



## Governing Body

320th Session, Geneva, 13–27 March 2014

GB.320/POL/3

**Policy Development Section**  
*Employment and Social Protection Segment*

**POL**

**Date:** 29 January 2014  
**Original:** English

### THIRD ITEM ON THE AGENDA

## Follow-up to the Tripartite Technical Meeting on Labour Migration (Geneva, 4–8 November 2013)

#### Purpose of the document

This document reports on the Tripartite Technical Meeting on Labour Migration, held in Geneva from 4 to 8 November 2013.

In the present document, the Governing Body is invited to: take note of the final report of the Meeting; authorize the Director-General to publish the final report and conclusions of the Meeting; and endorse the short- to mid-term priorities proposed by the Office based on those conclusions. The Governing Body is also invited to consider whether it would be desirable that the Office submit to the 322nd Session (November 2014) of the Governing Body a proposal for the selection of a possible item relating to labour migration with a view to a general discussion at a future session of the International Labour Conference (see the draft decision in paragraph 28).

**Relevant strategic objective:** Enhance the coverage and effectiveness of social protection for all (Outcome 7: More migrant workers are protected and more migrant workers have access to productive employment and decent work).

**Policy implications:** See paragraphs 12–27.

**Legal implications:** None.

**Financial implications:** None.

**Follow-up action required:** See paragraph 28.

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**Related documents:** GB.316/POL/1; GB.316/PV(&Corr.); GB.317/INS/13/2; GB.319/POL/1; ILO: *Labour migration and development: ILO moving forward*, Background paper for discussion at the ILO Tripartite Technical Meeting on Labour Migration (Geneva, 4–8 November 2013) (document TTMLM/2013).

## Executive summary

This document presents key highlights of the Tripartite Technical Meeting on Labour Migration, held in Geneva from 4 to 8 November 2013, and an overview of the conclusions of the Meeting.

The paper also identifies the short- to mid-term priorities of the Office based on the conclusions and taking into account the demands of ILO constituents, the installed capacity and distinct comparative advantage of the ILO, and the findings and recommendations of an independent evaluation of the ILO's work on labour migration which was undertaken in 2013 as requested by the Governing Body.<sup>1</sup>

<sup>1</sup> GB.316/PV(&Corr.), para. 352(b). The evaluation was conducted by the Maastricht Graduate School of Governance and completed in August 2013.

## I. Background

1. At its 316th Session (November 2012), the Governing Body requested the Director-General to organize a tripartite meeting, within the existing resources, enabling the Organization to assess the outcome of the United Nations General Assembly High-level Dialogue on International Migration and Development, held at United Nations Headquarters in New York on 3 and 4 October 2013, and consider possible areas for ILO follow-up.<sup>1</sup>
2. The designated purpose of the Tripartite Technical Meeting on Labour Migration was to “formulate recommendations regarding possible ILO follow-up to the High-level Dialogue on International Migration and Development, bearing in mind the changing landscape of international labour migration and its implications for the world of work, and the findings of the assessment of the ILO’s response, including in respect of the Multilateral Framework [on Labour Migration]”.<sup>2</sup> The Governing Body specified four topics for deliberation:
  - (a) labour migration in the context of debates on international migration and development of the post-2015 development framework;
  - (b) the effective protection of migrant workers, with reference to the particular vulnerabilities of low-skilled and middle-skilled workers;
  - (c) sound labour market assessment needs, and skills recognition and certification; and
  - (d) international cooperation and social dialogue for well-governed national and international labour migration and regional mobility.<sup>3</sup>
3. The Office prepared a background paper entitled *Labour migration and development: ILO moving forward*, structured around these four topics, as a basis for the Meeting’s deliberations.<sup>4</sup>
4. Prior to the Tripartite Technical Meeting, the Office presented a report to the Governing Body<sup>5</sup> summarizing the outcome of the High-level Dialogue.<sup>6</sup> At its 319th Session, during its consideration of the report, the ILO constituents asked the ILO to work towards integrating migration and decent work into the post-2015 development agenda, strengthen the migration knowledge and evidence base, promote international labour standards on

<sup>1</sup> GB.316/PV(&Corr.), para. 352(c).

<sup>2</sup> GB.317/INS/13/2, para. 6.

<sup>3</sup> GB.317/PV, para. 277.

<sup>4</sup> TTMLM/2013.

<sup>5</sup> GB.319/POL/2.

<sup>6</sup> See United Nations: *Declaration of the High-level Dialogue on International Migration and Development*, Resolution adopted by the General Assembly on 3 October 2013, A/RES/68/4, 21 January 2014; and *International migration and development*, Report of the Secretary-General, A/68/190, 25 July 2013, and the eight-point agenda for action outlined in that report.

migrant workers, and enhance partnerships and cooperation on migration to facilitate portability of skills in line with labour market needs.<sup>7</sup>

## **II. Highlights of the discussion and overview of the Meeting's conclusions**

5. A summary of the discussions of the Tripartite Technical Meeting on Labour Migration is provided in the Meeting's final report. The key highlights are provided below.
6. Participants underlined that the ILO's unique mandate and expertise justified its leading role in addressing international migration, in particular with regard to employment and labour market implications, and in promoting coherent, gender sensitive labour migration policies, designed through tripartite processes, with the greater inclusion of the social partners. They recognized the increased visibility of the ILO in global debates on international migration and development and that the ILO had been given an immediate opportunity to promote the Decent Work Agenda as Chair of the Global Migration Group (GMG) in 2014.
7. The Meeting endorsed the ILO's rights-based approach to labour migration while recognizing labour market needs, and reiterated the importance of the Office providing technical assistance to member States seeking to ratify and implement the relevant Conventions, and to social partners seeking to engage effectively on this issue.
8. Participants noted that the ILO's expanded contribution to collective knowledge and evidence-based research to support policy-making on international labour migration could help governments, the social partners and the international community to address labour migration in a more holistic manner. Identifying good practices on labour migration and sharing them across regions was seen as a valuable source of information for constituents.
9. Participants underlined the need to improve the protection of migrant workers' rights throughout the migration process by promoting fair recruitment practices. To avoid undermining the protection of the rights of all migrant workers, including undocumented migrants, constituents highlighted the risks of combining the functions of immigration control and labour inspection. They underlined the need to extend social security coverage to migrant workers and to ensure the portability of social security benefits, and the need for specific actions in sectors where migrant workers experienced particular vulnerabilities. In recognition of the growing feminization of labour migration, the Office was requested to look at migration-related work through a gender lens.
10. With regard to improved cross-border job matching, participants emphasized the ILO's important role in facilitating the exchange of good practices in skills recognition and certification and in conducting labour market needs assessments. They stressed the importance of providing ILO support to constituents in developing robust labour market information systems, improving education and vocational training curricula, and harmonizing labour migration and employment policies. It was equally important to involve workers and employers in discussions regarding those issues.
11. Participants emphasized the importance of ILO capacity-building activities to strengthen social dialogue and cooperation for well-governed labour migration. Through technical assistance, the ILO should support effective social dialogue and tripartite participation in national and international migration policy debates and regional integration processes,

<sup>7</sup> See GB.319/PV/Draft, paras 341–352.

including in relevant bilateral agreements. International labour standards and the ILO Multilateral Framework on Labour Migration were seen as relevant tools to guide such processes.

### **III. Key areas for future work: the short- and mid-term**

12. The short and mid-term priority actions proposed below are based on: the Tripartite Technical Meeting's conclusions; recent assessments and strategic planning exercises in selected regions; the priorities which emerged from a range of stakeholder consultations across regions; technical assistance requests; ongoing work; and the Director-General's Programme and Budget for 2014–15. The section is organized around the means of action to implement the four themes discussed at the Tripartite Technical Meeting, which participants considered as being key and strategically important for realizing the ILO's global mandate in the area of migration.
13. The ILO plans to use its leadership of the GMG during 2014 to further promote the Decent Work Agenda in relation to migrants, to capitalize and advance the outcomes of the High-level Dialogue, and to foster the stronger engagement of the social partners. It has also started to develop meaningful indicators with GMG partners on labour migration for inclusion in the post-2015 development agenda.

### **Evidence, methodologies and good practices to inform well-governed labour migration policies and the effective protection of migrant workers**

14. The Office proposes to continue strengthening its knowledge development and data collection methods, including through the formulation, refinement and use of standard methodologies for conducting empirical research. For example, methodological tools developed and tested in 2013 will be applied in several migration corridors to assess outcomes for migrant workers related to wages, working time, skills development and effective social security coverage. This will help identify good practices for (temporary) labour migration schemes, map tripartite participation in the design of such schemes, and improve understanding on the links between migration and development, as suggested by the UN Secretary-General in his eight-point agenda for action.<sup>8</sup>
15. These methodological tools could be adapted in the future to the realities of different economic sectors. Efforts would focus on sectors with a high share of migrant workers and on low- and middle-skilled migrants who are at risk of discrimination and unacceptable forms of work, including child labour. The Office is already developing a statistical methodology for global and regional estimates on migrant domestic workers and specific materials and tools for policy guidance as a contribution to the ILO global conference on decent work for domestic workers, which was approved by the Governing Body at its 319th Session (October 2013).<sup>9</sup>
16. As the co-chair of the working group on low-skilled labour migration within the World Bank-led Global Knowledge Partnership on Migration and Development (KNOMAD), the

<sup>8</sup> See: United Nations: *International migration and development*, Report of the Secretary-General, op. cit.

<sup>9</sup> GB.319/PV/Draft, para. 340(b).

ILO is leading research into reducing the financial, social and human costs of migration, including with regard to recruitment, and is analysing the effectiveness of bilateral labour migration agreements and memoranda of understanding. This will generate synergies with an Office-wide initiative to build more robust guidelines for policies that promote good recruitment practices that are compliant with ILO standards, including the Private Employment Agencies Convention, 1997 (No. 181).

17. Under a new data development partnership with the Organisation for Economic Co-operation and Development (OECD), the ILO is strengthening its methods of data collection, research and capacity development for evidence-based policy-making, and will promote the harmonization of statistical methods and concepts on international migration and international knowledge exchange. The ILO is also leading efforts to improve international labour migration statistics, further to a resolution passed by the 19th International Conference of Labour Statisticians, in October 2013.<sup>10</sup>
18. Increased knowledge about migrants' economic contributions and links to development can contribute to more positive public perceptions of migrant workers and prevent discriminatory attitudes – an area where the ILO could strengthen awareness-raising activities in line with the UN Secretary-General's eight-point agenda for action. This approach was supported by participants at the high-level panel convened in the margins of the Tripartite Technical Meeting. An OECD–ILO project due to be launched in 2014 on assessing the economic contribution of labour migration in developing countries as countries of destination (to be undertaken from 2014 to 2016) could be used as a stepping stone to developing work on perceptions.
19. Firm plans are in place to strengthen labour migration data collection and sharing, following an ILO-assisted technical meeting of the Association of Southeast Asian Nations (ASEAN) member States and the ASEAN secretariat, which validated 15 indicators on stocks, flows and emigration. To further improve the knowledge base on the recruitment, employment and working conditions of migrant workers, proposals have been made to carry out sector-based studies into construction and domestic work in South-East Asia.
20. Aligned with the Meeting's conclusions, the ILO's mandate and standards and the findings of the independent evaluation, the Office will expand its present work in mutual skills recognition. In order to spread information on good practices in this area, the findings of an ongoing research project on the labour market integration of new immigrants in Europe – which looks among other things at pathways to better jobs for recent migrants instead of deskilling and brain waste – could be used as a foundation towards mapping existing models and efforts in skills assessment.

### **Capacity building for the promotion of social dialogue and tripartite processes in the area of labour migration**

21. More policy space for the ILO's constituents in the area of labour migration, including through effective social dialogue, has meanwhile been recognized as a sine qua non for sound migration policies that are rights-based and take labour market needs into account. The conclusions of the Tripartite Technical Meeting highlight that this is the case at all levels, from the national to the international.
22. The Office will support constituents in improving the harmonization of employment policies and labour migration policies, including through targeted training activities

<sup>10</sup> GB.320/INS/14/5.

delivered in cooperation with the International Training Centre of the ILO (Turin Centre). In particular, it will assist constituents engaged in regional integration processes, notably with regard to promoting social dialogue and improving opportunities to increase the portability of skills and the coordination of social security schemes at the regional level. Efforts are already under way, for example, within the Economic Community of West African States, to develop a joint programme with the International Organization for Migration and the International Centre for Migration Policy Development. In this and other African regions, the labour migration component of the Ouagadougou +10 Plan of Action will serve as a framework for the implementation of the conclusions in the region. The Office will support the implementation of the Migrant Labour Charter (2012) and the Kathmandu Plan of Action (2013) of the South Asian Regional Trade Union Council, the plan of action developed by the ASEAN Confederation of Employers and the Bureau for Employers' Activities to give employers a greater voice on the issues of labour mobility and regional integration, and the "tripartite plus" ASEAN Forum on Migrant Labour, with the participation of representatives of governments, workers, employers and civil society organizations.

## **Outreach and communication**

- 23.** The conclusions also supported efforts to improve the Office's outreach and communications strategy on labour migration. Similarly, while the independent evaluation identified a large and cross-cutting portfolio of work on labour migration in the ILO, as well as considerable expertise, it also found that the dissemination of the ILO's labour migration work was not commensurate with actual achievements. It recommended the preparation of regular reports on work and key successes, reflecting some of the information presented in programme implementation reports, a stronger online presence and the showcasing of good practices to improve dissemination.
- 24.** The Office has already started to implement this recommendation, by revamping the MIGRANT website and upgrading the online good practices database. The Office proposes further outreach and communication efforts during the ILO's time as GMG Chair in 2014 and beyond. Good communication of the ILO's approaches to labour migration, of its achievements, and of available knowledge and tools is needed to fully capitalize on the positive outcome of the High-level Dialogue and could ensure that the Decent Work Agenda is fully integrated in global debates on international migration and development.
- 25.** In line with the Tripartite Technical Meeting's conclusions, during the current biennium, the Office will renew its efforts to: raise interest in the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Domestic Workers Convention, 2011 (No. 189); improve understanding of these instruments and of how they can guide national actions; and effectively invite member States to consider their ratification and implementation.
- 26.** Similarly, the Office proposes to engage more effectively in the promotion and dissemination of the ILO Multilateral Framework on Labour Migration as an important policy tool for improving labour migration governance based on ILO standards. The Office plans to capitalize on its role as GMG Chair to further promote the Framework and to increase efforts to regularly update, revise and share the good practices of the database accompanying the Framework in 2014 and beyond.

## **A possible general discussion on labour migration at a future session of the Conference**

27. Considering the growing importance of addressing labour migration issues for attaining decent work for all, a substantive discussion regarding the ILO's longer term priorities and strategy in this domain might be desirable. Subject to a decision by the Governing Body, the Office could prepare, for the 322nd Session of the Governing Body, a proposal concerning the possibility of selecting an item relating to labour migration with a view to a general discussion at a future session of the Conference.

### ***Draft decision***

28. *The Governing Body:*

- (a) takes note of the final report of the Tripartite Technical Meeting on Labour Migration and authorizes the Director-General to publish it, as well as the conclusions of the Meeting;*
- (b) endorses the short- to mid-term priorities as proposed by the Office; and*
- (c) requests the Office to submit to the 322nd Session (November 2014) of the Governing Body a proposal concerning the possibility of selecting an item relating to labour migration with a view to a general discussion at a future session of the Conference.*