

SUMMARY REPORT FOR THE GFMD

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

Alisa Hotel, Accra, 21-22 September 2011

<i>Organized and hosted by:</i>	Ministry of Employment and Social Welfare, Government of Ghana
<i>In Collaboration with:</i>	Swiss GFMD Chair, UN Women, IOM.
<i>Supported by (funding):</i>	Federal Office of Migration, Government of Switzerland; and MacArthur Foundation.
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<i>Planning Committee:</i>	Mr. Chukwu-Emeka Chikezie (Up!-Africa Limited), Ms Elizabeth Adjei (former Director-General, Ghana Immigration Service), Ms. Rhonda De Freitas (UN Women), Ms Natasha Lewis (UN Women).
<i>Note Taker:</i>	Ms. Elizabeth Asamoah, Accra, Ghana.
<i>Participants:</i>	Governments from Africa (Burkina Faso, Ghana, Kenya, Lesotho, Mauritius, South Africa, Zimbabwe), Asia (India), Caribbean (Jamaica), North America (Canada) and Europe (Netherlands, Switzerland); international organizations, academia, civil society and private sector.
<i>Total number of participants:</i>	85

1. Introduction - the GFMD context

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

Domestic workers, whether local or international, perform work in or for a household in an employment relationship. They are an integral part of the global labour force, and are currently estimated to number 53-100 million worldwide, with women constituting 83% of this workforce. Despite this, domestic work is hardly regulated. This is because it is invisible, mostly undertaken by women and conducted within the private space of the home – not defined as a “workplace”. Domestic work is seen as part of women’s innate attributes, and requiring no special skill.

There is growing demand for domestic work, in particular care work, in both high and low income countries as more women enter workforces, societies age, and family structures change. This has helped spur the recent adoption at the International Labour Conference of the ILO Convention on Decent Work for Domestic Workers (189), the Migrant Committee’s General Comment on Migrant Domestic Workers, 2010, and the Committee on the Elimination of Discrimination against Women (CEDAW) General Recommendation No 26 on Women Migrant Workers, 2008. Domestic work is directly relevant to the ‘decent work’ paradigm and the drive towards a universal social protection floor. The protection of workers in private homes and informal spaces of work becomes more urgent in the case of undocumented migrants, who are isolated in the home and from the protection and support of government.

Hosted by the Government of Ghana in partnership with the Swiss Chair, UN Women, ADPC and MPAN, this workshop offered a timely opportunity to explore policies and practices governments have adopted, or can adopt, to protect migrant domestic workers at all stages of migration. The discussions were interactive and informative. GFMD 2010 spotlighted migrant domestic work as illustrative of a range of migration and development challenges dealt with by the Forum, including the need for more evidence-based policies, high costs of migration, social protection of temporary migrants and irregular migration. These issues were taken further in the Accra discussions.

2. Key issues and Outcomes of the Workshop

The Accra workshop yielded some important global messages about domestic workers at the interface of migration and development. It discussed good practices in 1) policy and legislation, at global, regional and national levels. 2) social protection, services and self-organization and 3) safe remittance transfers, asset building and investments, including diaspora investment.

The meeting reinforced two underlying points: **First**, the need for more reliable and specific data on domestic workers worldwide and specifically in Africa. This illustrates the challenges associated with collecting accurate data on migration and development issues generally. Working in the informal sector, often in private homes and without a clear definition of 'domestic work', domestic workers are not always captured by labour market surveys. **Second**, domestic work is perceived as 'women's work', often also as a 'labour of love'. As such, it is undervalued, a fact reinforced by its exclusion from legislation and policies targeted at workers employed in the formal sector. A lack of formal protection by governments can lead to exploitation, violence and sexual abuse. Participants called for domestic work to be moved from the periphery to centre stage of development policy.

The Background paper for the workshop also emphasized that it is time for domestic work to be differentiated from servitude. This can be achieved through the following:

1. Seeing time as purchased. Time is compensated according to minimum wage regulations.
2. Transparent payment methods.
3. Contractual Information Requirements (written particulars or agreements).
4. Rendering justice affordable and swift to all (not only nationals but migrants and non-regular migrants).

The paper also identified among the main challenges to enforcement of the convention: occupational segmentation by race and national status (African migrant domestic workers face acute race and national origin-based occupational segmentation); lack of disaggregated data; lack of capacity of the workers and agencies involved, and lack of international solidarity on the issue.

Globally, the recent adoption of ILO Convention 189 and accompanying Comment and General Recommendation on Domestic Workers provide an important context to discuss protections of migrant domestic workers. Taken together, all these are powerful and complementary instruments to improve the lives of domestic migrant workers and their families, also in line with broader international instruments to protect and empower migrant workers.

At the national level, South Africa, Ghana, Kenya, Lesotho, Zimbabwe, Mauritius, India, Jamaica and Switzerland, offered some good practices on protections for migrant domestic workers. In Ghana for instance, a multi-stakeholder task force has been set up to formulate policy and review existing labour legislation to protect domestic workers. In South Africa, the minimum wage for domestic workers is under review. South Africa and Lesotho are considering a bilateral agreement addressing the issue of regularizing undocumented migrant workers including migrant domestic workers.

While good policy and legislation are vital, it is equally significant for domestic workers to *access social protection services and attain effective self-organization*. Frontline services and Social Protection Schemes offered by some governments such as India and South Africa, civil society and other agencies include smart card health insurance coverage (India), unemployment insurance and maternity benefits (South Africa), information dissemination, skills training, support services to address abuse, mobilization and training for collective organization and advocacy for labour and social protection (civil society organizations in Ghana, Ireland, Bahrain).

Finally, the links between migration and development can be strengthened through *cheaper, convenient remittance transfers, asset building and investments*, that take account of the special circumstances of women domestic workers. Women migrants account for a high proportion of remitters, and according to the World Bank and others tend to remit a higher percentage of their income than male workers abroad. Their remittances are critical for the health, education and wellbeing of families back home. Better protecting and leveraging women's remittances and savings is therefore directly linked to improved development outcomes of migration. Linking savings with remittance services, and linking family members at the receiving end with financial products, could be steps in the right direction. The Micro finance sector was urged to play an active role in this area. Women's World Banking is embarking on financial literacy campaigns with the aim of giving domestic workers access to loans, financial coaching and insurance

There are big challenges to sustained income security of domestic workers: 1) their incomes are low, yet are needed to feed families; 2) almost all the income is used for consumption rather than longer term security (school fees, hospital bills are all consumption costs, and not regenerative). With high inflation rates in Africa, workers face the challenge of generating enough to fight inflation. One solution to solving the problem of financial instability among domestic workers is by pooling, aggregation and common investment. Just like the insurance companies, the banks and micro finance companies can pool funds from domestic workers and invest the large lump. This will give the lending institutions enough to cover the big risk of doing individual investments. Insurance and pension scheme institutions that use this pooling mechanism tend to fare better as businesses.

Aggregate strategies such as linking remittances to banking, and thereby opening up a number of other benefits linked to credit, loans, investment options etc are being offered by some model programmes. For example, Kenya has surmounted some of the challenges that Ghana still faces in regard to innovations in financial services, access to finance, inclusion, adoption of technology, etc; and the RemitPlus programme offered by AFFORD in Sierra Leone combines standard banking with investment.

Microfinance institutions can play an important role in this, but are often hampered by restrictive regulations (e.g. regarding deposit-taking licenses, handling foreign currency, making loans, giving credit etc). In addition to utilizing remittances to access financial products such as savings accounts, insurance, health insurance and pensions, domestic migrant workers have the option to invest. This can in turn lead to the creation of more and decent jobs, skills-training and other positive externalities.

There were some new developments in Ghana, which could further protect and leverage the remittances of domestic workers if applied appropriately: a new national Smart Card payment system (e-zwich) to improve accessibility to banking and retail services; the introduction of Golden Jubilee Bonds during the country's 50th Independence anniversary (which have not yielded as much as expected inter alia because of poor marketing); and the non-profit microfinance institute Sinapi Aba Trust has developed a programme to train unemployed and low skilled young women to be employable and help to bank them.

Outcomes

- A. The workshop resulted in some **specific outcomes** that could help take forward the general recommendations of participants, namely:



- a. A *Gender-sensitive checklist* to protect and support migrant domestic workers, intended as a practical guide to governments setting up their policies, legislation and programmes to implement labour and social protections for domestic workers. The checklist will be revised slightly in line with comments made by participants in the breakout sessions. It will be posted on the GFMD website as a general practical tool for all interested parties.
- b. *Establish a pilot partnership among diaspora and financial institutions*, migrant domestic workers/low-income female migrant workers, and policymakers, *civil society, employers and government actors*, to pursue innovative schemes that enable the workers to pool their resources & access financial services/products tailored specifically to their needs and to securing their financial interests, as they relate to savings, investment, pensions, health insurance etc. This could be taken forward by AFFORD,¹ and modeled on the “RemitPlus” program piloted by AFFORD in Sierra Leone, with support from IFAD, aimed at leveraging the income-generating potential of remittances, especially in rural areas.
- c. Set up a *dialogue forum between Ghana, Nigeria and India* supported by UN Women and the World Bank to customize and implement gender-sensitive smart card health insurance schemes, including for domestic workers, drawing on lessons learned from the Indian experience.
- d. The *Government Task Force set up in Ghana* to formulate policy on domestic workers, and review existing legislation protecting them, should accelerate the implementation of these initiatives, e.g.:
 - Employment Agencies – part of the government’s oversight mandate for employment agencies might include requiring the agencies to prove that they meet certain training standards and provide evidence of their training programs for domestic workers, before receiving or renewing a license. The Ghana Task Force could assess such proposals in the light of ongoing facts-based research on agencies’ non-compliance with the strict regulatory provisions in Section 7 of the Ghana Labour Act of 2003 (Act 651) The legislative framework could be buttressed by a code of conduct for good agency practices.
 - Where general legislation exists, it may technically cover domestic workers but exclude them in the implementation. Specific regulatory frameworks – *subsidiary legislation or regulations* – might be promoted, and should expressly cover the situation of migrant domestic workers.
- e. Establish a *national network of domestic worker representatives* in each African country, to ensure that domestic workers can inform policy decisions and assist with policy action (this builds on a South African example). The national networks could intervene across governance levels, also at the regional level. In addition to broader participation by concerned civil society actors, employers’ associations representing the employers of domestic workers should be brought into the picture.
- f. Develop a *regional platform* to discuss viable social security benefits for domestic workers and their families, for example health insurance, including portability of these benefits, and standardization of procedures and processes of these schemes across partner countries. Develop a common technology platform for data management in this area.

¹ AFFORD is a UK registered charity founded in 1994 by a group of Africans, that supports the African diaspora in the UK to contribute to wealth and job creation in Africa. AFFORD maintains an online Database of UK based African civil society organizations engaged in development activities both in the UK and in Africa.



- B.** The following **general recommendations** were made in support of implementing the objectives and principles laid out in ILO Convention 189 and the attendant instruments:
- a. Mainstream gender concerns on migration, and protections for migrant domestic workers, in particular into the African Decade for Women Plan for Action, the ECOWAS Gender Plan for Action, the East African Community, and the SADC agreement on free movement of people.
 - b. Identify and address data gaps and cutting edge research areas for appropriate policy formulation and implementation, and to solicit support for domestic workers. Identify good practices and models of support and empowerment appropriate to lower skilled women migrant workers, including domestic workers (for example financial packages including financial literacy, such as offered by the Philippines). These could be showcased via the GFMD.
 - c. All governments of countries sending domestic workers abroad should provide frontline social and financial services such as health insurance and social security; information and orientation; lower the transaction costs of remittances; ensure access to financial packages that facilitate savings and sustainable investments, and to financial literacy programmes and skills training to empower domestic workers economically and socially.
 - d. Consider establishing an international (or African-wide) body to oversee the regulation and licensing of migrant recruitment agencies, and the training of recruitment agencies on the rights and the roles of domestic workers.
 - e. Strengthen the capacity of targeted stakeholders to implement protections for domestic workers and build the capacity of domestic workers' organizations.
 - f. Ease regulations on MFIs and Banks to enable them to provide financial and investment support packages to lower income migrants and their families, including domestic workers.
 - g. Raise public awareness about the value of domestic work and the protection of the service providers through media forums and inclusion in secondary education curriculums.

(Possible questions to guide discussions on this theme in the GFMD Concluding Debate in December 2011 may be drawn from the questions that were addressed by the Sessions in the Accra meeting (as indicated in the programme for the meeting.)

29 September 2011

