



International
Labour
Office

A fair deal for migrant workers in a global economy

An ILO plan of action for migrant workers

A fair deal for all migrant workers requires a rights-based approach, in accordance with existing international labour standards and ILO principles, which recognizes labour market needs and the sovereign right of all nations to determine their own migration policies, including determining entry into their territory and under which conditions migrants may remain. As part of the broader commitment to promoting decent work, the ILO and its constituents agree on the desirability of maximizing the benefits to all that can flow from: (i) promoting policies that give priority to economic growth and employment; and (ii) encouraging regular labour migration. It is recognized that this goal requires a commitment to adopt national policies aimed at equal treatment of migrant workers with nationals in respect of national labour laws and access to applicable social protections, combating the exploitation often associated with migrants in irregular status, and the promotion of basic human rights for all migrants. It is clear that closer cooperation among sovereign States and the tripartite constituents can contribute towards more effective labour migration processes and protection systems. In order to advance this agenda, the ILO and its constituents will carry out a plan of action in partnership with other relevant international organizations.

Of the 175 million people thought to be residing outside their countries of birth or citizenship, some 86 million are estimated to be economically active.

Among many of the beneficial elements of labour migration are non-inflationary economic expansion, job creation, growth and cross-fertilization of skills, technology exchange, rejuvenation of populations and stimulation of development through remittance flows.

This plan of action shall include:

- development of a non-binding multilateral framework for a rights-based approach to labour migration;
- identification of relevant action to be taken for a wider application of international labour standards and other relevant instruments;
- support for implementation of the ILO Global Employment Agenda at national level;
- capacity building, awareness raising and technical assistance;
- strengthening social dialogue;
- improving the information and knowledge base on global trends in labour migration, conditions of migrant workers, and effective measures to protect their rights;
- mechanisms to ensure ILO Governing Body follow-up of the plan of action and ILO participation in relevant international initiatives concerning migration.

A non-binding multilateral framework for migrant workers in a global economy

In order to assist member States to develop more effective labour migration policies, the tripartite constituents have agreed to develop a non-binding multilateral framework for a rights-based approach to labour migration which takes account of national labour market needs. Such a framework will be drawn from, and based on, available information on policy and best practices in countries engaged in international migration, existing proposals to enhance the economic benefits of migration, relevant international labour standards, the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up, and other relevant international instruments.

This framework will comprise international guidelines on best practices on areas including, but not limited to, the following:

- having regard to labour market needs and demographic trends in the various countries, expanding avenues for regular labour migration; promoting managed migration to address the impact of an ageing population on national economies, where appropriate;
- promoting managed migration for employment purposes, including bilateral and multilateral agreements between host countries and countries of origin;
- licensing and supervision of recruitment and contracting agencies for migrant workers in accordance with ILO Convention No. 181 and Recommendation No. 188;
- promoting decent work for migrant workers and promoting awareness of migrant workers' rights;
- preventing and combating irregular labour migration, abusive practices, migrant smuggling and trafficking in persons;
- protecting and promoting the human rights of all migrant workers; promoting social integration and inclusion, reducing discrimination against migrant workers and measures to combat racism and xenophobia;
- promoting measures to ensure that all migrant workers benefit from the provisions of all relevant international labour standards; taking measures to ensure that all migrant workers are covered by national labour legislation and applicable social laws;
- improving labour inspection and creation of channels for migrant workers to lodge complaints and seek remedy without intimidation;
- measures to reduce the cost of remittance transfers and incentives to promote productive investment of remittances;
- policies to encourage return migration, reintegration into the country of origin and transfer of capital and technology by migrants;
- promoting the recognition and accreditation of migrant workers' skills and qualifications, as appropriate, in order to enhance their employability; promoting guidelines for ethical recruitment of migrant workers and exploring mutually beneficial approaches to ensure the adequate supply of skilled health and education personnel;
- addressing the specific risks for all migrant workers, men and women, in certain occupations and sectors with particular emphasis on dirty, demeaning and dangerous jobs, and on women in domestic service and the informal economy;
- facilitating the portability of social security entitlements and other relevant entitlements through bilateral, regional or multilateral agreements in relation to regular migrants.

The ILO, in consultation with Government members, the social partners and relevant experts will develop the guidelines contained in this non-binding multilateral framework for consideration by the ILO Governing Body in November 2005.

Recognizing the importance of work currently being carried out in the existing international forums in the area of migration, an ILO forum may be established in partnership with other relevant international organizations to provide a platform for increased tripartite dialogue on labour migration and increased policy coherence on this subject.

International labour standards and other relevant instruments

ILO Convention No. 97 has been ratified by 42 countries and Convention No. 143 has been ratified by 18 countries. The Office shall undertake to identify the impediments to the ratification of these Conventions, taking into account that labour migration has evolved since their inception, and other relevant instruments have been developed at national, regional and international levels, such as the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and the United Nations Convention against Transnational Organized Crime (2000) and its two associated Protocols. The ILO may take appropriate steps to better promote the ratification of Conventions Nos. 97 and 143, and the application of the principles they contain pertaining to the protection of migrant workers. This initiative should also encompass other particularly relevant standards for migrant workers, including the fundamental ILO Conventions and ILO standards concerning private employment agencies, social security, protection of wages, labour inspection, and occupational safety and health.

Consistent with effective management of migration, due consideration should be given to the particular problems faced by irregular migrant workers and the vulnerability of such workers to abuse. It should be recalled that ILO instruments apply to all workers, including irregular migrant workers, unless otherwise stated. It is important to ensure that their human rights and fundamental labour rights are effectively protected. Due consideration should also be given to the gender dimension in the application of relevant international labour standards, as well as to the various categories of temporary migrant workers, including seasonal workers.

Further research should be carried out on how to address some of the lacunae that have been identified in ILO standards on migrant workers, for example, through additional measures and guidelines for national legislation, policy and practice.

The ILO shall periodically prepare and widely disseminate a report on the implementation of international labour standards relevant to migrant workers.

A broad array of international labour standards contain principles and rights to guide national law and policy on managing labour migration and the protection of migrant workers.

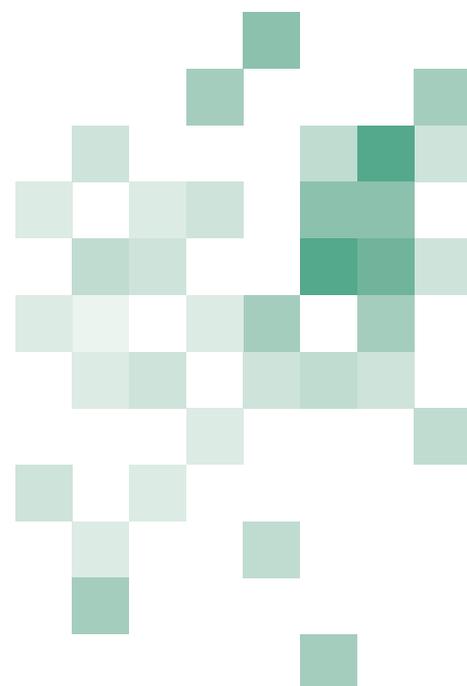
The absence of formal management for migration and national policies in some countries contributes to the increasing number of irregular migrants.

Capacity building and technical assistance

Considering the needs expressed by many member States for technical assistance in many areas of labour migration policy and administration, expanded advisory services and technical cooperation should be a key priority for the ILO to help governments and social partners formulate and give effect to national and regional policies and practices concerning labour migration. Such capacity building and technical assistance should, inter alia, further the following activities:

- support the development of gender-sensitive national migration policies;
- support member States in reviewing and updating laws and regulations, undertaking practical measures on labour migration, and improving the functioning of administrative arrangements and enforcement mechanisms;
- support member States in mitigating the circumstances driving migration through the generation of decent work opportunities in countries, including through the implementation of the ILO Global Employment Agenda at the national level;
- help build capacity for monitoring labour migration at the national level; and for developing national databases concerning migrant workers;
- strengthen the capacity of workers' and employers' organizations to participate in the formulation and implementation of labour migration and integration policies, and promote equal treatment of migrant workers;
- promote awareness and better understanding of the ILO standards relevant to migrant workers and assist member States in conforming national labour migration policies and programmes to these standards;
- strengthen labour legislation so as to ensure that it provides labour protection for migrant workers and protects labour principles and rights identified in relevant ILO Conventions and instruments; and strengthen the capacity of authorities, including labour inspection services and labour tribunals, to secure compliance with labour laws;
- promote awareness of labour rights; develop and promote measures and activities to combat racism, discrimination and xenophobia.

The ILO International Training Centre in Turin should be involved in the development and carrying out of these capacity-building activities and technical assistance projects.

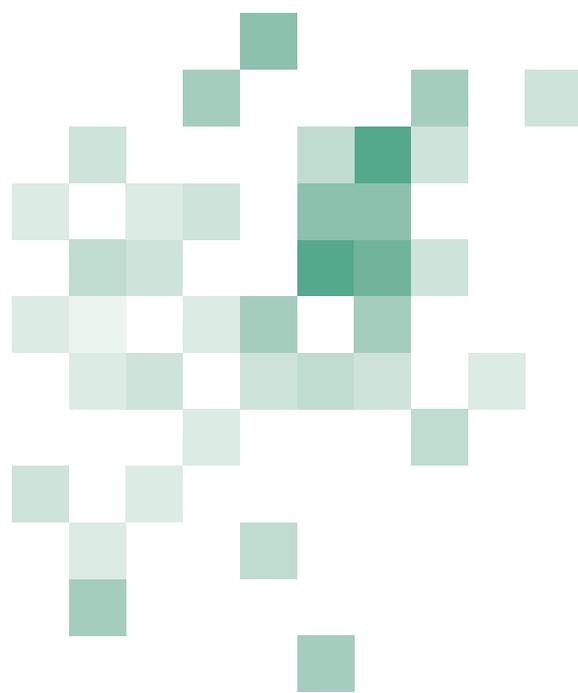


Development of a global knowledge base

Together with its constituents and, as appropriate, in conjunction with other international organizations, the ILO should continue building a global knowledge base on international labour migration, focusing its research and strengthening its knowledge management tools in the following areas:

- continued qualitative and quantitative research in areas of migration for employment, including on the gender dimensions of migration;
- develop models for future information exchange on job openings and skills needs for foreign workers;
- collection and dissemination of information and profiles of “best practices” in relevant categories of labour migration management and in integration policies;
- cooperation and exchange among countries to improve migration statistics, particularly by expansion of the ILO’s International Labour Migration Database;
- studies of long-term labour market developments that are relevant to future migration flows, and adjustment policies to maximize mutual benefits.

There is a need for further studies and analyses of the effects of the movements of highly skilled migrant workers and those with advanced education on economic and social development in developing countries.



Social dialogue

ILO support is required to assist its member States and employers' and workers' organizations in establishing national mechanisms of social dialogue on migration, facilitating participation of social partners in relevant international forums, preparing educational materials, providing services to migrants, conducting anti-discrimination and integration activity, and addressing other concerns.

Follow-up

The ILO Governing Body, as appropriate, shall periodically review the progress made in implementing these conclusions and plan of action. For this purpose, consideration may be given to the need to establish a Permanent Committee on Migration of the ILO Governing Body.

The ILO is expected to participate actively in relevant international forums and to enhance cooperation with other relevant international organizations for the furtherance of this plan of action.

For workers' organizations, labour migration poses particular concerns, notably: reaching migrant workers and organizing them into trade unions; ensuring solidarity between foreign and national workers, cooperating with employers to integrate migrants in multicultural workplaces; and obtaining access to policy forums to ensure that the views of men and women migrant workers are taken into account.

Taken from the Resolution concerning a fair deal for migrant workers in a global economy adopted by the General Conference of the International Labour Organization at its 92nd Session, June 2004

The Committee on Migrant Workers elected its officers as follows.

Chairperson: Mr. Y. Dé (Government member, Senegal)

Vice-Chairpersons: Mr. J. de Regil (Employer member, Mexico) and Ms. S. Burrow (Worker member, Australia)

Reporter: Mr. N. Kebbon (Government member, Sweden)

International Labour Office

International Migration Programme
Social Protection Sector

4 route des Morillons
CH-1211 Geneva 22
Switzerland

Tel. +4122/799-6667

Fax +4122/799-8836

www.ilo.org/migrant