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FOURTEENTH ITEM ON THE AGENDA

Report of the Working Party on the Social Dimension of Globalization

Addressing the labour market impacts of refugees and other forcibly displaced people: Oral report of the Chairperson of the Working Party

1. The High-level Section of the Governing Body met as the Working Party on the Social Dimension of Globalization on the morning of Monday, 21 March 2016. I chaired the meeting, and my fellow Officers, Mr Rønneest and Mr Cortebeeck, Employer and Worker Vice-Chairpersons of the Governing Body, respectively, spoke for their groups. The Office had prepared a document ¹ for the Working Party, and this was well received by participants who felt that it provided a good basis for the discussions. Meeting as the Working Party made it possible to invite special guests to take part in a panel discussion on the question and participants were able to profit from presentations provided by Mr Peter Sutherland, Special Representative of the UN Secretary-General on International Migration and Development; Ambassador William Lacy Swing, Director-General of the International Organization for Migration (IOM); and Ms Carol Batchelor, Director of the Division of International Protection at the Office of the United Nations High Commissioner for Refugees (UNHCR). The presence of these guests provided the Governing Body with a broad cross-agency vision of the issues at stake. One of the main outcomes sought from the discussion was a clear understanding of the way in which the ILO should use its mandate and its expertise to address the question of the labour market impacts of refugees and other forcibly displaced people, and how its contribution to effective responses for refugees and host communities related to the broader action of the multilateral system.
2. *The Director-General* recalled that public attention was focused on the Syrian Arab Republic while the refugee crisis was global, affecting all regions of the world. The international community must respond collectively to the crisis and responsibility should not be assigned simply by accident of geography. Good labour market policies are key to integration, and therefore the response must include access to decent work, as work lay at the intersection between the humanitarian and developmental aspects of the problem. Lessons from the field will play an important role in future dialogue as well as strong partnerships in sending, receiving and transit countries. In the face of diverse anxieties, universal commitment to

¹ GB.326/WP/SDG/1.

international labour standards should provide the basis for increasing pathways to decent work accessible to refugees and all workers. The ILO welcomed closer collaboration on these issues with member States and other agencies. For example, it was working to review and strengthen the Memorandum of Understanding (MoU) between the ILO and UNHCR. It was contributing to preparations for the high-level plenary meeting of the UN General Assembly on 19 September 2016 on addressing large movements of refugees and migrants. The high-level plenary meeting would be an opportunity to create a “new deal” for the multilateral system to address the issues before us.

3. *Mr Sutherland* stressed that the current global refugee and migrant situation was unprecedented. The response so far was inadequate, and leadership in addressing the issue in Europe was lacking with the exception of Germany, Sweden and the European Commission. Xenophobia was rising with countries formulating policies centred on returning displaced persons to their countries of origin or preventing them from entering. Jordan, Turkey, Lebanon, Greece and Italy could not be expected to bear the brunt of responsibility simply on the basis of proximity. The commitments taken after the Second World War had been abandoned as countries considered that safeguarding sovereignty took precedence over upholding human values. Employers’ and workers’ organizations should make their voices heard in a domestic lobby. Limiting entry to refugees was too simplistic and implied returning those escaping natural or climatic disasters as well. The role of migration in fuelling economic growth should be acknowledged. The high-level plenary meeting in September should define a system to secure us into the future, if the world is up to the challenge.
4. *Mr Swing* also stressed that we were in a period of unprecedented human mobility and of unprecedented simultaneous crises that had created a “perfect storm”. The global response to this was insufficient – the only remedial process in motion concerned the Syrian Arab Republic. Political leadership and international moral authority were lacking; anti-migrant sentiment was on the rise, with a poisonous narrative conflating migration with terrorism. However, Europe’s population was declining, making large flows of migrants essential to fill jobs. Therefore, there was a need to focus on how to link demographic deficits, skills gaps and job opportunities. That is where trade unions and employers had a key role to play so that migration contributes to thriving economies. Employment was a means of integration and the society of the future was necessarily going to be more multicultural, multi-ethnic and multireligious. In history, migration had always proved positive. Integration must be grounded in human rights and labour law, and equal treatment of all workers; a common European Union integration and asylum system would facilitate labour market integration of refugees and displaced persons.
5. *Ms Batchelor* said that refugees, displaced and stateless persons had the same capacities and needs as other persons, as well as the same rights and responsibilities. Jobs could be a pathway to a comprehensive, durable solution, but refugees were frequently barred from the labour market. Market needs and employment opportunities for refugees and host communities should be identified, and a tripartite approach should be adopted in seeking solutions. Skills recognition could be problematic where people had fled without their documents, and the institutions from which their qualifications came no longer existed. Refugees should be included in occupational safety and health measures and included in the shift from the informal to the formal market; fundamental principles and rights at work must apply. The ILO should conduct further studies on the impact of refugees and forcibly displaced persons on the labour market. Jobs and livelihoods, protection and solutions and peace and stability were strongly linked. Populations living on assistance would not be able to return home to rebuild their societies. To do so, they required access to the labour market and a dignified existence in host countries.

6. *The Employer spokesperson* pointed to a confusion between refugees and migrants. Migrant flows not seeking protection were not a problem per se, but the distinction was important as the international community had a strong refugee protection regime under the 1951 Refugee Convention. Many factors were testing this regime – mass influxes of refugees requiring protection; conflicts spilling over to neighbouring countries threatening safety; concerns for national security and the consequent closing of borders and denials of asylum; and host countries becoming overwhelmed by funding shortfalls. Women, children and the elderly caught in these situations were increasingly vulnerable. There was a role for the ILO in this sphere in facilitating peace-building reconciliation and conflict resolution, as it had done in Colombia and the Democratic Republic of the Congo. The “Jobs after War” publication presented a clear roadmap for rebuilding society after crisis, and the ILO had done much work on post-conflict situations. The Employers agreed that the problem should be tackled at source, through restoration and consolidation of peace and the rule of law where conflict happened. The Employers supported the reference in the paper on the need to better link humanitarian and development assistance. Where there were large numbers of refugees and other forcibly displaced persons as in Egypt, Jordan, Lebanon and Turkey, ways should be sought to integrate them in the labour market. The ILO could help identify skills in supporting entrepreneurship and establishing lifelong learning schemes. The group supported ILO participation in conferences such as the Syria Donors Conference held in London on 4 February 2016, as well as in the MoU revision with UNHCR and the continued ILO work with United Nations Development Assistance Frameworks (UNDAFs) at national level.
7. *The Worker spokesperson* welcomed the analysis and support of other international organizations and hoped that the discussion would assist global policy coherence. He agreed that the crisis was not just a European crisis – most displaced persons were in developing countries and the Workers wanted a comprehensive multilateral response to the crisis. The ILO should play a leading role in all questions related to labour market impacts and the promotion of decent work. The Organization could advise on social protection issues, such as settlement programmes including specific employment support and skills training funded by the international community. Discrimination, xenophobia and stigmatization must be forcefully addressed; trade unions were active in combating this. The European Trade Union Confederation and Business Europe had issued a joint statement committing to work with governments and other stakeholders to design and develop policies to support inclusion. The right to work must be established and applied as under the 1951 Refugee Convention. Asylum/refugee status processing and financing of integration and settlement should be public, and required adequate resourcing and upgrading. Host countries with already high unemployment should promote decent work and job creation rather than enforcing austerity regimes. Research showed that within a few years these costs were neutralized, while their economic benefits continued to expand. Europe’s population was ageing, and refugees could fill current and future skills gaps. The core labour and migration-related ILO Conventions must provide the legislative framework to protect refugees and other displaced persons in the workplace. Governments and the social partners should ensure social protection coverage, skills recognition, access to formal employment opportunities and equal treatment, including in wages. Social dialogue was essential to minimize tensions between new arrivals and the established workforce, identifying and matching skills, qualifications and their recognition. Tripartite participation in establishing responses was essential. Mr Cortebeek hoped that the Working Party’s discussion would feed into the UN General Assembly high-level plenary on 19 September, and suggested that the ILO should convene an urgent high-level tripartite meeting to provide guidance on short and long-term responses to integration of refugees into labour markets and protection of rights of all workers.

8. Many governments, from sending, receiving and transit countries, as well as several international organizations, took the floor to join the discussion. All strongly supported the role of the ILO in all matters relating to labour market impacts and integration of refugees and forcibly displaced persons, nevertheless urging the Organization to remain firmly within its remit. The ILO should contribute to the fight against human trafficking, and unacceptable forms of labour, including child labour, scourges that could affect refugees and other displaced persons. They welcomed the presence of representatives of other directly concerned international organizations and spoke in favour of close multilateral coordination in addressing the issues by bringing to bear their particular expertise and mandates, and welcomed especially closer cooperation between the ILO, the IOM and UNHCR. Governments pointed to the need to strengthen the link between humanitarian action and development cooperation, underlining the centrality of labour market integration as a critical element bridging the two. Many stressed very strongly that tripartite participation was essential in the design of responses. The ILO should play a lead role in promoting the Decent Work Agenda in labour market responses that could help both refugees and national workers. It could utilize its expertise to provide guidance in the fields of education, vocational training, skills development and recognition, skills and jobs matching, labour mobility, labour research and data and labour market forecasting, and foster the protection of fundamental principles and rights at work, as well as in sharing of best practices and providing further guidance to UNDAFs on labour market integration. A large number of governments called for greater participation of, and cooperation between, regional economic bodies, emphasizing the critical role of regional economic integration processes in putting together practical plans of action to address the labour market impact of these crises and to promote decent work responses. Some governments had already put in place pilot programmes from which lessons could be drawn. The Organization should also, in partnership with others, use its expertise to build resilient labour markets that could adapt to the challenges of the refugee crisis. It was also felt that the ILO should mobilize international community funding to assist countries in addressing the labour market impacts, with priority to those whose already scant resources were being stretched by the imperative of supporting large numbers of refugees on their territory. A number of receiving countries pointed to the considerable internal difficulties that they were facing maintaining adequate services due to funding shortfalls. Some hosting governments acknowledged that their countries had reached their limits, and while they would continue to do all that was possible, they would not do so at the expense of national workers and stressed that ILO activities and projects should primarily aim at creating job opportunities for the nationals of the host countries. Many governments called on the ILO to assist in the design of programmes, including to assure that labour mobility pathways for refugee resettlement were aligned with ILO standards. Some governments reported on recent moves that they had taken to facilitate labour mobility and ease labour market integration for migrants by granting immediate access to the labour markets, or by accelerating asylum procedures prior to granting access. A number of governments indicated the need to distinguish between migrants and refugees, and evoked possibilities that included the voluntary return of refugees, guaranteed by sustainable reintegration in the country of origin including assistance on labour market reintegration.
9. *Mr Sutherland* said that it was important that multilateral organizations should be part of the process of change and development, while recognizing the imperative role of employers and trade unions to add their voice for change at national level. At present there was a constellation of leadership that could bring about change, should it decide to play its leadership role. But changes in government in a year's time could alter the landscape. The UN high-level plenary therefore represented an opportunity that might not be repeated in the near future. Governments must make firm commitments, including on the ratification and implementation of relevant ILO standards, and fix deliverable objectives at the high-level plenary. They had imperatively to expand their capacity to host refugees.

10. *Mr Swing* stressed the need to change the perception of migrants. The very negative image ascribed to migrants should be inverted, because the demographics in many receiving countries made their presence essential. A second need was to manage diversity through managing integration more effectively. Finally, policies needed to be better designed, and not focusing primarily on security and resettlement, a point particularly important as more and more countries became destinations for resettlement.
11. *Ms Batchelor* pointed again to the difficulties refugees would have returning home to rebuild their own countries when peace returned if they had not been integrated successfully in the host countries during their exile. The ILO should use its expertise to establish facts on labour market impacts of refugees. In doing so, it should speak to the refugees themselves, to understand fully what had driven them to the extreme action of leaving their homes for an uncertain future, what were their hopes and aspirations. Assistance-based language referring to “aid provided” to refugees was lacking respect. The refugees should be seen as an asset to our economies.
12. *The Director-General* in summarizing the debate, highlighted the unprecedented nature of the crisis, and the collective failure of response both in terms of adherence to values and operationally. However, there was agreement that access to decent work had to be a key component of the needed response. This tripartite challenge came with a responsibility to design policies through dialogue and negotiation to realize access to labour markets as well as a responsibility for advocacy. Both were necessary to move away from what could at best be described as defensiveness and at worst as xenophobia. Finally, another key point was that countries were not grasping the historically proven advantages that migration brought – and prejudice and misconception had to be confronted with evidence. More heartening was the assumption of their responsibilities by the social partners. There was strong and unanimous support for the ILO to take up its role in the collective response and we should do so in cooperation with our multilateral partners. Some had referred to a distinction between migrants, refugees and displaced persons, but others had pointed to the fact that rigid categorization might not stand up against the realities of circumstance.
13. There was overwhelming support for improving access to labour markets. However, certain governments had pointed to depressed labour markets in their countries and indicated unwillingness to disadvantage national workforces, adding that improved access to labour markets for refugees would depend on international assistance received for refugee employment projects and would need to be in line with national labour law. One answer to this might be to ensure respect for the principle of equal treatment. Indeed, respect for the fundamental principles and rights at work was critical to prevent refugees from falling into informality, abuse through trafficking and child labour. Action must be guided by a strong normative framework. The 105th Session of the International Labour Conference was to examine Conventions Nos 97 and 143 this June in the Committee on the Application of Standards, which would certainly add to reflection on these issues. Some speakers pointed to the need to deal with problems at their source: the ILO’s Flagship Programme on Jobs for Peace and Resilience was key to this approach.
14. Calls had been made for the ILO to continue its technical cooperation activities in receiving countries. Some work had been done but more was needed and support would be needed from constituents to make further progress. Countries where the ILO was providing this cooperation had pointed out that they could not be expected to carry the burden of labour market integration and resettlement on their own. This was undoubtedly a collective responsibility to be shared by all: governments and employers’ and workers’ organizations.
15. The multilateral system should take advantage of the opportunities that would culminate in the events in New York on 19 and 20 September, and the ILO should contribute to the success of those events including the design of the desired deliverables. The Organization

was already engaged in this sense, but could do more still. A proposal had come from the Workers' group on the possibility of convening a tripartite high-level meeting to take forward the ideas discussed by the Working Party. The Director-General suggested that should the Governing Body decide to pursue this idea, it could be very helpful in informing their thinking and guiding the ILO inputs to the events leading up to and in September.

- 16.** In the light of the discussion held by the Working Party, arrangements for the holding of a tripartite technical meeting on the access of refugees and other forcibly displaced persons to the labour market are presented in an Addendum to this document.²

² GB.326/INS/14/Add.(Rev.).