origin and destination countries to guide men and women migrant workers through all stages of migration, in particular, planning and preparing for labour migration, transit, arrival and reception, return and reintegration.

Guidelines (selected)

- 12.1. facilitating migrant workers’ departure, journey, and reception by providing, in a language they understand, information, training and assistance prior to their departure and on arrival concerning the migration process, their rights and the general conditions of life and work in the destination country;
- 12.3. simplifying administrative procedures involved in the migration process and reducing processing costs to migrant workers and employers;
- 12.4. promoting the participation of employers’ and workers’ organizations and other relevant non-governmental organizations in disseminating information to migrant workers;
- 12.5. networking between workers’ organizations in origin and destination countries to ensure that migrant workers are informed of their rights and are provided with assistance throughout the migration process;
- 12.6. promoting the recognition and accreditation of migrant workers’ skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized;
- 12.7. providing interpretation and translation services, if necessary, to assist migrant workers in administrative and legal processes.

Principle 13. Governments in both origin and destination countries should give due consideration to licensing and supervising recruitment and placement services for migrant workers in accordance with the Private Employment Agencies Convention, 1997 (No. 181), and its Recommendation (No. 188).

Guidelines (selected)

13.3. ensuring that migrant workers receive understandable and enforceable employment contracts.

Part VIII. Social integration and inclusion

Principle 14. Governments and social partners, in consultation, should promote social integration and inclusion, while respecting cultural diversity, preventing discrimination against migrant workers and taking measures to combat racism and xenophobia.

Guidelines (selected)

14.1. promoting and implementing anti-discrimination legislation and policies, establishing or strengthening specialized bodies on equality and non-discrimination for migrant workers and conducting periodic gender-sensitive data collection and analysis on these issues;

14.2. implementing policies and programmes to prevent and combat racism and xenophobia against migrant workers, taking into account relevant recommendations in the Programme of Action adopted at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, 2001);

14.3. improving the labour market position of migrant workers, for example, through the provision of vocational training and educational opportunities;

14.4. given the particular problems faced by irregular migrant workers or other vulnerable migrant workers as a result of their status, considering the implementation of policy options referred to in Convention No. 143 and its accompanying Recommendation No. 151.

Part IX. Migration and Development

Principle 15. The contribution of labour migration to employment, economic growth, development and the alleviation of poverty should be recognized and maximized for the benefit of both origin and destination countries.

Guidelines(selected)

15.1. *integrating and mainstreaming labour migration in national employment, labour market and development policy.*

15.8. *adopting policies to encourage circular and return migration and reintegration into the country of origin, including by promoting temporary labour migration schemes and circulation-friendly visa policies.*

Chapter 3.



Women Migrant Workers' Working Conditions and the Need for Social Protection

3.1 Introduction

The ILO has adopted Conventions 100 and 111 in 1951 and 1958, respectively, to provide and protect equal remuneration for work of equal value and to prevent discrimination for occupation and employment based on sex, race, colour, religion, political opinion, national extraction or social origin. The ILO has also adopted Convention 172 in 1991 on Working Conditions (Hotels and Restaurants and Similar Establishments) which requires annual leave with pay, reasonable minimum daily and weekly resting periods, and overtime provisions, among other provisions.

Working conditions,⁶⁵ and especially wages, in countries of destination significantly determine the amount of remittances that migrant workers can send back home. At the same time, while women migrant workers can significantly contribute to the sustainability of social security systems, the majority of them are not registered and not covered by them. Even temporary migrant workers and those in an irregular situation who see social security contributions deducted automatically from their pay check for extensive periods, can experience social protection denied to them either in law or in practice.

Women migrant workers in an irregular situation and those in the informal economy are among the most excluded from even basic coverage by social protection schemes and instruments, even though they make valuable contributions to national economies in both places of origin and destination. Large numbers of them experience automatic social security deductions from their pay which do not result in any corresponding benefit. At the same time, a significant number of temporary migrants can experience difficulty accessing and receiving benefits, since long residency requirements can hardly be met due to requirements to leave the country after a certain period of time, thus excluding them in the long-term from social protection.

This chapter provides evidence from different reports on the situation of women migrant workers in the labour market, their working conditions, particularly, the non-payment and/or withholding of their wages, the lowering of wages without their agreement and the inadequate implementation of the principle of “equal pay for work of equal value”, as well as the invisibility of women migrant workers in some occupations.

The chapter also provides examples of good practices in some countries, mentioning ILO principles on the issue and ILO tools used in providing technical assistance work on social security

coverage and portability of social security benefits between countries of origin and destination. It concludes by recommending policy decisions that can positively affect women migrants' present labour market situation and social protection, as well as women migrants' income and ability to send larger remittances.

3.2 Working conditions and wages

The most widespread conditions of work in occupations covered by women migrant workers are low remuneration, heavy workloads comprised of long working hours, no weekly rest and non-paid vacations. Their jobs do not provide training opportunities, offer poor career development, and in some countries lack of freedom of movement, as well as recorded abuses. In addition, they usually occupy jobs classified as in an inferior position in the occupational ladder. In some countries, women migrants are required to work unpaid overtime, and their wages are withheld. In Tajikistan, 33 per cent of women migrants worked in unsanitary and unfavourable conditions and 25 per cent worked in environments that had a lack of elementary sanitation⁶⁶. In a survey of women migrants in Tajikistan: 30 per cent were subject to psychological violence at work, 10 per cent underwent economic violence, 21 per cent experienced physical violence, and 19 per cent felt that they could not freely quit their jobs.⁶⁷ Box 3.1 and 3.2 mention the results of some reports on the subject.

Working conditions can be worse for migrant women than for native women. This is particularly the case in Europe, which is characterized by low wages and long working hours. Underemployment and unemployment is also more common for women migrants than for native women in Europe.⁶⁸ In Norway's cleaning sector, Polish women migrants do not have access to social protection or benefits. At the same time, working conditions are characterised by low wages, underemployment and financial insecurity.⁶⁹

Wage disparities between migrants and national workers are common, but wages can also be far lower for women migrants than for their male counterparts even for the same or similar job. This is particularly the case in some destination countries, and is often linked to the migrants' national or ethnic origin⁷⁰.

In general, migrant workers receive lower wages than their native counterparts. This is particularly the case in the Middle East and Asia.⁷¹ Moreover, in the Republic of Korea, women migrant workers are routinely paid less than their male counterparts for equal work, even though pay discrimination between the sexes is legally prohibited⁷².

Women migrant workers "tend to be concentrated in gender-specific jobs that typically pay less than traditional male occupations and often work as unpaid family workers."⁷³ A 2008 European Union study indicated that not only were wages lower for migrant women from developing countries, but that they also experienced higher unemployment rates, greater likelihood of temporary contract employment and deskilling, and more frequent part-time employment than native women, European Union-born migrant women, and migrant men⁷⁴.

Wage differential are also observed in other developed countries. For instance, women migrants in the UK were 1.5 times more likely to receive less than the minimum wage than male


Box 3.1 Non-payment or withholding of women migrants wages and excessive hours of work

A report on the conditions of migrant workers in Malaysia revealed that women and men migrant workers from Bangladesh, India, Indonesia, Nepal, Viet Nam and other nearby countries toil for 12-hours of daily work but do not receive the wages that they were promised.

In Jordan, more than 70,000 women domestic workers who are mostly from Indonesia, the Philippines, and Sri Lanka are not paid some or all of their meagre wages. Many of these domestic workers work 16-to-19 hours a day, without any days off.



Source: Amnesty International: *Trapped: The exploitation of migrant workers in Malaysia*, London, Amnesty International Publications, March 2010.

migrants⁷⁵. Similar results were also observed in Spain: the earnings gap between women migrant workers and native women was 20 percent, and in the US women from non-English speaking countries suffered from more wage discrimination⁷⁶. Wage differentials were also noted between women migrants and native women in Canada⁷⁷.

 **“The marginality of migrant women in low-skilled occupations is reflected not only in low status jobs, but also in low earnings and poor working conditions. Since many lack union representation, they endure low wages, long working hours and insecure contracts often coupled with precarious legal status”⁷⁸.**

◆ “Lower earnings can lead to impoverishment and can negatively impact families left behind owing to less remittances income”⁷⁹.

◆ “Findings suggest that transfers increase the higher the sender’s income. Thanks to the respect of minimum wage laws, decent working conditions and employment opportunities, the effect of rising incomes of the migrant sender normally shows up as an increase in remittances”⁸⁰.

 **Bilateral Labour Agreements can benefit women migrants providing them with protection provisions that have demonstrated positive impacts on their ability to send larger financial or monetary remittances. Bilateral Labour Agreements can especially benefit women migrants through gender-specific provisions.  Box 3.3.**

Box 3.2 Women migrants' low wages

- In New York City, some firms provide low wages, few benefits and limited career opportunities to Dominican and Colombian women, reinforcing their social disadvantages. Similar results were found among Chinese migrant women workers.

Source: United Nations Development Programme (UNDP): Human Development Report 2009, Overcoming barriers: Human mobility and development, New York, 2009.

- Most Peruvian and Paraguayan women in Argentina (69 and 58 percent respectively) work for low pay on an informal basis in the personal service sector.

Source: UNDP: Human Development Report 2009

Box 3.3 Specific provisions of Bilateral Labour Agreements concerning women or gender issues

- The bilateral labour agreement between Spain and Mauritania includes an antidiscrimination clause based on race, sexual orientation, civil status, religious affiliation, (place of origin and social conditions).
- A key objective of the Temporary and Circular Labour Migration Plan between Colombia and Spain is to, “ensure equal access to employment for both men and women”.
- The agreements between private Canadian entities collaborating with the IOM and Colombia, Honduras and Mauritius stipulate that women are considered “equal to men regarding employment”.
- The Additional Protocol of the Migration Agreement between Argentina and Bolivia provides a temporary residence permit to spouses, children and parents of the principal applicant.
- The agreements between Italy, Albania and Tunisia allow family reunification as well as their right to work when the principal migrant has a one-year residence permit.

Source: OSCE: *Guide on gender-sensitive labour migration policies*, Vienna, 2009.

- ◆ According to the OSCE, gender-specific provisions can include⁸¹:
 - Impact assessments and the participation of gender experts as integral procedural components;
 - Acknowledgement of female-specific vulnerabilities;
 - Complaint mechanisms;
 - Fair consideration of female applicants; and
 - Training of staff in a gender and rights-based perspective.

3.3 Evidence concerning Domestic Workers

Globally, more than 80 per cent of domestic workers are women⁸². Only 10 per cent of them are protected under labour legislation and more than 25 per cent are completely excluded⁸³. Migrant women domestic workers are clearly among the world’s most vulnerable workers and their working conditions vary enormously. Some are treated as members of their employer’s family, while others are exploited and subjected to extreme conditions, resulting in slavery and forced labour. They often work long or even excessive hours of work (on average, 15-16 hours per day), with no rest days or compensation for overtime; they generally receive very low wages, and have inadequate health insurance coverage⁸⁴.

Working hours is an area where domestic workers frequently suffer from unequal protection than from other workers. For example, data for Nepal in 2008 observes that the general population worked on average 39 hours per week, but domestic workers worked 52 hours on average⁸⁵. Likewise, available data for Thailand in 2003 indicates that domestic workers worked on average

Box 3.4 CEACR General Survey on fundamental Conventions concerning rights at work

According to the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) in its 2012 General Survey on fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization:

“Migrant domestic workers, notably women, have been particularly affected by the lack of legal protection against discrimination on the grounds of [Convention No. 111] and restrictive sponsorship systems”. [...]

“All workers, including domestic workers, should enjoy equality of opportunity and treatment on the grounds of the Convention in all aspects of employment. Domestic workers, whether national or foreign workers, face discrimination with respect to a range of terms and conditions of work, social security and access to training with a view to promotion or better job opportunities. They are relatively isolated from other workers, and thus have little collective bargaining power, and are particularly vulnerable to abuse and sexual harassment. Legal and practical measures are needed to ensure their effective protection against discrimination. The Committee draws attention to the increased vulnerability of migrant domestic workers to multiple forms of discrimination due to the nature of their employment relationship, the lack of legislative protection, stereotypical views regarding gender roles and the undervaluing of this type of employment”.

[...] the skills required for domestic work, which are considered to be “innate” to women, are undervalued or even overlooked, thus resulting in the undervaluation of domestic work. Domestic work is among the lowest paid occupations in any labour market, with domestic workers typically earning less than half, and sometimes no more than 20 per cent, of average wages. [...] The principle of equal remuneration for work of equal value is to apply to domestic workers, whether nationals or non-nationals, and particular attention should be given to ensuring that domestic work is not undervalued due to gender stereotypes”.


Source: ILO: *General Survey on the fundamental Conventions concerning rights at work in the light of the ILO Declaration on Social Justice for a Fair Globalization, 2008*, Report III (Part 1B), ILC 101th Session, 2012, paragraphs 707, 780 and 795.

58.3 hours per week, 2008 data for Malaysia shows that they worked 65.9 hours per week, and domestic workers in Saudi Arabia in 2009 worked an average of 63.7 hours⁸⁶, going well beyond the international standard of a forty-hour work week and forty-eight hour threshold. In 2010, 23 million (45 per cent) of all global domestic workers were not entitled to day off per week, according to national legislation⁸⁷. Long working hours are also common among live-in domestic workers since, in many cases, they are expected to be always available⁸⁸. A 2004 study of domestic workers from Myanmar working in Thailand indicated that this was, indeed, the case.⁸⁹ While progress has been made in many countries in Africa, Latin America and the Caribbean on extending the same minimum protections to domestic workers as other workers, today, still more than half of all global domestic workers do not have a limitation on their weekly hours under national legislation and 45 per cent are not entitled to paid annual leave or weekly rest.⁹⁰


At the same time, evidence suggests that domestic workers often receive lower wages than other workers in comparable employment. In general, domestic workers earn “around 40 per cent of average wages, although the level relative to average wages varies between 63.8 per cent in Honduras (2006) and only 14 per cent in Botswana (2005/06)”⁹¹. This clearly indicates that domestic work continues to be undervalued.

Domestic workers are often not protected in the destination country's labour and employment law system. They fall outside laws on pay, health and safety, working hours, or other working conditions. This is especially the case in the UAE, Kuwait, Saudi Arabia and Lebanon. Similarly, they are not covered under Thailand's and Malaysia's minimum wage protection. In addition, domestic workers are also exempt from social protection in terms of equality of treatment. For instance, a migrants' HIV or pregnancy status can lead to deportation, as is the case in Malaysia and Singapore⁹², resulting in job loss. Not only this, but more than 33 per cent of all domestic workers are not entitled to key maternity protection provisions, including maternity leave and income replacement during their leave.⁹³ In 2010, only 0.7 per cent of all migrant workers were entitled to maternity cash benefits that were less favourable than for other workers.⁹⁴

In addition, coercive labour relations affecting income and remittances levels can often include: debts to the employer and/or intermediary resulting in debt bondage, withholding of wages, illegal or unfair deductions, and non-payment of wages.⁹⁵ For instance, a Human Rights Watch survey of 51 domestic workers in Malaysia noted that 12 did not receive pay, 26 did not receive their pay in full and the rest completed their contracts, but were still working and waiting to get paid⁹⁶. Similarly, 20 per cent of Sri Lankan domestic workers in the UAE, Lebanon, Kuwait and Saudi Arabia did not receive their wages in full⁹⁷.

 **Delayed payment, or non-payment of wages is a common practice in private households that employ domestic workers. In some cases, employers refuse to issue payment in full until domestic workers have completed their contract, which can often be for two years in the Middle East⁹⁸.**

- ◆ Wage discrimination by nationality for domestic workers is also common in most countries in Asia and the Middle East. Filipinos, for example, generally earn the highest wages among domestic workers, partly due to their knowledge of English and awareness of local laws and regulations. On the other hand, most Indonesian and Sri Lankan domestic workers do not receive the legal minimum wage⁹⁹.
- ◆ Low pay in domestic work is a global phenomenon. “Domestic work is among the lowest paid occupations in any labour market. In fact, estimates based on available data suggest that domestic workers typically earn less than half of average wages - and sometimes no more than about 20 per cent of average wages”¹⁰⁰.
- ◆ Similar features have also been observed in the Middle East: in Bahrain, “wages are determined according to the nationality of the female domestic workers instead of their experience”¹⁰¹.

 **“Domestic workers are also frequently exposed to physical and sexual harassment and other forms of violence and abuse, and are in some cases trapped in situations in which they are physically or legally restrained from leaving the employer's home¹⁰²”. One of the main reasons for this is the highly personalized relationship with their employers, and the fact that, “when domestic workers lose their jobs, many also lose residence status under the labour migration schemes of several states”¹⁰³.**

- ◆ The ILO Global Estimate on Forced Labour shows that women are disproportionately affected by forced labour: 55% of victims of forced labour are female, representing a total of


11.4 million women and girls. The majority of victims in both sexual exploitation in the private economy and state-imposed forced labour is female, 98 per cent and 58 per cent respectively.¹⁰⁴

- ◆ According to the ILO's report, *The Cost of Coercion*, presented at the ILC 98th session, 2009: "Domestic workers, predominantly women, are a group at particular risk of forced labour because of their isolated circumstances within private homes, and also because in many cases they are not protected by national labour law."¹⁰⁵
- ◆ Domestic workers encounter many abusive practices, including criminal abuses that "are listed as psychological and physical abuse, food deprivation, and sexual harassment and assault. The labour abuses linked to exclusion from labour law include wage exploitation (such as unpaid wages, the withholding of wages and lack of overtime pay), long hours and heavy workloads, inadequacy of rest days, health care and maternity leave, poor living conditions, and issues related to termination of contracts."¹⁰⁶
- ◆ There are well documented cases of severe abuse, in terms of debt bondage or excessive fees, by employment agencies of migrant domestic workers. For example, UN Women reports the unfortunate regularity of women domestic workers suffering extreme violence, such as acid attacks and rape at the hands of their employers¹⁰⁷.
- ◆ Many migrant domestic workers in the Middle East are forced to work nearly all day and night. For instance a Sri Lankan domestic worker in Kuwait said that she was forced to work 20 hours per day, from 6 a.m. to 2 a.m.¹⁰⁸ Others in Lebanon were permitted to go to church on Sunday, but they had to work the remaining days, which is in strict violation of the standard labour contract "which stipulates that an employer must grant a weekly rest period of no less than 24 continuous hours and must restrict the working hours to a maximum of 10 non-consecutive hours a day"¹⁰⁹.
- ◆ The denial of protection, rights and liberty has had severe consequences for domestic migrant workers, particularly in the Middle East and Singapore where high mortality rates have been recorded¹¹⁰.



The ILO's mandate requires it to reach out to those who are the most vulnerable, who face the most insecurity and denial of justice. In June 2011, ILO delegates adopted by an overwhelming majority the *Domestic Workers Convention, 2011 (No. 189)* and *Recommendation (No. 201)*, a historical set of international standards aimed at improving the working conditions of tens of millions of domestic workers worldwide. C189 demonstrates that social dialogue can facilitate needed paradigm shifts and social transformation and indeed help make decent work for all a reality.¹¹¹

The ILO Strategy for action towards making decent work a reality for domestic workers worldwide envisages support for countries that are committed and ready to take measures aimed at improving the protection and working conditions of domestic workers, regardless of whether these involve ratifying Convention No. 189 in the immediate future. It recognizes that real change in the lives of domestic workers requires building national capacities and institutions and facilitating social and attitudinal change, which are complex and long processes. With an initial timeframe of 2012-2015, the ILO strategy encompasses actions at global, regional, and country levels in five broad areas¹¹²:

- Building and strengthening national institutions and, when required, adopting effective policy and legislative reforms and/or programmes
- Facilitating the organization and representation of domestic workers and their employers;
- Support in respect of ratification and implementation of Convention 189 and the implementation of Recommendation 201;
- Awareness-raising and advocacy on domestic workers' rights; and
- Building the knowledge base on domestic work and exchange of experiences between countries to enhance actions and impact at country level.  See Box 3.5 for more detailed information on the Convention.

Box 3.5 Domestic Workers Convention, 2011 (No. 189)

Article 1

For the purpose of this Convention:

- (a) the term “**domestic work**” means work performed in or for a household or households;
 - (b) the term “**domestic worker**” means any person engaged in domestic work within an employment relationship;
 - (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.
- ✓ The definition covers **all domestic workers, including migrant workers** and **does not distinguish between workers on the basis of citizenship or residency status**;
 - ✓ A number of provisions address **more specifically vulnerabilities of migrant** domestic workers (Art. 8 and 15, and to a large extent Art. 9)
 - ✓ **It requires the provision of equal treatment with other categories of workers** with regard to: hours of work, overtime compensation, periods of daily/weekly rest (at least 24 consecutive hours) and paid annual leave. Stand-by shall be regarded as hours of work (Art. 10)
 - ✓ **Minimum wage coverage** without discrimination based on sex (Art. 11); as well as
 - ✓ **Payment of wages in cash** at least once a month, directly to the domestic worker; payment of a limited proportion of the wage in kind under strict conditions and agreed to by the worker (Art. 12)

The ILO's Convention 189 entered into force on September 5, 2013 and its Recommendation 201 complement other ILO standards and human rights instruments by ensuring their protection and affirming their rights. Specifically, for the first time in history, C189 sets minimum wage guarantees for domestic workers that are on par with other categories of workers. It requires that they are paid at regular intervals, and among other provisions, it also asks Member states to ensure that they enjoy effective protection against all forms of abuse, harassment and violence.

Today, 10 countries have ratified the Convention: Bolivia, Germany, Guyana, Italy, Mauritius, Nicaragua, Paraguay, Philippines, South Africa and Uruguay. Other countries, such as Costa Rica and Germany, have initiated the process of ratifying the C189. Likewise, Brazil, Nepal, India and Lebanon have made recent legislative and policy reforms.

Accompanying Recommendation R. 201 provides practical guidance concerning legal and other measures to implement the rights and principles stated in the Convention.

Box 3.6 Migrant domestic workers' remuneration

Establishment of minimum wage rates for domestic workers: Chile, Netherlands, Spain, United Kingdom (countries where the majority of domestic workers are migrants), “such an approach ensures that domestic workers benefit from the same rates as workers generally, which is desirable from an equality perspective. Including domestic workers in generally applicable national minimum wages rate also avoids the need to separate procedures or mechanisms to determine and update specific rates for domestic workers”.

Source: ILO: *Remuneration in domestic work*, Conditions of Work and Employment Programme, Policy Brief 1, Geneva, 2011, p.4.


Occupational minimum wages rates: Argentina, Costa Rica, Switzerland (countries where the majority of domestic workers are migrants), “linking levels of remuneration to hours worked is indeed a key element in addressing inappropriately low pay of domestic workers. Minimum wage orders for domestic workers are also being used to regulate other terms and conditions of employment”

Source: ILO: *Remuneration in domestic work*, Conditions of Work and Employment Programme, Policy Brief 1, Geneva, 2011, p.4.

Box 3.7 Migrant domestic workers' overtime compensation

Overtime compensation: France (a large percentage of domestic workers are migrants) - National collective agreement: Section 15(b) (3) limits overtime to not more than ten hours in any one week and to an average of eight hours per week in any consecutive 12-week period. Compensation may be in the form of pay, or of time-off, at an increasing rate with hours worked. the compensation could include a surcharge of 25 per cent for the first eight hours of overtime and a surcharge of 25 per cent for the overtime hours of more than eight hours.

Source: ILO: *Working hours in domestic work*, Conditions of Work and Employment Programme, Policy Brief 2 Geneva, 2011, p. 9.

- ◆ Good practices that can be highlighted to improve migrant domestic workers' remuneration and overtime compensation  are included in Boxes 3.6 and 3.7.

3.4. Social Protection and Social Security¹¹³

In general, the share of migrant workers with social security coverage is lower for women than for men while women migrants' participation in the paid labour force is almost equal. This is due to the fact that a disproportionate share of women migrants labour in the informal economy as mentioned in the previous chapter. The ILO upholds that social protection is one of the most powerful ways of breaking the vicious circle of transmitting poverty from one generation to another and underlines the essential need of providing social protection to the poor and vulnerable, among whom a large number of migrant workers can be considered. This is particularly important since “it is predominantly north-north migrants who enjoy access to and portability of social benefits, which translates into 23 per cent of all migrants worldwide”¹¹⁴. Migrants moving within low-income regions are the most disadvantaged as social security provisions are less developed and because of the

high volume of migrants in an irregular situation¹¹⁵. Consequently, if migrants do not benefit from social security provisions because they are not accessible or portable, this can lead them to take work in the informal economy¹¹⁶.

Social security benefits include old-age and disability benefits, short-term benefits (e.g. unemployment and maternity benefits), family allowances, public housing and education. Portability of social security benefits can be defined as “the ability to preserve, maintain and transfer vested social security rights or rights in the process of being vested, independent of nationality and country of residence”¹¹⁷.

Migrant workers, and in particular women due to discriminatory practices, often experience a wide range of disadvantages in the countries in which they are employed. Among these disadvantages, it is worth underlying the lack of access to social security coverage. The legislative barriers limiting migrant workers’ access to social security benefits are compounded by the fact that social security systems cover only the labour force in the formal economy. Women migrant workers, in particular, face great barriers in gaining access to social security, and often even more so than their male counterparts.

In most countries, women migrant workers are often employed in sectors of the labour market that are either not covered by social security or in which compliance with social security laws is poorly enforced. This is a consequence of highly segregated labour markets in countries of destination which stream them into less skilled work or in the informal economy where they are not covered or are inadequately covered by labour legislation or other social security or welfare provisions. In addition, large numbers of women migrant workers are engaged in employment that is covered by the social security programs of the host country but can never benefit from their contributions since countries of destination do not take the necessary steps to ensure portability of social security benefits for migrant workers and their families.

Indeed, a significant number of women migrant workers contribute to the sustainability of social security systems negatively affected by population ageing without ever being able to receive any benefits from them. Social protection may be denied, either in law or practice, often to temporary migrant workers and those in an irregular situation who contribute to social security systems for extensive periods, resulting in increasing the risk of poverty, especially if they suffer from employment-related accidents and sicknesses. This creates a vicious circle where denial of the right to withdraw benefits from social security schemes can push migrants to the informal economy as a mechanism to avoid losing income, representing, at the same time, a loss of social security contributions for destination countries.

However, social security schemes can include a number of characteristics which may disadvantage migrant workers compared with national workers. One of them is the *principle of territoriality* which means that the scope of application of social security legislation, as of any national legislation, is confined to the boundaries of the country by which it has been enacted; another principle affecting migrant workers is the *principle of nationality* which may exclude foreigners from coverage or entitlement to (some) benefits or may afford them less favourable treatment; a third unfavourable characteristic is that of denying or granting entitlement to benefits only under *conditions of reciprocity* or subject to various restrictions; a fourth characteristic concerns the fact

that entitlements to most social security benefits is subject to *qualifying periods* of insurance, of occupational activity or of residence; and, a last category could include *specific inequality of treatment between foreigners* in the same country of employment.

Legislation may add restrictions to the right to some benefits, in particular old-age pensions, because the migrant workers or their family members are not in a position to fulfill qualifying conditions requiring a minimum number of years of contribution. For this reason, countries wishing to provide greater social security protection for migrant workers have generally opted for a reciprocal approach, through the conclusion of social security agreements. Such agreements seek to reduce, and whenever possible eliminate, the barriers that often disqualify migrant workers from social security benefits.

According to the International Social Security Association (ISSA), most social security agreements:

- ◆ Usually include provisions on **non-discrimination between nationals and migrants** with respect to social security and rules of cooperation between the social security bodies of the signatory countries;
- ◆ **Coordinate the totalization of the periods of contributions** that accrue to migrant workers in the two countries and regulate the transfer and payment of acquired social security entitlements;
- ◆ **Most agreements refer to long-term benefits**, such as pensions;
- ◆ Almost all migrants moving among high-income OECD countries are covered by bilateral agreements¹¹⁸.


As the experience of many countries has shown, social security bilateral and multilateral agreements can be a powerful tool to strengthen the social security protection of migrant workers and permit the portability of social security benefits between countries of origin and destination. For instance, all migrants in New Zealand have immediate access to public health care, accident compensation, education and emergency benefits for special hardship, and after two years of residence, they have access to housing assistance, sickness and unemployment benefits, and interest-free student loans for tertiary education.¹¹⁹ Similarly, Canada provides access to health-care and pension benefits to all migrants, except for seasonal agricultural workers.¹²⁰

Migrants working in low-income regions are at more of disadvantage, particularly in Central Asia, South-East Asia, South Asia, and sub-Saharan Africa. Major host countries that attract significant volumes of migrants, such as Uzbekistan, Burkina Faso, Pakistan, Tanzania and South Africa, have weak social security systems which protect a limited portion of the labour force, and “even less is known about the social protection status of their immigrants”.¹²¹ This can prove dangerous results since evidence shows that a lack of social protection is related to high levels of food insecurity and hunger which can lead to poor mental and physical health¹²².

Policies and legislation that exclude migrant workers from social protection while apparently tolerating their presence in precarious situations are against the basic principles of decent work¹²³. Differential treatment is also against the interest of native workers and employers, as it

creates unfair competition from migrants as ‘cheaper’ workers and between those employers that respect the decent work principles and those that do not. Providing migrant workers with social protection and ensuring the portability of social security benefits between countries of origin and destination are two fundamental tools that permit them to maximise their potential contribution to development.

Women domestic workers are especially vulnerable in facing such realities because in many countries, domestic work is excluded from labour and social protection legislation, as it is in the UAE. In addition, domestic workers in other countries, such as Honduras and El Salvador are excluded from receiving old-age, invalidity, survivors’ benefits, as well as sickness and maternity benefits¹²⁴. Providing effective and equitable access to gender-responsive social security is vital to achieve gender equality, and can also contribute to women’s economic empowerment – ultimately promoting and achieving decent work. For instance, in Thailand, “the Workmen’s Compensation Act does not prevent migrants, excluding those in domestic work to access social security and work accident compensation schemes, most employers are unlikely to pay contributions. Migrants face a number of obstacles including lack of enforcement by officials, non-compliance of employers, migrants’ limited knowledge, and negative attitudes towards migrants.”¹²⁵

On the other hand, there are countries where bilateral good practices can be underlined such as in Moldova and Ukraine where the ILO has been providing technical support in the signing and implementation of social security agreements for migrant workers ensuring gender equality provisions.  See Box 3.8 which provides information on social security agreements signed and administrative arrangements for their implementation between 2008 and 2011.

The ILO advises Member States to negotiate bilateral and multilateral agreements on social security in order to address problems of direct and indirect discrimination against migrant workers, and to include consideration of the specific situation that most migrant workers (e.g. those admitted for temporary periods) find themselves in. ILO Conventions¹²⁶ establish five basic principles which are central to bilateral and multilateral agreements on social security:

- ✓ *Equality of treatment*, which means that an immigrant worker should have, as far as possible, the same rights and obligations as regular residents;
- ✓ *Determination of the applicable legislation* to ensure, by establishing the rules for determining the applicable legislation, that the social security protection of a migrant worker is governed at any one time by the legislation of one country only;
- ✓ *Maintenance of acquired rights and provision of benefits abroad*, which means that any acquired right, or right in course of acquisition, should be guaranteed to the migrant worker in one territory, even if it has been acquired in another, and that there should be no restriction on the payment, in any of the countries concerned, of benefits for which the migrant has qualified in any of the others;
- ✓ *Maintenance of rights in course of acquisition*, which means that where a right is conditional upon the completion of a qualifying period, account should be taken of periods served by the migrant worker in each country; and

Box 3.8 Moldova's Social Security Agreements 2008-2011 ensuring gender equality

Through the technical support provided by ILO's project, the **Republic of Moldova** made remarkable achievements in respect to portability of social security benefits for men and women migrant workers which can be summarized as follows:

- 5th September, 2008 - signature of Agreement with the **Republic of Bulgaria** which entered into force on 1st September, 2009;
- 11th February, 2009 – signature of Agreement with the **Portuguese Republic** which entered into force on 1st December, 2010;
- 20th January, 2010 - an Administrative Arrangement for implementing the Agreement on social assurance with the **Republic of Bulgaria** was signed;
- 27th April, 2010, the Agreement on social security with **Romania** was signed and entered into force on 1st September 2011;
- 14th June, 2010 -the Agreement on social security between the **Republic of Moldova** and the **Great Duchy of Luxembourg** was signed and entered into force on 29 September 2011.
- 5th September 2011- the Agreement on social security with the **Republic of Austria** and the Administrative Arrangement for its implementation were signed.
- 19th October, 2011 Agreement on social assurance with the **Republic of Estonia** as well as the Administrative Arrangement for its implementation were signed.
- 26th October 2011 - the Administrative Arrangement for implementing the Agreement on social security with the **Portuguese Republic** was signed.

Source: ILO project "Building Capacity for coordination of social security for migrant Workers".

- ✓ Reciprocity, which is an underlying principle of all these Conventions. By its application, equal treatment is to be granted only to nationals from countries, which, by ratifying the relevant instruments, have agreed to apply the same rules. A country, which refuses equal treatment to workers from another country, cannot expect that the other country will in return grant equal treatment to its own workers. This feature of reciprocity is almost unique to this subject of labour migration.

Considering that in some countries migrant workers do not enjoy social security portability, ILO recommends Member States to provide basic social security guarantees to "at least all residents and children"¹²⁷, as outlined in the Social Protection Floors Recommendation 2012 (No. 202), which complements the existing ILO social security legal framework.

3.5 ILO's technical advice on working conditions and social protection

The ILO provides technical assistance to its constituents, including tools, in the areas of improving working conditions and wages of migrant workers and in providing them with social protection:

- ✓ **Effective labour inspection and enforcement services** ensuring the respect of migrant workers' rights;

- ✓ **Adoption of effective legislation and enforcement** targeting specific sectors previously excluded or types of occupations where women migrant workers are concentrated;
- ✓ **Extension of Social Protection** to migrant workers. The entry of migrants into the formal workforce can be a valuable source of income for the State to alleviate the burden on social security schemes and avoid tax evasion; and
- ✓ **Prevention of Anti-discrimination and Promotion of Labour Market Integration** to assure equality of opportunity and treatment between migrant and national workers in the labour market.¹²⁸

Some of the most important tools used by the ILO in this area have already been mentioned in Chapter 2, but additional ones comprise:

- ✓ **Bilateral and Multilateral Social Security Agreements based on ILO's Recommendation No. 167**– the ILO supports constituents by enhancing their capacity in negotiating, adopting, and implementing bilateral social security agreements with major destination countries. ILO's Recommendation No. 167 contains comprehensive model provisions for the conclusion of bilateral or multilateral social security agreements. They cover all nine branches of social security as defined by ILO Conventions and consider all different kinds of schemes. In addition, the model provisions contain the common definitions, the rules on the applicable legislation, rules on alternative methods of maintaining rights in course of acquisition for different kinds of benefits, different alternatives for the maintenance of acquired rights and provision of benefits abroad, and miscellaneous provisions on mutual assistance between different national institutions¹²⁹.
- ✓ **Written employment contracts** based on Annex 1 of Recommendation No. 86. Policy-makers should make sure employment contracts women migrant workers receive are not substituted in practice and they respect the principle of equal pay for work of equal value. Model employment contracts incorporate such protection provisions as: a) Full name of worker, date, place of birth, family status, place of residence and recruitment ; b) Nature of work and place where it is performed ; c) occupational category ; d) Remuneration, overtime, night work and holidays; e) Bonuses, indemnities and allowances; f) Conditions under which employers can make deductions; g) Duration of contract, conditions of renewal and denunciations; h) Conditions for entry and residence in the territory; i) Method of meeting the expenses of journey and return; and, j) Grounds to prematurely terminate the contract.
- ✓ **Bilateral Agreements on Recognition of Skills** (further explained in detail in chapter 4).
- ✓ **Portability and Recognition of Skills** contributing tools such as Regional Model Competency Standards for the evaluation and certification of labour competencies, other Systems of evaluation of competencies, and Regional Standards Databanks (further explained in detail in chapter 4).
- ✓ **Labour Inspection and Vocational training institutions** - The ILO has developed guides to improve services for migrant workers and to strengthen regional networks between institutions from countries of origin and destination.

- ✓ **Social Protection Floors** – Migrant workers and their families are included in the Social Protection Floors Recommendation 2012 (No. 202) that calls to provide workers and their families with the basic guarantees that comprise essential health care; basic income security for children and for persons in active age unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; and basic income security for older persons.

3.6 Recommendations based on principles included in International Labour Standards relevant to the Working Conditions and Social Protection of Migrant Workers

Governments

1. Adopt policies and legislation to improve working conditions (wages, working hours, weekly rest and annual leave, etc.) for women- and men- migrants respecting the principles of equal treatment, opportunities and equal pay for work of equal value between migrant workers and national workers and between women and men migrant workers.
2. Implement measures to detect and identify abusive practices against all migrant workers, such as withholding of documents and non-payment or under-payment of wages.
3. Sign and implement social security bilateral agreements, to extend social protection to migrant workers and facilitate portability of social security benefits between countries of origin and destination.
4. Provide migrant workers with Social Protection Floors coverage.
5. Ratify and implement all ILO and UN Conventions relevant to promoting decent working conditions and social protection. This includes the ILO Conventions 19, 29, 97, 100, 111, 118, 143 and 189, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
6. Adopt and implement policies that promote and ensure equal treatment of migrant workers and nationals with respect to labour laws and social protection.
7. Adopt measures to ensure that all migrant workers who leave the country of employment receive any outstanding remuneration and benefits.
8. Establish a mechanism to register written employment contracts where it is necessary for the protection of migrant workers.
9. Provide effective sanctions and penalties for all those responsible for violating migrants' rights.

Trade unions and employers' organizations

1. Contribute through social dialogue to the reduction of violations of working conditions and wages, and to take the necessary labour market measures to eliminate gender inequality and discrimination suffered in the workplace by women migrant workers.

2. Ensure that the principle of equal remuneration for work of equal value is respected between women and men migrant workers and between migrant workers and national workers.
3. Invite women migrant workers to join trade unions, and women migrant entrepreneurs to join employers' organisations.
4. Promote gender equality and equality of treatment between national and migrant workers, and labour market integration of women and men migrant workers.
5. Adopt measures to ensure that migrant workers are directly paid their wages and receive it on a regular basis.
6. Establish written employment contracts to serve as a basis for determining responsibilities and obligations.
7. Create effective and accessible channels for migrant workers to lodge complaints and seek remedy without intimidations, discrimination or retaliation.
8. Prohibit the retention of migrant workers' identity documents.

Migrants' associations and other civil society organisations

1. Advocate for equal treatment and non-discrimination between migrants and national workers in terms of working conditions and wages and for equality of treatment and opportunities between men and women migrant workers.
2. Organise awareness-raising campaigns on the need for gender-sensitive labour migration policies, anti-discrimination and pro-integration policies.
3. Provide information to both women and men migrant workers on rights and obligations.
4. Provide support services to women migrant workers in distress.
5. Provide effective remedies to all migrant workers that have been experienced violation of their rights.
6. Provide information to employers' and workers' organizations about the rights of migrant workers.
7. Encourage the elimination of all misleading information on labour migration.
8. Encourage migrant workers and victims of abusive practices, such as trafficking, to denounce abuse, exploitation and violations of their rights.

3.7 International Labour Standards relevant to working conditions and social protection of migrant workers

C097 - Migration for Employment Convention (Revised), 1949 (No.97)

Article 1

(b) Information on special provisions concerning migration for employment and the *conditions of work and livelihood of migrants* for employment.

Article 6

...undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters (*remuneration, membership of trade unions and enjoyment of benefits of collective bargaining, accommodation, social security, employment taxes, legal proceedings*).

Annex I, Article 5

(b) That the contract shall contain provisions indicating the *conditions of work* and particularly the *remuneration* offered to the migrant.

Annex II, Article 6

1. Each Member for which this Annex is in force which maintains a system of supervision of *contracts of employment* between an employer, or a person acting on his behalf, and a migrant for employment undertakes to require-

(a) That a copy of *the contract of employment* shall be delivered to the migrant before departure...

(b) That the contract shall contain provisions indicating the *conditions of work* and particularly the *remuneration* offered to the migrant.

C143 - Migrant workers (supplementary Provisions) Convention, 1975 (No.143)

Part I, Article 1

Each Member for which this Convention is in force undertakes to *respect the basic human rights of all migrant workers*.

Part II, Article 10

...to promote and to guarantee, by methods appropriate to national conditions and practice, *equality of opportunity and treatment in respect of employment and occupation, of social security, of trade unions and cultural rights and of individual and collective freedoms ...*

Article 12

(c) ...with activities designed to give effective assistance to migrant workers in the *exercise of their rights and for their protection*.

(g) Guarantee *equality of treatment*, with regard to *working conditions*, for all migrant workers who perform the same activity whatever might be the particular conditions of their employment.

C100 - Equal Remuneration Convention, 1951 (No. 100)**Article 1**

- (a) the term *remuneration* includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;
- (b) the term *equal remuneration for men and women workers for work of equal value* refers to rates of remuneration established without discrimination based on sex.

Article 2.

1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

C029 - Forced Labour Convention, 1930 (No. 29)**Article 1**

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to *suppress the use of forced or compulsory labour* in all its forms within the shortest possible period.

Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

C111- Discrimination (Employment and Occupation) Convention, 1958 (No 111)**Article 1**

1. For the purpose of this Convention the term *discrimination* includes (a) any distinction, exclusion or preference made on the basis of *race, color, sex, religion, political opinion, national extraction or social origin*, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
3. For the purpose of this Convention the terms *employment and occupation* include *access to vocational training, access to employment and to particular occupations*, and terms and conditions of employment.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, *equality of opportunity and treatment in respect of employment and occupation*, with a view to eliminating any discrimination in respect thereof.

Paragraph 2:

Each Member should formulate a national policy for the prevention of discrimination in employment and occupation. This policy should be applied by means of legislative measures, collective agreements between representative employers' and workers' organisations or in any other manner consistent with national conditions and practice, and should have regard to the following principles:

C111 - Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111) (continued)

- (a) *the promotion of equality of opportunity and treatment in employment and occupation is a matter of public concern;*
- (b) *all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of--*
 - o *(i) access to vocational guidance and placement services;*
 - o *(ii) access to training and employment of their own choice on the basis of individual suitability for such training or employment;*
 - o *(iii) advancement in accordance with their individual character, experience, ability and diligence;*
 - o *(iv) security of tenure of employment;*
 - o *(v) remuneration for work of equal value;*
 - o *(vi) conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment.*

ILO standards for the protection of migrant workers' social security rights

C019 - Equality of Treatment (Accident Compensation), 1925 (No. 19)

Article 1

1. *Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.*
2. *This equality of treatment shall be guaranteed to foreign workers and their dependents without any condition as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.*

C118 - Equality of Treatment (Social Security), 1962 (No. 118)

Article 3

1. *Each Member for which this Convention is in force shall grant within its territory to [the nationals of any other Member](#) for which the Convention is in force equality of treatment under its legislation with its own nationals, both as regards coverage and as regards the right to benefits, in respect of every branch of social security for which it has accepted the obligations of the Convention.*

Article 4

1. *Equality of treatment as regards the grant of benefits shall be accorded without any condition of residence: Provided that equality of treatment in respect of the benefits of a specified branch of social security may be made conditional on residence in the case of [nationals of any Member](#) the legislation of which makes the grant of benefits under that branch conditional on residence on its territory.*

Other international labour standards relevant to social security of migrant workers

C157 - Maintenance of Social Security Rights Convention, 1982 (No. 157)

Article 3

1. ...this Convention applies to *persons who are or have been subject to the legislation of one or more Members, as well as to the members of their families and to their survivors*, in all cases in which the international system for the maintenance of rights established by this Convention requires that account be taken of the legislation of a Member other than the Member in whose territory the persons concerned are resident or temporarily resident.

Article 14

Each Member shall promote the development of social services to assist persons covered by this Convention, particularly migrant workers, in their dealings with the authorities, institutions and jurisdictions, particularly with respect to the award and receipt of benefits to which they are entitled and the exercise of their right of appeal, as well as in order to promote their personal and family welfare.

R167 - Maintenance of Social Security Rights Recommendation, 1983 (No. 167)

The Convention contains comprehensive model provisions for the conclusion of bilateral or multilateral social security agreements. They cover all nine branches of social security as defined by ILO Conventions and consider all different kinds of schemes. In addition, the model provisions contain the common definitions, the rules on the applicable legislation, rules on alternative methods of maintaining rights in course of acquisition for different kinds of benefits, different alternatives for the maintenance of acquired rights and provision of benefits abroad, and miscellaneous provisions on mutual assistance between different national institutions.

United Nations Instruments

Universal Declaration of Human Rights (1948)

Article 23

1. Everyone has the right to work, to free choice of employment, to *just and favourable conditions of work* and to protection against unemployment.
2. Everyone, without any discrimination, has the *right to equal pay for equal work*.
3. Everyone who works has the *right to just and favourable remuneration* ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to *join trade unions* for the protection of his interests.

International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (1990)

Article 1

1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as *sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status*.
2. The present Convention shall apply during ... the entire period of stay and *remunerated activity* in the State of employment as well as return to the State of origin or the State of habitual residence.

Article 11

1. No migrant worker or member of his or her family shall be held in *slavery or servitude*. 2. No migrant worker or member of his or her family shall be required to perform *forced or compulsory labour*.

Article 25

1. Migrant workers shall enjoy treatment not less favorable than that which applies to nationals of the State of employment in respect of *remuneration* and:
 - (a) Other conditions of work, that is to say, *overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work* which, according to national law and practice, are covered by these terms;
3. States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any *irregularity in their stay or employment*. In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of such irregularity.

3.8 Principles in the ILO's Multilateral Framework on Labour Migration relevant to the working conditions and social protection of migrant workers

ILO Multilateral Framework on Labour Migration Non-binding Principles and Guidelines for a Rights-based Approach to Labour Migration, 2006

- 4.1. formulating and implementing coherent, comprehensive, consistent and transparent policies to effectively manage labour migration in a way that is beneficial to all migrant workers and members of their families and to origin and destination countries;
- 4.2. ensuring coherence between labour migration, employment and other national policies, in recognition of the wide social and economic implications of labour migration and in order to promote decent work for all and full, productive and freely chosen employment;
- 4.5. ensuring that labour migration policies are gender-sensitive and address the problems and particular abuses women often face in the migration process;
- 8.1. governments should ensure that national laws and practice that promote and protect human rights apply to all migrant workers and that they are respected by all concerned;
- 8.4.2. protect migrant workers from conditions of forced labour, including debt bondage and trafficking, particularly migrant workers in an irregular situation or other groups of migrant workers who are particularly vulnerable to such conditions;
- 9.12. adopting measures to ensure in law and in practice that all migrant workers benefit from equality of treatment with national workers regarding safety and health protection, including measures to address the specific risks in certain occupations and sectors, particularly agriculture, construction, mines, hotels and restaurants, domestic work, and addressing the specific risks faced by women and, where applicable, promoting opportunities in the workplace;
- 11.1. adopting and implementing legislation and policies to prevent irregular labour migration and eliminate abusive migration conditions, including the trafficking of men and women migrant workers;
- 11.2. intensifying measures aimed at detecting and identifying abusive practices against migrant workers, including physical or sexual harassment or violence, restriction of movement, debt bondage, forced labour, withholding, underpayment or delayed payment of wages and benefits, retention of passports or identity or travel documents and threat of denunciation to authorities, particularly in those sectors that are outside the usual avenues of regulation and protection, such as domestic work;
- 11.9. assisting and protecting victims of trafficking and other abusive migration conditions, with particular attention to the specific needs of women and children;
- 11.10. adopting policies to address the root causes and impact of trafficking in persons with particular attention to gender-related issues.

Chapter 4.



Women migrants and development: From de-skilling to recognition of diplomas and portability of skills

4.1 Introduction

The ILO's normative framework (Convention 143, Recommendation 151 and 195) recognises portability and recognition of skills for migrant workers as a significant prerequisite to competing on equal terms with nationals in accessing employment and call for the promotion of recognition and portability of skills, competencies and qualifications at the national and international level.

Ensuring the portability of skills for migrant workers is important since it helps enlarge migrant workers' choices and capabilities by making full use of their talents and skills and promoting their economic and social inclusion. Portability of skills is based firstly on core skills to enable workers to apply knowledge and experience to new occupations or industries and, secondly, on systems that codify, standardize, assess and certify skills so that levels of competencies can be easily recognized by social partners in different labour sectors across national, regional or international labour markets.

Recent work done by the ILO (International Labour Conference 2008 and ILO Governing Body discussions on portability of skills, Regional reports, Guidelines on skills recognition, etc.) mention the importance of certification and recognition of skills within national and international labour markets and highlight portability of skills as a mechanism to help migrant workers obtain employment commensurate with their qualifications and expertise. They conclude that regional qualifications frameworks and regional cooperation for mutual recognition of qualifications create a favourable condition for facilitating labour mobility and portability of skills¹³⁰. The ILO has been requested to develop model bilateral and multilateral agreements on certification of skills for employment, through systems for recognition of skills among countries.

At present most recognition of qualifications involves mainly male-dominated occupations such as: accountants, architects, agronomists, geologists, engineers, legal experts, IT experts, medical and health related services and surveyors providers. Indeed, with the exception of nurses, the rest of the occupations are largely occupied by male workers.


Certainly, an additional and significant way to advance the ability of women migrant workers to remit higher amounts, thus increasing their contribution to development, is to improve the portability of skills across borders. In international migration, women are more likely to be affected by "de-skilling and brain waste" and therefore have a high potential to gain from enhanced

portability of their skills¹³¹. Women migrant workers are over-represented in jobs that require lower value skills, are paid less, and offer restricted career prospects than their male counterparts. Indeed, there is a significant overlap between being a woman, a migrant, being deskilled, working in the informal economy and earning low wages.

4.2 De-skilling, over-qualification, and skills' mismatch of women migrant workers

Women migrants bring valuable education and professional backgrounds that can enrich labour dynamics in countries of destination, but they are frequently affected by brain waste and de-skilling. Male-dominated sectors such as information technology, engineering, and financial services seem to be in high demand in many host countries which are integrated into national immigration policies that provide and promote permanent migration opportunities.. At the same time, skilled women migrant workers seem to have less information than men on opportunities available to access jobs in host countries that match their skill levels.

According to a recent study, many countries in the EU do not have policies that help support migrant women to fully utilise their skills, despite the presence of certain institutional frameworks that are intended to regulate the recognition and certification of qualifications, such as the Convention on the Recognition of Qualifications Concerning Higher Education in the European Region and the European Qualifications Framework. In addition, women migrants have limited access on information of how to obtain recognition or accreditation of skills and qualifications, and the procedure is time-consuming which deters many from undergoing the process.¹³² Consequently, they remain trapped in low-paid and largely end up working in the informal economy. The same study mentions that it is also important to recognise that the recognition of academic titles is not automatically coupled to a formal recognition of the professional competences associated with education attainment. “Neither does recognition automatically ensure the acquisition of a licence to practice a profession”¹³³.

- ◆ Recent discussions on immigration reform in countries of destination that attract significant labour flows, such as the United States and Europe, favour the permanent migration of highly skilled professionals, particularly in the fields of engineering and information technology, which are dominated by men and are thus, highly biased.¹³⁴  (Box 4.1)
- ◆ Consequently, the current landscape of international migration commonly involves a de-skilling process for women, as they are streamed into occupations for which they are overqualified¹³⁵. For instance, in the labour markets of Kazakhstan and Russia, almost all categories of women migrant workers are employed in unskilled and low-skilled jobs, often leading to the loss of their qualifications.¹³⁶
- ◆ The qualifications that women migrant workers gain in their countries of origin often do not match the labour market demand in the country of destination. A recent study of women migrant workers in Central Asia and Russia, observes that while almost half of Uzbeks in Russia had vocational education, only 22 per cent were employed in jobs related to their qualifications.¹³⁷ Similarly, in Kazakhstan, less than one-third of women migrant workers with vocational education were employed in areas related to their qualifications.¹³⁸


Box 4.1 Migration policies and male dominated professions

“The ascription of technological innovation as the driving force of globalization and the new knowledge economy and society has often led to the highly skilled being defined as those qualified in scientific and technological professions”. Skilled men migrants tend to dominate these types of employment, including in transnational corporations, information and communication technology (ICT) and science, as well as in banking and finance.

Source: Kofman, E. and P. Raghuram: “Gender and skilled migrants: into and beyond the work place”, *Geoforum*, Vol. 36. No. 2, (Elsevier), March, 2005.

- ◆ Undeniable, in the long term, occupational stagnation tends to depreciate skilled women migrant qualifications. Social and psychological losses are also associated with skills mismatch as workers tend to lose self-esteem, self-confidence, and social standing in their respective communities both at home and abroad¹³⁹.
- ◆ The EU has been unable to attract as many women migrants with high-education as those with low- and medium-education. This can be in part be due to the fact that policies to attract high education migrants tend to favour men, which tend to be more concentrated in the fields of particular interest, such as IT and the sciences¹⁴⁰.

There is also evidence to suggest the women migrants are developing a number of strategies to improve their position in the labour markets of destination countries. For instance, some may use their mother tongue as a professional qualification as to find employment as teachers, translators and interpreters: women from Balkan countries in Greece find using their mother tongue an asset in obtaining a job in the service sector, and “women from the former USSR use the Russian language as a “*lingua franca*” to communicate with other migrants from East European countries and establish relationships among each other and to overcome social isolation.”¹⁴¹

- ◆  **Highly and semi-skilled women migrant workers can be largely over-represented in jobs and tasks that require limited certification and skills.** Some of the reasons could be that they often gain substantial work-related skills through non-paid employment (at home, in family business or community service), or that the majority of them find jobs in unrecognised service sectors (e.g. cleaning, housekeeping, childcare or administration) that require few skills, which affects their labour market insertion in countries of destination.
- ◆ In OECD countries, highly educated women migrants can be seven times as likely as highly educated native-born women to be employed in low-skilled jobs, with highly educated third-country migrant women having the highest incidence of de-skilling. (Box 4. 2)
- ◆ According to the OECD, the over-qualification of foreign-born women in 18 OECD-member countries is higher for women immigrants who come from non-OECD countries, as compared to women immigrants whose origin countries are within the OECD area. At the same time, the over-qualification of women immigrant workers is pronounced in southern Europe and in some Nordic countries, such as Greece, Spain, Sweden and Italy. The percentage of foreign-born workers holding jobs for which they are overqualified is at least twice as high as native-born workers.

Box 4.2 Over-qualification of women migrants in OECD countries

Percentage of Women (aged 15 – 64) in jobs for which they are overqualified, by region of birth, for selected European Countries, 2003-2004

Country	Native-born	Foreign-born	Foreign-born from non-OECD countries	Comparison between native-born and foreign-born from non-OECD countries* (number of times)
Austria	9.3	24.8	32.8	Three times as high
Belgium	17.7	24.6	27.2	-
Czech Republic	6.6	12.8	22.0	Four times as high
Denmark	10.5	19.7	31.0	Three times as high
Finland	18.8	26.2	38.0	Twice as high
France	14.2	18.8	19.8	-
Germany	9.9	23.6	32.3	Three times as high
Greece	9.0	53.4	62.0	Seven times as high
Hungary	7.3	10.5	8.9	-
Ireland	15.6	23.9	38.2	Twice as high
Italy	7.1	27.4	34.0	Five times as high
Luxembourg	3.2	14.1	31.0	Ten times as high
Norway	10.6	25.1	35.9	Three times as high
Portugal	8.9	16.2	18.7	Twice as high
Spain	24.4	47.6	56.7	Two and a half times as high
Sweden	7.2	15.3	23.2	Almost four times as high
United Kingdom	14.9	17.0	18.7	-

* Adapted by the ILO.

Source: adapted by Rand Europe from Dumont and Liebig: *Labour Market Integration of Immigrant Women: Overview and Recent Trends*, paper prepared for the OECD and European Commission Seminar 'Migrant Women and the Labour Market: Diversity and Challenges', Brussels, 26-27 Sept 2005.

- ◆ The same OECD survey shows that the percentage of 15-64 year old foreign-born women from OECD countries in jobs for which they are over-qualified is very significant in southern Europe: e.g. Greece (53.4%) and Spain (47.6%), compared to native-born women, and ranges from 10.5% to 27.4% for the rest of the 18 OECD member countries. These percentages increase further as the difference between foreign-born women from non-OECD countries widens compared to native born women.

📖 The mismatch between women migrants' qualifications and the jobs they manage to access represents an underutilisation of their potential human resources ("brain waste") and a consequent loss of the qualifications acquired previous to migration ("de-skilling"). For instance, a study for women Filipina migrant workers in Italy indicates that most of them hold a college degree, but largely end up working in the informal care sector. Furthermore, they would be able to take better paid and more stable employment if they were granted documents that would enable them to be permanent residents¹⁴².

Box 4.3 Women migrant workers' brain waste and de-skilling



Brain waste


A term commonly used in migration terminology in relation to other terms such as brain drain and brain gain. It refers to the misuse or non-use of potential foreign human resources available in the labour market. It relates to the skills, qualifications and job experience that migrant workers acquired in their country of origin and which are not properly utilised in the labour market of the country of destination.

De-skilling

A labour market term that describes skilled or highly-skilled workers who obtain jobs not commensurate with their qualifications and experience and are thus considered to be **“over-qualified”** for the jobs they occupy. Workers' qualifications are not recognized and they end up working in lower-skilled jobs, which are often poorly compensated. If they stay (which is often the case) in that same job, they never improve their occupational situation. The longer they stay in lower-skilled jobs, the harder it is for these foreign workers to obtain a better qualified and better paid job. The end result involves a triple loss, to origin country, destination country and migrant workers themselves, with workers never achieving their full potential.

Source: Moreno-Fontes: *Strengthening the Linkages between migration, development and gender equality*, 2008.

 **Brain waste and deskilling not only represent a loss to the workers themselves, but also to both countries of origin and destination, through a loss of valuable human resources.**
 (Box 4.3)

 “The lack of adequate employment for skilled and highly-skilled female migrant workers is not only problematic for the affected individuals, but also results in a significant societal brain waste”¹⁴³.

- ◆ Recent research carried out by the ILO in Geneva, Switzerland concluded that:
- ✓ De-skilling is real, long-lasting and can have an important cost in the short and long-term on women migrant workers themselves and their families, especially their children;
- ✓ De-skilling constitutes a waste of resources while the lack of a skilled labour force can be a long-term and urgent need;
- ✓ De-skilled women migrants find themselves in a situation of inequality compared not only to Swiss women, but also to Swiss or migrant males; and
- ✓ Several women migrants, who had been able to acquire professional equality in their countries, faced a net professional regression in Switzerland¹⁴⁴.
- ◆ At the same time, at the national level, Swiss data analysed by the ILO on the same subject, resulted in the following main findings:
- Improving the transferability of immigrant human capital in the host country labour market should be a top priority;

- Policy-makers could implement a more selective admission system based on the relevance of foreign-acquired qualifications and/or the needs of the economy in the host country and should ensure the recognition of their education whatever the origin of its acquisition;
- In case of non-recognition, they could support newly arrived immigrants to pursue further training and undertake language courses in order to enhance their foreign-acquired qualifications in the host labour market;
- Policies intended to give equal opportunity to immigrant women after giving birth are also essential in mitigating any negative effects of brain waste; and
- As the number of skilled immigrants has been increasing substantially and is expected to rise further, implementing any of these measures is of crucial importance in order to prevent further de-skilling¹⁴⁵.

The mode of entry often represents a barrier to skill recognition

Since 2002, Canada started to take into account the educational level of spouses. This approach generates an impact on the skilled migration point system. Nevertheless, the evidence shows that “the designation of men as principal applicants relegates women to the status of dependents and devalues spouses’ occupations and qualifications”¹⁴⁶.

- ◆ “Skilled women migrants do not necessarily migrate through skilled migration streams as primary migrants or as students who obtain a job abroad”¹⁴⁷.
- ◆ The skilled migration entry procedure into permanent status is based on the principal applicant’s profile and in several countries, the applicant’s partner skills are not taken into account, or the partner does not have the right to work. Women, who are frequently dependents, face a major impact on their skills and in their possibility to access the labour market¹⁴⁸.

Women migrants face long-term and increased difficulties in destination countries compared to their male counterparts in terms of professional, social and labour integration. According to Kofman & Raghuram¹⁴⁹:

- ❖ “The ability to attend professional language courses may be more limited for women who have childcare responsibilities;
- ❖ The loss of social networks, personal and professional, after women migrate can be worse for women if family responsibilities prevent them from accessing new networks”;
- ❖ Women’s need to re-skill or to get accreditation may also be given less priority by families when there is a gender hierarchy within households;
- ❖ Lengthy periods out of the labour market and under-employment harm the self-esteem of such migrants and can have an increased effect in de-skilling.”


Rigidities in the labour market increase gender differentials in terms of brain waste:

- ◆ Women migrants face limited opportunities in the labour market because the location choice often depends on the husband's job-search strategy¹⁵⁰.
- ◆ Institutional child care and maternity leave arrangements can also contribute to unfavourable labour market entry in the host country¹⁵¹.
- ◆ Women migrants often find that "their applications are rejected, they do not apply for adequate positions, and their professional experience acquired in the origin country is not considered equal to that acquired in the country of destination"¹⁵².
- ◆ Women migrants tend to work in part-time jobs with lower status and responsibilities.

The process of de-skilling is also related to the migratory context¹⁵³:

- ◆ The migrant's status: women migrants in irregular status are more vulnerable in comparison to regular migrants.
- ◆ The duration of residence in the host country: recent women migrants are more vulnerable than long-time women migrants.
- ◆ The region of origin: women migrants from developing countries are more vulnerable than European and American women migrants in OECD countries.

4.3 Recognition of skills, qualifications and competencies: An improved labour market access for women migrant workers

The recognition of skills of women who tend to face discrimination in the labour market, promotes economic and social inclusion, decent work and fair globalization¹⁵⁴. Indeed, improved portability of skills at the national level, supported by bilateral, regional or international portability and recognition frameworks, helps migrant workers obtain employment commensurate with their qualifications and expertise. Some of the definitions related to this subject are given below.  (Box 4.4)

Portability of skills is based firstly on core skills to enable workers to apply knowledge and experience to new occupations or industries and secondly, on systems that codify, standardize, assess and certify skills so that levels of competencies can be easily recognized by social partners in different labour sectors across national, regional or international labour markets¹⁵⁵.

- ◆ One of the reasons for which the portability of skills is fundamental to migrants is because "the human capital acquired abroad increases the risk of over-qualification in the host country, meaning that it is imperfectly transferable to the labour market of the host country"¹⁵⁶.

Box 4.4 Definitions related to Portability and recognition of skills

Portability of skills contains the following two dimensions:

- (a) Employable skills which can be used productively in different jobs, occupations, industries; and
- (b) Certification and recognition of skills within national and international labour markets.

Skills:

An acquired and practised ability to carry out competently a task or job, usually of a manual nature.

Qualifications:

a formal expression of the vocational or professional abilities of a worker which is recognized at international, national or sectoral levels.

Competencies:

the knowledge, skills and know-how applied and mastered in a specific context.

Source: ILO Human Resources Development Recommendation, 2004 (No 195).





“There is evidence that possession of a degree from the host country yields an advantage in the labour market compared to skilled migrants with foreign degrees”¹⁵⁷.

- ◆ “Women’s ability to gain or retain accreditation in order to enter the labour market depends for many on their unequal and unpaid care work within the family and the re-negotiations that may occur within the household unit after their entry into the host country”¹⁵⁸.
- ◆ When the whole family has migrated, women migrants tend to delay applying for recognition of their qualifications until their husbands have completed the process. They sometimes also delay learning the language of the host country and remain at home, taking care of familial needs. When the process of achieving the recognition of qualifications is costly, women frequently postpone the procedure¹⁵⁹.

Box 4.5 Types of recognition mechanisms


1. **Unilateral Recognition Mechanisms** - most common form of assessing migrant workers’ skills and competencies. National Qualifications Frameworks (NQFs) have been developed with the aim of increasing recognition and portability of skills, but other mechanisms exist such as National Labour Competency Standards and National Technical Certification Standards
2. **Mutual Recognition Agreements (MRA’s)** - formally agreed between sending and receiving countries and focus on reciprocal recognition of certifications and competencies. Professional Associations are key players.
3. **Regional Qualifications Frameworks or Regional Agreements** - concluded in the context of regional integration, such agreements encourage the development of mutually acceptable standards and criteria for licensing and certification, and provide recommendations on mutual recognition (e.g. Regional Model Competency Standards developed in Asia by the ILO, and Regional Labour Technical Competencies Standards developed in Central America by the ILO).

Source: ILO: *Portability of skills*, Governing Body, Committee on Employment and Social Policy, Geneva, March, 2007.

 **The lack of a system of mutual recognition of diplomas between major countries of origin and destination could be one of the principle reasons why skilled migrants encounter brain waste. To advance work in this area, there are different types of recognition mechanisms that could be negotiated and implemented between countries of origin and destination and within Regional schemes.**¹⁶⁰  (Box 4.5)

- ◆ Often, even if some countries recognise foreign diplomas, skilled migrants still need to undergo competency tests, language skills exams and other knowledge examinations and training that can be lengthy, costly and administratively cumbersome.

4.4 Skills recognition efforts within countries – Unilateral recognition mechanisms

One of the most important unilateral recognition mechanisms is National Qualification Frameworks (NQFs). According to an ILO recent report, a significant reason for introducing NQFs, as defined in  Box 4.6, are countries' attempts to relate to international systems, and to participate within what are described as globalized labour markets (e.g. indicating the equivalence to international qualifications)¹⁶¹.

The Organisation for Economic Co-operation and Development considers that a “NQF is an instrument for the development and classification of qualifications according to a set of criteria for levels of learning achieved. This set of criteria may be implicit in the qualifications descriptors themselves or made explicit in the form of a set of level descriptors”¹⁶².

The same OECD report mentions that “The scope of frameworks may be comprehensive of all learning achievement and pathways, or may be confined to a particular sector for example initial education, adult education and training or an occupational area. Some frameworks may have more design elements and a tighter structure than others; some may have a legal basis whereas others represent a consensus of views of social partners”. It adds that “All qualifications frameworks establish a basis for improving the quality, accessibility, linkages and public or labour market recognition of qualifications within a country and internationally”¹⁶³.

Box 4.6 Definition of a National Qualification Framework (NQF)


NQFs provide assessment and certification of skills independent of the education and training system. National public bodies define and classify units of skills, usually in cooperation with employers, workers and educational training institutions, and for each skills unit they also define standards which set out the degree of difficulty. The level of competencies of workers is defined as the proven ability to accomplish a concrete task. The NQF also defines rules and standards to assess and certify the level of competencies achieved in a particular skill.

Source: ILO: *Portability of skills*, Governing Body, Committee on Employment and Social Policy, March 2007, p. 10.

According to the same report, NQF's main policy objectives are to improve labour mobility, including:

- ◆ Improving regional integration of economies by making worker mobility easier;
- ◆ Improving the ability of workers from developing countries to find good jobs in other countries, thus improving the levels of remittances sent home; and
- ◆ Improving the ability of workplaces in developed countries to quickly understand the skills and abilities of migrants¹⁶⁴.



In terms of migrants' skills recognition and NQF's, some host countries have made significant progress such as Canada, United Kingdom and Australia as shown in  Box 4.7. Canada is considered a model in skills recognition of immigrants and uses a gender-based analysis to provide fairer and more accessible recognition processes.

- ◆ According to an ILO Skills expert, “the recognition of diplomas and the portability of skills, for migrant workers, do not depend only on the existence of NQFs or other systems of recognition of prior learning, but on the importance of social dialogue in the different phases establishing skills development systems”¹⁶⁵.

Box 4.7 Early starters of NQFs - Canadian, British and Australian experiences*.

Canada is a model in skills recognition of immigrants, and this is even rooted in the country's general immigration policy. The Canadian immigration policy utilizes **gender-based analysis (GBA)** that covers immigration concerns like, among others, recognizing skills of immigrants, integration and settlement programs for immigrants. An Alliance of Credential Evaluation Services of Canada was formed so that provincial-level evaluation and assessment services of credentials for skilled immigrants are standardized. Canadian business leaders also launched a website, www.hireimmigrants.ca, in an effort to promote the hiring of qualified immigrants. Canada also has the Foreign Credential Recognition initiative that provides fairer and more accessible recognition processes for highly-skilled immigrants.


United Kingdom: For the past 12 years, a British company, called the National Academic Recognition Information Centre (NARIC), allows women– and men- immigrants to validate their foreign degrees upon entry into the United Kingdom. Services rendered include a fee.

Australia, for its part, has a points system where women– and men- immigrants must get their overseas qualifications, skills or experience confirmed by the government's Overseas Qualification Unit that is present in many Australian states and territories. This must be done before Australian immigration authorities consider immigrants' applications for permanent settlement, and the assessment takes three months.

However, research results have shown “the significance of ‘rent-seeking’ behaviour by professional associations, trade unions, etc., and the pressure brought by them to minimise skilled immigration intakes”.


* These findings cannot be exactly replicated in most of the more than 120 countries, which are currently trying to design and implement NQFs (ILO, Skills and Employability Department, Employment Sector).


A European Qualification Framework Seminar held in Budapest in May 2011 conveyed that “systems work well, when governments, employers and workers organisations work closely together in setting them up. This can lead to functioning NQFs, such as in Australia or to systems which do not rely on qualification frameworks, but on work and business processes, such as in Denmark, Austria, Luxembourg, the Netherlands and Germany. Systems need to be flexible and need to respond to necessities of specific countries instead of “borrowing NQF policies from others”¹⁶⁶.

 **However, in some countries, professional association organizations may block labour market access to a large number of skilled and highly skilled migrants in some countries of destination.**


◆ “Professional organisations and professional associations can play a major part in maintaining exclusionary practices”¹⁶⁷.

4.5 Skills recognition efforts through bilateral or mutual recognition agreements

 **Mutual recognition agreements (MRAs) tend to focus on the reciprocal recognition of certifications and competencies of migrant workers, and tend to focus more on regulated professions – accountancy, architecture, engineering, legal services, medical and health-related services and surveyors , the large majority of them dominated by male workers**¹⁶⁸.

However, good practices can be highlighted in terms of providing opportunities for recognition of skills to female occupations. For example, the Trans-Tasman Mutual Recognition Arrangement (TTMRA) between Australia and New Zealand : involved the freer movement of skilled labour and the mutual recognition of qualifications in legislation-based occupations such as medicine, nursing, dentistry, veterinary science, etc.); and others, such as the agreement between Japan and the Philippines which allows entry of Filipino candidates for qualified nurses and certified care workers that satisfy certain requirements and allow them to work, after completing training of Japanese language.  (Box 4.8).

◆ “Most MRAs have been established in neighbouring countries, mainly between OECD countries (which do not include developing countries), or between countries with strong cultural or former colonial ties”¹⁶⁹.

 **“Mutual recognition arrangements have the highest chance of being gender neutral in their impact if they are not occupation-specific”**¹⁷⁰.

◆ However, occupational-specific mutual recognition arrangements, on the contrary may affect women migrants if there is already an occupational gender bias¹⁷¹.

Box 4.8 Mutual Recognition Agreements


The Trans-Tasman Mutual Recognition Arrangement (TTMRA) between Australia and New Zealand: “In the 1990s, talks commenced on a Trans-Tasman Mutual Recognition Agreement (TTMRA) with wide effects and involving the freer movement of skilled labour and the mutual recognition of qualifications in legislation-based occupations (e.g. medicine, nursing, dentistry, veterinary science, etc). The intention was to move to a mini-common labour market with mutual reciprocity arrangements (the preferred option) developing in some occupations while in others there would merely be a sharing of resources”

Source: Iredale 2009, p. 15.

The Japan — Philippines Economic Partnership Agreement includes a section on the movement of Natural Persons as follows: “The Japanese side will allow entry of Filipino candidates for qualified nurses and certified care workers that satisfy certain requirements and will allow them to work, after completing training of Japanese language and other courses, as preparation for obtaining national licenses, on the assumption that the Philippine side will provide a similar framework to meet the Japanese interest. (Duration of stay: up to 3 years for nurses, 4 years for certified care workers)”.

Source: Iredale 2009, p. 16.

4.6 Skills recognition efforts through Regional Integration Agreements

At the regional level,  (Box 4.9) coordination between countries can significantly improve the situation of women migrant workers. Coordination between professional organizations and other relevant bodies for recognition of skills so as to promote mobility within the region is essential. As part of regional integration, inter-country ministerial coordination mechanisms to promote skills recognition and labour mobility can also contribute importantly to advancing in this area¹⁷².

Some good practices that can be highlighted in this area, is the work of the EUROPEAN UNION through the “Directive on the General System for Recognition”, the EU has harmonized the recognition of degrees, study periods, and academic grades across its member-states through its European Qualification Framework. The EQF is a common European reference framework which links countries’ qualifications systems together, acting as a translation device to make qualifications more readable and understandable across different countries and systems in Europe. It has two principal aims: to promote citizens’ mobility between countries and to facilitate their lifelong learning.

Another good practice is that of CARICOM (The Caribbean Community Free Movement of Persons Act from 2006 which provides for the free movement of certain categories of skilled labour, (through the Certificate of Recognition of CARICOM Skills Qualifications) and progressively for the free movement of all persons by 2009. Over 100 occupational standards have been adopted by CARICOM as a basis for a regional qualifications framework. The CARICOM applies the principle of conformity and convergence. This approach is intended to improve the transparency of the regional labour market. It enhances the employability of workers by harmonizing their qualifications and opening employment opportunities in the whole region.

Other regional experiences were also reviewed from a gender perspective such as that of APEC (Asia-Pacific Economic Cooperation), MERCOSUR and ASEAN (Association of South-East Asian Nations) which tend to advance work on recognition of skills mainly including male-dominated occupations.

The ILO has been doing important work in this area in Central America through its Regional project “*Strengthening Integrated Systems of Training, Professional Training and Labour Insertion* (FOIL) working with the *Regional Network of Professional Training Institutions* of Guatemala, Honduras, El Salvador, Costa Rica, Nicaragua, Panama, and the Dominican Republic.

Box 4.9 Regional experiences from a gender perspective

Equality of treatment and opportunities between women and men dominated occupations

EUROPEAN UNION: Through the “**Directive on the General System for Recognition**”, the EU has harmonized the recognition of degrees, study periods, and academic grades across its member-states through its European Qualification Framework. The EQF is a common European reference framework which links countries’ qualifications systems together, acting as a translation device to make qualifications more readable and understandable across different countries and systems in Europe. It has two principal aims: to promote citizens’ mobility between countries and to facilitate their lifelong learning.

CARICOM: The Caribbean Community Free Movement of Persons Act (2006) provides for the free movement of certain categories of skilled labour, (through the Certificate of Recognition of CARICOM Skills Qualifications) and progressively for the free movement of all persons by 2009. Over **100 occupational standards have been adopted by CARICOM** as a basis for a regional qualifications framework. The CARICOM applies the principle of conformity and convergence. This approach is intended to improve the transparency of the regional labour market. It enhances the employability of workers by harmonizing their qualifications and opening employment opportunities in the whole region.

Mainly male-dominated occupations

APEC: The Asia-Pacific Economic Cooperation includes arrangements to facilitate labour mobility to highly skilled migrants by information exchange and development and implementation of immigration standards.

The APEC has been implementing, since 1996, the APEC **Engineer** Mutual Recognition of Qualifications program. This MRQ approach has mainly covered male-dominated professions such as **architects and transport workers**.

ASEAN: The Association of Southeast Asian Nations agreed in Bali in October 2003 to develop mutual recognition agreements for **accountants, architects, engineers and medical practitioners** (including nurses and dentists). These types of professionals within ASEAN member-countries can practice their professions within the region.

MERCOSUR: The Common Market of the Southern Cone is adopting mutual recognition of skills arrangements between selected professional bodies (so far in **agriculture, engineering, agronomy and geology**).



Source: ILO: *Skills for improved productivity, employment growth and development*, Report V, 97th International Labour Conference, Geneva, 2008; Iredale, R: *The Recognition of Skills in the Asia Pacific Region, Skills AP, ILO Regional Skills and Employability Program*, 2009; Jeanne Batalova and Michael Fix, 2008.

Work comprises establishing minimum quality standards for all countries which constitute the basis for the process of certification of occupations in Central-America and the Dominican Republic. Recognition of professional training is considered as an important step towards the mobility of qualified workers in the region and as contributing to regional integration;

The main outcomes produced by the project in this area cover the following:

- ◆ Elaboration of *Regional Technical Standards on Labour Competencies* which have the main purpose to generate minimum quality standards and advance recognition of professional training provided by the institutions part of the Regional Network of Professional Training Institutions.
- ◆ Development of *Homologated and Standardized Regional methodologies* for the formulation of technical standards for labour competencies, development of curricula and competencies evaluation systems;
- ◆ Creation of a *Databank of technical standards on labour competencies* (www.redifp.net) which includes a total of 213 technical competency standards and 44 curricula design available to the institutions belonging to the Regional Network of Professional Training Institutions.

4.7 Impact of brain waste and de-skilling on the income of women migrants and their ability to send larger remittances

-  **International migration policies seem to undervalue women migrants' skills and qualifications, and contributing to an over-representation of women in jobs and tasks that require fewer or lower skills, receive lower wages and restrict career prospects to the point of negatively affecting their ability to send remittances back home.**  (Box 4.10)
- ◆ According to the OSCE, “Female labour migrants are frequently confined to low-skilled jobs in domestic and care work, hotel and catering services, the entertainment and sex industry, agriculture and assembly lines”¹⁷³. Among women migrants, many are skilled or highly-skilled workers and are faced with downgrading and de-skilling in the country of destination.
 - ◆ Working in low-skilled sectors and occupations in the informal economy rarely permit them to obtain a work permit and legal status.
 - ◆ “These sectors are regularly characterized by poor working conditions, low pay, withholding of wages, considerable insecurity and a high risk of sexual harassment, exploitation and abuse, which all influence women’s ability to remit and the amount of money they are able to send”¹⁷⁴.
 - ◆ As seen in chapter 2, low wages and poor working conditions directly impact remittance transfers to the family left behind.

Remittances can be a vehicle for empowerment by changing gender-relations¹⁷⁵ for instance, through increased respect for women who remit. Women migrants also contribute to their empowerment by improving their own skills, or “their contribution to improving the education and the skills of the next generations”¹⁷⁶ which by extension, helps improve the economic development of countries of origin and destination.

Box 4.10 The impact of de-skilling on remittances

In the Philippines, where there is substantial evidence of de-skilling (particularly among highly educated migrant women), their remittances are significantly lower compared to their male counterparts.

Source: McDonald, J.T.; Valenzuela R: "The Impact of Skill Mismatch among Migrants on Remittance Behavior." *Social and Economic Dimensions of an Aging Population (SEDAP) Research Paper no. 242*, SEDAP Program, McMaster University, Hamilton, Canada, 2009.

 **Due to conditions in the labour markets of host countries, skilled migrants sacrifice their years of study and training in their countries of origin and are relegated to low-skilled jobs. The situation has led them to achieve very low returns on their human capital¹⁷⁷.**

- ◆ The underemployment of highly educated women- and men- migrants potentially undercuts offsetting factors, such as remittances or the circulation of knowledge and expertise¹⁷⁸.
- ◆ "Brain waste coupled with brain drain represents the worst possible outcome for developing countries. In addition to losing their skilled citizens, these countries likely also forgo future financial contributions in the form of remittances and valuable knowledge and networks that their diaspora accumulates and can share"¹⁷⁹.
- ◆ On the contrary, the portability of women- and men- migrants' skills facilitate the contribution of economically successful and well-integrated skilled migrants to their home countries' development, not only through greater amounts of remittances but also through circulating knowledge and ideas whose value goes well beyond economics¹⁸⁰.

4.8 ILO's technical assistance and tools in providing portability and facilitating recognition of skills of migrant workers

The ILO has done important work in the area of portability of skills developing systems for recognition of skills among countries, and other tools to enable workers to apply knowledge and experience to new occupations or industries and secondly on systems that codify, standardize, assess and certify skills so that levels of competence can be easily recognized by social partners in different labour sectors across national, regional or international labour markets.

As such, the ILO has supported its constituents in developing different tools or systems. Among them, it is worth mentioning the following:

- a) **Guide on Occupational Standards Development** - Include information based on occupational profile that are considered the equivalent of a recognised occupation (e.g. restaurant waiter, cook, tour arranger, hotel receptionist, marketing manager) which is analysed into a number of areas which describe what a person needs to do and how well they need to do it, plus a list of the essential knowledge and understanding which underpins successful performance, that are defined as Occupational Standards. Occupational Standards (or their local variants) are used as the foundation for Vocational and Education Training programmes and a number of additional human resource applications.

- b) **Regional Model Competency Standards (RMCS)** - Important in the discussion on the recognition of skills across countries within the context of mobility of skilled workers. RMCS do not define qualification levels but rather cluster competencies in logical groupings that can be translated into each country's classification system as required. Important to have a common "translation tool" such as RMCS to allow the skills of migrant workers to be evaluated simply no matter what qualification they hold. RMCS concept deals with a whole industry or major industry sectors, not single occupations¹⁸¹.
- c) **Technical Standards on Labour Competencies at the regional level** - Standards accepted as a benchmark at the regional level for a particular occupation. They permit to compare an observed performance against that benchmark, and are the basis for the assessment of competencies. They are also the benchmark or reference used for the development of training programs since they essentially describe the skills required for the performance. The ILO has been developing a methodology for the elaboration of technical standards on labour competencies at the regional level to permit mutual recognition of competencies (e.g. y estructurado una metodología para la elaboración de normas técnicas de competencia laboral de alcance regional).
- d) **Technical Standards on Labour Competencies at the national level** - are an instrument containing the description of the set of knowledge, skills and competencies that are applied to the performance of a production function and that if verified in situations of real or simulated work, permit to determine whether the person has achieved the type of, level of, and quality of performance expected by the labor sector.
- e) **National Qualifications Frameworks (NQFs)** – One of its purposes is to improve regional integration of economies by making worker mobility easier; Improving the ability of workers from developing countries to find good jobs in other countries, thus improving the levels of remittances sent home; Improving the ability of workplaces in developed countries to quickly understand the skills and abilities of migrants.
- f) **Development of a methodology for the validation of informal learning**- the validation of informal learning also has an important role to play in the process of managed migration and the ILO has been developing work in this area.

4.9 Recommendations based on principles included in International Labour Standards and ILO Multilateral Framework on Labour Migration relevant to Portability and Recognition of Skills

Governments

1. Promote the recognition and accreditation of migrant workers' skills and qualifications equally between women and men migrant workers. Where this is not possible, provide a means to have skills and qualifications recognized.
2. Negotiate and administer bilateral and regional agreements or integration schemes on portability and skills recognition ensuring to cover occupations where women migrant workers tend to concentrate.

3. Adopt measures to develop mechanism to assess, certify and recognize prior skills, competencies and qualifications of men and women migrant workers respecting gender equality principles.
4. In consultation with the social partners, develop a National Qualifications Framework to facilitate life-long learning and other regional recognition of skills mechanisms such as Regional Competency Standards for the assessment, certification and recognition of skills, including prior learning and previous experience.
5. Create effective policies to integrate transferable vocational and core skills by identifying skills required in labour markets. This can include maintaining social dialogue with stakeholders on curriculum and training content and developing the capability of curriculum developers and trainers to implement the training programmes.
6. Special provisions should be designed to ensure recognition and certification of skills and qualifications for migrant workers.

Trade unions and employers' organizations

1. Participate in the drafting and negotiation of recognition of skills and certifications' schemes ensuring equality of treatment between migrant workers and national workers and gender equality between men and women migrant workers.
2. Improve the labour market situation of migrant workers, including through ensuring the provision of vocational training and educational opportunities and informal learning.
3. Provide information on vocational and education training institutions available.
4. Encourage social dialogue with governments, migrants and migrants' organizations on constant ways to improve the recognition of skills, qualifications and competencies of all migrant workers
5. Improve the labour market position of migrant workers, for example, through the provision of vocational training and educational opportunities;
6. Enterprises and employment agencies should recognize prior learning and previously acquired skills, as well as competencies and experiences.

Migrants' associations and other civil organisations

1. Raise awareness about deskilling issues.
2. Provide information on institutions to contact and administrative procedures to follow to recognize migrant workers' skills and competencies.
3. Provide language courses or any other type of course that can improve migrant workers' labour market integration.
4. Ensure that appropriate cultural and linguistic gender-sensitive services for women migrant workers are available.

4.10 International Labour Standards relevant to issues included in this chapter

ILO INSTRUMENTS

C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Article 14(b)

A Member may (b) after appropriate consultation with the representative organizations of employers and workers, make regulations concerning [recognition of occupational](#) qualifications acquired outside its territory, including [certificates and diplomas](#).

R151 - Migrant Workers Recommendation, 1975 (No. 151)

Paragraph 2

Migrant workers and members of their families lawfully within the territory of a Member should enjoy effective equality of opportunity and treatment with nationals of the Member concerned in respect of:

- (a) access to [vocational guidance](#) and placement services;
- (b) access to [vocational training](#) and employment of their own choice on the basis of individual suitability for such training or employment, account being taken of [qualifications acquired outside the territory](#) of and in the country of employment.

R195 - Human Resources Development Recommendation, 2004 (No. 195)

II. Development and implementation of [education and training policies](#)

- (e) develop a [national qualifications framework to facilitate lifelong learning](#), assist enterprises and employment agencies to match skill demand with supply, guide individuals in their choice of training and career and facilitate [the recognition of prior learning and previously acquired skills, competencies and experience](#); this framework should be responsive to changing technology and trends in the labour market and recognize regional and local differences, without losing transparency at the national level;

VI Framework for recognition and certification of skills

- 11. (1) Measures should be adopted, in consultation with the social partners and using a national qualifications framework, to promote the development, implementation and financing of a transparent mechanism for the [assessment, certification and recognition of skills, including prior learning and previous experience](#), irrespective of the countries where they were acquired and whether acquired formally or informally.
- 12. Special provisions should be designed to ensure [recognition and certification of skills and qualifications for migrant workers](#).
- X. International and technical cooperation
 - (f) promote [recognition and portability of skills](#), competencies and qualifications nationally and internationally.

General Recommendation No. 26 on Women Migrant Workers 2009 - Convention on the Elimination of All Forms of Discrimination against Women

- 26. States parties in countries where migrant women work should take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers, including in their own communities. Measures that may be required include, but are not limited to, the following:
 - (i) Access to services: States parties should [ensure that linguistically and culturally appropriate gender-sensitive services for women migrant workers](#) are available, including [language and skills training programmes](#).

4.11 Principles in the ILO's Multilateral Framework on Labour Migration relevant to issues included in this chapter

ILO's Multilateral Framework on Labour Migration Non-binding principles and guidelines for a rights-based approach to labour migration, 2005

Part VII. Migration Process

Principle 12. An orderly and equitable process of labour migration should be promoted in both origin and destination countries to guide men and women migrant workers through all stages of migration, in particular planning and preparing for labour migration, transit, arrival and reception, return and reintegration.

Guideline

12.6. Promoting the recognition and accreditation of migrant workers' skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized;

Part VIII. Social integration and inclusion

Principle 14. Governments and social partners, in consultation, should promote social integration and inclusion, while respecting cultural diversity, preventing discrimination against migrant workers and taking measures to combat racism and xenophobia.

Guideline

14.3. Improving the labour market position of migrant workers, for example, through the provision of vocational training and educational opportunities;

Part IX. Migration and Development

Principle 15. The contribution of labour migration to employment, economic growth, development and the alleviation of poverty should be recognized and maximized for the benefit of both origin and destination countries.

Guideline

15.7. Adopting measures to mitigate the loss of workers with critical skills, including by establishing guidelines for ethical recruitment.

Chapter 5.



Conclusion

Applying a gender perspective to labour migration is timely since a rapidly increasing number of women are migrating for work on their own. However, more evidence-based research is needed to better understand gender differences in migration policies, legislation, and practices and to take action about improving them in order to maximise the contribution of women migrant workers to development.

Indeed, current literature on the topic remains thin. The *Practical Guide on Maximising the Contribution of Women Migrant Workers* has attempted to slightly push the discourse further by highlighting how gender affects the opportunities for women to migrate abroad through regular channels of migration, and how migration outcomes for women can result in large gaps in, earnings and remittances, social protection, working conditions, deskilling and brain waste. As a result, the *Practical Guide* indicates possible tools for governments, trade unions, employers' organisations and migrant organisations that could narrow these gaps in an effort to better realise the potential contribution of women migrants to development.

The *Practical Guide* indicated that while sex segregation in sectors and occupations remains common in places of origin and destination, it is also important to recognize that gender-based discrimination and lack of equal treatment impacts employment opportunities of migrant women and men differently, particularly with respect to labour rights. The Guide includes information on how this reality often streams semi-skilled and highly-skilled women migrants worsening their labour market insertion. A large number of them are pushed into lower-skilled segments of the labour market due to less recognition of labour market needs for occupations where women tend to concentrate, and the fact that women migrants need to migrate abroad in an irregular migration situation. Such occupations tend to be characterised by low or non-payment of wages, long working hours, and lack of employment contracts, which hinder women migrants' earnings, remittances and overall contribution to development.

Recommendations included pertain to recognizing labour market needs for highly-skilled, semi-skilled and low-skilled women migrants' occupations, as well as improving information and reducing administrative barriers. **Chapter 2** comprises other recommendations such as: governments ensuring that regular channels of migration are offered to women migrants on an equal footing as male migrant workers and that laws and policies are put in place with the purpose of reducing the barriers that impede women to be part of the formal labour market; for trade unions and employers' organizations to contribute through social dialogue in identifying and developing strategies to formalize the informal economy and for migrants and migrant associations to provide information to migrant workers on their rights and also to help them to defend their rights.

Concerning the lack of social protection and unfair working conditions, **Chapter 3** includes several recommendations for multiple stakeholders in an effort to ameliorate the realities that women face, including: for governments to adopt gender-sensitive policies and legislation to take the necessary labour market measures to eliminate gender inequality and discrimination suffered in the workplace and improve women migrants' wages, working hours, weekly rest and annual leave while respecting the principle of equal treatment between migrant workers and national workers, as well as to improve their registration in the social security system, and to improve portability of social security benefits with between countries of origin and destination; for trade unions and employers' organizations to ensure that all migrant workers receive equal remuneration for work of equal value; and for migrant associations to advocate for equal treatment and non-discrimination between migrants and national workers in terms of working conditions and wages and social protection, and for equality of treatment and opportunities between men and women migrant workers.

The *Practical Guide* also makes a case for the improvement of the portability of skills at the international level as a means for significantly advancing the ability of women migrant workers to remit higher volumes of remittances and by extension, increase their contribution to development. This is of extreme importance because not only are highly educated migrant women more likely than highly educated native-born women to be employed in low-skilled jobs, but this outcome also results in significant deskilling and brain waste resulting in a loss to the migrants' themselves, as well as to their countries of origin and destination. This reality is also magnified by the fact that skilled migration policies of developed countries (i.e. OECD countries) largely attribute more value to male-dominated occupations, such as engineering, thus undervaluing women migrants' skills, competencies and qualifications which, in turn, confine them to lower skilled jobs and, thereby, negatively impacting their ability to send larger sums of remittances.

In an effort to positively influence the portability of women migrants' skills, qualifications and competencies to avoid brain waste and de-skilling, and to increase the contribution they can make to development, **Chapter 4** makes several key recommendations that can include: for governments to promote the recognition and accreditation of migrant workers' skills and qualifications, and where this is not possible, to provide a means to have skills and qualifications recognized; for trade unions and employers' organizations to improve the labour market position of women migrant workers, for example, through the provision of vocational training and educational opportunities; and for migrant associations, and other civil society organisations, to raise awareness about the deskilling phenomena affecting women migrants more importantly, and about the contributions of women migrant workers to the countries in which they are employed in an effort to facilitate their labour market integration.

Meaningful and equal participation of women in labour migration can provide developmental contributions to themselves, their families, communities, as well as to their countries of origin and destination. However, this can only be achieved with sound and appropriate policies that include a rights-based approach, a gender-sensitive perspective, and are responsive to, and reflective of, women migrants' needs and realities.

Annex 1



2004 International Labour Conference (ILC) Conclusions pertaining to international migration, women, gender, and development

The 2004 International Labour Conference (ILC) of the International Labour Organization adopted the *Conclusions and Resolution on a Fair Deal for Migrant Workers in a Global Economy*. Representatives from governments, employer organizations and workers' organizations from 177 member countries of the International Labour Organization elaborated and adopted the **Conclusions** and **Resolution**, which included an **ILO Plan of Action for Migrant Workers**.

With respect to the **Conclusions** concerning gender, women and migration and development, the ILC states:

- ✓ Women continue to constitute about half of all migrants, but most are now migrating on their own as primary income earners;
- ✓ It is recognized that among many of the beneficial elements of labour migration are non-inflationary economic expansion, job creation, growth and cross-fertilization of skills, technology exchange, rejuvenation of populations and stimulation of development through remittance flows;
- ✓ Promotion of policies that maximize the contribution of migration to development is another essential component of a comprehensive policy to address the global context of migration. Consideration may be given to allocating development assistance to projects and programmes generating or increasing employment in decent conditions;
- ✓ Comprehensive national approaches to improving social welfare and social inclusion and cohesion in the context of labour migration are necessary and should be promoted. Important measures may include reflecting the differences in conditions facing men and women migrants through measures to improve conditions and reduce specific vulnerabilities faced by female migrants;
- ✓ For workers' organizations, labour migration poses particular concerns, notably obtaining access to policy forums to ensure that the views of men and women migrant workers are taken into account;
- ✓ There is a need for further studies and analyses of the effects of the movements of highly skilled migrant workers and those with advanced education on economic and social development in developing countries; and,

- ✓ The increase in trafficking, especially of women and children, poses a particular threat to human rights protections and creates new challenges for governments and the international community. Victims of trafficking face abusive and exploitative situations, often without effective access to legal protection.

The **ILO plan of action for migrant workers** specifically states:

1. A fair deal for all migrant workers requires a rights-based approach, in accordance with existing international labour standards and ILO principles, which recognizes labour market needs and the sovereign right of all nations to determine their own migration policies, including determining entry into their territory and under which conditions migrants may remain. As part of the broader commitment to promoting decent work, the ILO and its constituents agree on the desirability of maximizing the benefits to all that can flow from: (i) promoting policies that give priority to economic growth and employment; and (ii) encouraging regular labour migration.

It is recognized that this goal requires a commitment to adopt national policies aimed at equal treatment of migrant workers with nationals in respect of national labour laws and access to applicable social protections, combating the exploitation often associated with migrants in irregular status, and the promotion of basic human rights for all migrants. It is clear that closer cooperation among sovereign States and the tripartite constituents can contribute towards more effective labour migration processes and protection systems. Many countries have requested technical assistance in improving their policies and legislation. In order to advance this agenda, the ILO and its constituents will carry out a plan of action in partnership with other relevant international organizations. The Office shall keep the ILO Governing Body and any other relevant ILO Committees informed of the progress of its implementation.

2. This plan of action shall include:
 - ✓ development of a non-binding multilateral framework for a rights-based approach to labour migration which takes account of labour market needs, proposing guidelines and principles for policies based on best practices and international standards;
 - ✓ identification of relevant action to be taken for a wider application of international labour standards and other relevant instruments;
 - ✓ support for implementation of the ILO Global Employment Agenda at national level;
 - ✓ capacity building, awareness raising and technical assistance;
 - ✓ strengthening social dialogue;
 - ✓ improving the information and knowledge base on global trends in labour migration, conditions of migrant workers, and effective measures to protect their rights; and
 - ✓ mechanisms to ensure ILO Governing Body follow-up of the plan of action and ILO participation in relevant international initiatives concerning migration.
3. A high priority should be given to capacity building and technical assistance, in line with this plan of action.

Annex 2



Background information on the ILO and the Millennium Development Goals (MDGs)

1. The ILO promotes poverty reduction at the policy level and in practice through its **Decent Work Agenda**. The World Summit for Social Development (1995) created a global consensus to fight poverty. It adopted the **Copenhagen Declaration**, which calls for the promotion of full employment and secure and sustainable livelihoods through freely chosen, productive and decent work. The **Millennium Declaration, (2000)**: 189 nations committed “to develop and implement strategies that give young people everywhere a real chance to find decent and productive work”. At the World Summit (2005), world leaders committed to four new development goals, in addition to those contained in the Millennium Declaration. They include “Achieving full and productive employment and decent work for all, including women and young people”. Decent work was, indeed, recognized by the UN General Assembly as a global development goal and is central to the sustainable recovery of the real economy¹⁸².
2. The recognition that employment and decent work are legitimate and fundamental goals in their own right, and are not the automatic by-products of growth, led to the inclusion in 2005 of a new **MDG Target (1.B)**: “achieving full and productive employment and decent work for all, including women and young people”. The ILO approach to the eradication of extreme poverty and hunger (MDG 1) is to promote decent work for all. Its four pillars are:
 - ✓ Employment – the principal route out of poverty is through work and income;
 - ✓ Rights – without them, people will not be empowered to escape from poverty;
 - ✓ Social protection – safeguards income and underpins health; and
 - ✓ Social Dialogue – the participation of employers’ and workers’ organizations in shaping government policy for poverty reduction ensures that it is appropriate and sustainable¹⁸³.
3. **The Global Jobs Pact: working out of poverty** - The Global Jobs Pact was adopted by the government, employers’ and workers’ delegates of the ILO’s 183 Member States in June 2009 in response to the global crisis. The **Global Jobs Pact** was endorsed by the UN General Assembly and by G20 leaders, and will enhance progress on MDG 1. The Global Jobs Pact provides concrete recommendations at policy, strategy and programme levels. It proposes a range of tested crisis-response and recovery measures that focus on employment and social protection. It is a framework for action and a roadmap for the design of policies that can shorten the time lag between economic recovery and employment recovery. It is intended as a reference tool for all development actors, including the multilateral organizations, which have endorsed it in the framework of the UN-CEB Joint Crisis Initiatives¹⁸⁴.

4. The ILO has also taken an active role in the **UN-CEB Joint Crisis Initiatives**. These cover additional financing for the most vulnerable; food security; trade; the Green Economy Initiative; the Global Jobs Pact initiative; a social protection floor; humanitarian, security and social stability; technology and innovation; and monitoring and analysis. Full employment and decent work for all became the theme of the **Second United Nations Decade for the Eradication of Poverty (2008-2017)**.
5. The ILO is the lead agency tracking progress in relation to full employment and decent work (Target 1B) and the employment of women (Goal 3.2). The new target and indicators were introduced in the ILO's Key Indicators of the Labour Market (5th Edition), which alongside the Global Employment Trends report provides broad analysis of employment and labour market trends. As the lead UN agency promoting full, productive employment and decent work for all, the ILO has central responsibility for facilitating the use of the employment indicators in national and international labour market monitoring systems. In 2009, the ILO released the Guide to the new **Millennium Development Goals Employment Indicators, including the full set of Decent Work Indicators**.
6. At the country level, the ILO works for the inclusion of decent work goals in Poverty Reduction Strategies coordinating with the UN family through the **United Nations Development Assistance Framework (UNDAF)**, an important tool through which UN Country Teams can support national development priorities and MDGs.
7. In addition to its work on MDGs 1 to 7, the ILO has contributed particularly to **MDG 8** through its Decent Work Agenda (decent and productive employment, rights, social protection and social dialogue)¹⁸⁵ by:
 - ✓ promoting decent work as a global goal in fair globalization ;
 - ✓ calling for greater policy coherence for poverty reduction across the multilateral system;
 - ✓ encouraging employment-intensive approaches, especially in the context of technological change;
 - ✓ assessing and addressing the effects of trade on employment and labour rights;
 - ✓ developing the capacity of workers' and employers' organizations to participate meaningfully in the formulation of national development policy.
8. The 2004 report of the **World Commission on the Social Dimension of Globalization, "A fair globalization: Creating opportunities for all"**, recommended practical action on MDG 8¹⁸⁶:
 - making decent work a national and global objective; (see ILO Declaration on Social Justice for a Fair Globalization);
 - creating fair rules for trade, investment, international finance **and migration**; better international policies (e.g. meeting aid needs and debt relief) and more accountable institutions;

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- stressing national and international responsibilities for good governance and reforms to ensure fairness and sustainable global growth, with a move from donor conditionality to national ownership of policies;
 - increasing policy coherence between international economic, social and environmental policies in a reformed multilateral system.
9. One of the most powerful ways of reducing poverty is by providing the **basic social protection floor** to the poor and vulnerable, with two main objectives: first, to reduce poverty among very poor parts of the population, and second to break the vicious circle of transmitting poverty from one generation to another¹⁸⁷.

Annex 3



Chronology of International Migration Main Events including gender-related and development recommendations

1994: The UN Population and Development Conference, held in Cairo, prepared a Program of Action which included a chapter on international migration (Chapter X), calling for “orderly international migration that can have positive impacts on both the communities of origin and the communities of destination.”¹⁸⁸ It also includes issues linked to development, such as remittances, temporary migration, transfer of knowledge, skills and technology etc. Moreover, the chapter promotes the *elimination of discriminatory practices against women, the adoption of effective sanctions against any form of international traffic in women and the international protection of and assistance to refugee women*. Chapter IV and VII promote *gender equality, equity and empowerment of women, as well as reproductive rights and health*.

2003: The Global Commission on International Migration (GCIM), established in 2003, presented its report and recommendations to UN Member States and to the international community in late 2005. The report includes 6 Principles for Action covering all aspects of human mobility and migration governance, including the interconnections between migration and development (principle for action number 2, “[r]einforcing economic and developmental impact”). The Global Commission also states that “*Women have felt obliged to leave their own country and to look for work elsewhere because they are deprived of rights and opportunities at home*”¹⁸⁹ *but as migrants they have to face discrimination in the labour market, brain waste, de-skilling, and risk of violence, exploitation, trafficking and isolation*.

2004: The International Labour Conference (ILC) of the International Labour Organization adopted the *Conclusions and Resolution on a Fair Deal for Migrant Workers in a Global Economy* by consensus in the Conference plenary on 16 June 2004. Representatives from governments, employer organizations and workers’ organizations from 177 member countries of the International Labour Organization elaborated and adopted the Conclusions and Resolution, which included an ILO Plan of Action for Migrant Workers. In particular, it stresses the need to establish and promote comprehensive national approaches to improving social welfare, inclusion and cohesion in the context of labour migration that reflects the different conditions that migrant women and men face, and to reduce specific vulnerabilities faced by female migrants. Important measures may include:

- a) Due consideration should be given to the gender dimension in the application of relevant international labour standards, as well as to the various categories of temporary migrant workers, including seasonal workers;

- b) Considering the needs expressed by many member States for technical assistance in many areas of labour migration policy and administration, expanded advisory services and technical cooperation should be a key priority for the ILO to help governments and social partners formulate and give effect to national and regional policies and practices concerning labour migration. Such capacity building and technical assistance should, inter alia, include provision of support for the development of gender-sensitive national migration policies;
- c) Together with its constituents and, as appropriate, in conjunction with other international organizations, the ILO should continue building a global knowledge base on international labour migration, focusing its research and strengthening its knowledge management tools, such as continued qualitative and quantitative research in areas of migration for employment, including on the gender dimensions of migration.

2005: The Tripartite Meeting of Experts on the ILO Multilateral Framework on Labour Migration, held in Geneva, prepared a Multilateral Framework including 9 non-binding principles and guidelines for labour migration. The 9th principle on migration and development states, “[T]he contribution of labour migration to employment, economic growth, development and the alleviation of poverty should be recognized and maximized for the benefit of both origin and destination countries”¹⁹⁰. Principles 4, 5 and 6 on effective management of labour migration, protection of migrant workers and prevention of and protection against abusive migration practices respectively, include *women migrant-specific guidelines related to ensure a gender-sensitive perspective on labour migration policies, to address the specific risks in certain occupations faced by women and to adopt measures to encourage women migrant workers and trafficking women victims to denounce abuse, exploitation and violation of their rights*.

2006: The High-Level Dialogue on International Migration and Development (HLD) held during the UN General Assembly in September 2006 highlighted the *high participation of women in labour migration and the need for adequate protection and empowerment of women migrants*. In addition, it mentioned *the support needed to enhance their entrepreneurial potential and the recognition of their contribution to development in both countries of origin and those of destination*. The HLD also stressed the *risks faced by women migrants such as low-paying jobs, exploitation, abuse and trafficking and the need to adopt policies to deal with these circumstances*. At the HLD, the UN Secretary-General and his Special Representative on International Migration and Development proposed the creation of the GFMD.¹⁹¹

2006: The Global Migration Group (GMG) **2006: The Global Migration Group (GMG), formally known as the Geneva Migration Group**, was established by the United Nations Secretary-General, in early 2006, in response to a recommendation of the Global Commission on International Migration, forming a high-level inter-institutional group of agencies involved in migration-related activities. The Group is currently comprised of 16 entities¹⁹². Migration and Gender is one of the 12 GMG focus topics, and it has recently created a working group on human rights and gender. Specifically, it promotes the wider application of all relevant international and regional instruments and norms relating to migration, and to encourage the adoption of more coherent, comprehensive and better coordinated approaches to international migration. It is also concerned with improving the overall effectiveness of its members and other stakeholders in capitalizing upon the opportunities and responding to the challenges presented by international migration.

The GMG has had several notable achievements since its founding. These include:

- ✓ **Raising the profile of international migration:** The GMG has elevated the issue of migration at the international level and provided the institutional structure and space for a coherent interagency voice on migration;
- ✓ **Increasing profile of the GMG:** The visibility of GMG has improved since its establishment and has gradually become an entity that Member States are aware of.
- ✓ **Establishment of a network of cooperation and collective action:** This network among agencies brings greater visibility on migration-related issues;
- ✓ **Establishment of a network among migration focal points:** This network of focal points in different agencies has facilitated regular informal dialogue among agencies, as well as the exchange of information and experiences;
- ✓ **Numerous concrete and joint activities:** The GMG has successfully convened two symposia in 2010 and 2011, issued two publications¹⁹³, convened an expert meeting on human rights of irregular migrants, and prepared several joint statements and fact sheets.
- ✓ **Establishment of working groups:** Working groups allow the GMG to act as a credible, outcome-oriented interlocutor for governments and civil society. In 2010 and 2011, the GMG has established working groups on Mainstreaming Migration into Development, and on Data and Research;
- ✓ **Website:** contains a repository of collaborative and individual contributions of GMG members on migration;
- ✓ **Identification of priorities:** The GMG has noted the need to focus more on ensuring the full respect for the human rights and labour rights of international migrants.

In addition, the GMG has released a position paper on the integration of migration in the post-2015 UN Development Agenda, recommending that: the labour and human rights and well-being of migrants should be addressed through gender disaggregated indicators; preventing and eliminating all forms of exploitation and abuse, including human trafficking; and the establishment and effective implementation of laws which prevent and protect migrants and their families against all forms of discrimination, labour exploitation, abuse, xenophobia, violence and related intolerance, with a focus on the most vulnerable, including children, adolescents, youth and women.

2007: The first meeting of the Global Forum on Migration and Development (GFMD), held in Brussels, dealt with questions of human capital development and labour mobility, remittances and policy coherence. In gender-related issues, this forum proposed to “*promote legislation, policies and practices for gender-based development and create an enabling environment emphasizing gender equity and the empowerment of women*”, to “*protect mainly female — but also male — migrants*” and to “*improve gender-related data collection and analysis of the impact of migration on families*”¹⁹⁴.

2008: The International Conference on Gender, Migration and Development, held in Manila, adopted the Manila Call to Action “which enjoins Governments and all other stakeholders to ensure *coherent, fair and gender-sensitive migration and development policies and practices*”¹⁹⁵.

2008: The second meeting of the GFMD, held in Manila, was devoted to the protection and empowerment of migrants. *The gender issues dealt with were trafficking of women and how migration impacts gender. Some proposals during this forum were to expand research on female migration and to disaggregate OECD data by age, occupation and gender.*¹⁹⁶

2009: The Global Consultation on Migration, Remittances and Development: Responding to the global economic crisis from a gender perspective, held in Geneva, focused its work on sharing knowledge, generating dialogue and making concrete recommendations on how to respond to the crisis on issues related to *gender equality*, international migration and remittances. As part of its 14 recommendations, the Global Consultation emphasised building an environment for business development and *entrepreneurship for female- and male- senders and recipients of remittances, promoting financial literacy and access to financial services for migrant women- and men-, enhancing women’s participation in diaspora organizations, supporting the participation of women in transnational transfer of skills and knowledge schemes, providing equal legal channels of migration to women- and men- migrant workers and promoting gender-sensitive labour migration policies.*¹⁹⁷

2009: The third meeting of the GFMD, held in Athens, focused on “the integration of migration policies into development strategies for the benefit of all”. *The meeting addressed the need to integrate the equitable allocation of resources among gender groups into developmental migration policies, and issued a mandate to prevent exploitation of migrant women and combat multiple discrimination and abuse. The gender-related proposals were to “intensify institutional cooperation with NGOs and women NGOs in particular, with focal point on migration and development issues, to promote and facilitate cooperation among gender focused NGO’s both in reception as well as sending countries”*¹⁹⁸.

2010: The High Level Consultation “Promoting and protecting the rights of women migrant workers” held in Mexico City, produced a *set of gendered policy recommendations on women migrants rights* for the 2012 GFMD Roundtable 2.2 on Gender, Family and Migration¹⁹⁹.

2010: The fourth meeting of the GFMD held in Puerto Vallarta, Mexico, tackled the topic of “Partnerships for migration and human development: shared prosperity - shared responsibility”. *Gender-related issues addressed were women victims of human trafficking and the gender dimensions of migration and its consequences for families. The challenges linked to the last point were: “how to prevent family disintegration and empower families throughout the entire migration cycle”, and “how to integrate a gender perspective in migration and development policies to address the specific vulnerabilities of women and child migrants.”*²⁰⁰ *“The specific situation of migrant women was examined through the example of the global care industry, where some of the most blatant forms of gender-based discrimination and disempowerment of migrants are occurring”.*²⁰¹ *In addition, the background paper “Migration, gender and family” included a discussion on “Trends in Migration and Domestic Work” and the concluding recommendation largely covered domestic work.*

Likewise, a High-level consultation on “*Protecting and Promoting the Rights of Women Migrant Workers: Partnerships for human development: shared prosperity-shared responsibility*” was held in Mexico City two weeks before the GFMD and its recommendations included:

- Recognize domestic work as work and provide labour and social protection to domestic workers;

- Address protections for women migrant workers, including domestic and care workers, in any bilateral and multilateral agreements between countries of origin and destination;
- Implement campaigns to eliminate stigma, discrimination and violence against women migrant workers, specially domestic workers;
- Strengthen the capacity of migrant women workers, including domestic workers, and their associations/organizations to advocate for policies and programmes that address their concerns and to claim their entitlements; and
- Call on participating GFMD countries to fully engage in the development of ILO Convention on domestic workers (C. 189).

2011: The fifth meeting of the GFMD held in Geneva, focused on the theme of “Taking action on Migration and Development – Coherence, Capacity and Cooperation.” Its cluster 1, “Labour mobility and development,” raised attention on *global care workers at the interface of migration and development*.

Two Regional Meetings under the auspices of the GFMD - “Domestic Workers at the Interface of Migration and Development in the Caribbean: Action to Expand Good Practice” and “Domestic Workers at the Interface of Migration and Development in Africa: Action to Expand Good Practice” - supported and complemented the larger debate in the International Labour Conference on decent work for domestic workers, and helped develop a regional platform to discuss viable social security benefits for domestic workers and their families, and to establish a national network of domestic worker representatives²⁰².

2012: The sixth meeting of the GFMD held in Port Louis discussed the theme “Enhancing the Human Development of Migrants and their Contribution to the Development of Communities and States”. It suggested recommendations that gave *importance to gender-disaggregated data in order to help counter discrimination and prejudice against women and focusing more attention on female migrants and the gender aspects of migration. Recommendations also stressed: the need to provide special attention to lower-skilled women migrant workers, particularly domestic workers; women’s empowerment issues and gender equality perspective need to be addressed in the 2013 UN HLD; and posting a gender responsive checklist on the GFMD website as a guide for governments, including effective models*. There was also a third regional workshop on domestic workers in the Philippines with the aim of sharing updates on the status of ratification and implementation of ILO Convention 189²⁰³.

2013: The seventh meeting of the GFMD held in Stockholm (12-16 May 2014) will discuss: *how migration contributes as an enabler to development from a gender perspective; the need for more systemic labour market and skills matching according to certain migrant characteristics, including gender; how strategies for empowerment can be adapted to the needs and demands according to migrants’ gender; and how policies and bilateral or multilateral cooperation could improve positive development outcomes from migration in health hand education, taking into account gender equality*¹²⁰⁴.

2013: United Nations General Assembly “High-Level Dialogue on International Migration and Development” (3-4 October 2013) addressed the *need to ensure an age and gender-sensitive and rights-based approach to international migration and recognised that in countries of origin, mi-*

gration can empower girls and enable gender equality. Recommendations put forth to respond to these issues include: member states to reaffirm the protection of the human rights of all migrants, particularly considering gender and its vulnerabilities; protect female migrants from gender-based discrimination and violence at each stage of the migration process and at the workplace²⁰⁵.

2013: Declaration of the High-Level Dialogue on International Migration and Development – Draft resolution submitted by the President of the UN General Assembly on 3-4 October adopted: *the need to address the special situation and vulnerability of migrant women and girls by, inter alia, incorporating a gender perspective into policies and strengthening national laws, institutions and programmes to combat gender-based violence, including trafficking in persons and discrimination against them; reaffirm the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children; and emphasize in this regard the need to establish appropriate measures for the protection of women migrant workers in all sectors, including those involved in domestic work²⁰⁶.*

2013: ILO, Tripartite Technical Meeting on Labour Migration held on 4-8 November was to assess the outcome of the UN General Assembly High-level Dialogue on International Migration and Development and to also consider possible areas for follow-up by the ILO. Four key points were suggested for discussion: labour migration in the context of debates on international migration and development and the post-2015 development framework; the effective protection of migrant workers, with reference to vulnerabilities of low- and medium-skilled workers; improved assessment of labour market needs, skills recognition and certification; and international cooperation and social dialogue for well-governed national and international labour migration and regional mobility. Key conclusions of the Tripartite Technical Meeting on Labour Migration that pertained to women and gender suggested that “In light of the growing feminization of labour migration, enhance the capacities of the ILO’s constituents to apply a gender lens to advance and implement labour migration policies.”²⁰⁷

Annex 4 - Global Forum on Migration and Development (2007-2013) – Work done on gender issues



Global Forum on Migration and Development – Brussels 2007 Civil Society days: 9 July, Governments' days: 10-11 July

Roundtables	Sessions / Subjects	Recommendations	Roundtable reports prepared by Governments with International organizations' inputs, and other outputs presented/distributed
I. Human capital development and labour mobility: maximizing opportunities and minimizing risks	1. Highly skilled migration : balancing interests and responsibilities	Providing gender-specific data on skilled migration.	<p>GMG: "Questions and issues of relevance to the inter-linkage between international migration, gender and development".</p> <p>ILO: "Integrating gender into the roundtable sessions of the GFMD: ILO's Contribution".</p> <p>IOM: "Integration of a gender perspective in the migration and development debate: IOM's contribution".</p> <p>UNFPA: "State of world population 2006. A passage to hope- women and international migration".</p> <p>UNICEF: "Gender and migration".</p>
	2. Temporary labour migration as a contribution to development: sharing responsibility.	Establishing gender sensitive policies and programs.	
	3. The role of other-than-government partners in strengthening the developmental contribution of temporary labour migration.	Including gender sensitive perspectives on the performance of recruiting agencies.	
	1. Improving the formalization of transfers and reducing their cost.	Providing gender sensitive perspectives on financial literacy: incentives, dissemination of information and awareness-raising.	
II. Remittances and other diaspora resources: increasing their net volume and development impact	2. Increasing the micro-impact of remittances on development.	Strengthening public policies that can catalyse gender-responsive innovative financial products and services, and create effective and inclusive markets and mechanisms that support the participation of vulnerable populations.	
	4. Working with the diaspora for development.	Supporting entrepreneurship by women.	
	Horizontal issues: Gender	1. Gender perspective in the development of coherent policy strategies	
		2. Gender-sensitive legislations, policies and practices and empowerment.	Training and skills upgrading.
Providing gender-specific pre-departure information and orientation.			
3. Protecting mainly female – but also male – migrants.		Facilitating more equitable access to financial services and livelihood opportunities.	
	Strengthening female engagement in diasporas' development activities.		
4. Gender-related data collection and analysis in the field of migration and development and remittances.	Adopting gender sensitive labour migration policies and practices ensuring decent working conditions.		
	Supporting gender-sensitive structures in destination countries.		

Global Forum on Migration and Development – Manila 2008
Civil Society days: 27 - 28 October, Governments' days: 29 – 30 October

Roundtables	Sessions / Subjects	Recommendations	Roundtable reports prepared by Governments with International organizations' inputs, and other outputs presented/distributed
I. Migration, development and human rights	1. Protecting the Rights of Migrants – A Shared Responsibility.	Protecting the rights of women migrant workers, child migrants and migrants in irregular situations.	Philippines and the United Arab Emirates: “ <i>Protecting Migrants – A Shared Responsibility</i> ” Working Paper for Roundtable 1.1.
II. Secure, regular migration can achieve stronger development impact	2. Managing Migration and Minimizing the Impacts of Irregular Migration.	Implementing an effective victim protection program; giving particular regard to gender considerations, children and those fleeing persecution.	Belgium and El Salvador: “ <i>Empowering Migrants and Diasporas to Contribute to Development</i> ” Working paper for Roundtable 1.2.
III. Policy and institutional coherence and partnerships	1. Strengthening data and research tools on migration and development.	Providing better data and research on gender - disaggregate OECD data by age, occupation and gender.	Bangladesh and Canada: “ <i>Fostering More Opportunities for Regular Migration</i> ” Working paper for Roundtable 2.1.
	2. Policy and Institutional Coherence.	Protecting migrants at all stages of migration, in both source and destination countries, with particular focus on a) information for migrants about their rights and responsibilities, b) special needs of women and children, and c) combating trafficking in persons.	Australia and Thailand: “ <i>Managing Migration and Minimizing the Negative Impacts of Irregular Migration</i> ” Working paper for Round table 2.2. Argentina and Finland: “ <i>Strengthening Data and Research Tools on Migration and Development</i> ” Working paper for Roundtable 3.1. Switzerland and Indonesia: “ <i>Policy and Institutional Coherence within Government</i> ” Working Paper for Round table 3.2. France and Brazil: “ <i>Regional Consultative Processes (RCPs), Inter-regional Consultative Fora and Regional Organizations and Economic Integration Processes at the Interface of Migration and Development</i> ” Working paper for Round table 3.3.

Global Forum on Migration and Development – Athens 2009
Civil Society days: 2 – 3 November, Governments' days: 4 – 5 November

Roundtables	Sessions / Subjects	Recommendations	Roundtable reports prepared by Governments with International organizations' inputs, and other outputs presented/distributed
I. How to make the migration – development nexus work for the achievement of the Millennium Development Goals (MDGs)	<p>1. Mainstreaming migration in development planning – Key actors, key strategies, key actions</p> <p>2. Engaging diasporas and migrants in development policies and programs – Their role? Their constraints?</p>	<p>Providing gender-related data collection.</p> <p>Taking into account the different needs and experiences of men and women migrants. Resource allocation should be equitably distributed.</p> <p>Adopting a gender-oriented perspective in identifying, elaborating and implementing concrete projects in order to take into account concerns and needs of vulnerable groups.</p> <p>Promoting gender-sensitive outreach policies towards diaspora, as women encounter different challenges before they leave and while abroad.</p> <p>Highlighting the need for diaspora projects to avoid reinforcing gender stereotypes.</p>	<p>UNFPA: "Fact-sheet on the impact on the economic crisis on female migration".</p> <p>Ethiopia, France, Jamaica, Mauritius, Norway, Spain, Yemen, European Commission, ILO, IOM, UNDP: "Mainstreaming migration in development planning – Key actors, key strategies, key actions" Background paper for Roundtable 1, session 1.1.</p> <p>Australia, Brazil, Ecuador, Egypt, Greece, Israel, Mexico, Philippines, Portugal, Spain, ILO, OHCHR and World Bank: "Inclusion, protection and acceptance of migrants in society – linking human rights and migrant empowerment for development" Background paper for Roundtable 2, session 2.1.</p> <p>Hellenic Republic: "General Rapporteur's Report" General report for Roundtable 2.</p> <p>Hellenic Republic: "General Report on Gender Issues".</p>
II. Migrant integration, re-integration and circulation for development	<p>3. Addressing the root causes of migration through development, specifically in light of the current global economic crisis.</p> <p>1. Inclusion, protection and acceptance of migrants in society – linking human rights and migrant empowerment for development.</p> <p>2. Reintegration and circular migration: effective for development?</p>	<p>Ensuring protection of women, as female migrants risk facing double discrimination as migrants and as women.</p> <p>Recognizing the feminization of migration.</p> <p>Integrating gender considerations and protection of children to any migrant integration programs.</p> <p>Adopting gender-sensitive perspectives can be a way of adapting reintegration policies to new forms of mobility. Female returnees often have fewer incentives than men to return or circulate their skills. Considering the special needs of returning females can sharpen adaptation strategies.</p> <p>Integrating a gender-based approach and the social and human rights of migrants into policy coherence, as well as the concerns of civil society actors and migrants themselves.</p>	
III. Policy and Institutional Coherence and Partnerships	<p>1. Policy and Institutional Coherence – Latest Data and Research Findings.</p>		

Global Forum on Migration and Development – Mexico 2010
Civil Society days: 8 - 9 November, Governments' days: 10 – 11 November

Roundtables	Sessions / Subjects	Recommendations	Roundtable reports prepared by Governments with International organizations' inputs, and other outputs presented/distributed
I. Partnerships for migration and human development: shared prosperity – shared responsibility	2. Joint strategies to address irregular migration.	Promoting a government focus on irregular migration that prioritizes the need for protecting the most vulnerable groups, specifically irregular migrants, victims of human trafficking, women and unaccompanied children.	Governments of Armenia, Chile, Ecuador, Greece, Israel, Philippines, Portugal, Spain, Sudan, Ukraine, United Kingdom, IFAD, ILO, IOM, UNIFEM (now part of UN Women), WHO: <i>"Migration, Gender and Family"</i> Background paper for session 2. Roundtable 2.
II. Human mobility and human development	1. Reducing the costs of migration and maximizing human development. 2. Migration, gender and family.	Ensuring that migrants have access to social benefits, like health, is a key determinant of empowerment and protection of migrants, particularly women and children. Enhance gender-sensitive policies related to circular movement and its potential for development. Establishing an ad hoc Working Group on Gender within the GFMD.	UNIFEM (now part of UN Women) and IOM: <i>"Uncovering the interfaces between Gender, Family, Migration and Development: The Global Care Economy and Chains"</i> .
	3. How can RCPs and Inter-regional fora best include the migration and development nexus?	Developing gender-sensitive guidelines on policies, programs and budgets, with appropriate indicators. Facilitating women and child migrants' access to basic social benefits (including health and education) on the same basis as nationals in the destination countries, a right enshrined in core international human rights instruments. In particular, it was accepted that health services have to reach out to female migrants. Implementing special protection to women or children domestic workers who are at risk of becoming victims of criminal networks and trafficking in countries that do not give full legal recognition to this kind of work. Incorporating migrant women into the agenda of the African Women's Decade, launched 24/10/10.	
III. Policy and institutional coherence to address the relationship between migration and development		Providing effective data collection at the regional and inter-regional level, including Migration Profiles and sex-disaggregated data to ensure the necessary gender perspective.	

Global Forum on Migration and Development – Geneva 2011
Civil Society days: 29 - 30 November, Government days: 1 - 2 December

Roundtables	Sessions / Subjects	Recommendations	Roundtable reports prepared by Governments with International organizations' inputs, and other outputs presented/distributed
<p>I. Labour Mobility and Development</p>	<p>1. Global care workers at the interface of migration and development.</p>	<p>Developing a gender-sensitive guide for all governments in accordance to the ILO C.189 and accompanying instruments.</p> <p>Establishing regional networks of domestic workers and representative groups to work with governments to ratify and implement ILO C. 189 and accompanying instruments and ensure that domestic workers are part of the policy decision-making process.</p> <p>Implementing gender-sensitive health insurance schemes.</p> <p>Consider establishing a body to oversee the regulation and licensing of recruitment agencies and informing them on the rights of domestic workers.</p>	<p>Government of Ghana in collaboration with UN Women, IOM and the Swiss GFMD Chair: <i>"Domestic Workers at the Interface of Migration and Development: Action to Expand Good Practice"</i> Background paper for the GFMD.</p> <p>Susanne Melde, African, Caribbean and Pacific Observatory on Migration: <i>"From evidence to action – Facilitating south-south labour migration for development"</i> Background paper for GFMD.</p> <p>Government of Jamaica in partnership with UN Women, IOM and GFMD Swiss Chair: <i>"Domestic Workers at the Interface of Migration and Development in the Caribbean: Action to Expand Good Practice"</i> Background paper for the GFMD.</p>
<p>II. Tools for evidence-based migration and development policies</p>	<p>1. Mainstreaming migration into development planning.</p>	<p>Recognizing that the mainstreaming process requires coordination, planning, capacity and inclusivity among multiple stakeholders, as well as informed data and a solid understanding of human rights, international legal frameworks, the gender dimension and the situation of the child.</p>	<p>Government of Moldova in collaboration with GMG WG and IOM: <i>"Workshop on Mainstreaming Migration into Strategic Policy Development"</i> GFMD 2011 Thematic Meeting Summary Report.</p> <p>UNDP and IOM: <i>"GMG Handbook on Mainstreaming Migration in Development Planning"</i>.</p> <p>UN Women: <i>"Mainstreaming Migration in Strategic Policy Development from a Gender Perspective"</i>.</p>

Global Forum on Migration and Development – Port Louis 2012
Civil Society days: 19 - 20 November, Government days: 21 – 22 November

Roundtables	Sessions / Subjects	Recommendations	Roundtable reports prepared by Governments with International organizations' inputs, and other outputs presented/distributed
I. Managing migration and migrant protection for human development outcomes	1. 1. Improving public perceptions of migrants and migration: challenging preconceptions and shaping perceptions.	Assisting the public to better understand migrants and migration by providing important information and research, including gender-disaggregated data to help counter discrimination and prejudice against women.	Governments of Argentina, Netherlands, Portugal, Philippines, Turkey, USA, IOM, IFRC, OHCHR: <i>"Improving public perceptions of migrants and migration: Challenging preconceptions and shaping perceptions"</i> Background paper for session 1. Roundtable 3. Governments of Bangladesh, Indonesia, Netherlands, Philippines, USA, IOM and OHCHR: <i>"Migrant Protection as Integral to Migration Management"</i> Background paper for session 2. Roundtable 3. Governments of Austria, Belgium, Ecuador, Ghana, Jamaica, Mexico, South Africa, USA, UN Women, ILO, IOM and IFRC: <i>"Protecting Migrant domestic Workers – Enhancing their Development Potential"</i> Background paper for session 3. Roundtable 3.
	2. Migrant protection as integral to migration management.	Focusing more attention on female migrants and the gender aspects of migration.	
	3. Migrant protection as integral to migration management.	Posting a gender-sensitive checklist on the GFMD website as a guide to governments, including effective models.	
		Addressing gender equality perspectives and women's empowerment issues in the UN HLD 2013.	

Global Forum on Migration and Development – Stockholm 12-16 May 2013

Documents	IOM and ILO: "Operationalizing migration mainstreaming into development policies and integrating migration in the Post-2015 UN Development Agenda" Draft Discussion Paper for the GFMD Thematic Meeting, Geneva, 22 May, 2013.
	ILO: "Contribution of Labour Migration to the Development Agenda" Background note to the GFMD Thematic Meeting Mainstreaming of Migration in Development Policy and Integrating Migration in the Post-2015 UN Development Agenda, Geneva, 22 May, 2013.
	OHCHR: "Migrants, migration, human rights and the Post-2015 UN Development Agenda" Background note to the GFMD Thematic Meeting Mainstreaming of Migration in Development Policy and Integrating Migration in the Post-2015 UN Development Agenda, Geneva, 22 May, 2013.
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The *Practical Guide on Maximising the Contribution of Women Migrant Workers to Development* gains its relevancy from recent discourses on migration and development. For instance, the 2013 UN Secretary-General's *Eight-point Agenda for Action* provides the ILO with a broad renewed mandate to advance work on labour migration and development, particularly the first two points which call for the protection of human rights for all migrants, and to reduce the costs of labour migration. In addition, the ILO Director-General “underscored the need to move beyond debates in terms of remittances,” suggesting that there is indeed a much broader link between migration and development.

Therefore, the Practical Guide furthers contemporary discourse on the critical link between migration and development by analysing it through a gender-specific and gender-sensitive perspective. By considering how the lack of recognition of labour market needs result in less channels of regular migration for women migrant workers and their concentration in the informal economy, how labour and social protection affects women migrant workers' incomes and capacity to send remittances to their countries of origin, and exploring the dimensions of gender de-skilling and brain waste, Gloria Moreno-Fontes Chammartin has not only shed valuable light on the topic, but also highlighted practical and useful recommendations and tools for policy-makers and other stakeholders on how to maximise the contribution of women migrant workers to development.



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