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# UNION VIEW

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## From Bahrain to Malaysia: Mobilising to Defend Migrants' Rights

The Middle East is a dark zone for migrant workers' rights, especially domestic workers. What concrete, on-the-ground initiatives are trade unions taking to defend their rights?

Reports from Bahrain, where trade unions are fighting alongside migrants and are managing to make headway, together with testimonies from Malaysia and India, where the ITUC is supporting projects for migrants as part of its international cooperation policy for Asia.

### A dark area for trade union rights

Year after year, the ITUC points to the Middle East as a region of the world where union rights are the least protected. The international trade union movement is relentless in its calls for organising rights for migrant workers as the only way to secure a lasting improvement in their working conditions and to defend their fundamental rights at work.



# The Persian Gulf: a dark zone for migrants' rights

**These economies fully depend on migrant labour yet fail to recognize their rights.**

According to various estimates, there are between 15 and 20 million migrants working in the six countries making up the Gulf Cooperation Council (GCC): Saudi Arabia, Bahrain, the United Arab Emirates, Oman, Qatar and Kuwait.

Currently, not a single one of these rich economies would be able to survive without this migrant labour that makes up close to 90% of the active population in certain countries. Nonetheless, the fate they have been faced with for years is alarming: unpaid wages, excessive working hours, heavy debts contracted to cover the exorbitant fees charged by the recruitment agencies, the withholding of their passports, dire living conditions, multiple forms of discrimination... plus the absolute isolation and psychological and physical abuses endured by women migrant domestic workers in the region (see p.8).

### Abandoned in Dubai

Following the economic crisis that struck Dubai (United Arab Emirates) in particular, thousands of migrant construction workers were completely abandoned by their employers. Having gone without pay for several months, they find themselves deprived of any means to return to their countries,

cooped up in overcrowded, stifling camps, with no money to buy food and burdened with exorbitant debts contracted with the recruiters before departing. Numerous suicide cases are reported among desperate workers who hope that by ending their lives their families might be freed of these debts. But the reality is often very different.

### At the mercy of the local sponsor

When they leave their families behind in an attempt to ensure their survival by offering the sweat of their brow to the Gulf countries that lack manpower for the hardest and lowest paid jobs, mainly in domestic work and construction, no sooner do they arrive at the airport than they realize the extreme dependence tying them to their employer from that moment on. To blame is the sponsorship system known as "Kafala" that leaves them entirely at the mercy of their local guarantor, exposing them to countless abuses, such as the withholding of their passports and wages. Bahrain is the only country that has abolished this system, and Kuwait, it would seem, is about to follow suit.

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## Bahrain: an economy dependent on migrant labour to the tune of 77%

**Undoubtedly more progressive than its autocratic neighbours in the Gulf, Bahrain stands as a good example... that could do even better to protect its migrants.**

Originating in the main from Asia, migrants make up 77% of Bahrain's labour force and just over half of its total population (1.1 million). Workers employed in the construction sector come mainly from India, Bangladesh and Nepal. Women workers from the Philippines are mostly found in retail and nursing. The bulk of women domestic workers are from Ethiopia, Sri Lanka and India.

In addition to these rising official figures are the undocumented migrant workers that are not accounted for in the statistics and often live in particularly harsh conditions. They represent easy prey for labour traffickers and live in constant fear of raids by the authorities trying to track them down. Among them are those who have lost their jobs as a result of the crisis that has hit the construction sector. There are also those who, after having paid hefty sums to come to Bahrain, realize that the job they had been promised doesn't actually exist and find themselves with an employer other than that agreed, in total violation of the law... It is claimed that Bangladeshis alone account for about 11,000 of these cases.

### Rock bottom wages for the majority of migrants

Public opinion in Bahrain distinguishes between two categories of migrant workers: those who get a lot, sometimes more than the Bahrainis, are totally satisfied, and become

objects of envy; and the others, migrants on poverty wages living in terrible hardship. The latter category by far represents the majority.

Average wage figures conceal gaping inequalities between Bahrainis and migrant workers. For instance, the average wage in the private sector is BD 326 (\$865), however Bahrainis earn BD 706 (\$1873) whilst migrants only earn 209 (\$554). The years 2009 and 2010 saw an increase in the wage gap, to the detriment of migrants. Women domestic workers, all migrants, earn an average wage of BD 65 (\$172), which represents a sharp decrease of a third to almost half since the 2008 crisis, whereas wages in all other sectors are on the rise.

### "Bahrainisation"

Faced with the overwhelming dependence of the labour market on migrant labour, the Bahraini authorities are seeking to increase the proportion of Bahrainis at work, setting the target at 40%, in other words, almost double the current percentage. The focus is obviously on the most highly skilled jobs, through extensive training programmes aimed at locals. The demand for migrant labour in low skilled, poorly paid jobs is unlikely to fall.

Following numerous reported cases of abuse and exploi-

**"The agents cheated me"**

"They collected 22,000 rupees from me before I left India; this was a huge amount at that time (during the nineties). I had to take out a bank loan to cover this sum. I was promised a job working as an airport cleaner, but instead I was given a road cleaning job. In Kuwait, this is very hot and hard work in the heat. Then I took some extra part-time work to earn extra money like hotel work, carpet cleaning, house cleaning, and car cleaning. I would work an extra five or six hours a day. As it was illegal for me to do the extra work, I only received half-pay from the employer. But this was the way that I paid back the 22,000 rupee loan."

**K.M. Naseer (Kerala-India), who had worked in Kuwait for nine years - Interviewed by Vicky Can (TUC - UK)**

tation, including outright cases of forced labour, above all targeting migrant women employed as domestic labour (see p. 9), the authorities, through the LMRA (1), embarked on a policy aimed at better protecting migrants' rights.

They are provided with official instructions, for example that they should only carry out the tasks set out in their contract and only with the employer registered in their visa declaration, that they should not make any payment to obtain a visa or change employers, and that they should contact the Ministry of Labour in the event of a work related problem. They are also advised to keep hold of their passports. In actual fact, the withholding of passports by employers nonetheless remains a common practice.

**The abolition of the "Kafala", a landmark decision for the region**

In August 2009, the Minister of Labour announced the abolition of the sponsorship system, or "Kafala", for foreign workers, a first in the Gulf region where the Kafala system is a major contributor to abuse and exploitation. From now on, foreign workers may change jobs without having to obtain authorisation from their previous employers.

The LMRA also supports a Hindi language radio programme on workers' rights education. To allow for a more humane departure for undocumented migrants, the "Easy Exit" campaign offers a temporary amnesty allowing them to leave the country without having to pay the penalties related to the non-renewal of their work permits. The message is disseminated by means of information notices posted in the embassies and public buses, and an explanatory video. It is thanks to this programme that a Filipino worker whose work visa had not been renewed for nine years was able to be repatriated without having to pay hefty penalties and without having to go to jail. In recent months, thousands of Bangladeshis have returned home in the same way.



Manama, the capital of Bahrain, is a vast building site that relies on migrant labour. → N.D.

During a recent conference, a number of business people complained that the LMRA provides more help to workers on the run than to Bahraini employees. The recent economic crisis has, in fact, led to an increased feeling of resentment towards migrant workers among a Bahraini population that fears for its jobs.

Yet aside from the poor wages, the living conditions of an overwhelming majority of migrants are hardly enviable, especially in terms of accommodation. In 2009, several migrant labour camps were destroyed by fires, drawing attention to the often inadequate health and safety standards. Such labour camps can be seen mushrooming; they are concentrated in specific areas, far from the residential areas inhabited by Bahrainis. Given that public transport is extremely limited, they rely heavily on the transport provided by their company.

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(1) Official site of the Labour Market Regulatory Authority (LMRA: [www.lmra.bh](http://www.lmra.bh))  
(2)The Kafala is a sponsorship system that is widespread in the Gulf countries, with the exception now of Bahrain. To obtain a residence permit, each migrant worker must be sponsored by his or her employer. A worker who loses his or her job, resigns or is dismissed, automatically loses his/her right to remain in the country, which obviously does not encourage migrants to lay claim to their

**Recruitment agencies: the big lure**

*"To recruit our foreign workers, mainly Nepalese, followed by Indians, and a few Pakistanis and Bangladeshis, we used to go to agencies. But they are crooks, thieves who bleed these poor people dry" denounces James Adrian Cockrem, manager of the municipal cleaning firm GCC (see p. 7). "We stopped and now we ask our workers if they know anyone in their home countries who might be interested. They are the sponsors and thus answerable for those they recommend to us. If they run away during the first six months, they are fined BD 200 (\$531). The advantage if a worker brings in a cousin, for example, is that this person will be well received and find it easier to adapt. Everyone benefits, both them and us. Even so, I keep being approached by agencies, some of whom are now offering me Nigerian workers" he adds.*

For Fadhel Abbas Ali, head of the coordinating committee of the ten construction unions (see p. 7) *"the problem*

*with the sending countries is that they do not educate their workers to defend their rights but, rather, to make themselves liked in the destination countries, so that they get as many jobs as possible, which means more money sent back home. We understand the difficulties facing poorer countries, but one also has to put oneself in the migrants' shoes. Before coming here, local recruitment agencies ask them for ridiculously large sums of money. And when they go back home they often haven't been able to save enough money, they are not given adequate help to reintegrate and often find themselves in a really wretched situation".* For his part, Karim Radhi, Assistant General Secretary GFBTU for private sector who's got a solid experience in defending migrant's rights, recalls *"the sad reality of suicide among migrant workers unable to cope with the fact they didn't find what they had been promised in Bahrain".*

# Unionising migrants: conquering their fears

A lone example in the Gulf, Bahrain authorises the unionisation of migrants. But the obstacles are many.



Karim Radhi (GFBTU) discussing with migrant workers at their labour camp where conditions were improved following union pressure. → N.D.

"In Bahrain, the government has not ratified Convention 87 on freedom of association, and workers are dissuaded from taking part in trade union activities. The summary dismissal and harassment of trade union leaders are common practice" (extract from the ITUC Annual Survey of Violations of Trade Union Rights)



**B**ahrain was the first country in the region to grant migrant workers the right to freedom of association, regardless of their nationality. Migrant workers have equal rights within our Federation and we have an active policy to recruit them. We held an international seminar on migrant workers' rights in 2006, despite the government's opposition, with the support of the former ICFTU, Solidarity Center, the ILO, and Building and Woodworkers' International (BWI), the sector that employs the most migrants in Bahrain. We disregarded the government's refusal, overcame the difficulties, and invited various trade unionists from countries such as Sri Lanka, the Philippines, etc. We paved the way, and now Kuwait has also held a seminar of this kind. Since then, we have organised numerous seminars and activities for migrant workers here in Bahrain," rejoices Salman Jaffar

Al Mahfoodh, general secretary of the GFBTU. The GFBTU was founded in 2004, following the Royal Decree of 2002 establishing freedom of association. It has around 60 affiliated organisations.

## Intimidation

But managing to unionise migrants, helping them to overcome their fears and the tactics used by employers to dissuade them, is an arduous task. "Sometimes the agent they have come through or even the employers themselves tell them not to approach a union," says Karim Radhi (GFBTU). Another tactic used by employers is to diversify the origin of the foreign workers, to stop them from becoming too powerful as a group.

## Not the job promised

Idris Clottey, aged 26, came to Bahrain from Ghana, to work as a driver. Once in the country, he was forced to work as a carpenter and then in a refrigeration and air conditioning company. The person who was supposed to employ him had "subcontracted" him to a friend who made him work as a carpenter. When Idris Clottey went to complain, the recruitment agency made him work for his initial, legal employer, who manages a refrigeration and air conditioning firm. Having been injured by a pane of glass that fell on his arm, he found himself unable to work. He ended up fleeing his recruitment agency and taking refuge in a mosque. On 1 December of this year, the GFBTU lodged a complaint on his behalf with the Labour Ministry. Idris Clottey hopes to receive compensation to be able to start work again or to go back to Ghana.



**Human trafficking**

According to official sources, around 10 percent of migrant workers are in Bahrain under the "free visa" arrangement, an illegal practice that can lead to debt bondage. The Bahrain Chamber of Commerce and Industry puts the figure at 25%. The government is supporting the IOM programme to fight human trafficking. Despite the abolition of the Kafala, the mobility of migrant workers remains limited. Women migrants from Thailand, the Philippines, Morocco, Jordan, Syria, Lebanon, Russia, China, Vietnam and Eastern European States are prey to forced prostitution in Bahrain.

The migrant workers' embassies do not always encourage them to defend their rights either. "When workers go to their embassies over a work related problem, they are asked to compromise so as not to lose their jobs. The attitude of some embassies is understandable," adds Karim Radhi.

**A tool to fight with**

The portion of migrant labour in a company can vary from 10 to 100 percent in some instances. "When a group of workers comes to us with a problem, we say, "If there is no union, form one. That way you will have a legal tool to help you fight," explains Karim Radhi.

"It isn't easy to convince migrant workers to join a union: there is the language barrier and, above all, they fear losing their jobs," confides Salman Jaffar Al Mahfoodh, general secretary of the GFBTU. "Nevertheless, we now have ten trade unions in the construction sector, with an overwhelming majority of migrants. These unions have joined together in a committee to set up a sectoral union, even though only unions at company level are authorised by law. It is a major step forward in the GFBTU's fight to defend and unionise more migrants," (see p. 6).

As regards migrants' living conditions, which are a major problem, some companies have made improvements thanks to the pressure brought to bear by trade unions. But the legal equation on the number of people per square metre is often not respected and a great deal remains to be done," says Fadhel Abbas Ali, head of the committee grouping ten unions in the construction sector.

Following the financial crisis in 2008, the construction sector was the first to be affected, and many migrants were sent back to their countries when construction projects were cancelled or placed on hold. "We did our best to influence the conditions under which workers were made redundant, helping them to secure as much as possible before leaving, be they migrant workers or Bahrainis," explains Karim Radhi.

**Overcoming the differences**

The unions are also securing improvements in terms of pay. But there are still too few union leaders among the migrant workers. For Karim Radhi, "these language and cultural differences still need to be overcome to help us achieve this".

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Seven Indonesian sailors from the crew of the Lady Anna who spent four months trapped on board off the coast of Bahrain. The Bahraini authorities refused to let them disembark because they weren't covered by Bahraini employment contracts. "We took up their fight. We've alerted the press. And now thank goodness they have just won an agreement with their employer who will pay their salary arrears and the cost of their return to Indonesia. We will keep following the case to make sure this agreement is fully respected." says Karim Radhi (GFBTU).

**ITUC-GFBTU cooperation agreement**

In February 2010, the ITUC and the GFBTU signed a cooperation agreement for the implementation of the "Trade Union Outreach to Migrant Workers" project. The aim is to improve migrants' rights and reduce poverty among workers as a whole in Bahrain.

In concrete terms, the project consists in providing information and services to migrant workers, to organise them in unions and promote their involvement in trade

union structures. The GFBTU is also working to promote a global, rights-based approach to migration through social dialogue with the government and is campaigning for the application of the ILO and UN Conventions regarding migrants' rights.

The GFBTU has also committed to building alliances with trade unions in other countries as well as with other civil society organisation defending migrants' rights.

# "We do not differentiate between locals and migrants"

Pay in the construction industry is very low and there are many accidents, especially falls. Some ten unions have been formed since 2006. Their leaders are now looking to set up a sectoral union.

Many are the building sites in and amongst the brand new futuristic style buildings, not only in Manama, the Bahraini capital, but across the island as a whole. The Haji Hassan Group, which owns 14 Bahraini construction companies (asphalt, cement, prefab houses, etc.), is the largest conglomerate in the construction industry, with an impressive portfolio of major works, such as the airport. The company employs 1831 workers in total, 368 local and 1523 migrant.

In 2007, the union that was formed at the company in 2006 staged a strike of migrant workers in protest at pay and living conditions.

*"Having started out with 200 workers, our membership figure has since risen to around 1130. It is an increase owed to the support we have given to migrant workers' demands. The number of members has, however, fallen more recently by 700 to 800, as a result of the crisis. Many projects have been brought to a halt, at the expense of many migrant workers' contracts."*

*"It's not easy to convince migrants to join us. Some are here on short-term contracts and are not interested in paying the union dues; even more so now, as at least before they could sometimes earn an additional 50% of their salary by working overtime. But now, with the effects of the crisis, overtime has been substantially cut back."*

Following the strike and the gains secured from the company, relations between the union and the management seriously deteriorated, to the point that the management shut down the trade union office. During the dispute, it had also stopped the automatic deduction of the monthly union dues of BD 1 (\$2.6).

*"We are now starting to build a better relationship, and it is starting to give results. The management has agreed to release me from my duties, so that I can work full time as a trade union representative. I have lost out in terms of wages and benefits, but it establishes my independence from the management, which cannot put material pressure on me,"* adds Abdullah Ridha Mansour.

The chief trade union demands are currently related to wages, health and safety, and accommodation. *"There are too many falls on the building sites. Transport is also a problem in many companies. Legally, workers can only be transported by bus, but the law is not respected and trucks can plainly be seen transporting workers under the blazing sun. In summer, the temperatures can reach 45 degrees*



Around a hundred migrant workers live in this camp. Following the visit of a BWI delegation in May of this year, the workers voiced their complaints, and then went on strike. "Before, ten people were crammed into the same room. With the union's help, there are now just five to six people per room, with a wardrobe and a fridge. We have a mosque and a Hindu place of worship within the labour camp. → N.D

*celsius, with a very high rate of humidity. This makes it very hard to work on the building sites. We were able to reach an agreement with the authorities on staggered working hours in summer; it is not unusual to see building sites fully operational in the middle of the night,"* explains Fadhel Abbas Ali, head of the coordinating committee bringing together the ten construction unions.

## Extending breastfeeding time

*"People come to the union on a daily basis with their problems, which we handle directly with the management. This morning, for example, it was a problem over promotion. When it comes to collective demands, we have structured meetings with the management,"* explains Abdullah Ridha Mansour. *"The next meeting, for instance, will cover two items. Firstly, our proposal for a wage rise ranging from at least 2.5 to 5%. And secondly, our demand for two hours breastfeeding time per day. The law provides for one hour in the private sector, but it's really not enough. In the public sector, the rule is two hours. Out of the 1891 workers, there are only 30 women, 20 Bahrainis and 10 migrants. It is a measure that wouldn't cost the company much at all."*

## Trade union merger refused

The union at Haji Hassan Group tried to merge with the union formed at the sister company Precast Concrete, led by Fadhel Abbas (see box p. 7). *"But our managements refused, on the pretext that we do not cover exactly the same activities. If we had a sectoral union in the construction industry we could call for a harmonisation of the practices in the various companies, it would give us much more power,"* concludes Abdullah Ridha Mansour.

*"We will not be able to make adequate progress on our two priorities, pay and safety, until we have a sector-wide union,"* regrets Fadhel Abbas Ali.

## BWI supports a sectoral union

As the ITUC, "BWI supports the establishment of a national trade union federation for the construction industry, to promote decent work, safe working conditions and better pay for the 136,000 migrant construction workers in Bahrain" ([www.bwint.org](http://www.bwint.org)). The GFBTU has been affiliated to BWI since 2009. "The most useful are the many BWI seminars held here in Bahrain on health and safety issues, wages, migration, etc.," notes Fadhel Abbas Ali.



# Such cleanliness... for such low wages

Faced with the management's refusal to let migrants join, the union at GCC is adopting a gradual approach, so as not to put their jobs at risk. Dialogue between the union and the management at the GCC cleaning firm...

**M**anama is a very clean city. This cleanliness is owed to the migrant workers that form the vast majority of those in charge of cleaning the streets. "Out of a total workforce of 1,200, we have around 200 Bahraini employees, the most skilled, such as the drivers and the supervisors. But all those who actually clean the streets are migrants. To be honest, it is very difficult to find a Bahraini who is willing to work on the ground," explains James Adrian Cockrem, general manager of GCC.

It has to be said that the wages are very low, BD 55 (\$146) plus BD 15 (\$40) for food. Municipal cleaning services in Bahrain have been privatised and entrusted to two major cleaning companies. At GCC, the only company accepting the presence of a union, most of the migrant workers are Nepalis, others come from India or Bangladesh.

"Initially, when the union was formed, I have to admit it was difficult. Now, relations are better, we try to meet every two weeks. Health and safety is a key issue. When the workers arrive, most of them from their villages in Nepal, we do not ask for much in the way of qualifications to do cleaning work. But the danger is the traffic. We inform them of the hazards and provide them with protective gear," explains the general manager of the GCC.

"The management is open to the GFBTU intervening on behalf of the migrant workers, but categorically refuses to let the Nepalis join the union, which is against the law. We discuss this issue at length with the management, we try

to make progress by taking the interests of these Nepali workers on board," explains Ali Ibrahim Assafar, the representative of the GCC union affiliated to the GFBTU. "The company's philosophy is that the Bahraini workers and the migrant workers should be treated as two separate entities," says Karim Radhi (GFBTU).

"I try to make the union understand that we have a municipal contract that comes to an end in two years. The labour costs, which represent 50% of our outgoings, are a key factor in having it renewed, by remaining competitive with our rivals. My concern is that if the migrants join unions, it will be to ask for more money, and that is something I cannot do, otherwise I will lose the contract," argues the general manager of GCC.

## "We understand their fears"

"We accept having to take a gradual approach, in the form of mixed workers' committees, for instance, bringing together Bahrainis and migrants. By no means do we want to run the risk of seeing the Nepalis lose their jobs if they unionise. Most of them are on fixed term contracts; we understand their fears of not having their contract renewed, even though this is an illegal anti-union practice. If a migrant has been recruited by an agent at the cost of mortgaging his or her house, we understand that they are afraid of losing their home if they join a union."



## "We promised migrant workers we would always be on their side"

**At the age of just 19, backed by the Bahrain trade union centre GFBTU, Fadhel Abbas Ali took on the struggle to defend workers' rights, although there was still no union in the construction sector at the time. Now aged 25, he is heading the committee bringing together 10 construction company unions aimed at founding a sectoral union for the industry.**

"When I started at Precast Concrete Company, the health and safety conditions, the pay, the promotion opportunities and the treatment of the workers were truly appalling. For migrant workers, who represented 80% of the workforce and were mainly Indians and Filipinos, the salary was only BD 70 (\$185) or even less," recalls Fadhel Abbas Ali.

"As our company was part of a major industrial group, our strategy was to tell our brothers at the parent company (Haji Hassan Group) to also form their own union, to take the pressure off of us. So we launched our two trade unions at the same time. It was quite easy to convince the Bahraini workers to join as they are employed on permanent contracts. But the migrant workers were very reticent, they were afraid of losing their jobs," he recounts.

"We promised them that whatever the dispute, we would be on their side and not the management's, we told them

to judge for themselves whether our action was positive and then to join us afterwards. Today, 150 out of the 400 workers are unionised, locals and migrants alike. It's a start, but a lot remains to be done to organise more workers."

"We have already managed to change the situation, especially the way the workers are treated. Accidents at work have fallen by 70%. The living conditions are more decent. Wages have been raised from BD 150 to 250 (\$663) for locals and BD 70 to 100 (\$265) for migrants."

"We clearly told the management that if they did not come to the negotiating table, the problems would escalate, and that we were even prepared to go on strike. They realised we meant business and we actually managed to initiate a dialogue."

"We do not have a separate approach for locals and migrants. We defend all the workers in the sector who are suffering, above all from the low wages and appalling health and safety conditions," concludes Fadhel Abbas Ali.

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-Read the full interview with Fadhel Abbas Ali at: <http://www.ituc-csi.org/spotlight-interview-with-fadhel.htm?lang=en>



"Safety, pay, accommodation.. we have succeeded in making improvements", Fadhel Abbas Ali (GFBTU)



Although migrants are not allowed to become members, this does not stop the union from defending their cause.

### Living conditions substantially improved

"Krishna Upadhyaya from AntiSlavery International, came to speak to the Nepalis and told them to contact the GFBTU for help. Since then, their living conditions have been substantially improved. The company has built a new complex. Our union intervened, with the help of the GFBTU, and the situation has improved considerably. The management has already built four new accommodation blocks, with only six to eight people sharing a room. It's much better," rejoices Ali Ibrahim Assafar.

The director explains that "if the migrants have a problem, they talk to their supervisor, who comes to talk to me about it. They can also talk to Ibrahim from the union, who then comes to discuss it with me. We had a problem with the water supply, there wasn't enough water for them to get washed and do their washing with, but it has been resolved. We now have good housing conditions. They are going to have a canteen soon, rather than everyone having to cook for themselves. The buses used to transport them are air conditioned, as are the cleaning vehicles. They are entitled to a fully paid return ticket to their home countries every two years, and we can help them out when they need to take urgent leave. They are also covered if they have any hospital expenses. But, to be honest, if we have problems because of the union and find ourselves in the press, it's bad for the company. A balance needs to be struck. I am in agreement when it comes to decent working conditions. There are many companies that treat their workers appallingly, housing them in accommodation without toilets, with no running water.



(\* Ali Ibrahim Assafar, head of the union at the GCC cleaning firm, in the kitchen of the new accommodation for migrant workers, built following complaints from the union. → N.D

### (\* "We are concerned with everyone's plight"

"Following an electrical fault, 900 migrant workers found themselves without any water at their lodgings for 24 hours. Imagine, with the heat there is here! The next day, they refused to go to work.

One day, the director was in a rage because the air conditioning in his car had stopped working for a few minutes. I asked him to imagine how the migrant workers must feel, having had to go without electricity for 24 hours at their lodgings, with no water, because the pump wasn't working, and no air cooling. The director replied that the plight of the migrant workers was not my concern. I responded that the union represents all the workers and we are concerned with everyone's plight. At our insistence, he finally agreed to install a generator in the new accommodation blocks to ensure the water supply in case of emergency", explains Ali Ibrahim Assafat (GFBTU).

These are the companies that need to be targeted; they need to be identified and reported to the labour inspectorate. Otherwise, it's hard to remain competitive when we are the only ones building decent accommodation!"

"Every Friday, the bus takes them to do their shopping after work," the director adds, "because they work seven days a week."

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## Middle East: a nightmare for all too many domestic workers

### Desperately lacking in legal protection.

From the day she was brought in unconscious to the Medina Hospital on 8 November, her lip slit open with scissors, her body covered in iron burns, with broken fingers, her legs beaten to the point she could no longer stand up, suffering from malnutrition and bleeding, 23 year old Sumiati's dream had turned into a nightmare. She had left her fishing village in Indonesia to go to work as a domestic in Saudi Arabia, hoping this would help the younger members of her family go to school. But what awaited her was torture at the hands of her employers. The lifeless body of Kikim, a 36 year-old Indonesian domestic worker, was found on 11 November, in a refuse container in Abha. She had been tortured to death by her employers. Last August, a domestic from Sri Lanka had 24 nails driven into her body by her employer, also in Saudi Arabia, a country that employs an estimated 1.5 million domestic workers.

Horrific cases such as these are regularly exposed in the region but they only represent the tip of the iceberg of serious abuse and violence inflicted on female migrant domestics in the Middle Eastern region. This situation is such that it has led a number of governments in sending countries to bar their nationals from seeking this type of work in the region.

Some progress has been made in a few countries, including in the Lebanon where in 2009, following a series of widely publicised abuse cases, the authorities established a standard contract for domestic workers. So far, however, Jordan is the only country that actually amended its labour law to cover domestic workers and ensure them basic protection such as the monthly payment of wages via a bank account, a weekly day off, annual paid holidays and sick leave, as well as a working day limited to 10 hours. These domestic workers cannot, however, leave their workplace without their employers' permission.

"Governments, unions and other civil society actors, both in the destination and origin countries, need to get more involved," noted Simel Esim from the ILO office in Beirut, following a regional meeting at which the ILO called on the countries of the Middle East to abolish the Kafala system that makes domestic workers extremely vulnerable, as well as to adopt labour legislation that would ensure them legal protection.

"This type of migration has risen substantially in recent years as families increasingly rely on the help of these domestic workers to provide for their social needs, including



care for the elderly, the disabled and children. At a time when private recruitment agencies are reaping huge profits at the expense of the men and women who come to the region in the hope of being able to provide for their families back home, what is needed are government led policies and programmes rather than leaving its management solely to the private sphere of the family," according to Simel Esim.

### Trade union campaign for an ILO Convention

The international trade union movement is campaigning for the adoption next June of a new ILO Convention and Recommendation that would finally give domestic workers recognition and protect their labour rights (\*).

"Initially, Bahrain was in favour of the Convention and the Recommendation. But by virtue of an agreement between the countries in the Gulf Cooperation Council (Saudi Arabia, Bahrain, United Arab Emirates, Oman, Qatar and Kuwait) marking a commitment to speak with one voice at the ILO, the other neighbouring countries managed to change the Bahraini government's position last June in favour of only adopting a Recommendation. As defenders of workers' rights, we are campaigning for the adoption of a Convention and Recommendation and are still hoping to convince our leaders; it's a very hard battle," admits Salman Jaffar Al Mahfoodh.

## "One day you land in the wrong house..."

**Migrant domestic workers, not covered by the labour legislation, are prey to all manner of abuses. We meet with those who have fled their employers and taken refuge at the shelter run by the MWPS (see p.10).**

**B**eatings, verbal abuse, health problems, sexual violence, wages below the amount promised or no pay at all, nothing but a few leftovers for food... many are the abuses that drove these women, most of whom have had their passports withheld, to take refuge at the shelter. They have found comfort, safety and support in a central district of Manama, the capital of Bahrain, behind the locked door of a house bearing no sign of what it is, so as to protect those staying there.

The inhuman workload they have to cope with also contributes to making them flee. None of the women staying at the shelter had the right to one day off a week and all had to work late into the evening then get up at dawn, leaving them in a state of sheer physical and mental exhaustion.

"The aim of the shelter is to provide them with protection, food, medical care if needed, and to help them feel better by offering a range of activities. Other branches of the MWPS take care of the legal side, dealing with their employers and embassies, to recover their passports or unpaid wages, for example. The employers often keep these women under lock and key. As they are unable to leave of their own free will, they have no choice but to run away, and they come here, or to their embassies, which send them to us, except for the Filipinos, as their embassy has its own shelter," explains Rosine, head of the shelter. Most of the women are from India, Sri Lanka and Bangladesh, others come from Ethiopia and Indonesia.

"There are some families that take care of you, but most women end up in middle class families that try to get as much as they can for as little as possible," says Rosine. She also points to the risks the women face on running away, a time when they are at their most vulnerable and may end up falling into the wrong hands, such as prostitution rings, leading to even worse abuses.

### Forced back to work just three days after a serious operation

Bablu (\*) came to Bahrain from the Indian state of Uttar Pradesh. "I paid a large sum of money, BD 250, to a recruitment agency that kept my passport. It was very frightening for me at Madam's house where I had to work, as she was always scolding me and telling me I had to work faster all

the time, and didn't give me enough to eat. I had to make do with eating leftovers once a day, as is the case for many of us here. I developed a terrible abscess under my arm, making it impossible to work. I underwent a very painful operation. I should have received identity papers with my work permit, but I never got them and they registered me under another name to go to hospital. The doctor told me to have ten full days off work to give it time to heal, but three days later, as soon as I went back to Madam's, she asked me to do lots of chores. I had to cook outside, in the blazing sun, in the unbearable heat... I've taken up sewing here to take my mind off it, to stop myself from getting upset, it relaxes me. I would like to go back to India, where my husband and two children are, but I come from a very poor village and there is no work. My sponsor does not want to give me my passport back and is demanding BD 500 from me. Yet I had already come to work in Bahrain before, between 2005 and 2008, in a house where I was happy. I also worked in Qatar for two years, in Kuwait for two years and in Oman for two years, without any problem. Then, one day you land in the wrong house, for no good reason, and yet I can speak Arabic and a little English. They had told me I would earn BD 80 before I left, but when I arrived, Madam told me I would only get BD 60, which isn't enough for my family to live off."

Bablu was, at least, paid something, which is not the case for many of the women at the shelter. The agencies usually withhold at least the first two months' pay, especially when dealing with those from Sri Lanka and the Philippines. Some women receive nothing at all for months on end.

### Cruel recruitment agencies

"The agencies are so cruel. When we go there to complain, they give us a beating and send us back to work. I have worked in seven different houses and wasn't well treated in a single one, I was beaten. When I went to complain to the agency, when I asked to go back to Sri Lanka, they said I should just commit suicide, that they had no use for me," testifies Pavani (\*).

Young Aji (\*) is traumatised. She cries softly, nervously fidgeting with her black sari. "She no longer knows how old she is, she cannot find her parents' phone number and



"We would like to be able to organise them!"

**Salman Jaffar Al Mahfoodh, general secretary of the GFBTU.**

See the full interview at: <http://www.ituc-csi.org/spotlight-interview-with-salman.html>

### Falling wages

In Bahrain, domestic workers, all migrants, currently earn BD 65 on average. Their pay has been cut drastically, by between a third and almost a half since the onset of the crisis in 2008, whilst wages in other sectors are on the rise.



she cannot remember the address or even the full name of her parents, who are looking after her children, or that of her husband who is working in Kuwait. It makes it difficult to send her back home where she wants to go. She was a laundry girl in India and arrived here four months ago. She doesn't speak any Arabic or English. She doesn't know how to cook either. How could her parents let her leave?" asks Rosine, taking her in her arms to reassure her, telling her again and again not to worry, that her boss cannot come and hit her in the shelter. Aji was exploited by her own elder sister, who is also working in Bahrain. After four months in the country, she still had not seen the colour of the local money. Her sister was pocketing all her wages. Under-nourished and harassed by her bosses, she jumped from the balcony in the middle of the night to run away. Her employers chased after her by car. She hid, then was finally rescued and brought to the shelter, totally dehydrated by the heat.

Opinions are divided regarding the attitude of the police. In some instances, they are sympathetic and point the women in distress towards a shelter. In others, they send them back to their employer or their agency.

### Eighty thousand migrant domestics

In Bahrain, the approximately 80,000 women working as domestics come primarily from India, Sri Lanka, Ethiopia, the Philippines, Indonesia, and Bangladesh.

### Excluded from the labour law

"They are completely excluded from the labour law as it now stands. Like everywhere else in the region, domestic work is considered a family matter. Of course we would like to be able to organise them!" says Salman Jaffar Al Mahfoodh, general secretary of the GFBTU. "In the tripartite committee that drew up the new draft labour law, we insisted a great deal on ensuring that domestic workers enjoy rights at work, covering pay, for example, or working hours and the minimum time off per week. It is in the hands of the Parliament now. If it is adopted, it would really help us to defend domestic workers," added S. J. Al Mahfoodh. For the time being, when a union receives a complaint from a domestic

## GFBTU and MWPS (\*) partner up to defend migrants

The Migrant Workers Protection Society (MWPS), aside from the various shelters it runs for domestic workers, also provides a wide range of assistance to migrant workers, such as legal support for those who find themselves without papers. The MWPS also regularly inspects the camps housing migrant workers and negotiates with employers and the authorities to try to improve the often appalling housing and living conditions. The General Federation of Bahrain Trade Unions (GFBTU) is working closely with the MWPS to defend migrants' rights.

"We invite them to our seminars, and they invite us to theirs – we coordinate. At the International Labour Conference in Geneva last June, we cooperated with two women from MWPS of Indian origin, to support the Convention on domestic work," added Karim Raghi (GFBTU).

(\*)<http://www.mwpsbahrain.com/>

worker, it works with the Labour Ministry and the Migrant Workers Protection Society (MWPS) to try to defend her, to recover her passport, her unpaid wages, to help her get back to her country.

"A lot of work also needs to be done to change attitudes within society, including within our own ranks, as trade unionists also have domestics at home," adds Kareem Radhi (GFBTU).

(\*) Assumed names used at the request of the people interviewed, for fear of reprisals from their employers or recruitment agencies.



One of the MWPS shelters in central Manama, capital of Bahrain. Having suffered terrible abuses at the hands of their employers and recruitment agencies, all the women housed at the shelter hope to go back to their countries. (photo ND)



"We hope that the ITUC will be able to provide us with the guidance and material support needed to step up the recruitment of migrant workers and improve trade union action both in terms of quantity and quality. As the main labour exporting state in India, we hope that our experience in Kerala will set a precedent nationally as well as in other states, to ensure decent work for all migrants, be they highly qualified scientists or domestic workers."

**R. Chandrasekharan (President INTUC/Kerala)**

"Some countries and governments do not take a progressive stance on migrant workers' issues, but the establishment of trade unions can reach these people. They can give good counselling, phone numbers for emergencies, information about the country, talk to them about their contract, check if their employer is registered, and can give contacts of 24-hour phone lines which they can ring for support."

**Mathews David, coordinator of the new ITUC project on migrants in Kerala**

## India: a new trade union project for migrants in Kerala

Trade unions in the Indian state of Kerala are mobilising to inform and organise migrant workers as part of an ITUC-sponsored project.

Kerala is the top Indian state exporting its labour abroad, with heavy consequences for society as a whole. The majority of them go to work in the countries of the Middle East, as well as the Far East, the United States and Europe. "Migrant domestic workers live in particularly shocking conditions. Young undocumented women, victims of human trafficking, working in the fishing industry, for example, domestic services or prostitution, are not protected by legislation capable of countering these inhuman practices inside the country and abroad. In the field of healthcare, our hospitals are suffering from staff shortages caused by the brain drain affecting Kerala and India as a whole," deplors R. Chandrasekharan, Indian National Trade Union Congress (INTUC) branch president and national secretary.

The Indian government has set up a ministry in charge of these issues, facilitating communications between countries to deal with the complaints and work towards better conditions for migrant workers. "The government has signed a number of bilateral treaties on minimum wages, health and safety standards, etc., which have already had a very positive impact, including on labour camps. Some progress has also been achieved with the government of Kerala. Still, much remains to be done...", notes R. Chandrasekharan.

"Kerala is a state where unions are strong, yet until now they had not dealt with the issue of labour migration," admits R. Chandrasekharan. "This project provides us with an important tool to carry out a more in-depth study of these issues nationally and internationally. We hope to organise these workers and to develop coordination between unions in sending and receiving countries." Whilst the Indian government is involved in regulating the recruitment process, the cause of countless abuses, "the INTUC is prepared to play an important part in terms of pre-recruitment training, to ensure that workers are appropriately informed about



Mathews David, coordinator of the new ITUC project on migrants in Kerala

the rules and services in the destination countries," adds R. Chandrasekharan.

"In practical terms, the programme will consist in setting up a department in charge of migrant workers and in effectively mapping the situation. District level committees will be set up and provided with the relevant capacities to step up the union recruitment of migrant workers," adds R. Chandrasekharan. The INTUC is calling on the different echelons of the Indian government to set up rehabilitation programmes for returning migrants, including an adapted pension scheme, as well as to conduct more in-depth research into the realities of undocumented migrants.

### Partner union in Bahrain

"We hope to develop campaign work with the GFBTU in Bahrain. We would like to establish contacts in other Gulf states but antiunion repression in these countries is preventing us from making progress. At least in Bahrain we have a partner with whom we can tackle the issues of migrant workers in this region," rejoices R. Chandrasekharan.

N.D., V.C., J.B.

## Better paid, better protected Indian migrants... being gradually replaced

India has established a minimum wage for its nationals working in Bahrain.

"Indian workers are very well organised. They live together in the same labour camps. They have staged highly organised strikes in the construction sector. They have their embassy's support and have managed to have some of their demands met. It is unfortunate, however, that there were incidents with the police when they were staging peaceful actions and that some leaders did not have their contracts renewed," explains Fadhel Abbas Ali (GFBTU-construction).

In 2009, India signed an agreement with Bahrain on the protection and well-being of its expatriates. The Indian government thus established a minimum wage for its nationals in Bahrain, varying according to the type of job.

"In addition, with the economic boom in India, Indian

workers are now asking for better wages. They are skilled, they know basic English, and are renowned for being open to dialogue. Employers often look to India for accountants. Indian domestic workers are also asking for better wages. As for the most highly skilled workers, Indian companies are coming to the entire Gulf region to take them back to India. To my mind, it is a good illustration that if you want to help migrant workers, it's important to help their countries of origin to develop," continues Fadhel Abbas Ali.

As a result of the situation in India, more and more Vietnamese workers are being brought in to replace the Indians in the construction industry, as they cost less," he adds.

N.D.

# Malaysia: migrants not allowed to join unions

They represent a third of the workforce.

The authorities evaluate the migrant population at nearly two million, but for Amnesty International, there are some four million migrants, legal and illegal. The majority come from nearby Asian countries such as Indonesia, Bangladesh, Nepal, Burma, India, Vietnam or the Philippines. Some 300,000 of them, mostly women, are employed in domestic service.

Many workers' pay slips show deduction for a repayment of a "loan", when in fact, no loan had been made and this was camouflage for the imposition of a monthly levy. In Malaysia it was recently made illegal for employers to pass on the cost of the compulsory levy to workers; this is why employers are now calling it a loan on the pay slip. For other workers, they had been promised a certain kind of job, at a certain level of wage, only to arrive and be given something less.

*"Over the last three years we have been involved in a project for all migrant workers, supported by the LO-TCO (Sweden), and more recently by the TUC (UK)," explains G. Rajasekaran. Migrant workers can come to us to talk about their problems. The most common complaint is about non-respect for the salary they were promised before leaving their country. Some of them come to see us with the contract signed in their country of origin, which stipulates a higher salary. We go to the Labour Ministry to support the demands of workers whose contracts are violated in this way, but the ministry's response is that agreements signed abroad cannot be enforced in Malaysia. We are pressing the government to ensure recognition of these contracts, but it has not done so yet," says G. Rajasekaran, general secretary of the MTUC.*

The MTUC also receives complaints from workers who have not received their wages for several months. *"Their employers give them 20-30 ringgits (6-10 \$) from time to time, just enough to survive on, and ask them to sign a document acknowledging receipt of these small sums, but the amount is not written on it at the time. We also turn to the Labour Ministry in such instances, but the documents signed by these workers makes it difficult for us advance our case as the employers argue that they had already paid the full amount when the document was signed," laments G. Rajasekaran.*

*"Before we came, we were promised a higher salary but now we are not receiving it. Also we had to pay an agent's fee too of maybe 4500 ringgit (1437\$) to come here, which is a lot of money. We are supported by the union now and we need the union to help us to tackle this levy deduction and also to ensure we receive the pay that we were originally promised," says Nirjan Kumar Rajbanssi, a Nepalese migrant, aged 27, who works in a furniture mill on the outskirts of Kuala Lumpur.*

During their time overseas some migrant workers end up, inadvertently, falling foul of the law. Agents or employers would not properly register them as legitimate workers, they would be moved to new employers without the paperwork correctly following them, they would have to earn extra pay on the side because they were not being paid the wages they were promised, or somehow, the bureaucratic system might force people into illegality. This might be because their work visa was too short for them to save money, or because it was hugely expensive to renew their papers.



Vicky Cann (TUC-UK) and Jeroen Beirmaert (ITUC) visited a hostel where migrant workers are housed. "There on one floor of an empty shop, 24 male workers slept on bunk beds and kept their possessions either on a shelf or under their bed. They cooked their meals in the same room where they slept. There was one toilet and outside showers. Someone told us: "In the morning there is only time for three of us to shower."

*"These projects for migrant and domestic workers (see p. 14) have given us a clearer picture of what is happening on the ground and have allowed us to gather statistics on the number of people mistreated by their employers. We submit this data to the government, which has helped us make some progress," says G. Rajasekaran.*

In Malaysia, migrant workers can join associations, but technically they cannot join trade unions.

*"When migrants arrive there is a real role for local unions to have an inclusive and open approach, and to support them. Having outreach workers that can speak the language of the migrant workers community can help, and it can be very important that destination countries are able to take on specific cases of abuse and challenge them in the courts or with political authorities in order to get justice," says Vicky Cann (TUC-UK), who went to Malaysia within the framework of an international trade union mission with the ITUC in August 2010.*

## Difficulty enforcing collective agreements

The MTUC's policy is that even if a migrant worker has signed an individual contract, wherever there is a union and a collective agreement, the latter applies to everyone, including migrants. *"We are managing to implement this MTUC policy but it has become increasingly difficult since the government introduced a system of supplying labour, two years ago, and issued around 270 licences for what it calls outsourcing companies. We call them labour traffickers, who extort money from migrants and employers. These outsourcers do not operate in any particular sector, but they are the migrant workers' official employers; they are not employed by the company where they work. The problem here is knowing what union to join, as Malaysian unions are organised along sectoral lines. Outsourcing also means that the collective agreement signed with the company does not apply to these migrants, even though they work there," adds G. Rajasekaran.*

## Slave-like conditions

Young Vietnamese women at a confectionary in Port Kelang forced to work every day from 2.30 in the morning, sometimes for 11 hours in a row. This is one of the cases exposed by an MTUC survey (1) denouncing working conditions that contravene the 2007 Anti-Trafficking in Persons Act. The withholding of salaries for more than three months is also widespread.

In a report released in March 2010 (2) on migrant workers in Malaysia, Amnesty International urged the Malaysian authorities to bring an end to the "trafficking" of migrant workers, often victims of ill-treatment and sexual violence due to "loose regulation" that fails to protect them. Most of these workers have contracted loans at exorbitant interest rates and simply do not have the means to return to their countries. Some find themselves in working slave-like conditions.

(1) MTUC newsletter June 2010.

(2) "Trapped: The Exploitation of Migrant Workers in Malaysia" [www.amnesty.org](http://www.amnesty.org).

# Undocumented migrants are even more vulnerable

**Employers take advantage of undocumented migrant workers.**

For some employers, having undocumented workers brings them real benefits. If the workers become ill or injured, they are then able to deny all knowledge and thus any responsibility towards them. Undocumented workers do not need to be paid the full wage because, being illegal, they have no recourse to the authorities to complain. For some employers, colluding with illegality brings them huge benefits.

But of course for the worker, being illegal places you in an especially vulnerable or precarious situation. You end up having to cover more and more of the costs of work yourself, you are ineligible for state support, and it is really hard to get justice when things go wrong.

While in Malaysia we met a male, 23-year old construction worker from Nepal, now working in Malaysia. He told me that: *"In September 2008, my employer insisted to collect 2500 ringgit (796 \$) from me to pay for my permit and insurance." In early 2010, this worker was in a terrible industrial accident where he lost four fingers on his right hand. "When I was then injured I immediately asked my employer where my permit and insurance was and the employer refused to help me and gave me no compensation. There was no permit or insurance."*

K. Somasundrum from the Malaysian Trades Union Congress (MTUC) takes up the story. He told me what happened when he sought advice from the authorities about how to handle this difficult case. *"When I first met this worker he had nothing at all, including no passport. But his most recent employer has refused to accept any responsibility for the accident and for his worker. This employer says to me, you must prove that he has worked for us! So I then asked the advice of the director of legal division in the immigration department of the government about how to handle this case. He told me that if this worker 'moves one step forward*

*or one step back' they will arrest him as he has no legal documents now."*

Some migrant workers that we met had found themselves in position of near-total subservience to their employers. Their ID, usually a passport, had been taken away by the employer 'for safekeeping' meaning that there was then an invisible chain linking the worker to the employer. Nirjan told me that his passport was held by the company. In cases of physical or mental abuse, the worker finds it hard to leave, because they would have to leave their passport behind. And migrant workers are particularly vulnerable if they find themselves on the streets without a recognised form of ID.

We met Supartiah, 37, a domestic worker, originally from East Java in Indonesia, who was taking shelter at a refuge within the Indonesian Embassy in Kuala Lumpur. She told us: *"I was working far from Kuala Lumpur and I was originally working for a family. After one year, I ran away from them because they owed me 2000 ringgit (£420). They had not paid me my salary. And then I worked for another family for six months and there I was abused. The abuse started when I made a mistake and I forgot to feed their cat. Then they hit me using their hands, and then their belts; they used a rotan on me and they even hit my head with a hammer. They also did not pay me my salary." Supartiah has now filed a complaint with the police about the physical abuse she has suffered. "But the trouble is that because I ran away from my first employer, I did not have a work permit with my second employer and so it may be hard for me to get my salary as they can claim that I was an illegal worker."*

**Vicky Cann (TUC-UK)\***

\*Also see Vicky Cann's firsthand account of the joint mission with the ITUC to Asia in August 2010, at web story: <http://www.tuc.org.uk/international/tuc-18522-f0.cfm>



**MTUC-KSBI: "To be more efficient"**

**MTUC (Malaysia) and KSBI (Indonesia) signed a bilateral agreement in August 2010 on migrant workers. "We need to change policies and mindsets, track down and expose the bad guys, protect workers via legal cases, and ensure that the full remittances get sent home. We are not dreaming that we will totally solve all of these issues but with union to union agreements, we can be more efficient in our collaboration." Rekson Silaban, President, Confederation of Indonesian Prosperity Unions (KSBSI).**

## "We need a continuous organising effort"

**Unions can push their respective governments to put in place minimum standards to protect their migrants.**

The Philippines government has introduced minimum standards for its migrant domestic workers working in Malaysia and elsewhere, and this ensures Filipino maids are better paid, but without negatively impacting upon their overall numbers.

*"The Philippine government insists on minimum conditions for Filipino domestic workers here and this has included an increase from 700 to 1400 ringgit per month (\$223 - \$446) salary and other provisions. This is what we need, as well as to ensure that employers follow minimum International Labour Organisation standard on wages, housing, social protection and other matters,"* said Rekson Silaban the President of the KSBSI union, one of the ITUC-TUC (UK) project partners. The minimum standards imposed by the Philippines government for its migrant domestic workers haven't impacted negatively upon their overall numbers.

Unions can push their respective governments to put in place such standards. Unions can also demand that their overseas

embassy puts in place staff and resources to be able to respond to the needs of their people. The Indonesian Embassy in Kuala Lumpur is working closely with its migrant worker community, local civil society and the MTUC to help abused workers and to drive up improvements in working conditions.

In their very nature, migrants come and go. They can be hard to reach and for unions, they may not provide an ongoing membership income, which can put a practical constraint on the extent to which unions can financially sustain their support for them.

Nonetheless, Khairul Anuar Bin Ahmad Zainudin who works for the timber union in Malaysia, carrying out organising and education work with migrant workers says: *"Overall, I am optimistic about migrant workers' rights. If ultimately we can sign collective agreements which really do include migrant workers, we can make a difference. We need a continuous organising effort."*

# MTUC firmly committed to helping migrant domestic workers

## Support and advocacy to defend their rights.

**B**acked by the Dutch union FNV, the MTUC project for domestic workers offers practical assistance to those facing various forms of exploitation and work-related problems, such as the non payment of wages.

The MTUC also organises recreational activities for these women who often live in total isolation. *"We also go to see domestic workers in the homes where they work, to offer them advice. And we have someone they can speak to at the domestic workers' shelter at the Indonesian embassy, as it is a very closed and depressing environment,"* says Pari Moses, coordinator of the MTUC project for domestic workers.

## Campaign for one day off a week

In addition to this concrete support, the MTUC project also conducts advocacy work to promote domestic workers' rights. The MTUC is very actively involved in the campaign to secure one day off a week - a government pledge that hitherto remains unfulfilled. More generally, one of its key objectives is to secure labour law provisions on domestic work, which is currently excluded from the legislation.

## Broad alliance

*"We pay regular visits to the embassies of Indonesia, the Philippines, Sri Lanka and Cambodia. We're also networking with other organisations supporting migrants. We are backed by a broad alliance. The government recognises us as an organisation representing workers and respects us as a social partner. In some instances, this allows us to open the doors for NGOs to attend official meetings,"* says Pari Moses.

## ILO Convention

A very active member of the trade union campaign waged in June at the ILO Conference in Geneva for a new ILO Convention and Recommendation to promote decent work and provide minimum protection for domestic workers,



*"We go and see domestic workers in the homes where they work, to offer them advice,"*  
Pari Moses, coordinator of the MTUC project for domestic workers.

exploited all around the world, the MTUC is also lobbying the Malaysian government on this issue. Until now, however, the Malaysian government has expressed opposition to an ILO Convention on domestic work and is only willing to accept a Recommendation.

V.C., J.B., N.D.



## Beaten and not paid,

On reaching Kuala Lumpur, she started to work in a local restaurant as planned. Then the restaurant went bankrupt and Ayu found herself on her own, with no money and no job, in a foreign country. The recruitment agency went on to provide her with a job as a domestic. She was ill treated by her employer who, at the slightest mistake, would shout abuse at her and even hit her. She worked from five in the morning until midnight, without a single day off during the whole 20 months she worked there. Not allowed to leave the house, unless it was to clean the car, she ran away with a Filipino colleague and went to the recruitment agency, where they were both beaten and sent back to their employer. Having no papers, no legal residence and no money, Ayu started to work "illegally" for another Malaysian employer, but was severely beaten and did not receive her wages. On hearing by chance about a shelter in her embassy, she went there on the spot.

## Hopes for a better life for her children wind up in hospital

Siti Maimunah, a street vendor selling snacks, was earning too little to pay for her three children's education. At the age of 41, she took the hard decision of leaving them with her husband and going to make a better living in Malaysia, in the hopes of sending money back home through a recruiter she knew well. Placed with an Indian family as a domestic, she discovered that the first two months would be on trial and unpaid, and that the six following months would be used to pay her recruiter. She soon realised that life with this family was going to be extremely difficult, having to take care of the cooking, the cleaning and caring for the two children of the house. On occasion she would have to work from five in the morning till two in the morning the next day when her boss would come back from work and make her re-clean the whole house, claiming

that the work had not been done. Her boss beat her ever more violently, then scalded her with boiling water and, in the end, twisted her arm so hard that she broke it. After a week in hospital, Siti took refuge in the Indonesian embassy; she hopes to receive compensation for the physical abuse suffered and to return home to her little street stall and live in peace with her husband and children.



# In Nepal, GEFONT is taking preventative action

It also assists support groups in the destination countries.

**"E**very day, for every 600 migrants who leave the country legally, there are as many migrating illegally. We estimate that between five and six million Nepalis are migrant workers, including three million in India alone, where Nepalis are free to travel and work. The other main destinations are the Gulf countries (around 700,000 Nepali migrants, 200,000 of whom are domestic workers), Malaysia (400,000), Israel (60,000) and South Korea (7,000). Some 50,000 Nepalis are working in Afghanistan and 60,000 in Iraq, but most of them are illegal; they work as drivers, security guards, etc," explains Samar Thapa, head of the Migrant Desk at the Nepalese union centre GEFONT.

The vast majority of these migrants leave with the help of recruitment agencies, which have branches in the remotest parts of Nepal but often take advantage of the candidates' ignorance to exploit them. The ITUC's affiliates are developing a number of activities to prevent this. "In 2008, we launched a 'Safe Migration' campaign in 13 districts," explains Samar Thapa. "Our members went from village to village and gathered people together to give them simple advice on how to migrate in safety. We explain that many migration agencies swindle them, asking them to pay sums higher than those agreed between the Nepalese government and the authorities in the destination country. If they do not ask for a receipt for these payments, we cannot help them get it back."

## Bogus contracts

The Nepali unions also warn against the bogus contracts migrants sign before their departure.

They promise high salaries, but as soon as they reach Kathmandu airport, the recruitment staff often present them with

a new contract with a much lower salary, and threaten to call it all off if they refuse to sign. Similarly, it is not uncommon for the agency's connection in the destination country to claim that the contract concluded in Nepal is invalid, even the one signed at the airport, resulting in another cut in the pay promised. The fact that nearly all the documents are drawn up in English makes it all the easier to hoodwink the migrants. By law, a Nepali translation should be provided, but the legislation is rarely applied.

*"We are trying to assist migrants in the destination countries through a variety of support groups,"* explains Samar Thapa. *"In Malaysia, for example, a Nepalese union and the Timber Trade Union of Malaysia have concluded an agreement. This Malaysian union has an organiser in charge of migrants in the wood sector. Between 800 and 900 Nepali migrants are members. In South Korea, the Korean Confederation of Trade Unions (KCTU) has set up a migrants' union and GEFONT advises Nepali migrants to join it. In Hong Kong, migrants in the construction sector have their own union, which groups all nationalities. There is also a trade union of Nepali domestic workers in Hong Kong."*

GEFONT is also trying to assist Nepali migrants in the Gulf countries. "We have good relations with a union in Bahrain, which has started to organise migrants and is quite powerful. The problem is that some Gulf countries have no labour legislation or no trade unions. In Qatar and Saudi Arabia, for example, there are no trade union rights, so we are trying to work underground, through small support groups. We have not had much success thus far, as the migrants fear they will be imprisoned if they get involved in groups like these."

Samuel Grumiau



GEFONT is seeking to help migrants by promoting contact with the unions in the destination countries, like here in South Korea, where GEFONT advises Nepali workers to affiliate with the migrants' union set up by the Korean Confederation of Trade Unions (KCTU).  
→ Reuters/Kim Kyung Hoon

## Broader trade union cooperation to support migrants in Asia and the Middle East

**F**or three years, the ITUC, with the support of LO-TCO (Sweden), headed a pilot project in Indonesia and Malaysia to assist and reach out to migrants in their origin and destination countries. A new project supported by the TUC (UK) is following up on this initiative and extending it to two more countries, Bahrain and India.

*"We are very pleased with the continuous support provided by LO-TCO (Sweden) for migrant workers as well as the new support given by the TUC (UK), which has allowed us to extend our work to our affiliates in India and Bahrain,"* says Jeroen Beirnaert (ITUC projects coordinator).

*"Thanks to this project, migrant workers will be encouraged*

*to join unions and to play an active role in them. New collective agreements will help to improve migrant workers' pay and working conditions,"* he added.

As part of the project, trade unions will benefit from training and capacity building, to equip them to better address migrant workers' needs.

*"Such projects can help unions to set up processes, services and structures to meet the needs of migrant workers which can hopefully outlast the project itself and continue into the long term,"* says Vicky Cann (TUC-UK).

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### Trade Union Development Cooperation Network (TUDCN)

*"The effectiveness of the new TUDCN, which was initiated by the ITUC, has brought about a significant and very welcome increase in collaborative working between unions active on development cooperation. The TUC is fully behind the goals of the TUDCN, and with so many different actors and so much money – at least one billion euros each year being managed to development objectives by*

*unions – the ITUC has a vital job ahead to boost coordination and effectiveness. Most important to the TUC will be to see how the TUDCN can improve the effectiveness of us all as development actors – including in design, monitoring and evaluating our development cooperation work,"* says Vicky Cann (TUC-UK).



See the full interview with Vicky Cann (TUC), "International trade union cooperation plays an important role in helping migrant workers in the origin and destination countries", at: <http://www.ituc-csi.org/spotlight-interview-with-vicky-cann?lang=en>



# ITUC appeals to governments to ratify the United Nations Convention

## Trade unions campaign for a rights-based global migration policy

**M**igrants, massively present in the most precarious and least protected jobs, have been hit head on by the economic crisis and dwindling labour markets. To mark International Migrants Day on 18 December, the ITUC is once again calling on governments in receiving countries to ratify the United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families. The ITUC is also calling for the ratification and implementation of ILO Conventions 97 and 143 on migrant workers' rights.

### Fighting racism and xenophobia

*"Migrant workers are systematic targets of racist and xenophobic attacks in the receiving countries,"* says Sharan Burrow, general secretary of the ITUC. *"The governments of these nations must tackle this problem and put protection mechanisms in place to ensure effective respect for migrant workers' rights in their countries."*

The ITUC, working in close collaboration with Global Unions, also condemns the role of the intermediaries and so-called recruitment agencies that operate in a legal vacuum, often aided and abetted by the governments in migrant sending countries. *"It is inadmissible that the recruitment industry is able to treat migrant workers like nothing more than commodities, filling their pockets in the process,"* Sharan Burrow adds. The international trade union movement points to the paradox of destination countries that fail to protect or respect the rights of the migrant workers on whom their economies and their growth increasingly depend, making migrants pay too high a price for offering their cheap labour. *"The care, construction and even agricultural sectors depend heavily on foreign labour, which is often cheaper than the local labour. Migrant workers should be seen for what they are, human beings, socioeconomic actors driving growth and progress in both the destination and origin countries,"* says Claire Courteille, head of the ITUC Equality Department.

The ITUC is also calling for the establishment of a structure for the global governance of migration, based on migrant workers' fundamental rights. Dialogue between destination and origin countries is essential, but should take place within the regulatory framework established by the international community. Hence the urgent need to ratify and implement the Convention on the Protection of the Rights of all Migrant

## Developing bilateral trade union cooperation to support migrants (\*)

Backed by the LO-TCO (Sweden) and the British TUC (UK), the ITUC is supporting bilateral cooperation projects between Senegal (CNTS) and Mauritania (CGTM), Nicaragua (CST, CUS, CUSa) and Costa Rica (CTRN), Brazil (CUT) and Paraguay (CNT), as well as projects in Asia and the Middle East (see article p.15) between India (NTUC) and Bahrain (GBFTU) and Indonesia (KSBSI) and Malaysia (MTUC).

In addition, information and support centres for migrant workers have been set up by trade unions in several parts of the world. For the ITUC, providing services that are tailored to migrants' needs is essential, especially those whose situation is irregular (information, training, legal assistance, legal cover and access to social security, etc.)

(\*) To foster this type of bilateral or multilateral cooperation, the International Labour Organisation (ILO) is promoting a standard model agreement, under its Multilateral Framework on Labour Migration.

Workers and Members of Their Families, especially in the receiving countries.

Seriously concerned by current migration policies that have no regard for the principle of equal treatment, the ITUC is calling for the urgent implementation of policies to combat discrimination between migrant and local workers. *"Our ageing populations, the labour shortages in certain sectors and the globalisation of our markets mean that we must change our approach towards migrants. This change is only viable if it is built on the strict application of the principle of equal rights and obligations,"* adds Claire Courteille.

### An ILO Convention to protect domestic work

Finally, the ITUC and its affiliates are urging governments to adopt, at the ILO Conference in June 2011, a new Convention together with a Recommendation on domestic work, a vital instrument for the protection of all-too-often exploited and brutalised migrant domestic workers.

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See the Union View report "Mauritania-Senegal: Defending Migrants' Rights": <http://www.ituc-csi.org/mauritania-senegal-defending-the.html?lang=en>



See the interview with Miguel Zayas Martínez (CNT-Paraguay): "We are Working with our Brazilian Colleagues to Better Defend Migrants": <http://www.ituc-csi.org/spotlight-interview-with-miguel.html?lang=en>



See the interview with Bertha Navarro Muñoz (CTRN - Costa Rica): "Progress is Being Made with the Unionisation of Migrants in Costa Rica": <http://www.ituc-csi.org/spotlight-interview-with-bertha.html?lang=en>

## Combating trafficking and forced labour

The second ITUC Congress in Vancouver in June 2010 called on the ITUC and its affiliated organisations to step up their actions, in collaboration with the Global Trade Union Alliance against Forced Labour and Trafficking, to eradicate forced labour and human trafficking and ensure that those responsible are brought to justice, especially those profiting from sexual exploitation; to ensure proper compensation for the victims, and provide support for



workers falling prey to human trafficking.

You can download the new ITUC guide "How to Combat Forced Labour and Trafficking" at <http://www.ituc-csi.org/guide-csi-comment-lutter-contre-le.html>  
Also see the ITUC Blog on best trade union practices in the area of forced labour: [http://www.ituc-csi.org/-best-practices-.html?lang=fr#pagination\\_ARTICLES\\_BLOG](http://www.ituc-csi.org/-best-practices-.html?lang=fr#pagination_ARTICLES_BLOG)