

## Civil Society Advocacy Paper Labour Mobility

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### **Background**

Over the course of the 2023-2024 Global Forum for Migration and Development, under the French Chairmanship, civil society engaged in all the official GFMD activities as well as conducted various global, regional and thematic consultations. This encompasses participation and engagement from large and small NGOs, CSO networks, trade unions, migrant community groups, migrant and diaspora-led organisations, faith-based organisations, research and academia A calendar of activities can be found [here](#).

This paper is a compilation and consolidation of the main priorities and recommendations around **Labour Mobility** that have come out from these consultations, and represents the breadth and diversity of civil society, as well as the nuances across the regions.

### **Key Messages: Global**

The GFMD Civil Society Mechanism conducted virtual global consultations before each GFMD Preparatory Meeting in April and October, as well as a consultation before the GFMD Workshops on Climate and Narratives in June. Across these global consultations, and in the Civil Society Preparatory Meetings leading up to the Summit, participants put forward the following priorities:

- **Interface between rights and labour across the migration journey:** Focus must be placed on the entire process of labour migration from countries of origin, transit, and destination, to

migrants' eventual integration, and ensuring that rights are upheld across the entirety of the migration journey.

- This includes ensuring the ***right to self-organise and collectively bargain without negative repercussions, regardless of workers' migration status.***
  - Ensure access to decent work, training and certification in origin countries. This is crucial to ensure that labour migration is a choice and not based on economic coercion, increasing income inequality and/or other inequities.
  - This ***must include access to justice and accountability*** for migrant workers, particularly in instances of wage theft and trafficking.
- **Uphold the rights to decent work and access to social protection:** Focus on fair recruitment principles and the responsibilities of employers, including ensuring access to social protection for workers and retirees. Ratify and enforce International Labour Organisation (ILO) anti-discrimination standards and instruments for the promotion of decent work, particularly for migrant workers in the informal economy. Restrictions of freedom of association and the right to collective bargaining, which are enabling rights for migrants to access other rights, continue to be persistent challenges. Access to social protections and justice must be extended to all workers, regardless of their migration status. The private sector should provide expertise and employment opportunities whilst conducting due diligence to address violence in the labour market against migrants.
  - **Rights-based pathways and regularisation programmes:** Destination countries are increasingly relying on temporary labour migration schemes in place of long-term or permanent regular pathways, even when labour market needs are long-term or permanent, or even as a response to humanitarian and other crises such as conflict or climate change. Even though some temporary labour migration schemes can be useful tools in addressing such crises, too many of them limit migrant workers' ability to exercise their full labour and human rights due to structural legal limitations. They should therefore not be used to permanently undermine decent work standards for migrant workers. Rather, pathways must be rights-based, ensure access to decent jobs and family unity.
    - Since irregular migration status is one of the key reasons why migrants are overrepresented in the informal economy, regularisation schemes for those with long term ties to the destination country should be explored as a good practice. Safe, rights-based and voluntary repatriation must also be considered and included within these pathways.
    - ***When negotiating bilateral, regional and multilateral trade agreements, States should follow a people-centred approach based on ethical values and in line with the principles enshrined in international human rights instruments.*** These agreements should contain provisions ensuring an effective implementation of workers' rights, including migrant workers' rights, clauses, including their enforceability. They should also provide for an explicit ban on the exploitation of child labour.
  - **Include gender equality when discussing anti-discrimination in employment,** beyond access to decent work to include access to social protections and benefits. To promote interest in regular pathways for permanent residency and family reunification, it is crucial to highlight opportunities for permanent and long-term employment, particularly in industries such as service and care, where a significant number of women are employed. In cases of health requirements, gender issues must also be addressed.

- o Attention must also be paid towards gender inequalities and the effects of patriarchal institutions and biases on migrant worker men.
- **Combat xenophobia:** Highlight migrants' contributions to societies and economies and invest in social cohesion in countries of residence. Legally sanctioned xenophobia has raised increasing concerns for migrant communities as cases of abuse and human rights violations by state agents have become more prevalent. Additionally, hierarchised visa regimes are furthering discrimination between skilled and unskilled labour / good and bad labour, leading to worker exploitation and quasi slavery labour conditions.
  - o This must be addressed in an intersectional way, ensuring gender, race, religion and other aspects are a cross-cutting priority across labour rights.
- **Explore concepts of 'brain drain' and reintegration in diaspora engagement:** There is a need for comprehensive public policies that are informed and shaped by migrants and diasporas both in countries of origin and countries of residence/employment. Countries of origin, in particular, must demonstrate greater commitment and provide adequate financing towards the development of domestic employment opportunities and the education system.
  - o Measures should be established to ensure that developing countries are not stripped of their essential health and care workforce. This should involve the education sector, trade unions and the private sector.
- **Address labour migration more holistically:** Refocus on human-centred approaches to labour migration that consider root causes for moving, available / chosen pathways and destinations, etc. More importantly, labour migrants must be thought of not just as temporary individual movers but as people with families, communities and future aspirations. Integration and family protections must therefore be included in labour programs.
- **Ensure that individuals are able to migrate through regular and rights-based pathways, regardless of their capacity to contribute to the workforce, should the impacts of climate change compel them to do so.** While labour migration is presently a politically palatable and popular option in potential host countries, particularly those increasingly suffering from generalised labour shortages due to ageing populations, this should not be the only pathway within migration-related climate adaptation strategies. Governments should not rely on migrating citizens to either "fix" development deficits and/or to "solve" the climate crisis by migrating as a form of adaptation, especially given the fact that the vast majority of labour migration continues to take place under conditions that restrict migrant workers' rights and therefore does not represent a genuine choice in the way that such expectations would suggest.
  - o Countries which have historically been the heaviest emitters of greenhouse gases must acknowledge and assume responsibility for ensuring the dignified movement of all those who choose or are forced to move due to climate change, regardless of their perceived 'value' in a workforce (for example, children, aged people, persons with disabilities unable to work, those currently yet to hold skills coveted by other nations).
  - o There is a need for holistic policies to reach sustainable development goals and respond to climate change (recognising the historic responsibility of polluting industrialised countries and developed countries in the context of the SDGs and the Paris Agreement), including by ensuring decent work for all.

- **Skills:** There is a need for proper recognition and valuing of migrant workers' skills. Often, migrants' skills are exploited by employers without commensurate recognition and compensation.

### **Key Messages: Africa**

The Abuja Forum, co-organised by African civil society and diaspora including PANDiMR, GRFDT, AFFORD UK, CSOMADE, ITUC Africa, and sponsored by FES, that took place from 30 Jan to 1 Feb 2023 in Abuja, Nigeria. The Forum aimed to build capacity and strengthen African engagement in global migration processes and frameworks, and also served as the launch of the 2023 GFMD civil society process. Learn more about the Abuja Forum, the Abuja Statement, and its outcomes [here](#).

Labour migration was a key priority during the Abuja Forum. Participants put forward the following recommendations:

- Adopt the United Nations and International Labour Organisation (ILO) conventions and regulations, in particular, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers Convention, 2011 (No. 189), and their accompanying Recommendations.
- Promote the ILO Decent Work Agenda and promote fair and equitable recruitment in coordination and engagement with civil society, as part of an enabling environment allowing freedom of association and collective bargaining.
- Ensure ethical recruitment practices are adopted throughout the migration journey by adopting the relevant policy and taking stock of best practices and lessons learned.
- Promote the mobility of workers through enhancing, expanding and creating schemes that will ensure temporary mobility of migrant workers and their families.
- Establish visa pathways and extended visa categories for migrant workers across skills categories.
- Recognise skills of all migrants by adopting Recognition of Prior Learning guiding principles that include aspects of skills improvement and recognition especially for migrants engaged in the informal economy.
- Create legal avenues for migrant workers to access social welfare systems and promote the portability of social benefits especially when returning to their countries of origin.
- Conclude labour mobility agreements (e.g. bilateral labour agreements, global skills partnerships) that include specific provisions to ensure the protection of the rights of migrant workers and guarantee their fundamental rights at work, including wage protection systems, legal complaint and mediation mechanisms through diplomatic missions of countries of origin. This process should include consultation of social partners, including trade unions and CSOs.
- Ensure inclusive approaches to labour migration governance and recognition of skills across borders especially those migrating from African countries.

## **BEST PRACTICES- Africa**

**The African Trade Union Migration Network (ATUMNET)** is a migration network created by African trade unions in 52 out of 55 countries in Africa, encouraging cross border cooperation between unions and better migration governance within and between African countries. For more information click [here](#).

**COTU Kenya's Migrant Resource Center:** Since March 2023, migrant workers in Kenya as well as Kenyans who would like to migrate and relatives of Kenyans working abroad can seek migration and labour related information at the Migrant Resource Centre of the Central Organization of Trade Unions in Kenya ([COTU-K](#)). The Centre is supported by ILO's Better Regional Migration Management (BRMM) project. In addition to information provision and counseling, the Centre aims to generate, compile and analyze migration and labour market data to use as a basis of advocacy and awareness raising activities on migration and migrant workers' rights.

**Support for Migrant Workers to Ensure a Dignified Return and Reintegration in Nigeria:** The Within the framework of ILO's FAIRWAY Programme, Nigeria Labour Congress (NLC) prepared "The Trade Union Information [Guide](#) on Return and Reintegration of Migrants & Migrant Workers in Nigeria" to assist and support returning migrants to ensure a dignified return and reintegration. The Guide provides information on the return and reintegration process and lists government support services and non-governmental organisations, including trade unions, which the returnees can address for information and support. Following the publication of the Guide, the NLC organized capacity-building activities with its affiliated unions on how to use the guide and organized street activities, campaigns, and direct engagement with returned migrant communities to inform them of the guide and how they can use it.

## **Key Messages: MENA**

The Cross-Cultural Center for Refugees and Migrants held three thematic consultations related to the upcoming GFMD. The first was a subregional consultation in March 2023 around Narratives on Migration in the UAE; second, a consultation in Lebanon in June 2023 around Narratives and Labour Migration; and a regional third consultation in June 2023 on Labour Migration, and Migration and Climate Change. Participants put forward the following recommendations:

- Establish an environment to support self-led migrant organisations.
- Engage policy makers in studies.
- Engage CSOs and worker organisations in bilateral negotiations ( MOUS+ BLAs) and constructive dialogues to enhance reform measures.
- Amend Social protection laws and extend it to migrants (maternity and end of service remuneration).
- Reform the private recruitment process to ensure that it is formalised and monitored, enabling and guaranteeing the protection of the rights and welfare of migrant workers.
- Amend labour laws to include migrant workers and for a better protection of migrant workers. All reforms of the Kafala system must be inclusive of all migrants, and policies on Labour Mobility should be developed in reference with ILO frameworks.
- Countries of origin and destination should ratify and implement key ILO conventions: C97 on Migration for Employment.
- Establish regular dialogue on labour migration and mobility at the national, regional and interregional level.

- Strengthen labour inspection and monitoring systems and introduce a monitoring system.
- The applicability of the national labour law in destination countries should be extended to include domestic workers or specific legislation should be developed to protect the domestic workers

## **BEST PRACTICES- MENA**

**The Arab Migrant Resource Center** ([link](#)) provides information and assistance, capacity building and services to support migrant workers in the region in accessing decent work conditions, working hours, healthcare, justice, equal pay and gender equality. In partnership with unions in origin and destination countries, the MRC has a project to improve migrant workers' ability to organise and join trade unions. The work of the Centre builds on an agreement by the Arab Trade Union Confederation (ATUC) and the Association of Southeast Asian Nations TUC, which set out a framework for cooperation between these unions for the protection of migrant workers coming from Asia to the Arab region.

### **Other Regional Best Practices**

#### **BEST PRACTICES- Asia**

**The General Federation of Nepalese Trade Unions (GEFONT)** has been reaching out to trade unions in destination countries to ensure the protection of Nepalese migrant workers. They have moreover signed agreements and [MoUs with trade unions](#) in Lebanon, Jordan, Kuwait, Bahrain, Hong Kong, and the Republic of Korea to enhance Nepalese workers' rights in these countries.

**Konfederasi Serikat Buruh Seluruh Indonesia (KSBSI)**, confederation of Indonesian labour unions, collaborates with government and civil society organizations to help local governments implement Indonesian migrant worker protection laws and provide effective counselling services for migrant workers who depart abroad and who have returned to Indonesia. Partnerships with women's organizations helped resulted in the development of Migrant Worker Resource Centers managed by KSBSI together with the Ministry of Manpower, relevant local governments and women's organizations, such as the Koalisi Perempuan Indonesia East Java Region (Women Coalition of East Java). Migrant women who visit these "[Gender Responsive Information and One-Roof Integrated Services](#)" centers supported by ILO and UN Women can reach out to civil society and government actors as well as unions under one roof, receive all information related to migration and recruitment abroad, and carry out administrative procedures with the help of counsellors.

#### **BEST PRACTICES- Central and Latin America**

**Skills Recognition and Skills Development for migrants and refugees in Argentina:** Under the regional project, Lazos Project, coordinated by ILO with the support of the government of Sweden, the national trade union centre of Argentina, **CGTRA**, is contributing to the strengthening of vocational training institutions in Argentina in ways that would enable migrants and refugees to access their services.

## **BEST PRACTICE- Europe**

**The European Trade Union Confederation's (ETUC) [UnionMigrantNet](#)** is a contact point network established to ensure the inclusion and integration of migrants by protecting their individual and collective rights, in addition to encouraging migrants to become members of trade unions.

**CSC Belgium** has a [dedicated resource centre](#) for migrants that provides them information on their rights and on Belgian labour law.

**UNISON, [UK's union representing workers providing public services](#)**, has added specialist services for its migrant members to its core work of organising, representation and bargaining. Recognising that immigration advice can only be provided by those with appropriate qualifications, UNISON has teamed up with a charity to help their migrant worker members access specialist immigration advice for themselves and their families via a funded partnership with the Joint Council for the Welfare of Immigrants (JCWI).

## **BEST PRACTICES- North America**

**The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)** has been campaigning for comprehensive immigration and labour law reform to ensure decent work and rights for all workers, regardless of immigration status, and has developed [a series of tools and resources](#) to facilitate migrants' awareness of their rights.

**Civil society and grass root organisations are promoting different actions/campaigns to issue executive orders from the Executive to grants work permits for all**, waivers through US Citizen children applying for parents, deferred actions in family petitions to granted paroles (advance and in place) to file adjustment of status for parents of US Citizens.

## **Key Bibliography**

- [Abuja Forum Report](#)
- Civil Society Global Consultation Summary Advocacy Points (April 2023)
- Civil Society Global Consultation Summary Advocacy Points (October 2023)
- Civil Society Preparatory Meeting: Global Civil Society Priorities (January 2024)
- Cross-Cultural Center for Refugees and Migrants Consultation Recommendations Outcome Documents

## **Additional Resources**

- [ITUC Report](#): Trade Unions in Action for the Rights of Migrant Workers (December 2023)
- [ITUC Policy Brief](#): A New Social Contract for Migrant Workers (May 2023)
- [ITUC Economic Briefing](#): Ensuring Migrants' Access to Social Protection (December 2021)
- [ILAW Global Rights Reporter](#), Issue 3, Volume 1: Protecting the Labour Rights of Migrant Workers and Refugees (2023)
- Christian Organisations Against Trafficking Network (COATNET) Report '[Breaking the chains, COATNET against labour exploitation](#)' (2023)
- Noam Chomsky, '[Free Trade](#)' from *Secrets, Lies, and Democracy* (1994)