

Interregional Consultation on Labour Migration and Mobility
from Asia and Africa to the Middle East
(4-5 October 2017, Beirut Lebanon)



Summary Report

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The International Labour Organization (ILO) held an interregional consultation on labour migration and mobility from Asia and Africa to the Middle East at the Gefinor Hotel in Beirut on 4 and 5 October 2017. The two-day meeting was attended by experts and practitioners from governments, employers' and workers' organizations, civil society, academia, UN agencies and development partners from the interrelated migration corridors of Africa, Asia and the Middle East. The consultation was an opportunity to exchange experiences and to make a technical assessment of key challenges and proposed ways forward to realize fair migration, and contribute to the development of the global compact for safe, orderly and regular migration (hereafter 'global compact on migration').

Opening Remarks

Opening remarks were delivered by **Mr Khalil Cherri, Secretary General of the Association of Lebanese Industrialists (ALI), Mr Mohamed Ma'ayta of the Arab Trade Union Confederation (ATUC), Ms Ruba Jaradat, Regional Director of the ILO Regional Office for Arab States, and H.E. Mr Mohammad Kabbara, Minister of Labour, Government of Lebanon.**

The speakers emphasized the scale of migration to the Middle East region, as well as the unique challenges faced by countries such as Lebanon, which – as emphasized by Mr Cherri – were tackling the multiple issues of managing the refugee crisis, as well as securing job opportunities for Lebanese youth and human rights for all workers in Lebanon. Mr Ma'ayta noted that the three parties of production – workers, employers and government – all have responsibilities for securing decent work. With restrictions on the right to freedom of association in some countries, and challenges in supporting migrant workers' inclusion in trade unions, he emphasized that efforts must be undertaken to allow migrant workers to form their own unions. Inclusion of unions in negotiation of bilateral agreements and Memoranda of Understanding (MOUs) concluded between countries of origin and destination was also noted as important.

Ms Jaradat noted that according to the ILO there are 150 million migrant workers worldwide, with the Middle East region hosting 12 per cent of the global total and representing the third largest destination region. Currently, migrant workers represent 36 per cent of the labour force in the Middle East, including more than 95 per cent of all workers in the construction and domestic work sectors. In the United Arab Emirates (UAE) and Qatar, migrant workers constitute 80 per cent of the resident population. Ms Jaradat emphasised that fair migration remains a key ILO priority, as evidenced by the recent Bali Declaration,¹ and ILO's contribution to the commitment in the UN General Assembly New York Declaration for Refugees and Migrants to adopt two global compacts on refugees and for safe, orderly and regular migration in 2018.

¹ [The Bali Declaration](#), adopted at the 16th ILO Asia and the Pacific Regional Meeting in Bali, Indonesia, on 9 December 2016.

Mr Kabbara thanked the ILO Regional Office for Arab States for its support in advancing social justice and equality within the Middle East and emphasized Lebanon's commitment to the rights and freedoms of migrant workers as outlined in international agreements. This commitment has prompted the Ministry of Labour to undertake a number of initiatives to secure decent work for migrant workers, including a guidebook and standard unified contract for migrant domestic workers, as well as continued conclusion of bilateral agreements with countries of origin. The Ministry is also committed to combatting trafficking in persons, through the establishment of a new office and hotline to manage complaints, as well as increased labour inspection. Mr Kabbara concluded by stating that cooperation and dialogue between relevant parties is essential, and thanked the ILO for its continued support of a culture of social dialogue within Lebanon.

Keynote speech: Decent work, labour migration and mobility, and the Global Compact on Migration

In her keynote speech, **Ms Michelle Leighton, Chief of the ILO's Labour Migration Branch**, emphasized that migration in the corridors from Asia and Africa to the Middle East has increased significantly and rapidly in the last decade or so, and this diversity brings enormous challenges, but also opportunities for greater prosperity. The world's 150 million migrant workers exist alongside refugees and challenges of growing unemployment, including youth unemployment, and rising levels of discrimination and xenophobia. Currently, the policies governing migration are fragmented, but ILO standards provide guidance to ensure that decent working conditions can become a reality. Migration governance systems should ensure a fair income, social protection, freedom of association and the right of migrant workers to organize and participate in decisions that affect their lives.

A recent discussion at the International Labour Conference addressed these governance gaps, and put forward priorities for ILO action. These included the elimination of the high cost of recruitment fees; ensuring that migrant workers' skills are properly matched to jobs; and that data collection is systematic.² Also at the global level, the New York Declaration outlined a plan for two global compacts on refugees and for safe, orderly and regular migration to be adopted in 2018. The Global Compact on Migration would be the first agreement of its kind to be adopted at the global level, and UN member states, together with the ILO, can work to ensure that the actionable commitments agreed to in the Compact address the specifics of labour migration.

Session 1: Addressing abusive and fraudulent practices in the migrant worker recruitment process

In his **keynote address, Professor Ray Jureidini (Qatar Faculty of Islamic Studies, Hamad Bin Khalifa University)** emphasized the principle that workers should not pay any fees, costs, or charges for their recruitment, which - despite the provisions of the ILO Private Employment Agencies Convention, 1997 (No. 181) - continue to be charged to low-skilled workers (though rarely to high-skilled workers). Professor Jureidini suggested that the issue of fraudulent recruitment practices – which often have a direct relationship with forced labour and trafficking for labour exploitation through debt bondage – was systematic and entrenched. He observed that efforts towards fair recruitment have to begin at the point of labour demand

² [Resolution and Conclusions concerning fair and effective labour migration governance](#), International Labour Conference, 106th Session, 16 June 2017.

– the tendering process in the countries of destination, given that (currently) companies commonly assume that they will not pay recruitment costs as a way of remaining competitive in their bid. A further fraudulent practice discussed was the system of ‘kickback’ payments from recruitment agencies in countries of origin to the employer, in order to secure the labour contract.

Professor Jureidini suggested a need for further studies to assess the propensity of employers to pay part or all recruitment fees, and emphasized the importance of addressing both the culture of corruption amongst employers and recruiters, as well as the culture (or expectation) of payment amongst workers themselves (which starts in their countries of origin). Noting that some important progress has been made particularly in a number of Gulf countries,³ Professor Jureidini put forward several suggestions for systematic reforms in both countries of origin and destination, including:

- Ensuring that project tenders in countries of destination include a ‘labour recruitment cost analysis’ which calculates and makes transparent the cost of paying for workers’ recruitment, including the recruitment of workers hired by subcontractors;
- Repealing laws and regulations in the country of origin that allow fee paying by workers to recruitment agencies;
- Establishing accredited, proven ethical recruitment agencies that do not charge workers and making them the exclusive labour suppliers to employers;
- Initiating bilateral and multilateral agreements that ban the worker-pays model in favour of an employer-only pays model;
- Increasing government-to-government (G2G) recruitment, given its potential to reduce corrupt practices;
- Promoting compliance with standards and prosecuting corrupt practices; and
- Ratifying ILO Convention No. 181 and applying existing penal codes to the recruitment industry, including in cases of bribery.

The panel, moderated by **Ms Maria Gallotti, ILO Migration Policy Specialist**, discussed a number of key topics, including the importance of addressing the culture of workers paying for recruitment through information dissemination at the local level, the need to create an ‘even playing field’ amongst recruiters in order to allow ethical recruiters space within the market, as well as promising new fair recruitment pilot models.

Mr Phillip Fishman, Senior Technical Adviser in the ILO’s Fundamental Principles and Rights at Work Branch defined fair recruitment as adherence to the ILO’s general principles and operational guidelines for fair recruitment, approved by the ILO Governing Body in November 2016. Of particular importance is (i) non-payment of fees by the workers, and (ii) complete transparency in the recruitment process. As part of a fair recruitment pilot implemented by the ILO and supported by multinational corporations who source from garment factories in Jordan, Nepali garment workers are recruited to work in Jordan without paying fees or related costs such as the airfare or the cost of work and residency permits. This has required information dissemination at village level in Nepal, and the project has also supported the workers with important pre-departure training, including (at the request of the factories in Jordan) a one-month skills training programme. The initial results (from the 30 workers per month who are moving through the corridor) suggest that workers recruited through the pilot are more confident, quicker to adjust to the conditions of work and life in the country of destination, and are better skilled. Regarding freedom of association, in accordance with Jordanian law, migrant workers within the garment sector are able to join trade unions, and

³ The laws of Qatar, Saudi Arabia and the UAE prohibit charging recruitment fees to workers.

as part of union membership they are covered by a sectoral collective bargaining agreement (along with Jordanian workers).

Mr Ross Daines, Managing Director for Africa, Asia and the Middle East, FSI Worldwide discussed the challenges of operating a recruitment company that only works with agencies who commit to zero fees for workers. He observed that a lack of agreement amongst employers, workers and government about who is responsible for the various types of recruitment costs – such as training, certification and the costs of migration within the country of origin – creates an uneven playing field. Furthermore, recruitment agencies are often paying to secure places for their candidates, indicating unwillingness on the employers' side to formally contract for recruitment services. Mr Daines noted a lack of auditing and monitoring of recruitment agencies by the companies hiring workers and emphasized the importance of direct recruitment (without a recruitment agency), including through digital platforms or applications that can create direct connections between candidates and employers. Mr Daines also referred to a lack of employer trust in the skill level and certification of candidates, necessitating a broader certification standard that is recognized and trusted by all employers. When employers compete to engage skilled and productive workers (such as those with certified standards), more remittances can be sent home and both parties benefit.

Dr Iman Khazzal, Head of the Department of Foreign Workers in Mount Lebanon, Ministry of Labour, and Government of Lebanon shared the Lebanese experience in instituting fair recruitment practices, emphasizing the importance of transparency and coordination between recruitment agencies in countries of origin and destination. In Lebanon, recruitment agencies only recruit domestic workers and operate under the Ministry of Labour according to specific legislation. Dr Khazzal pointed to the need for recruitment agencies to have counterparts in the country of origin, and that challenges arise because the two agencies are operating under two different legal structures. The Lebanese recruitment agency regulations relate to monitoring and management, and the agencies are subject to regular inspection by the Ministry of Labour. There is also a mechanism for the Ministry of Labour to receive complaints from domestic workers. Furthermore, the Ministry has concluded MOUs with countries of origin, and new procedures are being established to better protect migrant workers, including the development of an information guide which will contain instructions on access to a grievance mechanism; as well as an electronic system to supervise recruitment agencies in line with international standards. However, gaps remain in oversight, particularly in the relationship between the recruitment agencies in the countries of origin and destination. Workers must also be made aware of their rights, and efforts must be undertaken to address the agencies that operate illegally.

Mr Jeroen Beirnaert, Human and Trade Union Rights Coordinator – Forced Labour and Human Trafficking, International Trade Union Confederation (ITUC) discussed the new ITUC Migrant Recruitment Adviser platform – designed to facilitate migrant workers' access to information about recruitment agencies. The platform allows workers to review and rate recruiters against the ILO's general principles and operational guidelines for fair recruitment. The platform will also serve as a means to give information to workers (on bilateral labour agreements, legislation, etc.) and to collect data. In addition to a rating and review function, a complaints mechanism will be established in partnership with Migrant Forum in Asia. The website will go live at the end of November 2017 in a number of Asian countries, and offline work has already taken place in order to populate the website. The platform has the potential to be expanded to other countries, including in Africa and the Middle East.

During the **plenary discussion**, there was a call to focus on specific and pragmatic solutions to the problems raised. It was suggested that the penal code can be used to sanction corrupt practices and that employers can do more to take action against recruitment agencies who charge fees to workers. Sometimes the employers' remedy when confronted with evidence that workers paid for recruitment is to reimburse the workers for fees paid, but they rarely terminate the relationship with the recruitment agency. It was noted further that the experience of the ILO recruitment project pilot demonstrates that fair recruitment *is* possible and the pilot has begun to change the culture in the garment factories in Jordan and also in Nepal. It was suggested that further action can be taken within the private sector and by other stakeholders to promote fair recruitment at the same time as the regulatory framework is put in place and strengthened.

While the ILO general principles and operational guidelines for fair recruitment can guide dialogue, further clarity on what constitutes fee charging is needed. It was noted that an ILO tripartite meeting to discuss this matter will be held in 2018. The importance of ratification of ILO Convention No. 181 was also emphasized.

Session 2: Innovative models for effective job/skills matching

The **keynote address** was given by **Mr S.K. Sasikumar of the V.V. Giri National Labour Institute, Ministry of Labour and Employment, India**, who focussed on the major transformations in today's world of work – noting that they promise better safety and productivity but also threaten a large numbers of jobs through automation. Mr Sasikumar suggested that most of the jobs which exist today will cease to be in existence in 2030 and that by 2020, 21 per cent of core skills in GCC countries will be different compared to the skills in 2015. His two core propositions were that (i) technology would shape skill requirements, and that (ii) migration patterns – internal and international – would adapt; but these effects would need to be better understood. Mr Sasikumar noted that while most skill testing occurs at the high-skilled/professional level, research on low-skilled construction workers in the GCC countries suggests that employers are also demanding skills testing. To address this issue in India, a national qualification framework was established in 2013 and designated skill development centres were set up as a collaboration between the Ministry of External Affairs, the Ministry for Skills Development and Entrepreneurship and private employers.⁴

Mr Sasikumar presented a series of 'ways forward', starting with viewing skilled migration within a reconfigured perspective of the 'future of work'. There is a need for dynamic skills forecasting that considers sector and competency-based requirements, and this information needs to be shared with countries of origin in order to influence their skills development systems. Mr Sasikumar suggested that it is necessary to go beyond skills recognition, to consider the link between wages, productivity and job mobility – and that these considerations must form part of interregional dialogues. He noted that skills must also be addressed from a demand-supply perspective, and that employers must be incentivized to contribute to paying for skilling.

The panel, moderated by **Mr Max Tunon, ILO Labour Migration Specialist for South Asia**, discussed a number of key topics, including country of origin and destination perspectives and experiences with e-platforms and government to government agreements.

⁴ In addition, in 2017, India established minimal referral wages for Indian migrant workers in destination countries, based on defined job specificities. An explicit aim of these minimum referral wages is to avoid contract substitution.

Mr Abdulaziz Al-Harbi from the Ministry of Labour and Social Development, Kingdom of Saudi Arabia introduced the Musaned electronic platform for the direct hiring of domestic workers to Saudi Arabia, which aims to provide a comprehensive umbrella for protection of migrant domestic workers' rights, including through verifying the solvency of recruitment agencies; the issuing of an electronic contract signed between the worker and the employer; the provision of a hotline and centre for resolving migrant domestic workers' complaints; provision of training to migrant domestic workers on how to lodge grievances; and the issuance of a SIM card, which includes the guidelines and the hotline number, to all migrant domestic workers upon arrival. The system also registers all violations and includes a blacklist of recruitment agencies who commit abuses. The main outcomes so far include greater transparency and information sharing among all partners. The Musaned system is currently implemented with Bangladesh, and there are plans to expand to Sri Lanka and other countries of origin.

Mr Md. Musharraf Hossain, Joint Secretary of the Ministry of Expatriates' Welfare and Overseas Employment (MEWOE), Bangladesh discussed the Musaned platform from the country of origin perspective. Mr Hossain suggested that it has cut down on the time for processing of documentation and reduced migration costs. It is also useful in providing up-to-date data on migration flows. However, one challenge is that the system does not take into account the experience level of workers in setting wages, so all migrant domestic workers receive the same amount. Mr Hossain called for the system to be replicated in other countries.

Mr Jaber Al Ali from the Public Authority on Manpower (PAM), Kuwait discussed the Kuwait-Egypt electronic recruitment platform pilot. The pilot initiative will apply to all Egyptian workers employed for the purpose of government contracts, with the goal of better regulating recruitment practices, especially the charging of excessive fees. An online database of Egyptian job seekers is being created, and the next step is the establishment of a joint technical team to outline the implementation and periodical follow-up plan, and to consider how skills assessments of migrants will be incorporated.

During the **plenary discussion**, the question of methodologies for skills forecasting and best practices from other countries was raised; which was addressed with a suggestion that skill development structures must be decentralized and made flexible (in order to ensure that they are more responsive to the quickly changing requirements of the labour market), and that promising practices in skills forecasting methodology existed in the European Union (EU). Currently, the cost of skilling is only borne by the worker or the government, and employers must become more involved in investing in skills – which they may be more willing to do if they trust the skills provider. A question was raised as to whether skills training may become a new method for recruitment agencies to justify charging fees to migrant workers, and a speaker acknowledged that this was an issue and that the relationship between skills and recruitment had to be better analysed. Furthermore, it was noted that under the status quo, it was often in the interest of employers/recruiters to hire based on capacity to pay rather than matching workers with the skills that are appropriate for the job. Moreover, skills must be linked to wages. There should also be a level of skills before the recruitment, and the worker could obtain a 'skills passport' which could be linked to wages. The government of Kuwait referred to a pilot relating to online testing pre-arrival and face-to-face skills testing post-arrival with all costs borne by the employer.

Session 3: Mechanisms for ensuring decent working conditions, including labour inspection

The keynote address was delivered by Ms Jill Wells of Engineers Against Poverty, who noted that in the construction sector, migrant workers face two major risks: i) the late or non-payment of wages, and ii) unhealthy and unsafe working conditions. Since most migrants are indebted due to the migration/recruitment process, the late payment of wages has a significant impact on migrants and their families as it affects their capacity to send remittances home and to reimburse their (recruitment) debt. The complex subcontracting chain in the construction sector and the outsourcing of the employment of labour, combined with a system of paying the workers only when the company is itself paid by the client or its contractor (known as 'pay when paid'), commonly leads to late payment of wages but also to difficulties for migrants' compensation in case of a work-related accident. Joint responsibility for occupational safety and health (OSH) between the immediate employers, principal contractors and the client was proposed as one way to address this issue, combined with a comprehensive government OSH policy and a strengthened labour inspectorate.

Ms Wells noted that most GCC countries have introduced a Wage Protection System (WPS), which keeps an electronic record of payments. While this is an important step for workers to prove when they have not been paid, it does not solve the overall issue of employers not having the funds to pay. Ms Wells outlined several international good practices, such as prompt payment legislation from the EU, the United States and the United Kingdom. Other good practices include the establishment of project bank accounts which are protected from insolvency and allow for direct payment to workers. Ms Wells noted that accidents and late payments have an impact on the time, cost and quality of construction projects, and proposed reform to protect workers and improve efficiency of the sector by ensuring shared responsibility with companies at the top of the supply chain.

The panel, moderated by **Mr Frank Hagemann, Director of the Decent Work Technical Support Team at the ILO Regional Office for Arab States**, discussed a number of key topics, including recent interventions and improvements to address OSH within the construction sector, WPS and extension of social security to migrant workers.

Mr Wassim Rifi of Building and Woodworkers' International (BWI) discussed the trade union's activities within the construction sector in the GCC countries, including the partnership with large construction firms in Bahrain to organize construction workers, support the establishment of workers' committees and the development of collective bargaining agreements; and an MOU with the Qatar Supreme Committee for Delivery and Legacy to enable joint inspection missions on the construction sites for the 2022 FIFA World Cup. Furthermore, the BWI Connect campaign and mobile app aim to inform migrant construction workers about their rights and connect workers and unions across countries of origin and destination.

Mr Faisal Al-Otaibi of the Ministry of Labour and Social Development, Kingdom of Saudi Arabia outlined key improvements to Saudi Arabia's WPS including a database that allows for automatic payment of wages, monitoring and disciplinary measures for non-compliant employers. Deployment of the WPS has been progressive, covering different sized enterprises and sectors over time (domestic workers will be included in a separate WPS as part of reforms through the Musaned pilot); and the government has addressed some technical flaws over time. Furthermore, Mr Al-Otaibi noted that new legislation allows workers to leave their employer without authorization if they have not been paid.

Ms Maysoon Al-Rimawi, Expert in Occupational Safety and Health, Jordan outlined the role of labour inspectors in ensuring safe working conditions in the Jordanian construction sector.

Ms Maysoon stated that OSH supervisors have been specifically trained on inspection in construction work for national and migrant workers. However challenges remain, including the development of a national OSH strategy, the lack of human and financial resources, and legal shortcomings in the Jordanian Labour Code. Furthermore, there is a lack of participation of workers' and employers' representatives in OSH, and the challenge of ensuring decent work for migrant workers in an irregular situation remains.

Mr Jassim Al Malki, Director of the Legal Department of the General Confederation of Oman Trade Unions (GCOTU) discussed the extension of social security to migrant workers. In Oman, the WPS was established in 2014 and comprehensive medical coverage for all migrant workers will be implemented in 2018. Currently, the government is working to integrate migrant workers in the national social security system. A tripartite social security board has been established, and a feasibility study with the ILO is underway.

During the **plenary discussion**, several questions were raised including how workers can be compensated for non-payment of wages. The speaker responded that, for example, in the UAE, bank guarantees required from employers have been set aside and are being used to pay workers' wages when employers default. The government of Qatar also underscored the role of the WPS in this regard. Another question related to the mechanisms by which governments inspect safety in the workplace. The speaker responded that (in Jordan), inspection missions are conducted on a daily basis, with the enterprises that are considered more risky prioritized for regular inspection.

Session 4: Access to justice and dispute resolution

The session began directly with a panel, moderated by **Ms Violeta Illescas, Labour Attaché at the Embassy of the Philippines, Beirut**.⁵ The panel discussed a number of key topics, including barriers to access to justice from both origin and destination country perspectives, including in the context of the sponsorship system, as well as the need for a proactive, community-level approach.

Mr Ben Harkins, Technical Officer (Research and Monitoring and Evaluation) from the ILO Regional Office for Asia and the Pacific shared the results of action research on the role of Migrant Worker Resource Centres (MRCs) in facilitating access to justice for migrant workers. The study analysed the outcomes of 1,014 complaint cases over a four-year period in which compensation of USD 2.45 million was awarded.⁶ A notable success was that of Cambodia, which resolved 500 complaints during this period. Key to this success was going beyond legislative developments to strengthening referral of cases and enforcement. However, migrant workers continue to face major barriers to lodging and resolving complaints in both countries of origin and destination. Within countries of origin, only blatant violations of migrants' rights are being rectified. The situation in destination countries is similar, though compounded by fears of retaliation, employer-tied visas and work permits and language barriers. As a result, most migrant workers do not risk making a complaint unless their livelihoods or basic dignity as human beings are clearly threatened. Even when remedies are provided for abuse, most of the 'compensation' paid is a portion of the money that was due in unpaid wages and not actually compensatory for harm suffered. The study highlights the critical role played by trade unions and CSOs in offering an access point for migrant workers to seek redress. These organizations provide the doorway that the majority of migrants walk

⁵ The keynote speaker, Mr William Gois from Migrant Forum in Asia was unable to attend at short notice.

⁶ The [ILO TRIANGLE in ASEAN programme](#) has established 36 MRCs in six countries, operated by a variety of government, trade union and CSO partners.

through when they need assistance. Particularly for women migrants, the overwhelming preference for CSO services underlines their importance in reducing the gender gap in access to justice.

Mr Milton Turyasiima from the Ministry of Gender, Labour and Social Development of Uganda outlined the legal framework for reception of migrant workers' complaints in Uganda, through which migrant workers can report cases to the labour officers (in the capital city and at the district level), involving the Association of Recruitment Companies, the Human Rights Commission and the Equal Opportunities Commission. Through a coordination mechanism, cases can be referred to the competent authority. All Ugandans are entitled to free legal services and representation. Furthermore, recruitment agencies are required to deposit a bank guarantee of USD 20,000 to cover any legal complaints. Once abroad, Ugandans can report cases in the country of destination through the recruitment agency or through the Ministry of Gender, Labour and Social Development. Mr Turyasiima concluded that challenges remain in increasing awareness of these frameworks among Ugandans.

Mr Ramji Kunwar of the Nepal Trade Union Congress (NTUC) outlined some of the key strategies the union has undertaken to protect the most vulnerable migrant workers. These include the establishment of an NTUC support group for Nepalese migrant workers in Qatar, which helps to address common issues and facilitate return to Nepal where necessary. Mr Kunwar noted that the NTUC Constitution will be amended to express specific means through which to support migrant workers.

Ms Ghida Frangieh, Lawyer and Researcher with civil society organization Legal Agenda (Lebanon) outlined the means of access to justice for migrant domestic workers in Lebanon. Research on dispute resolution involving migrant domestic workers in Lebanon found that most migrant domestic workers in the judicial system were not complainants but defendants, charged with absconding (although this is not a crime). In these cases, there was limited assessment of the presence of indicators of forced labour. Only a few cases were brought to the courts by migrant workers, generally for non-payment of wages. The research also found that migrant workers struggled to access courts independently, and that the most common means of dispute resolution is outside the courts, primarily facilitated through CSOs, embassies and recruitment agencies. A number of obstacles to accessing justice by migrant domestic workers include isolation and restrictions on freedom of movement, a lack of awareness, language barriers, and a lack of organizing/unionization, as well as the constraints of the sponsorship system which limited workers' ability to stay in the country during a dispute. Ms Frangieh concluded by stating that a stronger legal framework is essential, and that there is a need for training for the judiciary.

Mr Nath Ravinder, Ministry of External Affairs, Government of India explained the processes for labour migration for workers from India, and outlined the key steps the government is taking to protect migrant workers, including reducing the costs of migration, providing comprehensive pre-departure training, and signing MOUs with countries of destination.

During the **plenary discussion**, the issue of portability of justice was raised, as commonly migrant workers may need to return home before the resolution of a case – and the role of bilateral agreements and MOUs in facilitating such extraterritorial mechanisms. Another query related to how migrant workers could be supported to access justice mechanisms and several speakers responded regarding the need for working at the community level and directly with migrant workers, to facilitate their access to the courts or other dispute resolution mechanisms.

Session 5: Facilitating regular migration pathways and addressing irregular labour migration

The keynote address was delivered by Professor Nasra Shah of Kuwait University and Professor Philippe Fargues of the European University Institute. Professor Shah outlined that a key challenge in addressing irregular migration is a lack of routine data collection. Currently, the main sources of data include deportation, regularization and returnee data. Professor Shah outlined the five key types of irregular migration in the region: unlawful entry; overstay of visas; being employed by someone other than the sponsor; ‘absconding’; and being born to parents with irregular status. Estimates put the total population of migrant workers in an irregular situation in the GCC countries at approximately 10 per cent. Professor Shah pointed to a number of factors that support irregular migration, including: migrant resilience; their willingness to suffer to attain their migration goals; the network support to initiate and maintain an irregular status; the financial incentive (including the potential to earn more as a ‘freelancer’); and the ‘win-win’ scenario for various actors, such as the benefits to sponsors who can sell visas, gains for intermediaries who can charge fees, benefits of flexibility for employers, and landlords who can rent to ‘freelancers’.

Professor Fargues stated that irregularity is the by-product of laws and regulations, especially the *kafala* sponsorship system and pointed to the importance of terminology, noting that while a person can be in a position which is irregular or ‘illegal’ – this should not be used to describe the person themselves. Amid rising anti-migrant sentiment globally, migration policies are increasingly focused on controlling and containing migration. The result is that irregular migration is criminalized through detention, deportation and amnesties which seek to facilitate exit, rather than regularize the stay of the worker. Within the context of the current fall in oil price and cancellation of some infrastructure projects, Professor Fargues questioned whether fiscal adjustments and labour income taxation will lead to rising fees charged to migrants, and reduced remittances, making the region a less attractive destination for migrant workers. Within countries of origin, factors that contribute to irregular migration include informal employment, failures of the migration institutional framework to effectively monitor conditions and protect workers, and the deficits in bilateral cooperation between governments.

The panel, moderated by **Ms Dima Haddad, National Project Officer, Counter-Trafficking and Migrants Protection, with the International Organization for Migration (IOM), Lebanon,** discussed a number of key topics, including regularization measures in countries of destination and prevention measures in countries of origin, and the impact of migration bans on contributing to irregular migration.

Ms Lalla Salma Regragui of the Ministry for Moroccans Abroad and Migration Affairs discussed the comprehensive national strategy to regularize migrant workers introduced in Morocco in 2014. The strategy was implemented through a consultative process that included all relevant stakeholders including CSOs and security bodies. The current comprehensive national strategy (for migrant workers and refugees) encompasses their integration through enrolment of children in school; combatting discrimination and promoting equality; promoting Moroccan culture among migrants; supporting access to health services (including access to all public hospitals); anti-trafficking laws; and a partnership agreement with IOM and other UN agencies.

Ms Jebli Shrestha, Regional Programme Manager at Asia Catalyst focussed on the impacts of bans on migrant workers (particularly women migrant workers) as a response to allegations of exploitation in countries of destination. A 2014 study in Nepal found that bans were often not effective – workers still migrated, although through unregistered agents and taking a longer circuitous route in which they spent a period in transit countries. Workers who migrated despite bans often arrived in a different country or a different occupation to what they had agreed. Migrating through irregular means meant that the workers did not participate in pre-departure training and were therefore less prepared. The workers were also not part of the private insurance or welfare fund, nor was there any legal trail to the recruitment agency for purposes of seeking compensation in case of illegal conduct. Ms Shrestha suggested a number of alternatives to bans including quality pre-departure training that incorporates language skills; and greater recruitment transparency and decentralization, allowing workers to access the services at the district level. She noted that this would reduce the role of unlicensed agencies and facilitate greater access to complaints mechanisms.

Mr Mangala Randeniya, Deputy General Manager of Training at the Sri Lanka Bureau of Foreign Employment discussed the role of Migration Development Officers in safe migration training in Sri Lanka. Through an outreach programme, prospective migrant workers and their families are educated at the village level during the ‘pre-decision phase’ (i.e. before they decide whether or not to migrate). Mr Randeniya also referenced the national vocational qualification/national competency standards that have been introduced in multiple sectors; and noted that the current ban on preventing mothers with children under the age of five from migrating was recently challenged in the Supreme Court, but remains in effect.

During the **plenary discussion**, further factors underlying irregular migration were raised, including that due to deployment bans in countries of origin, employers are recruiting workers in another country and then bringing them to the destination country. Secondly, within the rigid frameworks of the sponsorship system and employer needs for more flexibility, there are increasing numbers of ‘freelance’ workers in an irregular situation. However, it was also noted that progress has been made in countries of destination, including a government of Kuwait-ILO study examining why some migrant workers fall into situations of irregularity, as well as the introduction of penalties for those actors who engage in trafficking in persons. The issue of older women migrant workers was also raised. It was observed that many women work for decades in the country of destination and remit all of their income. Without access to social protection and without a relationship with the country of origin, they find themselves neglected by the legal framework.⁷

Session 6: Preventing migrant workers from falling into irregularity through no fault of their own

The session began directly with a panel, moderated by **Mr Ryszard Cholewinski, Senior Migration Specialist at the ILO Regional Office for Arab States**.⁸ The panel discussed a number of key topics, including the means through which migrant workers become irregular through no fault of their own, and a number of proposed reforms and innovative solutions for increasing migrant workers’ internal labour market mobility and agency.

⁷ A question of the relationship between irregular migration and refugees was also raised. It was noted that the situation of refugees is specific; however, in most cases when crossing a border refugees do not have a visa and thus fall into an irregular situation if the country is not party to the Geneva Convention relating to the Status of Refugees.

⁸ The keynote speaker, Mr Ausamah Al Absi, CEO, Bahrain Labour Market Regulatory Authority was unable to attend at short notice.

Ms Vani Saraswathi of civil society organization Migrant-Rights.Org, shared examples of the various means through which migrant workers become irregular. These include escaping maltreatment, but also as a result of the minimum salary required for migrant workers to bring their families to the GCC countries (and annual increases in the family tax), meaning that the visas of the spouse or children of the visa holder may not be renewed, thus pushing families into an irregular situation. The primary concern is that migrant workers do not have the agency to renew their own visas or change employers and that efforts to assist workers in an irregular situation (including by embassies) are often focused on repatriating workers, rather than acting to regularize their status or recover unpaid wages. Ms Saraswathi referred to the application of the Bahrain Flexi Permit pilot which allows certain workers in an irregular situation to regularize their status and work without a sponsor,⁹ suggesting that the model be closely monitored, costs (paid by the worker) be reduced, and that the permit should be extended to other categories of workers, including domestic workers.

Mr Frederick Muia of the International Organization of Employers (IOE) underscored the need to address the business case for regular migration. The IOE views labour migration as a potential ‘triple-win’ – for migrant workers, for the country of destination and for the country of origin. Mr Muia referred to the Global Forum on Migration and Development (GFMD) Business Mechanism, which ensures that the voice of business is listened to when the governance of migration is discussed. Regarding addressing irregular migration, Mr Muia suggested that the recruitment process must adhere to the ILO’s general principles and operational guidelines for fair recruitment, and that employers – as the end users of labour – must carry out due diligence to ensure that workers migrate through regular channels. He observed employers do not like to play the role of police including in the case of irregularity and that there must be effective national legislation in place and humane treatment of workers in an irregular situation. Mr Muia suggested that the most important means to address irregular migration is to open up more regular avenues for migration, as when migration is restricted, but the demand for labour remains in place, space for traffickers opens. Lastly, Mr Muia noted that migration policies work best when they take into account the needs of citizens and are supported by the national population.

Ms Sophia Kagan, Chief Technical Advisor, ILO Regional Fair Migration Project in the Middle East (FAIRWAY) presented solutions-orientated ways forward in reforms regarding migrant workers who fall into irregular status through no fault of their own. Ms Kagan suggested that increased flexibility within the labour market would be to the benefit of both workers and employers, and proposed three key recommendations for reform. Firstly, migrant workers should be responsible for the renewal of their own visas and work permits, establishing a direct connection between the worker and the government (as opposed to the current model that is employer mediated). Secondly, immigration status should be de-coupled from employment status. Within this system, immigration is still employer-led (based on a job offer before arrival), but workers should be able to seek new employment without losing their immigration status – particularly if the worker has experienced abuse. One such mechanism could be the introduction of sector-specific visas. Thirdly, workers should be allowed to remain in the country if they are pursuing legal recourse. To support this, there must be expedited channels of dispute resolution, such as a small claims tribunal. Ms Kagan underscored that all workers have rights, regardless of their status, and focussed on the need to sensitize frontline government officials, and address the media representation of migrant workers in an irregular situation. In particular, labour inspectors and complaints handling staff

⁹ Further information on the pilot scheme can be found on the Labour Market Regulatory Authority website: www.lmra.bh.

within ministries should not check the immigration status of workers, but focus on assessment of working conditions.

Mr Riyad Ahmed Nasser Barham of the Ministry of Labour, Jordan discussed reforms to the sponsorship system in the construction sector in Jordan. Mr Barham acknowledged the issues around long working hours and workers in an irregular situation within the Jordanian construction sector, and suggested that migrant workers must have some freedom and flexibility in their movements within the current legal frameworks. To this end, the Ministry of Labour signed an agreement with the construction trade union to enable flexibility in the sponsorship system for Syrian refugees (who are exempt from fees and the requirement for a health certificate and can move more freely between employers). Employers are satisfied with the model, and thousands of permits have been issued to Syrian refugees to date. This model has the potential to be replicated in other sectors and with other nationalities of workers, as well as in other countries.

During the **plenary discussion**, it was noted that as long as it is expensive to use regular migration channels, workers will always opt for cheaper options, resulting in vulnerability and irregular situations. The issue of reputational risks to companies associated with exploitation of workers was emphasized, and the example of cases under the United Kingdom Modern Slavery Act was given. Participants suggested that it is important to reassess the terminology used – absconding, illegality, buying and selling – which are terms that relate back to slavery. One participant noted that a model of sponsorship reform currently under consideration is to make the recruitment agency (or cleaning companies) the sponsor, and noted that this proposal needs to be assessed further, as some evidence shows that cleaning companies can also be abusive towards workers. It was reiterated therefore that the solution would be to provide flexibility to the worker themselves. Regarding domestic workers, it was noted that full labour law protection is needed and that all countries should ratify the ILO Domestic Workers Convention, 2011 (No. 189).

Session 7: Emerging issues in a changing labour migration landscape

The keynote address was delivered by Ms Susan Razzaz, independent labour expert in Jordan, who discussed the recent study on the impact of mixed migration¹⁰ on the Jordanian labour market noting that Jordanians represent half of employed people, while the remainder are migrant workers and a smaller proportion are Syrians. The sponsorship system can lead to situations of debt bondage and forced labour, and many refugees and migrant workers have fallen into an irregular situation through no fault of their own. It was noted that refugees do not fit neatly within the traditional recruitment-sponsorship model. The study found that increasingly employers need a more flexible workforce – including in domestic work – as employers do not wish to commit to 1-2 years of employment, especially due to the seasonal nature of some sectors. Ms Razzaz pointed to the introduction of new schemes that allow workers to apply and pay for permits themselves, while the agriculture cooperative or the construction trade union serves as the sponsor.¹¹

Ms Razzaz identified four key issues still being debated, asking a series of questions. Firstly, what is the role/legal responsibility of those organizations that serve as the official employers?

¹⁰ In this context, mixed migration encompasses refugees, migrant workers and Jordanian workers.

¹¹ In agriculture, Syrians apply and pay for a work permit themselves (USD 15), and the agricultural cooperative (Association of Employers) serves as the employer. Within the construction sector, the work permit application is facilitated through the trade union, which also serves as the employer/sponsor. Syrians must cover the low cost of the work permit themselves, but also pay for private insurance.

Do they have legal liability? Does an association of employers or workers make a difference to the experience of the worker? Secondly, how does this situation fit within operationalizing the ILO principle that the employer not the worker pays recruitment costs? In this situation, it is the workers who are paying the fees and social security costs (albeit small). Thirdly, while legislation should ensure equality between migrant workers, refugees and Jordanian workers, in practice many Jordanian workers are in short-term jobs and do not have social security. Is this discrimination? Lastly, what is the next logical step after implementation in the agriculture and construction sectors? Can these models be expanded into other sectors and for other nationalities? The possibility to have a permit that allows workers to shift between the seasonal sectors of agriculture and construction should also be assessed.

The panel, moderated by **Ms Lucy Daxbacher of the Intergovernmental Authority on Development (IGAD), Djibouti** discussed a number of key topics, including the importance of organizing and creating solidarity among different nationalities of workers, and shared experiences of successful regional labour market mobility initiatives.

Ms Hanim Borhan Mohammed Abdalbagi of the Ministry of Labour, Sudan provided an overview of demographics within Sudan, and the history of migration of high-skilled workers from Sudan to Saudi Arabia. According to IOM statistics, there are four million Sudanese migrant workers who use both regular and irregular migration channels. The role of the Ministry of Labour and the Ministry of Administrative Reform in regulating job advertisements and the role of private recruitment agencies were outlined. Other initiatives to protect migrant workers include the conclusion of bilateral agreements with countries of destination, pre-departure training, coordination with IOM on strengthening labour migration governance, as well as inter-ministerial coordination within Sudan.

Ms Elizabeth Tang, General Secretary of the International Domestic Workers Federation (IDWF) noted that while the majority of migrant domestic workers in the region are from Asia, Africa is growing in importance as a region of origin. This poses a challenge regarding a 'race to the bottom' in terms of countries competing to make their workers cheaper and more acceptable to the country of destination. Sometimes, this competition and discrimination is also evident amongst the migrant workers themselves. Ms Tang emphasized the importance of creating solidarity among different nationalities of workers, and of enabling domestic workers' participation in the development of labour migration governance policies. Ms Tang also emphasised the importance of recognition of the critical role that domestic workers play in countries of destination (which often goes unnoticed). She noted that the IDWF is building regional and interregional platforms to facilitate dialogue among workers in countries of destination and that by building these capacities, the IDWF hopes that workers can participate in governance structures and influence the decisions that affect their lives.

Ms Grace Kanyiri of the Federation of Kenya Employers outlined the emerging trend of free movement of workers across the East African Community (EAC) – which could have lessons for other regions. To facilitate this free movement, Kenya waived all work permit fees, opened 133 professions to migrants from the region and enabled access to the national social security fund for EAC citizens. The EAC Common Market Protocol introduced new Acts that allow greater freedom of movement and address discrimination. There have been further measures to facilitate academic certification recognition. Despite these achievements, challenges remain, including security concerns and corruption by migration officials.

During the **plenary discussion**, the Sudanese trade union perspective was shared, noting that the unions do not discriminate between national and migrant workers, and have an important

role in formulation of policies that seek to serve both local and migrant workers. This perspective was shared by the Bahraini trade union representative, who noted that the rights of national and migrant workers must be considered together.

Regarding increasing numbers of migrant domestic workers from Africa to the Middle East, it was highlighted that a regional forum to discuss and share knowledge and best practices for protecting workers does not exist (as it does for Asia to the Middle East). It was noted that the IDWF has facilitated exchanges between migrant domestic workers from Asia and East Africa during a recent workshop in Bahrain. There have also been a number of capacity building workshops for migrant domestic workers in East Africa, aimed at supporting a unified policy position to present to governments.

Session 8: Bilateral and interregional cooperation on labour migration

The keynote address was delivered by Aurelia Segatti, independent expert on labour migration in Africa, who outlined the standards that exist to guide the development of bilateral labour migration agreements (BLAs), including the standard model agreement annexed to the ILO Migration for Employment Recommendation (Revised), 1949 (No. 86), the ILO Fair Migration Agenda, and the ILO general principles and operational guidelines for fair recruitment, among others. Recent research,¹² however, points to a number of shortcomings. Based on an assessment of new BLAs and negotiations between African countries and the Middle East/GCC countries (commonly focussed on low-skilled workers rather than high-skilled migration), Ms Segatti presented the following observations: BLAs are commonly negotiated in secrecy, with limited transparency in the process (sometimes only the Ministry of Foreign Affairs is involved from the government side) and generally no consultation with social partners. The BLAs are often concluded in response to, and aim to address, large irregular movements of migrants. The technical content of the BLAs may be weak, inclusion of technical annexes is rare (such as a model employment contract), and there are commonly limited monitoring and evaluation mechanisms. Ms Segatti also noted that relatively little attention is paid to ensure clarity of terms in the drafting and translation of BLAs, and pointed to a lack of coordination amongst countries of origin in the African region, suggesting that sharing of information and agreement on threshold conditions could help prevent a ‘race to the bottom’.

Despite these challenges, there is growing awareness of the issue and continued progress towards better and more inclusive design of BLAs, including through guidelines for the development of BLAs that have been drafted with the support of IOM, and capacity building workshops in a number of African countries.

The panel, moderated by **Ms Karima El Korri, Chief of the Population and Social Development Section, United Nations Economic and Social Commission for Western Asia (UN ESCWA)**, shared experiences in the implementation of BLAs and pre-departure and on-arrival orientation training, from the government and trade union perspectives.

Ms Jillian Roque, Chief of Staff of the Public Services Labor Independent Confederation (PSLINK), the Philippines, discussed the Philippines-Germany BLA on health workers. Under this BLA, Philippine workers undergo free language training as part of comprehensive pre-departure training, and all recruitment costs are covered by the employer. The employment

¹² Wickramasekara, P. (2015), [Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers: A Review](#), Geneva, International Labour Office.

relationship is governed by an international labour standards-based contract, and the Philippine workers are entitled to the same conditions of work as their German counterparts (including portability of social security). The BLA is overseen by a joint tripartite oversight committee, which meets regularly in both the Philippines and Germany. The BLA contains a human resource development cooperation component, indicating the commitment of both sides to implement projects that promote capacity building and upgrading of health facilities. Ms Roque stated that the experience demonstrates that it is possible to have a BLA that translates international labour standards into practical mechanisms, although it is important to ensure transparency and social partner participation from inception to monitoring.

Ms Wogayehu Alemu Weldeseilaise, Ministry of Labour, Ethiopia discussed recently concluded BLAs with countries in the Middle East. Ms Weldeseilaise observed that Ethiopia is a country of mixed migration, including regular and irregular migration. Measures to support the implementation of BLAs include pre-departure training, standard employment contracts, social security protection, regulation of recruitment agencies, mechanisms to facilitate the transfer of remittances, and the establishment of a bilateral commission to resolve disputes. BLAs have been concluded with Bahrain, Jordan, Lebanon, Saudi Arabia, Qatar, Kuwait and Oman, among others.

Mr Albert Q. Valenciano, Director IV of the Overseas Workers' Welfare Administration of the Philippines shared the Philippines' experience in the Comprehensive Information and Orientation Programme (CIOP), a pilot of the Abu Dhabi Dialogue.¹³ The purpose of the CIOP is to provide information at different stages of the migration cycle – it is a collaborative process, including pre-departure training in the country of origin, and orientation training in the country of destination. CIOP phase II is taking place between Saudi Arabia and Bangladesh (for drivers); between UAE and the Philippines (for domestic and service workers); and between UAE and Sri Lanka (for service workers). Following the recent conclusion of the BLA between UAE and the Philippines, the pilot phase will commence with the adoption of a management system, the development of a regional guideline to determine the content of the training modules (including development of Key Performance Indicators), and a joint training of trainers.

Mr Bhuwan Prasad Acharya of the Ministry of Labour and Employment, Nepal, as representative of the current Chair of the Colombo Process,¹⁴ stated that a joint common position on the global compact on migration will be presented at the Asia-Pacific Regional Preparatory Meeting for the compact, organized by the UN Economic and Social Commission for Asia and the Pacific (ESCAP), and at the upcoming Mexico stocktaking meeting on the compact. A further platform for the promotion of migrant workers' rights is the South Asian Association for Regional Cooperation (SAARC). The most recent SAARC Summit included labour migration on the agenda, with a focus on migration outside of the region. The Government of Nepal took the lead in drafting the SAARC Plan of Action on Labour Migration with seven broad themes of cooperation, and the SAARC Secretariat is looking to form a technical committee to take this Plan forward.

The **plenary discussion** focussed on the key challenges in implementing the Philippines-Germany pilot, which related to its initial slow process (the comprehensive pre-departure

¹³ The [Abu Dhabi Dialogue](#) was established in 2008 to enhance interregional dialogue on labour migration between Asian origin countries and destination countries in the Arab States.

¹⁴ The [Colombo Process](#) is a regional consultative process on migration bringing together 12 countries of origin with the aim of optimizing the benefits of labour migration and protecting migrant workers throughout the migration cycle.

training is six months in duration) and the means through which efficiency is improving. Regarding unionization, it was noted that the Philippine workers in Germany are being organized, and that the German union is an active part of the organizing committee, providing information and integration support to the Philippine workers. Regarding the CIOP pilots, it was noted that there are ambitions to implement the programme in other Abu Dhabi Dialogue participating countries at the bilateral level. There was also some scepticism expressed among trade union representatives in Africa regarding the value of BLAs in protecting migrant workers, and it was underscored that the workers must be made aware of their existence.

The **summary remarks** were delivered by Professor Philippe Fargues, Rapporteur, who provided both personal reflections (including on the importance of moving towards integrating migrant workers in countries of destination in the region) as well as a summary of the key issues discussed during the meeting. He concluded by noting that the call for practical solutions and opportunities for dialogue requires greater cooperation and sharing of information and experiences.

AGENDA

DAY 1: Wednesday 4 October 2017			
Time	Agenda Item		
8:45 - 9:15	Opening <ul style="list-style-type: none"> • Khalil Cherri, Secretary General, Association of Lebanese Industrialists (ALI) • Mohamed Ma'ayta, Arab Trade Union Confederation (ATUC) • Ruba Jaradat, Regional Director, ILO Regional Office for Arab States • H.E. Mr. Mohammad Kabbara, Minister of Labour, Government of Lebanon 		
9:15 - 9.45	Decent Work, Labour Migration and Mobility, and the Global Compact on Migration <ul style="list-style-type: none"> • Michelle Leighton, Chief, Labour Migration Branch, ILO Geneva 		
9:45 - 13:00	Theme 1: Ways forward to achieve fair recruitment		
9:45 - 11:15	<table border="0"> <tr> <td style="vertical-align: top;"> Session 1: Fair recruitment </td> <td> <p><i>Addressing abusive and fraudulent practices in the migrant worker recruitment process</i> <i>This session will discuss impediments to fair recruitment and ways to overcome them. What strategies are needed to ensure that overall recruitment costs are reduced and employers pay recruitment fees and related costs rather than migrant workers? What steps should be taken to eliminate the conditions that may lead to debt bondage and forced labour in the recruitment process? How can fair recruitment result in better skills matching of both migrant women and men?</i></p> <p>Keynote: Ray Jureidini, Qatar Faculty of Islamic Studies, Hamad Bin Khalifa University, Doha <i>Author of ILO White Paper on 'Ways forward in recruitment of low-skilled migrant workers in the Asia-Arab States corridor'</i></p> <p>Discussion: Moderator: Maria Gallotti, Migration Policy Specialist, ILO Geneva</p> <p>Discussion participants:</p> <ul style="list-style-type: none"> • Phillip Fishman, Fundamental Principles and Rights at Work Branch, ILO Geneva <i>Implementation in practice of the principle that workers should not pay recruitment fees in line with ILO principles and guidelines for fair recruitment</i> • Ross Daines, Managing Director, Africa, Middle East and Asia, FSI Worldwide <i>Ensuring 'zero recruitment fees' to workers</i> • Iman Khazaal, Head of Department, Foreign Workers in Mount Lebanon, Ministry of Labour, Lebanon <i>Development of rating criteria and monitoring mechanism for labour recruitment agencies</i> • Jeroen Beirnaert, Human and Trade Union Rights Coordinator, Forced Labour and Trafficking, International Trade Union Confederation (ITUC) <i>ITUC Initiative – Migrant Recruitment Adviser</i> <p>Plenary discussion / Q&A</p> </td> </tr> </table>	Session 1: Fair recruitment	<p><i>Addressing abusive and fraudulent practices in the migrant worker recruitment process</i> <i>This session will discuss impediments to fair recruitment and ways to overcome them. What strategies are needed to ensure that overall recruitment costs are reduced and employers pay recruitment fees and related costs rather than migrant workers? What steps should be taken to eliminate the conditions that may lead to debt bondage and forced labour in the recruitment process? How can fair recruitment result in better skills matching of both migrant women and men?</i></p> <p>Keynote: Ray Jureidini, Qatar Faculty of Islamic Studies, Hamad Bin Khalifa University, Doha <i>Author of ILO White Paper on 'Ways forward in recruitment of low-skilled migrant workers in the Asia-Arab States corridor'</i></p> <p>Discussion: Moderator: Maria Gallotti, Migration Policy Specialist, ILO Geneva</p> <p>Discussion participants:</p> <ul style="list-style-type: none"> • Phillip Fishman, Fundamental Principles and Rights at Work Branch, ILO Geneva <i>Implementation in practice of the principle that workers should not pay recruitment fees in line with ILO principles and guidelines for fair recruitment</i> • Ross Daines, Managing Director, Africa, Middle East and Asia, FSI Worldwide <i>Ensuring 'zero recruitment fees' to workers</i> • Iman Khazaal, Head of Department, Foreign Workers in Mount Lebanon, Ministry of Labour, Lebanon <i>Development of rating criteria and monitoring mechanism for labour recruitment agencies</i> • Jeroen Beirnaert, Human and Trade Union Rights Coordinator, Forced Labour and Trafficking, International Trade Union Confederation (ITUC) <i>ITUC Initiative – Migrant Recruitment Adviser</i> <p>Plenary discussion / Q&A</p>
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11:15 – 11:30	Coffee break		
11:30 – 13:00	<table border="0"> <tr> <td style="vertical-align: top;"> Session 2: Fair recruitment (cont.) </td> <td> <p><i>Innovative models for effective job/skills matching</i> <i>This session will focus on skills development and recognition, including mechanisms to ensure improved skills matching, and the regulatory mechanisms and incentives to promote investment in skills development and certification by employers, government and workers. Additionally, it will also look at government-to-government recruitment and the impact on skills development.</i></p> <p>Keynote: S.K. Sasikumar, V.V. Giri National Labour Institute, Ministry of Labour and Employment, India</p> <p>Discussion:</p> </td> </tr> </table>	Session 2: Fair recruitment (cont.)	<p><i>Innovative models for effective job/skills matching</i> <i>This session will focus on skills development and recognition, including mechanisms to ensure improved skills matching, and the regulatory mechanisms and incentives to promote investment in skills development and certification by employers, government and workers. Additionally, it will also look at government-to-government recruitment and the impact on skills development.</i></p> <p>Keynote: S.K. Sasikumar, V.V. Giri National Labour Institute, Ministry of Labour and Employment, India</p> <p>Discussion:</p>
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		<p>Moderator: Max Tunon, Labour Migration Specialist for South Asia, Decent Work Technical Support Team, ILO New Delhi</p> <p>Discussion participants:</p> <ul style="list-style-type: none"> Abdulaziz Al-Harbi, Ministry of Labour and Social Development, Kingdom of Saudi Arabia and Md. Musharraf Hossain, Joint Secretary, Ministry of Expatriates' Welfare and Overseas Employment (MEWOE), Bangladesh <i>MUSANED – Electronic platform for recruitment of domestic workers – pilot between Saudi Arabia and Bangladesh</i> Jaber Al Ali, Ministry of Manpower, Kuwait <i>Government-to-government recruitment between Kuwait and Egypt</i> <p>Plenary discussion / Q&A</p>
13:00 – 14:15	Lunch	
14:15 – 17:30	Theme 2: Ways forward to achieve decent work for migrant workers	
14:15 – 15:45	<p>Session 3: Decent work</p>	<p><i>Mechanisms for ensuring decent working conditions, including labour inspection</i> <i>This session will discuss a number of specific decent work issues affecting migrant workers, such as wage setting and wage protection, internal labour market mobility, social protection, national legislation and sectoral coverage, including for domestic work, robust and effective labour inspection, and dispute prevention and resolution.</i></p> <p>Keynote: Jill Wells, Engineers Against Poverty: <i>Tackling delayed payment of wages and OSH in the construction sector</i></p> <p>Discussion: Moderator: Frank Hagemann, Director, Decent Work Technical Support Team, ILO Regional Office for Arab States</p> <p>Discussion participants:</p> <ul style="list-style-type: none"> Wassim Rifi, Building and Woodworkers' International (BWI) <i>BWI's work in the construction sector in the Gulf in relation to labour inspection/OSH</i> Faisal Al-Otaibi, Ministry of Labour and Social Development, Kingdom of Saudi Arabia <i>Improvements to the Wage Protection System</i> Maysoon Al-Rimawi, Expert in Occupational Safety and Health, Jordan <i>Role of labour inspectors in ensuring safe working conditions in the construction sector, including for migrant workers</i> Jassim Al Malki, Director, Legal Department, General Confederation of Oman Trade Unions (GFOTU) <i>Extending social security coverage to migrant workers</i> <p>Plenary discussion / Q&A</p>
15:45 – 16:00	Coffee break	
16:00 – 17:30	<p>Session 4: Decent work (cont.)</p>	<p><i>Access to justice and dispute resolution</i> <i>This session will discuss how migrant workers access dispute resolution mechanisms through Ministries of Labour and judicial remedies, particularly in countries of destination but also countries of origin; and collaboration between countries of origin and destination in this regard.</i></p> <p>Discussion: Moderator: Violeta Illescas, Labour Attaché, Embassy of the Philippines, Beirut, Lebanon</p> <p>Discussion participants:</p> <ul style="list-style-type: none"> Ben Harkins, ILO Regional Office for Asia and the Pacific <i>Access to justice for migrant workers in South-East Asia and the role of Migrant Resource Centres in compensation for workers</i> Milton Turyasiima, Ministry of Gender, Labour and Social Development, Uganda <i>Role played by countries of origin in dealing with migrant worker complaints</i> Ramji Kunwar, Nepal Trade Union Congress (NTUC)

		<p><i>Outreach to Nepali migrant workers in the Gulf and promoting workers' empowerment</i></p> <ul style="list-style-type: none"> Ghida Frangieh, Lawyer and Researcher, Legal Agenda Ravinder Nath, Director, Overseas Indian Affairs, Ministry of External Affairs, India <p>Plenary discussion / Q&A</p>
19:00	Reception	
DAY 2: Thursday 5 October 2017		
Time	Agenda Item	
8:45 – 12:00	Theme 3: Ways forward to address irregularity	
8:45 – 10:15	Session 5: Irregularity	<p><i>Facilitating regular migration pathways and addressing irregular labour migration</i></p> <p><i>This session will cover the situation of workers who enter countries of destination without authorization, including their motivations; regularization processes; the impacts of such irregular migration; and the mechanisms that governments, in collaboration with and social partners, can put in place to facilitate regular migration.</i></p> <p>Keynote: Nasra Shah, Kuwait University and Philippe Fargues, European University Institute, Florence: <i>What are the different types of migrants in an irregular situation, the available statistics and the high-risk groups?</i></p> <p>Discussion:</p> <p>Moderator: Dima Haddad, National Project Officer, Counter-Trafficking & Migrants Protection, Labour Mobility & Human Development Focal Point, International Organization for Migration (IOM), Lebanon</p> <p>Discussion participants:</p> <ul style="list-style-type: none"> Lalla Salma Regragui, Ministry for Moroccans Abroad and Migration Affairs <i>Morocco's experience with regularization</i> Jebli Shrestha, Regional Programme Manager, Asia Catalyst <i>The impact of migration bans</i> Mangala Randeniya, Deputy General Manager, Training, Sri Lanka Bureau of Foreign Employment <i>Role of Migration Development Officers in safe migration training</i> <p>Plenary discussion / Q&A</p>
10:15 – 10:30	Coffee break	
10:30 – 12:00	Session 6: Irregularity (cont.)	<p><i>Preventing migrant workers from falling into irregularity through no fault of their own</i></p> <p><i>This session will outline positive experiences in regularizing workers who become irregular by also demonstrating the 'business case to governments and employers of increasing flexibility in the sponsorship system. It will also discuss the key issues raised by failing to address irregularity in the workforce.</i></p> <p>Discussion:</p> <p>Moderator: Ryszard Cholewinski, Senior Migration Specialist, Decent Work Technical Support Team, ILO Regional Office for Arab States</p> <p>Discussion participants:</p> <ul style="list-style-type: none"> Vani Saraswathi, Migrant-Rights.org. <i>How do migrant workers fall into irregularity?</i> Frederick Muia, International Organisation of Employers (IOE) <i>The business case for addressing irregularity</i> Sophia Kagan, Chief Technical Adviser, Regional Fair Migration Project (FAIRWAY), ILO Regional Office for Arab States <i>Ways forward for reform</i> Riyad Ahmed Nasser Barham, Ministry of Labour, Jordan <i>Reforms to the sponsorship system in the construction sector</i> <p>Plenary discussion / Q&A</p>

12:00 – 13:15	Lunch	
13:15 – 14:45	Theme 4: Governance of labour migration	
13:15 -14:45	Session 7: Labour migration governance	<p>Emerging issues in a changing labour migration landscape <i>This session will discuss emerging issues in the governance of labour migration, including the challenge of mixed migration, and how best to address the presence of refugees and migrant workers in labour markets (Jordan and Lebanon), and the trend of increasing labour migration to the Middle East from African countries.</i></p> <p>Keynote: Susan Razzaz: <i>Challenges presented by mixed migration on national labour markets and how to ensure protection of the rights of all workers</i></p> <p>Discussion: Moderator: Lucy Daxbacher, Intergovernmental Authority on Development (IGAD), Djibouti Discussion participants:</p> <ul style="list-style-type: none"> • Hanim Borhan Mohamed Abdalbagi, Ministry of Labour, Sudan <i>Challenges of being a ‘new entrant’ to the labour market in the GCC and of building a system of protection for migrant workers, including migrant domestic workers</i> • Elizabeth Tang, General Secretary, International Domestic Workers Federation <i>Challenges of organizing increasing number of nationalities of domestic workers</i> • Grace Gathoni Kanyiri, Federation of Kenya Employers <i>Making migration work for development: Kenyan experience on labour market assessment and free movement of persons in the East African Community (EAC)</i> <p>Plenary discussion / Q&A</p>
14:45 – 15:00	Coffee break	
15:00 -16:30	Session 8: Labour Migration governance (cont.)	<p>Bilateral and interregional cooperation on labour migration <i>This session will focus on mechanisms for bilateral and interregional collaboration on labour migration and mobility, including through development and implementation of bilateral labour agreements. It will also examine the scope for developing mechanisms for interregional dialogue that include African countries.</i></p> <p>Keynote: Aurelia Segatti [via Skype]: <i>Bilateral labour agreements concluded by African countries</i></p> <p>Discussion: Moderator: Karima El Korri, Chief, Population and Social Development Section, United Nations Economic and Social Commission for Western Asia (UN ESCWA) Discussion participants:</p> <ul style="list-style-type: none"> • Jillian Roque, Chief of Staff, Public Services Labor Independent Confederation <i>Philippines-Germany bilateral agreement on health workers as a good practice which includes employer and worker representatives in the agreement’s implementing committee</i> • Wogayehu Alemu Weldeseilasie, Ministry of Labour, Ethiopia <i>Recently concluded bilateral agreements with countries in the Middle East</i> • Albert Q. Valenciano, Director IV, Overseas Workers’ Welfare Administration, Philippines <i>Philippines’ participation in the pilot implementation of the Comprehensive Information and Orientation Program (CIOP), one of four collaborative thrusts of the Abu Dhabi Dialogue</i> • Bhuwan Prasad Acharya, Ministry of Labour and Employment, Nepal, and as representative of the current Chair of the Colombo Process <p>Plenary discussion / Q&A</p>
16:30 – 17:00	Summary remarks by Rapporteur, Philippe Fargues, European University Institute	