

# Report on a Global Workshop Organised by PICUM and the United Methodist Women Immigrant/Civil Rights Initiative on

## The Exploitation of Undocumented Migrant Women in the Workplace

**Athens, Greece, 4th November 2009**

Workshop held during the Peoples' Global Action (PGA)  
on Migration, Development and Human Rights



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

**PICUM, the Platform for International Cooperation on Undocumented Migrants**, is a non-governmental organisation based in Brussels, Belgium that aims to promote respect for the human rights of undocumented migrants within Europe. PICUM also seeks dialogue with organisations and networks with similar concerns in other parts of the world.

PICUM promotes respect for the basic social rights of undocumented migrants, such as the right to health care, the right to shelter, the right to education and training, the right to a minimum subsistence, the right to family life, the right to moral and physical integrity, the right to legal aid, and the right to fair labour conditions.

**United Methodist Women** is a US national faith-based women's organisation of over 800,000 members. With a long history of anti-racism work, UMW has been actively engaged in an Immigrant and Civil Rights initiative since 2006. In response to its mandate to treat everyone as a neighbour, the organisation welcomes migrants to its churches, visits those in detention, provides material aid to communities in the wake of ICE raids, holds vigils at detention centres, calls for an end to racial profiling by local police and border patrol, and advocates for a just immigration policy in the US and globally. The United Methodist Women view migrant rights as part of the ongoing civil rights struggle in the USA and place it in the global context of international.



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This report was prepared by PICUM

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## Summary

Despite the many positive experiences of female migration, significantly fewer paths are available for women to legally migrate for employment and as a result, migrant women may find themselves trapped in exploitative and coercive conditions. Once in an irregular situation, migrant women are dramatically overrepresented in gender-defined jobs with precarious working conditions, low pay and exposure to violence.

Susceptible to heightened gender-based segregation in the workplace, undocumented migrant women are often employed in individualised or isolated work environments such as the agricultural sector, domestic sphere, food processing, cleaning and catering industries where there are fewer opportunities for worker solidarity and visibility.

Organised by PICUM and the United Methodist Women Immigrant/Civil Rights Initiative, this workshop provided for valuable networking and information sharing between migrant women and their

advocates. Adopting a global perspective, this workshop aimed to explore the specific vulnerabilities facing undocumented women in the labour market and enable participants to share and discover solutions which have successfully served to protect and empower undocumented female workers. Thirty participants from 17 countries came together to discuss key concerns within different global regions and highlight good practice examples whereby undocumented women obtained their rights in the workplace. This discussion sought to explore the role of the unions, social networks, solidarity movements and undocumented women themselves in addressing labour-based exploitation and empowering female workers with an irregular status.

This report provides an overview of the contributions of the speakers as well as the main themes of discussion from this workshop session.

## Introduction to the People's Global Action



**The Peoples' Global Action (PGA) on Migration, Development and Human Rights is an independent civil society event held in parallel to the Global Forum on Migration and Development (GFMD).**

The **GFMD** is a voluntary, non-binding and informal consultative process open to all Member States and Observers of the United Nations. It aims at developing a policy framework to address 'the dimensions, opportunities and challenges of international migration, in particular its linkage with development'.<sup>1</sup> GFMD meetings take place once a year and consist of two successive meetings: the Civil Society Days and Government Meetings.

Due to the limited scope for civil society involvement in the GFMD, the **Peoples' Global Action (PGA) on Migration, Development and Human Rights** was developed to provide an essential space for networking, information sharing, lobbying and pressuring both governments and international bodies to look at migration from a human rights perspective. Initiated and steered by migrants' rights groups from across the globe, the PGA brings together civil society organisations (CSOs) in an independent space to discuss issues explored in the governmental forum and develop an agenda which is fully responsive to concerns of civil society groups. Putting migrants' voice back into the dialogue on migration and development, the PGA carries the concerns of civil society groups extending across Asia, Europe, the Middle East, Latin America and Africa in this process.

Discussions are centered on human rights as the basis for development and explore the full range of issues involved in migration, including the underlying problems of poverty and injustice, while recognising and supporting the role of CSOs in addressing these issues.

The PGA is led by an International Working Group which has been in operation since 2006. Without membership requirements or a set organisational structure, the PGA is an innate gathering of migrants' organisations, NGOs, trade unions, human rights groups, faith-based groups and others interested in enriching the debate on migration and development. Strengthening the protection of vulnerable migrants means working intelligently in a PGA to broaden the space for social equality within the GFMD process. Driven by thousands of migrants' groups worldwide, the continuity of the PGA enables their interests to be raised on a higher level and provides consistency between the various forums.

Following the successes of its events in Brussels 2007 and Manila 2008, the 2009 PGA took place on 2-5 November 2009 in Athens to accompany the 3rd Global Forum on Migration and Development (GFMD).

<sup>1</sup> <http://www.gfmdathens2009.org/index.php?id=9&L=0>



Opening session of the 2009 PGA in Athens, Greece

Bringing voices of the Brussels, Manila and Athens civil society events to future forums in Mexico and Morocco, the PGA will enable civil society organisations to contribute to the assessment of the GFMD process scheduled for Geneva in 2012. The constructive, participatory and continuous nature of the parallel events enables CSOs to jointly hold

governments accountable to their international human rights obligations and development commitments. The process has successfully fostered and broadened global networking on migration and development among those directly affected by such policies.

Having begun as a forum to gather the voices of local and international organisations interested in engaging in these issues, the PGA has now developed into an international social movement.

## Workshop Report

### Opening Remarks

**Don Flynn**, PICUM Chair and Director of the **Migrant Rights Centre (UK)** opened the workshop by welcoming the participants. He introduced PICUM as a network of organisations working with undocumented migrants across Europe. **Carol Barton**, Executive of the Women's Division of the **United Methodist, coordinator of their Immigrant/Civil Rights Initiative** and workshop co-organiser, also introduced herself and said that the issues being addressed in the workshop were a priority for the United Methodist Women Immigrant/Civil Rights Initiative and, especially being a women's organisation, they were happy to co-sponsor an event on undocumented women.

Mr Flynn outlined the themes for the workshop which aimed to explore the specific vulnerabilities facing undocumented women in the labour market from a global perspective and enable participants to share and discover solutions which have successfully served to protect and empower undocumented female workers. By gathering experiences from various sectors and world regions, the workshop would address the role of the unions, social networks, solidarity movements and undocumented women themselves in addressing labour-based exploitation and empowering female workers with an irregular status. He urged participants to consider whether undocumented women were becoming more vulnerable in the workplace and if so, what was being done about it.

**“Migrant domestic workers have a job which is not considered a job and consequently have no rights, no holidays, no established working hours or minimum salary. There are many problems and many rights are not recognised.”**

MARIA LIAPI, DESME

### Discussion



Maria Liapi (centre) of DESME

The first speaker, **Maria Liapi**, of **DESME - Migrant Women Support Network**, introduced the network of migrant community and non-governmental organisations active in the promotion of migrant women's rights in Greece. Active for just over a year, the organisation began their work with a campaign to support the rights of domestic workers.

Ms Liapi noted that Greece received large numbers of migrant women from the former Soviet block as domestic workers. As was common in other countries in Southern Europe, these women arrived to work in a non-developed welfare state where they often filled social and economic deficits by working in the extended care sectors. From a gender perspective, this work is mainly restricted to domestic environments which are notably more difficult for labour inspectors to access.

Despite the scale of the problem facing these workers in Greece which DESME was trying hard to get on the agenda, they did not yet have the support of a trade union. Often engaged in undeclared work, migrant women were required to prove they were employed in order to legally remain in the country.

However, as they were mostly employed by families for domestic work, they were unable to change employers if they lost or chose to leave an existing job. Consequently, they were disproportionately prone to losing their status and becoming irregular.

She explained that while a percentage of female migrant workers were properly recognised in Greece, those employed in the domestic realm did not have any rights, as their sector of employment was simply not acknowledged. It was a significant issue in Greece and DESME was fighting to bring these women into regularity. Ms Liapi noted how Greek trade unions had not done so much for undocumented domestic workers when compared to unions in Italy and Spain.

**“Italian and Spanish unions have secured a salary and regulation of working hours for undocumented domestic workers residing there but in this respect, Greece still has a long way to go.”**

MARIA LIAPI, DESME

Undocumented female labourers in Greece had no access to their rights; they were unable to access education and while they may receive some health care, as far as reproductive health was concerned they had very little access and often had to return to their countries of origin in order to give birth. To summarise, there were many problems in Greece and many basic rights were not recognised.

A **participant living in Bahrain** introduced the situation in the Middle East as “a completely different” environment and more of a “transitory lifestyle”. While in Europe, migrants arrived with the potential to stay on and regularise their status, in the Middle East this was not a possibility. Female migrants in the professional sector experienced few problems but those employed in the domestic realm had very different experiences. Operating a safe-house

**“You’re fine to come in, but if you run away and don’t report to your embassy you become undocumented. That’s when the problems arise because your card is no longer valid. Sponsors bring you in but don’t do the valid paper work because it costs money. A free visa is offered but it doesn’t give access to rights.”**

PARTICIPANT FROM BAHRAIN

for domestic workers in Bahrain, this participant shared her observations of extreme abuse and non-payment of female migrant workers.

Migrant workers arriving in Bahrain were tied to the sponsor who brought them into the country. If the worker left their employer and failed to report it to their embassy, they risked becoming undocumented. The authorities impose huge labour fines for workers who become undocumented, amounts which accumulate day by day. Migrant workers who become undocumented are left in a limbo; they cannot leave the country, even if a child or close relative becomes sick or dies. These workers simply live in the hope that the ruler declares a pardon in which case the fine is reduced to about €900 (\$1,300 US) and they have a greater chance of being able to leave the country.

Sponsors often confiscated the passports of their domestic workers, so if the worker decided to run away, their passport would be left behind. Some embassies offered these workers a ‘safe house’; such was the case for Filipinos and Indians, however other nationalities, such as Indonesians, were not so fortunate as they did not have a consulate in Bahrain. Those that managed to seek refuge could obtain food and shelter until replacement documents were processed, but this could take anything between a matter of weeks to a year or more. Some embassies took on an effective role and actively negotiated with the sponsors of these domestic workers so that they may return home.

**“Anyone who leaves their place of employment is called ‘illegal’ and it doesn’t matter if they’ve been raped, ill treated or anything. The final analysis is that you have to be deported; we fight this all the time with prosecutors; they aren’t interested with what happens to these women. Everyone comes to these countries legally, but then they become undocumented for various reasons”.**

PARTICIPANT FROM OMAN

**A representative from Oman** provided insight into the situation facing migrant women there. Representing the first NGO which the government had permitted to work on this issue, their task was to assist migrant domestic workers who had left their place of employment, a move which required incredible courage and strength.

Many migrant women coming to Oman as domestic workers are physically threatened upon arrival to the country by the agency that had arranged their employment. The following day, they are brought to the homes where they have been assigned to work for an average salary of € 85 (\$125 US) per month. While the employment agents had told them they would work in a South Asian environment, they find themselves thrust into a Middle Eastern home with totally different traditions and expectations. Those that run away generally tend to do so in the first months. While the NGO was able to provide a ‘safe house’ for these runaways, they were not permitted to assist women to leave the homes in which they were employed; “even if they call us we can’t pick them up” she explained.

Despite huge difficulties, the NGO which this woman represented was now able to approach the authorities. She stated that by “working within the cultural framework we are getting results and they are starting to take notice”. She noted that while Bahrain was rather progressive in comparison to some of its neighbours, things still happened on a rather discretionary basis; “we have a lot of beautiful laws on paper, such as those protecting victims of trafficking, but they haven’t considered what cases to which these laws should apply”. Having lived many years in Oman, she found that things needed to be taken one step at a time, but they were certainly moving in the right direction.

Her suggestion to improve the situation facing these women was for the countries of origin to better inform workers in advance of their departure to the Middle East. The authorities in Bahrain were making positive moves such as insisting sponsors provide their workers with mobile telephones. While things were changing, closer cooperation with the countries of origin was necessary as language was a significant problem; “having a contract is one thing, but a poor person who has a contract hasn’t got a clue”.

Don Flynn noted that many countries believed they had a high standard of labour protection rights, but that they did not always work in practice. In the context of the discussion surrounding the GFMD, a serious point had been raised regarding the need for the countries of origin to play a stronger role in policing the treatment of their nationals who worked abroad.



**Monami Maulik** of **DRUM – Desis Rising Up and Moving**, gave insight into the situation of undocumented women of South East Asian origin working in New York City. DRUM is an organisation founded by migrant women of South East Asian

origin, mainly from Bangladesh, India and Nepal. Ms Maulik explained that an estimated 12 million undocumented migrant workers are in the United States. Constituting a sizable part of New York City’s population, South-East Asian communities are often more established than undocumented migrants in Europe and they no longer consist simply of young singles but also of many families.

**“The amnesty criminalised them forever. It’s a big problem in the U.S.”**

MONAMI MAULIK, DRUM

An amnesty introduced by the Reagan administration in 1986 also ushered in legislation which for the first time criminalised migrant workers who were undocumented. In 2006, mass mobilisation onto the streets occurred across America to demand regularisation of migrant workers. Many feared that the role played by big business in US politics would compromise the possibilities of good legalisation. There is also the sense that regularisation could come at a price, such as increased militarisation of the border and consolidation of a two-tiered labour market through “guest worker” programs.

DRUM is an organisation led and run by migrant workers. The organisation was founded in early 2000 in order to build the power of South Asian low wage immigrant workers and families fighting deportation and racial profiling as Muslims in New York City. DRUM has been a leading organisation in protecting the civil and human rights of South Asian and Muslim immigrants since September 11, 2001.<sup>2</sup>

**“It has to be the workers organising themselves; we bring in all leaders and workers from these areas. It’s important to have support from unions, but on the other side constant pressure from the community can effectively influence employers”.**

MONAMI MAULIK, DRUM

In a bid to organise and build leadership among low-wage adult and youth migrant workers employed in the service industries, DRUM opened ‘the South Asian Workers Center’. The centre runs weekly classes and clinics to better equip workers to receive unpaid wages, access their employment rights and improve their working conditions.

The organisation attracts female migrant workers through regular outreach activities: DRUM’s organisers stand outside workplaces and from this level, build networks of women in the neighbourhoods. The organisation actively involves existing leaders within migrant communities as they adhere to the principle that workers have to organise themselves. By building up and maintaining community pressure upon employers, they can have a significant impact.

**“When my members sent me to Athens they had high hopes, they had a lot of respect for this process. What are the next steps of the GFMD? We have to talk about how we move forward together.”**

MONAMI MAULIK, DRUM

DRUM also takes a very active role in building leadership for the undocumented women workers who come into contact with their centre. Their Negotiation Institute teaches them how to barter and negotiate on their own behalf with an employer. Training sessions in community organising and public speaking are also provided so that women may become agents of their own change.

<sup>2</sup> For more information on DRUM and their many activities please visit: <http://www.drumnation.org>

### **An Undocumented Woman's Experience in New York City.**

Lovely moved from Bangladesh in 2002. Her husband worked as a street vendor but became ill leaving him unable to work and in need of constant care. Lovely had to take on the responsibility as the family wage-earner, moving from job to job.

Initially she was involved in piece work from her home, manufacturing large quantities of goods for the garment industry. She would have to produce 500 hair scrunchies in one day, 1000 handkerchiefs the next. She would sell them at a very low price to an intermediary who would then sell them on to the retailer.

When she shifted from piece work to work in factories, Lovely makes €35 (\$50 US) a day, never more than that despite working shifts of 12 hours. She has no lunch break, no holiday and live in constant fear of raids. These women cannot even leave their place on the factory-line to go to bathroom.

Its a similar experience for many of the undocumented women in New York. Some do factory work, retail stores, restaurants, salons, cooking and piece work at home. Although working in poor conditions and under repressed circumstances, they stay in the jobs since they are so desperate. "They stay as they prefer to have this than have nothing," explained Monami Maulik of DRUM.

**Analohulos Papachopoulou** of **KISA** – Action for Equality, Support, Antiracism (ΚΙΣΑ - Κίνηση για Ισότητα, Στήριξη, Αντιρατσισμό) provided an overview of the situation facing female migrant workers in Cyprus.

She explained how most domestic workers had a contract which, despite having been drafted by the government, still brought about a number of problems. One specific provision of this contract, which prohibited domestic workers from joining a trade union, has recently been deleted. 97% of domestic workers in Cyprus are from non-EU countries, with women constituting the largest group of migrant workers.

The migration model in Cyprus has seen successive governments significantly limit residence rights. Migrant workers can enter for a four-year period and have their visa renewed on a 'short-term' basis but they are unable to acquire long term residency. Of course, this drastically limited the development of migrant communities in Cyprus.

Ms Papachopoulou noted that since female migrant workers only had one day off per week, it did not allow them sufficient time to engage in networking activities. The migration model in Cyprus and other southern Mediterranean countries was actually causing migrant men and women to become irregular and there was an urgent need to support and protect them, both at national and the EU level.

**"Even though migrants may have lived and worked in Cyprus for ten years or more years, their 'temporary' stay and employment status prevents them from organising effectively, as happens in other countries. Migrant women do not have any organisation to speak of, they only have one day off per week and it's not sufficient to fill in all of their needs."**

ANTHOULA PAPADOPOULOU, KISA

**“It’s very important to protect undocumented women! In countries such as Cyprus the system actually creates migrant women’s irregular status. We have to address this problem. EU member states should be stopped from deviating from these standards.”**

ANTHOULA PAPADOPOULOU, KISA

Sweden, which held the rotating Presidency of the Council of the European Union at the time of this workshop, should address this problem as they had been tasked with the formulation of a common migration and asylum policy - an important element of which should include the recognition of minimum standards of rights for migrant workers in the workplace.<sup>3</sup> EU member states should be stopped from deviating from internationally agreed standards on the treatment of migrant workers.

Ms Papadopoulou concluded by alluding to the development of an International Labour Organisation (ILO) Convention on Domestic Work scheduled for 2011 and her hopes that it would increase recognition of domestic work as a domain of employment with specific protection needs.



**Annie Geron** from **Public Services International (PSI)** provided an overview of the activities led by global trade unions in organising public sector workers, particularly in “female-dominated jobs” such as social care, health

care and teaching.

PSI is a global union federation for public sector trade unions which represents some 650 affiliated trade unions in 150 countries. Collectively, these unions organise over 20 million public sector workers, providing services in central government, health and social care, municipal and community services, and public utilities.<sup>4</sup>

Ms Geron defined the core mission of trade unions as upholding the interests and rights of *all* workers. The right to organise was fundamental for workers and PSI’s strategy was essentially to serve as an organising centre in which workers could be empowered to represent themselves. Trade unions have the possibility to represent members and to bring issues facing workers to the forefront of policy debates. Demanding recognition of domestic work as ‘work’ is a key task facing the trade union movement today.

Ms Geron explained that a large range of tasks have been classed under the banner of ‘domestic work’ including massage and care giving. She highlighted an urgent need to develop a better definition. Migrant women were the most vulnerable in this domain, they were susceptible to exploitation and an international standard needed to be set. It was exceedingly difficult for labour inspectors to enter the home and a convention by the ILO aimed specifically at domestic workers would provide a mechanism by which employers would be less likely to get away with exploitation.

**“We push for investment in public services—health care, social care, education. We are losing skilled nurses, workers from the Global South because the North can pay. We call for “ethical migration.” The North should compensate sending countries or produce their own skilled workers”.**

ANNIE GERON, PSLINK

<sup>3</sup> For more information on the European Union’s Common Immigration Policy, please visit: [http://ec.europa.eu/justice\\_home/fsj/immigration/fsj\\_immigration\\_intro\\_en.htm](http://ec.europa.eu/justice_home/fsj/immigration/fsj_immigration_intro_en.htm)

<sup>4</sup> More information about Public Services International is available online at: <http://www.world-psi.org>

**“They put a lot of tasks under the category of ‘domestic work’ - massage and other tasks. We have to define it better. Women are the most vulnerable, they are exploited and we have to set standards. It’s hard to enter homes. If there is an ILO convention for domestic workers, we have to have a mechanism where the employer will not get away free from exploitation”.**

ANNIE GERON, PSLINK

Regarding the GFMD, Ms Geron noted that while it addressed the serious issue of migrant workers, it provided no accountability and was simply ‘not viable’. PSI was pushing to bring the GFMD discussion within the frame of the United Nations or the ILO so governments could be held accountable. If not, civil society would simply find themselves “coming back every year saying the same thing and the governments will be saying the same thing to absolutely no effect”.

Ms Geron promoted the ILO model as one which brings governments, employers and workers together on an equal basis to discuss issues affecting workers. The ILO has developed core labour standards which guarantee the right to self-organisation, collective

bargaining, non-discrimination and equal work, all of which states were obliged to observe.

PSI advocates for increased investment as well as a code of conduct for migrant women working in the social care sector. This is ‘a low paid competency’ and there has been little to no investment on health care in many destination countries. Consequently, governments are withdrawing funds from health care and education, resorting to cheap labour.

Ms Geron reiterated the need to increase involvement of the countries of origin by convincing these governments to dedicate resources to better inform their populations. Highlighting the example of the Filipino teachers who found themselves trapped in

### **Exploitation by an Employment Agency**

In August 2009, PSI received a distressed call from a group of Filipina teachers who had paid an employment agency for teaching contracts in Baton Rouge, Louisiana, U.S.A. Promised a pre-arranged job in a school, they discovered on arrival that no position was there for them and that they were instructed to attend a series of job fairs.

Housing costs were included in the deal they had paid for but the accommodation they were given was of extremely poor quality. The recruitment agency had taken out the lease on their behalf and negotiated directly with the landlord, so the women themselves were not involved. Each woman had to pay \$300 per month, which was significantly more than the actual rent.

The migrant women were prevented from contacting a union, threatened with deportation and amassed a huge amount of debt with the recruitment companies. Finally, they used an online blog to reach out and seek help for their situation, a move for which the recruitment agency tried to sue them for libel/defamation. A Filipino Union worked with the American Federation of Teachers in the U.S., via PSI. Lawyers were sent by the American-based union and filed suit against the placement agency in Louisiana.

Two teachers in similar situations committed suicide last year in the United States. They were in debt, with the expectation that they would send remittances home. “They simply could not cope”, explained Annie Geron of PSI.

Baton Rouge (see below), she noted the importance of working with the authorities in both countries of origin and destination. “There is no way we can do this type of work without engaging governments; countries such as the Philippines have benefitted enormously from remittances and should take greater responsibility for their nationals working abroad”.

**Sabine Craenen** of **OR.C.A.** – De Organisatie voor Clandestiene Arbeidsmigranten (Organisation of Undocumented Workers) based in Brussels, noted the gender-segregated nature of the undocumented migrant work force in Belgium. For women, this resulted in their often being tied to informal sectors of employment in the home which was often more hidden. This made it harder to mobilise those workers involved.

“One thing I see in Belgium is the informal labour market is segregated along the lines of sex. What options do migrant women have to migrate for labour? Work in the home is organised on a very casual basis and it is difficult for them to mobilise.”

SABINE CRAENEN, OR.C.A.

In Belgium, authorities had identified shortages in the labour market for which permits would be issued more easily to workers from the new EU member states; it was interesting that these shortages were acknowledged in mainly ‘male’ jobs, such as construction. The domains dominated by women were not included and thus migrant women faced significant difficulties to receive a work permit. She questioned if it was the same in other countries; that the legal system was modelled to favour male-dominated jobs.

**Aoife Smith** of **Migrants Rights Centre Ireland** noted their experience with domestic workers was that they were often professionals in their own countries,

but ended up in low-income gender-defined roles on arrival to Europe due to an overwhelming lack of opportunities.

“Many of those working in Geneva-based international agencies are exploiting female migrant workers! Their total situation of dependence of the person allows the diplomat to do exactly the same thing as we hear is happening in countries like Oman; the employers are taking their documents and after hiding their documents women are kept in a state of total dependency or held captive”.

YNES GERARDO, CTSSL

**Ynes Gerardo**, of the **Collective of Workers Without Legal Status in Geneva** – (Le Collectif de soutien aux Sans-papiers de Genève - CTSSL) provided an insight into the situation facing undocumented migrant women in Geneva, Switzerland and the activities of domestic workers in advocating for themselves.

The Collectif works to defend undocumented migrants against discrimination, protect their workplace rights and promote regularisation. Since 2001, they have provided information and direct assistance to undocumented migrants, many of whom were employed in the agricultural, construction and the restaurant industry as well as domestic sector.<sup>5</sup>

Ms Gerardo described how, after ten years of civil society negotiations with the Swiss government, an agreement had been reached which allows undocumented workers to report abuse to the police without fear of repercussions regarding their status. The department of justice had been involved in the drafting of this agreement which had generally proved successful in preventing abuse in the workplace. Swiss Trade Unions are serving as mediators to

<sup>5</sup> For more information on the organisation and the situation facing undocumented migrants in Geneva, visit: <http://www.sans-papiers.ch/>

**“I have been struggling in Switzerland for 10 years trying to make the unions understand the importance of defending undocumented migrant workers as very few are aware of this problem nationally”.**

YNES GERARDO, CTSSL

enable undocumented workers to make complaints to the police or judicial authorities, thus playing a significant role in the defence of their rights.

Another successful strategy used by the Collectif was the development of a ‘model contract’ for domestic workers in close collaboration with the trade unions. These contracts are made widely available to migrant workers in the three national languages of Switzerland.

When the employer-employee relationship involved a diplomat, the situation became much more complicated and migrant workers faced numerous difficulties in engaging diplomatic employers in a contract. Even when employers agreed to a contract, it was one which they had drafted and gave workers less than half of the monthly rate which the Collectif had negotiated with the unions i.e. 1,500 CHF (€1,000 / \$1,450) instead of 3,200 CHF (€ 2,100 / \$ 3,100 US).

The Geneva Support Group for Undocumented Migrants assists undocumented domestic workers through the following means :

1. *Ensuring that their documents cannot be taken* - this is stipulated in the contracts they provide. The importance of retaining all of their travel documents is emphasised to the worker as their confiscation can seriously compromise the individual freedom of the worker ;
2. *Possibility to reach workers even if they work within homes;*
3. *Possibility for workers to re-negotiate their contracts* so that they may obtain the same contract as other Swiss residents.

In the world of diplomatic employers, labour rights are often only realised through individual negotiations. Ms Gerardo said it was important for NGOs to stress that these employers live and work in Switzerland and thus there are laws to which they should abide, noting “we are a very visible reality that they try to deny”.

She concluded by explaining how, after twenty years of negotiating with the ILO, “domestic workers had gained a little piece of creditability”.



**Monica Pereira** of the Belgian NGO **Abraço** shared her experience of working with migrant women in Brussels, both with regards to the problems they face when employed in diplomatic households, in cleaning services and as care givers and finally, experiences of

mobilizing these workers to deal with dishonest intermediaries.

Ms Pereira explained that some Brazilians are employed in the houses of Brussels-based diplomats. The problems they face do not stem from their contracts, but the fact that they are treated as the property of the diplomats.

Many undocumented Brazilian women work in the cleaning services and as care givers in Belgium. They often experience physical and psychological abuse, they face huge problems in accessing their rights if they complain as they risk losing their job and fear being expelled back to Brazil.

**“The problem is that they are like the luggage of the diplomats. When they don’t work enough or complain about abuse they become undocumented and lose all of their rights”.**

MONICA PEREIRA, ABRAÇO

### Exploitation of undocumented domestic workers in Brussels

In 2009, around 430 Brazilian and other Latin-Americans undocumented workers with a legal employment contract were enticed into leaving their jobs by an agency which promised to issue them with a contract that could secure their regularisation.

Using the 'titre service'\* system, an evangelical priest with Italian nationality established a titre-service agency and engaged up to 600 undocumented workers, the majority of whom were Brazilians. Enticed by promises that the contract issued by this agency would ensure their qualification for the forthcoming Belgian regularisation scheme, many left existing jobs and thus lost any valid chance they had of becoming regularised. The agency profited by taking money from the state, the employer and not paying wages to the workers.

This priest was arrested by the federal police in an operation conducted in cooperation with the labour inspector. Workers began to panic when they understood what was happening. The NGO Abraço sought partnership with the unions, the NGO's CIRE, OR.C.A. and PICUM, as well as a group of lawyers, to defend these workers and provide assistance in helping them to access justice and get their salaries paid.

Abraço worked hard to mobilise Brazilian workers, and together with its partners, held demonstrations and a press conference to increase their visibility within Belgian society. However, coordinator Monica Pereira noted that these workers often preferred to remain discrete and sometimes were unwilling to get organised, "They just work, it's a problem for us to help them because they don't always come for political meetings".

*\* Titre service: a system established in Belgium to combat unofficial employment whereby a company, serving as the employer, hires workers to perform domestic activities for households. The users pay for each hour worked using a voucher that it hands to the worker. The federal government finances the difference between the purchase price (7.50 €) and the refund value (€23) of each titre-service voucher.*



In conclusion, **Carol Barton** of the **United Methodist Women's Immigrant/Civil Rights Initiative** provided some reflection on the day's interventions and discussions.

Stressing the need to look at the macro picture when thinking about migration and women's role in it, she outlined how neo-liberal globalisation had sucked resources from the Global

South, leaving joblessness and poverty, even as it pulled low-wage workers as well as skilled labour to the North. At the same time, there was an intensification of enforcement policies such as detention, deportation and the militarisation of borders.

One issue emerging from the workshop discussion was the gendered nature of neo-liberal policies: how the decline of the state's role in social services in receiving countries, such as health and education, was coinciding with the export of workers from poorer world regions. The gendered nature of the employment systems in receiving countries resulted in migrant women being frequently relegated to

**"The gendered nature of the employment systems in receiving countries resulted in migrant women being frequently relegated to "women's work", placing them in precarious situations during which they were more vulnerable to abuse."**

CAROL BARTON, UMW

“women’s work”, placing them in precarious situations during which they were more vulnerable to abuse.

The domains in which women were employed span across both the formal and informal sectors. It was evident from the discussion that the situation depends on the particular region. Both Gulf states and the European Union rely on formal contract labour and migrant women are often found in the role of domestic workers. In the U.S., contract labour includes skilled workers such as teachers and nurses. Undocumented women workers in the US generally arrive without contracts, by crossing the border or overstaying visas. They are also employed in factories, restaurants, the service sector, as well as piece work at home (garment, etc.). Migrant women’s situation was found to be one in which race intersects with class and gender. Women workers in an undocumented situation commonly experience sex abuse.

Ms Barton stressed the need to address the GFMD in a strategic manner and returned to the question raised earlier by Monami of DRUM: “What are the next steps for the GFMD? Should civil society move forward in this process, and if so, how?”

**“Where is the feminist movement in relation to these female workers? In a few cases we heard of solidarity and efforts at common organising. In other cases they are miles apart..”**

CAROL BARTON, UMW

There was a need for civil society to look not only at the immediate legal and labour needs of migrant women workers, but to encourage them to organise, build their negotiating power and address the macro-economic policies that feed migration streams.

While the focus of discussion had mainly been on domestic workers, it is evident that many women are also employed in industry and garment sectors.

**“In Europe and the Gulf states, there is a predominance of temporary worker programmes which give unequal power to the employer and are unflexible to the needs of the migrant worker.”**

CAROL BARTON, UMW

In Europe and also in the Gulf states, there is a predominance of temporary worker programmes which give unequal power to the employer and are unflexible to the needs of the migrant worker. Such programmes also often cause irregularity of vulnerable migrant workers.

In the US, however, there is a significant flow of women migrants coming across borders without any documents whatsoever. They typically cross the border due to the levels of economic distress they face in their home countries. This is the direct result of neo-liberal trade policies among other factors. Coyotes frequently abuse and rape these women, leaving them abandoned. At the European border, there is a similar situation, migrant women are abused along the southern and eastern border regions and are increasingly dying in the seas. Female migrant workers hold a dual role in paid and unpaid spheres. Many who come alone, leave a family at home and find themselves caring for other people’s children while theirs are raised by relatives. Others live in an undocumented situation with families and often find themselves thrust into the breadwinner role.

In 2008, a series of immigration raids occurred in restaurants, meatpacking and industrial plants across the US. The largest of the raids occurred in Iowa where 390 workers, mainly indigenous people from Guatemala and Mexico, were arrested.<sup>6</sup> From this single raid, 57 women and 12 youths were placed on house arrest and forced to wear electronic monitoring ankle bracelets. Women were left to try and support their families while wearing shackles which had been put onto them by the state.

<sup>6</sup> For more information on the treatment of these workers visit National Network for Immigrant and Refugee Rights, ‘100 Stories Project’ at <http://www.nnirr.org/hurricane/Postville.pdf>

**“Racism is a factor that intersects with gender and class for migrant women.”**

CAROL BARTON, UMW

Ms Barton stressed that immigrants’ rights are facing an immediate crisis. To effectively address the GFMD, civil society needs to critique the existing model of development which is destroying public services and throwing into question the role of the state in providing these services. This leads to a need for workers in the global South to migrate while pushing municipalities and private employers in the North to seek cheaper labour from abroad. The current model promotes migration to regions where migrants are better paid for providing services, while draining home countries of workers. It was evident from the discussions that this was happening in a gendered way. At a practical level, she proposed there was much less to gain with trying to achieve the interest of national governments and more to be gained by using the GFMD as a political space for organising for global migrants’ rights.

In conclusion, Ms Barton stressed how the session had enabled participants from diverse backgrounds to put the problems on the table. “At the next GFMD in Mexico, if we invested our time in this strategy, we can make some genuine progress”.

**Eve Geddie** of **PICUM**, the Platform for International Cooperation on Undocumented Migrants, closed the workshop by thanking participants for their valuable input and outlining PICUM’s three-year gender strategy.

Integrating a gender-perspective into its four work areas of labour, healthcare, education and housing, PICUM is keen to build its global network of expertise on undocumented migrant women. Ms Geddie invited all participants to visit PICUM’s website, subscribe to its monthly newsletter which has specific sections on both labour and gender and also, to consider joining PICUM’s network ([www.picum.org](http://www.picum.org)).

**“PICUM is keen to expand its global network of organisations working to empower undocumented migrant women and promote their right to healthcare, education, housing and fair working conditions”.**

EVE GEDDIE, PICUM



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PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS