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MIGRATION: PUTTING PEOPLE FIRST



The UN High-level Dialogue on International Migration and Development represents a unique opportunity to realise the rights of migrant workers.



A PEOPLE-FIRST GLOBAL MIGRATION FRAMEWORK IS KEY TO SUSTAINABLE DEVELOPMENT

BY GUY RYDER

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Migrant workers play an important role in labour markets and contribute to the economies and societies of home and destination countries

Demographic trends and economic inequalities, combined with vulnerability to political and environmental crises, are expected to lead to rising migration levels for decades to come. Correspondingly, labour migration governance that focuses on the protection needs of men and women migrant workers will become increasingly important to achieving equitable, sustainable, and inclusive development. With the United Nations General Assembly High-level Dialogue (UN HLD) on International Migration and Development to be held on 3-4 October, 2013, the International Labour Organization (ILO) is seeking to upgrade the multilateral system's work for a framework which is truly respectful of the rights and interests of the working people involved.

Sustainable development is driven largely by the creation of decent jobs, and migration is driven largely by the search for such jobs when they are unavailable at home. Over 200 million people

will be unemployed this year, and this is expected to rise by another three million in 2014.

Beyond the number of new jobs needed, there are around 900 million working poor who are unable to lift themselves and their family above the \$2 a day poverty line.

There are now an estimated 232 million international migrants, according to data from a forthcoming United Nations Department of Economic and Social Affairs report.

South-South migration is as significant in numbers as South-North migration. In its

most recent analysis, the ILO estimated that over 50 per cent of international migrants are economically active.

Almost half of the total international migrant population are women, migrating increasingly for employment, and an estimated one in eight are between the ages of 15 and 24, highlighting the importance of youth migration.

Migrant workers play important roles in labour markets and contribute to the economies and societies of home and destination countries.

Through their social and financial remittances, they advance economic, social and cultural development.

“Beyond the number of new jobs needed, there are around 900 million working poor who are unable to lift themselves and their family above the \$2 a day poverty line.”

They help create new enterprises, transfer technology, skills, and diverse attitudes and perspectives.

Income sent back home – over over \$400 billion in 2012 to developing country economies – improves the prospects that their families can gain access to better livelihoods, education, and social security.

Yet labour migrants are often less protected than other workers, with women and youth, low and middle-skilled and migrants in irregular situations being particularly susceptible to exploitation.

In worst cases, they may become victims of forced labour, human trafficking and smuggling.

Moreover, migrant workers frequently lack fundamental rights at work such as freedom of association and collective bargaining.

■ SUSTAINABLE DEVELOPMENT

The ILO is concerned that development goals and planning have yet to incorporate adequately the goal of decent work, labour market institutions, or the needs of men and women migrant workers.

Migration is too often considered in international debates in terms of numbers, flows and remittances, rather than with a view to improving labour migration governance through standards that assure equal treatment of migrant workers and social dialogue.

However, maximising gains for sustainable development requires equitable and well-structured systems of labour migration and mobility, in both the South–North and South–South contexts.

There is still too little being invested at national and regional levels to ensure that labour migration policies protect the rights of migrant workers, particularly in those economic sectors (e.g. agriculture, domestic work, construction) involving higher risks to migrants in terms of recruitment processes, working conditions, wages, and social security.

There is also a significant need to improve the recognition of qualifications and skills, and build greater awareness of the positive contributions of migrant workers to destination countries' economies.

The ILO's mandate and activities on international labour migration are highly relevant to the development debate and particularly to the forthcoming HLD which seeks to identify “concrete measures to strengthen coherence and cooperation at all levels, with a view to enhancing the benefits of international migration for migrants and countries alike and its important links to development, while reducing its negative implications.”

The ILO has a distinct constitutional mandate on labour migration and the protection of men and women migrant workers.

And in addition to establishing standards on the rights and social protection dimensions of international migration, the ILO offers substantial expertise on labour market issues.

IMPROVEMENTS

The ILO has begun to work more concertedly with its constituents on improving labour migration policies that can achieve more equitable development.

These include reducing discrimination through innovative public education campaigns and exploring how to better support migrant workers to form cooperatives using their remittances to create new enterprises.

The ILO is providing technical assistance on improving labour market institutions, including minimum wages that can better level the playing field for all workers.

Since 2004, the International Labour Office has advanced the concept of “earned adjustment,” under which migrant workers in an irregular situation could eventually acquire regular status by demonstrating employment and satisfying other conditions.

Many countries, such as Argentina, Brazil, Italy, Panama, Spain, South Africa, Thailand and the United States, have regularised or

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are now regularising migrant workers. This helps promote their social inclusion.

The ILO is also designing and testing new methods for measuring the impact of different migration policies, such as temporary worker programmes, to improve understanding of whether and in what circumstances such policies lead to better or worse development outcomes.

The results can help governments undertake labour market needs assessments and

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Migrants, such as these construction workers in Jordan, send remittances to their home countries

reorient employment and migration policies to achieve positive gains for all workers, including migrant workers.

■ SOCIAL DIALOGUE

Recognising that social security is critical to development, the ILO is assisting countries with social security portability programmes and other migration governance mechanisms, including most recently Bangladesh, Cambodia, Jordan, Kazakhstan, Mauritius, Moldova, Tajikistan, the Philippines, Ukraine, Southern Africa, and Sri Lanka, and with regional entities such as SADC and ASEAN to ensure social dialogue in regional labour mobility strategies.

The ILO can therefore play a key role in linking worker protection and the economic dimensions of migration, linkages that are crucial to understanding their wider relationship to development.

Particularly important is to facilitate sharing good practices and innovation in labour migration governance that can better inform development policy.

This is the goal of a roundtable ILO is convening with governments and experts in New York on 26 September, before the HLD convenes on 3-4 October, 2013.

The ILO is also preparing for its leadership in 2014 of the Global Migration Group – a consortium of 15 UN agencies and the International Organization for Migration (IOM).

To help the ILO improve the effectiveness of its work, and in light of the outcomes of the HLD, the ILO is convening a Tripartite Technical Meeting on Labour Migration in Geneva on 4-8 November, 2013 which will include representatives of governments, workers and employers and other stakeholders, including GMG agencies and civil society organisations as observers.

In summation, the HLD and the post-2015 development agenda are tangible opportunities for the international community to embrace a more proactive approach to the protection of migrant

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workers' rights, particularly the most vulnerable low and middle-skilled workers.

The ILO will continue to push for development strategies that incorporate gender-sensitive labour migration policies guided by international labour standards that reduce worker abuses, are better harmonised with the needs of labour markets and workers' skills, provide equal treatment in wages and conditions of work and facilitate social protection.

That is what is needed to ensure development is sustainable for all

IT'S TIME TO CHANGE COURSE ON MIGRATION

BY CLAIRE COURTEILLE

© Photo/International Organization for Migration



The current deregulatory approach to labour migration puts economic interests before workers' basic human rights.

The UN High-level Dialogue on International Migration and Development which takes place in New York on 3-4 October 2013 represents a real opportunity to change the current course on migration.

Migrant workers around the world need meaningful responses to the rise of trafficking, exploitation, inequality and xenophobia which take place in virtually every country.

A paradigm shift is urgently needed.

The UN must have the courage to challenge the current deregulatory approach to labour migration that puts economic interests before the basic human rights of workers.

Although each country faces specific issues, migrant workers ev-

erywhere struggle to get their rights recognised and respected.

Trafficking is on the rise in Europe, many Arab countries still uphold the Kafala system which places migrant workers at the mercy of their employers, and laws regulating labour migration are yet to be established in several African countries.

Meanwhile, in Asia, millions of migrant workers face severe discrimination, and in Latin America, the progressive laws protecting the rights of migrants are not always enforced.

The latest UN statistics on migration show

that South-South migration is as common as South-North migration.

Asians and Latin Americans living outside of their home regions form the largest global diaspora groups while Europe and Asia combined host nearly two-thirds of all international migrants worldwide.

Europe remains the most popular destination region with 72 million international migrants in 2013, compared to 71 million in Asia.

North America experiences the fastest growth in migrant stock by an average of 2.8 per cent per year.

Another striking feature of migration statistics is that half of all international migrants live in 10 countries with the US hosting the largest number (45.8 million), followed by the Russian Federation (11 million), Germany (9.8 million), Saudi Arabia (9.1 million), United Arab Emirates (7.8 million), United Kingdom (7.8 million), France (7.4 million), Canada (7.3 million), Australia (6.5 million), and Spain (6.5 million).

≡ POLITICAL COURAGE

Today's high levels of unemployment must not lead to more abuses of migrant workers' rights.

The focus must be on decent work for all – migrant and local workers alike.

“The High-level Dialogue on International Migration and Development must promote the UN legal framework and reaffirm the leadership of the ILO when it comes to labour migration. The world needs a more robust commitment to a gender-sensitive human rights-based approach to migration.”

This is how we will achieve shared prosperity, fairer societies and an end to xenophobia.

Challenging the current paradigm requires political courage.

“Trafficking is on the rise in Europe, many Arab countries still uphold the Kafala system which places migrant workers at the mercy of their employers, and laws regulating labour migration are yet to be established in several African countries.”

We feel inspired by the governments that have taken important steps towards developing a rights-based approach to migration.

We also feel inspired by the progress made in several countries towards achieving decent work for domestic workers, a great proportion of whom are migrants.

Getting our countries out of the current global crisis requires all of us – governments, international organisations and civil society – to focus on the creation and promotion of decent work for all, to ensure migrant workers enjoy the same wages and working conditions as their local colleagues, to protect their rights to join and organise in unions, and to access justice.

At an intergovernmental level, governments should be encouraged to increase their cooperation with the International Labour Organization (ILO), the only international organisation with a mandate to protect migrant workers.

The High-level Dialogue on International Migration and Development must promote the UN legal framework and reaffirm the leadership of the ILO when it comes to labour migration. The world needs a more robust commitment to a gender-sensitive human rights-based approach to migration.

≡ BEYOND PREJUDICE

From an institutional perspective, civil society needs a space to discuss in a more co-

herent and comprehensive way the human rights dimension of migration.

Such space would help us engage in genuine dialogue beyond stereotypes and prejudices, exchange best practices and establish common understanding on issues related to human rights and migration.

The UN must provide that space for dialogue and enhanced cooperation on the human rights and migration nexus, involving all relevant international organisations, states and civil society actors.

The Global Migration Group (GMG) which gathers already all international organisations dealing with migration might appear as an obvious avenue for such a dialogue to take place.

A concrete proposal might therefore be to revisit the mandate of the GMG so as to include a more significant focus on the human

rights dimension of migration and to invite states and civil society actors to join some of its meetings.

Realising the rights of migrant workers is not only in the interest of migrants themselves but also of the general population in both countries of origin and destination.

A key challenge for the High Level Dialogue is to find and agree upon an institutional setting at a global level that will enable better protection of migrant rights at a national level. If it fails to do so, abuse, exploitation and xenophobia are likely to continue to spread all around the world.

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Asian migrant workers make up most of the workforce at this textile factory in the Ad-Dulayl Qualified Industrial Zone near Zarqa, Jordan.

EU: HUMAN TRAFFICKING IS A LABOUR ISSUE

BY ZUZANNA MUSKAT-GORSKA

If there is one global issue today that requires urgent social dialogue, it's labour migration.

The ever-increasing exploitation of undocumented and informal migrant workers amounts to what activists describe as 'modern-day slavery'.

In Europe, the International Labour Organization (ILO) estimates that forced labour, which is largely the result of human trafficking and irregular migration, affects as many as 880,000 people – that's 1.8 victims per every 1,000 inhabitants.

And the numbers are increasing every year. Poverty, underdevelopment and a lack of decent work forces people to look for a better life elsewhere, at any cost.

The economic crisis has only made things worse.

According to a report on human trafficking published by the European Commission this April, over 23,000 identified or presumed trafficking victims were registered between 2008 and 2010.

This represents an 18 per cent increase compared to earlier figures.

But the restrictive migration and criminal justice policies that can lead to trafficking have failed to keep pace with the labour market situation.

On the contrary, tougher border controls and deportation procedures have had the undesired consequence of making people-trafficking more profitable.

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A farm worker recovers from a leg gunshot wound in the makeshift housing provided for them at a strawberry plantation near the village of Nea Manolada, Greece

That is why we need to take the focus away from organised crime and instead look at labour market dynamics and coercive labour practices in mainstream economic sectors when looking at how to tackle human trafficking.

== EVADING JUSTICE

Across Europe, anti-trafficking policies in the area of forced labour highlight some undeniable trends on the EU labour market.

It is important to note that the increased misuse of subcontracting in an effort to reduce labour costs goes hand-in-hand with the lack of effective provisions obliging main contractors to be liable for the abuse of workers.

“Engaging the private sector in the fight against human trafficking is key – as long as corporations address their failings, especially when it comes to exploitation in supply chains.”

In trafficking cases, information about abuse typically results in the withdrawal of the victim's work permit, or even deportation if the migrant is in an irregular situation. On the other hand, prosecution of rogue employers is rare.

Similarly, although most European countries offer trafficking victims the right to compensation from the perpetrators and the state, in practice, few victims ever receive anything.

In Ireland, Migrants Rights Centre Ireland and the Irish Congress of Trade Unions recently tackled the case of an undocumented migrant worker who was awarded €92,000 for unpaid wages.

The verdict was subsequently overruled on appeal of the employer, who argued that the right to compensation was voided by the claimant's irregular migration status.

Although the appeal is still in progress, for now the ruling leaves all workers in a similar situation without protection.

This proves the point that in order for labour rights enforcement to be effective, there must be a firewall between the right to access to justice and migration status, otherwise abuses are not reported and exploiters get off scot-free.

== PUBLIC AWARENESS

Recently, there have been several cases which have brought the issue of trafficking to the public's attention.

This January, the Swedish media reported on leading forestry companies hiring agents to lure workers from Cameroon on false promises of pay and working conditions.

To get anywhere near the promised monthly wage, workers had to plant about 3500 new trees a day – double the amount that of any experienced worker is capable of.

In April, migrant workers from Bangladesh were shot on a strawberry plantation in Greece after they demanded six months of unpaid wages from their supervisor.

The tragic incident brought attention to the Greek fruit picking sector where thousands of migrant workers are forced to endure appalling working and living conditions for very little, if any, pay.

However, despite the evidence of indisputable trafficking indicators in both cases, neither set of workers were recognised as victims of trafficking for labour exploitation.

At least in the Swedish case it was possible to win compensation for unpaid wages, thanks to the intervention of Facket för skogs-, trä- och grafisk bransch (the Swedish Union of Forestry, Wood and Graphical Workers, or GS), but all too often justice goes unserved.

== A HUMAN RIGHTS-BASED APPROACH

The fight against human trafficking and forced labour should be embedded in comprehensive governmental policies with a focus on rights-based migration regulations, poverty reduction, development, effective labour inspection, the regulation of private employment agencies, guarantees for freedom of association and collective bargaining for all, and anti-discrimination campaigns.

This is currently not the case.

Until recently, the EU's effort to combat the trafficking of human beings (THB) was largely focused on a criminal law response and the control of irregular migration.

A human rights-based approach to the protection of victims has been secondary, and the impact of labour market dynamics on the causes and consequences of THB have mostly been ignored.

On the other hand, EU regulation on labour mobility and the provision of services indirectly, yet significantly, influences anti-trafficking efforts.

For instance, the fact that posted workers – those employed in one EU member state but sent by his or her employer to carry out work in another on a temporary basis – could be working under less restrictive labour conditions than their domestic counterparts might lead to exploitative situations.

This is because the labour regulations in the workers' country of origin continue to apply to the posted worker, even if they are weaker than the labour regulations in the country to which the worker is posted.

Since the labour standards of the host country cannot be imposed, it is impossible to monitor the potentially exploitative nature of the labour conditions under which people are working.

So what we observe in many labour trafficking cases in Europe is a high incidence of forced labour linked to bogus self-employment or incorrect postings, like in a recent case from Belgium.

Tens of Eastern European women were recruited to work as cleaners in a motorway service station but first, they were transported to Germany to arrange for documents that declared them "freelance operators" posted to work in Belgium.

In reality, they were entirely under the control of the subcontractor, who forced them to work 15-hours-a-day for weeks on end. They were paid less than a third of the legal minimum wage, transported all over Belgium to work in different service stations and threatened and misled about their rights.

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Romanian students dressed as caged brides take part in a staged event drawing attention to human trafficking and the sexual exploitation faced by young girls lured by the prospect of better paid work abroad

THE ECONOMIC CASE FOR ENDING MODERN-DAY SLAVERY

Other policy developments in Europe, such as the removal of the right for migrant workers to change employers, can also be a huge driver of exploitation and abuse.

Overall, labour mobility and the freedom to provide services – combined with an insensitivity to THB – may lead to an increase, rather than a decrease in trafficking.

But sadly, most governments and private sector employers are not easily moved into action for purely humanitarian reasons.

If they were, there would not be 20.9 million people living in slavery today.

Forced labour generates an estimated \$44.3 billion every year.

“ But sadly, most governments and private sector employers are not easily moved into action for purely humanitarian reasons. If they were, there would not be 20.9 million people living in slavery today. ”

Engaging the private sector in the fight against human trafficking is key – as long as corporations address their failings, especially when it comes to exploitation in supply chains.

At the same time, any involvement of the private sector in combating trafficking does not affect the ultimate responsibility of governments to safeguard the respect for human rights on their territory.

Governments are responsible for developing adequate regulation, translating applicable international instruments into national laws and ensuring their implementation, and implementing action plans and effective monitoring to eradicate trafficking in the private sector, drawing on existing strategies, such as the UN Guiding Principles (also known as the ‘Ruggie Framework’) on business and human rights.

But so far the results have been disappointing.

Every year, we record just a few thousand prosecuted cases.

Meanwhile, millions of victims of labour trafficking remain unidentified.

In addition, thousands of victims who have been rescued end up in similar circumstances shortly after.

It’s time for new thinking and action on people trafficking.

Criminal law enforcement needs to be much better integrated with long-term prevention and empowerment strategies, including labour policies.

Preventative measures too should receive greater attention; although a consensus needs to be developed as to what these measures should entail.

But there is the urgent need for the broader and deeper involvement of social partners in the development of migration policies.

Rigid and restrictive migration policies only serve to promote exploitation and trafficking, especially where a migrant worker’s residence status is tied to a particular employment contract or employer.

There is also a real need for effective labour inspection, the regulation of private employment agencies, guarantees for freedom of association and collective bargaining rights and the protection of subcontracted workers.

We need more European co-operation, not less.

And we need strong partnerships: anti-trafficking organisations cannot achieve much without engaging other sectors.

Slavery will only be tackled by governments, businesses, development agencies, trade unions and other civil society partners, working together.

A MIGRATION POLICY FOR THE WORLD'S 99 PER CENT

BY DAVID BACON AND SERGIO BASSOLI

© AP Photo/Eduardo Verdugo



Central American migrants ride a northern bound train during their journey toward the US-Mexico border

The phenomenon of migration from the perspective of trade unions in the Americas, results essentially from the lack of development opportunities and social justice.

This is the meaning of the expression “the right not to migrate” reiterated and highlighted by Victor Baez, General Secretary of the Trade Union Confederation of the Americas (TUCA) during his address to the international seminar held in the TUCA offices in São Paulo on 3-4 September.

The right not to migrate and the right to sustainable development are medium-term objectives.

In the intervening period however, trade unions are organising to guarantee aid and access to fundamental labour rights for migrants who cross Latin American borders in search of better living conditions.

Bolivian, Paraguayans, Peruvians, Ecuadorians, Haitians and Nicaraguans are amongst the millions of workers that migrate to a labour market that is exploitative and without rules and without respect for human and labour rights.

This is taking place in a Latin America where a majority of countries forbid foreigners from joining trade unions, leaving them – without protection and without the right to collective bargaining – in the hands of middlemen and traffickers (“coyotes and rescatis”), and other criminals that continue to act as if we were still in the era of slavery.

The idea that “capital has more rights than people” is the reality and the contradiction that persists in the neo-liberal model of our societies which professes to respect universal human rights but in practice fosters exploitative economic and trade relations.

Those affected, in the first instance, continue to be those in the poorest and most vulnerable sectors.

People such as forced migrants – men and women that have no other choice but to migrate, unprotected, ready to do any type of work to survive.

The reality, which is supported by the feedback given by the trade union delegations, is that there is a need to develop a coordinated strategy and action plan between the trade unions in the source and destination countries for the migration flows.

Argentina and the Dominican Republic appear to have the most advanced trade union experience in the region in this area.

Also noteworthy is the launch of a pilot trade union aid and training project for migrants supported by Brazil’s CUT, CGIL’s migrant’s aid service, INCA, in collaboration with TUCA in São Paulo.

This project will be operational in the coming months and will provide guidelines and share experiences between the Latin American trade union movement as a whole.

■ US “GUEST WORKERS”

Meanwhile in the United States, which is the end destination for many Latin American immigrant workers, last year 409,849 peo-

ple were deported from the United States by the administration of President Barack Obama.

According to the Immigration and Customs Enforcement (ICE) Agency of the Department of Homeland Security, current deportations average 30,791 per month, including over 8,500 parents of US citizen children.

The US Federal government spends more today on border and immigration enforcement than on all other law enforcement agencies combined.

In each of the last five years, ICE has audited the records of over 2000 employers, ordering them to fire workers who lack legal immigration status, a requirement under US law since 1986.

While the firing of those without papers increases, so does the number of “guest workers” brought to the US on visas that tie their ability to stay to their jobs.

Between 700,000 and 900,000 migrants on temporary work visas are working in the US at any given time.

The most notorious of these visa programs, H2A and H2B, have been called “close to slavery” by the Southern Poverty Law Center, which documented extensive abuse of worker rights.

This apparent contradiction was explained by Bush’s Secretary of Homeland Security, Michael Chertoff, as “closing the back door and opening the front door.”

Heavy enforcement would deter undocumented migration, and would force migrants into contract labour programs, he asserted.

Heavy enforcement and contract labour programs are features of all the “comprehensive immigration reform” (CIR) plans put forward by both the Bush and Obama administrations.

“

The most notorious of these visa programs, H2A and H2B, have been called “close to slavery” by the Southern Poverty Law Center, which documented extensive abuse of worker rights.

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Yet another CIR bill, S. 744, was passed by the US Senate in April, expanding guest worker programs, and setting up a point system for awarding visas based on skills desired by corporate employers.

A similar proposal remains stalled in the US House of Representatives.

And despite Congress' inability to pass any of those bills, successive US administrations have used their executive powers to unilaterally implement increased enforcement and deportations, and greater use of guest worker programs.

■ BASIC PROTECTIONS

Some basic protections for migrants are already codified in UN and ILO conventions, especially the UN Convention on the Rights of Migrants and their Families which extends basic human rights

without distinction to all migrants and their families.

It supports the right to family reunification, establishes the principle of "equality of treatment" with citizens of the host country in relation to employment and education, protects migrants against collective deportation, and makes both origin and destination countries responsible for protecting these rights.

All countries retain the right to determine who is admitted to their territories, and under what conditions people gain the right to work.

But no US administration has ever submitted it to Congress for ratification.

Instead, the reform debate in the US Congress pits advocates of comprehensive reform, including increased enforcement, guest worker programs, and limited legislation for the undocumented (the liberal alternative) against advocates of harsher enforcement, even more guest worker programs, and no legalisation (the conservative alternative).

Progressive alternatives based on protecting the rights of migrants are dismissed as politically impossible.

The Senate bill S. 744, further criminalises migration and makes it mandatory for all employers to check their workers' immigration status through an electronic database and requires photometric ID to get a job.

At the same time, it erodes the family reunification system that was a product of the US civil rights movement, making the labour needs of employers more important than family relationships.

The bill does have a legalisation program, which conservative Republicans in Congress oppose.

But a large percentage of the 11 million who need legal status would not qualify because



Immigrant janitors, their families and supporters rally in San Jose, California, as part of national demonstrations calling on Congress to pass immigration reform legislation

of restrictions including income requirements that penalise the poor.

If enacted as written, millions of workers ineligible for legalisation would be prohibited from working legally, and subject to the increased enforcement schemes.

Workers vulnerable because of their undocumented or guest worker status would find it harder to organise, giving employers greater leverage to demand low wages.

REPUBLICAN PROPOSALS

The Republican proposals in the House of Representatives are even worse.

Several would remove the few existing restrictions on current guest worker programs – lowering wages, removing housing mandates, and ending requirements that employers hire local workers before contracting outside the country.

Another bill would allow any state to pass its own penalties for undocumented status, and use local police to enforce them, creating a virtual reign of terror for immigrant communities.

Democrats and Republicans are in deadlock over their legislative proposals.

And while the Congress is paralysed, the deportations and firings continue.

The AFL-CIO, along with many other organisations, has collected signatures asking the administration to halt deportations while the debate is going on.

“The ongoing deportation crisis leaves millions of low-wages workers subject to abuse by greedy employers while tearing apart families and communities,” says AFL-CIO President Richard L. Trumka.

In Washington DC, national immigrant advocacy organisations and national unions are urging an all-out push to force Republicans to allow a vote in the House on a bill similar to S. 744.

The last-minute inclusion of \$48 billion for greater border and greater workplace enforcement in the Senate bill angered many organisations, however.

One was Community2Community, a farm worker advocacy and organising project north of Seattle, near the Canadian border.

“We will not accept a bill that benefits corporate interests by penalising immigrants for wanting to work and searching for a job,” it said, and criticised “our political leaders for creating a legal second class immigrant group with no benefits and no access to citizenship; yet demanding they pay taxes.”

Other organisations have advocated a different political strategy.

“We think not just about our need for legalisation, but that we’ll have another 25 years of enforcement and more guest workers,” warns Lillian Galedo, Director of Filipino Advocates for Justice and an activist in the Dignity Campaign.

“Because we’ve lived with those costs we believe the best starting point for immigration reform is a discussion of what immigrant communities actually need and want, and what we know will actually solve the social problems around migration.”

The grassroots People’s Global Action and the UN HLD also present alternatives to the deadlock in the US Congress.

Consideration of progressive alternatives could play a vital function in the US debate.

What Congress and the administration call political realism is actually a set of ear-plugs, making them deaf to voices around the world calling for greater rights for migrants, and for treating them as full human beings instead of a corporate labour supply.

On a world scale, those voices are the majority, the 99 per cent.

C189: “THE WORK THAT MAKES ALL WORK POSSIBLE” FINALLY RECOGNISED BY INTERNATIONAL LAW

BY TAMARA GAUSI

It’s probably the biggest social movement that you’ve never heard of. Unless, of course, you are one of the millions of activists directly involved.

But the world’s “invisible workforce” is finally coming out of the shadows.

From 5 September, the historic Convention Concerning Decent Work for Domestic Workers, also known as the Domestic Workers Convention, No. 189, came into force.

“For too long, the value of our work wasn’t recognised,” says Myrtle Witbooi, a former domestic worker who is now General Secretary of the South African Domestic Service and Allied Workers Union (SADSAWU) and Chair of the International Domestic Worker Network (IDWN).

“Convention 189 (C189) is finally helping to change that because now domestic workers have the same international standards as all other workers,” she tells *Equal Times*.

“It’s an incredible achievement. I’ve been working in this sector for 46 years and I never thought I would see this happen in my lifetime.”

Domestic work, as Ai-jen Poo, Director of the National Domestic Workers Alliance (NDWA) in the United States succinctly puts it, is “the work that makes all other work possible”.



Domestic workers celebrate the adoption of Convention 189 at the International Labour Conference in Geneva in June 2011. It finally came into force on 5 September, 2013

And yet those who do it – most of them women, many of them migrants and too many of them children – face a barrage of human and labour rights violations.

This ranges from long hours, low pay and no benefits to physical and sexual abuse, forced labour and trafficking.

But because historically it has been considered lowly, ‘women’s’ work which takes place in private homes, nannies, housekeepers, care givers and cleaners have been excluded from the protection of almost all major labour legislation.

≡ CONVENTION 189

The Convention will ensure the provision of the same basic labour rights to workers who care for families and households as those available to other workers.

This includes a minimum wage, clear terms and conditions of employment, daily and weekly (at least 24-hours) rest time, restrictions on in-kind payments, and respect for the right to freedom of association and collective bargaining.

Uruguay became the first country to ratify C189 in April 2012, following adoption by the International Labour Organization (ILO) in June 2011. Philippines ratified it soon after in August 2012, thereby ensuring its passage into binding, international law.

Since then, a coalition of domestic workers, trade unions, national centres, human rights groups and grassroots organisations have created a groundswell of international support for the Convention.

“What domestic workers, trade unions and their allies have achieved is remarkable,” says Marieke Koning, a policy advisor at the International Trade Union Confederation (ITUC) whose work on the 12 x 12 Campaign has helped bring together all those involved.

“From a local to global level, the domestic workers – and those who support them – built the alliances and created the momentum to make this happen. This is something that can inspire the whole labour movement.”

To date, seven other countries – Bolivia, Italy, Germany, Mauritius, Nicaragua, Paraguay and South Africa have ratified C189.

Costa Rica has approved draft laws on its ratification and several other countries such as Belgium, Ecuador, Tanzania and Ireland have pledged their intent to do the same, with Ecuador, Dominican Republic, Germany and Colombia to soon be registered at the ILO.

Other countries like Brazil, Philippines and Argentina, have passed significant new laws or regulations to improve the labour and social conditions of domestic workers.

In the US, for example, following a four-year campaign by the NDWA, New York State passed the first-ever Domestic Workers’ Bill of Rights in 2011. It was adopted by Hawaii this July, and should be ratified by California soon.

And in Philippines, Julius Cainglet of the Federation of Free Workers (FFW) says that ratification has had a direct impact on the lives of domestic workers.

“Wages have increased. All domestic workers now receive a minimum of 2,500 pesos per month [approximately \$56 per month], which is an improvement as some workers used to be paid in-kind.”

≡ 100 MILLION

The world over, domestic workers are on the frontline of a huge demographic shift.

“With more women in the paid workforce, they’re unable to provide the same level of family care giving work,” says Poo, who was named one of the World’s

“

The ILO estimates there are 53 million domestic workers worldwide. However, because of the informal nature of much of the work, the true figure could be as high as 100 million.

”

100 Most Influential People for 2012 by *Time Magazine* for helping to put the domestic workers' struggle firmly onto the US political agenda.

Add to that rapidly ageing populations, growing immigrant communities and an increase in precarious work in general, and you can see why the struggle for domestic worker rights can no longer be ignored.

The ILO estimates there are 53 million domestic workers worldwide.

However, because of the informal nature of much of the work, the true figure could be as high as 100 million.

This equates to approximately 3.6 per cent of the global workforce; in the Global South that figure rises to 12 per cent.

As many as 83 per cent of domestic workers are women and an estimated 10.5 million are children, most of them under-aged.

C189 serves to protect the most vulnerable members of a previously unprotected workforce.

It requires that governments prevent child labour in domestic work, and provide assurances that those children over the minimum working age can continue their education or further training while engaging in domestic work.

For migrant domestic workers, a report by Human Rights Watch (HRW) documented the routine abuses that many of them face such as the confiscation of passports, forced imprisonment in the workplace, beatings and in some cases, years of unpaid labour.

C189 aims to protect migrant domestic workers by ensuring the regulation of private employment agencies and an end to the practice of employer deductions to cover recruitment fees.

© ILO



A young domestic worker from Malawi tackles the household chores

■ 'I HAVE A DREAM'...FOR DOMESTIC WORKERS?

The struggle for the recognition of the rights of domestic workers has been a long one.

The issue of 'domestic servants' was discussed at the ILO as early as 1936 when they were excluded from the Holidays with Pay Convention which established the right to six days paid leave for workers in manufacturing and other industries.

Even in August 1963, at the historic March on Washington for Jobs and Freedom, domestic work was on the agenda.

“

“What is there in this bill to ensure the equality of a maid who earns five dollars a week in the home of a family whose income is \$100,000 a year?”

”

Before Martin Luther King Jnr made his “I Have a Dream” speech, John Lewis – then Chairman of the Student Nonviolent Coordinating Committee (SNCC), now a Congressman – spoke of his own aspirations for the proposed US civil rights legislation:

“What is there in this bill to ensure the equality of a maid who earns five dollars a week in the home of a family whose income is 100,000 dollars a year?”

In the 1990s, domestic workers in Latin America began to organise by building grassroot movements and a regional network supported by trade unions and other civil society partners. Today, Latin America remains the movement’s leading light.

From there, the organising bug spread to Africa and Asia where national movements in countries like the Philippines, Italy and South Africa began to build a critical mass.

Then, in 2006, the idea for an international convention started to take shape; five years later it was adopted at the 100th session of the ILO’s International Labour Conference in Geneva.

To seize the momentum of adoption, in 2011 the ITUC launched the 12 x 12 Campaign in collaboration with the IDWN and the International Union of Food Workers’ Association (IUF).

It now has the support of 11 other international partners such as

HRW and Amnesty International, and there are 12 x 12 action teams in more than 90 countries.

“The idea was to give focus to the movement,” says Koning.

“Our first priority, of course, was to see 12 countries ratify Convention 189,” and the completion of this goal is now imminent.

“But we have also been working on national labour law reforms and strengthening union participation in the domestic worker sector.”

The 12 x 12 Campaign also provides a one-stop-shop for information on the movement via the website, newsletter and Facebook page.

■ AND NOW?

While the coming into force of C189 is a real cause for celebration, there is still plenty of work to be done. In the Middle East, for instance, not one country has ratified the Convention.

The violent, sometimes deadly, abuse of migrant domestic workers is also rampant in the region.

“It’s a major challenge,” admits Koning. “The ITUC recently sent a response to a proposed model contract for migrant domestic workers in the Gulf Cooperation Council (GCC) countries which falls short of C189.

“We will continue to hold GCC countries accountable for the fact that they need to adopt and implement decent national labour laws for domestic workers. There is no other way to go.”

To date, the domestic worker struggle may not have entered the public conscious in the same way that other contemporary social movements have, but it won’t stay that way for long, says Poo.

“The level on instability and insecurity facing working people globally is reaching an untenable scale.

“I think what has been the reality for domestic workers all along is increasingly becoming the reality for more and more of the global workforce.

“As a result, we are going to see the coming together of workers from all sectors, just like we’ve seen with the domestic workers.”

Elsewhere, there is a commitment to ensure that as many domestic workers as possible benefit from C189.

There are meetings, planning sessions and events taking place internationally to keep the issue in the spotlight.

At the UN High Level Dialogue on Migration and Development in New York on 3-4 October, for example, there will be side events on migrant domestic workers.

And from 26 to 28 October, the IDWN will hold its Founding Congress in Uruguay, which marks the second phase of the domestic worker movement.

According to Witbooi, phase two is all about consolidation, implementation and “education, education, education.”

“Listen, if you go in the streets and you ask a domestic worker, ‘what is Convention 189?’, she is going to look at you and think you are crazy,” she says.

“But if you ask a domestic worker ‘what would make your life better?’ She will say ‘I want a decent wage, decent working hours’ – and then she will get it. Convention 189 is no use as a piece of paper. We need to make it a reality.”

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The launch of the 12 x 12 Campaign outside the European Parliament in April 2012

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