

Are OSH policies and strategies effectively responding to emerging challenges and realities of international migration?

Technical Session V

New Challenges and Opportunities in Occupational Safety and Health
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Structure of the presentation

- Key messages
- Globalization, mobility and migration
- Why is OSH a special problem for migrant workers?
- New challenges of globalization, changing work patterns and migration
- Policy responses and their adequacy
- Way forward

Key Messages



- Migration a phenomenon as old as history, not likely to decrease in the future.
- International migration is a labour market and decent work issue.
- Migrant workers face specific OSH risks and vulnerabilities compared to native workers but are often invisible in OSH policies, practices & statistics
- Wide array of international instruments available but mostly not ratified nor effectively enforced where ratified.
- Labour inspection systems under-staffed and under-resourced, and often lack critical mass.
- OSH issues of migrant workers should be mainstreamed in national OSH policies and strategies and statistics.

Global migration: Driving forces

Global Commission on International Migration: 3 Ds –
Development, Demography and Democracy

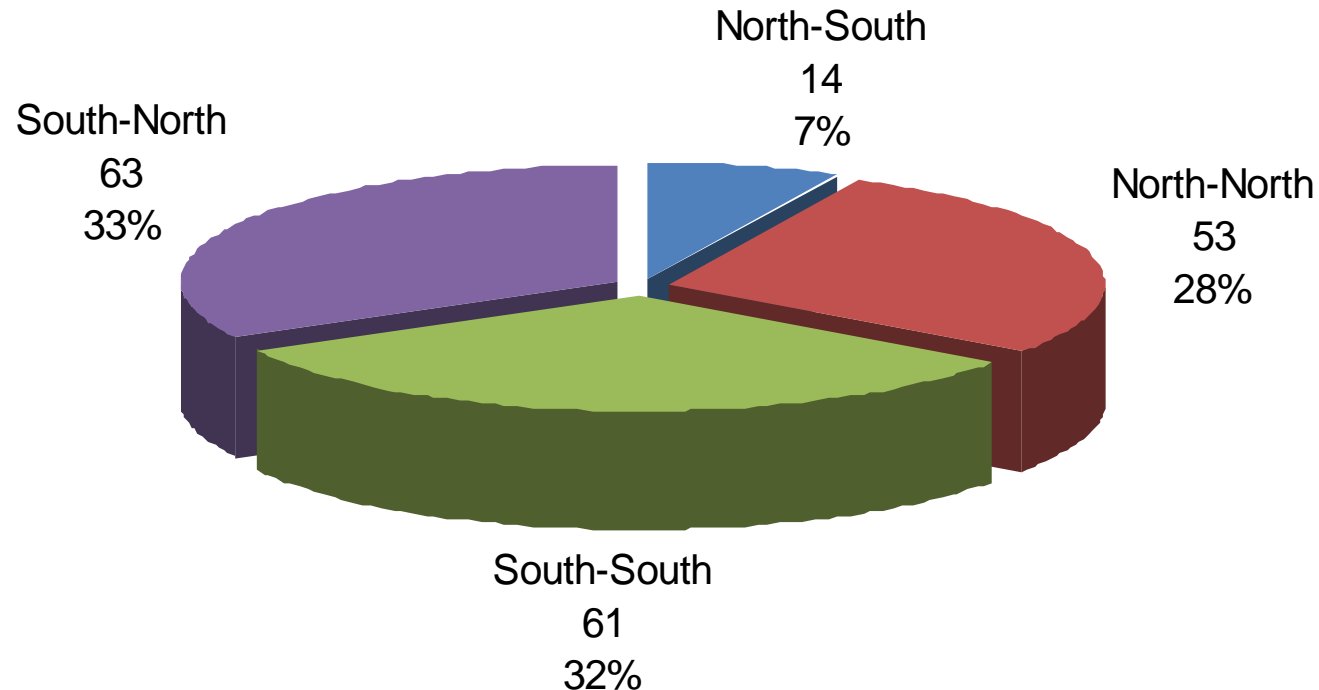
- **Development**
 - Disparities and gaps across countries: globalization
 - Decent work deficits; employment, earnings, wages
- **Demographic trends**
 - Population decline and ageing in developed countries
- **Democracy and human rights**
 - Disparities in human security: Armed conflict and war
 - Disparities in human rights
- Geographical proximity and colonial links
- Social networks: family unification

International Migrants

Year	Migrants* (Millions)	World Population (Billions)	Migrant share of population %	Women % of total migrants
1965	75	3.3	2.3	47.1
1975	87	4.0	2.1	47.4
1985	111	4.8	2.2	47.2
1990	155	5.3	2.9	49.0
1995	165	5.7	2.9	49.3
2000	177	6.0	2.9	49.7
2005	191	6.5	2.9	49.6

*Persons outside their country of birth or citizenship. Source: UN Population Division

International migration is diverse - not only from poor to rich countries – 2005 (number in million & %)



Source: based on UN Population Division data

International migration is a labour market and decent work issue

- Total migrants (population resident outside their countries of origin) in 2005: 191 million – 3 per cent of global population. (UN Population Division)
- Total number of migrant workers (according to ILO estimates): about 95 million in 2005.
- Total refugees in 2005: 13.5 million (10.8 in South (7.8mn in Asia; 3mn in Africa; 2.7mn in developed countries)
- Asylum seekers – recently (annual) 400-500,000
- Close to 90% are migrant workers & their families. (roughly 170 million)

Thus international migration is a labour market and decent work issue rather than an asylum/refugee issue or public security issue.


OSH and migrant workers: the evidence from various studies

- Migrant workers are more likely to be:
 - Unemployed; more in undeclared work; work longer in monotonous jobs; in shift work and atypical employment; overqualified for jobs performed; more self-employed; concentrated in flexible, informal contract jobs in service sector
 - “This is strong evidence of the tendency to recruit migrants for the most unskilled and flexible jobs in the services sector.” - Eurofound survey 2007
- Migrant workers experience higher incidence of osh problems: e.g. Austria 37% compared to 16% for natives; Spain – Workplace accidents - temporary migrants 73% while overall figure 53% (Eurofound); Mexicans are 80% more likely than US-born workers to die due to workplace accidents (EASHW).
- Migrants in irregular status fare worse than regular migrants: US study by Enchautegui. Fear of detection – more exploitation
- Reach of labour inspections limited. UAE- 140 government inspectors responsible for overseeing the labour practices of more than 240,000 businesses employing migrant workers (HRW study).

Research findings



- **Eurofound 2007 study:** In a majority of EU countries, there is increasing awareness of the crucial role played by migrant workers for economic growth. Unfortunately, there seems to be much less interest within the public debate in the disadvantaged working conditions of these workers.
- **AFL-CIO 2005:** Today immigrant workers in this country {USA} face an epidemic of workplace injury and death. In fact, immigrant workers are at far greater risk of being killed or injured on the job than native-born workers.
- **EASHW 2007 :** “..the precarious employment conditions that migrant workers endure along with their language barriers have made them second class citizens who take up the most dangerous tasks and are exposed to higher risks. Partial data available confirm that migrant workers do not enjoy minimum protection given to all workers in the EU by the Framework Directive.”
- Situation probably worse in the South: developing and middle income countries of Gulf, Asia, Africa, Latin America; no firm data.



The problem of health and safety of migrant workers is urgent. There is no reason to postpone political decisions when Health & Safety are concerned. If this aspect is not dealt with urgently, it could lead to the worsening of safety and health of workers in general. In addition, it would cause widespread inhuman practices at the workplace. The cumulative impact of these factors could endanger both EU and US economies and would intensify social inequalities in health.

Report of Work Group on (im)migrant Workers Safety and Health, Joint US/EU Conference on Health and Safety at Work, 14-16 September 2005, Orlando, Florida, USA.

Internal migrant workers: Another vulnerable category

- China – 125-150 migrant workers annually; India
- Victims of the vast majority of 700,000 annual industrial accidents in China are migrant workers;
 - HRW study of Beijing construction industry – workers routinely exposed to hazardous working conditions that expose them to illness and injury. Only 24-39% of workers have access to workplace safety equipment
 - Long working hours, lack of days off, inadequate rest breaks
 - Systematically excluded from insurance schemes:
- Hazardous jobs and poor living conditions –
 - poor housing and slums with growth of megacities.

Why are migrant workers more vulnerable to OSH problems?

- Different language and culture – makes communication difficult
- Most low skilled migrants work in 3-D work in risky sectors: agriculture, mining, construction, etc.
- Informal sector and the shadow economy; undeclared work.
- Long hours of work and inadequate rest breaks increase health and accident risks.
- Inadequate or non-coverage by social security and insurance
- Few OSH problems for migrants documented or enumerated.
- Migrants often lack a voice, especially those in irregular status.
- Poor living conditions add to OSH risks.
- Migration status: documented or undocumented.
- Non-recognition of qualifications. OECD terms 'over-qualification'.
- Discrimination in the workplace

Explanations for precarious position of the migrant workers on the labour market in Europe

- European Commission Health and Safety Strategy 2007-12:
 - Some categories of workers are still overexposed to occupational risks (young workers, workers whose jobs are insecure, older workers and migrant workers);
 - The new challenges, including migratory flows, justify checks being carried out in a more targeted manner.
- European Agency for Safety and Health at Work (EASHW) – Literature study on migrant workers 2007.
 - shortages of local/national labour supply for certain occupations; non-Western migrants occupy more low skilled and flexible jobs; undocumented workforce occupies jobs that require low skills; poor language skills; low education; poor knowledge of the labour market; less efficient strategies than the native workers to find a job; difficulties to validate the original qualifications (e.g. university degrees)

Challenges and new realities

- Globalization and competition: emphasis on market forces: lowering of labour standards - 'race to the bottom'; Subcontracting and labour brokers
- ILO study on changing patterns of work: An emerging but still fragmented global market for labour characterised by (among others) emergence of global production systems and changes in the international division of labour; shift away from agricultural work and the growth of informal economies in developing countries; poverty and incomes from work; diversity in conditions of work; and new challenges for social security.
- EU strategy: New developments: demographic change and the ageing of the working population; new employment trends, including the increase in self-employment, outsourcing and increased employment in SMEs; new and larger flows of migrants towards Europe.
- Growth of internal migration – India, China
- Feminisation – about half of international migrants are women.
- New forms of temporary and circular migration being promoted.
- Increasing migrant self-employment in small enterprises and informal sector
- Low ratification of standards and compliance with ratified standards
- Irregular status of migrant workers
- Major public health hazards such as HIV-AIDS, TB, Malaria receiving priority.
- Increasing discrimination against migrant workers following 9/11 events: security concerns.

Policy responses

- National legislations not responsive: migrant issues missing in policies. ILO - *There are strong demands for greater migration control, sometimes with growing xenophobic undertones.*
- National Policies/Plans hardly refer to migrant workers
- Int. instruments poorly ratified: Convention 187 on Promotional Framework ratified by Japan and Republic of Korea only,
- Irregular migration – focus on control policies; no access to justice or procedures to lodge complaints without intimidation
- Labour inspection services inadequate and under-resourced
- Labour inspectors expected to take over immigration control issues. ILO Committee of Experts: *“the primary duty of labour inspectors is to protect workers and not to enforce immigration law”*.
- Labour law often excludes domestic migrant workers: decent work for domestic workers instrument to be discussed- ILC 2010 .
- Fails to recognise the complexity of the problems and tends to seek quick fixes rather than long-term and careful institutional design.

ILO approach and responses

- Protection of workers against sickness, disease and injury arising out of employment is one objective of ILO constitution; Similarly 'Protecting migrant workers another objective stated in of ILO Constitution;
- Declaration of Philadelphia states: *ILO has the solemn obligation to further among the nations of the world programmes which will achieve adequate protection for the life and health of workers in all occupations.*
- Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy: 37. Governments should ensure that both multinational and national enterprises provide adequate safety and health standards for their employees.
- ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up, 1998
- ILO global strategy on OSH , adopted by International Labour Conference(2003), - ensuring that priority be given to occupational safety and health in national agendas,
- ILO has developed over 70 Conventions, 30 codes of practice covering general provisions, specific risks, and occupations and sectors.
- ILO R197: With a view to preventing occupational injuries, diseases and deaths, the national system should provide appropriate measures for the protection of all workers, in particular, workers in high-risk sectors, and vulnerable workers such as those in the informal economy and migrant and young workers

ILO and Migrant Workers

- Rights based approach; pioneered international instruments; Conventions No.97 and 143; developed the (non-binding) Multilateral Framework (MLF) on Labour Migration 2006
- All international labour standards apply to migrant workers unless otherwise stated in the instruments.
- Principle 9c of MLF and related Guidelines
 - National law and policies should also be guided by other relevant ILO standards in the areas of employment, labour inspection, social security, maternity protection, protection of wages, occupational safety and health, as well as in such sectors as agriculture construction and hotels and restaurants

MLF guidelines



- 9.12. adopting measures to ensure in law and in practice that all migrant workers benefit from equality of treatment with national workers regarding safety and health protection, including measures to address the specific risks in certain occupations and sectors, particularly agriculture, construction, mines, hotels and restaurants, domestic work, and addressing the specific risks faced by women and, where applicable, promoting opportunities in the workplace;
- 10.1 extending labour inspection to all workplaces where migrant workers are employed, in order to effectively monitor their working conditions and supervise compliance with employment contracts;
- 10.2. ensuring that the labour inspectorate or relevant competent authorities have the necessary resources and that labour inspection staff is adequately trained in addressing migrant workers' rights and in the different needs of men and women migrant workers;

Way forward

- Safe work is key to decent work for all workers including migrant workers.
- Mainstream migrant worker concerns into national OSH frameworks, programmes and agendas.
- Effective workplace inspection- allocate more resources.
- Targeted OSH measures- instructional material in languages understood by migrants, training and education.
- Gender specific safety approaches
- Ratification and application of Conventions: Promotion of national OSH frameworks, programmes and safety culture
- Incorporate OSH concerns into temporary migration policies: Global Forum on Migration and Development, Manila, 2008.
- Tripartite approach – employers invest in OSH; Workers to monitor and support OSH policies and programmes.
- Training – to labour inspectors on migrant-specific issues, to young entrepreneur immigrants, etc. EC 2007-12 Health & Safety strategy.

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