



**RESPECTING THE
HUMAN RIGHTS OF
WOMEN MIGRANT
WORKERS DURING
RECRUITMENT
A SHORT REPORT
FOR BUSINESSES**

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**“WOMEN CONTINUE TO HAVE TO
ADJUST TO A WORLD OF WORK
SHAPED BY MEN FOR MEN.”**

— Global Commission on the Future of Work, 2019¹



EXECUTIVE SUMMARY

In 2021, an estimated 70 million women globally were working as international migrant workers.² The majority of these women make vital contributions to the societies and economies of their origin and destination countries. Most are from culturally and racially marginalised (CARM) communities, and a large majority are in informal employment. Far too many experience exploitation and abuse.

Increasing numbers of women migrate due to lack of economic or livelihood opportunities in their home countries. As demand for female labour grows, notably in garment manufacturing, agriculture and food processing, hospitality, care / domestic work and electronics, there is greater recognition of how women's migration experiences differ from men's, and the specific risks to which they may be exposed.

Recruitment of all migrant workers but particularly those seeking employment in low wage occupations may present many challenges for business. Business will often use the services of recruitment agencies, some of whom will in turn rely on a range of intermediaries to find and process migrant workers for contracts abroad. Flawed recruitment processes, corruption and lack of effective government legislation matched by consistent and transparent enforcement may mean that workers are subjected to a range of exploitative practices throughout this process. In particular, the payment of, often, large recruitment fees, costs and charges to secure employment abroad may leave workers indebted and vulnerable to further exploitations.

Before they leave their home countries, and during recruitment, women can face:

- lack of access to reliable information due to illiteracy, restriction of movement and lack of access to technology, which increase risks of exploitation and gender-based violence at the hands of traffickers and agents;
- the burden of having to leave their young children with families, relatives or friends in exchange for money for their upbringing;
- abuse from family, especially husbands, or male relatives due to patriarchal systems, which forbid or compromise mobility of women;
- greater financial hardship associated with the payment of recruitment fees, costs and charges, or resorting to irregular migration due to lack of assets to cover the costs of migration.

Once they arrive at their destination, in addition to labour exploitation and low wages, women can face:

- a gendered labour market that may promote or restrict access to jobs, roles, positions, promotions, and access to training to those of a certain gender;
- wage and overtime inequality;
- intersections of discrimination based on race, caste, ethnicity, sexuality, socio-economic condition, age, nationality, and migration status;
- workplace restrictions on freedom of movement and association;
- gender-based violence, such as sexual harassment from employers, supervisors or other workers;
- inability to access advice, healthcare, adequate grievance mechanisms and justice;
- social isolation, including long-term separation from children, alongside the pressure of being the main earner for extended family.

On their return, some women migrants can experience:

- discrimination and stigmatisation for having challenged established gender norms, which can result in divorce, loss of custody of children and ostracization from society; and
- being left without work, property or personal savings including where their migration has been ended involuntarily or in traumatic circumstances.

The UN Guiding Principles on Business and Human Rights make clear the responsibility of business to respect, and the expectations on governments to protect the rights of all stakeholders engaged in or impacted by business operations. Despite the existence of serious risks at each stage of labour migration, there is a consistent failure on the part of many governments to ensure the rights of women migrant workers are respected and protected. International conventions and frameworks on migrant workers generally do not address gender, and women specifically. Origin countries that rely heavily on remittances from women may be reluctant to interfere with a system that brings significant economic benefits, despite the harmful consequences of that system for many of their citizens.

States in many cases have reacted to reports of abuses by restricting the ability of women to migrate for work rather than ensuring their right to do so safely. Countries have, for example, attempted to implement bans or restrictions to prevent women from migrating to take up domestic work or other work categorised as “low-skilled”.³ Meanwhile, destination state governments often adopt a security-based approach to manage migration and overlook factors including gender which make migrant workers vulnerable to exploitation and abuse.

The private sector too, frequently fails to effectively address the specific challenges facing women migrant workers. As these challenges seldom feature in major multilateral non-binding standards and guidelines on responsible business practices and fair recruitment, very few businesses have paid attention to these workers as a group facing distinct issues and risks. It is for this reason that in 2023, IHRB with support from FairSquare, applied a gender lens to the Implementation Guide of the Dhaka Principles for Migration with Dignity, aiming to respond to the issues facing women migrant workers identified during the research for this report.

Allegations that women face fee-charging, debt bondage and other modern slavery risk factors present serious risks to brand value and company reputation, particularly for consumer-facing businesses, threatening investor, stakeholder and consumer relations. Responsible recruitment and not charging recruitment fees to workers are also increasingly requirements within public procurement regulations that apply directly to companies providing goods or services to governments. At the same time, proactive engagement, due diligence and transparency on recruitment practices can have a positive impact on company reputation, legal compliance and stakeholder relations, and strengthen business partnerships including with suppliers.

As a central dimension of their responsibility to respect the rights of women migrant workers, business leaders should take a number of concrete steps across their operations. These include:

- providing decent work to women migrant workers, with a strict policy of equal pay for equal work;
- employing and promoting more women, particularly women migrant workers to supervisory and managerial positions, as this can help to reduce discriminatory practices in the workplace;
- ensuring that policies and procedures include specific consideration of issues affecting women migrant workers, particularly gender-based violence and discrimination;
- developing and implementing corporate policies that respect the rights of domestic workers, including women migrant workers, who are employed in the households of company staff.

This short report provides context and guidance for businesses who employ migrant workers directly or through their supply chains. It sets out key challenges facing women migrant workers in their migration journey, provides an overview of rights and gaps in protection of rights for women migrant workers in international standards and national laws, and proposes straightforward measures that businesses should take within their own operations to respect the rights of women migrant workers.

1. CHALLENGES FOR WOMEN MIGRANT WORKERS

Migration is not a gender-neutral phenomenon. As the UN Committee on the Elimination of Discrimination Against Women (CEDAW) has pointed out, it is critical to understand how women's experience of migration is different to men's, and a gendered perspective is essential.⁴ UN Women describes gender as "embedded in all aspects of migration", affecting women migrant workers' options, choices and outcomes in distinctive ways throughout the migration process. Labour migration, labour markets, work regimes and workplaces are highly gendered, as are categories of entry in destination countries, recruitment practices, housing, relationships with other workers and employers, and interactions with the state. Violations of the human rights of women migrant workers occur in countries of origin, countries of transit and countries of destination.⁵

Women migrant workers and the global workforce⁶

Of an estimated 169 million international migrant workers globally in 2021, 70 million are women. Women migrant workers are heavily concentrated in North America (24.9%) and Northern, Southern and Western Europe (29.4%), while 6% of women migrant workers are in the Arab States. 79.9% of women migrant workers are in services, 14.2% are in industry and 5.9% in agriculture. The number of women migrant workers in agriculture has fallen over the last six years and is matched by an increase in the number in the service sector. There are an estimated 11.5 million migrant domestic workers around the world, approximately 8.5 million of whom are women. An estimated 13% of all migrant women find employment in domestic service, and women represent 73% of all migrant domestic workers. Due largely to gender inequalities and systemic racism in countries of origin and destination, the majority of women migrant workers are typically racially marginalised, and a large majority are in irregular situations.



MIGRANT WORKERS GLOBALLY (2021):



58.6% Men
41.4% Women



WOMAN MIGRANT WORKERS ARE CONCENTRATED IN:

29.4%
Northern,
Southern and
Western Europe

24.9%
North America

6%
Arab States



WOMAN MIGRANT WORKERS ARE WORKING IN:

79.9%
Services / Domestic
& Care Work

14.2%
Industry / Manufacturing

5.9%
Agriculture

1.1 CHALLENGES PRIOR TO AND DURING RECRUITMENT

Even before they depart from their country of origin, women migrant workers face multiple human rights risks. Some governments completely ban, or place partial restrictions on women migrating for work. Such bans may be based on age, marital status, pregnancy or maternity status, occupation-specific restrictions, or requirements that women must have written permission from male relatives to obtain a passport to travel or migrate.⁷ Restrictive migration policies can lead people who intend to migrate for work to turn to agents, including unlicensed agents, to facilitate access to employment. Others may migrate through unofficial channels often via third countries. For women migrant workers, this can expose them to heightened risks of violence, exploitation and human rights violations.⁸ When such bans are in force by origin states, their embassies abroad may treat women effectively as irregular migrants, even when destination countries have issued them appropriate documentation, and decline to offer them assistance if they encounter problems.

Recruiting agents sometimes detain women for pre-departure training, during which time they may be subject to financial, physical, sexual, or psychological abuse. Women may also suffer the consequences of restricted access to education, training, and reliable information on migration, which may lead to increased vulnerability in relation to employers.⁹

THE EMPLOYER PAYS PRINCIPLE

No worker should pay for a job - the costs of recruitment should be borne not by the worker but by the employer.

Under the Employer Pays Principle and the ILO General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs, no worker should pay for their own recruitment. However, although many origin and destination countries have either banned or capped recruitment fees, recruiters and employers continue to charge migrant workers for jobs abroad. This can affect women disproportionately. These payments take the form of legal / illegal / informal fees and service

charges, and are also applied to cover the costs of travel documents and tickets, medical tests and training, often at hugely inflated rates. Migration cost surveys of 5,500 workers across 19 migration corridors conducted in 2015 and 2016 found that in many corridors, “recruitment charges were exceptionally high, and had a devastating impact on low-paid workers.” Poorer workers with fewer assets were found to be paying progressively higher fees. Women, who generally have fewer assets than men, can suffer greater financial hardships which make them more dependent, for example, if they need to borrow from family, friends, or moneylenders at usurious rates.

Women also face other common abuses pre-departure, particularly deception about the nature of work and working conditions, and coercion to enter unregulated or unfavourable employment relationships. These practices are compounded by tactics such as contract substitution and delayed deployment.¹⁰

Women may also face barriers to securing work overseas as a result of discriminatory views among employers and recruiters. The labour market, including for migrants, remains highly gender segregated. Men are generally perceived as physically stronger, while women are seen as nurturing - and are often concentrated in care-related sectors - or nimble and meticulous, and therefore

more suitable for roles in factories. Gendered labour opportunities then influence where male and female migrants move to.¹¹ For example, in Canada, women continue to make up less than 4% of participants in the Mexico-Canada Seasonal Agricultural Worker Program, because employers tend to request male workers. Due to the relatively small number of women working in agriculture in Canada, the accommodations provided for them can be seriously inadequate. Additionally, because places for women on the programme are so limited, women may feel under particular pressure not to complain about poor treatment and conditions, for fear of losing their jobs.¹²

1.2. CHALLENGES IN THE DESTINATION COUNTRY

In order to pay recruitment fees, costs and charges, workers often sell assets and / or take out loans at high rates of interest, ending up in debt for months or even years. Combined with remittances sent home to support family members, loan repayments form a double burden for migrant workers, who often compromise their own basic needs to continue making payments. Women migrant workers who are indebted by recruitment fees can find themselves unable to leave abusive employment situations, as they have no other means of repaying their debt.¹³ Exploitative working conditions and poor treatment, excessive hours, wage theft including non-payment and late payment of wages and deductions for food and accommodation compound the situation, which is particularly drastic for women compared with men, because of women's generally lower wages. The ILO reports that average monthly earnings of female migrants are more than 20% lower than those of male migrants in 37 out of the 60 countries for which data are available.¹⁴ Ultimately, workers can find themselves in debt bondage, tied to an employer until their debt is cleared.¹⁵

Women are more likely to be restricted to live and work in their employers' homes, where they are more vulnerable to abuse.¹⁶ Domestic workers experience some of the worst working conditions across the care workforce and are particularly vulnerable to exploitation. Jobs in this sector are notoriously unpredictable and casual as private homes are less likely to be considered as work places. Domestic workers are often excluded from labour law regimes and where they are protected, they may not benefit from those protections in practice, as they often work informally. Violence at work is ubiquitous in the sector.¹⁷ In Jordan, Lebanon and the six states of the Gulf Cooperation Council,¹⁸ the *kafala* (sponsorship) system ties migrant workers to their employer, with sponsors being liable for the migrant worker's conduct and safety, and having control over the worker's movement and employment.¹⁹ In Lebanon, for example, women migrant domestic workers working and living in households have reported being subjected to extensive violence, often at the hands of their employers. Attempts to hold sponsors accountable can lead to physical or verbal abuse, or blackmail through the withholding of passports. Workers who breach their contracts by running away or leaving the employer's home are subject to criminalization or deportation.²⁰

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Domestic workers are often classified by governments as workers outside the private sector, and they are generally excluded from supply chain analyses and labour law enforcement mechanisms. However, some organisations have recognised that they have a responsibility to domestic workers in their supply chains. For example, the American University in Beirut's Housing Policy includes measures relating to the rights of domestic workers living in the households of University staff.²¹ Increasingly, ESG advisers and migrant support organisations suggest that to prevent their workforce contributing to harms, businesses and other employers put in place similar measures in countries where employing a migrant domestic worker is common practice among professionals.

Women migrant workers often lack social support in destination countries. They routinely face structural and systemic discrimination while accessing services throughout the migration cycle, with multiple barriers preventing them from seeking help through both formal and informal channels. Lack of familiarity with the language and culture in the country of destination affects their ability to access services including healthcare, social services, justice and policing, and safe shelter.

Migrant women who experience violence or harassment can be discouraged from seeking help due to societal attitudes such as victim-blaming and fear of social stigmatisation and are likely to be unfamiliar with the services available, their rights to access them, and with the destination country's legal procedures. Some women migrant workers experience discrimination from service providers, embassy officials, intermediaries, and others because they are women and migrants, and/ or because of their job sector. They may also experience social pressure not to report abuse or to seek legal redress out of fear that they may lose their job and be unable to continue sending remittances to family members in their home country.²²

Many women migrant workers do not attempt to access services because they lack the required legal documents. Women migrant workers seeking remedy face particular challenges presenting documentation and evidence of recruitment or employment abuses, as they are often not provided with, or given control over such documentation throughout the course of their lives. For example, where women-dominated occupations – such as domestic work – are excluded from legal definitions of work, they may not be provided with employment contracts. Women migrant workers may not possess wage receipts, as payments made could be made into accounts they cannot access. In some cases, these documents, if available, are in the possession of male guardians or spouses.²³ Women also fear losing their jobs, residency/stay permits, and being deported if they report abuse.



1.3. CHALLENGES ON RETURN

Women migrant workers can experience a variety of situations from early or unexpected contract termination, workplace abuse, pregnancy, reproductive or health issues, or deportation which cause them, or force them to have to return suddenly to their country of origin.²⁴ On return they may be subjected to compulsory health testing, so-called “moral rehabilitation” (for young women returnees), and increased personal and social costs compared to men, without access to adequate gender-responsive services. For example, men may return to a stable family, whereas women may find family breakdown upon their return, with their absence from home blamed for such disintegration. There may also be a lack of protection against reprisals from exploitative recruiting agents.²⁵ These circumstances can result in women migrant workers seeking to re-migrate as quickly as possible, through legal or illegal channels.²⁶

Neither is there adequate continuity between destination countries and countries of origin for women who return home and need longer-term support. Lack of clear referral procedures among countries and sectors may also impede access to essential services and may increase the risk of re-traumatisation. Migrant women may also face social stigma if they seek services upon return. Women may also experience barriers to services in their country of origin, given their migration status or non-categorisation as a trafficked person. Legal redress can take a long time as well, and the cost of returning to the country of origin to handle legal affairs can be prohibitively high.²⁷

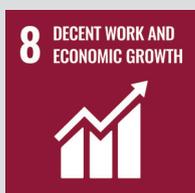


2. PROTECTION IN LAW AND STANDARDS: SOME COMMITMENTS, LITTLE ACTION



Sustainable Development Goal 5 seeks to achieve equality and empower women and girls.

Targets for Goal 5 include - an end to all forms of discrimination against all women and girls. Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of women and girls at all levels.



Sustainable Development Goal 8 seeks to promote sustained, inclusive and sustainable economic growth. Full and productive employment and decent work for all.

Targets for Goal 8 include - achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value. Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking. Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.

The UN Guiding Principles on Business and Human Rights make clear the responsibility of business to respect, and the expectations on governments to protect the rights of all stakeholders engaged in or impacted by business operations.

Despite the existence of serious risks at each stage of labour migration, there continues to be a lack of effective efforts at all levels to respect the rights of women migrant workers. International conventions and frameworks on migrant workers generally do not fully address issues relating to gender, and women.

2.1. INTERNATIONAL AGREEMENTS AND NATIONAL LAWS

While there are no international agreements or standards which apply specifically to women migrant workers,²⁸ several conventions have particular relevance to their protection.

- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) condemns discrimination against women in all forms and obliges states to take appropriate measures “in all fields” to guarantee that women enjoy their human rights. CEDAW grants rights to all women regardless of their migration status, unlike several other human rights treaties which grant rights to citizens only, not migrants.²⁹

- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, applies to all migrant workers without distinction on the grounds of sex or any other status. States Parties to the Convention undertake to protect the fundamental rights of all migrant workers.³⁰
- The ILO Domestic Workers Convention, 2011 (No. 189) entitles domestic workers to the same basic rights as those available to other workers and obliges governments to protect domestic workers from violence and abuse, and to regulate private employment agencies that recruit and employ domestic workers.
- The Violence and Harassment Convention, 2019 (No. 190) provides the first internationally agreed definition of violence and harassment in the world of work, including of gender-based violence and requires ratifying states to adopt a gender-responsive approach to preventing and eliminating violence and harassment.

To date, 189 UN Member States have ratified CEDAW, but ratifications of the other three Conventions remain very low, with only 58 Member states of the Migrant Workers Convention, and 36 each of C189 and C190,³¹ meaning the majority of governments are still evading the obligation to implement these protections.

The UN Global Compact for Safe, Orderly and Regular Migration (GCM), endorsed by the UN General Assembly in 2018 commits signatories to ensure that relevant national labour laws, employment policies and programmes include considerations of the specific needs and contributions of women migrant workers, especially in domestic work and lower-skilled occupations. This includes adopting specific measures to prevent, report, address and provide effective remedy for all forms of exploitation and abuse, including sexual and gender-based violence, as a basis to promote gender-responsive labour mobility policies. Unlike the above Conventions, the GCM is not a legally binding agreement,³² and despite extensive UN and ILO guidance and programmes,³³ governments' progress towards the legal reforms necessary to provide comprehensive legal protections for women migrant workers' human rights is slow, with the voices of women migrant workers rarely heard in policy-making processes.³⁴

At the national level, there are examples of better practice with regard to states' responsibilities of women migrant workers' rights. These include Costa Rica's General Law of Migration and Alien Affairs (No. 8764), highlighted by the ILO as an example of a progressive legal framework for labour migration, including gender equality and access to justice in line with the international treaties that Costa Rica has ratified.³⁵ In Spain, legal protections relating to violence or harassment in the workplace also apply to migrant workers with regular migration status. Legislation also provides temporary residence and work permits for migrant women who are victims of violence, trafficking or other forms of exploitation or abuse in order to reduce their dependency on their abusive employers or partners and to ensure that women have independent access to documentation.³⁶ Unfortunately, these are exceptions.

Governments' progress towards the legal reforms necessary to provide comprehensive legal protections for women migrant workers' human rights is slow, with the voices of women migrant workers rarely heard in policy-making processes.³⁴

Origin countries that rely heavily on remittances may be reluctant to interfere with a migration system that brings significant economic benefits, despite the harmful consequences for many of their citizens.³⁷ In most origin countries, although recruitment through licensed employment agencies is permitted and involves recruiters registering with the government and complying with laws and regulations, monitoring and enforcement are limited.³⁸ Instead, states have in many cases reacted to reports of abuse of women migrant workers by attempting to implement bans or restrictions to prevent women from migrating to take up domestic work or other work categorised as “low-skilled”. Governments including Bangladesh, Sri Lanka, Nepal, Indonesia, and the Philippines have put in place such bans at various times. Such steps may be viewed by governments as protecting women, but in reality these bans close legal avenues for migration. In combination with a lack of viable employment opportunities in their home countries, these actions push women to seek work illegally through unregulated labour brokers, in an effort to escape poverty and debt. During migration bans, women cannot access pre-departure information and training, standard employment contracts and grievance mechanisms, enabling recruiters and employers to profit from the worker’s undocumented position and making them more vulnerable to exploitation and abuse.³⁹

Destination country governments often adopt a national security-based approach to managing migration and overlook factors including gender which make migrant workers vulnerable to exploitation and abuse. Their recruitment industries are often poorly regulated, and they tend to blame origin countries for unfair recruitment practices. In many destination countries, women migrant workers are simply excluded from labour laws. For example, only 10% of domestic workers are covered by national labour legislation to the same extent as other workers, and around one third of all domestic workers – 15.7 million people worldwide, of whom 83% are women – are completely excluded from labour law protections,⁴⁰ in part due to governments’ reluctance to recognise individuals’ homes as workplaces.⁴¹ Limits on collective bargaining rights (particularly in agriculture and domestic work), and fear of employer retaliation prevent women migrant workers from seeking remedy when they are exploited or abused.



Bilateral labour migration agreements such as those between India-Saudi Arabia, Indonesia-Malaysia, Bangladesh-Jordan, and Morocco-Spain do not provide comprehensive protection to women migrant workers' rights or address underlying issues and practices which lead to exploitation or other human rights violations.⁴² FairSquare's research has found that most governments negotiate and implement bilateral agreements and Memorandum of Understanding (MOUs) without involving relevant stakeholders which support and represent workers, which significantly undermines their potential impact.⁴³

Supply chain legislation enacted over the last decade - requiring multinational companies to report on actions taken to address modern slavery in their operations and supply chains, or to conduct human rights due diligence - also disappointingly lacks a gender perspective. Recently however the European Parliament has proposed several amendments to the proposed EU Corporate Sustainability Due Diligence Directive which include the recognition that women in precarious labour conditions could face more severe adverse human rights impacts, thus increasing their vulnerability.⁴⁴

2.2. GUIDANCE FOR BUSINESS, AND RESPONSIBLE CORPORATE PRACTICES

Examples of regional programmes that include initiatives / activities focusing on women migrant workers include:

- The IOM's Corporate Responsibility in Eliminating Slavery and Trafficking (CREST) initiative in East and Southeast Asia includes centring gender equality and women's empowerment in international labour migration among its goals. The project aims to support businesses in upholding the human and labour rights of migrant workers in key sectors and migration corridors by providing guidance on understanding and assessing human rights and labour rights risks to migrant workers during recruitment, employment and return, including information on specific actions to better protect women migrant workers' rights.⁴⁵
- The ILO'S TRIANGLE in ASEAN programme implements a cross-cutting Women's Empowerment and Gender Equality Strategy, acknowledging that discriminatory gendered norms and structural barriers must be removed for all migrant workers, regardless of gender, to enable equitable migration and decent work options. With support from the programme, the Viet Nam Association of Manpower Supply completed a review and revision of its Code of Conduct, and the revised Code promotes transparent recruitment, involvement of trade unions and women's representation. Women's empowerment and gender equality training was delivered for all staff and implementing partners including representatives from government, trade unions, employers' organisations, recruitment agency associations and non-government and civil society organisations in six countries.⁴⁶

Surprisingly, however, major multilateral non-binding standards and guidelines on responsible business practices and fair recruitment, such as the [OECD Due Diligence Guidance for Responsible Business Conduct](#) and the [ILO General Principles and Operational Guidelines for Fair Recruitment](#), do not include references to the specific issues facing women migrant workers.

A sector specific exception is the guidance produced by IHRB and the ILO – Promoting Fair Recruitment and Employment – A Guidance Tool for Hotels in Qatar.⁴⁷

Given the gaps in laws, standards, and guidance for business on women migrant worker rights, it is perhaps unsurprising that very few companies are taking action. A 2020 report published by Shift, a non-profit centre of expertise on the UN Guiding Principles on Business and Human Rights, notes that information on gender disclosed by companies tends to focus on numbers (such as the percentage of women on the board and in senior management), commitments to advance women within the workforce, and philanthropic projects, often obscuring or missing how various gender-based impacts are connected with a company's operations or value chain.⁴⁸

A small number of companies have adopted gender action plans or are taking measures to address unethical recruitment practices in their supply chains. For example:

- In 2022 Adidas launched a 'Gender Strategy for Business Partners', to guide strategic suppliers to bring a gender lens to their operations.⁴⁹
- In 2014 Hewlett-Packard adopted a policy which prohibited fee-charging to workers in its supply chain.⁵⁰
- Apparel company Patagonia has published information on its efforts to end the practice among suppliers from fabric mills in Taiwan of using third-party labour brokers charging migrant workers up to \$7,000 for jobs.⁵¹

These are positive steps. However, there remains an urgent need for corporate policies or action plans, which include specific measures concerning women migrant workers' rights, in particular for sectors where the majority of workers are women.



3. THE RECOGNITION OF WOMEN MIGRANT WORKERS IN THE DHAKA PRINCIPLES

The Dhaka Principles for Migration with Dignity are a set of human rights-based principles to enhance respect for the rights of migrant workers at each stage of a migrant worker's journey. They are intended for use by all industry sectors and in any country where workers migrate either inwards or outwards. The Dhaka Principles were developed between 2009 and 2011 through a global consultation process involving businesses, governments, trade unions and civil society organisations, convened by IHRB. The aim in developing the Dhaka Principles was to respond to calls for an overarching framework relating to migrant worker rights that would provide an easily understood tool for businesses, based on existing international standards. The result is a simple but powerful tool outlining businesses' responsibilities from the moment of a migrant worker's recruitment, during employment, and through to the end of a contract and safe return.

2022 marked ten years since the publication of the Dhaka Principles. In that time they have been regularly used and referenced by a range of stakeholders from businesses and governments, to non-governmental and academic experts. As part of the reflections marking the tenth anniversary, IHRB wanted to take steps to help fill the current gap in guidance for businesses, aligned with international standards, on how to better understand and manage the recruitment and employment of women migrant workers, to ensure their rights are upheld throughout the global supply chain. To achieve this, in 2023 IHRB undertook a gender review of the Dhaka Principles to ensure they better reflected the particular challenges faced by women migrant workers at all stages of the recruitment cycle. In particular, IHRB applied a gender lens to the Implementation Guidance, which is intended to support companies and other actors to implement the Dhaka Principles in their everyday business. The revised Implementation Guide aims to respond to the issues facing women migrant workers identified in this report, which are currently only partially reflected in international standards, but which to date are largely absent from national laws, non-binding standards and other guidance for businesses. By following the steps outlined in the new Implementation Guide, businesses at every level of the supply chain can play a vital role in the urgent task of improving the protection of women migrant workers' rights.

4. RECOMMENDATIONS FOR BUSINESS

Businesses have a key leadership role to play in advancing the rights of women migrant workers. Proactive engagement, due diligence and transparency on fee-charging can have a positive impact on company reputation, legal compliance and stakeholder relations, and can strengthen business partnerships including with suppliers.⁵² Responsible recruitment and not charging recruitment fees to workers are also increasingly becoming requirements within public procurement regulations that apply directly to companies providing goods or services to governments.

A failure to address exploitative recruitment and employment practices impacting women migrant workers can give rise to very serious violations and legal ramifications. Recruitment fees paid by workers can be linked to debt bondage, human trafficking, forced labour and sexual exploitation, some or all of which are crimes in most countries, and companies found to be involved or complicit in such activities could face prosecution resulting in criminal or civil sanctions. Allegations of fee-charging and debt bondage also present serious risks to brand value and company reputation, particularly for consumer-facing businesses, threatening investor, stakeholder, and consumer relations.

To address this, business leaders should take steps to implement the following actions:

Carry out effective human rights due diligence

- Companies should conduct supply chain mapping to ensure they understand where migrant workers are present in their supply chains. Data should be disaggregated by gender, identifying roles and responsibilities of women and men migrant workers.
- Company policies and procedures should be assessed through a gender lens to identify any that may discriminate against women migrant workers during recruitment and employment. Policies and procedures should include specific references to issues affecting women migrant workers, particularly gender-based violence and discrimination.
- Companies should conduct gender-sensitive human rights risk assessments throughout their operations and supply chains, which include the issues of recruitment fees, debt bondage and forced labour. Engagement with women migrant workers should be part of this process.
- Businesses should consider “expatriate” employees’ domestic workers as part of their supply chains. Corporate policies to address domestic workers’ rights, including women migrant workers, who are employed in the households of company staff should be developed and implemented.

Invest in responsible recruitment systems

- Companies must be prepared to commit resources to adopting recruitment models based on the Employer Pays Principle and end the practice of recruitment fees being charged to workers, including recognising the particular vulnerabilities faced by women migrant workers in recruitment, migration, employment, and repatriation.

- Companies should seek to work with others in their sector to address recruitment fees and other recruitment issues, and should engage in dialogue with governments, international organisations, civil society and recruiters to promote more effective regulation of recruitment and legal protections for migrant workers. Companies should enable women migrant workers to be involved in these discussions.
- Recruitment processes should be simplified and wherever possible, migrant workers should be directly hired to increase businesses' supervision of working and living conditions. Employers should pay all fees, costs and charges associated with recruitment, travel, and migration processing. Direct hiring should be promoted throughout the supply chain. Company policies on responsible recruitment should apply to suppliers, sub-contractors, and business partners, including recruitment and employment agencies.
- Where recruitment or employment agencies are used, they must be screened and closely monitored. Anonymous, confidential opportunities for workers to confirm whether or not they have been charged fees at any point during recruitment, migration and job placement should be available. Any fees charged to workers should be immediately reimbursed in full. Contracts between companies and agencies should include the Employer Pays Principle with penalty clauses in the event of a breach.

Equality and non-discrimination in employment practices

- Companies must provide decent work to women migrant workers. This means women workers are paid fairly and receive equal pay for equal work, are able to work overtime and night shifts, have secure employment, and work in safe conditions. It includes access to reproductive healthcare, entitlement to social protection, and equal opportunities to personally develop and integrate as well as freedom to express concerns and organise.
- Employing and promoting more women, particularly women migrant workers to supervisory and managerial positions, can help reduce discriminatory practices in the workplace. Employers should ensure that women migrant workers have the opportunity to upskill, strengthen capacity and be promoted.

Grievance mechanisms

- Grievance mechanisms available to workforces should include provisions to ensure that they are accessible and trusted by women migrant workers.
- Staff who handle grievances should include women, and all grievance-handling staff should be trained specifically on possible issues women migrant workers may face during recruitment, deployment, employment and return, and on how to investigate a complaint without disclosing elements that can negatively impact on the situation of women migrant workers conveying grievances, e.g., through an anonymous complaints mechanism.

ENDNOTES

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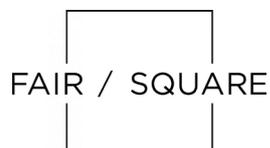
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