

FRIENDS OF WOMEN WORKERS ASSOCIATION

MIGRANT WOMEN WORKERS IN JORDAN: THE CASES OF RUNAWAYS (Excerpts from the Research Report)

Background

Domestic workers, the majority of whom are women, constitute a large portion of today's migrant worker population. Domestic work is the largest category of employment among women migrants in the Arab region, particularly in the Gulf States, Lebanon and Jordan. As many as 81 percent of all migrant women workers from Sri Lanka and 39 percent from the Philippines participate in paid domestic labour.¹ Furthermore, in 2001, between 85 and 94 percent of all Sri Lankan workers in Lebanon, Kuwait and Jordan were women.² Many middle-income Arab countries receive thousands of migrant women domestic workers each year.

Various factors explain the increasing demand for foreign domestic workers throughout the Arab region. The oil boom in the 1970's brought an improvement in living standards, and an increasing number of families have begun living away from larger, extended family networks, which have traditionally acted as a basis of support.³ With more women leaving the house for work and a resulting increase in household income, combined with the relatively low cost of hiring a domestic worker, many Arab countries have witnessed a growth in the numbers of foreign domestic workers.

Legislation concerning migrant domestic workers in most Arab countries is weak, creating a situation whereby the contractual relationship between a domestic worker and his or her employer is either not addressed or vaguely defined.

In March 2000, in response to the critical need to address these issues, UNIFEM Amman began collaborating with other UNIFEM offices in the Asia-Pacific region to examine the human rights of migrant women workers, with a specific focus on their working conditions, legal protection and social and economic status.

Since then, a number of important steps have been taken. In August 2001, UNIFEM signed a Memorandum of Understanding (MOU) with the Jordanian Ministry of Labour as the implementing agency. A multi-stakeholder committee consisting of representatives of other concerned ministries, embassies of source countries, the Jordanian National Commission for Women and the Jordanian Women's Union was established under the chairmanship of the Ministry of Labour to monitor and implement activities. With the active support of UNIFEM, which has been working closely with the Ministry of Labour and other stakeholders, the Jordanian Ministry of Labour is engaged in the following:

- Is currently in the process of reviewing the existing labour laws and regulations in order to extend coverage to domestic workers and to recognize and enforce their rights and protections.
- Has drawn up and endorsed a Unified Special Working Contract for Non-Jordanian Domestic Workers. The contract covers substantive rights and provisions for migrant domestic workers.
- Has adopted a law that enforces the official registration of recruiting agencies and enables the Ministry of Labour to monitor the performance of these agencies and issue governing regulations.

Introduction

The objective of this study is to explore the various means of empowering the status of Sri Lankan, Filipino and Indonesian domestic workers in Jordan. In specific, the research highlights the challenges faced by domestic workers, with a special focus on runaways, vis-à-vis the agencies concerned with their presence in Jordan. These include the employer's household, relevant embassies, intermediary agencies, authorities and ministries. Runaway domestic workers provide an entry point and a focus for the study. The report discusses the obstacles they confront throughout the migration process, from the moment they enter the household in which they are meant to work and reside, to the point at which they run away.

Summary of Research Results

1. *The Runaway Domestic Worker*

According to staff at the embassies of the Philippines and Sri Lanka, one of the biggest burdens they face is that associated with runaway domestic workers. Embassy representatives and lawyers interviewed for this study stated that despite the lack of official figures on the rate and incidence of domestic workers who flee their employers' homes, the problem has become one of great significance. Unofficial statistics provided by the Sri Lankan Embassy suggest that on average, 100 women run away each month, with approximately 5 per day seeking refuge at the embassy. The Embassy of the Philippines, on the other hand, reported a slightly smaller average of 90 runaways per month. The head of the Domestic Workers Section of the Embassy of Indonesia stated that the embassy received an average of 6 to 8 runaways per day.

The following is a list of the most commonly cited challenges facing foreign domestic workers in Jordan:

1. **Culture shock:** As a result of language barriers and cultural differences, many migrant domestic workers feel lonely and isolated in Jordan. Sri Lankans, for example, are shocked when, upon arrival, they are told to cut their hair. In many households in Jordan, long hair is perceived as dirty. For Sri Lankan and Indonesian women, on the other hand, long hair symbolizes fertility and femininity. Another shock some Sri Lankans have faced is the inability to bathe when they please. Water is abundant in Sri Lanka but comparatively scarce in Jordan. According to embassy officials, employers often restrict employees' water usage because they do not want to "waste" water on them.

Another problem relates to stereotypes about Filipina women, who are often regarded as promiscuous and unable to respect local traditions valuing woman's chastity. According to embassy officials, Filipina women are often suspected of sexual misconduct and locked inside employers' homes in an attempt to pre-empt bad behaviour.

2. **Employer or agency withholding worker's passport:** This practice seems to be very prevalent. Employers generally do not regard withholding a worker's passport as a violation of human rights despite the fact that it is illegal under both national and international law. Employers see this as a guarantee against potential misconduct on behalf of the domestic worker. All three women interviewed for this study verified that their passports had been withheld by their employers; the two runaways now have no way to retrieve their passports from their former employers.
3. **Detention:** Domestic workers are generally perceived as property and are prevented from leaving the house without the employer's permission. It is common practice for a migrant worker to arrive in the country and remain housebound until she leaves for the airport upon completing her two-year contract, or until she runs away, as was the case with 2 out of the 3 workers interviewed for this study. One was caught and imprisoned after being accused of having stolen from her employer before she ran away. The other managed to escape and currently works in a salon.

4. **Unsuitable and inadequate accommodation:** Many domestic workers sleep in kitchens, on living room couches, in bathrooms, hallways or other such places, where they lack privacy.
5. **Excessive work:** According to the Labour Attaché of the Philippines Embassy, many migrants work up to 20 hours a day; the average number of working hours for domestic workers is reportedly 15. This hampers their ability to get sufficient amounts of sleep.
6. **Insufficient food:** Some domestic workers face a lack of respect regarding their personal eating habits and customs. In some cases, employers forbid domestic workers to eat the same type or quality of food as family members, as this may be considered too costly. Filipinos, for example, are accustomed to eating rice and not bread. Yet in Jordan, bread is the staple food and rice is often considered a luxury.
7. **Abuse:** Verbal and psychological abuse are commonly reported by runaways. Language barriers between domestic workers and their employers may lead to misunderstandings and frustration, which may then precipitate verbal or psychological abuse.
8. **Beatings and sexual abuse:** There is currently no efficient system by which to monitor and report cases of sexual abuse, a point that has been emphasized by lawyers and embassy officials. According to the Philippines Embassy, 10 cases of rape and sexual abuse were reported in 2005. The Sri Lankan Embassy noted that many Sri Lankan runaways complain of some form of sexual abuse. Statistics from the Family Protection Unit indicate that between 1998 and 2005, 97 women brought to the unit were confirmed as having undergone some form of sexual abuse, including rape (52 cases), attempted rape (8 cases), indecent assault (26 case), and sexual harassment (11 cases). As these figures demonstrate, despite the absence of an efficient monitoring system, many cases of assault and sexual abuse have been documented.
9. **Non-Payment:** According to officials and lawyers at each of the three embassies consulted, the most common injustice that domestic workers face is the failure of their employers to pay their salaries. Employers reportedly have refused to pay the amount agreed upon in the contract, or have withheld the worker's salary for several continuous months. In some cases, they have refused to pay the workers' salary for the entire working period. Often, when employees complain about non-payment to their embassy or to the police, they are reprimanded or accused of stealing. If accusations of theft are proven to be true, the employer may be absolved of all payment obligations set forth in the contract. In the case of one individual interviewed for this study, the employer coerced the employee into signing a piece of paper claiming that she had received her paycheck despite the fact that he had never paid her.

2. Role of the Embassy

As lawyers and embassy officials have explained, embassies lack the capacity and the financial means to serve all of those who approach them. Often, support must be administered on an ad-hoc basis. Moreover, the Ministry of Interior, Ministry of Labour and Department of Immigration do not have a follow-up system in place to track such women. Papers may get lost along the way, and a bloated bureaucracy may become an obstacle. In some instances, decisions are taken on an ad-hoc basis and depend on the individual in charge.

Interviews conducted with lawyers, the Recruiting Agencies Association, and the Ministry of Labour's Directorate for Domestic Workers suggest that embassies often play a major role in abusing the rights of workers from their own countries. Allegations were made against the Indonesian as well Philippines Embassies. However, because of their diplomatic status, they remain protected from accountability and transparency. According to the agencies mentioned above, embassies may see an advantage in keeping runaways on their premises, as they provide additional sources of income for the embassy, either at an individual level, or for the embassy as a whole. Workers may be granted accommodation provided that they give the embassy a portion of the income they earn as day-labourers in hotels, spas, beauty salons or restaurants. In such cases, the embassy may not be inclined to conduct the procedures required to

send a runaway domestic worker home or to place her in an alternative household through an agreement with the recruiting agency or former employer.

3. Work Permit Fines

Work permit fines are the main reason most runaway domestic workers, as well as those who have completed their work contracts, find themselves trapped in the country. The normal procedure is for embassies' labour councilors or attachés to follow through with cases involving runaways whose fines have not been paid. Often, they try to return runaways to the agency that brought her to the country in order to place her in another household. This, however, requires permission from her former employer, who may decide to give her up but not to pay the residency fees required for her to leave the country. Once the worker begins working in a new place, it is difficult for her to go back to her former employer to follow-up on the payment of residency fees. By the same token, most women cannot stop working, as they need the income in order to survive.

4. The Labour Law

In most Arab states, including Jordan, labour laws do not extend to women domestic workers. Domestic workers are employed in households, which are not considered workplaces, and work for private persons, who are not considered employers. Additionally, private homes are not subject to any form of supervision by labour inspectors.

Thus, the employment relationship between a domestic worker and the head of a household is not addressed in the national legislation, thereby denying those employed in homes the status of "real workers" entitled to labour protection. Domestic workers may, however, be governed by the general principles of the Jordanian Civil Code.

5. Ministry of Labour

5.1 Special Working Contract for Non-Jordanian Workers

In 2003, the Ministry of Labour endorsed a "Special Working Contract for Non-Jordanian Domestic Workers", which aims to reduce the number of fake, unrecognized and unapproved contracts between employers and domestic workers. The Special Working Contract guarantees migrant workers' rights to life insurance, medical care, a designated day off every week, and the right to obtain a return ticket home upon completion of the two-year contract period.

The contract, which aims to improve coordination between Jordan and migrant-sending countries, is the first of its kind in the country and is a model for other Arab states. It is a legally valid contract to be signed by the recruiting agency, employer and domestic worker, and should be certified and sealed by the worker's embassy and endorsed by the Jordanian Ministry of Labour. The contract is the basis upon which migrants' residence permits, work permits and visas to enter Jordan are obtained.

5.2 Directorate for Domestic Workers

The Ministry of Labour's Directorate for Domestic Workers was officially opened in May 2006. Since then, the directorate has introduced several measures to monitor what was a booming yet mostly illegal recruitment industry in Jordan.

4.3.3 Pre-Payment of Work Permit Fees

Upon submitting a request with the Ministry of Labour to bring a domestic worker into the country, Jordanian employers are now expected to pay a fee of JD 300 for the required work permit. This

measure was instituted in order to avoid the problems faced by domestic workers when employers neglect to pay these fees after they have arrived. While the new regulations have put the Recruiting Agencies Association at odds with the Ministry of Labour, the Ministry insists it will continue to enforce the new measure because it is the only solution available at this time.

4.4 Recruiting Agencies

Out of 120 known recruiting agencies, 85 are registered with the Recruiting Agencies Association and 95 are registered with the Ministry of Labour. According to its director, the association's role is to defend the rights of recruiting agencies by monitoring their actions and investigating agencies believed to be acting illegally. As the association's director explained, illegal agencies continue to operate despite laws requiring registration with the Ministry of Labour. In doing so, they create obstacles for legally registered agencies to gain credibility and trust from the government and average citizens.

5. Conclusion

The results of this study indicate that the fate of migrant domestic workers is entwined within a web of laws, rules and regulations through which their status is gradually being improved. While Jordanian law explicitly excludes domestic workers from its provisions, the Ministry of Labour has recently taken commendable steps to protect the rights of foreign domestic workers. Endorsing a special contract for non-Jordanian workers, imposing a pre-payment condition on employers applying to recruit domestic workers, and forming a new directorate are all positive steps toward improving workers' rights. These initiatives demonstrate the government's commitment to change and willingness to impose financial and other conditions in order to ensure the safety of foreign workers.

However, lawyers and embassy officials believe that, rather than endorsing "rules and regulations", what is needed is an amendment to the existing labour law. Lawyers emphasize that as long as changes are limited to "rules and regulations", they will continue to be subject to debate in court and that this could hinder the full protection of migrants' rights. Hence, lawyers recommend that pressure groups should be formed in order to lobby for changes in labour law and to tackle issues at the judicial level rather than only at the societal level.

The findings of this study indicate that migrant domestic workers in Jordan face serious human rights abuses which are in violation of international law. By the same token, efforts have been made to ameliorate the situation. Whether or not the reforms imposed through the implementation of "rules and regulations" will endure or be overturned by the next labour minister remains to be seen. Most important, perhaps, is the need to study the effects of such reforms at the ground level. To date, there is no information concerning the impact of such changes on domestic workers themselves.

6. Recommendations

Based on the research findings and suggestions offered by each of the interviewees, the following is recommended to the Friends of Women Workers Association in order to facilitate its work as an NGO dedicated to protecting the rights of migrant women workers in Jordan:

1. ***To act as a focal point on issues facing migrant women workers. This includes the following:***
 - To undertake relevant research into areas in which data is lacking. Based on observations made during the fieldwork and summarized above, quantitative information is lacking concerning: The incidence of violence against and sexual and psychological abuse of migrant women workers; The incidence domestic workers who run away from their employers' homes; The fate of runaway domestic workers.
 - The provision of a shelter for runaway domestic workers that will:
 - i. Provide temporary accommodation for runaway women.
 - ii. Act as an assessment and advisory body to transfer cases of women once they arrive at the shelter to relevant authorities.

iii. Provide a 24-hour professional staff to meet the needs of those women and their children.

- The provision of a 24-hour hotline for domestic workers that will provide advice and act as an information source for legal and other issues arising from the “culture shock” experienced by domestic workers.

2. *Legislative reform:*

- To take the lead in forming a national pressure group to advocate for changes in the labour law at the judicial level to include domestic workers.
- To work with a core group of lawyers to advocate for the implementation of enforcement mechanisms for international conventions protecting the rights of workers.

3. *Campaigning and Awareness-Raising:*

- To organize large-scale awareness-raising campaigns utilizing conferences, workshops, meetings, the Internet and print media. Billboards and posters alone are not sufficient. They must be part and parcel of an overall campaign aimed at raising awareness, which addresses schools and the community at large.
- To work with embassies to campaign for awareness so that not only Jordanian citizens, but also the domestic workers themselves, become aware of their own rights and duties.

4. *Capacity Building of Recruitment Agencies:*

- To carry out large-scale training of recruitment agency staff on orientation skills for newly arrived domestic workers so that they become aware of their rights and duties as provided for in the law.
- Training may be carried out on a training-of-trainers basis, whereby the NGO initially works with a core group of recruiters from agencies who may then transfer their skills to employees at other agencies.

5. *Capacity Building of Friends of Women Workers Association:*

- To build a core group of staff that will act as an umbrella group coordinating the efforts of all other relevant bodies, including government agencies, recruiting agencies and embassies.
- To enlist the support of a core group of young volunteers to be trained to support and receive runaways.
- To work in partnership with local organizations, such as JOHUD, Freedom House and ZENID, that already have established women’s rights projects and credibility amongst the Jordanian population.
- To focus initially on West Amman, which, according to most interviewees, is the area where the most acute problems occur.