



International Labour Standards and Labour Mobility

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Labour Mobility for Sustainable Development and Climate Resilience in the Pacific: Project Launch

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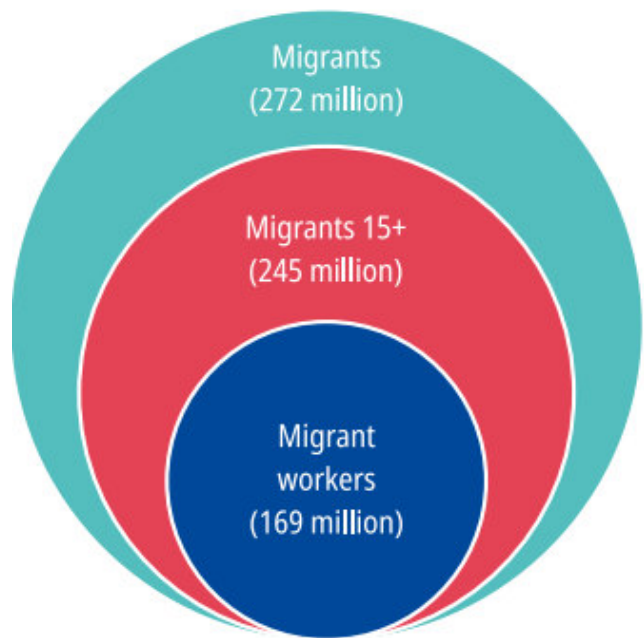
Outline

- Labour migration trends
 - Global and regional estimates
 - Drivers – medium and long term
- Labour migration governance – key issues highlighted and International Labour Standards

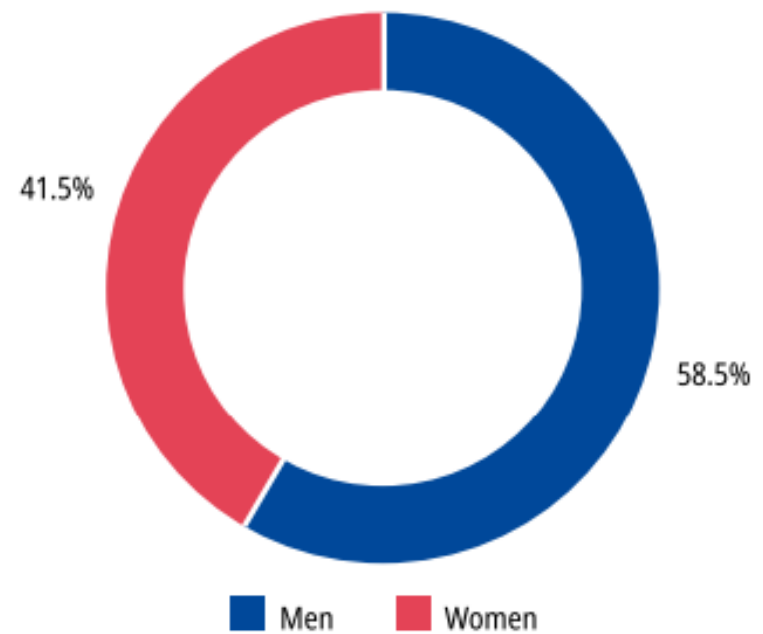


Global estimates

Global estimates of the stock of international migrants and migrant workers, 2019

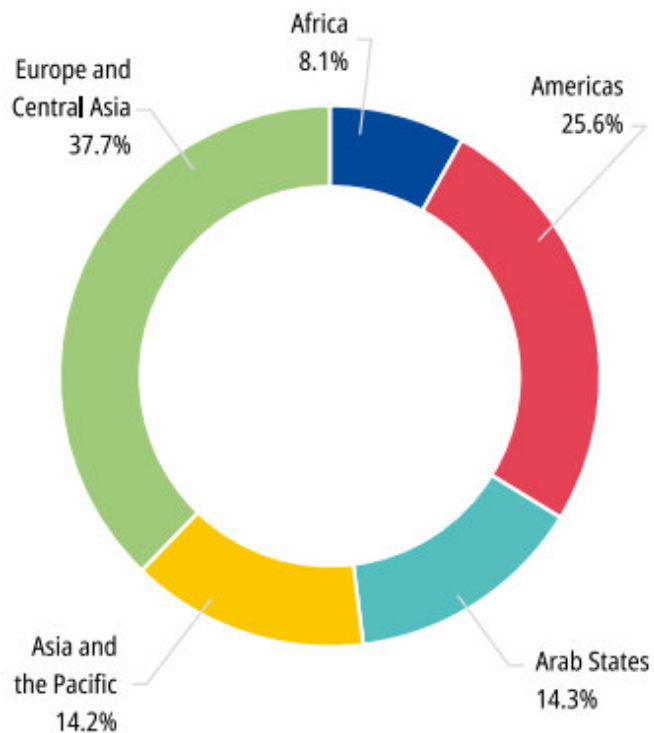


Global distribution of international migrant workers by sex, 2019

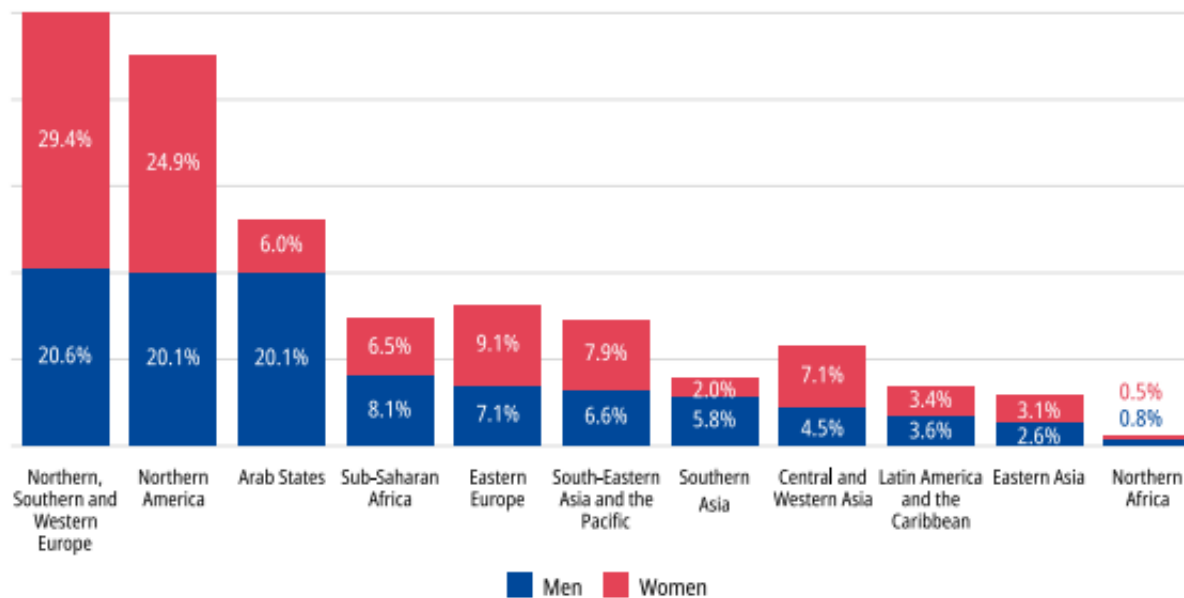


Regional estimates

Distribution of international migrant workers by region, 2019



Distribution of international migrant workers by sex and broad subregion, 2019



Drivers – medium and long term

Medium Term

- Wage differentials
- Absolute and relative labour shortages
- Control of the pandemic and public health measures
- Immigration policies

Long Term

- Demographic change
- Technological advances
- Migration transition and new poles of attraction
- Climate change

Labour migration governance

- Fair recruitment
- Access to health
- High-risk work settings and OSH deficiencies
- Sub-standard and crowded housing
- Social protection and Wage protection
- Domestic work
- Return and reintegration
- Protection of all migrant workers and enhancing the effectiveness of legal pathways

Global Migration Governance Frameworks

International Labour Standards

In principle, International Labour Standards cover all workers irrespective of nationality and immigration status unless otherwise stated.

States have the prerogative to regulate access to territory and labour market

Applicable International Labour Standards

- **ILO Fundamental Rights Conventions (widely ratified)**
 - C87 Freedom of Association and Protection of the Right to Organise Convention, 1948
 - C98 Right to Organise and Collective Bargaining Convention, 1949

 - C29 Forced Labour Convention, 1930 (and 2014 Protocol)
 - C105 Abolition of Forced Labour Convention, 1957

 - C138 Minimum Age Convention, 1973
 - C182 Worst Forms of Child Labour Convention, 1999

 - C100 Equal Remuneration Convention, 1951
 - C111 Discrimination (Employment and Occupation) Convention, 1958

 - C155 Occupational Safety and Health Convention, 1981
 - C187 Promotional Framework for Occupational Safety and Health Convention, 2006
- **Governance standards (examples)**
 - C81 Labour inspection Convention, 1947 (and C129, agriculture)
 - C122 Employment policy Convention, 1949 (and R169)

Applicable International Labour Standards

- **Instruments of general application**

- C95 Protection of Wages Convention, 1949
- C131 Minimum Wage Fixing, 1970
- C183 Maternity Protection Convention, 2000
- C190 Violence and Harassment Convention, 2019

- **Instruments with express provisions on migrant workers**

- C181 Private Employment Agencies Convention, 1997
- C19 Equality of Treatment (Accident Compensation) Convention, 1925
- C102 Social Security (Minimum Standards) Convention, 1952
- C118 Equality of Treatment (Social Security) Convention, 1962
- C121 Employment Injury Benefits Convention, 1964
- C157 Maintenance of Social Security Rights Convention, 1982
- R200 HIV and AIDS Recommendation, 2010
- C189 Domestic Workers Convention, 2011 (and R201)
- P29 Protocol to the Forced Labour Convention, 2014 (and R203)

Applicable International Labour Standards

- **Instruments on labour migration and protection of migrant workers**

C97 Migration for Employment Convention (Revised), 1949

C143 Migrant Workers (Supplementary Provisions) Convention, 1975

R86 Migration for Employment Recommendation (Revised), 1949

R151 Migrant Workers Recommendation, 1975

C97 and C143

Key features

- Do not affect the prerogative of States to determine admission of non-nationals for employment
- Relevant for both countries of destination and origin
- Taken together, C97 and C143 recognize that
 - Migrant workers, including those in an irregular situation, should enjoy basic human and labour rights
 - Once admitted to employment, regular migrant workers should enjoy equal treatment with nationals
 - Social consequences of labour migration also need addressing
 - E.g. facilitation of family reunification (C143 and R151)
 - Labour migration process needs to be regulated within a rights-based rule of law framework
 - Measures need to be taken to counter migrant smuggling and trafficking

Ratifications: ILO migrant workers' instruments

Key features

Convention No. 97 (1949)

- 53 ratifications

Africa: Algeria, Burkina Faso, Cameroon, Comoros, Kenya, Madagascar, Malawi, Mauritius, Morocco, Nigeria, Somalia, Tanzania (Zanzibar), Zambia

Americas and Caribbean: Bahamas, Barbados, Belize, Brazil, Cuba, Dominica, Ecuador, Grenada, Guatemala, Guyana, Jamaica, Saint Lucia, Trinidad and Tobago, Uruguay, Venezuela

Asia and Pacific: Hong Kong (China SAR), Israel, Kyrgyzstan, Malaysia (Sabah), New Zealand, Philippines, Tajikistan

Europe: Albania, Armenia, Belgium, Bosnia and Herzegovina, Cyprus, France, Germany, Italy, The former Yugoslav Republic of Macedonia, Moldova, Montenegro, Netherlands, Norway, Portugal, Serbia, Slovenia, Spain, United Kingdom

Convention No. 143 (1975)

- 28 ratifications

Africa: Benin, Burkina Faso, Cameroon, Comoros, Guinea, Kenya, Madagascar, Mauritania, Sierra Leone, Somalia, Togo, Uganda

Americas and Caribbean: Venezuela

Asia and Pacific: Philippines, Tajikistan

Europe: Albania, Armenia, Bosnia and Herzegovina, Cyprus, Italy, The former Yugoslav Republic of Macedonia, Montenegro, Norway, Portugal, San Marino, Serbia, Slovenia, Sweden

C181. Private Employment Agencies Convention, 1997

Definition of private employment agencies (PEAs) and labour market services they provide:

- Services for matching offers of and applications for employment
- Services consisting of employing workers with a view to making them available to a third party
- Other services relating to job seeking

Article 7

- PEAs shall not charge directly or indirectly, in whole or part, any fees or costs to workers.
- Competent authority may authorise exceptions.

37 Ratifications

- **Africa:** Algeria, Ethiopia, Madagascar, Mali, Morocco, Niger, Rwanda, Sierra Leone, Somalia, Zambia
- **Americas and Caribbean:** Antigua and Barbuda, Panama, Uruguay
- **Asia and Pacific:** Fiji, Israel, Japan, Mongolia, Suriname
- **Europe:** Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Czechia, Finland, France, Georgia, Hungary, Italy, Lithuania, Moldova, Netherlands, North Macedonia, Poland, Portugal, Serbia, Slovakia, Spain

ILO supervisory system and protection of migrant workers' rights

Regular supervisory system

- Committee of Experts on the Application of Conventions and Recommendations (CEACR)
 - Observations and direct requests
 - General surveys (1999 and 2016 GS on migrant workers)
- International Labour Conference (ILC) Committee on the Application of Standards (CAS)

Representations and Complaints (Governing Body)

- Cases on treatment of migrant workers in both countries of origin and destination

Committee on Freedom of Association (GB)

- Cases on trade union rights of migrant workers in an irregular situation



ILO General Principles and Operational Guidelines for Fair Recruitment



National legislation



Fair Recruitment Initiative



IOM - IRIS



Private sector codes

Objective

- To inform the current and future work of the ILO and of other organizations, national legislatures, and the social partners on promoting and ensuring fair recruitment.

Selected General Principles

- Recruitment should take place in a way that respects **internationally recognized human rights, including those expressed in ILS**
- Should respond to established **labour market needs**
- Take into account policies and practices that promote **efficiency**
- **No recruitment fees or related costs** should be charged to, or otherwise borne by, workers or jobseekers
- The terms and conditions of a worker's employment should be specified ...**preferably through written contracts**and provided before departure

Selected General Principles

- **Freedom of workers to move** within a country or to leave a country should be respected
- Workers should be **free to terminate their employment** ... Migrant workers should not require the employer's or recruiter's permission to change employer
- Workers, irrespective of their presence or legal status in a State, should have **access to free or affordable grievance and other dispute resolution mechanisms** in cases of alleged abuse of their rights in the recruitment process

International human rights law, SDGs, GCM

- **International human rights treaties**, including the 1990 UN Convention on Migrant Workers
- Decent work and migration is well integrated in the **SDGs**
- **Global Compact on Migration** – developed under the auspices of the UN.

Global Migration Governance Frameworks

Sustainable Development Goals (SDGs)

8 DECENT WORK AND
ECONOMIC GROWTH



Target 8.7

Take immediate and effective measures to [eradicate forced labour](#), [end modern slavery and human trafficking](#) and [secure the prohibition and elimination of the worst forms of child labour](#), including recruitment and use of child soldiers, and by 2025 end child labour in all its forms

Target 8.8

Protect labour rights and promote safe and secure working environments of all workers, including [migrant workers](#), particularly [women migrants](#), and those in precarious employment

10 REDUCED
INEQUALITIES



Target 10.7

Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and [well-managed migration policies](#)

Target 10.c

By 2030, reduce to less than 3 per cent the transaction costs of [migrant remittances](#) and eliminate remittance corridors with costs higher than 5 per cent

17 PARTNERSHIPS
FOR THE GOALS



Target 17.18

By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of [high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location](#) and other characteristics relevant in national contexts

Global Migration Governance Frameworks

**Global Compact for Safe,
Orderly and Regular
Migration**

23 objectives

State led and non-binding

Comprehensive

Under the aegis of the UN

Adopted in December 2018

GCM – Implementation mechanism

- Champion countries and national Implementation plans
- UN Network on Migration – tool on BLMAs
- Stakeholder engagement
- Repository of good practices
- MPTF
- International Migration Review Forum at the UNGA every four years: IMRF concluded at the UNGA in May 2022 with a Progress Declaration. The role of migrants as essential workers as well as the severe and disproportionate impact of the pandemic on migrants was recognized.
- Indicator framework to be developed



Thank you

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