



► Thematic Brief

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Promoting internal labour market mobility in the Arab States¹

Introduction

Although immigration sponsorship systems are common in many parts of the world, the types of sponsorship arrangements prevalent in the Middle East place considerable limitations on migrant workers' opportunity to leave an employer, create a number of risks of human rights violations and labour exploitation, and impede internal labour market mobility for migrant workers.² Internal labour market mobility for migrant workers can loosely be defined as the ability to terminate employment, switch to a different employer, renew a work permit and/or leave the destination country without the approval of the employer, including during the contract period (ILO 2017). Removing existing restrictions and enabling more workers to change jobs in the country of destination can bring critical benefits to the effective functioning of labour markets, reduce the cost and time required for recruitment from abroad, and ensure more effective job matching. Enabling a more dynamic and fluid labour market has become an ever-greater priority as a result of the COVID-19 pandemic, which has created a context wherein some employers have had to let go of workers because of financial difficulties, while others have struggled to fill vacancies because of restrictions on international recruitment. A number of countries in the region are making deep reforms to achieve more flexibility in their labour markets, while also addressing the potential for exploitation inherent in an unbalanced employment relationship. This thematic brief

¹ This thematic brief was developed by technical staff of the ILO Regional Office for Arab States with additional research by consultant Sabrina Kouba, to further discussions during the Africa – Arab States Interregional Tripartite Meeting on Labour Migration. It has been revised to take account of a number of key points raised by the experts during that session. It does not reflect the views of the ILO or the African Union Commission and all errors rest with the authors.

² The term “migrant worker” is used throughout this thematic brief in accordance with international standards, in particular, Article 2 of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990), which defines a “migrant worker” as a “person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”. Similar definitions are found in the ILO Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). It is important to note that governments in the Arab States view most labour migration as temporary and tend to prefer to use the terms “temporary foreign contract workers” or “temporary expatriate workers”.

outlines some of the challenges, applicable international labour standards and emerging promising practices.

Current challenges and ways forward

Both within the region and globally, restrictions to migrant workers' ability to terminate their employment contract and/or move between employers without the permission of the first employer can create heavy dependence of migrant workers on their employers for both their immigration status and employment status. Such a system makes migrant workers more vulnerable to labour exploitation, including forced labour, but also contributes to inefficient labour markets by restricting workers from being able to be employed in a job that is most suited to their skills and interests, and by restricting employers from being able to benefit from the skills of migrant workers.

Currently, most countries in the Arab States enable workers to transfer jobs only after the end of their contract (around two to three years), or unilaterally in the case of proven abuse by the employer, but the latter can be hard to establish, particularly for low-wage workers in a vulnerable situation. Even where the country's legislation enables a job transfer after a shorter period, many migrant workers lack the legal knowledge, confidence, resources and labour market information needed to switch to new jobs.

The lack of internal labour market mobility not only creates reputational damage in instances of forced labour, it also creates a "vicious circle" that reduces opportunities for nationalization of the labour force – a goal of many countries in the region. Below are select examples of how reduced internal labour market mobility can be detrimental to moving towards greater nationalization of the workforce (ILO 2012a):

- Restrictions on mobility keep wages to a minimum and encourage the use of labour-intensive techniques (and "cheap foreign labour") in the private sector.
- Labour-intensive techniques lead to low labour productivity and a lack of investment in technology.³
- Low labour productivity leads to low wages in the private sector.
- Low wages in the private sector increase incentives for nationals to seek employment in the public sector.
- There are few incentives for nationals to invest in human capital in order to compete in the private sector.
- This results also in low productivity in the public sector, because of low investment in skills development, oversupply of workers and underemployment.
- Consequently, the economy is locked into a low-productivity equilibrium, meaning that low wages prevail, and the attraction of immigration increases.

Ensuring better internal labour market mobility can have a number of positive benefits including, the following:

³ For empirical evidence on the relationship between abundance of "cheap" migrant workers and investment in, and development and adoption of technology in the United States of America, see Clemens, Lewis, and Postel (2018) and Lewis (2011).

1. Improving internal labour market mobility reduces the costs of recruitment and initial training, and ensures business continuity

A significant reliance on international recruitment means high costs related to the recruitment and initial training of migrant workers, as well as frequent loss of experienced labour when workers are required to leave the country rather than being able to look for new employers. While it is true that workers, especially those at the lower rung of the skills and wages spectrum, sometimes bear the costs involved in obtaining a job abroad (Segal and Labowitz 2017), employers are by law, in almost all Arab States, required to cover the cost. The COVID-19 pandemic will continue to have an impact on international recruitment. One consequence is the increased cost of bringing in new workers, which includes additional health screenings, vaccination certificate requirements and, in some cases, quarantine. Recruiting domestically may not only be cheaper, but allows firms to access information about a potential employee more easily (through word of mouth, and recommendations and interviews), thereby making it more likely to select the right candidates for the openings. Additionally, employers would be in a better position to screen jobseekers in person and assess their skills and credentials, thus overcoming the information imperfection and asymmetry inherent in international recruitment processes (Fredriksson, Hensvik, and Skans 2018). Being able to hire workers already in the country will lead to faster transitions, which would also be better for business continuity, as leaving positions unfilled for longer periods and high turnover costs negatively affect the output/productivity of the firm (Bingley and Westergaard-Nielsen 2004).

The general economic literature is in agreement that some degree of movement is essential to ensure more efficient job matching (around 10 – 15 per cent annually) (Harris, Tang, and Tseng, 2006). Very high turnover could be detrimental to the economy, but very low transfer rates, such as those in the Gulf Cooperation Countries (GCC), may suggest structural barriers placed on workers in being able to transfer with the result that workers are ‘stuck’ in jobs that are not best suited to their skill set, reducing their productivity and wages.

2. Improved labour mobility rights provide incentives for migrant workers with a wide range of skills and expertise to join the local labour market, to the benefit of employers

Enabling workers to move between employers can lead to an increase in productivity (as workers match themselves with jobs that allow them to optimize their productivity), and the creation of a more skilled workforce that is responsive to trends in the labour market. While this may be particularly relevant to higher-skilled workers, even lower-skilled workers are able to learn new soft and technical skills ⁴ while working, and these skills will be marketable during their tenure in the Arab States. However, in the current context

⁴ The ILO outlines three types of skills: (i) soft skills – ICT, problem-solving, communication, decision-making; (ii) basic skills – literacy and numeracy; and (iii) job-specific/technical skills – specialist knowledge, knowledge of products or services produced and materials worked with, ability to operate technical tools (Stoevska 2017).

of limitations on internal labour market mobility in many Arab States, most migrant workers have few incentives to acquire new skills relevant to the local economy, as they are restricted to remain with one employer and cannot use their skills as a bargaining position over their wages (Anderson and Huang 2019).

Moreover, having a “grace period” during which a migrant worker can move between employers and look for new work – combined with eligibility for unemployment insurance – can facilitate better job matches. Recent evidence from the United States demonstrates that extending unemployment benefits significantly improves job match quality, with better effects for those more likely to have inadequate resources. In a similar fashion, granting workers in the Arab States the opportunity to search for jobs and match themselves with the most suitable jobs – based on their education, skills and experience – would benefit workers, as they can earn higher wages and enjoy greater job satisfaction, and will thus be less likely to initiate (another) costly transfer. It may also help firms, because it improves the quality of employee–employer matches and thus boosts productivity (Farooq, Kugler, and Muratori 2020). Additionally, as firms will also be more hesitant to let go workers if they possess larger amounts of firm-specific capital (Bingley and Westergaard-Nielsen 2004), there will be a greater incentive for firms to improve wages and working conditions, thus facilitating a positive feedback loop that could promote further investment in skills.

3. Reducing the burden on government dispute settlement mechanisms

Workers’ inability to change employers increases the risks of labour rights violations because it increases a worker’s dependence on the employer and deprives them of a key negotiating tool in labour relations. Malpractice in turn increases the monitoring and regulatory burden on the government’s dispute settlement mechanisms, and also lowers the overall productivity of the workforce. Facilitating labour market mobility would reduce forms of illicit competition and other law-breaking such as “labour hoarding” and visa trading.⁵

4. Labour market mobility could raise wages of workers, helping to reduce the wage gap between the private and public sectors

Aside from an increase in the risk of labour exploitation, restrictions on labour mobility are likely to put downward pressure on workers’ wages, thereby widening the gap between the public sector (dominated by nationals) and the private sector (dominated by migrant workers). A number of studies have established that (especially low-wage) migrant workers earn higher salaries when they move out of a visa status that ties them to specific jobs (Sumption 2020). For instance, firm-specific skills are crucial for a worker’s productivity, and in a competitive labour market with proper mobility,³ wages are

⁵ Labour hoarding is a practice whereby employers seek more work permits than they actually need, so that workers can be quickly mobilized if and when they are needed once they are in the country of destination. However, when employment is not available, these workers may be required to find their own source of employment and income. This practice is connected with the practice of visa trading, wherein a sponsor does not employ the worker, but extracts a fee from the worker to remain as their nominated sponsor for the purposes of residence and work permits – a practice that is prohibited by Arab States’ laws (ILO 2017).

expected to increase with tenure if the firm values the increased productivity of the tenured worker. However, the common explanation for why high worker productivity translates into higher wages is that if a worker is not offered appropriate compensation, local employers would compete for this worker by offering higher wages — if the skills are not too firm-specific and would contribute to the employee's productivity in the other firm. Thus, improving internal labour market mobility can have a positive impact on wages, which would then boost nationalization efforts, particularly in the private sector.

Applicable international labour standards

The key international Conventions that outline labour standards with respect to internal labour market mobility are the:

- ILO Forced Labour Convention, 1930 (No. 29);⁶
- Migration for Employment Convention (Revised), 1949 (No. 97);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and
- Domestic Workers Convention, 2011 (No. 189), in the case of domestic workers.

Additionally, the non-binding ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs, which were negotiated by a Tripartite Meeting of Experts and approved subsequently by the ILO Governing Body, prompt employers to “respect the freedom of migrant workers to terminate or change employment, or to leave the country if the worker so desires, taking into account any contractual obligations that may apply”, and further stipulate that “employers’ permission should not be required” for such actions (ILO 2019, para. 31.1).⁷

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Migration for Employment (Revised) Convention, 1949 (No. 97)

The ILO instruments relevant to the rights of migrant workers are the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Migration for Employment (Revised) Convention, 1949 (No. 97), and their accompanying Recommendations (No. 151 and No. 86, respectively). Conventions Nos 143 and 97 have complementary and inter-dependent aims. More specifically, Convention No. 143 “builds on the equality of treatment provisions of Convention No. 97, focusing on international cooperation to affirm the basic human rights of migrant workers, to address irregular migration (Part I) and to ensure equal opportunity and treatment of migrant workers in a regular situation through national policies (Part II)” (ILO 2016a, 25, para. 81).

Convention No. 143 requires ratifying States to adopt and implement a national policy to promote equality of opportunity and treatment in employment and occupation (Article 10). Importantly, this includes extending equality of opportunity by allowing for greater

⁶ The Forced Labour Convention, 1930 (No. 29), has been ratified by all six GCC countries, as well as by Jordan and Lebanon.

⁷ This guideline for employers is based on the Forced Labour Convention, 1930 (No. 29); the Domestic Workers Convention, 2011 (No. 189) (Art. 8(4)); the Private Employment Agencies Recommendation, 1997 (No. 188) (Para. 15(b)); and the Dhaka Principles for Migration and Dignity (2012), Principle 10; as well as relevant comments by ILO supervisory bodies, in particular those on Convention No. 29 and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

job mobility. Once a migrant worker has been admitted for the purpose of employment (and hence is in a regular situation), they will become entitled to the protection provided by Part II of the Convention. Under Article 14(a), general restrictions on the free choice of employment for a certain period not exceeding two years are permitted. Conversely, restrictions on the right to geographical mobility are not acceptable. In other words, migrant workers are granted free access to the labour market subject to certain conditions, which may include lawful residence for the purpose of employment in the country for up to two years or after completion of the first employment contract if this is shorter in duration. However, it should be noted that these conditions do not require the first employer's permission for the migrant worker to seek work elsewhere (though it may mean the worker would need to meet a labour market test or even depart from the country for a prescribed period of time). Restrictions on permanent access to select categories of employment or functions – where this is deemed necessary in the interests of the State – are also permitted (Article 14(c)).

Additionally, in Part I of Convention No. 143, Article 8(1) aims to protect migrant workers in a regular situation in case of loss of employment, and expressly requires that permission to reside and work in the country should not be revoked if the migrant worker loses their employment before the end of the contract period.⁸ Paragraph 31 of the Migrant Workers Recommendation, 1975 (No. 151), provides for further guidance in this area, stipulating that a migrant who has lost their employment “shall be afforded sufficient time to find alternative employment” and that “authorization of residence shall be extended accordingly”. Paragraph 32 outlines that migrant workers who have appealed against the termination of their contract shall be given sufficient time to obtain a final decision regarding their termination. In cases where the termination was not deemed justified, the worker is entitled to reinstatement, compensation for loss of wages or other payments, and access to a new job (or sufficient time to obtain alternative employment) in line with the rights afforded to national workers.

Forced Labour Convention, 1930 (No. 29)

The Forced Labour Convention, 1930 (No. 29), is a critical reference on the topic of workers' rights to freely terminate contracts and move to a new employer. Article 2 of the Convention defines forced or compulsory labour to mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has commented on several occasions that sponsorship systems “in certain countries in the Arab States may be conducive to the exaction of forced labour”, primarily through the restrictions on migrant workers to change employers and related vulnerabilities (ILO 2012b, para. 779). Throughout the last two decades, the CEACR has

⁸ Pursuant to Article 8(2), migrant workers in an irregular situation are also entitled to “enjoy equality of treatment with nationals in respect to particular guarantees of security of employment, the provision of alternative employment, relief work and retraining”.

made a number of observations that the sponsorship system places workers at risk of exploitation and makes it difficult for them to leave abusive employers.

Despite the reforms to the system, the CEACR has repeatedly made reference to a number of structural and unaddressed areas:

- Complex/inflexible arrangements for migrant domestic workers to transfer their sponsorship,⁹ as well as greater barriers to proving abuses that domestic workers may face (because the conduct often occurs behind closed doors with no witnesses).
- Ensuring that both in law and in practice, migrant workers are not exposed to situations that might increase their vulnerability to practices amounting to forced labour, including passport retention and non-payment of wages.
- Need to strengthen the capacity of labour inspectors and law enforcement bodies to allow better identification and monitoring of the working conditions of migrant workers, and to ensure that penalties are effectively applied for any violations detected.¹⁰

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), prohibits any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. With regard to the principle of equality of treatment and opportunity, the CEACR has noted “particular difficulties in the application of the Convention [No. 111] with respect to certain laws and regulations governing the employment of foreign workers” (ILO 2012b, para. 779). Specific employment/work permit and sponsorship systems are especially detrimental to workers’ options to transfer employers, sponsors, or workplaces. The CEACR has observed that “where a system of employment of migrant workers places those workers in a particularly vulnerable position and provides employers with the opportunity to exert disproportionate power over them, this could result in discrimination based on the grounds of [...] Convention [No. 111]” (ILO 2012b, para. 779).¹¹ Consequently, it is essential that migrant workers are provided the same protections afforded by the provisions of Convention No. 111, both in law and in practice, and that there be systematic monitoring of specific employment systems, including sponsorship systems, in countries with economies that feature a large share of migrant

⁹ For example, the CEACR has in the past noted that unlike other workers, migrant domestic workers cannot work for another employer before the labour recruiter relinquishes their sponsorship and completes the necessary procedures. In addition to cases of abuse, by law both migrant workers and migrant domestic workers may terminate their employment contract; however, “the conditions for changing employment remain difficult in practice”, as the work permit is tied to their sponsor-employer. See: CEACR, [Observation – Forced Labour Convention, 1930 \(No. 29\) – Oman](#), adopted 2019, published 109th Session, International Labour Conference, 2021.

¹⁰ CEACR, [Observation – Convention No. 19 – United Arab Emirates](#), adopted 2020.

¹¹ See also more recent comments by the CEACR, such as one from 2018 noting that any rules adopted to regulate the rights of migrant workers to change employers should “not impose conditions or limitations that could increase the dependency of migrant workers on their employers, and thus increase their vulnerability to abuse and discriminatory practice” (CEACR, [Comments on Observation – Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\) – Bahrain](#), adopted 2018, published 108th Session, International Labour Conference, 2019.

workers. The CEACR has recognized that “providing for appropriate flexibility for migrant workers to change their employer or their workplace assists in avoiding situations in which they become particularly vulnerable to discrimination and abuse” (ILO 2012b, para. 779). In the context of countries where there is a right to change employers on the basis of “unfair treatment by the employer”, the CEACR has requested information on how this is applied in practice, as well as the need to review the complaint procedure to determine the reasons for complaints of employment discrimination being dropped or abandoned by migrant workers.¹²

Additionally, the Bali Declaration, adopted by the ILO 16th Asia and the Pacific Regional Meeting in December 2016, stipulates that policy priorities for ILO Member States in the region include: “enhancing labour migration policies based on relevant international labour standards that ... redress employer-worker relationships that impede workers’ freedom of movement, their right to terminate employment or change employers, taking into account any contractual obligations that may apply, and their right to return freely to their countries of origin” (ILO 2016b, para. 8(e)).

Emerging promising practices

A selection of some of the promising practices emerging since 2020 is described below (in no particular order):

In **Saudi Arabia**, the Government introduced the Labour Reform Initiative in 2020, which came into effect on 14 March 2021 as part of the National Transformation Programme, with the goals of “increasing [migrant] worker productivity, promoting protection of workers’ rights and increasing competition” (Radwan and Alshammari 2020). Workers covered by the Labour Law can change employers after one year of service with their first employer, without the permission of the first employer. This right is subject to certain conditions being met, including that the new employer submits a job offer and the notice period is complied with. For workers covered under the Labour Law, the exit permit was replaced with an “automatic exit visa”, which workers can apply for through the Absher portal. Approval for the automatic exit visa is conditioned only on the worker not being subject to any unpaid fines or government violations, rather than having to secure employer approval. Although notice must be given to the employer via the platform, the government has confirmed that the employer would not be able to block the approval of the permit. While domestic workers and other workers not covered by the Labour Law have not yet been included in these reforms, the Ministry of Human Resources and Social Development has indicated that this is currently being studied by the Ministry.¹³

In **Qatar**, many legal restrictions on migrant workers’ ability to change jobs were eliminated through two new laws amending the Labour Law (No. 14 of 2004) and Law

¹² CEACR, [Observation – Convention No. 19 – United Arab Emirates](#), adopted 2020.

¹³ Comments by the representative of the Ministry of Human Resource and Social Development, Government of Saudi Arabia during the AUC-ILO Africa-Arab States Interregional Tripartite Meeting on Labour Migration, 16 November 2021.

No. 21 of 2015 on the entry and exit of expatriates and on their residence.¹⁴ Both of the new laws entered into force on 8 September 2020. Earlier legislation in September 2018 (and later expanded in January 2020) also removed exit permit requirements for all workers, including domestic workers, workers in government and public institutions, and workers in agriculture and grazing, with only a small number of exceptions remaining.¹⁵ All workers can also change employers: (a) at the end of their six-month probation period, after giving written notice (one or two months, depending on their length of service); or (b) during the probation period (one month of notice), in which case the future employer must compensate the current employer a portion of the recruitment fees and one-way air ticket, not exceeding two months of the worker's basic wage. Furthermore, if the employer has failed to fulfil their legal obligations, the worker will not be bound to observe a notice period in order to change jobs. Under Ministerial Decision No. 51 of 2020, workers have up to 90 days after the expiry of their residence permit to find another job and change employers. As a result of the legislative reforms, more than 242,000 workers of both genders and many nationalities and in a range of sectors have been able to change their employer. The Qatari government has been working to disseminate information about the reform, including with embassies to outreach to workers. An electronic platform has been developed to respond to inquiries and complaints.¹⁶

Despite these promising practices, it is important to ensure that internal labour market mobility does not come at the expense of migrant workers' fundamental rights. If workers have freedom to work in any job with any number of employers on a full or part-time basis, they still need to be covered by the labour law and measures relating to social protection. Other complementary measures to avoid their exploitation should also be considered, including the provision of an adequate minimum wage.¹⁷

Furthermore, even when internal labour market mobility is assured in law, ensuring that workers are able to change employers in practice requires additional steps, including that both workers and employers are made aware of relevant opportunities. Because so much migrant recruitment is geared towards international recruitment, there were, prior to the COVID-19 pandemic, no national job portals or services that could help match migrant workers and employers. However, since 2020, a number of countries including [Bahrain](#), the [United Arab Emirates](#), and [Qatar](#) have introduced job mobility platforms that provide for better job matching between workers whose jobs were terminated during the pandemic and employers looking for workers. While these platforms were

¹⁴ Law No. 18 of 2020 amending Law No. 14 of 2004 introduced [new provisions on termination of employment](#); and Law No. 19 of 2020 amending Law No. 21 of 2015 removed the [requirement for workers to obtain a "No Objection Certificate" from employers in order to change jobs](#).

¹⁵ Exit permits were removed for workers covered by the Labour Law in September 2018. In January 2020, a Ministerial Decision extended this legislation to workers not covered by the Labour Law, including domestic workers, workers in government and public institutions, workers employed in the oil and gas sector, and workers employed at sea and in agriculture and grazing.

¹⁶ Comments by the representative of the Ministry of Labour, Government of Qatar during the AUC-ILO Africa-Arab States Interregional Tripartite Meeting on Labour Migration, 16 November 2021.

¹⁷ Comments by the representative of the General Federation of Bahraini Trade Unions during the AUC-ILO Africa-Arab States Interregional Tripartite Meeting on Labour Migration, 16 November 2021.

developed to meet the specific context of COVID-19, it would appear that the platforms are evolving to provide a valuable service post-COVID-19 as an alternative to international recruitment. For example, Bahrain's Talent Portal, enables workers to post their CV, including their skills, experience and qualifications, and this information is then available to individual employers and organizations. The platform therefore supports business continuity as employers can find workers faster than through international recruitment or 'word of mouth'.¹⁸

Conclusion

Significant progress has been made in several countries in the region, particularly since mid-2020, in promoting internal labour market mobility. Guiding questions that can promote further discussion may include:

1. How can reforms be made more inclusive?

Much of the discourse on labour mobility has focused on high-skilled workers, and how to use sponsorship reform as an inducement to attract talent. However, as noted in this brief, lower-skilled workers can equally benefit from the skills investment that is prompted by internal labour market mobility, and furthermore, the gains that would be made in reducing both labour disputes and the reputational risks associated with forced labour allegations cannot be discounted. Additionally, despite predictions about the changing skills needs of the future in the GCC region and the promise of limiting migration flows to highly skilled "tech" workers, it is worth noting that migrant workers employed in blue-collar jobs (jobs typically classified as involving manual labour and for which there is likely to be limited motivation among nationals to apply) will still remain relevant in the years to come, despite investment in digitalization and automation; not least because many of the foreign direct investment projects in the region continue to rely on real estate development and tourism. A key sector that is an example of this reality is the care sector, as the need for migrant domestic workers will likely become ever more acute as demographic trends continue to increase the number of elderly persons requiring home-based care. The ILO estimated in 2021, based on national data, that there are at least 5.6 million men and women migrant domestic workers in the GCC region (ILO 2021c). In terms of proportion of the labour force, domestic workers represent more than a quarter of all workers in some GCC countries. Despite the impact of COVID-19, the proportion of migrant domestic workers in the job market has remained relatively stable according to available data.

2. How can reforms be more impactful?

An important risk to the effectiveness of reforms to promote internal labour market mobility is the misuse of the "absconding" offence by unscrupulous employers. Absconding refers to an administrative or criminal offence in many Arab States, whereby charges can be filed by employers against workers who absent themselves from work

¹⁸ Comments by the representative of the Labour Market Regulatory Authority, Government of Bahrain during the AUC-ILO Africa-Arab States Interregional Tripartite Meeting on Labour Migration, 16 November 2021.

and are commonly applied against migrant domestic workers in particular. Unlike Labour Laws, which create a transparent regulatory system that already enables an employer to take disciplinary action against a worker who does not show up to work, many aspects of the “absconding” system are documented in opaque circulars or confidential administrative procedures, and are prone to misuse by employers aggravated by a worker’s contract termination.¹⁹ Even the threat of absconding can mean that workers are deterred from taking advantage of new reforms that allow them to move jobs, or that they may be reluctant to make a complaint against breach of contract. Promoting internal labour market mobility cannot be done without removing this major obstacle, in addition to strengthening workers’ access to effective complaint mechanisms.

3. How can reforms practically benefit workers and employers?

Ensuring that workers are – in practice and not only in law – able to change employers, requires the active intermediation of the State to support jobseekers and employers to find out about relevant opportunities. Because so much recruitment of migrants is geared towards international recruitment, there were, prior to COVID-19, no national job portals or services that could help match migrant workers and employers. With the establishment of virtual platforms in a number of countries, this would appear to be changing. Yet, ensuring that reforms are effective requires regular monitoring and data collection, as well as analysis to better tweak and modify policies. Currently, there is limited opportunity to study how reforms are being implemented, and what impact they have on worker welfare, productivity, wages, number and type of labour disputes, etc. More surveys directly with workers and employers, as well as social dialogue, can help ensure that policies are effective and responsive, and can also help guide the development of future reforms.

¹⁹ Or as a fraudulent way to avoid having to pay the worker’s return flight and/or end of service benefit, in case of contract termination.

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