The final, definitive version of this paper has been published as:

Ford, M. (2006). Migrant Labor NGOs and Trade Unions: A Partnership in Progress? *Asian and Pacific Migration Journal*, 15(3), 299-311. DOI: https://doi.org/10.1177/011719680601500301

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Migrant Labor NGOs and Trade Unions: A Partnership in Progress?

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Abstract

Over the last two decades, the needs and interests of temporary international labor migrants in Southeast Asia have overwhelmingly been the concern of non-governmental organizations (NGOs) rather than trade unions. However, in recent years unions have increasingly been forced to acknowledge that migrant workers are a potentially important trade union constituency. This introduction provides the theoretical framework for a collection of articles which grew out of a project involving academics, trade unionists and migrant labor NGO activists on the extent of union-NGO cooperation on migrant worker issues. It argues that while unions are now much more engaged with both with temporary migrant workers and the NGOs who advocate on their behalf, unions' approaches towards transnationalism and citizenship (and the concomitant issue of legality) – along with entrenched inter-sectoral divisions and prejudices – continue to limit their preparedness and ability to engage fully with issues concerning temporary labor migration.

Since the early 1980s, large-scale international labor migration has been a key part of the economic and social experiences of almost all countries in the Asian region. Many of the wealthier economies of Asia rely heavily on the labor of foreigners to support economic growth, while poorer countries in the region have increasingly looked to overseas labor migrants as a source of foreign income and as a means of alleviating pressure on their internal labor markets. In contrast to the settler societies of the United States, Canada and Australia – and to many of the earlier waves of labor migration to countries like Malaysia and Singapore – most of recent labor migration has been temporary. Workers may be able to extend their stay on completion of their initial contracts, but they are ultimately expected to return home. The concerns of these temporary migrant workers have overwhelmingly been addressed by non-governmental organizations (NGOs), not unions. Hundreds of NGOs deal with migrant labor issues in East and Southeast Asia (Piper, 2003), undertaking activities ranging from data collection and advocacy to case management and even migrant worker organizing (Ford, 2004).

NGOs' prominence in campaigns for the rights of temporary foreign workers is largely explained by temporary workers' continued marginalization – often complete exclusion – from formal industrial relations bodies and mechanisms in both origin and destination countries. National governments have tended to treat labor migration primarily as a migration or security issue, even though it has become increasingly obvious that largescale temporary labor migration is of great consequence not only for the management of migration, but for industrial relations (see Ford and Piper, in press). Patrick Taran and Luc Demaret remind us in their contribution to this volume that European unions have had migrant worker departments since the 1950s. However, like national governments, trade unions have been slow to recognize the implications of temporary, transnational labor migration for their strategies and future survival, and unions remain ill-equipped conceptually – and practically – to accommodate the repeated cross-border movement of temporary migrant workers.

Although the union movement has an important international dimension, it is essentially defined at the national and sub-national scales (Herod, 2001). Within national boundaries, unions best deal with full-time (traditionally male) workers employed in large-scale, formal sector workplaces, who are citizens of that country (Ford, 2004). Temporary labor migrants, many of whom are women employed as domestic workers in private homes, or as outworkers, or in the service sector, meet none of the criteria of these 'ideal' unionists. Some unions have nevertheless begun to think of temporary migrants as potential members in destination and, to a lesser extent, countries of origin in East and Southeast Asia. However, many conceptual and structural barriers to unionization remain - barriers that have their origins in the mismatch between an idealized union constituency and the reality of the contemporary migrant workforce. This introduction outlines these barriers to union organizing temporary foreign workers in both destination and origin country contexts, and obstacles to cooperation between unions and NGOs dealing with migrant labor issues. It provides the analytical framework for the papers in this special edition, which examine NGO and union responses to migrant labor issues in a number of major countries of origin and destination in East and Southeast Asia.

Transnational Labor and Citizenship

The tensions between transnationalism and citizenship have been important in defining the limits of union engagement with temporary migrant workers in destination country contexts. As Fitzgerald (2004: 233) notes, drawing on his research into local unions on the United States' border with Mexico:

the class basis of union politics has a special affinity to a transnational ideology, that as the prefix 'trans' suggests, supersedes or transcends particular nationalism...[but] union politics involving cross-border activities are not necessarily transcendent.

Trade unions have traditionally been hostile towards migrant labor because of the threat migrant workers were seen to pose to the interests (and even jobs) of 'local' workers (see, for example, Haus, 1995; Nissen and Grenier, 2001; Teicher, 2002) – where being 'local' is defined as possessing citizenship of the host nation. This position is stridently upheld by

many unionists, particularly at times when migrant labor flows increase or change, or in times of economic hardship. For example, Australia has had a long history of immigrant labor, but there has been almost no tradition of importing guest workers in the decades since Pacific Islanders were brought to work on the sugarcane plantations in the north-eastern state of Queensland. However, in recent years, the increasing presence of poorly-paid temporary workers, many of them from the Philippines, has prompted the re-emergence of a protectionist sentiment amongst unionists that is clearly defined by national boundaries. In 2006 Australian unions representing meat workers and hospitality workers stepped up their campaign against the relatively small number of these workers being allowed into Australia on temporary 'skilled worker' permits in those industries, generally arguing for their exclusion rather than their integration into the Australian labor market.

In other contexts, where the number of temporary labor migrants is far greater, protectionism has proven to be a problematic strategy for unions. With reference to the United States, Haus (1995: 287) has argued that "the transnationalization of the labor market, albeit incomplete, blurs the boundaries between foreign and domestic constituents for unions." Haus suggests that one of the reasons that unions did not campaign for restricted immigration in the 1980s and early 1990s was that because they could no longer had control over who was employed in a particular industry, they needed to be able to organize those who were, regardless of where they were born, and not alienate potential members by taking an anti-immigrationist stance. Avci and McDonald (2000) make a similar argument for British unions, observing that trade unions have become more concerned about their ability to organize workers, rather than worrying about where those workers come from, as unions' bargaining position has weakened in the increasingly transnational context of the European Union. It should be noted, however, that this 'transformation' is usually far from complete, both in terms of the level of integration of immigrant workers into union structures and in terms of the immigration status of those workers. Drawing on case studies of local unions in California and Florida respectively, Fitzgerald (2004) and Nissen and Grenier (2001) have argued that neither a migrant constituency nor a pro-migrant central union policy guarantees equal status for foreign-born workers within the union as a whole. Meanwhile, Haus (1995) notes that temporary workers have been excluded from American unions' recent efforts to embrace foreign workers.

Ethnicity is an important factor in internal union politics concerning migrant labor, although, as Nissen and Grenier (2001) have demonstrated in their work on unions in Florida, different unions adopt different approaches towards ethnically diverse constituencies. Ethnicity is also a problem in East and Southeast Asia, where, in recent decades, most destination countries have overwhelming employed temporary migrant workers who are clearly ethnically different (and therefore able to be differentiated) from the local population. Where there is room for ethnic confusion, such as in the case of Indonesian temporary migrant workers working in Malaysia, a whole range of factors – including 'morality' and other 'national characteristics' – have been mobilized in an attempt to differentiate between the host population and temporary migrant workers (Healey, 2000). However, citizenship, rather than ethnicity per se, has been the essential criterion of governments' and unions' decisions to seek to better integrate some groups of foreign workers but not others.

Migrant workers who settle on a long-term basis in a destination country do not always have full citizenship rights, but they have – at worst – denizen status in the country in which they live and work. In contrast, the very basis on which temporary foreign workers are employed underscores their outsider status in the host community. Temporary foreign workers generally have very few legal rights, even assuming they have entered the destination country legally and continue to meet migration-related regulations about the nature and location of their work. Their legal status can be changed at any time, should the host country government or employer decide that their labor is no longer required [see, for example, Ford (2006)]. In many Asian contexts, temporary labor migrants' behavior is also regulated in a way that would be unacceptable to citizens or long-term residents. In Malaysia and Singapore, for example, temporary workers' rights are circumscribed by restrictions on even their most personal activities. Singaporean householders are expected to prevent domestic workers in their employ from falling pregnant, while in both Singapore and Malaysia, temporary migrant workers are forbidden to marry local people (Ford and Piper, in press).

Like most destination countries, the major countries of origin in the region have constructed temporary labor migration as a migration issue rather than an industrial relations issue. Overseas workers remain citizens of the home country, but they are excluded from the industrial relations system of those countries because industrial relations is defined as an activity which takes place on a national scale, and thus excludes citizens employed overseas. In both the Philippines and Indonesia, the major countries of origin in Southeast Asia, overseas migrant workers fall under the umbrella of the same government department as industrial relations, but are handled by separate sections of those departments, under different policy frameworks. The means by which temporary migrants access work overseas and the conditions under which they work are to some extent regulated by these departments. However, while temporary migrant workers are considered a 'labor force' issue, they seen to be not part of the national industrial relations system.

Unions in the region have overwhelmingly shared governments' attitudes towards temporary migrant labor in East and Southeast Asia. In recent years, the ILO and the ICFTU have attempted to encourage trade unions to become more proactive on behalf of all migrant workers, but few national trade union movements in Asia regularly conduct activities that focus on the needs of temporary migrant workers (Wickramasekera, 2002). In most destination country contexts, unions have been extremely reluctant to accept temporary migrant workers as members, because they are difficult to organize and represent a poor 'long term investment.' It is not an easy task for unions to accommodate foreign workers given their uncertain status as non-citizens and the temporary nature of much contemporary employment of migrants in destination countries, but the challenges faced by unions trying to organize migrant workers in countries of origin are even greater. Temporary migrant workers are employed outside the national boundaries of their home country, and therefore outside the limits of traditional union activity. Their physical location imposes practical difficulties as well. It is costly assisting workers in another country, particularly given the multiplying factors of poor exchange rates – a cost that is difficult to justify to members at home. As the articles on Indonesia and the Philippines in this collection demonstrate, traditional trade unions in the major countries of origin of the region have yet to come to terms with the

challenge of organizing members who only formally become workers once they leave the sphere of influence of those unions, particularly when unions are struggling to effectively organize workers within the home country itself. In contrast to migrant labor NGO activism in the region, where cross-border collaboration has been a defining feature, unions have had difficulty working across borders. Transnational organizing initiatives, such as that between the Asian Migrant Centre and the Hong Kong Confederation of Trade Unions in Hong Kong and the Philippines-based Alliance of Progressive Labor and Labor Education and Research Network, described in Alcid's paper in this collection, offer a clear way of better serving temporary foreign workers. However, but despite evidence of some other tentative initiatives involving representatives of unions in origin and destination countries, to date few concrete measures have been taken in this direction.

Systematic discrimination against temporary migrant labor indicates that citizenship - and therefore nationality – continues to be more important to unions in destination country contexts than foreign and local workers' shared experiences as workers. Meanwhile, the failure of unions in countries of origin to seriously consider migrant workers as part of their constituency reflects the nation-bound limits of traditional trade unionism. Nevertheless, as the collection of articles in this special issue shows, migrant labor in general – and temporary migrant labor in particular - has made its way onto the agendas of many union meetings in recent years. The extent to which such discussions will lead to major changes in union attitudes towards temporary migrant workers - and towards the NGOs that have worked intensively on this issue to date - is yet to be seen, but the fact that they are on union agendas at all should be recognized as an important development. However, as a recent European Trade Union Confederation (ETUC) report rightly notes, such initiatives are difficult to pursue when "the 'return' on the investment [in organizing migrant workers] is not immediately clear" (ETUC, 2005:58-59). As the articles in this collection indicate, this observation is equally valid in the origin and destination countries of East and Southeast Asia.

Sectoral Apartheid

In addition to problems associated with their uncertain legal status and exclusion from formal representational structures on the basis of their lack of citizenship, temporary migrant workers experience discrimination because of the sectors in which they work. Although immigrant and temporary migrant workers constitute a significant proportion of the blue-collar formal sector workforce in some destination countries in the region, a significant number, particularly women, are employed in the informal sector. Destination country governments discriminate against temporary migrant workers in the informal sector, particularly those employed as domestic workers, because they lie outside the scope of the formal industrial relations system. Women who work in private homes in particular are far removed from the formal-sector workers who are the primary focus of industrial relations mechanisms. Not only does domestic work lie within the informal sector, but it transgresses the barrier between public and private spheres which has largely defined concepts of 'work' in the capitalist economy. Even in contexts such as Malaysia, Taiwan and Singapore, where formal contracts for migrant workers exist, those contracts generally include a clause which

explicitly excludes foreign domestic workers from national labor standards. In Taiwan, for example, foreign workers in industries such as construction and manufacturing are covered by the Labor Standards Law, but women working as carers are not (Loveband, 2003). Likewise, in Singapore foreign domestic workers do not fall under the Employment Act, not because they are non-citizens, but because of the nature of the work they perform (Yeoh et al., 2004). An exception to the exclusionary industrial relations policies that characterize most destination countries in East and Southeast Asia is Hong Kong. Like Singapore, Malaysia and Taiwan, Hong Kong admits foreign domestic workers on a strict contract system, but most foreign domestic workers in Hong Kong are covered by the Employment Ordinance, which specifies their wage levels and leave entitlements (Wee and Sim, 2005).

Like national governments, unions have been slow to recognize even local workers employed in the informal sector. Historically, unions have ignored workers who are not employed fulltime in formal sector occupations because they did not fit the constituencies that came to define unionism in Britain and Europe after the Industrial Revolution. In the core industrialized economies of Europe and North America, labor market developments in recent decades have forced unions to attempt to recruit women, part-time employees, and workers employed in traditionally nonunionized occupations, including many occupations in the service sector, but there remains considerable ambivalence about the role of unions in the informal sector. As Gallin (2001: 531) observes, this ambivalence stems from the "widely accepted assumption that the informal sector is a transitory phenomenon, and that it will be absorbed by the formal sector in time without the need for action by trade unions or the state." Resistance to organizing workers in the informal sector is perhaps even more evident in East and Southeast Asia. Although the formal sector accounts for a relatively small proportion of the workforce in many countries in the region – including some destination countries - Asian labor unions, which are modeled on their western counterparts, have concentrated their organizing activities around formal sector occupations. Amongst the destination countries of East and Southeast Asia, Hong Kong again stands out as an example of the extent to which informal sector workers can be incorporated into formal industrial relations mechanisms. Hong Kong is home to over 2,500 organizations and associations of overseas migrant workers themselves, three of which - the Filipino Migrant Workers Union, the Indonesian Migrant Workers Union, and the Asian Domestic Workers Union - are formally registered as unions (AMC/MFA, 2001).

Temporary foreign workers employed in informal sector occupations (such as domestic work, but also much of the service sector) are therefore doubly disadvantaged because of their lack of citizenship and the sectors in which they work. And although the ETUC has now formally recognized "the need for trade unions to reach out to new and 'atypical' groups of workers" – arguing on human rights grounds that it "not acceptable to have such a large group of vulnerable workers in the European Union whose rights are not respected" (ETUC, 2005: 5, 56) – its 2005 report on foreign domestic workers, entitled *Out of the Shadows*, demonstrates that little has been done to date in the European context. The articles in this special issue suggest that many of the recommendations made in the ETUC report, including cooperation with NGOs, cross-border collaboration, and mainstreaming of domestic work within national union structures rather than sidelining it as a 'migrant' or 'women's' issue (ETUC, 2005:57-

59), have been raised in the Asian context as well. The emergence of purpose-specific temporary migrant worker unions, such as the Indonesian Migrant Workers Union (*Serikat Buruh Migran Indonesia*, SBMI) in the countries of origin in Southeast Asia is important with regard to these recommendations. However, migrant worker associations and unions in countries of origin have been criticized for not being 'real unions' because they offer a model where union membership is not contingent on employment, but open to ex-workers, migrant worker families and prospective migrant workers, who actually only become workers once they have left their home country. Migrant worker organizations such as SBMI, which have developed independently of existing trade unions, thus have an ambiguous status in relation to the union movement. In contrast, these organizations have relatively strong links to both local NGOs and to NGOs and migrant worker organizations in other countries, although is also some tension between migrant labor NGOs and migrant worker organizations, based on the uneven power relations that define interactions between the NGOs and their grassroots counterparts.

Towards Union-NGO Collaboration

Binghay (2004), writing from the perspective of the Philippines, notes that 'new players,' including the church, NGOs and people's organizations, have entered the sphere of labor organizing because of structural changes that have resulted in more workers falling outside unions' traditional sphere of influence. This observation is no more evident than in the case of temporary foreign workers. Given that these workers exist in a kind of liminal transnational space, it is not surprising that it has been NGOs, which are not bound by traditional concepts of the working class, and have successfully developed strong transnational networks – rather than unions – that have sought to advocate on their behalf, and later encouraged them to organize. It is encouraging, however, that despite continuing gaps and disagreements, an increasing number of unionists recognize the need for union-NGO collaboration (Gallin, 2000; ETUC, 2005).

It is nevertheless important to recognize that there is still a problematic relationship between labor NGOs and unions (Ford, 2003). In India, for example, Bhattacherjee (2002: 339) reports that unions are resentful of NGOs that "have successfully organized (not necessarily unionized) several informal sector occupations and sites in India during the last decade," whilst in Malaysia, unionists have been suspicious of labor NGOs who have addressed issues on the fringes of trade union activities, such as housing for Indian labor on the plantations, women workers in the free trade zones and foreign domestic workers (Ford, 2002). Unions are rightly concerned about NGOs' divided attention (like the NGO community more generally, few migrant labor NGOs concentrate exclusively on one issue), funding constraints (NGOs are generally dependent on state or private donors), and NGOs' own employment practices (which are often far from exemplary). However, as the articles in this collection imply, stronger NGO-union links both within and across national boundaries are critical if migrant worker organizations are to be more widely recognized as legitimate industrial relations actors.

This special edition grew out of an initiative to document and develop such links. In 2005 the Friedrich-Ebert-Stiftung (FES) sponsored a major research initiative on NGO-trade union

links in countries of origin and destination in Southeast Asia, followed by a conference involving academics, trade unionists and migrant labor NGO activists on the extent of union-NGO cooperation on migrant worker issues. The collection begins with three academic articles based on the research commissioned by FES. The first two of these examine trade union involvement in migrant labor issues in Indonesia and the Philippines, the largest countries of origin of temporary labor migration in the Southeast Asian region. In my paper on Indonesia, I argue that union involvement in migrant worker issues is a relatively new and very patchy phenomenon, but one which has challenged the sectoral and physical boundedness of traditional trade union organizing through the development of independent migrant worker unions and attempts to involve established local unions into national and international initiatives concerning overseas migrant labor. Similarly, Mary Lou Alcid concludes that most Philippines trade unions have played almost no attention to overseas migrant workers, with the notable exception of seafarers. As in the Indonesian context, overseas labor migration is a low priority for many established unions because it is seen to eat up resources and take unions away from their 'core business' organizing workers within their own national boundaries. However, Alcid also points to a trend in the Philippines which is quite different from the Indonesian experience, noting that the fact that the Alliance of Progressive Labor has explicitly broken with traditional, workplace-based organizing in favor of social movement unionism has allowed it to become more responsive to migrant worker needs.

The third of the core papers, by Nicola Piper, discusses the constraints on migrant worker activism in the destination country contexts of Singapore and Malaysia. Piper argues that the political and socio-legal systems of both countries present obstacles for migrant worker activism, albeit with different outcomes for NGOs and trade unions. With regard to union activism on migrant labor issues, she observes that migrant workers have access to official trade union structures in Singapore, at least in theory, but that government-dominated unions in that country have shown little interest in recruiting them. Meanwhile she argues that although Malaysian trade unions are more independent, migrant workers' unofficial status.

In addition to the core papers, this special issue also includes contributions highlighting the role of international organizations and specific case studies in other Asian countries. Kevin Gray's short contribution on initiatives in South Korea, another receiving country, is also rather pessimistic about migrant worker activism. Gray highlights the issues outlined in this introduction concerning the barriers posed by citizenship (and in South Korea's case, ethnicity) to local workers' acceptance of their foreign counterparts, arguing that despite a number of important recent developments, "strong and perhaps insurmountable barriers remain to solidarity between migrant and domestic workers".

The next set of papers, which focuses on migrant labor issues globally and regionally in East and Southeast Asia, begins with a discussion of the International Labour Office's (ILO's) rights-based approach to migrant worker issues. The paper by Patrick Taran and Luc Demaret emphasizes initiatives to protect migrant worker rights in Western destination countries. Taran and Demaret argue that in European contexts in particular trade unions have recognized their inability to work alone on these issues, and are prepared to cooperate with civil society organizations concerned with migrant labor issues. Taran and Demaret's paper is followed by another ILO contribution by Raghwan, which provides an overview of trade union initiatives in Malaysia, Thailand, South Korea and Hong Kong. Raghwan paints a considerably more optimistic picture of union engagement with migrant worker issues and collaboration with migrant labor NGOs in East and Southeast Asia than those presented in the country-based papers. His contribution – which argues that unions now understand how the wages and working conditions of migrant workers directly affect local workers – documents a number of important initiatives at the national and regional levels.

The final two papers in the collection offer perspectives from 'within.' The contribution from the Migrant Forum in Asia written by Lorena Macabuag and Jose Maria Dimaandal, emphasizes the need for NGO-trade union collaboration, and describes the important contribution the MFA network has made in bringing NGOs and trade unions together across national borders, particularly Indonesia and Singapore. Joanne Barriga and Mirko Herberg describe the migrant labor-related projects of Friedrich-Ebert-Stiftung (FES) Philippine Office, including its Regional Project on Migrant Labor in Southeast Asia, the project from which this special edition developed. Barriga and Herberg argue that both NGOs and unions have particular strengths that can be harnessed in the interests of migrant workers, and note FES' commitment to encouraging collaboration and build a stronger support base for joint action on migrants' issues.

In conclusion, then, the articles in this volume suggest that the sheer number of temporary migrant workers, the undeniable impact they are having on the labor markets of destination countries in the region, and the magnitude of the problems that they face, have forced unions to reconsider the traditional boundaries of their activities and to work with NGOs towards better outcomes for migrant workers. The initiatives described in this special collection are important first steps towards union-NGO partnership. However, while efforts made so far to engage unions in migrant worker issues have been partially successful, they still have a long way to go.

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