



Labour Migration Highlights No. 7

International standards for the protection of migrant workers

ILO standards

Lack of labour protection for migrant workers undermines protection generally for all workers. The many international labour standards adopted over the years by the International Labour Conference of the ILO are important for safeguarding the dignity and rights of migrant workers. In principle, all international labour standards, unless otherwise stated, are applicable to migrant workers. These standards include the eight fundamental rights Conventions of the ILO identified in the 1998 ILO Declaration on Fundamental Principles and Rights at Work: standards of general application, such as those addressing protection of wages and occupational safety and health, as well as the governance Conventions concerning labour inspection, employment policy and tripartite consultation; and instruments containing specific provisions on migrant workers, such as the Private Employment Agencies Convention, 1997 (No. 181), the Domestic Workers Convention, 2011 (No. 189), and social security instruments.

ILO's migrant-specific instruments

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migration for Employment Recommendation (Revised), 1949 (No. 86)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- Migrant Workers Recommendation, 1975 (No. 151)

From its very inception, the ILO also resolved to protect "the interests of workers when employed in countries other than their own" (ILO Constitution, 1919, Preamble, Recital 2), and has pioneered the development of specific international standards for the governance of labour migration and protection of migrant workers. It has adopted two Conventions, in 1949 and 1975, which are accompanied by two non-binding Recommendations.

In 1999, the ILO Committee of Experts on the Application of Conventions and Recommendations conducted a General Survey on the application of these four instruments on migrant workers, which it submitted to the 87th International Labour Conference. The Committee also issues observations and direct requests to States parties regarding their application of Conventions Nos. 97 and 143, available from the ILO's International System on International Labour Standards (<http://www.ilo.org/dyn/normlex/en/>).

Other standards and mechanisms

In addition to international labour standards, migrant workers and members of their families are protected by the ten UN core international human rights instruments, which apply to all persons irrespective of their nationality. One of these core instruments is the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which was adopted by the UN General Assembly in 1990 and entered into force in 2003. This Convention complements the four ILO instruments on migrant workers but is broader in scope, going beyond labour issues. It also sets up the Committee on Migrant Workers, which is responsible for monitoring the Convention's application by States Parties. The ILO participates, in a consultative capacity, in the meetings of this Committee.

There are also other mechanisms within the UN system relevant to the protection of migrant workers, including the special procedures' mandates of the UN Human Rights Council and, most notably, the UN Special Rapporteur on the human rights of migrants¹.

ILO legal instruments

Fundamental rights Conventions

Abolition of forced labour

- Forced Labour Convention, 1930 (No. 29), and its Protocol, 2014
- Abolition of Forced Labour Convention, 1957 (No. 105)

Elimination of child labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Trade union rights

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Equality and non-discrimination in employment and occupation

- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Selected Conventions and Recommendations of general application

- Labour Inspection Convention, 1947 (No. 81)
- Labour Clauses (Public Contracts), 1949 (No. 94)
- Protection of Wages Convention, 1949 (No. 95)
- Employment Injuries Benefit Convention, 1964 (No. 121)
- Employment Policy Convention, 1964 (No. 122)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- Minimum Wage Fixing Convention, 1979 (No. 131)
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)
- Nursing Personnel Convention, 1977 (No. 149)
- Occupational Safety and Health Convention, 1981 (No. 155)
- Occupational Health Services Convention, 1985 (No. 161)
- Safety and Health in Construction Convention, 1988 (No. 167)
- Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)
- Safety and Health in Mines Convention, 1995 (No. 176)
- Maternity Protection Convention, 2000 (No. 183)
- Safety and Health in Agriculture Convention, 2001 (No. 184)

¹ <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/SRMigrantsIndex.aspx>

Selected Conventions and Recommendations containing specific provisions on migrant workers

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Employment Service Convention, 1948 (No. 88)
Social Security (Minimum Standards) Convention, 1952 (No. 102)
Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)
Plantations Conventions, 1958 (No. 110)
Equality of Treatment (Social Security) Convention, 1962 (No. 118)
Maintenance of Social Security Rights Convention, 1982 (No. 157)
Private Employment Agencies Convention, 1997 (No. 181)
HIV and AIDS Recommendation, 2010 (No. 200)
Domestic Workers Convention, 2011 (No. 189)
Domestic Workers Recommendation, 2011 (No. 201)
Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)
Workers' Housing Recommendation, 1961 (No 115)

Additional ILO resources can be found at: <http://www.ilo.org/labourmigration>.

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