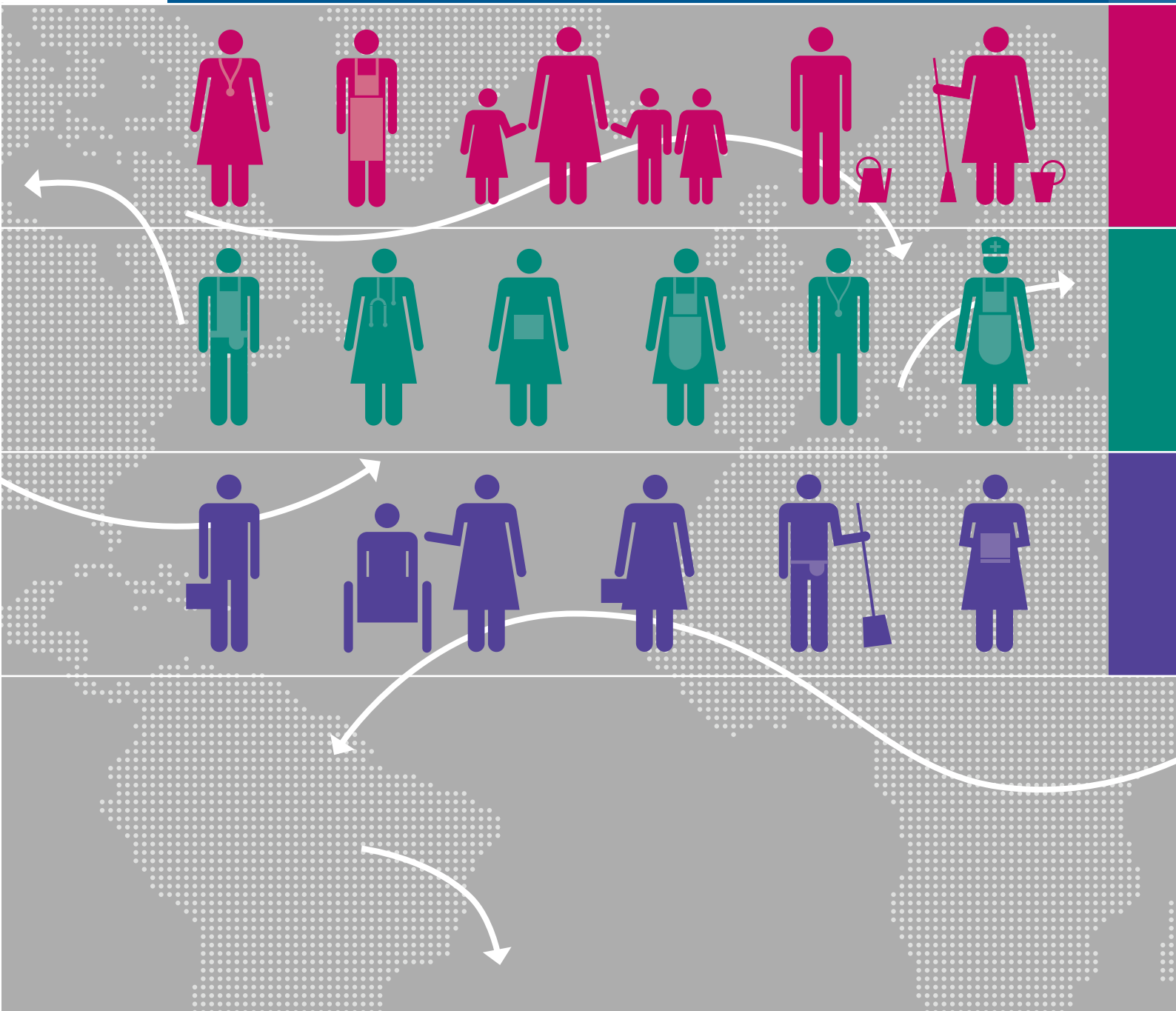


# GENDER AND LABOUR MIGRATION TRAINER'S MANUAL





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## FOREWORD

We are pleased to present this *Trainer's Manual on Gender and Labour Migration*, produced jointly by the Office of the Co-ordinator of OSCE Economic and Environmental Activities and the OSCE Office for Democratic Institutions and Human Rights.

With increasing international migration, more and more women are joining the foreign labour force in many OSCE countries. Thus, they are becoming significant contributors to socio-economic development. In their country of destination, they provide important human and economic resources. For their country of origin, they provide financial and social remittances and savings for future investments in their families and communities.

Men and women are often concentrated in different migratory flows, due to the existence of gender-segregated labour markets. They also differ in their experience of labour mobility, due to gendered socio-economic power structures and socio-cultural definitions of gender-appropriate roles in origin and destination countries. Female migrant workers are mainly found in "feminized sectors" such as care work, domestic services, hospitality, agriculture and textile industries, even if they are qualified for more higher skilled jobs.

However, the important economic contributions made by female migrant workers to our societies and the severe challenges they often have to face, especially in low-skilled sectors, have not been adequately acknowledged or reflected in policies that would better address their specific needs. Moreover, the lack of sufficient legal channels for semi-skilled and low-skilled jobs in destination countries have pushed many of them into the informal sector, where they are not protected by labour legislation. This makes them particularly vulnerable to discrimination and exploitation.

Therefore, the OSCE would like to raise awareness among policymakers of the socio-economic contributions made by female migrant workers, the constraints and problems they face and what can be done to improve conditions in order to achieve more gender-sensitive labour-migration policies to the benefit of all.

This manual is primarily designed for training mid-level government officials, parliamentarians and representatives of social partners on how to gender-mainstream migration policy by looking at the legal protections in place for migrant workers at the national, regional and international levels; the latest policy developments related to the labour migration of women in countries of origin; admission and post-admission policies; measures to reduce irregular labour migration; and possibilities for international co-operation on labour migration.

## INTRODUCTION

The contents and structure of the manual are based on the OSCE's *Guide on Gender-Sensitive Labour Migration Policies*.<sup>1</sup> The manual contains four modules, each of which can be delivered by itself for use in countries of both origin and destination, with multiple beneficiary groups. It is flexible enough so that the training can be tailored to the individual needs of those being trained.

We hope that the manual will lead to the development of more comprehensive, effective and gender-just labour migration policies in the future, as such policies are also part of a well-functioning democracy.



Janez Lenarčič  
Director Office for Democratic Institutions  
and Human Rights



Goran Svilanović  
Co-ordinator of OSCE Economic and  
Environmental Activities

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1 *Guide on Gender-Sensitive Labour Migration Policies* (Vienna: OSCE, 2009), <<http://www.osce.org/item/37689.html?ch=1289>>.

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# INTRODUCTION

## INTRODUCTION

The OSCE participating States have made significant commitments in relation to migration and the rights of migrants, as well as on equality rights and opportunities for women and men and the elimination of discrimination based on sex.<sup>2</sup> The need to provide greater consideration to gender issues in labour-migration policies was first discussed in an OSCE context at the seminar in Rabat to launch the Mediterranean edition of the *Handbook on Establishing Effective Labour Migration Policies* (OSCE-IOM-ILO, December 2007). The topic was later discussed again at the Brdo Seminar on Gender-Sensitive Labour Migration Policies (February 2009) and at the 17<sup>th</sup> OSCE Economic and Environmental Forum (May 2009) on Migration Management. All three events emphasized the increasing importance of female migrant workers as contributors to socio-economic development both in countries of destination and in countries of origin. Furthermore, it was acknowledged that existing policies and practices throughout the OSCE region and beyond do not adequately consider the specific needs of female migrant workers throughout the migration process. OSCE Ministerial Council Decision No. 5/09 of 2 December 2009 on "Migration Management"<sup>3</sup> encourages the participating States to incorporate gender aspects into their migration policies, noting the recommendations of the OSCE's *Guide on Gender Sensitive Labour Migration Policies*, published in 2009<sup>4</sup>.

In response to interest expressed by the participating States, and for the purposes of national and regional capacity-building on the issue of gender and labour migration, the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), in co-operation with the Office for Democratic Institutions and Human Rights (ODIHR), commissioned a consultant to develop specific training materials to accompany the *Guide on Gender-Sensitive Labour Migration Policies* (OSCE, May 2009). These training materials are the outcome of that process and are primarily intended to support the training of policy-makers, parliamentarians, social partners (e.g., employers organizations and trade unions), and practitioners in the field of labour-migration management. The concept and methodology of this publication are based on the joint IOM-OSCE project Training Modules on Labour Migration Management: Trainer's Manual.

The **Trainer's Manual on Gender and Labour Migration** uses the same four modules as the aforementioned Guide: (1) Introduction to Gender and Labour Migration and Tools for Gender-Sensitive Labour-Migration Policies; (2) Policies and Practices in Countries of Destination; (3) Policies and Practices in Countries of Origin; and (4) Gendered Impacts and Gender Sensitivity in Bi- and Multilateral Labour Agreements. Therefore, the training materials in the *manual* should be used in conjunction with the *Guide on Gender-Sensitive Labour Migration Policies*.

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2 See the Annex in this manual.

3 OSCE Ministerial Council, Decision No. 5/09, "Migration Management", Athens, 2 December 2009, <[http://www.osce.org/documents/cio/2009/12/41866\\_en.pdf](http://www.osce.org/documents/cio/2009/12/41866_en.pdf)>.

4 *Guide on Gender-Sensitive Labour Migration Policies* (Vienna: OSCE, 2009), <[http://www.osce.org/eea/item\\_11\\_37689.html](http://www.osce.org/eea/item_11_37689.html)>. A number of materials were used in the development of the Guide, in particular the *Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination* (Vienna: OSCE, International Organization for Migration and International Labour Office, 2006), <<http://www.osce.org/item/19187.html>>.

# OVERVIEW OF THE MODULES

## **1. Introduction to gender and labour migration and tools for gender-sensitive labour-migration policies**

This module introduces the topic of gender and labour migration by highlighting some of the trends and issues that need to be addressed in order to improve the conditions of female migrant workers. In addition, it outlines measures that can be used to incorporate a gender dimension into migration policies through better data collection and analysis, as well as gender-mainstreaming (e.g., using gender-based analysis and indicators). This module also includes two group exercises for the participants based on fictitious case studies.

## **2. Policies and practices in countries of destination**

This module highlights a number of policies, programmes, and practices in countries of destination in the area of migration management and protection of migrant workers, including: assessment of demand for foreign labour, admission policies (temporary and permanent schemes), family reunification, integration policies, and protection measures. Moreover, it also includes the aspect of involving other stakeholders in the process (e.g., employers associations, non-governmental agencies, and international organizations), along with a group exercise for the participants on drafting a programme on temporary seasonal agricultural workers, aimed at improving the recruitment, selection, and working conditions of female migrant workers.

## **3. Policies and practices in countries of origin**

Module 3 covers a number of policies, programmes, and practices in countries of origin in the process of facilitating safe migration and protection of migrant workers, including: institutional frameworks, regulation of private employment agencies, pre-departure services, protection measures, social costs of migration, optimization of remittances, and provision of adequate reintegration services. This module also includes two group exercises for the participants: one on policy (drafting an action plan), and the other on reintegration of female migrant workers.

## **4. Gendered impacts and gender sensitivity in bi- and multilateral labour agreements**

The fourth module focuses primarily on the need to include gender issues in bilateral labour agreements (BLAs). This can benefit female migrant workers by increasing their opportunities to migrate through formal mechanisms of interstate co-operation. Moreover, it also covers the issue of the ethical recruitment of foreign healthcare professionals, along with a group exercise for the participants on drafting a fictitious BLA with respect to nurses.

While most of the content of the training modules is based on the above-mentioned Guide, it is complemented by other sources such as recent publications and information from the ILO, the IOM, and UNIFEM, as well as direct consultations with other international organizations.<sup>5</sup> In addition, the modules contain original analysis and case studies.

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<sup>5</sup> In addition to the IOM, the ILO, and UNIFEM, other OSCE partner organizations and the Council of Europe were consulted, among others.

# INTRODUCTION

The materials presented in this manual are sufficiently flexible that they can be tailored to the specific needs of the group being trained. And the trainers and experts facilitating training sessions should do just that, adapting the materials based on their audience and their expertise. Thus, this manual should be seen as a Guide for developing and delivering training.



# AIMS AND STRUCTURE OF THE MANUAL

## Overall aims

---

- To encourage governments to include gender-sensitive measures in their labour-migration policy;
- To raise awareness of the different issues and disadvantages female migrant workers experience in comparison with their male counterparts (e.g., their status, the nature of the employment sector and type of education requirements, stereotyped roles, and discrimination) in order to address gaps in policies and programmes;
- To provide tools and knowledge that can be used by policy-makers in the design and implementation of policies and programmes on labour migration for the equal benefit of migrant women and men.

## Learning outcomes

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Following this training, it is expected that:

- Governments will consider the inclusion of gender-sensitive measures in their labour-migration policy;
- Policy-makers, social partners and practitioners will understand the different issues and disadvantages experienced by female migrant workers in order to bridge the gap in policy and programming;
- Policy-makers will be better equipped to design and implement more efficient and sustainable migration-management policies and programmes that benefit both female and male migrant workers.

## Duration

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The training lasts two days; however, the lead trainer or project manager may choose to extend the training for half a day to accommodate, for example, a half-day high-level political segment with ministers, members of parliament, or senior managers in charge of international migration and gender issues. The two-day period will be divided into half-day sessions dedicated to each of the four modules.

## Target audience

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The training is aimed mainly at mid-level government officials, parliamentarians, representatives of social partners, and civil society involved in the development, implementation, and review of labour-migration policy.

## Trainers

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This trainer's manual is designed as a guidebook for trainers and experts on international migration and gender issues who will facilitate the delivery of the materials to the target audience defined above. They will also facilitate discussion among the participants and direct the small-group exercises. The training modules may be delivered by a lead trainer and an expert or experts depending on the subject matter and the skills and knowledge required.

The **lead trainer** is the person responsible for facilitating the entire training course. In addition, since it is unlikely that the lead trainer will have technical expertise in all the topics covered by the training, experts will also lead some of the sessions (e.g., by giving presentations and providing feedback to the participants).

While **experts** are expected to offer technical expertise on an issue, the lead trainer will provide logistical support to the experts throughout the training seminar. Experts can be drawn from international organizations, non-governmental organizations (NGOs), professionals (e.g., lawyers and academics), and government officials with extensive experience in this field.

A lead trainer should be a person with broad experience in the areas of gender and labour migration who has led and delivered interactive training before and who has the ability to modify the training sessions according to the responses and knowledge of the participants.

## Technical skills

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- Module 1: Expertise on gender aspects of labour migration and practical knowledge of gender-mainstreaming of migration policies;
- Module 2: Expertise on migration policy in OSCE countries of destination (e.g., immigration law, migration programmes, and integration policy) and on specific gender aspects;
- Module 3: Expertise on migration policy in OSCE countries of origin (e.g., migration policy and programmes, return and reintegration programmes, and the social cost of migration) and specific gender aspects; and
- Module 4: Expertise on bilateral and multilateral agreements (e.g., legal and practical experience in drafting or negotiating such agreements), ethical codes for the recruitment of professional staff, and gender aspects pertaining to such agreements and codes.

## Additional training aid

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In addition to the four modules, the training materials include PowerPoint presentations, case studies, tables, lists of questions, and visual materials. When deciding how to deliver these materials, the trainers should draw on their own knowledge and work experience. The content should be practical and informative, and, whenever possible, visual materials should be used in order to convey certain messages and encourage discussion rather than merely to provide information. In addition, participants should be encouraged to take an active part in the training.

As mentioned earlier, the modules should be adapted to meet the needs of the audience. For example, the trainers can provide different case studies or use their own visual materials. They can also be selective in determining what materials to use depending on the priorities of the participants, e.g., by choosing examples that are country- or region-specific. This will ensure relevance and interest.

## Additional issues related to structure and content

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- The focus of these training materials is on gender aspects of international migration. Therefore, it is important to highlight that the participants are expected to have prior knowledge of concepts and issues related to international labour migration.
- The themes covered in the afternoon session of the first day and in the morning session of the second day will depend on the country or region where the training is taking place. If the participants come mainly from countries of origin, then Modules 1 and 3 may be the most relevant for the training. It is best to start with issues that the participants are most familiar with and then proceed to areas where they may lack in-depth knowledge.

It is important to keep in mind that, besides the general aims of the training, some of the objectives may have to be tailored to the particular training event because the purpose of the training may vary (e.g., regional training courses for the purpose of awareness-raising or country-specific requests for technical assistance). The specificity of a particular training course will be relevant in order to set the tone and provide a rationale for the overall focus of the sessions and the main goal of the two-day training course. Therefore, the lead trainer or project manager will need to tailor each training event on the basis of the request by, or offer of assistance made to, a given country or region by the entities/organizations carrying out the initiative. This will also help the lead trainer or project manager to decide on the nature of expertise needed and on how the exercises and examples given in this manual should be adapted (see the set of questions for the trainer below).

The lead trainer will have to take into account background information on the initiative and consider a number of questions in preparing for the training, such as:

1. Which entity initiated the request (e.g., a particular ministry)?
2. What are the needs of the different entities/stakeholders (ministries, institutions, organizations) in the country or region where the initiative will take place?

## INTRODUCTION

3. Who should be invited (the lead trainer should consider a gender-balanced list of participants)?
4. What is the level of experience and migration knowledge among the participants?
5. What external expertise is needed?
6. What is the situation of female migrant workers in the region or country where the training is taking place?

In conclusion, the lead trainer will need to work in close co-operation with those requesting the training, the participants, and the experts to design and conduct a successful training event.

# GENERAL CHECKLIST FOR THE LEAD TRAINER AND EXPERTS

In preparing for the training, the checklist below can serve as a useful tool.

	Comments
1. Are you familiar with the profile of the participants and their expectations?	
2. How should the materials be adapted to meet their needs?	
3. Have you added video and country-specific examples?	
4. Do you need extra assistance or means (e.g., materials, presentation tools)?	
5. Have the participants received advance information about the course and its content?	
6. Is the room properly set up for the training? Ideally, the tables should be grouped in small islands rather than in a U-shape. Do you have a flip chart for every group? Is there extra space where groups can work separately?	
7. How many working groups are the participants divided into? Ideally, there should be three to five people per group. Who is in which group?	
8. Are the priority points and main message clear for each training module?	

In addition, please note that, for each session, the participants should be given specific instructions on how to run their group exercises.

## OPTIONAL HIGH-LEVEL SEGMENT

<b>Timing and activity</b>	4 hours ----- Interventions by appropriate political and other representatives, including high-level officials, representatives of female migrant workers and training organizers.
<b>Equipment</b>	Microphone and perhaps PowerPoint depending on the presenters.
<b>Preparation</b>	<ul style="list-style-type: none"><li>• Brief speakers</li><li>• Check that the room is set up properly</li><li>• Liaise with any interpreters</li><li>• Ensure that matters of protocol are dealt with appropriately</li></ul>

The aim of this optional half-day segment (which should take place prior to the start of the two-day training) is to raise awareness of, and gather political support for, the need to include gender-sensitive measures in labour-migration policies.

This segment should include an opening statement by the host government at the highest appropriate level (e.g., a minister, deputy minister, or member of parliament) and an intervention from the perspective of female labour migrants (e.g., an intervention by a migrant woman, a trade union organizing migrant workers, or an NGO representative). In addition to the interventions, the organizers or the lead trainer may show a short video as food for thought for the participants.

It will be important to keep interventions short in order to allow the participants to raise questions and discuss.

The event may be followed by a reception, as this will serve as an opportunity for the participants to get to know each other and to network prior to the training sessions.

# SUGGESTED PROGRAMME FOR TWO DAYS TRAINING

Module	Suggested time	Suggested Duration	Session
<b>Introduction</b>	09.00	30 minutes	Introduction to the two-day training course on gender and labour migration
<b>Module 1 Introduction to gender and labour migration</b>	09.30	90 minutes	Session 1.1: Introduction to gender-related aspects of labour migration Group exercise – Fictitious interview conducted with a female and male migrant
	11.00	15 minutes	Break
	11.15	90 minutes	Session 1.2: Introduction to gender-mainstreaming labour migration policy Group exercise – Oxland
	12.45	120 minutes	(Optional Session 1.3: Monitoring and evaluation of gender-sensitive programmes and policies Group exercise – Oxland and Zap)
	12.45	60 minutes	Lunch
<b>Module 2 Policies and practices in countries of destination</b>	13.45	45 minutes	Session 2.1: How to make temporary and permanent migration policies more gender-sensitive? Assessing the demand for foreign labour, admission policies: temporary and permanent migration schemes, and family reunification
	14.30	30 minutes	Session 2.2: Group exercise Group exercise – Temporary labour-migration programme
	15.00	15 minutes	Break
	15.15	30 minutes	Session 2.2 (continued): Presentation of exercise, discussion, and feedback
	15.45	50 minutes	Session 2.3: Measures that countries of destination can take to introduce gender-sensitive policies and practices Integration policies, protection measures, and involvement of other stakeholders, and conclusion of Module 2
<b>Closing session</b>	16.35	10 minutes	End of Day 1



Module	Suggested time	Suggested Duration	Session
	09.00	10 minutes	Introduction to the day
<b>Module 3: Policies and practices in countries of origin</b>	09.10	60 minutes	Session 3.1: Introduction to Module 3
	10.10	60 minutes	Session 3.2: Group exercise – draft action plan
	11.10	15 minutes	Break
	11.25	35 minutes	Session 3.2 (continued): Presentation of exercise, discussion, and feedback
	12.00	60 minutes	Session 3.3: Limiting the social cost and optimizing the benefits of migration, and conclusion of Module 3 Group exercise – Returning migrants
	13.00	60 minutes	Lunch
<b>Module 4: Gendered impacts and gender sensitivity in bi- and multilateral labour agreements</b>	14.00	45 minutes	Session 4.1: Introduction to Module 4 Bilateral labour agreements on temporary and circular migration and ethical recruitment of foreign healthcare professionals
	14.45	45 minutes	Session 4.2: Group exercise – Bilateral Labour Agreements
	15.30	15 minutes	Break
	15.45	30 minutes	Session 4.2 (continued): Presentation of exercise, discussion, feedback, and conclusion of Module 4
<b>Closing session</b>	16.15	30 minutes	Way forward
	16.45	15 minutes	End of Day 2



**DAY 1:  
TRAINING MODULES 1 AND 2**

# INTRODUCTION TO THE TWO-DAY TRAINING COURSE ON GENDER AND LABOUR MIGRATION

<b>Timing and activity</b>	30 minutes total ----- Introduction of two-day training course and PowerPoint presentation Group discussion
<b>Equipment</b>	PowerPoint (Module 1), computer and screen, flip chart and pens
<b>Preparation</b>	<ul style="list-style-type: none"><li>• Read the <i>Guide on Gender-Sensitive Labour Migration Policies</i></li><li>• Read this training manual</li><li>• Read the background to the initiative</li></ul>

## Purpose of the session

To introduce the background, modalities, and aims of the two-day training course and also to get to know the participants and their expectations.

## Welcoming remarks from the hosts

*Instructions for the trainer*

In order to keep within time, please ask that the host(s) be brief in their welcoming remarks.

## Introduction of the participants and course expectations

*Instructions for the trainer*

1. Introduce yourself, the course, and its objectives;
2. Ask participants to write their name on the badges/name cards provided and to take a few minutes to introduce themselves to the person seated next to them;
3. Ask the participants to introduce the person seated next to them to the rest of the group;
4. Ask participants about their expectations. Record these on the flip chart;
5. Ensure that participants are clear that all expectations that are not relevant to the course will not be covered. Recap the course objectives introduced at the beginning;
6. Thank supporters.

## Brief introduction of the Guide, followed by objectives of the training

*Instructions  
for the trainer*

The presentation on the items listed below should be short since the content will be elaborated in each session and the participants will have received a copy of the *Guide on Gender-Sensitive Labour Migration Policies* and other relevant materials.

- **Historical background:** The background and aims of the *Guide* and initiative.
- **Definition of gender-sensitive labour migration:** “The *Guide* defines gender-sensitive labour migration policies as those recognizing that both men and women migrate for economic reasons and better employment opportunities and that female migrant workers also make significant economic and social contributions to national economies in both countries of origin and destination. Such policies acknowledge that female migrant workers may experience more disadvantages and discrimination at all stages of the migration process.”<sup>6</sup>
- **Presentation of the overall objectives of the training course:** Please see page 15, while adding any other specific aim/outcome based on the background of the initiative and the expectations of the participants.
- **Structure of the Guide on Gender-Sensitive Labour Migration Policies:** Very briefly mention the chapters and their content.
- **Legal commitments and international human-rights instruments:** Countries have committed to a number of obligations established in legal instruments, including the ratification of international conventions on migrant workers’ human rights, gender equality, and discrimination, as well as recommendations aimed at protecting migrant workers and promoting safe migration. It is important to highlight that the implementation of these commitments may contribute to the socio-economic development of both countries of origin and of destination, as well as have a direct effect on the well-being of migrants and their families or community. More specifically, female migrant workers are important contributors to their community in terms of financial resources, human capital, and social resources. Therefore, governments should provide greater opportunities for this target group in order to maximize the social and economic gains from the migratory process.

The following are the most relevant legal instruments covering the rights of migrant women:<sup>7</sup>

- ILO Conventions on Migrant Workers (C. 97, C. 143), the ILO Declaration on Fundamental Principles and Rights at Work, and the non-binding ILO Multilateral Framework on Labour Migration;
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- The Beijing Platform of Action and the Report of the Fourth World Conference on Women;
- The United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

<sup>6</sup> *Guide on Gender-Sensitive Labour Migration Policies, op. cit.*, note 1, p. 2.

<sup>7</sup> *Ibid.*, pp. 10-11.

- The European Convention for the Protection of Human Rights and Fundamental Freedoms;
- The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights;
- CEDAW General Recommendation No. 26 on Women Migrant Workers; and
- OSCE commitments related to migration and gender.

*Instructions  
for the trainer*

The presentation on legal instruments should be **very short**. The list of the relevant instruments can be given as a handout or provided on a slide to highlight what is of particular importance with respect to the overall issue being discussed in the training (e.g., protection of female migrant workers' rights and state obligations). Alternatively, you may also want to skip this item and instead recall the instruments when delivering Module 1. A copy of CEDAW Recommendation No. 26 should be given to the participants, as well as a list of OSCE commitments in the field of migration and gender. Please see the Annex. ILO conventions 97 and 143 and the UN convention on Protection of the Rights of All Migrant Workers and Members of Their Families are available on the CD-rom.

- **Call attention to the relevance of international human-rights instruments in practical terms.** For example, CEDAW's Art. 11 (1) guarantees women equal rights in employment, including the right to have the same employment opportunities as men and the application of the same criteria for selection in matters of employment. As such, countries should be aware that, although both male and female applicants have similar skills and experiences, the outcome of their recruitment and selection procedures for temporary labour migrants is often the result of a particular gender bias. For instance, participants may be asked to consider the following question: Should BLAs explicitly include Art. 11 in order to comply with CEDAW? Another relevant issue is equal remuneration for work of equal value, which, despite wide acceptance in principle and in national legislation, is still failing in implementation.<sup>8</sup>
- **Call attention to the relevance of CEDAW General Recommendation No. 26 on Women Migrant Workers** by selecting one example of recommendations to states parties and how the implementation thereof can benefit the state and the target group. Please see the Annex for a copy of CEDAW General Recommendation No. 26. For example, the trainer may want to use the following recommendation: "*Common responsibilities of countries of origin and destination – Article 23 (c) Research, data collection and analysis: State parties should conduct and support quantitative and qualitative research, data collection and analysis, to identify the problems and needs faced by women migrant workers in every phase of the migration process in order to promote the rights of women migrant workers and formulate relevant policies (article 3).*"

*Instructions  
for the trainer  
on the learning  
methodology*

Please stress that the key to the methodology is participation. Also stress that participants should feel free to raise points for discussion and matters of particular importance. The agenda can always be adjusted to ensure that the course delivers what they want from it.

<sup>8</sup> For more information, see Marie-Thérèse Chicha, *Promoting Equity – Gender-Neutral Job Evaluation for Equal Pay: A Step-by-Step Guide* (Geneva: International Labour Office, 2008), <[http://www.ilo.org/declaration/info/publications/lang-en/docName--WCMS\\_101325/index.htm](http://www.ilo.org/declaration/info/publications/lang-en/docName--WCMS_101325/index.htm)>.

## Aims of Module 1

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- To show how gender has an impact on the migration paths chosen by men and women, as well as the conditions affecting them;
- To provide an overview of the feminization of international labour migration;
- To define gender-mainstreaming and to discuss its importance for labour migration policies;
- To introduce gender impact assessments as a gender-mainstreaming tool that can assist in formulating gender-sensitive labour migration policies, and to provide a list of gender-mainstreaming success factors.

The trainer should remind the participants of the activities involved in Module 1 and the timing thereof.

## Learning Outcomes of Module 1

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Introduction of the expected learning outcomes of Module 1 (following the relevant PowerPoint slide).

By the end of Module 1, policy-makers, social partners, and practitioners should:

- know and understand the practical differences between male and female migrant workers within the context of international migration and the relevance of these differences for labour migration policies;
- understand the methodology of gender-mainstreaming, as well as its objectives, key methodological characteristics, and success factors;
- be familiar with gender impact assessments as a tool for gender-sensitive labour migration policies.





## Session 1.1: Introduction to gender-related aspects of labour migration

<b>Timing and activity</b>	<p>90 minutes total – Group exercise</p> <hr style="border-top: 1px dashed black;"/> <p>40 minutes: group work</p> <ul style="list-style-type: none"> <li>• Case Studies 1A and 1B</li> </ul> <p>30 minutes: presentation and discussion of group results</p> <ul style="list-style-type: none"> <li>• Presentations of group results</li> <li>• Discussion of the gender aspects of the labour migration process and how these aspects affect men and women, respectively</li> </ul> <p>20 minutes: trainer’s feedback</p> <ul style="list-style-type: none"> <li>• Summary and conclusions of the following issues (PowerPoint presentation):</li> </ul> <p>Difficulties faced by female migrants during the migration process  Vulnerabilities faced by female migrant workers at different stages of the migration process  Gender and labour migration challenges  Feminization of migration (quantitative and qualitative factors)</p>
<b>Equipment</b>	<p>PowerPoint, computer, projector, screen, flip chart, pens for groups, copies of Case Studies 1A and 1B, handouts</p>
<b>Preparation</b>	<ul style="list-style-type: none"> <li>• Read Chapter 1 of the <i>Guide on Gender-Sensitive Labour Migration Policies</i></li> <li>• Read the content of this session with the trainer’s notes and instructions</li> <li>• Check references to other materials, such as ILO publications and CEDAW recommendations</li> <li>• Identify appropriate examples of the issues you will present</li> </ul>
<b>You will need</b>	<ul style="list-style-type: none"> <li>• Module 1 slides</li> <li>• Case Studies 1A and 1B</li> <li>• Instructions for the group exercise</li> </ul>

## Purpose of the session

Introduction of the main issues related to gender and labour migration.

### *Instructions for the trainer*

This session is based on a group exercise, followed by a discussion and presentation by the trainer.

The trainer's main task is to:

- make sure that the group discussions focus on the relevant issues that should be analyzed;
- facilitate a qualitative discussion based on the case studies;
- summarize the main issues appearing in the case studies and link them to the results presented by the groups.

The points made in this session should be presented with the help of **PowerPoint slides** on Module 1. The presentation should be carried out in an interactive way (encouraging the participants to make comments and raise questions).

## Group exercise – Fictitious interview conducted with a female and male migrant

### *Instructions for the trainer*

Timing: 40 minutes. Group work:

- Depending on the number of participants, form two, four, or six groups of about five people each;
- Distribute both case studies – interviews conducted with a female migrant (Case Study 1A) and a male migrant (Case Study 1B) on their migration path and migration experiences – to each participant in every group;
- Provide the working groups with instructions on how to carry out the exercise.

If there are more than two groups, please ask certain groups to focus on a particular stage of the migration process and how it affects both male and female migrants. The possible stages could be:

- A) Groups 1 and 2: Country of origin (personal motivation, decision-making, recruitment and pre-departure, journey);
- B) Groups 3 and 4: Country of destination (working and living conditions, contractual rights, networking possibilities, issues of deskilling, etc.);
- C) Groups 5 and 6: Country of origin (return and reintegration).

Please keep checking the groups' progress as they discuss the case study.

*Instructions  
for the  
participants*

Participants in each group should read both case studies.

Each group should discuss and write on flip charts all possible answers to the following question. ***What are the difficulties that both female and male migrants faced during their migration process?***

Each group should prepare a list of difficulties faced by both migrant workers (a woman and a man), some of which will be common for both men and women, while others will be specific to women only.

**Timing: 30 minutes. Group results:**

- Presentation by each group of their discussion and conclusions;
- Facilitation by the trainer of a discussion on the differences between men and women in the labour migration process.

*Instructions  
for the trainer*

Example of the results of the group work:

**GROUPS 1 AND 2 - COUNTRY OF ORIGIN AND JOURNEY**

**FEMALE MIGRANT  
WORKER**

- Traditional female role in the family as the main person responsible for child-raising, and its implications in the decision-making process
- ...
- ...

**MALE MIGRANT  
WORKER**

- Traditional male role as the family breadwinner and the consequent pressure for earning a higher income
- ...
- ...

**BOTH**

- Problems related to legal migration
- ...
- ...

**Timing: 20 minutes. Trainer's feedback and summary:**

- **Feedback and final clarifications.**
- **Trainer's summary of the difficulties female and male migrants face during their migration process (following the relevant PowerPoint slide):**
  - Women often have less control over their financial resources, thus leaving them in a weaker decision-making position;<sup>9</sup>
  - Women often have less access to information than men do. They are typically recruited as individual workers through the use of social networks instead of official channels. This often

9 *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003), Booklet 2.

makes female migrant workers less visible to statistics. In some instances, it is the absence of a state role in facilitating the process of legal migration that compels women to rely on social networks;

- In general, women's decision to migrate is more often than in the case of men a household decision and less an individual choice. Women often migrate to support their families (e.g., ensuring their children's education or parents' welfare). As a result, they often have a strong sense of obligation, and they are prepared to endure hardship or even abuse in order to ensure that they can send remittances to their family;
  - Female migrant workers are particularly vulnerable to abuse, exploitation, and discrimination, and, in the worst cases, they may fall victim to human trafficking.<sup>10</sup> Governments often fail to introduce adequate policies that take female experiences and working conditions (especially in low-skilled sectors) into account. Moreover, the lack of sufficient legal channels has in turn pushed women into the informal sector, where they are not protected by labour legislation;
  - Despite the large number of women joining the labour market, men often do not perform an equal share of household and childcare duties, thus leading to an excess burden for migrant women. Moreover, migrant female workers are part of a global care chain, as they employ others to care for their family members left behind.
- **Trainer's introduction to the vulnerabilities at different stages of the migration process (following the relevant PowerPoint slide):**

*Recruitment and pre-departure*

- Excessive fees, cheating and extortion, non-existent jobs, lack of information on terms and conditions of employment, not being sent abroad at all, inappropriate or expensive training;

*Journey*

- Expensive fares, smuggling, hazardous travel, victimization in transit;

*Working and living abroad*

- Contract violations, lack of contracts, withholding of documents, poor working conditions, lack of social security and other social benefits, occupational safety hazards, non-payment, physical/psychological/sexual violence, lack of information and access to services, undocumented status.

*For other issues, see Box 1.2 in Handout No. 4.*

- **Final overview by the trainer (following the relevant PowerPoint slide):**
- Female migrants are, of course, unique individuals with different circumstances. Their status, for example, may differ depending on the type of entry permit that they have. In addition, they migrate for different purposes, while some migrate independently and others do so as the dependent of a principal migrant;
- In general, female migrant workers may experience more disadvantages and discrimination at all stages of the migration process in comparison to men, which is often further exacerbated depending on their age, class, and ethnicity.

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<sup>10</sup> See the Annex in this manual and Box 1.2 in Booklet 1 of *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide, Ibid.*

- **Presentation by the trainer on the major issues concerning the feminization of international labour migration as a rationale for gender-mainstreaming, which will be introduced in the next session (following the relevant PowerPoint slide).**
- **Presentation by the trainer on quantitative and qualitative facts regarding gender and labour migration and how they are related to the results of the group exercise:**
  - Around half of the world's 200 million migrants are women. While migration is recognized as an integral feature of the world today, the situation and contributions of migrant women should be recognized as well. Female migrant workers are active contributors to the socio-economic development of both their country of origin (mainly through sending remittances, but also through sharing the skills and knowledge obtained abroad with their communities in their countries of origin, and by supporting their children's education) and of destination (by providing human and economic resources). Despite this, the general public is generally unaware of this fact and thus does not acknowledge these important contributions;
  - Significantly more women are migrating today on their own or as heads of households. Migration can also contribute to the economic and social empowerment and emancipation of female migrant workers in addition to their socio-economic development. It is also important to point out that the steady flow of remittances generated by female migrant workers (sometimes surpassing those of their male counterparts) is a positive outcome of mobility, as those remittances provide assistance to families and communities;
  - More attention should be paid to the feminization of labour migration, since this phenomenon is likely to become even more common for a number of reasons, including the continued demand for female migrant labour of different skill levels and in different sectors of the economy (in particular in the general care sector and the healthcare sector) due to the aging population in affluent countries. In the European Union, for example, the increase of immigrant women in the domestic-services sector can be explained by four interrelated factors: (a) the aging European population; (b) the limited availability of affordable and flexible public child- and elderly care services; (c) the increased participation of women in the labour market; and (d) the willingness of migrant women abroad to take up these low-social-status jobs;
  - There is a growing demand for foreign workers in so-called feminized sectors, such as care work, nursing, domestic services, garment manufacturing, and the hospitality and entertainment sectors, and women are channelled into them. In a number of cases, despite a relatively high level of education, migrant women find themselves in low-paid jobs that demand little from their qualifications, thus also leading to deskilling;
  - Migration policies often appear gender-neutral; however, such policies can have a direct or indirect differential impact on women and men and on gender relations, even when such an effect was neither intended nor envisaged. Recruitment practices are one issue that can serve as an example when identifying outcomes.

- **Distribution of handouts by the trainer:**

No. 3 – “What influences a woman’s decision to migrate?” – Source: Booklet 1, *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003).

No. 4 – “Vulnerabilities at different stages of the migration process” – Source: Booklet 2, *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003).

*Instructions  
for the trainer*

It is important to stress at the end of this session that gender is one of the factors that has an influence on the differences between the experience of men and women in the labour migration process. The case studies (interviews) show what is specific to the situation of a female labour migrant (in comparison to that of a male labour migrant).

More information can be found on the PowerPoint slides and in Handouts No. 3 and No. 4.

## Session 1.2: Introduction to gender-mainstreaming labour migration policy

<b>Timing and activity</b>	<p>90 minutes total</p> <hr/> <p>30 minutes: introduction and presentation of the following issues (PowerPoint presentation):</p> <ul style="list-style-type: none"> <li>• Gender-mainstreaming - definitions and goals</li> <li>• Gender-sensitive labour migration policy</li> <li>• Three-dimensional rights-based approach</li> <li>• Gender-mainstreaming actors</li> <li>• Gender-mainstreaming and policy cycle</li> <li>• Gender impact assessment</li> </ul> <p>60 minutes: group exercise:</p> <ul style="list-style-type: none"> <li>• Case Study 2</li> </ul>
<b>Equipment</b>	<p>PowerPoint, computer, projector, screen, flip chart, and pens for each and every group, copies of Case Study No. 2</p>
<b>Preparation</b>	<ul style="list-style-type: none"> <li>• Read Chapter 1 of the <i>Guide on Gender-Sensitive Labour Migration Policies</i></li> <li>• Read Case Study No. 2 and the instructions for the trainer below</li> <li>• Check references to other materials, such as the United Nations Development Programme's <i>Gender mainstreaming in practice. A Toolkit</i>, the Council of Europe's "Gender Mainstreaming. Conceptual framework, methodology and presentation of good practices"</li> </ul>
<b>You will need</b>	<ul style="list-style-type: none"> <li>• Slides from Module 1, Session 1.2</li> <li>• Case Study No. 2</li> </ul>

## Purpose of the session

- To introduce the main issues related to gender-mainstreaming;
- To familiarize the participants with ways to make migration policies more gender-sensitive;
- To introduce gender impact assessments as an important tool for gender-mainstreaming labour migration policy.

### *Instructions for the trainer*

This session is based on a presentation, followed by a group exercise. The participants are asked to use their migration-related knowledge in conducting Step 1 of the gender-impact-assessment process. It is crucial to make sure that the content of the presentation is clearly understood before the exercise starts.

The trainer's main tasks are to:

- present the slides from Session 1.2 (apart from the last one concerning data);
- check whether the participants understood the content.

The points made during this session should be presented with the help of the **PowerPoint slides** on Module 1, Session 1.2. The presentation should be carried out in an interactive way (encouraging the participants to make comments and raise questions).

The trainer should use specific examples from his or her own experiences or studies to make the points relevant for the participants. The groups should also be encouraged to provide real-life examples.

- **Presentation by the trainer of the main issues related to gender-mainstreaming and gender-sensitive labour migration policy:**
  - In the OSCE, gender-mainstreaming is a strategy aimed at achieving gender equality. In practice, gender-mainstreaming means assessing the implications for women and men of any planned action, including legislation, policies, or programmes, in all areas and at all levels. This also means that women's and men's experiences and concerns are to be integrated in the design, implementation, monitoring, and evaluation of any activity. When developing a policy, this implies carrying out a gender analysis in areas that are relevant to the policy. In a migration context, this could be, for example, gender in the economy, the labour market, equal opportunities, social policies, or access to education and health. Gender-mainstreaming does not necessarily imply additional costs or efforts, and gender-sensitive analysis can be easily integrated throughout the policy process (research, stakeholder consultations).
- **Presentation by the trainer of the three-dimensional rights-based approach:**
  - The three-dimensional rights-based approach was outlined in the Beijing Platform of Action of the Fourth World Conference on Women in 1995. This approach refers to taking three rights dimensions into consideration when developing qualitative indicators with regard to safe and just processes of female labour migration. These are:
    - Women's rights related to legal migration opportunities. Ensure women's access to, and participation in, safe and legal employment opportunities and their protection from exploitation and violence;



- Rights within the migration process. Ensure safe and secure recruitment, remuneration, control over earnings, decent working conditions, a right to family life, access to legal services, decision-making, health care, and information; and
- Rights realized through migration. Facilitate and encourage the potentially positive outcomes of migration for women, e.g., through increased autonomy and power to negotiate their terms of work in the country of destination, having control over their earnings, and more decision-making at the household level in the country of origin.

- **Presentation by the trainer on gender-mainstreaming actors:**

**State stakeholders:**

- Ministries;
- Focal points and heads of governmental departments;
- Staff in field missions and embassies;
- Gender experts.

**Non-state stakeholders:**

- Trade unions;
- Migrants/women's organizations, NGOs, diaspora organizations;
- Employers and private business associations;
- Gender experts.

In the gender-mainstreaming process, all the involved state actors (such as public officials working in ministries involved in the labour-migration-policy cycle) should be aware of the existing gender issues and be able to see policy-making through gender lenses, i.e., include all the relevant gender aspects in the policy. This process also needs "gender stakeholders" who bring specific and more developed expertise in the field (for example, gender focal points in appropriate ministries and departments or external gender specialists).

Non-state actors should also be involved. They are important allies who can show the entry points for gender-mainstreaming and keep an eye on the implementation of a gender perspective during all stages of the policy cycle. It is also crucial to recognize whose interests could be affected by the new policy/programme/decision and involve representatives of those groups in the policy- and decision-making processes.

There should be a gender balance in all the groups, institutions, and organizations that are stakeholders. In the case of a strong imbalance, individuals of the underrepresented sex should be invited to take part in the decision-making process.

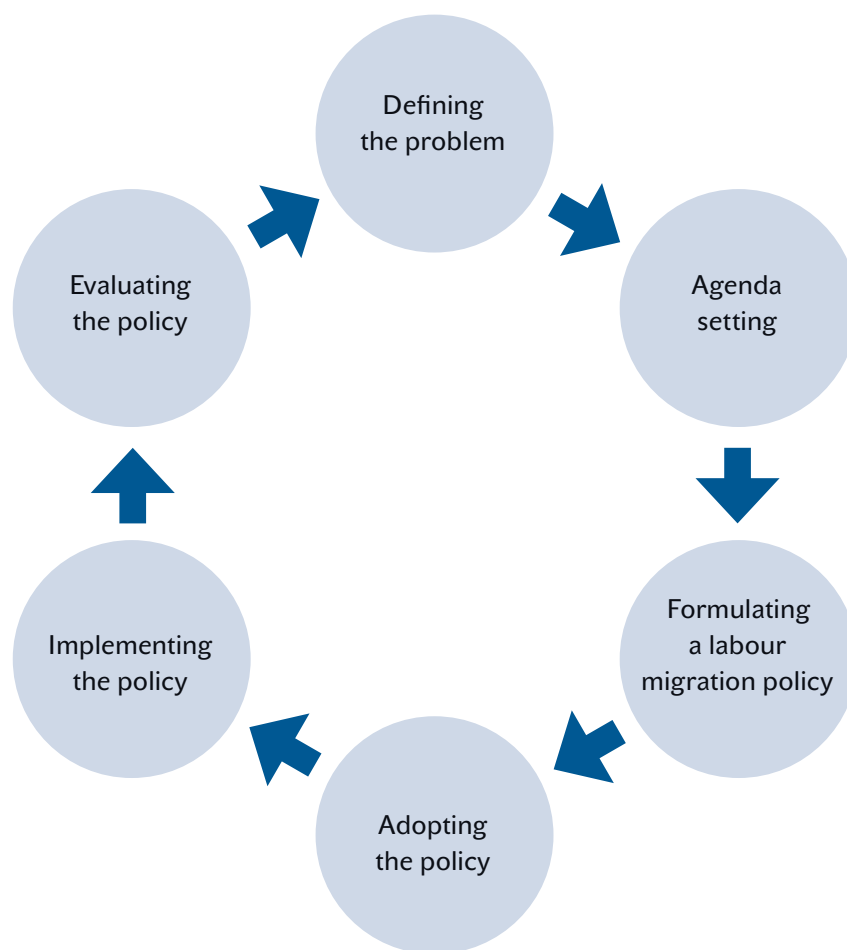
Having a gender-balanced group made up of a variety of stakeholders guarantees multiple viewpoints and brings greater accountability and credibility and a wider variety of options, which should improve policy-making process and, hopefully, the policies stemming from it.

- **Presentation by the trainer of gender-mainstreaming and the policy cycle:**

Gender-mainstreaming can be applied during all stages of a policy process, but it should ideally be included from the planning stage to the moment when decisions are taken, because this is also when financial and other resources are allocated. The implementing stage includes the elaboration

of specific actions and may therefore be the most important. Finally, it is important to evaluate the effects of policies on existing gender relations, as this can serve as a starting point for the development of new policies.<sup>11</sup>

### Labour Migration Policy Cycle and Gender-Mainstreaming<sup>12</sup>



- Successful management of labour migration requires a deliberate approach to address the complex range of policy issues and choices involved, as does the process of gender-mainstreaming;
- The process of gender-mainstreaming serves to incorporate a gender-sensitive perspective into every step of the policy-making process so that differences in socio-cultural roles, needs and opportunities, constraints, and vulnerabilities of men and women are taken into account.

11 This is based on “Gender Mainstreaming: Conceptual framework, methodology and presentation of good practices - Final Report of Activities of the Group of Specialists on Mainstreaming”, Council of Europe, 1999, <<http://www.g-i-s-a.de/res.php?id=374>>.

12 The Policy Process/Cycle, adapted from James E. Anderson, David W. Brady, and Charles Bullock III, *Public Policy and Politics in the United States* (Monterey, CA: Brooks/Cole, 1984), 2nd ed.

## 1. Defining the problem

Defining the problem is the first stage, where the problem - understood as a situation that results in a deprivation or dissatisfaction related to human needs - should be identified and named. In the context of gender-mainstreaming, it is important to identify and define the problem, including its gender perspective. This gender analysis is crucial and is the starting point for the gender-mainstreaming of labour migration policies. It should be based on collecting reliable data on the situation and experiences of male and female labour migrants.

### *Risks*

- If an in-depth gender analysis is not performed, this can result in not recognizing the needs and concerns of female and male labour migrants. The policy would, in this case, fail to respond to the specific gender-related challenges labour migrants face during the migration process.

### *Crucial questions to be asked*

- How do migrant men and women perceive their migration?
- What are the specific problems they face during the migration process?
- Why is this the case?

## 2. Agenda setting

The second step would consist of defining the goals of the policy, which usually means choosing those problems, among many, that should be prioritized by policy-makers. This is not a neutral process and may therefore favour one gender group over the other. Keeping the gender-mainstreaming process in mind, policy-makers should concentrate on the previously identified gender issues. It is also important to bear in mind that the place one issue or another occupies on the policy agenda is often driven by existing political interests and power relations. This is especially relevant when dealing with gender-sensitive labour migration policies, since migrant women are often in a weaker power position than men.

### *Risks*

- That the needs of female migrants in the labour market will not be taken into account because they are perceived as a non-dominant gender group in the labour market.

### *Crucial questions to be asked*

- How can issues or problems of female labour migrants be recognized as public problems of labour migration policy in general?
- Which problems become the targets of labour migration policies and why?

### 3. Formulating a labour migration policy

The third step in this process involves considering those realistic proposals and solutions to address the identified problem that are likely to be adopted. It aims to find the most suitable instruments that would achieve the set goals. The ministries and departments responsible for the following areas should be involved: labour, social policy, interior affairs, justice, human rights, gender equality, border management, migration, etc.

#### *Risks*

- When a problem is recognized and included in the policy agenda, decision-makers may develop alternative policy solutions to address the problem. The risks of gender bias at that stage are the following: lack of people with knowledge of gender and labour migration issues in the policy-formulation process, limited possibilities to formulate gender-sensitive policy responses, and/or biased policy decisions regarding gender-sensitive solutions, resulting in a lack of gender-sensitive measures.

#### *Crucial questions to be asked*

- Who will participate in policy formulation?
- Who and through what types of institutions or other bodies can alternatives to prevailing, non-gender-sensitive policies and solutions be developed?
- Who is responsible for taking decisions?
- How and when are decisions taken?

### 4. Adopting the policy

The aim of this stage is to find support for a proposal for the legitimization and eventual adoption of a labour migration policy. For this to happen, the core group responsible for the development of the policy have to construct a majority coalition. The success of a gender-sensitive labour migration policy depends on the stakeholders involved and their knowledge, as well as their values, norms, beliefs, preferences, and intentions. This coalition-building process has to be accompanied by an information campaign on the gender dimension of migration in the given context.

#### *Risks*

- That the planned gender-sensitive measures could eventually be dropped from the adopted policy.

#### *Crucial questions to be asked*

- Which values influence the adoption process?
- Did the ministry or other body responsible for the policy check whether the planned gender-sensitive measures would be included?

## 5. Implementing the policy

Once the policy has been adopted, the next step is its implementation by the public administration, e.g., the Ministry of Social Affairs or local labour offices. The knowledge, sensitivity, and experience of public-administration professionals in gender-mainstreaming play a decisive role in the successful implementation of the policy. All involved institutions responsible for the implementation of the policy are also responsible for ensuring the gender sensitivity of their actions. They have to act according to the adopted, gender-sensitive labour migration policy.

### *Risks*

- Biased distribution of public resources due to one gender's dominant view of government and administrative culture;
- Diffusion of responsibility for implementing the gender-sensitive aspects of the labour migration policy among the public administration, among different departments of different ministries, as well as between different levels of implementing bodies (regional, local), leading to non-implementation or inconsistent implementation.

### *Crucial questions to be asked*

- How are policy priorities determined, adopted, administered, and enforced by public institutions and organizations?
- How does the implementation of the policy differ from the policy formulated by decision-makers?

## 6. Evaluating the policy

Evaluating a policy means determining whether the policy was effective or ineffective and why. The evaluation process helps to recognize potential policy failures, and it may allow for the better definition of problems in the next policy cycle. In the case of gender-sensitive labour migration policies, an evaluation is conducted in order to determine the impact of the policy on the situation of female labour migrants and the extent to which the implementation of the policy itself is gender-sensitive. In gender-sensitive labour migration policies, all indicators should be disaggregated by sex whenever possible.

*For more information about evaluation, see Session 1.3: Monitoring and evaluation of gender-sensitive programmes and policies.*

- **Presentation by the trainer on gender impact assessments:**

A gender impact assessment is the systematic evaluation of roles, power relations, control over resources, and choices of men and women, as well as the division of the workload between them. When applied to labour migration policies, a gender impact assessment considers how labour migration programmes and migration policies in general have different impacts on men and women and on gender relations. A specific example of a good practice from Canada, where a gender impact assessment was used to adjust immigration policy (i.e., the points system), is provided in Module 2.

A gender impact assessment is formalized and institutionalized in policy and administrative routines and consists of two parts:

- A pre-assessment, which evaluates whether or not gender is relevant to the planned policy and is carried out most effectively during the early stage of decision-making to allow for change;
- The main assessment, which requires empirical evidence and is more detailed, entailing three steps:

Step 1: An assessment of the differences between male and female migrant workers in labour migration policies and their short- and long-term implications, such as participation, distribution of resources, and rights;

Step 2: An assessment of the reasons underlying the findings of the above differences;

Step 3: An assessment of solutions (how policies can contribute to the elimination of inequalities, prevent further inequalities, and promote and sustain equality between men and women).

## Group exercise – Oxland

### Timing: 25 minutes. Group work:

#### *Instructions for the trainer*

Depending on the number of participants, divide them into two to six groups, making sure that there should be about five people in each group.

Distribute Case Study No. 2 to the participants.

Describe the tasks of the exercise to the participants.

#### *Instructions for the participants*

The participants in each group should be asked to read and discuss Case Study No. 2, and then to respond to the following question in groups, writing their conclusions on flip charts: ***What questions should be asked in order to carry out the first step of a gender impact assessment for Oxland and its labour migration policy? Please think about what you need to know about female migrants and their participation, resources, and rights.***

Each group should prepare a list of questions that would reveal gender differences in the situation of migrants from Oxland.

#### *Instructions for the trainer*

Please keep checking the groups' progress as they discuss the case study.

## Timing: 20 minutes. Group results:

### *Instructions for the trainer*

Each group should present a summary of their discussion and their conclusions.

The trainer should facilitate a discussion with the groups regarding the information that should be gathered during the first step of the gender impact assessment.

Example of results from the group exercise:

#### ***Questions that should be asked about Oxland – first step in the gender impact assessment:***

- *What is the level of unemployment for women and men in Oxland?*
- *How many women and men are unemployed but unregistered as such?*
- *How many women and men are underemployed in Oxland?*
- *How many women and men live below the poverty line in Oxland?*
- *How many women and men from Oxland are currently living abroad?*
- *How many women and men from Oxland work as migrants in an undeclared fashion?*
- *How many women and men from Oxland work as migrants in construction?*
- *How many women and men from Oxland work as migrants in housekeeping?*
- *How many female and male migrants from Oxland have access to information concerning the migration process before they depart?*
- *How many female and male migrants from Oxland face sex discrimination in the migration process?*

The list of questions could be very long, and they could be all formulated in a slightly different way. The trainer should point out that there is no gender impact assessment in Case Study No. 2.

Please note that there are two crucial issues that should be highlighted:

- It is important to stress the need to collect three kinds of sex-disaggregated data concerning: (a) participation; (b) resources; and (c) rights. This would include both quantitative and qualitative gender-sensitive data.
- It is important to stress that, whenever possible, information about individuals should be disaggregated by sex.

### Timing: 15 minutes. Trainer's feedback and summary:

- Feedback and final clarifications (the trainer should remind the participants about the second and the third steps of the gender impact assessment);
- PowerPoint presentation by the trainer on the major data requirements and challenges.

#### *Instructions for the trainer*

It is important to stress at the end of this session that gender impact assessment is the first step in the development of a gender-sensitive labour migration policy. In terms of gender-mainstreaming, a labour migration policy should include the needs and concerns of female and male migrants and thus respond to the specific difficulties they face because of their gender during the migration process. In order to do so, it is extremely important to start with reliable knowledge of their (often different) migration situation and experiences.



## Optional Session 1.3: Monitoring and evaluation of gender-sensitive programmes and policies

<b>Timing and activity</b>	<p>120 minutes</p> <p>30 minutes: introduction and presentation of the following issues (PowerPoint presentation):</p> <ul style="list-style-type: none"> <li>• Levels of monitoring and evaluation (output, outcome, process)</li> <li>• Output, outcome, and process indicators</li> <li>• Quantitative and qualitative indicators</li> <li>• Evaluation criteria</li> <li>• Sharing the evaluation results</li> </ul> <p>60-minute group exercise</p> <ul style="list-style-type: none"> <li>• Case Study No. 3</li> </ul>
<b>Equipment</b>	<p>PowerPoint, computer, projector, screen, flip chart, and pens for groups, copies of the Case Study No. 3</p>
<b>Preparation</b>	<ul style="list-style-type: none"> <li>• Read the <i>Guide on Gender-Sensitive Labour Migration Policies</i></li> <li>• Read Case Study No. 3 and the <i>instructions for the trainer</i> below</li> <li>• Check references to other materials, such as the United Nations Development Programme's <i>Gender mainstreaming in practice. A Toolkit</i>, or the Canadian International Development Agency's <i>Guide to Gender-Sensitive Indicators</i></li> </ul>
<b>You will need</b>	<ul style="list-style-type: none"> <li>• Module 1, Session 1.3 slides</li> <li>• Case Study No. 3</li> <li>• Case Study No. 3 – Participants Sheet No. 1</li> <li>• Case Study No. 3 – Participants Sheet No. 2</li> </ul>

### Purpose of the session

- To introduce the participants to the definitions and main activities related to the monitoring and evaluation of programmes and policies;
- To familiarize the participants with ways to define different types of gender-sensitive indicators.

This session is based on a presentation, followed by a group exercise. It is important to make sure that the content of the presentation is clearly understood by the participants before the exercise starts, since they will be asked to use the knowledge and skills acquired during the session to propose gender-sensitive indicators.

The trainer's tasks are to:

- present the points "Monitoring and evaluation of programmes and policies" with the help of PowerPoint slides on this session;
- check whether the participants understood the content by encouraging them to ask questions and make comments.

The trainer should use specific examples drawn from his or her own experiences of monitoring or evaluation to make the points relevant for the participants. The group itself may provide examples as well and should be encouraged to do so.

- **Presentation about monitoring and evaluation:**
  - The monitoring of programmes and policies is a process that involves the systematic gathering and analysis of data. It is an internal policy-management tool that should be used during the whole process of policy/programme implementation. It is aimed at ensuring that policies and programmes are implemented in a way that reflects their intended purpose. Thus, it can be seen as a tool for the effective implementation of the relevant policy or programme, including any necessary amendments. Monitoring provides regular feedback on progress made with respect to expected results;
  - Evaluation is a rigorous and systematic process aimed at determining the value of a policy or programme. It provides reliable information on whether the objectives of the relevant policy or programme are being met and whether there have been any unexpected results stemming from unforeseen circumstances or improper implementation of the policy or programme. It is based on an in-depth examination of the policy or programme and involves a value judgement based on previously established criteria. Evaluation is a vital step in the policy cycle. It helps identify good practices and lessons learned for the purpose of improving initiatives in the future.
  - There are two basic types of evaluation: (1) a self-evaluation uses the internal resources of the relevant part of the public administration to promote organizational learning and identify good practices from within; and (2) an external evaluation provides an outside view that can produce a more independent assessment of the implementation and impact of measures and policies;
  - In the case of gender-sensitive labour migration policies, monitoring and evaluation are used to identify the impact of a policy or programme on the situation of female labour migrants and to see the extent to which the implementation of a labour migration policy itself is gender-sensitive. In gender-sensitive labour migration policies, all indicators should be disaggregated by sex whenever possible.
- **Presentation on the various levels of monitoring and evaluation (output, outcome, process)**

Both monitoring and evaluation should take place at three different levels:

1. Monitoring/evaluation of progress towards the development of short-term products or service (outputs);
2. Monitoring/evaluation of progress towards long-term change (outcomes);
3. Monitoring/evaluation of the implementation process (process).

In order to conduct monitoring and evaluation at all three levels, indicators must be established to measure progress, i.e., track the implementation of specific activities (outputs) and their impact (outcome).

- **Presentation on output, outcome, and process indicators:**

- Output indicators are the products or services developed and provided by labour migration policies and/or programmes, e.g., training modules for public administration or bilateral agreements. Outputs are necessary to achieve outcomes, i.e., changes in the situation of female and male migrant workers;
- Outcomes address the interests and concerns of migrants and describe long-term changes in their capacities or conditions. Gender-sensitive outcome indicators measure gender-related changes over time. Gender-mainstreaming of labour migration policies also requires gender-sensitive process indicators that reveal the level of women's involvement in the formulation and implementation of labour migration policies;
- Output, outcome, and process indicators can be numbers, facts, opinions, or perceptions. They are all criteria or measures against which changes can be addressed in order to improve policies. Effective indicators are comparable over time and comparable with other countries, regions, or target audiences. They should also be measurable, precise, selective, and representative. Some indicators can be presented in the form of a statement or a question;
- The following products and services are examples of **output indicators** for gender-sensitive labour migration policies:
  - A procedure for settling grievances and disputes that is open to migrants on the same terms as for national workers;
  - The number of women NGOs receiving support to establish networks of female migrant workers;
  - Whether or not the Department of Labour provides information to migrant workers about their labour rights;
  - A list of regulations that are in place to oversee the operations of recruitment agencies and their representatives;
  - A list of the types of facilities and services that are available to assist in sending remittances;
  - Whether or not there are channels for filing complaints in the event of rights violations by either state or non-state actors.
- The following long-term gender-related changes are examples of **outcome indicators** for gender-sensitive labour migration policies:

- The number of female migrants facing abuse and violence in the workplace while working abroad;
  - The number of female migrants employed in male-dominated sectors;
  - The ratio of remuneration for female migrants in relation to that of male migrants.
- The answers to the following questions are examples of **process indicators** for gender-sensitive labour migration policies:
- Are women represented within government planning bodies on migration?
  - Do men and women migrants participate equally in decision-making on labour migration policies?
  - Are men and women treated with equal respect as decision-makers, implementers, and participants?
  - Are those involved in policy implementation motivated to maintain a gender-sensitive perspective?
  - Do labour migration policies contain objectives directly related to the situation of female migrant workers?
  - Do training/orientation programmes include active participation by female migrant workers who have returned to their country of origin?

- **Presentation of quantitative and qualitative indicators:**

There are two general types of indicators: (1) quantitative indicators measure quantity and refer to numbers and percentages; and (2) qualitative indicators include people's judgments, perceptions, and experiences about a subject. The basic strategy for gender-sensitive labour migration policies is to use a combination of both types of indicators.

The following are examples of **quantitative indicators**:

- The number of male and female migrants working under a work-permit scheme for low-skilled workers;
- The number of private employment agencies inspected every year for cases of using discriminatory advertisements; and
- The number of bilateral or multilateral agreements that address minimum-wage requirements.

The following are examples of **qualitative indicators**:

- The opinions of male and female migrants on the work-permit system;
- The opinions of male and female migrants on the recruitment procedure they experienced through private employment agencies; and
- An assessment of employers' compliance with the law and the quality of the working conditions they provide.

- **Presentation on evaluation criteria**

Evaluation is based on an examination and involves making judgements. Therefore, it is crucial to define the evaluation criteria that define the standards to be used in the assessment of the relevant labour migration policy. There are several criteria that can be applied in order to focus on the objectives of the evaluation. In general, applying the following criteria in combination will help to ensure that the most critical areas of gender-sensitive labour migration policies are covered:

- **Adequacy** measures the extent to which the policy's intended results are consistent with the needs of the labour market and beneficiaries, e.g., the extent to which the policy is relevant to changing demands for migrant labour in feminized sectors;
- **Effectiveness** measures the extent to which the policy's intended results have been achieved (outputs and outcomes), e.g., the extent to which the policy reduces the number of low-skilled female migrant workers exploited by their employers;
- **Efficiency** measures the extent to which the policy's inputs (funds, expertise, time) are converted into the intended results, e.g., the number of female migrant workers who have joined trade unions to increase the membership of female migrant workers in health- and other care services after additional funds are allocated to trade unions;
- **Utility** measures the extent to which the results obtained by the policy meet the practical needs of stakeholders and beneficiaries, e.g., the extent to which the policy responds to the needs of female migrants working in the informal sector;
- **Sustainability** measures the extent to which the benefits of the policy's particular programmes continue after the programmes cease operating, e.g., the chances that the positive impact of co-operation with an NGO for female migrant workers NGO will last after the project ends.

- **Presentation on how to carry out the monitoring and evaluation process:**

The monitoring and evaluation process should be prepared at the stage of agenda setting (please see the chart Labour Migration Policy Cycle and Gender-Mainstreaming), and it should take the form of a plan included in a document outlining labour migration policies;

The plan should specify:

- What is monitored and evaluated;
- The amount of attention given to each particular stage of the migration process (pre-departure, journey, arrival, stay, integration, resource flows, return, etc.);
- Who is responsible for monitoring and evaluation tasks;
- When the monitoring tasks take place;
- What tools are used to record observations;
- How all stakeholders in the labour migration policy are involved in the monitoring and evaluation process;
- Who is responsible for consolidating inputs and determining the validity and priority of differing opinions or observations;
- What mechanisms are used to review progress;
- Who will take decisions on needed amendments to the policy in case the monitoring and evaluation exercise shows the need for adjustments.

From a gender-mainstreaming perspective, the following additional questions should be taken into account when planning the monitoring and evaluation process:

- Do the terms of reference for the monitoring and evaluation process specify the need for gender expertise?
- What level of importance or priority is given to gender-equality considerations?
- How will the opinions of male and female migrants be taken into account?
- Will the male and female migrants provide inputs for evaluation data?
- Will participatory methods be used?
- How are gender experts involved in the monitoring and evaluation process?
- Are all indicators sex-disaggregated whenever possible?
- Will both male and female labour migrants have the opportunity to formally comment on, or state their reservations about, the monitoring and evaluation results?

Gender-sensitive monitoring and evaluation feeds back into the labour migration policy itself so that it is possible to make it more gender-sensitive and relevant to the needs of female labour migrants. Thus, it should result in practical policy recommendations that should be communicated to all stakeholders involved;

There are state and non-state stakeholders. In the presentation of the monitoring and evaluation results, all of them should receive a reliable picture of:

- The situation of female migrant workers;
- Labour migration policies and programmes and their impact on gender equality;
- Government or organizational mandates for gender equality.

Gender-sensitive monitoring and evaluation can play a major role in enhancing the design and implementation of labour migration policies. Monitoring and evaluation supports learning and informed decision-making for ongoing and future policies and programmes. The key objectives of gender-sensitive monitoring and evaluation are to increase accountability for gender equality, to enable prompt and informed adjustments to policies or programmes, and to stimulate organizational and individual learning on gender-mainstreaming and labour migration policies.

## Group exercise – Oxland and Zap

### Timing: 25 minutes. Group work:

#### *Instructions for the trainer*

- Depending on the number of participants, form from two to six groups, five people per group;
- The trainer should distribute Case Study No. 3 and Participants Sheet No. 1;
- The trainer should provide instructions for the exercise:

*Instructions for the participants*

Read and discuss Case Study No. 3 in groups. Perform the following activities in groups:

- Read the objectives of Zap’s gender-sensitive labour migration policy
- Prepare examples of the indicators that will help to monitor and evaluate that policy and its impact
- Decide if the corresponding indicator evaluates the process, an output, or an outcome, and
- Propose how the monitoring and evaluation process should be carried out.

Each group should fill in Participants Sheet No. 3, “Prepare a list of gender-sensitive indicators for each policy objective/target”.

*Note for the trainer*

Please note that you can divide the work among the groups by asking each group to focus on only one objective/target of Zap’s gender-sensitive labour migration policy.

The trainer should check the groups’ progress throughout the exercise.

**Timing: 20 minutes. Group results:**

*Instructions for the trainer*

- Each group should presents their results and conclusions;
- The trainer should facilitate a discussion on gender-sensitive indicators and their types.

Example of results:

**Objective/target**

*Increased access to trades and professions for skilled and experienced female migrants from Oxland*

**Gender-sensitive indicator**  
*Regulation encouraging agencies to share fees with employers*

**Type of indicator**  
*Output*

Please note that some examples of indicators can be defined as output and process at the same time.

**Timing: 15 minutes. Trainer’s feedback and summary:**

*Instructions for the trainer*

- The trainer should provide feedback on the group presentations and make any final clarifications;
- The trainer should distribute Participants Sheet No. 2.

It is crucial to stress the different types of gender-sensitive indicators and their importance for effective gender-mainstreaming.





## MODULE 2: POLICIES AND PRACTICES IN COUNTRIES OF DESTINATION

### Aims of Module 2:

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- To raise awareness of gender issues in relation to country-of-destination migration policies and programmes while encouraging government officials to include gender-based analysis in their review of policies, and also include gender-sensitive measures that can benefit and protect female migrant workers;
- To provide tools and knowledge that can be used by policy-makers in countries of destination in the design and implementation of migration policies and programmes.

### Learning outcomes for Module 2:

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- Participants should understand the importance of including a gender-based analysis in the review process of a country-of-destination migration policy or programme, as well as consider the inclusion of specific gender-sensitive measures in order to maximize the gains by female migrant workers while minimizing the unwanted outcomes;
- Participants should become familiar with tools, such as gender analysis, and be equipped to design and implement more efficient and sustainable migration policies and programmes, from a gender perspective, in countries of destination.



## Session 2.1: How to make temporary and permanent migration policies more gender-sensitive?

<b>Timing and activity</b>	45 minutes ----- Introduction and presentation of the following issues: Introduction <ul style="list-style-type: none"><li>• Assessing the demand for foreign labour and admission</li><li>• Gender gaps in the development of migration policy</li><li>• Temporary and permanent migration schemes</li><li>• Family reunification</li></ul>
<b>Equipment</b>	PowerPoint, computer and screen, flip chart and pens
<b>Preparation</b>	<ul style="list-style-type: none"><li>• Read the content of this session</li><li>• Read Chapter 2 of the <i>Guide on Gender-Sensitive Labour Migration Policies</i></li><li>• Read Booklet 4 of <i>Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide</i></li><li>• Read Chapter 11 of <i>World Migration Report 2008</i> or Chapters 6 and 7 of the <i>Handbook on Establishing Effective Labour Migration Policies</i></li><li>• Read the reference material used to develop this section (e.g., "Gendered Migrations: Towards gender sensitive policies in the UK")</li></ul>
<b>You will need</b>	Module 2 slides

### Purpose of the session

To introduce key issues regarding policies and practices in countries of destination and foster discussion among the participants on how they affect female migrant workers.

#### *Instructions for the trainer*

This session is predominantly based on a presentation. As such, it is important to keep checking that the group is engaged during the presentation. Methods to do this can include posing questions to the group, maintaining visual contact with all group members, pausing to reiterate key points made, and encouraging comments and questions. The points below are to be supported by the PowerPoint presentation for Module 2.

### Introduction to Module 2

- An increasing number of countries in the OSCE area have had to develop new migration systems and policies in recent years in response to incoming migration flows. Choice in terms

of who is accepted, which economic sectors to open for migrant labour, and whether to opt for temporary or permanent schemes rest in the hands of destination countries.

- Migration policies in relation to labour-market demand in destination countries may appear gender-neutral at first but are often highly gendered. Although policies are formulated in a gender-neutral way, when combined with greater societal factors, they can lead to gender-selective outcomes.<sup>13</sup> For the purpose of this session, the central issue for the participants to consider throughout Module 2 is how the choices made by destination countries (e.g., admission criteria and stay policy) affect female migrant workers differently compared with their male counterparts.

### Assessing the demand for labour immigration and admission

- The issue of equal treatment and opportunities has to be addressed not only between migrant workers and nationals, but also among male and female migrant workers. States should be aware when providing access to the labour market that work of equal value requires equal payment. For further statistical information see the CD-rom.
- Evidence of labour-market demand is one of the elements used by countries of destination when assessing their migration policy and programmes. This evidence can be sought using a number of means (e.g., research, surveys, and consultations with key stakeholders, including employers organizations and trade unions, labour market assessments and labour market information systems). In order to develop adequate responses, policy-makers should gain more comprehensive knowledge of the actual experiences of migrant women throughout the different sectors and over a long period of time.<sup>14</sup> As such, good analysis of data, a review of ongoing policies, and quantitative and qualitative research should receive greater support from authorities in countries of destination.
- Moreover, information from regularization programmes and knowledge of irregular migrants' engagement in a given economic sector can also provide evidence of demand in certain economic activities. For example, past regularization processes in Spain, Italy, and Greece showed a large number of applicants engaged in domestic work, thus showing a significant demand for female migrant labour in this sector. Following the regularization process in Italy and Spain at the beginning of 2000, both governments established a special scheme for temporary workers that benefits both migrant domestic workers and their employers.
- Evidence of labour demand can also influence the choice of sectors where governments in countries of destination are likely to focus their efforts when admitting/selecting migrants, as well as when establishing quotas or similar systems. However, quotas may also be a tool used by governments in countries of destination to entice countries of origin to accept readmission agreements in exchange for more favourable access of their nationals to the destination country's labour market. As such, quotas may not always be objective in terms of supply and

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13 *Guide on Gender-Sensitive Labour Migration Policies, op. cit.*, note 1, p. 30.

14 E. Kofman, P. Raghuram, and M. Merefield, "Gendered Migrations: Towards gender sensitive policies in the UK", Asylum and Migration Working Paper No. 6, Institute of Public Policy Research, 2005, <<http://www.ippr.org/publicationsandreports/publication.asp?id=292>>.

demand of workers vis-à-vis the labour market, and they make no reference to gender. In such cases, governments in destination countries may wish to review their policy in this field so as to strive towards a more gender-balanced outcome in terms of numbers (whenever possible).

- In order to address the current imbalance in terms of benefits of international migration for female migrant workers, it is imperative that countries of destination recognize the labour market demand for female migrant workers. Thus, workers should be admitted on the basis of their qualifications to work in an occupation in demand regardless of its classification as low-skilled, semi-skilled or highly skilled.
- In addition, there is a need to review national legislation regulating the entry and stay of migrants, as well as the rights, rules, and regulations associated with migrants, using gender-based analysis so as to avoid unwanted outcomes for female migrant workers.

### Gender gaps in the development of migration policy

In order to address gender gaps in migration policy, countries of destination should also consider two other elements that seem to be missing from the current process:

- The practice of recruiting migrant women into sectors considered male-dominant despite women's qualifications (e.g., agricultural and construction work);
- Data and analysis on highly skilled migrant women, especially among migrant women accepted under permanent immigration schemes as principal applicants. This is a problem in terms of:
  - a. Lack of understanding regarding the needs of this group;
  - b. Double "brain waste"; and
  - c. Having limited knowledge about migrant women. Such knowledge is mainly based on the experiences of the low-skilled and most vulnerable workers (e.g., domestic workers, care workers, agricultural workers, those involved in the sex industry and victims of trafficking, to name a few).

Women's education and credentials are valued differently in comparison with men's. As such, there is a need to address this issue in terms of the bias in the recruitment and selection process, as well as in integration into the labour market vis-à-vis potential employers. Governments can mitigate the problem of deskilling by introducing a number of measures, including facilitating the recognition of diplomas and degrees awarded abroad and providing opportunities that complement education obtained abroad (for additional examples, please refer to pp. 34–35 of the *Guide on Gender-Sensitive Labour Migration Policies*).

### Temporary and permanent labour-migration schemes

- What are the main issues that need to be addressed with respect to temporary and permanent labour-migration schemes for female migrant workers?

## Temporary schemes

- First of all, temporary schemes draw mostly on low-skilled workers (e.g., seasonal work), where most female migrant workers can be found, compared to permanent schemes, which cover the highly skilled.
- The main concern here is not the difference in length of time between temporary and permanent schemes, but rather the level of protection afforded to both groups of migrants. According to research in the EU and North America, temporary workers have fewer rights and protection mechanisms compared to highly skilled workers, who have access to more secure residence status. In addition, temporary schemes usually do not allow workers to change their employer or type of employment, thus rendering them dependent on their employer, tied to their employment sector, and limited in their options. This is one of the main reasons why temporary-employment authorization should be employment-specific (individual workers) rather than employer-specific.
- Taking the above points into consideration, the current situation poses a clear disadvantage to women since they are mostly engaged under temporary schemes (e.g., domestic workers, care workers, hospitality workers, and to a certain extent those selected under seasonal agricultural-workers programmes).
- Research on temporary labour migration points to a worrisome trend whereby employers emphasize social skills over technical and practical skills. As a result, a “good attitude” in practice “serves as a shorthand for the presence or absence of subordination and deference [in which] employers’ stereotyped perception about the ‘ideal’ worker may be based on a variety of factors including workers’ gender, race, nationality and ethnicity”.<sup>15</sup> This has greater implications for migrant women compared to men given the multiple elements at play, particularly in the recruitment phase and in work placement in what is known as the “lower end of the job spectrum” (e.g., kitchen and cleaning jobs).
- The use of temporary schemes to supply long-term market needs, combined with long periods of employment – years as opposed to months – is also problematic (e.g., lack of rights, difficulties associated with integration, and separation from family members). This is particularly the case for domestic and care workers, who are mostly migrant women. For this reason, governments in destination countries should consider the possibility of converting temporary permits to permanent ones for such workers because of their overrepresentation in jobs that fall under temporary schemes while de facto responding to long-term needs.
- Since a great deal is known about the conditions and disadvantages of sectors overly represented by female migrant workers (e.g., domestic work), perhaps we should focus on a less well-known sector such as agriculture work in order to exemplify some of the issues highlighted above. However, one can find a number of examples of good practices and recommendations regarding migrant women involved in the domestic and care sectors. For easy reference, please consult pp. 39-41 of the *Guide on Gender-Sensitive Labour Migration Policies*.

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15 Gareth Matthews and Martin Ruhs, “Are you being served? Employers demand for migrant labour in the UK’s hospitality sector”, COMPAS Working Paper No. 51, University of Oxford, 2007, pp. 12-13.

## Example of temporary scheme: seasonal agricultural programme

- Seasonal agricultural programmes are usually not designed to recruit female migrant workers despite their qualifications. There are a number of factors leading to this situation, including poor assessments of labour-market needs and of the potential of female migrant workers, gender bias on the part of government officials and other stakeholders working in such programmes, and barriers created by employers who prefer male workers (e.g., hiring mixed groups would require adjustments to living facilities, thus causing additional costs, as well as possibly the need to adjust the rules of conduct in the premises).
- What can be done to improve the situation for female migrant workers in this sector?<sup>16</sup>
  - a. Better labour-market assessments can be conducted through:
    - Specific inclusion of gender aspects in BLAs and memoranda of understanding (MOUs), specific inclusion of quotas, as well as specific target groups/beneficiaries on projects/programmes;
    - Active recruitment and selection of women, combined with appropriate selection criteria based on objective grounds, as well as the elimination of requirements that discriminate against women (e.g., pregnancy tests);
    - Training personnel involved in the design and implementation of programmes to deal with female candidates;
    - Making employers aware of success stories, aimed at increasing recruitment opportunities for female migrant workers;
    - Keeping costs involved in the recruitment procedure to a minimum in order to make it affordable for female candidates, thus taking into consideration income/wage differentials (e.g., issuance of documents, health checks, and fees);
    - Providing easily accessible and gender-sensitive recruitment services in rural areas;
    - Considering special target groups, such as single female heads of households;
    - Including a gender perspective in monitoring and evaluating programmes.
  - b. Better working and living conditions can be ensured by:
    - Providing suitable accommodations to host mixed groups of workers that comply with general health and safety provisions;
    - Ensuring equal pay for equal work among migrant workers and in relation to national workers (i.e., at least minimum wage), and also establishing higher rates of payment for skilled or experienced workers with extensive experience in the programme;
    - Providing female migrant workers with the same opportunities for training, upgrading of skills, and job placement, as well as information (e.g., health coverage and workplace safety) and appropriate protective clothing or equipment to wear;
    - Monitoring living conditions (e.g., suitable/separate accommodations) and working conditions through regular inspections, and also providing assistance to female migrant workers while in the country of destination;
    - Deducting payments from migrant workers' salary only if they can access such benefits (e.g., pension, unemployment and health insurance).

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16 The information presented is based on a review of articles on temporary labour-migration programmes in the agricultural sector included in the reference materials.

- c. Better access to information can be ensured by:
  - Providing a pre-departure orientation session that includes gender-specific information (e.g., assistance in case of violence against women, sexual and reproductive health).
- d. Mobility and returns can be facilitated by:
  - Establishing a process of circular migration for successful participants by placing them on a priority list for renewed employment, thereby ensuring continuity;
  - Removing mobility restrictions that have been placed on female migrant workers (e.g., limitations on the right to enter or leave a particular property such as a farm) allegedly for safety reasons;
  - Establishing reintegration programmes that consider the special needs of female migrant workers, in particular single female heads of households (e.g., ensuring financial literacy, providing training and assistance on improving farming practice, and providing low-interest loans to participants).

Overall, schemes for temporary labour migration in the agricultural sector should be viewed as a means of promoting women's empowerment and a greater leadership role in their home community. As a result, stakeholders should seek, in addition to support from countries of origin, the contribution of women's organizations, trade unions, financial institutions, and donors in destination countries (interested in supporting or funding women's projects and improving local infrastructure) as additional partners in the process of developing and implementing reintegration programmes.

For an example of a temporary seasonal agricultural workers programme, see the presentation by ANAPEC at the OSCE Seminar on Gender-Sensitive Labour Migration, Brdo, Slovenia, 2009<sup>17</sup>.

## Permanent schemes

- In general, permanent schemes are geared mostly to highly skilled workers, which means that they are usually harder for migrant women to access, especially since the designated occupations by government agencies tend to favour sectors dominated by male applicants. In general, principal applicants and their accompanying family members are allowed to stay indefinitely in the country of destination and are usually given greater protection and rights. For the principal applicant, permanent residence can be awarded either through the consecutive renewal of a work permit or residence permit or by obtaining landed-immigrant status (which de facto is a permanent-residence permit combined with the right to work). Landed-immigrant status is given to those accepted under a permanent class of immigrants, e.g., in Canada (through the points system) and in the United States (through green cards). Migrant women in this category are mostly admitted as dependents (spouse or family members).
- One way of acquiring permanent residence in some countries of destination is through a points-based system, which varies in model and application among the countries in the OSCE region.

17 See: "The services offered by The National Agency for the Promotion of Labour and Competencies 'ANAPEC'", <[http://www.osce.org/documents/eea/2009/02/36444\\_en.pdf](http://www.osce.org/documents/eea/2009/02/36444_en.pdf)>.



- Points systems are often considered the fairest and most gender-neutral instruments for governing permanent immigration.<sup>18</sup> Discourse on how immigration policy, permanent schemes in particular, can affect women differently than men usually cites a number of critical elements in points-based systems. This same discourse can also be applied when looking at programmes for highly skilled workers:

The following are examples of criticism of points systems or programmes for highly skilled workers:

1. Points systems place too much emphasis on occupation and economic criteria while ignoring other characteristics and contributions made by women, such as volunteer work in the community and unpaid care work in the family.
2. Charging high immigration fees, which women are less likely to be able to afford given the wage gap between men and women in many countries, can lead to an unfair situation.
3. Points systems make it difficult for female heads of households to sponsor their children (because of high premiums or a breakdown of sponsorship due to unemployment and primary responsibility as caregivers).
4. Points systems award the applicant extra points if the applicant is within a certain age range; however, this may be discriminatory if it falls within the most active childbearing age of female applicants.
5. Placing too much emphasis on certain occupations and not affording enough consideration to educational qualifications have tended to favour male applicants.
6. When awarding applicants points in the case of entrepreneur or investor classes, a careful assessment should be carried out to determine how the applicant's assets were acquired, as they might belong to both of the spouses, who built the assets together and not only to the principal applicant (who in most cases are men).
7. Women can often not benefit from the self-employment category since they have problems meeting the requirements regarding available capital and/or formal educational qualifications and skills.

When applying gender-based analysis to the United Kingdom's Highly Skilled Migrants Programme (2003), research<sup>19</sup> identified some critical points based on the selection criteria, including:

8. The criteria referring to "[p]osition within an organization will probably favour male applicants as men are generally over-represented in organization hierarchies and are less likely to have career breaks so that they can accumulate the necessary years of experience".<sup>20</sup>

18 *Guide on Gender-Sensitive Labour Migration Policies, op. cit.*, note 1, p. 30.

19 Kofman *et al.*, *op. cit.*, note 18, p. 39.

20 *Ibid.*

- Awarding points based on income levels may have gendered outcomes due to continuous gender inequalities in terms of wages in many countries.

*Instructions  
for the trainer*

Please give the participants a copy of the table on the Canadian and UK points systems found on pp. 37-38 of "Gendered Migrations: Towards gender sensitive policies in the UK". See the Annex.

*Example of  
good practice*

### **Gender-based analysis in Canada as a vehicle for adjusting the points system**

In 1995, the Canadian federal government adopted its Federal Plan for Gender Equality, which requires federal departments (including Citizenship and Immigration Canada, or CIC) and agencies to conduct gender-based analysis of any future policy and legislation. As a result, in 2002, the Gender Unit of CIC produced a chart on gender-based analysis that provides a summary of key policy or legislative issues that could potentially have a negative impact on women. In addition, Canada's immigration minister has to provide parliament with an annual report that contains a gender-based analysis of the impact of the Immigration and Refugee Act.

Results from CIC's 2002 gender-based analysis led to a number of changes to Canada's points system. For example, under the current system there is **no mention of occupation** (thus eliminating the emphasis on specific occupations, which could exclude female-dominated sectors), **while a greater number of points have been allocated to education, language ability, and years of work experience**. One interesting aspect is the years of work experience, which allocates a maximum of 21 points, less than education and language criteria, so as to partially reflect the difficulties women face in accumulating continuous years of work.<sup>21</sup> CIC hopes that such changes will improve the chances of female applicants by making the selection system for highly skilled workers more equitable.

Another example of continuous policy analysis in this area was the announcement by CIC in its 2007 annual report that a literature review on gender-based settlement needs and barriers for new immigrants would assist with new "initiatives to refine newcomers services so they can reduce barriers, better serve needs, and improve settlement outcomes for both men and women". Subsequently, its 2008 annual report showed that the department had considered the gender impact during the development and selection criteria of one of its new programmes, Canadian Experience Class, based on concerns raised during consultations with stakeholders, who suggested that the work-experience requirement could have a different impact on men and women. As a result, CIC opted to "remove the obligation for the work experience requirement to be met with full-time and continuous work".<sup>22</sup>

In general, emphasis on the demand for people to fill certain occupations has a tendency to benefit most males, since the most sought-after occupations in developed countries of

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<sup>21</sup> *Ibid.*

<sup>22</sup> *Annual Report to Parliament on Immigration 2008* (Ottawa: Citizenship and Immigration Canada, 2008).

destination (as of the beginning of 2000) were in finance, information and communications technology, business management, and medical professions. We have yet to see how the current economic crisis and other ongoing developments, such as demographic changes, may influence future demand for female-dominated sectors, thus tilting the balance towards women.

### Family reunification

- One important consideration to take into account in relation to family reunification is that the sponsor's (principal applicant's) support obligations should be determined on the basis of their actual capacity to pay within a reasonable time (maximum of two or three years). This recommendation is based on the fact that migrant women's earnings are lower compared to migrants employed in highly skilled occupations. In addition, low-income female migrant workers may need to rely on assistance (e.g., subsidized housing) during the initial period of reunification.
- Additional assistance, in terms of counselling and support, may also be needed, especially for those female migrant workers who are single heads of households. For more information on assistance programmes for migrants in this field, please see the section "Reference and Additional Materials".



## Session 2.2: Group exercise – temporary labour-migration programme

<b>Timing and activity</b>	60 minutes total ----- 5 minutes for individual reflection 25-minute group exercise: Case study 4 30 minutes for feedback
<b>Equipment</b>	Copy of Case study 4 and other relevant materials, pens and paper
<b>Preparation</b>	<ul style="list-style-type: none"><li>• Read Case study 4 and other relevant materials</li><li>• During the exercise spend a few minutes with each of the groups to check on their progress and answers</li></ul>
<b>You will need</b>	Flip chart, pens

### Purpose of the session

To familiarize the participants with specific gender issues related to the process of developing and implementing a temporary labour-migration programme (e.g., recruitment measures, admission, stays and returns, and reintegration), as well as to generate a discussion among the participants.

**Note** that this session should be delivered by an expert trainer who has experience in temporary labour-migration schemes or gender and migration issues, while being supported by the lead trainer on logistical issues (e.g., division of the group and distribution of materials).

### Group exercise – Temporary labour-migration programme

#### *Instructions for the trainer*

This exercise will be based on a fictitious case study to be given to the participants.

When looking at the case study, participants will be asked to consider elements to be included in the design and implementation of a temporary agricultural seasonal work programme regarding female migrant workers.

Please introduce the exercise and divide the participants into two groups composed of members representing the position of (a) country of origin and (b) country of destination.

The two groups will have 30 minutes to discuss their position and write what items they have agreed to include in the programme, as well as those that will not be included.

See the Annex for **Case Study 4** of Module 2: Temporary agricultural seasonal labour programme – improving recruitment, selection, and conditions for migrant women.

The two groups will work together to present the elements included in their new temporary labour-migration programme, to discuss lessons learned from the process, and to receive feedback from the expert trainer and lead trainer.

## Session 2.3: Measures countries of destination can take to introduce more gender-sensitive policies and practices

<b>Timing and activity</b>	45 minutes ----- Presentation of the following issues: <ul style="list-style-type: none"><li>• Integration policies</li><li>• Irregular migrants, protection issues, and violence against female migrant workers</li><li>• Involvement of other stakeholders</li></ul> Discussion Conclusion of Module 2
<b>Equipment</b>	PowerPoint, computer and screen, flip chart and pens
<b>Preparation</b>	<ul style="list-style-type: none"><li>• Read the content of this session</li><li>• Read Chapter 2 of the <i>Guide on Gender-Sensitive Labour Migration Policies</i></li><li>• Read Booklet 4 of <i>Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide</i></li><li>• Read Chapter 11 of <i>World Migration Report 2008</i>, or Chapters 6 and 7 of the <i>Labour Migration Handbook</i></li></ul>
<b>You will need</b>	Module 2 slides

### Purpose of the session

To introduce key measures that countries of destination can take to introduce more gender-sensitive policies and practices related to labour migration and foster discussion among the participants on how they could be implemented (e.g., integration policies, protection measures, and the involvement of other stakeholders).

#### *Instructions for the trainer*

This session is predominantly based on a presentation. As such, it is important to keep checking that the group is engaged during the presentation. Methods to do this can include asking the group questions, maintaining visual contact with all group members, pausing to reiterate key points, and encouraging comment and questions.

The points below can be made during the **PowerPoint** presentation.

### Integration policies

- Integration is viewed as a two-way process involving the country of destination and the migrants themselves. As such, it is of paramount importance that, at a minimum, opportunities be provided to migrant women so they are better equipped to take part in this process. As a result,

it is not helpful to place restrictions on female migrant workers with respect to access to basic services, such as language training and support services;

- It is important to understand that integration goes beyond the acceptance of the dominant culture and social norms by migrants. In fact, it is, first and foremost, about being able to function in a country of destination (e.g., obtaining and holding a job, getting access to information, being able to communicate, and taking part in the activities of the community) and feeling part of the community, even if temporarily.

***What can countries of destination do to improve the integration of migrant women in the labour market and in the local community?***

**Language, vocational training and re-training**

- Several studies have reiterated that language skills are a key factor in facilitating the integration of migrants. However, simple access to language training is not enough. Migrant women need professional language skills specific to their sector/qualification in order to improve their chances of better employment. Language courses should (to the extent possible) combine information that can add to the skills of the workers. For example, care workers should receive information on health issues and ways to deal with them from a care perspective, while agricultural workers should receive information on agricultural techniques and safety at work.
- A migration policy that focuses on skills is mainly aimed at the potential for labour-market success, but integration is a complex process that requires a wider range of skill sets. For example, a combination of hard skills (technical), soft skills (e.g., communications, interpersonal, networking skills), and life skills.<sup>23</sup>

**Personal assistance and networks**

- Mentorship and access to professional networks can be of great help to highly skilled women (providing assistance in understanding the market and opening doors to professional contacts and networks). Research in the OSCE region and beyond has cited a number of common barriers to integration for migrant women, including lack of recognition of foreign academic credentials and other qualifications, lack of recognition of foreign work experience, language difficulties (lack of adequate language skills/proficiency related to professional qualifications), lack of familiarity with the host country's labour market and professional networks outside their ethnic community.

**Information and counselling**

- There is a need to establish information centres or similar services geared to providing assistance and services to migrants while taking into account the special needs of migrant women. The Information and Resource Centre for Migrants in Portugal (ACIME) is an example of a good practice. ACIME not only provides information on rights and access to basic services but also

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23 This information was adapted from a presentation by a CIC representative at the Metropolis Conference, Bonn, 27-31 October 2008.



considers, for example, the needs of migrant women by providing a space for mothers with young children. ACIME is an example of a one-stop shop for migrants in a country of destination, and its associate partner agencies/branches are located outside the capital (Lisbon), thus facilitating access to information for migrants outside major urban centres.

- Opportunities for skills training (to the extent possible) should be available to migrant women, especially in sectors where it is likely that this target group will work for a considerable length of time.
- Counselling centres, including legal-assistance services, should be offered to migrant women, especially since they are likely to experience more problems with fewer means to solve them due to their position in the host society. In addition, counselling and assistance can help to prevent situations from getting worse.
- Assistance with accommodation, in particular emergency shelters, for those employed as live-in workers (e.g., domestic, care, healthcare, hospitality, and agricultural workers) who have lost their job or those who have suffered from violence and abuse should be available. Shelters should, at a minimum, have multilingual and culturally sensitive staff to respond to the needs of migrant women.

## Irregular migrants, protection issues, and violence against female migrant workers

- A lack of legal status, or having a precarious status, can render female migrant workers vulnerable to exploitation and make them more dependent on employers. In the case of spouses, it makes them more dependent on the principal applicant. This situation can be mitigated by the establishment of legal schemes for female migrant workers where there is a clear link to market demand for their work. In the case of spouses, women should receive an independent legal status from their sponsor.
- Governments can take a number of steps to ensure that migrant workers' basic human rights are protected, including by ensuring compliance with minimum labour standards, devising mechanisms that help ensure payment of wages, and assisting female migrants in regularization processes.
- It is important for government authorities to be aware that migrant women are less likely to report abuse by their employers for a number of reasons, including dependency on their employer, lack of knowledge of the legal system, lack of trust in the authorities, traditional attitudes that discourage them from reporting domestic violence, and considering it too difficult to report certain forms of abuse and violence. In addition, some migrant women work in very poor environmental conditions and are often exposed to serious safety risks related to the kinds of materials they work with and the lack of protective equipment. As a result, appropriate measures should be put in place in order to address these problems.<sup>24</sup>

<sup>24</sup> *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003), Booklet 4, pp. 27-28.

To initiate discussion, please ask the participants what governments ought to do to improve the conditions for migrant women. Once they have answered, add some of the points below, which they may not have considered.

***What do you think governments ought to do?***

- Protection of migrants' rights:
  - Provide adequate labour protection for female migrant workers in all sectors of the economy, especially for those most vulnerable to labour violations by employers. Ensure that at least those sectors are entitled to the minimum standards enjoyed by the domestic workforce (e.g., in terms of working conditions, basic benefits, and protection against abusive employers).
  - Provide for work permits to be granted to workers rather than to employers. An example of a good practice is the Irish Employment Permits Act of 2006.<sup>25</sup>
  - Implement national and international labour standards that provide for the protection of non-payment of salaries or unlawful salary deductions and stipulate maximum working hours and health and safety requirements. Such measures are especially important for female migrants workers as many work in sectors known for their poor working conditions and treatment of workers.
  - Reconsider restrictions on job mobility, as this is detrimental to female migrant workers (e.g., it limits their opportunity for career progression and better pay), especially those in the domestic and care sectors.
  
- Regulations and checks:
  - Regulate (whenever relevant) and monitor the activities of employment/placement agencies, especially those working in partnership with recruitment agencies abroad (e.g., domestic, care, and hospitality workers).
  - Ensure that employers are adequately checked through labour-inspection mechanisms and enforcement mechanisms. Alternatively, authorities could check with migrant workers in order to verify compliance with employment conditions, including health and occupational safety (e.g., domestic workers could be requested to come for visits to the relevant authority where they would have the opportunity to voice any concerns they have related to their employment, as the authorities may have difficulties in entering the employer's private premises).
  - In countries of destination, complaints mechanisms should be established or made available that are accessible, impartial, and effective for female migrant workers (e.g., labour courts or other forms of labour arbitration or dispute settlement).
  
- Assistance services for migrants:
  - Improve assistance, support facilities, and services (including healthcare) for female migrants workers, especially those working in isolation (domestic and care workers) or in isolated places (farms), while allowing for freedom of association and assembly. For

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25 *World Migration Report 2008: Managing Labour Mobility in the Evolving Global Economy* (Geneva: IOM, 2008), p. 306.

- domestic, care, and agricultural workers, associations may be their only support group and space to gather among peers.
  - Ensure that female migrant workers have access to the social benefits acquired during their employment and that such benefits can be transferred to their country of origin.
- Awareness-raising:
  - Take proactive measures to promote gender equality, combat discrimination, and raise awareness of the positive contributions of migrant women to the community. In essence, female migrant workers are increasingly facilitating the entry of greater numbers of native-born women in paid employment requiring medium and high levels of skills. But the success of native-born women should not be built on the inequality of others.<sup>26</sup>

## Involvement of non-state stakeholders

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- Co-operation between governments, international organizations, civil society, and social partners is common in this field, and it can contribute to achieving policy goals unattainable by governments alone, bridging gaps (e.g., implementation, finance), and valuing and making use of human resources and experience (including access to the target group and diaspora organizations).
- For more details on what each stakeholder can contribute to the process (e.g., trade unions, migrants organizations, employers), please consult the section “Reference and Additional Materials” of the manual, in particular ILO,<sup>27</sup> OSCE, and IOM publications.

<sup>26</sup> J. Rubin *et al.*, *Migrant women in the European labour force: Current situation and future prospects* (Cambridge: Rand Europe, 2008), <[http://www.rand.org/pubs/technical\\_reports/2008/RAND\\_TR591.pdf](http://www.rand.org/pubs/technical_reports/2008/RAND_TR591.pdf)>.

<sup>27</sup> *In search of Decent Work – Migrant workers’ rights: A manual for trade unionists* (Geneva: International Labour Office and Bureau for Workers’ Activities, 2008), <<http://www.gurn.info/en/topics/migration/rights-1/ilo-conventions/in-search-of-decent-work-migrant-workers-rights>>.

## Closing session

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<b>Timing and activity</b>	10 minutes total
	Closing
<b>You will need</b>	Flip chart, pens

*Instructions  
for the trainer*

Take at least 10 minutes to close the first day by asking the participants if they have any questions concerning the issues discussed throughout the day. In addition, if there is still time, the lead trainer may want to provide certain logistical information (e.g., dinner arrangements and the starting time of second day) and thank the participants for the day's work.

**DAY 2:  
TRAINING MODULES 3 AND 4**

## WRAPPING UP THE PREVIOUS DAY AND INTRODUCTION TO THE SECOND DAY'S SESSIONS

<b>Timing and activity</b>	10 minutes total ----- brief discussion of the previous day and outline the issues to be dealt with during the course of Day 2.
<b>Equipment</b>	Flip chart and pens
<b>Preparation</b>	<ul style="list-style-type: none"><li>• Review feedback from previous day</li><li>• Check with other trainers on key issues that they feel need to be covered</li><li>• Identify any issues or misconceptions that need to be clarified or put aside.</li></ul>

*Instructions  
for the trainer*

This session will allow the participants to settle into the second day without overwhelming them with information. This session will also allow you to let the participants know that you have taken into account any issues raised during the first day.

# MODULE 3: POLICIES AND PRACTICES IN COUNTRIES OF ORIGIN

## Aims of Module 3

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- To raise awareness of gender issues in relation to country-of-origin migration policies and programmes while encouraging government officials to include gender-sensitive measures that can benefit and protect migrant women and their families;
- To provide tools and knowledge that can be used by policy-makers in countries of origin in the design and implementation of migration policies and programmes.

## Learning outcomes for Module 3

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- Participants should understand the importance of including a gender dimension in country-of-origin migration policies and programmes in order to maximize the gains of migration for female migrant workers and for the country of origin while minimizing the unwanted costs of migration;
- Participants should become familiar with issues that affect female migrant workers and equipped to design and implement more efficient and sustainable migration policies and programmes, from a gender perspective, in countries of origin.





## Session 3.1: Introduction to Module 3

<b>Timing and activity</b>	60 minutes total ----- Presentation of the following issues: <ul style="list-style-type: none"><li>• Introduction</li><li>• Gender-sensitive institutional framework</li><li>• Regularization of private employment agencies</li><li>• Pre-departure services</li><li>• Challenges and protection measures</li></ul> Visual presentation
<b>Equipment</b>	PowerPoint, computer and screen, flip chart and pens
<b>Preparation</b>	<ul style="list-style-type: none"><li>• Read the manual</li><li>• Read Chapter 4 of the <i>Guide on Gender-Sensitive Labour Migration Policies</i></li><li>• Read Booklet 2 and 3 of <i>Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide</i></li><li>• Read Chapter 10 of <i>World Migration Report 2008</i> or Chapter 3 of the <i>Labour Migration Handbook</i>.</li></ul>
<b>You will need</b>	Module 3 slides and video.

### Purpose of the session

To introduce the topic and encourage discussion among the participants about key issues regarding policies and practices in countries of origin and how they affect female migrant workers.

#### *Instructions for the trainer*

If you have an appropriate **video**, please use it to emphasize some of the points to be made in this session or to contrast the lecture and PowerPoint presentation (for example, a video that contains thought-provoking images or dialogue that differ from the content of the lecture). Following the video, ask for quick responses from the participants on the key issues they think the video raises in regard to the topic. Record their responses on the flip chart, but keep the discussion short.

As this is a long and content-heavy presentation, remember to keep checking with the participants both verbally and through eye contact to ensure that they understand and participate.

The points below can be made together with the PowerPoint presentation on Module 3.

## Role of countries of origin

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- Countries of origin are in a unique position since they can have access to migrant workers throughout the migratory process, but they also have a responsibility to facilitate safe migration and the protection of their migrant workers. It is important that they also pay due attention to gender differences to ensure maximum benefits of the migration experience for all and minimize the risks of discrimination, abuse, and exploitation of all their workers.
- Countries of origin should consider the importance of assessing the demand in countries of destination with respect to their potential to deploy qualified workers abroad, in what is called a marketing strategy. One should not interpret marketing as an aggressive strategy of seeking potential employers, but rather as an attempt to understand market demand in order to realistically assess the country's migration potential, as well as possible losses related to that process. In general, the migration of low-skilled workers is perceived by most countries of origin as a net gain, but social and personal costs may surpass the benefits of remittances in the long run. In addition, in order to compete with other countries of origin for placements and preferential treatment in the selection of workers, it is important to know what skills are required. Such information will also make it easier to establish training needs for potential female migrant workers, so as to give them an advantage in the labour market. For example, language and communication skills may provide an advantage in sectors such as domestic work, care services, and the tourism/hotel industry.
- In order to fulfil their role of facilitating safe migration and protecting their nationals, countries of origin should address a number of important issues such as the need to create or strengthen gender-sensitive institutional frameworks, regularization of private employment agencies, pre-departure information and training programmes, and challenges and protection measures.

## Gender-sensitive institutional framework

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- Governments should put in place gender-sensitive institutional frameworks that can help foster sustainable policies for the benefit of migrant women, e.g., by establishing or strengthening a gender unit or structure that can deal with gender issues related to migrants and migrant workers within state agencies responsible for migration. Government officials should also receive training as part of capacity-building efforts.

## Regulation of private employment agencies

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- It is important to regulate and monitor the work of private employment agencies in order to curb practices that have a negative impact on migrant women, such as charging migrants high placement fees, contracting workers under false conditions (e.g., providing false information about their wages or duties), and exposing them to physical and verbal abuse, as well as facilitating human trafficking. Reference should be made to the following ILO Conventions: the Migration for Employment Convention (revised) of 1949 (No. 97), the Migrant Workers (Supplementary

Provision) Convention of 1975 (No. 143), and the Private Employment Agencies Convention 1997 (No. 181).

- In general, when employment agencies comply with minimum standards and are monitored by states, female migrants can feel reassured with respect to the reliability of the services they are getting, and they can feel protected against the potential risks of labour exploitation. At a minimum, states should require that employment agencies be accredited entities, and they should not tolerate abuse of their functions (e.g., travel agencies providing employment services without appropriate licenses). Please see the *Guide on Gender-Sensitive Labour Migration Policies* for more information on how governments can regulate employment agencies, as well as refer to ILO Convention No. 181 on Private Employment Agencies.
- Since employment agencies in countries of origin are likely to charge migrants a fee for their services, governments should identify a reasonable rate commensurate with the earnings of female migrant workers. For example, for those receiving a work permit (for a minimum of one year), the fee could be equivalent to a month's pay in the job that the migrant will fill.

## Pre-departure information

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- Governments are encouraged to provide pre-departure services, including the dissemination of information on legal channels of migration and potential risks, as well as orientation programmes. Information should be disseminated in various forms, from distributing brochures to using mass media in order to reach a wide audience. In order to be effective, information must be appropriate and accessible to the target group, reliable, and provided in a manner that allows potential migrants to ask questions and receive immediate feedback. A good example are the many information centres, NGOs, and government offices that provide potential migrants with information and services on employment abroad, since they allow for interaction between service providers and potential migrants. Given the risk of labour exploitation and trafficking linked to international migration, it is of paramount importance that countries of origin ensure that their nationals are provided with reliable services and information as a preventive and protective measure. If prepared and implemented properly, pre-employment and pre-departure orientation programmes are among the services that can benefit all migrant workers, including females.

## Pre-employment orientation

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- Pre-employment orientation can be useful in assessing how well prospective applicants are prepared and qualified for employment abroad. Pre-departure orientation, on the other hand, is usually provided for those migrants who have already found employment in order to prepare them for the experience abroad, and it can include programmes aimed at upgrading their skills.

A variety of services and information should be offered in order to prepare migrant workers for their experience. This will benefit both migrants and their employers. During pre-employment orientation, it is important that potential migrants receive the kind of information that will allow them to evaluate the actual costs and benefits of working abroad. It is important to stress that information must be tailored to the target group, that is to say, it should be gender-sensitive and relevant to the occupation in question. All of the necessary information should first be consolidated in one centre before extending the practice to other information focal points.

- Pre-employment assistance can provide more benefits to migrants if all those groups dealing with migration issues co-operate, since they have different strengths, knowledge, skills, and resources (e.g., officials in the country of origin and of destination, employment agencies, employers associations, and international and non-governmental organizations).

**During pre-employment orientation, stakeholders should consider providing the following set of information/services:**<sup>28</sup>

- a. **Information on the migratory process in general, including on recruitment and employment abroad such as information about accredited/licensed employment agencies and their services.** Information should also be provided that outlines the difference between documented and undocumented migration and the associated risks.
- b. **Information on job opportunities at home and abroad, including the necessary qualifications, skills, training needs, and other requirements.** Here, it will be important to point out the problems faced by migrant workers with respect to recognition of their diplomas and use of their qualifications.
- c. **Information on the costs and benefits of migration.** When discussing these issues with potential female migrant workers, costs should be divided into three categories: economic, social (usually related to families left behind), and personal (physical and psychological). For example, in terms of *financial costs*, it is important to include an estimate of the costs related to the migration process, such as travel documents, visas, tickets, medical examinations, and so on, as well as the cost of living in a given country of destination. This will provide a realistic view of the kind of investment needed in comparison with the potential economic gains from earnings and will thus allow them to better assess the pros and cons of migration. Moreover, more information and tips on mechanisms for managing *social and personal costs* should also be given during the pre-departure orientation. A good example of a list showing the cost to migrate can be found in Box 2.5 of Booklet 2 of *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide*. Please see the handout 1 in the Annex.
- d. **Information on migration procedures, as well as on working and living conditions in potential countries of destination.** In addition, information could also be provided on social-security coverage, whether the job is covered by national labour legislation (which provides for minimum standards), and examples of discrimination experienced by migrant workers.

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28 This information is based mainly on *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003), Booklet 2.

- e. Information should also be provided about return and reintegration services/programmes and transfer of social benefits or loss thereof. Once again, the pre-departure orientation should provide more in-depth information and coping mechanisms in relation to this stage, since it is more likely to be understood by potential migrants before they go abroad.

## Pre-departure orientation programmes

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Given the importance of pre-departure orientation in preparing migrants, stakeholders should not treat this activity as a short information-sharing seminar. A distinction should be made between information-sharing and upgrading of skills, which demands more time and resources.

**The following information and services should be offered during pre-departure orientation:**<sup>29</sup>

- a. Upgrading of language, communication, and additional technical skills, as well as life skills (language classes are also an excellent venue to provide some general information about the country of destination).
- b. Information on required documents and procedures (e.g., passport, travel documents and advice, visa requirements, and employment contracts).
- c. Practical information on the country of destination, including everyday customs and practices, gender roles, the legal system (e.g., immigration and labour law), social-security measures, possibilities for upgrading skills, and the cost of living.
- d. Civil rights and obligations, including how to exercise those rights (e.g., where to claim redress and how to access labour courts).
- e. Terms and conditions of employment, including understanding and handling of employment contracts, awareness-raising on minimum standards, complaints mechanisms, monitoring (or its absence) in some economic sectors, as well as practical implications for workers.
- f. Raising awareness among potential labour migrants of the importance of having a written contract (including a copy in their native language) prior to departure that clearly states the terms and conditions of their employment. This procedure can be facilitated by using a model employment contract. For examples, see the following information in Booklet 3 of *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide*: Box 3.6, "Guidelines for drawing up written agreements on employment terms and conditions"; Box 3.7, "Model Employment Contract"; and Box 3.8, "An employment contract for domestic workers". Pre-departure services should include the possibility of individual sessions (counseling) where female migrant workers can ask specific questions, including a last review of their employment contract.

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<sup>29</sup> This information is based mainly on *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003), Booklet 3.

- g. Where to seek assistance such as legal aid, medical care, counselling, and emergency assistance (e.g., in the case of violence or loss of residence), including addresses of consulates, NGOs, international organizations, migrants associations, trade unions, and other relevant stakeholders in the country of destination.
- h. How to cope with common problems (e.g., integration into a new culture, separation from family and friends, and issues concerning parenting from a distance).
- i. How to send money home (safe remittance channels) and access cheap communication channels (e.g., voice communication or telephone conversation using the internet).
- j. Preparation for return and reintegration (e.g., what to expect in terms of reintegration back into one's family and community, the kind of assistance that is available, what one should consider and plan in advance).

Pre-departure orientation will not solve the problems female migrants are likely to face, but it can provide the tools to identify viable solutions. The delivery of pre-departure orientation will be more effective if provided by various stakeholders, based on their expertise and experience. Governmental representatives should nevertheless be involved in its implementation and delivery, while ensuring appropriate resources.

### **Challenges: recognition of work experience and skills gained**

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- Most migrant workers, and especially those in low-skilled sectors, face the challenge of accounting for their work experience and skills gained in a job placement. If this challenge is not overcome, it could result in a situation whereby female migrant workers, particularly those in the domestic and care sectors, find themselves perpetually in low-paid jobs that do not give them the opportunity to use their skills. As a result, trade unions have suggested that migrant workers should be able to record their work experience in a single document (e.g., a notebook). However, when looking at the working conditions of domestic or agricultural workers, which are characterized by low wages and lack of opportunities for occupational mobility, we must recognize that this is the result of the segmentation of the labour market and societal values linked to these sectors (in particular when work is viewed as "women's work" and not appropriately valued). As a result, countries of origin should aim to secure equality in terms of a minimum wage for their nationals comparable to the domestic workforce in a given country of destination in order to ensure that minimum standards are met.

### **Protection measures: reliance on overseas labour attachés and trained personnel in diplomatic missions**

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- In terms of protective measures, an example of a good practice is relying on the safety net of diplomatic missions, in particular their specialized personnel in charge of assisting migrant workers, such as the overseas labour offices of the Philippines. These specialized personnel are assigned to embassies abroad, and they are in charge of, among other things, verification

of employers wanting to recruit nationals from the Philippines and the provision of on-site services to migrants, especially those in distress. In order to be effective, states must be willing to train their personnel to provide appropriate information and services to migrants, and they have to identify in which countries these officials should be based. States with limited resources can seek the assistance of NGOs and international organizations to provide basic training for consular officials who could temporarily fulfil some of the functions performed by overseas labour offices.

- In order to reduce violence against migrant women, it is important that countries of origin set up mechanisms to address such problems, by, for example, providing information prior to departure to migrant women on the legal provisions in countries of destination and where to find support services, as well as by providing sufficient resources and gender-sensitivity training for embassy and consular personnel and other relevant government officials so that they are able to respond appropriately. It is a well-known fact that insensitive personnel who are uninformed about issues related to violence against women can exacerbate abusive or violent situations by not addressing them. Trade unions or workers' organizations, as well as NGOs, international organizations, and governmental counterparts providing social services in countries of destination can also be a major source of information on what services are available to migrant women. As such, consular officials should make an extra effort to stay abreast of the latest information.





## Session 3.2: Group exercise – draft action plan

<b>Timing and activity</b>	60 minutes total ----- 10-minute introduction of group exercise – Case Study 5, division and regrouping 50-minute group exercise
<b>Equipment</b>	Distribution of copy of Case Study 5 and other relevant materials (action-plan worksheet and slides), pen and paper
<b>Preparation</b>	Consider spending a few minutes with the groups to check on their progress and answers
<b>You will need</b>	Flip chart, pens

### Purpose of the exercise

The aim of this exercise is to familiarize the participants with specific gender issues they should consider when designing, negotiating, and implementing policies and programmes involving migrant women, and also to generate a discussion among the participants.

### Group exercise – draft action plan

#### *Instructions for the trainer*

This exercise will be based on a fictitious case study to be given to the participants.

In preparing for the group exercise, please see the Annex for **Case Study 5** of Module 3 and the table “Draft Action Plan as well as other relevant material.

1. Divide the participants into two groups.
2. Introduce the group exercise and ask participants to **draft a practical action plan** on implementation of a programme on temporary labour migration developed in the country of destination, while taking into account the main issues covered in the session.
3. Tell participants they will have to use their knowledge of the issue and will also have to ask the lead trainer or expert trainer additional questions.
4. Ask participants to write their answers on the flip chart.

The two groups will have approximately 50 minutes to discuss their position and write what items they would have to put in place when designing and implementing a new programme.

### Session 3.2 (continued): Presentation of exercise, discussion, and feedback

<b>Timing and activity</b>	35 minutes total 20-minute presentation of group exercise (10 minutes for each group) 15 minutes of feedback by the expert trainer, followed by a discussion
<b>Equipment</b>	Flip chart
<b>Preparation</b>	Consider the groups' answers
<b>You will need</b>	To share tasks with the expert trainer

### Presentation of draft action plan, discussion, and feedback

*Instructions for the trainer*

Bring the two groups together to present the draft action plan that the government will have to adopt in order to implement the new programme on temporary labour migration for domestic workers, discuss lessons learned from the process, and receive feedback from the expert trainer or lead trainer.

In summary, this session will comprise a presentation by both groups, feedback by the trainers, and a discussion.

## Session 3.3: Limiting the social costs and optimizing the benefits of migration

<b>Timing and activity</b>	60 minutes total ----- 30-minute presentation of the following issues: <ul style="list-style-type: none"><li>• Limiting the social costs of migration</li><li>• Optimizing the benefits of remittances</li><li>• Return and reintegration</li></ul> 20-minute exercise – Case Study 6 10-minute conclusion of Module 3
<b>Equipment</b>	PowerPoint, computer and screen, flip chart and pens
<b>Preparation</b>	<ul style="list-style-type: none"><li>• Read the content of this session</li><li>• Read Chapter 4 of the <i>Guide on Gender-Sensitive Labour Migration Policies</i></li><li>• Read Booklet 5 of <i>Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide</i></li></ul>
<b>You will need</b>	Module 3 slides

### Purpose of the session

To introduce and foster discussion among the participants about the need to limit the social costs of female labour migration and about how to optimize the benefits of remittances, returns, and reintegration of female migrant workers.

#### *Instructions for the trainer*

This is a reasonably lengthy PowerPoint presentation (Module 3), so use visual prompts and questions to ensure that the group stays engaged when presenting the points below.

### Limiting the social costs of migration: improving the situation in the country of origin for non-migrating family members

- Families and communities can use remittances to access education, healthcare services, housing, and small-income-generating activities. However, long-term separation without the possibility of family reunification can have a negative impact on family members, in particular children. It is important that states address this problem by developing special support services, such as institutionalized childcare, educational support, counselling, special programmes for older children on life skills and coping methods, and psychological services at school. Schools, NGOs, and community associations can play an important part in providing the additional safety net needed (e.g., teachers should be made aware that a child's parents are abroad and that the child might therefore need more attention). And, of course, resources are necessary in order to carry out such activities.

## Optimizing the benefits of savings and remittances upon return

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- Savings and remittances are one of the major gains from migration, and they make a direct contribution to social development and poverty reduction in countries of origin. Studies show that gender plays a significant role in the transfer and use of remittances, with women remitting higher percentages of their earnings for a longer period of time compared to men. However, this represents a bigger burden for female migrant workers, who usually earn less but may pay equal sums of money to employment agencies or to effectuate a money transfer.
- Women are also the biggest group in terms of receivers of remittances, but their decision-making power and knowledge of how best to use these funds may vary considerably. Governments should therefore strive to eliminate legal and administrative barriers that limit equal access to financial services to all (e.g., the right to open a bank account and to have access to credit), as well as involve other stakeholders, such as NGOs, in order to broaden the transfer options of migrants to their families. Training in the areas of personal finance and information technology is particularly important for women both as senders and as receivers of remittances.
- Women can be offered information and special training on different savings and investment options and ways of safely transferring their money home. At the same time, all stakeholders must recognize that savings and remittances are private funds and not development aid. Migrants will recognize a good opportunity to invest in a project for the greater good of their community if presented with such an option, but their family welfare comes first, and one must respect their choices, including if they decide to use remittances to purchase consumer goods. Communities in countries of origin can also benefit from social remittances when skills or knowledge obtained abroad are brought back to the country of origin.

## Reintegration of migrant women

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- Return and reintegration may be perceived by policy-makers and others as a natural process in the cycle of migration. As such, little attention, if any, is given to returning migrants' needs for intervention and assistance. However, many returning migrants may find the expectations placed on them by family, friends, and their home community overwhelming. Little is known about reintegration, since there is less monitoring or assessment of this process. According to the ILO, migrant women "often face greater re-integration problems than men – because the push factors – important socio-cultural factors behind gender inequalities have not changed or have changed slowly, while the women themselves may have experienced emancipation while abroad".<sup>30</sup> Moreover, factors such as a lack of employment opportunities, a loss of income (e.g., because of the poor investment of remittances and indebtedness), or a lack of expected savings may lead to new cycles of migration. In addition, women may be more pressured by family members to provide loans and gifts to other members, which may be a further drain on their savings. As in the case of integration, reintegration also has an impact on the mental

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30 *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003), Booklet 5, p. 13.

health and well-being of individuals, since migrants need to readapt to their communities. It is common for returnees to experience feelings of isolation, loneliness, anxiety, and depression, but, most of the time, this goes unnoticed.

- The ILO has summarized some of the main problems and difficulties experienced by female returnees:<sup>31</sup>
  - a. Socio-psychological effects, including in some cases trauma from the migration experience and health problems;
  - b. Family and social reintegration problems: breakdown of spousal and family relationships, stigmatization, and rejection by families and communities, especially of those who have been trafficked (multiple problems from gender relations to intergenerational relations, e.g., marital problems and distant or disrespectful children);
  - c. Financial difficulties, including inadequate savings or wasted savings and a lack of viable investment opportunities (this can be mitigated by pre-departure training and services);
  - d. Employment- and skills-related problems: a lack of alternative gainful employment, a lack of opportunities and support to start and sustain a viable business, or a lack of skills and deskilling;
  - e. The need for assistance in filing complaints for exploitation and abuse (e.g., by employers).
- Reintegration programmes need to include activities that encompass a broad range of services. Female migrant women are not a homogeneous group. As such, skills, education, marital status, and support networks are among the issues to be considered when designing and implementing reintegration services. For example, women with higher education may need retraining in order to regain the qualifications needed in the local economy. However, interventions should go beyond individual assistance to also include changes in state policy to address the root causes of migration.
- In order for migrants to reintegrate into their communities, it is important for them to re-enter the local labour market. When designing and implementing reintegration programmes, an assessment of the particular needs of returnee women is of paramount importance, as are services provided by governments and others, including the following:
  - a. Providing employment support and/or counselling, as well as opportunities for self-employment;
  - b. Facilitating the transfer of pensions and other social benefits obtained abroad, as well as facilitating immediate access to local social-security benefits;
  - c. Making grants or low-risk loans available for small-business ventures, as well as providing information on financial matters, including investment opportunities and savings with a view to assisting returnees in various income-generating activities;
  - d. Offering additional training or access to further education in order to develop new skills;
  - e. Addressing social, family, and other problems;
  - f. Providing information on legal rights and providing referrals to services such as complaints mechanisms and legal assistance.
- It is imperative that stakeholders share information with female returnees on the types of assistance available. NGOs and community associations may be the best place to offer some of the services targeting migrant women (e.g., counselling or legal assistance), but they

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<sup>31</sup> *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003), Booklet 5.

need support and resources in order to carry out their work. There is evidence to suggest that returnees face difficulties in finding employment in the formal sector. Thus, they tend to search for opportunities in small-business ventures. However, experience points to a series of problems, including women's limited access to credit, lack of skills and experience, and insufficient savings. Therefore, governments have to make greater efforts to help returning migrant women re-enter the labour market, including by providing training and human and financial resources to help them develop and implement sustainable business ventures.

## Group exercise – returning migrants

### *Instructions for the trainer*

The aim is to have a quick brainstorming exercise to see how much the participants have learned so far about the issues discussed in this Module.

1. Hand out the case study to the participants and ask them to read the story.
2. Then ask them to briefly share their impressions. See the Annex.
3. Record their impressions on the flip chart.

See the Annex for Module 3, **Case Study 6**.

### **Additional points to help the trainer lead the participants' discussion in the right direction:**

- It is likely that the woman returnee migrated to the country of destination as a tourist and worked irregularly in the country. This could be one of the reasons why she could not visit her family or have them join her. Also, given the irregular character of her migration, she had no pre-departure orientation.
- She identified a number of needed support services upon return, and we can see that she benefits from additional support in terms of financial and human resources in the development of her business venture.
- The situation in her country has not improved, especially in comparison to the socio-economic level of the destination country. She pointed to aspects of discrimination in her country of origin such as limitations on the legal working age, which may or may not affect women disproportionately, but it is hard to know based on the information from the article.
- All her savings were used to provide for her family. As such, she had no real personal financial gain from having worked abroad.

## Conclusion of Module 3

### *Instructions for the trainer*

Please take 15 minutes to conclude Module 3 by providing clarifications and answering questions by the participants.

# MODULE 4: GENDERED IMPACTS AND GENDER SENSITIVITY IN BI- AND MULTILATERAL AGREEMENTS AND THE ETHICAL RECRUITMENT OF FOREIGN HEALTHCARE PROFESSIONALS

## Aims of Module 4

- To raise awareness as to why gender should be included in Bilateral Labour Agreements (BLAs) and Memoranda of Understanding (MOUs), while encouraging government officials to include gender-sensitive measures in order to incorporate a gender dimension into such agreements;
- To provide tools and knowledge that can be used by policy-makers in the design and implementation of BLAs and MOUs, as well as information on the ethical recruitment of foreign healthcare professionals.

## Learning outcomes for Module 4

- Participants should understand the importance of including a gender dimension in BLAs and MOUs, as well as consider the inclusion of specific gender-sensitive measures throughout the design and implementation of such agreements (whenever relevant).
- Participants should become familiar with issues that affect female migrant workers and equipped to design and implement BLAs, MOUs, and ethical recruitment codes that are more efficient and sustainable from a gender perspective.

### *Instructions for the trainer*

This session should provide an opportunity to complete the training. The substance and nature of this module must be adapted to meet the needs of the participants and commissioning organization. This means that the lead trainer or expert trainer or project manager should be well aware of the key issues identified by the participants earlier on in the training so as to create **an exercise that builds on the knowledge acquired in the previous modules/sessions**. To the extent possible, the group exercise should include aspects of the ethical recruitment of healthcare professionals as reflected in the *Guide on Gender-Sensitive Labour Migration Policies*.





## Session 4.1: Introduction to Module 4

<b>Timing and activity</b>	45 minutes total ----- 45-minute introductory presentation on the following issues: <ul style="list-style-type: none"><li>• Bilateral Labour Agreements</li><li>• Incorporating gender into BLAs</li><li>• Ethical recruitment</li></ul>
<b>Equipment</b>	PowerPoint, computer and screen, flip chart and pens
<b>Preparation</b>	<ul style="list-style-type: none"><li>• Read the content of this session</li><li>• Read Chapter 3 of the <i>Guide on Gender-Sensitive Labour Migration Policies</i></li><li>• Read Chapter 9 of the <i>Labour Migration Handbook</i></li><li>• Read <i>World Migration Report 2008</i></li></ul>
<b>You will need</b>	Module 4 slides

### Purpose of the session

To introduce the topic of BLAs and foster discussion among the participants about BLAs and how to strengthen the gender component thereof, as well as to highlight issues related to the ethical recruitment of professional healthcare workers.

#### *Instructions for the trainer*

This session should start with an overview using a PowerPoint presentation on BLAs, while stressing the fact that little emphasis has been placed on gender issues. The negative outcomes resulting from this should be mentioned.

In addition, the presentation should highlight issues related to the ethical recruitment of professional healthcare workers, as well as new trends regarding home-care workers.

### Bilateral Labour Agreements

- BLAs are formal mechanisms of interstate co-operation that are legally binding (i.e., agreed principles and procedures) covering a number of areas from recruitment to reintegration. For more information on areas covered by BLAs, please see the ILO's 24 Points on BLAs<sup>32</sup> and Annex 1 of Recommendation 86, "Model Agreement on Temporary and Permanent Migration for Employment".

<sup>32</sup> *Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination, op. cit.*, note 2, p. 179.

- It is important to highlight that, in general, BLAs focus primarily on elements related to labour exchange.<sup>33</sup> In order to achieve a more balanced and sustainable approach, stakeholders should consider strengthening the coverage of BLAs by including a rights-based approach when developing and implementing this mechanism.

BLAs are mostly used to regulate temporary labour-migration schemes in which some agreements allow for circular migration, thus allowing migrants to reapply for temporary jobs abroad after returning home. Only a very small number of agreements allow for short-term permits (under certain conditions such as continued employment by the migrant, long-term labour demand for such jobs and skills) to be converted to permanent-residence status.

- There is an ongoing trend among developed countries to rely on the private sector to identify migrant workers to meet labour shortages. This has shifted the responsibility from government to the private sector. As such, a new power relationship between employers and the state has been created that may entail less leverage for migrant workers. An optimum balance between the state and business has to be created and maintained in order to ensure that migrants' rights are not put into jeopardy.
- A review of a number of agreements shows that only a small number contain specific provisions concerning women or gender equality. One of the best examples (in terms of explicitly considering gender aspects) is the Temporary and Circular Labour Migration Plan between Colombia and Spain, which aims to ensure equal access to employment for both men and women.
- BLAs should therefore undergo gender analysis before implementation in order to identify gaps. This can be done by taking into account the types of vulnerabilities women may face in specific economic sectors such as domestic and care work or agriculture. However, governments should also consider reviewing existing agreements in order to include a gender dimension (whenever relevant).
- However, careful consideration should be given to how gender aspects are included in BLAs so as not to cause unwanted negative side effects. For instance, the inclusion of recruitment criteria that limit applicants in terms of age, civil status (married, single, or divorced), whether or not they have children, and so on, is based on gender-specific assumptions (e.g., whether an individual is less of a risk to return, easy to control, or less self-assured). Such notions may lack policy objectivity and contravene equal-rights provisions, and also place those excluded at an unnecessary risk, as they may seek alternative means to migrate. For example, instead of using an age limit as a criterion to ensure that workers are young and energetic, this requirement could be replaced with a request for a certificate of physical fitness. Moreover, when it comes to recruitment, it is important to aim for a balance between the interests of the individual migrant and those of the states involved, since a lack of balance is bound to generate additional challenges primarily for the migrants. In addition, it is important to take into account the discrepancies between the stated qualifications for a job and the actual skills required to carry it out to avoid frustration and the deskilling of migrant workers.

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33 For further information, see the ILO's Multilateral Framework on Labour Migration, 2005; *Guide on Gender-Sensitive Labour Migration Policies*, *op. cit.*, note 1.

- In addition, BLAs should consider the need for more flexibility when it comes to the issue of transferability of social-security benefits by permitting new arrangements that can be more beneficial to female migrant workers. This can be done, for example, by allowing workers to develop their own private alternative social-security schemes or by simplifying the system.
- The *Guide on Gender-Sensitive Labour Migration Policies* provides a helpful checklist for policy-makers on measures and aspects to consider in the negotiation and implementation of BLAs and MOUs.

## Incorporating gender into Bilateral Labour Agreements

### 1. Measures and aspects to take into account throughout the process of developing, negotiating, and implementing BLAs

#### *Instructions for the trainer*

Not all points need to be covered. Choose a few and refer to the *Guide on Gender-Sensitive Labour Migration Policies* for further information. Also provide the participants with a copy of the slides. It is important to cite relevant examples and to explain why they are used, so as to make the session more relevant. Please see the examples provided under each point. Present materials with the assistance of PowerPoint slides. Please use points listed below during PowerPoint presentation.

- **Make gender impact assessments an integral procedural component.**  
Consider the list of indicators provided in Module 1.
- **Include the participation of gender advisers with expertise on labour migration.**  
In fact, one should also consider including the experience of female migrant workers. This could be done by commissioning an organization to conduct a rapid assessment that looks at the target group's experience throughout the migratory process. Focus groups can also provide specific information and an excellent platform to exchange ideas concerning new policy developments. In addition, include the participation of experts on a given economic sector in order to provide insights into the specific conditions of female workers in that sector.
- **Include gender-specific, non-discrimination, and rights-based clauses in order to enhance policy coherence; the language and the content of these agreements should comply with the respective international human-rights treaties.**  
Refer to the list of international instruments provided in Module 1, as well as national legislation concerning gender equality and employment for signs of discrepancy on recruitment practices and selection criteria.
- **Acknowledge female-specific vulnerabilities by establishing protection measures concerning violence against women in the workplace and in workers' accommodations that are often provided in the agricultural and tourism sectors.**  
Refer to the ILO's List of Vulnerability provided in Module 1, handout 4. See the Annex.

- **Implement a complaints mechanism for harassment or discrimination. There is a need for common procedures to handle complaints, with the option of legal remedies.**

The procedure should include the active participation of government authorities in order to ensure the enforcement of rights, and, if necessary, legal counselling should be provided to the workers. This could be done through NGOs or legal-aid offices in co-operation with trade unions or other stakeholders.
- **Create protection provisions for sectors not covered by national labour law, such as agriculture and domestic/care services, by introducing minimum standards.**

Check examples of good practice in national legislation covering the given economic sector, including the option of implementing a standard contract, agreed upon by the two countries, that can specify a minimum set of standards. There are a number of examples of such contracts, especially covering migrant domestic workers, that could be adapted to care workers (e.g., those caring for sick patients) and others.
- **Provide for appropriate healthcare and social-security benefits.**

Check national legislation covering foreign workers, as well as examples of good practice elsewhere.
- **Establish common agreed-upon criteria for the recognition of skills and qualifications in sectors of the labour market under negotiation. Non-recognition almost inevitably leads to deskilling and brain waste.**

It is important to maintain a balance between skills required within the recruitment process and the job to be performed (e.g., female migrant workers should not be required to have a teacher's certificate in order to be hired as a nanny or to do domestic work). In addition, there are a number of non-technical skills, such as communication and empathy, that are essential for care workers yet may not be recognized by the authorities. It is important to have the necessary knowledge of what specific skills are needed to carry out the job, as this has a direct impact on the selection criteria and conditions for the workers.
- **Consider the possibility of portability of retirement pensions, social security, and health benefits.**

Also consider the possibility of adding a clause on skills training, thus providing an opportunity for workers to acquire new skills or upgrade existing ones (e.g., technical skills and language skills), especially in relation to the job they are asked to perform. For example, training that provides information on health issues such as dementia, Parkinson's Disease, and others and on how to cope with such cases can be very useful to care workers. Most care workers (in particular live-in staff) are employed to care for elderly people suffering from such illnesses; however, they have little understanding of the problem or how to deal with it. Restrictions on training for migrant workers are not helpful to employers or workers.

## 2. Measures and aspects that could be taken into account prior to departure and on arrival

- **Provide gender training to those recruiting and selecting migrant workers in order to ensure a fair and transparent selection process that gives potential female migrants equal access to employment abroad.**

Mention the *Guide on Gender-Sensitive Labour Migration Policies*, the *Trainer's Manual* as well as other materials referenced in this manual as these can be helpful to consult when developing such training courses as they contain a number of examples and concrete action

points. The OSCE supported training seminars on Gender and Labour Migration (conducted in 2010) can also serve as inspiration and additional information on content, training concepts, and methodologies.

- **Disseminate information on legal migration opportunities and migrants' rights and obligations to minimize the risk of female migrant workers being exploited or trafficked.**

Information must be provided in a language that migrants understand. Besides the use of flyers, brochures, and information contact points, stakeholders should consider the use of radio programmes to spread such information and generate discussion among potential migrants. This practice has proven very successful as a dissemination tool, especially in low-income countries. The crucial element here is that information-sharing must provide an opportunity for interaction between potential migrants and those delivering the message, including the opportunity to challenge myths and misconceptions about the process. It is sometimes hard to convince potential migrants of the harsh realities of migration, but it is worth a try to counterbalance what they may have heard from their social network or elsewhere. General information sessions should also be provided in rural communities (e.g., via mobile teams or in partnership with other stakeholders) and could be run by NGOs or international organizations in co-operation with government counterparts.

- **Upon arrival in a country of destination, migrants should be provided with information on national immigration and labour laws, the social-welfare system, and complaints mechanisms, as well as the contact details of counselling organizations, professional organizations, and trade unions.**

The use of leaflets given at the airport or other entry points. Also, ongoing information meetings run by NGOs or international organizations such as open-house meetings held every first Sunday of the month to provide migrant workers with general information and answer questions. The regularity of such meetings allows for ongoing referrals among social networks of migrant workers and the exchange of information, which can be an effective preventive tool against abuse and exploitation.

### 3. Protective measures during the stay in the country of destination

- **Provide gender training to administrative staff implementing bilateral agreements.**

Also consider inviting consular staff and other relevant partners (e.g., NGOs, international organizations, trade unions, and employers associations) to join the training, whenever appropriate. This action would foster partnerships and provide an opportunity to exchange practices and information. Sometimes, implementing partners may lack up-to-date information (e.g., on policy changes or upcoming reforms, changes in the situation in countries of origin, and new developments among the migrant community in countries of destination), which can have a direct impact on how services are delivered to the target group. Thus, co-operation can bring about better results.

- **Strive to provide equality of wages and working conditions.**

Monitoring and collecting and analysing information are important aspects in ensuring equality of wages and working conditions. Therefore, states should strive to carry out research/surveys/assessments in partnership with relevant stakeholders (e.g., NGOs, international organizations, professional associations, and educational institutions) regarding migrant workers and different employment sectors. It may also be important to provide support services to specific groups of

workers, e.g., those caring for the disabled and sick to help them cope with a potentially heavy burden. Support groups can provide some relief to those working in the care and health sectors. Such groups can be run by NGOs with support from governments, employers associations, and trade unions.

- **Examine possibilities for family reunification for longer-term migrant workers.**  
Family reunification is crucial for the stability, well-being, and integration of migrant workers into the host society. The use of studies and assessments can provide indications of criteria that will be reasonable with respect to the target group, e.g., specific criteria on income needed by the principal applicant in order to support their family. A policy that is based on empirical evidence is the basis for efficient and effective results. It is unrealistic to expect low-skilled workers to have the level of savings of more highly skilled workers. Nonetheless, most criteria on family reunification tend to disregard these differences by setting a minimum income for everyone in order to have the right of family reunification. Some states have made exceptions in the case of refugees. Thus, perhaps increased efforts could be made in this area to establish more realistic criteria. Other criteria could also be taken into consideration such as the role of grandparents who may raise their grandchildren for an extensive period of time to allow the parents to work abroad. They could be provided with a temporary visa to join as family caretakers.

#### 4. Measures that could be taken upon return

- **To ensure a higher rate of return, consider the option of repeat migration. This may reduce the risk that migrants will overstay, thus turning their legal status into irregular status.**  
Authorities should consider simplifying renewal procedures for work permits, whenever appropriate. The renewal process should rest in the hands of migrant workers in order to avoid abuse/neglect by employers. Employers should provide workers with time off for this procedure.
- **Allow for the renegotiation of contracts regarding working conditions and remuneration in the case of repeated migration so that new skills gained can be considered.**  
Support workers by providing counselling and assistance in this process.
- **Consider policies that allow for conversion of temporary work permits into permanent work permits for those complying with the regulations.**  
On this point, it is important for those negotiating an agreement to know the short- and long-term prospects of work in a given sector in order to have a realistic projection of market demand. For example, despite the fact that migrant domestic and care workers are employed under temporary schemes, they have prospects for long-term employment in many developed countries. In general, countries that use temporary permits to supply long-term needs do so in order to retain workers in sectors known for their low wages and poor working conditions. As such, countries of origin should ensure better protection for their workers.
- **Implement a gender-sensitive monitoring mechanism during the review process for sectors where a high proportion of women are employed (health, care, domestic services, tourism).**  
Authorities should take into consideration sectors of the economy that have a constant demand for migrant workers (e.g., agriculture, construction) and strive to put in place fair recruitment procedures that give due consideration to both qualified female and male applicants. This would help in reducing any possible gender bias.

## Ethical recruitment of healthcare professionals

- The healthcare sector is dominated by female labour migrants, particularly nurses. However, this category of migration has created a number of problems associated with brain drain, such as undersupply of health services in countries of origin with limited resources and considerable health problems, and deskilling of healthcare professionals in the country of destination.
- In order to tackle the problem, countries have introduced codes for the ethical recruitment of healthcare professionals, which suggest that recruitment activities should only take place if there is an agreement between the two countries.
- The term “ethical recruitment” can be interpreted or applied in various ways, but its objective is to create a balance between the interests of the state and those of individual applicants in an important area of public interest. As such, it aims to curb large-scale, active recruitment by a foreign government or private institution, while allowing professional healthcare workers to apply for positions abroad.
- Codes of ethical recruitment are an innovative approach to preventing problems, such as:
  - Countries of destination tapping into a pool of trained professionals in the country of origin in order to solve their own structural problems (e.g., lack of trained personnel and poor working and wage conditions); and
  - Countries of origin attempting to export their healthcare professionals as a way to solve unemployment and gain remittances.
- In general, codes of ethical recruitment use gender-neutral terminology, which excludes the explicit mentioning of women, and they lack gender-sensitive provisions, which can lead to unintended consequences for female migrant healthcare workers. Therefore, more efforts still need to be made to further incorporate gender into their development and implementation.
- Based on the recommendations in the *Guide on Gender-Sensitive Labour Migration Policies*, such codes could be made more gender-sensitive by following the recommendations concerning BLAs, as well as adding the following aspects:
  - Extend the codes’ reach to cover the private sector;
  - Include temporary staff in order to create equal principles of recruitment;
  - Define the line between active and passive recruitment more clearly;
  - Make the codes legally binding and include a monitoring system;
  - Establish national strategies to tackle nursing shortages, such as raising the social status and wages of the profession;
  - Encourage and facilitate the transfer of technology and personnel to countries of origin in order to assist in the development and stability of their health systems.
- Please see the World Health Organisation’s **International recruitment of health personnel: draft global code of practice** on the webpage [http://apps.who.int/gb/ebwha/pdf\\_files/EB126/B126\\_8-en.pdf](http://apps.who.int/gb/ebwha/pdf_files/EB126/B126_8-en.pdf) and the CD-rom





## Session 4.2: Group exercise – Bilateral Labour Agreement

<b>Timing and activity</b>	45 minutes total ----- 5-minute introduction of group exercise: Case Study 7 20-minute group exercise – Part 1 20-minute group exercise – Part 2 (negotiation)
<b>Equipment</b>	Distribution of a copy of Case Study 7 and other relevant materials (slides and ILO model agreement), pen and paper
<b>Preparation</b>	Consider spending a few minutes with the groups to check on their progress and answers
<b>You will need</b>	Flip chart, pens

### Purpose of the exercise

To develop a fictitious bilateral labour agreement on temporary labour migration, taking into consideration issues of gender and ethical recruitment, and to foster negotiating skills among the participants.

### Group exercise – Bilateral Labour Agreement

**Note** that this session should be delivered by an expert trainer who has experience in negotiating BLAs or gender/migration issues, while being supported by the lead trainer on logistical issues (e.g., division of the group and distribution of materials).

#### *Instructions for the trainer*

This exercise will be based on the fictitious **Case study 7** to be given to the participants. The participants will be asked to take into account the issues and challenges discussed in **Modules 1, 2, and 3**.

For preparation, please see Annex for Case Study 7 of Module 4 for the two parts of the group exercise: (a) Fictitious newsletter article – draft BLA between country of origin and destination on labour migration covering healthcare professionals and care workers; and (b) fictitious BLA template handout.

**This group exercise will be divided into two parts:**

#### **Part 1**

1. Introduce the exercise, provide the handout (see the Annex for the case study and BLA template), and divide the participants into two groups where they will play the role of

(A) country of origin or (B) country of destination. Ask two participants per group to become team leaders for the country of origin and of destination as four persons will be needed later on when the two groups split into four.

2. The participants should be asked to pay specific attention to gender issues and ethical recruitment measures when designing, negotiating, and implementing the BLAs.
3. Give the groups 20 minutes to discuss their position and complete their handout (the fictitious BLA template) on what items they would like to see included in the final BLA. See the fictitious BLA template in the Annex.

The participants should write a minimum of two bullet points per article in the BLA template. Please stress that the language used and the number of items per article are not the most important elements; rather, they should focus on issues related to female migrant workers employed as nurses in countries of destination.

## **Part 2**

1. Please split the two groups into four groups, thus making groups composed of representatives from countries of origin (A) and destination (B) (A1 and B1 and A2 and B2).
2. The participants will be tasked with negotiating a BLA with their counterparts on the basis of the items identified in Part 1 (30 minutes). The idea is to foster dialogue and negotiation skills based on a common set of elements discussed by Groups A and B.
3. One participant per group should be asked to write on the flip chart the items that the two parties (country of origin and destination) have agreed upon based on the negotiation, as well as at least two items that they have disagreed upon, while providing the reasons for disagreement during the presentation.

## Session 4.2 (continued): Presentation of exercise by groups, discussion, feedback, and conclusions

<b>Timing and activity</b>	30 minutes total ----- 20-minute presentation of group exercise 10 minutes of feedback by the expert trainer, discussion and summary of Module 4
<b>Equipment</b>	Flip chart
<b>Preparation</b>	Consider the groups' answers
<b>You will need</b>	To share tasks with the lead trainer

### Presentation of draft BLAs by groups, discussion, feedback, and conclusions

*Instructions for the trainer*

Bring the two groups together to present the draft BLA (using the flip chart) and discuss lessons learned from the process, as well as receive feedback from the lead trainer or expert trainer.

Ensure that the feedback is constructive and builds on the lessons learned during earlier parts of the course and the knowledge of the participants.

Please take a few minutes to conclude Module 4 (e.g., provide clarification and answer questions by the participants).

## Way forward

<b>Timing and activity</b>	30 minutes total ----- Questions and input from the participants on the issues discussed within the two-day training course
<b>Equipment</b>	Flip chart
<b>Preparation</b>	Consider the groups' answers
<b>You will need</b>	To share tasks among the trainers

## Purpose of the session

To provide the participants with space to identify key priorities for follow-up at country level, as well as future initiatives.

### *Instructions for the trainer*

Divide the group into at least two groups of three to four participants and ask them to consider the following questions:

1. What would be their key policies or priorities in view of implementation at country level?
2. What issues did they identify in the training that need follow-up at country level (e.g., policy reform, technical assistance and training, and awareness-raising for personnel working in the field of migration)?

Ask them to write down their ideas on the flip chart.

Bring the group together to consider the points that have been raised and identify the resources and practical steps that need to be considered.

## Closing session

### *Instructions for the trainer*

Take at least 15 minutes to close the two-day training course. This session may be led by the lead trainer or project manager in co-operation with the hosts or supporters of the event.

Distribute a **course evaluation form** (see Annex) and ask the participants to take five minutes to complete it.

Then ask the group whether their expectations for the training were met and review their answers against the points on the flip chart from the first session (Day 1). Consider any outstanding points.

Draw a line on the flip chart with a scale from “Expectations fully met” to “Expectations not met at all”. Ask all participants to rate the training by marking an X at any point along the line. Demonstrate how to do this if participants are hesitant. Then invite a few participants to give reasons why their expectations were fully met, were somewhat met, or were not met at all. (**Note:** there won’t be time to ask everyone.) This is a good visual tool that allows everyone to get a quick snapshot of how well the training was able to meet the expectations of the participants.

Following this review, the lead trainer or project manager should close the day by highlighting some of the issues discussed during the course of the two-day event, such as outlining the input and priorities identified by the participants in the Way Forward Session, thanking the participants and hosts, and adding any other issues of relevance.

**Certificates of attendance** should be awarded to participants in a small ceremony.

A **group photo** is also often a good idea.

The trainers should make themselves available for discussion with the participants after the event.



# REFERENCE AND ADDITIONAL MATERIALS

*Annual Report to Parliament on Immigration 2006* (Ottawa: Citizenship and Immigration Canada, 2006).

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Cangiano, A., Shutes, I., Spencer, S., and Lesson, G., "Migrant Care Workers in Ageing Societies: Research Findings in the United Kingdom", COMPAS, University of Oxford, 2009.

D'Cunha, J., "Claim & Celebrate Women Migrants' Human Rights through CEDAW: The Case of Women Migrant Workers", UNIFEM Briefing Paper, UNIFEM, 2005, <[http://www.unifem.org/materials/item\\_detail.php?ProductID=72](http://www.unifem.org/materials/item_detail.php?ProductID=72)>.

"Gender Mainstreaming conceptual framework, methodology and presentation of good practices – Final Report of Activities of the Group of Specialists on Mainstreaming", Council of Europe, 1999, <[http://www.coe.int/t/e/human\\_rights/equality/02\\_gender\\_mainstreaming/099\\_EG\(1999\)03.asp#TopOfPage](http://www.coe.int/t/e/human_rights/equality/02_gender_mainstreaming/099_EG(1999)03.asp#TopOfPage)>.

"Gender, Remittances and Local Development: The case of Filipino Migration in Italy", United Nations INSTRAW, International Fund for Agricultural Development, Filipino Women's Council, 2008, <<http://www.un-instraw.org/en/downloads/final-reports/gender-remittances-and-development.-the-case-of-filipino-migratin-to-italy/download.html>>.

General Recommendation No. 26 on Women Migrant Workers, CEDAW/c/2009/WP.1/R.

*Good Practices to Protect Women Migrant Workers* (Bangkok: UNIFEM, 2005), <<http://www.humantrafficking.org/publications/501>>.

*Guide on Gender-Sensitive Labour Migration Policies* (Vienna: OSCE, 2009) <<http://www.osce.org/item/37689.html?ch=1289>>.

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*In search of Decent Work – Migrant workers' rights: A manual for trade unionists* (Geneva: International Labour Office and Bureau for Workers' Activities, 2008), <<http://www.gurn.info/en/topics/migration/rights-1/ilo-conventions/in-search-of-decent-work-migrant-workers-rights>>.

Kofman, E., Raghuram, P., and Merefield, M., "Gendered Migrations: Towards gender sensitive policies in the UK", Asylum and Migration Working Paper No. 6, Institute of Public Policy Research, 2005, <<http://www.ippr.org/publicationsandreports/publication.asp?id=292>>.

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"Migrant Workers in Canada: A review of the Canadian Seasonal Agricultural Workers Program", Policy Brief, The North-South Institute, Ottawa, 2006, <[http://www.nsi-ins.ca/english/pdf/MigrantWorkers\\_Eng\\_Web.pdf](http://www.nsi-ins.ca/english/pdf/MigrantWorkers_Eng_Web.pdf)>.



## REFERENCE AND ADDITIONAL MATERIALS

Moreno-Fontes Chammartin, G., "Migration, Gender Equality and Development", International Labour Office, 2008.

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*Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003), Booklets 1-6.

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Satterthwaite, M., "Human Rights Protections Applicable to Women Migrant Workers", UNIFEM Briefing Paper, UNIFEM, New York, 2003, <[http://www.unifem.org/attachments/products/HRProtectionsApplicable2WMW\\_eng.pdf](http://www.unifem.org/attachments/products/HRProtectionsApplicable2WMW_eng.pdf)>.

"The Services Offered by the National Agency for the Promotion of Labour Competencies – ANAPEC", Presentation by ANAPEC at the OSCE Seminar on Gender-Sensitive Labour Migration, Slovenia, 2009.

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Tolley, E., "The Skilled Worker Class: Selection Criteria in the Immigration and Refugee Protection Act", Metropolis Policy Brief No. 1, January 2003.

"UNIFEM-CEDAW Panel on Addressing Women Migrant Workers' Concerns", UNIFEM, New York, July 2003.

*World Migration Report 2008: Managing Labour Mobility in the Evolving Global Economy* (Geneva: IOM, 2008).

### **Other resources (for visual material):**

International Labour Organization Media Resources, <[http://www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Broadcast\\_materials/lang--en/index.htm](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Broadcast_materials/lang--en/index.htm)>.

Examples of PowerPoint presentations can be found on the attached CD-ROM



# ANNEX

**Case studies, handouts,  
and additional instructions  
for the trainers**

## Case studies, questions, handouts and materials

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1. Case Study 1 A: Fictitious interview conducted with a female migrant on her migration path and migration experiences.
2. Case Study 1 B: Fictitious interview conducted with a male migrant on her migration path and migration experiences.
3. Case Study 2: Oxland.
4. Case Study 3: Oxland and Zap.
  - Participants' Sheet 1
5. Handout 1: International human-rights instruments, recommendations and commitments
6. Handout 2: CEDAW – General Recommendation No. 26 on Women Migrant Workers
7. Handout 3: What influences a woman's decision to migrate?
8. Handout 4: Vulnerabilities at different stages of the migration process
9. Additional materials to be given to all participants: a hard copy of the OSCE's *Guide on Gender-Sensitive Labour Migration Policies and the International Labour Office's Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide*

## Case study 1A: Fictitious interview conducted with a female migrant on her migration path and migration experiences

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**MIGRATION AID PORTAL:** Hi, thank you very much for agreeing to share your migration story with us. So let us talk a little bit about the very beginning of your migrant's path. Why did you leave your country and choose to come here?

**FEMALE MIGRANT:** This happened already eight years ago. The economic situation in my country was getting worse, and my salary as a nurse was not enough to cover all the educational, housing and nutritional costs of the whole family. With my husband, three children, and four parents in-law at home, it was too many people for such a salary. My husband also had some jobs here and there, but both salaries were not enough to cover our basic family needs.

When one of our neighbors, who was living in this country for two years, told me that your country was in desperate need of nurses that take care of elderly people, I did not have to think it over twice. She told me that the salaries here were three times higher than in my country. I thought that if I came here for a couple of years, I would be able, on the one hand, to send some money home, and on the other, to have some extra savings for the future once I would return to my country. My husband did not really want me to leave, but he knew very well that things in our country were getting more and more difficult. My children were already in secondary school at that time, so they did not need me on an everyday basis so much anymore. One day, after many discussions, I agreed with my husband that it would be better for all of us if I left, and he talked to some of his friends who owned a recruitment agency which offers job-matching. They helped me find a job which I thought matched my experience and background as a nurse with the job requirements of the new position in your country.

**MIGRATION AID PORTAL:** And why did you choose exactly this country and not any other?

**FEMALE MIGRANT:** On the one hand, the recruitment agency I mentioned before found this job for me in your country. In addition, I already knew this friend of mine, our neighbor, who was taking care of old people here. These two factors made me feel more confident about going to your country. On the other hand, coming here was the cheapest possible option, given the geographical proximity of our countries and the fact that all the arrangements in your country were cheaper than in other countries.

**MIGRATION AID PORTAL:** What were your first impressions of this country once you got here?

**FEMALE MIGRANT:** The first thing that surprised me was that the work that "had been arranged for me" was not in a hospital as a nurse, as I had been told, but as a housekeeper in a private household. On top of taking care of an elderly couple, I was also supposed to clean the house, cook, and do the shopping. To be honest with you, I did not really know what my exact obligations were, since I did not sign any contract.

In the very beginning I thought that having no contract was even convenient for me, since I did not have to pay any taxes. I believed this would be a temporary situation which would then change, once I found the right job as a nurse which I had come here for. However, things did not develop the way I expected.

**MIGRATION AID PORTAL:** And what about the relationship with your own family at home? Did you maintain a close contact?

**FEMALE MIGRANT:** Of course I missed them a lot, but we kept frequent contact over telephone. Sometimes communication turned out to be really difficult. I had the impression that some of my family members regarded me as a privileged person living in a richer country. They wanted me to send more money home as they imagined that I was earning a fortune here, and that I was spending most of it on my own pleasures. In addition, I felt that my influence on my children was decreasing, and they did not follow my advice anymore. Each conversation brought only more quarrels and disappointment. I felt more and more lonely and isolated. This added up to the way I was feeling here, in this country, where at that time I did not have too many friends and felt so far away from my family.

**MIGRATION AID PORTAL:** Did you have any friends here, in the destination country? Any compatriots, neighbours, or people from the immigrant organizations and clubs operating in the city?

**FEMALE MIGRANT:** Not too many. At that time, I did not know that migrants' centers existed. Most of the time, I was occupied with my job at the host family. I had some contact with other migrant women working in the neighborhood. We mainly talked on our way to or from the supermarket, and sometimes, we arranged small meetings in the neighborhood area. There was one lady I especially liked, who was also coming from the region I come from. She knew a lot about your country since she had been living here for a long time. With her, I could exchange information about the situation in our home countries, and she could really understand me and support me when I was feeling weaker, tired, or homesick. Unfortunately, I have lost contact with her. Once the host family decided to dismiss me, I had to move away and since then, I have not heard anything from her anymore.

**MIGRATION AID PORTAL:** What did you do after you lost your job?

**FEMALE MIGRANT:** It was not easy. It happened unexpectedly and suddenly. The women I knew tried to help me find a new job somewhere else, but there were no jobs available at that moment. I panicked. I had no idea what to do or where to go. Luckily, the lady I mentioned before suggested that I go to the Migrant Center. That was the first time I heard about these centers. There was one in our district which was specialized in medical and legal services for migrant women, so I was really happy to find out that they could help me. I am still so thankful for that! The center not only provided me with shelter and other emergency support services, but also put me in contact with people who gave me some employment opportunities. I received some job offers, including a position at a hospital as I had wanted from the very beginning. However, after checking all the employment possibilities, it was clear to me that working for a small cleaning company would be, financially speaking, the best option for me. I started this new job and I quickly met other girls from the company who offered me a bed in their flat. Thanks to the migrant centre I quickly found a new job and a new place to live.

**MIGRATION AID PORTAL:** Does it mean there's a happy ending?

**FEMALE MIGRANT:** Yes – almost. At this point, I had a job which was financially satisfactory. I also shared an apartment with other nice female migrants, and through them and through my new job I also met other migrants with whom I had a very good understanding. Even though most of the women were much younger than me, and they sometimes did not understand some of my concerns,

I had people to talk to everyday after work. That made a great difference to me: I was not feeling lonely or isolated anymore. In addition, through the migrants' centers, I also learned more about the services migrants are entitled to, and since then, I have felt much more comfortable in my situation.

However, there were still two big inconveniences which worried me. On the one hand, I needed to travel abroad every three months to arrange for a new visa, which was tiring and expensive. On the other hand, the relationship with my children and my husband continued deteriorating. Not being there in their everyday lives was little by little affecting our relationship.

**MIGRATION AID PORTAL:** So how did you manage to reconcile with them?

**FEMALE MIGRANT:** To be honest, I did not. My children did not want to listen to me anymore. My opinion, from kilometers away, was for them like the opinion of a stranger. I would even say that with time we had actually become strangers. I tried to put a remedy to this, but it was not easy. That moment is when I started thinking of going back. I did not want us to become stranger and stranger to each other every day.

I also realized that I had to change my attitude a bit in certain situations, since they were not living in the same country and circumstances as I was. Actually, with time, I felt that your country was changing me. I was feeling more confident and more independent each day. Not that I wanted to become such a woman before, but life taught me to rely on myself.

**MIGRATION AID PORTAL:** So what is your situation now?

**FEMALE MIGRANT:** After three years of living in this country, I decided to go back to my home country and try to solve the problems that had been growing between me and my family members over the last three years. I spent more than a year there, but given the weak economic situation, I could not find any job. In addition, the relationship to my family became even more tense and difficult. Only my youngest son could understand me. The others had their own lives and no interest in understanding my situation. They expected me to be the same woman who left the country four years before. But I was not. Only then did I realize how much I had changed during the three years abroad. I did not want to go back to the life I had before I emigrated. I could not. I had learned to make my own decisions and be economically independent. But neither my family nor my country were ready to allow this.

For all these reasons, I decided to go back again to live abroad, where I could work, be economically independent, take my own decisions, and be myself. I still send most of the money to my family, and I still hope that one day my relationship with them will improve, and that my husband and my sons will understand me. In the meantime, I am relatively happy here, and my money will allow my youngest son to continue his studies at University, which makes me very proud.

-THE END-





## Case study 1B: Fictitious interview conducted with a male migrant on his migration path and migration experiences

**MIGRATION AID PORTAL:** Good morning and thank you very much for agreeing to share your migration story with us. I believe this will make everyone understand migrants' situations better. So let us begin with the reasons that drove you to take the decision to migrate. Why did you leave this country and choose to go abroad?

**MALE MIGRANT:** The economic and political situation here was not good. I had been unemployed for a few months and I did not see any way to change my situation. One day a friend of mine who worked abroad contacted me. He told me that the farm for which he was working was searching for short-term seasonal workers. I was not sure whether taking up the job he was telling me about was the right decision to take, but I did not have any other option. I went there with a tourist visa and took up the job, with the idea of checking further employment opportunities later. If I managed to find a decent job there, I would stay.

**MIGRATION AID PORTAL:** And what happened then?

**MALE MIGRANT:** I did not stay long in this first job. I never really wanted to become a farmer: that was clear to me. I spent my childhood in the countryside and already then, I promised myself I would never become one. However, I knew I would have to do it for the first couple of months until I found something else. I have to say that this job helped me make new friends thanks to which I managed to move on. Our employer at that time did not pay us on a regular basis, and sometimes, he even skipped whole weekly wages. This made me and two other guys decide to leave this first job and search for a new one in a construction site, as I had originally planned.

**MIGRATION AID PORTAL:** What about your family? Did you keep contact with them?

**MALE MIGRANT:** I called them a few times in the first few weeks, but afterwards I stopped calling until I found the job at the construction site. I really wanted to surprise them with a better paid and more-involved job. I wanted my sons to be proud of their father. Later on, when I learned how to make cheap internet phone calls, I called them as often as I wanted to. I could talk to them honestly and share my worries and plans with them, which was great for our relationship.

Even if I decided to invest some of the money I was earning into some property abroad, I was also sending some money regularly, back home. I have to say that the costs for sending the money were really high, but I was ready to pay those extra costs.

And in spite of the fact that in the beginning I was happy with my salary in this new job, tensions developed at the construction site when we realized that we were being paid half the amount the native workers were receiving for the same job. This made me really upset and angry. The situation worsened when one of my colleagues, also from this country, had an accident and fell off the wall we were building. He broke his leg! He was lucky to survive, but what could he do? You know, we were not insured. He had to spend all of his savings on medical treatment. At this point I realized that the conditions under which we were working were not as good as I had thought in the beginning.

**MIGRATION AID PORTAL:** And how did your private life look like?

**MALE MIGRANT:** With time I felt more and more integrated in my “new home” abroad. My friends from the construction site and I started to spend more time and money on little pleasures after work. Those were not bad times! But we had almost permanent accommodation problems. People did not want to rent us flats or the ones we found were very expensive. I even lived for sometime in someone’s garage, which as you may imagine, was not too well heated during winter. And then of course there was the issue of the visa. It was not possible to get a visa through legal channels, so we had to spend extra money on...hmm lets call it “alternative arrangements” to get the visa renewed.

**MIGRATION AID PORTAL:** How long did you stay abroad?

**MALE MIGRANT:** After a year I came back home to visit my family. It was clear to me that I wanted to stay abroad where I had better employment opportunities and more freedom, so I decided to communicate this to my family during that first visit. I was not sure how they would react, but I believed that the money argument would be good enough for them. It seemed to me that during my stay abroad they had managed to improve their living conditions with the money I sent home. When I told them about my intentions of staying abroad for a longer time to earn enough money to establish my own business here, they agreed with me that it seemed to be quite a reasonable idea. Moreover, I even convinced two of my cousins to join me working abroad. So I emigrated again and continued to work in the construction business. I came back home once a year for short visits.

## Case Study 2. Oxland

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Oxland is a country undergoing a rapid market transition from an economy based on agriculture to service and manufacturing. The country has recently been in a four-year recession. The transition process has been difficult for the majority of the population. The standard of living for many people in Oxland has dramatically decreased.

Although the officially registered rate of unemployment is about 10%, various reports indicate that there are large numbers of unregistered and underemployed workers. In addition, 35% of the population lives below the poverty line. Migration for employment purposes has become a major survival strategy in response to deepening poverty and a lack of employment opportunities.

There is nearly 100% literacy in Oxland, and education accessibility is rather good. Around 20% of the population has graduated secondary school.

Concerning emigration from Oxland, the numbers vary greatly across sources. Nonetheless, Oxland is leading countries with its large number of international migrants. According to recent data around 15% of the total Oxland population live abroad, and Oxland is the major source of migrants for Europe and Northern America. Most of Oxland's migrants work undeclared in construction, service, housekeeping, home-based care, and agriculture.

Zap is an OSCE country that has received the highest rate of Oxland immigrants, estimated around 150,000 people. Zap is one of the most developed countries in the world with a prosperous market economy. Services generate the vast majority of Zap GDP but agriculture is also an important economic sector. Zap has an aging population and limited public care and health services.

There are five bilateral labour agreements signed between Oxland and Zap and they provide 10,000 jobs per year in agricultural and construction sectors. Many more migrants from Oxland come to Zap as tourists and stay as workers without a work permit. Little is known about this group, apart from the fact that they work in low-paid and low-skilled jobs. The government of Oxland has few and irregular monitoring reports concerning private recruitment agencies which send workers abroad. Little is known on the way they operate.



### Case study 3. – Oxland and Zap

For the past five years, the governments of Oxland and Zap have been dealing with the challenges stemming from irregular flows of migrant workers from Oxland to Zap. Officials from the Interior, Labour and Foreign Affairs Ministries of Zap agreed to propose to Oxland improved cooperation by signing two bilateral agreements. They would like to share responsibility and co-facilitate the opening of legal migration channels for the domestic work sector and agricultural seasonal workers. According to the government officials, historical ties and a visa-free entry regime are important factors facilitating this cross-border labour movement.

Migrant workers from Oxland have contributed to Zap's positive GDP growth of 4 per cent, making it one of the most prosperous countries in the region. Zap's economic prosperity is linked to three major factors: (1) the export of agricultural goods; (2) the steady growth of women's participation in highly profitable areas of the economy; and (3) the competitive edge of the labour market and the fact that workers from Oxland are generally more skilled than workers from neighbouring countries. Additionally, in Oxland there is a positive trend of women's participation in university education, which is steadily increasing. For the last five years, the proportion of female university graduates has been higher than 50%.

These were the reasons to take a first step towards gradually developing a more gender-sensitive labour migration policy with the involvement of the respective government authorities such as Oxland's departments of migration, women's affairs/equal opportunities, health and labour. Not only the officials have planned to be involved in building a gender-sensitive bilateral agreement. Zap policy-makers have also wanted to involve civil-society organizations such as NGOs, especially those of female migrant workers and trade unions, to define the problems and develop adequate programmes and policies for labour migration.

The Zap government body in charge of migration has recently presented a comprehensive study on the employment situation of migrant women. The Zap government is going to continue investigating the issue annually from now on and would like to develop more gender sensitive policies and corresponding programmes. In order to achieve this goal the gender trainings for all the respective government authorities' representatives are going to be organized in the following two years. Zap wants to propose Oxland to be involved in carrying out the research to combine the findings of both countries in the annual report on the employment situation of migrant women.

The Zap government also considers engaging gender/equal opportunity experts to evaluate its national institutional framework in order to check and compare its own data with the conclusions from a recent survey carried out by the Zap-based NGO HOPE. According to their findings from research conducted on the legal male and female migrant workers, there had been a high number of violations of the national labour law with respect to migrant workers from Oxland.

Until now it has been known that recruitment and placement agencies in both countries have been the main facilitators of legal migration channels, linking workers and employers, offering a variety of services from job-matching to pre-departure orientation training, all for a fee charged to potential migrant workers. One of the governments' objectives is to agree on the cooperation in order to establish a monitoring system of those agencies and propose regulations which will – among other thing – encourage the employers to pay fees. It will be part of the broader monitoring measures in

place regarding different economic sectors, with special attention to workers' rights violations in sectors of the labour market targeting men and women. Moreover, the government wants to regulate the access to trades and professions, i.e. by establishing the procedures of recognition of diplomas, and adopting other special measures aimed directly at combating gender-based labour-market segregation and discrimination.

It is also known now that declared/registered migrant workers in the agriculture and domestic-work sectors make up only 40 per cent of the total number of migrants from Oxland found working legally in Zap under the temporary-labour scheme. The gender experts underline in the study report that existing seasonal agricultural schemes recruit male migrant workers only, despite the fact that women from Oxland have considerable skills and experience in agricultural work. Moreover, male migrant workers undergo a health check, but age and marital status are not considered. Domestic workers (where the per cent of women out numbers greatly male employment) face age limitations and most job placements are given to single women.

The Zap Department of Labour proposed to provide information to workers on their labour rights. A hotline, leaflets, and other services are planned to be distributed not only in languages spoken by main migrant communities, but they are going to be also gender sensitive in order to ensure availability of counseling services and legal assistance for female migrant workers.

The Zap government underlined that it is only the beginning of the process. If the evaluation of those primary measures, programmes, and procedures will indicate qualitative and quantitative changes in equal opportunities for male and female migrants in the employment market, the gender mainstreaming process will be continued.

### Case Study 3 – Participants’ Sheet 1

Objective/target	Gender-sensitive indicator	Type of indicator Output/ Outcome/ Process
Adequate and up-to-date examination of the situation of female labour migrants at all stages of the migration process in Oxland and Zap		

Objective/target	Gender-sensitive indicator	Type of indicator Output/ Outcome/ Process
Effective gender-sensitive LMP formally placed and in force between Oxland and Zap		



Objective/target	Gender-sensitive indicator	Type of indicator Output/ Outcome/ Process
Increased access to trades and professions for skilled and experienced female migrants from Oxland		

Objective/target	Gender-sensitive indicator	Type of indicator Output/ Outcome/ Process
Equal (non-discriminatory) access to agriculture and domestic-work sectors for female migrants under the temporary- labour scheme		

## Handout 1 – International human-rights instruments, recommendations and commitments<sup>34</sup>

- ILO Conventions on Migrant Workers (C. 97, C. 143), <<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C097>>, <[1e.pl?C143](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C143)>
- ILO Declaration on Fundamental Principles and Rights at Work, <[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_095898.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_095898.pdf)>
- ILO non-binding Multilateral Framework on Labour Migration, <<http://www.ilo.org/public/english//standards/relm/gb/docs/gb295/pdf/tmmflm-1.pdf>>
- CEDAW and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), <<http://www2.ohchr.org/english/law/cedaw.htm>>
- Beijing Platform of Action, Report of the Fourth World Conference on Women, <<http://www.un.org/esa/gopher-data/conf/fwcw/off/a-20.en>>
- United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, <<http://www2.ohchr.org/english/law/cmwf.htm>>
- European Convention for the Protection of Human Rights and Fundamental Freedoms, <<http://conventions.coe.int/Treaty/en/Treaties/Word/005.doc>>
- Universal Declaration of Human Rights, <<http://www.un.org/en/documents/udhr/>>
- International Covenant on Civil and Political Rights, <<http://www2.ohchr.org/english/law/ccpr.htm>>
- International Covenant on Economic, Social and Cultural Rights, <<http://www2.ohchr.org/english/law/cescr.htm>>
- CEDAW General Recommendation No. 26 on Women Migrant Workers, <[http://www2.ohchr.org/english/bodies/cedaw/docs/GR\\_26\\_on\\_women\\_migrant\\_workers\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf)>
- OSCE commitments related to migration and gender, <[http://www.osce.org/documents/odihr/2005/05/14170\\_en.pdf](http://www.osce.org/documents/odihr/2005/05/14170_en.pdf)>, <[http://www.unece.org/trans/osce/osceunece/17th\\_OSCE\\_2009\\_Final.pdf](http://www.unece.org/trans/osce/osceunece/17th_OSCE_2009_Final.pdf)>, <<http://www.osce.org/eea/>>, <<http://www.osce.org/gender/>>

### OSCE commitments related to migration and gender

OSCE participating States have adopted a substantial body of commitments in relation to the rights of migrants, on the one hand, and equality of rights and opportunities of women and men, on the

<sup>34</sup> *Guide on Gender-Sensitive Labour Migration Policies, op. cit.*, note 1, pp. 10-11. Please note that some of these instruments are legally binding, while others are political commitments.

other. While there are no explicit commitments on the protection and promotion of the rights of women migrants or on gender aspects of migration, the participating States have stressed the need to take necessary measures to protect certain vulnerable groups of women, such as migrant women, from “particular targeting or vulnerability to violence”.<sup>35</sup>

### Migration commitments<sup>36</sup>

Since the adoption of the Helsinki Final Act in 1975, OSCE participating States have agreed on a great number of commitments with respect to migration, the most recent one being the OSCE Ministerial Council Decision No. 5/09 on Migration Management<sup>37</sup>. These commitments partly cover new grounds, and they also call for follow-up on obligations undertaken in the context of other international organizations, such as the United Nations. OSCE commitments on migration aim to fulfil policy objectives of protecting migrants, optimizing the benefits of migration, and mitigating its adverse impact in both countries of origin and of destination, as well as fostering co-operation and dialogue between countries of origin and destination when it comes to migration management.

With regard to the **protection of migrant workers**, the participating States have committed to:

- Protect and promote migrants’ and their families’ fundamental human rights, including economic, social and cultural rights, as well as their social welfare, including living conditions;<sup>38</sup>
- Condemn discrimination on the grounds of ethnic origin, and prevent intolerance and xenophobia against migrant workers;<sup>39</sup>
- Ensure equality of rights of migrant workers with those of nationals of destination countries with regard to conditions of employment, work, and social security;<sup>40</sup>

35 OSCE Ministerial Council, Decision No. 15/05, “Preventing and Combating Violence Against Women”, Ljubljana, 6 December 2005, <[http://www.osce.si/mc-docs/mc\\_15\\_05.pdf](http://www.osce.si/mc-docs/mc_15_05.pdf)>.

36 “Review of the Implementation of OSCE Commitments related to migration by OSCE participating States”, A report prepared by the International Labour Office for the OSCE for the 17th Environmental and Economic Forum, Athens, 6 May 2009, <[http://www.unece.org/trans/osce/osceunece/17th\\_OSCE\\_2009\\_Final.pdf](http://www.unece.org/trans/osce/osceunece/17th_OSCE_2009_Final.pdf)>.

37 OSCE Ministerial Council Decision No. 5/09, “Migration Management”, Athens, 2 December 2009, <[http://www.osce.org/documents/cio/2009/12/41866\\_en.pdf](http://www.osce.org/documents/cio/2009/12/41866_en.pdf)>.

38 Conference on Security and Co-operation in Europe Final Act, Helsinki 1975, <[http://www.osce.org/documents/mcs/1975/08/4044\\_en.pdf](http://www.osce.org/documents/mcs/1975/08/4044_en.pdf)>; Concluding Document of the Madrid Meeting 1980 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, held on the basis of the provisions of the final act relating to the follow-up conference, Madrid 1983, <[http://www.osce.org/documents/mcs/1980/11/4223\\_en.pdf](http://www.osce.org/documents/mcs/1980/11/4223_en.pdf)>; Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen 1990 <[http://www.osce.org/documents/odihr/1990/06/13992\\_en.pdf](http://www.osce.org/documents/odihr/1990/06/13992_en.pdf)>; Charter of Paris for a New Europe “A new Era for Democracy, Peace and Unity”, Paris 1990, <[http://www.osce.org/documents/mcs/1990/11/4045\\_en.pdf](http://www.osce.org/documents/mcs/1990/11/4045_en.pdf)>; Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow 1991 <[http://www.osce.org/documents/odihr/1991/10/13995\\_en.pdf](http://www.osce.org/documents/odihr/1991/10/13995_en.pdf)>; Concluding Document of the Vienna Meeting 1986 of representatives of the Participating States of the Conference on Security and Co-operation in Europe, held on the basis of the provisions of the final act relating to the follow-up of the conference, Vienna 1989, <[http://www.osce.org/documents/mcs/1989/01/16059\\_en.pdf](http://www.osce.org/documents/mcs/1989/01/16059_en.pdf)>.

39 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow 1991; Conference on Security and Co-operation in Europe 1994 Summit, “Towards a Genuine Partnership in a New Era” Budapest 1994, <[http://www.osce.org/documents/mcs/1994/12/4050\\_en.pdf](http://www.osce.org/documents/mcs/1994/12/4050_en.pdf)>; OSCE Ministerial Council, Decision No. 4/03, “Tolerance and Non-discrimination”, Maastricht 2003, <[http://www.osce.org/documents/mcs/2006/06/19330\\_en.pdf](http://www.osce.org/documents/mcs/2006/06/19330_en.pdf)>; OSCE Ministerial Council, Decision No. 12/04, “Tolerance and Non-discrimination”, Sofia 2004, <<http://www.osce.si/docs/mc-dec.12-04.pdf>>; and OSCE Permanent Council, Decision No. 621, “Tolerance and the fight against racism, xenophobia and discrimination”, 29 July 2004 <[http://www.osce.org/documents/pc/2004/07/3374\\_en.pdf](http://www.osce.org/documents/pc/2004/07/3374_en.pdf)>.

40 Conference on Security and Co-operation in Europe Final Act, Helsinki 1975.

- Promote equality of opportunity when it comes to working conditions, education, social security and health services, housing, access to trade unions, as well as cultural rights;<sup>41</sup>
- Facilitate family reunification and regular contacts between migrant workers and their families.<sup>42</sup>

Specific commitments have also been undertaken to ensure equality of opportunity between the children of migrant workers and children of nationals with respect to access to education.

In terms of **optimizing the benefits of migration** and meeting the labour demand in countries of origin and destination, the participating States aim to:

- Observe the international agreements to which they are parties;<sup>43</sup>
- Improve consular, legal, and medical assistance for migrants;<sup>44</sup>
- Adopt effective national frameworks to manage migration;<sup>45</sup>
- Ease regulations concerning the movement of migrants;<sup>46</sup>
- Facilitate the integration of migrant workers by, among other things, raising awareness about the contribution of migrants to society and by allowing migrant workers to participate in the life of that society;<sup>47</sup>
- Provide language and vocational training for migrant workers;<sup>48</sup>
- Facilitate the reintegration of returning labour migrants in their countries of origin by, for instance, ensuring the payment of pensions;<sup>49</sup>
- Address the root causes of irregular migration and decrease it;<sup>50</sup>

41 Conference on Security and Co-operation in Europe, 1992 Summit, "The Challenges of Change", Helsinki 1992, <[http://www.osce.org/documents/mcs/1992/07/4048\\_en.pdf](http://www.osce.org/documents/mcs/1992/07/4048_en.pdf)>.

42 Conference on Security and Co-operation in Europe Final Act, Helsinki 1975; Concluding Document of the Madrid Meeting 1980 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, held on the basis of the provisions of the final act relating to the follow-up conference, Madrid 1983; Concluding Document of the Vienna Meeting 1986 of representatives of the Participating States of the Conference on Security and Co-operation in Europe, held on the basis of the provisions of the final act relating to the follow-up of the conference, Vienna 1989.

43 Conference on Security and Co-operation in Europe Final Act, Helsinki 1975.

44 Concluding Document of the Vienna Meeting 1986 of representatives of the Participating States of the Conference on Security and Co-operation in Europe, held on the basis of the provisions of the final act relating to the follow-up of the conference, Vienna 1989.

45 OSCE Ministerial Council, Decision, No. 2/05, "Migration", Ljubljana, 6 December 2005, <[http://www.osce.org/documents/mcs/2005/12/17358\\_en.pdf](http://www.osce.org/documents/mcs/2005/12/17358_en.pdf)>.

46 Conference on Security and Co-operation in Europe Final Act, Helsinki 1975.

47 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow 1991; Conference on Security and Co-operation in Europe, 1992 Summit, "The Challenges of Change", Helsinki 1992; Conference on Security and Co-operation in Europe 1994 Summit, "Towards a Genuine Partnership in a New Era" Budapest 1994; OSCE Ministerial Council, Decision, No. 4/03, "Tolerance and Non-discrimination", Maastricht 2003; OSCE Ministerial Council, Decision, No. 12/04, "Tolerance and Non-discrimination", Sofia 2004; and OSCE Permanent Council, Decision, No. 621, "Tolerance and the fight against racism, xenophobia and discrimination", 29 July 2004.

48 Conference on Security and Co-operation in Europe Final Act, Helsinki 1975; Concluding Document of the Madrid Meeting 1980 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, held on the basis of the provisions of the final act relating to the follow-up conference, Madrid 1983; Concluding Document of the Vienna Meeting 1986 of representatives of the Participating States of the Conference on Security and Co-operation in Europe, held on the basis of the provisions of the final act relating to the follow-up of the conference, Vienna 1989.

49 *Ibid.*

50 *Ibid.*

- Increase the possibilities of employment in countries of origin by, for instance, developing economic co-operation that is beneficial to both countries of destination and countries of origin.<sup>51</sup>

In addition, a number of commitments encourage **bilateral and multilateral co-operation** by urging the participating States to:

- Ensure orderly movements of workers through collaboration between countries of destination and countries of origin;
- Deal jointly with the problems arising from the migration of workers;
- Co-operate to further improve the general situation of migrant workers and their families.

A particularly significant OSCE commitment was included in Ministerial Council Decision No. 2 of 2005, which urges participating States to adopt “effective national frameworks in order to manage migration”.

#### **OSCE commitments in the field of equality of rights and opportunities among women and men**

The OSCE has adopted numerous commitments in this field in the ministerial and summit declarations since Helsinki and in every single major ministerial declaration since then. An example can be found in the Charter for European Security, which says that “equal rights of women and men and the protection of their human rights are essential to peace, sustainable democracy, economic development and therefore to security and stability in the OSCE region”.<sup>52</sup>

With respect to the rights and protection of migrant women, the most relevant commitment is Ministerial Decision No. 15 of 2005 on Preventing and Combating Violence Against Women, which expresses deep concern for the particular targeting or vulnerability to violence and calls on participating States to ensure protection for specific groups of women.<sup>53</sup>

Through the adoption of the OSCE Action Plan for the Promotion of Gender equality at the Ministerial Council Meeting in Sofia in 2004, the participating States have committed to undertake the following to ensure non-discrimination and equality of rights and opportunities among women and men:

*“Ensure that the Organization develops policies which effectively promote gender equality and ensure that new proposals and initiatives take a gender perspective into account;*

(...)

*Adhere to and fully implement the international standards and commitments they have undertaken concerning equality, non-discrimination and women’s and girls’ rights;*

51 Conference on Security and Co-operation in Europe Final Act, Helsinki 1975.

52 OSCE Istanbul Summit 1999 “Charter for European Security” November 1999, para. 32 <[http://www.osce.org/documents/mcs/1999/11/17497\\_en.pdf](http://www.osce.org/documents/mcs/1999/11/17497_en.pdf)> Charter for European Security, para. 23.

53 OSCE Ministerial Council, Decision No. 15/05, “Preventing and Combating Violence Against Women”, Ljubljana, 6 December 2005, <[http://www.osce.si/mc-docs/mc\\_15\\_05.pdf](http://www.osce.si/mc-docs/mc_15_05.pdf)>.

(...)

*Comply with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), if they are parties, or, if they have not already done so, consider ratifying or acceding to this Convention. States that have ratified or acceded to this Convention with reservations will consider withdrawing them. States parties to the CEDAW are also called upon to consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women;*

(...)

*If they are parties to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), and/or the International Covenant on Economic, Social and Cultural Rights (ICESCR), report regularly and on time to the respective bodies, and include women's organizations in the preparation of their reports;*

(...)

*Take further action where necessary in order to ensure a safe environment for their citizens and the right to equal protection under the law;*

(...)

*Draw on the experience of the OSCE to develop cross-dimensional gender equality policies and strategies, and include in the follow-up to such policies, inter alia, the utilization of gender analysis and monitoring mechanisms to assess the impact of gender policies and strategies”<sup>54</sup>.*

Almost a decade earlier, at the Moscow Meeting of the Conference on Security and Cooperation in Europe in 1991, the participating States committed themselves to respecting and promoting the equality of rights and opportunities as a fundamental tenet of democracy and an indispensable element of security in the region:

*“[The participation States] affirm that it is their goal to achieve not only de jure but de facto equality of opportunity between men and women and to promote effective measures to that end”<sup>55</sup>*

(...)

*[The participation States] undertake measures effectively to ensure full economic opportunity for women, including non-discriminatory employment policies and practices, equal access to education and training, and measures to facilitate combining employment with family responsibilities for female and male workers; and will seek to ensure that any structural adjustment policies or programmes do not have an adversely discriminatory effect on women”<sup>56</sup>*

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54 Ministerial Council Decision No. 14/04: 2004 OSCE Action Plan for the Promotion of Gender Equality, Section IV. Promoting Gender Equality in Participating States, paragraph 42;

55 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow 1991, para. 40.4.

56 *Ibid.*, para. 40.6





## Handout 2 – CEDAW

### General Recommendation No. 26 on Women Migrant Workers<sup>57, 58</sup>

5 December 2008 Original: English  
08-63558 (E)  
CEDAW/C/2009/WP.1/R

#### Introduction

1. The Committee on the Elimination of Discrimination against Women (the Committee), affirming that migrant women, like all women, should not be discriminated against in any sphere of their life, decided at its thirty-second session (January 2005), pursuant to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention), to issue a general recommendation on some categories of women migrant workers who may be at risk of abuse and discrimination.<sup>59</sup>
2. This general recommendation intends to contribute to the fulfilment of the obligations of States parties to respect, protect and fulfil the human rights of women migrant workers, alongside the legal obligations contained in other treaties, the commitments made under the plans of action of world conferences and the important work of migration-focused treaty bodies, especially the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families.<sup>60</sup> While the Committee notes that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families protects individuals, including migrant women, on the basis of their migration status, the Convention on the Elimination of All Forms of Discrimination against Women protects all women, including migrant women, against sex- and gender-based discrimination. While migration presents new opportunities for

57 This document is available online at: <[http://www2.ohchr.org/english/bodies/cedaw/docs/GR\\_26\\_on\\_women\\_migrant\\_workers\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf)>.

58 The Committee acknowledges the contribution of the Committee on the Protection of the Rights of All Migrant workers and Members of their Families during the preparation of this general recommendation.

59 The Committee on the Elimination of Discrimination against Women acknowledges and seeks to build on the important work on the rights of migrants completed by the other human right treaty bodies, the Special Rapporteur on the Human Rights of Migrants, the United Nations Development Fund for Women, the Division for the Advancement of Women, the Commission on the Status of Women, the General Assembly, and the Sub-Commission on the Promotion and Protection of Human Rights. The Committee also refers to its earlier general recommendations, such as general recommendation No. 9 on the gathering of statistical data on the situation of women, especially general recommendation No. 12 on violence against women, general recommendation No. 13 on equal remuneration for work of equal value, general recommendation No. 15 on the avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS), general recommendation No. 19 on violence against women and general recommendation No. 24 on women's access to health care, as well as the concluding comments made by the Committee when examining the reports of States parties.

60 Besides treaties and conventions, the following programmes and plans of action are applicable. The United Nations Vienna Declaration and Programme of Action approved at the 1993 World Conference on Human Rights (part II, paras. 33 and 35). Programme of Action of the Cairo International Conference on Population and Development (chapter X). Programme of Action of the World Summit for Social Development (chap. 3). Beijing Declaration and Platform for Action, Fourth World Conference on Women, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance August-September 2001. International Labour Organization Plan of Action for Migrant Workers, 2004.

women and may be a means for their economic empowerment through wider participation, it may also place their human rights and security at risk. Hence, this general recommendation aims to elaborate the circumstances that contribute to the specific vulnerability of many women migrant workers and their experiences of sex- and gender-based discrimination as a cause and consequence of the violations of their human rights.

3. While States are entitled to control their borders and regulate migration, they must do so in full compliance with their obligations as parties to the human rights treaties they have ratified or acceded to. That includes the promotion of safe migration procedures and the obligation to respect, protect and fulfil the human rights of women throughout the migration cycle. Those obligations must be undertaken in recognition of the social and economic contributions of women migrant workers to their own countries and countries of destination, including through caregiving and domestic work.
4. The Committee recognizes that migrant women may be classified into various categories relating to the factors compelling migration, the purposes of migration and accompanying tenure of stay, the vulnerability to risk and abuse, and their status in the country to which they have migrated, and their eligibility for citizenship. The Committee also recognizes that these categories remain fluid and overlapping, and that therefore it is sometimes difficult to draw clear distinctions between the various categories. Thus, the scope of this general recommendation is limited to addressing the situations of the following categories of migrant women who, as workers, are in low-paid jobs, may be at high risk of abuse and discrimination and who may never acquire eligibility for permanent stay or citizenship, unlike professional migrant workers in the country of employment. As such, in many cases, they may not enjoy the protection of the law of the countries concerned, at either de jure or de facto levels. These categories of migrant women are:<sup>61</sup>
  - (a) Women migrant workers who migrate independently;
  - (b) Women migrant workers who join their spouses or other members of their families who are also workers;
  - (c) Undocumented<sup>62</sup> women migrant workers who may fall into any of the above categories.

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61 This general recommendation deals only with the work-related situation of women migrants. While it is a reality that in some instances women migrant workers may become victims of trafficking due to various degrees of vulnerability they face, this general recommendation will not address the circumstances relating to trafficking. The phenomenon of trafficking is complex and needs more focused attention. The Committee is of the opinion that this phenomenon can be more comprehensively addressed through article 6 of the Convention which places an obligation on States parties "to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". The Committee emphasizes however, that many elements of the present general recommendation are also relevant in situations where women migrants have been victims of trafficking.

62 Undocumented workers are those migrant workers who are without a valid residence or work permit. There are many circumstances under which this could have happened. For example, they may have been given false papers by unscrupulous agents or they may have entered the country with a valid work permit, but may have subsequently lost it because the employer may have arbitrarily terminated their services, or become undocumented because employers may have confiscated their passports. Sometimes workers may have extended their stay after the expiry of the work permit or entered the country without valid papers.

The Committee, however, emphasizes that all categories of women migrants fall within the scope of the obligations of States parties to the Convention and must be protected against all forms of discrimination by the Convention.

5. Although both men and women migrate, migration is not a gender-neutral phenomenon. The position of female migrants is different from that of male migrants in terms of legal migration channels, the sectors into which they migrate, the forms of abuse they suffer and the consequences thereof. To understand the specific ways in which women are impacted, female migration should be studied from the perspective of gender inequality, traditional female roles, a gendered labour market, the universal prevalence of gender-based violence and the worldwide feminization of poverty and labour migration. The integration of a gender perspective is, therefore, essential to the analysis of the position of female migrants and the development of policies to counter discrimination exploitation and abuse.

#### **Applying principles of human rights and gender equality**

6. All women migrant workers are entitled to the protection of their human rights, which include the right to life, the right to personal liberty and security, the right not to be tortured, the right to be free of degrading and inhumane treatment, the right to be free from discrimination on the basis of sex, race, ethnicity, cultural particularities, nationality, language, religion or other status, the right to be free from poverty, the right to an adequate standard of living, the right to equality before the law and the right to benefit from the due processes of the law. These rights are provided for in the Universal Declaration of Human Rights and the many human rights treaties ratified or acceded to by States Members of the United Nations.
7. Women migrant workers are also entitled to protection from discrimination on the basis of the Convention, which requires States parties to take all appropriate measures without delay to eliminate all forms of discrimination against women and to ensure that they will be able to exercise and enjoy de jure and de facto rights on an equal basis with men in all fields.

#### **Factors influencing women's migration**

8. Women currently make up about one half of the world's migrant population. Various factors, such as globalization, the wish to seek new opportunities, poverty, gendered cultural practices and gender-based violence in countries of origin, natural disasters or wars and internal military conflicts determine women's migration. These factors also include the exacerbation of sex-specific divisions of labour in the formal and informal manufacturing and service sectors in countries of destination, as well as a male-centred culture of entertainment, the latter creating a demand for women as entertainers. A significant increase in the number of women migrating alone as wage earners has been widely noted as part of this trend.

#### **Sex- and gender-based human rights concerns related to migrant women**

9. Because violations of the human rights of women migrant workers occur in countries of origin, countries of transit and countries of destination, this general recommendation will address all three situations in order to facilitate the use of the Convention, further the rights of women migrant workers and advance substantive equality of women and men in all spheres of their

lives. It is also recalled that migration is an inherently global phenomenon, requiring cooperation among States in multilateral, bilateral and regional levels.

*In countries of origin before departure*<sup>63</sup>

10. Even before they leave home, women migrant workers face myriad human rights concerns, including complete bans or restrictions on women's out-migration based on sex or sex combined with age, marital status, pregnancy or maternity status, occupation-specific restrictions or requirements that women must have written permission from male relatives to obtain a passport to travel or migrate. Women are sometimes detained by recruiting agents for training in preparation for departure, during which time they may be subject to financial, physical, sexual or psychological abuse. Women may also suffer the consequences of restricted access to education, training and reliable information on migration, which may lead to increased vulnerability in relation to employers. Exploitative fees may be charged by employment agents, which sometimes cause women, who generally have fewer assets than men, to suffer greater financial hardships and make them more dependent, for example, if they need to borrow from family, friends, or moneylenders at usurious rates.

*In countries of origin upon return*

11. Women migrant workers may face sex- and gender-based discrimination, including compulsory HIV and AIDS testing for women returnees, moral "rehabilitation" for young women returnees and increased personal and social costs compared to men, without adequate gender-responsive services. For example, men may return to a stable family situation, whereas women may find disintegration of the family upon their return, with their absence from home regarded as the cause of such disintegration. There may also be a lack of protection against reprisals from exploitative recruiting agents.

*In countries of transit*

12. Women migrant workers may face a variety of human rights concerns when transiting through foreign countries. When travelling with an agent or escort, women migrants may be abandoned if the agent encounters problems in transit or upon arrival in the country of destination. Women are also vulnerable to sexual and physical abuse by agents and escorts when travelling in countries of transit.

*In countries of destination*

13. Once they reach their destinations, women migrant workers may encounter multiple forms of de jure and de facto discrimination. There are countries whose Governments sometimes impose restrictions or bans on women's employment in particular sectors. Whatever the

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<sup>63</sup> Paragraphs 10 and 11 describe some of the sex- and gender-related human rights concerns that women experience in their countries of origin, both before departure and upon return. Concerns related to transit and life abroad are discussed in paragraphs 12 to 22. These sections are illustrative and are not meant to be exhaustive. It should be noted that certain human rights concerns described here may render a woman's decision to migrate involuntarily under relevant international law; in such cases, reference should be made to those norms.

situation, women migrant workers face additional hazards compared to men because of gender-insensitive environments that do not allow mobility for women, and that give them little access to relevant information about their rights and entitlements. Gendered notions of appropriate work for women result in job opportunities that reflect familial and service functions ascribed to women or that are in the informal sector. Under such circumstances, occupations in which women dominate are, in particular, domestic work or certain forms of entertainment.

14. In addition, in countries of destination, such occupations may be excluded from legal definitions of work, thereby depriving women of a variety of legal protections. In such occupations, women migrant workers have trouble obtaining binding contracts concerning terms and conditions of work, causing them sometimes to work for long hours without overtime payment. Moreover, women migrant workers often experience intersecting forms of discrimination, suffering not only sex- and gender-based discrimination, but also xenophobia and racism. Discrimination based on race, ethnicity, cultural particularities, nationality, language, religion or other status may be expressed in sex- and gender-specific ways.
15. Because of discrimination on the basis of sex and gender, women migrant workers may receive lower wages than do men, or experience non-payment of wages, payments that are delayed until departure, or transfer of wages into accounts that are inaccessible to them. For example, employers of domestic workers often deposit the worker's wages into an account in the employer's name. If a woman and her spouse both have worker status, her wages may be paid into an account in the name of her spouse. Workers in female-dominated sectors may not be paid for weekly days of rest or national holidays. Or, if they are heavily burdened by debt from recruitment fees, women migrant workers may not be able to leave abusive situations since they have no other way to repay those debts. Such violations may of course be faced by non-migrant local women in similar female-dominated jobs. However, non-migrant local women have better job mobility. They have the choice, however limited, of leaving an oppressive job situation and obtaining another job, whereas, in some countries, a woman migrant worker may become undocumented the minute she leaves her job. Non-migrant local women workers may, moreover, have some economic protection by way of family support if they are unemployed, but women migrant workers may not have such protection. Women migrant workers thus face hazards on the basis of sex and gender, as well as on the basis of their migrant status.
16. Women migrant workers may be unable to save or transmit savings safely through regular channels due to isolation (for domestic workers), cumbersome procedures, language barriers, or high transaction costs. This is a great problem since in general they earn less than men. Women may further face familial obligations to remit all their earnings to their families to a degree that may not be expected of men. For example, single women may be expected to support even extended family members at home.
17. Women migrant workers often suffer from inequalities that threaten their health. They may be unable to access health services, including reproductive health services, because insurance or national health schemes are not available to them, or they may have to pay unaffordable fees. As women have health needs different from those of men, this aspect requires special attention. They may also suffer from a lack of arrangements for their safety at work, or provisions for safe travel between the worksite and their place of accommodation. Where accommodation is provided, especially in female-dominated occupations such as factory, farm or domestic work, living conditions may be poor and overcrowded, without running water or adequate

sanitary facilities, or they may lack privacy and hygiene. Women migrant workers are sometimes subjected to sex-discriminatory mandatory HIV/AIDS testing or testing for other infections without their consent, followed by provision of test results to agents and employers rather than to the worker herself. This may result in loss of job or deportation if test results are positive.

18. Discrimination may be especially acute in relation to pregnancy. Women migrant workers may face mandatory pregnancy tests followed by deportation if the test is positive; coercive abortion or lack of access to safe reproductive health and abortion services, when the health of the mother is at risk, or even following sexual assault; absence of, or inadequate, maternity leave and benefits and absence of affordable obstetric care, resulting in serious health risks. Women migrant workers may also face dismissal from employment upon detection of pregnancy, sometimes resulting in irregular immigration status and deportation.
19. Women migrant workers may be subjected to particularly disadvantageous terms regarding their stay in a country. They are sometimes unable to benefit from family reunification schemes, which may not extend to workers in female-dominated sectors, such as domestic workers or those in entertainment. Permission to stay in the country of employment may be severely restricted, especially for women migrant workers in domestic work when their time-fixed contracts end or are terminated at the whim of the employer. If they lose their immigration status, they may be more vulnerable to violence by the employer or others who want to abuse the situation. If they are detained, they may be subject to violence perpetrated by officials in detention centres.
20. Women migrant workers are more vulnerable to sexual abuse, sexual harassment and physical violence, especially in sectors where women predominate. Domestic workers are particularly vulnerable to physical and sexual assault, food and sleep deprivation and cruelty by their employers. Sexual harassment of women migrant workers in other work environments, such as on farms or in the industrial sector, is a problem worldwide (see E/CN.4/1998/74/Add.1). Women migrant workers who migrate as spouses of male migrant workers or along with family members face an added risk of domestic violence from their spouses or relatives if they come from a culture that values the submissive role of the women in the family.
21. Access to justice may be limited for women migrant workers. In some countries, restrictions are imposed on the use of the legal system by women migrant workers to obtain remedies for discriminatory labour standards, employment discrimination or sex- and gender-based violence. Further, women migrant workers may not be eligible for free government legal aid, and there may be other impediments, such as unresponsive and hostile officials and, at times, collusion between officials and the perpetrator. In some cases, diplomats have perpetrated sexual abuse, violence and other forms of discrimination against women migrant domestic workers while enjoying diplomatic immunity. In some countries, there are gaps in the laws protecting migrant women workers. For example, they may lose their work permits once they make a report of abuse or discrimination and then they cannot afford to remain in the country for the duration of the trial, if any. In addition to these formal barriers, practical barriers may prevent access to remedies. Many do not know the language of the country and do not know their rights. Women

migrant workers may lack mobility because they may be confined by employers to their work or living sites, prohibited from using telephones or banned from joining groups or cultural associations. They often lack knowledge of their embassies or of services available, due to their dependence on employers or spouses for such information. For example, it is very difficult for women migrant domestic workers who are scarcely ever out of sight of their employers to even register with their embassies or file complaints. As such, women may have no outside contacts and no means of making a complaint, and they may suffer violence and abuse for long periods of time before the situation is exposed. In addition, the withholding of passports by employers or the fear of reprisal if the women migrant worker is engaged in sectors that are linked to criminal networks prevent them from making a report.

22. Undocumented women migrant workers are particularly vulnerable to exploitation and abuse because of their irregular immigration status, which exacerbates their exclusion and the risk of exploitation. They may be exploited as forced labour, and their access to minimum labour rights may be limited by fear of denouncement. They may also face harassment by the police. If they are apprehended, they are usually prosecuted for violations of immigration laws and placed in detention centres, where they are vulnerable to sexual abuse, and then deported.

#### **Recommendations to States parties<sup>64</sup>**

##### *Common responsibilities of countries of origin and destination*

23. Common responsibilities of countries of origin and destination include:
  - (a) Formulating a comprehensive gender-sensitive and rights-based policy: States parties should use the Convention and the general recommendations to formulate a gender-sensitive, rights-based policy on the basis of equality and non-discrimination to regulate and administer all aspects and stages of migration, to facilitate access of women migrant workers to work opportunities abroad, promoting safe migration and ensuring the protection of the rights of women migrant workers (articles 2 (a) and 3);
  - (b) Active involvement of women migrant workers and relevant non-governmental organizations: States parties should seek the active involvement of women migrant workers and relevant non-governmental organizations in policy formulation, implementation, monitoring and evaluation (article 7 (b));
  - (c) Research, data collection and analysis: States parties should conduct and support quantitative and qualitative research, data collection and analysis to identify the problems and needs faced by women migrant workers in every phase of the migration process in order to promote the rights of women migrant workers and formulate relevant policies (article 3).

##### *Responsibilities specific to countries of origin*

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<sup>64</sup> The articles listed for each recommendation refer to the articles of the Convention on the Elimination of All Forms of Discrimination against Women.

24. Countries of origin must respect and protect the human rights of their female nationals who migrate for purposes of work. Measures that may be required include, but are not limited to, the following:
- (a) Lifting of discriminatory bans or restrictions on migration: States parties should repeal sex-specific bans and discriminatory restrictions on women's migration on the basis of age, marital status, pregnancy or maternity status. They should lift restrictions that require women to get permission from their spouse or male guardian to obtain a passport or to travel (article 2 (f));
  - (b) Education, awareness-raising and training with standardized content: States parties should develop an appropriate education and awareness-raising programme in close consultation with concerned non-governmental organizations, gender and migration specialists, women workers with migration experience and reliable recruiting agencies. In that regard, States parties should (articles 3, 5, 10 and 14):
    - (i) Deliver or facilitate free or affordable gender- and rights-based pre-departure information and training programmes that raise prospective women migrant workers' awareness of potential exploitation, including: recommended contents of labour contracts, legal rights and entitlements in countries of employment, procedures for invoking formal and informal redress mechanisms, processes by which to obtain information about employers, cultural conditions in countries of destination, stress management, first aid and emergency measures, including emergency telephone numbers of home embassy, and services; information about safety in transit, including airport and airline orientations and information on general and reproductive health, including HIV/AIDS prevention. Such training programmes should be targeted to women who are prospective migrant workers through an effective outreach programme and held in decentralized training venues so that they are accessible to women;
    - (ii) Provide a list of authentic, reliable recruitment agencies and create a unified information system on available jobs abroad;
    - (iii) Provide information on methods and procedures for migrating to work for women workers who wish to migrate independently of recruitment agencies;
    - (iv) Require recruitment agencies to participate in awareness-raising and training programmes and sensitize them on the rights of women migrant workers, the forms of sex- and gender-based discrimination, the exploitation women could experience and responsibilities of agencies towards the women;
    - (v) Promote community awareness-raising concerning the costs and benefits of all forms of migration for women and conduct cross-cultural awareness-raising activities addressed to the general public, which should highlight the risks, dangers and opportunities of migration, the entitlement of women to their earnings in the interest of ensuring their financial security and the need to maintain a balance between women's familial responsibility and their responsibility to themselves. Such an awareness-raising programme could be carried out through formal and informal educational programmes;



- (vi) Encourage the media, information and communication sectors to contribute to awareness-raising on migration issues, including on the contributions women migrant workers make to the economy, women's vulnerability to exploitation and discrimination and the various sites at which such exploitation occurs;
- (c) Regulations and monitoring systems, as follows:
  - (i) States parties should adopt regulations and design monitoring systems to ensure that recruiting agents and employment agencies respect the rights of all women migrant workers. States parties should include in their legislation a comprehensive definition of irregular recruitment along with a provision on legal sanctions for breaches of the law by recruitment agencies (article 2 (e));
  - (ii) States parties should also implement accreditation programmes to ensure good practices among recruitment agencies (article 2 (e));
- (d) Health services: States parties should ensure the provision of standardized and authentic health certificates if required by countries of destination and require prospective employers to purchase medical insurance for women migrant workers. All required pre-departure HIV/AIDS testing or pre-departure health examinations must be respectful of the human rights of women migrants. Special attention should be paid to voluntariness, the provision of free or affordable services and to the problems of stigmatization (articles 2 (f) and 12);
- (e) Travel documents: States parties should ensure that women have equal and independent access to travel documents (article 2 (d));
- (f) Legal and administrative assistance: States parties should ensure the availability of legal assistance in connection with migration for work. For example, legal reviews should be available to ensure that work contracts are valid and protect women's rights on a basis of equality with men (articles 3 and 11);
- (g) Safeguarding remittances of income: States parties should establish measures to safeguard the remittances of women migrant workers and provide information and assistance to women to access formal financial institutions to send money home and to encourage them to participate in savings schemes (articles 3 and 11);
- (h) Facilitating the right to return: States parties should ensure that women who wish to return to their countries of origin are able to do so free of coercion and abuse (article 3);
- (i) Services to women upon return: States parties should design or oversee comprehensive socio-economic, psychological and legal services aimed at facilitating the reintegration of women who have returned. They should monitor service providers to ensure that they do not take advantage of the vulnerable position of women returning from work abroad, and should have complaint mechanisms to protect the women against reprisals by recruiters, employers or former spouses (articles 2 (c) and 3);
- (j) Diplomatic and consular protection: States parties must properly train and supervise their diplomatic and consular staff to ensure that they fulfil their role in protecting the

rights of women migrant workers abroad. Such protection should include quality support services available to women migrants, including timely provision of interpreters, medical care, counselling, legal aid and shelter when needed. Where States parties have specific obligations under customary international law or treaties such as the Vienna Convention on Consular Relations, those obligations must be carried out in full in relation to women migrant workers (article 3);

*Responsibilities specific to countries of transit*

25. States parties through which migrant women travel should take all appropriate steps to ensure that their territories are not used to facilitate the violation of the rights of women migrant workers. Measures that may be required include, but are not limited to, the following:
- (a) Training, monitoring and supervision of Government agents: States parties should ensure that their border police and immigration officials are adequately trained, supervised and monitored for gender-sensitivity and non-discriminatory practices when dealing with women migrants (article 2 (d));
  - (b) Protection against violations of migrant women workers' rights that take place under their jurisdiction: States parties should take active measures to prevent, prosecute and punish all migration-related human rights violations that occur under their jurisdiction, whether perpetrated by public authorities or private actors. States parties should provide or facilitate services and assistance in situations where women travelling with an agent or escort have been abandoned, make all attempts to trace perpetrators and take legal action against them (articles 2 (c) and (e));

*Responsibilities specific to countries of destination*

26. States parties in countries where migrant women work should take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers, including in their own communities. Measures that may be required include, but are not limited to, the following:
- (a) Lifting of discriminatory bans or restrictions on immigration: States parties should repeal outright bans and discriminatory restrictions on women's immigration. They should ensure that their visa schemes do not indirectly discriminate against women by restricting permission to women migrant workers to be employed in certain job categories where men predominate, or by excluding certain female-dominated occupations from visa schemes. Further, they should lift bans that prohibit women migrant workers from getting married to nationals or permanent residents, becoming pregnant or securing independent housing (article 2 (f));
  - (b) Legal protection for the rights of women migrant workers: States parties should ensure that constitutional and civil law and labour codes provide to women migrant workers the same rights and protection that are extended to all workers in the country, including the right to organize and freely associate. They should ensure that contracts for women migrant workers are legally valid. In particular, they should ensure that occupations dominated by women migrant workers, such as domestic work and some forms of entertainment, are protected by labour laws, including wage and hour regulations, health and safety codes

and holiday and vacation leave regulations. The laws should include mechanisms for monitoring workplace conditions of migrant women, especially in the kinds of jobs where they dominate (articles 2 (a), (f) and 11);

- (c) Access to remedies: States parties should ensure that women migrant workers have the ability to access remedies when their rights are violated. Specific measures include, but are not limited to, the following (articles 2 (c), (f) and 3):
  - (i) Promulgate and enforce laws and regulations that include adequate legal remedies and complaints mechanisms, and put in place easily accessible dispute resolution mechanisms, protecting both documented and undocumented women migrant workers from discrimination or sex-based exploitation and abuse;
  - (ii) Repeal or amend laws that prevent women migrant workers from using the courts and other systems of redress. These include laws on loss of work permit, which results in loss of earnings and possible deportation by immigration authorities when a worker files a complaint of exploitation or abuse and while pending investigation. States parties should introduce flexibility into the process of changing employers or sponsors without deportation in cases where workers complain of abuse;
  - (iii) Ensure that women migrant workers have access to legal assistance and to the courts and regulatory systems charged with enforcing labour and employment laws, including through free legal aid;
  - (iv) Provide temporary shelters for women migrant workers who wish to leave abusive employers, husbands or other relatives and provide facilities for safe accommodation during trial;
- (d) Legal protection for the freedom of movement: States parties should ensure that employers and recruiters do not confiscate or destroy travel or identity documents belonging to women migrants. States parties should also take steps to end the forced seclusion or locking in the homes of women migrant workers, especially those working in domestic service. Police officers should be trained to protect the rights of women migrant workers from such abuses (article 2 (e));
- (e) Non-discriminatory family reunification schemes: States parties should ensure that family reunification schemes for migrant workers are not directly or indirectly discriminatory on the basis of sex (article 2 (f));
- (f) Non-discriminatory residency regulations: when residency permits of women migrant workers are premised on the sponsorship of an employer or spouse, States parties should enact provisions relating to independent residency status. Regulations should be made to allow for the legal stay of a woman who flees her abusive employer or spouse or is fired for complaining about abuse (article 2 (f));
- (g) Training and awareness-raising: States parties should provide mandatory awareness-raising programmes concerning the rights of migrant women workers and gender sensitivity training for relevant public and private recruitment agencies and employers and relevant

State employees, such as criminal justice officers, border police, immigration authorities, border police and social service and health-care providers (article 3);

- (h) Monitoring systems: States parties should adopt regulations and design monitoring systems to ensure that recruiting agents and employers respect the rights of all women migrant workers. States parties should closely monitor recruiting agencies and prosecute them for acts of violence, coercion, deception or exploitation (article 2 (e));
- (i) Access to services: States parties should ensure that linguistically and culturally appropriate gender-sensitive services for women migrant workers are available, including language and skills training programmes, emergency shelters, health-care services, police services, recreational programmes and programmes designed especially for isolated women migrant workers, such as domestic workers and others secluded in the home, in addition to victims of domestic violence. Victims of abuse must be provided with relevant emergency and social services, regardless of their immigration status (articles 3, 5 and 12);
- (j) The rights of women migrant workers in detention, whether they are documented or undocumented: States parties should ensure that women migrant workers who are in detention do not suffer discrimination or gender-based violence, and that pregnant and breastfeeding mothers as well as women in ill health have access to appropriate services. They should review, eliminate or reform laws, regulations, or policies that result in a disproportionate number of women migrant workers being detained for migration-related reasons (articles 2 (d) and 5);
- (k) Social inclusion of women migrant workers: States parties should adopt policies and programmes with the aim of enabling women migrant workers to integrate into the new society. Such efforts should be respectful of the cultural identity of women migrant workers and protective of their human rights, in compliance with the Convention (article 5);
- (l) Protection of undocumented women migrant workers: the situation of undocumented women needs specific attention. Regardless of the lack of immigration status of undocumented women migrant workers, States parties have an obligation to protect their basic human rights. Undocumented women migrant workers must have access to legal remedies and justice in cases of risk to life and of cruel and degrading treatment, or if they are coerced into forced labour, face deprivation of fulfilment of basic needs, including in times of health emergencies or pregnancy and maternity, or if they are abused physically or sexually by employers or others. If they are arrested or detained, the States parties must ensure that undocumented women migrant workers receive humane treatment and have access to due process of the law, including through free legal aid. In that regard, States parties should repeal or amend laws and practices that prevent undocumented women migrant workers from using the courts and other systems of redress. If deportation cannot be avoided, States parties need to treat each case individually, with due consideration to the gender-related circumstances and risks of human rights violations in the country of origin (articles 2 (c), (e) and (f));

#### *Bilateral and regional cooperation*

27. Measures that are required include but are not limited to the following:

- (a) Bilateral and regional agreements: States parties who are sending or receiving and transit countries should enter into bilateral or regional agreements or memorandums of understanding protecting the rights of women migrant workers as elaborated in this general recommendation (article 3);
- (b) Best practices and sharing of information, as follows:
  - (i) States parties are also encouraged to share their experience of best practices and relevant information to promote the full protection of the rights of women migrant workers (article 3);
  - (ii) States parties should cooperate on providing information on perpetrators of violations of the rights of women migrant workers. When provided with information regarding perpetrators within their territory, States parties should take measures to investigate, prosecute and punish them (article 2 (c)).

*Recommendations concerning monitoring and reporting*

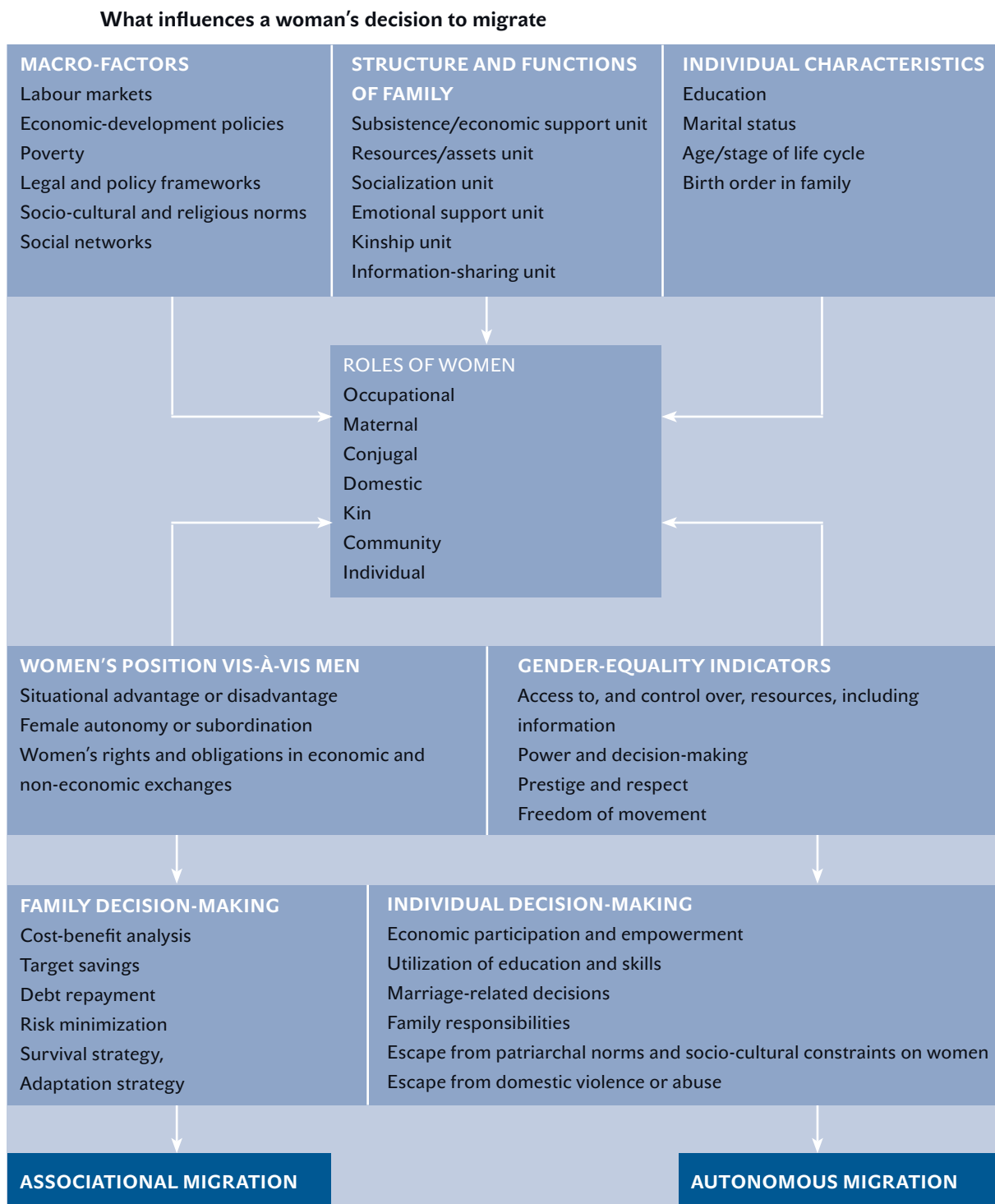
28. States parties should include in their reports information about the legal framework, policies and programmes they have implemented to protect the rights of women migrant workers, taking into consideration the sex- and gender-based human rights concerns listed in paragraphs 10 to 22 and guided by the recommendations given in paragraphs 23 to 27 of this general recommendation. Adequate data should be collected on the enforcement and effectiveness of laws, policies and programmes and the de facto situation of women migrant workers, so that the information in the reports is meaningful. This information should be provided under the most appropriate articles of the Convention, guided by the suggestions given against all the recommendations.

*Ratification or accession to relevant human rights treaties*

29. States parties are encouraged to ratify all international instruments relevant to the protection of the human rights of migrant women workers, in particular, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.



## Handout 3 – What influences a woman’s decision to migrate?



Source: Booklet 2 of *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003).





## Handout 4 – Vulnerabilities at different stages of the migration process

### Vulnerabilities at different stages of the migration process

Migration stage	Vulnerabilities faced by female migrant workers
<b>Recruitment and pre-departure</b>	<ul style="list-style-type: none"> <li>Illegal recruitment and trafficking</li> <li>Excessive fees for placement and documents</li> <li>Cheating and extortion by agencies and brokers</li> <li>Non-existent jobs</li> <li>Inappropriate and expensive training programmes</li> <li>Being locked up by recruiters, abuses in so-called training centres</li> <li>Not being sent abroad at all</li> <li>Falsification of a worker's identity</li> <li>Lack of information on terms and conditions of employment</li> </ul>
<b>Journey</b>	<ul style="list-style-type: none"> <li>Expensive fares</li> <li>Unofficial transportation/smuggling</li> <li>Hazardous travel</li> <li>Victimization in transit</li> </ul>
<b>Working and living abroad</b>	<ul style="list-style-type: none"> <li>Contract substitution</li> <li>Contract violations</li> <li>Withholding of papers/documents</li> <li>Poor working conditions, occupational safety and health hazards</li> <li>Non-payment of, or unauthorized deductions from, wages</li> <li>Physical, psychological, or sexual abuse or violence</li> <li>Lack/absence of information, access to services, and redress mechanisms</li> <li>No embassy or inadequate services provided by embassy</li> <li>Undocumented status</li> </ul>
<b>Termination of contract</b>	<ul style="list-style-type: none"> <li>Illegal termination</li> <li>Sudden, unjust termination</li> <li>No place to stay before being sent home</li> <li>Absence of complaints and redress procedure</li> </ul>
<b>Return and Reintegration</b>	<ul style="list-style-type: none"> <li>No alternative source of income, difficulties finding employment</li> <li>Extortion and overpricing of services by airport and customs personnel, moneychangers, etc.</li> <li>Bankruptcy</li> <li>Family problems, adjustment</li> <li>Social reintegration difficulties, particularly for survivors of violence abroad</li> <li>Danger of being re trafficked.</li> </ul>

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Adapted from: *Clearing a Hurried Path: Study on Education Programs for Migrant Workers in Six Asian Countries* (Hong Kong: Asian Migrant Centre, Asia South Pacific Bureau for Adult Education, Migrant Forum in Asia, 2001), pp. 93, 114-116; *Planning Your Re-entry: Filipino Migrant Workers Orientation Course* (Quezon City: Unlad Kabayan Migrant Services Foundation, November 2001), pp. 16-17; and “Strategies, Experiences and Lessons: Protecting the Rights and Empowering Asian Migrant Domestic Workers”, Asian Migrant Centre and Coalition for Migrants’ Rights, PowerPoint presentation made at the ILO Program Consultation Meeting on the Protection of Domestic Workers against the Threat of Forced Labour and Trafficking, 17-19 February 2003, Hong Kong.

Source: Booklet 1 of *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003).

## MODULE 2

1. Case Study 4: Temporary agricultural seasonal labour programme – improving recruitment, selection, and conditions for migrant women
2. Handout 1: Points systems



## Case Study 4 – Temporary agricultural seasonal labour programme: improving recruitment, selection, and conditions for migrant women

### Internal communication: briefing prior to the meeting between representatives from the Ministries of Interior of Zapland and Ox Country

Following the meeting between Interior Ministry officials from Zapland and Ox Country, a bilateral agreement was reached that will facilitate the legal migration of seasonal agricultural workers from Ox Country to Zapland. Officials from Zapland would like to use an upcoming meeting to consult with their counterparts about some of the elements their government will be including in the new programme for temporary seasonal work in agriculture. The programme will contain a yearly quota open only to workers from Ox Country.

In the past two years, agricultural producers from Zapland have experienced major economic gains from exports of strawberries and mushrooms, but they have also faced difficulties in recruiting good workers to handle these products. A large number of strawberry and mushroom producers have employed *migrant women* primarily originating from Ox Country in their greenhouse production.

During a consultation meeting between government representatives from Zapland and the Producers Association, the latter voiced great satisfaction with the female workforce and asked the government to include in the new programme a more *proactive approach* to recruit female migrant workers.

Most of the female migrant agricultural workers come from Ox Country's Northern Province and have experience in agricultural work. Despite their qualifications, however, more than 90 per cent of the women got their job through an *informal network* of family and relatives in Zapland working in the agricultural sector. Based on official statistics on the number of foreign workers in Zapland, female migrant workers did not benefit from the legal status awarded to agricultural workers selected through the old programme.

On this issue, the Agricultural Workers Trade Union stated in a letter to the Zapland government that the reliance on informal networks by female migrant workers is primarily a *survival strategy in order to avoid paying the high fees levied by recruitment agencies*. Based on a number of interviews carried out by the union with female migrant agricultural workers, they found that paying high recruitment fees to recruitment agencies would have forced them into debt before leaving Ox Country without a firm guarantee of a job.

By increasing the number of migrants eligible to work legally in the country, the government of Zapland intends to accomplish two goals: the creation of a *qualified and stable workforce* for agricultural producers and to *curb irregular migration*. The government of Zapland has already made clear that it has no intention of opening a regularization process for irregular migrant agricultural workers present in the country. As a result, those interested in regularizing their status will have to leave the country and apply for the new programme from Ox Country. However, the Zapland government intends to facilitate the ongoing participation of returnees in the new programme through *the simplification of the selection and documentation procedures, as well as work placements*. As a result, migrant workers who complete the scheme successfully will be guaranteed a placement every year, thus strengthening the process of circular legal migration.

Recruitment, selection, and placement for the new programme will be carried out by a *special government agency* (to be established in both countries) supported by the respective Ministry of Labour and Agriculture. The special agency will also offer a variety of additional services (e.g., orientation, counselling, and reintegration services, including the facilitation of micro-credits).

- \* The materials for this case study were taken from articles and materials describing a number of schemes for temporary seasonal agricultural labour in Europe and North America. For more details, please consult the section “Reference and Additional Materials”.

*Instructions for  
the participants*

After reading the case study, you should take five minutes for individual brainstorming. Based on the information received in Module 2, and depending on whether you are in Group A (country of origin) or Group B (country of destination), please think about what the main considerations should be when designing and implementing the new programme regarding female migrant workers in relation to the items identified in the table below. You do not have to consider all the items, just those that you consider the most important. Write your points in the table below in order to be used in the group discussion.

For example, a possible answer under “Personnel Working with Target Group” could be as follows: include awareness-raising and training activities, i.e., personnel should receive appropriate training on gender sensitivity prior to the start of the new programme in order to gain the necessary skills to work more effectively with female migrant workers.

If you are representing the **country of origin**, please take the following points into account:

1. Your government would like to ensure greater protection and better working conditions for female migrant workers since it is known that this target group is worse off compared to their male counterparts (e.g., in terms of wages; living conditions; the possibility of changing employers in case of a dispute, including harassment; access to other workers for support; and the establishment of a complaints mechanism against violations by the Zapland government).
2. Ox Country would like to receive additional funding from Zapland, as foreseen in the agreement, in order to set up an additional office in the Northern Province, so as to facilitate the recruitment and delivery of services to female migrant women, including support programmes for children left behind, and to facilitate the flow of remittances in a cost-effective manner, as well as reintegration services.

1. Recruitment and selection process	
2. Personnel working with target group	
3. Admission, status, work permit	
4. Protection, including special measures and social benefits	
5. Potential partners (in country of origin and destination); what should their contribution/tasks be?	
6. Special programmes for migrant workers while in the country of destination	
7. Reintegration programmes in the country of origin	
8. Other	

If you are representing the **country of destination**, please take the following into account:

1. Agricultural workers will continue to be required to live on the farms where they are employed and to be tied to their employer for their work permit. However, under the new programme, your government is considering establishing a Guideline on minimum living standards (which will include housing standards and property rules) to be implemented by employers.
2. In addition, a transfer system is being considered that would allow migrant workers to extend their stay by working for a period of one extra month, at most, for another employer.

1. Recruitment and selection process	
2. Personnel working with target group	
3. Admission, status, work permit	
4. Protection, including special measures and social benefits	
5. Potential partners (in country of origin and destination); what should their contribution/tasks be?	
6. Special programmes for migrant workers while in the country of destination	
7. Reintegration programmes in the country of origin	
8. Other	

Each group should appoint one participant to write their responses to the items in the table on the flip chart in order to present them in Session 2.2. They should also present at least two points of disagreement between the countries.



## Handout 1 – Points systems

**Table 17: Comparison of Points Systems for Skilled Workers – Canada and UK**

**(i) Canadian Skilled Worker Class**

*Acceptance is based on 67 points*

	<b>Maximum points</b>
<b>Education</b> e.g. MA or PhD and 17 yrs of full-time study	25
2 year diploma and 14 yrs study	20
<b>Language</b> Need both English and French, 16 for the first language, 8 for the second if able to converse, read and write fluently	24
<b>Work Experience (4 years)</b> Has to have been in past 10 years in a management, professional or highly skilled occupation 1 yr           15 points 2 yrs           17 3 yrs           19	21
<b>Age (21-49 years)</b> Loss of 2 points per year from 50 to 54	10
<b>Arranged employment</b>	10
<b>Adaptability</b> E.g. Canadian qualification, educated spouse or common law partner up to 5 points for MA/PhD, 4 BA, 3 post secondary;	10
5 points for applicant or spouse who has worked studied family	

Source: E. Kofman, P. Raghuram, and M. Merefield, "Gendered Migrations: Towards gender sensitive policies in the UK", Asylum and Migration Working Paper No. 6, Institute of Public Policy Research, 2005, pp. 37-38, <[http://www.workpermit.com/news/canada\\_points\\_changes.html](http://www.workpermit.com/news/canada_points_changes.html)>.

## (ii) UK Highly Skilled Migrants Programme

Acceptance is based on gaining 65 points (reduced from an original 75 in October 2003). The scheme has been split into two, on the basis of age: one for those under 28 years and another for those who are over 28 years

<b>Educational background</b>		
	Graduate	15
	Masters	25
	PhD	30
<b>Work Experience</b>		
<i>Over 28 years</i>		
	5 years full time graduate work or 3 years with a PhD	25
	5 years full-time graduate including at least 2 years in a senior or specialist position	35
	At least 10 full-time including at least 5 years senior or specialist position	50
<i>Under 28 years</i>		
	2 years graduate	25
	4 years graduate	35
	4 years including at least 1 year senior or specialist	50
<b>Past Earnings</b>		
These points (25 to 50) depending on the level of earnings are largely derived from earned income rather than dividends, property rental or inheritance and is based on the country of residence and not citizenship of the past 12 months. There is a complicated table of 3 levels within 5 categories corresponding to different income levels across the world. Earnings levels for those under 28 years are adjusted accordingly.		
<b>Achievement in Your Chosen Field</b>		
This refers to peer recognition or significant contribution to one's field e.g. original piece of research, artistic achievement, a lifetime achievement award from an industry body; an invention. Significant achievement earns 15 points, exceptional 25.		
<b>Partner's Achievement</b>		
This awards 10 points for the skilled spouses (married and unmarried if they are in a relationship akin to marriage) of those successful under HSMP. The partner must have a BA or equivalent professional qualification.		

Source: Home Office (2005c) Annexes to chapter 5

## MODULE 3

1. Case Study 5: Temporary labour-migration programme for foreign domestic workers: draft action plan
2. Case Study 6: IOM News – Americas, returning home after years abroad can be a bittersweet experience
3. Handout 1: Costs of placement abroad
4. Handout 2: Model employment contracts



## Case Study 5 – Temporary labour-migration programme for foreign domestic workers: draft action plan

### Internal communication: summary of the meeting between the Ministries of Interior of Zapland and Ox Country

Following the meeting between officials from the Interior Ministries of Zapland and Ox Country, an agreement was reached that will *facilitate the legal migration of foreign domestic workers* to Zapland. Zapland officials stated that a special Programme on Temporary Labour Migration for Foreign Domestic Workers would take effect in one month's time. The programme will be based on a yearly quota system open to foreign domestic and care workers.

Under the programme, employment agencies would be allowed to continue facilitating the migration process; however, the government of Zapland would like to see a *standardized recruitment fee* commensurate with workers' wages, while also having employers contribute to the costs of bringing in new workers (processing and work-permit fees). Migrant domestic workers who are able to complete five years of employment in Zapland within a period of six years will be able to apply for *permanent residence* and have access to *family-reunification provisions* under the current immigration rules.

The yearly quota for temporary foreign domestic workers set up by the government of Zapland represents only 50 per cent of the estimated number of domestic workers currently working in the country from all nationalities, including nationals from Ox Country. According to some, this would mean that *demand would still surpass the supply* of foreign workers who will take part in the legal scheme, but the government of Zapland is counting on seeing an increase in the number of nationals taking up those jobs, particularly in the fields of childcare and care for the elderly. In addition, representatives from Zapland's Interior Ministry demonstrated their flexibility by stating during the meeting that they are open to increasing the annual quota based on evidence from their Labour Ministry (after the latest annual review of labour demand). However, there are concerns from Ox Country officials that their nationals will be competing with other nationals from the region instead of being favoured through a bilateral agreement. However, Zapland authorities have stated that they would rather keep this programme open to nationals of all countries, and that they will conclude bilateral agreements with Ox Country on seasonal agricultural workers and healthcare professionals.

The government of Zapland promised to set up a *complaints mechanism* for violations of employment conditions, but it is unlikely that it will include domestic work under national labour law, which regulates working conditions and sets minimum standards. However, the government of Zapland is open to discussing with Ox Country the use of a *standard employment contract* that should be mutually agreed upon by the two countries. Moreover, there will be *changes in the recruitment procedure* for foreign domestic workers, e.g., the Zapland government will eliminate age restrictions but will introduce more stringent requirements for qualifications and years of experience. This change may limit access for younger candidates unless they undergo special certified training (six months on average), which will have to be paid for by the potential applicants before getting an employment offer. Domestic workers will continue to be required to live at their employer's home and be tied to their employer for their work permit. Under the new programme, however, they will be allowed to *change their employer*. In case they do this, their domestic work permit will be valid

for two months until they find a new employer; failure to do so may result in termination of their residence permit and return to their country of origin.

Ox Country officials have stated that the demand for older and more experienced candidates may mean an increase in the number of *mothers migrating*, who will have to leave their children behind, and also that it may force young women to use their savings or acquire loans in order to pay for required training courses, which could put them in debt prior to migration.

Authorities from Ox Country have also raised concerns presented by NGOs in both countries about the fate of those domestic workers who have worked in Zapland for years but who do not have regular status. Zapland officials have stated that the government is due to announce a *regularization process* soon in which irregular migrants who meet specific criteria will be able to apply in order to have their status regularized for a period of one year. One of the criteria foreseen by the process is a successful employment history in the past five years, which the workers will have to account for by providing proof of employment.

Draft action plan	Type of activities	Responsibility and possible partners (responsible ministry and partners)	Outcome/Results
Gender-sensitive institutional framework			
Regulation of private employment			
Agencies Pre-departure service Pre-employment Pre-departure orientation			
Protective measures			
Limiting the social costs of migration: improving the situation in the country of origin for non-migrating family members			
Optimizing the benefits of remittances upon return			
Reintegration of migrant women			





## Case Study 6 – IOM News on returning migrants

### Americas, returning home after years abroad can be a bittersweet experience<sup>65</sup>

Ana María Guzman and Elsa Shuguli de Mera  
Posted on Friday, 10-07-2009



Elsa Shuguli de Mera recently returns to Ecuador through the help of IOM.  
© IOM 2009

**Ecuador** - My name is Elsa Shuguli de Mera, I am from Ecuador; born in the capital Quito.

I lived in Switzerland for eight years. I left Ecuador in 2000 because things were bad in my country – the government, the economy and other things.

I had my own business with employees, mainly making school uniforms. I went bankrupt and ended up with many debts.

Around that time lots of Ecuadorians were migrating overseas, so I decided to leave. Initially I thought of going to Spain but that fell through so God helped me make my journey to Switzerland.

I found a job within one month of arriving in Switzerland. And this is where I worked the entire time. I was a nanny and did domestic chores. That's the same job that most migrant women have.

I returned to Ecuador because of my children. They were pressuring me to return. Initially I thought I would be away just two years; I thought that would give me enough time to fix my problems. But the years passed and finally when my children finished their university, then I decided to return.

I knew the return was going to be difficult, but there was a lot excitement at the thought of seeing my children again. I lived in Switzerland many years and so I miss that life also; especially all of the comfort, the work, the people and my salary.

When I arrived in Ecuador my house was very run down. It was a great disappointment to me. I felt so awful that my children did all they could to paint, clean and fix the house as much as possible; they even bought furniture to make me happy.

<sup>65</sup> This document is available online at: <<http://www.iom.int/jahia/Jahia/media/feature-stories/featureArticleAM/cache/offonce?entryId=25592>>.

Even though I lived in Switzerland eight years, I was not able to save. I had too many debts when I left Ecuador in 2000. I also had to send money for my children's education, for daily needs. My husband lost his job, so everything I made I had to spend.

It's difficult for men to find jobs in Switzerland, there is a lot of control, it's easier for women. I heard about some families that had been going through a difficult time and had applied to the assisted voluntary return programme.

I never felt racism or xenophobia while in Switzerland. People are very kind there; domestic workers are not treated like help, they are made to feel part of the family and are invited to sit at the table, it is a beautiful thing. On my days off I would go into the city.

After I returned I thought of restarting my sewing business; I had 25 years experience in this trade. I wanted to buy some machines and get started, but I soon realized that there was a lot of competition and so I decided against it. I am thinking of opening up a small shop. Some family members who travel abroad bring me things like facial creams, water filters, that sort of thing, and I am selling. I am also knitting.

Luckily, I was able to pay for my children's education and now that I am back and without a job they are supporting me.

The authorities of the Canton de Vaud gave me 3,000 Swiss Francs (some USD 2,800) and I am investing some of this money in the items that I buy and sell.

It's difficult to decide what type of business to establish when there are so many shops in my neighborhood.

If the cantonal authorities and IOM had not given me this assistance, I would have stayed a while longer in Switzerland until I had earned enough to pay my airfare. IOM's support is vital for migrants to establish themselves back in their country of origin. But I don't consider myself a very courageous person, I am afraid of starting over.

The Programme would be better if it provided the returnees with ideas, working closer with the people; showing videos and making the reintegration process more interactive. Migrants return home, but our mindset is still tuned to the ways things are done over there.

I do think of migrating again. Over there I could work without such a strict age limit; that is another drawback here. If my children marry and start their own families I would like to go back to the same country and city.<sup>66</sup>

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66 Every returnee is entitled to receive reintegration assistance as part of the Swiss Assisted Voluntary Return Programme, but must pay back the entire amount in case he/she returns to Switzerland.

## Handout 1 – Costs of placement abroad

### Box 2.5. How much does it cost? An example from the Philippines

<p>A domestic worker in <b>Hong Kong:</b> legislated placement fee is USD 500</p>	<p>Some agencies charge between USD 1,200 and 2,000. The recruitment agency may also charge additional fees for obtaining a passport, visa, medical certificate, the Philippines Overseas Employment Agency (POEA) processing fee and membership in the Overseas Workers Welfare Association (OWWA).</p>	<table border="1"> <thead> <tr> <th colspan="2">Other expenses (in USD)</th> </tr> </thead> <tbody> <tr> <td>Passport</td> <td>13</td> </tr> <tr> <td>Visa</td> <td>17</td> </tr> <tr> <td>Medical certificate</td> <td>50</td> </tr> <tr> <td>Pre-departure orientation seminar</td> <td>1</td> </tr> <tr> <td>POEA processing</td> <td>100</td> </tr> <tr> <td>OWWA membership</td> <td>25</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>206</b></td> </tr> </tbody> </table>	Other expenses (in USD)		Passport	13	Visa	17	Medical certificate	50	Pre-departure orientation seminar	1	POEA processing	100	OWWA membership	25	<b>TOTAL</b>	<b>206</b>				
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<b>TOTAL</b>	<b>206</b>																					
<p>A factory worker in <b>Taiwan:</b> legislated placement fee is USD 647</p>	<p>Fee for private recruitment agency in the Philippines USD 940            Service fee for agency in Taiwan for first year USD 1,750            Service fee for agency in Taiwan for second year USD 480            Service fee for agency in Taiwan for third year USD 480            There are recruitment agencies in the Philippines that charge between USD 1,400 and 2,400            The women usually pay the agency in the Philippines in cash and the agency in Taiwan through salary deductions.</p>	<table border="1"> <thead> <tr> <th colspan="2">Other expenses (in USD)</th> </tr> </thead> <tbody> <tr> <td>Passport</td> <td>13</td> </tr> <tr> <td>Pre-departure orientation seminar</td> <td>1</td> </tr> <tr> <td>Medical</td> <td>80</td> </tr> <tr> <td>Alien registration card</td> <td>30</td> </tr> <tr> <td>POEA processing</td> <td>100</td> </tr> <tr> <td>OWWA</td> <td>50</td> </tr> <tr> <td>Medical fee in Taiwan</td> <td>100</td> </tr> <tr> <td>Monthly food and accommodation fee in Taiwan</td> <td>75</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>449</b></td> </tr> </tbody> </table>	Other expenses (in USD)		Passport	13	Pre-departure orientation seminar	1	Medical	80	Alien registration card	30	POEA processing	100	OWWA	50	Medical fee in Taiwan	100	Monthly food and accommodation fee in Taiwan	75	<b>TOTAL</b>	<b>449</b>
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Source: Information supplied by M.A. Villalba, Unlad Kabayan, Philippines. *How much does it cost? An example from the Philippine Process.* See Box 2.5 in Booklet 2 of *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003).



## Handout 2 – Model employment contracts

### Box 3.6. Model Employment Contract of the Philippines Overseas Employment Administration

*This employment contract is executed and entered into by and between:*

- A. **Employer:**  
Address and telephone:
- B. **Represented by:**  
Name of agent/company:  
Address:
- C. **Employee:**  
Civil status: \_\_\_\_\_ Passport number: \_\_\_\_\_  
Address: \_\_\_\_\_ Place and date of issue: \_\_\_\_\_

*Voluntarily binding themselves to the following terms and conditions:*

1. **Site of employment**
2. **Contract duration** \_\_\_\_\_ commencing from employee's departure from the point of origin to the site of employment
3. **Employee's position**
4. **Basic monthly salary**
5. **Regular working hours:** maximum of eight (8) hours per day, six (6) days per week
6. **Overtime pay**
  - Work over regular working hours
  - Work on designated rest days and holidays
7. Leave with full pay
  - Vacation leave
  - Sick leave
8. **Free transportation** to site of employment and, in the following cases, free return transportation to the point of origin:
9. **Free food or compensatory allowance** of USD \_\_\_\_\_, free suitable housing
10. **Free emergency medical and dental services** and facilities, including medicine
11. **Personal life and accident insurance** in accordance with host government and/or \_\_\_\_\_ government laws without cost to the worker. In addition, for areas declared by the \_\_\_\_\_ government as war-risk areas, a war-risk insurance of not less than \_\_\_\_\_ shall be provided by the employer at no cost to the worker.
12. In the **event of the death** of the employee during the terms of this agreement, his remains and personal belongings shall be repatriated to the \_\_\_\_\_ at the expense of the employer. In case the repatriation of the remains is not possible, the same may be disposed of upon prior approval of the employee's next of kin and/or by the \_\_\_\_\_ Embassy/Consulate nearest to the job site.
13. The employer shall assist the employee in remitting a percentage of his/her salary through the proper banking channel or other means authorized by law.
14. **Termination:**
  - **Termination by employer:** the employer may terminate this contract for the following just causes: serious misconduct, wilful disobedience of employer's lawful orders, habitual neglect of duties, absenteeism, insubordination, revealing secrets of the establishment,

- when employee violates customs, traditions and laws of \_\_\_\_\_ and/or terms of this Agreement. The employee shall shoulder the repatriation expenses;
- **Termination by the employee:** The employee may terminate this Agreement without serving any notice to the employer for any of the following just causes: serious insult by the employer or his representative, inhuman and unbearable treatment accorded to the employee by the employer or his representative, commission of a crime/offence by the employer or his representative and violation of the terms and conditions of this Agreement by the employer or his representative. The employer shall pay the repatriation expenses back to \_\_\_\_\_.
- B1. The employee may terminate this Agreement without just cause by serving one (1) month in advance a written notice to the employer. If no such notice is served, the employer may hold the employee liable for damages. In any case, the employee shall shoulder all the expenses relative to his/her repatriation back to his/her point of origin.
- **Termination due to illness:** Either party may terminate this Agreement on the ground of illness, disease or injury suffered by the employee. The employer shall shoulder the cost of repatriation.
15. **Settlement of disputes:** All claims and complaints relative to the employment contract of the employee shall be settled in accordance with Company policies, rules and regulations. In case the employee contests the decision of the employer, the matter shall be settled amicably with the participation of the labour attaché or any other authorized representative of \_\_\_\_\_ Embassy or Consulate-General nearest the site of employment. In case an amicable settlement fails, the matter shall be submitted to the competent or appropriate body in (host country) or \_\_\_\_\_ if permissible by the host-country laws at the option of the complaining party.
16. The employee shall observe the employer's company rules and abide by the pertinent laws of the host country and respect its customs and traditions.
17. **Applicable law:** Other terms and conditions of employment that are consistent with the above provisions shall be governed by the pertinent laws of \_\_\_\_\_.

Source: "Guidelines for drawing up written agreements on employment terms and conditions", "Model Employment Contract", and "An employment contract for domestic workers". See Boxes 3.6, 3.7, and 3.8 in Booklet 3 of *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003).

### Case Study 7 – Fictitious newsletter article: draft BLA between country of origin and country of destination on labour migration covering healthcare professionals and care workers

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#### Monthly newsletter: Zapland Senior Citizens Society: “Will our aging society demand more migrant workers?”

While Zapland is a prosperous society, its population is growing old and is in need of long-term care. Projections by the Aging Institute indicate that, in 20 years, the proportion of the *population aged 65 and older will increase considerably*, thus having a major impact on the country’s provision of healthcare and assistance to those in need. This will also have direct implications for the national budget and how resources will have to be allocated among the different social services.

Currently, the need for long-term care is being met mostly by family members, particularly women. However, with increasing numbers of families with two incomes and less reliance on extended families and social networks, it is difficult to combine work and double family obligations. As a result, a great number of families have resorted to employing *live-in care workers* from Ox Country, who enter Zapland under a temporary permit as self-employed individuals with the assistance of employment agencies serving as intermediaries for the growing home-care industry.

During a press conference yesterday, Zapland’s deputy interior minister announced that, next week, officials responsible for programmes related to temporary labour migration would meet with their counterparts from Ox Country. This meeting will serve as an opportunity to start negotiations towards a *bilateral agreement* aimed at facilitating the legal migration of nurses under the new scheme for temporary skilled workers.

This initiative was prompted following intense lobbying by the Nurse and Healthcare Employers Association, which followed the announcement by the interior minister of the upcoming labour agreements between the two countries on temporary seasonal labour. The two associations stated that, within the care system, migrant workers from Ox Country comprised around 20 per cent of the workforce (mostly nurses entering under a complex visa scheme for skilled workers). However, this estimate does not include total figures for the care sector, since statistics on healthcare workers only account for those registered in hospitals and residential and nursing homes, as well as accredited care agencies. In addition, a large number of care workers are employed directly by families and individuals as live-in domestic workers.

All of the relevant stakeholders, including the NGO Association for Migrant Domestic Workers, have highlighted the need to consider migrant women in the care and health sectors as two separate target groups: one comprising highly qualified nurses and a second one home-care workers responsible for the provision of care and support to the elderly and the sick.

Recruitment and placement agencies in Zapland and Ox Country have until now been the main facilitators for employers in the public and private sectors for nurses and care workers. However, the Healthcare Employers Association has urged the government to simplify the process of recruitment through an agreement that foresees the issuing of work permits tailored to these two target groups that clearly specify the category of worker. Furthermore, the Employers Association has also called upon the government to minimize the involvement of private agencies in the process due to the

increased costs they have created for employers in the public sector. The Association for Migrant Domestic Workers supports the recommendations made by the Employers Association because, if they were implemented, they would provide care workers with the right immigration status, as well as curb the abusive practice of recruitment agencies charging very high fees to migrant workers for a placement.

Overall, it is hard to estimate the real potential of future demand for migrant workers in the health and care systems. However, existing facts and information point to three factors: (1) an increased reliance on migrant workers; (2) the need to ensure a stable supply of personnel to provide quality care for Zapland citizens; and (3) the need to ensure that migrant workers are treated fairly given their invaluable contribution to Zapland society.



*Notes  
for the trainer*

- Most migrant nurses stay in their job for long periods of time, despite poor conditions, out of fear of not being able to have their work permit renewed (e.g., because they have changed their employer too many times or because immigration rules have changed, thus making it more difficult to have it renewed).
  - Most migrant nurses are employed by the private healthcare industry, which depends on public funding, and where wages and working conditions are poor (private home-care facilities/nursing homes, hospitals, and clinics). These migrant nurses would like to join public institutions, in particular hospitals, where conditions and career opportunities are better. However, there seems to be fewer job opportunities in the public sector since domestically trained nurses are easy to retain given their permanent contracts and good conditions. In addition, there seems to be a widespread practice among public hospitals when recruiting new staff to prefer younger nurses trained in Zapland (despite their limited years of work experience compared to those from Ox Country).
  - Information from the two associations and NGOs mentioned in the newsletter article points to concerns over a lack of social benefits (sick pay, holidays, and overtime), a lack of pension provisions, and insufficient compliance with minimum-wage and recruitment methods related to nurses.
  - Nurses should be offered language training and appropriate support (psycho-social support and legal assistance in labour disputes), as well as cultural orientation. Such orientation could be offered prior to departure.
- \* Material for the creation of this case study was taken from the COMPAS Report “Migrant Care Workers in Ageing Societies: Research Findings in the United Kingdom”, by Alessio Cangiano, Isabel Shutes, Sarah Spencer, and George Lesson, June 2009.



## Information to be given to Group A

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1. Nurses in Ox Country receive only two years of in-class educational training in comparison with three years for nurses in Zapland. That said, in order to be awarded a diploma, nationals of Ox Country must complete three years of work experience at the University Hospital Nursing School, thus totalling five years of training compared to four in Zapland. You are aware that negotiations on this point will be difficult, since Zapland has a tendency to grade Ox nurses as being less qualified despite their extra year of work experience. Moreover, experience shows ongoing deskilling of nurses from Ox Country who perform tasks below their level of qualifications. In fact, they are often given jobs deemed undesirable by Zapland nurses. In addition, despite their qualifications, they receive fewer promotions and professional opportunities for retraining even when such training courses are conducted in-house, because, as management has stated, “[nurses from Ox Country] are temporary migrants, and we must invest in permanent staff”. The wages of nurses from Ox Country do not reflect their years of experience. In fact, they are lower than the wages of Zapland nationals.
2. Nurses in Zapland are protected by national labour law, but foreign nurses fall under different regulations. This renders migrant nurses more vulnerable to labour abuse, such as being forced to work long hours without appropriate payment, not having the right to refuse night and weekend shifts.
3. Despite the fact that there are provisions for the transfer of social-security benefits, significant bureaucracy on both sides of the border has made it nearly impossible to actually transfer those benefits. Your government should aim to negotiate a provision for the simplification of the system so that nurses can receive their social-security benefits upon return.
4. Zapland’s Health Ministry is seriously concerned about brain drain from Ox Country and would like to have all relevant stakeholders comply with a professional code of ethics. It would also like to see Ox Country compensated for its loss of resources (e.g., funding for healthcare, training of nurses in Ox Country, as well as the provision of technical training in Zapland for nurses in areas where Ox Country still lacks know-how).



## Information to be given to Group B

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1. Your government is likely to give nurses a one-year permit that is tied to their employers. Moreover, you would like candidates to have a high level of technical skills and qualifications. Nurses will be able to change employers but only with justification. You may consider providing migrant nurses the right to government-subsidized training after two years of employment (e.g., language training, technical skills).
2. Migrant nurses will be eligible for permanent residency after five years of successful employment within a six-year period, but this may be subject to change if demand for this category diminishes. Family-reunification rights will be given to those who qualify for permanent residency, and your government should consider the criteria.
3. Your government has been satisfied with the work of recruitment agencies, but, in view of certain criticism, some of the tasks performed by recruitment agencies should perhaps be given to other stakeholders. What services and which entities will be responsible?
4. Based on media reports, you are aware that Zapland's Health Ministry is concerned about brain drain from Ox Country, and Zapland's health minister is likely to ask for resources through the Interior Ministry to compensate Ox Country for its losses. What is your government prepared to offer?
5. Your government is willing to establish a standard employment contract for nurses. In addition, in order to curb abuse of the contract by both parties, your Labour Ministry, in collaboration with the Health Ministry, will provide information on their rights and obligations, which will be included as an annex to the contract.



## Fictitious template of BLA between the governments of Zapland and Ox Country

### **BILATERAL LABOUR AGREEMENT BETWEEN THE GOVERNMENTS OF ZAPLAND AND OX COUNTRY**

The Government of Zapland and the Government of Ox Country, hereinafter referred to as the Parties, inspired by their shared desire to reaffirm their special cultural and regional bonds and regulate the ongoing migration flows between the two countries based on equality and mutual benefit, wishing to enhance co-operation in the field of qualified healthcare workers, hereinafter referred to as nurses, have agreed as follows:

Article 1  
(Name Competent Authorities, Partners)

Article 2  
(Recruitment, Selection, Employment Contract and Issuance of Work Permit, Pre-departure Orientation)

Article 3  
(Admission and Status, Protection/Social Benefits, and Terms of Employment)

Article 4  
(Return and Reintegration)

Article 5  
(Co-development, e.g., mitigating brain drain)

This Agreement shall be valid for three years. It shall enter into force on the date of the later notification by the Parties indicating compliance with their respective internal legal requirements for its entry into force. This Agreement shall be automatically renewed for the same period unless one Party notifies the other in writing of its wish to renounce the Agreement 100 days prior to the expiration thereof.

Signed in Zapland City this (date) in both Zaplandian and the language of Ox Country, with both texts being equally valid.

For Zapland,  
(name of official and title)

For Ox Country  
(name of official and title)

In addition to sample BLAs, the following materials were used in the creation of this case study: *Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination* (Vienna: OSCE, International Organization for Migration, and International Labour Organization, 2006) and *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide* (Geneva: International Labour Office, 2003).



# COURSE EVALUATION

Date: .....

Name: .....

Position: .....

Name of Your Organization: .....

Email: .....

Circle the number that best corresponds to your level of satisfaction with the following statements, **1 being poor** and **5 being excellent**.

PREPARATION	
The trainer clearly stated the training objectives.	1 2 3 4 5
The trainer was well prepared and organized and met the stated agenda.	1 2 3 4 5
The trainer knew the material well.	1 2 3 4 5
The trainer's presentation style was effective.	1 2 3 4 5
Additional comments:	

COMMUNICATION	
The trainer spoke and presented clearly.	1 2 3 4 5
The trainer established a good rapport with the group.	1 2 3 4 5
The trainer created a positive and supportive learning environment.	1 2 3 4 5
The trainer encouraged us to ask questions and make comments.	1 2 3 4 5
The trainer answered questions clearly and in a timely fashion.	1 2 3 4 5
The trainer took the necessary time to resolve any problems and answer all questions.	1 2 3 4 5
Additional comments:	

TRAINING MANUALS AND OTHER MATERIALS	
The trainer covered the course manuals and materials.	1 2 3 4 5
The course manuals and materials were relevant.	1 2 3 4 5
There were enough exercises to practise what we learned.	1 2 3 4 5
I understood the material being taught.	1 2 3 4 5
Additional comments:	

## REFLECTION

1. In your opinion, what was most useful to you? Please be specific.

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2. In your opinion, what was least useful to you? Please be specific.

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3. What will you do differently in your work as a result of this course?

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4. I am confident that I will be able to gender-mainstream? Yes or No (please circle one).  
If "No", please explain.

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5. The training was (circle which statement fits best):

- |                              |                            |                             |
|------------------------------|----------------------------|-----------------------------|
| i. <b>Too long</b>           | <b>Just right</b>          | <b>Too short</b>            |
| ii. <b>Too fast</b>          | <b>Just right</b>          | <b>Too slow</b>             |
| iii. <b>Covered too much</b> | <b>Covered just enough</b> | <b>Did not cover enough</b> |

6. Would you be interested in receiving further training? Yes or No (please circle one)

Please include any additional comments:

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**THANK YOU FOR YOUR FEEDBACK!**