

Gender at work and the feminization of labour migration: Call for responsible governance and a challenge for society

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The promotion of female employment and the integration of gender perspectives into labour laws and migration policies are slowly becoming prominent approaches in the international debate emphasising the links between economic development and gender equality. This is particularly the case for peoples and economies of the global south. However, the reality that many women from developing countries live in is still one of inequalities, lack of opportunities, inadequate earning, and exploitation. This article will discuss various aspects of female labour migration, including case studies from Cambodia and Bangladesh.

Gender-based discrimination, poverty and a life-cycle of financial restrictions

A decent job can boost the self-esteem of a woman and benefit members of her family in terms of education, healthcare and a proper livelihood. It can even be crucial in alleviating her family out of extreme poverty. Furthermore, a good job can increase the agency of a woman, not only as a direct consequence of economic empowerment, but also because she can potentially expand the spectrum of her life choices and investments, and participate more actively in her community and society. At the same time, enhanced agency can sensibly expand her job opportunities.

On a virtually global scale however, women's economic participation in the labour force is inferior to men's due to persisting patriarchal norms that continue to undervalue women's potential and dictate that housework, child and elderly care are women's prime duties. Due to gender-biased constraints, women typically earn less than men—the International Labour Organisation (ILO) estimates that women earn between 10 to 30 percent less than men. Gender wage gaps are particularly acute in developing countries, but they endure in high-income countries as well. In the global south, women have fewer opportunities to establish businesses and when they do, it is often a business on a small scale and in less profitable sectors, such as commercial farming or small manufacturing plants. They also tend to be employed in less productive jobs and often in the informal sector, which mainly includes unregistered and small-scale private enterprises, casual and seasonal low paid work in the fields, and domestic labour.

The barriers that women encounter 'in the marketplace' are multidimensional and are ascribable to factors such as their lack of adequate education, constraints in accessing capital, technology, equipment and other services, limited participation and a lack of quality employment opportunities, the negation of equal pay for equal work, the denial of benefits, protection, rights, skills development and career advancement. When gender intersects with poverty, disability or being part of an ethnic minority, restrictions become even greater.

Cross-border migration and false empowerment

It is relevant to point out that the increasing rate of women's migration over the past years, usually referred to as the 'feminization of migration', can be seen as an indicator of expanding female mobility rather than agency. Many women, particularly in Asia, have become more dynamic and given the disabling circumstances in their countries of origin or in their local communities, the number of those who choose to emigrate is increasing as they pursue higher wages and a route to empowerment. Research has shown that women who migrate for work tend to send larger remittances back home compared to their male counterparts. This money is mainly spent on daily household expenses, family healthcare, and children's education.

Too often however, migrant women are exposed to exploitation and are in a very vulnerable position in their host societies. While women's geographical mobility has increased, women's agency in the world of work is still strictly connected to the norms and values of the society they come from as well as the society of their destination. Traditional norms, gender roles and common perceptions about what women are 'suitable' for (housekeeping, childcare, sewing, 'entertainment'), deeply affect their economic agency and the types of jobs they can access.

In fact, women face a form of occupational segregation, being concentrated in specific industries and types of work, which usually offer lower earnings, fewer rights and fewer opportunities for acquiring new and transferable skills. In 2013, the ILO estimated that women represent 83 percent of domestic workers worldwide. The majority of such workers are not protected by labour laws covering basic issues such as maximum weekly working hours, a minimum wage, or maternity leave.¹

Abroad as domestic workers

The Philippines is a well established source country of thousands of migrant women who every year arrive in several countries worldwide to be employed as domestic helpers. Within the Asian-Pacific region, Hong Kong and Singapore lead as the two main destinations. About 325,000 domestic helpers are estimated to be living and working in Hong Kong only. While a high percentage of them are indeed of Filipino nationality, in the past decade the number of Indonesian domestic workers in Hong Kong has exponentially increased. According to the International Organisation for Migration (IOM), domestic work abroad is by now one of the largest sources of employment for low educated and unskilled women from rural Indonesia. Cross-border migration exposes women to the risk of deceptive recruitment by unlicensed or unscrupulous brokers, who, paid by commission, are after 'large numbers' and often deceive their 'targets' on essential terms of employment contracts such as expected salary and living conditions. Once abroad, long working hours, harassment and violence unfortunately become the common patterns of abuse for many domestic workers. The case of the Indonesian domestic helper Erwiana Sulistyaningsih earlier this year, who was severely abused by her Hong Kong employer for eight months, was widely covered by the international press. The case raised serious concerns among the public and human rights organisations about the working conditions and the degrading treatment endured by foreign domestic workers in Hong Kong. This prominent case is now also emblematic of the number of dangers that migrant women (often young and vulnerable) are exposed to when leaving their country to go and work as maids abroad.

In the past years, more and more women from South-Asia (Nepal in particular) have emigrated as domestic helpers to high-income countries in the Middle-East, such as Lebanon, Kuwait, Qatar, Saudi Arabia, Oman and the United Arab Emirates. Most of them are unaware of the risks they may face in their country of destination, ranging from restrictions to their freedom of movement, to long working hours and exploitation, physical harassment and unwanted pregnancies due to sexual abuse. Only upon arrival do many of them realise how different their working conditions are in comparison with the previously agreed terms stipulated in their contracts. Unfortunately, a large number of Nepali women, particularly from rural areas, are deceived with the 'advance' payment of all expenses (flights, passport etc.) offered as a 'loan' by their alleged recruiters, who, in fact, are traffickers. Their migration, which entails crossing the border via land and flying out from India as totally unregistered Nepali migrant workers, does not figure in the official statistics of the Department of Foreign Employment of Nepal. Unwittingly, they become victims of human trafficking and consequently of modern forms of slavery: they end up entrapped in debt-bonded labour and, with their passport confiscated, are forced to stay abroad and work until that debt has been cleared. Confinement, battering if they dare to protest, food and sleep deprivation, threats to their lives, mental and physical abuse, exhausting and forced work are the typical forms of abuse suffered by female domestic workers (as well as by male migrant workers mainly employed in the

construction sector in the Middle East). With their very low wages and, at times, the withdrawal of their salary for months, and given the extortionate interest rates imposed by their traffickers, it becomes very difficult if not impossible to extinguish their 'debt'.

Anti Slavery International explains that in Lebanon, domestic workers are not protected by the country's Labour Code. They migrate under the sponsorship (kafala) system that ties the domestic worker's residence and work permits to her employer. Therefore, if she leaves her sponsor (and workplace) to escape abuse, she becomes illegal and may be subject to arrest and deportation. This appears to be the case in several other receiving countries. While advocacy by several human rights and workers' rights organizations continues in the attempt to raise awareness, engage authorities, tackle the illicit channels and create valid alternatives, it is not uncommon to read about desperate Nepali domestic workers who commit suicide. The Kathmandu-based NGO and shelter Maiti Nepal estimates that about 80 percent of female Nepali migrants who return from the Gulf Arab States suffer from mental health problems, trauma and other disorders as a result of the abuse suffered and the type of 'slavery culture' experienced. Such a high percentage leads one to reflect upon the personal costs on one side and the alleged financial benefits of migration on the other side, and whether in the long term this type of migration is worthwhile for the purposes of empowerment and development.

Legal protection: A fundamental right and indispensable support in a foreign country

Several female migrant workers interviewed by prominent human rights organizations such as Anti Slavery International and Amnesty International have highlighted how important it is to have full access to information about safe and legal migration in order to make a well-informed decision, as well as receiving at least basic language classes and adequate professional training before departure. Legal protection abroad is also a crucial issue and embassies or consulates are seen as the least that governments can guarantee to their citizens in cases of need in other countries. Bilateral and regional agreements and good cooperation between sending and receiving countries are also very important. In truth, however, the great majority of migrant workers are left alone in defending their rights, and even when consular representation is available, they receive support largely from other migrants, and local and international NGOs. The problem of legal protection in defence of domestic workers gained international attention with the case of Rizana Nafeek, the Sri Lankan domestic helper who in January 2013 was beheaded in Saudi Arabia. Nafeek was accused of the murder of a four-month-old baby boy, the son of the couple she was working for. It was 2005 and Rizana (only 17) had been working for her employers for only 18 days, when the baby boy died while she was bottle feeding him.

The baby's parents accused her of murder and no autopsy was ever performed to certify whether the baby had perhaps died of natural causes. The Saudi police 'interrogated' Rizana without an interpreter and forced her to sign a 'confession' in Arabic, a language she had no understanding of. The Saudi Court accepted such 'evidence' and she was imprisoned and sentenced to death in 2007. Rizana's story became a case of global outrage and the unresponsiveness of the Sri Lankan diplomats based in Saudi Arabia was heavily criticized.

The garment industry as a prime catalyst for female internal migration

Labour migration is primarily associated with cross-border flows whereby issues such as income inequalities, unemployment and underemployment, and also political instability, conflicts, natural disasters and climate change are pushing an increasing number of people to cross borders in search of income and security abroad. However, labour migration also includes 'internal' migration, the movement of people from rural to urban areas (which supposedly offer a more diversified economy). Industrialisation

has always encouraged labour migration wherever and whenever it has occurred, and nowadays it is one of the leading causes for internal migration in many Asian countries.

In the past years, the manufacturing outsourcing by European and American brands to China first, and then to South and South-East Asia, has posed new challenges to the economic and social development, as well as the labour conditions and regulations in developing countries like Cambodia, Vietnam, Myanmar, Bangladesh and India. The vast majority of garment workers in these countries are vulnerable and unskilled women who suffer diminishing and discriminatory attitudes and represent a seriously underpriced and heavily undervalued economic force. Factory owners openly prefer hiring female workers because they are considered 'easier to control' in comparison to the male workforce. Such a perception clearly derives from the unbalanced power relations between men and women pervasive throughout society and institutions in Asia.

The case of Cambodia

In Cambodia, the female workers employed in the export garment and footwear industries are often poorly educated women who migrate from rural districts to the capital city and other major urban areas in search of employment in order to sustain their families (including children but also other family members such as parents and younger siblings). Due to the remote location of their area of origin, they generally have no experience, direct or indirect, in the formal sector. Their limited knowledge of what to expect, accept, refuse or demand makes them vulnerable and more exposed to the risk of exploitation. At times, these migrant workers may even be minor girls.

The issue of the minimum wage for garment workers has recently become a great public concern in Cambodia. In December 2013, trade unions and workers took part in several strikes in Phnom Penh demanding that the minimum wage be doubled (from 80 USD to 160 USD per month) in order to guarantee a more adequate income for their long hours and hard working conditions. Protests came to a violent halt in early January 2014 when the military became involved and opened fire against a crowd of demonstrators, killing at least five people and injuring dozens. Authorities so far have only been willing to grant a 20 percent increase, claiming that the national economy cannot sustain higher demands, at least for the time being, despite the fact that the garment and textile industry in Cambodia currently represents the country's largest source of export earnings. The Cambodian Government stated that the minimum wage may be gradually raised to USD 160 over the next five years.

In the meantime, the monthly salary of garment workers is often not enough to cover their living costs for housing, food, transportation and healthcare, and to also guarantee that remittances are regularly sent back home to support their family members and finance their children's education. Many women in Phnom Penh share small flats among four, sometimes even six workers in order to limit expenses. Besides the restrictions related to their low wages, there are several other critical issues pertaining to the wellbeing of the women employed in the garment industry, as well as their safety in the work place and personal security on the way to and from the factory.

It has been reported that many women do not eat enough, and their health is affected by the inhalation of fumes, cloth bleaches and other chemicals. Extra (and poorly remunerated) working hours also affect their physical resistance and make them exhausted. Many women work 10 hours a day, or even longer, six days a week. The lack of proper ventilation systems in very hot locations and the short or limited breaks provoke such distress that many women faint and are in need of medical help to recover. Factories are reported to offer poor sanitary facilities and hygiene standards, and often even simple soap is not provided. Other critical issues are harassment, both sexual and verbal, difficult communication with supervisors and dispute resolutions. In most cases, the management of garment factories comprises only

men who behave in an abusive and discriminatory way towards their female employees, by sexually harassing them, insulting them, shouting at them, and denying them sick leave, maternity leave and other basic rights. It is known that many women are forced to work until the end of their pregnancy and expected to return to work not long after they have given birth, compromising therefore their possibility of adequately breastfeeding their babies. Due to short-term contracts, low wages and weak job security, quality health care and childcare are mainly inaccessible. Street harassment on the way to the factory, the risk of rape at dusk and other concerns related to personal security further burden women working in the garment industry.

Bangladesh in the spot-light

Circumstances are not dissimilar in Bangladesh, where it is estimated that 80 percent of the approximately 4 million garment workers in the country are women, and where workers earn an estimated 3,000 taka (USD 38) per month, which is about half of what Cambodian factory workers earn. In September 2013, garment workers in Dhaka staged the biggest wage hike protest the country has ever had. According to Reuters, about 50,000 people took part in the demonstration demanding a raise of the minimum wage to 8,000 taka (USD 103) per month. However, the best they were offered by the government who were in talks with factory owners (many of whom were parliamentarians themselves) was an increase of only 20 percent.

The fire at the Tazreen Fashion factory (which took place in November 2012 on the outskirts of Dhaka) killed about 115 people and left circa 200 injured. The incident raised serious concerns among several human rights organisations about the health and safety standards and procedures of factories in Bangladesh, and the responsibility of Western companies to supervise and improve their supply chains in terms of adequate evacuation plans and the safeguarding of workers' rights. Survivors interviewed by Human Rights Watch reported that on the day of the fire, Tazreen was on deadline to fulfil a large order and managers ordered people to remain where they were even after fire alarms had started to ring. Furthermore, it seems that some factory personnel were ordered to lock the exits on several floors of the building, and that other exit routes were blocked by stock ready for delivery. A few months later (April 2013) the world watched in shock at the collapse of the eight-story commercial building Rana Plaza (Greater Dhaka) in which more than 1100 workers died, more than 2000 injured people were rescued and several hundred went missing. The USA based Institute for Global Labour and Human Rights defined the accident as the 'deadliest disaster in the history of the garment industry worldwide' and reported:

Some 3,639 workers toiled in five factories housed in the Rana Plaza building producing clothing for some U.S., Canadian and European clothing labels and retailers. Eighty percent of the workers were young women, 18, 19, 20 years of age. Their standard shift was 13 to 14 ? hours, from 8:00 a.m. to 9:00 or 10:30 p.m., toiling 90 to 100 hours a week with just two days off a month.

Given the release on bail in August 2014 of the owner of the Tazreen Fashion factory after hardly six months in pre-trial detention with the charge of culpable homicide, and given the fact that many survivors of both disasters have received no compensation for their permanent injuries, the issues of accountability, the denial of basic workers' rights, redress and good and fair governance return to the spotlight.

Gender equality and economic development in Asia: From open discussion to potential intervention and social change

The regulation of the garment sector in Asian export-dependent developing countries remains a complex topic of discussion as it entails issues such as western corporate social responsibility, traceable and complying supply chains, health and safety standards, transparency and corruption, national laws and the rule of law, governments' accountability, internal migration, labour rights and gender perspectives. A

better understanding of the several dynamics in place and aimed interventions, such as a general improvement of working conditions and the development of adequate procedures in auditing and gender-sensitive and rights-based labour policies, are crucial and necessary steps for the protection of female workers from exploitation and discrimination.

The massive but undervalued contribution of women in the economic dynamics which are gradually advancing Asian countries provides a valid reason to reflect upon the dualism between 'capitalist patriarchy' and the so-called 'inclusive growth' advocated by the UN and various research and policies in international development cooperation. It needs to be understood that gender equality is not simply a feminist claim or an attainment relevant to women only, it is an achievement which becomes immediately beneficial for men and children, proving itself to be economically smart and socially profitable. In Asian countries, women are traditionally expected to accept what they are told and given, and are not supposed to challenge establishments, which are conventionally gender-biased and in favour of men. However, the fast paced process of industrialisation taking place in the region and the prime involvement of women require a deconstruction of traditional gender roles and a necessary modernisation of mindsets, attitudes and expectations with the indispensable support of gender mainstreaming in the making and implementation of the law. Transformations in society, as well as in economics and policies, need to be traced, analysed and performed through a gender-sensitive lens.

"Women make up more than one-third of China's migrants. They tend to be younger than their male counterparts and more likely to be single; they travel farther from home and they stay out longer. They are more motivated to improve themselves and more likely to value migration for its life changing possibilities. [...] From their home villages, families tried to influence their daughters. Send money home. Don't get a boyfriend outside. Get married sooner. Get back. For the most part the girls did as they pleased".

Leslie T. Chang, *Factory Girls/ From Village to City in a Changing China*. 2009.

1 The CEDAW General Recommendation No. 26 on Migrant Women Workers (2008), and the ILO Convention concerning Decent Work for Domestic Workers (No. 189, 2011) are among the most recent instruments within the international human rights legal framework which are relevant for the fulfilment of the obligations of State parties.