

# **An International Framework for the Protection of Women Migrant Workers**



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## Why do women migrants need specific legal protection?

- **Low regard for women** and the **types of mostly low-skilled and semi-skilled jobs** they perform.
- More likely to face **multiple discrimination** and **various forms of exploitation and abuse** (e.g. non-payment or withholding of wages, lowest wages, workplace violence, non-freedom of movement, bad working conditions) **and inequality** (no right to family reunification, nor to family life, neither to child care support services).
- No right to contribute to social security, mainly health coverage and pension.
- Relatively **more job opportunities for men** migrant workers into legal channels of migration
- Remain outside the **scope of national legislation**
- **Too dependent on the employer** for their working and residence permit



## NECESSARY TO:

- Ensure **reproductive rights** of men and women migrants of child bearing age (e.g. prohibition of exposure to hazardous substances during pregnancy) and **maternity protection** for women migrant workers (including maternity leave and benefits and protection against dismissal);
- **Eliminate discrimination on the basis of pregnancy** (e.g. prohibition to oblige women migrants to undergo obligatory pregnancy tests before they travel or to dismiss and/or deport them when they become pregnant during employment) ; Extend **labour protection to all economic sectors and occupations** including those dominated by women migrant workers;
- Design special measures to **combat harmful gender stereotypes and eliminate discrimination** in migration for employment;
- Eliminate “protective” measures for women which restrict their **entry into safe and productive** migrant work;
- Give **voice and representation** to women migrants to ensure their views and perspectives are taken into account in policy and decision making.
- Provide them flexibility in changing employers



# WIDE SCOPE OF PROTECTION

**\* Unless otherwise specified, *all ILO Conventions apply to both women and men workers irrespective of their nationality.***

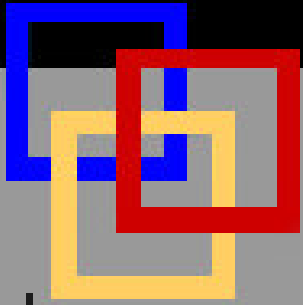
**FRAMEWORK OF PROTECTION composed especially of:**

- **4 KEY Gender Equality Conventions**
- **8 Fundamental Conventions (comprising universal principles and rights that apply to all workers regardless of nationality, residence or migrant status)**
- **2 Migrant Workers Conventions (as an element of employment policy)**

**Other Standards: 3 Employment Promotion Conventions, 5 Working Conditions Conventions, 6 Social Security Conventions, 2 Private and Public Employment Agencies Conventions, as well as those covering sectors with large numbers of migrant workers.**



	ILO			UN			
	C 97	C 143	ICRMW	C 97	C 143	ICRMW	
Albania	*	*	*				
Andorra							
Armenia	*	*					
Austria							
Azerbaijan			*				
Belarus							
Belgium	*						
Bosnia and Herzegovina	*	*	*				
Bulgaria							
Canada							
Croatia							
Cyprus	*	*					
Czech Republic							
Denmark							
Estonia							
Finland							
France	*						
Georgia							
Germany	*						
Greece							
Holy See							
Hungary							
Iceland							
Ireland							
Italy	*	*					
Kazakhstan							
Kyrgyzstan	*		*				
Latvia							
Liechtenstein							
Lithuania							
Luxembourg							
FYROM				*	*		
Malta							
Moldova				*			
Monaco							
Montenegro				*	*		
Netherlands				*			
Norway				*	*		
Poland							
Portugal				*	*		
Romania							
Russian Federation							
San Marino					*		
Serbia				*	*	*	
Slovak Republic							
Slovenia				*	*		
Spain				*			
Sweden					*		
Switzerland							
Tajikistan				*	*	*	
Turkey						*	
Turkmenistan							
Ukraine							
United Kingdom				*			
United States of America							
Uzbekistan							
<b>Total</b>					20	14	7



# PRINCIPLES

- **Equality of opportunity and treatment with respect to employment and occupation** aims at ensuring equal access to employment, vocational training and education, job promotion and advancement, job security, and equal pay for work of equal value and conditions of work. Ensure that workers' performance is rewarded according to productivity and merit, taking into account the objective characteristics of the job (e.g. skills, knowledge, responsibilities, working conditions), and **without interference of considerations unrelated to merit** (e.g. **sex**, race or religion)
- **Non discrimination at work** means any distinction, exclusion or preference based on race, colour, **sex**, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation (for which there is no objective or legitimate justification).



# 4 Key Gender Equality Conventions

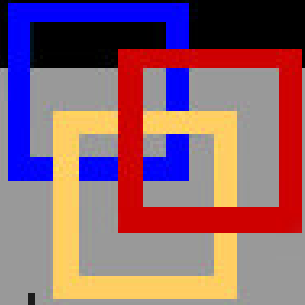
- Discrimination (Employment and Occupation) Convention, 1958 (No.111)- **168 ratifications**
- Equal Remuneration Convention, 1951 (No.100)- **166 ratifications**
- Maternity Protection Convention, 2000 (No. 183)- **15 ratifications**
- Workers with Family Responsibilities Convention, 1981 (No. 156) – **40 ratifications**





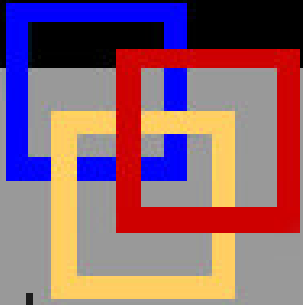
# 8 Fundamental ILO Conventions

- **Discrimination (Employment and Occupation) Convention, 1958 (No.111)** (168)
- **Forced Labour Convention, 1930 (No. 29)** (173)
- **Worst Forms of Child Labour Convention, 1999 (No. 182)** (169)
- Freedom of Association and the Protection of the Right to Organize Convention, 1948 (No. 87) (149)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98) (159)
- Abolition of Forced Labour Convention, 1957 (No. 105) (169)
- Minimum Age Convention, 1973 (No. 138) (151)
- Equal Remuneration Convention, 1951 (No.100) (166)



## **ILO Migrant workers- Specific instruments**

- **the Migration for Employment Convention (Revised), 1949 (No. 97) (48 ratifications, among them 20 OSCE countries)**
  - **Migration for Employment Recommendation (Revised), 1949 (No. 86)**
- **the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) (23 ratifications, among them 14 OSCE countries)**
  - **Migrant Workers Recommendation, 1975 (No. 151)**



# Convention No. 97

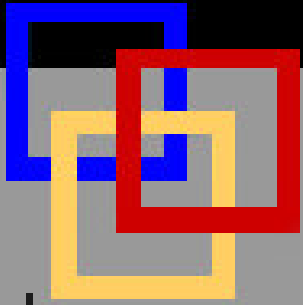
- **Article 6.** Equal treatment (treatment no less favourable than that which it applies to its own nationals) **without discrimination in respect of nationality, race, religion or sex**, to immigrants lawfully within its territory, in respect of:
  - **Conditions of Work (wages, hours of work, overtime arrangements , holidays with pay, etc);**
  - **Membership of trade unions and enjoyment of the benefits of collective bargaining;**
  - **Accomodation**
  - **Social security (with limitations)**
  - **Employment taxes**
  - **Legal proceedings**



## Convention No. 97

### Article 3.

1. Each Member for which this Convention is in force undertakes that it will, so far as national laws and regulations permit, **take all appropriate steps against misleading propaganda** relating to emigration and immigration.
2. For this purpose, it will where appropriate act in co-operation with other Members concerned.

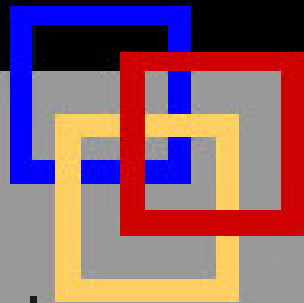


## Convention No. 143 – Main provisions

**States need to take active measures and have a policy to promote equality of opportunity and treatment.**

**Aims at preventing and eliminating abuses and calls for the prosecution of authors of manpower trafficking.**

**Calls for the definition and the application of administrative, civil and penal sanctions in case abuses are committed against migrant workers.**

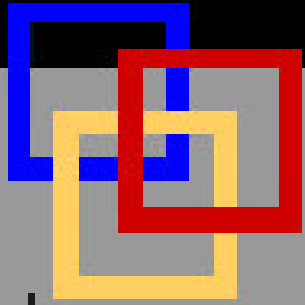


## Convention No. 143 – Minimum standards of protection

**Article 1.** Each Member for which this Convention is in force undertakes to respect the basic human rights of *all* (women and men) migrant workers, whether regular or irregular.

**Article 8.** Mere loss of employment should not automatically lead to irregular migration.

**Article 9.** In the case of irregular migrants, equality of treatment in respect of rights arising out of past employment (remuneration, social security and other benefits).

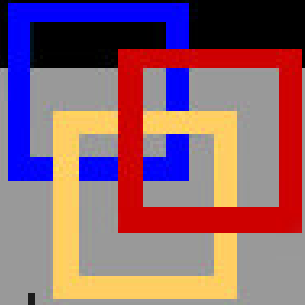


## ILO's Supervisory System

The independent *Committee of Experts on the Application of Conventions and Recommendations* (CEACR): 1. regular supervision or reporting system with periodic and special reports; 2. Complaints procedures

The tripartite *Conference Committee on the Application of Standards* (CAS)

The *Committee on Freedom of Association* (CFA) provide comments on the application of standards.



# Multilateral Framework

- The centrepiece of ILO's 2004 Plan of action on Labour Migration is the *Multilateral Framework on Labour Migration*- A rights-based guide in accordance with ILS and other relevant international instruments. A non-binding instrument that contains a number of principles and guidelines to assist member States to develop more effective labour migration policies.

It **promotes the protection of women migrant workers** in a number of ways, including by **calling for gender-sensitive policies, sex-disaggregated data, the provision of opportunities for decent work for all women of working age, bilateral and multilateral agreements addressing gender-specific trends and measures to address trafficking and assist and protect victims. It also acknowledges the special circumstances of women and children in the context of trafficking and other abusive migration conditions.**