GCM Objective 6

Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work

Issues

Migrant women's labour is often undervalued, underpaid, de-skilled and exploited due to deeply rooted gender inequalities and gender-specific discrimination. Migrant women are overrepresented in informal work, including care and domestic work, with limited or no labour rights protections.

For migrant women with irregular status, the risk of human rights violations and labour abuse is particularly great and includes a heightened risk of debt bondage, domestic servitude, forced labour, labour exploitation and sexual and gender-based violence (SGBV). Given the high demand for migrant women's labour, States should expand alternative pathways for regular migration beyond short-term labour contracts.

These temporary labour schemes are often tied to one employer, can be highly exploitative and do not provide a path to long-term residency or family reunification. Furthermore, migrant workers participating in these schemes cannot enjoy the right to organize in unions and collectively bargain, and the right to freedom of association, the right to join unions and collective bargaining are essential in ensuring migrant women have access to decent work.

Recruitment agencies play a crucial role in facilitating access to decent work and in providing information to migrant women regarding the working and living conditions in countries of destination. However, many of these agencies contribute to the exploitation of women migrant workers by charging unauthorized fees and providing misleading information. Women migrant workers may not be provided with an employment contract by the recruitment agent prior to their departure, and those who are may find themselves forced to sign a new contract in the country of destination with less favourable employment

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conditions.

The ratification and implementation of instruments related to international labour migration, labour rights and decent work is crucial in the promotion of fair recruitment. The ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) is critical to prevent abuse, harassment and violence and promote fair terms of employment and decent working conditions.

Transitioning from the informal to formal economy helps reduce exposure to precarious work conditions and increase access to social protection measures. In addition, it is critical that women migrant workers have access to the same terms and conditions of employment as nationals across all sectors of work, including domestic work, to ensure their full protection by labour law in line with international standards.

Measures

- Regular migration pathways, including those beyond temporary labour schemes, and options for both skilled and low-skilled women migrant workers to access decent work and social protection
- Mandatory training on gender equality, gender-responsive recruitment practices and the rights of women migrant workers for public and private recruitment agencies, labour attachés, consular staff and others
- Regulations for and monitoring of recruitment agents regarding fair and equal treatment of all women migrant workers and the prohibition of recruitment fees and related costs charged to migrant workers
- Social protection coverage across sectors for women migrant workers whether in the formal or informal economy, including domestic work
- Gender-responsive migration laws and policies that mandate decent work and prohibit gender-based discrimination, occupational segregation, violence and harassment in employment and occupation and ensure equal pay for work of equal value for migrant women

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- Promotion and protection of women migrant workers' rights to freedom of association and of peaceful assembly, to participate in workers' and migrant workers' organizations and collective bargaining and to form their own organizations
- Access to effective reporting, complaint and redress mechanisms for migrant women in the informal economy
- Gender-responsive standard employment contracts based on free and fair consent that are in accessible formats for persons with disabilities and understandable to workers, clearly explaining the terms and conditions of employment in a language that the migrant worker understands
- Provision of a free hotline and/or social media messaging service to provide impartial legal advice on work contracts and terms of employment in the country of destination
- Laws and policies that prohibit and sanction the practices of contract substitution, retaining documentation and forced seclusion or locking in homes of women migrant workers, particularly domestic workers
- Prosecution and punishment of labour recruiters, intermediaries and employment agencies engaged in illegal recruitment processes, including for acts of violence, coercion, deception or exploitation
- A publicly accessible database of sanctioned or blacklisted labour recruiters, intermediaries and employment agencies
- Use of transparent online contract repositories as both a method for workers to evidence their contractual agreements when raising complaints or in situations of contract substitution and a tool for labour attachés, recruitment agencies, relevant ministries and departments to monitor employment conditions
- Ratification and implementation of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and ILO Violence and Harassment Convention, 2019 (No. 190)
- Inclusive and gender-responsive training, in collaboration with concerned civil society organizations and employers' and workers' organizations, for labour inspection services, police and other competent bodies to protect women migrant workers from abuse
- Access to justice for migrant women for labour-related claims, including specific complaints mechanisms for harassment and discrimination to assist women in seeking redress

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- COVID-19: Creation of alternative employment opportunities during socio-economic crises such as the pandemic through, for instance, public works programmes
- COVID-19: Universal access to gender-responsive social protection measures and services for all migrants, irrespective of migration status, to ensure a basic income and family and child benefits for those with caregiving responsibilities
- COVID-19: Voluntary repatriation for women in vulnerable situations, including as a result of job loss due to the current pandemic
- COVID-19: Decent working conditions such as occupational health and safety, equal remuneration and adequate support, including transport, childcare, health services and insurance, and other social support and protections for all migrant workers in essential roles, particularly migrant women frontline workers who are often most at risk

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Checklist

Question	Yes	Not yet
Does your State provide regular migration pathways, including those beyond temporary labour schemes, and options for both skilled and lower-skilled women migrant workers, including those in domestic work?	○	○
Does your State facilitate women migrant workers with access to decent jobs with social protection?	○	○
Has your State made gender sensitivity training on the rights of women migrant workers mandatory for public and private recruitment agencies, labour attachés, consular staff and others?	○	○
Does your State have and enforce regulations for recruitment agents regarding fair and equal treatment of all women migrant workers, including prohibiting recruitment fees and related costs to be charged to migrant workers?	○	○
• If yes, are these regulations monitored?	○	○
Does your State provide social protection coverage and access to services across sectors for women migrant workers whether in the formal or informal economy, including domestic work?	○	○
Does your State provide access to effective reporting, complaint and redress mechanisms for migrant women in the informal economy?	○	○

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Question	Yes	Not yet
Has your State adopted gender-responsive laws and policies that mandate decent work and prohibit gender-based discrimination, occupational segregation, violence and harassment in employment and occupation and ensure equal pay for work of equal value for migrant women?	○	○
Does your State promote and protect women migrant workers' rights to freedom of association and peaceful assembly, to participate in workers' and migrant workers' organizations and collective bargaining and to form their own organizations?	○	○
Does your State ensure gender-responsive standard employment contracts based on free and fair consent that are in accessible formats for persons with disabilities and understandable to workers, clearly explaining the terms and conditions of employment in a language that the migrant worker understands?	○	○
Does your State have bilateral labour agreements with other countries that include gender-responsive and human rights-based standard employment contracts?	○	○
Does your State offer a free hotline and/or social media messaging service to provide impartial legal advice on work contracts and terms of employment in the country of destination?	○	○
Does your State provide assistance for debt bondage?	○	○

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Question	Yes	Not yet
Has your State adopted laws and policies that prohibit and sanction the practices of contract substitution, retention of documentation and forced seclusion or de facto imprisonment of women migrant workers, particularly domestic workers in the homes of employers?	○	○
Does your State prosecute and punish labour recruiters, intermediaries and employment agencies engaged in illegal recruitment processes, including for acts of violence, coercion, deception or exploitation?	○	○
• If yes, does your State maintain a publicly accessible database of sanctioned or blacklisted labour recruiters, intermediaries and employment agencies?	○	○
Does your State use transparent online contract repositories as both a method for workers to evidence their contractual agreements when raising complaints or in situations of contract substitution and a tool for labour attachés, recruitment agencies, relevant ministries and departments to monitor employment conditions?	○	○
Has your State ratified and implemented one or both of the following conventions (check box as appropriate)?	○	○
• International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189)	○	○
• ILO Violence and Harassment Convention, 2019 (No. 190)	○	○

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Question	Yes	Not yet
Does your State provide inclusive and gender-responsive training, in collaboration with relevant civil society organizations and employers' and workers' organizations, for labour inspection services, police and other competent bodies to protect women migrant workers from abuse?	○	○
Does your State provide access to justice and safe reporting mechanisms for migrant women for labour-related claims, including specific complaints mechanisms for harassment and discrimination to assist women in seeking redress?	○	○
COVID-19: Has your State created alternative employment opportunities for both nationals and migrants— through, for instance, public works programmes—as part of COVID-19 economic recovery measures?	○	○
COVID-19: Does your State provide universal access to gender-responsive social protection measures and services for all migrants, irrespective of migration status, to ensure a basic income and family and child benefits for those with caregiving responsibilities?	○	○
COVID-19: Does your State offer voluntary repatriation for women in vulnerable situations, including as a result of job loss due to the current pandemic?	○	○
COVID-19: Does your State ensure access to decent working conditions such as occupational health and safety, equal remuneration and adequate support, including transport, childcare, health services and insurance, and other social support and protections for all migrant workers in essential roles, particularly migrant women frontline workers who are often most at risk?	○	○

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