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## GLOBAL FORUM ON MIGRATION AND DEVELOPMENT (GFMD) QUITO, ECUADOR

### CIVIL SOCIETY DAY, 22 JANUARY 2020

#### Background note

#### Theme 3

#### Labour migration: Decent work and combatting workplace exploitation, particularly relating to women workers

#### Introduction

The 2018 GFMD Civil Society Days identified clear needs to be addressed within the implementation of the Global Compact on Migration. These included (among others) the need to ensure that the migration process encompasses human rights, labour rights and other international standards (such as the C.189 Domestic Workers Convention), the need to regulate firms that exploit women's unprotected labour and the need for specific attention paid towards children, women, migrants with irregular status, those at risk of being trafficked, or people forced to flee due to climate change. CSO's further committed to 'ensuring core labour rights' including the freedom of association and collective bargaining and to ensure that those rights are respected and protected at all stages of migration.

With the new ILO convention 190 on violence and harassment in the world of work including gender-based violence and harassment (GBVH) which was adopted during the 108th International Labour Conference in June 2019, we have a strong guiding instrument to address some of the most severe forms of workplace exploitation. While migrants and migrant workers are clearly covered by C. 190, there is a greater need for discussion/sensitization around its operationalization.

Collective planning, coordination and advocacy in the implementation phase of the GCM was emphasised, highlighting the need to develop a joint multiyear work plan to frame the collective effort. CSO's, grassroot level organisations, trade unions and other relevant non-governmental stakeholders discussed actions taken to refer to data collection/generation and mapping of existing gaps on GCM indicators at the national level, and coordination and communication between stakeholders in advocating for ratification of existing international conventions. The suggested actions become further emphasised in view of the theme for 2019 GFMD Civil Society Day, providing



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core importance to civil society in “strengthening implementation and enriching partnerships for migrants and communities”.

### Objectives/focus of the break-out session:

- Consideration of the C.190, including discussion of how to incorporate provisions of the convention into the implementation of the global compact and other international, regional and national processes, systems and policies; obstacles to ratifications; and potential civil society strategy.
- Analysis of former processes (especially the C.189 **Domestic Workers** Convention), in which conventions and regulatory mechanisms with impact on workers in irregular, precarious situations.
  - Recalling alliances, new approaches and cooperation to get political impact- like ratification or other improvement of laws, legal regulations, agreements.
- Discussion on the need for **practical tools** to protect migrant workers (documented and undocumented, formal and informal, etc) from exploitation at the workplace. For example **protection mechanisms** - in preparing, during transit and in destination, such as freedom of association.

### Themes for discussion:

#### (1) Decent Work and Social Protection

Recent discourse has pointed towards the necessity of expanding the scope of the right to work beyond fair wage, participation, work safety and the right to unionise. In doing so, the additional consideration point towards preventing deaths, suffering and environmental degradation in providing work that is ‘decent’ (even in the presence of clear labour standards). By harmonising environmental factors with the decent work agenda, we ensure protection and improvement of the health security of workers and conforming to environmental regulations at workplaces, leading to overall improvement in standards at work and the nature of work towards greener and safer forms of production. This becomes particularly relevant in the case of low-skilled migrant labour involved in labour-intensive industries such as mining, construction, etc., for whom decent work opportunities become the primary driver for migration.

The decent work agenda may also be supplemented with the increasing representation (or the lack of it) for social protection measures for migrant labour. Migrant labour usually has restricted or denied access to social security benefits and coverage in countries of destination, due to their nationality, employment status, nature of work, period of stay or pay-scale. This becomes relevant with increasing trends of temporary/seasonal migration patterns as well as labour market instabilities in countries of destination. The call for access to healthcare through provision of fully



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insured health plans as well as mechanisms for the portability of contributed social security, have also been accentuated through the SDG's (Goal 10) as well as the GCM, making its inclusion as a sub-theme necessary.

## **(2) Female Migrant Labour and Combatting Exploitation**

The care economy in response to a growing ageing population in destination countries has deemed domestic workers necessary and while their demand had been regulated through recent efforts at recruitment reform, policy and program decisions in both countries of destination and origin have been found lacking. In many cases, they have been wilfully ignorant of ground realities of abuse that occurs at the place of work, thereby dehumanizing the female migrant worker and removing her from accessing her human and labour rights. The Domestic Workers Convention, as of 2019, has only 29 ratifications – with the Philippines being the only country to ratify within Asia, despite the Middle East and South-East Asia accounting for 60.8% and 39.2% of female migrant domestic workers.

Discussions of gender responsive policies cannot be dissociated from the larger advocacy for fair migration policies. Linked to the previous sub-theme of decent work, the 2030 Agenda for Sustainable Development and the GCM provides a strong link between decent work and migration, while underlining the special attention required for vulnerable sections of migrant workers such as women migrants and those in precarious employment. Social protection coverage is also a particular necessity for women, who experience lower labour force participation and employment rates (than men), wage differentials, higher likelihood of vulnerable forms of employment. Gender responsive policies must be deeply rooted in efforts to achieve gender equality principally in countries of destination but also in countries of origin, facilitated and advocated by civil society and other non-governmental practitioners.

## **(3) Technology and Automation in the Labour Market**

Technology is rapidly transforming the global labour market. Recent discourse has highlighted that two-thirds of jobs in developing countries could be susceptible to automation in coming decades, particularly those of logistics, administrative support, production (manufacturing), and services, sales and construction occupations. This would primarily affect low-skilled migrant workers who find their nature of work being replaced by automation.

Moreover, concerns of current and displaced workers would need to be addressed, whether it be development of skills, providing alternate work or ensuring portable forms of contributive social protection mechanisms. Migrants also experience reduced access to technology and to the skills that would maximise the use of technology, which impedes their access to gig economy platforms and work. The pace of development of automation, robotics, and artificial intelligence is uneven and hence, the disruption it may cause in the labour market is yet to be fully comprehended. New technologies would create new jobs as well and their utilisation will vary based on cost, occupation,



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and labour supply. Civil society commitment to the sub-theme would require its consideration as part of understanding and fully engaging with the future of work.

#### **(4) Skills Matching**

Labour migration has been used as a stand-in for labour market gaps in supply and demand and can further stimulate innovation and development in countries of origin and destination. However, countries of destination have increasingly placed limits on internal labour market mobility not only hindering the protection of migrant workers' rights, but also resulting in inefficient labour markets. This is further exacerbated by the inability of the private sector to promptly obtain workers with appropriate skills from the local labour pool. Increasing unemployment among nationals of countries of destination have also prompted 'market-based' solutions to addressing gaps including unprovoked lay-offs of migrant workers, reduction or dismissal of their benefits and wages, among others.

Skills matching in recruitment of migrant labour has become an important point of discussion in ensuring migrant labour that is regular, gainfully employed and accorded their rights. Skills matching is also pertinent in the discussion on social security and earned benefits, with the appropriate mutual recognition of foreign qualifications, education and skills being pre-cursors to their access. The need is for a rights-based discourse by civil society discourse in balancing conflicting forces of nationalisation and labour supply gaps, developing coherence between policy, practice and analysis as well as improving mechanisms of skills recognition.