



Labour Rights are Human Rights

Title Exercising Your Rights¹

Target Audience Foreign domestic workers, employers, government officials, activists and NGO workers.

Objectives

1. To understand the foreign domestic workers rights from the perspective of foreign domestic workers themselves.
2. To identify strategies to use these rights.
3. To tell success stories of foreign domestic workers on how they exercised their rights and fought also for the rights of many other foreign domestic workers in the region.

Materials

1. Cards and coloured pens,
2. Hand outs on local migration policy, labour laws
3. Sample of domestic work contract
4. Masking tape

Activity

1. Ask participants to draw pictures of what they think should be their rights at work (i.e. walking in the park (day off), number of hours work, salary, health care etc).
2. Each woman shows her picture and explains. After the explanation post the pictures the wall.
3. Request participants to go round the room and look at the pictures posted.
4. Ask each participant, do they get this right in their daily life?
5. Ask participants who do not get a day off a week, to go outside the door (or at the back of the room).
6. Ask participants who work more than a set number of hours a week to go outside the door (or at the back of the room).
7. Go through each of the pictures.
8. If there are remaining participants in the plenary room ask them the following questions:
 - How can we get those outside the room to come back into the room, what are the strategies needed?
 - Can someone just invite them in? (Inside representing people who have and can exercise those rights). Who would that person be?

- Could they make a noise so we know they have a problem? Ask them to call for their rights. If it is quiet will anyone listen?
 - Does anyone even know they are there?
 - Ask those outside and those inside to discuss what they could do and then role play or report what they could do.
9. What phrases were the group outside using? E.g. “we want our labour rights”, “we need just salary” etc.
10. Do the foreign domestic workers have these phrases in the language of the country they are working in? Can we teach them? How?

End by way of STORY TELLING.

Some Success Stories of Foreign Domestic Workers in Reclaiming Their Rights:

“Language is power”

In Mae Sot, Thailand Burmese workers have learnt how to say “workers rights” in Thai. One day a group of migrant workers went to the Labor Protection Office to file a complaint case because they had not been paid salaries by their employers for two months already. The Labour Protection officer asked them why they were there in their office. No one from the labour protection office spoke to them. They ignored their presence. Thai policemen came inside the office and asked what they were doing there? They all said in their best of Thai language: “labour rights”, the policemen went away and the labour protection officers had to come out from their room offices to deal with their cases.

Pressing for legal reform

This is an excerpt of Dina Nuriyati's (Indonesian, former foreign domestic worker in Hongkong) story featured at Migrant Forum Asia's website titled, From Migrant Worker to Union Organizer. For full story please log on at www.mfasia.org

"As soon as we established FOBMI, we began to put pressure on the government to pass a law that would recognise and protect migrant workers. KOPBUMI had been advocating legal reform since 1997 and had prepared a pro-migrant worker draft law. We took the case to the parliament, so that they'd have to listen to our perspective. We knew that we needed as much support as possible so we worked together with community groups, academics and unionists who were concerned with the plight of migrant workers to establish an advocacy coalition. We also got support from our union friends in Hong Kong. After our long struggle, the parliament finally announced it had prepared a draft law in the dying days of Megawati's presidency in mid 2004. We were deeply disappointed. The draft law was little better than the Ministerial Decision it was supposed to replace. Under the law, migrant workers were still just commodities. In fact, many of the articles actually legitimised the exploitative practices we were hoping to abolish. We held protest after protest against the draft law. On 27 August 2004, our members came to Jakarta from all over Indonesia, and we protested again. Two days later we all went to the parliament where the law was to be passed. We had big banners that urged the members of parliament to listen to their consciences and not pass the bill. But they mustn't have had consciences because they passed it anyhow. One of our members got beaten up and the security people took our camera. FOBMI achieved a lot in its first two years. Besides legal advocacy, we ran

training sessions in sending villages and worked hard to recruit new members. We also started to network internationally, when in 2004 we became a member of the Migrant Forum in Asia (MFA). But there's still so much to be done, because for all our activism, migrant workers' lives are basically the same. In June 2005 we had our second congress in Malang in East Java. We decided to change our name to the Indonesian Migrant Workers Union (SBMI) and to establish a more formal national structure in the hope that we could be more effective. We started thinking too about how we could organise migrant workers while they were outside Indonesia. I'm still very much involved, but I decided it was time for me to take a different and less demanding role for a time while I concentrated on finishing my studies at university in Malang. Getting this degree is part of achieving the dream that first sent me overseas.

Dina Nuriyati (diona@fobmi.zzn.com) was the head of FOBMI until mid 2004. She is now on the advisory board of SBMI, and is involved in SBMI activities at the grassroots level.