

Group exercise

Drafting of a gender-sensitive BLA

Background: Nicaragua had a huge need for bilingual teachers in their Atlantic Autonomous Region and started a two-year training programme for bilingual teachers.

Six months after graduation of the first bilingual teachers, more than 80% of them had moved to Costa Rica. Most of them were working in the wealthy Costa Rican families as bilingual nannies, who were expected to teach English to the children after the school.

The same phenomena happened after the second and third graduation of bilingual teachers. Most of the students had already an offer to work in Costa Rica, before their graduation. Migration of qualified teachers caused problems to Nicaraguan education system and it was nearly impossible to find competent teachers for the schools in the Atlantic Region.

At the same time, some of the women teachers returned from Costa Rica with bad experiences. Some of them had experienced sexual harassment, and some had been forced to work extraordinary hours in the host family. A few of them had become pregnant, and their contracts were suspended. There were also problems with health care and limitations to be in contact with the family in Nicaragua.

At this point, the Governments of Nicaragua and Costa Rica decided to do something and created a working group to formulate a Bi-lateral Labour Agreement that spells out the obligations and rights of employers and migrants, and the roles of government agencies in recruitment, employment abroad and return.

Objective of the group work:

- 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;
- Be familiar with tools for designing and implementing more efficient and sustainable BLAs, MoUs, and codes for ethical recruitment of foreign professionals from a gender perspective.

Methodology of the group work (4 persons in every group)

- Two persons of each group represent the negotiators from the Country of Origin (Nicaragua) and two are from Country of Destination (Costa Rica).

Task: Design a gender-sensitive Bilateral Labour Agreement between Costa Rica and Nicaragua. As negotiators from the two countries, try to have a common understanding of the inclusion of specific gender-sensitive measures throughout the design and implementation of such agreement. Use the case of bilingual teachers as an example and try to include codes for the ethical recruitment.

Presentation of the exercise: Explain the results of the negotiation and the outcome of the inclusion of specific gender-sensitive measures throughout the design.

Discuss in your group if there is a need to:

- ✓ Include gender-specific provisions into the agreement or do you think that women can benefit from the general good practices of the new agreement that you are going to design?
- ✓ Acknowledge female-specific vulnerabilities by establishing protection measures concerning violence against women in the workplace and in workers' accommodations that are provided for domestic labour?
- ✓ Implement a complaint mechanism for harassment?
- ✓ Provide specific healthcare and social security benefits for migrant?
- ✓ Consider the portability of retirement pensions, social security and health benefits?
- ✓ Disseminate information on legal migration opportunities and migrants' rights and obligations to minimise the risk of female migrants workers being exploited?
- ✓ Provide information on arrival on national immigration and labour laws, the social welfare system, information on complaints mechanism and contact details of counselling organisations?
- ✓ Introduce ethical recruitment codes? Should Costa Rica compensate Nicaragua for losing their trained bilingual teachers?
- ✓ Recognise Nicaraguan teachers certificate in Costa Rica?
- ✓ Implement a gender-sensitive monitoring mechanism for sectors where a high proportion of women are employed (healthcare, domestic services, tourism)?

Some facts:

- ✓ Monthly salary of a bilingual teacher in Nicaragua is \$ 140 per month.
- ✓ The monthly salary for bilingual nanny/personal tutor in Costa Rica (expected to work as a maid during the day time) is between \$250–\$350.
- ✓ Most of the host families (employers) don't pay the social security fee of their employees. This means that women don't have access to public health services.
- ✓ The cost to send remittances from Costa Rica to Nicaragua is 22%.
- ✓ The cost to train a bilingual teacher in Nicaragua is \$ 22,000.
- ✓ 90% of the students are women.

Consider the use of the following instrument:

- ✓ Gender impact assessment of the agreement
- ✓ Gender-sensitive monitoring mechanisms
- ✓ Extended use of ethical recruitment codes, by expanding them to private sector