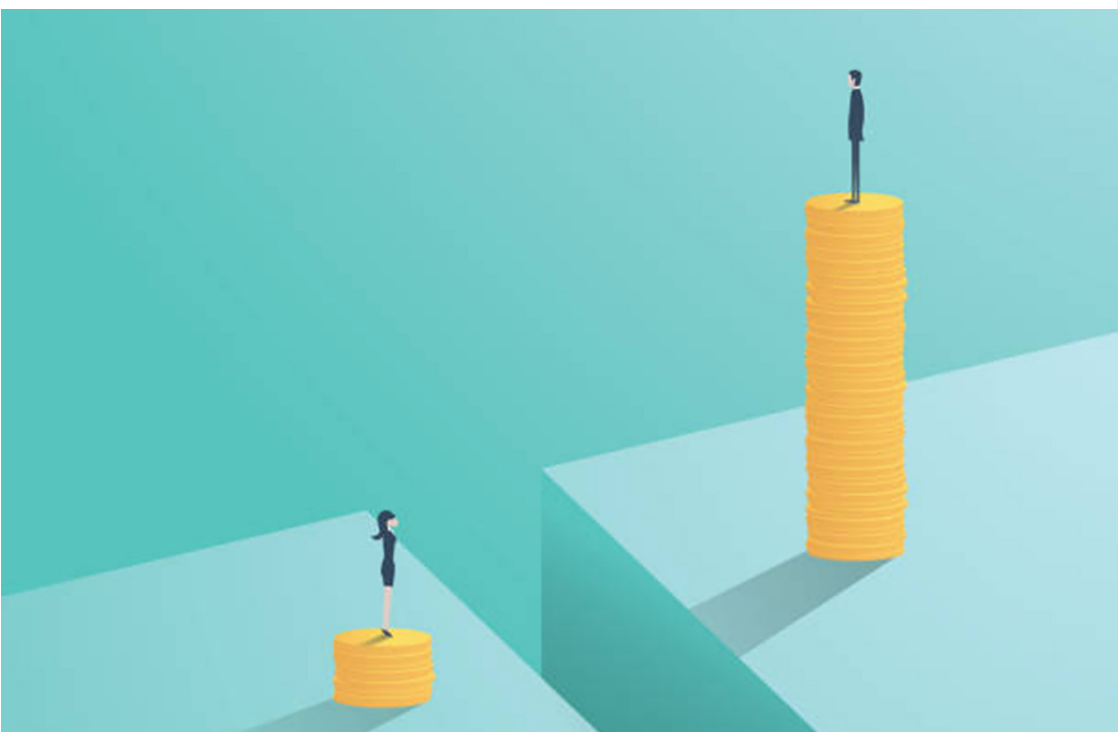


# Towards narrowing the wage gap between migrant and local workers



Trade Union Papers



## Introduction

The wage gap has increased for decades within and between almost all countries, affecting the concept of equal pay and social justice. However, no serious action to solve the problem has been taken. For years, studies and research have addressed the gap, be it in qualifications, abilities, education, and different skills. These criteria may undoubtedly affect a person's job and how much they are paid. However, studies showed that these factors are not sufficient to explain the wage gap. The studies showed that finding that many wage earners who, based on their qualifications, are expected to receive higher salaries, but are receiving low salaries and vice versa.

Some studies were conducted to examine the characteristics of jobs and their relationship to wages, in terms of working time (full-time and part-time), type of contract (permanent and temporary), or the worker's professional rank. These studies examined the characteristics of the workplace (public and private sector), the size of the company, its economic activity, and whether the workplace is in the countryside or in urban areas. It also examined the impact of trade unions on the distribution of salaries, whether there were collective agreements on salaries and the minimum wage, and the impact of wage gaps. More recently, unjustified reasons for wage gaps were examined between those with the same qualifications and working the same working hours in the same workplace. The wage gap between men and women, citizens and migrants, and women with and without children were examined.

Increased interest in the wage gap has led to discover that high levels of inequality may adversely affect well-being and social cohesion and reduce sustained growth in the medium and long term. The pay gap, also, poses a challenge to international and national laws, resulting in high cost of employment, reduced productivity rates, income levels, and wealth accumulation, foreshadowing the difficulty of achieving development targets, reflecting them on investment and consumer spending, and achieved annual growth.

By studying the efforts made in legislation and initiatives, one can see that the wage gap between local workers and migrants, referred to as the migrant pay gap, is a major driving force in today's inequality. In 2020, migrant workers represented nearly 4.7% of the global workforce, equivalent to 164 million people. Almost half of these migrant workers were women.

Although migrant workers in general, and women in particular, currently work in many jobs that are essential to the sustainability of societies, including health care, agriculture, and construction, the wage gap remains remarkably high in these sectors, as shown by the 2020 ILO report. Despite long working hours and difficult working conditions, migrant workers in some high-income countries earn less than a fifth compared to local workers. Migrant workers have also been at the forefront of the current health-care crisis resulting from COVID - 19.

In this study, we will define and identify the principle of equal pay, how equal pay for work is estimated, its correlation to equitable wage, as well as the importance of the minimum wage in the development of a policy of equal pay between the sexes and between workers of different nationalities. The legal conventions and the impacts of COVID - 19 will also be addressed. The Syrian situation will be taken as a study case for migrant employment in some countries. The study will provide models of the wage gap in some Arab countries, as well as a review of sectoral models in some Arab countries such as wood, construction, and domestic work. The last part will provide suggestions by the Arab Trade Union Confederation (ATUC).

## The concept of equality and non-discrimination in remuneration

The meaning of remuneration by the International Labour Organization (ILO) Equal Remuneration Convention C.100 finalized in the ILO General Conference on 29 June 1951 is the following:

### Article 1:

- the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment
- the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.

### Article 2:

Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and ensure its application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

### This principle may be applied by means of

- national laws or regulations
- legally established or recognized machinery for wage determination
- collective agreements between employers and workers
- a combination of these various means.

The concept of equal remuneration for work of equal value, according to ILO, means both women and men having the right to equal pay for equal work, which guarantees equal remuneration for identical or similar jobs, and equal pay for different, but equally valuable, jobs.

In other words, this logic involves equal pay for women and men with similar skills, when doing the same work, or work that is almost identical under the same conditions. It, also, includes equal pay between women and men who perform different work in terms of content and responsibilities, in different conditions, and requires different skills and competencies, but remains equal in the value it produces.

It is clear that the determination of equal pay depends primarily on the value of performed work to be assessed, based on a method of measuring the relative value of different jobs and comparing them to determine their rank on the pay or salary scale. It requires examining the responsibilities of each post, based on fully objective criteria, free of any social discrimination, to destroy any gender-based bias and/or any prejudice based on social characteristics.

## The importance of adopting a broader interpretation of remuneration

To achieve equality in the workplace, it is necessary to adopt the broadest sense of the word remuneration or pay. It exceeds the basic wage to include “all impairments.” It also explicitly or implicitly includes cash or money payments or benefits received regularly or occasionally by the worker, such as overtime grants, raises, company shares, family grants paid by the employer, as well as provision and maintenance of work uniforms. Therefore, if equality is limited to the value of the normal, basic or minimum wage, and does not include other work-related allocations or benefits, the inequality will still exist. Other components of remuneration may be important, such as grants, and must therefore be granted to workers without any discrimination on the basis of gender.

Wage gap between migrant and local workers depends on the implementation of minimum wage

The minimum wage determines how much employers must pay as minimum for every single working hour or month. The minimum wage is therefore the lowest wage to be given and it is forbidden to pay any worker less than that amount. Minimum wage has been adopted as part of the social protection policy after stakeholders have not noticed that, under certain circumstances, free markets are unable to provide the desired results in terms of social justice.

To revise how to determine the minimum wage, many indicators can be used. These indicators reduce job losses while maintaining international competitiveness. They include general economic conditions measured by real and nominal GDP, inflation, labour supply and demand, wage levels, distribution and differences, employment conditions, productivity growth, job costs, business costs, number and trends of bankruptcies, order of economic freedom, living standards, and average prevailing wage rates.

The Minimum Wage Fixing Convention, 1970 (No. 131), proposal number 135 provide guidance on minimum wage limits. The proposal listed several ways to challenge the minimum wage levels: law, decisions from the competent authority, with or without formal provisions to consider other bodies, decisions of the categories or wage boards, industrial or labour courts, and the force of law to the provisions of collective agreements.

As for setting the minimum wage, ILO Convention 131 reflects a balanced approach to the minimum wage, calling on policymakers to take into account the following factors: the needs of workers and their families, by taking in consideration the overall level of wages in the country, the cost of living, social security benefits, and related living standards in other social groups. In addition to economic factors, including economic development conditions, production levels and the desire to reach and maintain a high level of employment.

Since a majority of migrant workers are employed in domestic work, although it is the lowest paid in the labour market, domestic work involves a wide range of tasks that women have always done at home for free, such as cleaning, cooking, shopping, washing, and unpaid care for the children or the elderly. Low remuneration is due to of the insufficient knowledge of the skills and competencies needed to accomplish this work which leads to underestimating domestic work.

Therefore, the 2011 Domestic Workers Convention No. 189 recognized that the minimum wage mechanism is an appropriate tool to address the low wages of domestic workers and their exposure to wage discrimination due to the low of membership in trade unions. The convention therefore called for measures to ensure that domestic workers enjoy minimum wage coverage and that remuneration is established without discrimination based on gender. (Article 11).

Among the most prominent methods adopted to create a minimum wage system to promote equal pay:

- Government legislation or government institutions
- Collective bargaining
- Arbitration by the labour courts or other bodies
- Agreement between the employer and the worker



## Equal pay between migrant and local workers applies to all countries

Equal pay for all workers of both sexes is a basic right that applies to all countries. However, its implementation in practice may differ geographically and historically. Every country is called upon to encourage and ensure the application of the principle of equal pay in a manner that suits its national conditions, as well as to be flexible in the methods of application, with the need to respect the principle of equality by achieving wages and taking effective measures for this purpose. This principle is linked to gender equality.

### instruments and national laws

#### The principle of non-discrimination

Non-discrimination is the inherent result of the principle of equality. It prohibits preferential treatment of a person or group of persons on the basis of a particular situation or status, be it race, colour, gender, language, religion, politics or other opinions, national or social origin, ownership or birth, or on the basis of age, ethnic origin, disability, family status, refugee or immigrant status.

#### Conventions guaranteeing equality and non-discrimination in remuneration:

The first international steps to uphold the logic of “equal pay for the same work” took place with the Universal Declaration of Human Rights issued in 1948, then the Migrant Workers Convention of 1949 came to set a framework for organizing and protecting “labour migration” at all stages of the migration process. Member states must provide assistance and information on departure, travel, and entry, including medical assistance. They should also take the necessary steps to remove misleading propaganda about immigration and displacement and to prevent the expulsion of irregular migrants.



According to this Convention, the term “migrant worker” means a person who migrates from one country to another country in order to occupy a position other than self-employed work, and includes any person legally accepted as a migrant worker (Article 11). Thus, it applies to the regular immigrant (Article 8) and does not apply to border workers, seafarers, artists or other short-term self-employed, or self-employed foreign immigrants. The agreement requires member states to accord equal treatment to regular migrant workers in terms of working conditions, membership in trade unions, and enjoyment of the benefits of collective bargaining; housing, social security, employment taxes, and legal procedures related to matters referred to in the Convention (Article 6).

According to the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 which guaranteed the right to equality and non-discrimination as a fundamental human right and a widely established right in positive international law. The allocation of an international convention on race-based discrimination reflects the paramount importance of this type of discrimination to the United Nations (UN). The text on non-discrimination in the Convention is the text of the first paragraph of Article 1, which defines racial discrimination for the purposes of the Convention as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which aims or entails disrupting or impeding the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life.”

This convention is about discrimination on certain grounds, namely “race, colour, descent, and national or ethnic origin.” This convention requires states parties to guarantee the right of every person, without discrimination based on race, colour, descent, or national or ethnic origin, to equality before the law.

Within the same protection framework, the 1979 Convention on the Elimination of All Forms of Discrimination against Women specialized in eliminating “discrimination against women” in all fields. Article 1 of the term defines the term “discrimination” as “any distinction, exclusion or restriction that takes place on the basis of sex, and that has its effects or purposes, undermining or thwarting women’s recognition of basic human, moral, social and cultural rights, moral, social and cultural rights. impair or frustrate the enjoyment or exercise of these rights, regardless of their marital status and on the basis of equality between them and men.



The Migrant Workers Convention (Additional Measures), 1975 sets out a comprehensive approach to labour migration, starting with a pledge to protect the basic human rights of all migrant workers (Article 1). Minimum standards of protection for both regular and irregular migrant workers are ensured. This Convention is the first international document dealing with problems arising from irregular migration. It seeks to reduce clandestine immigration and the illegal employment of migrants (Article 3), and encourages judicial accountability of those responsible for “labour trafficking” (Article 5). The Convention requires member states to ensure equal opportunities and treatment for documented migrant workers and their families with regard to employment and occupation, social security, trade unions, cultural rights and individual and collective freedoms (Article 10). However, this provision does not apply to frontier workers, seafarers, apprentices, persons who go to a country for training or study, and persons who go to a country to perform specific tasks (Article 11).

In the same vein, the recommendations of migrant workers, 1975, call for a further expansion of the standards referred to in Convention 143, within the framework of a coherent policy on labour migration. It seeks to effectively promote equal opportunities and treatment between citizens and migrant workers lawfully within the territory of Member States in terms of vocational and practical training, job security, working conditions, union membership and equal pay for equal work, in addition to living conditions, including housing, social services, educational opportunities and access to education and health services (Article 2)

Then came the Equal Remuneration Convention, 1951 (No. 100), the first international instrument to recognize the principle of “equal remuneration for men and women workers for work of equal value.” This Convention was adopted by the ILO General Conference on June 1951 ,29, and entered into force on May 1953 , 23.

This Convention refers to all employees without exception. It refers to migrant workers, whether permanently or temporarily, and whether their status is regular or irregular. It also benefits workers in agriculture, family establishments, and domestic service. Therefore, this principle should be applied on the widest possible scale so as to cover all categories of workers in all sectors. It applies to both the public and private sectors, including industry, services and agriculture, in both the formal and informal economy.

The launch of this Convention came as a result of the massive entry of women into the labour force, after World War II, and the inequality in their wages compared to men. Thus, the pressure on employers for equal pay has become central. In accordance with the provisions of this agreement, the word remuneration includes both the wage or the regular salary, basic or minimum, plus all other compensation paid directly or indirectly by the employer to the worker, in cash or in kind. The phrase “equal remuneration for men and women workers for work of equal value” refers to the wage rates set without discrimination on grounds of gender.

In connection with this, the Convention states, in its third article, that “differential rates between workers which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.” In other words, the convention upholds the principle of promoting “objective appraisal of jobs on the basis of the work to be performed,” either directly or indirectly, as long as it is based on objective grounds, without regard to socially discriminatory characteristics.

In this regard, Convention No. 100 identified a number of means by which member states can act so that the principle of “equal remuneration for men and women workers for work of equal value” is applied to all workers. Suggested mechanisms include: national laws or regulations, enactment of a wage setting system, and/or collective agreements between employers and workers.

Since the launch of this international agreement, efforts have been made to localize the principle of equal pay for work of equal value, without discrimination. For example, 1998 ILO Declaration on Fundamental Principles and Rights at Work commits all member states to respect, promote and fulfil principles relating to fundamental rights that include the elimination of discrimination in employment and occupation.

The original ILO Constitution of 1919 has recognized the right of women and men to equal pay for equally valuable work since 1919, as it is enshrined in its Constitution as a key component of social justice. Later, the Philadelphia Declaration of 1944, emphasized that “all human beings, irrespective of race, colour, or sex, have the right to pursue both their material well-being and their spiritual development in alignment with principles of freedom and dignity, economic security and equal opportunity.”

To reinforce the right to equality and non-discrimination, the UN launched the International Equal Pay Day as part of its annual agenda to direct the world’s attention to the importance of giving the same pay for work of equal value, without any social discrimination. The roots of such an event are already in the “Universal Declaration of Human Rights”, which was adopted by the United Nations General Assembly on December 1948 , 10. Among the examples of the outcomes of the celebration of this day, the Centre for European Economic Research (ZEW) issued a report in which it concluded that the wage gap between men and immigrants is of origin 11%, while the gap between women and immigrants is 20%. For women with a history of immigration or refugee status, the period is much longer in line with the immigration gap. This means that the immigration wage gap clearly indicates that immigrant women are treated unequally in the labour market, due to their gender and immigrant status. Not only do they get lower salaries, but often the working conditions are unfair and they are hardly given any social security.

In the same regard, a report prepared by the Centre of the United Nations Fund for Agricultural Development revealed that immigrant women in Italy receive an average wage of 24 percent less than men, and their remittances to their countries of origin are 13 percent less than those sent by men. However, their low income does not affect their money-saving skills.

ILO unanimously adopted the ILO Declaration on Social Justice for a Fair Globalization on 10 June 2008 to deepen and reinforce the right to non-discrimination. The declaration embodies the contemporary vision of ILO in the age of globalization. Gender equality and non-discrimination are both comprehensive issues, including the strategic objectives of the decent work agenda. In addition, this declaration institutionalizes the concept of “decent work” established by ILO in 1999, as an embodiment of the aspirations of individuals in their professional lives and their hopes for job opportunities, incomes and rights, family stability, and personal development, in a framework of justice and equality, in addition to their desire to have their voice heard and their role recognized.

In order to promote this right, the “International Equal Pay Alliance” initiative was launched within the framework of ILO, UN Women, and the Organization for Economic Cooperation and Development, in alliance with governments, employers, workers and their organizations, the private sector, civil society and academia; with a view to taking concrete steps to accelerate closing the gender pay gap and achieve pay equality in all countries and economic sectors.

To this end, criteria for functional evaluation methods have been developed, the “analytical evaluation” approach, which divides jobs into components or factors, each with a degree, with the aim of breaking discrimination merely for discrimination but rather discrimination on normative basis, most notably the skills and competencies acquired through education, training and experience, and the responsibilities of the financial and administrative function, personnel management, physical, mental or psychosocial effort, physical work conditions (such as health risks, noise, and dust to which the worker is exposed), and psychological (such as work pressure, exposure to cases of violence by clients). By assigning a score to each factor, the value of each job is given in numbers; which may imply the existence of two jobs that are different in nature, but of equal value, and therefore the workers here receive the same wage value for different work, for example, people who work as an “economist” and a “legal analyst” and produce the same value will receive equal income.

Therefore, objective professional evaluation of jobs, according to humanely neutral criteria, allows the realization of the right to equality; as it focuses on the content of the job, and addressing several gaps between wages resulting from human characteristics, foremost among which comes: discrimination according to gender (males and females), and/or occupation, as well as discrimination according to nationality, ethnic origin, identity and religion, or even age group.



## Achieving equal remuneration is a human rights goal

As already stated, women are paid less than men. The gender pay gap, according to United Nations reports, is estimated at 23% globally. Gender equality and the empowerment of women and girls continue to decline due to persistent unequal historical and structural power relations between women and men, in addition to poverty, inequality and deprivation in access to resources and opportunities that limit the capacities of women and girls. Progress in narrowing this gap has been slow. While equal pay for men and women has been widely championed, its implementation in practice has been difficult.

In order to ensure that no one is neglected, Sustainable Development Goals address the need for gender equality and the empowerment of all women and girls. Furthermore, Sustainable Development Goals promote decent work and economic growth by seeking full and productive employment and decent work for all women and men, including young people and persons with disabilities, and equal pay for equal work. Gender mainstreaming is critical to the implementation of the 2030 Agenda for Sustainable Development.

Equal pay is an important milestone in human rights and gender equality. The efforts of the entire global community are needed and more work remains to be done. The United Nations, including UN Women and ILO, calls on Member States, civil society, women's and community organizations and women's groups, as well as business organizations, workers and employers, to promote equal pay for work of equal value and economic empowerment for women and girls.

### The importance of equal pay for equal work

First of all, it is necessary to clarify the term “equal remuneration for men and women workers for work of equal value.” It means equal remuneration for male and female workers with similar skills, when performing the same or work. The scope of application of the principle of equal pay is limited to matching conditions: men and women working in the same field and in the same facility.

The principle of equal pay for work of equal value stipulates that it is not limited to female workers, but also includes those who perform similar or identical work and workers who perform different work, which is the most common case. When men and women perform different work in terms of content and responsibilities, and that require different skills or competencies, they must benefit equality even within different conditions, they remain equal in remuneration. The importance of this concept is decisive in eliminating discrimination and advancing equality, because male and female workers often exercise different jobs in different conditions and even in different establishments. Women are still confined to a limited number of jobs, and the jobs they dominate are generally underestimated.

## The importance of performing equal pay for the value of equal work

Consolidating the logic of equal pay for the same work value, without human discrimination of any kind, would achieve multi-level benefits, including at the national level, at the level of employers, and at the level of workers themselves. This has prompted many countries to explicitly stipulate this principle in their laws/regulations, in addition to the tendency of employers from the governmental administration and the private sector towards its consolidation and adoption.

- Equal pay for the same work promotes efforts to achieve the UN Sustainable Development Goals 2030, as this principle is directly linked to goal 10 within its system of achieving full justice, decent work for all women and men, including young people and persons with disabilities, and equal pay for equal and valuable work.
- The consolidation of this principle indirectly supports the achievement of sustainable development goals. It achieves the eradication of poverty. If the workers, men and women, citizens and immigrants, receive the same wages as their counterparts, the poverty rate will decrease. This principle also establishes equality between the sexes: eliminating all forms of discrimination against women and girls is not only a basic human right, but also a critical factor in accelerating sustainable development. In addition, it helps achieving empowerment and social and economic inclusion for all, regardless of race, gender or economic status.
- The logic of equal pay for equal-value work, applied transparently, achieves the social responsibility of enterprises, which raises the value of their trademarks. It also helps to attract the best talents, raise the rates of motivation and productivity of workers, as well as raise economic well-being rates, and increase the level of loyalty of workers to their employers and their job satisfaction.



## An exception that allows for a difference in salaries

Despite what was mentioned in the previous clause of the importance of equal pay for equal work, it is allowed to have a difference in wages when there is an objective difference in the value of the work to be accomplished. The concept of equal pay for work of equal value requires evaluating and comparing different jobs based on objective criteria such as skills, working conditions, responsibilities and energy expended at work. When a difference is recorded in the value of jobs resulting from an objective evaluation that is not affected by the stereotypical value attributed to jobs that men or women used to perform, this difference must be reflected in the level of wages.

Wage discrimination takes specific forms of sex-based discrimination, in what is known as direct wage discrimination. In some exceptional cases, direct identification is still enshrined in some collective agreements and minimum wage instruments that adopt lower rates for women. There are also some fragmentations and collective agreements in agriculture, for example, that limit the advantages and allocations granted to women. The problem may lie in the distinction that wages derive in practice as well as laws or collective agreements. Direct distinction is also exercised in the term «function», which varies depending on the gender of the person occupying the office, knowing that wages of jobs held by women are lower than those held by men.



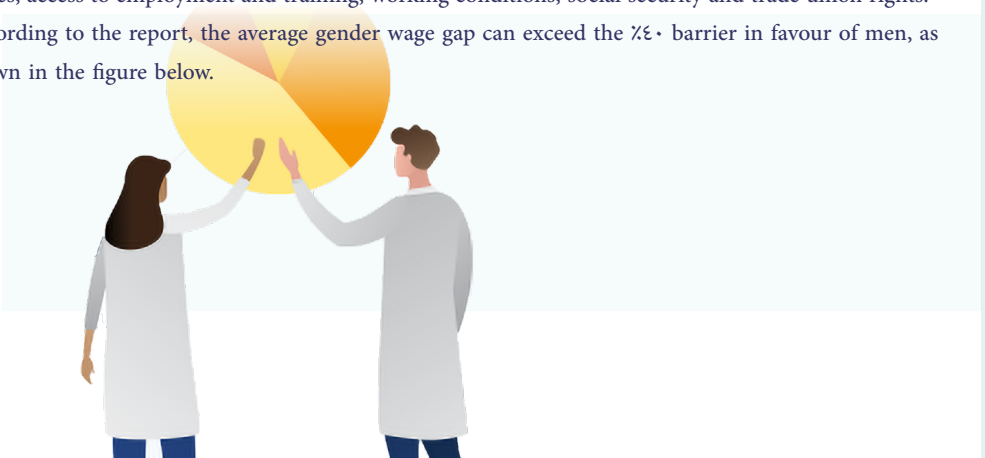
## Examining the achievement of equal pay

When examining the applicability of “equal pay for work of equal value” in practice, it becomes clear that there are many disparities, resulting from various human characteristics around the world, that some have come to consider as a “habit”. Moreover, there are several indicators that confirm that “wage gaps” are not only reflected in the income of workers during their working lives, but also affect the accumulation of their pensions. This deepens its negative effects on social well-being. It is noteworthy that this problem is not limited to specific countries, but its roots are rooted in both developed and developing countries alike.

According to global statistics, women earn only 66 cents for every US dollar earned by men from the same work on average worldwide. It should be noted that this pay gap makes women poorer than men, even after they retired, not to mention that they do the bulk of unpaid care and domestic work.

A 2020 ILO report, *Women in Business and Management: Understanding the Gender Pay Gap*, showed that migrants earn at least 13% less than natives. The gap in some countries is as high as 42%, according to the study conducted in several high-income countries. In this study it was found that in some countries, such as Cyprus, Italy and Austria, the hourly wage gap is higher, at 30%, 42% and 20%, respectively, and in the European Union as a whole the gap is close to 9%. The report shows that migrants in high-income countries are more likely to be in precarious employment, with 22% working on temporary contracts and 10% working part-time. The report also showed that these workers are disproportionately represented in the primary sector, agriculture, fishing, and forestry, and occupy more jobs than citizens in the secondary sector, mining and quarrying, industry, electricity, gas and water, and construction.

Michelle Leighton, Chief of the ILO's Labour Migration Branch commented on the report by saying that “migrant workers often face inequality in treatment in the labour market, including with regard to wages, access to employment and training, working conditions, social security and trade union rights.” According to the report, the average gender wage gap can exceed the 10% barrier in favour of men, as shown in the figure below.





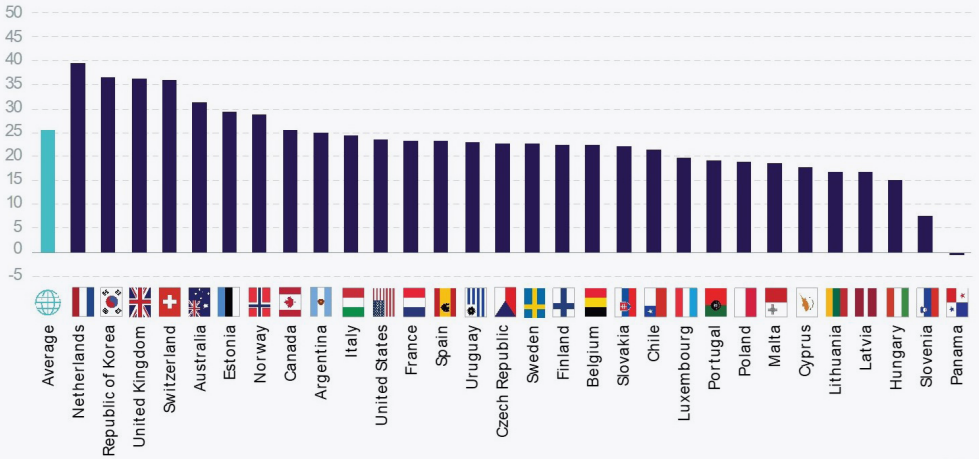
# (1) Figure

## Average gender pay gap according to income level (%)

### High-income countries

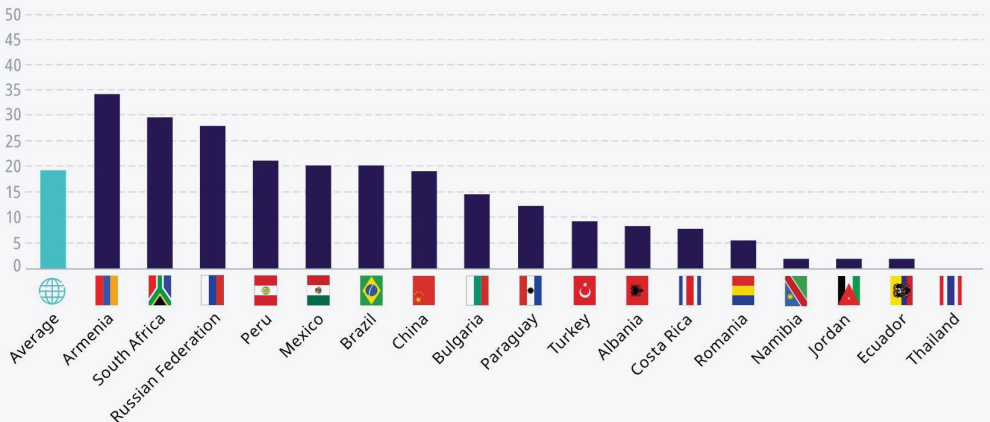
Figure 1. Mean gender pay gaps using monthly earnings, selected countries by income group

#### a) High-income

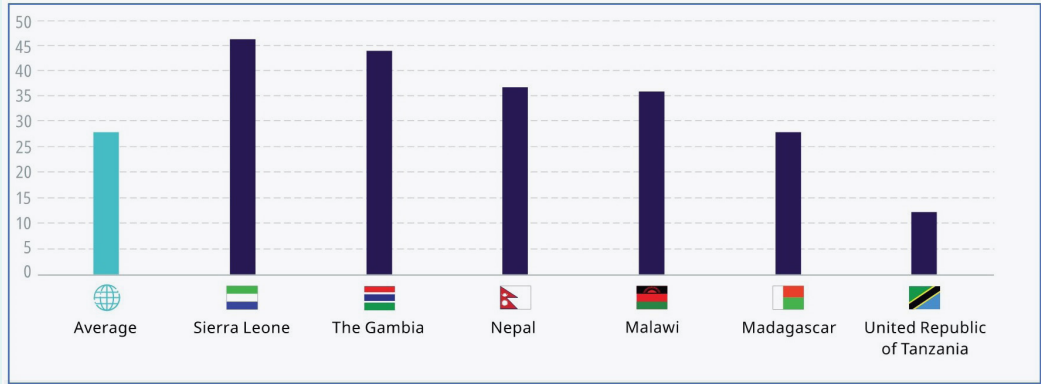


### Upper-middle income countries

#### (b) Upper-middle income

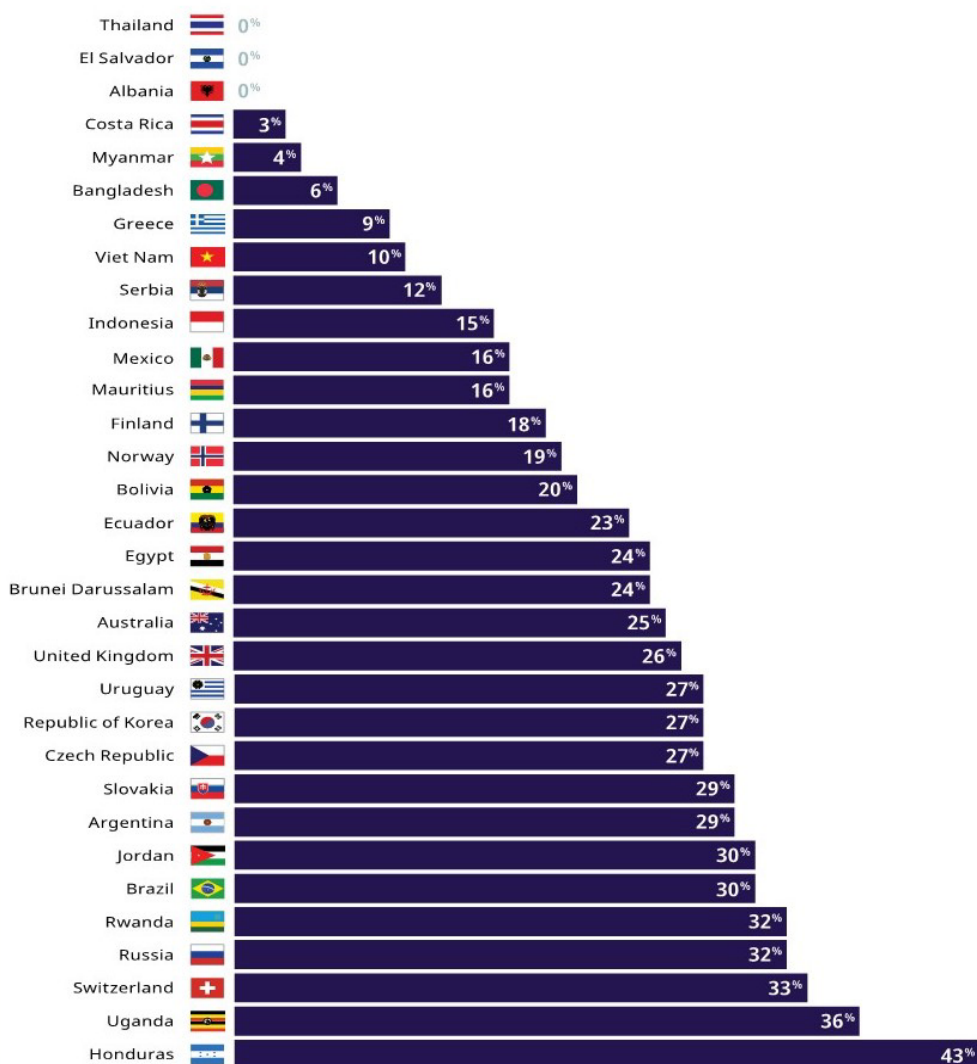


# Low-income countries



## (2) Figure

The gender pay gap in management for selected countries, latest available year



## How to achieve and promote the logic of equal pay between migrant workers and citizens

Apart from similar jobs, or different jobs that also produce the same value, and in order to promote equal remuneration between migrant workers and citizens and to achieve and consolidate the principle of decent work, a number of legislative and regulatory initiatives have been launched to ensure enforcement of legal rules by:

- Reviving existing legislations, which call for equal pay for equal work.
- Correcting procedures in government departments, and identifying wage gaps among all civil service workers, with the aim of correcting them, leading to the consolidation of a culture of equal pay.
- Enacting regulations to calculate wage levels for works of similar value, despite their different nature.
- Consolidation of judicial precedents that promote judicial rulings in favour of the principle of equal pay between migrant workers and citizens.
- Encouraging employers to conduct internal reviews of workers' salaries according to their job categories to ensure equal pay as much as possible
- Intensifying efforts to collect employee wages data by employers and employees to analyse them on a periodic basis in order to identify the existing wage gaps, and to spread these efforts socially.
- Raising awareness of the importance of «equal pay» among employers as an integral part of corporate social responsibility. This could be guided by the initiative model launched by the Equality and Human Rights Commission in the United Kingdom by launching an official page on its official website to publicize the importance of equal pay.



# The impact of Covid - 19 on the issue of protecting the salaries of migrant workers in the Arab region

## Importance of the problem

In its December 2020 ,22 World Wages Report, the ILO warned that global wage pressure due to the Corona virus would not stop with the vaccine's arrival, and issued a major report showing how the pandemic slowed or reversed wage rises worldwide, affecting working women and low-wage earners.

At the time of the report's release, ILO Director-General Guy Ryder said that the pandemic had revealed, in a very harsh way, many of the hegemonic weaknesses and instability that exist in the current world of work, explaining that “we need to seize the opportunity. It's almost inappropriate, isn't it, to talk about the opportunity arising from this huge global tragedy of the pandemic? - But we have to draw from them the patterns of opportunities that allow us to think about some of the fundamentals of the global economy.” The World Wage Report showed how the pandemic put pressure on wages, widening the gap between higher earners and low-wage workers, especially for women and low-wage earners.

A report by ILO's Advisory Group on Migration indicated that the sanitary crisis has had a tremendous impact on workers, especially migrants, including nearly 30 million migrants (and refugees) in Arab countries since the beginning of the pandemic. Thousands of migrant workers lost their jobs and left the countries where they worked, sometimes with wages and/or benefits. According to the report, migrant workers have faced, even before the Covid - 19 pandemic, critical issues related to wages worldwide and in the Arab countries in particular.

The pandemic has posed additional enormous challenges, leading to job losses, salary cuts and unplanned repatriation. Many civil society organizations have expressed concern that the Covid - 19 crisis has led to a significant decline in wage payments, with some employers exploiting the pandemic to expel illegal migrant workers, or to make an individual agreement between the employer and the worker to reduce the latter's wages in a manner incompatible with the obligations stipulated in international agreements.

This is evident in Convention 90, particularly with regard to effective enforcement of pay and addressing issues related to the bankruptcy of the establishment (article 11), where in this case, workers are treated as secured creditors in relation to any unpaid wages. In the same vein, The Convention 173 on the Protection of Workers' Benefits (at Employer's Insolvency) 1992 is one of the most recent standards dealing with the protection of workers' wages in the case of employer/enterprise insolvency.

## Protecting the workers' salaries during COVID - 19

The challenge of protecting the wages of migrant workers has been exacerbated around the world by the economic repercussions of the Covid - 19 pandemic. To this end, initiatives and calls were launched by a global coalition of unions and civil society organizations directed at governments, calling on them to put in place a transitional justice mechanism in order to ensure that migrants receive their due wages. Perhaps the biggest challenge in light of the pandemic is to ensure the maximum possible protection for the workers' wages including migrant workers regardless of their legal status.

Subsequently, the importance of the challenge of ensuring the payment of the wages and benefits of hundreds of thousands of migrant workers leaving the region has led to the emergence of a global campaign led by civil society and trade unions calling for urgent judicial mechanisms to recover the unpaid wages of migrant workers returning home, highlighting the urgency and wide scope of the problem.

It is worth mentioning here that the Gulf Cooperation Council countries have introduced a wage protection system, and in some cases insurance funds to compensate workers in certain circumstances, yet there have been constraints that limit the effectiveness of these mechanisms and make them insufficient to address the problem as a whole.

The Wages Protection System primarily addresses wage default by imposing a penalty on the employer, but it does not necessarily mean compensating the worker. This system does not include migrant domestic workers, who constitute %12. 3 of total employment in the region, and %20 of total employment in many Gulf Cooperation Council countries. It also does not currently address the issue of wage manipulation (miscalculating overtime pay, and the payment of end-of-service benefits).

Qatar is an example of the efforts of some countries in the region to introduce a wage protection system:

- The Pay Protection System Unit is now able to monitor additional irregularities, including payments below the minimum wage. The monthly payroll information file provided by employers, which contains information on the wages of each of the workers, will be amended to include additional details. By adding specific boxes for food, housing and overtime (rather than one box for the so-called “additional income”), a higher level of clarity and transparency can be achieved on how workers' wages are calculated. This will be doubly important when the minimum wage comes into force, as the minimum financial value of food and housing allocations will be determined.



- The reliance on electronic contracts is increasing in Qatar, and the Pay Protection System unit has access to these contracts. Electronic contracts are signed not only at Qatar visa centres in countries of origin, but also when residence permits in Qatar are renewed. The electronic contract includes sections related to wages, food and housing allowances.
- The Wage Protection System Unit has accelerated its procedures for imposing a ban on companies that commit offences by preventing them from receiving the services of the Ministry of Administrative Development, Labour and Social Affairs. In January 2020, the Pay Protection System Unit imposed a ban on 588 companies. Later in the year, under the total closure and restrictions imposed as a result of the pandemic, more companies have been detected violating the wage protection system.
- The number of offences referred to the police for action has increased, and communication with the Ministry of The Interior is being strengthened to ensure that measures are taken quickly in relation to priority cases. In 2019, there were 2, 318 such referrals. In August 2020, the Ministry of Administrative Development, Labour and Social Affairs increased the penalties provided in the Labour Code imposed on those who fail to pay wages, namely a maximum of one year's imprisonment and a fine of QR 10, 000.
- Domestic workers are not currently covered by labour law, so they are not included in the wage protection system. However, in order to complement the initiative of the Ministry of Administrative Development, Labour and Social Affairs and the Central Bank of Qatar to facilitate the opening of bank accounts for domestic workers (in light of measures taken to prevent the spread of the epidemic) earlier in 2020, discussions are under way on the possibility of adopting a wage protection-like mechanism for domestic workers. Discussions are under way with the Central Bank, the International Federation of Domestic Workers and a software development company.
- The Pay Protection System Unit can prepare its own reports daily to monitor the number of violations or bans against companies. Previously, the Unit relied on another department to provide such information. The Strategic Office of the Labour Inspection Department will use this data to design an inspection campaign on wage protection in 2021 to keep pace with the entry into force of minimum wage legislation.



## Recommendations to attenuate the effects of the pandemic on migrant workers

- Lay the foundations for access to social protection, or at least, ensure that these benefits are maintained during the worker's service period (in a separate account that the employer cannot use) and enable him to access them easily.
- Governments of destination countries should take effective steps to ensure that the wages of departing workers due and related benefits, including workers in an irregular situation, are paid. Governments can pay wages quickly by establishing a resource-equipped insurance fund that can directly compensate workers in case they don't receive their remuneration, and then request payment from responsible companies, without separate procedures.
- Avoid unnecessarily reducing workers' wages and set a minimum wage without discrimination and gender bias.
- Adopt comprehensive policies and legislation for equality and non-discrimination, and promote fair treatment of citizens and migrant workers.
- Enable a migrant worker who has been affected by the pandemic and has already returned to his/her country of origin to file a complaint with the country of destination, by any means available or through electronic power of attorney.

## Random statistical data reveal wage gap between migrant and local workers in the Arab region

Although the gender pay gap between women and men working in similar occupations with similar educational attainment and similar experience in the Arab region has reached tangible figures: about 17 percent in the private sector in Jordan, 18 percent and 22 percent for workers in Iraq and Lebanon, respectively.

High unemployment rates on the one hand and low wages on the other are a frustrate some women and prevent them from looking for work. The situation is worse for immigrants as shown in these examples of Arab countries.



The Central Department of Statistics in Kuwait issued statistics on April 2021 ,30 on labour market indicators showing a significant wage gap between Kuwaiti workers and migrant workers or migrants. First, statistics show that the proportion of Kuwaiti citizens in the government and private labour market has fallen to %20. 4, while migrant workers have dominated the remaining %79. 6.

According to the economic report “Al-Shall,” the size of the number of workers in Kuwait as at the end of the second quarter of 2020 amounted to about 2. 119 million workers (2. 146 million workers at the end of the first quarter of 2020), without counting the number of domestic workers. When adding domestic workers amounting to about 680, 000 workers, the total becomes about 2. 799 million workers (2. 846 million workers at the end of the first quarter of 2020), and the proportion of domestic workers is about %24. 3 of the total employment in Kuwait as at the end of the second quarter of %25. 1) 2020 of the total employment at the end of the first quarter of 2020).

According to the report, the average monthly wage for male Kuwaiti workers in the government sector amounted to about 1, 846 dinars (at the end of the first quarter of 2020), and that rate for Kuwaiti females reached about 1, 295 dinars (at the end of the first quarter of 2020), a difference of 42. 5 % in favour of male wages. The average monthly salary for non-Kuwaiti males in the government sector amounted to about 743 dinars (at the end of the first quarter of 2020), and non-Kuwaiti females amounted to about 677 dinars (at the end of the first quarter of 2020), with a difference in favour of males of up to %9. 7. The difference between the sexes is fairer in the case of non-Kuwaitis.

The average monthly wage for Kuwaitis of both sexes in the government sector is about 1, 520 dinars (1, 517 dinars at the end of the first quarter of 2020), and the same rate for non-Kuwaitis is about 711 dinars (712 dinars at the end of the first quarter of 2020), a difference between the two rates of %113,8 for Kuwaitis.

According to the report, the monthly wage rate for Kuwaiti males in the private sector was about 1472 dinars (1464 dinars at the end of the first quarter of 2020), about %20. 3 lower than the rate of male wages in the government sector. Kuwaiti women in the private sector about 922 dinars (914 dinars at the end of the first quarter of 2020), about %28. 8 lower than the rate of their female colleagues in the government sector, and there is no doubt that the allocations to support citizenship employment lead to reduce those differences.

The monthly wage rate for non-Kuwaiti males in the private sector is about 281 dinars (278 dinars at the end of the first quarter of 2020), which is about %37. 8 of their colleagues’ wages in the government sector, and the average monthly wage for non-Kuwaiti females In the private sector, about 396 dinars (393 dinars at the end of the first quarter of 2020), about %40. 9 higher than that of non-Kuwaiti males in the private sector, but lower than their female colleagues in the government sector by about %41. 5.

If we merge the government and private sectors, the monthly wage rate for male Kuwaitis is about 1,765 dinars (1,758 dinars at the end of the first quarter of 2020), and Kuwaiti females' wages are about 1,235 dinars (1,232 dinars at the end of the first quarter of 2020). The difference in male interest widens to %42.9, and the average monthly wage for non-Kuwaiti males is 293 dinars (290 dinars at the end of the first quarter of 2020), and non-Kuwaiti females have about 456 dinars (454 dinars by the end of the first quarter of 2020) the difference in female interest is about %55.7.

The average monthly wage for Kuwaitis, both male and female, in both sectors is about 1,459 dinars (1,455 dinars at the end of the first quarter of 2020), and non-Kuwaitis are about 310 dinars (307 dinars at the end of the first quarter of 2020). According to the same source, there were 323,400 Kuwaiti workers (323,300 at the end of the first quarter of 2020), and in the private sector there were about 73,300 workers (74,100 workers at the end of the first quarter of 2020), which means that employment distributed to about %81.5 government employment and %18.5 in the private sector.

The wage gap between migrant and citizens workers appears to be not much different in Saudi Arabia. Data from the General Statistics Authority for 2020 in the Kingdom revealed that the average monthly wage for Saudis of both sexes is 10,303 riyals, compared to the salaries of migrant workers with an average monthly wage of 4,031 riyals.

Despite the improvement in the salaries of workers, whether citizens or immigrants, wage disparities remain large. In detail, this can be seen through a review of the statistics, which reveals that the average wages of expatriates working in Saudi government agencies saw a decrease of %1.2 by the end of the first quarter of 2020, registering 9.76 thousand riyals compared to 9.883 thousand riyals in the same quarter last year. The salaries of male arrivals in the government increased by %1.13 from 10,282 riyals by the end of the first quarter of 2019, to 10,399 riyals by the end of the first quarter of this year. In contrast, the salaries of foreign women working in the Saudi government sector decreased by %0.27 by the end of the first quarter of 2019, to 8.202 thousand riyals per month compared to 8,268 thousand riyals per month in the first quarter of 2019.

The average salary level of Saudis working in the private sector increased by about %3.05 in the first quarter of 2020, to 7,316 riyals compared to 7,099 riyals in the first quarter of 2019. Male salaries increased by %4.42 to 7,867 riyals compared to 7,486 riyals by the end of the first quarter of last year. On another hand, Saudi women in the private sector rose by %,77 to reach SAR 5613 riyals on a monthly average compared to 5,570 riyals in the first quarter of 2019.

For expatriates working in the private sector, their average monthly wage increased by %6 to 4,302 riyals compared to 4,060 riyals at the end of the first quarter of 2019. The increase was %6.35 for male arrivals, with an average monthly salary reaching 4,286 compared to 4,030 riyals in the same quarter last year.

In Jordan, a 2014 academic study compared employment in terms of occupations and economic sectors where migrant workers are concentrated and those where local employment is concentrated, with the aim of sorting out occupations and economic sectors according to their ability to attract local workers and measure the wage gap.

The study concluded that the vast majority of expatriate workers are young workers, and that the largest proportion of expatriate workers were of secondary school level and below, which means workers with a low educational level. The majority of the expatriate labour works in the production sector, agriculture, and services, while the local labour concentrated in the occupations of specialists, craftsmen, skilled workers and clerical employees. Economic sectors occupied by expatriate workers were agriculture, manufacturing, household activities and construction, while local employment was concentrated in the public administration and defence sectors, the wholesale and retail trade sector, the education sector, the manufacturing sector, and the transport and storage sector.

Average wages were low for migrant workers, with 95% of migrant workers earning less than 200 dinars, while the average wages of local workers were relatively higher, and the proportion of local workers receiving wages between 200 and 500 dinars was about 76%.

In a positive prospect of bridging the wage gap between migrant and local workers in Jordan, the Tripartite Labour Committee decided to raise the minimum wage to 260 dinars from January 2021<sup>1</sup>, to give employers an opportunity to arrange their financial situation and include the necessary financial allocations in their budgets to be able to implement the resolution. Social security deductions shall be included in the minimum wage from the beginning of next year. The Committee committed to annual increases on the minimum wage from the beginning of 2022 to suit inflation rates per year, and established a fixed mechanism to calculate the minimum wage annually and give the private sector the opportunity to organize its business within a clear mechanism regarding the calculation of this limit annually.

The Committee agreed to raise the minimum wage for the migrant worker to 230 dinars from January 2021<sup>1</sup>, to close the gap between the minimum wage of the Jordanian worker and the expatriate within two years of this date and by 50% after the first year and 50% after the second year, in order to ensure that the Jordanian worker is competitive so that the migrant worker is not the first choice for the employer because of the minimum wage difference, taking into account the plans of the Jordanian government and private sector to encourage Jordanian workers and support them. A decision was taken except for migrant workers in the domestic work and migrant workers who practice the profession of loading and downloading, as well as excluding workers in the clothing and textile sector, Jordanians and expatriates, from this decision, where the sector is committed to implementing collective action agreements for its employees.

In the same vein, Qatar has united the minimum wage for all workers in support of the basic principles enshrined in the 1970 Minimum Wage Agreement (No. 131), at the sectoral or professional level, from any gender bias. Qatar is the first country in the region to recognize a non-discriminatory wage limit as part of the country's historic labour law reforms, benefiting directly from nearly 400, 000 people, or %20 of private sector workers, the ILO said in a statement. Qatar had passed a law requiring all workers, including domestic workers, to be paid at least 1, 000 riyals (275\$) per month, equivalent to 1. 30\$ per hour. The employer is also required to provide accommodation and feeding to the worker, or instead pay him 800 riyals per month.

## Equal wages between migrant and local workers (sectoral examples)

- Equal wages between migrant and local workers in the construction and wood sector (Jordan, Lebanon, Bahrain).
- Equal wages between migrant and local workers in the domestic employment sector (Jordan and Lebanon).
- Recommendations to narrow the wage gap between workers in the construction and domestic workers sectors.

### 1. Equal pay for construction and wood workers

The sector, in general, has high opportunities to create jobs not only at construction sites, but also for jobs indirectly related to the sector. For example, in industrialized countries, the proportion of workers in this sector ranges from 5 to 10% of total employment.

The construction sector is one of the most labour-intensive sectors in Lebanon and Jordan. They rely heavily on Egyptian, Syrian, Palestinian, and sometimes Asian workers. In recent years, the number of Syrian refugees who work massively in the construction and agriculture sectors has increased.

The construction sector also relies on low-skilled migrant employees working in difficult and dangerous working conditions. This sector is also labour-intensive and is therefore one of the most employing sectors because of its association with a wide range of industries. The construction sector accounts for 1% of Lebanon's GDP and 1% of Jordan's GDP. The number of construction workers in Lebanon and Jordan cannot be determined because employment in the construction and wood sector is seasonal and is mostly immigrant and irregular, relying on subcontracting contracts, which divides responsibilities in employment relations and increases their vulnerability and the possibility of exploitation by employers, especially in light of the lack of legal protection and the weakness of trade union organization.

Historically, Syrian labour has been a key component of the construction and wood sector in Jordan and Lebanon since before the Syrian asylum crisis as risks and harsh working conditions prompted the national labour force in the two countries to look for jobs in other economic sectors. Jordan later started bringing Egyptian workers to work in this sector.

Construction workers in Jordan and Lebanon are suffering from delayed payment of salaries, lack of real trade union representation and lack of mechanisms for social dialogue. The spread of the Corona virus and the adoption of comprehensive closure measures have led to greater suffering for them, namely the loss of many of them to their basic income due to the suspension of work, and in light of the high prices of food in Jordan and Lebanon. Many of them were at risk of hunger, particularly migrant workers who did not have any legal documents and were unable to receive any assistance.

**Jordan:** In Jordan, the construction sector was suspended for 30 days and it has been agreed between the Ministry of Public Works and Housing, the Ministry of Labour, the Contractors' Union, representatives of the construction sector, the Captain of Engineers, the head of the engineering offices and the president of the Investors Association to return the sector to work on condition to adhere to the sanitary protocols issued by the Ministry of Labour, Health and Prevention of COVID - 19.

**Lebanon:** The pandemic coincided with a difficult financial, economic, political and banking crisis, for which the exchange rate of the Lebanese pound against the dollar rose significantly, reflecting on the construction sector and the wages of workers, which naturally led to a decline in the purchasing power of construction workers who continued to work normally provided that preventive and health conditions were respected in the workplace.

**Bahrain:** Despite the challenges faced by the working class in various sectors, particularly in the face of financial and health crises such as those experienced by the world in the pandemic, the situation of construction workers, along with other groups such as domestic workers and workers in the informal economy, is more affected and more vulnerable to violations because of their precarious situation and the nature of their jobs and working conditions.

Generally speaking, working conditions in the construction sector in Bahrain are very bad. Migrant workers are most vulnerable to violations of their labour rights, whether in refusals or delays in paying wages that are essentially low, long working hours, to fragile occupational safety and health procedures, which suffer from weak enforcement, control and inspection, and the absence of the role of trade union organization in defending their interests because of the difficulty of organizing them or engaging in trade union. Several researches and reports also indicate a deteriorating housing situation for migrant workers with the lowest security and safety conditions.

The spread of COVID - 19 in early 2020 exacerbated the overall deterioration of migrant workers in Bahrain as the weakest group in Bahrain's labour market equation. Hundreds of migrant workers have lost their jobs and their main source of income, hundreds of them continue to suffer from unpaid wages for many months, and migrants have been subjected to racist populist rhetoric that coincided with an increase in the number of people infected with Covid - 19 virus and demands for their mass deportation.

One of the factors of decent work is fair pay. Given Bahrain's construction sector, we believe that despite the relatively high profits, these profits are not reflected in the wages of workers in the construction sector in general, and migrant workers in particular. The cost of the labour force is the lowest cost of the total costs of construction projects, with most project costs on construction materials, and secondly to highly skilled and low-skilled workers, while the majority of unskilled workers, the total cost of the project, can be placed fourth or fifth.

Figures from the Social Insurance Authority reveal that about 72% of migrant workers working in the private sector (330111 migrant workers) receive monthly wages of less than BD 200 (US\$530). There are no statistics showing the wage levels of construction workers, but interviews indicate that basic workers' wages range from 60 to 100 dinars (US\$159 to US\$265) and rise with overtime to 80 to 200 dinars per month (US\$212 to US\$529), while the wages of semi-skilled and skilled workers increase to 200 to BD 250 (US\$529 to US\$660).

The cost of the migrant labour force, and thus the determination of wage levels, is not subject to the cost of living in the receiving countries, but rather is determined by the nationality of the migrant and the circumstances of the country from which he or she came. It is not surprising that two migrant workers, one from India and the other from the Philippines, for example, work in the same job and functions, each earning a different wage.

This type of wage-setting policy often prompts workers to request and/or accept - and in other cases the threat of deportation- to work overtime, to cover their expenses in the country of reception and be able to meet the requirements of their families in the other countries, and often work overtime more than the legally permitted hours, leading to stress and an increased likelihood of work injuries.

Bahrain does not have a mechanism for setting the minimum wage either at the national or sector levels. Regulations do not require a minimum wage of any kind for migrant workers, unlike a citizen worker who is granted some kind of minimum wage depending on his or her level of education. This distinction is contrary to the text of Convention No. (111) on the prevention of discrimination in employment and the profession ratified by Bahrain, and is contrary to article (39) of the Civil Sector Labour Code, which states that «wage discrimination is prohibited simply because of different sex, origin, language, religion or faith».

In fact, there is no legislative text (law or ministerial decision) that sets a minimum wage for Bahrainis, but this is done through daily bureaucracy, where no Bahraini employed in private sector facilities can be registered if his wage is not within a minimum approved by the Ministry, and this procedure does not occur when registering migrant workers. In any case, it is not known what basis these estimates were based on for the minimum wages for citizens.

these points, but weak law enforcement and lack of trade union organization have prevented the minimum protection required for women workers in the sector.

The pandemic added further suffering to domestic workers as the decision to declare closure caused an increase in working hours with the entire family available all day long for months. This has increased the burden of work and psychological pressures, exposing female workers to more violence in its various forms and suffering because of the failure to pay their wages and their inability to transfer money to their families. This has increased the rate of workers fleeing their workplaces or requesting termination of contracts and return to their home country.

In Lebanon, the financial and economic collapse and the resulting rise in the exchange rate of the US dollar against the Lebanese pound and the illegal detention of citizens' deposits by banks led many employers to abandon their domestic workers and threw them out sending them to their country's embassy centres without paying their dues. This prompted thousands of migrant workers to leave Lebanon, whose employers agreed to let them go them on condition that tickets were purchased at the workers' own expense.



## 2. Equal pay among domestic workers:

Officially, the number of female workers in the domestic labour sector in Jordan is estimated at about 50, 000, but there is an estimate that there are 20, 000 others who work without work permits or have not been registered with the ministry, and most of them are of Filipino nationality, then Indonesian, followed by Sri Lankan. In Lebanon, it is estimated that there are more than 250, 000 foreign workers, most of whom work in the domestic labour sector, and most of them are of Ethiopian nationality, followed by Filipino, Bangladeshi, and Ghanaian and Sri Lankan nationals.

With the adoption of neoliberal policies by the governments of Lebanon and Jordan, and the liberalization of markets, the recruitment of cheap immigrant workers to work in the care and domestic labour sectors expanded in the establishment of offices for the recruitment of foreign workers to work in this sector in the absence of laws regulating it. This exacerbated the suffering of migrant workers in this sector and made them work in conditions similar to modern slavery, especially with the continuation of the sponsorship system, which strengthened the authority of the employer and led to more imbalance in the contractual relationship between workers and their employers, with the absence of mechanisms for litigation and accountability. Holding the identification documents of female workers by their employers represents the greatest manifestation of this authority, despite the existence of laws that forbid this.

Domestic workers continue to suffer from a lack of legal protection under the labour law of the two countries (working hours, vacations, freedom of movement, violence, sexual assault, discrimination and sponsorship) despite partial attempts to address



## The legal framework for the protection and organization of construction and domestic work in Jordan and Lebanon:

Jordan and Lebanon have ratified 7 out of the 8 basic ILO conventions: Convention No. 29 relating to forced or compulsory labour. They have also ratified Convention No. 98 that provides for the right to organize and collective bargaining, and Convention No. 100 concerning equal remuneration for male and female workers for work of equal value. They also ratified Convention No. 105 relating to the abolition of forced labour, Convention No. 111 regarding discrimination in employment and occupation, and Convention No. 138 regarding the minimum age for employment. They also ratified Convention No. 182 for the Prohibition of the Worst Forms of Child Labour and for Immediate Measures for Their Elimination.

In addition, Jordan has ratified 3 out of 4 ILO conventions related to governance, which are classified as priority, while Lebanon has ratified only two conventions: Convention No. 81 on labour inspection in industry and commerce of 1947, and Convention No. 122 on employment policy. In addition to ratifying Conventions No. 81 and 122, Jordan have also ratified Convention No. 144 on tripartite consultations to promote the application of international labour standards. However, Jordan and Lebanon have not yet ratified Convention No. 87 related to freedom of association and the protection of the right to organize, which makes it difficult for any attempt to organize workers, especially immigrants, for legal reasons, since freedom of association is not protected or guaranteed. Also, non-ratification of it constitutes a major obstacle to promoting dialogue and collective bargaining.

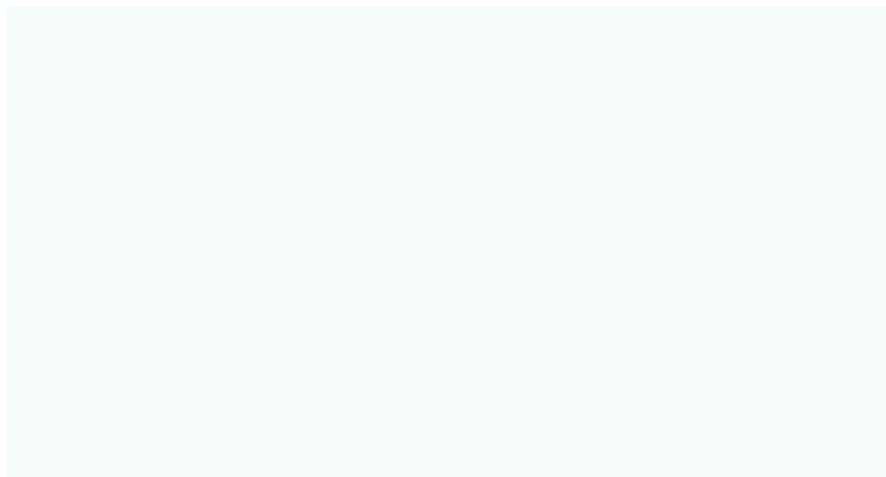
The Jordanian and Lebanese labour laws included construction and wood workers in their provisions, while they excluded domestic workers from their provisions in Article 3, paragraph (c) of Jordan's labour law and Article 7, paragraph 1 of the Lebanese Labour Code. This has left domestic workers with no legal protection provided by the Labour Code. As for social security, Jordanian law covered migrant workers in the construction, wood and domestic workers sectors, while they were excluded from Lebanon's social security law.

With the weak legal framework for the protection of migrant workers in the two sectors and due to the increasing violations and challenges facing workers, the governments of Jordan and Lebanon have adopted sporadic and partial measures and procedures to find solutions away from amending labour legislation and enshrining labour rights in accordance with international labour standards. One of the main tools introduced was the adoption of the unified employment contract, which includes a limited set of rights and duties such as working hours, wages and the duration of the contract. This unified contract was adopted by governments and developed in stages in the absence of any participation of representatives of migrant workers.

Despite the importance of a unified contract as a regulatory framework for migrant workers. However, experience showed the inability of the contract to replace the labour law. This was confirmed by the State Consultative Council in Lebanon -which is the constitutional body empowered to consider the constitutionality of laws- who considered the updated version of the standard employment contract as unfit and in violation of the Constitution and asked in its response to the Ministry of Labour's either to amend the Labour Law or cancel the exception contained in Article 7, paragraph 1 of it.

The Governments of Jordan and Lebanon, in the framework of providing legal protection to migrant workers in the construction, wood and domestic workers sectors, guided by the ILO strategy and supported by them, negotiated with some governments of the recruitment states to sign bilateral agreements on equitable employment to protect migrant workers from falling into the clutches of human trafficking networks and to ensure that they sign real contracts at agreed wages. This convention requires the obligation of the parties concerned to respect international labour standards. It also provides for the responsibilities of each of its parties and includes the formation of a joint committee to monitor the implementation of the bilateral agreement to work to address the problems that may arise when implemented.

The agreement also formally identified the costs and fees allocated to the recruitment of migrant workers. In this context, a bilateral agreement was signed between the Governments of Jordan and Nepal in 2017 after a tripartite discussion sponsored by the International Labour Organization through a fair employment programme and the free work project, while the negotiations that the Lebanese government was conducting with the Governments of the Philippines, Nepal and Ethiopia bilaterally did not reach any outcome.



While such bilateral agreements may be an auxiliary framework for providing legal protection to construction workers, wood and domestic workers, they run the risk of contentment with government agreements to avoid amending the labour law to ensure that it covers all workers regardless of the economic sectors or the social origin of the workers. It also ignores the involvement of the trade union movement in the preparation of these agreements, contrary to international labour standards, which makes it impossible to monitor or develop such agreements.

In the same context, with the support of the International Trade Union Confederation (ITUC), the International Building and Wood Confederation (BWI) and the Bureau of Labour Activities in the International Labour Organization (ACTRAV), the General Federation of Jordanian Trade Unions (GFJTU) and the Nepalese Workers' Federation (GEFONT) signed a bilateral cooperation agreement to provide Union and legal support for the protection of Nepalese workers working in Jordan. Similarly, the National Federation of Trade Unions and Employees in Lebanon (FENASOL) signed a bilateral cooperation agreement with the Ethiopian Trade Union Federation (CETU). However, for various reasons, these bilateral agreements did not rise to a developed level of cooperation to strengthen the union affiliation of migrant workers in Jordan and Lebanon, or to amend national laws to be inclusive of all and free from discrimination against migrant workers.

## **The reality of the wages of migrant workers in the construction, wood, and domestic work sectors:**

The influx of Syrian refugees into Jordan and Lebanon following the war in Syria has led to increased supply in the construction and wood sector, leading to competition between Syrian refugees and migrant workers in the sector (Syrians, Egyptians, Palestinians), prompting employers to exploit the need of Syrian refugees to work to reduce wages and evade their legal obligations in terms of social protection, occupational safety and vocational training.

Workers of Filipino origin are paid higher than Ethiopian workers, and so on. This unjust reality exists in Jordan and Lebanon in clear violation of international conventions, particularly conventions 100 and 111.



Since migrant workers in Jordan's construction sector are paid less than their Jordanian counterparts, all migrant workers in Jordan have been excluded from successive adjustments to the minimum wage. A study carried out by the Jordan Business and Human Rights Observatory on the construction sector in some major companies showed that workers are paid different salaries according to their nationalities, and Jordanian workers are paid more than their Egyptian or Syrian immigrant counterparts.

It is worth noting that the nationality of the worker constitutes a determinant of the type of jobs and jobs that he can obtain, including the ability to be promoted at work. The study also showed that there is discrimination based on gender, as Jordanian women are prevented from obtaining vacant job opportunities despite their enjoyment of the conditions required for work. The same is the case in Lebanon, where migrant workers suffer from receiving lower wages than those of their Lebanese counterparts working in similar professions, and are denied access to the minimum wage.

As for domestic workers, discrimination is so stark that the amounts taken by recruitment offices for foreign workers vary according to their nationality. The wages earned by female workers are below the minimum wage and are not uniform for all female workers, as wages vary according to their countries.



### 3. Recommendations on the wage gap between workers in the construction and domestic workers sectors:

In light of the many risks that migrant workers and workers are exposed to in the construction, wood and domestic labour sectors and due to multiple violations, the cooperation between trade union organizations, employers, and governments in countries of origin and destination is the best way to provide social protection and ensure the achievement of decent work, human dignity and the interests of all; provided that this cooperation is based on the rules and principles of social dialogue, and international labour standards and human rights, in particular, those related to migrant workers of the UN and ILO. Responsibilities are distributed to all these parties according to their capabilities, role and powers.

#### Recommendations for the governments of destination countries:

- Conducting a national survey to account for the number of workers, especially in the construction and wood sector in Lebanon and Jordan.
- Establish policies to establish a minimum wage commensurate with the conditions and living costs of the host country.
- Amending the labour legislation to become inclusive of all workers without exception and respecting international labour standards, foremost of which are the basic conventions, especially Convention No. AV related to the right to union organization, in addition to amending the legal framework to allow migrant workers to form their unions or to join and exercise all the rights and duties of membership from the right to candidacy Election and access to leadership positions.
- Strengthening institutions of social dialogue, collective negotiation and working on the formation of tripartite councils in the construction, wood and domestic employment sectors, with proper representation of migrant workers so that they participate in the proposal and amendment of laws on the conditions of their work, which prevents their exploitation, guarantees decent work and achieves social justice.
- Work to enhance and develop the possibility of inspection of the work and its ability to enforce the labour law.
- Strict punishment of employers who violate the labour law in terms of the exploitation of migrant workers and the practice of violence in its various forms against them or for violating occupational health and safety conditions, which exposes workers to work accidents and serious injuries that may reach death.

**Recommendations for the trade unions in the countries of origin:** Pressure their governments to participate in any bilateral agreements between them and destination countries in order to ensure respect for the basic rights of workers. They also must work to organize migrant workers before moving to the countries of destination, educate them about trade union work and its objectives and provide them with basic information to facilitate their involvement in the trade union movement in the country of destination.

## **Recommendations to trade unions in the destination countries:**

- Press for the ratification of Convention 87 and other agreements on migrant workers and put effort into amending labour legislation to conform to international labour standards.
- Pressure to include migrant workers in the Social Security Act, social protection programs and the minimum wage, as well as national workers.
- Amending its bylaws and internal regulations that prevent and impede migrant workers from enjoying equal rights with national workers. And work to organize all workers and provide training and services for them in a way that enhances the representativeness and democracy of trade union organizations.
- Work to include the issues of migrant workers in the construction, wood and domestic employment sectors in all social dialogues and collective negotiations to which they are involved. It works to achieve their aspirations, interests and interests.
- Pressure the government to participate in all bilateral agreements it makes with governments of countries of origin to prevent the use of migrant workers as a pressure tool to crowd out national employment and reduce their wages, and to pressure migrant workers to submit to the labour law.
- Create programs to increase the awareness of migrant workers about their rights and the possibilities of resorting to trade union organizations in the host country, whether before workers leave their countries or in cooperation with the embassies of the sending countries and relevant civil society organizations
- Unions of countries of origin should coordinate with unions of destination countries to unite their efforts to ensure that the bilateral agreement of their Governments observes international standards and complies with the basis of labour law in destination countries.



## Trade union suggestions for equal pay and narrowing the pay gap

In order to narrow the gap and achieving equal pay between migrant and local workers, the following recommendations, which ATUC believes are important, can be used:

- The importance of raising awareness and understanding of the principle of equal remuneration for work of equal value and awareness to expand the participation of all concerned parties in the process of fair wages in all its stages, so that the administration and the workforce accept the concept of wage fairness.
- To train all concerned bodies, to be transparent so workers can trust the process, to ensure that each party performs its responsibility effectively, and to communicate in order to inform all workers, even those whose jobs are not subject to assessment, about the reasons, stages and results expected from the fair wage process.
- To help to enshrine this principle in national laws and practices; by assisting the national equality bodies in promoting this principle and by assisting of the institutions in charge of fixing wages in the application of the principle of fair wages.
- To negotiate the inclusion of equal pay clauses in collective agreements and to develop workplace policies, including job evaluation methods. To provide trainers with information and examples to raise awareness and build their capacities. Collective bargaining is one of the most prominent ways to determine the terms and conditions of work, including wages. Therefore, collective bargaining, and the resulting collective agreements, play an important role in promoting and implementing equality in wages and narrowing the wage gap between the sexes.
- To secure the ground for ratification of Convention No. 100; improving the process of implementing Convention No. 100 and reporting on it;
- To provide support to create favourable environment for pay equity process in the workplace, including the preparation of evidence and training materials, the regularization of training courses, the launch of awareness campaigns on wage recognition; and advice to workers' and employers' organizations and the promotion of pay equity committees.
- To urge the social partners, i.e. the organizations of workers and employers, to play a decisive role in achieving equal pay at the national level. This can be done through social dialogue between the social partners and the government, and in many ways, including the national tripartite consultations on labour standards, or the tripartite working groups on equality.

- The importance of developing a national non-discriminatory clear evaluation method without taking into consideration “male” jobs or “female” jobs, or national or immigrant jobs. The wage system must be equal to jobs that receive an equal number of points, without consideration of gender or nationality.
- To grant workers’ and employers’ organizations the power to file complaints for fair wages, and the involvement of both their organizations in the mechanisms of supervision and implementation of fair remuneration.
- Equal remuneration should be pursued as a goal to achieve equal pay for workers as a target for national politicians and related employment plans. This principle can be reflected in anti-poverty strategies, national development plans, national gender equality plans, national decent work programmes and United Nations development assistance frameworks







This project is in cooperation with the International Labor Organization



Towards narrowing the wage gap between migrant and local workers