



International
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Office

Promoting integration for migrant domestic workers in Belgium

Executive Summary



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INTRODUCTION: LABOUR MARKET INTEGRATION OF MIGRANT DOMESTIC WORKERS IN BELGIUM

Newcomers in Belgium, if regularly entering the country, are considered to benefit from integration policies that, according to the MIPEX index, are among the best in Europe. However, evidence suggests that there are categories of workers who, for their personal characteristics or because of existing migration and employment policies, see their access to the labour market restricted and face specific difficulties in successfully integrating in the labour market and in the society of destination. While migrants regularly entering the country can, for example, benefit from general job support, they may still be excluded from the careers they are qualified for because of the complex and lengthy procedures to regularize one's residence status or one's previous qualifications. Statistical evidence confirms that third country nationals hold a worse labour market position than EU27 migrants and Belgian nationals. EUROSTAT data show an unemployment rate of third country nationals in 2011 (28%) which is respectively 2.7 and 4.4 times higher than the unemployment rate of EU27 migrants and Belgian nationals. CBSS data show that workers from Morocco, Asia, Southern America and Eastern Europe are more likely to work in part time and occasional jobs, and be concentrated in industrial cleaning, temporary employment agencies, agriculture, hotel, domestic work and catering. Lack of recognition of labour shortages in the area of domestic work often also lead to migration policies that restrict the access to work and residence permit for migrant domestic workers.

The Belgian country report on promoting the integration of migrant domestic workers in Europe provides an exceptional view into the perspectives and experiences of 57 migrant domestic workers in Belgium, exploring the interplay of their recent migration, employment and social trajectories. Understanding the interrelations between migration trajectories, employment regulation and existing labour market dynamics is key to an appropriate policy response to facilitate migrant domestic workers' socio-economic integration. Conclusions and policy recommendations are made based on a desk review and qualitative research.

DEVELOPMENT OF THE BELGIAN DOMESTIC WORK SECTOR

Apart from occasional babysitting and targeted personal care falling under the social policies of the municipalities, domestic workers in Belgium can be covered under at least six different contractual arrangements and social security regimes. Only in the 1970s were domestic workers included in a social statute (De Keyzer, 2001). The law of 3 July 1978 deals with the labour agreements whereby the “*domestic servant*” commits to do domestic work for the employer’s household against a wage and under the authority of the employer. Parallel to this system a third-party system of service vouchers was introduced on 1 January 2004 aiming to stimulate the economic integration of lowly-skilled and long-term unemployed; formalize the widespread informal employment in the domestic sector; satisfy the unmet needs for domestic help; support double-income households to combine work and family; and support economic growth (Pacolet et al., 2010). Two other systems are worth mentioning since they particularly concern migrant domestic workers: au pairs and domestic workers employed by diplomats (Gutiérrez & Craenen, 2010). Finally, domestic work is performed by self-employed individuals or in the informal sphere. Since it is a sector which is easy to access, many irregular migrants work informally as domestic workers (Cobbaut, 2005).

The plethora of legal regimes regulating the domestic work sector has a strong negative effect on working conditions. The different regimes involve different labour rights, social security systems and types of work. Furthermore, a domestic worker is covered by different Joint Committees, where social partners and employers negotiate on wages and working and employment conditions. This regularity complexity makes it difficult for domestic workers to know about and claim their labour and social rights. Moreover, some employers may use this situation to treat workers unfairly or exploit them. Recently some parliamentarians and NGOs introduced propositions to change the law on “domestic servants” and introduce a new general labour category, although this would involve a lengthy legislative process. The Domestic Workers Convention (No. 189) and Recommendation, 2011 (No. 201), indeed provide an opportunity for legislative changes, including the removal of the exemptions to pay the social security contributions for non-full-time “*domestic servants*” which left the latter without any social security benefit.

Policymakers are, however, reluctant to create a new broad statute for domestic workers and to adapt the system regulating the work permits for third country nationals employed in this sector. One obstacle relates to the competence of federal and regional authorities and, in particular, labour force shortages in the sector, which is largely unrecognized. In general, labour and social policies formulated in the field of domestic work never intended to focus on migrant domestic workers. Secondly, it is widely assumed that the service voucher system already in existence provides good working conditions, labour protection



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and social security coverage, and consequently that the category of “*domestic servants*” will disappear to be gradually absorbed by service voucher system. However, not all tasks or types of works performed under the other domestic work statutes are allowed in the service voucher system. Further, the service voucher system is criticized because of high costs for the government, and in particular for the regional governments if this was to pass under their competency, due to large subsidies and tax exemptions (Pacolet et al., 2010). Finally, a recent evaluation by IDEA Consult (2012) demonstrated that the private agencies that are more and more entering the voucher system do not always sufficiently inform their workers about their rights to labour protection, wages and social security benefits. Some reportedly even consciously misinform their workers, discriminate, and violate labour rights. The virtual absence of any systematic control of the voucher sector by a government body aggravates this situation.

MIGRANT DOMESTIC WORKERS IN BELGIUM

Rough estimates on the number of domestic workers in Belgium vary widely, and are limited in detail due to the variety of tasks, industries, legal regimes, and contractual arrangements that exist. Counting informally employed domestic workers poses a big challenge because they are not recorded in administrative data sources.

The number of workers employed officially recorded under the category of “activities of household as employers” is relatively low in Belgium. Seventy-two (72) per cent of them are women (2009); about 71 per cent are Belgian nationals, 19 per cent hold a nationality from another EU27 country and 9 per cent are third country nationals. The number of registered “*domestic servants*” has been decreasing, and dropped to 976 in 2011, according to Joint Committee 323. Most are women and more than half of them have a foreign nationality.

However, these statistics do not account for workers employed under the voucher system, nor for workers who are irregularly employed and/or are in an irregular migrant status. A large share of formal domestic work is performed through service vouchers. In 2011, 149,827 people were working in the voucher system (IDEA Consult, 2012) with 97 per cent female workers. The proportion of migrant workers doubled to 26.6 per cent between 2006 and 2011. The majority comes from EU27 countries with the biggest group being Polish nationals. Compared to the total workforce in the voucher system third country nationals are more often male (6.8 versus 3%) and more often highly-educated (8.1 versus 4.7%). Due to their limited proficiency in Dutch or French, migrant workers face difficulties in accessing public service voucher companies. Therefore, migrant workers work more often in private for-profit companies and temporary work agencies: 60 per cent of Belgian workers compared to 87 per cent of other EU27 nationals and 83 per cent of the third country nationals. One possible explanation for this phenomenon is that many companies targeting specific nationalities of migrant domestic workers have appeared recently, which are established by employers with a migration background themselves. However, for-profit agencies do not provide the same employment conditions, training and working conditions as the public and non-profit companies.

Gutiérrez and Creanen (2010) estimated the number of domestic workers employed in diplomatic households at around 600 with about two-thirds working as live-in servants. In recent years, the number of au pairs has been growing as well, particularly in Flanders where the number of au pairs increased from 51 in 2001 to 316 in 2011. The majority are female youths from the Philippines, South Africa, Ukraine, China, Peru and Russia (Vlaams Subsidieagentschap voor Werk en Sociale Economie, 2011).

The situation of irregular migrant workers should also not be underestimated and remains largely unaccounted for. In 2007, Van Meeteren et al. estimated a presence of 100,000 irregular migrants. Administrative data of the Department of Foreign Affairs control recently

demonstrated the presence of 27,161 irregular migrants in Belgium (2011). Most irregular migrants are working under very poor conditions in the informal sector, even though in Belgium informal workers have the right to a minimum wage, safe work, compensation after a work-related accident, paid sickness leave and labour protection against dismissal. However, the risk of detection or expulsion from the country for not having a proper residence permit limits how often these rights can be put into practice.

Two important regularization campaigns took place in Belgium. The regularization campaign of 2000 is of particular interest because the applicants did not need to demonstrate that they had a possibility of becoming economically active and the beneficiaries acquired permanent residence rights. The regularization campaign of 2009 was more strict and required of applicants a sustainable local anchoring based on durable social ties and economic regularization. This economic regularization was perceived by many social organizations as an opportunity for the migrant domestic workers to regularize their residence situation. Some even actively informed their target groups about this. However, an evaluation has shown that few migrants became regularized by the criteria on economic anchoring (Forum Asiel en Migraties, 2011).



A STORY OF 57 MIGRANT DOMESTIC WORKERS IN BELGIUM

Not all interviewed migrant domestic workers migrated to Belgium for the purpose of entering the domestic work sector. Roughly three groups could be distinguished on the basis of their purposes to migrate to Belgium. A first group was composed of international students in particular coming from African and Eastern European countries. They voluntarily chose to perform domestic work in support of their studies and did not intend to stay in the sector after graduation. A second group was composed of workers who migrated to Belgium for general economic reasons but ended up in the domestic work sector for several reasons, such as non-recognition of their foreign diploma, lengthy regularization procedures or their low proficiency of Dutch or French. They aspired to improve their working conditions by changing from informal to formal domestic work positions or entering other labour market sectors as domestic work was considered a temporary necessity to safeguard a living. The third group was made up of migrants who migrated to Belgium with the aim of working as a domestic worker. Most of these informants already had a well-developed social network in Belgium through which they were passed information of possible job positions. This group mainly included migrants from Ecuador and the Philippines. However, apart from au pairs, none of the migrants from this group were granted a temporary work permit on the basis of their activities as a domestic worker.

Though the majority of interviewees were women, men were also included among interviewees. Male informants mainly performed cleaning tasks. This was confirmed by female informants describing caring tasks as typical women's tasks. Interviewed men stated that their sex did not affect their relationship with employers or clients. Some reported that their clients preferred their services to those of their female counterparts. Male informants with irregular residence status deliberately chose to enter the sector in search of a more stable income as well as to avoid the risk of getting caught by police when working at construction sites. Furthermore, domestic work was perceived as less demanding and providing better working conditions compared to other male-dominated sectors, such as industry, farming or construction.

LOW STANDARDS OF QUALITY OF WORK IN BOTH FORMAL AND INFORMAL SECTOR

In general, the interviews demonstrated that the conditions in the informal sector were worse compared to those in the formal sector, both in terms of contractual status, wage level, working hours and social security coverage. The wages in the informal domestic work market were very low, ranging from €3 to €7 per hour. The irregular status of migrant domestic workers, their need to accept the work to earn an income to survive and their dependency on the employer resulting from the absence of better employment options provided the employer with a bargaining power to maintain these low rates. The interviews highlighted two additional contextual factors that seemed to negatively affect these wages: a recent influx of labour migrants from Southern Europe accepting very low wages; and the low cost for the employer of a subsidized service voucher worker compared to the wage of a non-service voucher worker. Interviews revealed that the tasks workers were requested to perform largely exceeded the hours and payment employers foresaw to complete them, causing high stress levels for the workers concerned and they were obliged to finish uncompleted assignments without pay. Working with a written contract was uncommon in the informal sector. This frequently caused problems when the employer modified the oral agreement unilaterally. These included: agreed-upon wages that were not paid; supplementary but usually unpaid tasks and working hours that were commanded; and job positions that were cancelled on short notice without compensation. Most informal workers were not paid during absence (such as sickness) which forced them to keep working when suffering from serious health problems.



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Better working conditions and social security benefits were the main reasons why informants wanted to change to a job in the service voucher system. However, even the informants working in the voucher system, which is nowadays being promoted internationally as one of the good practices to regulate the domestic work sector, encountered deficits in quality of work standards. Most migrant domestic workers were contracted by private for-profit companies and temporary employment agencies. Informants indicated difficulties in finding an agency to work for: agencies would only accept workers who could bring along a high number of potential clients. Although contracts in the service voucher system clearly stated the terms of employment, including working hours and wages, many informants complained about the lack of transparency in the calculation of the wage. Next, companies seemed to poorly inform workers of their social security benefits, unemployment benefits, labour rights, insurance and content of work. Sometimes they even consciously misinformed workers. Often workers were simply dismissed or not paid after a last-minute cancellation. The tasks in the voucher system were clearly defined by law. However, informants reported that clients demanded exceptional services and it was difficult to judge whether workers were allowed to perform them. Companies rarely communicated in detail the tasks that could be performed. Informants also faced difficulties in negotiating the client's demands because they did not possess a contract outlining such information. Moreover, workers that provided their own clients often stuck to prior informal agreements. This implied that they continued to do tasks that were forbidden in the voucher system. Although working hours were well-defined, informants complained about high workloads as well.

WORKERS' STRATEGIES TO IMPROVE WORKING CONDITIONS AND ADVANCEMENTS IN MIGRATION TRAJECTORIES

The interviewed migrant domestic workers employed different strategies and followed different trajectories to improve their terms of employment and working conditions. Most interviewees knew at least a minimum of their labour rights. Their main information sources were legal assistance provided by specialized social organizations and trade unions, vocational trainings and gatherings with other migrant workers during social events. However, few informants in the informal as well as the formal sector actually used this information and assistance to claim their labour rights.

The improvement in working conditions of the migrant domestic workers in this study was closely linked to the **regularization of their residence status** (and consequent ability to declare employment in the formal sector). This was also strongly determined by the available options to regulate their administrative migration status. Interviews revealed different trajectories followed by informants to regularize their residence status depending on the various ways in which they had entered Belgium. For migrants holding EU-citizenship it was relatively easy to

regulate their stay and find a job in the formal sector, whereas because of transitional labour market constraints, migrant workers from outside the EU, such as Romania and Bulgaria, still had to apply for a work permit B or to settle themselves as self-employed (whether bogus or not). Some informants came as asylum seekers applying for refugee status. Others came under the family reunification programme. Several informants regulated their residence status by marrying a Belgian national. Others, who overstayed the valid period of their permits, tried to regularize their situation during one of the one-off regularization campaigns in 2000 and 2009. Overall a large number of them were trapped in lengthy and obscure administrative regularization procedures which left them no other option than to remain in the informal sector.

Secondly, **language proficiency** more than educational attainment seemed to influence the possibilities of the informants to improve their working and employment conditions by changing from informal to formal positions in the domestic work sector or entering other labour market sectors. The highest achieved diploma of the migrant domestic workers seemed to influence their aspirations to change jobs or sector whereas proficiency in Dutch or French influenced actual mobility in the labour market. Many informants were highly educated and experienced, but started as a domestic worker because their diploma was not recognized. Low levels of language proficiency together with their administrative migration status seemed to significantly hamper their upward labour market mobility. In the informal sector, low language proficiency was not perceived as such a big problem since employers were found through the migrants' social network and were more likely to speak the native language of the migrant worker. Having a basic knowledge of Dutch or French was reported and perceived as a prerequisite to finding a job in the service vouchers system. For higher-educated informants, finding a job in their field of expertise seemed to require a very good knowledge of Dutch or French. Hence, language proficiency seemed to be a prerequisite for socio-economic integration and many interviewed migrant domestic workers showed a strong desire to learn. However, many faced difficulties in combining their job with language training, as the price of training was prohibitive. After their residence status was regularized, many informants enrolled in free public language courses provided by the regional governments in Belgium under the framework of their integration policies. However, since only newcomers and settled migrants with residence permits had access to formal integration trajectories, participation was restricted as soon as migrants entered an irregular status.

Thirdly, for most informants, **social networks** seemed to play an important role in regulating residence status, in accessing the job market inside and outside the domestic work sector, and, by doing so, in improving working conditions. For example, the practice of passing on jobs through social networks could help to find an initial (often live-in) job, overcome sudden spells of unemployment or change job positions. By attending activities of socio-cultural or religious organizations and discovering new sources of job advertisements, many migrant domestic workers usually found out about new job opportunities, which empowered them to leave the initial live-in position for a combination of several live-out positions. As soon as informants started working in live-out positions, employers also began to play a significant

role in work-finding networks, recommending workers within their circle of acquaintances. A few informants deliberately avoided contact with compatriots and community members. Rather than being encapsulated in existing social networks, they preferred to bridge cultural boundaries to facilitate their socio-economic integration in Belgium. Over time, most informants broadened their network beyond ethnic, social or religious ties. Social networks provided the most accurate information on opportunities to regularize their status and claim labour rights, so they also seemed to have the biggest impact on the migrant's administrative status and actual improvement in quality of work standards.

Migrant domestic workers were also active in improving their employment and migration status. Some important strategies are outlined below.

Leaving bad employers

A common way for migrants with irregular as well as regular status to improve their working conditions was the exit strategy: informants attempted to progress from initial and difficult informal live-in positions to informal live-out positions, and finally to a job in the formal sector under the service voucher system. However, despite better working conditions, labour protection and social security coverage, some informants decided to stay in the informal sector because of the higher degree of flexibility and perceived short-term benefits of informal work, while others considered the opportunity costs of changing jobs too high. This was particularly the case when informants developed close social and emotional ties with their employers. Moreover, the option to deploy such an exit strategy highly intertwined with the migration trajectory, the social capital and language proficiency of the migrant domestic workers.



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Improving working conditions by raising voice and claiming rights

Few informants actually claimed their labour rights by approaching trade unions or by voicing their complaints in direct dialogue with the employers. Migrant domestic workers in the informal sector rarely perceived themselves as being in a position to refuse modifications of the employment conditions enforced by their employer. Isolation and the absence of opportunities to broaden and strengthen one's social network and strong emotional bonding seemed to erode their capability to improve their employment conditions. Abuses and violations of their rights by the employers were acknowledged, but many workers did not claim their rights or fight the abuses as they felt attached to the employers as a quasi-member of the family. The lack of necessary residence and working permits was perceived by migrants with irregular residence status as hampering their actual capability to exploit the opportunities to claim rights or raise voice: they wanted to stay low profile for fear of expulsion from Belgium. Further, they feared being dismissed and left without a secure source of income.



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Interestingly, **workers in the service vouchers system** also did not always take action in the case of violation of rights. Most informants who were working under the service voucher system were members of a trade union for the instrumental reason that the union provided compensation in case of technical employment. Few informants turned to the unions in case of a violation of their labour rights, as it was often found too difficult to explain the issue in the official regional language. Secondly, interviewees did not want to jeopardize their relationship with the agency and clients. The fear of the migrant domestic workers to lose clients and thereby endanger their job, and the fact that in cases of dispute between clients and workers many voucher agencies took the side of the clients, reinforced workers' feelings of incapacity.

CONCLUSIONS AND RECOMMENDATIONS

Few accurate data exist on the amount and profile of domestic workers in general and migrant domestic workers in particular, let alone irregular migrant domestic workers. Although qualitative research as presented in the report can provide relevant insights into how process and events can influence labour, migration and social trajectories of migrants and how those trajectories are intertwined, it remains difficult to pinpoint possible trends and changes resulting from specific policy measures. To know about the existing needs and learn from previous policies directly or indirectly affecting the domestic work sector, such quantitative information is clearly necessary.

A general domestic worker statute

Following the recommendations of the Nederlandse Vrouwenraad and several parliamentarians, it seems necessary that the responsible government(s) in Belgium put on the political agenda the development of a *general and more clear statute for domestic workers*, including the different existing regimes and taking into account the different types of tasks existing in the domestic work sector. The routes towards this could be multiple ranging, from developing a new third party organization as proposed by the Nederlandse Vrouwenraad, to the gradual incorporation of all domestic workers under the service voucher system. If the latter option is chosen, the amount and nature of tasks allowed under the service vouchers system has to be renegotiated, in order to protect workers from performing tasks that are not outlined in the voucher system. Secondly, better monitoring systems to control the domestic work sector need to be instated in order to ensure that labour and social rights of service voucher workers are respected. The development of a general statute for all domestic workers would also support trade unions in organizing domestic workers as well as effectively organizing the social dialogue since the workers would be less scattered across different Joint Committees.

Reorganizing procedures to regulate migration status and recognize foreign diplomas

The plans of the federal government, ensuing from ratification of Convention No. 189, to limit the adaptations in the Belgian domestic work sector to the removal of the exemption on social security contributions is a missed opportunity to address shortcomings of the existing service voucher system and the reality of labour supply shortages on the domestic work market. It would be advisable to start a policy dialogue between the different Ministries of Foreign Affairs and Work at the federal level and the Ministries of Integration at the Regional levels specifically on the possibilities of regulating the residence status of the high number of irregular domestic workers. This would entail the development of a more flexible work permit system for migrant domestic workers or a specific regularization procedure for migrant domestic workers. This could be readily achieved at regional levels by including

domestic work on existing shortage occupation lists. However, it is necessary for such a procedure to go beyond the existing system of work permit B or one-off regularization (such as in 2009), since the current work permit B is connected to a single employer, which reinforces the power imbalances between worker and employer and limits the capacities of the migrant domestic workers to leave a bad employer.

On the other hand, the responsible governments should reorganize the administrative procedures to recognize foreign diplomas. Interviews showed that many migrant domestic workers did not migrate to work in the Belgian domestic work sector. On top of that a large proportion seems to be highly skilled but end up being trapped in the domestic work sector due to lengthy administrative procedures.

Improving access to language training

Since *language proficiency* seems to be a very important factor determining the upward labour mobility of both regular and irregular migrant domestic workers, it is advisable for the regional governments to reconsider their decision to limit free language and orientation courses to migrants holding a regular status in order to incorporate irregular migrants too.

Improving trust in trade unions and institutions through native language services

Language also seems to play a pivotal role in the effectiveness of *trade unions* in developing a long route to hold the state and employer to account to respect the migrant domestic workers' rights. Providing migrant domestic workers with the opportunity to express themselves in their native language would initiate the necessary emancipatory trust in unions so that the migrant domestic workers can opt for the more risky solution of voicing their complaints and claiming their rights instead of silencing their voice. Providing services only in the official languages in Belgium triggers in the migrant domestic workers the feeling of again being excluded and discriminated.

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