



contributions of
**MIGRANT DOMESTIC WORKERS
TO SUSTAINABLE DEVELOPMENT**

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CONTRIBUTIONS OF MIGRANT DOMESTIC WORKERS TO SUSTAINABLE DEVELOPMENT

POLICY PAPER FOR THE PRE-GFMD VI HIGH-
LEVEL REGIONAL MEETING ON MIGRANT
DOMESTIC WORKERS AT THE INTERFACE OF
MIGRATION AND DEVELOPMENT

foreword

Feminization of migration across the developing world is one of the entrenched features of the 21st century. One in seven persons worldwide is a migrant. In addition to the 215 million international migrants across the globe, the United Nations Development Programme (UNDP) estimated in 2009 that there were an additional 740 million internal migrants.¹

This paper focuses on international migrants, namely the women migrant domestic workers who cross borders in search of decent work and sustainable livelihoods. Women represent half of the world's migrants, and 83 percent of the 52-100 million domestic workers worldwide.² For these women, migration is both a personal and family survival strategy. Feminization is more than just numbers in official migration statistics. It refers to the features that define women's migration, such as the concentration of women in temporary labour migration; their likelihood to migrate via undocumented channels, at risk of trafficking and smuggling; their predominance in the low-wage and low-status job of domestic work – considered “women's work” – that remains largely hidden in a shadow or informal economy; and the intersecting forms of discrimination(s), harassment and abuse they face throughout the migration cycle (pre-departure, in transit, on-site in destination countries, and on return to origin countries). Additionally, the households and communities, especially children and family members who are left behind by these women, suffer some of the costs of migration, and face a growing “care crisis” at home.³

The migration of women domestic workers is driven by diverse and intersecting factors such as poverty, unemployment and underemployment, and socio-cultural barriers, including sex and gender-based discrimination. Other factors are climate change and environmental degradation, and the personal desire for independence and economic empowerment. However, in their search for a better life, these women reap not only the costs but also the benefits of migration. Research by UN Women and others shows that South Asia's women migrant workers,⁴ most of whom are domestic workers, gain most from “the empowerment effect” of increased self-confidence and self-reliance.⁵ Their increased income may enable women greater access to land, markets, credit and other resources to ensure their autonomy, especially when they return home. As discussed in this paper, institutional and structural changes are urgently needed to ensure the empowerment of women migrant domestic workers, and to make development sustainable for all.

A crucial first step in spearheading gender equality is recognizing and valuing the contributions of women migrant domestic workers towards sustainable development. Migration positively impacts families, economies and societies in the countries of origin and destination. Origin countries benefit from the economic and social remittances, i.e. respectively the saved earnings sent to sustain households, and the transfer of skills, ideas, knowledge and technology to communities at home. A report by UN Women and UNDP on gender-responsive remittances in Africa found that women migrant workers were more

1. UNDP Human Development Report (2009), p. 1

2. International Labour Organization (ILO) “Global and Regional Estimates on Domestic Workers”, Domestic Work Policy Brief No. 4, p. 10.

3. UN Women and IOM “Uncovering the Interfaces between Gender, Family, Migration and Development: the Global Care Economy and Chains” Annex to Roundtable 2.2. on Gender, Family, Migration and Development, Global Forum on Migration and Development (2010).

4. UN Women and VVGiriNational Labour Institute of India, *Migration of Women Workers to the Gulf* (2012).

5. UNESCAP ESCAP TWG Situation Report on South and Southeast Asia, p 162

likely than men to invest in schools, wells, hospitals, and local development, utilizing migrants' and Diaspora networks.⁶

Countries of destination benefit from women migrant workers' contributions at various levels, including the family, household, society and economy. Families and households benefit from the "care gain" that is generated by migrant domestic workers, who not only manage households but often care for children, older persons, persons with disabilities and relatives. They also function as tutors, teachers and nurses. Societies become increasingly multicultural and are enriched by new values, ideas and practices.

Economies are boosted by the productive and reproductive work undertaken by domestic workers, their consumption, taxes and contributions to social security. In destination countries, domestic work makes other work possible, and also facilitates women's increased participation in the workforce which in turn increases productivity and economic growth, particularly in middle-income and developed countries in the global North and increasingly the global South.⁷

To maximise sustainable development, it is no longer possible to ignore the significant benefits created by women migrant domestic workers, often at tremendous personal costs to themselves, and in the wake of a rising global care crisis that also requires urgent attention. In countries such as Nepal which has the most feminized migrant workforce in South Asia at 68 percent,⁸ women migrant workers, who are mostly domestic workers, contribute about half of migrant workers' remittances or around 23 percent to Gross Domestic Product (GDP).⁹

The impact of these and other financial gains may be harnessed in the first instance by providing gender-responsive remittance transfer mechanisms, woman-friendly savings and investment schemes. Furthermore, they can be maximised by ending the exclusion of domestic work from the labour laws of 40 percent of the world's countries,¹⁰ and by guaranteeing labour and social protections. The next step is moving beyond quantifying the contributions of women migrant domestic workers solely in financial terms. Social, cultural, and personal gains experienced by the women themselves, as well as families, homes, economies and societies around the globe must be accounted for.

Only by ensuring a gender-responsive, rights-based approach to capturing all contributions, can we empower women migrant domestic workers to claim their rights and celebrate their contributions to development.



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6. UN Women and UNDP, *Migration, Remittances and Gender-Responsive Local Development: Case Study of Senegal* (2010).

7. UN Women and IOM (2010).

8. UN Women and VVGiri (2012), citing UN DESA (2009).

9. UN Women "Factsheet: Gender and Migration in Asia" (2012), citing Nepal Institute of Development Studies (2012).

10. UN Women "Factsheet: Domestic work and migration in Asia" (2012) citing ILO (2010). UN DESA (<http://esa.un.org/migration/>) as quoted in Timothy and Sasikumar (2012)

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Contributions of migrant domestic workers to sustainable development

INTRODUCTION

According to UN data, there are approximately 215 million international migrants globally, most of whom are foreign workers and their families (ILO), with 105 million estimated to be women.¹¹

The driving forces behind global migration in terms of push and pull factors can be summarized in the form of two main interconnected trends: (1) global ageing, due to expanded life expectancy, especially notable in Europe and

East Asia where the share of the age group of 65+ is above 15 percent; paralleled by a declining fertility rate as per the number of children per women which has halved over the last 20 years. The latter can be largely attributed to rising educational standards and the increasing labour force participation of women worldwide. Those two demographic developments are off-set by an unequal distribution of the world's population, with Asia taking the lion share of 57 percent of the world's 7 billion, followed by Africa (28 percent) and Latin America (9 percent)(Muenz, 2011).

The second broad trend (2) has to do with many economies around the world being unable to generate sufficient employment opportunities, leading to a global job crisis as well as a deficit of suitable work.¹² This trend explains the continuing significance of international migration for work whose main functions are: to ease unemployment pressures in countries of origin on the one hand and to supply the much needed (but unwanted) workforce in less attractive jobs in countries of destination on the other hand. The latter points to the deteriorating nature and quality of jobs available which in turn influences the development potential of migration today.

The reappearance or persistence of domestic work as a part of the expanding global care economy is a reflection of the above trends. In addition, the recent economic crisis is forcing more women into paid employment in the productive economy whilst paying others, mostly women (among them increasing numbers of migrants, hired often on informal terms), to carry out reproductive work in private households, especially elderly and child care.



11. UN DESA (<http://esa.un.org/migration/>) as quoted in Timothy and Sasikumar (2012)

12. ILO (2012), *Global Employment Trends 2012*, Geneva: ILO.

With regard to the size of the domestic worker phenomenon, at least 52.6 million women and men above the age of 15 are in domestic work as their main job.¹³ Domestic worker employment constitutes between 4 and 10 percent of total employment in developing countries, and at least 2.5 percent of total employment in post-industrialised countries. Domestic work makes up 4.4 percent of total employment in Cyprus, 2.3 percent in France and 3.7 percent in Spain (ITUC 2010, 15). Asia tops Latin America and the Caribbean in terms of the total number of domestic workers, with Africa ranking third.¹⁴ In gender terms, women comprise the overwhelming majority of the domestic worker workforce (83 percent), which is 7.5 percent of women employees worldwide.

Increasingly, domestic and care work is carried out by foreign women migrant workers (the phrase migrant domestic workers is hereafter used to refer to international migrants), especially in highly, but also in medium, developed countries. According to the statistics provided by the Philippines Overseas Employment Administration (POEA), 97 percent of the total deployed Filipino migrant domestic workers in 2009 were female. In 2010, foreign domestic workers (FDWs) from the Philippines made up 36.1 percent of land-based overseas Filipino workers (122,808 out of 340,279),¹⁵ of which 95.5 percent were female. Between 2001 and 2010, migration from the Philippines was characterised by a dramatic increase in the number of new-hire domestic workers. The number of land-based female workers rose from 72,186 in 2001 to 154,677 in 2010 (de Dios, Dungo and Reyes, forthcoming) and many of them are domestic workers (Battistella and Asis 2011). Between 1979 and 2009, more than 30 million Filipinos left the Philippines as labour migrants, most of whom were women who work as migrant domestic worker (MDWs).¹⁶ From the destination country perspective, statistics confirm that most MDWs are female (Abrantes 2012). In addition, the foreign domestic workforce tends to be significantly younger in comparison to the mean age of local workers.¹⁷ Female migrant workers tend to fill a particular niche within the care market as live-in domestic and care workers.

Domestic worker migration epitomizes what has been referred to as the “feminization of migration”. In Asia, an increasing number of independent women who migrate can be seen in the Philippines, Indonesia and Sri Lanka, and more recently in Vietnam. The trend reflects the increased demand for domestic and care workers in the main destination countries and the decreasing job opportunities for men in classic, male-dominated sectors such as construction.¹⁸ The share of women among migrant workers from Nepal is comparatively small at 3.42 percent in 2009-2010 up from 1.39 percent between 1993 and 2009 (UN Women Nepal 2011). Most of these Nepali women migrate to the Gulf States and Middle Eastern countries. Similarly, the flow of migrant workers from Indonesia is predominantly female: on average, there were only 36 male for every 100 female migrant workers. For those bound for the Middle East and the Gulf States, the sex ratio is registered at about

13. Some sources quote a figure of between 51 and 100 million.

14. In Africa, domestic work comprises 13.6 per cent of female wage employment.

15. This figure was obtained by adding the numbers of “household service workers, care workers, cleaners and related workers”, “caregivers and caretakers” and “housekeeping and related service workers” on the data from Overseas Employment Statistics, 2010, POEA, as quoted in de Dios, Dungo and Reyes (forthcoming).

16. IOM: 2009.

17. According to findings in the case of Portugal by Abrantes (2012:9), 71% of local domestic workers were over 45 years old in 2010, whereby only 32% of foreign domestic workers were over 45.

18. Construction is the classic sector which is usually particularly hard hit in times of economic recession or economic/financial crises. Demand for domestic and care work, by contrast, tends to remain stable, even if the working conditions themselves deteriorate (especially wage level). Regional division as defined by UN DESA (<http://esa.un.org/migration/index.asp?panel=3>)

12 male for every 100 female migrant workers between 1995 and 2005, and most were domestic workers (Raharto et al., forthcoming). About 80 percent of Indonesian migrant workers are women, with some 60 percent of them working in the Middle East and the Gulf countries (IRIN 2009).

TABLE 1: WOMEN MIGRANTS AS PERCENTAGE OF INTERNATIONAL MIGRANTS, ASIA

REGION ¹⁹	1990	1995	2000	2005	2010
Central Asia	55.2	55.2	55.4	55.3	55.2
East Asia	49.0	50.5	52.9	54.4	55.0
South Asia	44.8	44.9	44.9	44.9	44.6
South East Asia	48.0	48.4	49.1	49.1	49.6
West Asia	40.7	40.4	41.0	39.5	39.3
Asia	45.4	45.3	45.7	45.0	44.6

Source: UN DESA (<http://esa.un.org/migration/>)

Domestic worker migration within Asia²⁰ is part of broader intra-Asian migration flows that are significant in size. From 1995 to 2000, 40 percent of the documented 2.6 to 2.9 million Asian migrant workers remained within Asia. In numerical terms, Malaysia, Thailand and Singapore constitute the most significant destination countries in Southeast Asia, with most women migrants working in the domestic service. In the Gulf countries, Asian migrant workers made up 40-70 percent of the labour force in 2000. Out of 27.35 million international female migrants in Asia, 11.32 million are in West Asia although the proportion of women migrants against the total number of migrants is much less (39 percent in 2010) due to a large number of male migrants in the region.²¹

Out of the 6.45 million international women migrant workers from South Asia, most originate from India (2.6 million), followed by Pakistan (1.9 million).²² Marriage and family reunification are common purposes for migration among these countries (Thimothy and Sasikumar 2012), whereas in Sri Lanka, 89 percent of female migrant workers registered as "housemaids" (SLBFE 2009, as quoted in Thimothy and Sasikumar 2012).

TABLE 2: MIGRANT DOMESTIC WORKERS IN GCC (GULF COOPERATION COUNCIL) COUNTRIES

COUNTRY	YEAR	TOTAL	WOMEN
Bahrain	2011*	83,198	51,811
Kuwait	2010	569,536	310,402
Oman	2009	94,592	69,256
Qatar	2009	80,342	48,147
Saudi Arabia	2009	777,254	506,950

*First quarter

(Source: Esim and Carole 2011, as quoted in Thimothy and Sasikumar 2012, 24)

19. Regional division as defined by UN DESA (<http://esa.un.org/migration/index.asp?panel=3>)

20. "Asia" is defined here as ranging from West Asia (Gulf States) to East Asia, including South and Southeast Asia. Only international migration, and not intra-country migration within China and India, is included in these statistics.

21. Source: UN DESA (<http://esa.un.org/migration/>) Retrieved on 4 October 2012

22. ibid

Asian domestic workers also migrate in large numbers to Europe and Canada where Filipinas make up 85 percent of all migrant live-in caregivers; the total number of caregivers reached 16,297 in 2004, having gone steadily up since 1999.²³ Europe has witnessed the reappearance of domestic work in the North and persistence of this phenomenon in the South, with rising numbers of migrants in this sector over the last 20 years. These trends reflect the rapid ageing of European societies as a result of deteriorating social welfare provisions (“care crisis”). Countries in Southern Europe, particularly Cyprus and Malta, have seen substantial migration of Asian women in domestic work. In Cyprus, the number of Sri Lankan women in domestic work rose drastically in the 1990s but have stabilized since.²⁴ In Scandinavia and elsewhere in Europe, the *au pair* system has become a backdoor method to channel women, particularly Filipinas, into domestic and childcare work (Stenum 2011).

There is a global trend towards regulating migration in the form of temporary or circular migration schemes. In Asia, legal migration has been well established for several decades and applies also to domestic worker migration. Despite the limited length of contracts, many foreign domestic workers extend their stay beyond the confines of two-years but retain a precarious residential and work permit status (“permanently temporary”). There is a trend towards diversification regarding sending countries, with countries such as Vietnam, Cambodia and Myanmar having joined intra-Asian flows in greater numbers recently, among them domestic and care workers. Vietnam has also been the source country of foreign wives, especially for East Asian men. This also serves as another route into domestic work but remains outside of official statistics (Piper and Roces 2003). In Taiwan, the number of marriages to foreign women rose from a few thousand in the early 1990s to almost 50,000 per year in 2003, representing 28 percent of total marriages that year; and similarly in South Korea, 30,000 marriages were between Korean nationals and foreign spouses, representing 10 percent of total marriages that year. In 2010, 12.8 percent of all marriages in Taiwan and 8.1 percent in South Korea were between Taiwanese/Korean men and foreign wives. Vietnamese women constitute the second largest group of foreign brides in both countries (second only to the Chinese women²⁵), comprising 20-30 percent of total transnational marriages in Taiwan and South Korea (Belanger 2010, Jones 2012).

Previously heavily male-dominated migration streams now show an increasing percentage of women migrating. This trend is also observed to some extent in South Asia in countries such as Bangladesh where the feminization of migration has been slower (with the exception of Sri Lanka where women migration is a dominant trend). As a result of strictly temporary migration schemes, recruitment and hiring processes tend to be dominated by the private sector. Deployment of domestic workers is typically handled by recruiters in the destination and/or source country with fees charged at one or both ends. Incidents of irregular migration are relatively high despite formal regulations, partly due to the ease with which citizens living within ASEAN can circumvent formal immigration channels. There are examples of Filipinas entering Singapore for work in the domestic service while opting to circumvent POEA procedures. This renders them illegal as far as Philippine regulation is concerned (Battistella and Asis 2011).

23. According to an article in the *Toronto Star*, the numbers of foreign live-in caregivers admitted to Canada have gone down since 2010, “partly due to the declining applications by Canadian families who are now required to pay for all recruitment fees incurred and partly as a result of Ottawa’s slower processing and tighter screening” (<http://www.thestar.com/news/gta/article/1130218--canada-s-live-in-caregiver-shortage-leads-to-nanny-poaching-drives-up-wages>, accessed 30 September 2012).

24. The overall number of Sri Lankan migrants to Cyprus were 25,991 in 2007, of whom a substantial number are domestic workers (Belt, unpublished PhD thesis).

25. Chinese women who are ethnically Korean constitute the biggest group in South Korea, and mandarin-speaking Chinese women in Taiwan comprise almost 60% of transnational marriages in both countries. Laws for work in private households exist in only 19 countries (Caritas 2010:22)

Despite offering opportunities for some to secure a livelihood for themselves and their families, domestic work exposes some migrants to vulnerabilities. This is particularly so for many under-aged members of ethnic minority/indigenous groups and/or live-in workers. Unfortunately, domestic work worldwide is an unregulated sector of the labour market.²⁶ For this reason, upholding domestic workers' rights is, therefore, a central factor in assessing whether their migration can be considered development-enhancing.

This paper understands "development" to refer to human development in an integral sense that takes into consideration the overall well-being of a person; for example: economic well-being (GDP, distribution of income and wealth), social well-being (quality of life in terms of health, education, nutrition, employment and non-discrimination on the basis of gender, etc.), political well-being (respect for all human rights, representative and participatory democracy, rule of law), cultural (identity, capacity for intercultural dialogue) and ecological.²⁷ As the UN High Commissioner for Human Rights, Louise Arbour, said in 2006:

*"Managing migration flows effectively requires understanding that migrants are not simply agents of development but human beings with rights, which States have an obligation to protect."*²⁸

This paper is based on desktop research and interviews with a variety of relevant experts through Skype, telephone and face-to-face interviews. It includes two main sections: one discusses the contributions to development by foreign domestic workers in the countries of origin, and the other their contributions to the development of countries of destination. This is done on the basis of good practice examples as well as critical issues that remain. A final section provides an integrated approach to labour migration in general and the migration of domestic workers in the context of development "here" and "there" through the lens of decent work.

26. Laws for work in private households exist in only 19 countries (Caritas 2010:22)

27. Adapted from Caritas International's Strategic Framework 2007-2011

28. Remarks of the UN High Commissioner for Human Rights during the High Level Panel in Geneva in preparation of the High Level Dialogue of the General Assembly on Migration and Development, 4 July 2006



Photo credit: UN Women / Humaira Farhanaz

Contributions to development in country of origin

OVERVIEW OF TRENDS AND PATTERNS OF REMITTANCES

Remittances are considered the most visible and straightforward index by which to measure migrants' contribution to the development of their countries of origin. Overall, money transfers by migrants to families and relatives in the country of origin are significant. On the whole, remittances represent the second largest external source of funding to developing countries, and in many developing countries their overall volume exceeds that of foreign direct investment (IOM 2010). Remittances can improve economic growth, especially if used for children's education, investment, entrepreneurial activities and savings. When used for consumption, they can have multiplier effects, easing local unemployment and boosting local economies. Whatever their use, remittances stimulate demand for other goods and services from local providers (IOM 2006, UN INSTRAW 2007).

Case studies from Indonesia, Nepal and the Philippines show that most remittances are allocated for daily expenditure, with large portions going to education, debt payment and housing (Raharto et al., forthcoming; de Dios, Dungo and Reyes, forthcoming; UN Women Nepal 2011). According to a study reported by news channel *Integrated Regional Information Network* (IRIN), that surveyed 400 respondents in five Indonesian provinces, 37 percent of migrant workers' families were, on average, fully dependent on remittances for their family income, while in West Nusa Tenggara province the dependency level was 86 percent (IRIN 2009). In some cities, remittances are more than a subsidiary source of income. The city of Sumbawa in Indonesia, for example, received a total remittance of 171 billion IDR from 2,734 workers abroad in 2009, which accounted for half of the city's expenses and expenditure for that year (Raharto et al., forthcoming).

However, the IOM points out in a 2006 report that data on remittances can be misleading as such figures typically do not take into account the amount of money that flows into countries of destination. After taking the "reverse flows" into consideration, the gross amount of remittances may be much smaller. Some experts also argue that the prominence of migration reduces recipients' motivation to work²⁹ in the countries of origin, and may have an overall effect on slowing down growth (IOM 2006). Moreover, as remittances are private savings and not taxes, they do not necessarily result in redistribution of wealth and income. On the contrary, they can increase inequality in the recipient communities as individuals who have resources to go abroad become migrants, send back remittances, and become better off than non-migrants; their real potential for poverty alleviation is,

29. Not only motivation to work, but also to study. There is anecdotal evidence of children dropping out of school as they do not see the necessity to study, given the steady flow of remittances from their parents (personal interview, 4th October 2012). See below.

thus, limited. Anecdotal evidence also suggests that there is cross-generational poverty, and FDWs send remittances to support not only their children but also their grandchildren (personal interview, 4th October 2012).

Furthermore, collective-remittance projects for community development (such as building roads and bridges) may bring about – or reinforce ongoing – privatisation of public responsibilities. As a result, the use of remittances for social insurance/protection and education may de-motivate the state's obligation to provide greater public services (UN INSTRAW 2007). These dynamics point to a pressing need to dig deeper into the multifaceted patterns and dynamics of remittances to arrive at a more nuanced understanding of the relationship between remittances and development, of which gender is a crucial dimension.

Traits that influence how migrants remit their earnings include gender, age, education, marital status, position with the family and the situation in the destination countries. It is understood that, compared to men, women regularly and consistently send a higher proportion of their earnings home, although they tend to earn less than their male counterparts. Women's objective is to use their remittances to contribute to the daily needs of their families with regard to food, health care and education. A large proportion of their income is used to repay existing debts, not only incurred through the use of recruitment agencies, but also to cover medical bills and school fees (several personal interviews, September and October 2012; UN Women Nepal 2011).

Notwithstanding country- or context-specific variations, remittances are generally believed to yield positive economic effects for recipient families (UN INSTRAW 2007, IOM 2010). However, gender-specific social obligations of women and their position within their families coupled with the pressure to send money home can lead them to accept jobs with disadvantageous living and working conditions.

"One should help the family. In the beginning I helped them a lot. All the time I was sending packages of things and money to them. Later they got used to that, and they stopped asking. It just became required of me, especially by my sister. It became difficult. For some time I did not send anything to them, then they would appreciate what I am doing. They thought that when someone works here, he or she earns big money. They thought that I have everything here. I tell them that I have not everything!"
(Interview transcript provided by Platform for International Cooperation on Undocumented Migrants (PICUM); study carried out in 2011)

"I could even say that my family back home enslaves me, because I feel so guilty if I don't send them money." (Filipino domestic worker in Hong Kong, cited by Briones, 2009:128)

In terms of how FDWs contribute to poverty alleviation and how their remittances are used by the recipient families, studies from rural areas in Indonesia show that remittances are vital sources of income for recipient families. The study by Warsito et al. (2010) demonstrates that FDWs send at least 2 million IDR per month to their homes in rural Central Java, while the provincial minimum wage was 660 thousand IDR in 2010. In Cilacap (Central Java), remittances are sent to the families regularly once every two, three or six months, causing a flow of large sums of money to families and communities (Subianto 2006).

Filipinos' remittances were more than six billion USD via formal channels, equivalent to 8.4% of total GDP.³⁰ In 2005, remittances increased 25 percent over 2004, to more than 10 billion USD³¹ and in 2010 more than twenty billion USD were sent home.³² Census data for the year 2000 showed that more than 800,000 households, or 5.2 percent of all households, had at least one family member working overseas.³³ It is estimated that each Sri Lankan migrant woman on average supports a family of five members. In total, female migrant workers support more than 20 percent of Sri Lanka's total population of 4 million people (Timothy and Sasikumar 2012).

As the above data shows, monetary remittances are significant. However, their impact could be strengthened if working conditions of FDWs were improved in line with international standards.

FAIR WAGES AND REMITTANCES

Management of remittances by migrants and their families have been the focus of the study on migration and development, with the goal of maximising the use of earned and transferred income. In contrast, ways in which migrants can maximise their earnings in countries of destination have received little attention. For example, the number of migrant workers from Indonesia decreased from 4.7 million in 2006 to 4.2 million in 2011, yet the remittance inflow increased from 5.5 billion USD to 6.7 billion USD in 2010. Manning and AswicaHyono (2012) credit the government policy that tightened the sending of migrant domestic workers to Malaysia and Middle Eastern countries, and allowed a growing number of Indonesian women to go to other higher-income destinations (such as Taiwan and Hong Kong) for the increase in remittance inflow. This evidence underscores the benefits of having effective mechanisms to secure maximum earnings and to foster market adjustment in destination countries. The protection and securing of fair wages is not only a normative responsibility for the government of origin country, but also a much desired practical outcome.

However, determining what "fair wage" means is a challenge in the case of domestic work. As domestic work constitutes reproductive labour, its labour output cannot be adequately evaluated by the typical economic rationale that is premised upon a productive-worker model (Orozco 2009). Budlender (2011a, 2011a) identifies a fundamental paradox in assessing fair wages for domestic workers by the output-based valuation system: the output-based valuation estimates the outcome value of goods and services produced rather than the input (such as labour) used to produce goods and services. However, domestic work "constitutes a special case in that the international System of National Accounts (SNA-1993) specifies that by definition the output produced by a domestic worker is equivalent to her wage (including in-kind payments), which is equivalent to her productivity." Budlender adds that "accepting this circular logic would mean that domestic work is never undervalued

30. O'Neil 2004.

31. POEA: 2005.

32. The World Bank (2011): Outlook for Remittance Flows 2011-13. Migration and Development Brief 16. Migration and Remittances Unit.

33. Parrenas 2001, Yamanka and Piper 2005, Oishi 2005.

in terms of what is produced” (Budlender 2011a, 2). Furthermore, the productive-worker model is inadequate in evaluating domestic work’s productivity. Productivity increases when things are produced with smaller input or within smaller amount of time. However, for domestic work, time may be part of a product, especially if it is care work. For example, “increased” productivity in activities like attending to a sick patient or babysitting may lead to a decrease in the quality of work (Budlender 2011a, 2011b).

In destination countries, domestic workers fall under minimum wage legislation, where it exists, but otherwise wages are determined by national stereotypes and not individual qualifications and skills – a practice prevalent in Asia (Battistella and Asis 2011; ILO 2010; Timothy and Sasikumar 2012; personal interview, September 2012). Timothy and Sasikumar (2012) report that Filipino workers are considered a status symbol in Arab households and, therefore, receive a higher salary than those from Indonesia or Sri Lanka. Such trends and differences in wages across various national groups partly demonstrate the arbitrariness in wage-determination for domestic work.³⁴

TABLE 3 MONTHLY SALARIES OF DOMESTIC WORKERS IN SELECTED ARAB STATES (APPROXIMATE)

ORIGIN COUNTRY	BAHRAIN	LEBANON	UAE
Philippines	\$125-150	\$200-400	--
Bangladesh	\$100	\$125	\$100
Sri Lanka	\$125-140	\$120-150	\$125-140

Source: UNDP 2008 as quoted in Timothy and Sasikumar (2012, 39)

Furthermore, the widespread exclusion of domestic work from labour protection, especially the minimum wage provisions, further aggravates the income vulnerability of domestic workers. A widespread myth about the wages of domestic worker is that an increase of wages will result in decrease in demand for domestic work and subsequent increase in unemployment. The case of South Africa, however, proves the opposite. Establishing a legal minimum wage in South Africa for domestic work in 2002 has made an important difference in the wages paid to domestic workers, and there are clear indications that the increase of average wages have not resulted in any significant employment loss (Hertz 2005, Oelz 2011).

Table 4 below lists selected countries where domestic workers are protected by some measures of wage protection. The measures include national minimum wage mechanisms or sector/occupation-dependent minimum rates. The mechanisms tend to depend on the industrial practices in each country (Oelz 2011).

34. It can also be said that the Filipino domestic workers’ better skills is related to more effective pre-departure training and the overall higher educational standards of those who opt for domestic work overseas. There is no hard data showing the exact extent of brain drain (i.e. highly skilled women taking up domestic work) but there is anecdotal evidence of women with college degrees or even tertiary education opting for domestic work overseas.

TABLE 4 MINIMUM WAGE AND DOMESTIC WORKERS

Covered by National Minimum Wage
Bolivia, Brazil, Bulgaria, Burkina Faso, Chile, Columbia, Czech Republic, Ecuador, Estonia, France, Ireland, Kazakhstan, Latvia, Moldova, Netherlands, Paraguay, Portugal, Russian Federation, Romania, Spain, Trinidad and Tobago, Turkey, United Kingdom, United States*, Venezuela
Coverage by Sector/Occupational Rates
Argentina, Austria, Barbados, Botswana, Costa Rica, Jordan, Kenya, Mali, Nicaragua, Niger, Philippines, Senegal, South Africa, Switzerland, United Republic of Tanzania, Uruguay, Zambia, Zimbabwe

*Occasional babysitters and companions for the sick and elderly are excluded from the minimum wage scheme.

Source: ILO (Oelz, 2011, p.3)

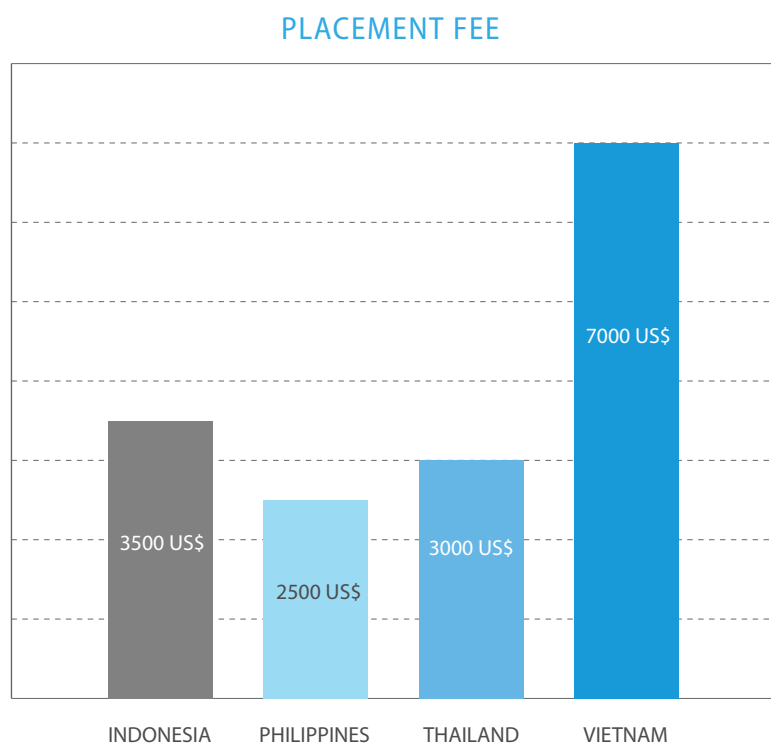
The minimum wage for FDWs is often calculated on a monthly rather than hourly basis, often without adequate provisions on working hours.

“It has not really been challenged enough, this issue of minimum wage. We have to critically revisit the whole migration policy framework for FDWs and challenge the way in which wages are calculated at the moment. Because FDWs have a minimum wage here in (country X), but calculated on a monthly basis. So, local domestic workers who live out are subject to minimum wage legislation calculated on an hourly basis. Because FDWs already had minimum wage, they are excluded from this hourly wage system... That is why they are vulnerable to long working hours. There is no incentive for employers to count the working hours. This is one big problem. As a result, there is never ending debate on what counts as work. Does waiting for a delivery van count as work?” (personal interview, 5 October 2012)

In addition to the widespread exclusion of migrant domestic workers from the minimum wage provisions, wage deductions are also common. During these periods, the workers do not receive any payments as their wages are used to pay off the debts incurred in relation to their job placement and departure (Battistella and Asis 2011; de Dios, Dungo and Reyes, forthcoming). Such practice is widely viewed as tantamount to debt bondage to an extent that many consider it a modern form of slavery.³⁵ The absence of payment not only affects the well-being of newly-arrived domestic workers, they are also not able to send their remittances home. In the Philippines, the deduction periods are widely practised through unofficial channels even though the government explicitly bans charging domestic migrants the incurred placement and travel costs. Battistella and Asis report that half of the respondents in their study group in pre-departure training admitted that they would have salary deductions upon arrival (Battistella and Asis 2011). According to a migrants' rights NGO in Taiwan, Vietnamese domestic workers are subject to the highest placement fees among all FDWs, as recruitment agencies charge at both ends in Vietnam and Taiwan. This warrants a study that would deliver detailed insights into the overall profit-making on the backs of FDWs.

35. <http://www.state.gov/j/tip/what/index.htm>

FIGURE 1 FEES CHARGED TO FDWS DEPLOYED TO TAIWAN, 2009



(Source: Hope Migrant Center, Taipei)

What can the government of origin country do to ensure that domestic workers receive fair wages in destination countries? There is a need for substantial studies on this topic. So far, the governments of origin country have responded broadly in three ways:

- *Bilateral agreements and diplomatic measures:* Bilateral agreements include Memorandum of Understanding (MOU) and Bilateral Labour Agreements (BLA), where BLAs are stronger, and a more legally binding form of agreement. For example, the Philippines has a number of BLAs with a few countries in Europe, although none in Asia. Embassies of the Philippines also mediate disputes through labour attaches.
- *Pre-departure administration and recruitment control:* For example, POEA's recent reforms prohibited its standard contracts from being replaced or re-written at the country of destination (personal interview, September 2012).
- *Banning and reduction of migration for domestic work:* For example, the government of Indonesia froze new recruits of domestic workers to Malaysia in 2007, demanding the MOU to include better protection of migrant workers.

On the latter issue, in the 'Roadmap Domestic Worker 2017', the Indonesian Government aims to reduce the number of domestic workers sent abroad to zero, according to a statement made by the Minister of Manpower and Transmigration: "the placement state must recognize them as workers with certain position and profession who have normative rights such as working hours right, holiday right, right to be paid according to the minimum wage, or social security like other formal workers." (Ministry of Manpower and Transmigration 2012).

One interview respondent commented that the government of the Philippines should take advantage of Singaporean employers' high demand for Filipino domestic workers (personal interview, September 2012). This is supported by evidence that, despite the significant wage differential among the various national groups and the higher wage rate of Filipino domestic workers, the demand for Filipino domestic workers has not decreased since the Philippines implemented a series of reforms related to domestic work migration (Battistella and Asis 2011).

IRREGULAR MIGRATION AND PATRIARCHAL ATTITUDES

The vulnerabilities that migrant workers with irregular or undocumented status are exposed to have received much attention by scholars and experts. Irregular migration involves (but is not limited to): unlawful departure, departure with inappropriate visa, departure without required training, and reprocessing at destination countries (Battistella and Asis 2011, Stenum 2011, Timothy and Sasikumar 2012). Strict enforcement and restrictive migration governance (such as banning or abolishment of a visa status) without adequate consultation with civil society and migrants often boost the establishment and use of black market and illegal practices (Battistella and Asis 2011). Although enforcement measures such as bans may have been put in place to protect migrant domestic workers, they often expose them to further vulnerabilities by pushing the migration procedure underground.

Oishi (2005) observes that migration policies do not treat men and women equally, especially in South Asia. The tendency for a paternalistic approach to the protection of women – rather than via securing their labour rights – risks reproducing gender stereotypes which portray women as helpless victims dependent on the state's protectionist intervention (Timothy and Sasikumar 2012, Basok and Piper 2012). According to a report by UN Women, "the state intervenes to protect and control women, thereby curtailing women's right to make their own decision and earn a decent living" (Timothy and Sasikumar 2012, 26). The state has imposed various restrictions on aspects of female migration such as age, country and occupation. Age restrictions are common in South Asia where women under the age of 25 in Bangladesh, 30 in India (or before completion of matriculation), 35 in Pakistan and 21 in Sri Lanka, are prohibited from going overseas to work as domestic workers (Timothy and Sasikumar 2012). Countries such as Bangladesh, India and Indonesia have banned women from going to specific countries to work as domestic workers at various times, and revoked the bans at later dates.

In the Philippines, the so-called 'Household Service Workers (HSW) Reform Package' has received mixed reviews. Some organisations support the reform, which includes waiving placement fees, setting a minimum age to 23 years old, mandatory country-specific training requirements, and the minimum salary of 400 USD. Others feel uneasy about the boldness of the reform and call the measures unrealistic while criticizing the lack of consultation with stakeholders, especially women migrant workers themselves. Following the reform, the number of domestic workers deployed in 2007 and 2008 saw a steep drop. However, the decline is said to be artificial as many domestic workers departed under alternative job categories and were reprocessed in destination countries through a process informally known as "repro", a slang for reprocessing (Battistella and Asis 2011, personal interview, September 2012).³⁶ In countries where 400 USD is not the standard wage for

domestic work, this leads to irregular practices such as contract substitution, the “repro” system and a general increase in illegal recruitment activities. This is exacerbated by the low levels of awareness on the reform. As Battistella and Asis’ study group reveals, only a small proportion of departing workers were aware of the no-placement fee and 400 USD minimum monthly wage policy. In a study, Filipino domestic workers in Singapore “expressed [befuddlement] why the Philippine government insisted on a POEA contract when it is not followed anyhow... imposing a requirement without providing sufficient information and consultation” (Battistella and Asis 2011, 31). In addition, Stenum (2011) reports that the Philippine government’s ban on *au pair*³⁷ visa has meant that domestic workers bound for Europe to work as *au pairs* have to pay bribes to exit the Philippines. As the workers are not administered by POEA, the Philippines Overseas Employment Administration, they hesitate appealing to their embassies in cases of abuse for fear of being banned from migration in the future. If they overstay or are deported, they risk facing difficulty in obtaining travel documents issued by the Philippine authorities (Stenum 2011).

Strict enforcement without understanding the fundamental reasons why domestic workers leave their countries in the first place is likely to backfire, further violating the rights of migrant domestic workers. On the Indonesian government’s proposal to stop sending domestic workers, a staff member at the Commission for Indonesia’s National Commission on Violence against Women (Komnas Perempuan) commented that such policy would be unrealistic given domestic conditions such as poverty and the lack of job opportunities (personal interview, September 2012).

Mora and Piper (2011) suggest that it is not only the labour conditions at destination countries that increase the vulnerability of FDWs, but also the lack of a sense of entitlement and rights developed at the countries of origin that affects the way women who opt for domestic work view their options. In other words, when a country instils no sense of rights and entitlements, especially in lower class women, they remain unaware of these post-migration rights.

Kafala, a sponsorship system widely practised in the Middle East and Gulf countries, has received much criticism for subjecting domestic workers to the bondage of employers. The strictly employer-tied temporary migration schemes that regulates domestic work in Asia does not fare much better. Studies show that greater independence from the employers entitles domestic workers more rights. A study by Marissa Begonia (2012) at Justice for Domestic Workers (J4DW) in the UK shows significant improvement of working conditions under second employers compared to first employers. Domestic workers had more days off after they were able to shift from the original employer to the second employers (Figure 2). Not only did they have better paid annual leave and working hours and accommodation (own room), they were also more likely to be provided pay slips. They were able to hold

36. This process involves departing the Philippines under a category that is not domestic work (i.e. as “cleaners”) and having the visa reprocessed in the destination country (such as Singapore). The drop in the domestic worker deployment in 2007 and 2008 was accompanied by the increase in the alternative job categories. For more information, see Battistella and Asis (2011).

37. The original idea behind the *au pair* (a French term) system that was widely practised in Europe, North America and Australia, is to allow young school leavers to partake in cultural and educational exchange by living with host families, being fed and paid pocket money for spending several hours per day on childcare (babysitting) and/or cleaning/housekeeping duties in return. The length would usually be between six months and a year. The ILO Convention 189 explicitly excludes *au pairs* from its coverage (Stenum 2011).

on to their own passport, and generally more aware of their rights when working for the second employers. A study by Battistella and Asis (2012) also confirms the improvement in working conditions among Filipino domestic workers as they stay longer in Singapore with more receiving higher wages and weekly day(s) of rest. Such results show the value of strengthening migrant domestic workers' independence from employers and securing freedom of movement, rather than responding with patriarchal mechanisms.

FIGURE 2 WEEKLY REST OR DAY OFF

(Source: Begonia (2012, 11))

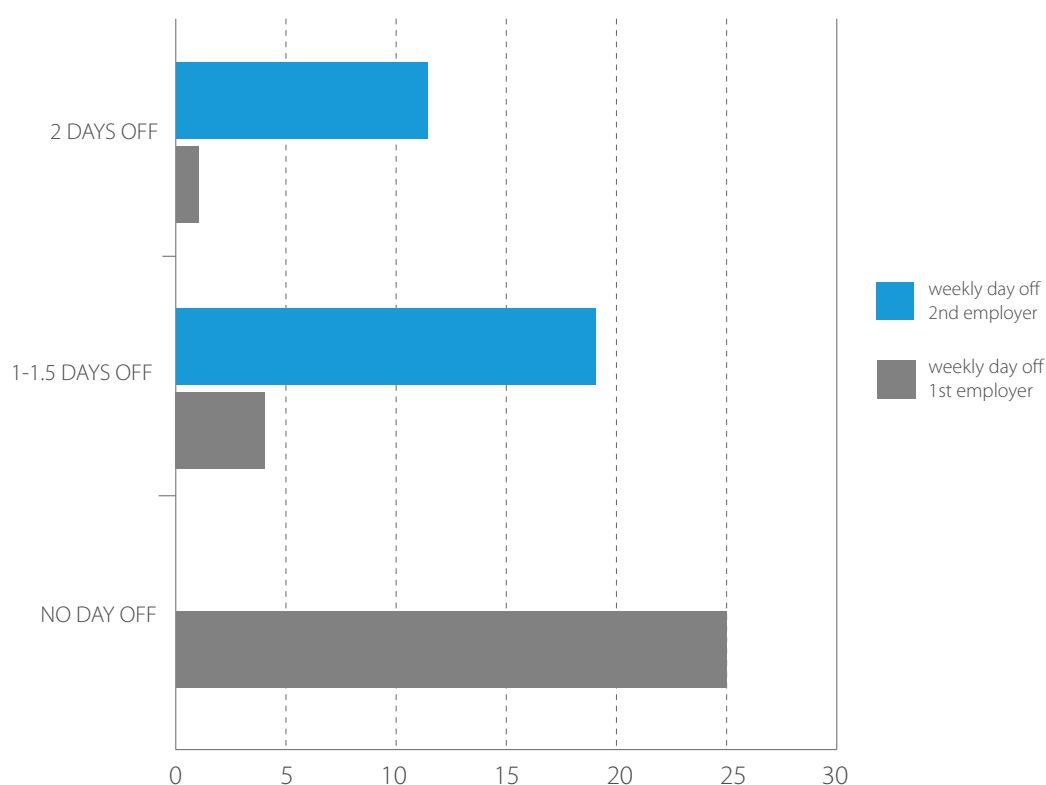
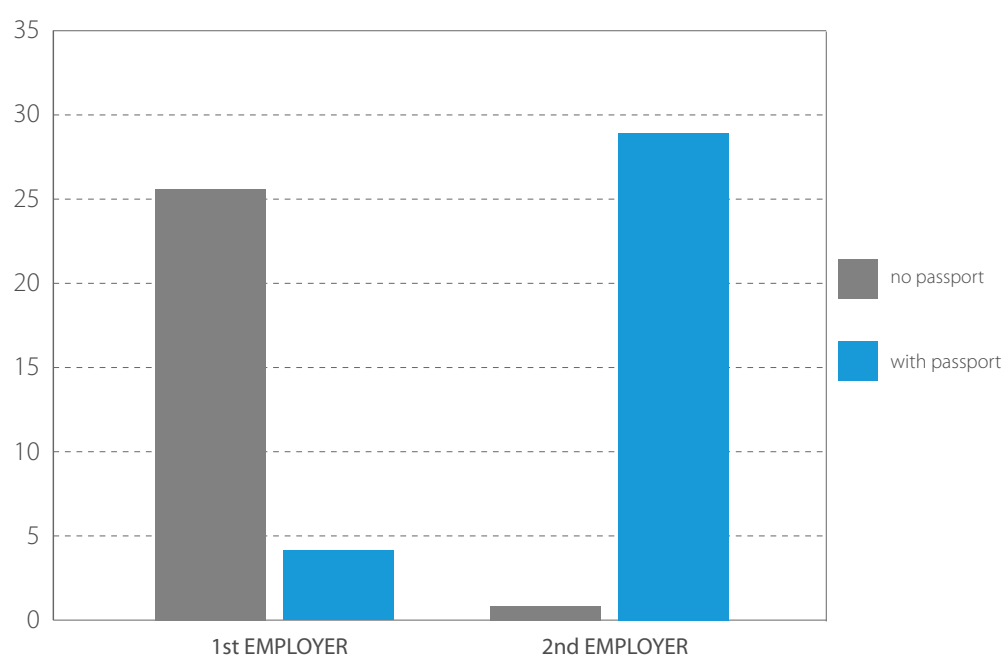


FIGURE 3 POSSESSION OF DOCUMENTATION



(Source: Begonia (2012, 12))

SOCIAL REMITTANCES

Migrant domestic workers can contribute to the development of their countries of origin in ways other than monetary remittances. They also bring home new ideas. As the Minister of Manpower and Transmigration of Indonesia recently stated, “only remittances is not enough to develop local economy but the creativity of returning migrants is of more importance. Indonesian migrant workers have contributed to the development of countries of placement, therefore they could develop their [own] country.”³⁸ It is the concept of “social remittances” (Levitt 1998) which refers to the ways in which migrants accumulate new skills, ideas, and practices during their stay in destination countries that are not necessarily turned into productive effects in economic terms. Such type of remittances has been further re-conceptualized as “political remittances” and denotes knowledge and practices used to further democratisation, and promotion and protection of rights (Piper 2010).

“Beyond financial remittances, social remittances of migrant women (ideas, skills, attitudes, knowledge, etc.) can also boost socio-economic development, and promote human rights and gender equality. Migrant women who send money transmit a new definition of what it means to be female. This can affect how families and communities view women. (...) Women abroad also play a role when it comes to promoting the rights of their counterparts back home.”³⁹

38. TKI Purna Harus Bantu Kembangkan Ekonomi Lokal, Sabtu, 19 February 2011. Available at: <<http://www.antaranews.com/news/246774/tki-purna-harus-bantu-kembangkan-ekonomi-lokal>>

39. UN Population Fund (2006), A passage to hope, Women and International Migration, State of the World Population 2006, p. 29

For example, Indonesian migrant domestic workers who participated in NGO and trade union activities in Hong Kong SAR and started up their own NGOs upon returning to Jakarta (personal interview, 4th October 2012). Other examples are Pourakhi in Nepal and BOMSA in Bangladesh. Both are NGOs set up by female migrant workers who returned home. The role of non-monetary remittances is potentially of great importance in Asia where the cyclical migration model constitutes the dominant form of migratory pattern, and where the majority of migrant domestic workers are expected to return to their countries of origin after a limited period of employment overseas.

In terms of concrete examples of socio-political remittances, Dannecker's study of Bangladeshi women migrants in Malaysia reports of these women learning to appreciate the compatibility of working women and Islam. In comparatively conservative (especially rural) South Asia, lower class (or caste) women's mobility is typically heavily circumscribed whereas this is not the case in Southeast Asia. Also, women migrants' increased economic capability and social knowledge as a result of migration can enhance their positions within the family and community upon their return (Dannecker 2005). Increased economic capability in general elevates their social position within their families and societies against traditional social practices that look down upon women. This economic capability enables them to partake in greater decision-making processes concerning themselves and their families, especially for women in South Asia. The extent to which exposure to new knowledge and social practices – that could potentially challenge gender and class positioning – is translated into sustainable social reform is understudied in the context of temporary contract migration. If migrants spend relatively short periods of time abroad, plus in relatively small numbers (as in the case of Bangladesh), the impact of such social remittances may be minor.

The importance of participating in political organisations has also been demonstrated (Piper 2010) as in the example of migrant domestic workers in Hong Kong SAR: their political capacity building via participation in political activism and the establishment of domestic worker unions and associations in their countries of origin are often seen upon their return. All nationalities, except Sri Lankans, have created their own unions and are part of an umbrella union together with local domestic workers led by the Hong Kong Federation of Trade Unions (HKFTU). This has a huge effect on political empowerment (personal interview, 4th October 2012). As freedom of expression is well protected and practised in Hong Kong SAR, many migrant domestic workers learn to communicate their ideas in public (KOMPAS 2012). This is an important aspect of empowerment that should be fostered and harnessed.

There is also a discernible trend towards increasing numbers of civil society organisations established by returned migrants, including domestic workers, for the purpose of lobbying, rights advocacy and livelihood projects; one such example is SUMAPI (The Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas), a community organisation in the Philippines, which was formed by returned domestic workers deployed to Hong Kong SAR.⁴⁰

On the empowerment effects of political organising, a domestic worker involved in Justice 4 Domestic Workers, an NGO in London/UK, said:

40. <http://sumapi.weebly.com/>

“It (being involved in political activism) is a big thing for me, being a domestic worker, having been abused myself and seeing my fellow domestic workers suffer. That really pushed me (to get involved)... It also makes a big difference to be part of the international community. Because I have seen the differences between all nationalities and their strengths. Together, we can become stronger and we support each other” (personal interview, 3 October 2012).

The work by the Migrant Rights Centre in Ireland (MRCI) constitutes another good practice example. The Centre has developed a community work approach which is a “process that addressed the root causes of poverty, inequality and exclusion. It seeks to support people and their communities to develop an analysis of their situation and take collective action to address it.” It has 250 members from Asia, South America, Europe and Africa. Among its achievements are gaining €1.2 million in back payment of wages from labour courts since 2006; providing migrant domestic workers a public voice to represent themselves in Ireland; developing strong political messages; and establishing a strategic relationship with the trade union movement.

The significance of overseas voting rights deserves mention too. Given the importance of attracting remittances, countries of origin should extend voting rights to migrant workers, and open up avenues into political decision-making processes. The example of the Philippines is laudable in this regard for having implemented Overseas Voting Rights in 2003.

Social remittances go beyond politico-cultural practices and awareness-raising, and revolve around concrete skill training. For example, there are various IT and computer skill courses offered to FDWs in various destination countries. Indonesian migrant domestic workers in Hong Kong SAR are given the opportunity to learn how to use modern technology such as advanced mobile phones, social networking websites (e.g. Facebook and Twitter), and computer software (such as internet messenger programmes). Being situated in a foreign country where communicating with families and friends in home countries is difficult, they are compelled to learn such skill (*KOMPAS* 2012). Language classes are being offered in Hong Kong SAR, Singapore, Taiwan and elsewhere to allow FDWs to learn English, Chinese and other local languages. In this sense, social remittances improve the social capital of the countries of origin.

Although the Canadian ‘Live-In Caregiver Programme’ (LCP) is usually heralded as a good example because it provides permanent residence status after two years, one of its flaws is that it prevents migrant caregivers from taking classes. Many among them are trained nurses, and to practice nursing in Canada, they are required to undergo extra training by attending a course which they cannot until they complete the minimum period of two years under the LCP.

“It is stipulated in their contract that when they come on the LCP they cannot go to school. In our view, this is a human rights violation in terms of limiting their personal development” (personal interview, 18 October 2012).

GOVERNMENT-SPONSORED OR SUPPORTED DEVELOPMENT PROJECTS – GOOD PRACTICE EXAMPLES

Examples of Entrepreneurship/ Financial education programmes

a) Indonesia

The National Agency for Placement and Protection of Migrant Workers (BNP2TKI) coordinates with the Technical Implementing Unit (UPT) or the provincial wing of the agency (BP3TKI) to provide education programmes on banking, micro-financing and entrepreneurial development.

- Entrepreneurial development programme: BNP2TKI provides technical guidance (skills development, business networking and marketing) for returning migrant workers to manage his/her own business. This is a five-year programme that started in 2010, with the goal of reaching 16,500 recipients over the five-year period. As of November 2011, BNP2TKI claimed that they had trained thousands of returning migrant workers in 19 provinces of Indonesia.⁴¹ This development programme is linked with other nation-wide development programmes, such as the Soft Loans Programme (Indonesian acronym: KUR) and the Sub-district (*kecamatan*) Development Programme (PNPM Mandiri) (personal interview, May 2012)
- Banking Education: BNP2TKI received support from the World Bank to develop a Training of Trainers programme on banking education, so that staff members at BP3TKI (provincial migration agency) can provide banking education to return migrant workers. BNP2TKI also established an MOU with Mandiri Bank of Indonesia, to provide financial literacy and banking product education for migrant workers, return migrant workers and their families. However, a government official commented that the bank has not followed this up with concrete programme proposals (personal interview, September 2012).

BOX 1: BANKING EDUCATION TO MANAGE REMITTANCES FOR PRODUCTIVE ACTIVITIES IN INDONESIA

The programme follows the Presidential Instruction (INPRES) No. 6 of 2006 on Policy Reformation on Placement and Protection System of Indonesian Overseas Workers. The INPRES encourages banking institutions to support aspiring migrant workers in securing loans to cover their migration expenses and return migrant workers to manage their remittances.

41. Source: Melatih TKI Purna Menjadi Wirausahawan Tangguh. Selasa, 22 November 2011. Available at: <<http://www.republika.co.id/berita/nasional/bnp2tki/11/11/22/lv21cj-melatih-tki-purna-menjadi-wirausahawan-tangguh>>

The World Bank's study has identified the limited knowledge on formal banking services as a problem that migrant workers and their families face. They also have low access to information on services and products of finance institutions, such as remittance transfer, savings, loans, and insurances. To address this gap, the World Bank and BNP2TKI initiated banking education for migrant workers and their families on management of remittance for productive activities; pilot projects are currently ongoing in Malang and Blitar of East Java Province.

Implementing the Banking Education involves:

- BNP2TKI (National Agency) which set up the schedule and monitoring mechanisms to ensure that the implementation follows BNP2TKI's technical guidelines (appropriateness on time, materials, feedback of participants, and cooperation between trainer and co-trainer).
- BP3TKI (Provincial Agency) which provide information on participants, venue and instruments; organise trainings and facilitate as trainer.
- Banks which provide experts or resource persons.
- Prospective and (some) returning migrant workers and their families, and the families of migrant workers are eligible to benefit from this programme, although gender breakdown of beneficiaries are not known.

Prospective and (some) returning migrant workers and their families, and the families of migrant workers are eligible to benefit from this programme, although gender breakdown of beneficiaries are not known.

BNP2TKI also established a MOU with the Consulate General of Indonesia in Hong Kong SAR to provide development programmes for migrant workers who work or have worked in Hong Kong SAR. Most Indonesian migrant workers in Hong Kong SAR are women domestic workers. The programmes provide for loans for pre-departure purposes, housing loans, financial literacy, skills development, and entrepreneurial development. In 2012, the Consulate in Hong Kong SAR also established the 'Successfully Go Back, Develop Village' programme in partnership with the Indramayu.

The District Government, banks and state-owned enterprises in Indramayu⁴² collaborate in a programme that aims to apply cooperation between national and local government in providing services and protection for returning migrant workers from Hong Kong SAR through identifying business opportunities and entrepreneurial development using skills acquired.

42. This is a district in Indonesia from where many women undergo international migration to become domestic workers.

b) Philippines

The Overseas Workers Welfare Administration (OWWA) is primarily responsible for looking after returning migrants, and facilitating their reintegration and development. The Expanded Livelihood Development Programme (ELDP) was established in the late 1980s to provide credit services for overseas contract workers. Between 1990 and 1996, 3,522 overseas contract workers – 45 percent of whom were women – reportedly used the loan services. Most of the livelihood projects by the women were in trading; many in sari-sari stores. The ELDP has been revised to the Expanded Livelihood Programme (ELP) that provides larger loans with a lower interest rate and stricter credit policies and regulations. Notwithstanding the revisions, there is still debate about the effectiveness of the programme, especially in the areas of access and control/regulation. The Rediscounting Programme with the Land Bank of the Philippines under the ELDP's credit service scheme was discontinued due to non-viability of the project (Villalba 2002).

Problems and shortcomings

The shortcomings of entrepreneurial programmes were identified in the early 1990s. A project was implemented by the ILO, the Philippines Overseas Employment Administration (POEA), and the Commission of the European Communities, which sought to enable Filipino migrant workers and their families to develop entrepreneurship and self-employment from remittances (ILO 2003). The project evaluation revealed a number of limitations within entrepreneurship education, including the need for structural adjustments, among other things. The evaluation revealed that returning migrants are not necessarily more entrepreneurial than other people, and that successful small business is possible under a favourable economic, political and social climate created by appropriate macro-level policy instrument and social infrastructure. Access to financing is critical, and a financial education on sustainable management of loans and financing should be offered, and complemented by other professional skills, contacts and experiences.

Twenty years on from the evaluation, it is unclear if the modules of entrepreneurship education have advanced from their shortcomings. A UN INSTRAW Working Paper states that “as long as the structural context remains unchanged, remittance-based individual entrepreneurship will have little possibility of success, as investors face constraints that cannot be overcome simply by individual efforts. INSTRAW's (and other) case studies show that in those circumstances, the development impact of remittance-based investments tend to be nil, and that overcoming such limitations requires public interventions” (UN INSTRAW 2007, 7). The paper suggests that governments should: provide more strenuous orientation and guidelines for investments; address structural conditions that inhibit investments, especially infrastructure in rural areas; build up a local development dynamics that incorporate migrants and their remittances; and create alternatives for stable labour participation and decent wages which ultimately offsets remittance dependency.

The Migrant Return Saving Programmes and Migrant Credit Unions have been tried with FDWs based in Hong Kong. These constitute great models for mobilising migrant savings, and turning them into viable projects, but so far actual success is questionable. Too much

focus is on setting up sari-sari shops in small communities without any macro-economic strategy to expand markets and employment chances beyond small-scale ventures (personal interview, 4th October 2012). Asian governments could learn from the Mexican *Tres por Uno* (three for one) policy, i.e. the counter-provision by local and national governments of one dollar per each (to add up to three) saved and remitted by migrants through so-called Hometown Associations to strengthen the impact of migrants' investments.

TOWARDS SUSTAINABLE DEVELOPMENT

Development is multi-faceted and involves more than monetary remittances. Apart from its economic dimension, there are human and social developmental aspects. Given the short-term nature of temporary migration schemes or irregular status, plus the fact that the bulk of migrants are in lower skill/wage jobs, the issue regarding sustainability of the positive effects of migration on development requires attention. Countries of origin should consider the social costs these types of migration entail, and how this may hamper overall development. There is a general understanding that less protection of rights leads to greater social costs. The lack of family reunification puts socio-psychological pressure on families when children, the elderly and spouses are left behind. Likewise, in the event of physical, sexual and psychological abuse of migrant domestic workers overseas, the government of origin country is responsible for the medical and social care of the returnee. Issues of reintegration and sometimes stigmatisation of returned domestic workers remain a major challenge. For those who migrated as single women or whose overseas stay may have been extended, prolonging their separation from husbands, children and society, their absence is often blamed as the cause of marital and familial problems.

Temporary contract migration and its feminization has had profound implications for families across Asia and elsewhere. A "deprived generation" of young people is now emerging in all major countries of domestic worker origin. A child and elderly care deficit in families where one or both parents have left home to work overseas has increasingly been the focus of academic attention. Older studies suggest that a mother's absence can affect children adversely. A mother's absence has been found to have a negative influence on children's schooling and education in terms of attendance and drop-out rates (Acosta 2006, Battistella and Conaco 1998, Gamburd 2005). This has to be seen in the context of the inherent inequality that exists in society – men are not encouraged to do care/domestic work, and do not step into women's shoes upon their migration.

Migrant mothers are often made to feel guilty for leaving their families behind (de Dios, forthcoming), and often compensate their guilt by pampering their children through monetary and in-kind remittances (personal interview with a migrant woman, October 2012). Dropping out of school is attributed not only to the lack of parental guidance but also to the ready availability of money for children that allows them to purchase food and consumer items, reducing the need for them to work hard in view of getting a good job for themselves in order to fulfil their consumption needs. The absence of parents is also said to have the correlating negative effects on children's health, making children more prone to being underweight (Frank and Hummer 2002). This finding has, however, been countered

by studies showing that on average, children with migrant parents enjoy better health as remittances allow the purchase of better food in qualitative and quantitative terms. One distinction that can be made is the age of the children at the point of their parents' migration as well as their physical and mental health. Nevertheless, there is consensus on the negative impact of the migration of either parent on the emotional health/psychological well-being of the child: existing studies suggest that children of migrant workers suffer acute anxiety and loneliness (Battistella and Conaco 1998), and have difficulties in coping with social and psychological problems (Scalabrini Migration Center 2003). Mothers also find it difficult to reconnect with their children (and vice versa) after a prolonged period of absence (Adhikari 2006).

There are studies that confirm the positive impact of parental migration on children's education as remittances can cover the cost of a child's education. However, it has also been argued that such positive impact cannot be sustained in the long term. By promoting a market-based alternative for the individual, such approach can inhibit the demand to reinforce the public system for affordable, accessible and quality education (UN INSTRAW 2007).

Transnationally split families also put pressure on marital relationships, as the separation of married couples may lead to divorce and/or extramarital affairs. Raharto et al. (forthcoming) note that divorce cases have numbered 3,685 in the regency of Banyuwangi, and the common reason for divorce was the extramarital affairs of husbands left behind by wives who worked overseas. Studies found similar conditions in Nepal (Adhikari 2006). There is also evidence of female migrant workers starting relationships while abroad (Pe Pua 2003).

Due to a paternalistic approach towards protecting migrant domestic workers at the expense of reducing them to helpless victims, this often creates a stigma for female migrant workers who return. This letter from a returnee woman in a Nepalese newspaper shares her perspective:

Women working in the Gulf countries are looked down upon by the society, but those women working in Japan, Singapore, Korea, Hong Kong, UK and USA are very much respected even though it is [a] fact that they also have to stay away from the family for a long time. So it is the society that recognizes money as an important factor for social status... because of the societal practice to look down upon women working in the Gulf, their psychological and moral will power is eroding. If they are also given some social respect... it would boost their morale and [they would be] able to contribute to family and society.⁴³

What most studies, policymakers and migrant rights advocates have not considered is the role of social policy in all of this: the need to alleviate pressure on migrant workers through better social policies from governments in support of children, spouses, carers and for reintegration of returned migrants, as well as policies on domestic violence, widowhood, childlessness and disability.

⁴³. Published in *Drishti Vernacular Weekly*, 3 June 2003 as quoted in Adhikari (2006).



Photo credit: UN Women/Anindit Roy-Chowdhury

Contributions to development at destination

According to Singapore's Ministry of Manpower, there were 201,000 female domestic workers in Singapore on work permits – one in every five households in the country – at the end of 2010, increasing from 140,000 in 2002 (TWC2 2011). In Saudi Arabia, there are approximately 1.5 million domestic workers, most of whom are from Indonesia, followed by the Philippines and Sri Lanka (ITUC 2010, 20). In Italy, some 600,000 persons are currently registered as domestic workers, the majority of whom are non-EU nationals, not counting those who are undocumented (ITUC 2010, 20).

Despite these fairly large numbers, very little has been done to measure the economic or social values of domestic workers, especially migrant domestic workers. Part of the difficulty lies in the reproductive nature of domestic work, and the dependence on the productive-worker model to evaluate the value of work, as explained earlier. Budlender's 2011 report by the ILO seeks to address this gap by employing approaches to measure absolute and relative values of domestic work, primarily using data from South Africa and Uruguay.

In simple economic terms, domestic workers contribute to the income of the employers' families. As the ILO Report on Decent Work for Domestic Workers from 2010 observes, "almost by definition the wages of domestic workers are less than their employers earn on the labour market" (ILO 2010, para 23) as "domestic workers are structurally dependent on the degree to which different households can afford domestic work" (para 139). An easy way to measure the material contribution domestic workers make to the employers' families is by calculating the value of time that frees up for members of the employer's family to engage in income-generating activities. As a result of having domestic workers do household and care work, family members (especially women) can use their time to work elsewhere. Budlender (2011b) calculates this value by using the alternative crude approach, which assigns the mean earnings of all female earners (who are not domestic workers) to the number of domestic workers, and then sum the attributed earnings. This is likely to be an underestimate, as the households that employ domestic help tend to be placed higher on an income scale than the average. Total earnings for workers in South Africa who are free from domestic chores are R.5,177 million per month (approximately 599 million USD) and 1,209 million pesos (approximately 61 million USD for Uruguay⁴⁴ (Budlender 2011b).

44. Exchange Rate: 1 USD = 8.64 South African Rand; 1 USD = 19.81 Uruguay Pesos (source: xe.com)

Overall, the rising number of migrant domestic workers is linked to a series of demographic trends in high-income countries, including aging population and low birth rate, which puts pressure on the productive working population to support a greater number of the non-working population. The rising status of middle and upper class women in the workplace, and more working mothers in light of reduced or stagnating welfare state provisions create the growing need for paid carers. Pei-Chia Lan's (2006) portrayal of Taiwan shows that it is the newly rich and elite middle class Taiwanese women who become employers of foreign domestic workers. Hiring domestic workers helps supports middle/upper class women with their career prospects, solving the problem of "mommy track" in employment – a labour market for flexible, non-continuous full- and/or part-time jobs to accommodate maternal duties (Razavi 2011). Furthermore, most migrant domestic workers provide live-in support for the families, alleviating women from household duties and from caring for children, the sick and the elderly. In other countries such as Malaysia, both the upper middle class and the lower middle classes employ FDWs in the absence of state provisions. In the Gulf States, lifestyle and wealth are factors that determine whether a household employs domestic workers, rather than sheer necessity (Thimothy and Sasikumar 2012).

The social value of migrant domestic workers is even harder to measure. While they provide invaluable help to household activities, some may see their presence as a deteriorating effect on gender equality or a reaffirmation of class-based society. A 2010 ILO report assessed domestic work to be "underpaid, unprotected, undervalued and poorly regulated". Any social value that domestic work is expected to embody is thus reflected through these structural deficiencies.

There is reason for the state to worry about the prominence of informal domestic work outside regulated networks. Nicola Yeates (2011) argues that focus on care labour migration has undermined other aspects of transnational care, including the formulation of care policy. This points to a need to link the service of care to the phenomenon of migration to analyse the push and pull factors that cause migrants to leave their countries and find jobs in destination countries.

There is ambiguity involved in assessing reproductive labour in the terms domestic work and care work. ILO Convention No.189 defines domestic work as "work performed in or for a household or households" (Article 1(a)) and the ILO states that "domestic workers may cook, clean, take care of children, the elderly, the disabled and domestic animals in private homes" (ILO 2010, para 22). There are general household activities that may not involve care work, including gardening and chauffeuring. Razavi (2007) notes that the boundary between direct and indirect care is arbitrary, especially in the cases of intensive care for the elderly, children and the ill.

Razavi (2007) introduces a concept of "care diamond" with the family/household (unpaid care), markets, the public sector and not-for profit sector as its four corners. This model recognises the interrelatedness of the four actors, and considers government policy-making on care as part of the dynamics. A number of studies point to the informalisation of labour markets, triggered by neo-liberal policy-making, and the decrease of welfare provisions as reasons for rising spending on private care work. (Yeates 2011, Gavanas 2010). Sassen (1994) defines the "informal economy" as income-generating activities outside the state's regulatory framework. In a report titled 'Who cleans the welfare state? Migration, informalisation, social exclusion and domestic services in Stockholm', the author

Gavanas points out that marketisation, and privatisation and commodification of care work are encouraged by “cash for care” policies and tax deduction for domestic services (coupled with reduced welfare services provided by the state). Downward pressure on the prices/wages of care work, the increase of flexible labour pool and the transnational labour mobility are reasons whereby care work provided by migrant workers is confined in informal labour market (Gavanas 2010). In some countries, the presence of migrant domestic workers highlights the failure of the public sector to provide for welfare needs, and prolongs the dependence on unpaid labour by women household members. It also exposes a weak economy that relies on internal migrants who are often an ethnic minority, indigenous and/or from rural areas (Schierup, Hansen and Castles 2006).

Women’s increasing entry into the paid workforce is increasingly becoming a global trend that tests the state’s reliance on women to provide care for their families on an unpaid basis. Although fertility rates in developed countries have dropped overall, indicating fewer children per household, the increase in elderly populations have increased the need for care services.⁴⁵ Given the gravity of such demographic changes and the pressing need for welfare provisions, especially in newly developed countries in Asia, the confinement of migrant domestic workers in the informal economy (and thus outside of state regulatory framework) is of concern. A respondent from the International Domestic Workers Network (IDWN) commented on a recent visit made by the Secretary for Labour and Welfare of the Hong Kong SAR Government to the Hong Kong Confederation of Trade Unions. When the Secretary was asked about living conditions of domestic workers and the monitoring of employment agents, the Secretary said:

“It’s not possible to check the employment agencies. You know, we have many old people here in Hong Kong and we cannot be too harsh, meaning [the government] cannot be too harsh to monitor harder... If you monitor harder, maybe some employers [the elderly] find it harder to employ domestic workers.”⁴⁶

The need for formalisation of domestic work has been recognised by some European governments as key to integration and social inclusion of migrants (Schierup, Hansen and Castles 2006 as quoted in Gavanas 2010).

Belgium, Italy and Serbia are said to be close to ratification of ILO Convention No. 189, possibly within this year while Austria is about to make the 24-hour work rule an illegal practice (personal interview, IDWN Europe Coordinator, 2 October 2012). There is, therefore, plenty of evidence to suggest that the political will across Europe to take ILO Convention No. 189 seriously is strong (ibid.). On EU level, the European Commission, with explicit reference to Convention No. 189, urged ‘the Member States to ratify all relevant international instruments, agreements and legal obligations which will make the work against trafficking in human beings more effective, coordinated and coherent’ (see COM (2012) 286 final, 19 June 2012 – The EU strategy towards the Eradication of Trafficking in Human Beings 2012-2016, p.4).

45. See Political and Social Economy of Care Project by IDRC-SDC-UNDP for a study of care services in nine different countries around the world (Argentina, Nicaragua, South-Africa, Tanzania, India, South Korea, Japan and Switzerland): [http://www.unrisd.org/80256B3C005BB128/\(httpProjectsForResearchHome-en\)/37BD128E275F1F8BC1257296003210EC?OpenDocument&panel=unpublished&category=Presentations](http://www.unrisd.org/80256B3C005BB128/(httpProjectsForResearchHome-en)/37BD128E275F1F8BC1257296003210EC?OpenDocument&panel=unpublished&category=Presentations) (last accessed on 8 October 2012)

46. Interview with International Domestic Workers Network (Asia-Pacific Office) on 21 September 2012

The EU Parliament, in its motion for a resolution in May 2011, “calls on the EU countries which are members of the ILO to adopt these instruments at the ILO Conference in June 2011” and calls on the EU Member States “to ratify and implement the convention and recommendations quickly.”

Notably, South Africa has one of the world’s leading laws on domestic workers. The contentious issue of labour inspection is part of its labour reform process, and has been tested in a pilot project as well as inspectors’ training on gender dynamics of domestic work undertaken. Certain challenges still exist as systems and institutions generally remain geared to respond to the formal economy (personal conversation).

INSUFFICIENT RIGHTS PROTECTION MECHANISMS FOR DOMESTIC WORKERS AND THE SOCIAL COSTS

Undoubtedly, the governments of destination countries bear the social costs resulting from insufficient rights protection and the violation of domestic workers’ rights. These social costs are incurred in the areas of increased irregularity; illegal recruitment/placement activities; violence and human rights violations; and the lowering of labour standards.

Irregularity

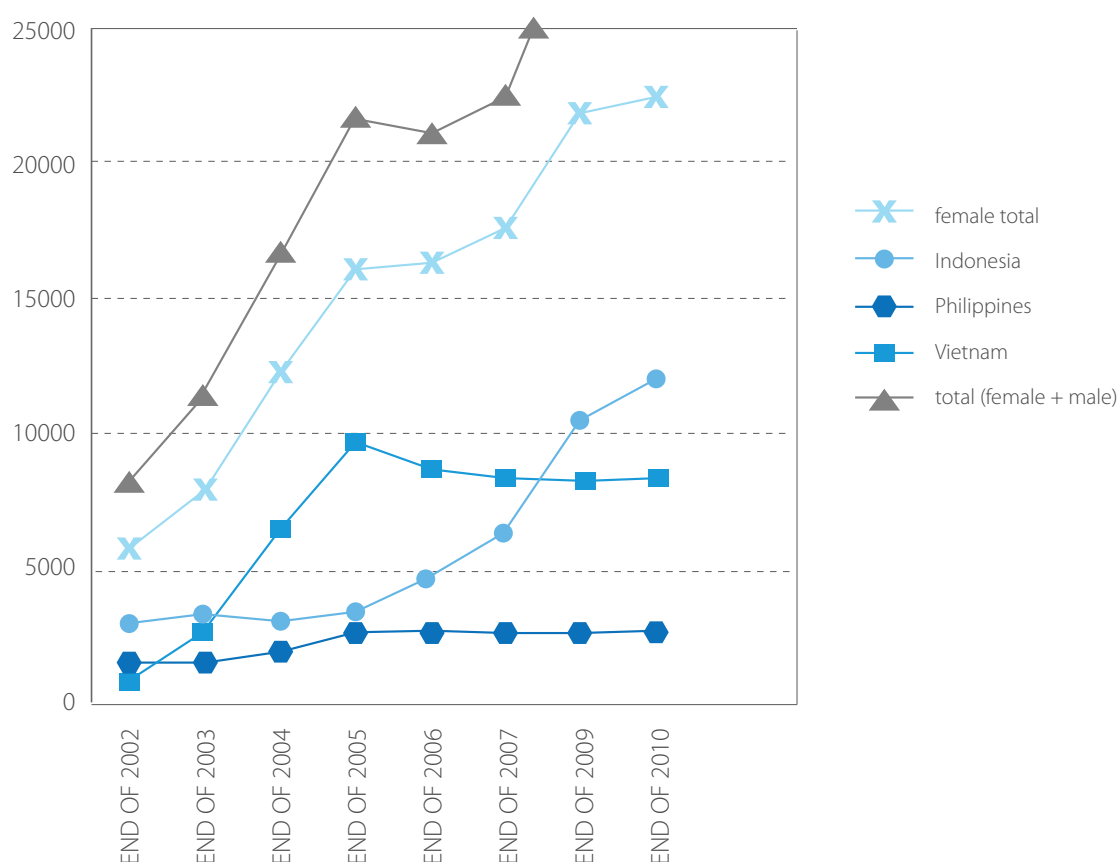
Recently, after lamenting on excessive border control as means to regulate movements of migrant workers, UN High Commissioner for Human Rights Navanethem Pillay commented:

“Research tells us that the majority of irregular migrants will have entered the country of destination legally and only subsequently will have fallen into an irregular situation. Some will have overstayed their permits having been unable to maintain a legal presence, while others will have lapsed into irregularity due to bureaucratic obstacles or will have been driven into irregularity trying to escape exploitation and abuse by their employers. Some irregular migrants will have protection needs that they have been either unable or unwilling to articulate to State authorities, or that have been dismissed in flawed asylum procedures.”⁴⁷

Her comment points to a relationship between inadequate policy-making and a tendency for migrant workers to slip into an illegal status, exposing them to great vulnerability. Illegal workers and over-stayers are often called “runaway workers”, implying that there was something that workers ran away from (Belanger et al. 2010).

47. Address by Ms. Navanethem Pillay, UN High Commissioner for Human Rights, to the Graduate Institute of International and Development Studies, Geneva - 14 December 2011 (Accessible at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11723&LangID=E> last accessed on 15 Feb 2012)

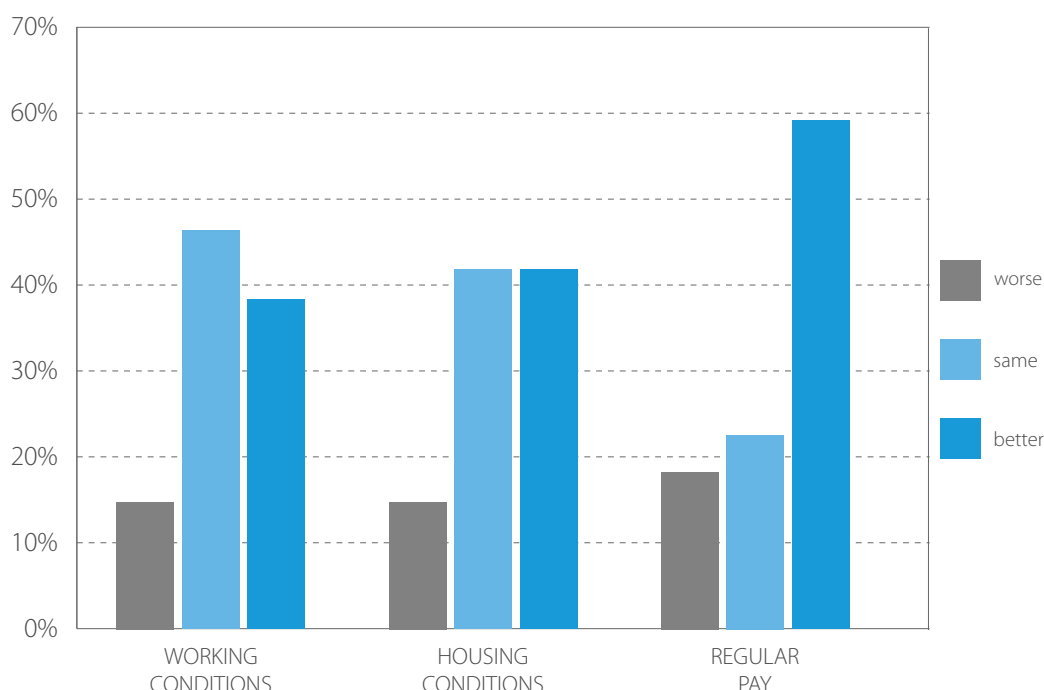
FIGURE 4 FEMALE RUNAWAYS BY COUNTRY, TAIWAN



(Source: Hope Migrant Centre, Taipei)

Evidence shows that the migrant workers' irregular status sometimes grants them new types of freedom and rights, particularly if migrant workers' rights are not adequately protected by legal frameworks. According to the survey by International Labour Migration Vietnam (ILAMI), as shown in Figure 5 below, based on Vietnamese return migrants from Taiwan, South Korea, Malaysia and Japan, most irregular migrants (58 percent) assessed their illegal job as being better than their legal one in terms of working and housing conditions, and regular pay (only 15 percent said the conditions were worse). One third of respondents were women (Belanger et al. 2010). As most Asian countries strive for the circular migratory model, which limits the number of years migrant workers can stay despite the permanent labour shortage (Wickramasekara 2011), it is well known that black labour markets exist for those who overstay, and are "illegal" (Belanger et al. 2010). Past research shows that in some countries, earnings in the illegal sector are higher, perhaps due to longer years of experiences (Yamanaka 2000 cited in Belanger et al. 2010).

FIGURE 5 ASSESSMENT OF ILLEGAL JOB RELATIVE TO LEGAL JOB FOR WORKING CONDITIONS, HOUSING CONDITIONS AND REGULAR PAY



(Source: Belanger et al. (2010) p.73)

Other studies, usually in the European context and in relation to the current economic crisis, show that migrants are also slipping increasingly into irregular status because they cannot fulfil the requirements to keep their regular migration status (being tied to full time employment), and faced under-employment and highly precarious conditions by receiving lower wages than that received during pre-crisis (Triandafyllidou 2011, Peixoto 2011)

Illegal recruitment/placement activities

Inadequate monitoring mechanisms foster the recruitment and placement services that are based on illegal or abusive practices by the middlemen agencies. Concrete examples of such practices include (but are not limited to):

- “Black market”/illegal operations for undocumented domestic workers
- Unregulated/rampant recruitment fees
- Underage employment⁴⁸

48. For example, underage Myanmar domestic workers in Singapore and Cambodian domestic workers in Malaysia, have been reported in The Star (Myanmar agents send underage maids to Singapore) 23 July 2012; IRIN (Integrated Regional Information Networks) “Cambodia: Trafficking domestic workers to Malaysia” 17 March 2011

Violence against women and other human rights violations

Rights violations can include limiting FDWs' opportunities to form relationships and marry local citizens. These social pressures as well as the general lack of social protection/insurance in Singapore as in elsewhere, can lead to unsafe abortions, and/or result in FDWs being sent home. However, after the implementation of tighter monitoring/enforcement mechanisms, there is evidence of a decline in human rights violations in Singapore between 1997 and 2004.

Lowering domestic labour standards

Gavanas (2010) uses the case of Sweden to illustrate the interconnectedness of the formal and informal domestic work market, and the extent to which they influence each other. This is to say that lower international labour standards influence the domestic labour standards. According to a respondent from the Korean Confederation of Trade Union (KCTU), migrant care workers (who are ethnic Koreans) have come from China in recent years, resulting in the lowering of domestic labour standards. Korean care workers complain that Korean-Chinese workers receive lower wages and work longer hours, and as a result their wages have frozen for years despite inflation. They also say that society looks down on care workers, and that their jobs are lower in the social strata because more migrant workers are involved.⁴⁹

A respondent from IDWN commented that the degree to which a country considers ratification of ILO Convention No. 189 depends on the pre-existing level of organisation of domestic workers. In Asia, such organisation is rare. No Asian country (except for the Philippines that signed the convention in 2012) is likely to ratify the convention in the foreseeable future.⁵⁰ The degree of organisation often pertains to whether domestic work is recognised by labour standard mechanisms, and whether migrant workers are included in them. Migrant domestic workers receive very little labour protection in both destination and origin countries in Asia. According to ILO (2010), domestic workers are excluded from labour standard mechanisms in the following countries:

- Japan (under section 116(2) and 9 of Labour Standards Act)
- South Korea (under section 10 of Labour Standards Act)
- Pakistan (under section 4 of Payment of Wages Act 1936)
- Bangladesh (under section 1(4) of the Labour Act)
- Cambodia (under section 1 of Labour Code)
- China (implicitly from Labour Contract Act, Labour Act, Provisions on Minimum wages, and Regulations of the State Council on the Hours of Work of Employees)
- India (implicitly from National Minimum Wages Act 1948)

49. Interview with a staff member in Korean Confederation of Trade Unions, January 2012

50. Additionally, Indonesia is reported to have expressed their intention to ratify ILO C.189.

Note that the above include countries where women from rural areas may move abroad or to a city in the same country to work as domestic workers. In the Middle East, Jordan, Lebanon, Saudi Arabia and Yemen explicitly exclude domestic workers from their labour laws.

GOOD PRACTICES

WRITTEN CONTRACT

Jordan, like other Arab countries, excludes local and foreign domestic workers from the protection of its national labour laws. The Special Working Contract was introduced in 2003 to address the rights of non-Jordanian domestic workers via labour mechanisms. This development was a result of a MOU in 2001 between the Jordanian Ministry of Labour and the United Nations Development Fund for Women (UNIFEM, now UN Women). Under the guidance of UNIFEM, various government bodies and women's NGOs in Jordan and the embassies of sending countries (Sri Lanka and Philippines) formed a steering committee to negotiate terms of the contract. In 2003, the Jordanian government approved the Special Working Contract, which stipulates the responsibilities of employers and recruitment agencies as well as the rights of migrant domestic workers. It also stipulates the necessity of a signed contract; employers' obligation to provide meals, clothing, accommodation and medical care; employer and recruitment agency's agreement to provide a round-trip ticket, residency permit and agreeable salary; the workers' right to possession of his/her passport and correspondence; and a day of weekly rest. Importantly, this contract was a result of consensus among the relevant stakeholders which included government agencies, women's organisations, UNIFEM (UN Women), and the embassies of Sri Lanka and the Philippines.⁵¹ Similarly, countries such as France, Lebanon, Peru, Singapore and the United Arab Emirates have introduced standard or model employment contracts that outline the terms of work for domestic workers. In addition, Ireland, South Africa and Trinidad and Tobago require written employment agreements (HRW 2011).

INCLUSION IN NATIONAL LABOUR LAWS

Domestic work is explicitly/implicitly included in national labour laws, regulations and standards in:⁵²

- Europe: Finland, Ireland, Portugal, Spain
- Africa: Mali, Senegal, Tanzania
- Latin America: Columbia
- Asia: China, Japan, Sri Lanka, Thailand (all only implicitly), Malaysia (explicitly but with exceptions)
- North America: Federal Canada, Provinces of Manitoba (with exceptions) and Quebec, Federal US (with exceptions), States of New York and Oregon (implicitly)

51. For more information on this project, see: http://www.ilo.org/dyn/migpractice/migmmain.showPractice?p_lang=en&p_practice_id=28 (last accessed 8 October 2012)

52. See the full list of countries and the names of legislations in the Appendix of ILO (2010)

The following countries have standards specific to domestic workers:⁵³

- Europe: Austria, Belgium, Denmark, Finland, France, Ireland, Italy, Netherlands, Portugal, Spain, Switzerland
- Africa: Burkina Faso, Kenya, Mozambique, Senegal, South Africa, Tunisia, Zimbabwe, Barbados, Trinidad and Tobago
- Latin America: Argentina, Bolivia, Brazil, Columbia, Costa Rica, Guatemala, Mexico, Nicaragua, Peru, Uruguay
- Middle East: Jordan, Lebanon
- Asia: India, Sri Lanka
- North America: States of California and New York⁵⁴

Among the Gulf/Middle Eastern countries, only Jordan has specific legislation concerning domestic workers (Domestic Workers Regulation no. 90 enacted in 2009). While this is a step in the right direction, experts point to the lack of sufficient measures to protect domestic workers from unequal power relationship between the workers and employers, as well as the vagueness of the terms of the regulation (Esim 2011). Kuwait, Lebanon, Qatar, Saudi Arabia and UAE have drafted separate labour regulations for migrant domestic workers but they remain as drafts.

MINIMUM WAGES

Out of 66 countries surveyed by the ILO in 2010, almost two-thirds included domestic workers in their minimum wage legislations, including South Africa which introduced minimum wage for its 1 million domestic workers in 2002. Argentina has set minimum rates for five categories of domestic work that are consistent with the national minimum wage standards, enabling qualified domestic workers to make more than the minimum wage. Chile has protected domestic workers under the minimum wage legislation since 1 March 2011, after progressively increasing the wage standard (previously the wages were set at 75 percent of the minimum wages). In countries like Brazil, Quebec Province in Canada, and Bolivia, employers are prohibited from deducting from the wages (for meals or accommodation). In Hong Kong, the maximum deduction to pay recruitment fees is limited to 10 percent per month (HRW 2011).

DAY OF REST

Half the countries surveyed by the ILO (2010) guarantee at least one day of rest weekly for domestic workers. Countries such as France, Portugal, Uruguay and South Africa have established limits for weekly hours of work, ranging from 40 to 45 hours. In March 2012, the Singaporean Minister of State for Manpower, Tan Chuan-Jin, announced that Singaporean employers would be required to give domestic workers a weekly day-off or extra pay starting in January 2013. In doing so, Singapore joins Taiwan and Hong

53. *ibid*

54. To the dismay of advocates, in the State of California, Governor Jerry Brown has recently vetoed legislation, dubbed the Domestic Workers Bill of Rights, that would have provided overtime pay, meal breaks and other labour protections to an estimated 200,000 caregivers, nannies and cleaners (abcnews.go.com, 01.10.2012).

Kong where domestic workers are entitled to a day off per week. Although the success of such policy remains to be seen until next year, the development is seen as a triumph for the civil society-driven campaign, started in 2008 by local NGOs (TWC2 and HOME) and UNIFEM Singapore. In his announcement to the Parliament, minister Tan Chuan-Jin said that a day off was “an important mental and emotional break from work” but also had practical values, ensuring the stable inflow of migrant domestic workers, and that Singapore remains a popular destination for foreign workers (Mahtani 2012). His comment could indicate recognition that the existence of rights protection mechanisms and better working conditions influence the domestic worker’s decision to pick a destination country (Mahtani 2012). In this context, an Indonesian government official commented that the number of migrants to Malaysia decreased in recent years as the incidences of rights abuse and meek rights protection mechanisms became well known among prospective migrants (personal interview, September 2012).

SPONSORSHIP/LABOUR MOBILITY

The *Kafala* (sponsorship) scheme in GCC/Middle Eastern states has been harshly criticised for creating a bonding relationship between domestic workers and employers, and exposing workers to an abundance of vulnerabilities and human rights abuses. There have been some moves to reform this system to a conditional labour mobility although such measures have excluded domestic workers. Some criticised the partial reforms, arguing that they serve to maintain the overall system. Under different conditions, Bahrain, Kuwait and UAE now allow migrant workers to change employers without the employer’s consent. However, the reforms have excluded domestic workers who remain in the bondage of the sponsorship system (Esim 2011). The Saudi Labour Ministry put forward a proposal to abolish the *Kafala* scheme in April 2012. While this is indeed a positive step for migrant workers, the reform should include migrant domestic workers, and be fully implemented.

MONITORING

The need for effective monitoring of recruitment agencies was recognised in the ‘Covenant of Ethical Conduct and Good Practices’, adopted in 2005 by overseas employment service providers from eight Asian countries. Recruitment agencies of Bangladesh, Cambodia, Indonesia, Jordan, Lao PDR, Nepal, Philippines and Sri Lanka agreed on far-reaching principles to protect the rights of women migrant workers, as expressed in the covenant. The document urges the governments to:

- establish legal framework that adheres to fairness, gender equality and non-discrimination
- support efforts made against illegal recruitment and human trafficking
- continue education, information campaigns and awareness raising
- encourage inter-country and diplomatic government/stakeholder partnership
- devise social security and insurance programmes
- respect international human rights mechanisms for protecting the human rights of women migrant workers.

There have been many policy developments undertaken by Asian governments in an effort to supervise recruitment agencies in recent years. An Employment Agencies Order was introduced in Brunei Darussalam in 2004 to control the activities of employment agencies in the private sector. In Jordan, a new labour law was amended to register recruitment agencies and, according to Migrant Forum in Asia, the Ministry of Labour improved its coordination on recruitment procedures with the Ministry of Interior to strengthen enforcement on complaints against recruitment agencies.⁵⁵ Some additional terms have been implemented in Malaysia's Private Agency Act 1981 to allow greater monitoring/enforcement of recruitment agencies, and include paying visits to employer's residence.

Singapore has implemented a number of legislations and policies under the Ministry of Manpower's regulation of Employment Agencies, including Employment Agencies Act (legislation); Employment Agencies Rules (licensing); and Employment Agencies Licence Conditions (accreditation). The Employment Agencies Act includes enforceable measures such as fine and imprisonment, as well as revocation and non-renewal of licences. In the event of a breach of the Employment Agencies Act, the agencies are issued demerit points, while a serious breach of the Act leads to revocation of the licence.⁵⁶ Singapore also requires first-time employers to attend the Foreign Domestic Worker Employers' Orientation Programme, although this course can be completed online at home.⁵⁷ Employers who are applying to employ their fifth foreign domestic worker within a 12-month period must attend this course in person.⁵⁸ In September 2012, Singapore's law on employment of foreign workers was amended to give more power to the Ministry of Manpower to enforce monitoring of errant employers.⁵⁹

Democratic space for political activism

As shown above, political organisation by migrants is an important way in which the development effects of migration can be furthered. There are a full spectrum of scenarios across Asia, including GCC countries (Bahrain, Kuwait, Oman, Qatar, UAE) that exclude domestic workers from joining trade unions (except for Saudi Arabia which does not allow trade unions) to allowing migrants to join existing organisations but not to form their own. However, in terms of securing their labour rights, migration status should not take priority. A good practice example in this context is the canton of Geneva, Switzerland, where trade unions exist on a local level, and where undocumented migrants are actively included in union organising, with the protection of their labour rights guaranteed – with the focus on regulating work and not migrants.

55. For a full list of good practices examples by Asian states and their description, see Migrant Forum in Asia's submission to Committee on Migrant Workers' Day of General Discussion (14 October 2009), available on: <http://www2.ohchr.org/english/bodies/cmw/dgd141009.htm> (last accessed on 8 October 2012)

56. Details of the Demerit Point System is elaborated in the website of the Ministry of Manpower: <http://www.mom.gov.sg/foreign-manpower/employment-agencies/legislation-licensing-criteria/Pages/demerit-points-system.aspx> (last accessed on 8 October 2012)

57. The course is offered and managed by Singapore Polytechnic (www.sp.edu.sg); course outline and overview are available on the website.

58. For more information on hiring migrant workers, see the website of the Ministry of Manpower: <http://www.mom.gov.sg/foreign-manpower/Pages/default.aspx> (last accessed on 8 October 2012)

59. Tan, Jeanette "Employment of Foreign Manpower Act Amended", *Yahoo News*, 12 September 2012 <http://sg.news.yahoo.com/employment-of-foreign-manpower-act-amended.html> (last accessed on 9 October 2012).



Photo credit: UN Women/Anindit Roy-Chowdhury

Towards sustainable economic growth based on a strong labour market

According to the International Labour Organisation, the concept of decent work has been formulated on the basis of an understanding between governments, employers and workers that “work is a source of personal dignity, family stability, peace in the community, democracies that deliver for people, and economic growth that expands opportunities for productive jobs and enterprise development.”⁶⁰ A consensus was reached on having strong employment production and decent work as key elements to “a fair globalization, reducing poverty and achieving equitable, inclusive, and sustainable development”.⁶¹ Despite this consensus, the absence of “decent work for all” reflects the experience that foreign domestic workers typically go through in the countries of origin and destination. From the vantage point of FDWs, the lack of decent work opportunities at home causes them to migrate overseas in search of better employment opportunities in the first place, yet in destination countries, the prevalence of the informal sector, discrimination and inequality on the basis of gender, race and nationality, have exposed them to a variety of vulnerabilities, suggesting an incongruence between domestic work and the decent work framework.

In many destination countries, the importance of strong labour market institutions based on the principles of international labour standards, employment-oriented growth, and labour policy coherence, has been emphasised by government-level commitments. An example is the Framework for Strong, Sustainable and Balanced Growth, launched in G20 Summit 2009 in Pittsburgh, where leaders emphasised “the importance of building an employment-oriented framework for future economic growth” and pledged to consider the “goals of the Jobs Pact⁶² in... policy-making activities” (ILO and OECD 2011). A pillar of the ILO’s decent work agenda relating to promotion of decent work for all is the creation of jobs by encouraging the implementation of coordinated and coherent policies for inclusive job-rich growth; skills development; and promotion of sustainability.⁶³

At the heart of the decent work agenda is gender equality. Women are disproportionately affected by economic crises and market fluctuations compared to men, as underscored by unemployment figures and participation in the informal economy. Gender mainstreaming for equality is not only a normative goal, but a cross-cutting theme for poverty alleviation and inclusive, balanced and sustainable growth (ILO 2009). In this sense, the specificities of domestic work carried out by female migrant workers also warrant an intersectional approach to decent work which requires the cooperation of various constituencies and organisations (international as well as civil society).

60. ILO, Decent Work Agenda: <http://www.ilo.org/global/about-the-ilo/decent-work-agenda/lang--en/index.htm> (last accessed on 9 October 2012)

61. *ibid*

62. Global Jobs Pact was adopted in a UN ECOSOC resolution on 28 July 2011. The resolution was co-sponsored by more than 160 countries and called for policy coherence and international coordination.

63. <http://www.ilo.org/global/about-the-ilo/decent-work-agenda/employment-creation/lang--en/index.htm>

The relationships between informalisation, economic growth, and the employment market are complicated, and need rigorous study. A blanket assumption that including domestic work in formal economy would cause job loss has been debunked by the experiences of South Africa as mentioned above (Budlender 2011a).

In countries of origin, efforts to protect domestic workers abroad, reintegrate return migrants, and reduce sending domestic workers to countries where they would be particularly vulnerable, have to go hand in hand with real progress in establishing productive employment opportunities at home. For this reason, the representatives of governments, employers and workers have committed to an Asian Decent Work Decade campaign dedicated to realising decent employment for all by 2015 (ILO 2011). The World Development Report 2006 marks the relationship between equity and development, focusing on social structures that hamper equity and development of persons and communities of particular backgrounds (World Bank 2006). Indeed, domestic work has been one of the oldest and more important forms of work for years, especially for women. Yet, clustering of domestic workers in certain gender (womanhood), rural background, caste, and ethnic/indigenous/religious membership, contributed to undervaluing and poor regulation, and the situation of many domestic workers being “overworked, underpaid and unprotected” (ILO 2010, para 3).

Fundamental principles and rights at work are defined in the 1998 ILO Declaration as “(a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation” (ILO 1998). It is of grave importance to note that all four areas of fundamental principles remain sources of insecurity for domestic workers around the world. The achievement of decent work for domestic workers ultimately depends on their capacity to organise and engage in collective action. This collective organisation of domestic workers is at the heart of addressing primary concerns about domestic work, i.e. the gap between law and practice and the invisibility of domestic work. In this sense, capacity building of civil society organisations and trade unions, as well as education programmes, is of paramount significance.

The Decent Work for All agenda should keep in mind specific discrimination and inequalities suffered by women migrants such as domestic workers. In 2008, the Committee on Elimination of Discrimination against Women issued General Recommendation No. 26 on women migrant workers, reaffirming that female migrant workers, like all women, should not be discriminated against in any aspect of their life, and are fully entitled to the protection provided by the Convention on Elimination of Discrimination against Women (CEDAW). Gender mainstreaming should be part of laws and policies, particularly those that impact the lives of women migrant workers. The unique needs of women migrant workers in the areas of economic development, human rights and security should be recognized.

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