

Domestic Workers in Transient Overseas Employment

Who Benefits, Who Profits

by Noeleen Heyzer and
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Dans cet article, les auteures examinent les facteurs qui ont contribué à la croissance de la classe moyenne dans les

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régions du Sud-Est asiatique et par conséquent, des demandes accrues pour les services d'employées de maison. Dans ce processus de développement, la question de division des responsabilités de reproduction sociale quotidienne entre l'état et la famille est devenue plus une question de division du travail entre femmes de classe moyenne et femmes de classe ouvrière. Les auteures proposent quelques plans d'action pour valoriser le travail des employées de maison et pour s'assurer que les employées elles-mêmes trouvent satisfaction dans leur travail.

The "trade in domestic workers" is part of the export of labour from poorer to richer countries. Wages, employment, and the general security of people in some Asian countries have been affected by various factors, such as a decline in economic growth, falling commodity prices, currency devaluation, foreign debt, political and cultural instability, ethnic, and religious crises. At the same time, there are countries in the region that have experienced relatively high growth rates and general political stability, resulting in the growth of middle classes seeking domestic help. Many middle-class women from the latter countries are entering and staying in the labour force.

Because of the undervaluation of women's work, their increasing participation in the work force does not automatically guarantee their well-being. The result is the notorious "double burden" of work and home that is now the lot of many working women. In the absence of the social investments necessary to enable men and women to combine working life and family life without undue stress, various distortions in economic and social life have occurred to enable women to cope with their "double burden."

One distortion is the transfer of the domestic burden to other women, who may be unpaid family members or low paid domestic workers. In the Asian region, this transfer of the domestic burden has become a transnational process, such that the higher female labour force participation rate of the high-growth countries can be maintained only through the labour subsidy of migrant domestic workers from the low-growth countries. But the transfer of female labour from the relatively less developed countries of the region for the work of social reproduction is a viable alternative only for middle and upper class families. In the process of development, the shifting division of responsibility between the state and the family for the social reproduction of everyday life has, thereby, been transformed into a transnational division of labour between middle class woman and working class woman.

This article looks at four migration streams involving domestic workers from Sri Lanka, Indonesia, the Philippines, and Bangladesh. The receiving countries include Malaysia, Hong Kong, Singapore, the Gulf countries, and Pakistan.

Profiles of female domestic workers

Studies of the migration stream of Filipina domestic workers show that most of these workers are young adults between 25 and 34 years of age. Figures show that most domestic workers migrating overseas are relatively well-educated women from urban areas, who are over-qualified for domestic service. Such migration is thus a downwardly mobile brain drain, which would have serious repercussions for the future of the sending countries, in terms of the de-skilling of the labour force. Another consequence of the overseas migration of domestic workers is the disruption of their family life. About 48 per cent of women migrating were married. Of the Indonesian domestic workers surveyed as respondents 60 to 70 per cent have elementary education.

The recruitment process

There is a recruitment network that spans the sending and receiving countries, permeating down to the villages and linking them to towns and cities abroad. This is a transnational business, with profits siphoned off at every level of recruitment. Kinship ideology and groupings can become powerful social forces that pressure daughters and young women to migrate in order to support the family and household. Within the kinship domain, multiple power relationships are at play.

In East Java, married women from both rural and urban areas seek overseas employment to fulfill basic family needs, as well as to make a pilgrimage to Mecca. They are motivated by concerns for family survival and not by their need to enjoy an independent life or to fulfill their own aspirations.

Having been drawn into the recruitment network, the individual

recruit is then faced with the payment of a bewildering variety of fees, such as service fees and placement fees. All the country studies in the Asia and Pacific Development Centre (APDC) research project report that in cases when the recruit is unable to pay the various charges, the agents would conveniently provide loans to be paid back through salary deductions. Apart from such loans, the recruits also use other ways of raising funds to finance payments to the agents: by selling or mortgaging property and land; by selling or pawning jewellery and luxury goods; by taking loans from other sources.

Employers in receiving countries have no direct access to the pool of available labour in the sending countries, except through the monopoly of the recruitment agencies. It is this that enables the agents to charge exorbitant fees, that are not commensurate with the services provided.

An anomalous labour situation

The import of foreign domestic labour creates a dualistic labour situation in the receiving country. Foreign domestic workers are part of the foreign work force and, thereby, face similar problems to other foreign workers in a receiving country. These workers thus constitute a transient work force in the receiving countries, distinct and different from the indigenous work force.

With the exception of Canada and Hong Kong, the other receiving countries covered in the APDC research have not set a minimum wage for the foreign domestic worker. Nevertheless, the global economy does implicitly set a minimum wage. This implicit minimum wage is, however, affected by a number of factors: rates of foreign exchange; comparative costs of living in the sending and the receiving country; the degree of monetization of the economy in the home country. This is one reason for the differentiation of wages along ethnic lines in many of the other receiving countries.

In the context of an imperfect in-

ternational labour market, interventions by the government of the sending country can be a crucial factor. This was exactly what happened in 1989, when the Philippines Government, under President Corazon Aquino, took up the cause of the Filipina domestic workers and officially negotiated wages, terms, and working conditions with the governments of the receiving countries. As a result, Filipina workers are generally paid the most, in comparison to domestic workers from other countries.

The regular payment of wages is itself subject to abuse by employers, since domestic service is often considered an informal mode of employment without any external checks. This situation may be further complicated. For example, in Singapore, agents often advise employers to open a joint bank account with their domestic workers and to put a certain proportion of their monthly salary into this account to cover repatriation costs, should workers not complete the two-year contract.

There are strong pressures from the families of migrant women workers abroad to remit their earnings home, in order to support unemployed and underemployed male relatives, young children and the elderly, as well as to build up family security, assets, and status. However, these remittances entail certain risks and prob-

sending regular remittances home.

Because of the pressures of having to send money home, several women working overseas are known to take extra jobs that would be considered as illegal, given their work permit status as foreign workers: from part-time tailoring, hairdressing, facial massage, and manicure services, retail trading, to surreptitious prostitution.

Apart from subsidizing their families' daily consumption, remittances sent home by the domestic workers are also an important source of foreign exchange to their governments.

Working conditions vary widely from country to country, and from family to family. These conditions vary according to the employer's cultural constructions of waged domestic work. In some cases, the domestic worker is incorporated as a minor member of the household. In other cases, she may be treated solely as a paid employee. In those countries where the tradition of slavery of bonded labour still exists in living memory or where rigid hierarchy thrives, the domestic worker may even be regarded as a kind of paid slave.

These cultural constructions may be further reinforced by the different ethnicity of the domestic worker from that of the employer. For example, in Singapore, some Chinese employers have racist ideas that Sri Lankan

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lems. First of all, the women themselves may not be the ones to profit the most from their overseas employment. Instead, they may end up working to support a network of dependents who, in several cases, have been known to squander these hard-earned resources. Secondly, a network of intermediaries, including new businesses, profit from the process of

"maids" come with lice and, therefore, force them to cut their long hair.

The Bahrain study found that fundamentalists believe that recruiting non-Muslim "maids" is an act against Islam as they would pollute everything they touch. The increased demand for Muslim domestic workers, especially in Saudi Arabia, has thus

pushed job-seekers to pretend to be Muslims. The discovery of a false declaration of religious identity would obviously lead to tension between the domestic worker and her employers, which may express itself in ethnic terms at an everyday level.

In those cases where the domestic worker is treated as a paid slave, the incidence of abuse is particularly high, including sexual abuse, beatings, confinement, shoddy accommodation,

lotion as well as Implementation Guidelines stipulates that should there be any dispute, the Indonesian workers can ask for help from the representative of the labour recruitment agencies in dealing with institutions that handle the problems of employment disputes in Saudi Arabia. In practice, however, because of the different nationalities of the employer and employee and the fact that the work is performed away from Indo-

nesia, the Indonesian labour laws do not apply and it is the Arabian law which is enforced. Hardly any laws relating to workers' protection exist in Saudi Arabia. Advocating legal pro-

tection for foreign workers may even be seen as interference with the internal affairs of the country.

Due to the weakness of legislation and its implementation, the Indonesian Minister of Manpower has made efforts to reduce the labour recruitment agencies' exploitation of women workers and in 1986, strict controls were imposed. There has been a large number of women domestic workers who have run away to the Indonesian Embassy because of unbearable working conditions. However, many domestic workers have not been able to reach the Indonesian Embassy or the temporary shelter because of difficulty in getting out of the house, difficulty in finding the way to the Embassy or shelter, danger for women to be on the street alone. There have also been a number of deaths during the period of employment with no information available regarding the cause of death.

In Hong Kong the most serious problem is accommodation where the majority (70.4 per cent) of the domestic workers do not have their own room and are forced to share a room with the employers' children or to sleep in the corridor, the living room, dining room, store room, kitchen, laundry, ironing area.

Problems and official channels of redress

Three major problems faced by domestic workers are: maltreatment; unilateral contract termination by the employer; difficulties in adjusting to work and employers.

The case of Hong Kong is described below because it currently has the fullest panoply of structures and processes to handle the grievances of foreign domestic workers. The Hong Kong Government's Labour Department handles contract violations, contract terminations, and monetary claims by either the worker or the employers. The number of cases handled by the Foreign Domestic Helpers' Service of the Labour Department increased from 335 cases in 1985 to 729 cases in 1990.

Filipina domestic workers who experience physical and sexual molestation, assault, or abuse can report to the Hong Kong Police force through their Police hotline. Despite such established channels for seeking redress, there are flaws in the system which may discourage workers from fully utilizing them. In response to these difficulties, a number of non-government organizations were established in Hong Kong in the 1980s to provide support to Filipina domestic workers. The Mission for Filipino Migrant Workers of the Anglican Church in Hong Kong opened the Bethune House Women's Shelter to provide a temporary shelter for Filipina workers with problems. There has also been the creation of three domestic workers' unions, especially the Asian Domestic Workers' Union which provides counseling and para-legal service to their members. In other receiving countries, there is no comparable range of services, as found in Hong Kong.

Non-governmental organizations in the sending country also provide advocacy and services. The NGOs in the Philippines take up the causes of the overseas contract workers through publicizing abuses, giving shelter to the women, and trying to get support for them to file cases.

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insufficient food and poor treatment in genera. Also, because live-in domestic workers live and work in the same place, the boundary between work and leisure is unclear. Hence, they are potentially at the beck and call of the employer at all hours of the day and night.

The lack of homogeneity among the domestic workers in terms of working conditions and the fact that they work separated from one another, makes it difficult for them to organize for change. Therefore, attempts to solve certain problems are usually taken individually, rather than collectively.

The legal context

The legal context in which the "trade in domestic workers" takes place is defined and regulated by the governments of both sending and receiving countries, through policies and laws covering their business. In the Philippines, the employment of domestic workers is governed by the Philippines Rules and Regulations Governing Overseas Employment which investigates and penalizes cases of over-charging and other forms of legal extraction by the agencies.

In the case of Indonesia, the Ministry of Manpower in the 1988 Regu-

Re-integration is a problem for overseas workers. A major difficulty is finding employment in the home country. A restructuring of the economy of the sending country is needed for the labour re-integration of returning workers. The continuous export of labour for domestic service may lead to the eventual degeneration of skills, through a lack of upgrading opportunities. Skilled workers, who are over-qualified for domestic service, may have lost their skills (for example, teaching or nursing) by the time they return home. Moreover, the government, community, and family may come to take for granted the overseas employment of women as domestic workers as an expected condition of female life. Such a view would have serious implications for the long-term educational development of the girl-child, if all she is being prepared for is to work overseas as a domestic worker. Another problem that may contribute to economic shrinkage is the dependence of whole families on remittances sent home from abroad.

Who gains from the domestic worker's labour?

Through her labour, the domestic worker is the producer of benefits and profits for others (such as agents, governments, employers, other intermediaries, as well as her own family and community), who often maximize their gains by exploiting her need to be employed. The focus of our proposals for action is to enhance the empowerment of the female domestic worker and to ensure that the domestic worker herself would gain from her own labour.

Two informal strategies that have developed on the ground by the domestic workers themselves without the intervention of agents are the information "grapevine" and notice board advertisement. The information "grapevine" is the information network of domestic workers who know each other through kinship and friendship. One constraint on this network is the mobility of the

worker outside her employer's home.

An example of direct access may be found in the advertisements placed by employers and employees in the public notice boards of supermarkets in Singapore. However, such access to potential employers is available only to foreign domestic workers who are already in the receiving country and who wish to change employers. Moreover, it is available only to those who are literate in English, who are knowledgeable about such notice boards, who have days-off, access to the telephone so that they can answer queries, and most importantly, have employers who are willing to let them transfer to another employer. One may, therefore, ask whether such a strategy is adaptable across national boundaries, and if so, what supporting institutions would be needed to sustain it. To answer this, some lessons may be drawn from history.

In the 1930s, Cantonese women from Guangdong Province in China emigrated overseas to seek employment in domestic service. These were the women who became known as the legendary "black-and-white *amah*," so called because of their self-chosen livery. These women won respect for "being 'successful' and capable women, which in turn enhanced the prestige of domestic service as an occupation" (Lai 80). What is more important was their collective organi-

over her labour activities and her labour cannot be called upon after a certain hour of the night. These conditions of employment have a long history linked to the protection these women have obtained through collective organization. (Heyzer 46)

Crucial to the position of the *amah* was the sisterhood or sorority to which they belonged. Many of these women were members of the anti-marriage movement that had emerged in Guangdong Province in the nineteenth and early twentieth century. Rejecting the subordinate position of Chinese women in marriage, the anti-marriage movement was organized in the form of sisterhoods, where women swore to support each other as economically independent sisters. Various sworn sisters, ranging from two to 50, would pool their wages together to rent communal quarters known as a *kongsi fong*.

...A well organized *kongsi fong* also functioned as a kind of trade guild with a woman leader having some degree of authority, usually on the basis of her seniority and experience, and who played a leading role in the organization of the *kongsi fong*. She took care of the welfare and employment conditions of the

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zation which gave them a relatively powerful bargaining position:

The Cantonese *Asam* [that is, the *amah*] has the protection of her guild and the unwritten understanding with the employing household is that the servant cannot be subject to instant dismissal, she must have control

kongsi fong members, such as ensuring that the terms of employment were appropriate so that the standards of employment in general and of members in particular, were maintained. (Lai 81-82)

Informal support networks currently do exist between domestic

workers who are related by kinship or who form friendships with each other. These exist, in particular, among the Filipina workers. But while these informal support networks do play a role in recruitment and worker protection, they fall short of the historically earlier *kongsi fong* in the following respects. First, in contrast to the anti-marriage sisterhoods, these informal support networks lack an ideology of self-empowerment through economic independence. Second, in contrast to the *kongsi fong*, the informal support networks have no place of their own and instead depend on telephone communication (when this is allowed) and meetings in public places (such as parks and shopping centres) on Sunday—that is, for those who have days off. And, third, as mentioned by Lai, employers have been asked to visit the *kongsi fong* so that they can be collectively interviewed by their prospective employee's sworn sisters on the work conditions being offered. This kind of collective bargaining power is lacking in the informal support networks that currently exist.

Based on the historical example of the *amahs'* sisterhoods, we would like to propose the unionization of domestic workers who seek overseas employment. Currently, there are two unions of Filipina domestic workers, one in Hong Kong and the other in Canada. We believe that further unionization is necessary, not just nationally but indeed on an international basis.

We, therefore, propose the formation of an International Association of Domestic Workers, which would do what even the small *kongsi fong* did not do—that is, fix common regulations for conditions of work in domestic service, not just between employers but between countries. For this reason, an International Union is needed, so as to ensure that domestic workers from different countries do not end up competing between themselves, thereby undercutting each other. The objectives of such an International Union would be: to break agents' monopoly; to standardize and

regulate working conditions; to prevent competition and undercutting between workers; to provide an international information system of job market down to villages; to provide communal space to domestic workers in receiving countries; to orientate and organize these workers before leaving the sending countries; to encourage savings by promoting the value of economic independence of the female worker.

Such a Union should play a key role in the self-regulation of the job market by domestic workers themselves, thereby, breaking the agents' monopoly which is their basis of extortion. We feel that it is important that the collective voice of the domestic workers should be prominent in such a dialogue, so that they are not just topics of discourse but speakers in their own right. An International Association of Domestic Workers could articulate this collective voice.

To bring the Union to the grassroots, NGOs could be mobilized, and returned overseas workers recruited as resource persons for intending recruits. Once domestic workers have started on their jobs, the nature of domestic employment militates against organization. A lesson that may be drawn from the *amahs'* sisterhoods is the need to organize before employment begins. It is important to begin the organization of domestic workers at the point of job recruitment in the sending country. The matching of jobs to workers should be effected through the Union, which would then have the task of informing, regulating, and monitoring the conditions of employment. An International Association of Domestic Workers would thus be in a position to bargain collectively for all existing and potential domestic workers, thereby, breaking the monopoly of agents over jobs and labour supply.

To ameliorate the situation of the foreign "maids," a lesson could again be drawn from the *amahs'* sisterhoods in terms of their *kongsi fong* (communal quarters). There are, at present, some organizations in some of the

receiving countries which offer temporary shelter to foreign domestic workers. However, these are mostly for abused domestic workers who need temporary shelter before returning to their countries. The option of having a space of one's own outside the employer's home is worth pursuing in all the receiving countries. A space of her own would go some way to alleviate the loss of personal liberty that domestic service entails. One of the functions of the International Association of Domestic Workers could be the provision of private spaces of this nature.

The most crucial problem is, however, the transient immigration status of the foreign domestic workers. It is to the advantage of both sending and receiving countries to allow domestic workers to move into other sectors of employment, where there are vacancies and where the workers are qualified. Job mobility from being unskilled to skilled workers would open up the possibility of permanent resident

Finally, the international migration of domestic workers in search of overseas employment is not a phenomenon that is going to disappear overnight. On the contrary, development processes that lead to increased female labour force participation would exacerbate the need for domestic help which is no longer available from the indigenous work force. So the need for foreign domestic workers is likely to remain and even increase in the near future. In such a situation, it is to the advantage of the receiving country to regulate, standardize, and improve the conditions of domestic employment.

Another aspect of the immigration status of foreign domestic workers which needs to be addressed is the presence of illegal migrants, especially in Malaysia. It is to the advantage of the receiving country to keep an existing labour supply by legalizing these illegal migrant workers, a process which is already going on. However, there are long periods of waiting and many unnecessary complications and costs involved. We

would therefore recommend the streamlining of this process.

Indebtedness is a major problem many domestic workers face even before beginning their overseas employment, because of the exorbitant fees charged by agents. Very often the remaining amount of wages they have in hand is spent on consumption and luxury items, without any accumulation of savings for themselves. This disinclination to save for themselves derives, at least in part, from the social construction of women's wages as "pin money" and of women's primary role as wife and mother. Economic independence was an important component of the *amahs'* sisterhoods. Because these women had rejected the role of dependent wife in marriage as a form of oppression, they needed to earn their own livelihood.

The value of economic independence is important as an incentive to earn and save for oneself and to plan for one's future as a working person. As a mechanism for the accumulation of savings, a compulsory savings fund could be established, with specified contributions from both employers and employee. This could be organised on the lines of a central provident fund, which could be administered by the International Union, in conjunction with a consortium of banks and savings associations.

Currently, new initiatives are occurring in the Asian and Pacific region to create various economic groupings for the more efficient functioning of market and capital. It is equally important to think of labour protection and the security of workers, particularly with the growth of the international migration of labour across national boundaries. It is, therefore, recommended that sending countries collectively negotiate with the receiving countries for the establishment of rules and regulations to check the activities of recruitment agencies and other intermediaries; minimum standards of workers' protection; standardised and regulated contracts; acceptable working condi-

tions; mechanisms for conflict arbitration; and responsibility for the repatriation of nationals.

Conclusion

It is an obsolete notion that child care, housework, and the other tasks of regenerating everyday life should simply be women's work, which has historically been unpaid labour. Because of this gender-biased history, domestic service by a waged employee has been denigrated as an unnamed, unskilled job in the informal sector, that is not the responsibility of the government to monitor and regulate. The resulting laissez-faire attitude on the part of some governments has left the workers open to the exploitation of unscrupulous agents and abusive employers. A new perspective that is needed is to see the interlinkages between the domestic economy of the household and the national economy and to realize that the economic contributions of the domestic worker to the household are also contributions to the national economy in the receiving country.

No nation-state develops in isolation. The economic growth that has enriched certain countries has been made possible, at least in part, by the very substantial labour contributions of foreign workers.

Another new perspective that is needed is to see national development in a larger regional context of transnational processes. It is in this context that governments need to negotiate mutual responsibilities to their workers who are contributing to the economies of both sending and receiving countries.

The sending countries, on their part, have benefitted from the remittances of their workers abroad. However, these remittances should not be squandered on unproductive consumption. Instead they need to be garnered carefully as seed money to generate economic development that will enable workers to be employed as gainfully at home, as they are abroad. Only then will there be an end to the international trade in human labour.

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