



**Spotlight
Initiative**

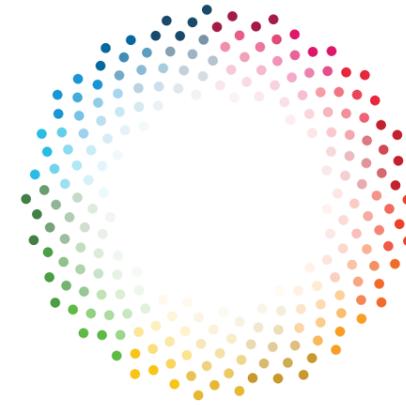
*To eliminate violence
against women and girls*

Regional Planning Meeting for Promoting ASEAN Women Migrant Workers' Rights through Organizing

Meeting report and technical background paper
Bangkok, Thailand 11-12 October 2018

Safe and Fair Programme:
Realizing women migrant workers' rights and opportunities in the ASEAN region





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First published 2019

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ISBN 978-92-2-133328-9 (print)

ISBN 978-92-2-133329-6 (PDF)

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Printed in Thailand

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Acknowledgements

The regional planning meeting for promoting ASEAN women migrant workers' rights through organizing took place in Bangkok, Thailand, from 11 to 12 October 2018. Most importantly, many thanks are due to the women migrant workers and trade unionists who participated in the meeting, voicing their concerns about organizing in the region, and sharing best practices for what has worked in their countries.

This meeting was hosted by the Safe and Fair Programme of the International Labour Organization and United Nations Entity for Gender Equality and Empowerment of Women (UN Women), under the Spotlight Initiative to Eliminate Violence Against Women and Girls, a global multi-year initiative between the European Union (EU) and the United Nations.

The meeting report was prepared by Jenna Holliday, Safe and Fair Consultant and the technical background paper was written by Rebecca Napier-Moore, Programme Technical Officer (Research and M&E) for the Safe and Fair Programme. Thanks are due to Ian Barnes for professional editing and to colleagues from the ILO and UN Women who reviewed the technical background paper and/or the meeting report: Melissa Alvarado, Sally Barber, Nilim Baruah, Deepa Bharathi, Catherine Laws, Pichit Phromkade, and Valentina Volpe.

Abbreviations

AMMPO	Association of Overseas Filipino Workers in Malaysia	SARTUC	South Asian Regional Trade Union Council
ArabTUC	Arab Trade Union Confederation	SDGs	Sustainable Development Goals
ASEAN	Association of Southeast Asian Nations	SENTRO	Philippines Based Labour Centre
ASPEK	Asosiasi Serikat Pekerja Indonesia	SERC	State Enterprises Workers' Relations Confederation of Thailand
ATUC	ASEAN Trade Union Council	SMU	Social Movement Unionism
BWI	Building and Wood Workers' International	UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
CCTU	Cambodian Confederation of Trade Union	UNI	Union Network International
CEACR	Committee of Experts on Application of Conventions and Recommendations	VAW	violence against women
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women	VGCL	Viet Nam General Confederation of Labour
CLC	Cambodia Labour Confederation		
CSO	civil society organization		
CTUC-M	Cambodia Trade Union Committee on Migration		
CTUM	Confederation of Trade Unions Myanmar		
FADWU	Federation of Asian Domestic Workers Union Hong Kong		
FAR	Foundation for AIDS Rights		
GEFONT	General Federation of Nepalese Trade Unions		
IDWF	International Domestic Workers Federation		
ILO	International Labour Organization		
ITUC	International Trade Union Confederation		
JALA PRT	Indonesian National Network for Domestic Workers Advocacy		
MAP	Foundation for the Health and Knowledge of Ethnic Labour, Thailand		
MoU	memorandum of understanding		
MRC	Migrant Resource Centre		
MTUC	Malaysian Trades Union Congress		
NAC	Nepal Affiliates Council		
NACC	National Union Alliance Chamber of Cambodia		
NDWT	Network of Domestic Workers in Thailand		
NGO	non-governmental organization		
NTUC-I	Nepal Trade Union Congress – Independent		
OSH	occupational safety and health		
PSI	Public Services International		



1. Executive summary and introduction

Women are increasingly migrating for work within the Association of Southeast Asian Nations (ASEAN) region, and today women make up 47.8 per cent of migrant workers between the ages of 20 and 64 in ASEAN.¹ While women migrant workers are disproportionately represented in the domestic work and care sectors, women migrant workers are also found in large numbers in other sectors in ASEAN countries, including construction, agriculture, manufacturing, services, home-based work and entertainment. However, women have fewer options than men for regular migration, and are often channelled into lower paid informal sector work with few if any labour protections and opportunities for organizing.

“Participation in worker organizations, cooperatives, trade unions and self-help groups play an important role in upholding women’s labour rights, ensuring decent work and defining policy priorities.”

- Ms Panudda Boonpala, Deputy Regional Director,
ILO Regional Office for Asia and the Pacific

One of the most effective ways of preventing the exploitation of migrant workers, including women and those in informal sectors, is by guaranteeing the right to organize, collectively bargain, and to join trade unions in destination countries. There are lower levels of labour exploitation, child labour, trafficking, and forced labour found in industries with strong trade union representation.² Organizing is an entry point to increase new members of trade unions, to address their concerns, to provide better access to education and training, and eventually enable them to bargain collectively to reduce gender pay gaps, increase pay and benefits, and improve working conditions, including preventing violence and exploitation.³ It is not uncommon in the region for employers to prohibit worker organizing and collective bargaining.

Unions are often not legally allowed to include migrant workers at all or in leadership positions. Sectors which predominately employ women, such as domestic work, also face restrictions regarding freedom of association, the right to organize and collectively bargain for both national and migrant workers, meaning women face additional challenges and restrictions in forming and joining trade unions. In addition to legal restrictions against freedom of association and collective bargaining,

1 UNDESA: *International Migration Policies Chart*, New York, 2013, www.un.org/en/development/desa/population/publications/pdf/policy/InternationalMigrationPolicies2013/InternationalMigrationPolicies2013_WallChart.pdf [20 June 2018].

2 A. Gallagher (eds): *The international law of human trafficking* (Cambridge University Press, 2012), p. 439; J. Beirnaert (eds): *A Trade union perspective on combating trafficking and forced labour in Europe*, in C. Rijken (eds): *Combating trafficking in human beings for labour exploitation* (Wolf Legal Publishers, 2011), p. 483.

3 UN Women Regional Office for Asia and the Pacific, *Opening remarks of Ms Melissa Alvarado*, EAW Project Manager, Bangkok, 2018.

women migrant workers face other barriers to organizing such as long working hours, lack of days off, isolated workplaces, language, and limited knowledge of rights. Many also fear being fired or facing sanctions from local authorities.⁴ If they are able to and want to be involved in organizing, migrant women workers commonly face a deterring triple burden of paid employment responsibilities, care and household work, and union responsibilities.

Women migrant domestic workers in particular are constrained in their freedom of movement, being confined to the homes of their employers even outside of working hours. This further restricts their ability to join, form and influence trade unions, workers' organizations and women workers' collectives. There is also a documented gender gap in trade union representation and leadership,⁵ with more men represented through national, regional and global trade union meetings, although a lack of gender disaggregated data on trade union leadership means this issue is not well documented. Progress towards greater representation of women in trade unions is essential given the important role trade unions play as frontline service providers, including for women who have experienced violence, and gendered forms of labour exploitation including trafficking.

“We have learned that unequivocal leadership is key to preventing violence against women – this includes the leadership of unions.”

-Melissa Alvarado, Programme Manager for Ending Violence Against Women,
UN Women Regional Office for Asia and the Pacific

In the face of restrictions to organize, women migrant workers are building their own networks and finding innovative ways to connect and protect their rights.⁶ Migrant workers, women migrant workers, domestic workers, and entertainment/sex workers often organize in parallel to trade union movements, through solidarity groups and associations. Furthermore, unions in Hong Kong, China and Indonesia have shown that creative collective negotiations can take place even without organized employers with whom to bargain; workers unions in both countries set standards and jointly talked to employers.⁷ Women migrant workers in some parts of the region have also successfully tackled the problem by directly negotiating with governments to enforce standards through bilateral policy agreements.

A regional planning meeting for promoting ASEAN women migrant workers' rights through organizing was organized in 2018 by the EU-UN's Spotlight Safe and Fair programme, implemented by the International Labour Organization (ILO) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). The Safe and Fair programme delivers technical assistance and support with the overall objective of making labour migration safe and fair for all women in the ASEAN region. Representatives from trade unions, migrant worker organizations and civil society, along with experts from development partners and the United Nations, joined over two days to identify the key challenges that prevent women's access to organizing, to put forward good practices and showcase

4 ILO: *Towards achieving decent work for domestic workers in ASEAN*, 10th ASEAN Forum on Migrant Labour (AFML), Thematic background paper, 25–26 October 2017, Manila, Philippines; E. Marks and A. Olsen: “The role of trade unions in reducing migrant workers' vulnerability to forced labour and human trafficking in the Greater Mekong Subregion,” in *Anti-Trafficking Review*, issue 5, 2015, pp. 111–128.

5 ILO: *Women at Work*, Geneva, 2016.

6 ILO Regional Office for Asia and the Pacific, *Opening remarks of Ms Panudda Boonpala*, Deputy Regional Director, 10th ASEAN Forum on Migrant Labour (AFML), 25–26 October 2017, Manila, Philippines.

7 ILO: *Towards achieving decent work for domestic workers in ASEAN*, 10th ASEAN Forum on Migrant Labour, Thematic background paper, 25–26 Oct 2017, Manila, Philippines.

strategies to increase membership of women migrant workers, and to strengthen the capacity of unions to engage with migrant women. Participants were asked to strategize and contribute to global, regional and national work agendas to replicate and operationalize good practices.⁸

The meeting recognized that international solidarity is needed more than ever in the changing landscape of work for migrant women,⁹ and that coming together for a planning meeting was the first step in strengthening organizing of women migrant workers.¹⁰ It also recognized the importance of providing opportunities to empower women migrant workers from the ASEAN region, and support efforts to give them a voice to claim their space and rights,¹¹ in order to realise a future where women migrant workers have protected rights, and access to safe and fair migration.¹²

“Trade unionism [is] the instrument of working-class liberation and social change.”

- Leon Jouhaux, French trade union leader who received the Nobel Peace Prize in 1951.¹³

8 EU, ILO and UN Women work together to promote ASEAN women migrant workers' right to organize in workplaces and communities, EU, ILO, UN Women Joint Press Release, 12 Oct. 2018, asiapacific.unwomen.org/en/news-and-events/stories/2018/10/work-to-promote-women-migrant-workers-right and www.ilo.org/asia/media-centre/news/WCMS_646710/lang--en/index.htm [20 Mar. 2019].

9 ILO: *Opening remarks of Ms Deepa Bharathi*, Chief Technical Advisor, Safe and Fair, ILO Regional Office for Asia and the Pacific. 2018.

10 ATUC: *Opening remarks of Mr Dominador Tuvera*, Coordinator, ASEAN Trade Union Council (ATUC), 2018.

11 EU: *Opening remarks of H.E. Giuseppe Busini*, Deputy Head of Mission – Delegation of the European Union to Thailand, 2018.

12 UNITED: *Opening remarks of Ms Novelita V. Palisoc*, President, United Domestic Workers of the Philippines, (former migrant domestic workers). 2019.

13 L. Jouhaux: *Nobel Peace Prize Acceptance Lecture*, 11 Dec. 1951.



2. Freedom of association and collective bargaining

The right of migrant workers to join and establish trade unions is conferred in multiple ILO and UN conventions. Whilst the ILO's Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Right to Organize and Collective Bargaining Convention, 1949 (No. 98) address the right of all workers (including migrants), the Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) address the rights of migrant workers specifically.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families also confers the right of migrant workers to join unions. It does not, however, extend to irregular migrants. The Domestic Workers Convention, 2011 (No. 189) specifies the rights of domestic workers (including migrants) to freedom of association and collective bargaining. The Convention on the Elimination of all forms of Discrimination Against Women, General Recommendation No. 26 on women migrant workers addresses the right of women migrant workers and relevant non-government organizations (NGOs) to be involved in policy formulation, implementation, monitoring and evaluation.

Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)

Article 2. Workers and employers, without distinction whatsoever, shall have the **right to establish** and, subject only to the rules of the organization concerned, to **join organizations** of their own choosing without previous authorisation.

Article 5. Workers' and employers' organizations shall have the **right to establish and join federations and confederations** and any such organization, federation or confederation shall have the right to affiliate with international organizations of workers and employers.

Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Article 1.1. Workers shall enjoy adequate **protection against acts of anti-union discrimination** in respect of their employment.

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

Article 6.1. Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, **treatment no less favourable than that which it applies to its own nationals** in respect of the following matters: (a) in so far as such matters are regulated by law or regulations, or are subject to the control of administrative authorities; and (b) **membership of trade unions** and enjoyment of the benefits of collective bargaining.

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

Article 10. Each Member for which the Convention is in force undertakes to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, **equality of opportunity and treatment** in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory.

Domestic Workers Convention, 2011 (No. 189)

Article 3.2. Each Member shall, in relation to **domestic workers**, take the measures set out in this Convention to respect, promote and realize the fundamental principles and rights at work, namely: (a) **freedom of association** and the effective recognition of the **right to collective bargaining**.

Article 3.3. In taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall **protect the right of domestic workers and employers of domestic workers** to establish and, subject to the rules of the organization concerned, **to join organizations**, federations and confederations of their own choosing.

Convention on the Elimination of all forms of Discrimination Against Women, General Recommendation No. 26 on women migrant workers

23. (b) Active involvement of women migrant workers and relevant non-governmental organizations: Parties should seek the **active involvement of women migrant workers and relevant non-governmental organizations in policy formulation, implementation, monitoring and evaluation** (article 7 (b)).

International Convention on the Protection of Rights of All Migrant Workers and Members of their Families

Article 26.1. Parties recognize the right of migrant workers and members of their families: (a) **To take part in meetings and activities of trade unions** and of any other associations established in accordance with the law, with a view to protecting their economic, social, cultural and other interests, subject only to the rules of the organization concerned; (b) **To join freely any trade union** and any such association as aforesaid, subject only to the rules of the organization concerned; and (c) **To seek the aid and assistance of any trade union**.

Article 40.1. Migrant workers and members of their families shall have the **right to form associations and trade unions** in the State of employment for the promotion and protection of their economic, social, cultural and other interests.

The rate of ratification of these conventions is relatively low across the ASEAN region, with the only consistently ratified convention being the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). This means, however, that all ASEAN states have committed to the elimination of discrimination based on gender and ensuring equal access to rights and opportunities when it comes to employment. Singapore and Malaysia are the only countries of destination in the ASEAN region to have ratified the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98) which protects workers from anti-union discrimination. Regarding CEDAW and Convention No. 98, Malaysia and Singapore are the two countries of destination with the most comprehensive international commitment to eliminating discrimination against women migrant workers accessing unions.

Table 1. ASEAN signatories to conventions related to women migrant workers

	C087	C098	C097	C143	C189	CEDAW	ICRMW
Brunei Darussalam	×	×	×	×	×	✓	×
Cambodia	✓	✓	×	×	×	✓	✓*
Indonesia	✓	✓	×	×	×	✓	✓
Lao PDR	×	×	×	×	×	✓	×
Malaysia	×	✓	×	×	×	✓	×
Myanmar	✓	×	×	×	×	✓	×
Philippines	✓	✓	✓	✓	✓	✓	✓
Singapore	×	✓	×	×	×	✓	×
Thailand	×	×	×	×	×	✓	×
Viet Nam	×	×	×	×	×	✓	×

*signed not ratified



3. Challenges to ASEAN women migrant workers' organizing

3.1 Legal barriers to migrant women's freedom of association

The right of migrant workers to join and establish trade unions is not consistently or equally provided for in law across ASEAN and in countries of destination. Migrant workers are often specifically excluded from the right to join, and particularly, hold office in unions. In addition, where heavily feminized sectors of migrant work (including domestic work and sex/entertainment work) are excluded from the national labour laws, this also creates a legal barrier to organizing and collective bargaining.

Looking at the key countries of destination in ASEAN, migrant workers are permitted to join unions under the law in all four. However, this right does not extend to domestic workers in Singapore, with migrant workers in the sex and entertainment industry completely excluded from the right to join unions in all four countries. Migrant workers are not permitted to establish unions or hold office within unions in Malaysia or Singapore. The law has been recently changed for them to hold leadership positions in Thailand at a ratio of one migrant worker to five Thai workers.

Table 2. Situation of migrant workers organizing in ASEAN countries destination

	Migrant workers can join unions	Migrant workers can establish unions	Migrant workers in domestic work can unionize	Migrant workers in sex / entertainment can unionize
Brunei Darussalam	✓	✓	✓	✗
Malaysia	✓	✗	✓	✗
Singapore	✓	✗	✗	✗
Thailand	✓	✗	✓	✗

The ability of migrant workers from Viet Nam and Lao People's Democratic Republic to join non-state unions in destination countries, or to retain membership of state unions if they join non-state unions is also unclear.¹⁴

“Migrant women can get stuck in abusive and exploitative working conditions because of unequal power relations and a lack of value of their work – unions and organizations can raise awareness to tackle these issues.”

-Ms. Ka Mei Lau, Organizing Secretary, Federation of Asian Domestic Workers Unions

3.2 Structural barriers to organizing

Despite the right to join unions in many countries, women migrant workers face barriers realising this right due to multiple structural barriers.

Lack of information: Information on trade unions and how to connect with them is not readily available to migrant workers. It is not common to provide such information in pre-departure orientation, and information in the country of destination may be difficult to access due to language barriers – unions that do not have a history of working with migrant workers will not have any members with different language skills, and information may only be available in the national language. In addition to unions themselves and civil society groups, it is migrants themselves that disseminate information on the benefits of joining unions.

Limited access: Women migrant workers may face physical barriers to accessing unions. Domestic workers are often not provided with one day off per week, have their movement outside the house/ workplace restricted and may even have their phone confiscated. For those women migrant workers who have physical freedom to access unions, cost and distance can often present a barrier to access, as can long and irregular working hours.¹⁵ Employers may also enforce barriers to joining unions, afraid that a unionized woman migrant worker will be less compliant and create difficulties.

Attitudes and perceptions: Misguided attitudes on the part of the unions and migrants can create barriers to organizing. This is because the right to form unions is limited, where migrant workers join unions, they are national unions. This means they will not necessarily have the capacity to address the needs of migrant workers or be gender-responsive. They may also perceive migrant workers as difficult or troublemakers, being informed by more pervasive attitudes towards migrant workers at the national level. Equally, women migrant workers may carry perceptions of being a union member as having to attend rallies and engage in controversial advocacy; in addition, they may not perceive the unions as being for them, having little confidence that the union will understand the work, challenges or rights of a migrant worker.

¹⁴ E. Mark and A. Olsen. “The role of trade unions in reducing migrant workers’ vulnerability to forced labour and human trafficking in the Greater Mekong Subregion”, in *Anti-Trafficking Review*, 2015, issue 5, pp. 111-128.

¹⁵ Ibid

The triple burden: Where women migrant workers have the desire and ability to join unions, they face a further barrier, being the triple burden. This is the burden of:

- 1) **Paid employment responsibilities:** For women migrant workers this may include long working hours (sometimes paid by overtime, but often not).
- 2) **Care and household work:** Many women migrate with their families and continue to carry the burden of care and household duties, including looking after the children, sourcing and preparing food, and cleaning. Where women do not migrate alone, these duties are discharged through remote care, provided over the phone or by sending care packages and remittances.
- 3) **Union responsibilities:** Even as a member, responsibilities include attending meetings and engaging in pertinent issues, such as voting on initiatives and officers, and agreeing strategic interventions, etc.

An irregular status: Large numbers of women migrating within ASEAN are not using regular channels. This is particularly the case for workers migrating into informal employment, in agriculture, construction, domestic work, entertainment and sex work. Migrant workers with an irregular status are not precluded from joining unions but may be nervous of joining for fear of identifying themselves to the authorities.

Box 1. Good practice: UNIA Sans Papiers – you have rights

In 2017, UNIA a large Swiss union, took up the case of two undocumented domestic workers, successfully arguing that undocumented migrant workers have the same labour rights as documented migrant workers.¹⁶

¹⁶ *Sans-Papiers – You have rights*, UNIA, 2019, www.unia.ch/fileadmin/user_upload/Arbeitswelt-A-Z/Migration/Migration-Sans_Papiers-en.pdf [20 Mar. 2019].



4. What works for organizing women migrant workers?

Despite the legal and structural barriers facing women organizing, there are many innovative and creative approaches being taken to ensure that women migrant workers have space to organize and collectively bargain.

Migrant workers associations created by the country of origin

SENTRO is a Philippines based labour centre. It represents at least 80,000 members in the private, public and informal sectors, including migrant workers, women and youth. SENTRO is committed to take social movement unionism (SMU) to new heights by intensifying the organizing of industry and sectoral unions in the country. In the last quarter of 2014, SENTRO started to build contacts to establish a domestic workers association in Malaysia. On June 19, 2016, the Association of Overseas Filipino Workers in Malaysia (AMMPO) was officially accepted and recognized as a member of the only federation of Filipinos recognized by the Embassy of the Philippines in Malaysia.

Networking as a method of organizing

The Indonesian National Network for Domestic Workers Advocacy (JALA PRT), is a large national domestic workers network, with 30 per cent of members being migrant workers. JALA PRT have built their network through a specific recruitment approach. Domestic workers are provided with support and training to be able to assist other domestic workers with their issues. They are then tasked with seeking out domestic workers amongst their wider peer group to offer advice and support to the domestic workers. As part of the information and advice given, the network member tells the domestic worker about the network and its benefits, with the intention that the domestic worker joins. This process continues with more domestic workers joining, training and recruiting others. Overseas the process works through online social networks using Facebook and WhatsApp. Around 10 per cent of members are working in the Middle East and some in the United States.¹⁷

HomeNet Thailand's membership includes home-based workers and other informal workers. The network provides support and information on the economic empowerment of home-based workers, occupational safety and health (OSH), law and policy advocacy and improving access of informal workers to social protection. HomeNet uses a peer-to-peer strategy to strengthen their membership; they identify potential leaders and provide training to them on organizing and legal

¹⁷ JALA PRT: *Presentation of Ms Lita Anggraini*, National Coordinator, Indonesia National Network for Domestic Workers Advocacy, Bangkok, 2018.

rights. They also promote peer-to-peer organizing, with leaders and other members being tasked to reach out to domestic workers physically or through online platforms by engaging them in shared issues of interest. The network relies heavily on online platforms for communication amongst the network, as well as hosting regular meetings¹⁸

“We should be optimistic about how trade unions and migrant women themselves have taken up the challenges to promote the organizing of migrant women. There is real progress and it should be recognized.”

- Elizabeth Tang, General Secretary, International Domestic Worker Federation

National organizations connecting with migrant workers

Both the Hong Kong (China) Federation of Asian Domestic Workers Union (FADWU) and the Network of Domestic Workers in Thailand (NDWT) are institutions that have a strong mix of membership of national and migrant domestic workers. In the case of FADWU, the membership covers multiple nationalities as part of their objective to unite all domestic workers' unions and domestic workers in Hong Kong, China. NDWT have an even split in their membership of workers from Thailand and workers from Myanmar. Both groups are committed to supporting all domestic workers in their country (regardless of migration status) and strengthening the organization of domestic workers.¹⁹

Box 2. Good practice: FADWU research and advocacy

FADWU conducted their own study into the fees being paid by workers, and the rate of repayment. The research focused on domestic workers from the Philippines, Nepal and Thailand and was conducted with domestic workers on their day off in the places that they congregate to socialize. The research found that 74 per cent of employment agents violated standards and 57 per cent of workers were being charged illegal fees. The report results were used to lobby the Hong Kong labour department and legislators. In 2018 the penalty for employment agencies overcharging was increased.

International affiliation and support

The International Domestic Workers Federation (IDWF) is a membership-based global organization of domestic and household workers. The IDWF defines a domestic or household worker as any person engaged in domestic work within an employment relationship. The IDWF believes domestic work is work and all domestic and household workers deserve to enjoy the same rights as all other workers. Their objective is to build a strong, democratic and united domestic/household workers global organization to protect and advance domestic workers' rights everywhere. As of October

¹⁸ HomeNet: *Presentation of Ms. Walee Nuksuwan*, HomeNet Thailand, Bangkok, 2018.

¹⁹ FADWU: *Presentation of Ms. Ka Mei Lau*, Organizing Secretary, Federation of Asian Domestic Workers Union, Bangkok, 2018.

2018, the IDWF had 69 affiliates from 55 countries, representing over 600,000 domestic/household worker members. Most are organized in trade unions and others, in associations, networks and workers' cooperatives. The IDWF assumes the responsibility of reaching out into countries where domestic workers are not yet organizing.

In Qatar an IDWF meeting included 18 migrant domestic worker leaders who had previously connected online through Facebook. The IDWF was able to connect them physically for the first time for a dialogue that identified strategies for strengthening the law and enforcement to further realise the rights of migrant domestic workers.²⁰

Organizing through NGOs

The Women's Exchange in Thailand is supported by the MAP (Foundation for the Health and Knowledge of Ethnic Labour) Foundation. They provide space and time for women migrants and refugees to meet at the local level to learn, share experiences and to network. The groups meet every three months; the women will choose a topic to discuss and learn about. There are now 12 groups active in Thailand. The group chooses their leader who receives training on power sharing and gender issues. The leader then organizes and coordinates the meetings and liaises with MAP. The groups, through their leader, can advocate for change at the local level. Experience groups have also designed small projects that address problems faced by their community, gaining independence through practice. Participants are encouraged to create new groups when they move to a different location.²¹

While organizing among workers is seen as a transformative and empowering tool to claim rights, organizing among sex workers is viewed with suspicion by some in the women's movement and many in the labour movement. Organization of sex workers in Thailand occurs through NGOs as an alternative to joining unions. In addition to space to share problems and seek information, workers are able to seek support in the form of mediation with family, brothel operations and madams. The Empower Foundation in particular, provides educational opportunities for sex workers and has five education centres around Thailand. Education includes language and literacy, education on healthcare, and leadership, media, research and public speaking and social security. In the course of these classes, a trafficking case faced by Myanmar workers was identified; the trafficked person's peers were able to identify the situation and provide advice and outline the options available for her and the potential consequences.²²

²⁰ IDWF: *Presentation of Elizabeth Tang*, General Secretary, International Domestic Worker Federation, Bangkok, 2018.

²¹ MAP: *Presentation of Ms. HKwan Mai*, Women's Exchange Advocacy Officer, MAP Foundation, Bangkok, 2018.

²² Empower (2018) in GAATW, ed. *Sex Workers Organising for Change: Self-representation, community mobilisation, and working conditions*. Presentation of Ms. Eunha Gim, Research and Training Officer, GAATW, Bangkok, 2018.



5. Strengthening organizing institutions to better respond to women

5.1 Increasing women's leadership in labour and migrant organizations

The evidence on the importance of gender equality and representation in leadership is clear.²³ This is supported by an international mandate that consistently reaffirms that representation in leadership is necessary for policy and practice to respond to the needs of all.²⁴ This applies equally to the need for there to be women migrant workers in leadership and decision-making position in unions and migrant worker associations.

Research has shown, however, that whilst women make up 40 per cent of unions, they occupy only 15 per cent of decision-making positions.²⁵ The International Trade Union Confederation (ITUC) responded to this research by developing a campaign called Count Us In which set dedicated, time-bound targets; including 80 per cent of ITUC General Council members to have at least 30 per cent of women in their decision-making bodies by the next ITUC Congress in 2018.²⁶

Creating an infrastructure and enabling environment is necessary to advance gender equality within unions and to promote women's leadership. This includes a mechanism for identifying potential women leaders from the membership of unions and associations and providing the capacity building resources to enable them to assume leadership positions. Support is also required to alleviate the triple burden on women migrant workers who assume leadership positions within unions and migrant worker associations. This support can include working with the migrant woman's family to increase their support for her role and responsibilities and by providing the resources necessary to facilitate her access to union events and training among other activities such as:

- Set targets for women's leadership in unions and migrant worker networks and associations; and
- Support the emergence of women leaders in trade unions, cooperatives and other relevant associations through comprehensive capacity-building measures and by fostering commitments and male and female champions among decision-makers at all levels.

²³ ILO, *Presentation of Joni Simpson*, Senior Specialist, Gender, Equality and Non-Discrimination, ILO, Bangkok 2018.

²⁴ CEDAW, International labor standards, C100, C111, C183, C156, C189 and the Sustainable Development Goal 5 (increasing women's leadership), and 16 (women representation in governance).

²⁵ ILO. *Game changers: women and the future of work in Asia and the Pacific*, Bangkok, 2018.

²⁶ *Count Us In*, ITUC, 2018, www.ituc-csi.org/count-us-in-600?debut_documents_600=6 [20 June 2018].

5.2 Advocacy on the right to organize

Misconceptions and lack of information can be factors that prevent women migrant workers accessing unions and migrant worker associations. Improving the amount of information available to women migrant workers is one way to address this. Specifically, by including information about the available unions and associations in pre-departure orientation, migrant women are better able to know how to reach out to the organizations once in the country of destination.

Changing perceptions about unions is even more critical. Improving the understanding of different stakeholders about the benefits of organizing is definitely needed. This includes working to change the attitudes of migrant women, so that they know that organizations provide spaces of information and support, addressing misconceptions about unions being politically controversial and unsafe spaces for irregular migrants. Addressing the perceptions and capacity of unions and organizations themselves is necessary to address ideas around migrants and women migrant workers specifically, so that such organizations are willing and able to provide safe and responsive spaces for migrant women.

Advocacy with employers and recruiters can also be positive. If employers and recruiters are able to appreciate the role of unions and migrant worker associations in providing support and information to migrant workers (as opposed to just creating agitation and difficulties), they may also be able to accept the beneficial role of unions and organizations. The support of employers and recruiters in advocating for migrant women to organize could have a critical impact.

5.3 Building partnerships

Networks across borders: Including inter-union memoranda of understanding

Building the capacity of unions in destination countries to respond to the needs of women migrant workers can be achieved by fostering partnerships between unions and associations in countries of origin and destination. Such partnerships provide countries of origin with the opportunity to advocate for improving the information, services and access of unions and organizations to ensure that they respond to migrant women across specific corridors. It is vital that unions in countries of destination take the responsibility for providing opportunities to women migrant workers to organize, advocate and campaign. Unions from countries of destination have the commitment and capacity necessary to support organizations in countries of destination to realise and fulfil this responsibility.

Box 3. Good practice: MoU between Cambodia and Thai unions (2013) has 11 actions

Action 1: To raise awareness on migrant workers' rights and the importance of pre-departure training in the sending countries and orientation programme in the receiving countries.

Action 2: To promote the ratification of ILO Conventions Nos. 97, 143 and 189 as well as the International Convention, 1990 and to revise the legislation in line with those instruments.

Action 3: To encourage affiliated unions to integrate migrant workers in their collective bargaining agreements.

Action 4: To take specific measures to address OSH concerns of migrant workers, as well as to promote special protection for the vulnerable workers in domestic, fishing and agricultural sectors.

Action 6: To set up a migrant workers' desk to handle cases of abuse and violations of labour rights and to reach out migrant workers in both countries.

Action 10: Dialogue with the recruitment agencies' association and the concerned government authority to develop a model employment contract for migrant workers.

Action 11: To actively engage in tripartite consultations and decision-making mechanisms to address situations related to the status of migrant workers.

Union to union agreements can strengthen commitments to protecting and advocating for the rights of women migrant workers. It can also include commitments to advocate for the rights of women migrant workers to organize to be included in country to country bilateral labour agreements and memorandums of understanding (MoUs).

Box 4. Good practice: MoU between unions in Malaysia and regional union offices

In 2011, a Memorandum of Understanding on the protection of migrant workers in Malaysia was signed by the regional offices of Building and Wood Workers' International (BWI), Union Network International (UNI Global Union), and Public Services International (PSI), along with the Malaysian Trade Union Congress (MTUC), General Federation of Nepalese Trade Unions (GEFONT), Nepal Trade Union Congress – Independent (NTUC-I), Asosiasi Serikat Pekerja (ASPEK Indonesia), BWI Nepal Affiliates Council (NAC), and the BWI Malaysian Affiliates Coordination Council. The parties to the MoU agreed to the establishment of a coordinated campaign on organizing, legislative advocacy and service and communication to reach out to and assist migrant workers in Malaysia.²⁷

²⁷ Trade unions sign MoU to organize migrant workers in Malaysia, BWI, 2012, www.bwint.org/default.asp?index=3877 [20 June 2018].

Box 5. Good practice: Inter-regional MoU on trade unions

There is an inter-regional MoU between the Arab Trade Union Confederation (ArabTUC), the ASEAN Trade Union Council (ATUC) and the South Asian Regional Trade Union Council (SARTUC) (2015) prescribing a number of actions to protect the rights of migrant workers, including:

- Campaigning for the ratification of relevant international standards;
- Pushing for the implementation of national legislation in line with these standards;
- Establishing information centres for migrant workers;
- Providing services, advice and assistance, including legal support;
- Promoting migrant workers' involvement in trade unions;
- Raising migrant worker issues (such as the confiscation of identity documents) in national tripartite negotiations;
- Pushing for cooperation between governments and securing union involvement in the development of bilateral agreements; and
- Addressing occupational health and safety and housing concerns.

The MoU also identifies immediate follow-up actions to be taken for its implementation, such as raising awareness of the MoU, exchanging information and good practices, encouraging affiliates to qualify migrants for union membership and adopting a system for regular monitoring and evaluation of the MoU.²⁸

Recommended actions include:

- Unions in countries of destination should appoint women's labour migration focal points who are tasked to build ties with unions in countries of destination on issues related to women migrant workers;
- Agreements should be based on research and needs assessment of women migrant workers; and
- Agreements should have a clear strategy for strengthening the organizing of women migrant workers and enabling collective bargaining.

Strengthen networks between trade unions and civil society/non-government stakeholders

The role of civil society and non-governmental organizations in strengthening the organizing of women migrant workers is clear, particularly in sectors where women face multiple barriers to organizing. Building networks between trade unions and other organizations can be a way to ensure comprehensive information provision and service delivery for all migrant women and address capacity needs. Non-union organizations are strong advocates for the benefits of workers joining unions and this advocacy should be recognized. Their expertise in relation to advocating for the rights of women migrant workers should also be recognized. In this regard, there is significant benefit to be

²⁸ Memorandum of Understanding between Arab Trade Union Confederation (ArabTUC), ASEAN Trade Union Council (ATUC) and South Asian Regional Trade Union Council (SARTUC), 2015 aseantuc.org/wp-content/uploads/2014/12/ATUC-SARTUC-ARABTUC-MoU-signed.pdf [20 Mar. 2019].

had when unions and non-union organizations partner for the benefit of capacity building, referrals and information exchange. Non-unions can build the capacity of unions to respond to the needs of women migrant workers; unions can refer women migrant workers to non-union organizations when their services respond more adequately (and vice versa). Such partnerships can also be key for policy advocacy.

Box 6. Good practice: Committee of Migrant Workers Malaysia

A committee of migrant workers has been established in Malaysia, including both CSOs and trade unions, such as Tenaganita and AMMPO. The committee has been instrumental in developing a draft regulation for domestic workers.

Recommended actions include:

- Unions in countries of destination should appoint women's labour migration focal points who are tasked to build ties with unions in countries of destination on issues related to women migrant workers;
- Agreements should be based on research and needs assessment of women migrant workers; and
- Agreements should have a clear strategy for strengthening the organizing of women migrant workers and enabling collective bargaining.

Strengthen networks between trade unions and civil society/non-government stakeholders

The benefits of cross-stakeholder partnerships can also be seen in international advocacy, especially in relation to women migrant workers which is an issue that works across labour migration actors and women's rights actors. Unions have automatic access to the International Labour Conference and other tripartite mechanisms; civil society and non-governmental organizations may have more capacity or access, however, to influence international processes related to these issues, including presenting to the CEDAW committee. Networking is key where unions and non-union organizations may have different levels of influence over different scenarios. Working together is necessary to be strategic in order that advocacy around women migrant workers is cohesive and comprehensive across international mechanisms, including the Sustainable Development Goals (SDGs) and the Global Compact on Safe, Orderly and Regular Migration.²⁹

²⁹ ILO, *Presentation of Mr Victor Hugo Ricco*, Senior Specialist on Workers' Activities, ACTRAV, 2018.



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6. Priority recommendations to strengthen organizing of migrant women

6.1 Building women's leadership from within membership

Unions and migrant worker networks and associations should identify potential women leaders from within their memberships and provide resources necessary to support increased capacity, including addressing the triple burden and creating an enabling environment for leadership.

6.2 ICT to advocate the benefits of organizing

With the support of development partners, unions, NGOs and migrant worker networks and associations should use information and communication technologies (ICT) such as social media networks and online communications to advocate for the benefits of organizing, including by directly addressing and dispelling the misconceptions about unions.

6.3 Working together strategically

Stakeholders should foster partnerships between unions and organizations and across borders, including through the nomination of women migrant worker focal points in unions in countries of origin, who are tasked with developing relationships with stakeholders with the view to agree to shared commitments around women migrant workers.

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Annex 1: Concept note

Regional Planning Meeting for Promoting ASEAN Women Migrant Workers' Rights through Organizing

Supported by the Safe and Fair Programme:
Realizing women migrant workers' rights and opportunities
in the ASEAN region

Amari Watergate Hotel,
Bangkok, Thailand, 11-12 October 2018

Background

Women are increasingly migrating for work within the ASEAN region and today women make up 47.8 per cent of migrant workers between ages of 20 and 64.³⁰ While women migrant workers are disproportionately represented in the domestic work and care sectors, women migrant workers are also found in large numbers in other sectors in ASEAN countries, including construction, agriculture, manufacturing, services, home-based work and entertainment. However, women have fewer options than men for regular migration, and are often channelled into lower paid informal sector work with few if any labour protections and opportunities for organizing.

One of the most effective ways of preventing the exploitation of migrant workers, including women and those in informal sectors, is by guaranteeing the right to organize, collectively bargain and to join trade unions in destination countries. There are lower levels of labour exploitation, child labour, trafficking, and forced labour found in industries with strong trade union representation.³¹ Organizing is an entry point to increase new members of trade unions, address their concerns, provide better access to education and training, and eventually enable them to bargain collectively to improve working conditions, remuneration and benefits. It is not uncommon in the region for employers to prohibit worker organizing and collective bargaining. Unions are often not legally allowed to include migrant workers at all or in leadership. Sectors which predominately employ women, such as domestic work, also face restrictions regarding freedom of association, the right to organize and collectively bargain for both national and migrant workers, meaning women face additional challenges and restrictions in forming and joining trade unions. In addition to legal restrictions against freedom of association and collective bargaining, women migrant workers face other barriers to organizing

30 UNDESA, International Migration Policies Char, 2013, www.un.org/en/development/desa/population/publications/pdf/policy/InternationalMigrationPolicies2013/InternationalMigrationPolicies2013_WallChart.pdf [20 June 2018].

31 Gallagher, A.: *The International Law of Human Trafficking* (Cambridge University Press, 2012), p. 439; J. Beirnaert.: 'A Trade Union Perspective on Combating Trafficking and Forced Labour in Europe', in Rijken, C. (ed.), *Combatting Trafficking in Human Beings for Labour Exploitation* (Wolf Legal Publishers, 2011), p. 483.

such as long working hours, lack of days off, isolated workplaces, language barriers, and limited knowledge of rights. Many also fear being fired or facing sanctions from local authorities.³²

If they are able to and want to be involved in organizing, migrant women workers commonly face a deterring triple burden of:

- 1) Paid employment responsibilities;
- 2) Care and household work; and
- 3) Union responsibilities.

Women migrant domestic workers in particular are constrained in their freedom of movement, often being confined to the homes of their employers, even outside of working hours. This further restricts their ability to join, form and influence trade unions, workers' organizations and women workers' collectives. There is also a documented gender gap in trade union representation and leadership,³³ with more men represented through national, regional and global trade union meetings, although a lack of gender disaggregated data on trade union leadership means this issue is not well documented. Progress towards greater representation of women in trade unions is essential given the important role trade unions play as frontline service providers, including for women who have experienced violence, and gendered forms of labour exploitation, including trafficking.

The majority of women migrant workers are non-unionized in many ASEAN countries, even though acts of harassment, discrimination and exploitation are still common in the workplace. On the contrary, migrant workers, women migrant workers, domestic workers, and entertainment/sex workers can organize in parallel to trade union movements, through solidarity groups and associations. Furthermore, unions in the Hong Kong Special Administrative Area (China) and Indonesia have shown that creative collective negotiation can take place even without organized employers with whom to bargain; workers unions in both countries set standards and jointly talked to employers.³⁴ Women migrant workers in some parts of the region have also successfully tackled the problem by directly negotiating with governments to enforce standards through bilateral policy agreements. To address legal restrictions on forming and joining trade unions, women also self-organize through worker networks and collectives outside of the trade union movement.

The European Union has funded a new project called the Safe and Fair Programme: Realizing women migrant workers' rights and opportunities in the ASEAN region (2018-2022) as part of the multi-year EU-UN Spotlight Initiative to Eliminate Violence Against Women and Girls. Safe and Fair was implemented by the International Labour Organization and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). Safe and Fair delivers technical assistance and support with the overall objective of making labour migration safe and fair for all women in the ASEAN region. The project is taking place in the context of developments at global and regional levels, with an aim to protect the rights of women migrant workers in ASEAN through freedom of

32 ILO: *Towards achieving decent work for domestic workers in ASEAN*, 10th ASEAN Forum on Migrant Labour (AFML), Thematic background paper, 25–26 October 2017, Manila, Philippines; Marks, E. and Olsen, A.: "The role of trade unions in reducing migrant workers' vulnerability to forced labour and human trafficking in the Greater Mekong Subregion", in *Anti-Trafficking Review*, issue 5, 2015, pp. 111–128.

33 ILO: *Women at Work 2016* (2016), www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_457317.pdf [accessed 20 June 2018].

34 ILO: *Towards achieving decent work for domestic workers in ASEAN*, 10th ASEAN Forum on Migrant Labour (AFML), Thematic background paper, 25–26 October 2017, Manila, Philippines.

association and the right of collective bargaining as one of many other strategic objectives to achieve. The Global Compact for Safe, Orderly and Regular Migration, a commitment made by Member States under the New York Declaration for Refugees and Migrants, has also been developed, and regionally, the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers was signed on 17 November 2017.

The ILO has adopted a number of international conventions applicable for women migrant workers to protect their rights. These include, among others, C.87, C.98, C.97, C.100, C.111, C.143 and C.189. Organizing women migrant workers can be a catalyst to comply with those conventions and promote women's rights and gender equality.

This meeting was envisioned to allow migrant women leaders and organizers to discuss and strategize how to promote safe and fair migration, especially for ASEAN migrant women workers and how to ensure the protection of their labour rights. Organizing migrant women workers under the union umbrella and strengthening networks between workers' organizations in the formal and informal economies and civil society organizations, including collectives and networks of women, would be a catalyst to protect the rights of women migrants. Good practice in the region are shared and strategies and joint work plans discussed.

Objectives

In support of the ILO and UN Women priorities to make labour migration safe and fair for all women in the ASEAN region, the Safe and Fair Programme conducted a regional planning meeting on women migrant workers in ASEAN, with the aims:

- To identify key challenges for women migrant workers in joining trade unions to protect their rights, in terms of legal frameworks, union institutional capacity and migrant workers' competencies;
- To put forward good practices and showcase strategies of organizing experienced by trade unions, migrant associations and movements are building approaches used by women workers' organizations and networks, and informal sector labour organizations to:
 - Improve opportunities for women migrant workers to organize at the regional, national and local levels.
 - Increase membership of migrant workers (particularly women) in labour organizations.
 - Increase sharing of knowledge and best practice approaches between trade unions, and women-led organizations and networks.
 - Increase the representation of women in decision making positions in labour and migrant organizations.
- To facilitate networking between trade unions and CSOs;
- To strategize and contribute to global, regional, and national working agendas to further the above, in the short-, mid-, and long-term in line with the implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, the ASEAN

Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN, and the Global Compact for Safe, Orderly and Regular Migration;

- To promote CEDAW and ILO conventions, especially on C.87, C.98, C.97, C.100, C.111, C.143 and C.189, relevant to women migrant workers; and
- To further develop an action plan for the Safe and Fair Programme to provide technical and financial support, for trade unions, migrant associations, and informal sector worker organizations to implement.

Annex 2: Programme agenda

DAY 1

8.30 - 9.00	Registration
9.00 - 10.30	<p>Opening remarks</p> <p>Ms Panudda Boonpala, Deputy Regional Director, ILO Regional Office for Asia and the Pacific</p> <p>Ms Melissa Alvarado, EAW Project Manager, UN Women</p> <p>H.E. Giuseppe Busini, Deputy Head of Mission - Delegation of the European Union to Thailand</p> <p>Mr Dominador Tavera, Coordinator, ASEAN Trade Union Council (ATUC)</p> <p>Ms Novelita V. Palisoc, President, United Domestic Workers of the Philippines (UNITED)</p> <p>Group photograph</p>
10.30 - 10.45	Coffee break
10.45 - 12.30	<p>Session 1: Setting the Scene: Context: Opportunities and Challenges to ASEAN Migrant Women's Organizing</p> <p>Chair and Moderator: Mr Pong-Sul Ahn, Regional Workers Education Specialist, ILO</p> <p>(Modality: Roundtable of introductions, followed by speakers and group work)</p> <p>Speakers:</p> <p>Mr Victor Hugo Ricco, Senior Specialist on Workers' Activities, ACTRAV, ILO – 'Rights-based, SDGs and Global Compact Frameworks for Protecting Women Migrant Workers' Rights' (10 minutes)</p> <p>Ms Elizabeth Tang, General Secretary, IDWF - 'Migrant Domestic Workers Organizing in ASEAN and Lessons from Other Global Regions' (10 minutes)</p> <p>Group work (30 minutes)</p> <p>Group presentations (25 minutes)</p>
12.30 - 13.30	Lunch

13.00 - 15.30	<p>Session 2a: Migrant Women Organizing in Unions: What Works?</p> <p>Chair and Moderator: Ms Sally Barber, Programme Coordinator - Migration, UN Women</p> <p>(Modality: Presentations followed by Q&A discussion)</p> <p>Speakers:</p> <p>Ms Jeana Payas, SENTRO, Organizing Filipina Domestic Worker Association (AMMPO) in Malaysia – Organizing Invisible Women Domestic Workers (10 minutes)</p> <p>Ms Ka Mei Lau, Organizing Secretary, Federation of Asian Domestic Workers Unions (FADWU) – Organizing Women Domestic Workers to Advocate Policy Change (10 minutes)</p> <p>Ms Lita Anggraini, National Coordinator, JALA PRT- Indonesia National Network for Domestic Workers Advocacy – Women Domestic Worker Organizing in Indonesia: Creating Worker to Worker Unity in Countries of Origin (10 minutes)</p> <p>Questions and answers (1 hour 20 minutes)</p>
15.30 - 15.45	Coffee break
15.45 - 17.15	<p>Session 2b: Migrant Women Organizing Outside of Unions: What works?</p> <p>Chair and Moderator: Ms Sally Barber, Programme Coordinator - Migration, UN Women</p> <p>(Modality: Presentations followed by Q&A discussion)</p> <p>Speakers:</p> <p>Ms HKwan Mai, Women's Exchange Advocacy Officer, MAP Foundation – 'Empowerment and Support through Migrant Women's Associations' (10 minutes)</p> <p>Ms Eunha Gim, Research and Training Officer, GAATW – Organizing Successes for Entertainment and Sex Workers (10 minutes)</p> <p>Ms Walee Nukswan, HomeNet – Pre-Union Organizing in Domestic Work (10 minutes)</p> <p>Questions and answers (1 hour)</p>
17.15 - 17.30	Closing of Day 1 Deepa Bharathi, Chief Technical Adviser, Safe and Fair, ILO

DAY 2**9.00 - 10.30 Session 3: Achieving Gender Equality: Increasing Women's Leadership in Labour and Migrant Organizations**

Chair and Moderator: Joni Simpson, Senior Specialist, Gender, Equality and Non-Discrimination, ILO (Session introduction to include women's representation in tripartitism)

(Modality: Market place. Four lead speakers sit at different tables around the room. Participants divide into four groups and pick a table to start at. The speakers give a five-minute presentation to kick off conversation. Groups focus on answering a key question, and then rotate to the next table.)

Market place speakers:

Mr Dominador Tuvera, Coordinator, ASEAN Trade Union Council (ATUC)– Vision for Gender Equality in ASEAN Unions (5 minutes x presentation to 4 groups)

Ms Milagros C. Ogalinda, TUCP– Towards Gender Equality Successes in Philippines Unions (5 minutes x presentation to 4 groups)

Ms Minna Maaskola-Desprez, Technical Officer, Better Work, ILO– Better Work in the Garment Sector: Women representation role in garment factories (5 minutes x presentation to 4 groups)

Ms Maimunah Said, MTUC Women's Committee; and Ms Hoang Thi Van Anh, VGCL Women's Department– Experiences of Managing the Woman Unionist's Triple Burden (5 minutes x presentation to 4 groups)

Report back

10.30 - 10.45 Coffee break

10.45 - 12.45 Session 4: Networking and Issues Across Borders

Chair and Moderator: Ms Valentina Volpe, ERAW Programme Specialist, UN Women

(Modality: Market Place. Lead speakers sit at different tables around the room. Participants divide into groups and pick a table to start at. The speakers give a ten-minute presentation to kick off conversation. Groups focus on answering a key question, and then rotate to the next tables.)

Market place speakers:

Mr Victor Hugo Ricco and Mr Pong-Sul Ahn, ACTRAV, ILO – Good practices for Union-Union MoUs (10 minutes x presentation to 3 groups)

Ms Htwe Htwe Thein, Director, Migrant, Child Labour and Domestic Worker's Department, CTUM– Organizing across SEA borders - MoUs and focal points in union MRCs

(10 minutes x presentation to 3 groups)

Ms Ellene Sana, Member, Migrant Forum Asia, and Director, Center for Migrant Advocacy– Networks Within Asia and Beyond to Address Multi-faceted Concerns of Asian Migrant Workers

(10 minutes x presentation to 3 groups)

Report back

12.45 - 13.45 Lunch

13.45 - 15.00 Session 5: Next Steps Ahead: Common strategies and planning for women migrant workers organizing

(Modality: Short presentation and group work)

Chair and Moderator: Mr Pong-Sul Ahn, Regional Specialist in Workers Education, ACTRAV, ILO

Speaker:

Mr Dominador Tuvera, Coordinator, ATUC - Brief introduction of ATUCs policy on migration (10 minutes)

Group work (30 minutes)

Group presentations (15 minutes)

Plenary discussion (15 minutes)

15.00 - 15.15 Coffee Break

15.15 - 16.30 Session 6: Next Steps Ahead - Country Group and Migration Corridor Strategizing

Chair and Moderator: Ms Jenna Holiday, Consultant, Safe and Fair Programme

Group work (30 minutes) Divide into groups and work with colleagues to identify a common regional approach along with country-specific next steps

Group presentations (15 minutes)

Plenary discussion (30 minutes)

16.30 - 16.45 **Closing remarks** : Ms Melissa Alvarado, ERAW Project Manager, UN Women; Ms Deepa Bharathi, Chief Technical Adviser Safe and Fair, ILO; and Mr Pong-Sul Ahn, Regional Specialist in Workers Education, ACTRAV, ILO

Annex 3: Participant list

No	Participant	Position	Organization
Trade unions			
Cambodia			
1	Mr Rong Panha	General Assistant	Cambodia Confederation of Unions (CCU)
2	Ms Raksmei Chuon-momthol	ATUC Focal Point on Migrant Workers	Cambodian Confederation of Trade Unions (CCTU)
Indonesia			
3	Ms Yatini Sulistyowati	Person in Charge for Migrant Workers	KSBSI
4	Ms Suprapti	Chair of UNIMIG, Central Java Province	KSPI
5	Ms Rita Hendratiningsih	Vice General Secretary	KSPI
Lao People's Democratic Republic			
6	Ms Amphayvanh Manola	Deputy Head of Administrative Division, International Relations Division	Lao Federation of Trade Unions (LFTU)
Malaysia			
7	Ms Maimunah Said	Women's Committee	Malaysian Trades Union Congress (MTUC)
Myanmar			
8	Ms Htwe Htwe Thein	Head of Migrant Department	Confederation of Trade Unions of Myanmar (CTUM)
The Philippines			
9	Ms Milagros Ogalinda	Trade Union Congress of the Philippines (TUCP)	
10	Ms Vilma Reyes	Union President	De LaSalle Health and Sciences Employees Union Federation of Free Workers (FFW)

Thailand			
11	Ms Wannika Chareechai	Thai Trade Union Congress	
12	Mr Thammarat Musiglad	Assistant General Secretary	Thai Trade Union Congress
Viet Nam			
13	Ms Hoang Thi Van Anh	Official	Vietnam General Confederation of Labour (VGCL)
ASEAN Trade Union Council (ATUC)			
14	Mr Dominator Tuvera	Coordinator	ASEAN Trade Union Council (ATUC)
Migrant worker and civil society organizations and experts			
Regional/Global			
15	Ms Eunha Gim	Research and Training Officer	Global Alliance Against Traffic in Women (GAATW)
16	Ms Pranom Somwong		Asia Pacific Forum on Women, Law and Development (APWLD)
17	Ms Ellene Sana	Regional Coordinator (OIC)	Migrant Forum in Asia
18	Ms Elizabeth Tang	General Secretary	International Domestic Workers Federation (IDWF)
19	Ms Ka Mei Lau	Organizing Secretary	Federation of Asian Domestic Workers Unions (FADWU)
Country of destination			
20	Ms Jeana Payas	Domestic Worker	Malaysian Domestic Worker Association (AMMPO, Philippines workers in Malaysia organized by SENTRO)
21	Ms Prema Arasan	Programme Manager	Tenaganita
22	Ms Walee Nuksuwan		Homenet
23	Ms M Hkawn Mai	Women Exchange Advocacy Officer	MAP Foundation
24	Ms Suthasinee Kaewleklai	Thailand Coordinator	Migrant Worker Rights Network
25	Ms Sheena Kanwar	Executive Director	Humanitarian Organization for Migration Economics (HOME)
26	Ms Sunwanee Dolah	Program Officer-Programme Quality Department	Aid Alliance Committee, Raks Thai Foundation
27	Ms Kha Kha Hlaing	Field Officer	Aid Alliance Committee, Raks Thai Foundation

Country of origin

28	Ms Lita Anggraini	National Coordinator of JALA PRT	Network for Domestic Worker Advocacy in Indonesia (Jala PRT)
29	Ms Naw Eh Dah Paw		Care for Women and Domestic Helper Department at the Yangon Kayin Baptist Women Association
30	Ms Novelita V. Palisoc	United Domestic Workers of the Philippines (UNITED)	Donor
31	Mr Giuseppe Busini	Deputy Head of Mission	Delegation of the European Union to Thailand

UN Agencies

32	Ms Panudda Boonpala	Deputy Regional Director	ILO ROAP
33	Mr Pong-Sul Ahn	Regional Specialist in Workers' Education	ILO ROAP
34	Mr Victor Hugo Ricco	Specialist in Workers' Activities, ACTRAV	ILO HQ
35	Ms Joni Simpson	Senior Specialist, Gender, Equality and Non-Discrimination	ILO/DWT
36	Ms Minna Maaskola	Technical Officer (Training and Capacity Building), Better Work	ILO ROAP
37	Ms Deepa Bharathi	Chief Technical Adviser for the Safe and Fair Programme	ILO ROAP
38	Ms Rebecca Napier-Moore	Programme Technical Officer (Research and M&E) for the Safe and Fair Programme	ILO ROAP
39	Ms Anna Olsen	Technical Officer for TRIANGLE in ASEAN	ILO ROAP
40	Ms Kanokporn KANKHAYAN	Senior Secretary	ILO ROAP
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Annex 4: Technical background paper

Promoting ASEAN Women Migrant Workers' Rights through Organizing

Regional Planning Meeting 2018

Technical Background Paper

**Safe and Fair Programme:
Realizing women migrant workers' rights and
opportunities in the ASEAN region**

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Promoting ASEAN Women Migrant Workers' Rights through Organizing

Regional Planning Meeting 2018

Technical Background Paper

Safe and Fair Programme: Realizing women migrant workers' rights and opportunities in the ASEAN region

1. Introduction

This technical background paper was developed for the 2018 Regional Planning Meeting for Promoting ASEAN Women Migrant Workers' Rights through Organizing, a forum for migrant women leaders and organizers to discuss and strategize how to promote safe and fair migration and labour rights protection for women migrant workers. This paper provides an overview of the issues facing ASEAN women migrant workers and barriers to their organizing.

The regional planning meeting aimed:

- To identify key challenges for women migrant workers in joining trade unions to protect their rights, in terms of legal frameworks, union institutional capacity and migrant workers' competencies;
- To put forward good practices and showcase strategies of organizing experienced by trade unions, migrant associations, and movement building approaches used by women workers' organizations and networks, as well as informal sector labour organizations to:
 - Improve opportunities for women migrant workers to organize at the regional, national and local levels.
 - Increase membership of migrant workers (particularly women) in labour organizations.
 - Increase sharing of knowledge and best practice approaches between trade unions, and women-led organizations and networks.
 - Increase the representation of women in decision-making positions in labour and migrant organizations.
- To facilitate networking between trade unions and civil society organizations;
- To strategize and contribute to global, regional, and national working agendas to further the above, in the short-, mid-, and long-term in line with the implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, the ASEAN Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN, and the Global Compact for Safe, Orderly and Regular Migration;

- To promote CEDAW and ILO conventions, especially on C.87, C.98, C.97, C.100, C.111, C.143 and C.189, relevant to women migrant workers; and
- To further develop an action plan for the ILO and the UN Women Safe and Fair Programme to provide technical and financial support for trade unions, migrant associations and informal sector worker organizations.

The European Union is funding the 2018-2022 Safe and Fair Programme: Realizing women migrant workers' rights and opportunities in the ASEAN region, as part of the multi-year EU-UN Spotlight Initiative to eliminate violence against women and girls. The Safe and Fair programme is implemented by the International Labour Organization (ILO) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). The Safe and Fair programme delivers technical assistance and support with the overall objective of making labour migration safe and fair for all women in the ASEAN region.³⁵

2. Women's labour migration in ASEAN

Today labour migration is a significant driver of economic growth and development in both countries of origin and destination within ASEAN. The number of migrants moving to other ASEAN countries has increased more than fivefold since 1990.³⁶ There are now an estimated 20.2 million migrants originating from ASEAN countries, among whom nearly 6.9 million have migrated to other countries within the region,³⁷ and women make up 47.8 per cent of those migrant workers between ages of 20 and 64 in ASEAN.³⁸ The demand for migrant labour in the region stems from economic growth, an aging population in key countries of destination, and labour shortages. In countries of origin migrants face a lack of employment opportunities. Given geographical proximity, established migration networks, and recruitment industries, migration to neighbouring ASEAN countries continues to be a path for livelihood access.

While ASEAN-wide numbers of women and men migrating are near equal overall, these numbers are not equal in all countries, belying inequalities: some cultures, policies, or labour markets restrict women and sometimes also men from migrating for work. Others specifically offer women work in gender segregated segments of the labour market, which often lack labour rights protections that are afforded to men-dominant sectors. See Table 1 for data in selected countries.

³⁵ Safe and Fair engages with ASEAN Member States' government authorities; ASEAN institutions; workers' organizations; employers and recruitment agencies; civil society organizations; community-based organizations; families and communities; research institutions and academia, media networks, youth, and the general public and supports programming in all ten ASEAN countries.

³⁶ United Nations Department of Economic and Social Affairs: *Trends in International Migrant Stock*, 2015 revision (UNDESA, 2016).

³⁷ United Nations Department of Economic and Social Affairs: *Trends in International Migrant Stock*, 2015 revision (UNDESA, 2016).

³⁸ UNDESA: *International migration policies chart*, 2013, www.un.org/en/development/desa/population/publications/pdf/policy/InternationalMigrationPolicies2013/InternationalMigrationPolicies2013_WallChart.pdf [20 June 2018].

Table 1. Annual outflows of nationals registering to work abroad in selected ASEAN Member States, 2015

ASEAN country	Total deployment	Deployment of women migrant workers	
		Total	Percentage
Cambodia (2015)	25 541	9 901	38.8
Indonesia (2015)	275 736	166 771	60.5
Lao PDR (2015)	50 712	27 176	53.6
Myanmar (2014)	64 769	12 613	19.5
Thailand (2015)	117 291	22 859	19.5
Viet Nam (2015)	115 980	38 640	33.3

Source: ILO, International Labour Migration Statistics Database in ASEAN 2016.

While scope does not permit detailed national analyses, a few trends over time relating to data in Table 1 are of note:³⁹

The number of women leaving Cambodia through official channels decreased from 64.8 per cent in 2010 to 38.8 per cent in 2015. A legal restriction was applied in 2011, barring women's migration for domestic work in Malaysia;

- Similarly, 83.7 per cent of migrant workers leaving Indonesia in 2009 were women, compared to 60.5 per cent in 2015. Indonesia has had a series of legal restrictions on women migrating to various countries for domestic work;
- In Myanmar before 2009 women were not legally allowed to work abroad. Currently, women are not allowed to migrate for domestic work; and
- The numbers of documented women migrating from Thailand and Viet Nam have been consistent over the last decade.⁴⁰

Of note, the numbers of documented outbound migrant workers in Table 1 hide discrepancies between the share of women among documented and undocumented migrant workers. Taking the 2015 data, in Thailand, 43 per cent of the Myanmar migrant workers who had entered the country irregularly and applied for nationality verification were women but only 37 per cent of the 112,614 Myanmar migrant workers who applied for regular migration through the MoU system before leaving Myanmar were women.⁴¹ Thus on the Myanmar to Thailand route women are more likely to migrate irregularly. Similarly, a survey of Cambodians who returned en masse from Thailand in 2014 indicated that 53 per cent were women, compared to the 37 per cent of women among the migrant workers

registered through the MoU.⁴² The data on documented migrant workers in Table 1 only tells a partial story of women's migration and official figures do not capture women's undocumented migration.⁴³

ASEAN women migrant workers find they are legally restricted from migration in several contexts. The previous bullet points mention some restrictions that countries of origin apply to women migrant workers' outward migration.⁴⁴

Countries of destination also have immigration policy that restricts women migrant workers. See Figure 1 for details.

39 ILO: *Deployment of women migrant workers from selected ASEAN Member States, 2000-14*, The International Labour Migration Statistics (ILMS) Database for ASEAN (ILO, 2015).

40 ILO: *Deployment of women migrant workers from selected ASEAN Member States, 2000-14*, The International Labour Migration Statistics (ILMS) Database for ASEAN (ILO, 2015).

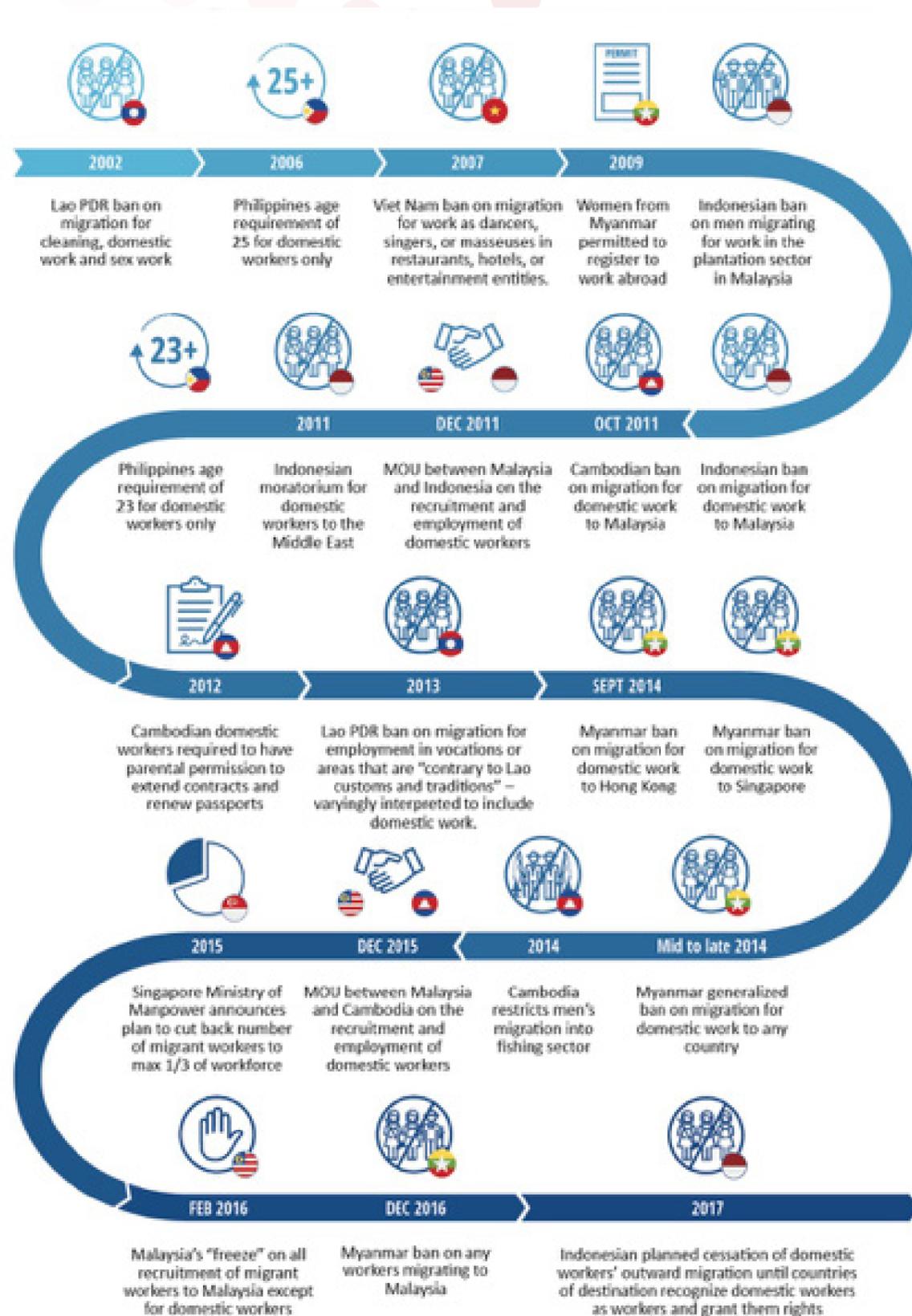
41 Thailand Ministry of Labour: *Number of migrant workers remaining in Thailand as of 28 March 2015*, wp.doe.go.th/wp/images/statistic/sm/58/sm0358.pdf [20 June 2018].

42 IOM: *Assessment of returned migrants in Cambodia*, 9 September (IOM, Phnom Penh, 2014). IOM: *Emergency response for Cambodian migrants returning from Thailand*, 20 June (IOM, Phnom Penh, 2014). J. Holliday: "Lessons from returning women migrant workers", *The Phnom Penh Post*, 10 September 2014.

43 The same is suggested for a fall from 71 per cent to 5 per cent of women migrating from the Philippines in 2005 and 2009 respectively. International Organization for Migration and Migration Policy Institute: *Labour Migration in Colombo Process Countries: Good Practices, Challenges and Way Forward* (IOM and MPI, 2011).

44 ILO and UN Women: *Protected or Put in Harm's Way? Bans and restrictions on women's labour migration in ASEAN countries*, 2017.

Figure 1. Timeline of recent gender-based migration bans and restrictions in ASEAN



3. Working conditions experienced by ASEAN women migrant workers

ASEAN women migrant workers are disproportionately represented in the domestic work and care sectors. However, women migrant workers are also found in large numbers in other sectors in ASEAN countries, including construction, agriculture, manufacturing, services and entertainment.

Many ASEAN migrant women find work in good conditions and are able to earn and save significantly. Others struggle for equal rights at work, for equal opportunities, for an equal say and a part in development. Women have fewer options than men for regular migration and are often channelled into lower paid informal sector work with few if any labour protections and opportunities for organizing.

In Asia, women earn on average 70-90 per cent of what men earn,⁴⁵ roughly comparative to the wage gap internationally. In Thailand, studies of migrants from both from Myanmar and Lao PDR have consistently shown that more women than men earn under the minimum wage, and that more men than women earn over the minimum wage.⁴⁶ In male-dominated sectors, such as construction, women are systematically paid less than men for the same or similar work and are overlooked for skills training and promotion, even though in Thailand, for instance, they make up 38 per cent of the migrant labour force in the sector.⁴⁷

A 2016 ILO study showed that women migrant workers in construction work in Thailand also systemically receive less pay for the same work than their peers who are migrant men or women nationals in the country of destination.⁴⁸ Migrant women in domestic work in the region have reiterated that pay is their top priority issue.⁴⁹ A study carried out by the ILO in Malaysia and Thailand in 2016 found out that only 10 per cent of 400 migrant domestic workers surveyed were paid above the minimum wages in those countries, when minimum wage per hour is taken into account.⁵⁰ The ILO's survey found wages differ significantly depending on the nationality of the migrant domestic workers. These differences are partly a result of the different wage rates set in bilateral MoUs, or as a result of origin countries' regulations on migrants' wages.

45 ILO and Asian Development Bank: *Women and labour markets in Asia: Rebalancing towards gender equality in labour markets in Asia*, 2011.

46 IOM and ARCM: *Assessing potential changes in the migration patterns of Laotian migrants and their impacts on Thailand and the Lao People's Democratic Republic* (IOM, ARCM 2016), p. 19, Assessing potential changes in the migration patterns of Myanmar migrants and their impacts on Thailand, 2013, p. 16. See Figure 22 showing average daily wages by gender for 1,209 surveyed Laotian migrants in Thailand in 2016, with the following analysis "...when considering only those migrants who did not receive accommodation from employers, this [gendered] difference became statistically significant with average daily wages of THB309 for females and THB 341 for males."

47 ILO: *High Rise, Low Pay: Experiences of migrant women in the Thai construction sector*, 2016.

48 ILO: *High Rise, Low Pay: Experiences of migrant women in the Thai construction sector*, 2016.

49 ILO and UN Women: *Protected or put in harm's way? Bans and restrictions on women's labour migration in ASEAN countries*, 2017. ILO and COMPAS: *Worker, helper, auntie, maid? Working conditions and attitudes experienced by migrant domestic workers in Thailand and Malaysia*, 2016.

50 ILO and COMPASS: *Worker, helper, auntie, maid? Working conditions and attitudes experienced by migrant domestic workers in Thailand and Malaysia*, 2016.

Inequalities in pay are compounded with a myriad of other systemic inequalities in access to education, social security, formal sector employment, promotions, skills training, migration documentation, complaints mechanisms at work, unions and other organizing, control of resources, and leadership positions.⁵¹ Studies have shown that migrant women can face violence at work, as well as insufficient or absent maternity protections and health care, including sexual and reproductive health care.⁵²

Women find that the discriminations they faced at home can follow them to destination countries, manifesting in a variety of sector-specific ways. Just as women's household work remains unpaid work, domestic work in countries of destination continues to be underpaid and without full labour protections (including social security, labour rights, or government-to-government regulation) that are afforded to workers in other sectors.⁵³ Migrant domestic workers are often seen as part of the family rather than workers and not afforded the minimum wage, regular working hours, overtime pay, or freedom of movement.⁵⁴ Entertainment and sex work, another sector dominated by women, also remains outside of labour protection frameworks, and instead is often criminalized.⁵⁵ Workers in the entertainment/sex work sector can face particularly high amounts of social stigma. ASEAN migrant women are also often the majority in seafood processing, electronics and garments industries because employers think they are suited to the work, justifying this with discourse about women having nimble fingers assuming they are better at detailed work, as well as assuming they will be more compliant and not try to unionize or otherwise organize.

Men in these industries tend to be given higher paid technical or managerial work, while so-called feminine roles are not valued, and not paid well. In these sectors, as well as construction and agriculture, women are commonly employed informally often through subcontractors, further restricting their access to rights, services, and unions.

Around the world, domestic workers' hours are among the longest and most unpredictable among all workers, with domestic workers in Malaysia working the longest days in the world.⁵⁶ A 2016 ILO survey of 400 migrant domestic workers in Malaysia and Thailand found that care workers' average daily working hours were 15 hours in Malaysia and 13 in Thailand.⁵⁷ Legislation on working hours often particularly excludes domestic workers. For instance, Thailand sets the normal hours of work at an eight-hour day in labour law, however this does not apply to domestic workers. Globally many migrant domestic workers work on-call or in stand-by 24 hours a day.

51 ILO: *Global Wage Report 2014/15: Wages and income inequality*, Geneva, 2015.

52 UN Women: "Ending violence against women migrant workers in Asia and the Pacific", Factsheet, 2016. M. Marin: *International labour migration, gender, and sexual and reproductive health and rights in East Asia, Southeast Asia and the Pacific*, (The Asian-Pacific Resource and Research Centre for Women, 2012). Mekong Migration Network, *Health care and self-care: How migrant women in the Greater Mekong Region take care of their health*, 2015. Mekong Migration Network: *Health access for migrants from Mekong neighbourhood: With or without borders* (MMN 2013).

53 ILO: *Domestic Workers Across the World: Global and regional statistics and the extent of legal protection*, Bangkok, 2013.

54 ILO: *Worker, Helper, Auntie, Maid? Working conditions and attitudes experienced by migrant domestic workers in Thailand and Malaysia*, Bangkok, 2016.

55 Empower Foundation: *Moving towards decent sex work* (Chiang Mai: Empower University Press, 2016).

56 ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection*, Bangkok, 2013.

57 ILO and COMPASS: *Worker, helper, auntie, maid? Working conditions and attitudes experienced by migrant domestic workers in Thailand and Malaysia*, Bangkok, 2016.

Women migrant workers also significantly find their sexual and reproductive health and rights curtailed. In Malaysia migrant women workers in any sector are not allowed to become pregnant. Passing a pregnancy test is required before entry and when annual work permits are renewed. Migrant women workers lose rights to work and are deported at their own expense if they are pregnant, thus they are not granted basic maternity protections.⁵⁸ In Thailand pregnant migrant workers have legal access to pre-and post-natal care. However, women migrant workers undergo a pregnancy test upon application for a work permit. The tests are not to be used to deny a worker a job – but instead to eliminate elephantiasis. Limited research has found this holds in practice and workers are not deterred from a job by authorities if pregnant.⁵⁹

Discrimination by employers, however, is common, and women are sometimes fired or take it upon themselves to leave their job. A 2018 study by the Fair Labour Association found that garment brands sourcing from Malaysia and Thailand will find that some form of pregnancy or maternity discrimination is unavoidable if their suppliers employ migrant workers.⁶⁰

Adding to this are discriminatory laws preventing women – both migrants and nationals – from accessing employment or certain types of work, curtailing their opportunities for promotion, skilling and higher pay.⁶¹ National labour laws in Malaysia and Thailand include protectionist policies, i.e. policies that aim to protect women and do so through the limitation of their freedoms and options. Thailand's 1998 Labour Protection Act, for instance, restricts women from certain tasks, such as working underground or at heights on scaffolding.⁶² Similarly, the 1955 Malaysian Employment Act restricts women from taking up night work and from working underground.

In spite of these realities, migrant women continue to empower themselves whilst making positive contributions to countries of origin and destination. Women have been found to remit higher proportions of their earnings and at more stable and regular intervals when compared to men. Studies indicate that rather than being spent on assets and building capital, women's remittances are more likely to be treated like extra income and spent on education, health and family development.⁶³ The non-economic social remittances that returning migrant women contribute can include increased skills, confidence and agency within the family and community. A migrant woman's new earning capacity can elevate her status and broaden the scope of opportunities beyond those normally available.

Furthermore, women can experience political empowerment especially when they migrate to countries with higher political empowerment. This has a significant and positive impact on the female parliamentary shares in the country of origin, as well as on increased organization and advocacy for improved labour rights.

58 Malaysian Ministry of Human Resources, 22 Sept, 2016.

59 Fair Labour Association: *Triple Discrimination: Woman, migrant, and pregnant: Preventing pregnancy discrimination among temporary migrant workers: Lessons from Malaysia, Taiwan, and Thailand* (FLA, 2018).

60 Fair Labour Association: *Triple Discrimination: Woman, Migrant, and Pregnant: Preventing Pregnancy Discrimination among Temporary Migrant Workers: Lessons from Malaysia, Taiwan, and Thailand* (FLA, 2018), p. 3.

61 World Bank: *Women, business and law*, 2015.

62 Thailand Labour Protection Act 1998, Section 38(2).

63 M.J. Kim: *The Republic of Korea's employment permit system (EPS): Background and rapid assessment* (Geneva, ILO, 2015).

4. International law relevant to women migrant workers organizing

Key international laws relevant to women's rights, gender equality and organizing in migration include, but are not limited to:⁶⁴

- The ILO identifies eight conventions as fundamental, covering these principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining (Nos. 87 and 98); the elimination of all forms of forced or compulsory labour (Nos. 29 and 105); the effective abolition of child labour (Nos. 138 and 182); and the elimination of discrimination in respect of employment and occupation (Nos. 100 and 111). The latter establish basic equality principles for all workers. See Table 2 for ASEAN member ratifications.

Table 2. ASEAN Member States' ratification of fundamental rights at work applicable to women migrant workers (by ILO Convention number)

(Convention in force)	29	87	98	100	111	105	138	182
Brunei Darussalam	-	-	-	-	-	-	2011	2008
Cambodia	1969	1999	1999	1999	1999	1999	1999	2006
Indonesia	1950	1998	1957	1958	1999	1999	1999	2000
Lao PDR	1964	-	-	2008	2008	-	2005	2005
Malaysia	1957	-	1961	1997	-	Denounced ⁶⁵	1997	2000
Myanmar	1955	1955	-	-	-	-	-	2013
Philippines	2005	1953	1953	1960	1953	1960	1998	2000
Singapore	1965	-	1965	2002	-	Denounced ⁶⁶	2005	2001
Thailand	1969	-	-	1999	2017 ⁶⁷	1969	2004	2001
Viet Nam	2007	-	-	1997	1997	-	2003	2000

Source: International Labour Organization, 2018.

64 Further detail on applicability of international law to migrants, regardless of gender can be found in the following: S. Tabak and R. Levitan: Global human rights frameworks applicable to LGBT migrants in *Forced Migration Review*, Vol. 42 (2013). UN Women: *Claim and celebrate women migrants' human rights through CEDAW*, 2005, Figure 1, p. 42, www.migration-unifem-apas.org/Publications/Claim_and_Celebrate.html. [20 Mar. 2019]. ILO: *Gender equality and decent work: Selected ILO Conventions and Recommendations that promote gender equality*, 2012. ILO: *Gender equality in labour migration law, policy and management: A toolkit, 2016*. ILO: Equality and non-discrimination at work in East and South-East Asia: Guide, 2011. UN Women: *Gender on the move: Training manual*, 2013. OHCHR: *Migration and human rights: Improving human rights-based governance of international migration*, 2013. ILO: *ABC of women workers' rights and gender equality*, 2nd edition, 2007.

65 Denounced 10 Jan 1990.

66 Denounced 19 Apr 1979.

67 The Convention entered into force in Thailand on 13 June 2018.

- LO Convention 189 on Decent Work for Domestic Workers. Under Convention 189, domestic workers should enjoy rights equal to those enjoyed by workers generally. The accompanying Domestic Workers Recommendation, 2011 (No. 201) outlines additional guidance on the implementation of effective protections;⁶⁸
- ILO's four key gender equality conventions are: Equal Remuneration Convention (No. 100), Discrimination (employment and occupation) Convention (No. 111),⁶⁹ Workers with Family Responsibilities Convention (No. 156) and Maternity Protection Convention (No. 183);
- ILO conventions related to migration include: Migration for Employment Convention (No. 97), Migrant Workers (supplementary provisions) Convention (No. 143) or Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, and Private Employment Agencies Convention (No. 181);
- ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), recommends extension of labour laws and policies to informal economy workers, relevant to the situation of many migrant women who find work in the informal economy.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and particularly General Recommendation No. 26. CEDAW key principles of substantive equality, non-discrimination, and state obligation apply to all forms of discrimination against women, including during migration;⁷⁰
- Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (MWC). The MWC states that migrant workers, whether documented or not, shall enjoy treatment not less favourable than that which applies to nationals of the country of employment in respect of remuneration and other working conditions. The convention explicitly specifies that each right applies to women and men, but it does not take into account gender-specific needs of migrant workers.⁷¹ Appeals to CEDAW GR 26 compensate for this gap;
- General Assembly Resolution 68/137 on Violence against Women Migrant Workers;
- International Convention on the Elimination of all Forms of Racial Discrimination (CERD) and General Recommendation No. 25 (2000) on gender. CERD Article 1, paragraph 2, outlines equal application to citizens and non-citizens or migrant workers;⁷² and

68 Recommendation No. 201 was also adopted by the International Labour Conference of 2011. It is not open for ratification. It provides practical guidance on legal and other measures to implement the rights and principles in Convention No. 189.

69 Note that this convention does not prohibit discrimination on the basis of nationality.

70 UN Women: *Claim and celebrate women migrants' human rights through CEDAW*, 2005, Figure 1, p. 42, www.migration-unifem-apas.org/Publications/Claim_and_Celebrate.html. [20 June 2018].

71 S. Jolly and H. Reeves: Gender and migration overview report, BRIDGE cutting edge pack (IDS, 2005). For a user-friendly guide to the Convention see: The international steering committee for the campaign for ratification of the migrants' rights convention: Guide on the ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW), www.ohchr.org/Documents/Press/HandbookFINAL.PDF [20 June 2018].

72 Under CERD, State parties must guarantee the right of equality before the law for all, without distinction based on race, colour, or national or ethnic origin. State parties are obliged to guarantee the right to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration, and the right to public health, medical care, social security and social services.

- International Covenant on Economic Social and Cultural Rights (ICESCR). Article 2, paragraph 2, prohibits discrimination, including on grounds of gender. The Committee on Economic, Social and Cultural Rights particularly notes that pregnancy must not constitute an obstacle to employment, nor justification for loss of employment. This is also relevant to migrants.

Current developments at the global level also include the Global Compact for Safe, Orderly and Regular Migration, a commitment made by Member States under the New York Declaration for Refugees and Migrants.⁷³

At the ASEAN regional level, the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, 2007 (Cebu Declaration) enshrines protections for migrant workers. Furthermore, on 17 November 2017 the Ministers of the ASEAN Socio-Cultural Community (ASCC) signed the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers.

5. The need for organizing

One of the most effective ways of preventing the exploitation of migrant workers, including women and those in informal sectors, is by guaranteeing the right to join trade unions in destination countries. Lower levels of labour exploitation, child labour, trafficking, and forced labour are found in industries with strong trade union representation.⁷⁴ Workers' organizations play a crucial role in promoting workers' rights, providing a space to identify and collectively bargain for better working conditions, pay scales and opportunities to access social protection and legal protection.

Not only do women migrant workers need the benefits of organizing, but unions do as well. 'Unionizing the unorganisable' is a key part of ensuring the future relevance of trade unions in the face of globalization and the worldwide decrease in union membership.⁷⁵ The International Trade Union Congress (ITUC) gives members the following guidance with respect to women in unions:

“Union membership and activity must better reflect the gender and concerns of a modern, much more feminine workforce. We currently operate below capacity because we have not made sufficient progress in recruitment and representation in a changing environment. The quality of work and protection of the work force is falling because unions are struggling to keep up.”⁷⁶

- International Trade Union Congress

73 UN Women: *Policy Brief No. 2: Women migrant workers' contributions to development*. New York, 2017, www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2017/policy-brief-women-migrant-workers-contributions-to-development-en.pdf?la=en&vs=5117 [20 June 2018].

74 Gallagher, A. (eds): *The international law of human trafficking* (Cambridge University Press, 2012), p. 439; Beirnaert, J. (eds): *A trade union perspective on combating trafficking and forced labour in Europe*, in Rijken, C. (ed.), *Combating Trafficking in Human Beings for Labour Exploitation* (Wolf Legal Publishers, 2011), p. 483.

75 Marks and Olsen: “The role of trade unions in reducing migrant workers vulnerability to forced labour and human trafficking in the Greater Mekong Subregion,” in *Anti-Trafficking Review*, 5, 2015.

76 ITUC: *Achieving Gender Equality: A trade union manual*, 2008.

Furthermore, Article 15 of the ITUC 2010 Resolution on Gender Equality addresses the lack of women in union leadership:

“The Congress is concerned that in spite of the growth in women’s membership of affiliates of the ITUC to 40 per cent and the efforts made to better represent women in their structures and policies, the full integration of gender perspectives in trade union decision-making, policies and activities remain inadequate. Trade unions have the basic responsibility and must be at the forefront of the struggle to achieve gender equality in the workplace, in their policies, in their own structures and in society. The ITUC calls on affiliates to prioritise and ensure the organization of women into unions and the promotion of women into leadership positions and throughout their structures.”⁷⁷

This attention to women in leadership is crucial. Women nationals need to have space within unions if women migrant workers are to also have the same.

6. Barriers to women migrant workers organizing

Organizing migrant women workers under union organizations and strengthening networks among workers' organizations in the formal and informal economies and civil society can be an entry point to protect the rights of women migrant workers. Women migrant workers (as with all migrant workers) are limited in terms of their ability to form unions and collectively bargain for labour rights or to assume leadership roles in unions.⁷⁸ Indeed, trade unions in ASEAN are limited generally, with low labour union density rates across the region for nationals and migrants alike. As per 2010 figures, for example, total union membership in Lao PDR was approximately 15.5 per cent, 16 per cent in Viet Nam, eight per cent in Malaysia and only three per cent in Thailand.⁷⁹

In Thailand, Malaysia and Singapore, migrant workers may join national trade unions but are not permitted to form their own unions. Brunei Darussalam does not allow migrant workers to freely associate. Women migrants in domestic work face even further restrictions. In Thailand, domestic workers are not allowed to join trade unions as they are not technically classified as workers under national labour law. The Malaysian Trade Union Congress has twice applied to register a Domestic Workers Association, however, the applications have been rejected without explanation, and a 2014 appeal has not yet received a response (ILO, 2016a). In Singapore domestic workers are also excluded from joining unions.

In addition to legal restrictions against freedom of association and collective bargaining, women migrant workers face other barriers to organizing, such as long working hours, lack of days off, isolated workplaces, language barriers, and limited knowledge of rights. Many also fear being fired or facing sanctions from local authorities.⁸⁰ It is not uncommon in the region for employers to prohibit worker organizing and collective bargaining.

77 ITUC: *Resolution on Gender Equality*, 2010, 2CO/E/6.3.

78 UN Women: *Managing labour migration in ASEAN: Concerns for women migrant workers*, Bangkok, 2013, p. 23.

79 Hayter, S.: *ILO statistics on trade unions and collective bargaining, in the ILO world of work report: Development with jobs*, ILO, 2014, p. 92.

80 ILO: *Towards achieving decent work for domestic workers in ASEAN*, 10th ASEAN Forum on Migrant Labour (AFML), Thematic background paper, 25–26 October 2017, Manila, Philippines; Marks, E. and Olsen, A.: “The role of trade unions in reducing migrant workers' vulnerability to forced labour and human trafficking in the Greater Mekong Subregion”, in *Anti-Trafficking Review*, issue 5, 2015.

Furthermore, many trade unions have historically dealt first with pressing national concerns and have found it a challenge to engage with migration issues.⁸¹ Indeed, women's representation in unions has been systemically low, particularly in leadership, throughout history.

If women migrant workers want to be involved in organizing, they commonly face the deterring triple burden of:

- Paid employment responsibilities;
- Care and household work; and
- Union responsibilities.

7. Successes in women migrant workers organizing

Despite the challenges faced by women migrant workers in organizing and collective bargaining, there have been significant examples globally of networks forming their own collective agreements and organizations to successfully advocate for better rights and policy change.⁸² In particular, domestic workers' organizations (and specifically the International Domestic Workers' Federation) have undertaken several successful campaigns promoting labour standards for domestic workers, notably supporting the introduction and ratification of C189. The importance of women's organizing is seen throughout policy advocacy for women's rights. Research has shown that feminist activism can be the most consistent and important factor in policy change on VAW.⁸³

In many ASEAN countries migrant workers, women migrant workers, domestic workers, and entertainment/sex workers organize in parallel to trade union movements, often through solidarity groups and associations.

Migrant domestic worker organizing has been most visible in recent years following the ILO Convention on Domestic Work. At the global level, domestic workers – migrants and/or nationals from 54 countries are organized together through the International Domestic Workers Federation (IDWF). In Thailand, migrant domestic workers organize informally through HomeNet. In the Philippines, nationals in domestic work are organized in the group UNITED, which was formed in 2012 and now has over 1,050 members. Members pay dues and the organization is key in mediating worker–employer conflicts.⁸⁴

Examples of contexts where migrant domestic workers do have the right to organize and are able to negotiate agreements among government, employers, and migrant domestic workers can also be found outside ASEAN. In Hong Kong, China, migrant domestic workers have the right to form and join a union. Six organizations of migrant domestic workers from various countries have created the

81 E. Marks and A. Olsen: The role of trade unions in reducing migrant workers' vulnerability to forced labour and human trafficking in the Greater Mekong Subregion, *Anti-Trafficking Review*, issue 5, 2015.

82 Visel, S.: Who cares? The ILO Convention on Decent Work for Domestic Workers, *Transnational Social Review*, 3:2, 2013.

83 S. Weldon and M. Htun, M. 2013, "Feminist mobilisation and progressive policy change: Why governments take action to combat violence against women, in *Gender & Development*, 21:2, 231-247.

84 H. Montenegro and V. Viajar: "The Filipino Kasambahay's long struggle against invisibility", in G. Geymonat, S. Marchetti, and P. Kyritsis (eds): *Domestic workers speak: A global fight for rights and recognition* (Open Democracy, 2017), pp. 120–25.

Federation of Asian Domestic Workers' Union (FADWU). In 2011 the FADWU became affiliated with the Hong Kong Trade Union Confederation.⁸⁵

Box 1. Country example: Employer organizations in Italy

Employers in Italy began organizing in the 1960s at the same time as the organization of domestic workers. In 1974 the National Federation of the Italian Clergy signed a collective agreement that covered domestic workers. The establishment of two federations of employers of domestic workers followed – the Federazione Italiana Datori di Lavoro Domestico (FIDALDO) and the Associazione Nazionale Famiglie Datori di Lavoro Domestico (DOMINA).

Both have signed terms of agreement that include wage rates, rest, paid holidays, sick pay and severance pay. The agreement is compulsory for employers who are members of the organizations and also for other non-member employers whose contracts refer to it. When workers who are not formally covered by the agreement bring cases to court, judges use the provisions on wages and social security as standards by which to adjudicate.

The aim of decent work for women migrant workers can only be achieved through social dialogue, giving an equal voice to workers, employers, and governments. This is difficult but not impossible in informal sectors where migrant women are dominant. In migrant domestic work, for instance, there are low worker-to-employer ratios; withholding labour is not an effective source of bargaining power (if domestic workers strike, employers will find another worker); and collective representation is lacking among both workers and employers. In addition to workers organizing, employers' organizations are urgently needed in ASEAN.

Unions in Hong Kong, China and Indonesia have shown that creative collective negotiation can take place even without organized employers with whom to bargain; workers' unions in both countries set standards and jointly negotiate with employers (See Box 2). This has been the case in the context of home-based work as well as domestic work. Workers have also successfully tackled the problem of not having an employer body to negotiate with by collaborating with governments to set and enforce standards through policy. Having migrant domestic workers' voices at decision-making tables is thus vitally important – more so than for other sectors with high-functioning social dialogue mechanisms.

Box 2. Country example: Collective negotiation in Hong Kong, China and Indonesia

In Hong Kong, China, the Hong Kong Confederation of Trade Unions brought together domestic workers to discuss the establishment of a wage depending on job scope (apartment size, family size, tasks, etc.). In Indonesia, domestic workers in the union Tunas Mulia drafted model contract terms.

In both Hong Kong, China and Indonesia, following these processes, the unions negotiated standards with individual employers of their union members.

85 ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection*, Geneva, 2013.

In addition to domestic workers organizing, women migrants in the entertainment/sex work sector have also had many successes. The Global Alliance Against Traffic in Women 2018 seven-country study: *Sex workers organizing for change: Self-representation, community mobilization and working conditions* found that when entertainment/sex workers – nationals and migrants – organize, they are better able to identify situations where a woman experiences violence, unacceptable working conditions, or forced labour, and are able to provide advice and referrals, negotiate with employers, and financially support those in need. The study showed that globally organized workers in the entertainment/sex industry are able to play a crucial role in preventing labour exploitation, including where it amounts to trafficking.⁸⁶

8. Women and men migrant workers' organizing successes

ASEAN trade unions have been reaching out to migrant workers to provide information and support services to organize migrant workers into unions or worker associations; providing case management and legal support; and contributing to the development of legislation to better protect all workers. Much of this work has been driven by the trade union manual *In search of decent rights: Migrant workers' rights* that was published by the International Labour Office (the permanent secretariat of the ILO) in 2008, developed in partnership with the ILO Bureau for Workers' Activities (ACTRAV), the International Trade Union Confederation, global union federations and national unions.⁸⁷ This manual calls for union action to address migrant worker issues on four pillars: promoting a rights-based migration policy; creating alliances with trade unions in other countries; educating and informing union members; and reaching out to migrant workers.

In Cambodia, Lao People's Democratic Republic, Malaysia, Myanmar and Thailand, trade unions are running migrant worker resource centres (MRCs), delivering safe migration training and generally acting as a trusted information source for migrant workers and their families before departure, within the destination country, and upon return. In countries of origin, trade unions have an important role to play in facilitating complaints processes and addressing recruitment agency malpractice. In a recent case in Myanmar, workers who were charged exorbitant fees by a local recruitment agency sought support from the Confederation of Trade Unions Myanmar (CTUM). The CTUM coordinated with the anti-trafficking police and the complaints centre at the Migration Department in the Ministry of Labour; and while the case is ongoing, the recruitment agency was forced to give a refund to the complainants.

Trade unions have also demonstrated their ability to work collaboratively with other unions and NGOs. In Cambodia, the Cambodian Confederation of Trade Unions (CCTU), the Cambodia Labour Confederation (CLC), and the National Union Alliance Chamber of Cambodia (NACC) have formed the Cambodia Trade Union Committee on Migration (CTUC-M) as an informal network to share information and put forward topics of common concern. This group made contributions to a technical working group tasked with drafting eight Prakas (ministerial orders) supporting Sub Decree 190 on the Management of Sending Cambodian Workers Abroad through Private Recruitment Agencies, and also facilitated the signing of the Memorandum of Understanding between trade unions in Cambodia and trade unions in Thailand on the protection of migrant workers' rights in 2013.

⁸⁶ Global Alliance Against Traffic in Women: *Sex workers organising for change: Self-representation, community mobilisation and working conditions* (GAATW, 2018).

⁸⁷ ILO, *In search of decent rights: Migrant workers' rights*, International Labour Office, Geneva, 2008, www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_115035.pdf [20 June 2018].

Trade unions in the region are also working towards significant bilateral cooperation, with Memoranda of Understanding signed between trade unions in the important migration corridors between Cambodia and Thailand; Lao PDR and Thailand; and Viet Nam and Malaysia. A further area of collaboration is between NGOs and trade unions. In Thailand's fisheries sector, the Foundation for AIDS Rights (FAR) and the Eastern Trade Union are working together to improve the organizing of people working in the fishing industry. Through this broad scope of actions, trade unions in the region are increasingly able to successfully represent the rights and interests of migrant workers at the enterprise level, in the community and in policy dialogue.

Box 3. Country example: Malaysian Trades Union Congress (MTUC) working with migrant workers

The unionization of migrant workers is a key strategy of MTUC—and a significant and constant struggle. It can take between five and seven years to achieve official government recognition of a new trade union in Malaysia. MTUC affiliates have faced legal challenges to organizing activities; union-busting activities, intimidation and deportation of union leaders, and the challenging of secret ballot outcomes have all been observed. Several, long-running cases have gone to the Industrial Relations Department and the High Court of Malaysia to adjudicate whether employers have illegally interfered with a fair voting process. Recognizing the unique challenges in organizing labour, much less migrant labour, MTUC has developed guidance and strategies on the organization of migrant workers. For example, certain MTUC affiliates have introduced strategies including waiving membership dues until a collective bargaining agreement has been signed at the members' workplace, as a means of encouraging migrants to join the union, particularly if workers are warned of a threat of dismissal for joining a union. Despite these challenges, MTUC affiliates have achieved some successes in organizing migrant workers at a number of enterprises throughout the country. For example, in Penang, at an electronics manufacturing company, in which the majority of employees are migrants, MTUC helped to organize 500 workers to join the Electronics Union.

The MTUC has also been active in pursuing complaints against companies for labour rights abuses, such as unpaid wages, no rest days, inadequate accommodation, unfair dismissal, medical insurance issues, lack of compensation for injury and the withholding of identity documents. Between September 2011 and December 2014, MTUC was successful in receiving awards of over US\$65,300 in compensation for migrant workers. This was achieved through action in labour courts, industrial relations courts and through direct negotiations. MTUC also works with trade union partners in migrants' countries of origin—aiming to reduce the vulnerability to human trafficking and labour exploitation before departure. In Viet Nam and Nepal, MTUC is developing partnerships with the Viet Nam General Confederation of Labour (VGCL) and the General Federation of Nepalese Trade Unions (GEFONT). A Memorandum of Understanding between MTUC and VGCL was signed in 2015, and MTUC has developed a union internship programme, where a union representative from the origin country will work with MTUC in Malaysia, boosting union workers' skills and bilateral partnerships. This type of cross-border collaboration enhances the opportunity for end-to-end (from pre-departure to return and reintegration) support services and strengthens the trade union movement in the region.

In attempting to organize domestic workers, MTUC has faced numerous challenges. As previously mentioned, a proposal to officially register a group of domestic workers has failed twice—with no sufficient reason offered. MTUC is reluctant to instead establish an informal organization, as this will weaken the scope and impact of their actions and further differentiates between domestic workers and other workers.

Box 4. Country Example: State Enterprises Workers' Relations Confederation (SERC) of Thailand

The 2014 Observations on the Forced Labour Convention reported by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) expressed concern over the vulnerability of migrant workers to forced labour in Thailand, making special note of the experiences of irregular migrant workers during the nationality verification process, and of conditions in the fishing sector. In Thailand, the Labour Protection Act B.E. 2541 (1998) applies to all workers, regardless of nationality or legal status. However, the Act does not fully extend to many of the industries in which forced labour practices and human trafficking are most common, including agriculture, sea fisheries work and domestic work. Migrant workers often earn less than the minimum wage and are subjected to illegal wage deductions, excessive working hours and poor living and working conditions. While migrant workers can legally join Thai unions, they frequently work in jobs or regions that are not traditionally unionized. Moreover, the Labour Relations Act B.E. 2518 (1975) states that only Thai nationals can serve as union leaders and committee members, thus prohibiting migrants' active involvement in existing unions or the establishment of their own trade union to serve their needs.

SERC began to work on migrant worker issues over 15 years ago, in collaboration with the Thai Labour Solidarity Committee (TLSC) and NGOs. Sawit Kaewvarn, SERC's General Secretary stated that it was their NGO partners who drew unions into the debate, recognising the legitimacy of trade unions' voices among employers' groups and the government. Kaewvarn explained that there were initially many challenges in garnering support from SERC affiliates to begin work on migrant worker issues—citing negative perceptions towards migrant workers, and concerns that better rights would encourage migrant workers to remain permanently, as the key reasons.

SERC and TLSC have been active in lobbying for greater protections of migrant workers, both before departure and while at work in Thailand. The two trade unions have collaborated on investigations of recruitment practices and working conditions at specific Thai enterprises, by interviewing workers who were previously employed at factories. The findings were used to make recommendations to both the enterprises and the Thai government, and to lobby for legislative reform. SERC has also taken its advocacy for migrant workers' rights to the international arena. In September 2011, SERC made a submission of a petition to the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) regarding the Thai government's policy to deny migrant workers access to the Social Security Office's Workmen's Compensation Fund. The submission argued that this was in contravention of the Equality of Treatment (accident compensation) Convention, which Thailand had ratified. This engagement signals the beginning of a trade union movement in Thailand that will be better able to combat exploitation that migrant workers face from within workplaces.

9. Conclusion

There is a need for stakeholders in the ASEAN region to come together around common agendas regarding women migrant workers' organizing. Doing so contributes to greater rights realization for migrants, women, and all workers throughout ASEAN countries, as working conditions for all are improved. Barriers to organizing include compounded discrimination against both women and migrants, women's isolation in many workplaces, and legal restrictions to women migrant workers' unionization, among other factors. Yet, efforts to organize women migrant workers in the region have grown at a fast pace in the last decade regarding women in domestic work organizing, with unions taking up gender equality and migrant rights agendas, and with migrant associations increasing in number and accommodating situations where women migrant workers are not allowed to unionize.

Origin and destination country unions can serve a major role through bilateral cooperation, creating the opportunity for end-to-end services. There is also room for unions to expand their activities in the realm of return and reintegration, for example through sector-specific trade unions supporting skills recognition and job placements. More effort needs to be made to reach the most at-risk and invisible groups of workers, such as those in agriculture, construction and entertainment/sex work with transient workplaces, domestic workers with workplaces in private homes, and informal economy workers employed through sub-contractors. In efforts to expand opportunities for unionization, the emergence of initiatives to encourage flexible and sustainable unionization for migrant workers, such as the option for portable union membership through sector-based unions or union partnerships, is becoming evident.⁸⁸ As per the paper's review of the state of women migrant workers' organizing in ASEAN, initial recommendations and points for discussion include:

- Addressing challenges regarding women migrant workers' access to organizing in unions and migrant associations;
- Facilitating networking across borders in and beyond ASEAN through trade union bilateral cooperation, which can particularly offer end-to-end services;
- Facilitating networking between trade unions and civil society organizations;
- Building institutional capacity of unions for the organization of women migrant workers;
- Increasing women migrants' union membership and leadership positions;
- Increasing efforts to organize women in hard-to-reach sectors, especially those in the informal economy and working in private homes; and
- Increasing efforts for flexible and sustainable unionization, such as portable union membership.

⁸⁸ E. Marks and A. Olsen: The role of trade unions in reducing migrant workers' vulnerability to forced labour and human trafficking in the Greater Mekong Subregion, *Anti-Trafficking Review*, issue 5, 2015.





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ISBN 978-92-2-133328-9 (print)

ISBN 978-92-2-133329-6 (PDF)