

APPLICATION

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**“ I THOUGHT I WAS APPLYING
AS A CARE GIVER ”**

Combating Trafficking in Women for Labour
Exploitation in Domestic Work in Cyprus



TRAFFICKING FOR LABOUR EXPLOITATION IN DOMESTIC WORK

Mediterranean countries such as Spain, Greece and Cyprus are destination countries for many female migrant domestic workers while Lithuania is more of a country of origin. Within the destination countries, migrant domestic workers are visible agents and contribute significantly to economic development. Despite this, they are largely left out from policy and legislation as these relate to integration, violence, trafficking in human beings and exploitation which renders them invisible at all levels.

It is evident from previous research that many domestic workers are victims of labour exploitation. Migrant domestic workers mostly live in the houses of employers and, according to studies by the ILO, report physical, psychological and sexual abuse as well as exploitative work conditions. They are often overworked/ underpaid, have their personal documents confiscated, report restrictions in freedom of movement, and have their pay withheld in order to pay off “debts” related to their recruitment and transportation. Such exploitation is under-reported and authorities don’t necessarily recognize cases of trafficking. However, trafficking in women may occur if the employee has been deceived, or if her dependent status and vulnerability has been abused in order to subject her to exploitation. Further, the new EU Directive on THB recognizes the gender dimension of trafficking and encourages Member States to take action towards the less investigated forms of THB such as labour exploitation. The EU Strategy on THB is also a critical tool in assisting the EU member states in implementing the Directive and pays special attention to THB for labour exploitation.

This project addresses the issue of trafficking in women for the purpose of forced labour and labour exploitation with a particular focus on migrant domestic workers.

THE RESEARCH

In the framework of the project “Combating Trafficking in Women for Labour Exploitation in Domestic Work” (HOME/2012/ISEC/AG/TH/B/4000003900) the phenomenon of trafficking for labour exploitation was analysed in four EU countries: Cyprus, Greece, Lithuania and Spain.

of the general anti-trafficking legal and policy framework, addressing the specific challenges that arise in the field of domestic work, documenting the perspectives and activities of migrant organizations, labour unions, NGOs and documenting cases of trafficking for labour exploitation in Cyprus.

The Mediterranean Institute of Gender Studies (MIGS) undertook fieldwork on the Cyprus case, which included analysis

The research included both desk research and fieldwork, including interviews with stakeholders including domestic workers.

OUR OBJECTIVES

- To undertake policy analysis and fieldwork on the Cyprus case study.
- To map the phenomenon of trafficking for domestic work in Cyprus.
- To identify recent legal and policy changes and challenges for future policies against trafficking for domestic work at the European, national and local levels.

THE UNIVERSITY OF NICOSIA

The University of Nicosia (UNIC) is the largest private university in Cyprus with over 5,500 students. It is an independent, co-educational, equal opportunity institution of higher education, which offers a wide range of programmes to students from around the world. The University offers undergraduate as well as graduate studies in business, science, medicine, education and the liberal arts. International in philosophy, the University hosts students from all over the world, in a multicultural learning environment, promoting friendship, cooperation and understanding. The University pursues excellence in education through research and high teaching standards, in a continually improving academic environment.

MEDITERRANEAN INSTITUTE OF GENDER STUDIES (M.I.G.S)

The Mediterranean Institute of Gender Studies (MIGS) is a non-profit organization, affiliated to the University of Nicosia. The Institute aims to act as main contributor to the intellectual, political, and socio-political life of the region as this relates to issues of gender and to do so using a multidisciplinary approach and in collaboration with other institutions. The Institute further recognizes the multi-layered levels of discrimination against women and accepts that this discrimination takes different forms.

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RESEARCH FINDINGS

Female migrant domestic workers are the largest migrant population in Cyprus. According to the Civil Registry and Migration Department of the Ministry of Interior the number of documented domestic workers was 30,952 in 2013. However, the actual number of domestic workers is a matter of debate as many domestic workers are actively engaged in the domestic sector in the 'grey economy'.

Underpaid: Domestic work is considered female employment and, as such, is automatically undervalued. For this reason, migrant domestic work has never been recognised as a formal employment sector. This is reflected in the salary of domestic workers, which is set at 460 euro per month gross, much lower than the minimum wage of 870 euro per month. Out of the amount of 460 euro the following is deducted:

- 15% for food
- 10% accommodation
- 7.8% social security

Therefore, the net salary of a domestic worker is 309 euro per month.

Unregulated: Domestic work is framed around the guest worker system. That is, the stay and employment of domestic workers is linked to a single employer and considered temporary. All issues surrounding domestic work fall under the Civil Registry and Migration Department, with the exception of labour disputes which are examined by the Labour Department of the Ministry of Labour, Welfare and Social Insurance. The unregulated nature of

domestic work renders migrant domestic workers particularly vulnerable to labour exploitation.

Exploitation of domestic workers - a reality: The research results demonstrate that migrant women are often victims of exploitation by their employers as well as of deceptive recruitment by employment agencies. Domestic workers reported that employers withhold their pay, as well as their personal and travel documents. Others reported systematic abuse such as violence and denial of basic needs. Many domestic workers reported working around the clock without rest periods and undertaking additional and unspecified work tasks.

Contract of employment:

The employment contract of migrant domestic workers is a standardized document issued by the Civil Registry and Migration Department. All participants to the research agreed that the contract is outdated, paternalistic, and maintains a regime of fear and subordination among domestic workers. The provisions of the contract, rather than protecting the labour rights of domestic workers, promote their exploitation.

Non-identification of victims:

Due to the absence of regulatory mechanisms for domestic work, there are very high levels of non-identification of victims of trafficking for labour exploitation. This is further exacerbated by the fact that the home, as a private domain, is exempt from inspections by the Labour Department. Therefore, victims of trafficking for labour exploitation in domestic work are not easily detected by the authorities.

Trafficking for labour exploitation in domestic work: Anti-trafficking legislation in Cyprus is quite holistic and recognises domestic work as a high-risk sector for trafficking. However, domestic work is regulated under migration legislation in general, and by specific ministerial policies and decisions on domestic workers. Thus, anti-trafficking legislation is undermined because domestic work is an unregulated sector of employment that is not protected by labour laws and regulations.

Elements of trafficking, specifically *deceptive recruitment* and *exploitation*, are evident and easily identifiable in the domestic work sector in Cyprus. The main question that arises from the results of the research is whether these two elements are also accompanied and driven by *the purpose of exploitation* and whether, indeed, *trafficking for domestic work* presents a greater problem in comparison to *exploitation in domestic work* and *unregulated recruitment procedures*. The results show that employment agencies, driven by the purpose of immediate financial gain rather than exploitation that would generate further profit, appear to contribute to the chain of events that in certain instances lead, or may potentially lead, to trafficking. At the same time, the **exploitative conditions of work – de jure set in the contract designed by the Ministry of Interior, and de facto (un)regulated by the Ministry of Labour** – foster an environment favourable to the abuse of domestic worker's rights and freedoms, blurring the lines between trafficking and exploitation even further. Furthermore, the negligence of the state combined with the unregulated engagement of mediators

in the process of recruitment, creates an environment whereby cases of trafficking are, at best, not easily identifiable, and, at worst, completely overlooked.

RECOMMENDATIONS

- Female migrant domestic workers constitute the largest migrant population in Cyprus. However, they are consistently invisible across a range of migration policies. The gender-determined risks of violence and exploitation, their gender-specific needs and their rights should be clearly defined and accounted for in migration and integration policies and strategies.
- The binding relationship between a domestic worker's work and residence permits effectively prevents domestic workers who are exposed to exploitation from reporting violations and seeking justice. Disconnecting the two permits will alleviate domestic workers' exposure to exploitation and afford a better regulation of the sector.
- Ratification of the ILO Convention 189 on Domestic Work, the only international legal instrument that sets explicit labour standards for all documented domestic workers. Its ratification will imply a number of legislative changes, including the transfer of domestic work regulation to the Ministry of Labour and modification of the current employment contract.
- Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence without reservations. The Convention has the potential to ensure domestic workers' access to justice in cases of trafficking in human beings as well as protection from exploitation and deception.
- Immediate and full transfer of responsibility for the regulation of domestic work from the Ministry of Interior and the Council of Ministers to the Ministry of Labour, Welfare and Social Insurance.
- The development and implementation of strict regulations in relation to the licensing and operation of recruitment agencies. The proliferation of recruitment agencies, that benefit from domestic workers' vulnerability and lack of awareness of their rights, contributes to the risk of trafficking and exploitation in this sector.
- Ensure access of the Labour Department to inspect the living and working conditions of domestic workers. The exemption of private households, where the majority of domestic workers live and work, is one of the strongest contributing factors to exploitation within the sector.
- Modification of the employment contract of domestic workers with reference to labour laws and rights, collective agreements and minimum wage standards, and granting equal negotiating powers to both employee and employer with regards to conditions of work and remuneration.
- Introduce differentiated and clearly defined labour categories, within the contract and "job duties", under which a domestic worker is employed in a private household: (a) household maintenance, (b) care of sick and disabled, (c) child care, (d) elderly care.

- Set specific and clearly defined rules, standards and check-lists, for employers hiring a domestic worker under “live-in” status with reference to Cyprus labour laws and European and international human rights instruments and standards, ensuring the rights of domestic workers including the right to privacy, dignity, and freedom of movement.
- Ensure that employment rights and benefits, available to other categories of workers, such as maternity leave and maternity benefits, annual leave and comprehensive health insurance, are fully enjoyed by domestic workers.
- The Cyprus government should take concrete and pro-active steps in regulating the movement of domestic workers between the sending countries and Cyprus, at inter-governmental level and through a series of bi-lateral agreements.

COORDINATORS

UNIVERSITY OF NICOSIA

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