

Domestic helpers' woes: In a market controlled by finances, humanity is lost

By Ahmad Jabr

Kuwait's Minister of Commerce Khaled Al-Roudhan announced during a National Assembly session last week that his government seeks measures to recruit domestic helpers from alternative countries in response to the Philippines' decision to ban its workers from coming to Kuwait. Roudhan reassured lawmakers that Kuwait plans to send delegations to countries such as Indonesia, Bangladesh, Vietnam and Nepal with hopes of signing agreements to send domestic helpers to Kuwait and prevent an expected increase in recruitment fees as a result of the Philippines' decision.

Officials in the Philippines have repeatedly stated that signing an agreement which guarantees protection for its workers in Kuwait would be enough to lift the ban on Kuwait-bound Filipino workers. Indonesia banned domestic labor from working in Kuwait and other Gulf Cooperation Council (GCC) states in 2009. Jakarta has also refused to lift this ban until Kuwait inks a deal to protect workers' rights.

It is unclear why Kuwait refuses to sign such protection agreements. Despite Kuwait being a signatory to several international labor protection agreements including the Constitution of the International Labor Organization and the Forced Labor Convention, there is a clear systemic problem regarding the abuse and mistreatment of domestic labor here, as repeatedly documented by human rights organizations.

"Protections in the domestic workers' law are still weaker than those in the labor law, which provides for an eight-hour work day with one hour of rest after every five hours of work and detailed provisions for sick leave," Human Rights Watch wrote in its World Report 2017. "The domestic worker law also falls short by failing to set out enforcement mechanisms, such as labor inspections of working conditions in households, which can be done with due regard to privacy." At the core of the issue is a failure to address the problem from a holistic standpoint. Throughout the years, Kuwait has dealt with the matter of imported domestic labor from a financial and political point of view and failed to weigh the human side.

Domestic labor are treated, in essence, like any other imported commodity. There are traders and importers, and costs are affected by supply and demand. The market up until recently was the sole regulator for this area of labor and the government only implemented a domestic labor law - still largely unenforced - in 2016.

Hiring maids

Kuwait has hundreds of recruitment offices or 'agencies' that provide the only legal way for individuals to hire domestic helpers. The process starts when a client

approaches one of those privately-owned offices to request hiring a housemaid for example. The person is received by an employee in the agency, who briefs them about the services they provide, such as hiring maids from several labor-exporting countries. They often proceed to give more details about how long it would take for a domestic helper to arrive to Kuwait after being recruited from abroad, the duration of the helper's contract, the required recruitment fees, and the maid's salary, among other things (the duration and fees vary depending on several factors, including the country from which the maid is hired).

After weighing his or her options, the client makes their choice (often times, the selection would be made on a printed or online catalogue showing images of maids for hire), and the two sides proceed to agree on the financial and other terms of the agreement. Important note: The maid is left out of those discussions, especially when she is hired from abroad, and has no choice in who employs her. After making the payment, the client leaves and waits to be notified via a phone call to return to the office and receive the domestic helper that they have hired. Long story short, the client goes to the recruitment office, 'orders' a helper, pays a certain fee, then returns later once the worker arrives to pick them up and take them home.

Arrive. Order. Pay. Pick up. Leave.
For the sake of comparison, let us go through the process of purchasing a valuable commodity - such as a brand new car in Kuwait. In this case, a client approaches a car dealer's showroom, where he is received by an employee who briefs them about the services they provide, and then takes them on a tour around the showroom where they can examine the available options. After the client makes his or her choice, the two sides proceed to sign the contract, after which the client usually pays a certain fee, then leaves and waits to be notified to return and collect the vehicle that they have purchased.

To put it simple, the client arrives to the showroom, chooses and orders a vehicle, pays a certain fee, then later comes to pick up the car.

Arrive. Order. Pay. Pick up. Leave.
If you feel offended by this comparison, you should be. Because the system as it stands now is abusive, unjust and unfair. It equates a human being to a commodity.

Don't get me wrong. There are a lot of reasons why this system exists. It was not originally aimed at devaluing the humanity of domestic helpers, but rather to control the influx of a foreign population and protect citizens. The intent is understandable. But the effect has gotten out of control.

From this comes the need to completely reexamine the employment circumstances of those who make up a significant part of our society. There are nearly 678,000 human



MANILA: Filipina workers returning home from Kuwait arrive at Manila International Airport yesterday. — AFP

beings currently working in domestic service in Kuwait, according to the latest official statistics. Continuing to turn a blind eye to the facts on the ground prevents us from identifying the root causes of the problem, and hinders our ability to come up with sustainable, fair and just solutions.

'High cost'

Among the myriad of reactions to the Philippines' recent decision, a sizable portion of discussions focused on the relatively 'high cost' that employers in Kuwait have to pay in order to hire a domestic helper. Employers feel that they do not have enough protection to guarantee that they receive a service equivalent in quality and length to the large amount of money they pay up front.

Meanwhile, recruitment offices argue that the rising costs are barely enough to cover the required fees to bring a domestic helper from his or her home country into Kuwait. An employer who pays KD 1,000 or more to hire a helper would often set similarly high - sometimes unrealistic - standards for the services that they expect from the domestic helper.

There is also a thriving black market in second transfer maids. In these cases, a maid will finish her contract with the first employer and the employer, hoping to regain the investment will 'sell' the maid to a second employer. This can go on for years.

Meanwhile, maids are subject to a variety of abuses including mistreatment, physical and sexual assault, unpaid wages, no day off, lack of adequate food or rest, etc. While those facing abuse may be only a small percentage of the larger whole, the system effectively provides no recourse or

protection for any helper.

Complete overhaul

A complete overhaul of the entire recruitment system is needed. Discussions in this regard should focus on creating a mechanism through which domestic workers are hired and protected equally as those in the private sector.

The government attempted to solve the problem by establishing a public recruitment company: Al-Durra, with hopes of offering modern, respectable services at reasonable costs. But in the public's eye that is eager to see remarkable drops in hiring costs, the project failed to live up to the hype, and the company ended up being yet another recruitment agency after officials set KD 960 as the cost to hire a domestic helper from Sri Lanka.

Another solution?

Another possible solution is to legalize part-time work. Part-time domestic help is increasingly popular and agencies can be set up to provide such services. Already the few cleaning services that exist are doing a thriving business in Kuwait. In these cases, customers pay for domestic help on a per-day or per-hour basis.

Furthermore, this concept - which can mostly be compared to home care services - helps integrate domestic helpers into the private sector, eventually classifying them under the labor law and gradually phasing out the 'article 20' visa under which laborers remain largely unprotected. And the more this idea becomes acceptable in society, the bigger the steps Kuwait takes towards moving the society away from the overdependence on domestic help.

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