

Executive Summary



International
Labour
Organization

International labour migration: A rights-based approach

International migration is hardly new. Yet in the last two decades, it has risen to the top of the global policy agenda.

With globalization, international migration is going to increase, not decrease, in the twenty-first century. Each year, millions of women and men leave their homes and cross national borders. Many seek higher wages and better opportunities, but many others are forced to migrate because of famine, natural disasters, violent conflict, persecution or simply a lack of decent work in their home country. At the same time, in major destination countries increased demand for skilled workers, reluctance of local workers to accept certain low-skilled jobs, population decline and population ageing act as strong drivers.

Current international migration flows are becoming more complex and diverse, with changes in the form, status, direction and duration of the migration experience. In contrast to earlier permanent and settler movements, temporary migration is more popular. International migrants today are a very mixed group, including seasonal workers, temporary contract workers, skilled migrant workers, students, asylum seekers and refugees, workers with irregular status and victims of trafficking and forced labour. A few facts:

- International migrants in 2010, estimated at 214 million, represent only 3 per cent of the global population.
- Women make up almost 50 per cent of international migrants.
- Migrant workers (those who migrate for employment) and their families account for about 90 per cent of total international migrants. Migration today is for work, and as such comes under the ILO's overall Decent Work Agenda.
- Economically active migrant workers number about 105 million in 2010.

These developments pose important challenges for the four pillars of labour migration policy: governance, protection, development and cooperation. The challenge is to govern migration so that it creates growth and prosperity in both origin and destination countries, while protecting and benefiting migrant workers themselves.

The book's key messages

The ILO, with its constitutional mandate to protect “the interests of workers when employed in countries other than their own”, its expertise in all aspects of labour issues and its tripartite constituency, has a unique role to play in the global debate. *International labour migration* draws on the recent international tripartite dialogue that helped spawn the 2004 resolution on a fair deal for migrant workers in the global economy, the related ILO plan of action for migrant workers and the 2006 ILO Multilateral Framework on Labour Migration. The latter was a major step forward in defining a rights-based approach to labour migration, the common thread running through the book.

International labour migration first examines trends, impacts on origin and destination countries, and the conditions experienced by migrant workers. It then details the relevant international instruments, exploring how they can support the formulation and implementation of migration policies and practices. It also identifies critical elements for migration governance and international cooperation.

Chapter 1 reviews current and expected future migration flows, the importance of growth in temporary forms of migration, feminization and trends in irregular migration.

Chapter 2 analyses linkages between migration and development, and the impacts of international migration on origin and destination countries. In the developing regions from which most migrants come, the positive contributions of migration are reflected in high remittance flows (US\$338 billion in 2008) and the transfer of investment, technology and critical skills through return migration and engagement with diaspora communities. These benefits are made possible by pro-active policies and effective international cooperation. While major destination countries have liberalized admissions for skilled persons to some extent, doors remain closed for low- and semi-skilled persons, where developing countries have a surplus. This has three undesirable effects: serious brain drain from poor countries, the channelling of a large part of unmet demand to the irregular economy and reduced development benefits.

In destination countries, migration has rejuvenated populations and workforces, contributed to job creation, rendered traditional sectors such as agriculture and services economically viable, fostered entrepreneurship, supported social security and welfare schemes, satisfied the demand for skills in emerging high-tech industries and promoted urban renewal. The evidence debunks a number of popular myths – for instance that migrant workers displace local workers, increase the crime rate and exploit public welfare systems.

Nonetheless, many migrant workers do not enjoy decent work, but instead suffer from low wages, unsafe working environments, non-payment of wages, a virtual absence of social protection, denial of freedom of association and workers' rights, discrimination and xenophobia. Chapter 3 details how migrant workers tend to be concentrated in economic sectors that are less attractive to native workers: agriculture, construction, labour-intensive manufacturing and services, including domestic work, hotel work and tourism. These sectors include some of the most vulnerable migrant workers: women domestic workers, construction workers, workers with irregular status and trafficked persons.

Studies show that migrant workers in the EU and OECD countries have higher unemployment rates than natives and, when in employment, tend to be segregated in low-skilled occupations. They are more likely to be overqualified for their work and they experience considerable job insecurity and less advantageous working conditions. Overall, temporary migrant workers, women and young migrants are particularly vulnerable. And in times of recession, the main adjustment burden often falls on migrant populations.

ILO research reveals that labour market discrimination against persons of migrant origin, including second and third generations, is pronounced in Europe and North America. Young applicants of immigrant origin have to apply for four to five times as many jobs as natives with equivalent skills, education and experience to obtain positive responses. Results show a significant bias against the minority candidates in the European countries tested: native/majority candidates were selected over equally qualified candidates of minority origin in as many as nine out of ten cases.

Policy responses and the way forward

The book's second part reviews policy responses using a rights-based approach based on internationally recognized rights and standards. Chapter 4 discusses how workers' rights can be protected and promoted by these international standards, particularly those developed by the ILO. It focuses on the three levels of protection these standards afford migrant workers: universal human rights and core labour rights that apply to all migrants, regardless of their status; migrant-specific standards; and other labour standards that also apply to migrant workers. The chapter highlights protection gaps in current instruments relating to women migrant workers, temporary migrant workers and those in irregular status. While 82 countries have ratified at least one of the three international migrant worker instruments, there is need for better enforcement, through appropriate labour inspection and procedures for access to justice. The non-binding ILO Multilateral Framework on Labour Migration – a comprehensive synthesis of all applicable principles and guidelines – can help countries elaborate sound migration policies.

Chapters 5 and 6 focus on national and international migration policies, which require greater coherence and cooperation. Important areas for the ILO's tripartite constituents include regulation of labour migration flows, control of recruitment processes, recognition of migrant workers' skills, portability of social security benefits, protection against occupational hazards, improved work conditions and better linkages between migration and development. A key message is that sound migration policy involves much more than "fighting" irregular migration and tightening border controls. It means identifying long-term interests and labour market needs, anchoring policies on basic human rights and finding effective mechanisms for broad social consensus.

Since migration directly affects both workers' and employers' interests, broad social consensus entails establishing tripartite bodies that can assist governments in formulating and implementing labour migration policy.

Drawing on the preceding chapters, Chapter 7 makes concrete recommendations suggestions for the way forward.

- National and international governance of labour migration should recognize that most migration is in search of decent work. Greater legal opportunities for labour mobility (especially for low-skilled workers), through development- and mobility- and circulation-friendly policies are needed. Current temporary and circular labour migration programmes cannot address the permanent demand for migrant labour, especially with regard to ageing workforces and the need for care workers. Temporary and circular migration schemes should respect the principle that migrant and national workers should be treated equally.
- In the short to medium term, there is considerable potential for free circulation and labour mobility regimes in areas with trade and economic integration zones, for example those in Africa, Asia and Latin America.
- Policies should be based on the recognition of mutual benefits to both origin and destination countries.
- Protection of migrant rights is central to realizing development benefits of migration for all parties. Existing international instruments and the ILO Multilateral Framework on Labour Migration provide a solid foundation in this respect.
- Comprehensive approaches to irregular migration (beyond treating it as a law-and-order issue) are needed to address its root causes, to protect the basic human rights of workers in irregular status in line with international norms, and to consider regularization options, as appropriate.
- Cooperation at all levels (bilateral, regional and multilateral) between governments, social partners and other stakeholders is an essential pillar for improving migration governance, ensuring the protection of migrant workers, and securing development benefits of labour migration.
- In parallel, the ILO needs to work with other international and regional organizations concerned with migration to advance the rights-based policy agenda.

There is still a large unfinished agenda before the international community in terms of making migration work and providing a fair deal to migrant workers. In the long run, the goal should be migration in “conditions of freedom, dignity, equity and security”, consistent with the concept of decent work initially advanced by the ILO, but now a common vision of the international community.

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