



Migration and Governance Network (MAGNET)
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S U M M A R Y R E P O R T

**ILO/SARTUC Workshop on Promoting Trade Union Cooperation on
Labour Migration in Origin and Destination Countries**

Kathmandu, Nepal / 16-19 September 2013

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1. Introduction

The ILO/SARTUC workshop on promoting trade union cooperation on labour migration in origin and destination countries concluded on 19th September 2013 after four days of intense brainstorming and debate sessions. The preparatory meetings and the workshop have laid the foundations of a comprehensive strategy vis-a-vis the involvement of source and destination country trade unions in the struggle for social justice for migrant workers and for a framework of cooperation amongst each other.

The workshop brought together members of South Asian Regional Trade Union Council (SARTUC), members of trade unions in South Asia (Nepal, Bangladesh, India, Sri Lanka and Pakistan) and representatives from migrant workers communities in Bahrain, Jordan and Lebanon, as well as members of the National Human Rights Committee in Qatar. A full list of participants is available as an annex to the document.

This event would have not been possible without the technical support of the following ILO specialists: Mr. Walid Hamdan, Mr. Azfar Khan and Mr. Mustapha Said, and without the financial contribution to MAGNET provided by the Swiss Agency for Development and Cooperation (SDC).

2. Programme structure and content

In the opening session of the workshop, it was agreed that a number of themes pertaining to regional cooperation were to remain important focal points throughout the course of the workshop. They included the importance of tripartite South Asian Association for Regional Cooperation (SAARC) level meeting to establish minimum standards for migrant workers going abroad, the need for international negotiations between sending and receiving country governments and the need to build a framework for cooperation between trade unions of sending and receiving countries. The **role of the ILO** and its instruments to assist relevant actors in formulating agreements in the area of labour migration was also discussed with stress put on the importance of taking a “Rights based approach to labour migration” as the basis for cooperation between relevant actors in origin and destination countries. The discussion drew on challenges gathered from past agreements between unions including the broad nature of existing agreements that contained few specifics on rights of migrant workers.

The heartrending **plight of Nepali workers** in Qatar told at one of the sessions brought home the reality of the challenge that lies ahead. The delegates heard tales of hardship, privation and horrors faced by the Nepali workers in Qatar and there was emphasis on the forgotten issue faced by the many workers. The extreme isolation and loneliness was illustrated best by the case of a Nepali cattle herder who worked in complete isolation for the most part and as a result had started naming the cattle under his care with the names of his friends back home. There were also tales of resilience and strength of migrant workers who were making the best of a bad situation. Participants’ reaction to the human stories

was strong and some asked why labour laws in Gulf Cooperation Council States which offer numerous protections for migrant workers were not implemented and why labour inspection was poor at destination countries. It was also noted that non-GCC Arab nationals faced similar stories of hardship and there were **calls for solidarity between Arab and non-Arab migrant workers**.

In discussing possible **ways forward for trade unions** in both the source and destination countries, participants noted the pressing need to deal with the many issues that originate in the source country itself especially the urgency of implementing all aspects of past agreements. Time and time again the importance of a grassroots approach that involves migrant workers in policy decisions and gets them into unions was seen as a priority.

It was refreshing for delegates to learn of **positive experiences coming out of Arab States**, continuously sighted as being 'difficult' in terms of opening up to the unionization of workers. The case study of the cooperation between General Federation of Nepalese Trade Unions (GEFONT) and the General Federation of Bahrain Trade Unions (GFBTU) and the Kuwait Trade Union Federation (KTUF) was a step towards progress, delegates heard. The Memorandum of Understanding signed between the different sides in 2011 allowed for information sharing, formation of worker support group in Kuwait and for the enhancing of working relations between sides involved. In other more 'restrictive' Arab states GEFONT was able to assist Nepali migrant workers in establishing informal community groups.

In the context of challenges faced by trade unions in **organizing migrant workers hailing from many different nationalities**, it was pointed out that the differential wages paid by employers in destination countries to workers from different nationalities weakened solidarity between the different groups of workers and created a risk of hindrance when attempting to organize migrant workers to present a unified voice. Delegates agreed on the need of a long-term cohesive strategy to organize workers even when unionization was not possible in the short run. This was needed to prevent the labour movement from fragmenting into "nationalist" pockets.

Participants were reminded of **ILO's instruments and conventions** available at their disposal and for their aid, in particular ILO's Multilateral Framework on Labour Migration, a non-binding set of guidelines for countries to devise their migration policies taking a rights-based approach, and Convention No. 189 which deals more specifically on promoting decent work for domestic workers. On the latter, the "12 by 12" campaign spearheaded by the International Trade Union Confederation (ITUC) was outlined as a good example of lobbying. With the initial goal of achieving "12 ratifications in 12 countries" of ILO Convention No. 189, the end result was all the more impressive, with 13 countries ratifying the Convention. It was emphasized to participants that it is not in the ILO's mandate to put pressure on any government to ratify or implement ILO Conventions – ILO can only play an advisory role and the responsibility to put pressure on the government lies with the various trade unions and ILO instruments can be the basis for that.

The popular struggle for democracy in Arab countries has had an impact on the operations of trade unions in the region, which calls for a more urgent need to strengthen **ties and cooperation between trade unions in source and receiving countries**, delegates heard. In

light of this debate the effectiveness of attempting to improve migrant workers' conditions in countries where even the most basic freedom of association is denied was questioned, suggesting rather that the core focus should be on struggle of workers to achieve the right to organize and bargain collectively.

The debate on the **strategic directions trade union needed to take in the field of labour migration** was heated and the following issues were highlighted:

- Activities in isolation will not be effective in bringing about change.
- There is a need to be careful about governmental regulations since some restrictive measures can lead to workers migrating through irregular channels.
- Organizing migrant workers is an urgent issue at the destination countries since their exploitative situation depresses wages for everyone.
- The importance of holding periodic interactions on a regular basis to strengthen coordination and to review progress.
- The need to utilize media outlets more effectively in order to bring to the plight and struggles of migrant workers.
- There is an urgency to place domestic workers in an equal footing with all other workers.
- The need for trade unions to organize trainings for migrant workers pre and post departure.
- The creation of a “black list” and “white list” of recruitment agencies based on the quality of their business practices and sharing that information amongst each other.
- The importance of adopting standard unified contracts when possible so workers are not defrauded in the contractual phase.

4. Outcomes of the programme

The four-day negotiations concluded with a Plan of Action agreed to by attendees and delegates. The Action Plan contained detailed strategies to be adopted by trade unions in both sending and receiving countries and the role of support organizations (namely, ILO and ITUC) in assisting trade unions towards meeting the goals outlined. These strategies were based on the overarching objectives of organizing or unionizing migrant workers (in both the source and destination countries) as well as placing migrant workers in an equal footing with nationals vis-a-vis remuneration and working conditions in the destination countries.

The main objectives and summary of the main roles played by each side to make them happen were set as follows:

Migrant workers join/establish workers' organizations; measures to be taken by trade unions to achieve this include establishing pressure groups and alliances to push for the ratification of relevant conventions (namely Convention No.87 and No.98), training migrant workers pre-departure and monitoring the work of recruitment agencies.

Equal treatment and better working conditions for labour migrants; Trade unions will promote relevant conventions (Conventions No. 189, No. 97, No. 143) provide fair and accessible legal support services and develop a national trade union migration policy. This objective would also require unions in destination countries to ensure migrant workers are considered on equal footing with the rest of the national workforce.

Supporting organizations (ILO and ITUC) are to provide support throughout the process including technical advice and training when needed and as set out in the Plan of Action.

Delegates agreed that unions should take steps to exchange experiences and create inter-regional and national mechanism structures to achieve, review and follow up progress from this plan.

Annex 1 – DETAILED PLAN OF ACTION

Objective	Task of TU in origin country	Task of TU in destination country	Role of Support Organizations (ILO, ITUC)
Migrant workers join/establish workers' organizations	Revise constitution and reform TU structures to include migrant workers.	Revise constitution and reform TU structures to include migrant workers.	ITUC and ILO to provide technical support to revise structures and bylaws
	Establish pressure groups and alliances with militant right based civil society organizations, and initiate campaigns for the ratification and implementation of Conventions No. 87 and 98	Establish pressure groups and alliances with militant right based civil society organizations, and initiate campaigns for the ratification and implementation of Conventions No. 87 and 98	ITUC to support actions in this regard. The ILO to support promotional activities.
	Establish a special migration unit within TUs with clear functions, policies and roles with decision making powers, based on the principles of gender equality	Establish a special migration unit within TUs with clear functions, policies and roles with decision making powers, based on the principles of gender equality	ITUC and its regional and sub-regional organizations (SARTUC and ITUC-Arab) to establish focal points and mechanisms on migration. ILO and ITUC to support establishing these units
	Trade union training for migrant workers at pre-departure (including sharing of information) and recruit union focal points. Ensure TU representation in Government pre-departure orientation programs	Establishing contacts with focal points and organize TU training programs for migrant workers.	ILO and ITUC to Organize specific trainings programs for migrant workers on the national and regional levels
	Development of orientation guides for	Development of orientation guides for	ILO and ITUC to provide technical and financial

	migrant workers	migrant workers. Establishing contact points for migrant workers as of the arrival.	support in this regard.
	Identify out-migration areas and organize workers and coordinate with militant right based civil society organizations in order to outreach potential migrant workers. Combat fraudulent practices by illegal recruiters and intermediaries. Monitoring the work of recruitment agencies to ensure conformity with Convention No. 181.	Identify migrant communities and organize and coordinate with militant right based civil society organizations in order to outreach migrant workers. Combat fraudulent practices by illegal recruiters and intermediaries. Monitoring the work of recruitment agencies to ensure conformity with Convention No. 181.	ILO and ITUC to follow-up on the implementation of Convention No. 181 and provide technical assistance on the development of adequate recruitment procedures
	Exchange experiences and good practices among TU organizers and including migrant workers in training programs		To include a component for migrant workers in all projects through ITUC and ACTRAV. To make better use of committed Arab and Asian expertise on migration as well as providing space for TU exchange.
Equal treatment and better working conditions	TU to promote relevant conventions, including Conventions No. 189, 97 and 143, and use ILO supervisory mechanisms regarding violations of	TU to promote relevant conventions, including Conventions No. 189, 97 and 143, and use ILO supervisory mechanisms regarding violations of	ITUC to support in using ILO supervisory mechanisms and ILO to provide technical assistance.

	Migrant Workers' Rights. Moreover, to push for the respect of the international Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Migrant Workers' Rights. Moreover, to push for the respect of the international Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	
	TUs to initiate and take part in global and regional TU solidarity campaigns.	To ensure migrant workers issues are considered on equal footing with those of national workers, including collective bargaining, tripartite structures and campaigns.	ITUC to support national endeavors and initiate global campaigns in support of migrant workers' rights and FoA and CB. ILO to develop timely responses to TU demands.
	Providing legal support/advice for pre-departing and returning migrants with accessible services, including facilitation of reintegration of returning migrants.	Providing legal support/advice with accessible services for migrant workers.	ILO and ITUC to support in developing these services and establish legal inter-regional network.
	Development of a national TU migration policy and pressure governments to participate in developing a national migration policy.	Development of a national TU migration policy and pressure governments to participate in developing a national migration policy.	ILO and ITUC to provide technical support for the articulation of a migration policy
	Structured regional and inter-regional mechanisms between TUs of countries of origin and destination through SARTUC and ITUC-Arab to achieve, review and follow-up on progress on this action plan.		

Annex 2 – WORKSHOP AGENDA

ILO/SARTUC WORKSHOP ON PROMOTING TRADE UNION COOPERATION ON LABOUR MIGRATION IN ORIGIN AND DESTINATION COUNTRIES

Kathmandu 18-19 September 2013

1. Welcoming of participants

SARTUC

ILO

2. Global trends of labour migration and general challenges for trade unions
3. The labour migration normative framework (UN and ILO Conventions)
4. Situation of migrant workers : from pre-departure in countries of origin to working and living conditions in countries of destination
5. Key concerns of trade unions in countries of destination
6. Key concerns of trade unions in countries of origin
7. Possible areas of cooperation
8. The ILO model trade union cooperation agreement
9. The global and regional trade union campaigns
10. The role of NGOs and cooperation with trade unions
11. Defining element of a coordinated trade union strategy
12. Follow-up activities

Annex 3 - LIST OF PARTICIPANTS

No	Name of the participants	Country
1	Mr. Dewar Hossain Khan	Bangladesh
2	Mr. Serajul Islam	Bangladesh
3	Mr. Jahangir Alam Chowdhry	Bangladesh
4	Mr. Thampan Thomas	India
5	Mr. Zulfiqar Ahmed	Pakistan
6	Mr. G.L. Dissanayake	Sri Lanka
7	Mr. Sinniah Veloo	Sri Lanka
8	Mr. RPR Muragarsimi	India
9	Mr. Khaled ALHABHABEH	Jordan
10	Ms. Khoulood El Moumani	Jordan
11	Mr. Castro abdallah	Lebanon
12	Mr. Anna Fernando Thiruna Wadimuga	Lebanon
13	Mr. Sayed salman almahfoud	Bahrain
14	Mr. Abdulla Hussein	Bahrain
15	Ms. Marieke Koning	Brussels
16	Mr. Nabil Abdo	Beirut
17	Ms. Haifa Ziater	Beirut
18	Mr. Azfar Khan	ILO - Beirut
19	Mr. Andrea Salvini	ILO - Beirut
20	Mr. Mustapha Said	ILO - Beirut
21	Mr. Noriyuki Suzuki	ITUC-AP
22	Ms. Charito Relay	Solidarity Center
23	Ms. Lorena Macabuag	MFA
24	Mr. Khila Nath Dahal	Nepal
25	Ms. Marieke Koning	ITUC Brussels
26	Mr. Laxman Basnet	SARTUC
27	Mr. Indra Deo Yadav	SARTUC
28	Mr. Ashim Bhattarai	SARTUC
29	Ms. Jawahir Hassan Alobaidly	NHRC Qatar