



WMU Symposium on Migration by Sea Malmö, 26-27 April 2016

Fair Migration in Times of Crisis

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Introduction

- Conflicts, economic crises, natural disasters, and **lack of decent work** are all drivers of complex mixed movements of refugees and migrants
- Migration by sea in context
 - 244 million international migrants globally (UNDESA, 2015)
 - **Most international migrants enter countries lawfully**
 - **Most migrants work**
- Migration recognized as an integral part of the 2030 Agenda for Sustainable Development
 - **Migrants contribute, but migration costs remain too high**
 - Sustainable Development Goals
 - In particular SDG targets 8.8 and 10.7
- Crisis as an opportunity for a paradigm policy shift



Most migrants work

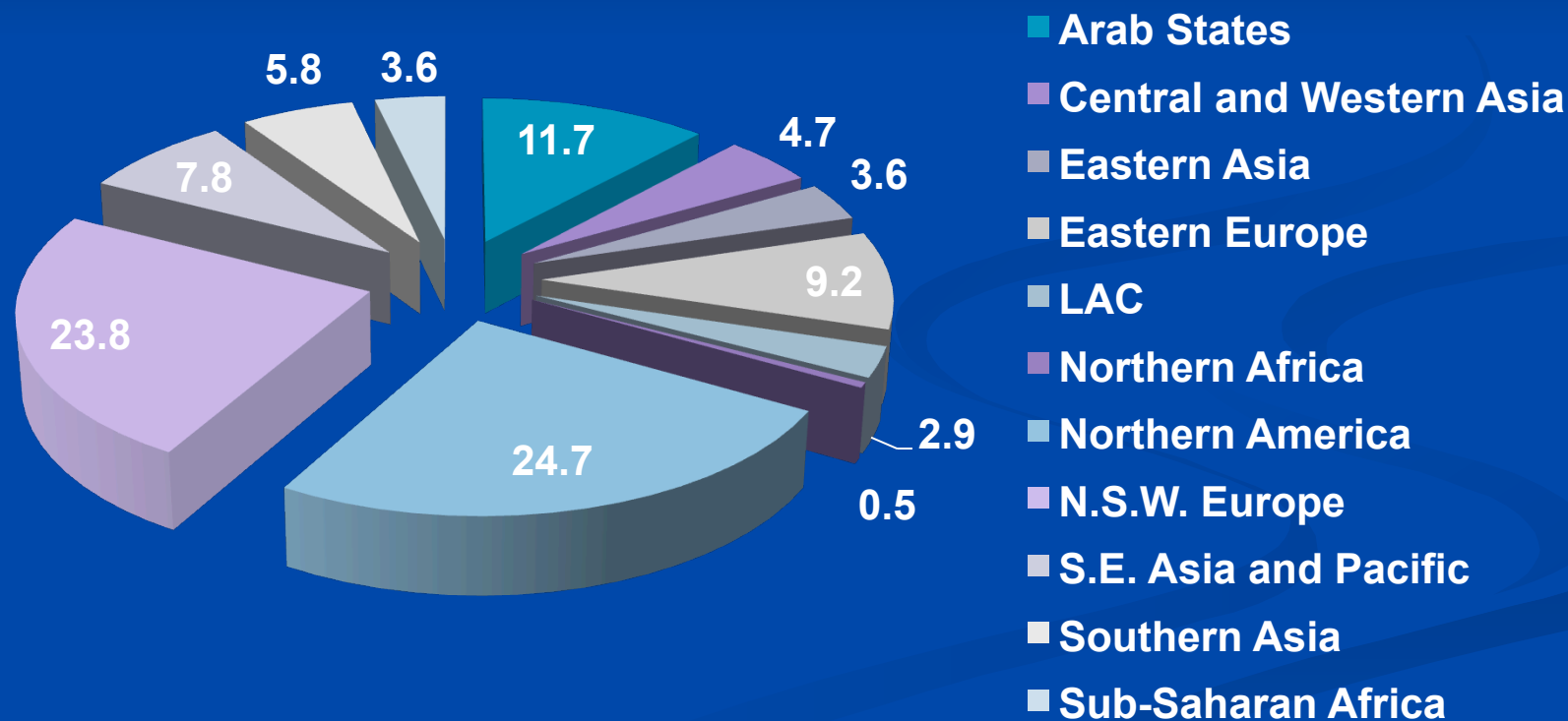
- 150.3 million international migrants are migrant workers
- Migrant workers account for 72.7% of the 206.6 million working age migration population (15 years and over)
 - 83.7 million (55.7%) are men; 66.6 million (44.3%) are women

Source: ILO Global estimates on migrant workers (2015)



Almost half (48.5%) of migrant workers are in N.S.W. Europe and North America

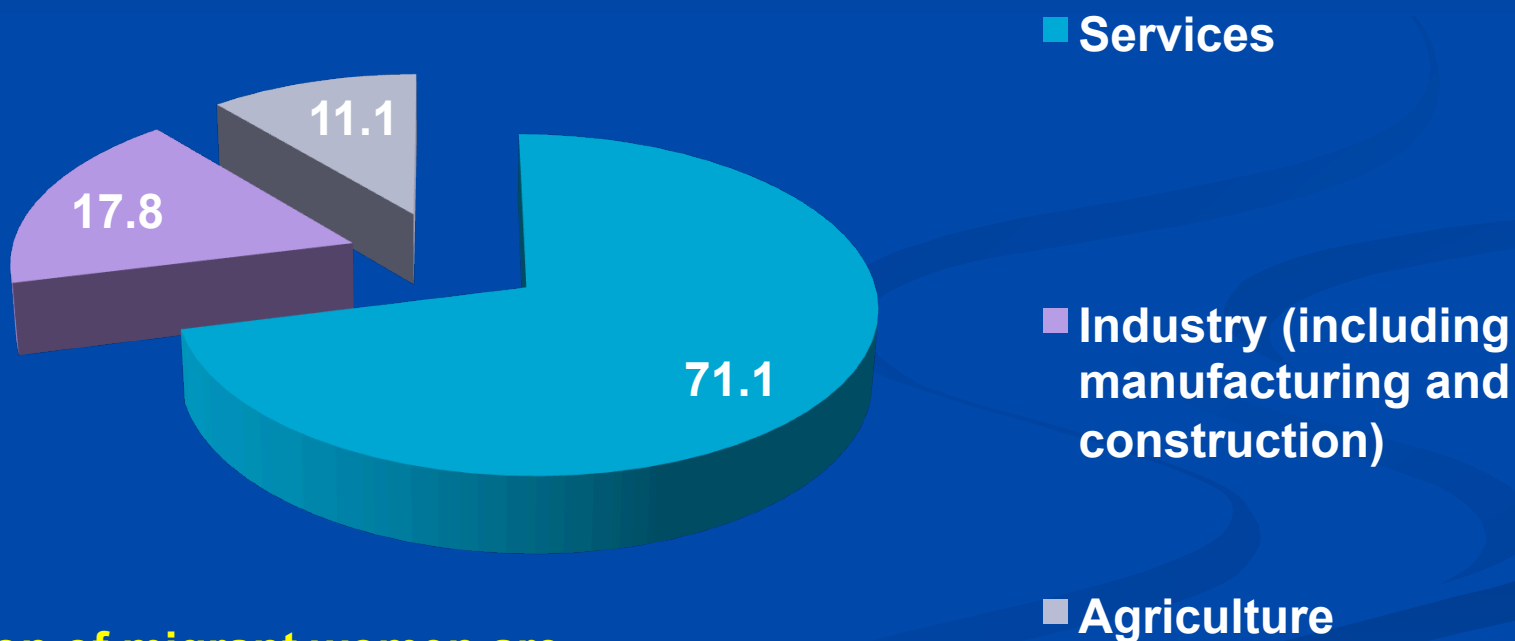
Distribution of migrant workers by broad subregion





Most migrants work in services

Distribution of migrant workers by industry groupings



8.5 million of migrant women are domestic workers (out of a global total of 11.5 million)



Other important migration trends and characteristics

- “South-South” migration is increasingly significant, representing almost the same proportion as “South-North” migration (i.e. one-third)
- Estimates of irregular migration
 - 10-15% of migrant population globally (ILO 2004, 2010)
 - 1.9 - 3.8 million in EU-27 in 2008 (Clandestino, 2009)
 - 11.3 million in U.S. in 2014 (Pew Research Center, 2015)



Migration and the world of work

➤ Key policy challenge

- How to create more regular channels for labour migration to meet labour market needs at all skill levels?

➤ Contribution of the ILO

- Constitutional mandate to protect migrant workers
- International labour standards, including ILO Conventions Nos. 97 and 143
- Action plan for migrant workers: Rights-based approach to labour migration in accordance with labour market needs (2004)
- Multilateral Framework on Labour Migration (2006)
- Tripartite Meeting on Labour Migration (2013)
- Fair Migration Agenda (2014)



ILO agenda for fair migration: Eight action points

1. Promoting decent work in countries of origin, including the contribution of migrants
2. Formulating orderly and fair migration schemes in regional integration processes
3. Promoting bilateral agreements for well-regulated and fair migration between member States
4. Instituting fair recruitment processes
5. Countering unacceptable situations
6. Realizing the rights-based approach
7. Contributing to a strengthened multilateral rights-based agenda on migration
8. Social dialogue and tripartism, knowledge and capacity-building as cross-cutting issues



Fair migration in regional integration

- Formulating orderly and fair migration/mobility in regional integration processes
 - Key to regional and sub-regional development – see also EU-AU Valletta Action Plan (Nov. 2015)

- ILO action
 - Advice /assistance based on relevant standards and good practices
 - Ensuring social partners participate in formulation and application of labour mobility policies at regional level
 - AU Commission-ILO-IOM-ECA Regional Programme on Labour Migration Governance for Development and Integration in Africa (Joint Labour Migration Programme)
 - ASEAN Forum on Migrant Labour
 - Draft Regional Labour Migration Policy Framework in the SADC



Bilateral agreements

- Promoting bilateral agreements (BLAs) for well-regulated and fair migration between member States
 - BLAs play a key role in regulating labour migration (and portability of social security benefits) between countries in certain migration corridors but little is known about the degree of their implementation, impact and effectiveness

- ILO action
 - In collaboration with World Bank's Global Knowledge Partnership on Migration and Development (KNOMAD), mapping and analysis of BLAs in terms of content and implementation with a view to identifying good practices
 - Report published in April 2015



Bilateral agreements: Good practices

- ✓ Transparency and publicity
- ✓ Consistency with international standards
- ✓ Special references to equality of treatment
- ✓ Provisions to promote fair recruitment processes
- ✓ Prohibition of confiscation of travel/identity documents
- ✓ Wage protection measures
- ✓ Enforceable provisions relating to employment contracts and workplace protection
- ✓ Gender concerns and attention to groups of workers with particular vulnerabilities
- ✓ Social dialogue involving tripartite and other stakeholders
- ✓ Implementation, monitoring and evaluation procedures
- ✓ Concrete complaints/dispute resolution mechanisms



Fair Recruitment

- Instituting fair recruitment processes
 - Extensive involvement of private labour recruiters too often leads to high costs and serious abuses

- ILO action
 - Fair Recruitment Initiative – objectives:
 - Strengthen knowledge base
 - Strengthen laws, policies and enforcement in line with ILO Convention No. 181 and other labour standards
 - Promote fair business practices
 - Foster social dialogue and partnerships and promote good practices within industry and beyond

 - Developing guidelines on fair recruitment (Sept 2016)

 - Working with World Bank on measuring costs of labour migration (KNOMAD)

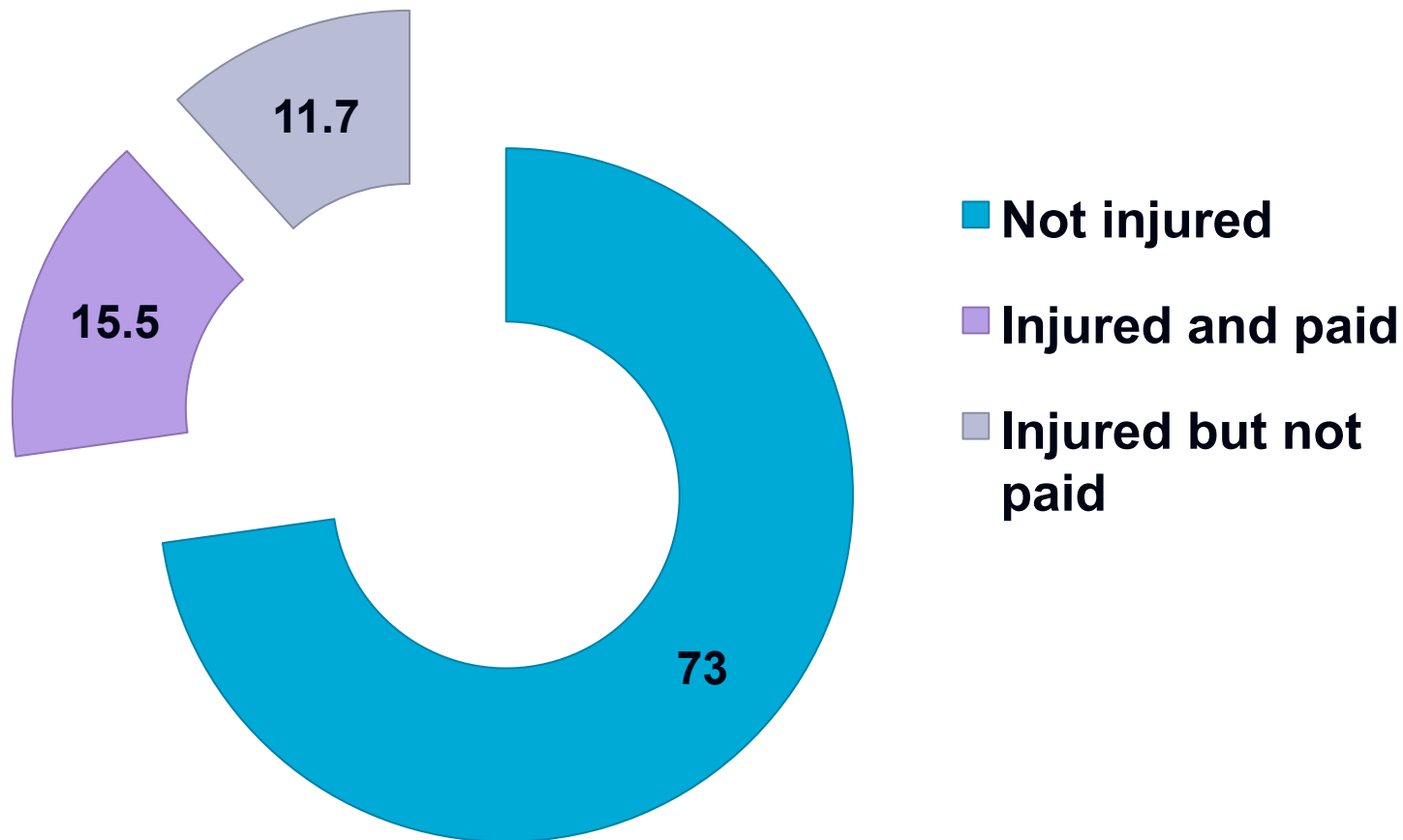


Worker-paid costs: 1 to 6 months of foreign earnings

Destination	Origin	Recruitment costs	Earnings in destination	Recruitment costs in months of earnings	Prior earnings in origin country (month)
Korea	Indonesia	1,506	1,394	1.1	219
Kuwait	India	1,248	494	2.5	192
Spain	Ecuador	1,046	1,300	0.8	132
UAE	Pakistan	2,148	387	5.6	140



Injured at work or fallen sick? Were you paid for the days off work?





Realizing the rights-based approach

- Realizing the rights-based approach
 - ILO Constitution protects “interests of workers when employed in countries other than their own”
 - International labour standards apply to all migrant workers unless otherwise stated
 - Specific standards: Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions Convention, 1975 (No. 143)
 - UN Convention on Migrant Workers, 1990
- ILO action
 - Committee of Experts General Survey on C.97 and C.143
 - Good response rate and further interest in ratifications
 - To be discussed at ILC in June 2016
 - More emphasis in ILO on promotion of these instruments



Cross-cutting issue: Social dialogue and tripartism

- ILO is unique because of its tripartite governance system where workers' and employers' organizations have decision-making power along with governments
- As a result, the decisions taken are more likely to reflect the realities of the world of work
- Social dialogue and tripartism pervade all areas of ILO's work, including on labour migration and maritime labour
 - Social partners need to be involved in the design and implementation of labour migration policies at the local, national and regional level
 - ILO capacity building on labour migration therefore extends to workers' and employers' organizations as well as governments (Ministries of Labour)



Response to the refugee crisis

- Increasing focus of international community on linkages between humanitarian and development responses
- Labour market issues are central to bridging humanitarian and development assistance
- All persons, including refugees, who have entered the labour market, either formally or informally, are of concern to ILO
 - Two discussions in ILO Governing Body (Nov. 2015 and March 2016)
 - Decision to convene tripartite meeting to develop guiding principles on the access of refugees and other forcibly displaced persons to the labour market



Opening up more regular labour migration channels

- Xenophobic attitudes and misperception of migrants taking jobs of national workers clouds reality that there is a significant mismatch between jobs and workers, which reduces economic productivity and growth and may increase social tensions
 - e.g. 25-45 per cent of labour force in Europe is affected by poor skills matching (ILO, 2014)
- More efficient labour markets could identify real labour shortages and gain public trust to open more regular migration channels, including for crisis-affected countries
- But challenge is that migration policies have tended to be made largely on basis of security concerns, ignoring or underestimating labour market needs



Selected ILO-related sources and policy tools on labour migration

- **Fair Migration: Setting an ILO agenda**, ILO DG Report, 2014
- **Promoting fair migration**, ILO Committee of Experts General Survey on the migrant worker instruments, 2016
- ILO, **Global estimates on migrant workers**, 2016
- IPU, ILO, OHCHR, **Migration, human rights and governance**, Handbook for Parliamentarians, 2015
- ILO, **Regulating labour recruitment to prevent human trafficking and to foster fair migration**, 2015
- **ILO Multilateral Framework on Labour Migration**, 2006
- ILO, **International labour migration: A rights-based approach**, 2010
- OSCE, IOM, ILO, **Handbook on Establishing Effective Labour Migration Policies**, 2006, 2007 (Mediterranean Edition)
- OSCE and ILO, **Strengthening Migration Governance**, 2009
- **Good practices database – labour migration policies and programmes**
<http://www.ilo.ch/dyn/migpractice/migmain.home>

Thank you for your attention!

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