

THE EMPOWERMENT OF DOMESTIC WORKERS: FEMALE AGENCY IN THE ASIAN REGION

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FEMALE AGENCY, MOBILITY AND SOCIO-CULTURAL CHANGE

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This research programme focuses on the feminization of migration as one of the most significant social patterns to have emerged in the course of the last century. Too often, female migrants occupy vulnerable positions in their host societies, engaging in domestic work, sex work and other unregulated sectors. Despite being so vulnerable and despite established patterns of exploitation, the numbers of women who choose to migrate is rising. This research programme focuses on this phenomenon, in order to better understand why and how migration may offer routes to empowerment to women. A specific area of focus will be the extent to which migration allows women from the global south new sociocultural horizons as they cross over and settle in the global north.

The Empowerment of Domestic Workers: Female Agency in the Asian Region

Megha Amrith

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Summary

This report will examine the practices of female migrants who campaign for the recognition of their fundamental labour and human rights as domestic workers and who seek empowerment in their migrant journeys. This is important in the light of recent debates at the international level that 'domestic work is work'. It will focus on examples from the Asian region, which has one of the largest numbers of migrant domestic workers yet which is lagging in providing them legal protections and decent working conditions. The examples demonstrate the varied and creative means that civil society activists and migrant domestic workers use to exercise their agency and to advocate for decent work and social equality. These cases can demonstrate to policy makers what matters for female migrants who frequently work under exploitative and abusive conditions and whose voices are often marginalized.

Introduction

Domestic work, historically and in the present day, is crucial to the sustenance of households across the world. It is also increasingly associated with the labour of female migrants, who move internally within particular states, and transnationally. As a result of economic inequalities, and socio-cultural and demographic changes, there is a greater demand for domestic workers to do work that is perceived by many sectors of society as 'dirty', 'low-status' and 'low-skilled'. In spite of the fact that domestic workers perform 'the critical work of social reproduction - household maintenance and care work - that sustains the current generation of workers and raises the next generation', it is still 'underpaid, sometimes abused, and frequently undervalued' (Nadasen and Williams, 2010: 3). Moreover, historical and contemporary cultural constructions of domestic work have construed it as a 'natural' role for women in the private sphere, whereby the household is not regarded as a workplace.

In the contemporary globalized world, domestic work is a category of labour that is both highly gendered and racialised. Increasingly, it is migrant women who do this work as 'servants of globalization' and who are discriminated against because of their nationality, class and gender (Parreñas, 2001). What is less often acknowledged is that they are a fundamental part of a transnational labour force driving and sustaining global cities and their households. Beneath the surface picture of cities as high-growth centres of capital, are low-wage service workers who keep cities around the world running (Sassen, 2001). However, a recent study by UN Women and the International Trade Union Confederation (ITUC) (2013) revealed that '40% of 73 countries studied worldwide have no form of regulation of any kind for domestic workers'. As the report states, 'not only does a lack of regulation of this sector devalue the economic and social contribution of domestic work to development, it exacerbates abuse and exploitation of workers' and perpetuates gender inequalities (2013: 5).

In response to this situation, activists campaigning for domestic workers' rights, domestic workers themselves and international organisations are making their voices heard, advocating for recognition of the fact that 'domestic work is work'. Domestic workers should therefore hold the same labour rights and protections that workers in other sectors of the economy hold. These include: the right to fair wages, a safe workplace, rest days and annual leave, social security and the right to decent work. It goes without saying that these should exist alongside the upholding of their fundamental human rights. The activism surrounding domestic work must be

contextualised within wider international efforts to guarantee decent work, to prevent gender discrimination in the labour market and to promote principles of dignity, justice and equality.

Many years of campaigning have led to a milestone in furthering the rights of domestic workers through the Domestic Workers Convention, a treaty adopted in 2011 by the International Labour Organisation and which entered into force in 2013. The Convention is legally binding for signatory countries (of which there are currently very few) and provides a much-needed international normative framework that will 'extend the labour and social rights of some 53 million domestic workers around the world' (UN News Centre, 2013). While this has been an important step in the international recognition of domestic work, there are nonetheless vast challenges to be addressed on-the-ground in specific regions where domestic work is prevalent. The report provides an overview of the hardships that domestic workers face, but above all, it highlights the forms of activism and empowerment that migrant domestic workers themselves participate in as a means to promote best practices and to transform their situations for the better.

Domestic Work in Asia

This report focuses on the Asian region, which has among the highest numbers of migrant domestic workers. More than 21 million people across Asia and the Pacific - 80 per cent of them women - are employed as domestic workers, according to a report by the International Labour Organization (2013). Yet several Asian countries are known worldwide for not extending legal protections to domestic workers, for allowing basic labour and human rights abuses to occur. Indeed, the majority of countries that receive domestic workers have not ratified the Domestic Workers Convention. Asia is witnessing many different movements of domestic workers, both internal and international. In India, for example, many women migrate from rural areas to cities to find work in the households of middle-class and wealthy families, yet they continue to struggle for visibility and recognition¹. The region's stark socio-economic inequalities also mean that many women move transnationally. The transnational movements of domestic workers have been the focus of media, policy and academic reports and studies. For example, dual-income families in Singapore and Hong Kong depend heavily on live-in migrant domestic workers. In June 2014, there were an estimat-

1. According to an interview I conducted with the National Domestic Workers Movement in Mumbai, migrants live in their employers' homes but are often not paid wages for their work. This is sometimes accompanied by patronising attitudes of 'benevolence' among employers that they are caring for and sheltering 'poor village girls'.

2. Source: <http://www.mom.gov.sg/statistics>

ed 218,300 domestic workers in Singapore from countries such as the Philippines, Indonesia, India, Sri Lanka and Burma². It has been estimated that Hong Kong had slightly more than 100,000 migrant domestic workers in 1992, and that there are now approximately three times as many, the largest numbers from the Philippines and Indonesia (Branigan, 2014).

In Asia, reports and media stories have tended to focus the infringement of the human rights of domestic workers and depict a grave situation: cases of extreme physical and verbal abuse (some leading to tragic deaths abroad) and labour exploitation in 'inhuman conditions' are rife (Cheah, 2006). The exploitation refers to excessive working hours, no weekly day of rest, the confiscation of passports, under-compensation for doing multiple household tasks, lack of adequate food and the illicit practices of recruitment agencies which put workers in situations of debt (Amnesty International, 2013; UN Women and ITUC, 2013; ILO, 2013). Many female migrants are live-in domestic workers, on restrictive and temporary visas and denied the right to permanent residence and citizenship. Their mobilities are highly controlled by visa conditions and they are also subject to moral discourses in their countries of origin that blame migrant women for being 'bad' and 'absent' mothers on the one hand, while celebrating female migrants' heroic sacrifices for the family and for the nation on the other (Parreñas, 2001; Tadiar, 2004; Silvey, 2006). Such discourses seek to control the movements and 'behaviour' of female migrants and have manifested themselves through legislation and policies (e.g. bans on female migration to certain countries) and through public and media rhetoric.

This exploitation and abuse, which undermine the human rights and dignity of female migrants, require sustained and serious attention locally and globally. However, an exclusive focus on these dimensions of migrants' lives tends to put forward a singular picture of domestic workers as exclusively victims. Little attention has been given in policy circles to the agency of domestic workers. Indeed, many of the states to which domestic workers migrate in Asia, limit or restrict altogether any form of visible or public protest. Yet in spite of these restrictions, there are plenty of examples from the Asian region that demonstrate the on-the-ground initiatives and activism of domestic workers, and of migrant rights advocates, to transform exploitative practices and conditions. This report puts forward a perspective of migrant domestic workers, first and foremost, as agents: those who are active in voicing their concerns and seeking change, with the support of local grassroots NGOs; and those who find ways to realise their personal and familial aspirations through activities that empower them. Their identities are far

more complex than their widespread public image allows for. This report will highlight empirical examples from fieldwork in Singapore and from the work of activists and scholars in different disciplines who have conducted long-term research with migrant women and who have made important contributions to understanding their active engagements. It will focus on three cases of activism and empowerment in the Asian region: first, a campaign led at a grassroots level in Singapore to legislate for a day-off for domestic workers; second, the visible political protests among domestic workers in Hong Kong; and third, examples across the region of how domestic workers might realise their aspirations and experience new freedoms through everyday practices of empowerment. The report demonstrates how these urban-based mobilisations and practices are aimed at overcoming exploitation and achieving wellbeing. It is important for local and international policy-makers to see domestic workers as active participants in these processes. This recognition will counteract the other two dominant characterisations of domestic workers as either invisible or 'unworthy' of policy attention, or as passive and silent recipients of help.

Case Study 1: The Day-Off Campaign in Singapore

Since the 1970s, Singapore has become one of the largest receiving countries of migrant domestic workers in Asia. Domestic workers are employed on temporary contracts and live in their employers' homes. They face many restrictions on their mobility as a consequence of their work permit conditions and they are not covered by national labour legislation. The policies that do exist for migrant domestic workers are worded in such a way that gives employers the power to interpret them loosely and to determine their conditions of work and life. Most often, these interpretations do not protect the best interests of domestic workers. For instance, a weekly day of rest is one right that has long been denied to a number of migrant domestic workers.

Over the past decade, civil society advocacy for the rights of migrant workers in Singapore has become increasingly visible among new and existing non-governmental organisations. In 2008, The National Committee for UNIFEM (now UN Women), along with the NGOs HOME and TWC²³, launched the 'Day Off Campaign' to encourage employers to give a regular day off to migrant live-in

3. HOME:
Humanitarian
Organisation for
Migration Economics
and TWC2: Transient
Workers Count Too

4. Limiting the mobility of domestic workers is in part related to the policy of the 'security bond', one that activists have long questioned. The security bond is a deposit that employers pay to the government to ensure that the domestic worker they employ 'complies with work pass conditions'.

5. Guidelines for 'sufficient rest' by the Ministry of Manpower in Singapore indicate to employers that 'you should ensure that she has sufficient rest, especially during the night. Rest days should also be catered for, as agreed between yourself and the worker' (See: <http://www.mom.gov.sg/foreign-manpower/passes-visas/work-permit-fdw/before-you-apply/Pages/default.aspx#wellbeing>).

domestic workers and to have this legislated. A website was created (www.dayoff.sg), alongside public awareness talks and a research project and report based on a nationwide survey. The campaign mobilised many people across civil society: from students to volunteers and those with an interest in taking action to ensure the wellbeing of migrant women.

The survey conducted as a part of this campaign sought to understand some of the obstacles to the fair treatment of domestic workers. It involved door-to-door questionnaires, knocking on the doors of employers or potential employers in the high-rise public and private housing blocks in Singapore, to ask about their views on a day off for domestic workers. The surveys were challenging to conduct, as respondents were distrustful or apathetic towards these concerns. The results revealed that a weekly day off was an exception to the norm; only 12% of employers surveyed were in favour of this. Employers who were not in favour were afraid that domestic workers 'would fall into bad company'⁴, or held the belief that their employee 'did not want a day off' (UNIFEM, HOME, TWC2, 2011). These responses reinforced notions that employers feel a sense of ownership over domestic workers, seeing them as their property rather than as fellow human beings who are agents of their own lives and futures. It also suggested that employers' assertions of this ownership took precedence over their responsibilities towards upholding basic labour and human rights.

Nonetheless, the sustained efforts of this campaign led to the Singapore government's Ministry of Manpower legislating for a mandatory day off for migrant domestic workers. This most basic of rights was ultimately recognised and the new legislation came into effect at the beginning of 2013. This example demonstrates the positive impacts that campaigns and public awareness initiatives of civil society organisations can have. Tackling concerns one step at a time, these efforts have the potential to transform experiences of exploitation among migrant domestic workers. The Day Off campaign was driven by citizen-activists to speak out for a just and equal society and most participants were those who listened to, and were motivated by, everyday encounters and experiences with migrant domestic workers. Although this was a landmark moment, there are still limitations. The new legislation still gives employers the option to compensate domestic workers monetarily to replace the weekly day off, an option which many employers are opting for. This in turn could perpetuate situations of exploitation, where the need for 'sufficient rest'⁵ is not honoured and freedom of movement denied.

The Day Off campaign has been accompanied by wider efforts in civil society to change the perception of domestic work in society. One local charity group recently organised an event to celebrate

and publically acknowledge the labour of domestic workers, attended by representatives of local and sending country governments. Values of mutual care and respect between employer and employee were applauded, which is no doubt important. However, as an activist from a different organisation pointed out, it is equally important not to allow these ideas to translate into seeing a domestic worker as just 'one of the family' (where exploitation and a lack of compensation for household work would prevail), without also acknowledging her position as a worker with rights. In the words of this activist, these events 'should not just be about model employees and their generous employers... equality, solidarity, and non-discrimination are values that are worth celebrating and fighting for too' (Wham, 2014).

Case Study 2: Domestic Worker-Activists in Hong Kong

The campaign in Singapore demonstrated how civil society activists are advocating for rights on behalf of, and in dialogue with, migrant domestic workers. This is important in the Singapore context given that the spaces for public protest and the opportunities for domestic workers to voice their concerns directly and without fear are limited. The case of domestic workers in Hong Kong, in this regard, is distinctive in the region. It is one of the few cities in Asia where the direct activism of domestic workers in the form of public and visible protests has flourished. Domestic workers of different backgrounds have participated in protests in public urban spaces, outside embassies and in response to large, global events. They participate in alliances, organizations and collectives for migrant women, many of which are organised according to national groupings, but which nonetheless come together into larger cross-national solidarity movements. One organisation, UNIFIL-HK⁶ writes of their activism taking place 'in the spirit of international solidarity. We share the same struggles...against the commodification of peoples and labour around the world. It is important to coordinate and cooperate with migrant organizations of other nationalities to achieve this end.' UNIFIL-HK works in partnership with Nepali, Indonesian, Sri Lankan and Thai migrant associations.

Student groups and NGOs in Hong Kong also support these movements. Yet it is notable that domestic workers themselves have led mobilisations in Hong Kong, especially considering that

6. UNIFIL-HK: United Filipinos in Hong Kong.

this has not been possible in many other Asian contexts. While there is a minimum wage for migrant domestic workers, there are many other restrictions and rights infringements such as the 'two-week rule' (where domestic workers are only given two weeks to find another contract if they resign from or lose their jobs), temporary contracts which do not give them the right to permanent residence, and cases of abuse and mistreatment. Some of the key concerns are to scrap the two-week rule, enforce maximum working hours and to tackle illegal recruitment agency fees. Nicole Constable, an anthropologist who has conducted research on migrant domestic workers in Hong Kong over an extended period, notes that from pre- to post-1997 Hong Kong (when it became a Special Administrative Region of China), the policies governing the rights of migrant domestic workers hardly changed. What did change, however, was the language through which migrants framed their protests. She argues that locally-oriented 'concerns about wages and work conditions are still commonly voiced, but they are increasingly framed in relation to discourses of global justice and human rights'. (Constable, 2009: 150). Now, through their activism, they position themselves as global migrants in pursuit of justice and dignity.

In this light, it is notable that Indonesian domestic workers were among the 'largest and most prominent contingent of "local" demonstrators' during a World Trade Organisation Ministerial Conference in Hong Kong in 2005 (Lai, 2007: 123). 'Excluded, like many other marginalized and dispossessed groups, from the negotiating site...Indonesian domestic workers nonetheless commanded attention with their impassioned, vibrant presence in the grassroots protest', using song, dance, instruments, banners and theatre to act out their experiences of abuse and to express their resistance to global capitalism and its exclusions (Lai, 2007: 123).

Constable (2009: 151) also points out that domestic workers' shelters are 'the single most important avenue through which domestic workers of various nationalities...are exposed to political and labour activism'; those waiting for hearings, for instance, meet each other in these shelters and mobilise to expand their networks. Through this activism, they demonstrate a citizenship from below and a political voice. They launch critiques of global inequalities and challenge a domestic versus public dichotomy to demonstrate that theirs are not merely private concerns, but ones of relevance to societies across the world. It is worth highlighting, however, as the next section takes further, that not all domestic workers participate in these protests; indeed, many choose not to. Those who are active, however, are 'highly visible, vocal and influential' in Hong Kong (Constable, 2009: 161).

Case Study 3: Aspirations and Everyday Forms of Empowerment

The previous two cases have highlighted the role of activism among NGOs and domestic workers to change living and working conditions and to advocate for the upholding of human rights. Redefining the category of 'domestic worker' as a political category that allows for positive identification has been central to advocacy and building solidarity in this area. That said, it is important to note that some domestic workers might not self-identify in this way and it is thus important to recognise the diverse, heterogeneous and fluid identities that they might hold. This section highlights other everyday forms of empowerment that are less politically oriented and more focused on realising personal and familial aspirations.

Firstly, it is crucial to recognise that migration and mobility offer opportunities to female migrants for socio-cultural change, self-empowerment, new experiences and freedoms. This might be through educational courses, friendships or new patterns of consumption in the cities to which they migrate. Findings from ethnographic research with migrant women in Asia reveals the nuances of migrants' aspirations and narratives and the different ways through which they seek empowerment. It would be useful to highlight a few of these findings here.

The sphere of consumption is one area where migrant women might find freedom and empowerment. Rachel Silvey (2006: 32-34), in her work on Indonesian domestic workers, highlights how alongside narratives about the economic necessity of migration to meet family needs, women 'emphasized the strength of their consumer desires and aspirations: it was new clothing, jewellery, gifts, satellite dishes, kitchen appliances, and remodelled homes, all purchased with migrant incomes, that incited the most heated discussions'. In this light, migration offers possibilities for social mobility, and the acquisition of certain commodities and material culture might enable them to move out of situations that they perceive as 'shameful'. This is a pertinent narrative that does not sit in contradiction with narratives of familial duty. Rather, the ability to purchase new consumer goods and experiences is often seen as central to the realisation of family aspirations. In a similar way, Mary Beth Mills's (1997: 37) study of the rural to urban migration of women in Thailand sees the coexistence of two narratives: one of the 'good daughter' working hard to help the family and the other, the desire for 'autonomy and commodified display' as the modern, urban woman. These examples demonstrate how migration offers the possibilities for ne-

gotiating and creating new gender identities. Through the diverse and dynamic spaces of urban Asia emerge new forms of empowerment, which are often part of the very same capitalist processes that drive transnational migration.

My fieldwork with Filipina women in Singapore, echoing Silvey's findings with Indonesian domestic workers, also revealed that some women see migration as an avenue to escape broken or dysfunctional marital, romantic and familial relationships. Migration could offer a chance for new beginnings away from the expectations and restrictions that they might experience at home. In spite of the significant hardships they face as migrants abroad, there is often a certain reluctance to go home permanently out of a fear of losing their independence and migrants tend to prolong their stays abroad indefinitely.

The journeys of migrant women are thus bound up with the desire to realise multiple aspirations and rest days away from their employers' homes are crucial in enabling them the space, time and freedom to achieve this. For example, I found during my fieldwork that many domestic workers participated in skills classes on Sunday afternoons, such as classes on nursing, information technology and computing, on beautician skills and starting a business. In these classes, they did not want to define themselves as domestic workers but rather as women pursuing educational and vocational possibilities for the future. Sundays are also days for developing new cross-cultural friendships and relationships and for opening themselves up to the new worlds of experience which migration and mobility offer. Public spaces where migrants gather to chat, gossip, eat and picnic are vibrant spaces of conviviality, sociability and visibility. Others take the opportunity to develop their religious and spiritual commitments by taking up active leadership roles in religious spaces and empowering themselves by seeing their migrant journeys as spiritual ones (Liebelt, 2010). The proliferation of digital social media and smartphones have also no doubt increased the opportunities for domestic workers to engage with the wider society in which they live and to express themselves beyond their confined living and working spaces.

Conclusions and Recommendations

This policy report has traced initiatives among civil society activists and domestic workers to campaign for rights, transform their situations and to seek new forms of empowerment in their migrant journeys. It is important to recognise the voices of migrant domestic workers in this process, alongside an understanding of the difficult conditions of work and life that they experience. Much still has to be done in terms respecting their human rights, yet it is also an area which has seen dynamic and creative initiatives that demonstrate the agency and aspirations of female migrants. The report suggests that policy-makers should give attention to these on-the-ground voices to allow for a more multi-dimensional consideration of the challenges and to consider how active campaigns, best practices and opportunities for empowerment, can be better supported.

The report makes the following recommendations:

- The recognition of domestic workers as equals with the same fundamental human rights as all other human beings. This will involve government support of civil society campaigns to change the perception of domestic work and workers in society. Such campaigns have to tackle lingering historical and cultural stereotypes of women and domestic work and to highlight the valuable contributions of this work to sustaining household life across the world.
- The ratification of the Domestic Workers Convention (No.189, 2011) and commitment to longer-standing international conventions such as The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979). This will demonstrate a commitment to recognizing domestic work as work and to better protect migrant domestic workers. It will also demonstrate commitment to reframing policies that promote gender equality and guarantee decent work, including the right to fair wages and working conditions, and transparent and fair recruitment practices.
- The recognition of domestic workers as agents in this process of change (as cases in the report demonstrate). Domestic workers should be given the space and appropriate channels to voice their concerns without fear and to participate as political subjects in the process of reformulat-

7. The report has also considered the experiences of transnational domestic workers, but it is also important to recognise that local domestic workers and internal migrants require policy attention too.

ing policy that promotes equality and justice. This can be done through direct consultations with domestic workers, engaging with domestic worker associations and harnessing the potential of the social media to reach out.

- Investment by local and national governments in skills and self-empowerment courses for domestic workers and in supporting their uses of public spaces for leisure and for building social networks and relationships. This will increase the potential for migrant domestic workers to realise their aspirations and to gain from their migrant experiences, whilst also making important contributions to the development of the societies in which they work and their societies of origin, economically, socially and culturally.

These recommendations are relevant globally, though some states have done more to further this cause in line with international norms than others. For instance, in Brazil and in Latin America more generally, there have been significant legislative, policy and societal advances to put domestic work on equal terms with other kinds of labour (WNN, 2013, UN Women and ITUC, 2013)⁷. This can inspire changes in other regions. It is an opportune moment for states and cities in Asia, some of which have, until now, put economic instrumentality before the question of migrant and human rights, to take the opportunity to reposition themselves in line with this global movement for a just and equal society.

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