

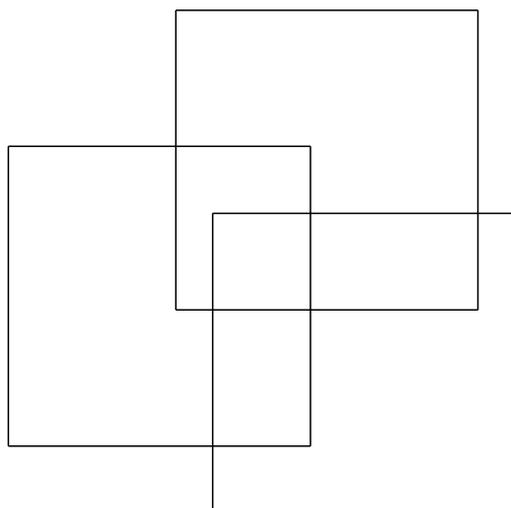
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International
Labour
Office
Geneva

Report of the discussion

**Tripartite Technical Meeting
on Labour Migration**
(Geneva, 4–8 November 2013)



Geneva, 2013

Labour
Migration
Branch

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INTERNATIONAL LABOUR ORGANIZATION

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INTERNATIONAL LABOUR OFFICE, GENEVA

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Introduction

1. The Tripartite Technical Meeting on Labour Migration was held at the ILO in Geneva from 4 to 8 November 2013.
2. The purpose of this meeting, as identified by the ILO Governing Body in March 2013, was to “assess the outcome of the UN GA High-level Dialogue on International Migration and Development and consider possible areas for ILO follow up”. The Governing Body also decided to invite twelve Employer and twelve Worker representatives, and twelve representatives of governments, nominated after consultation with regional coordinators, for the purpose of formulating recommendations regarding possible ILO follow-up to the High-level Dialogue on Migration and Development.
3. The ILO had prepared a background paper issued in English, French and Spanish to serve as a basis for the Meeting’s deliberations. The background paper provided the context within which to discuss the key challenges and opportunities of international labour migration, while taking into account the changing landscape and its implications for the world of work.
4. The Meeting was attended by Government representatives from: Algeria, Cambodia, Italy, Kenya, Panama, Philippines, Sweden, Switzerland, Trinidad and Tobago, United Arab Emirates, United States and Zimbabwe. Twelve Employer representatives and twelve Worker representatives also attended the meeting.
5. Representatives from the following international non-governmental organizations attended as observers: European Union (EU), International Organization for Migration, Office of the UN High Commissioner for Human Rights, United Nations Development Programme, United Nations Educational, Scientific and Cultural Organization, United Nations High Commissioner for Refugees, World Bank and World Health Organization. From international non-governmental organizations, the following attended: Amnesty International, Business Africa, International Catholic Migration Commission, International Organisation of Employers, International Trade Union Confederation, Migrant Forum Asia and Platform for International Cooperation on Undocumented Migrants.
6. The Meeting elected Mr Paulo Sergio de Almeida, independent representative of the Government of Brazil, to chair the Meeting. The three groups elected their Officers as follows:

Government group:

Chairperson: Ms M. Armellin

Employers’ group:

Chairperson: Ms E. Yost Lafili

Secretary: Mr F. Muia (International Organisation of Employers (IOE))

Workers’ group:

Chairperson: Mr S. Gurney

Secretary: Ms E. Busser (International Trade Union Confederation (ITUC))

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7. The Secretary-General of the Meeting was Ms M. Tomei, Director, Conditions of Work and Equality Department (WORKQUALITY). The Deputy Secretary-General was Ms M. Leighton, Chief, Labour Migration Branch. The coordinators of the Meeting were Ms S. Maybud and Ms K. Alsvik. The experts were: Ms M. Leighton, Ms M. Tomei, Mr R. Cholewinski, Ms C. Kuptsch, Mr N. Baruah and Ms N. Popova.
 8. The Meeting held six sittings.

Opening session

9. A Government representative of Panama, seconded by a Government representative of Italy, proposed Mr Paulo Sergio Almeida of Brazil to chair the Meeting. The Meeting also elected the Vice-Chairpersons described above. [The three Vice-Chairpersons elected by the Meeting were: Ms Marilina Armellin (Italy) from the Government group; Ms Ellen Yost Lafili (United States) from the Employers' group; and Mr Sam Gurney (United Kingdom) from the Workers' group.]
10. The Meeting approved the adoption of the provisional working schedule.
11. The Chairperson welcomed the participants, indicating that the purpose of the Meeting, as defined by the Governing Body in March 2013, was “to assess the outcome of the United Nations High-level Dialogue on International Migration and Development ... and consider possible areas for ILO follow-up”. The changing landscape of international labour migration and its implications for the world of work should be taken into consideration, as well as the debate on the post-2015 UN development agenda. The Meeting was expected to formulate recommendations regarding possible ILO follow-up to the High-level Dialogue on Migration and Development.
12. The Secretary-General of the Meeting observed that the Meeting was both topical and timely. International migration involved a large number of workers and its scale and complexity was likely to continue increasing. If governed properly, it could benefit countries of origin and destination, as well as migrant workers themselves. Its current mismanagement was seen in recent tragedies which called for urgent policy action. The Meeting came soon after the Second High-level Dialogue on Migration and Development (HLD), which adopted a declaration by consensus recognizing the centrality of labour migration in the migration–development debate. Following the outcomes of the HLD, at its 319th Session the Governing Body asked the ILO to integrate migration and decent work into the post-2015 development agenda, strengthen the migration evidence base, and enhance migration partnerships and cooperation to facilitate skills mobility in line with labour market needs. ILO constituents had also stressed the need to examine the link between informality at work and migration; promote the ratification of 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); eliminate forced labour in global supply chains; provide guidance on ethical recruitment; and address obstacles to migrant worker organization and collective bargaining. The Employers and Workers had asked to see a clear alignment of the four themes of the tripartite Meeting with the eight-point agenda for action outlined in the report of the United Nations Secretary-General to the HLD. Through its constitutional mandate, clear policy framework and considerable expertise and experience, the ILO was well equipped to deal with challenges and make the most of opportunities. Moreover, the ILO's constituency were key actors in the real economy and were the means of striking a balance between different concerns through social dialogue. The Governing Body's discussion had also highlighted a number of challenges, namely the existing divide between ministries of interior and foreign ministries, on the one hand, and ministries of

labour, on the other, which undermined policy coherence; the fact that employers' and workers' organizations were not yet recognized as distinct actors within civil society; and the need for greater transparency and regularized engagement of the Global Migration Group (GMG) in the Global Forum on Migration and Development (GFMD). The conclusions adopted by the Meeting should identify priorities for ILO action and feed into the discussion of the programme and budget for the next biennium.

- 13.** The Employer spokesperson said that employers had an important role to play in the discussion on labour migration and regretted that their voice was not heard more often. Changes in the global economy meant that labour migration had shifted towards short-term and circular migration and affected companies of all sizes. The trend was likely to continue and increase. International labour migration presented both opportunities and challenges in origin and destination countries. In that context, businesses needed transparent, predictable and fair immigration systems. Their staffing experience and knowledge of skills needs made employers particularly qualified to assist governments in improving those systems through tripartite dialogue and international cooperation, with a view to promoting economic growth and development.
- 14.** A major problem was the mismatch between labour supply and demand often leading to deskilling and brain waste. In that light, the ILO had an important role to play in helping its constituents to develop effective and efficient migration policies. Through the IOE, employers were part of the effort to combat abuses affecting migrant workers. Conventions Nos 97 and 143 and their accompanying Recommendations provided useful guidance, but had been poorly ratified. Moreover, the ILO's Declaration on Fundamental Principles and Rights at Work naturally extended to migrant workers. In order to protect migrants, policies should be tailored to distinct categories of migrant populations, taking distinct types of employers into consideration. Governments needed to provide legitimate channels of entry while controlling irregular work and businesses needed to assist governments to develop transparent, efficient and fair immigration policies and to educate the public about the benefits of labour migration.
- 15.** The Employers regretted that the HLD had not included a tripartite delegation, but welcomed the resulting declaration and the eight-point agenda. Under its eighth point, countries should work together to facilitate the movement of skilled and needed migrants, while engaging with employers' and workers' organizations. Under its seventh point, the ILO would need to mobilize sufficient resources to strengthen the migration evidence base. The Employers welcomed the ILO's increased role in the GMG and hoped that it would use the opportunity of chairing the group to introduce its tripartite dimension. Employers could cooperate in international dialogue by sharing best practices on immigration regulations; by helping to simplify compliance; by creating expedited procedures for companies; and by devising an action plan for employers to promote economic growth and development through migration. Governments needed to recognize the importance of international labour mobility for growth, and discussions between business, labour and governments at the international level were essential in that regard.
- 16.** The Worker spokesperson recalled the tragedy in October 2013 resulting in the death of migrants off the shores of Lampedusa. Unfortunately, it was only one of many such tragedies, reflecting a deep deficit of decent work and ill-conceived migration policies. The long overdue discussion of labour migration at the 316th Session of the Governing Body had identified the need to reaffirm the ILO's unique mandate on the subject. At the HLD, although representatives of migrant workers had been kept at a distance, the Workers endorsed the ILO Director-General's call for a "profound policy shift", as well as the ILO's rights-based approach to labour migration. The Workers supported the HLD declaration and the Secretary General's eight-point agenda for action and welcomed the ILO's efforts to increase the visibility of the Decent Work Agenda, and the opportunities arising from chairing the GMG in 2014. The ILO should establish a sustainable legacy and

retake its position as an authority on the subject of labour migration. In that capacity, the Workers called on the ILO to promote social dialogue and engagement with its constituents on migration policies. Tensions on policies should not deprive migrant workers of their rights and leave them unprotected. Accordingly, the ILO should play an active role in identifying gaps in legislation and to help governments to develop policies and legislation to protect the rights of migrant workers, including through Decent Work Country Programmes (DWCPs). The Meeting should produce concrete, action-oriented conclusions to enhance the impact of the ILO's work and improve the lives of migrant workers. The Workers also wished to discuss the possibility of continued tripartite discussions on labour migration, possibly through a global tripartite forum.

- 17.** Speaking on behalf of the EU and its Member States, a Government representative of Italy reaffirmed the EU's commitment to a more consistent, comprehensive and coordinated approach to migration and development at all levels, and to identifying measures that promoted the role of migrants as agents of innovation and development. Migration and mobility also contributed to the achievement of many Millennium Development Goals (MDGs), although more work was needed to build up a sufficient knowledge base on how migration could drive or hinder progress towards achieving those goals. The migration and development agenda should be broadened and policies needed to be adjusted to better meet current challenges and make the most of opportunities. The fact that almost half of all international migrants reside in the Global South shows the growing importance of migration and mobility between developing countries, which requires greater attention at all levels. This issue should be addressed in particular in national and regional development policies. Moreover, refugees and other persons in need of protection – especially those in protracted situations – present significant challenges for host countries and host communities, which should be addressed through long-term development planning, targeted initiatives and enjoyment of their rights. Empowerment can enable refugees to make important contributions to host communities and local and national economies. Internal mobility within a country, in particular between rural and urban areas, can produce opportunities and challenges similar to international migration. Cities have the potential to act as catalysts of social change, and exchanges of knowledge and experience between cities worldwide should be promoted. The EU was ready to assist its partner countries with the effective integration of migration policies in development strategies, including through supporting the use of Extended Migration Profiles as tools to build evidence for targeted policy action. The private sector, employers' and workers' organizations, academia and civil society, and migrants' and human rights organizations should be involved in planning on migration and development at all levels. The EU and its Member States recognized the ILO's important role in promoting decent work for all and protecting migrants from unfair and abusive practices.
- 18.** A Government representative of Switzerland said that his Government welcomed the declaration of the HLD and the civil society proposal for a five-year plan of action. The ILO's tripartite structure and cooperation activities for the implementation of international labour standards constituted its added value in the discussion. The ILO should share its knowledge and expertise, not only in debates on migration, but also in the post-2015 discussions. It should also support the social partners in their efforts to work with governments to meet the challenges posed by labour migration. The ILO's action should be backed by experience on the ground to ensure that international political dialogue resulted in reinforced global coherence.
- 19.** A Government representative of Trinidad and Tobago said that the time had come for a coordinated and holistic response to labour migration and the recent HLD and post-2015 development agenda discussions had provided a much needed impetus to the global debate. The ILO should play a lead role in dealing with issues related to labour migration, such as protection for migrant workers, matching skills demand with supply and managing migration to enhance its contribution to development. In discussion, all parties

should be aware of how labour migration affected, and had shaped, regions and countries differently. Small Island Developing States (SIDS) often faced specific challenges such as small populations, limited resources and a narrow range of skill sets. At the national level, his Government was working towards the development of a labour migration policy to harness the many benefits of migration while mitigating its negative aspects.

- 20.** A Government representative of the Philippines said that the ILO should take advantage of the opportunities for progress on labour migration through its leadership of the GMG in 2014, and draw from the lessons learned on innovative approaches for the implementation of ILO instruments, such as the Domestic Workers Convention, 2011 (No. 189). As a major country of origin, the Philippines had pioneered a system of managing temporary migration, which was held up as a model by the international community and was founded on a strong legal and social framework covering all the phases of the migration cycle. The Philippines supported the inclusion of migration in the post-2015 UN development agenda with a view to achieving decent work for migrants and their families, based on governance principles of transparency, responsibility, accountability and mutuality of benefits.
- 21.** A Government representative of Panama said that migration had contributed to building the foundations and identity of his country. Panama had registered long-term and significant economic growth due to the sustained strength of its economy, its public policies and the environment of labour stability. Those factors had created better working conditions and decreased unemployment. The country had experienced labour shortages in certain areas, which had resulted in a more flexible labour migration policy by regulating and legalizing irregular migration flows to ensure the respect of rights. Providing effective protection for migrants, including social security and access to health, was an important investment in the future and enabled Panama to contribute to the development effort beyond 2015. To that end, since 2010, Panama had periodically carried out regularization programmes for migrants in irregular situations. The policy helped improve migration governance and contributed to the economic and social development of the region.
- 22.** A Government representative of the United States said that the ILO, as the only international agency dedicated to employment, labour rights and workplace issues, had an important role to play on labour migration. In particular, the ILO's Constitution included a specific mandate on the "protection of the interests of workers when employed in countries other than their own". Recognizing that labour migration is one of many important issues on the ILO agenda and that it will be dealt with in the context of the ILO priority areas for action in the next programme and budget, the Office will have to act strategically to apply its wide-ranging experience and expertise to labour migration and this Meeting should develop recommendations for concrete ILO actions related to labour migration.
- 23.** A Government representative of Sweden supported the statement made on behalf of the EU and its Member States. Much progress had been made since 2006 and the current momentum surrounding labour migration should be used as wisely and productively as possible. The ILO was well equipped and in a good position to address issues linked to international migration, employment and labour markets and to promote coherent labour migration policies. The Meeting should discuss the recognition of international migration as an enabling factor for development in the post-2015 discussion and the need to improve the portability of skills, adopt a rights-based approach to labour migration, improve social dialogue and cooperation for well-governed labour migration, and strengthen the ILO's evidence base. The ILO could contribute to collective knowledge on labour migration and help governments, the social partners and the international community address labour migration in a comprehensive manner.
- 24.** A Government representative of Kenya said that the tripartite partners should examine ways of enhancing the protection of migrant workers. The diverse skills and expertise of migrants should not be allowed to go to waste for lack of collaboration. To meet those

challenges, Kenya was working with regional and international partners and other countries on a bilateral basis. The discussion at the Meeting would only be fruitful if engagement was constructive and backed by international legislation to promote and protect labour migrants. Great gains could be achieved if the ILO were to position itself strategically through its unique tripartite structure to promote labour migration and to support development.

- 25.** A Government representative of Algeria said that his Government supported the ILO's work on labour market assessment. Labour market information systems played a crucial role in the regulation of migration flows, the transfer of skills and technology, and in the exchange of good practices on data harmonization and statistical indicators on migration. His Government welcomed the inclusion of decent work and labour migration in the post-2015 development agenda, recognizing the intrinsic link between labour migration and development. It supported the ILO's rights-based approach to labour migration, which should be at the heart of national migration policies and international cooperation. In that regard, the liberalization of goods and services should be accompanied by the free circulation of people and workers. Furthermore, strategic dialogue on labour migration issues should be promoted within regional economic integration areas.
- 26.** A Government observer of Argentina highlighted the complexity and multidimensional aspects of labour migration, requiring a sustainable development vision, and calling for a realistic perspective based on human and labour rights. A first step in that direction was the recognition of equality of rights between national and migrant workers, and the inclusion of migrants in social security schemes, which was the subject of the MERCOSUR Multilateral Agreement on Social Security. The Argentine migration reform of 2003 aimed to guarantee the full exercise of migrant workers' rights in the framework of regional integration. The reform also recognized the rights of Argentine migrants abroad and used nationality as the criterion for obtaining residence. A national regularization process launched in 2006 for nationals of MERCOSUR and associated countries had so far been used by some 500,000 workers to regularize their situation. The impact of measures taken by receiving countries would be greater if accompanied by measures in countries of origin, for instance regarding pre-departure information. MERCOSUR had been innovative in the field of migration, as shown by the 1998 Labour and Social Declaration and, more recently, by the 2013 regional plan on the movement of workers. Finally, he highlighted the key role of social dialogue at national and regional levels.
- 27.** The Secretary-General of Business Africa, speaking as an Employer observer, aligned herself with the intervention of the Employer spokesperson, describing labour migration as an enormous challenge particularly in Africa. Consistent with the Decent Work Agenda, the African Union's Labour and Social Affairs Commission had set the target that by 2015, three-quarters of all African states would have introduced migrant worker protection policies under labour laws granting migrants equal and regular status. Employers in Africa had a significant role to play in achieving that objective and the ILO was well placed to bring social partners together to discuss labour migration. The ILO's role on the ground needed to be strengthened. The region needed labour migration expertise to develop a labour migration strategy to meet constituents' needs. The approaches of various UN organizations and the International Organization for Migration (IOM) should be harmonized and available resources could be optimized by identifying synergies. The role of employers in job creation had to be fully recognized and accompanied by appropriate legislation and balanced regulations. She finally called for government intervention for the recognition of skills and certification.
- 28.** An observer from the World Health Organization referred to some of the points highlighted during the HLD, such as the protection of human and labour rights, including the right to health for all migrants regardless of their status, and the crucial importance of migrants' health and well-being for sustainable development. She stressed the need for

cooperation and partnership between countries of origin and destination and the different stakeholders. Furthermore, she underlined the need for migrant-sensitive health policies guaranteeing access to equitable healthcare, regardless of migration status; culturally, linguistically and epidemiologically appropriate health services; and the inclusion of migrant health indicators in the post-2015 development agenda.

- 29.** The observer from the Platform for International Cooperation on Undocumented Migrants said that restrictive labour migration policy models disempowered workers, burdened employers and curtailed economic growth. Incoherent policy frameworks were fostering irregularity and creating social, economic and humanitarian challenges, exposing low-wage migrant workers to exploitation and abuse. While the rights of all workers should be protected and they should have access to justice and redress mechanisms, in practice undocumented migrant workers found it almost impossible to claim their rights. Contacting trade unions to report abuse could lead to arbitrary dismissal. Barriers for undocumented workers' affiliation to trade unions needed to be removed, and "firewalls" could be set up to guarantee irregular migrants' rights. Furthermore, she stressed the importance of promoting the regularization of undocumented migrants, the improvement of regular and rights-based channels for migration and, more generally, addressing policy failures that pushed workers into irregularity. The ILO should take a leading role in that regard, while partnerships at the national and regional levels were also needed. The concept of migration as a threat to national security was misinformed and debates on border control and human trafficking were too narrow.
- 30.** The observer from the International Catholic Migration Commission pointed to the civil society proposal at the HLD of a five-year action agenda identifying priorities for collaboration with governments and international organizations. Those included securing decent work in countries of origin to reduce forced migration; guaranteeing labour rights and social protection for all migrant workers and their families, which were essential to the post-2015 development agenda; emphasis on the ILO's mandate for worker protection; and reforming the migrant recruitment industry. Solid tools were needed to support a rights-based approach, such as the ILO's Multilateral Framework on Labour Migration (MFLM), which could be further promoted and updated. Similarly, the Private Employment Agencies Convention, 1997 (No. 181), was a valuable tool which should be given greater publicity.
- 31.** The observer from the Migrant Forum in Asia pointed out that the MFLM was still being underutilized and suggested that it could be given to GMG partners as a handbook on labour migration policy. Regrettably, ILO and UN instruments on migration continued to receive insufficient attention, though the momentum around Convention No. 189 was encouraging. As the custodian of international labour standards, the ILO's leadership was indispensable and its history of social dialogue needed to be brought to the table. No migrant worker should be prevented from organizing or joining a trade union. Through its constituents, the ILO should insist on national policy coherence based on open and transparent discussion among relevant government ministries. Migrant workers should not be the victims of competition among countries of origin and "market" shifts by countries of destination in a race to the bottom scenario. Civil society looked forward to working with the ILO on the priorities identified in the five-year action agenda.

Labour migration and development: Challenges and opportunities for the ILO in the follow-up to the HLD and post-2015 development debate

32. The Deputy Secretary-General explained that the purpose of the theme was to discuss priorities for future action in the follow-up to the HLD and the post-2015 development framework debates. Migrant workers played an important role in labour markets and contributed to the economies of both the home and host countries. However, some issues facing migrant workers, such as inequality and exploitation, were systemic and likely to persist. The ILO had contributed to the HLD and its inputs were reflected in its Declaration and in the Secretary-General's report outlining an eight-point action agenda, which underscored the issues raised in the background paper. Those included calls to respect and promote international labour standards, protect migrant workers' rights, and cooperate on labour mobility programmes. They also reinforced the ILO's promotion of a migrant-centred and rights-based approach to migration within the post-2015 development agenda. The discussions at the HLD echoed the MFLM's principle of ensuring coherence between labour migration, employment and other national policies, and governments had welcomed the GMG's internal review and the ILO's commitment as incoming chair for 2014. During the October 2013 Governing Body, members had called on the ILO to follow-up on the Secretary-General's eight-point agenda for action. The ILO was well-equipped to respond to those calls for action which were central to its mandate, to the Decent Work Agenda, and to strengthening the ILO's work to assist constituents in areas such as migrant workers' rights, harmonization of employment and labour migration policies; improving data on labour market needs; ensuring development outcomes for migrant workers and the participation of labour ministries and social partners in policy planning; promoting good practices for equitable and inclusive development; and integrating migrant worker protection in the post-2015 development agenda.
33. The Worker spokesperson said that the ILO's renewed efforts to promote a rights-based approach to labour migration could make a real difference. Its visibility in global debates on migration was important and the ILO was encouraged to reassert itself as the leading agency on labour migration at the UN and in other forums such as the GFMD. The ILO not only had the mandate to do so, but also the instruments, particularly Conventions Nos 97, 143, 181 and 189 and the MFLM. Furthermore, the ILO brought with it the involvement of many of the actors directly concerned, including migrant workers themselves, and its unique process of global social dialogue. Through social dialogue, the ILO should play a lead role in ensuring policy coherence on labour migration issues at national, as well as regional and global levels. The recent series of regional tripartite domestic work knowledge-sharing forums could be used as a model. Similarly, the ILO could bring together social partners and governments from countries of origin, transit and destination.
34. The fact that the ILO would be chairing the GMG was recognition of the ILO's role and provided an unprecedented opportunity to advance the agenda and enhance policy coherence on labour migration. He welcomed the proposed task force on migration and decent work, and the development of a multi-annual workplan with a timeline for activities and outputs. GMG interactions with member States should include the social partners and specific arrangements should be made for regular interactions beyond 2014. Consideration should be given to the establishment of a permanent ILO platform or consultation mechanism on labour migration. This could ensure increased and continued tripartite dialogue on labour migration and increased policy coherence, in partnership with other international organizations. Such a forum could be linked to mechanisms allowing the ILO Governing Body to follow up on recommendations and regularly assess progress.
35. He insisted on the need for the ILO to play an active role in promoting international labour standards, in the protection of migrant workers and in the involvement of constituents at

the global, regional and national level when specific HLD action points were implemented or when discussions were held on the post-2015 development agenda. Specific issues addressed in the HLD Declaration (paragraphs 3, 10, 11, 12, 14, 16 and 32) and in the Secretary-General's eight-point agenda for action (points 1, 2, 3 and 5) were particularly welcome. The ILO should assume a major role in taking them forward. Modalities needed to be defined and systematically followed up for each of those. The Meeting's conclusions should reflect the areas in which action was needed, such as the promotion of the ratification and implementation of international instruments, including relevant ILO Conventions; ensuring equal treatment, non-discrimination and decent working conditions and wages for migrant workers; giving specific attention to the needs and vulnerability of low-skilled migrant workers and actions to enhance the portability of social security, as well as combating forced labour and trafficking; the regulation of recruitment agencies to combat abusive practices; protecting the basic rights of migrant workers in irregular situations; combating racism and xenophobia; and strengthening the ILO's role in supporting the development of sound, sustainable and rights-based migration policy. Practical follow-up was needed to assist governments and social partners to address migration in their labour markets, and to identify ways in which the ILO could better join forces with other organizations through focused and coordinated action with GMG members. Finally, the Workers' group was concerned by the increased focus on temporary or circular migration schemes as a response to structural labour shortages because such schemes often serve to commodify labour and reduce the rights of those involved.

- 36.** The Employer spokesperson reiterated the need for an effective governance of migration, the importance of the portability of skills and social security contributions, and the protection of the rights of migrant workers. Regarding the post-2015 development agenda, she called for a focus on enterprises. There was universal agreement on the urgent need for job creation, but there was far too little focus on those who could actually create jobs. Increased employment was the outcome of policies that promoted entrepreneurship and supported enterprise creation, particularly small and medium-sized enterprises, which were the main engines for job growth in any country. Consequently, the post-2015 goal on employment should include targets on entrepreneurship and enterprise creation.
- 37.** The private sector viewed the transition from MDGs to a new framework as a unique opportunity to make two fundamental changes. The first change was to broaden the focus to include critical issues that were not addressed in the MDGs, namely peace and security, good national governance and economic growth. The second change was to shift away from a focus on Overseas Development Assistance (ODA) to a new agenda focused on development without ODA, with internal domestic growth. However, employment and inclusive growth could not, and would not, happen without a conducive environment for national economic growth and private sector development. Global goals were useful but the key drivers for development were found at the national level. A conducive environment for employment and inclusive growth required functioning national institutions, good governance, the rule of law, an independent judiciary, individual liberties, absence of corruption, clear property rights, sound macroeconomic and fiscal policies, adequate infrastructure, education and communication systems, transparent and fair immigration laws, and efficient business regulation to support entrepreneurship and promote the creation of formal enterprises. The new development agenda should therefore include goals related to the establishment of a conducive environment for enterprises at the national level and related targets.
- 38.** A Government representative of Switzerland stated that the ILO had considerable and valuable expertise on employment, social dialogue, workers' rights and social protection and it is highly important that the international community as a whole could benefit from it, including in the context of the debates on international migration and development. The ILO's substantive contributions to the GFMD were appreciated and cooperation with other

actors encouraged to ensure that links between the world of work and labour migration were taken into account. When chairing the GMG, the ILO should reinforce collaboration between international organizations at the conceptual, political and operational levels to allow for better labour migration governance, and lead the dialogue with governments and other relevant actors. The ILO should ensure that the post-2015 development agenda included the objectives of productive employment and decent work for all, recognized the crucial role of migration, particularly labour mobility, for development, and included clear and pertinent indicators.

- 39.** Speaking on behalf of the EU and its Member States, a Government representative of Italy voiced support for the ILO's commitments and engagement in the GMG. Accordingly, she welcomed the Office's prompt action and noted that the GMG chairmanship was an important opportunity following the introduction of the new arrangements on the GMG functioning adopted on 3 July 2013. She also supported the establishment of a task force on decent work within the GMG. As GMG chair, the ILO was expected to advance dialogue between the GMG and its member States, as well as the post-2015 debates. She stressed the need to improve the efficiency and the effectiveness of the GMG, and thereby enhance its role as the inter-agency coordination body on migration. She underscored that regional organizations are particularly well placed to facilitate regional mobility; that processes and regional organizations involved in promoting orderly, regular and safe intra-regional migration and mobility between developing countries should be supported; that the development potential of circular migration should be considered; and that adequate protection and decent working standards for migrant workers should be ensured. Furthermore, she underlined that all states should respect the dignity and uphold the human rights of migrants, regardless of their immigration status, and that particular attention should be given to provide adequate protection to asylum seekers, with due respect of the principle of non-refoulement, as well as vulnerable migrants, such as unaccompanied minors, children and victims of trafficking. She agreed with the previous speakers on the importance of lowering the cost of remittances and she encouraged the ILO to be vocal on such issues within the G20.
- 40.** A Government representative of Sweden aligned himself with the statement made on behalf of the EU and its Member States. The HLD had indicated that governments were in favour of including labour migration in the post-2015 development agenda. It was indeed important to recognize the contribution of migration and partnerships in that field, as an enabler of the MDGs. A focus on harmonizing labour market and employment policies was very relevant. A common set of targets and indicators could be defined within the framework of the post-2015 development agenda. The establishment of the GFMD was a visible result of the first high-level dialogue in 2006. Under Sweden's chairmanship, a thematic meeting had been organized in Geneva in May 2013, which discussed migration in development policy and how it could be integrated in the post-2015 agenda. When chairing the GMG, the ILO would have a good opportunity to enhance cooperation among all international organizations and ensure effective coordination with the GFMD. Substantive ILO inputs on labour migration to those processes were needed.
- 41.** A Government representative of the Philippines commended the Office for its contributions to, and its high-profile participation during, the HLD. The outcomes confirmed the importance and shared interest of member States in at least four areas of relevance to the ILO: harmonizing labour migration and employment policies; labour market needs and skills assessments for better job matching; the portability of pensions; and the protection of migrant workers' rights throughout the migration cycle. Experience had shown that informal dialogue processes and regional consultation processes, such as the Abu Dhabi Dialogue, were helpful. A broader engagement of stakeholders, including civil society, had also been effective. ILO expertise, advice and technical assistance on rights-based approaches had pushed partnerships towards more meaningful and sustainable outcomes. ILO work to mainstream migration in the post-2015 development agenda was

important, as was continued development of tools and support to national level consultations concerning decent and productive employment, and the ILO's engagement in the GMG and the GFMD. A set of a few practical indicators on labour migration and decent work to measure the post-2015 development goals should be identified. The "government as a whole approach" was indeed valid. She asked the Office to clarify where information and advice on labour migration could be obtained at headquarters and at field offices, inquired about proposals for the funding of new activities on migration and suggested the establishment of networks of national labour migration experts.

42. A Government representative of Trinidad and Tobago said that the ILO should use its upcoming leadership of the GMG to emphasize its role in labour migration and the importance of collaboration among international organizations in raising awareness of the migration–development nexus, promote managed migration, and provide information on the effect of ageing populations on the labour market. The ILO should also promote the role of workers' and employers' organizations in labour migration issues, while labour market profiles could help sensitize GMG members on regional labour market challenges. He proposed that migration and development in the post-crisis period be placed on the agenda of a future session of the International Labour Conference for general discussion.
43. The Worker spokesperson maintained that, in relation to employment and migration, the post-2015 development agenda should cover a somewhat broader area than suggested by the Employer spokesperson. Regarding indicators, he asked the Office to provide further information on work on labour migration in the International Conference of Labour Statisticians.
44. The Employer spokesperson said that indicators could be developed in areas such as the availability of statistical information on labour mobility, the increase in bilateral or regional agreements facilitating mobility, and the increase of agreements on portability of social security contributions and coverage.
45. A Government representative of the United States urged the Office to continue to actively participate in global, regional and other forums where migration issues are being debated. She also urged the ILO to use its upcoming chairmanship of the GMG to promote the ILO's Decent Work Agenda and to foster collaboration and cooperation on labour migration issues. She further noted that the Governing Body, in October 2013, adopted a six-point strategy regarding the post-2015 development framework and called on the Office to implement that strategy. She also called on the Office to draw on all relevant departments in addressing labour migration.
46. A Government representative of Sweden said that it was still early to conjecture on the indicators that would be used in the post-2015 development framework. A GFMD working group had been looking into possibilities for making the contribution of migrants to development more visible. Monitoring remittances was one way of doing that. Generally speaking, more comprehensive data and evidence was needed, including reliable information that was comparable across countries over time in order to allow governments to assess the impact of policies.
47. The Secretary-General, in reply to the Government representative of the Philippines, explained that, in addition to the Labour Migration Branch at headquarters, there was an informal network of migration focal points in headquarters units and field offices. Migration specialists were available in the regional offices in Bangkok and Beirut. In other regions, the Office relied on staff from technical cooperation projects. A network of national experts might be a possibility to complement internal expertise and there was an ongoing effort to establish a working group bringing together technical departments. As part of the reform process, the Office concentrated resources in the most strategic areas. The Office was conducting strategic planning on labour migration in the Russian

Federation, the Commonwealth of Independent States (CIS), in Africa and in Latin America, with the aim of identifying the main issues, type of demand and the main users of migration services. She confirmed that the International Conference of Labour Statisticians had indeed initiated work on labour migration and its implications for labour markets. However, its work was scheduled over the following five years and its outcomes would therefore not be available for the post-2015 discussions.

48. The Chairperson concluded the discussion by highlighting the main issues raised by many participants. The ILO was urged to take an active involvement in, and the leadership of, global debates and action on labour migration, especially considering the HLD Declaration and the Secretary-General's eight-point agenda. The GMG offered a number of opportunities in that regard, especially during 2014. The social partners should be given an increased role in discussions on labour migration at different levels and practical and meaningful indicators should be included in the post-2015 development framework.

Effective protection of migrant workers

49. An ILO specialist on migration policies introduced the second point for discussion on the effective protection of migrant workers. He stressed that, unless expressly stated, all international labour standards applied to migrant workers. The 2004 ILO Plan for Action for Migrant Workers supported "a rights-based approach to labour migration, which takes account of labour market needs", which is reinforced by the non-binding MFLM. Certain migrant worker "protection gaps" have been identified with regard to recruitment, equal treatment for temporary migrant workers, migrants in an irregular situation, access to social protection and portability of social security benefits, among others.
50. *The Employer spokesperson* indicated that many employers had voluntarily endorsed the ILO's MFLM and the UN Global Compact. The ILO needed to promote its MFLM and the fundamental principles and rights at work, which also applied to migrant workers. For more effective protection of migrant workers, the ILO should go beyond a rights-based approach and ensure a more comprehensive and coherent approach to ensure decent work for migrant workers. At a national level, opportunities for decent and productive jobs should be promoted. Providing legitimate channels for migration could reduce irregular migration and human trafficking, and governments should establish transparent, efficient, fair and predictable policies to allow employers to hire and transfer employees quickly and effectively. The ILO should not single out particular sectors for stigmatization as exploiters. There were many benefits to labour migration and policies should fight negative perceptions. The ILO could share best practices as it had done in the ASEAN region and it should promote ethical recruitment and the ratification of the Private Employment Agencies Convention, 1997 (No. 181).
51. The Worker spokesperson said that the ILO's key added value in migration lay in its unique normative mandate in the setting, adoption, promotion, and supervision of international labour standards. Conventions Nos 97 and 143, the UN Migrant Workers Convention and the MFLM significantly impacted national laws, programmes and policies. The Meeting's conclusions should provide for the Office's promotion of those Conventions, which were yet to be widely ratified, and for a study of protection gaps. There was growing concern regarding "circular migration" and the negative implications it presented for migrant workers' rights, such as the denial of the right to organize, various forms of exploitation, poor and dangerous working conditions and various forms of discrimination. All migration policies, programmes and agreements should be underpinned by ILO standards and the ILO Decent Work Agenda. Temporary programmes should not be used to address permanent labour shortages. The social partners should be actively involved with labour ministries in developing migration policies that were aligned with other labour market policies. Relevant international instruments applied to all migrants

irrespective of their status. In that light, the Workers supported the proposed “firewall” between labour law and immigration enforcement and the Meeting’s conclusions should strongly discourage the practice of assigning immigration control functions to labour inspectors. Grievance mechanisms, including legal assistance, should be available and options for transitioning to regular migratory status should be established. There should also be a protection of whistle-blowers. There was an urgent need to ensure the enforceable regulation and monitoring of private cross-border employment agencies. Measures could include obligatory licensing mechanisms subject to tripartite review and the disclosure of abuses. No fees should be charged. Public authorities in origin countries, and labour inspection systems in destination countries also had an important role in that regard. It was also important to establish effective complaint mechanisms and remedies for abusive treatment.

- 52.** While the ILO’s work on specific areas such as fishing, agriculture and domestic work was highly valued and encouraged, it should be based on a general and sustainable legal framework to protect the rights of migrant workers. The ILO’s MFLM provided guidance for constituents on general and sector-specific policies related to migration and builds on various ILO Conventions and could be much better promoted at national level. Migrant workers’ rights should also be considered in the context of the eight areas of critical importance (ACIs). Collective bargaining was a key means of organizing migrant workers at the sectoral level and the ILO should promote migrant workers’ right to organize themselves and provide capacity building for unions, as well as promote the extension of collective bargaining to include migrant workers. Unions should also have access to migrant workers.
- 53.** A Government representative of Switzerland said that the ILO should continue its efforts to promote relevant labour standards and the eight fundamental Conventions. Switzerland had recently submitted Convention No. 189 to its Parliament for ratification and the process will start in early 2014. Its ratification would give Switzerland greater credibility in promoting ratification and implementation among fellow member States. In view of the ILO’s limited resources, the Office should make strategic choices and bring its support in a targeted way in order to protect effectively particularly vulnerable workers. His Government supported the GMG proposal to establish focused working groups.
- 54.** Speaking on behalf of the EU and its Member States, a Government representative of Italy reaffirmed the EU’s commitment to economic, political and social human rights and called on member States to ratify core Conventions and implement the Universal Declaration of Human Rights. She expressed support for the dissemination of the MFLM and asked for updates on the results of the evaluation requested by the Governing Body in its 316th Session in November 2012, and the ILO’s response to it. Migration policies should take the perspective of migrants into consideration and the ILO should reach out to third countries and all stakeholders, including diasporas and migrant organizations. The ILO should also continue work on ethical recruitment and collaborate with IOM work to improve policy coherence. Training partnerships should be considered as a means of increasing the supply of qualified migrants in areas of labour shortage in both origin and destination countries.
- 55.** The Government representative of Zimbabwe agreed with the Employer spokesperson on the need for countries to promote employment opportunities in their own “backyards”. Migrant workers needed to protect themselves through regularization and the ILO should provide assistance and raise awareness in that regard. Greater visibility of the ILO Labour Migration Department in field operations would assist the conclusion of bilateral and multilateral agreements on migration management. The ILO could also provide support by strengthening the interface between the ministries of labour and of the interior. The discussion had identified a large number of instruments on labour migration, but the Office now needed to identify the gaps they left in migrant protection.

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- 56.** A Government representative of Sweden supported the statement made on behalf of the EU and its Member States. There was a continuous challenge to balance the needs and rights of migrants and the sovereign rights of States to control immigration and protect their territories. On the one hand, national legislation should ensure the protection of human rights, but, on the other, migrants needed to be empowered and protected through an awareness of their rights and obligations. In that regard, the ILO could be a neutral source of information. He supported the ILO's work in sectors where migrants were overrepresented and lacked social protection and contractual arrangements. Concerns had been raised regarding temporary or circular migration, but it should be noted that migrants often did not want to be permanently uprooted. Migrant workers' rights should be mainstreamed and the ILO should continue advising governments on the portability of social security rights and sharing good practices with the IOM and other GMG partners. He concluded by supporting the widespread dissemination of the ILO's MFLM.
- 57.** A Government representative of the United States said that fundamental principles and rights at work should be respected for all workers, regardless of their immigration status and that the ILO should continue to promote its 1998 Declaration on Fundamental Principles and Rights at Work, both among its member States and in international forums. The Office should continue to provide advice and technical assistance to member States seeking to ratify and implement relevant ILO Conventions, and to social partners for their effective engagement on the issue. In that vein, the database of good practices on labour migration should be updated as a valuable source of information for constituents and she welcomed the invitation to GMG agencies to contribute to that exercise. Regarding efforts to combat unethical recruitment practices, the ILO should leverage its resources through collaboration with other organizations working in the same area. She requested further information from the Office on sector-specific work and particularly on how the ILO effectively leveraged experience from across the Office (including the Programme for the Promotion of the Declaration on Fundamental Principles and Rights at Work and the Bureau for Gender Equality) and the regional Offices.
- 58.** A Government representative of the Philippines welcomed the ILO's partnership with the GFMD, which would provide access to information and country experiences on migration and development issues. The ILO should assist countries in building their capacities to develop and review regulations for safe, orderly and regular migration through multi-stakeholder consultations. The Office could also help countries implement rights-based and gender-sensitive policies and practices; develop awareness-raising programmes on fair labour migration; and promote the enforcement of best practices by erring recruitment industry actors. Interregional ILO projects constituted an innovative and positive approach to labour migration. In addition, the ILO should support governments' efforts to promote social inclusion and ensure social security rights through the establishment of social protection floors and the adoption of bilateral agreements. Focused activities were needed in specific sectors where migrants were particularly at risk. Increased ratification of key normative Conventions on the protection of migrant workers was essential and the ILO could take a leading role through ratification campaigns and by raising awareness of the mutual benefits of protecting migrant workers.
- 59.** The Government representative of Kenya said that the protection of migrant workers, their integration and working and living conditions would determine the contribution of labour migration to development. Migrants' vulnerability to human rights violations was particularly severe in the case of undocumented migrants. Protecting migrant workers and providing them with decent working conditions were state obligations and the ILO should support activities in sectors where migrants were particularly at risk of exploitation. The protection of migrant workers should provide a focus for the ILO as it participated in discussions on the post-2015 development agenda. Kenya, and Africa as a whole, would herald such a move as the beginning of the implementation of the 2004 Ouagadougou Declaration.

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- 60.** A Government representative of Panama said that the relevant ILO Conventions provided a good framework for the protection of migrant workers. Accordingly, the ILO should conduct a more active implementation campaign. In Panama, vulnerability had been addressed through the regularization of almost 50,000 migrant workers since 2010, allowing them to contribute to the country's development. However, Panama was yet to ratify Conventions Nos 97 and 143 and the UN Migrant Workers Convention, and he requested ILO assistance to that end.
- 61.** A Government representative of Algeria said that the Algerian Constitution guaranteed the protection of legal migrants and legislative reforms had regulated the entry of foreign workers and guaranteed fundamental human rights regardless of immigration status. The criminal code had also been modified to include sanctions for human trafficking. Moreover, the labour code made no distinction between nationals and foreigners, especially regarding conditions of work, access to social security and remuneration. His Government supported the development of an international framework to protect migrant workers and provide access to rights. To that end, it would welcome ILO assistance towards the ratification of relevant labour standards. States should also work to prevent and raise awareness of the dangers arising from irregular migration, trafficking and exploitation. It was important to reinforce the protection of certain categories of migrant workers and strengthen labour inspection services in relation to labour migration.
- 62.** A Government representative of Trinidad and Tobago agreed with the statement presented on behalf of the Government of Panama. The ILO could assist countries to improve access to labour administration services, such as retribution-free complaint mechanisms, and to make migrants more aware of their rights, through national awareness-raising programmes, translating information brochures, establishing migration bureaus and providing language training for migrant workers. Innovative initiatives, such as using mobile phones to disseminate information among migrants, could be very effective. It was very important for the ILO to promote migrant worker representation by trade unions. There was an important link between regularization programmes and data collection. The ILO should support focused activities in sectors tending to attract large numbers of migrants, who were often undocumented and therefore subject to exploitation. The ILO could also explore mechanisms for the mutual recognition of certification to prevent migrant workers being forced to enter lower-level positions. It could support governments to promote effective recruitment policies and practices. In that regard, he proposed the establishment of a centralized agency to identify and monitor effective practices and abuses. ILO technical capacities could be made available to facilitate social dialogue and the involvement of social partners. Lastly, the ILO should increase its focus on migrant enterprise creation, which responded to a strategic objective of the Decent Work Agenda under the role of micro and small enterprises.
- 63.** A Government representative of Cambodia said that the foremost concern of sending countries was the well-being of their migrants. The protection of migrant workers comprised two elements: their protection prior to migration and once they were abroad. Cambodia had ratified all the fundamental ILO Conventions and had taken Convention No. 181 into consideration, even though it had not yet been able to ratify it. He requested the ILO's continued support in that regard. With ILO support, Cambodia had been strengthening the enforcement of sub-decrees to provide protection for Cambodian migrants during pre-departure orientation and recruitment. Cambodia had also been developing a national employment policy with the support of the ILO and the EU, a curriculum for pre-departure orientation and a manual on emigration procedures. It had also set up Migrant Worker Resource Centres (MCRs) with the support of the ILO–Greater Mekong Sub-region (GMS)/TRIANGLE project. Cambodia had recently hosted a study visit to the MCRs from delegations from GMS countries.

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64. The Worker spokesperson said that, while the MFLM was very important, it should not substitute the ratification of ILO standards. The ILO should continue working with other multilateral organizations, but should insist on engagement involving the social partners and respecting labour standards, which was not always the case. Regarding circular or temporary migration, workers should be able to choose to work temporarily in other countries, but should not be forced to do so. He highlighted the importance of the ILO's work at the national and regional levels and suggested that the Office improve efficiency and impact in that regard.
65. The Employer spokesperson called for greater cooperation between public and private agencies. Convention No. 181 provided a good framework for regulation but needed to be ratified by more countries.
66. The Chairperson summed up the Meeting's deliberations on the second point for discussion, noting its call for greater ratification of existing ILO standards and a study of migrant protection gaps. Participants had highlighted the need to examine the role of recruitment agencies and the regularization of undocumented migrants. Particular emphasis had been placed on the danger of compounding the functions of immigration control and labour inspection. Specific actions were required in areas of particular vulnerability, calling for ILO assistance in building governments' technical capacity in that regard.
67. The Secretary-General of the Meeting indicated that the Maastricht Graduate School of Governance had completed an evaluation of the ILO's work on international labour migration and its promotion of the MFLM. The evaluation indicated that the MFLM had not gained wide visibility but had been used in Office assistance at country level. She took note of the call for the ILO to increase efforts to collect good practices and raise the profile of the Multilateral Framework. The Governing Body had highlighted the need to ensure that the objective of "full and productive employment and decent work for all" was included in the post-2015 development agenda. Although that objective made no specific reference to migrant workers, they were implicitly included under "all".

Sound labour market needs assessment and skills recognition

68. An ILO specialist on migration policies stressed that the demand for and the supply of labour was becoming increasingly international, while existing labour market institutions primarily reflected national concerns and difficulties in considering cross-border labour flows. That provided an opportunity to explore what tools the ILO and its constituents could develop to deal with the increasing internationalization of labour markets. One way of improving the harmonization of employment and migration policies was to develop regional and subregional labour market information systems. Such systems usually had two main objectives: firstly, to observe the evolution of migratory movements between countries; and, secondly, to facilitate the circulation and exchange of information and experience between countries. ILO constituents could also play a positive role in improving labour market analysis to ensure that labour market tests reflected the overall state of the labour market, particular industry- and occupation-specific characteristics, and unique geographic factors. That, in turn, would increase labour market efficiency. Labour market analysis was also of importance for countries of origin, among other things in reintegrating migrants into the labour market on their return. For instance, the profiles of returning workers could be used to gain insights into the effects of migration on development, as well as to improve skills recognition systems.

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69. Cross-border skills recognition was another area for intervention. A key question was how to evaluate and recognize credentials and skills earned outside the country of employment. Recognition of qualifications covered both academic and professional titles, while professional recognition covered regulated and non-regulated professions. Regulated professions were governed by legal acts and implied automatic professional recognition. Non-regulated professions did not imply any specific process, as the employer assesses qualifications and professional competency. Those brief descriptions pointed to the fact that both governments and the social partners had important roles to play in that regard. Standardizing job descriptions for occupations that frequently involved migrant workers could further improve the allocation of human resources, benefiting both the economy and the migrants.
70. The Worker spokesperson highlighted equal treatment and non-discrimination at work as major principles for follow-up when harmonizing migration and employment policies, assessing labour market needs and dealing with skills recognition and certification. The Workers' group condemned the deregulatory economic approach that was currently being applied to migration and which treated migrant workers as a cheap and flexible labour force, used according to business cycles and exacerbating decent work deficits in both countries of origin and destination. The ILO's Conventions on migrant workers should be the basis for harmonizing national employment policies with labour migration policies and improving protection for all workers, national and migrant. Too often, migration policies were based on perceptions rather than facts. Restrictive migration policies in developed countries could place a burden on countries in the South. Instead, migration should be regarded as part of the policies addressing the dwindling working-age population and increasingly ageing societies. Labour shortages stemming from demographic trends would not be restricted to only higher-skilled population segments. An analysis of demographic trends and labour shortages and appropriate policies was needed to avoid irregular migration and associated problems. The background report could have addressed those matters in more detail, along with the protection of migrant workers in destination countries. Trade unions could be instrumental in designing migration policies since they had an important role in identifying labour market shortages and skills needs. Mechanisms to this effect should be set up nationally.
71. Significant overlap existed between migrant workers' status, a lack of recognition of their skills, working in the informal economy and in non-standard forms of employment and earning low wages. Women migrants were particularly affected by "brain waste" and deskilling and therefore stood to benefit from sound policies on portability of skills and recognition of qualifications. Overall, portability of skills remained limited as a result of weak or absent national accreditation bodies and recognition arrangements between countries of origin and destination. There was a strong potential for public employment services in labour matching across borders, which could guarantee protection of workers' rights and promote skills recognition. The ILO should provide support in that regard, and on public national qualifications frameworks. The Workers' group did not think that new devices such as "lifelong learning passports", based on employer assessments rather than recognized institutions, would be a good development. The ILO should further develop its expertise in labour market data collection and analysis.
72. In concluding, he reiterated that the harmonization of policies, labour market assessments and skills recognition should be based on the key principles enshrined in ILO instruments, including the MFLM and international labour standards, and through social dialogue and tripartite processes. The ILO should support policies that took migrant workers' development and labour market needs into account. Support should be given to existing public initiatives to protect migrant and national workers, addressing the gender gap and approaching migration as part of the solution to demographic problems. It was also important to promote decent work in countries of origin. He welcomed recent progress made by the International Conference of Labour Statisticians. However, the ILO should

also enhance its own statistical database on labour migration and raise its profile on migration through a regular publication on labour migration flows, labour market assessments, conditions of work and contractual arrangements.

- 73.** The Employer spokesperson said that the main economic problem was the mismatch of labour supply and demand that led to deskilling. Collaboration between employers' and workers' organizations and governments could improve policies to better match the skills of migrants with job opportunities and increase education and training in critical skill areas, particularly in developing countries. She encouraged reliance on tripartite committees at the national level to advise on migration policy and practice, skill-building and employability. She stressed the role of the ILO in building the capacities of its constituents in that regard. The world of work was changing as a result of fundamental structural shifts, such as ageing, sectoral shifts and talent surpluses and gaps, all of which increased migration. Labour market shortages in the North and the increasing dependency ratio in OECD countries raised the questions of how to fill increasing gaps and whether new migrants were employable in destination countries. In the Employers' view, employability was the key issue and more tripartite cooperation for mutual recognition of qualifications was needed. The growth of business brought higher quality jobs. She stressed that regulatory environments should work towards inclusive labour markets, allowing for short-term contracts. Migrants should have equal access to regulated flexible contracts and equal working and employment conditions. Migrants were often the victims of abuses, making effective enforcement important. In concluding, she welcomed the Work in Freedom initiative jointly carried out by the ILO, the IOE and ITUC to fight human trafficking in South Asia.
- 74.** Speaking on behalf of the EU and its Member States, a Government representative of Italy said that integrating migration into development strategies was needed to maximize the development potential of migration. In turn, development concerns should be taken fully into account in migration policies. Internal migration from rural to urban areas posed similar challenges and opportunities as international migration. In that regard, cities could act as catalysts of change, and exchange of knowledge and experiences between cities ought to be promoted. The ILO should conduct more systematic work to develop knowledge on links between migration and development. She further underscored the need for effective coordination on data collection and pointed to the project, "Best practices on collecting and sharing Labour Migration Data for the improvement of the Labour Market Information Systems", implemented by the IOM with funding from the European Commission and the Italian Ministry of the Interior. Besides supporting better management of labour migration information in the labour market information systems, the project had created partnerships for collecting and sharing information. Economic growth was connected to policies on global and intra-regional labour mobility, which worked towards better portability of skills through mechanisms for matching demand and supply, and skills development, certification and recognition schemes. The EU was prepared to explore best practices on skills-matching and the recognition of qualifications, and pursue cooperation in that regard.
- 75.** A Government representative of Switzerland highlighted that work was the best way for migrants to integrate in countries of destination and also to contribute to the development of their home countries. To that end, it was necessary to ensure the availability of reliable and up-to-date labour market information, which was indispensable for coherence between migration and labour market policies. Switzerland therefore welcomed the ILO's work to assist constituents in developing labour market monitoring systems and its contribution to the World Bank's project KNOMAD (Global Knowledge Partnership on Migration and Development). He invited the ILO to continue its work and to ensure an effective coordination in chairing the GMG. Another major challenge was ensuring that migrants were able to make full use of their skills and had access to decent work in relevant sectors. A unique and multilateral solution to the recognition of qualifications seems unlikely

because of the diversity of education systems. The ILO is encouraged to follow the situation closely and, whenever possible, identify food for thought for the future.

- 76.** A Government representative of Sweden aligned himself with the statement made on behalf of the EU and its Member States. He noted that the value of skills and acquired knowledge often decreased when entering a new labour market. The reasons for that were linked to language barriers and the fact that prior experience and training did not always correspond to job requirements in the destination country, or was difficult to value. In order to harness the full benefits of labour migration, a good match between a person's skill set and recruitment demands was needed. Migrants were often the scapegoat of the global financial and economic crisis, however global migration was not part of the problem but rather of the solution. Enabling legal frameworks, based on rights-based approaches and gender-sensitive and high-quality data, should be put in place. Returning migrants sometimes found that former skills were no longer recognized. The ILO could help identify and share information on best practices for skills recognition and job-matching, help standardize job descriptions, assist constituents in developing labour market information systems, and provide information that empowered migrant workers.
- 77.** The Government representative of Zimbabwe said that the ILO needed to provide governments with assistance in establishing and strengthening labour market databases. Labour migration should be mainstreamed into labour force surveys. The ILO should also assist in the development of national skills inventories, which should take existing skills, skills deficits and skills surpluses into account. Skills certification processes should be left to national authorities, although the ILO could provide guidelines.
- 78.** A Government representative of Panama also pointed out that there was a growing need to address skill recognition in labour migration policies. It would ensure that migrants did not lose employment opportunities and end up in lower-skilled jobs. In Panama, the recruitment of a migrant worker required a letter of recommendation from a previous employer in the country of origin or in a third country, indicating the duration of employment and the skills acquired. A similar process applied to labour migrants in the maritime sector.
- 79.** A Government representative of the United States noted that there was general consensus that sound data and research are essential to providing a better understanding of labour market needs and the impact of labour migration, and in informing policy and programme development. She agreed that national mechanisms for collecting labour market information and developing labour market projections were important in that regard. The ILO could, and should, provide assistance to governments to develop sound labour market information systems. Referring to the ILO's Research Department and noting that all ILO research would need to take place within the coherent and comprehensive research programme and Office-wide agenda, she suggested that consideration be given to conducting research on the root causes of migration and appropriate ways to address them; methodologies and strategies for assessing labour market needs; skills qualifications frameworks; and the socio-economic impacts of labour migration in sending and receiving communities.
- 80.** A Government representative of Algeria stated that public employment services played an important role in monitoring labour migration and maintaining a national register of migrant workers. The ILO's technical assistance should be stepped up to ensure availability of regular information about the impact of migration on the labour market, skills of migrants and trends by sector. He recommended that labour market and migration data be shared bilaterally or regionally. To that end, governments should be assisted in establishing databases to gather information on migrants, including on their personal characteristics, occupations and reasons for migration. Impact studies should be conducted in host countries and countries of origin on deskilling. Finally, he encouraged the

negotiation of bilateral and regional agreements on the mutual recognition of qualifications and skills.

- 81.** A Government representative of Trinidad and Tobago said that the ILO should enhance its work with countries and regional organizations to establish centralized labour market information systems. He elaborated on the labour market information system of Trinidad and Tobago, which was being developed with ILO support. The ILO should also promote the importance, and support the development and implementation of national labour migration policies. Where possible, data sharing should be established among government ministries. In addition, the ILO should design model questionnaires or surveys to help governments develop a database that would feed into labour market information systems, and would include a training component. The Caribbean Vocational Qualification was the only recognized regional vocational certificate in the Caribbean Community (CARICOM). The ILO could facilitate efforts to establish recognition of regional qualifications outside the region.
- 82.** A Government representative of the Philippines agreed on the importance of sound data and labour market information systems and on the need for the ILO's support in that regard. She also supported the ILO's assistance to constituents on harmonizing national employment and labour migration policies, through research and policy guidance. The ILO Country Office in the Philippines had supported her Government through national, regional and multi-stakeholder tripartite consultations during the development of the Philippine Employment Plan 2010–16. The ILO's support to constituents in establishing labour market information systems was essential, as was support in making effective use of labour market information to improve education and technical vocational curriculums. Skills certification and recognition was likewise central, but it proved challenging as labour market needs were constantly changing. Bilateral cooperation on labour mobility had been effective and efficient. A partnership with the United Arab Emirates provided a good opportunity for pilot testing in the area of skills recognition and certification.
- 83.** A Government representative of Kenya recommended that the ILO cooperate with the IOM's Africa Capacity Building Centre in the United Republic of Tanzania on skills recognition and certification.
- 84.** The Worker spokesperson said that much had been said about "high-skilled" labour shortages. He pointed out that projections by the OECD and the EU, however, showed structural shortages of low-skilled and semi-skilled workers in industrialized countries. It was vital that the ILO consider these, often vulnerable, groups of workers. He also noted that the community of practice established under the ILO's Skills and Employability Programme in Asia and the Pacific provided an interesting approach that could possibly be expanded to other regions.
- 85.** The Employer spokesperson, in reply to a question by the Government representative of the United States on the usefulness of "lifelong learning passports", indicated that her group supported employability and lifelong learning.
- 86.** An ILO specialist on employment explained that the ILO was seeking to develop the capacity of relevant stakeholders to contribute to adequate migration governance. For example, the ILO had piloted a migration module in labour force surveys in Armenia, Ecuador, Egypt and Thailand in 2006, and more recently in Ukraine and the Republic of Moldova. The migration module captured different data on labour migration, including pre-departure training, skills, occupations abroad and working conditions. It was important to note that, in Ukraine and the Republic of Moldova, the module was also able to capture migration movements returning to their home countries within a 12-month period, which was relevant to analyses of temporary migration patterns. She recognized that

implementing the labour migration module could be costly. The harmonization of various administrative data sources on migration had been useful.

87. The Chairperson summed up the discussion by observing that there had been broad agreement on the need for improved labour market information in developing sound migration policies and ensuring labour market efficiency, and in relation to both outgoing and returning migrants. Recognition and certification of migrant workers' skills was also widely recognized as a crucial area that needed more attention. Equally important was the involvement of workers and employers in the discussion on those issues and the ILO's role in developing tools and providing technical assistance to constituents.

International cooperation and social dialogue for well-governed national and international labour migration and regional mobility

88. The Executive-Secretary of the Meeting said that effective migrant protection and labour mobility could only be achieved through cooperation. Over 20 major regional consultative processes and intra- and interregional collaboration initiatives had been launched in recent years. However, ILO constituents and ministries of labour had highlighted the challenges in gaining a voice in those processes. The ILO had been able to work with a number of constituents to develop policies on social dialogue and it had an important role to play in documenting and disseminating best practices in that area. In addition, a number of bilateral agreements and memoranda of understanding on labour migration had been concluded, but the ILO had very little information on their actual impact. Systematic mapping could help close those knowledge gaps. International cooperation needed to involve trade unions and employer associations. Efforts to that end reflected the added value that the ILO could provide in ensuring the good governance of labour migration.
89. An ILO specialist on labour migration provided some examples of the ILO's work on labour migration in the Asia and the Pacific region concerning regional cooperation and social dialogue. Labour migration governance was a regional priority as reflected in the Busan Regional Meeting (2006) and reaffirmed in Kyoto (2011). Technical cooperation projects, funded by the Governments of Australia, Canada, Republic of Korea, Switzerland and the EU, covered most of the subregions, including South Asia, South-East Asia and the Pacific Island Countries. The ILO was the leading agency on labour migration in the region, working with a number of UN and international organizations including the IOM, UNESCAP, UN Women, UNDP, ADB, OECD, World Bank and WHO.
90. Under the Tripartite Action to Protect and Promote the Rights of Migrant Workers (TRIANGLE) projects in the ASEAN region and the GMS, actions included the establishment of the ASEAN Forum on Migrant Labour (AFML), a tripartite plus forum on the promotion and protection of the rights of migrant workers; capacity building for regional integration in the form of a training course organized with Oxford University and ITC-ILO and measures for data collection and sharing; the development of a three-year action plan by ACT/EMP based on consultations with the ASEAN Confederation of Employers (ACE); and a survey by ACE. The action plan aimed to make the voice of employers stronger and more visible for successful ASEAN integration. Five priority areas have been identified. The ACTRAV manual for trade unionists – "In search of decent work: Migrant workers' rights" – provided guidance on working with trade unions to protect migrant workers. Inter- and intra-country trade union alliances had been developed. Three Thai trade unions had jointly established a migrant workers' resource centre (MRC). MRCs aimed at providing information, counselling and legal support to migrant workers had been established in Cambodia, Lao People's Democratic Republic, Thailand and Malaysia by trade unions and civil society organizations.

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- 91.** The Worker spokesperson said that social dialogue was not only the best option for developing sound migration policies, but it was also an obligation arising from various ILO Conventions. Social dialogue should consist of real and genuine interaction and engagement, rather than mere show. While the importance of social dialogue was widely recognized, it was also widely lacking in practice at both a country, bilateral and regional level. At the global level, the HLD had claimed to include civil society in the discussion while obstructing any meaningful participation by representatives of the social partners. The ILO had, however, made recent efforts to reintegrate social dialogue in global debates and he encouraged it to continue its endeavours.
- 92.** In line with the 2004 resolution of the International Labour Conference, the ILO should assist member States and employers' and workers' organizations to establish national mechanisms for social dialogue on migration, facilitating the participation of social partners in relevant international forums, preparing educational materials, providing services to migrants, and conducting anti-discrimination and integration activities. The Turin Centre, ACTRAV and ACT/EMP had an important role to play in capacity building of constituents on migration issues. Similarly, the ILO should seek to promote the full participation of labour ministries and social partners in developing and implementing bilateral agreements to ensure consistency with standards and migrants' rights throughout the migration process, including fair recruitment practices and equal conditions of work.
- 93.** The Worker spokesperson raised serious concerns regarding some agreements promoted by organizations and bodies such as the IOM and the GFMD on circular and temporary migration, which were not based on standards and made no provision for social dialogue. Regional social dialogue should address issues related to equal treatment and equal opportunity, free circulation, portability of social security and recognition of skills.
- 94.** The ILO could better promote its rights-based mandate in national, regional and international forums on migration by conducting a vigorous ratification campaign of Conventions Nos 97 and 143, which would send a strong signal to migrant workers' themselves. Promotion could also be achieved through a regular tripartite forum on labour migration, increasing the visibility of the ILO and its constituents, ensuring the participation of social partners in global debates and creating a space for social dialogue on labour migration at regional level and along migration corridors.
- 95.** The Employer spokesperson said that governance of international labour migration required cooperation between countries of origin, transit and destination. Low ratification of Conventions Nos 97 and 143 suggested that they might need to be revised in line with the needs of the global economy. The promotion of the MFLM based on best practices could provide useful guidance. At the national level, government ministries should be encouraged to work together to create avenues for both regular and temporary migration and to meet the labour needs of certain sectors. At the regional level, migration was increasingly a South–South phenomenon. A number of bilateral and multilateral agreements existed, but not enough of those concerned migration. Such agreements should include provisions enabling the temporary entry of business persons into destination countries. The ILO should increase its cooperation with the GMG agencies. For example, it could work with the WTO to develop bilateral and regional labour migration templates. It should also work with other non-GMG organizations, such as the OECD and the EU. While the ILO should promote measures to protect migrant workers, its approach should also be broadened to decent and productive job creation in all countries; skills development and employability; capacity building on labour migration policy and practice; best practices to create avenues for regular migration; and the portability of skills and recognition of qualifications. The main role of business was to stimulate jobs and cooperation. The employer community needed an action plan containing specific policy recommendations urging government action to enact immigration laws that promoted economic growth and development through migration.

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- 96.** Speaking on behalf of the EU and its Member States, a Government representative of Italy said that, while the ILO could encourage engagement in labour migration issues at the national level, “ensuring” engagement was beyond its scope of competence and countries should be allowed to decide on their own domestic arrangements. All States needed to engage in international dialogue and cooperation to identify shared priorities and strengthen bilateral and regional partnerships. The EU stood ready to share its experiences on measures in that regard. All the relevant stakeholders should be involved in migration and development planning at every level, especially as they often then acted as implementing partners. Firm action was needed against all forms of exploitative migrant employment, including implementing effective sanctions. The EU encouraged the widespread promotion of the MFLM as a valuable compendium of principles, best practices and guidelines. Improved coordination and coherence between UN agencies and others was essential to minimize the duplication of work. The EU did not support the creation of a new UN institution, calling for better use of existing bodies and resources. The ILO was well-placed to promote social dialogue and was encouraged to continue its work within existing budgets for a better management of labour migration and the inclusion of decent work in the discussion on migration and development.
- 97.** Speaking on behalf of GRULAC, the Government representative of Panama informed the Meeting that his region was involved in joint cooperation projects that considered migration as a force for development and migrants as rights holders. The upcoming Inter-American Conference of Ministers of Labour, would consider the need to strengthen and extend social security coverage across borders, with a view to ensuring the recognition of social security contributions and pension rights. GRULAC wished to see a number of background document proposals reflected in the Meeting’s conclusions. The ILO should develop model bilateral and multilateral agreements on migration, focusing on entry procedures, family reunification and the transfer of social security. More studies should be carried out on the implementation of existing bilateral and multilateral agreements on labour migration. The ILO should continue to promote the increased participation of tripartite constituents in international debates. At the national level, assistance should be provided to improve the consultation of the social partners and all stakeholders. Furthermore, the ILO should support increased cooperation between employers’ and workers’ organizations in origin and destination countries. It should develop tools and collect best practices, promoting information systems as the basis of coherent public policies. It should share its technical expertise to help tripartite partners develop appropriate labour inspection tools. GRULAC supported the exchange of good practices between regions, and asked for information regarding the proposal on seafarers’ skills passports. The ILO should promote decent work and full and productive employment for adults in regional cooperation mechanisms to end the dependence of families on child labour. To that end, GRULAC also encouraged cooperation between the International Programme on the Elimination of Child Labour (IPEC) and labour migration programmes. Concerted efforts were also needed by ministries of labour, through labour inspectors, as well as by the Office and the social partners to help eradicate human trafficking and build capacities in that area.
- 98.** The Government representative of Kenya inquired as to the extent to which the Plan of Action for Migrant Workers (2004) had been implemented and encouraged the ILO to engage with the social partners and other relevant actors to pursue policy coherence and multilateral approaches to improve migration governance. The sovereignty of States was a fundamental issue, they were responsible for ensuring national security. Informed policy debate and social dialogue within and across countries was the best means of developing sound labour migration governance policies. His Government therefore supported calls for the promotion of bilateral and multilateral agreements between destination and origin countries, addressing different aspects of labour migration. The social partners should be actively involved in the design, monitoring and implementation of cooperation agreements, through mechanisms for tripartite consultation at regional, international and multilateral

levels. Ministries of labour should take centre stage, with governments enhancing budgetary allocations to help support the development of migration policies. There was a lack of resources and technical capacities, particularly in terms of labour market information systems, skills recognition, and social security coverage and portability. His Government was therefore keen to see deeper engagement by the ILO with constituents and other development partners, in the transformation and utilization of institutions, such as the Africa Capacity Building Centre in Moshi, United Republic of Tanzania. The ILO should step up its efforts on the development of labour migration policies based on social dialogue, with a view to achieving meaningful and sustainable development in that field, responding to the calls of the 12th African Regional Meeting in 2011 and the 17th American Regional Meeting in 2010.

- 99.** A Government representative of Sweden supported the ILO's proposal to document and disseminate best practices and to foster new initiatives for regional integration and international cooperation through knowledge sharing and capacity building. There were few studies documenting how bilateral agreements operated in practice, and the ILO could close knowledge gaps by undertaking a systematic mapping and assessment of bilateral agreements and memoranda of understanding. The ILO could provide technical assistance to facilitate tripartite dialogue among stakeholders to improve national and regional policies and develop criteria to evaluate their effectiveness. The ILO should encourage the tripartite constituents to become more involved in regional and economic communities and increase the exchange of good practices between regions. In its future role as chair of the GMG, and in collaboration with the social partners, the ILO should take concrete initiatives on labour migration, increasing its visibility at both the regional and international levels. Its unique Decent Work Agenda should be a reality for migrant workers and should therefore be mainstreamed in activities on international migration.
- 100.** A Government representative of Switzerland said that labour market participation was the best way of providing for the social inclusion of migrants. Migration policy should therefore take the labour market situation into account. Coherence in that regard was contingent on the effectiveness of social dialogue, which should be promoted by the ILO, including in the context of labour mobility and migration. Switzerland expected the ILO to continue to provide substantive contributions to regional and international forums, such as the GFMD. The ILO's chairmanship of the GMG in 2014 was welcomed as a unique opportunity to advance on consistency issues and migration governance, including through social dialogue and the involvement of the labour market authorities in decisions related to migration policy. Switzerland had supported IOM and UNDP projects to ensure greater coherence in integrating migration into national and sectoral development policies. The GMG's contributions to such national processes were important. The ILO should collect and evaluate different practices in terms of bilateral and multilateral labour mobility agreements and identify and disseminate good practices.
- 101.** A Government representative of Algeria supported the ILO's analysis that social dialogue helped to tackle imperatives linked with social security, management of frontiers and combating trafficking. Governments should determine the modalities of such social dialogue and could use the MFLM to guide them. Algeria supported the use of bilateral and multilateral agreements as a means of promoting regular dialogue between countries of origin and destination, and ensuring mutual understanding. His country had held regular dialogues with the EU and the Maghreb countries on migration, and had signed social security and readmission agreements with a number of countries. In 2005, a roadmap for managing labour migration on the African continent had been prepared. The ILO was encouraged to involve universities and civil society in research, to work closely with its constituents, particularly in Africa, in light of increasing South-South migration flows.
- 102.** A Government representative of the United States noted that, while the ILO could not ensure the involvement of labour ministries and social partners at the national level, it

could nonetheless help to ensure that constituents were prepared for involvement in national and international debates by disseminating information on key developments and good practices related to labour migration and by providing capacity building and technical assistance. The ILO could influence migration policy in a wide range of forums by undertaking and sharing the results of high-quality research. The ILO was encouraged to promote the Decent Work Agenda and to foster collaboration and cooperation on labour migration issues when chairing the GMG.

- 103.** A Government representative of Trinidad and Tobago aligned himself with the statement made on behalf of GRULAC. He suggested that the ILO could support migration mainstreaming across government ministries through workshops on policy coherence. He welcomed the ILO's efforts to facilitate regional social dialogue, as seen in the recent Eighth ILO Meeting of Caribbean Ministers of Labour, which discussed labour migration within the context of the Caribbean single market. The ILO should continue to hold regional and subregional capacity-building workshops for constituents and coordinate with regional institutions, such as CARICOM, to promote knowledge sharing and convene a forum to review existing mechanisms for the protection of migrant workers. Furthermore, the ILO should develop a statistical definition of the notion of "migrant worker" and strengthen the migration data capacity of its Department of Statistics. Finally, the ILO should engage in awareness-raising programmes, use the media to disseminate knowledge and highlight issues related to the feminization of labour migration.
- 104.** The Government representative of Zimbabwe said that the ILO should raise its profile among interior, justice and economic development ministries and work with diaspora associations, as trade unions were not always in a position to represent the concerns of migrant workers. The ILO was well placed to assist in designing and reviewing bilateral and multilateral agreements on labour migration. His country had entered into agreements with South Africa to facilitate demand-driven, safe and legal migration. ILO support would be needed in the context of the ongoing effort to establish a regional labour migration framework for the Southern African Development Community (SADC).
- 105.** A Government representative of the Philippines said that social partners in her country had been fully engaged in passing migration-related legislation and the boards of the administrative agencies concerned were tripartite. Bilateral, regional and international partnerships were essential and effective in achieving positive outcomes for migrant workers in terms of enhancing protection and reducing recruitment costs. The Philippines was proud of agreements made with several destination countries. It was also a member of two regional consultative processes (RCPs), the Colombo Process and the Abu Dhabi Dialogue, and had co-led an initiative with the United States towards an appropriate response to migrants caught in crisis situations. She acknowledged the ILO's support for the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, while the TRIANGLE project was an example of action assisting countries in setting up overseas employment systems. The ILO should support its constituents by fostering the exchange of practices and capacity building through projects that contributed to decent work for migrants. It could also convene a meeting of RCPs and UN agencies to plan HLD follow up through joint projects.
- 106.** A Government representative of the United Arab Emirates observed that there was no shortage of areas lending themselves to multilateral and regional cooperation towards improving migration governance. The ILO should identify areas for cooperation based on consensus. In terms of recruitment, examples from the region had shown that recruitment agencies could and did play a constructive role in labour markets, but that good laws were no guarantee for success in implementation, especially considering the multiple layers of recruitment and potential collusion between recruitment agencies and unscrupulous employers. The Office should explore how to strengthen enforcement capacity in countries of origin and destination. There was also a potential for the ILO to work on skills

development, certification and recognition, and collaboration between governments and other stakeholders. The ILO could bring an empowerment dimension to the ongoing effort on pre-departure awareness raising under the Abu Dhabi Dialogue. As labour markets began to rely on higher skilled migrant workers resulting in more mobility, increased wages and longer periods of stay, the ILO could assist with preparing governments to consider new social security models. Under the sponsorship system in his region, labour markets would eventually develop higher degrees of mobility and regulations were being developed in that regard.

107. The Worker spokesperson said that trade agreements were not the right place to deal with the movement of people, recalling the Declaration of Philadelphia, which stated that labour was not a commodity. The ILO, rather than the WTO, should develop guidelines on labour mobility agreements. He also expressed support for comments made on the protection of victims from human trafficking and the prevention of abuse in supply chains, as well as the ILO's suggestion of using the media to raise awareness on migration issues. His group welcomed efforts to assist migrant workers trapped in crisis situations. He stressed that the best way of empowering migrants to assert their rights was by allowing them to form and join trade unions.

108. The Chairperson concluded by highlighting the importance of ILO capacity building to help ministries of labour and social partners engage in debates on migration at various levels and its support in the area of regional cooperation and bilateral and multilateral agreements. He also noted that ILO Conventions and the MFLM were seen as relevant tools to guide those processes. The ILO was expected to provide technical assistance to constituents, develop tools and collect best practices, including on bilateral and multilateral agreements. He concluded by reiterating the importance of supporting tripartite participation in regional and bilateral discussions and agreements.

Consideration and adoption of the draft conclusions by the Meeting

109. The drafting committee submitted its draft conclusions to the Meeting at its sixth sitting.

110. Having considered the conclusions, a Government representative of Algeria said that he wished to make a number of specifications without amending the text of the conclusions. With regard to paragraph 5(iii), he observed that in some countries the management of migrant worker recruitment also involved public recruitment departments. In that light, other relevant international labour standards included the Employment Service Convention, 1948 (No. 88), and the Labour Administration Convention, 1978 (No. 150). Regarding the conclusions on cooperation and social dialogue, he indicated that paragraph 8(ii) should not be understood as placing social partners and governments on equal footing. Assistance to the social partners should intervene at the consultative stage and prior to negotiations. Moreover, such assistance would only be given upon the request of governments and the social partners.

111. The Meeting unanimously adopted the draft conclusions.

Closing speeches

112. The Secretary-General of the Meeting said that the Meeting had been an example of tripartism at its best. Constructive engagement and a shared desire to attain common objectives had guided participants through their discussions. The Meeting had provided the Office with a clear sense of direction and purpose on the way forward, outlining areas for

Office action and its role in its upcoming GMG chairmanship. The report of the Meeting would be examined by the Governing Body in March 2014, which would provide further guidance on clear priorities for the next biennium and beyond. Since the Governing Body in November 2011, the Office had been making progress in the area of labour migration and the Meeting was a milestone in that journey, providing joint reflection on one of the most sensitive and challenging items on the global agenda. She thanked the Chairperson of the Meeting and the Chairperson of the drafting committee for their capable leadership, and the participants and members of the drafting group for their insights.

- 113.** The Employer spokesperson expressed her thanks to the Office for the preparation of the Meeting and to the Employers' group for their support. The Meeting had worked in a cooperative spirit to achieve positive results.
- 114.** The Worker spokesperson thanked the Office, the Chairpersons, and the three groups for the outcome of the discussions. The discussions had been highly instructive and highlighted the value of tripartism. They had placed labour migration squarely within the ILO's normative framework, which was greatly to the benefit of employers, workers and governments.
- 115.** A Government representative of Italy said that, being a career diplomat, she had long experience of intergovernmental negotiation but this was her first tripartite negotiation, the Meeting had been instructive and she had valued the insights provided by the social partners on a highly complex issue. She thanked the Office for its organization of the Meeting and the Chairpersons for their guidance.
- 116.** The Government representative of Switzerland thanked the participants and the organizers of the Meeting. His delegation, however, made a more cautious assessment of the Meeting. While agreement on a set of conclusions was an achievement in itself, the conclusions submitted to the Meeting had failed to establish clear priorities for the ILO in pursuing its work on labour migration. His delegation adopted the conclusions in a spirit of consensus but reserved itself the right to make additional comments when the report will be examined by the Governing Body in March 2014.
- 117.** The Government representative of Panama applauded the consensus reached by the Meeting. While the governments and social partners had each fought their ground, the guiding priority had been the protection of migrants. Migrants should be acknowledged as a major responsibility and he hoped that the conclusions adopted by the Meeting would give way to a new instrument that would act as a means of protection for that category of worker.
- 118.** The Government representative of Algeria said that the open and engaged discussion between the groups had enabled consensus to be reached. The ILO should continue its much appreciated work in the field of labour migration, which should provide impetus for global action. He highlighted the importance of the partnerships in the process of regulating labour migration and hoped that the Meeting's recommendations would provide a benchmark to guide governance on the issue.
- 119.** The Government representative of the United States thanked her tripartite colleagues, the Chairpersons and the Office for a successful Meeting, which had provided an example of tripartism at its best. Its outcome had been an extensive set of recommendations, which gave the Office and Governing Body a lot to consider in March 2014. She looked forward to working with the tripartite partners to identify priorities for Office action.
- 120.** Speaking on behalf of GRULAC, the Government representative of Trinidad and Tobago commended the Office on the Meeting's organization and thanked the Chairpersons and the Employers' and Workers' groups. The Meeting had come at a timely juncture where

the connection between migration and development had become evident. The lingering effects of the international crisis highlighted the importance of interdependence. Mobility brought prosperity and a number of regions had seen the potential of migration for development. The ILO was in a unique position to play a defining role in making sure that the issue of labour migration was integrated into the post-2015 development agenda. Her region looked forward to working with the ILO to advance the outcomes of the Meeting and its goal of justice for all.

121. The Government representative of the Philippines thanked the Chairpersons and the coordinator of the Government group. She also thanked ASPAG for the nomination of her country to the Meeting and reaffirmed the Philippines' commitment to support the Office in its efforts and to continue its involvement in discussions on labour migration.
122. The Chairperson thanked the governments and the representatives of Employers and Workers. The meeting had been a very enriching experience for him from the perspective of his work on the issue of labour migration. He particularly thanked the members of the drafting committee for their role in bringing about consensus on the conclusions.

Conclusions ¹

The Tripartite Technical Meeting on Labour Migration,

Having met in Geneva from 4 to 8 November 2013,

Taking into account the Governing Body's decisions at its 316th Session in November 2012, at its 317th Session in March 2013 and at its 319th Session in October 2013,

Giving due consideration to the Second United Nations General Assembly High-level Dialogue on International Migration and Development, that took place in New York on 3–4 October 2013, the Declaration of the High-level Dialogue, the report of the UN Secretary-General on international migration and development (UN document A/68/190, 25 July 2013) and the eight-point agenda for action outlined in that report,

Welcoming the ILO's renewed commitment to labour migration issues,

Recognizing that work on labour migration must take place within overall ILO priorities, the wide Office mandate and the ILO's available resources,

Adopts, this eighth day of November 2013, the following conclusions:

General considerations

1. The ILO's Decent Work Agenda is critical for promoting effective labour migration governance, protecting migrant workers' rights, promoting social dialogue and sustainable enterprises, and addressing labour market needs. Recent global debates on migration and development have affirmed the significance of labour migration and labour mobility, and migrant workers as agents of innovation and change for development outcomes.

¹ These conclusions will be submitted to the March 2014 session of the Governing Body of the ILO for its consideration.

2. The Office should:

- (i) Pay due attention to labour migration in promoting the wider implementation of the Decent Work Agenda at regional, national and sectoral levels, and within the areas of critical importance as outlined in the Programme and Budget for 2014–15. Due consideration should also be given to labour migration in the development of the next Strategic Policy Framework, as well as in building capacity for constituents in this domain.
- (ii) Ensure a coherent Office-wide approach and cross-office collaboration in order to bring to bear the broad range of ILO expertise and experience relevant to labour migration, promoting complementarity and avoiding duplication of efforts.
- (iii) Improve its outreach and communications strategy on labour migration.

Labour migration and development: Challenges and opportunities for the ILO in the follow-up to the UN High-level Dialogue and post-2015 development debate

3. In follow-up to the UN General Assembly High-level Dialogue on International Migration and Development (HLD), including as Chair of the Global Migration Group (GMG) in 2014, and in light of the discussions on the post-2015 development agenda, the Office should:

- (i) Capitalize on the positive outcome of the HLD, and work to ensure that the ILO's Decent Work Agenda is fully integrated in global debates on international migration and development, and further promote decent and productive employment opportunities in all countries so that migration becomes an option and not a necessity.
- (ii) Further work towards the recognition of labour mobility as a factor of sustainable growth.
- (iii) Assist countries, upon their request, to formulate and implement coherent, comprehensive, consistent and transparent policies to effectively manage labour migration, and to develop best practices for facilitating safe, orderly and regular labour migration with full respect for human rights. These policies could enhance portability of social security benefits, in particular pensions, and improve enterprise and job creation.
- (iv) Explore modalities to continue regular tripartite discussion on international labour migration beyond the ILO's GMG Chair; and act strategically to bring to bear on the issue of labour migration the ILO's wide-ranging experience and expertise.
- (v) As the leading agency on labour migration, engage in evidence-based, policy-oriented research and data development on how workers' rights, wages and other working and living conditions impact on development outcomes for migrant workers and countries of origin and destination. In this context, take due consideration of conditions that might be conducive to sustainable development and decent job creation at the national level, and work to develop indicators to improve policies and other measures to ensure migration's enabling role in development.
- (vi) As Chair of the GMG and thereafter, foster cooperation and collaboration and non-duplication of efforts among relevant international organizations on issues related to

migration and development, with each organization focusing on areas within its mandate and expertise.

- (vii) Continue to actively participate in important global and regional conferences and other forums where migration issues are being discussed; and engage governments and social partners.

Effective protection of migrant workers

4. The HLD emphasized the need to respect and promote international labour standards as appropriate, and respect the rights of migrants in their workplaces. The ILO should continue to advance its rights-based approach to labour migration, while taking into account labour market needs. All ILO standards apply to migrant workers unless specified otherwise. All migrant workers regardless of status have the right to exercise their human rights, including the fundamental rights at work.
5. With a view to increasing protection, the Office should:
- (i) In line with ILC resolutions, effectively invite member States to consider the ratification of Conventions Nos 97, 143 and 189 and support the implementation of the accompanying Recommendations. Provide technical advice to member States seeking to ratify and/or implement these Conventions.
 - (ii) Work with governments, social partners and international organizations, as appropriate, to undertake awareness-raising activities to facilitate migrant workers' access to reliable information concerning employment, rights and responsibilities, and working and living conditions, in a language and format that migrants understand.
 - (iii) In collaboration with constituents and GMG members and other stakeholders, develop guidance to promote recruitment practices that respect the principles enshrined in international labour standards, including the Private Employment Agencies Convention, 1997 (No. 181), and identify, document, and promote the exchange of good practices on reducing the financial and human costs of migration.
 - (iv) In light of the growing feminization of labour migration, enhance the capacities of the ILO's constituents to apply a gender lens to advance and implement labour migration policies.
 - (v) In cooperation with governments, social partners, international organizations and other stakeholders, seek to promote positive public perceptions of migrant workers and raise awareness of the positive social and economic contributions of migrants, while combating xenophobic and discriminatory attitudes.
 - (vi) Develop focused strategies, taking into account particular areas of vulnerabilities for the protection of migrant workers in sectors with high proportions of migrant workers.
 - (vii) Advance and disseminate knowledge and studies on the impact of migration policies and schemes, including temporary and circular migration schemes, on equal treatment of migrant workers and nationals, including in respect of wages and working conditions, the right to freedom of association and the right to collective bargaining, and access to public services and justice.

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- (viii) Analyse modalities for cooperation and/or exchange of information among national authorities, including labour inspectorates, to identify practices in line with international labour standards for the protection of the rights of migrant workers, including those in an irregular situation. This could include identification of measures to secure access to remedies in the case of abuse and to improve enforcement of labour protection.
 - (ix) Disseminate and promote through capacity building and technical cooperation, including by the International Training Centre of the ILO in Turin, at regional and country levels, and through the GMG, the ILO Multilateral Framework on Labour Migration as an important policy tool for improving labour migration governance that is based on ILO standards. Regularly update, revise and share the good practices of the database accompanying the Framework.
 - (x) Assist ILO constituents in their efforts to expand social security coverage for migrant workers on the basis of the ILO social security Conventions and the Social Protection Floors Recommendation, 2012 (No. 202), and in their efforts to facilitate portability of social security benefits.

Sound labour market needs assessment and skills recognition

- 6. Labour migration can be a vehicle for balancing labour supply and demand, for stimulating innovation and for transferring and spreading skills. Labour market information systems, sound labour market needs assessment taking into account demographic factors, and skills recognition are important to avoid brain waste and deskilling, poor labour market integration and downward pressure on working conditions for all workers.
- 7. The Office should:
 - (i) Strengthen data collection, research and capacity development in order to facilitate evidence-based policy-making and to develop tools for dealing with the internationalization of labour markets to the benefit of all concerned.
 - (ii) Upon the request of governments, help build their capacity to conduct, in consultation with the social partners, labour market analysis and needs assessment in relation to labour migration policy, and to develop labour market information systems.
 - (iii) Support constituents, where appropriate, in making more effective use of labour market information in planning and improving education, vocational training and lifelong learning to ensure skills for employability.
 - (iv) Promote harmonization of statistical methods and concepts on international migration and the exchange of knowledge on labour migration among countries, including the establishment of networks for information exchange on international migration and employment.
 - (v) Map existing models and efforts in skills assessment in order to help identify and spread information on good practices in this area, and to facilitate the employment of migrants in countries of origin and destination, while avoiding deskilling and brain waste.
 - (vi) Explore mechanisms for mutual recognition of skills, and certification of credentials built on ILO experience and with the active involvement of the social partners; in this

regard, seek to encourage and support existing institutions and initiatives that have the potential to facilitate labour market integration and improve skills matching.

- (vii) Promote the alignment of national occupational classifications and the development of up-to-date occupational standards at the national level, with a view to facilitating job matching within countries and across borders, including for occupations that frequently involve migrant workers, taking into account the most recent version of the ILO's International Standard Classification of Occupations (ISCO-08).

Cooperation and social dialogue for well-governed labour migration and mobility

8. Social dialogue lies at the heart of the ILO's mandate. Through social dialogue at local, national, bilateral, subregional, regional and international levels, the ILO's tripartite constituents can play an important role in the development of rights-based, transparent and coherent labour migration legislation and policies, taking account of labour market needs.

9. The Office should:

- (i) Promote, when requested, tripartite processes on the design and implementation of labour migration policies, and assist constituents, through technical cooperation and capacity-building activities, including by the International Training Centre of the ILO in Turin, and the exchange of information and good practices following the guidelines contained in ILO instruments, to engage more effectively in these processes.
- (ii) Assist governments and social partners, upon their request, through policy guidance based on international labour standards, and capacity building, in developing, negotiating and effectively implementing bilateral or other international agreements on labour migration, with a view to increasing positive outcomes for migrant workers, countries of origin and destination, and sustainable enterprises.
- (iii) Create a repository of agreements and good practices on bilateral and other international cooperation on labour migration, including the model agreement in the Annex to the Migration for Employment Recommendation (Revised), 1949 (No. 86).
- (iv) Assist constituents, where appropriate, and regional institutions upon their request, in building capacity to implement tripartite processes and participating effectively in regional integration processes on labour migration.
- (v) As Chair of the GMG in 2014 and thereafter, promote the ILO's Decent Work Agenda as it relates to labour migration, with particular reference to social dialogue and the role of the social partners, among GMG members and other relevant international organizations and government ministries, including those participating in regional consultative processes, and other relevant stakeholders.

List of participants
Liste des participants
Lista de participantes

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