

**Summary of Side Event “Better protected migrant workers
and better governed labour migration”
International Labour Conference, 5 June 2015**

In terms of general observations, the importance and relevance of the event was evident from the fact that meeting room was full, including ILC President and Vice-Presidents, and the audience was engaged. All panellists highlighted the importance of addressing crisis migration and key role of ILO in this process given its significant contributions to date. A “Storify” account was published on the front page of the ILO web site and appreciation expressed by ILC participants and other branches within the ILO. The high-level panel was moderated by Ms Sandra Polaski, Deputy Director-General for Policy, ILO, and included:

- Mr Guy Ryder, ILO Director General
- Ms Cecilia Rebong, Ambassador, Permanent Mission of the Philippines to the UN
- Mr Jean-Marie Ehouzou, Ambassador, Permanent Delegation of the African Union to the UN
- Mr Peter Sørensen, Ambassador, European Union Delegation to the UN
- Mr Volker Türk, Assistant High Commissioner for Protection, UNHCR
- Commentator – Ms Ronnie Goldberg, Employer GB member
- Commentator – Ms Catelene Passchier, Worker GB member

Summary of interventions

The context of the panel was set by Ms Polaski in describing tragic events that continue to unfold in the Mediterranean Ocean, Andaman Sea and beyond and people displaced by conflict, persecution, poverty or marginalisation risking their lives in search of adequate livelihoods and shelter. This situation creates an imperative for the global community to act effectively, consistently and immediately based on the principles of human rights and dignity.

Reference was made to the enormity of the challenge and the need to focus on systems of governance that provide regular and safe migration to meet migrants’ rights and labour market needs. In addition, efforts would need to be stepped up to create more and better jobs in countries of origin to address the drivers of crisis migration. The process of considering durable solutions must involve a wide range of actors, including ILO constituents from countries of origin and destination.

In this context, the objective of the panel was to identify possible ILO action, together with constituents and international partners, to facilitate a global response that upholds our commitment to decent work and social justice, takes people out of harm’s way and leverages fair migration as a force for sustainable development. Emphasis was placed on the need for stronger and closer cooperation among states and within and among regions and the relevance of ILO’s Fair Migration Agenda (FMA) in guiding the strategic response, strengthening the link between humanitarian and development action and policies for social progress and economic growth. These approaches should include support for the protection of migrant workers as a target in the post-2015 Sustainable Development Goals. In highlighting the challenge before the panel, Ms Polaski underlined the importance of impacting on the global public debate around labour and migration crises, including anti-immigration attitudes.

Ensuring decent work opportunities in countries of destination and origin

Ambassador Rebong emphasised ILO’s key role in addressing crisis migration based on its historical contributions to building a global fair migration platform, particularly through its core labour standards. The role of ILO’s FMA is key in the political discourse, particularly at the global level in forums such as the Global Migration Group, as it places decent work at its core. However, the vision projected by the FMA does not necessarily seem to be shared by all member States.

The Philippines would like to see the ILO invest in more capacity-building in origin and destination countries around the FMA and would like to contribute to this process as a knowledge resource based on its highly developed migration management system. Crises can also force migrants to return suddenly to countries of origin and countries need to be better equipped to deal with social and labour reintegration to support forced or voluntary return.

Key messages

- * Greater investment in advocacy efforts for the FMA internally, externally and at all levels.
- * Greater investment in capacity-building to reinforce FMA in origin, sending and transit countries.
- * Utilise member States with experience/expertise in FMA as knowledge resources.
- * Include focus on migrant reintegration programmes for forced or voluntary return.

Strategic policy dialogue on labour migration and mobility linked to development planning

Ambassador Ehouzou pointed out that political dialogue is ongoing between the AU and EU on migration, including the development of joint action strategy which focuses on mobility, migration and employment and an EU/AU Declaration on Mobility to strengthen governance and inter-state cooperation. However, most of the progress has been in the area of remittances. The recent tragedies in the Mediterranean highlight the need for more and greater progress in the areas of safety, protection, employment (especially for youth and women), integration and governance.

Cooperation also needs to be reinforced and priority actions set at AU level, including on labour mobility between African countries and not only towards Europe. The AU has a joint project with the ILO on Migration and Labour and would like to see implementation accelerated. Poverty and employment, drivers of crisis migration, are huge crises across the continent. Supporting cooperation requires more investment in capacity-building on FMA, particularly on labour migration governance. There is an AU Tripartite Advisory Committee on this issue which will have its first meeting in October 2015.

There also needs to be greater focus on the capacity of Regional Economic Communities (RECs) to create jobs to more effectively underpin labour mobility. A particular challenge affecting Africa is that of high-skilled unemployed workers who could benefit other destination countries through cooperation agreements and perhaps this process could be facilitated through the ILO.

Key messages

- * Accelerate progress on the ground of inter- and intra-regional cooperation on labour migration and mobility, especially in addressing poverty and unemployment.
- * Build capacities within AU and RECs on FMA.
- * Consider potential cooperation on high-skilled migration cooperation agreements.

Fostering fair, regular and safe migration channels for the low-skilled

Ambassador Sørensen commended the ILO for ensuring the integration of labour migration in the post-SDGs. The EU should be considered a comprehensive resource on free movement of labour in the migration discourse and could assist other regions and countries. A key element of ensuring free movement is to remove any potential barriers that impede economic progress. This includes addressing costly placement agencies, either legal or illegal, and access to social security, such as portable pension rights. These issues are challenging and need constant attention.

The current EU Labour Migration Agenda focuses on enhancing labour migration management. A key area of concern is addressing skills gaps, particularly high-end skills, and supporting social security systems as the population ages. Reference was made to the EU's "Blue Card" system for high-skilled workers which will be the subject of an online public hearing. However, it is hoped that

the Directive for Seasonal Workers will address the challenge of entry of low-skilled workers. Labour migration needs to be facilitated through partnership at all levels and the EU appreciates the ILO's leadership in this regard. In addition, the EU would continue to contribute significantly to development cooperation activities that would address drivers of crisis migration in countries or origin.

Key messages

- * Utilisation of EU as a knowledge base to support labour migration and mobility programmes worldwide.
- * Closer examination of Directive for Seasonal Workers to analyse impact on low-skilled labour migrants.
- * Continued focus on EU technical cooperation programme potential to support projects to address drivers of crisis migration.
- * Need to foster a more positive narrative on migration within the EU.

Challenges and opportunities to ensure access to decent work for crisis migrants and refugees

Assistant HCR Türk emphasised that irregular migration by sea is global and symptomatic of a much broader array of problems. These flows are mixed and complex, including refugees and economic migrants. UNHCR is concerned that the number of refugees worldwide will continue to grow but is not accompanied by commensurate increases in humanitarian funding. Therefore, employment is a critical component of response.

It would be important to dispel the myth of providing access to work to refugees as a “charitable” duty. Work is central to restoring human dignity and supporting a return to a sense of normalcy. In addition, the numbers of refugees of working age worldwide are not enormous, but a new approach is required that promotes the fundamental right to work. It is vital that the international community understands that if refugees cannot find work or are not allowed to work in transit countries, then they will move on to other countries. The problem will not go away, it will simply be transferred somewhere else – deferring the responsibility to take action. This is a significant waste of human potential.

Furthermore, if efforts are not made to improve formal labour migration channels, then economic migrants will turn to other means to migrate and block up the system of asylum, affecting genuine cases of asylum. It is urgent to increase the capacity of asylum systems for those in urgent and genuine need. Going forward, UNHCR recognises the importance of working more closely with the ILO and its constituents to ensure the integration of refugees and to reinforce labour standards to avoid irregular and exploitative migration. The support schemes for refugees are diminishing and labour mobility and work programmes are crucial. A number of good practices have emerged over time in all parts of the world and these can feed into responses.

Key messages

- * Employment and labour mobility is a critical element of the response to humanitarian crises and there needs to be closer cooperation between UNHCR, ILO and constituents on this issue.
- * The numbers of working age refugees worldwide are not huge and providing access to decent work should not be insurmountable.
- * If refugees cannot find work in a transit country then they will move elsewhere to satisfy this urgent need – therefore, problems are transferred but do not go away.
- * Not dealing with access to work for economic migrants can “push” them into the political asylum channel which needs to be kept open to genuine applications.
- * Refugees provide a significant labour force pool of high and low skilled workers.
- * Good practices should be identified and promoted to facilitate their integration.

Commentaries by the social partners

- Crisis migration is resulting in significant loss to economic development in origin, transit and destination countries.
- It is vital that all partners move beyond rhetoric to immediate action. The problems and solutions are self-evident and should be acted upon.
- The social partners have a key role to play in influencing governments to adopt fair migration policies and to educate their own membership on this critical issue to facilitate responses.
- Voluntary and free migration systems are essential and where there is forced migration then appropriate responses to receiving and integrating migrants are critical.
- Integration is a key area as forced migrants have much to contribute to the social, economic and cultural fabric of a country.
- Migration policies and governance need to be accompanied by comprehensive social policies to facilitate integration and address anti-immigration sentiment. Policy coherence is critical.
- Labour migration policies should not increase the precarious employment situation of national workers, particularly the low-skilled.
- There is an urgent need to call for wider ratification of ILO migration-related instruments by destination countries.
- More needs to be done to address the challenges of the informal economy and labour protection in origin and destination countries to ensure the development of sustainable solutions to migration and avoid creating skills gaps in origin countries.
- More ILO research is required on labour migration to inform comprehensive and durable solutions.

Concluding reflections by ILO Director-General

The ILO DG highlighted the importance of the issues involved and the need to progress to practical action rapidly. Labour migration has become a priority focus for the ILO and its constituents and will remain so as the FMA is one of the programme and budget outcome areas. Three key areas were identified based on the interventions during the panel:

1. In a world of crises of global proportions, it is clear that we cannot solve these by “closing borders”, and the problem of labour mobility cannot be solved by “closing borders”. An appeal for global responsibility was issued.
2. At a time when the economic case for migration is strong, political and social barriers against it are growing in direct contradiction. “Identity politics” affects FMA, therefore, it is vital to ensure the multilateral actors work more closely and effectively together and with much greater skill to counteract this situation.
3. In terms of the ILO’s key action area, this will be to foster an “enabling environment” for FMA. This will mean “rowing against the political tide”, but is what the ILO must do to advance “safe, legal and fair migration”. Echoing the Philadelphia Declaration, the DG emphasised that “Migration is not just an economic equation. We are not dealing with commodities. We are dealing with human beings.” It is vital that a comprehensive social package is developed to accompany migration.