



Policies Related to Migrants and Unemployment in Times of Crisis

During times of economic crisis, public discourse on migration and employment tends to be influenced by several misperceptions. This is a list of the 10 most common misperceptions. This list highlights facts and recommended laws, policies and practices, drawing on the experience of the ILO's Work in Freedom Programme.



MYTH 1 | Migrants are a cause of national unemployment.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ While migration can influence employment dynamics, migrant workers are not the cause of national unemployment. The systemic demand for cheaper and more controllable labour in precarious working and living conditions is what attracts migrants willing to accept such conditions. They often feel that such work may be better than the work that is available in their places of origin. As long as employers and contractors are allowed to offer substandard jobs to migrants and the triggers of distress migration are not addressed, other policies will not fix unemployment. 	<ul style="list-style-type: none"> ▶ Management of an economy that has a scarcity of decent jobs (e.g. financial policies favouring the capitalization of assets in productive sectors of the economy at the expense of labour costs) ▶ Governance of labour relations that allows demand for precarious work to flourish (e.g. uncontrolled outsourcing, restrictions on freedom of association and collective bargaining, and poor labour inspection) ▶ Criminalizing irregular migrants as a way to fight unemployment (e.g. penalizing migrants for status irregularities that are dependent on employers, or stigmatizing migrant workers through identity politics) 	<ul style="list-style-type: none"> ▶ Economic planning creating sufficient decent jobs in all economic sectors of the economy ▶ Restricting outsourcing policies to prevent unaccountability in ensuring decent work ▶ Laws and enforcement enabling freedom of association and collective bargaining for all types of workers including migrants (See ILO Conventions No. 89 and No. 98) ▶ Strengthening labour inspection in areas where violations of labour standards are recurrent (e.g. industries where migrants are present)

MYTH 2 | Restricting migration will boost national employment, including in sectors traditionally occupied by migrants. It is possible to stop migration regardless of labour market dynamics.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ As long as influential employers or their proxies try to bring in migrants to avoid the labour right entitlements of the national labour force, and as long as there are regulators who support such practices in different ways, restricting migration and deporting undocumented migrants are spurious measures that contribute to legitimizing and strengthening the stigma against them. 	<ul style="list-style-type: none"> ▶ Labour law hierarchies, sponsorship systems, migration bans and restricting migrants' mobility without considering the demand and supply of labour, effectively eroding the rights of migrants ▶ The practice of having migration authorities (e.g. interior or security departments) deal with labour issues and labour authorities deal with migration issues (inspecting stay permits etc.) ▶ Taxing the recruitment of migrant workers 	<ul style="list-style-type: none"> ▶ Ensuring that labour laws are universally applicable to all workers regardless of citizenship or migration status ▶ Phasing out prevailing practices of bringing in migrants to do precarious jobs ▶ Strengthening labour inspections and enforcing the law against employers who fail to respect the rights of migrant workers

MYTH 3 | Employers and labour recruiters should be free to hire migrants to work more and earn less if migrants are willing to do so. Labour market competitiveness enables decent work.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ In the context of a market economy, unequal terms of employment enable employers to hire those who are ready to work for less. If effective checks and balances are not enforced, especially in sectors where labour abuses are recurrent, employment practices will tend towards sub-standard terms. There will also be an erosion of the acquired labour rights of all workers regardless of whether they are migrants or not. There is no evidence that labour market competitiveness enables decent work. 	<ul style="list-style-type: none"> ▶ Outsourcing and labour recruitment policies that enable employers and labour recruiters to recruit migrant workers willing to accept sub-standard working and living conditions ▶ Legal hierarchies in the entitlements and application of labour rights (e.g. the exclusion of domestic workers, agricultural workers, migrant workers or others from labour laws) ▶ Labour inspection policies that do not prioritize monitoring working and living conditions of migrant workers 	<ul style="list-style-type: none"> ▶ Ensuring the universality of labour law and removing exclusions of certain types of workers (e.g. migrants) ▶ Monitoring of working and living conditions in precarious work sectors, especially those involving migrant workers ▶ Monitoring of outsourcing and recruitment intermediation at all levels to ensure accountability of employers and recruiters

MYTH 4 | Labour markets offer equal and fair opportunities to all.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ Stereotypes related to race, ethnicity, class, caste, gender, migration status, disability and other intersectional factors tend to influence access to decent jobs. Women, migrants, refugees and disabled persons tend to face more difficulties accessing decent work jobs, earn less and tend to work in more precarious jobs (Awad, 2009). Special policy measures are required to counter labour market inequalities. 	<ul style="list-style-type: none"> ▶ Laws and employment practices based on ethnicity, caste, place of origin, gender rather than qualifications (e.g. bilateral agreements fixing wages based on the origin of workers) ▶ Restricting universal social protection benefits to only non-migrant populations and other such asymmetries based on discriminatory intersectional factors ▶ Barring or restricting humanitarian aid to migrants and refugees, and ignoring the labour rights of internally displaced people (IDPs) and refugees 	<ul style="list-style-type: none"> ▶ Laws and employment practices based on qualifications (as long as such qualifications are accessible to those who want them) ▶ Affirmative action and policy measures meant to correct inequalities in the access to employment and social protection ▶ Humanitarian aid to migrant and similar populations until a sustainable, medium-term solution is identified

MYTH 5 | Employers would prefer to recruit local workers rather than migrants for jobs more commonly undertaken by migrants.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ Employers facing difficulties (e.g. economic crises) will tend to seek cheaper migrant labour and leverage their social capital to influence the officials involved in the regulation of migration and labour, so that they can hire migrants at a lower cost. Given that hiring migrants is likely to be politically sensitive, permissions to do so usually tend to be concealed from public scrutiny. 	<ul style="list-style-type: none"> ▶ Policies allowing employers and recruiters to hire migrant workers on sub-standard terms that undermine the rights of local workers (These can be either ad-hoc practices or legal policies. Some types of outsourcing policies tend to indirectly enable the precarious employment of migrants.) ▶ Ad-hoc, precarious migrant employment practices that are kept hidden from public scrutiny 	<ul style="list-style-type: none"> ▶ Policies that enable equal, dignified employment options regardless of migrant status ▶ Transparency in all recruitment and outsourcing processes ▶ Labour inspection policies that scrutinize outsourcing and migrant recruitment to ensure that labour rights violations don't occur

MYTH 6 | Employers only recruit migrant labour in sectors officially assigned to migrants.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ Many countries tend to restrict migrant labour to certain sectors and simultaneously support managerial policies allowing the outsourcing of only certain types of work. Even if migrants are barred from those types of work, employers will leverage their influence to identify loopholes that enable them to hire them in those sectors and save labour costs. 	<ul style="list-style-type: none"> ▶ Policies assuming that it is possible to restrict migrant work to certain sectors in a context that otherwise promotes labour outsourcing practices ▶ Ad-hoc, measures and legal loopholes allowing the recruitment of migrants under conditions that undermine the acquired labour rights of all workers 	<ul style="list-style-type: none"> ▶ Identifying the economic dynamics that are prompting employers to recruit migrants under conditions that undermine acquired labour rights ▶ Application and enforcement of equal labour laws for all regardless of migrant status

MYTH 7

In times of crisis, native workers will easily accept the less dignified jobs that migrants tend to do.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ Occupations are not only a matter of economics but also of social status and the perceptions of stigma associated with certain types of work. Unless the state actively challenges, invests in and redefines the value of work with effective incentives to promote the acceptability of stigmatized types of decent work, employment practices will tend to be influenced by traditional perceptions of how social and symbolic capital is acquired and how it can be leveraged to maintain or access a higher social status. 	<ul style="list-style-type: none"> ▶ Policies that fail to incentivize the recognition of social equity in the type of work that one does ▶ Policies which assume that native workers will generally accept to do the work that migrants are doing simply because they do not have any other economic alternative; rather than doing a job that is socially stigmatized, employers may tend to leverage their social capital to hire migrants, especially if it is socially acceptable to hire them, even if it means that the migrant will not be paid or treated well 	<ul style="list-style-type: none"> ▶ Policy measures and information campaigns to dismantle stereotypes about work based on ethnicity, gender, caste and other intersectional factors ▶ Public campaigns that attribute value to common decent occupations and work that tends to be stigmatized ▶ State policies promoting the recognition of different forms of unrecognized work (e.g. unpaid care work)

MYTH 8

Labour flexibility and outsourcing policies are important to attract investments, spur economic activity and provide decent work.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ While labour flexibility and outsourcing policies may attract investments, they do not always do so and there is no evidence that they lead to decent work. On the contrary, there is evidence that such policies can enable employers to hire workers in sub-standard working and living conditions and establish hierarchies between those whose labour rights are respected and those whose rights are not (e.g. migrants) 	<ul style="list-style-type: none"> ▶ Policies enabling formal private employers to delink themselves from the direct responsibility of recruiting and contracting while simultaneously enabling them to delink themselves from the responsibility of ensuring decent work, thus allowing recruiters to set working conditions in a bubble that is kept isolated from state regulations; such policies tend to unequally impact migrant workers 	<ul style="list-style-type: none"> ▶ Ensuring that ILO Fundamental Principles and Rights at Work take precedence over other labour policies ▶ Policies ensuring that both employers and other labour intermediaries are held accountable for decent work and recruitment outcomes (ILO general principles and operational guidelines for fair recruitment)

MYTH 9

In times of economic crisis, it is more important to prioritize decent work for nationals and address decent work deficits for migrant workers later.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ Prioritizing decent work for both local workers and migrant workers is important because the two are related. Employers facing difficulties will tend to seek lower-cost migrant labour. They will also leverage their social capital to influence officials involved in the regulation of migration and labour, so that they can hire migrants at a cheaper cost. Given that hiring migrants is likely to be politically sensitive, permissions to do so tend to be concealed from public scrutiny. 	<ul style="list-style-type: none"> ▶ Policies prioritizing the labour rights of national workers while not considering the rights of migrant workers ▶ Policies allowing employers and recruiters to hire migrant workers on sub-standard terms that undermine the rights of local workers (e.g. ad-hoc practices and legal policies) ▶ Ad-hoc measures and opacity in recruitment of migrant workers under conditions that undermine acquired labour rights 	<ul style="list-style-type: none"> ▶ Policies that enable equal, dignified employment options regardless of migrant status ▶ Transparency in all recruitment and outsourcing processes ▶ Labour inspection that scrutinizes outsourcing and migrant recruitment to ensure that labour rights violations don't occur

MYTH 10

Economic crises affect all workers equally regardless of gender and migrant status.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ While it is important to acknowledge that economic crises affect all low-income populations in some way or the other, it is equally important to acknowledge how certain specific populations are particularly vulnerable. Migrant populations, especially women, whose social networks are limited, tend to be the most isolated. Social safety nets tend to be reserved for national populations. 	<ul style="list-style-type: none"> ▶ Policies prioritizing the employment of men with the assumption that women will benefit from their husbands' work, thus strengthening gender hierarchies ▶ Policies prioritizing the labour rights of national workers while leaving aside the rights of migrant workers ▶ Cutting budgets for social policies meant to guarantee safety nets for vulnerable populations including women, migrants and others 	<ul style="list-style-type: none"> ▶ Policies ensuring that the working and living conditions of vulnerable populations are monitored and their labour rights enforced, especially during crises; ensuring that public budgets are available to undertake such inspection ▶ Policies that address the rights of non-migrant and migrant workers equally

References

- ▶ Awad, I., 2009. *The Global Economic Crisis and Migrant Workers: Impact and Response*. Geneva: International Labour Organisation
- ▶ IOM, 2009. *The Impact of the Global Financial Crisis on Migration*. Policy Brief. Geneva: International Organisation for Migration

Work in Freedom

Work in Freedom is an integrated development cooperation programme aiming to reduce the vulnerability to forced labour for women migrating for garment and domestic work. The programme works along migration pathways in India, Nepal, Bangladesh, Jordan, Lebanon and the Gulf countries. It is funded by UK aid from the Department for International Development. However, the views expressed in this policy brief do not necessarily reflect the department's official policies.

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