

Rendering Services to Female Migrants by Labour Attachés of Bangladesh

Summary

This policy brief highlights the problems faced by female migrants of Bangladesh. It also offers some innovative solutions to deal with these problems. Its contents are based on the recommendations made at a workshop titled “Labour Attachés: The Protectors of Female Migrants in the Middle East” (Tarin, 2015). The workshop was supported by Manusher Jonno Foundation (MJF). The policy brief also draws from another study “Institutional Strengthening of the Office of Labour Attaché: Bangladesh, India and Sri Lanka” conducted by Abrar et al. (2014) under the auspices of RMMRU and Migrating out of Poverty Research Programme Consortium (RPC), University of Sussex, UK. <<https://goo.gl/EkQzSi>>



Professor Tasneem Siddiqui speaking at a RMMRU dialogue on Labour Attachés. Also in the photo are Mr. Sarat Dash, head of IOM Dhaka, Begum Shamsunnahar of BMET, Ms. Shaheen Anam of MJF, and Dr. Iftekhar Zaman of TIB.

Introduction

Since 1981 the Government of Bangladesh has imposed bans and restrictions on the migration of low skilled female workers. As a result of persistent policy advocacy of civil society organizations, the government relaxed restrictions on migration of unskilled and semi-skilled women in 2003. Now this group of women can work abroad as the principal migrant. Bangladesh is facing increased competition from other countries in its traditional male labour market, whilst female migration is on the rise.

Since the early 2000s some of the traditional female labour sending countries, such as the Philippines and Sri Lanka, have been discouraging female migration from their countries to the Arab states. Bangladesh found a niche in this market. Up until 2001 female migrants constituted less than 1% of the total flow from Bangladesh. BMET figures show that in 2010 female migration consisted of 13.9% of the total overseas workers. In 2014 nearly 18% of the workers going abroad were female. In 2015, altogether 103,718 female workers migrated to different countries, which made up 22% of the total flow. Since 1991 till date a total of 455,987 Bangladeshi female workers went abroad. Most of the Bangladeshi female migrants go to Gulf and other Arab countries to work as domestic workers (DWs). A section of them also migrated to work in the manufacturing and services sectors.

Female migration is contributing to national development. At the same time it is helping to lift families out of poverty and make affordable essential protection tools like access to education, healthcare, social mobility, and livelihood opportunities.

Female workers encounter problems of various sorts during their migration period. Labour Attachés are the only avenue through which the Government of Bangladesh can render services to this category of workers. The problems that a LA has to address on a regular basis are: non-payment or irregular payment of wage, physical, verbal and sexual abuse workers, particularly the DWs, face, and runaway cases. In resolving the problems the LAs have to engage in informal negotiations with the employers for dispute settlement. In extreme cases it may lead up to filing of lawsuits. In case of accident related injury or death they have to process claims on behalf of workers for compensation. If the employer is at fault then the LA has to organize new placement for the female workers.

They have to attend female migrant workers in detention and in some cases repatriate workers in distress.

Challenges faced by LAs in providing services to female migrants

In the context of protection and rights of migrant workers, LAs have been entrusted with the responsibility of dealing with host country authorities, employers and recruiting agencies. On a regular basis, they deal with complaints such as non- or underpayment of wages, forced labour, non-repatriation after contract completion, non-fulfillment of contracted employment, substitution of job agreement, overwork, and physical or sexual harassment. Providing legal assistance, medical assistance, counseling, and shelter facilities to workers in distress and runaways, and repatriation of stranded workers, are some other major tasks of LAs. Conducting welfare and community relations programmes for migrant workers is also an important function of the LAs. However, LAs face a number of obstacles in providing these services to female migrants.

- A major problem that the LAs face is related to the lack of communication skills. Rendering quality services to migrants necessitates speaking the native language. The ability to speak the native language helps LAs to establish effective communication with employers, recruiting agents, and the government officials of the destination country.
- Women workers sometimes run away from abusive employers. This puts them in precarious positions. Sometimes these runaways are apprehended by different groups and are likely to face exploitation, forced prostitution, and sexual abuse. There are often few or no rescue, shelter, or hotline services available to these women. In case studies it was found that 43% of female workers return home with, or because of, physical or health complications. Employers are often found to be unwilling to cover the costs of their medical treatment, forcing the workers to return home prematurely.
- Many missions are understaffed and under resourced and it becomes difficult for the LAs to render services to the large number of female migrants who are often dispersed in different parts of the country. Many a time the physical movement of the LAs is constrained due to lack of vehicle or fuel.
- It is very difficult to secure travel documents of domestic workers who run away from abusive employers. Under the Kafala system that exists in the Gulf



States, sponsors retain the right to keep the documents of domestic workers and to consent to their release. The system requires all unskilled labourers to have an in-country sponsor (or Kafael), usually their employer, who is responsible for their visa and legal status. Even the courts do not have the authority to ask sponsors to return passports. In such contexts, getting cooperation of the employer is essential in securing travel documents and release for workers. Along with Sri Lanka, which has been a major provider of female domestic workers, Bangladeshi LAs often have to deal with such problems.

■ The high costs of legal services, and migrants' reluctance to pursue litigation, are major concerns in destination countries. The LAs feel that the costs of legal services in all the Gulf States as well as in Malaysia are quite high. It becomes prohibitively expensive to render legal assistance to female migrants in crisis. In addition, in many instances courts do not allow extending legal services, they only allow interpreter services. All these things are constraining factors in providing legal services to migrant workers.

■ The absence of adequate knowledge among LAs about labour laws and judicial and administrative practices pertaining to migrant workers can greatly compromise the quality of services available to migrant workers. Many missions do not keep records of litigation that migrants may be engaged in. This lack of institutional memory on legal matters also acts as a hindrance. However, some LAs hold the view that the embassy prefers mediation – rather than providing legal assistance – that in most cases does not work. In situations when mediation does not yield results, there is a reluctance of the mission to go for litigation.

■ Irregular migration is another issue that LAs have to deal with. There is movement of Bangladeshi women workers from Al Ain in UAE to Oman. In many instances corrupt agents induce these women, who have regular jobs in UAE, to move to Oman with offers of higher pay. Once they change their employers their status automatically becomes irregular in the new country. In Malaysia,

workers fall victim to the promise of a difference of RM 50 in pay. In these cases through switching jobs the status of these migrants becomes irregular. Human smugglers and labour trafficking syndicates are active in these situations, and LAs receive little policy guidance from the ministries to deal with migrants in irregular status.

I served as labour attaché in Dubai from 2007 to 2013. During my tenure there I introduced a number of initiatives. I made agreements between female recruiting agencies in UAE and recruiting agencies of Bangladesh who send female workers. I have been instrumental in fifteen agreements during my tenure, with the goal of increasing employment. Employers had to comply with those agreements in order to recruit a female worker. I also introduced a website where the details of female workers are given for recruiters to browse and select. There are many ways for labour attachés to create opportunities for workers.

I have developed a system of keeping record of every phone call made by female migrants.

My assistant and I returned the calls. We could solve immediately many of the problems. For others we have to engage innovatively. We maintained good relationships with organizations who were providing assistance to the female migrants.

Furthermore, I have informed many female migrant workers about insurance policies.

After the issuance of a visa for a migrant worker, the consulate general and labour attachés should keep all the information of the workers. Every day the Labour Attachés should send the names and details of newly arrived workers for recording in the BMET website.

Ms. Nasreen Jahan Chowdhury,
former LA to UAE

Major Recommendations

■ **Streamlining the Recruitment Process:** Streamlining the recruitment process of LAs is



essential. The current system of recruitment in Bangladesh allows any civil servant to apply for the post of Labour Attaché provided they meet necessary conditions laid out in the Cabinet Circular. A review of this system is necessary. The study and the discussants at the workshop recommend that any person applying for the post of LA should have at least two years experience in serving at the district level or dealing with labour matters. In this regard the Sri Lankan experience is more organised and advanced as it involves the concerned Bureau and the Ministry of Foreign Affairs. The Sri Lankan example of organising and training LAs in various sub-regions at destination, with the technical support of the ILO, is a good example for others.

■ **Posting of Female Officers as LA:** An adequate number of female officers need to be posted in countries that host large numbers of female migrant workers. They need to be appropriately trained to provide required services to all migrants, including female migrants, particularly those serving as domestic workers.

■ **Country Specific Training Programme for LAs:** The current method of training does not include any country specific component. Along with a generic module, the LAs appointed for a specific country should be provided with country specific training. It should include cultural practices and norms, administrative set up (particularly those related to migrant labour management),

labour laws, and basic language skills. For postings to the GCC, the training should include information about Sharia Law and the Kafala system.

■ **Country Specific Training Programme for Female Migrants:** There is a burgeoning demand of domestic workers, particularly housemaids in all Gulf states. Despite training now being imparted on women before their departure, there is a lot of room for improvement. The DWs have difficulties in adjusting to food. The inability of the DW to speak the language of employers leads to situations where the latter resorts to verbal and physical abuse. Restriction of mobility and homesickness are other major problems that DWs face. Therefore before deployment the DWs are needed to be imparted proper training in skills and in language, to meet the demands of the job as well as counseling so that they can cope in an alien environment.

■ **Evaluation of Roles of LAs to female migrant workers:** Considering the importance of the sector adequate human and financial resources are to be allocated to the labour wing of Bangladesh embassies. Though the functions and roles of missions are laid out reasonably well they need to be evaluated to what extent they serve the migrant workers, particularly the female migrant workers. For example the accessibility to mission services is a major issue. Finding the right official at the right time is crucial to ensure quality service.

■ **Building Safe Houses:** Building safe-houses



Screening of the RMMRU documentary, The Door, on Labour Attachés at the Ministry of Expatriates' Welfare and Overseas Employment.



is a must for the Bangladesh Government. Research findings show that at any given time, an average of 750 female domestic workers can be found in the Sri Lankan embassy's safe houses in Middle Eastern countries. Bangladeshi female workers also face problems like physical and mental torture, sexual harassment, forced prostitution, forced work without payment, etc. These incidents occur especially when female workers are thrown to the agency office after their probationary period due to poor skill and performance as DWs. This situations also happen when workers try to run away after becoming victims of abuse, torture, and exploitation. To cope with these types of challenges, the Bangladesh Government, concerned ministries, and agencies need to build sufficient numbers of shelter homes or safe houses in all the major destination countries. The Government must ensure the installation of an emergency hotline service, maintain a separate database for female migrants, and provide mobile phones and SIM cards to workers in order to better render rescue services to them.

■ **Streamlining Medical Examination of DWs before Departures from Destination Countries:**

Streamlining the medical examinations of DWs before departures is essential. In different case studies it was found that many female workers come back with various health and physical complications. These female workers should have the cost of medical treatment covered by their employers. When they do not get that, they are forced to return back to Bangladesh. Furthermore, Labour Attachés should be aware of such cases where deportation occurs before the end of contract.

■ **Well Structured Training Method:** The current training method of LAs is not properly structured. A properly structured generic training module for a three-month course for LAs needs to be developed through a consultative process of all stakeholders. Currently there is no formal training or orientation when a LA assumes responsibility in the country of destination. Week-long orientation training should be imparted by the mission when a new officer joins a mission. There has to be a overlapping of tenure for at least two weeks between the outgoing and incoming LAs.

■ **Strategic Litigation:** There is a tendency of LAs to settle disputes through mediation and a general reluctance to take legal action against truant employers. Many workers and experts opine even if a few cases are properly fought, then it will likely bring in major change in the system of the destination countries. The missions should engage a pool of lawyers to contest cases that they are likely to win.

■ **Proper Allocation of Resources:** There is a need for greater allocation of resources to the missions. Where they do not exist 24-hour hotlines should be established so that workers, particularly the DWS, in emergency situations can report to the embassy. Effective mechanism needs to be put in place so that mission heads as well as the Ministry in Dhaka can monitor progress on the complaints lodged with the LAs. Bangladesh should take up the model pursued by the Indian Embassy in Bahrain holding an Open House once every month. This is the most effective and low cost method to render services to migrants as well as to have better appreciation of the problems that migrants encounter in the country of destination.

■ **Knowing the Geography of the Destination Country:** It is very important for the Labour Attaches to know the geography and extent of their area of operation. They must have an idea about the distances and patterns of migration from countries of origin to countries of destination. There are pockets of human trafficking in many destination countries. Labour Attachés should know about these issues.

■ **Specific Policies Regarding Female Migrants:** Sometime home governments initiate new policies and want their immediate implementation. While the LAs are asked to implement those policies they may not be given adequate understanding and training on what those policies entail and how to implement them. Therefore, LAs need to be kept informed and if possible involved when new policies and measure pertaining to the migrant workers are framed. The policy planners need to take into account that emergency situations demand additional resources for the LA to render effective services to the migrants, particularly DWs in distress



condition. Provisions for such extra expenses to cope with emergency situation need to be kept in the budget and the Heads of Mission should provide leadership in such situations.

■ **Increasing the bargaining power of female migrants:** Increasing the bargaining power of female workers needs to be prioritized. Women DWs should work to become more skilled in domestic work, enabling them to look for better opportunities. Labour Attachés should explore opportunities in markets where female migrants can find work with higher remuneration commensurate to their skills.

Conclusion

As Bangladesh sends more and more female workers overseas it is imperative that LAs in the destination countries provide proper and adequate services to these workers. In addition there is an urgent need to develop proper methods of recruitment LA and their training. In the absence of a manual for rendering services to female migrant workers in the past competent LAs tackled the problems faced by female migrant workers with their own skills and efficiency. Developing a guideline combining all the best practices of the experienced LAs can assist the performance and services of the newly appointed Labour Attachés. The LAs bring a wealth experience from their respective countries but there is little organised effort to capture and harness such experiences and insights. The periodic meetings that the Ministry of Expatriates' Welfare and Overseas Employment organize for LAs should be planned in such a way so that experiences and insights shared by LAs and good practices of other countries can be captured. This needs to be part of the training manual of LAs.

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