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POL

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Temporary labour migration

Purpose of the document

This document reviews the features of temporary labour migration (TLM), the complexities created by differing definitions and visions of what it constitutes, the various objectives pursued with the establishment of TLM programmes and their rapidly evolving nature. It also makes proposals on possible ways forward to maximize the opportunities and minimize the risks associated with TLM, including in the light of new developments in the world of work as they became apparent with the COVID-19 pandemic. The Governing Body is invited to see the draft decision in paragraph 49.

Relevant strategic objective: Labour migration

Main relevant outcome: Output 7.5: Increased capacity of Member States to develop fair and effective labour migration frameworks, institutions and services to protect migrant workers.

Policy implications: Yes.

Legal implications: None.

Financial implications: None.

Follow-up action required: Yes, see draft decision in paragraph 49.

Author unit: Labour Migration Branch (MIGRANT), Conditions of Work and Equality Department (WORKQUALITY).

Related documents: [Resolution concerning fair and effective labour migration governance; GB.331/INS/4/1\(Rev.\)](#).

▶ Introduction

1. During the general discussion on fair and effective labour migration governance held at the 106th Session of the International Labour Conference (2017), constituents underscored the importance of temporary labour migration (TLM) for the future of work. Employers highlighted that TLM may be an important part of labour supply and well-functioning labour markets. Workers' organizations cautioned that TLM programmes may not provide the same labour rights as those applicable to nationals and can stimulate downward pressures on wages and working conditions in entire economic sectors.
2. Governments have widely different approaches to TLM. Destination countries seek to meet acute labour demand while avoiding potential economic and political issues linked to immigration and public perceptions. Countries of origin seek to provide job and income opportunities to their nationals, while avoiding brain drain - the permanent loss of highly qualified nationals, and to promote the transfer of know-how and gains from remittances, while ensuring migrants are protected. TLM that occurs under regional integration schemes poses further challenges for governments regarding the harmonization of their policies.
3. In light of these challenges, ILO constituents agreed that the examination of and policy recommendations for TLM schemes are needed, in order to maximize the opportunities and minimize the risks associated with TLM, and to avoid unfair competition created for both local workforces and for employers without access to foreign workers. As part of a plan of action on labour migration endorsed by the Governing Body in November 2017,¹ the Office produced a synthesis report containing a typology of TLM schemes, a comparative analysis and policy recommendations, and published two input studies that present the views and experiences of the business community and workers' organizations.
4. Drawing on the findings of global research contained in the synthesis report² and input studies on workers³ and employers' experiences,⁴ this Governing Body paper reviews the features of TLM, its differing definitions and objectives and their rapidly evolving nature. It also identifies the issues and makes proposals on possible ways forward to make TLM more fair, effective and efficient, considering new developments in the world of work as they became apparent with the COVID-19 pandemic.

▶ Temporary labour migration

5. Contemporary TLM schemes have their roots in colonial indentured labour and can be traced back to the end of the nineteenth century, when the idea first appeared of "creating an

¹ GB.331/INS/4/1(Rev.).

² ILO, *Temporary Labour Migration: Unpacking Complexities*, Synthesis Report, forthcoming.

³ Nicola Yeates and Nora Wintour, *Temporary Labour Migration: Two Studies on Workers' Perspectives and Actions* (ILO, 2021).

⁴ Scott Leeb, Nancy Morowitz and Sandrine Krasnopolski, *Temporary Labour Migration: The Business Community Experience* (ILO, 2021).

immigrant who could be made to leave”⁵ Since then, countries have experimented with multiple forms of TLM that have varied over time and within regions.

6. There is no universally accepted definition of TLM. Countries have sovereignty in the establishment of visa schemes and modes of admission of foreign nationals, and definitions necessarily vary. The 2004 ILO report *Towards a fair deal for migrant workers in the global economy*⁶ distinguished between temporary migration for all types of employment (where migrants fill vacant jobs that persist, such as nurses) and temporary stay for time-bound employment (such as seasonal jobs, construction or service providers). Conceptions today are more blurred. TLM encompasses new categories of people, such as mobile workers and international students. Such blurriness renders debate difficult as people may understand temporary migration phenomena differently.
7. Moreover, as most population censuses and labour force surveys are not designed to capture temporary labour migration, data gaps remain widespread. Administrative records capture some groups of TLM workers, but only in cases where permits or visas are required, such as workers engaged through formal schemes. While recent updates to international statistical standards, including the ILO International Conference of Labour Statisticians (ICLS) Guidelines concerning statistics of international labour migration,⁷ have extended the scope of international migration statistics to cover these groups, they still do not provide specific guidance to support identification of the different types of TLM to generate policy-relevant statistics and indicators, making the measurement of these populations challenging.
8. Notwithstanding the need to further refine data collection and analysis of the impacts of TLM schemes on different groups of migrant workers and other stakeholders in society, there is evidence of the growing prevalence and importance of these programmes in different countries and regions. It is therefore critical to understand their complexities, the decent work deficits that may exist, and ways of improving TLM approaches and policy coherence to address these deficits.

▶ The complexities of temporary labour migration

A basic typology

9. A distinction should be made between programmes whose specific goal is to attract a particular migrant population for a specific period of time (sometimes for a specific sector, such as seasonal agriculture), and more general (im)migration policies. Bilateral agreements are created more often to address the former type of labour demand, and may be the dominant scheme for admission, such as for migration from Asia or Africa to the Arab States. National programmes established without agreement with another government are considered “unilateral”. Those based on negotiations in one country for admission of workers from another are considered “bilateral”. Bilateral labour migration agreements (BLMAs) can take various forms, from international treaties to memoranda of understanding between

⁵ Cindy Hahamovitch, “Creating Perfect Immigrants: Guestworkers of the World in Historical Perspective”, in *Labor History*, 44:1 (Routledge, 2003), 69–94.

⁶ ILO, *Towards a Fair Deal for Migrant Workers in the Global Economy*, International Labour Conference, Report VI, 92nd Session, 2004.

⁷ ILO, *Guidelines Concerning Statistics of International Labour Migration*, ICLS/20/2018/Guidelines, 2018.

labour administrations⁸. TLM can also occur under regional economic integration schemes, generally through multilateral agreements⁹. Under free movement agreements, people have the right to move within the region for work or another motivation, assuming their own country is party to the agreement, and are free to decide whether the move is temporary or permanent¹⁰. Such regional agreements are normally part of a wider range of policies, such as free trade or investment. TLM programmes can be classified according to their institutional design; however, many countries offer possibilities for temporary migration under all three institutional approaches. Different notions of what constitutes “temporariness” can co-exist in a country, including in the same economic sector, and programmes change frequently. The table below contains a basic, non-exhaustive classification.

► **Temporary labour migration manifestations: A basic typology**

Institutional Design		
Unilateral	Bilateral	Multilateral/Regional
Categories in immigration law (visa categories)		
	BLMAs	
	Circular migration schemes	
	Young Professional programmes	
Seasonal worker programmes		
		Free movement migrants
		Posted workers
	Cross-border workers	
Working holidaymakers, Intra-company transfers, Other forms of TLM (spouses, students, etc.)		

10. Some forms of TLM programmes are presented below. They are described in more detail with country illustrations in the synthesis report.

⁸ United Nations Network on Migration, *Guidance on Bilateral Labour Migration Agreements*, 2022.

⁹ For regional arrangements, see ILO, *Addressing Governance Challenges in a Changing Labour Migration Landscape*, ILC.106/IV, 2017.

¹⁰ Stephen Castles and Derya Ozkul, “Circular Migration: Triple Win, or a New Label for Temporary Migration?”, in *Global and Asian Perspectives on International Migration*, ed. Graziano Battistella, Global Migration Issues, 4 (Springer, Cham., 2014), 27-49.

- Seasonal worker programmes. According to the Guidelines concerning statistics of international labour migration, seasonal workers are not usual residents of the country of employment and perform work that is dependent on seasonal conditions during part of the year. The majority of seasonal work occurs in the agricultural sector, though also in tourism, construction and entertainment. Many programmes limit the migrants' presence in the destination country to a short period of time, though during the COVID-19 pandemic some countries extended the period of time that migrants could stay.
- Circular migration. The establishment of so-called "circular migration programmes" has come into vogue since the mid-2000s. It was introduced as a policy tool by the European Commission. Circular migration schemes now often overlap with other forms of TLM, particularly seasonal worker programmes. Circular migration schemes foresee repeated temporary stays of individual migrant workers. These schemes require considerable financial and logistical resources, for example mechanisms and institutions for selecting, training and returning migrants. Trade unions consider circular migration programmes as problematic because they often limit the rights of migrants to join and/or form trade unions, the wages tend to be lower than those paid to local workers, access to social security is limited, and the programmes tie workers to a particular employer.¹¹
- Young professionals programmes. These focus on young workers who migrate to improve their skills through on-the-job training, usually directed at lower- and mid-level professions (such as crafts and trades, hotel and catering services) and governed by bilateral agreements or memoranda of understanding which fix annual quotas and stipulate that trainees must be between 18 and 35 or 40 years of age. Migrants stay for one year, but can often extend their training by 6 months. Some agreements provide for social partner involvement in the implementation of the schemes. Salaries, conditions of work and social protections are in line with the terms negotiated under local collective agreements or host country legislation. The schemes are intended to stimulate job creation in countries of origin as returning migrants bring home newly acquired vocational skills.
- Other forms. Other types of temporary workers include posted workers (employees sent by their employer to undertake services in another European Union Member State on a temporary basis), intracompany transferees, cross-border workers¹² commuting across borders, and working holidaymakers, which can represent a significant share of workers in some countries. According to estimates by the Organisation for Economic Co-operation and Development (OECD), holidaymakers represent 30 per cent of permits issued in Australia and New Zealand, for example.¹³ In addition, some migrants, such as spouses or dependents, are able to work without a specific work visa. Quantifying these contributions would help to understand labour market dynamics and labour rights as they interrelate with other visa categories and TLM schemes.

¹¹ See further analysis in International Trade Union Confederation (ITUC), [Migration: A Decent Work Issue](#), Agenda item 6(b)(i): ITUC policy on labour migration, General Council, 9GC/E/6(b)(i), 2011.

¹² See ILO sectoral provisions for cross-border workers in ILO, [Guidelines on the Promotion of Decent Work and Road Safety in the Transport Sector](#), 2020, and ILO, [Conclusions on the promotion of decent work for migrant fishers](#), TMIMF/2017/7, 2017.

¹³ OECD, ["Capturing the Ephemeral: How much Labour do Temporary Migrants Contribute in OECD Countries?"](#), in *International Migration Outlook 2019* (OECD Publishing, Paris, 2019).

Key design elements and their interrelations

11. TLM schemes are heterogeneous in relation to the group of migrant workers covered and the policies that regulate them, with different visa categories and governance structures coexisting. The schemes may differ in law or practice in relation to admission, stay and treatment, depending on the skills levels of migrant workers; for instance, lower-skilled workers may face more restrictive rules and have fewer rights than higher-skilled workers, work in informal jobs, and have a higher risk of moving from regular to irregular migration status.
12. The intertwined complexities of TLM schemes are also affected by gender relations and norms. The “feminization of migration” refers to the rise in numbers of women migrant workers who engage in migration independently of their partners and family, due also to increased demand for migrant domestic and care work, which is largely performed by women.
13. The interplay of different TLM design elements, the relationship between immigration and labour laws, and the engagement of employers’ and workers’ organizations (or representatives) in social dialogue, can condition the outcomes for participating migrants, and for destination and origin countries. The key elements are highlighted below and are further examined in the synthesis report.
14. **Objectives and institutions.** The general stated objectives of TLM programmes for destination countries include alleviating labour shortages, addressing undocumented migration, fostering cultural ties, and providing training. Origin countries often consider developmental objectives, such as alleviating poverty, securing income through remittances, increasing job and income opportunities for nationals, and serving as an adaptation strategy in the event of forced displacement, for example due to climate change.
15. **Foreign policy and security issues** have tended to influence TLM schemes, as have labour market concerns. Hence, the national institutions involved in migration processes can include ministries of the interior, migration, foreign affairs and labour. These agencies have different interests and capacities, which increase the complexity of, and sometimes tension involved in, implementing policies.
16. The migration industry also engages **private and public agencies**, particularly in the recruitment process, though effective regulation, and in particular enforcement, are often lacking. In 2014, the ILO launched the Fair Recruitment Initiative to address these serious decent work deficits and adopted the General principles and operational guidelines for fair recruitment (2016) and the accompanying definition of recruitment fees and related costs (2018) based on ILO standards, including the Private Employment Agencies Convention, 1997 (No. 181),¹⁴ to guide ILO constituents in eliminating recruitment abuses that can lead to forced labour and human trafficking.
17. **Sponsorship** is deeply interlinked with the type of immigration model that a country chooses to follow. In employer-led systems, reliance is put on employers to select (im)migrants to meet broader labour market priorities. In supply-based systems, the selection is often operated via points-based systems, where points are awarded according to certain criteria, such as skills, education level, language proficiency, professional experience and age. Numerous governments run labour market tests and provide shortage occupations lists that allow employers to sponsor migrants. Businesses contend that these tests, and emigration and

¹⁴ Private Employment Agencies Convention, 1997 (No.181).

immigration procedures, are often cumbersome, preventing the timely arrival of needed personnel, and that they are not sufficiently consulted on the shortage occupation lists. Businesses favour “trusted employer programmes” or “safe harbour programmes”, where employers lead on ensuring compliance.¹⁵

18. **Mobility.** Governments often restrict migrants’ mobility, for example, their ability to change employers.
19. **Skills.** Qualifications, education and work experience are generally key determinants, restricting migrants to particular sectors of employment or occupations. In the competition for global talent, highly skilled workers are sought and generally face fewer challenges to access decent work and rights protection, tend to receive more support from their employers, and feel more welcome in the destination country than lower-skilled migrants.
20. **Sector of employment.** Sectoral approaches are prevalent. They risk creating (further) segmentation in labour markets and migrant-dominated sectors with low wages and occupational segregation along gender lines, for instance, care work dominated by women and construction work dominated by men.
21. **Permit type.** Depending on the type of permit, there may be variations in respect of limiting access of migrants to the labour market, the maximal duration of stay, permit renewability, and the right of accompanying family members to reside and work in the host country.
22. **Representation.** Whether migrant workers under temporary arrangements may join or form trade unions is determined by national legislation and the TLM scheme. Representation, including for the purpose of social dialogue, remains a challenge for many migrant workers, and a significant concern for trade unions, including the potential for social dumping.¹⁶
23. **Pathways to citizenship.** Countries manage their pathways to permanent residency or citizenship in very different ways, with different timescales and eligibility requirements, and in some cases may exclude such pathways entirely.
24. **Enforcement.** The enforcement of labour standards by government inspectorates critically influences the treatment of migrant workers, including placing a firewall between labour law and immigration enforcement, so labour inspectors can better protect workers.¹⁷ Temporary migrant workers face challenges in obtaining access to justice due to the lack of such mechanisms or the inability to pursue claims once outside the destination country.

► Towards addressing complexities: Possible ways forward in the light of various perspectives on temporary labour migration

25. The business community appreciates TLM programmes but considers it to be a major challenge that they “do not address systemic issues related to developing a sustainable local workforce and improving salaries and working conditions”, which can fuel the perception of favouring migrant labour over nationals.¹⁸ Trade unions share similar views, but observe

¹⁵ Leeb, Morowitz and Krasnopolski.

¹⁶ Yeates and Wintour.

¹⁷ ILO, *Labour Inspection: General Survey*, Report of the Committee of Experts on the Application of Conventions and Recommendations, ILC.95/III(1B), 2006, para. 78.

¹⁸ Leeb, Morowitz and Krasnopolski, 5.

further that temporary workers may work for decades without acquiring rights to a more secure visa status, keeping them dependent on their employer, and that TLM schemes foster employers hiring migrant workers “on temporary contracts for what in effect are permanent posts”. As such “[b]oth source and destination countries need improved domestic workforce planning and investment and any migration schemes should be carefully structured and offer pathways to permanent status”.¹⁹

26. Similarly, companies seek more predictability and suggest that modern employment-based immigration systems should streamline labour migration processes, which can lead to improved policy coherence and serve as a means of reducing informality and irregularity among migrant workers. Employers’ organizations suggest that measures can, for example, incorporate “[w]ork authorization programs that are adaptable to the lifecycle of the employee with a clear path from student/cultural exchange status through to permanent residence”. “Long-term/permanent residence visas facilitate the long-term retention of valuable migrants who contribute to economic growth and competitiveness. A pathway to permanent residence should be established based on the length of a foreign national’s stay in a temporary immigration category or on a labour market test”.²⁰
27. Addressing these concerns acquires further importance as TLM schemes are increasingly embedded in production structures within international and preferential trade agreements. The drivers and implications of mobility schemes in these agreements should be further explored to assess impacts on protection, employment and growth.
28. Evidence suggests that a number of elements in the design of TLM programmes could increase their fairness, effectiveness and efficiency. These include focusing attention on ensuring that they bring a rights-based and human-centred approach to minimizing the risks and maximizing the benefits for all concerned, which entails: buttressing the labour market institutions of the world of work; boosting the role of law enforcement with effective firewalls to protect migrant workers; strengthening labour protection, including in BLMAs and memoranda of understanding; where appropriate, including a stepping stone to pathways for permanent residence or citizenship; and engaging the social partners in TLM design, monitoring and implementation. Key elements for improving TLM schemes are presented below.

Considerations for governments in designing temporary labour migration schemes

Freedom to change employer

29. In line with human rights standards and ILO guidance, such as the General principles and operational guidelines for fair recruitment, “[w]orkers should be free to terminate their employment and, in the case of migrant workers, to return to their country. Migrant workers should not require the employer’s or recruiter’s permission to change employer.”²¹
30. It is of note that employers may recruit workers at significant cost and thus may support restrictions on workers’ employment mobility. However, in some cases such restrictions can amount to a subsidy for particular employers, occupations or sectors. Being tied to an

¹⁹ Yeates and Wintour, 63–64.

²⁰ Leek, Morawetz and Krasnopolski, 7 and 22

²¹ Principle 12.

employer implies dependence of the migrant worker on the goodwill of the employer to provide safe and decent working conditions. Moreover, the risk of exploitation is high, with abuse of migrant workers being reported under many such schemes. During the COVID-19 pandemic, employers following health and safety regulations were faced with unfair competition by those who did not. In certain enforcement cases, employers were banned from employing migrant workers and the workers were allowed to change their employer. To prevent risk of exploitation and unfair competition, TLM schemes should ensure that there is freedom to change employer within clearly set parameters, including the prevention of potential labour violations.

31. Ancillary measures to make this freedom a reality include not tying work permits to residence permits, providing for grace periods for workers to seek alternative employment, and facilitating de facto mobility through job portals and national employment services.

Occupational safety and health and adequate housing

32. The adoption of occupational safety and health as a fifth category of fundamental principles and rights at work²² reflects the key role of occupational safety and health systems and protocols in preventing and eliminating workplace safety and health risks. Even before the COVID-19 pandemic, temporary migrant workers suffered higher occupational safety and health risks than national workers. The pandemic further exposed migrants' particular vulnerabilities, including in so-called "essential occupations", and highlighted the role of enforcement in preventing abuses such as gender-based violence and harassment at work.
33. Where housing is required to be provided by the employer, it should provide "reasonable levels of decency, hygiene and comfort",²³ and migrant workers should be free to choose alternative accommodation. States should adopt national housing standards that include migrant workers, in accordance with international norms. The ILO report *Home Truths: Access to adequate housing for migrant workers in the ASEAN region*, based on human rights standards and the ILO Workers' Housing Recommendation, 1961 (No. 115), offers detailed recommendations applicable worldwide.

Skills and lifelong learning

34. The ILO Centenary Declaration for the Future of Work (2019) underlines the importance for workers at all skills levels to access lifelong learning (Part II(A)(iii)) and does not exclude temporary migrant workers. Programmes can be conceived with built-in learning opportunities, such as under young professionals programmes.
35. The recognition of the diverse skill sets of migrant workers, the portability of qualifications and skills, and opportunities for reskilling are critical to facilitating migrants' access to decent work and can foster the formalization of informal jobs, particularly in sectors where migrants are over-represented. The ILO is working with governments, regional economic communities (RECs) and employers' organizations to support qualifications frameworks among other programmes such as skills passports. Global skills partnerships that promote workers' rights may help employers gain access to a larger pool of workers. However, unions are concerned that such partnerships often fail to address sustainability, equity and decent work.²⁴ The ILO,

²² ILO, "International Labour Conference adds Safety and Health to Fundamental Principles and Rights at Work", 10 June 2022.

²³ Workers' Housing Recommendation, 1961 (No. 115).

²⁴ Yeates and Wintour, 24–25, 49.

the International Organization for Migration, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC) have established a global skills partnership to pilot methods which may bridge these gaps.

Wages and other terms of employment

36. Neither nationality nor temporary employment constitute valid grounds for exceptions to the principle of equal remuneration for work of equal value established in the ILO Constitution and developed further in ILO standards. Migrant workers and nationals performing work of equal value should receive equal pay, including customary wage supplements, overtime entitlements and bonuses. Migrant workers should also receive non-discriminatory adequate minimum wages and enjoy equal treatment regarding maximum daily and weekly working hours.
37. The Protection of Wages Convention (No. 95) and Recommendation (No. 85), 1949, require that wages are paid, including to temporary migrant workers,²⁵ yet abuses have increased.²⁶ It is recommended that employers deposit the equivalent of the first month's wages into an account from which compensation could be paid should tripartite or bipartite institutions so determine.
38. Rethinking working-time policies is also key. Wages that are adequate and fair, and paid on time and in full, would also contribute to decent working hours and minimize potential occupational injuries stemming from regular protracted hours of work.

Freedom of association

39. Temporary migrant workers, without distinction, should like all workers have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.²⁷ Certain States continue to prohibit or restrict these rights, some requiring citizenship or residency, or that a proportion of members be nationals.
40. Temporary migrant workers should be protected against acts of anti-union discrimination, particularly those conditioning employment on the worker not joining, or relinquishing membership in, a trade union, or threatening dismissal or harassment of a migrant worker for such affiliation.²⁸

Social and labour protection

41. Migrants often face legal and practical obstacles to accessing social protection, which are aggravated in the case of temporary migrant workers. Countries should consider unilaterally extending benefits, such as maternity protection, to migrant workers, ratifying and implementing relevant ILO Conventions, concluding bilateral and multilateral social security

²⁵ Paragraph 27 of the [Protection of Migrant Workers \(Underdeveloped Countries\) Recommendation, 1955 \(No. 100\)](#), provides that: "Employers should be required to keep records of wage payments and deductions in respect of each worker".

²⁶ Katharine Jones, Sanushka Mudaliar and Nicola Piper, [Locked Down and in Limbo: The Global Impact of COVID-19 on Migrant Worker Rights and Recruitment](#) (ILO, 2021).

²⁷ See [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#), Art. 2, applicable to migrant workers.

²⁸ See [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#), Art. 1(1) and (2), applicable to migrant workers, and [ILO Declaration on Fundamental Principles and Rights at Work](#), adopted in 1998 and amended in 2022.

agreements, and enabling migrants to totalize their social security entitlements across countries and places of employment.²⁹ The ILO has developed such practical guidance.³⁰

42. BLMAs can be important tools to ensure labour protection. The United Nations Network on Migration BLMA guidance, developed through multi-stakeholder dialogue co-led by the ILO and the International Organization for Migration, including employers' and workers' organizations, can assist countries in designing rights-based and gender-responsive BLMAs.³¹ These can support States' commitments under the International Migration Review Forum 2022 Progress Declaration of the Global Compact, and help to reduce discrimination from BLMAs that provide differing protections for workers depending on their nationality.
43. Rights-based BLMAs also offer more robust opportunities for dialogue among origin and destination countries on improving the return and reintegration of migrants,³² while strengthening implementation of fair recruitment practices.

Law enforcement

44. A national strategy to improve oversight and enforcement through effective labour inspectorates will contribute to increased transparency and fulfilment of labour rights. This includes adopting clear firewalls between labour standards enforcement and immigration enforcement agencies, while training labour inspectors on fair recruitment and cultural practices. Where enforcement depends on complaints by workers, it is essential to cover difficult-to-reach sites, such as farms and export processing zones. Moreover, employer-driven TLM systems could link admission of workers to compliance, providing additional transparency and reducing unfair competition.

Stepping stones towards permanent residency or citizenship

45. From the input studies mentioned in paragraph 4 above, workers and employers concur that TLM programmes should consider, where appropriate, incorporating measures that would render TLM schemes as "stepping stones" towards forms of labour migration of a permanent nature benefiting migrant workers and their employers, while recognizing the need to prepare national workers to meet future labour demand.
46. Moreover, in some cases seasonal migrant workers could be trained and retrained within the same branch of activity to create a stable labour pool, in line with the Employment Policy Recommendation, 1964 (No. 122), that allows a transition to more inclusiveness instead of relying on TLM programmes.

Adequate information

47. Notwithstanding the considerable efforts made to provide pre-departure and rights information to migrants, many are not reached, and countries lack consular services to support the access of migrant workers to justice in destination countries. Transnational advisory service networks for migrant workers hold promise. Engaging the social partners and migrant

²⁹ GB.344/POL/1.

³⁰ ILO, *Extending Social Protection to Migrant Workers, Refugees and their Families: A Guide for Policymakers and Practitioners*, 2021. Intervention models for extending social protection to migrant domestic workers, seasonal agricultural workers, migrants in an irregular situation; and refugees and asylum seekers.

³¹ United Nations Network on Migration, *Guidance on Bilateral Labour Migration Agreements*.

³² United Nations Network on Migration, "[Ensuring Safe and Dignified Return and Sustainable Reintegration](#)", Position Paper, March 2021; and *Guidance on Bilateral Labour Migration Agreements*.

organizations, and utilizing centralized information services, such as service apps for migrants, can significantly help.

Social partner participation in programme design and implementation for policy coherence and effectiveness

48. At present, employers and workers are not sufficiently consulted by governments when TLM programmes are designed and implemented, and they concur that their participation is a necessary precondition for making TLM more efficient and fairer in line with international labour standards. Employers can contribute to improved efficiency in immigration processing systems. They advocate for mechanisms that would monitor unfilled or emerging job vacancies reported by both employers and labour specialists, and for bolstering long-term strategic approaches to immigration and the labour market where they are lacking.³³ Workers observe that the social harm brought about by TLM schemes³⁴ could be reduced through social dialogue on labour migration within and between countries, including on BLMAs, regional and global frameworks, advocating that labour ministries should play a central role in design, implementation and interagency coordination.³⁵

▶ Draft decision

49. **The Governing Body requested the Director-General to take into account its guidance concerning the proposed ways forward to maximize the opportunities and minimize the risks associated with temporary labour migration, including exploring further good practices and means for their implementation, and enhancing the participation of the social partners in the design, monitoring and implementation of temporary labour migration schemes of all types.**

³³ Leeb, Morowitz and Krasnopolski, 5–7, 18–19.

³⁴ Yeates and Wintour, 15–21.

³⁵ Yeates and Wintour, 64.