

# Addressing labour exploitation of women workers through taking forward the outcomes of the Global Tribunal of Women Workers

## Part E: Care work, social protection, decent work, and informalisation



University of  
**Nottingham**  
Rights Lab



Celebrating  
**30**  
years of  
Global South Feminism



**GLOBAL SOUTH  
WOMEN'S FORUM**  
ON SUSTAINABLE  
DEVELOPMENT

# **Addressing labour exploitation of women workers through taking forward the outcomes of the Global Tribunal of Women Workers**

---

**A toolkit for advocacy by women's human rights organisations in South and Southeast Asia advancing gender equality in the world of work**

**July 2023**

## Authorship and acknowledgements

This toolkit was prepared by Urmila Bhoola (Rights Lab Principal Research Fellow in Global Antislavery Justice, University of Nottingham) and Dr Katarina Schwarz (Rights Lab Associate Director Law and Policy) as part of the *Women worker rights and modern slavery in South and Southeast Asia* project. We acknowledge the initial research conducted by Raaya Gomez from IWRAW Asia Pacific for this Part.

This toolkit is part of a project that the Rights Lab, University of Nottingham conducted in partnership with IWRAW Asia Pacific, to understand the forms of labour exploitation in specific countries in South and Southeast Asia that create the conditions for modern slavery to thrive.

---

We would like to offer our thanks and appreciation to IWRAW Asia Pacific for its thematic research briefs. We also thank collaborating organisations, in particular: AWAJ Foundation, LWIRE Philippines, AMMPO, Pertimig, Women’s Centre Sri Lanka and WOFOWON Nepal for contributing their time and expertise to roundtable discussions in Malaysia and Nepal and providing input for this toolkit. We are also grateful to the IWRAW Asia Pacific for their thematic research reports on the topics covered in the Global Tribunal of Women Workers. Lastly, thanks to the IWRAW Asia Pacific communications team for their editing support.

---

This toolkit was developed with support from the University of Nottingham’s ESRC Impact Acceleration Account ES/T501992/1.

## Table of abbreviations

<b>AMMPO</b>	Asosasyon ng mga Makabayang Manggagawang Pilipino Overseas (Association of Nationalist Overseas Filipino Workers)
<b>BMA</b>	Bangkok Metropolitan Administration
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CESCR</b>	United Nations Committee on Economic, Social and Cultural Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ILO</b>	International Labour Organisation
<b>ITUC</b>	International Trade Union Confederation
<b>IWRAW</b>	International Women’s Rights Action Watch
<b>JWG</b>	Jury Working Group
<b>OHCHR</b>	UN Office of the High Commissioner for Human Rights
<b>PC</b>	Participatory Committee
<b>RMG</b>	Ready made garments
<b>SENTRO</b>	Sentro ng mga Nagkakaisa At Progresibong Manggagawa
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UFW</b>	Unacceptable forms of work
<b>UN</b>	United Nations
<b>UPR</b>	Universal Periodic Review

# Contents

Authorship and acknowledgements	2
Table of abbreviations	2
1. About the toolkit	4
1.1. Who should use the toolkit?	5
2. Relevant international human rights and labour rights instruments	6
3. International norms and concepts of decent work, care work, social protection, and informal work	7
4. Testimony about rights violations presented to the Global Tribunal of Women Workers	6
4.1. Summary of evidence	6
4.2. Selected witness voices	7
5. Findings and recommendations of the Jury Working Group	13
5.1. Findings	13
5.2. Recommendations	14
6. Areas for law and policy advocacy identified by organisations to take forward from the Global Tribunal of Women Workers	17
6.1. Achieving decent work for migrant domestic workers in Malaysia	17

# 1. About the toolkit

This toolkit is a collection of materials from the Global Tribunal on Women Workers (“the Tribunal”), designed to assist advocacy organisations and interested individuals in undertaking activities to take forward the outcomes of the Tribunal. The toolkit is part of a project that the Rights Lab, University of Nottingham conducted in partnership with IWRAW Asia Pacific, to understand the forms of labour exploitation in specific countries in South and Southeast Asia that create the conditions for modern slavery to thrive.

The toolkit provides information on:

- 1) The international human rights and labour laws that protect women workers from exploitation.
- 2) The key issues that women discussed at the Tribunal.
- 3) The testimonies presented by witnesses at the Tribunal.
- 4) The findings and recommendations of Jury Working Groups presiding at the Tribunal.
- 5) The areas for law and policy advocacy identified by organisations to take forward the Tribunal outcomes.

The toolkit is constructed as follows:

- › **Part A:** Introduction to the Global Tribunal of Women Workers and the international conventions applicable to the human and labour rights of women workers
- › **Part B:** Ending gender-based violence and harassment in the world of work
- › **Part C:** Wage inequality, living wage, and equal pay for work of equal value
- › **Part D:** Freedom of association, collective bargaining, and the right to unionisation
- › **Part E (this part):** Care work, social protection, decent work, and informalisation
- › **Part F:** Health rights, including occupational health and safety, mental health, and sexual and reproductive health and rights

## 1.1. Who should use the toolkit?

This toolkit can be used by women’s rights organisations, trade unions, legal advocates and activists to identify the relevant international and regional human rights and labour rights instruments relevant to care work, social protection, decent work, and informalisation. It provides detailed guidance on the use of international norms and conventions to enforce rights of women workers ensure decent work and social protection, recognise care work and respond to informalisation.

Table 1: Overview of content

<b>1. Relevant international human rights and labour rights instruments</b>	This section provides a list of the relevant international and regional human rights and labour rights instruments relevant to care work, social protection, decent work, and informalisation.
<b>2. International norms and concepts of decent work, care work, social protection, and informal work</b>	This section reviews key international norms applicable to the issue of care work, social protection, decent work, and informalisation.
<b>3. Testimony about rights violations presented to the Global Tribunal of Women Workers</b>	This section outlines the rights violations identified by witnesses providing testimony at the Global Tribunal of Women Workers relevant to care work, social protection, decent work, and informalisation.
<b>4. Findings and recommendations of the Jury Working Group</b>	This section summarises key findings and recommendations of the Jury Working Group on care work, social protection, decent work, and informalisation, with key takeaways for governments, businesses, non-governmental organisations, trade unions, and multilateral agencies.
<b>5. Areas for law and policy advocacy identified by organisations to take forward from the Global Tribunal of Women Workers</b>	This section presents examples of good practice and advocacy by organisations that participated in the Global Tribunal, and key commitments from these organisations to take forward the recommendations of the Jury Working Group.

## 2. Relevant international human rights and labour rights instruments

This section provides a list of the relevant international and regional human rights and labour rights instruments relevant to care work, social protection, decent work, and informalisation.

This list reflects only those instruments relevant to addressing the thematic area of decent work, care work, social protection, and the informal economy. Human and labour rights conventions applicable generally to women workers can be found in Part A of this toolkit.

### UN Conventions

- › Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)
- › CEDAW Committee, General Recommendation No. 34 (2016) on the Rights of Rural Women, CEDAW/C/GC/34
- › CEDAW Committee, General Recommendation No. 27 on Older Women and Protection of their Human Rights (16 December 2010), CEDAW/C/GC/27
- › CEDAW General Recommendation No. 26 on Women Migrant Workers (5 December 2008), CEDAW/C/2009/WP.1/R
- › The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)

### Labour Standards

- › ILO Workers with Family Responsibilities Convention No. 156 (1981)
- › ILO Workers with Family Responsibilities Recommendation No. 165 (1981)
- › ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention No. 159 (1983)
- › ILO Indigenous and Tribal Peoples Convention No. 169 (1989)
- › ILO Part Time Work Convention No. 175 (1994)
- › ILO Social Security (Minimum Standards) Convention No. 102 (1952)
- › ILO The Maintenance of Social Security Rights Convention No. 57 (1982)
- › ILO Maternity Protection Convention No. 183 (2000)
- › ILO Recommendation concerning national floors for social protection No. 202 (2012)
- › ILO Recommendation No. 204, Transition from the Informal to the Formal Economy (2015)
- › ILO Employment Policy (Supplementary Provisions) Recommendation No. 169 (1984)
- › ILO Minimum Age Convention No. 138 (1973)
- › ILO The Home Work Convention No. 177 (1996)
- › ILO Migration for Employment Convention (Revised) No. 97 (1949)
- › ILO Migration for Employment Recommendation (Revised) No. 86 (1949)
- › ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers No. 143 (1978)

### 3. International norms and concepts of decent work, care work, social protection, and informal work

This section reviews key international norms applicable to the issue of care work, social protection, decent work, and informalisation.

#### Decent work

The right to work is an international human right given to everyone.<sup>1</sup> Also, the United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR), which monitors compliance by UN States Parties to the International Covenant on Economic, Social and Cultural Rights, has made it clear that **the right to work means the right to *decent work***.<sup>2</sup>

Decent work broadly refers to work done with dignity, freedom, equality, and security. The International Labour Organisation (ILO) refers to it as including “opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for all, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men.”<sup>3</sup> The ILO advances the goal of decent work through several initiatives including the Decent Work Agenda.<sup>4</sup>

The ILO has in recent years recognised a broader concept as an extension of their Decent Work Agenda: “Unacceptable forms of work” (UFW) which is defined as “work in conditions that deny fundamental principles and rights at work, put at risk the lives, health, freedom, human dignity and security of workers or keep households in conditions of poverty.”<sup>5</sup> In labour law generally, unacceptable forms of work include forced labour, domestic servitude, and other forms of modern slavery.

#### Care work

The care economy consists broadly of early childhood education, social work, healthcare services, and care of the disabled and elderly. Care work refers to both direct, personal, and relational care activities, such as feeding a baby, and indirect care activities such as cooking and cleaning.<sup>6</sup> Care work can be both paid and unpaid. Unpaid care work presents a key obstacle to gender equality, and its impacts extend into the world of work. It has been defined as “all unpaid services provided within a household for its members, including care of persons, housework and voluntary community work.”<sup>7</sup> Unpaid care work is an important social and economic activity, and it is pivotal to the total wellbeing of individuals, families, and communities.

<sup>1</sup> Article 6, International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966.

<sup>2</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 18: The Right to Work (24 November 2008) E/C.12/GC/18, para 7.

<sup>3</sup> See <https://www.ilo.org/global/topics/decent-work/lang-en/index.htm>

<sup>4</sup> See footnote 3 above.

<sup>5</sup> Judy Fudge and Deidre McCann, ‘Unacceptable Forms of Work: A global and comparative study’ (2015) ILO [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/documents/publication/wcms\\_436165.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/documents/publication/wcms_436165.pdf)

<sup>6</sup> ILO, ‘Care Work and Care Jobs: For the Future of Decent Work’ (2018) at [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_633135.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_633135.pdf)

<sup>7</sup> Diane Elson, ‘Progress of the World’s Women 2000’ (2000), UNIFEM Biennial Report, United Nations Development Fund for Women at <https://www.unwomen.org/en/digital-library/publications/2000/1/progress-of-the-world-s-women-2000>



The statistics pertaining to the care economy are glaring. In 2018, the global care workforce was estimated to consist of 381 million workers—249 million women and 132 million men.<sup>8</sup> In 2022, the ILO found that women in the health and care sectors on average earned 24% less than their male peers.<sup>9</sup> The ILO also determined that there has been an increased demand for paid care work in the last decade, consequent to changes in family structures, higher dependence ratios, and changing care needs. By 2015, an estimated 2.1 billion people were in need of care, and the ILO predicted that this will increase to 2.3 billion by 2030.<sup>10</sup>

A large proportion of care work falls on women and girls particularly due to gender roles and stereotyping. In addition, economic and social policies lead to women having to fill the gap as unpaid carers as a result of cuts in funding of public care services as part of austerity measures during economic crises, and a reduction in social investment.<sup>11</sup> The fact that a large proportion of care work is carried out by women means that they are in lower paid jobs, which in turn limits their options of securing decent work and may also push them into the informal sector. This means they are forced to accept undervalued and underpaid work with no social protection. Moreover, many of the women engaged in care work are from marginalised and vulnerable groups, who consequently experience low pay, poor working conditions, and violence and harassment at work. The Covid-19 pandemic exacerbated the inequalities between men and women in relation to housework and family responsibilities, thereby pushing a significant number of women out of the global workforce.<sup>12</sup>

Civil society organisations continue to demand that unpaid care work should be **recognised, reduced and redistributed**. Care work can be redistributed in multiple ways to ensure gender equality. It could include increased maternity leave and more holistic maternity benefits, equal amounts of maternity and paternity leave, and family-friendly working conditions including flexible working hours and remote work. In addition, unions and civil society have been demanding that government increase their investments in care,<sup>13</sup> tackle the challenges that an ageing population poses, and help redress the exclusion of women from the labour market.<sup>14</sup>

The ILO's '5R Framework for Decent Care Work' goes beyond this to state that there are *five* key components for achieving decent work in the care economy: **Recognising, Reducing, and Redistributing** care work; **Rewarding** paid care work through more and better quality jobs; and ensuring **Representation, social dialogue and collective bargaining** for care workers.<sup>15</sup> Different social movements have been advocating for better conditions in the care economy. For instance, in 2019 global unions held a day of action to support investment in the care economy.<sup>16</sup>

---

“Investing in care will create numerous quality jobs, narrow the gender pay gap, facilitate access to decent jobs for women, and also enhance economic and human development.”<sup>17</sup>

---

---

<sup>8</sup> See footnote 6.

<sup>9</sup> ILO, 'Women in the health and care sector earn 24% less than men' (July 2022) at [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_850968/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_850968/lang--en/index.htm)

<sup>10</sup> See footnote 6.

<sup>11</sup> ILO, 'Empowering Women at Work: Trade Union Policies and Practices for Gender Equality' (2020) at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---multi/documents/publication/wcms\\_760529.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_760529.pdf), 38

<sup>12</sup> ILO, 'Care at work: Investing in care leave and services for a more gender equal world of work' (2022) at [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_838653.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_838653.pdf)

<sup>13</sup> ITUC, 'Investing in the care economy: a gender analysis of employment stimulus in seven OECD countries' (2016) <https://www.ituc-csi.org/investing-in-the-care-economy> and ITUC, 'Investing in the care economy: simulating employment effects by gender in countries in emerging economies' (2017) at [https://www.ituc-csi.org/IMG/pdf/care\\_economy\\_2\\_en\\_web.pdf](https://www.ituc-csi.org/IMG/pdf/care_economy_2_en_web.pdf)

<sup>14</sup> ITUC, 'The Crucial Role of Trade Unions in the Implementation of the Beijing Platform for Action Beijing +25' (no date) at [https://www.ituc-csi.org/IMG/pdf/beijing\\_25\\_report\\_en.pdf](https://www.ituc-csi.org/IMG/pdf/beijing_25_report_en.pdf).

<sup>15</sup> See footnote 13.

<sup>16</sup> 'Advancing women's human rights through gender responsive, quality public services' (PSI, 2018) [http://www.world-psi.org/sites/default/files/documents/research/web\\_2018\\_-\\_uncsw63\\_grqps\\_working\\_paper.pdf](http://www.world-psi.org/sites/default/files/documents/research/web_2018_-_uncsw63_grqps_working_paper.pdf)

<sup>17</sup> See footnote 13.

## Social protection

The International Trade Union Confederation's (ITUC) research indicates that more than half the world's population has absolutely no social protection.<sup>18</sup> Women workers have even lower rates of protection, which is attributed to the gender pay gap and related problems such as career breaks.<sup>19</sup> This is a clear breach of the Universal Declaration of Human Rights (UDHR), which provides that "everyone" has "the right to social security"<sup>20</sup> in addition to the "right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."<sup>21</sup>

The International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR), which is binding on all States that have ratified it, also guarantees to "everyone" the right to social security, including social insurance.<sup>22</sup> In relation to women workers specifically, the ICESCR mandates that "working mothers should be accorded paid leave or leave with adequate social security benefits."<sup>23</sup> The Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 19 on the Right to Social Security elaborates the elements of this right.<sup>24</sup> It also recognises that social security, through its redistributive character, plays an important role in poverty reduction and alleviation, preventing social exclusion and promoting social inclusion.<sup>25</sup>

The CESCR determined that the right to social security encompasses :

---

"the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection, inter alia, from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents."<sup>26</sup>

---

In addition, social security needs to be available, adequate, and accessible. A social security system must provide for:

- |                      |                             |
|----------------------|-----------------------------|
| 1) Healthcare        | 6) Family and child support |
| 2) Sickness          | 7) Maternity                |
| 3) Old age           | 8) Disability               |
| 4) Unemployment      | 9) Survivors and orphans    |
| 5) Employment injury |                             |

The CESCR also held that social security protection must cover those who need it most without discrimination, including part-time workers, casual workers, seasonal workers, homeworkers, women, minority groups, refugees, non-nationals, people with disabilities, older persons, and dependents, among others.<sup>27</sup>

---

<sup>18</sup>ITUC, 'Gender gaps in social protection' (2018) at <https://www.ituc-csi.org/brief-gender-gaps>.

<sup>19</sup> See footnote 14.

<sup>20</sup> Article 22, Universal Declaration of Human Rights 1948.

<sup>21</sup> Article 25, Universal Declaration of Human Rights 1948.

<sup>22</sup> Article 9, International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966.

<sup>23</sup> Article 10, ICESCR.

<sup>24</sup> Committee on Economic, Social and Cultural Rights (CESCR), 'General Comment No. 19: The right to social security (art. 9) (4 February 2008), E/C.12/GC/19, at <https://www.globalhealthrights.org/wp-content/uploads/2013/10/CESCR-General-Comment-No.-19-The-Right-to-Social-Security.pdf>

<sup>25</sup> CESCR General Comment No.19, para 3.

<sup>26</sup> CESCR General Comment No. 19, para 2.

<sup>27</sup> CESCR General Comment No. 19, para 31.

In relation to women in particular, the CESCR notes:

---

“In social security schemes that link benefits with contributions, States parties should take steps to eliminate the factors that prevent women from making equal contributions to such schemes (for example, intermittent participation in the workforce on account of family responsibilities and unequal wage outcomes) or ensure that schemes take account of such factors in the design of benefit formulas (for example by considering child rearing periods or periods to take care of adult dependents in relation to pension entitlements). Differences in the average life expectancy of men and women can also lead directly or indirectly to discrimination in provision of benefits (particularly in the case of pensions) and thus need to be taken into account in the design of schemes. Non-contributory schemes must also take account of the fact that women are more likely to live in poverty than men and often have sole responsibility for the care of children.”<sup>28</sup>

---

The CESCR also requires States to take specific measures for informal workers, which could include: (a) removing obstacles that prevent them from accessing informal social security schemes, such as community-based insurance; (b) ensuring a minimum level of coverage of risks and contingencies with progressive expansion over time; and (c) respecting and supporting social security schemes developed within the informal economy such as microinsurance and other microcredit related schemes. The Committee notes that in a number of States parties with a large informal economy, programmes such as universal pension and health-care schemes that cover all persons have been adopted.<sup>29</sup>

In relation to women specifically, articles 11, 13 and 14 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979 are relevant:

Article 11(1)(e) mandates States to take “appropriate measures” to eliminate discrimination against women in relation to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.

Article 11(2) requires States, in order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, to take appropriate measures:

- a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

Article 13(a) requires “appropriate measures” to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular “the right to family benefits”.

---

<sup>28</sup> CESCR General Comment No. 19, para 32.

<sup>29</sup> CESCR General Comment No. 19, para, 34.

Article 14 specifically refers to States obligations in relation to rural women, including the right to benefit directly from social security programmes.<sup>30</sup>

In General Comment No.16 (2005): The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (which are set out in article 3 of ICESCR), the CEDAW Committee noted that implementation of article 3 in relation to article 9 (the States parties recognise the right of everyone to social security, including social insurance) requires, *inter alia*, equalisation of the compulsory retirement age for both men and women; ensuring that women receive equal benefits in both public and private pension schemes; and guaranteeing adequate maternity leave for women, paternity leave for men, and parental leave for both men and women.

The ILO has developed a number of standards relating to social protection, although they are not gender specific. The main instrument is the Social Security (Minimum Standards) Convention, 1952 (No. 102), which is based on the notion of solidarity and aims at the progressive extension of its coverage. Conventions adopted subsequently expand the scope of protection while authorising certain exceptions to ensure flexibility. The Maintenance of Social Security Rights Convention, 1982 (No. 157) applies to persons who are, or have been, the subject of legislation in several States. The Maternity Protection Convention, 2000 (No. 183) specifically applies to “all employed women, including those in atypical forms of dependant work”. Specific reference is made to people in the informal economy in the Social Floors Protection Recommendation, 2012 (No. 202). It acknowledges that social security is an important tool to prevent and reduce poverty and support the transition from informal to formal employment.

## The informal economy

There is no universally accepted definition of the informal economy. It has however been described by the International Labour Conference as comprising “all economic activities by workers and economic units that are - in law or in practice - not covered or insufficiently covered by formal arrangements.”<sup>31</sup> These activities are not included in the law (meaning that they are operating outside the formal reach of the law) or they are not covered in practice (meaning that, although they are operating within the formal reach of the law, the law is not applied or not enforced, or the law discourages compliance because it is inappropriate, burdensome, or imposes excessive costs).

The ILO notes that although it is hard to generalise about the quality and nature of informal employment, the characteristics include a lack of protection for non-payment of wages, retrenchment without notice or compensation, unsatisfactory occupational health and safety conditions and an absence of social benefits such as pensions, sick pay and health insurance. It defines those considered to be working in the informal economy to include:

- Unregistered workers;
- Under-registered workers (those who receive part of their earning informally);
- Disguised workers (perform the same tasks as formally employed workers but have different contracts that do not provide them with effective protection);
- Ambiguous workers;
- Vulnerable own-account workers (self-employed but exploited);
- Employees in precarious situations (fixed term, part time, temporary workers);
- Special cases (domestic workers, home workers); and
- Workers in triangular relationships (unclear who the employers/ what the relationship with the employer is).<sup>32</sup>

---

<sup>30</sup> For full article, see <https://socialprotection-humanrights.org/instru/convention-on-the-elimination-of-all-forms-of-discrimination-against-women-1979/>. See also CEDAW Committee, General Recommendation No. 34 (2016) on the Rights of Rural Women, CEDAW/C/GC/34 at

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGC%2f34&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGC%2f34&Lang=en)

<sup>31</sup> International Labour Conference, ‘Conclusions concerning decent work and the informal economy: General Conference of the International Labour Organization, 90th session’ (2002) (para. 3) at

<https://www.ilo.org/public/english/standards/relm/ilc/ilc90/pdf/pr-25.pdf>

<sup>32</sup> ILO, ‘The Regulatory Framework and the Informal Economy’ (no date), at

[https://www.ilo.org/wcmsp5/groups/public/@ed\\_emp/@emp\\_policy/documents/publication/wcms\\_210446.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_emp/@emp_policy/documents/publication/wcms_210446.pdf)

The informal economy has grown over the past few decades due to ‘widespread deregulation and flexibilization’, with a large proportion of informal workers being women due to the lack of gender-sensitive labour, economic and social policies.<sup>33</sup> More than 60% of working women in developing economies are in non-agricultural informal employment.<sup>34</sup> Often, people enter the informal economy not by choice. During the Covid-19 pandemic, the informal sector was severely impacted due to the lack of income replacement or savings, the precarious nature of work, and the general exclusion from support measures.<sup>35</sup>

In 2015, the International Labour Conference adopted the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). This followed years of discussion after the 2002 Resolution and Conclusions concerning decent work and the informal economy.<sup>36</sup> The Recommendation affirmed that the transition from the informal to the formal economy is essential to achieve inclusive development and to realise decent work for all. It recognised the need for States to take urgent and appropriate measures to enable the transition of workers and economic units from the informal to the formal economy, while ensuring the preservation and improvement of existing livelihoods during the transition. It also recognised that employers’ and workers’ organisations play an important and active role in facilitating the transition from the informal to the formal economy.

The Recommendation is the first international labour standard to provide guidance to States, amongst others, on the framework for formalising the informal economy whilst respecting workers’ fundamental rights and ensuring opportunities for income security, livelihoods, and entrepreneurship.<sup>37</sup> It lists factors that must be taken into account in drafting integrated national legal and policy frameworks, employment policies and social protection policies. Among its twelve guiding principles, the Recommendation includes the promotion of gender equality and non-discrimination, as well as paying attention to those most vulnerable to decent work deficits including women, young people, migrants, older people, indigenous and tribal peoples, persons living with HIV or affected by HIV or AIDS, persons with disabilities, domestic workers, and subsistence farmers.

The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) specifically requires member States, in consultation with employers’ and workers’ organisations, to collect, analyse and disseminate data disaggregated by sex, age, workplace, and other specific socio-economic characteristics on the size and composition of the informal economy, in addition to monitoring and evaluating progress towards formalisation.<sup>38</sup>

Specific categories of women workers, as discussed below, are particularly vulnerable to working in the care and informal economies and face a broad range of problems.

## › Migrant domestic workers

While migrant and domestic workers face specific and separate challenges, the intersection of being a migrant and in domestic labour results in vulnerability to multiple forms of exploitation and abuse in the workplace and forces many migrant workers into informal work. Migrant domestic workers who are undocumented are often denied any form of protection under labour legislation, which renders them completely without remedies when their labour and human rights are violated. Where migrant domestic workers are covered under the national legislation of the destination country, they may have no access to social protection schemes or access to adequate and effective remedies in the event of human rights and labour rights violations.

---

<sup>33</sup> ITUC, ‘The Crucial Role of Trade Unions in the Implementation of the Beijing Platform for Action Beijing +25 (no date) at [https://www.ituc-csi.org/IMG/pdf/beijing\\_25\\_report\\_en.pdf](https://www.ituc-csi.org/IMG/pdf/beijing_25_report_en.pdf), 9.

<sup>34</sup> Equal Times, ‘Special Report: Informal Economy, Recommendation 204: Ending Informality’ (2016), at [https://www.equaltimes.org/IMG/pdf/special\\_report\\_informal\\_economy\\_en\\_final.pdf](https://www.equaltimes.org/IMG/pdf/special_report_informal_economy_en_final.pdf)

<sup>35</sup> ILO, ‘A Global Trend Analysis on the Role of Trade Unions in Times of COVID-19: A Summary of Key Findings’ ( ), at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---actrav/documents/publication/wcms\\_767226.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_767226.pdf)

<sup>36</sup> Cited above in Footnote 31.

<sup>37</sup> Recommendation 204, para 1. See also ILO Employment Policy Recommendation No. 169 (1984) which refers to the informal economy and the need for employment policies to recognize the importance of the informal economy.

<sup>38</sup> Part VIII, ILO Recommendation No. 204, Transition from the Informal to the Formal Economy (2015) [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R204](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R204).

The ILO Migration for Employment (Revised) Convention, 1949 (No. 97) requires ratifying States to apply the same treatment to *all* workers in the areas of social security, employment, and freedom of association. The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) extends this protection. Migrant workers who find themselves in the worst situations in informal employment are often irregular migrants. Convention No. 143 contains a number of provisions to combat irregular migration and protect the human rights of all migrant worker. Article 10 of the Convention obliges States that have ratified it to ensure they have in place a national policy “designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory.”

ILO standards also create an obligation on States to give the same treatment to all workers irrespective of nationality. The Discrimination (Employment and Occupation) Convention, 1958 (No. 111) provides for equal opportunity on the basis of race, colour and religion – these are intersectional features applicable generally to migrant workers. As various parts of this Toolkit set out, Convention No. 111 is one of the fundamental principles and rights applicable to all workers and all States are obligated to comply with it irrespective of their ratification status. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) provides for important duties that States must carry out in the protection of migrant workers and their families in the context of both civil and political rights, as well as economic, social and cultural rights. These obligations and rights include non-discrimination, the right to life, the right to be free from forced labour conditions and torture, the right to social protection, the right to liberty and security of person, and just and favourable conditions of work.

## › Domestic workers

The Decent Work for Domestic Workers Convention 2011 (No.189) and its accompanying Recommendation, 2011 (No.201) have been primarily designed to bring a large sub-sector of workers currently under-protected or unprotected by the national law, out of informality.

## › Sex workers

Sex workers can be self-employed or formalised with an establishment. However, a large proportion of the global sex industry is informal, leading to exploitative conditions of work. Moreover, individuals who face intersecting and structural forms of discrimination are often over-represented in sex work. This would include women who are discriminated against based on gender identity, sexual orientation, race, indigenous identity, migrant status, or any other status.<sup>39</sup>

Although the ILO does not explicitly recognise sex work as work, some of its ancillary documents acknowledge the need to address structural inequalities in terms of lack of access to social protection, stigma, discrimination, marginalisation, and violence sex workers face.<sup>40</sup> The movement to recognise sex work as work has significant benefits for sex workers as well as the broader community and economy. It reduces the stigma attached to the nature of the work, it reduces exploitation if it is not criminalised and seen as an ‘illicit’ activity, and it allows sex workers to feel secure in their employment.

---

<sup>39</sup> Amnesty International, ‘Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers’ (26 May 2016) at <https://www.amnesty.org/en/documents/pol30/4062/2016/en/>

<sup>40</sup> ILO, ‘Reaching out to Sex Workers and their Clients’ (no date) [https://www.ilo.org/wcmsp5/groups/public/@ed\\_protect/@protrav/@ilo\\_aids/documents/genericdocument/wcms\\_185717.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_protect/@protrav/@ilo_aids/documents/genericdocument/wcms_185717.pdf)

## 4. Testimony about rights violations presented to the Global Tribunal of Women Workers

This section outlines the rights violations identified by witnesses providing testimony at the Global Tribunal of Women Workers relevant to care work, social protection, decent work, and informalisation.

### 4.1. Summary of evidence

Fifteen workers testified before the Jury Working Group (JWG) about the forms of labour exploitation they experienced in their work as self-employed workers, migrant domestic workers, cleaning workers, sex workers, and informal vendors. They were from countries as diverse as Bangladesh, the Philippines, Vietnam, and Thailand.

Workers from scheduled castes working as cleaners for the city corporation in Bangladesh reported precarious work in extremely exploitative working conditions, abuse, discrimination, and harassment.

Domestic workers doing care work reported their experiences of being trapped in contracts with abusive employers and not being able to access any mechanisms for justice. Leaving the job meant they were at the whims of the system in the destination country which considered them to be 'job hoppers' and hence undesirable migrants.

Sex workers in Vietnam reported that they are subjected to abuse by employers, lack of decent work and are particularly vulnerable to harassment and abuse by police officers when they are arrested for working despite their enterprises being registered, because sex work is a criminal offence under Vietnam law.

Migrant workers, many of whom are women, are also particularly at risk of work in situations that does not constitute decent work and work in the informal economy. An undocumented migrant domestic worker testified about her baby being taken from her on the day it was born, and her efforts through AWAJ Foundation to re-unite with her baby and return to her country of origin.

Vendors working in street markets in Thailand reported on numerous rights violations they experienced in precarious situations where local authorities did not respect their human right to work. The abuses they experienced included bribes being extorted from them to be able to continue to sell their goods, and insecurity in access to different market areas. Their ability to earn a daily income was dependent on the whim of officials who often acted illegally and with impunity.

Although every voice heard by the JWG was important, we reproduce below only some of the workers who testified at the Global Tribunal.

## 4.2. Selected witness voices

### Cleaning workers in the informal economy

I am a girl from “Harijan” community. My name is Priya das (Pseudonym). From childhood, we are surrounded by poverty. We don’t have anything adequate—housing, education, food, treatment and no social protection at all. The age-old restrictions that our community faces, has deprived us from the very basic rights of lives. We are untouchable or unholy, according to this modern society. Ironical that we have to clean all the dirt of this society. We are deprived of education, as a result securing a job in this competitive world is a dream to us. We are stuck in such a cycle of poverty; it feels never ending. We sleep beside the rail lines. We barely eat once or twice a day.

In city corporation, the jobs of “cleaner” are dedicatedly for us. The government has made law for us that these jobs are assigned for us. Hence, we are not getting the jobs. They offer us contractual job, but not anything permanent. For securing the job, we need to pay them the large sum of money. The minimum amount of salary (4,000-5,000taka) that we get is very less. With this minimum amount of money, we are not able to afford anything, not even feed our child. Because of the caste, we don’t have the right of owning lands, buying property. We don’t even have the right to get married to other caste rather than others. We don’t have any other jobs rather than cleaning. There is restriction in everything for us. We cannot even open shop or do any business.

### Sex workers in the informal economy

My name is Ae and I’m a migrant sex worker from Burma. I’m over 30 years old, financially independent and help to support my father and younger brother. I have worked in Karaoke Bars, and Ago-Go Bars in Thailand for nearly 10 years. I serve drinks, sing karaoke, dance and sit with customers to keep them company while they drink and enjoy the show. None of this is illegal and my workplaces are all registered. If customers want me to leave the bar with them, they must pay a “bar fine” to compensate the bar owner. I decide about the conditions and amount the customer needs to pay me directly on top of this. That money is not shared with the employer.

All entertainment places have their own “bar rules”. They are very similar in every place around the country. They benefit the employer not the workers. The penalty for breaking the bar rules is to have our earnings cut, which is not legal under the Thai Labor Protection Act and Labour Relations Act. Many of the bar rules apply even when we are not on a salary but just working for commission on drinks and tips. For example: If I don’t want to go with a particular customer, I must pay 2,000 Baht compensation to the bar. I must have 150 drinks bought for me each month or my earnings will be cut per drink. If I am late, I will be fined 20 baht for every minute I am late. If I missed a staff meeting, I would be cut 500 Baht. And many more. A lot of the money withheld from us is used by the employer to pay the corrupt police who demand regular monthly bribes. Bar rules don’t discriminate between migrants or nationals, we are all treated equally badly.

In 2018 I was working in a Karaoke Bar earning an average of 200 Baht per day paid by the bar (the minimum wage was around 300 Baht a day). One of the common bar rules in Karaoke, Soapy Massage Parlours, and A Go-Go bars is for workers to be a certain weight. We had to be weighed once a month at our weekly staff meetings. According to the weight/height (BMI) chart the employer was using, my weight must be no more than 50kg. This one month my weight was 55 kg – overweight by 5 kg according to the chart. It was a day or so before my period was due and maybe that had something to do with it, I don’t know. In any case I was ‘fined’ 100 baht per kilo overweight per day until I reached 50 kg (the maximum ‘fine’ was 2,000 Baht).

I am not a naturally thin woman, but I was desperate to get rid of the 5 kgs and get re-weighed to end the daily ‘fines’. I started taking diet pills and ate very little. I was pale, weak, and often dizzy. After about 10 days I fainted while riding my motorbike to work and I was injured. I had injuries to my hands, head, and face.

My face has scars above my left eye. I couldn’t work for two weeks and so lost all my earnings for that time. The employer had not enrolled me in the Social Security Scheme and as a migrant worker I could not enrol myself as an independent worker. I had to rely on my savings.



The impact of bar rules and salary cuts generally is that I have only been paid in full for all the work I did without any cuts twice in 10 years. I remember because it was such a rare event!

Bar rules and salary cuts are standard in the industry because the government has never enforced the Labor Protection Act in entertainment places. Entertainment places are not managed under business or labour policy, they are managed by police as a place of potential crime. We are treated as potential criminals to be controlled, not workers to be protected.

When other industries have problems of labour abuse the government, ILO and other agencies work to solve the problems, like they have done for the men in the fishing industry. Women working in the Entertainment Industry are not dealt with in the same way. The government has not helped our employers to understand and comply with the Thai Labor Protection law, Occupational Health & Safety, and the Social Security Scheme under the Thai Social Security Act 1990.

The discrimination, neglect, and abuse of our rights as workers stems from the Prostitution Act, which criminalises our work, provides avenues for corrupt police to extort bribes, and encourages employers to believe they can manage their workers however they like. It enables violation of our rights to physical integrity. It allows employers and others to believe they have the right to control what I do with my body e.g., my body size. It is no longer legal to control the weight of air hostesses, why is it not the same for me?

Things have to change. The Prostitution Act must be repealed, and sex work recognised as work. Many occupations have been allowed and supported to develop fair safe work protected by labour law. Keeping sex work illegal means we cannot develop the protections we need. Bar rules are in breach of the Labour Law, yet as criminals we cannot access justice via the Labour Court. The 'bar rules' will continue to control and harm our lives until we are seen and respected as workers, rather than potential criminals or victims. Sex workers and employers need to be supported in developing Decent Sex Work standards. The International Labour Organisation also needs to recognise sex work as work and include sex worker's labour organisations and employers in their policies and projects as they do with other worker organisations and employers.<sup>41</sup>

## Informal contract work in the ready made garments (RMG) sector

---

It's high time the brands, buyers and the Government take necessary actions and bring these factories under regulations and monitoring. Everyone in the global supply chain must be accountable to eradicate labour exploitation and workers' rights violation.

---

I am Tuli Begum (pseudonym), a 42-year-old garment worker working in a subcontracting factory in Narayanganj area. I live with my two children in Narayanganj. My husband was a driver who died 17 years ago in a road accident.

With the help of the other women living in our community working in garment factories, I joined a small shirt producing factory in Dhaka as a helper. This was a subcontracting factory which was outsourced from big factories. My basic salary at that time was BDT 1,650 (25 USD approx. in the rate of that time) which was very low considering the expenses of our life.

While working in this factory, I observed that the nature of these small factories was different from the big ones. They would not provide the benefits according to the law, they wouldn't provide salary on time, wouldn't give maternity leaves, wouldn't pay the overtime payment, abuse the workers verbally and physically, there's no grievance handling mechanism for the workers, no increment provided, the factory was two small tin shaded rooms with no light and air passing. They don't abide by the labour law and rules, do not provide any kind of benefits in support of the workers and do not festival bonuses on time. After 2 years of working in this factory, I had to move

---

<sup>41</sup> For additional information see: Empower 5 minute YouTube clip [Decent Sex Work and Empower](#) community research report: [Moving toward Decent Sex Work in Thailand](#).

to Narayanganj considering the huge expenses I had to bear to stay in Dhaka. I joined a small factory there as an operator and my basic salary was then BDT 3,600 (approx. 54 USD) which was also not fixed following the law of providing minimum wage according to the Bangladesh Labour Law.

In this factory, the middle management used to verbally and physically abuse the workers and there was no structured body or a single person to talk about it. The factory made the workers work for late hours every day till 12 am. But there was no system to take formal consent from the workers for this late hour's duties which is illegal according to the Bangladesh Labour Law. The overall environment of this factory was not worker friendly at all. After working for three years here, I became weak physically due to excessive work pressure and had to return to my parent's house with uncertainty of recovering from this condition and getting back to work for my survival. The long-time work and lack of nutritious food as I couldn't buy these foods with the small salary provided, made me physically weak and sick.

After six months, I had no other choice than joining another small knitting factory as an operator with the salary of BDT 6,400 (approx. 84 USD). I have not received any appointment letter. The situation in this factory is also the same as the previous factories. I have been working for six years in this factory. And my salary has increased only BDT 3,000 (approx. 39 USD) over the six years (approx. 6 USD raise in a year). I haven't got any promotion either. The factory doesn't provide other benefits like maternity leave, tiffin for the extra hours of work, the management doesn't want to approve any kind of leave of the workers, there is no participatory committee and safety committee and no structured body to handle the grievances of the workers. I can hardly survive with the salary after paying my house rent and the due bill of the grocery shop of the previous month and have to take loans from my acquaintances or colleagues even if any medical emergency arises. I had to stop the education of my children even before completing their school because of poverty.

Though I have been still working in this factory, I would like to share my observations of these informal natured factories as per my experiences of working in such factories in comparison to other big ones:

- Workers working in such small factories do not receive any appointment letter.
- These small sub-contracting factories do not provide the rights of freedom of association.
- Though my current factory provides ID cards, most of the factories working in such an informal nature, don't provide any ID card to the workers.
- The workers do not get any promotion even after working for 10-12 years in these factories. Women workers are mostly deprived of any kind of promotion as most of them work as helpers and do not receive any training or skill development opportunities.
- There is no PC (Participatory Committee) and Safety committee in these factories which is a major violation of the Labour Law.
- There is no mechanism to handle grievances of the workers in these factories.
- No one from the management and mid management pays any heed to the workers' issues.
- Though the issues of verbal and physical abuse are less than before as the young workers do not remain silent, the mid management personnel misbehave with the workers sometimes if their targets are not properly met.
- These factories are situated in the congested places and sometimes in houses.
- The women workers do not receive maternity leave in these factories.
- There is a tendency to appoint children and women workers in these factories.
- The factories do not have any social safety net.
- The women workers are harassed verbally and sexually and have no forms of redress or remedies for these issues.

Workers working in these informal nature factories are many in number. They sell their labour without any recognition, let alone receiving the minimum wage and basic rights according to the laws and rules. It's high time the brands, buyers and the Government take necessary actions and bring these factories under regulations and monitoring. Everyone in the global supply chain must be accountable to eradicate labour exploitation and workers' rights violation.

## Migrant workers in domestic and care work

My name is Puput, I'm 31 years old and married. Before I departed to Hong Kong, I was working in Jakarta as a domestic worker for 2 years, circa 2007-2008. My first working destination abroad was Hong Kong. I arrived in Hong Kong on January 10, 2020, with duties ranging from childcare, chores, to cooking, with HK\$ 4,630 (USD 601) monthly take home pay according to the minimum wage.

During my work I was not allowed to take a day off due to the Covid-19 pandemic, and I had to cry and beg for a day off, to be able to send money to my family. While working at my employer's home, I was scolded by my female employer because her child woke up and she forced me to put her child back to sleep, even though that day was my day off, and the regulations have clearly set weekly one day-off for migrant domestic workers. At that time I tried to refuse because it was my day off, plus I have finished the chores, and cooking for them. Still she got angry and kicked me out and threw all my clothes out and threatened to report me to the police.

When I got out, I felt confused to ask for help, I tried to look up the consulate general's number and I sent a short message about my situation and asked for help from the recruitment agency's hotline number, but they didn't reply back. Later the agent informed me that my employer has handed some money to them, I'm not sure about the amounts, but they didn't disclose it to me. All I received was the remaining HK\$5,000 from the agent, and they said I still had HK\$3,500 left but they kept it to pay for the process of finding my new employer.

At the first employer, I only worked for 22 months, I looked for a new employer at the agency and was asked to pay an agent fee of HK\$ 3,500. After signing the employment contract with this second employer, the agent immediately ordered me to work at the employer's house, and at that time it was explained that my job was to take care of the elderly. While working at this second employer, I was in charge of gardening and took care of the grandmother, even though the employment contract clearly stated that my main duties only covered caretaking of their grandmother. I asked the agent why my duties were not in line with the contract. At that time, the agency staff got angry and asked me to leave the employer's house if I didn't like it and told me that it wasn't my legitimate employer.

On January 10, 2022 I was asked by the agent to come to the Hong Kong Immigration office to apply for a new work visa because the agent said there was a problem. When I was at the immigration office, I was told that I had to go home because the Hong Kong Immigration didn't issue me a work permit in Hong Kong anymore. I was told by the agent that my former employer submitted a report to them. Then immigration told me to go home and withheld my passport, later I was told to come to Kowloon Bay immigration on January 20, 2022. I finally came there with a lawyer, but they did not interview me and I was told to return on 11 Feb 2022.

On 11 Feb 2022, I returned to the Kowloon Bay Immigration, my agent suddenly called me while I was on the way and said she forbade me from going there, on the grounds that the number of people infected with Covid-19 was increasing. I've decided to cancel my trip there, the agent said that the immigration office would contact me later. So I was told to wait for a call from the immigration office.

Following the cancelled trip to immigration, I went to the agent's office and I told them that I no longer wished to work at the employer's place, but the agent disapproved and I was told to continue my working duration at that place until May 22, 2022. I decided to leave the employer's house. Then in May 2022, I was called by the Immigration office, and they asked me to come to the Immigration office in Kowloon Bay for an interview because I couldn't give an answer where I was staying while waiting for a work visa and I was accused of having violated my residence permit, under the overstay regulations. Since I was so afraid and didn't have a place to go to, I then asked one of my friends who had joined the organisation for help, from which I was explained that I had violated my Hong Kong residence permit because I had worked before my work visa was issued. I was advised to stay in the Bethune House shelter and asked the organisation for assistance.

The violations I have experienced from my departure process to Hong Kong up to the time I've worked in my second employer included:

- Withholding Certificate, Family Card, ID Card, and other relevant documents can be collected after I have paid the placement fee discount.
- The overcharging due to the Indonesian government regulation is that the placement fee to work in Hong Kong is IDR 14,780,000 rupiah. I have paid a fee of HK\$ 9,600 + HK\$ 6,000. Converted into rupiah, I have paid HK\$ 15,000 x Rp 1,800 = Rp 28,080,000. With the exchange rate prevailing at that time, it was HK\$ 1 = Rp. 1,800. So the excess fee that I have paid is Rp. 13,300,000 (USD 906).
- I have no right to decide my own day-off.
- The cost deduction of finding a new employer is HK\$ 3,500, while the Hong Kong's rule for finding a new employer is only 10% of the first month's salary or HK\$ 463.
- Illegally employed by the agent, with unsuitable working terms and conditions according to the new contract.
- For the 22 months I've been working there, I wasn't allowed to store my own personal documents, including passport and working contract by the agent and employer.
- My rightful wage was deducted upon termination of the employment contract (right to the remaining unpaid salary, ticket money, one month notice reimbursement, travel allowance).
- Having been accused of Job Hopping (changed employers without a reason acceptable to Hong Kong Immigration) so that Hong Kong Immigration accused me of being unfit to work in Hong Kong and not being allowed to wait for a new work visa in Hong Kong

Right now, I'm still waiting for the final decision from the Immigration and live in the Bethune House shelter. I have no idea if I'd have to be detained before being deported, but I really hoped I could continue to work in Hong Kong and claim the justice I deserve.

## Street vendors in the informal economy

My name is Khemisa Kokthubtim. I am 56 years old and live in Bangkok, Thailand. I am a street vendor at memorial Bridge and member of Confederation of Street Vendors in Bangkok, selling food items from the north-east province of Thailand. My education is school graduation. I am a divorcee and have a daughter. I have been vending since I was 7 years old. At age 17, I had my own business. I supported my school education while being a vendor. In terms of unpaid care work, I take care of 4 people. I have an elder sister who is a nun and is 80 years old. She stays in a temple but I have to support her living expenses. Then there is my brother who has HIV, and a brother-in-law who is disabled. And of course, I have to take care of my daughter.

Working as a street vendor in Bangkok, I have been facing many problems in the last few years. We have been moved from one place to another, without any support from the authorities. Many vendors suffered health issues because of the stress from the lack of earnings. There was a person who committed suicide because of this. Now I have no work since April 2022 and I am facing a lot of hardships. Let me tell you why I am not able to work as a street vendor anymore.

Street vendors face the problem of accessing public space. The Bangkok Metropolitan Administration (BMA) brought a policy in 2016 that took back public space from us and forced us to move or seek rented space from private players. This was done in the name of 'order and cleanliness'. We were moved from the market where we had our shops to rent a new area. The BMA had promised to help us with toilets and other requirements, but nothing was done even after a few months passed. We also faced harassment in the new market, so I was forced to leave again. In this way we had to keep moving from one market to another. To move to a new market area is very difficult, as we have to find customers, and use up our savings to invest in new space.

We were at Khlong Toei market area which was sublet to us for 170 thousand Baht. We were 500 vendors. We stayed there for 3 months. After that we were pressurised to leave the area even though we were earning well, so that they can get more rent from other private players. We were offered a new area in Phaya Mai Market which was a private land. This market was like a jungle area, there were no facilities, toilets, electricity. The vendors collectively invested 5 million Baht to clear the swamp, install toilet, rent generators, hire garbage collectors. I collected 1,000 Baht from each vendor and paid the rest of the amount, because I had savings. But many vendors left as business was not good. After some time the owner cancelled the contract as we did not have the money to pay rent. Sometimes the police harassed us because they also wanted money from us.

For 2 years, we could not pay rent properly because of Covid lockdown and restrictions. The BMA had closed the open air markets for 6 months twice. How could we have paid the rent when we were unable to work? Earlier, we had a good income and good quality of life. In the last few years, I had to put my house on mortgage, sell my trucks that I used for my work. I have lost hope. I do not have any motivation to do anything. We struggled so hard to earn our livelihood and to protect our work but we could not. My daughter is also suffering from depression because of this. I am sitting at home since April 2022. From Phaya Mai, I went to Bangkok Noi market, but it was not profitable. Then I decided to go to the provincial markets, but it cost me 7 thousand Baht a week. I cannot afford that. All these private markets ask for very high rents, sometimes thousand to three thousand Baht a day. How can we pay as we do not even earn that much? The vendors cannot secure cheap loans from banks, we have to pay 20 % interest. How is it possible for us?

I have faced harassment. Once I was followed by some people. The BMA said I will be in trouble if I don't move. I don't know who was following me, but it was a way to pressurise me. Once, I was arrested along with two other vendors for 'extortion'. They called us 'mafia'. But the vendors came in our support. We had collected money to use it for cleaning and electricity, not for personal use. I was chosen as a leader, I was not a mafia. It was really hurtful. The real mafia is actually the municipal officers. They illegally extort money from the street vendors.

BMA evicted vendors but it rents the places to rich people for their events. This kind of eviction is not fair. They should have prepared a new vending space for us before eviction. But they do not provide any support to us. How can they be so irresponsible to evict us during an economic crisis like Covid?

I contacted the Deputy Governor and his advisor for support. But they never responded. They did not answer our calls, letters or petitions. Since 6-7 years we have not received any support from the authorities even though we have complied with their orders. The district authorities also rejected our pleas for help recently. If action is not taken to help us, street vendors will have no option but to do something collectively.

Business companies are trying to grab these public areas. I hope that the new governor will help the vendors and give us access to the space. They should give priority to livelihood of street vendors over the private companies and event organisers. BMA authorities should be kind, prioritise the poor. The government should allow vending space to us and give the responsibility to a group of vendors to get organised and look after the area, instead of giving it to business interests. These people are only interested in profit-making. We vendors want to sell in public space, as there are lot of commuters, there is public transport. It is a vibrant atmosphere, and I can say that we street vendors contribute to making public places vibrant. Public spaces also have lower rents, whereas privately-owned areas are very unaffordable for us. Instead of that, we can pay to the BMA directly for using public markets, and in turn the BMA can help us with microfinance.

Currently, I have no income but have to pay debts. I survive on borrowings. Life is full of uncertainties. In 1995, I earned a lot, life was good. I had a house and a car. Now I have nothing, only debt. I cannot find another occupation at this age. I hope I can go back to the market and make a new start.

## 5. Findings and recommendations of the Jury Working Group

This section summarises key findings and recommendations of the Jury Working Group on care work, social protection, decent work, and informalisation, with key takeaways for governments, businesses, non-governmental organisations, trade unions, and multilateral agencies.

### 5.1. Findings

The Jury Working Group (JWG) found that the testimony indicates that gaps exist in many countries at the level of laws which are not in place to protect the rights of the most vulnerable and marginalised workers in the sectors under consideration in this thematic area. Where laws do exist to translate international duties and obligations, they are often not implemented effectively. The rights guaranteed in national laws and international labour standards are meaningless without concrete implementation mechanisms.

The JWG reiterated the significance of the following international law and policy frameworks in the context of the issues on which testimony was heard:

The UN Universal Declaration of Human Rights (1948) – the preamble recognises the “inherent dignity and the equal and inalienable rights of all.”

CEDAW – provides a framework for substantive equality between men and women. Among other things, the framework includes the responsibility of both parents to bring up children and obligation of States to provide social services that enable parents to combine family with work and public life. In particular, CEDAW General Recommendation on violence against women, 1992 (No.19), recognises that the fundamental rights and freedoms of workers include the right to “just and favourable conditions of work.”

The Global Compact for Safe, Orderly and Regular Migration: While the Global Compact on Migration is not binding legislation, it looks into the entire cycle of migration and provides guidance to governments and civil society stakeholders on addressing the challenges faced by migrants.

The JWG found that the basic right to join unions is frequently withheld from migrant workers for whom both class and labour precarity together with their migration status translates into a complete lack of protection to freely organise and join trade unions in order to assert their basic labour rights. It found that non-compliance by States with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Right to Organise and Collective Bargaining Convention, 1949 (No. 98) was a key gap in protection that had to be addressed. The enjoyment of the rights guaranteed in these instruments also requires labour legislation to recognise certain professions that lack recognition as ‘workers’.

The JWG found that the Forced Labour Convention, 1930 (No. 29) and its 2014 Protocol No. 29, as well as the Abolition of Forced Labour Convention, 1957 (No. 105) were relevant as many testimonies from workers, who stated that they were not allowed to terminate their contracts even where their employers were abusive, they worked extensive hours without full pay or sometimes no pay at all, and many instances did not have written contracts with the employer and their documents were withheld. These are all indicators of forced labour, which is considered to be a form of modern slavery. States should ratify the forced labour Conventions and Protocols and should ensure that the prohibition on forced labour is effectively applied in national legislation.

The JWG found that long and inhumane hours applied in many instances especially in care work and domestic work. This should be addressed by States, trade unions, and employer organisations through the Reduction of Hours of Work Recommendation, 1962 (No. 116).

The Recommendation provides that States should promote the principle of progressive reduction of normal hours of work with a view to attaining the 40-hour week, without reducing workers' wages. Where the duration of the normal working week exceeds 48 hours, immediate steps should be taken to bring it down to this level.

The JWG noted the importance of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Occupational Safety and Health Convention, 1981 (No. 155) and Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), as being amongst the ILO's Fundamental Principles and Rights that all States need to comply with irrespective of their ratification status, and which are relevant to the thematic issues.

## 5.2. Recommendations

### Law and policy changes to be addressed by States

- 1) Ratify and apply all Fundamental Principles and Rights referred to in the ILO Declaration on Fundamental Principles and Rights at Work.<sup>42</sup>
- 2) Ratify and implement the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). The Recommendation provides guidance for the establishment of comprehensive social security systems, with a view to ensuring that every member of society has access, at a minimum, to essential health care and basic income security. Precarity creates informality, and not the other way around. Labour laws and policies should protect workers of the informal economy, and regularisation should not be the only pathway to gaining rights.
- 3) Ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to ensure that migrants are protected throughout the migration cycle and that their families are being attended to as well. In addition to protecting the rights of regular migrants, governments need to understand that no migrant is illegal irrespective of what their immigration status is in terms of the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). Human rights and human dignity are universal principles and this means that workers must be able to travel for work without being shackled by tied-visa regimes. These regimes contribute to the structural power imbalances between employer and employees, who are already experiencing added layers of vulnerability due to their migration status. In this context the JWG noted the testimony given by the domestic worker from the Philippines in Hong Kong, where the visa renewal procedures are set to discourage workers from changing jobs and add to their layers of vulnerability.
- 4) The Private Employment Agencies Convention 1979 (No. 181) and its accompanying Recommendation No. 188 should be ratified especially by receiving countries of migrant care workers, who are often recruited through private employment agencies. States should provide adequate protection for and prevent abuses of migrant workers recruited by private employment agencies, and agencies should inform migrant workers of the nature of the position offered and the applicable terms and conditions of employment. This is important to prevent human trafficking and forced labour, which are forms of modern slavery.
- 5) The Convention on Violence and Harassment in the World of Work C190, is one that workers across the globe fought for as it is a non-sectoral convention. It has great power to alleviate injustice everywhere and it recognises the world of work as encompassing a private household, a space where the worst of violations of human, worker, and women's rights happen. It should be universally ratified, and trade unions and civil society organisations working with the rights of women workers should engage in advocacy campaigns to ensure that their governments are encouraged to ratify this Convention and to apply it in national legislation.

---

<sup>42</sup> These are discussed in Part A of this Toolkit.

- 6) The Domestic Workers Convention, 2011 (No.189). Governments should ratify and implement this important convention in order to promote and guarantee decent working conditions and fair terms of employment for domestic workers, The Convention and its accompanying Recommendation No. 201 are especially relevant to women, as the latter represent the majority (over 80 per cent) of domestic workers. Measures cover, for instance: the protection of fundamental labour rights; freedom of association and organisation; effective protection from all forms of abuse, harassment, and violence; equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime pay, daily and weekly rest periods and paid annual leave; and minimum wage coverage. In particular, care workers living in the employer's household may be required to work excessive hours, including at night, and may not be afforded adequate food and housing. They may not, for example, be given a room to rest that ensures privacy, as they are expected to stay at the bedside of a sick family member. The protections afforded under Convention No. 189 are therefore essential to ensure that these workers enjoy rights equal to those afforded to other workers.
- 7) Ratify and comply with the International Covenant on Economic, Social and Cultural Rights (ICESCR – 1981). This important covenant guarantees to women the right to work on an equal basis with men (Article 6) and equal rights at work (Article 7).
- 8) Ratify and comply with the UN International Convention (1966) on the Elimination of All Forms of Racial Discrimination which aims to ensure the rights of people to be free of racial discrimination by requiring elimination of all its forms. It defines 'racial discrimination' as "any distinction, exclusion, restriction or preferences based on race, colour, descent, or national or ethnic origin" (Article 1). This is relevant to the human rights violations mentioned by the Dalit women from Bangladesh who are discriminated against based on caste and race, as well as gender and socio-economic status, and as a result face exploitation in extremely precarious work as city council sweepers and cleaners.

## Recommendations for States in relation to access to justice

- 9) States should decriminalise sex work, including sex work for one's own account, and recognise sex work as work to ensure protection of workers' rights. Many workers cannot access justice systems because these systems are designed to protect the status quo and those in power. A key example is the need for re-evaluation of the burden of proof in criminal cases so that sex workers are not prejudiced in court proceedings by being required to disprove that they were working contrary to the law.
- 10) States should decriminalise the irregularity of migration status in particular for migrant workers in blue-collar professions, and provide them with regularisation pathways, without imposing regularisation as the sole path towards protecting their rights to work and other human and labour rights.
- 11) In general, States should ensure that effective mechanisms exist for ensuring access to justice for workers to address their human rights and labour rights violations. While situations of precarity are often created by the employer, workers are the ones who are criminalised and persecuted. Whether this involves precarity created by the end of an employment visa, or through bar-rules that sex workers are subjected to in Thailand, this results in the health and safety of women workers being jeopardised whilst safeguarding the employer's business.



## Other general recommendations to States

- 12) Adopt the 5R framework (referred to above) when reforming the care economy in various ways. Specifically, recognise the workers participating in the care economy under national laws protecting worker rights.
- 13) Provide more opportunities for continuous workers education, such as literacy and vocational training programmes.
- 14) Ensure that workplace inspections are regularly conducted, are effective and result in administrative penalties and/or prosecutions of businesses that are not compliant with labour laws.
- 15) Provide in law and policy for a bigger role for the Ministry of Labour in addressing the rights of workers and meeting their needs.
- 16) All governments should revisit their fiscal policies. This arose from the fact that the workers whose testimonies the JWG heard are women from the Global South, who are frequently working in the Global South in contexts of migration or citizenship and who are affected by austerity measures in some countries and in others debts imposed which date back to colonialism. Women workers, who represent an impoverished and marginalised fraction of workers, should not bear this cost. Governments should transform fiscal policies, which determine how revenues are raised and spent, towards prioritising wellbeing and equality which are often undermined while growth is emphasised. This means raising more revenue to support adequate investments in transformative care policies. It also requires restructuring tax systems to move away from regressive consumption taxes that entrench gender, economic, and care inequalities by placing an undue burden on those least able to pay towards progressive taxes on those who can most afford it. It also necessitates broadening the definition of 'infrastructure' to include social infrastructure (healthcare, education, social care) as well as physical infrastructure (roads, transportation, water supply schemes), recognising that both deliver long term benefits and warrant borrowing to invest.

## What should non-governmental organisations and trade unions do?

- 17) Request the UN Office of the High Commissioner for Human Rights (OHCHR) and UN Special Procedures mechanisms to investigate violations of women workers rights guaranteed under international law and the national gaps in implementation. These requests should be made together with the women workers and other stakeholders who participated in the Global Tribunal of Women Workers.
- 18) Raise the violations perpetrated against women workers in the Universal Periodic Review (UPR) processes relevant to each country. Provide access for women workers to participate in the gathering of data relevant to presenting reports to the UPR and sharing their recommendations to States once issued.
- 19) Support worker unions and unionising efforts. In spaces where freedom of association is granted by law, at times there is a culture of exclusionism of smaller unions which are not recognised by employers. Unionists, women-led organisations, and their allies, should aim to give a seat at the table to each and every worker so that they can speak about their rights violations, as they have done before the JWG.

## 6. Areas for law and policy advocacy identified by organisations to take forward from the Global Tribunal of Women Workers

This section presents examples of good practice and advocacy by organisations that participated in the Global Tribunal, and key commitments from these organisations to take forward the recommendations of the Jury Working Group.

### 6.1. Achieving decent work for migrant domestic workers in Malaysia

#### AMMPO and PERTIMIG, Malaysia

The Association of Nationalist Overseas Filipino Workers (Asosasyon ng mga Makabayang Manggagawang Pilipino Overseas – AMMPO) is a worker organisation in Malaysia. It provides counselling, shelter, and capacity training for members, as well as legal assistance for employment-related issues. AMMPO's membership is open to Filipino workers in Malaysia, and currently the majority of members are domestic workers.

AMMPO is involved in policy advocacy and workers' campaigns with the aim to protect the rights and welfare of its members in Malaysia. It is affiliated with SENTRO (Sentro ng mga Nagkakaisa At Progresibong Manggagawa), one of the biggest labour centres in the Philippines. Globally, AMMPO is affiliated with the International Domestic Workers Federation.

PERTIMIG (Indonesian Migrant Domestic Workers Association, Malaysia) is an independent organisation that advocates for decent work and welfare for Indonesian migrant domestic workers and their families in Malaysia, and demands protection for domestic workers through the national laws and regulatory framework. PERTIMIG's five missions are:

- 1) Organising Indonesian migrant domestic workers.
- 2) Launching campaigns to ratify Conventions 189 and 190 to realise decent work for domestic workers.
- 3) Eliminating discrimination against domestic workers.
- 4) Advocating for policy change.
- 5) Empowering and strengthening the capacity of its members.

In Malaysia, PERTIMIG is part of the Labour Law Reform Coalition, and is an international affiliate of International Domestic Workers Federation.

#### Context and issues facing migrant domestic workers in Malaysia

Filipino domestic workers in Malaysia have stronger protection, as their government has ratified the 2011 ILO Domestic Workers Convention (No. 189) and they are also protected under domestic worker legislation in the Philippines under Republic Act No. 10361, which institutes policies for the protection and welfare of domestic workers (the 'Kasambahay' law). Indonesian domestic workers in Malaysia have less protection as Indonesia has not ratified Convention No.189. Indonesia withdrew its domestic workers from Malaysia for many years, but signed a new bilateral Memorandum of Understanding in 2022. However, both organisations reported that they still receive numerous complaints from workers about lack of pay for overtime work and other labour rights abuses, as well as incidents of discrimination, xenophobia and stereotyping as migrant workers. The risk of deportation is very high for migrant workers, as well as termination and blacklisting if they raise any grievances.

Both organisations are conducting advocacy to ensure the full recognition of domestic workers under Malaysian labour laws. Law reforms in 2020 changed the definition in the 1955 Malaysia Employment Act from domestic ‘servant’ to ‘employee’, but basic worker rights provisions of the Act are not applicable to domestic workers. These include parts IX (maternity protection), XII (rest days, hours of work, holidays and other conditions of service) and XIIA (termination, layoff and retirement benefits). Section 60A(1) limits the regular working week to 48 hours with a maximum of eight hours per day and six days per week, but this does not apply to domestic workers. Laws governing the minimum wage in Malaysia also explicitly exclude domestic workers from coverage. They also have no right to overtime pay or termination benefits and have very limited access to social protection schemes that are afforded to other workers in Malaysia. They are excluded from the employment insurance scheme under SOCSO (the Social Security organisation), which provides protection to workers against accidents and occupational injuries and diseases arising out of and in the course of employment. Living and working conditions of domestic workers are largely unregulated. Labour and human rights violations remain undetected because private homes are not typically subjected to labour inspections.

### Advocacy priority areas for both organisations

- 1) The Malaysian government must ratify the 2011 ILO Domestic Workers Convention (No. 189) and the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- 2) The government should amend laws that exclude some sectors of women’s work from labour laws. Domestic workers are not acknowledged as workers under labour laws and hence they do not have the right to freedom of association. The Trade Union Act 1959 should be amended to allow for domestic migrant workers to form and join their own trade unions.
- 3) Domestic workers are vulnerable to forced labour because nobody knows what happens inside the employer’s house. There is no way to monitor working hours and working and living conditions. Inspectors do not conduct inspections of private homes. Calls must continue for the Malaysian government to end violence against domestic workers by improving labour inspection systems for domestic work.
- 4) National laws must be created in line with the country’s internationally established and ratified occupational safety and health standards. Domestic workers are workers. Therefore, they have rights, including women’s reproductive and maternity protection rights. Many domestic workers have no access to these rights. For example, the renewal of women domestic workers’ visas to a destination country is rejected when they are pregnant.



*Illustration by: Apolonia Tesera*

## Discover more about our world-class research



[nottingham.ac.uk/rights-lab](https://nottingham.ac.uk/rights-lab)



[rightslab@nottingham.ac.uk](mailto:rightslab@nottingham.ac.uk)



[@rightsbeacon](https://twitter.com/rightsbeacon)

Published in July 2023. The University of Nottingham has made every effort to ensure that the information in this report was accurate when published. Please note, however, that the nature of this content means that it is subject to change, therefore consider it to be guiding rather than definitive. © The University of Nottingham 2023. All rights reserved.



University of  
**Nottingham**  
Rights Lab



Celebrating  
**30**  
years of  
Global South Feminism



**GLOBAL SOUTH  
WOMEN'S FORUM**  
ON SUSTAINABLE  
DEVELOPMENT