



**Fourth item on the agenda:
Labour migration (general discussion)**

**Reports of the Committee for Labour Migration:
Summary of proceedings ¹**

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¹ The resolution and conclusions submitted by the Committee for adoption by the Conference are published in *Provisional Record* No. 12-1.

1. The Committee for Labour Migration held its first sitting on 5 June 2017 and initially consisted of 192 members (85 Government members, 32 Employer members and 75 Worker members). To achieve equality of strength, each Government member entitled to vote was allotted 480 votes, each Employer member 1,275 votes and each Worker member 544 votes. The composition of the Committee was modified five times during the session and the number of votes attributed to each member adjusted accordingly.²

2. The Committee elected its Officers as follows:

Chairperson: Mr S.G. Reyes Castro (Government member, Mexico) at its first sitting

Vice-Chairpersons: Mr S. Barklamb (Employer member, Australia) and
Ms C.E. Passchier (Worker member, Netherlands) at its first sitting

Reporter: Mr C. Mushy (Government member, United Republic of Tanzania) at its seventh sitting

3. At its fourth sitting the Committee appointed a Drafting Group composed of the following members to prepare and submit a set of draft conclusions for consideration by the Committee:

Government members: Mr M. Grech (Malta), Ms M. Reyes Fernández (Spain), Mr K.M. Chivunda (Zambia), Ms E. Ofori Agyemang (Ghana), Ms Y. Zhang (Canada), Ms S. Casado García (Mexico), Mr D. Cruz (Philippines), Ms S. Haddrik (Australia)

Employer members: Mr S. Barklamb (Australia), Ms L. Facchin (Canada), Ms N. Fonseca Caldera (Mexico), Ms G. Rigg Herzog (United States), Mr F. Ahmed (Bangladesh), Mr M. Motlhamme (South Africa), Mr J. Denys (Belgium), Ms M. Pinto Lomeña (Spain)

² The modifications were as follows:

- (a) 6 June 2017: 211 members (101 Government members with 231 votes each, 33 Employer members with 707 votes each and 77 Worker members with 303 votes each);
- (b) 7 June 2017: 197 members (105 Government members with 17 votes each, seven Employer members with 255 votes each and 85 Worker members with 21 votes each);
- (c) 8 June 2017: 198 members (105 Government members with 136 votes each, eight Employer members with 1,785 votes each and 85 Worker members with 168 votes each);
- (d) 13 June 2017: 202 members (108 Government members with 86 votes each, eight Employer members with 1,161 votes each and 86 Worker members with 108 votes each);
- (e) 14 June 2017: 131 members (109 Government members with 56 votes each, eight Employer members with 763 votes each and 14 Worker members with 436 votes each).

Worker members: Ms C. Passchier (Netherlands), Mr P. Dimitrov (Bulgaria),
Ms T. Moore (Barbados), Ms S. Lederer (United States),
Mr B.A. Sanvee (Togo), Ms O. Silimi (Zambia),
Ms G.M. Kearney (Australia), Mr T.M. Murthi (India)

4. The Committee had before it Report IV, titled *Addressing governance challenges in a changing labour migration landscape* (Report IV), prepared by the International Labour Office (“the Office”) for the fourth item on the agenda: “Labour migration (general discussion)”.
5. The Committee held ten sittings.

Introduction

6. The Chairperson stated that he would aim at promoting an informed and balanced discussion that would assess current trends and challenges in labour migration and permit the ILO to effectively contribute to wider discussions of international migration. In his over ten years of experience in dealing with migration issues, he had witnessed a transition from discussions focused on state security to ones that addressed human rights and sustainable development. The discussion on migration had come a long way since the International Conference on Population and Development (Cairo, 1994), and the various actors had come to agree on an increasing range of issues. Recent events had shown that international cooperation was possible on labour migration. Important consensus on migration had been reached at the Declaration of the High-level Dialogue on International Migration and Development (2013), the Sustainable Development Goals (SDGs), the Addis Ababa Action Agenda and the New York Declaration for Refugees and Migrants (2016). These steps were historic and contributed to the forthcoming Global Compact for Safe, Orderly and Regular Migration (“Global Compact for Migration”) in 2018.
7. The role of the ILO in such discussions was crucial since 73 per cent of migrants were migrant workers. The present discussion would allow the ILO to contribute to addressing challenges in labour migration, along with the Global Migration Group, including the International Organization for Migration (IOM). It was in the interest of governments, employers and workers to adapt or establish necessary tools for the ILO to contribute to a fair and effective governance of labour migration which benefited origin, transit and destination countries, as well as countries of return, and which protected the rights of migrant workers and their families. He concluded with the hope that the discussions would help the ILO to develop its activities on matters related to labour migration in the medium and long run.
8. The Representative of the Secretary-General (Ms D. Greenfield) introduced Report IV. She presented key trends in labour migration, noting in particular its increasingly temporary nature, its feminization, and the growing number of countries in both the North and the South that were now at the same time countries of origin, destination and transit. These changes had profound implications for policies and institutions originally built on models of permanent migration from South to North and North to North, which, if mismanaged, would lead to reducing their capacity to benefit from the dividends of labour migration, and to growing anti-immigration sentiments.
9. She further noted the timeliness of this general discussion in view of the adoption of the New York Declaration for Refugees and Migrants in September 2016, which had set in motion the process for adopting two global compacts in 2018: the Global Compact for Safe, Orderly and Regular Migration, and the Global Compact on Refugees. She also confirmed the discussion’s significance to the implementation of the 2030 Agenda for Sustainable

Development, whose Goals included targets relevant to migration (SDG target 8.8 and SDG target 10.7). She reiterated the growing visibility of labour migration in the ILO agenda, starting with deliberations at the Governing Body in November 2012, the convening of the Tripartite Technical Meeting on Labour Migration in November 2013, the 2014 Director-General's report to the Conference proposing a fair migration agenda, the Director-General's 2014 charring of the inter-agency Global Migration Group, and the 2016 General Survey concerning international labour standards related to migration. Furthermore, she highlighted that fair and effective labour migration policies was one of the nine policy outcomes included in the Programme and Budget for 2016–17 and 2018–19.

10. The Representative of the Secretary-General called on members of this Conference Committee to provide further guidance on the requirements for fair migration governance. The mandate given by the Governing Body was to examine governance challenges at the bilateral level, regional labour mobility, and to ensure fair recruitment across migration corridors, including further guidance on operationalizing the ILO's Fair Recruitment Initiative and the *General principles and operational guidelines for fair recruitment*, approved by the Governing Body in November 2016. The reduction of labour migration costs, including those associated with abusive and fraudulent recruitment practices, skills mismatches and a lack of social protection were key concerns. The ILO would play a formal role in informing the Global Compact for Migration and was well placed to make a valuable contribution through international labour standards and the *ILO Multilateral Framework on Labour Migration*, and through social dialogue. The general discussion was a unique opportunity for the ILO to contribute to the international architecture on international migration and to adopt conclusions that would articulate its tripartite vision and feed into the ongoing global debates.

Opening statements

11. The Employer Vice-Chairperson observed that employment facilitated not only successful migration but also helped make new lives, and it was through jobs that migrants had been able to enrich his country. One of the key principles that Employers wished would guide the discussion was that labour migration was a force for good, was overwhelmingly beneficial and a positive phenomenon across a diverse range of countries. Labour migration could help fulfil personal aspirations, balance labour supply and demand, spark innovation and help develop and transfer skills. Inclusive growth and sustainable development required accessible markets, competitiveness and innovations – which in turn required the movement of people and policies that supported this movement. Migrant workers made a net positive contribution, not only to the economies and societies in which they lived and worked but to the economies of their countries of origin. Migration could remove pressure on the labour market and contribute to economic development through remittances, diaspora investments, entrepreneurial opportunities, and returning migrants with new skills, creativity and experience. Demographic challenges would make it more urgent to develop coherent and predictable labour migration policies, and there was an imperative to leverage the potential of skilled migration in the face of looming skills shortages in many countries.
12. Although the Committee should acknowledge the risks and challenges of labour migration, the Office report had also recognized the potential opportunities and benefits of labour migration. Unfortunately discussions on migration were too often beset by negative rhetoric and mired in concerns of protectionism, terrorism and xenophobia. Such flawed foundations for migration policy had a devastating impact on migrants as well as on economies of origin, transit and destination.

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- 13.** The Committee had an opportunity to improve the foundations for labour migration governance by promoting fact-based national discussions, policies and governance. A great deal had already been done on labour migration, often in partnership with non-state stakeholders. Business was pleased to provide essential private sector input to the Global Forum on Migration and Development. It was the private sector in any country which was the principal client of any labour migration system, and private sector input was absolutely fundamental to sound governance of any national or indeed bilateral or regional labour migration system. The International Organisation of Employers (IOE) and the IOM were also working to develop an International Recruitment Integrity System (IRIS).
 - 14.** This Committee did not need to create new tools but rather ensure better synergy and effectiveness among the myriad initiatives and their impact on the ground. The ILO already had a wide array of means to support its constituents in implementing coherent and comprehensive responses to challenges and risks of labour migration systems. Existing tools such as the *ILO Multilateral Framework on Labour Migration* (2006) and the *General principles and operational guidelines for fair recruitment* (2016) should be promoted and supported.
 - 15.** The Employer Vice-Chairperson noted that the report referred to misperceptions in political debate on migration. He emphasized that Employers were committed to avoiding such misperceptions. For this reason his group deliberately used the term “labour migration” which was migration for the purpose of work. Clarity and focus would be keys to success of the discussion.
 - 16.** Five key messages that Employers drew from the Office report were that: (1) to ensure the benefits of labour migration outweighed the costs and risks, governance of it would need to be proportionate, targeted, sound and effective; (2) the ILO was working hard to support its constituents in this area, including governance challenges; (3) a great deal had already been done by the ILO – including existing labour standards on migration as well as numerous initiatives, services and support – which showed that normative methods and approaches were not always the key to effective action; (4) the ILO’s role was focused on labour migration, for which it should seek to be an active champion; and (5) despite some data and evidence gaps, the Office was providing a solid information base for sound labour migration policy and governance.
 - 17.** He concluded by noting that the five things Employers would like to see come out of the discussion were: (1) a meaningful global recognition of the positive role of labour migration, backed by measures to support and facilitate it; (2) assurance that the ILO’s work could be even more relevant for constituents so that there were positive benefits of labour migration for employers, employees and communities; (3) responsiveness of ILO support to constituents’ needs, including for governments to base their migration policies on facts, data, good practice and good governance including the challenges of irregular migrants; (4) renewed commitment to more effectively support skills development and recognition; and (5) clarity and direction to the Office so that it would be equipped for discussions on the Global Compact for Migration.
 - 18.** The Worker Vice-Chairperson called for optimism and determination to do justice to the issues at hand, and for providing necessary guidance for ILO and its constituents’ work on labour migration. This was urgently needed, as immigration remained at the top of political agendas and people’s concerns. Discussions on migration, not least when linked to jobs, were often mired in controversy and negative rhetoric; restrictive, security-oriented migration policies had led to the creation of an environment that scapegoated and criminalized migrants. The Committee’s task was to examine the ILO’s contribution towards constructive discussions on labour migration policy, address the challenges and promote a rights-based approach to it.

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19. Labour migration was a complex and dynamic human phenomenon. It would most likely continue as a prominent feature in the future of work and in the transformation of the governance of work. Ensuring that migration brought benefits to all meant eliminating the decent work deficits faced by migrant workers, especially lesser-skilled workers, and stopping the race to the bottom threatening established wages and working conditions. This included guaranteeing freedom of association and collective bargaining rights of migrant workers, and addressing the particular situation of migrant women and young migrants.
 20. She emphasized the importance of the ILO's normative framework which had been examined in the General Survey of 2016 and maintained relevance, while acknowledging that higher levels of ratification and implementation required more and renewed effort. She expressed concern about a comment made by the Employer Vice-Chairperson in his introductory remarks, in which he noted that the ILO's normative work was not essential. She also recalled that a fair migration agenda should have inclusion and integration of migrant workers in host countries at its core, based on the principle of equal treatment and non-discrimination. This was particularly important given that in practice migrants were over-represented in informal jobs, outside of labour protection. For this reason, the development of decent work opportunities in countries of origin required urgent attention. Such measures should include skills upgrading and active labour market policies, adequate social protection, quality public services, quality education, investment in productive capacities and avoiding brain drain.
 21. She warned about the rise in populism and nationalism due to the creation of two-tier labour markets and two-tier societies in which migrant workers formed an underclass; social cohesion needed to be enhanced. She also described the exploitative and abusive practices which had arisen from gaps and failures in migration governance. For example, temporary migration had become a permanent feature of labour migration, increasing the social and economic costs of migration for migrant workers. These costs ranged from forced labour, to a heightened probability of informal work, to precarious or non-standard forms of employment and restrictions on freedom of association and collective bargaining. For these reasons, fair recruitment conditions were also essential to redress unregulated abuses. Further work on fair recruitment was necessary, possibly even through standard setting.
 22. She further stated that addressing the complexities and policy challenges of modern labour migration required a change in governance architecture at the national, regional and global levels. Current cooperation took place mostly through informal networks and consultative processes without the involvement of the social partners or application of international labour standards. In addition, bilateral and regional agreements sometimes offered different entitlement packages for migrant workers doing the same work, but from different countries of origin. For this reason, she said that bilateral agreements could prove useful if used together with labour migration governance tools which promoted workers' rights. She called for fair migration rooted in the principle of non-discrimination and equal treatment.
 23. The Government member of Zambia, speaking on behalf of the Africa group, stated that the discussion on labour migration had arrived at an appropriate moment in time given the increased cross-border mobility expected in Africa. In this context, however, effective governance of migration remained one of the critical challenges for African States. He also agreed with the identified drivers of labour migration stated in the background report and called upon the Office to find solutions to existing challenges in order to maximize the benefits of fair migration. He pointed to several regional initiatives under way to facilitate the free movement of workers and improve labour migration, such as the Joint Labour Migration Programme of the African Union supported by the ILO, the IOM and the United Nations Economic Commission for Africa (UNECA) which was being implemented in a number of regional economic communities in Africa. There should be more investment in supporting these efforts and in areas particularly of data collection. He also emphasized the

importance of a holistic approach including all stakeholders, while cautioning the Committee to consider that “one size does not fit all” on this subject.

- 24.** The Government member of the Islamic Republic of Iran, speaking on behalf of the Asia and Pacific group (ASPAG), emphasized the formidable challenges related to migration encountered by governments in the region. Current global and regional trends demonstrated the dynamism and complexity of the topic. For this reason, tailor-made, but holistic approaches, which mainstreamed migration into all policies, where appropriate, were required in order to promote the Fair Migration Agenda. In addition, data collection efforts needed to be promoted, alongside knowledge development and promotion of good practices including portability of social security entitlements through bilateral agreements and regional consultative processes in general.
- 25.** The Government member of Colombia recognized the relevance of the topic as well as the challenges it had imposed on the most vulnerable groups of society in a globalizing world. He also drew attention to the advances Colombia had made from both a normative and practical standpoint as well as the important role played by national institutions and labour market policies. Social dialogue and good governance also proved essential as the former helped to ensure a rights-based approach and the latter was crucial to maximize the benefits and reduce the costs of labour migration. He concluded by emphasizing the importance of the ILO’s role in future areas of work on labour migration. Collaboration and coordination were necessary to ensure higher compliance with the ILO’s international standards, tools and practices.
- 26.** The Government member of Australia said that there were economic and social benefits of managed migration. Her Government had put in place a strong framework of domestic laws which gave migrants and temporary visa holders working in Australia the same protection as Australian citizens. Other measures included the Policy to Protect Vulnerable Workers. Under the Seasonal Worker Programme, opportunities for seasonal work in Australia had been provided to nine Pacific Island countries and Timor-Leste, contributing to their economic development. The discussion was a timely opportunity to consider labour migration trends, the policies and programmes of member States, and the role of the ILO.
- 27.** The Government member of Sri Lanka emphasized the importance of effective governance mechanisms for labour migration in the context of the 2030 Sustainable Development Agenda and the forthcoming Global Compact for Migration. Well-managed, safe, regular and orderly migration could benefit both the destination and origin countries. The Government of Sri Lanka had improved national labour migration policies and governance through a number of measures targeting health, preventing human trafficking, pre-departure orientation, recruitment, return migrant reintegration and special welfare measures. She highlighted the need for collaboration between government agencies, as well as between countries of origin and countries of destination in order to ensure that existing legal obligations and voluntary guidelines were fully implemented rather than introducing new mechanisms. Regional consultative processes, including the Colombo Process and interregional dialogue such as the Abu Dhabi Dialogue which Sri Lanka would be chairing, had an important role in harmonizing labour migration and promoting regular migration through adopting common standards and practices.
- 28.** The Government member of Malta, speaking on behalf of the European Union (EU) and its Member States said that the following countries aligned themselves with the statement: Montenegro, Serbia, Albania, Bosnia and Herzegovina, and the Republic of Moldova. He stressed that it was important for future well-managed labour migration that policies would be tailor-made to encompass the specific demand and skills needs of individual labour markets. The EU was committed to the implementation of the 2030 Agenda for Sustainable Development as well as the New York Declaration. It would actively work to ensure that

human rights were mainstreamed throughout the Global Compact for Migration. The EU aimed to provide guidance to the Office in identifying focus areas in the field of migration. In this regard, the central role of decent work was highly appreciated, and the emphasis given to certain decent work deficits, including social protection deficits, which affected low-skilled migrant workers in particular, was welcome. It recognized the importance of giving particular attention to the fulfilment of fundamental principles and rights at work, as defined by ILO standards, regarding the working conditions of migrant workers irrespective of status. It was believed that fair recruitment constituted a crucial process to prevent trafficking in human beings and migrant smuggling and to protect the rights of workers. Attention to skills, their effective assessment, validation and recognition was crucial. Social dialogue should be at the forefront of the Committee's discussions as should regional and international cooperation, including on social protection. The EU wished to underline the Governing Body decision not to include refugees and other forcibly displaced persons in the present discussion. Further, the EU distinguished between third-country nationals and free movement of citizens of the EU and the European Economic Area (EEA) for work purposes, a differentiation that could possibly be of interest for other regional economic integration areas.

- 29.** The Government member of Norway noted that migration would increase as long as wars, conflict, poverty and inequalities existed. The present discussion should focus on labour migration exclusively, not refugees or asylum seekers. The ILO dealt with migration in a holistic way; it possessed the required instruments and guidelines. However, efforts had to be stepped up and made in close cooperation with other concerned UN organizations. The Norwegian experience showed that governance was a question of choices made and that using social dialogue and tripartism would lead to better social and economic outcomes. A solid foundation for development had to be created, for example, to attract investments and fairly distribute gains from migration, such as remittances. The ILO and its constituents should carry on efforts to promote decent jobs in accordance with the Decent Work Agenda via a worldwide presence.
- 30.** The Government member of Mexico acknowledged the important contribution of migrants to the economic, social and cultural development of both destination countries and their places of origin. She remarked that the promotion of wide-reaching, frank and open dialogue was fundamental so as to advance public policies for an effective labour migration governance. While many international forums now discussed migration, by its very nature the ILO had an important role to play in the elaboration of the Global Compact for Migration.
- 31.** In aligning herself with the statement made by ASPAG, the Government member of Nepal stressed the increasing complexities associated with migration and noted a need for discussing root causes. Most approaches to labour migration were unilateral, and where bilateral agreements existed they often failed to address the fundamental rights and welfare needs of migrants. Migrant workers in the low-skilled category were particularly exposed to abuse and exploitation and therefore warranted special attention. She considered that thematic issues such as fair and ethical recruitment, skills and qualification recognition, pre-departure training and orientation, reducing the cost of remittances and labour market analysis had broader applications in regional and global contexts. Regional consultative processes and lead international agencies in labour migration could play an important role in achieving the migration-related targets of the SDGs.
- 32.** The Government member of the Islamic Republic of Iran stated that migration was often not a choice of migrants. In order to reduce migrants' vulnerabilities and in the light of global changes on labour markets as well as ageing populations almost everywhere, the formulation of modern labour migration policies was necessary, making a review of the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), inevitable. The revised

Conventions had to be binding instruments, developed through tripartite dialogue and international consensus, which should ensure non-discriminatory business rights, wages, fair employment, labour conditions and social protection for migrant workers. Issues of skills and migrants' training should also be taken into account. The revised international instruments should be cognizant of, and inspired by, the free movement of capital, and efforts should be made to simplify migration processes so as to end irregular migration and human trafficking. The systematic collection of comparable data would help. The design of safe and officially recognized migration corridors could be considered.

- 33.** The Government member of Ghana supported the statement of the Government member of Zambia on behalf of the Africa group. Ghana was a country affected by labour migration in all forms, and irregular migration was a stark reality affecting youth, exacerbated through weak labour administration and governance institutions, and a paucity of data. Coordination and cooperation between ministries of labour and other relevant government institutions at the national, bilateral and global level was seen to be of particular importance. She explained that Ghana was currently developing a national labour migration policy in order to strengthen regulation of labour migration as well as social dialogue at all levels.
- 34.** The Government member of India stated that the application of fundamental principles and rights at work and international labour standards was necessary to prevent the exploitation of regular migrants. She acknowledged that fair and effective labour market integration policies could contribute to inclusive growth, sustainable development and social cohesion. Key policy issues included the promotion and provision of productive skills and the protection from exploitation. She noted several initiatives taken by India to protect the rights of migrants, including: signing of memoranda of understanding and establishment of joint working groups; facilitating portability of contributions to pensions and social security schemes; providing basic social assistance for regular migrants and recognized refugees; and promoting non-discriminatory policies for nationals and migrant workers. She outlined the need for further cooperation, particularly in the areas of employability, skills portability, harmonization of qualifications frameworks and conclusion of bilateral social security agreements. Finally, she called on the ILO to work on reducing existing barriers towards the movement of natural persons.
- 35.** The Government member of Japan affirmed the right of each country to determine admission of migrant workers based upon identified labour market needs. Promotion of labour market integration and ensuring decent work were of key importance. To support fair recruitment, she called for the creation of frameworks that would enable the elimination of unscrupulous employment agencies. Counselling, support services and complaint mechanisms were also necessary. Citing examples from Japan, she described the establishment of Public Employment Service Centres for Foreign Workers that provided employment counselling for migrant workers, as well Multilingual Contact Centres to provide over-the-phone support in multiple languages. Public employment services also worked with employers to ensure strict adherence to relevant laws and regulations. Finally, she called on the ILO to ensure systematic collection and harmonization of labour migration data.
- 36.** The Government member of Turkey noted key global challenges in the governance of labour migration, including the lack of consensus on the purposes for cooperation, and disagreement on the kind of institution needed to govern international migration. He called for the recognition of linkages between migration and development, particularly tangible contributions made, such as remittances and other financial, human and social capital brought back by returning migrants. He insisted that social partners play a key role in labour migration, and listed several measures to strengthen social dialogue, including through involvement of social partners in policy-making processes, assignment of focal points, consultation and cooperation mechanisms, and tripartite conferences to sensitize members. He stated that ILO instruments and the International Convention on the Protection of the

Rights of All Migrant Workers and Members of Their Families did not adequately reflect the feminization of the migrant workforce nor States' increasing reliance on temporary workers. International cooperation towards international governance of migration would need to build on recognized common objectives, while respecting state sovereignty, consistent with the needs of their labour markets.

- 37.** The Government member of Uganda welcomed the report prepared by the Office which formed the basis of the Committee's discussion. She informed the Committee that her country had managed to include migration in their 2030 Agenda for Sustainable Development, and through this had created a framework to help foster the positive effects of migration. She asserted that to attain these effects, migrants had to migrate out of choice and not necessity. She pointed out five areas that needed special focus in order to increase the developmental effects of migration. The first area that needed attention was that of remittances. Efforts were needed to reduce remittance transfer costs to less than 3 per cent and increase transparency through comparison of prices. Second, labour migration had to be regulated in a manner to foster fair terms of employment – including equal pay – to complement domestic labour shortages in certain sectors. One should facilitate “circular migration” where migrants could move legally back and forth between countries. Third, legal frameworks to safeguard migrant workers' rights should be developed and implemented. Empowerment of migrants was built on both rights and opportunities. Fourth, recruitment processes had to be regulated to reduce recruitment costs and fees borne by the migrant workers, including through partnerships with the private sector. Finally, governments should support development initiatives of diaspora communities to promote investment and trade between countries of origin and destination. She informed the Committee that improved cooperation, coordination and partnerships between governments was needed as migration was a global phenomenon that could not be tackled by a few countries. With this in mind, she suggested that a strong migration organization was needed with a broad and global mandate in order to provide a strong and stable system.
- 38.** The Government member of Kenya welcomed the discussion as it would allow the ILO to make a contribution to and help shape the Global Compact for Migration in 2018. He pointed out that the trends and patterns of migration were changing, and new migrants were characterized by being low-skilled and low-paid, who were vulnerable to mistreatment and abuse by their employers. This created governance challenges which, if dealt with effectively, could result in benefits for both origin and destination countries as well as for migrants. He noted the need for greater cooperation, not only between relevant government ministries but also between countries of origin and destination. He acknowledged that the impact of many bilateral agreements had helped many countries realize better migration outcomes for their people, but, on the other hand, may have been limited owing to poor design. They were often lacking in scope and content because of the failure to embrace other key stakeholders such as workers' and employers' organizations in their formulation, implementation and monitoring. He welcomed the research work carried out by the ILO and IOM, which had enabled countries affected by migration to better align their policies and regulations. However, he called for more research in emerging corridors, particularly between Africa and countries of the Gulf Cooperation Council (GCC), where decent work challenges were prevalent. Kenya had sought to bring about better regulation of migration through a number of measures such as accreditation of employment agencies and bilateral agreements. There were opportunities for the ILO to take the lead on knowledge sharing, technical assistance, workshops and seminars, as well as training programmes, both in the affected regions and at the International Training Centre, Turin. Comprehensive data collection and dissemination tools should be developed to inform future policy development.
- 39.** The representative of the Plurinational State of Bolivia welcomed the Office report and highlighted that decent work was important for all workers, including migrants. She also praised the focus on women migrants. She joined with previous speakers' concerns about

racism, discrimination and xenophobic attitudes towards migrants. New regulatory frameworks were needed to ensure the safe transfer of human beings. She pointed out that her country had enacted new regulations that provided the right to decent work for migrants, including decent wages and workplace safety and health protection, and rejected any expression of discrimination towards migrants or people with international transfers. A World Conference of People was to be held from 20 to 21 June 2017 in the country, which would bring together representatives of civil society, academics and other practitioners on relevant themes, migration being one, and for which the results would be shared.

40. The Worker Vice-Chairperson noted general support by the Government members to debate the issue of migration, and thanked them for the many examples of good practice from their countries. She wondered, after hearing all the goodwill from the Governments, why there was still a huge problem to be tackled. The challenge was how to build on the enormous amount of work that the ILO had done and identify the best ways to address gaps while including the social partners and respecting rights.
41. The Employer Vice-Chairperson thanked the Government members for their contribution, especially for focusing their interventions, and thus the Committee's, on labour migration.
42. The representative of Juventud Obrera Cristiana Internacional (JOCI) and of World Solidarity Movement (WSM) described the ordeal that he, as a worker from the Philippines who had migrated to Saudi Arabia, went through. Despite a contract which seemed to be in good order, he received less wages than promised and was not paid overtime despite long working hours. After speaking with other colleagues to the employer, he was repatriated without being paid for one-and-a-half-months' work. He observed that this example showed some of the difficulties faced by migrant workers, especially the more vulnerable such as youth, women and those without papers. Migrants were often perceived as economically costly in destination countries, while they actually promoted economic and social development both for the countries of origin and destination. To achieve migratory justice, States should develop more humane migration policies that were socially just and politically coherent. Three principles should underpin these: (1) respect for fundamental rights and international law, with sanctions; (2) equality and fairness in opportunity and treatment for both migrants and national citizens; and (3) solidarity with priority for the most vulnerable. Migrant workers should benefit from the same rights as national workers, including in job choice and when leaving it. Migrant workers' rights were guaranteed in Conventions Nos 97 and 143, which all member States were urged to ratify with ILO campaigns. It was essential that migrant workers be organized, but in many countries restrictions were placed on their freedom of association. Member States should link up with migrants' organizations for joint actions such as for inclusive social dialogue. They were also called on to establish, with broad consensus, global and national social protection, ratify bilateral agreements in conformity with the Social Protection Floors Recommendation, 2012 (No. 202), and the Social Security (Minimum Standards) Convention, 1952 (No. 102). Origin countries should put into practice migrants' welfare funds, to which destination countries should contribute, for repatriation in case of sickness. Another important aim was equitable recruitment including strict regulation of recruiting agencies with penalties for non-compliance. Labour inspection institutions needed to be strengthened, and complaints mechanisms for migrants needed to be established, especially to protect young migrants.
43. The representative of Public Services International (PSI) welcomed the discussion and pointed out seven key priorities they hoped would be reflected in the conclusions. First, the reiteration of a rights-based normative framework by promoting, strengthening and effective implementation of the ILO Conventions dealing with migration, namely Conventions Nos 97 and 143 and their accompanying Recommendations. Second, the implementation of fully transparent bilateral agreements in collaboration with the social partners and which were in line with human rights norms and international labour standards. Third, emphasis

placed on migrant workers' access to, and portability of, social security and this should be linked to access to quality public services for all. Fourth, the importance of the ILO Guidelines and principles on fair recruitment. She mentioned that PSI would welcome a new instrument on fair recruitment that complements and reinforces existing ILO migrant worker Conventions. Fifth, the responsibility of governments to regulate international recruitment with a stronger role for public employment agencies to ensure fair recruitment, transparency, anti-corruption and the protection of whistle-blowers. Sixth, the recognition of skills and qualifications as an important aspect of work; and finally, the integration of gender equality in the discussion.

44. The representative of the International Transport Workers' Federation (ITF) stated that a significant number of migrant workers became victims of trafficking and forced labour on fishing vessels. He noted that, due to factors unique to the sector, migrant workers in the fisheries industry often faced challenges accessing social protection in destination countries. For this reason, a sectoral approach could be considered to protect international migrant workers. He pointed to Regulation 4.5.2 of the Maritime Labour Convention, 2006 (MLC, 2006), which provided comprehensive social security protection for seafarers, and in a similar vein, Article 34 of the Work in Fishing Convention, 2007 (No. 188). He said that both Conventions also required member States to ensure that no fees for seafarer recruitment should be borne by the seafarer other than the cost of the seafarer's passport. He further expressed support for the ILO's *General principles and operational guidelines for fair recruitment*, and called for ratification campaigns for relevant ILO Conventions, and a new international instrument on fair labour recruitment. He pointed out the particularly vulnerable role of women migrants and expressed hope that the ILO would commit to a strong ILO Convention on violence against women and men in the world of work. He concluded by emphasizing several ways to address governance challenges by regulating corporate behaviour, like the regulation of private employment agencies or mandatory disclosure regimes to improve the transparency and traceability in global supply chains.
45. The representative of the Office of the High Commissioner for Human Rights (OHCHR) highlighted the risky, dangerous and discriminatory nature of migration, particularly for those coming from poor or marginalized groups, and questioned the voluntary nature of this often precarious movement of people. Migrants, particularly those in an irregular situation, were often afraid to complain and disproportionately vulnerable to discrimination, exploitation and marginalization. In particular, migrants often worked in sectors and occupations that were largely unregulated and deserted by national workers. She described a range of drivers of migration, including denial of fundamental human rights, environmental degradation, lack of access to decent work, health care or education, and the need or desire to reunite with families. While the pull of work was not the only reason for migrants to move, the ability to work in just and favourable conditions was a prerequisite for a dignified and rights-based existence in both countries of transit and destination.
46. The speaker recalled that the international human rights framework included labour law and protection of migrant workers, and explained that the Committee on Economic, Social and Cultural Rights had recently reasserted that all migrants – regardless of their nationality or migration status – within the jurisdiction of a State Party were entitled to their rights under the International Covenant on Economic, Social and Cultural Rights, including the right to decent work, to social security and to health care. This international law framework should be used to build migration policies and practices, and could provide practical guidance to States, including tools needed to govern migration in a rights-based manner. In this regard, she noted that the OHCHR was currently preparing a set of principles and guidelines on the human rights protection of migrants in vulnerable situations, in coordination with the Global Migration Group, of which the ILO was a founding member. Of particular note was the guidance to establish clear and binding firewalls between complaints mechanisms and labour inspection on the one hand, and immigration enforcement authorities on the other. Access

to effective judicial remedies was a further key area of the guidance, as without such access, many migrants would fear reporting of crimes, including hate crimes, which enabled xenophobia, racism and intolerance.

47. She concluded her remarks with reference to the development of the Global Compact for Migration, and called for this global document to be migrant-centred, human-rights based and gender-responsive, to ensure social inclusion and alignment with the aims of the 2030 Agenda for Sustainable Development. Unilateral measures used to manage migration that criminalized or commodified migrants were not viable, and indeed through the New York Declaration, States had acknowledged the need for global approaches and solutions, and a shared responsibility to govern migration in a humane, sensitive and compassionate people-centred manner. The general discussion at the ILO was an important contribution towards a global compact that was rooted in the human and labour rights of all migrants, regardless of their status.
48. The representative of the IOM noted the timeliness of this general discussion as UN member States were developing the Global Compact for Migration. The Global Compact was an opportunity to create a cooperative framework for the governance of international migration. While led by States, the Global Compact process would also bring together key stakeholders, including trade unions, employers, migrant and diaspora associations, and migrants themselves. The ILO and its tripartite constituency had a key role to play in the area of labour migration governance, grounded in fundamental principles and rights at work, the Fair Migration Agenda and the *ILO Multilateral Framework on Labour Migration*.
49. She highlighted complementary aims of the IOM in the areas of strengthening labour market institutions, improving bilateral and intraregional agreements to facilitate labour mobility, decreasing the costs of migration, and promoting multi-stakeholder approaches to ensure fair and ethical labour recruitment of men and women migrant workers, particularly lower-skilled workers. She emphasized that in the area of labour recruitment, stronger regulation and enforcement across borders were urgently required to provide workers with adequate protection and access to remedy, and to enhance the benefits of labour mobility, as well as to empower those labour recruiters committed to respecting human rights and labour standards.
50. Highlighting details of the IOM's work, the speaker noted that the organization worked closely with governments to develop and enforce fair and transparent labour migration governance that enabled the needs of the labour market to be met. A multitude of public and private entities were involved in effective labour mobility regulation, and the speaker encouraged employers and brands to commit to rights-based business practices and to drive the demand for fair recruitment services. At the same time, trade unions, diaspora groups and migrant associations facilitated access to grievance mechanisms and remedy. Labour recruiters played a role in matching jobseekers with overseas employment agencies – transparent and ethical labour recruiters, in particular, were needed to facilitate affordable and safe labour mobility. In recognition of this, the IOM was currently working on the creation of the International Recruitment Integrity System (IRIS), underpinned by the ILO *General principles and operational guidelines for fair recruitment*. IRIS was a due diligence tool aimed at changing the current recruitment business model that was based on exploitation and abuse to one that facilitated regular migration for the benefit of all. With view to operationalizing the ILO's *General principles and operational guidelines for fair recruitment*, the IOM noted the ILO's important role in helping to further define recruitment fees and costs to remove any remaining ambiguity. The IOM would continue to cooperate with the ILO and UN partners at the policy and operational levels to advocate for fair recruitment and decent work as part of its global agenda to realize the SDGs.

General discussion

Point 1. Opportunities and challenges for labour migration governance

51. The Worker Vice-Chairperson stated that labour migration was a key feature of today's world of work. Ageing societies, skills shortages and skills–job mismatches combined with informality and decent work deficits engendered powerful forces which compelled people to migrate. The rich and diverse societies known today – produced by previous generations of migration – contrasted with the current image of migration based on inequalities across the globe. Developed countries had cherry-picked the best talent and had contributed to brain drain and care drain, while simultaneously restricting low-skilled migration even further. Abuse occurred especially in certain sectors such as construction, fisheries, agriculture and domestic work.
52. She also stated that temporary and circular migration had become a permanent feature of labour migration and the dominant model. A strong body of evidence showed that these types of migration exacerbated social and economic problems, as workers were often denied their rights to freedom of association, pathways to residency rights, and exclusion from social protection or justice and access to remedy. Unscrupulous agents from recruitment agencies also played a role misrepresenting conditions of work, promising non-existent jobs or penalizing trade union membership.
53. She emphasized the financial and social costs that migration could impose on workers, particularly women and highlighted the gender-specific aspects of labour migration. Women were not only migrating at rates nearly equal to their male counterparts but were also concentrated in sectors frequently excluded from labour legislation, such as agriculture and domestic work, and often paid particularly high costs. For this reason, she supported the report's recommendations on gender-specific aspects and measures, in particular non-discrimination and rights-based clauses to promote gender equality, such as explicit prohibition of pregnancy testing, and the acknowledgment of female-specific vulnerabilities, for example by establishing protection measures concerning violence against women in the migration process. Appropriate health care should also be provided.
54. She continued by pointing to equal treatment and non-discrimination among all migrants as the foundation to successful migration governance. This included equal access to legal and administration provisions, conditions of work and employment, and access to mechanisms of enforcement and redress. She also referred to social investment. Access to language training, public services and skills development should not be limited to certain groups of migrants. Mechanisms to recognize skills, for both low- and highly-skilled migrants, should be strengthened and involve social partners and relevant stakeholders, like the ministry of education. Social partners should also be involved in labour market assessment needs. Not all shortages were real, since they sometimes reflected the reluctance of employers to pay appropriate wages and/or invest in the upskilling of workers in the local labour market. Moreover, she noted the difficulty of viewing circular migration schemes as a win when such schemes might result in lowering of standards. Furthermore, temporary programmes could exacerbate social and economic costs and result in the denial of social protection and equality of treatment. She expressed concern about “compacts” conditioning development aid with a reduction in the number of irregular migrants or making the payment of part of the wages contingent on workers returning.
55. Turning to the situation of irregular migrants, she reiterated their right to freedom of association and the need to establish regularization programmes. She pointed to a successful programme in Geneva, Switzerland which had regularized undocumented workers, and to

similar programmes in Latin America. She further emphasized that, while regularization was neither the only or first response, it should be accompanied with the introduction of more regular migration channels. Irregular migrants' access to labour inspectorates was also crucial. She expressed concern about tied-visa or single employer sponsorship programmes.

- 56.** She concluded by stating that migration should be a choice, not an obligation imposed by a lack of decent work in countries of origin, and economic incentives to exploitation needed to be addressed. For this reason, focus should be placed on the generation of decent work, access to education, skills training, recognition of skills and the role of labour market institutions. Moreover, countries of origin should assume a more active role in preventing the exploitation of their workers in destination countries. The ILO Committee of Experts had pointed to important steps required to promote a positive image of migrants and reduce xenophobia against them. She noted that a paradigm shift was needed in this context to eliminate discrimination and scapegoating of migrants. This required political will. Governments, employers, trade unions and civil society had important roles to play.
- 57.** The Employer Vice-Chairperson stated that he intended to focus on the opportunities and challenges presented by labour migration governance. Regarding the opportunities, he noted that sound and effective labour migration governance not only allowed nations to harness opportunities, but minimized the risk of challenges. Sound and effective governance also required: clearly identified and consistently applied regulatory requirements; clear, practical and effective regulation that was proportionate and balanced in addressing risks and concerns; accessible registration, visa and compliance arrangements; uncostly administrative requirements; sound regulation which supported employers and labour migrants; and strong mechanisms to clearly communicate regulation.
- 58.** He then pointed to four challenges faced by employers regarding labour migration: demographic changes and the need for skills at all levels; irregular labour migration; operational challenges facing migration systems; and clarity and communication. With respect to the demographic and skills challenges in advanced economies, the shrinking labour pool had led to shortages of workers at all skill levels. This shortage was accompanied by a global mismatch between high- and low-skilled workers' skills and the needs of the labour market. This partially explained recent trends in migration across skills categories from developing countries. Similar to advanced economies, however, training and education in developing countries had failed to keep pace with business needs. For these reasons, sound governance was critical to addressing both supply and skills mismatches across the globe. To address this challenge, upskilling, skills development programmes, access to opportunities for training, studying and working abroad, and bilateral agreements on skills recognition and skills mobility were relevant.
- 59.** Regarding irregular labour migration, the speaker noted that it not only imposed risks on workers and employers, but also contributed to negative public perceptions. Moreover, many irregular migrants lacked access to social services and health-care programmes. To address the challenge of irregular migration, legal pathways should be established for low-skilled migrants to provide services in short supply, and the ILO's *General principles and operational guidelines for fair recruitment* should also be promoted and implemented. He also supported the ILO's role in the Alliance 8.7.
- 60.** Turning to operational challenges facing migration systems, the speaker asserted that institutions and processes often had difficulties responding to contemporary risks and realities and failed to provide pragmatic solutions to effectively address migration issues. Fundamental limitations included inflexible and ill-adapted structures, often with excessive bureaucracy burdened by excessive politicization and lack of effective multinational contributions. For these reasons, labour migration governance could be effectively addressed by deeper engagement with the private sector.

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- 61.** Clearer communication and a more common understanding of the obligations and entitlements of migrants and employers was required. A two-way conversation was required between governments and employers, not only to communicate their required obligations, but also to discuss how they could be operationalized and made more effective. This included communication about the mismatch between expectations and realities in labour migration. He concluded by noting that sound governance was the key to maximizing the benefits and minimizing the risks of migration.
- 62.** The Government member of Malta, speaking on behalf of the EU and its Member States, noted that several challenges needed to be overcome in order to realize the full potential of regular labour migration. Labour migrants could make a positive contribution to social and economic development by filling labour shortages and acting as job creators, as well as through the transfer of knowledge, skills and investments to their country of origin. He acknowledged, however, that labour migration presented challenges in terms of fundamental principles and rights at work and the protection of vulnerable migrants. Labour market institutions had an important role to play in enforcing the rights of migrants to decent work. The EU condemned racism, xenophobia and related forms of intolerance against migrants. It was important to protect migrant workers who were particularly vulnerable to falling victim to forced labour and human trafficking. He urged ILO member States to ratify and implement the Protocol of 2014 to the Forced Labour Convention, 1930, and apply the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203). Another challenge which needed to be addressed was the skills gap, whereby the skills and qualifications of migrants were not recognized or appropriately matched to employment in destination countries. Policies and practices which could be developed included access to language training, recognition and development of skills, and access to education, training and employment counselling. Furthermore, the integration of migrant workers and their families in the destination country was of great importance. Evidence needed to be presented to address public perception of migration issues. Fair and effective labour market integration policies could contribute to realizing inclusive growth and promoting social cohesion. Social and educational institutions needed to adapt to take into account the specific needs of migrant families. He noted the importance of adopting flexible admission systems in accordance with the particular needs of different labour markets.
- 63.** The Government member of the United Arab Emirates, speaking on behalf of the GCC countries, said that voluntary labour migration was of great importance for sustainable social and economic development. The 2030 Agenda for Sustainable Development provided a framework for making orderly migration possible. Temporary labour migration was a frequently used model in the Middle East and had been growing over recent years, offering opportunities and positive aspects both for countries of origin and countries of destination. Remittances to countries of origin, increased wages, improved access to education and reduced child mortality were some of the benefits for migrants and their families. A sound framework of governance, established through bilateral and multilateral dialogue, would help to provide decent work for migrant workers. Several of the GCC countries were applying initiatives to raise the qualifications of migrant workers and devising computerized monitoring systems of migration flows.
- 64.** The Government member of Zambia, speaking on behalf of the Africa group, stated that good governance would promote decent work at the regional, national and enterprise levels. Cooperation between member States through bilateral and multilateral agreements would reduce irregular migration and address issues of discrimination and cultural integration. Addressing the skills gap would result in improved productivity in the country of destination and economic benefits through remittances in the country of origin, as well as benefiting the migrants themselves. Migrant labour would help countries of destination to fill gaps in employment, particularly where younger workers were needed.

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- 65.** Turning to the challenges of labour migration governance, the speaker noted weak labour inspection systems in host countries, lack of resources to manage labour migration, limited access to social security and health and safety measures for migrants, xenophobia against migrants, rigid border formalities, and lack of coherence between labour migration and related policies as well as lack of comprehensive labour migration strategies at the regional level. He called for strengthening capacity building in these areas.
- 66.** At a national level, challenges included a lack of political will, the absence of migration policies linked to labour standards and economic trends, deficits in local labour markets and weak judicial systems, lack of data and the absence of a holistic policy approach that was further aggravated by the dominance of security concerns over labour market integration interests.
- 67.** The Government member of Norway aligned herself with the position of the EU. She stated that her country had benefited from labour migration but also faced the challenge of integrating migrant workers. Labour migration governance had to be designed so as to avoid two- or even three-tier labour markets, in particular the social dumping and exploitation that occurred in such sectors as construction and agriculture. For this matter, Norway had placed great emphasis on the cooperation between social partners and the authorities in joint efforts in a wide range of measures to combat the challenges in these specific sectors. Examples of such actions were collective agreements that considered these aspects in sectors affected by social dumping, the strengthening of labour inspectorates and cooperation with the police and immigration authorities. The speaker emphasized the importance of tripartite participation in regulation and oversight. Finally, Norway had found it necessary to regulate the growing number of private employment agencies, which were only allowed to operate if the work they offered was temporary and allowed by collective agreement. No fees could be charged to the workers, and private agencies had to offer workers the same conditions of work as if they were recruited directly by the enterprise.
- 68.** The Government member of Argentina recognized that migration was a reality that needed to be understood as a central element in the future of work. She highlighted that facilitating migration flows – as an important factor in the process of production – was positive for productivity growth. In particular, she mentioned the significant impact that migration had in the social and cultural development of Argentina, thus indicating that public policies needed to be designed so that they helped to facilitate the social and economic integration of migrants in the host economy. These policies needed to be based on social dialogue with stakeholders from the world of work in a joint effort with other institutions and civil society. International cooperation, regional integration, adequate national policies and social dialogue were central to labour migration governance.
- 69.** The Government member of the United States noted that a lack of labour market data, rapid changes in the world of work, economic and demographic disparities, a lack of skills and job matching mechanisms, abusive recruitment processes, irregular migration, and ineffective labour administrations and inspectorate systems could present real challenges to effective labour migration governance and to labour market responses that protected both host communities and migrants. The G20 Labour and Employment Ministers had indicated that they would seek progress on skills recognition systems and consideration of ways for portability of social security entitlements, and had asked the ILO, the Organisation for Economic Co-operation and Development (OECD) and others to support their activities in line with their respective mandates. She further mentioned that addressing challenges and opportunities could not be done for all countries in the same way because situations varied from country to country. Therefore, although the fundamental principles and rights at work for all workers must be respected everywhere, policies and practices should be designed to respond to each country specifically.

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70. Finally, she highlighted that abuse and exploitation could result from the action of unscrupulous recruiters, reaffirming the importance of the ILO's Fair Migration Agenda. The ILO could contribute to efforts to combat unethical recruitment practices, including by promoting the ILO's *General principles and operational guidelines for fair recruitment*.
71. The Government member of Mexico stated that migration was an issue that transcended borders and, although it was often dealt with at the national level, it was essential to strengthen international cooperation. In this way, countries could learn from each other so that migration benefited the host economy as much as the country of origin. At the same time, it was important for labour migration governance to consider the peculiarities of each country and not to devise one-size-fits-all solutions. It was therefore important to consider all parameters of labour migration, including border management, entry into countries, return, admission, re-admission, integration, reintegration as well as transiting migrants. She highlighted the importance of labour migrant integration into the host labour market for the achievement of social justice in a process of equitable globalization. In view of this, it was important to cooperate effectively at the bilateral, regional and multilateral levels, not forgetting internal policies that would also favour the achievement of legal, safe, organized and transparent migration.
72. The Government member of India noted that her country was a reservoir of a highly skilled and semi-skilled workforce likely to continue its significant contribution to current migration flows. In this process, it was important to develop appropriate bilateral, regional and multilateral frameworks on international migration. Such frameworks needed to include the mobility of social security benefits. Other challenges to labour migration governance would be best addressed through dialogue and cooperation provided through ILO tripartite mechanisms. In this process of dialogue, it would be of benefit to recognize that robust labour migration governance would contribute to inclusive growth and to the promotion of social cohesion.
73. The Government member of Lebanon emphasized the importance of making a distinction between legal migration and forced migration. Her country had received a very large flow of Syrian refugees, which, in addition to Palestinian refugees, could not be absorbed into the economy. In this respect, she highlighted the importance of respecting the sovereignty of the host country; at the same time, there could not be one single approach to cover all migration types and flows.
74. The Chairperson noted that the Committee was dedicated to issues related to labour migration, and not migration due to other reasons. Such matters were dealt with in other forums.
75. The Employer Vice-Chairperson identified areas of commonality that had emerged during the discussions. He noted in particular: the importance of skills recognition and development and the role of the private sector therein; concerns about irregular migration; the significance of sound data to improve labour migration governance; and the importance of addressing particular challenges to labour migrants or migrant workers who were informal or undocumented, which appeared to be a strong concern of the Workers as well.
76. The Worker Vice-Chairperson welcomed the common ground already found. She wondered about the term "sound regulation" used by the Employers, though, and proposed that the starting point for any "sound regulation" should be existing ILO standards. In coming back to the example presented by India about investments in skills of migrants and potential migrants, she noted that the trade unions were critical of certain policies that promoted labour migration. For example, the supposition that remittances necessarily helped to improve the situation of migrants' children had to be questioned. It was not possible to effectively use remittances to enhance the education of migrants' children unless the countries of origin,

where the children were left behind, had invested in their education systems. To make labour markets more resilient would mean that employers needed to invest more in local skills, instead of replacing local workers – often second- or third-generation migrants – with newcomers at worse conditions. She further highlighted the importance of discussing irregular migration and of finding a correct definition for “irregular migration” – as compared to “unregulated migration”. Irregular migration would always be cheaper since migrants in irregular situations were vulnerable and exposed to abuse. Therefore it would be crucial to take equal treatment and fundamental human rights as the starting point in discussions regarding irregular migration. She welcomed the point made by the Government member of Malta speaking on behalf of the EU to support the fundamental rights of migrants as human beings.

Point 2. Coordination and cooperation

- 77.** The Employer Vice-Chairperson observed that sound governance of labour migration was needed to harness its benefits and mitigate risks, and effective coordination and cooperation between labour ministries and other relevant ones was important. The Committee’s discussion should be guided by improving, enhancing, deepening and increasing effectiveness, as well as coordination. One of the employers from a G20 country had told the Employers’ group that nine separate government departments were involved in labour migration governance, so coordination was important to help build synergies. Information was critical in order for governments to make well-informed policies, address cumbersome immigration laws that made it challenging for the private sector to hire migrants, and to understand areas in which the law had to change. Often labour migration policies were not managed by labour ministries but those for immigration or a wider combination of different governance forms; better coordination across ministries could facilitate information flows and build synergy across diverse initiatives. Clear roles and responsibilities across ministries dealing with labour migration could also diminish duplicative efforts. ILO help that was responsive, needs-based and aimed at improving coordination, could equip governments to better involve and work with other ministries on labour migration. Private sector input was critical for helping governments understand where interagency coordination and cooperation could be improved. He underscored the Africa group’s comment that no one-size-fits-all model existed, and he recalled good practice approaches from the Employers’ group in Argentina and Chile, the Philippines and the Russian Federation.
- 78.** He remarked that wider stakeholder engagement was important, since migrants connected to jobs through employers, immigration departments, governments, staffing and employment agencies, non-governmental organizations (NGOs) and diaspora communities. It was in the interest of all stakeholders – including governments of origin, transit and destination, as well as businesses and migrants themselves – that coherent and comprehensive migrant policies were developed and implemented.
- 79.** He emphasized that good policy was not solely a matter for governments. The private sector had a central role to play in coordination and cooperation, and businesses as frequent users of national immigration systems had important information for governments, including the working of immigration laws, procedures and policies. The private sector also had knowledge of emerging markets and staffing needs. Business needed to be effective in communicating to government, which should be more responsive. Business associations and chambers of commerce could work with their members to coordinate efforts and communicate industry needs to relevant stakeholders, as well as communicate to individual businesses about government expectations on labour migration, particularly support compliance such as paperwork. The Global Forum on Migration and Development’s business mechanism was another forum at which the private sector could share its experience and expertise. As governments were increasingly faced with doing more with limited

resources, public–private partnerships could alleviate pressures and assist in delivering sound governance. The ILO needed to research, support and promote public–private partnerships as an option available to governments for coordination and cooperation.

- 80.** He showcased an example of cooperation with international organizations, which was also key, namely IOE’s and IOM’s promotion of global ethical recruitment principles. When working on labour migration, the IOM – whose Public–Private Alliance for Fair and Ethical Recruitment was designed to create a community of partners and practical tools to combat unscrupulous recruitment practices – could draw on synergies, including with the ILO. Both had an opportunity to lead by example on coordination and cooperation, which were essential for promoting good practice at national level. Another example highlighting the merits of stakeholders working together was collaboration between the International Trade Union Confederation (ITUC), the IOE, the World Employment Federation and the ILO on the Fair Recruitment Initiative, which aimed to prevent human trafficking, promote safe migration and reduce labour mobility costs.
- 81.** The Worker Vice-Chairperson noted that fair and effective labour migration governance at all levels required preventing exploitation of migrant workers, including in transit countries, and ensuring that migration benefits were maximized while costs reduced. Her group agreed with the Office report that governance systems were most effective when public employment services, labour ministries, business, and employers’ and workers’ organizations were strong and all stakeholders had the capacity to contribute to national dialogue. Yet labour ministries and other key government entities were insufficiently engaged, with migration policy often the almost exclusive province of interior and foreign ministries, with focus placed on border control and security. The role of active labour market and employment policies, and strong labour market institutions, was something of an afterthought – in some countries labour ministries were not responsible for, or involved in, approving or issuing work permits.
- 82.** She believed that the *ILO Multilateral Framework on Labour Migration* provided a sound basis for action to improve cooperation and coordination among national government entities. The ILO should step up efforts to assist governments in establishing mechanisms to ensure coordination and consultation among all relevant ministries, authorities and bodies, with labour ministries playing a key role in policy formulation, elaboration, management and administration of labour migration. Tripartite consultation should be an integral part of such mechanisms. A key objective was to establish firewalls between labour inspectorate functions of labour ministries and immigration and police authorities, so that migrant workers who needed to file grievances with the ministry of labour could do so without fear of intimidation, retaliation or deportation, and that migrant workers, regardless of their status, had full access to legal assistance. Labour inspectorates’ capacity needed to be strengthened, adequately resourced, with attention to women migrant workers’ protection needs, and inspectors’ capacity to collaborate with trade unions to identify and remedy violations and provide guidance to employers needed to be enhanced.
- 83.** She mentioned that States were discussing migration governance in a multiplicity of forums; the High-level Dialogue on International Migration and Development (2013) had been followed by a High-Level Summit (2016) on large movements of refugees and migrants, and States were negotiating a Global Compact for Migration. The Global Forum on Migration and Development was meeting annually, and state actors were being brought together on the topic of migration in regional economic communities, regional consultative processes and other informal bilateral and multilateral arenas. The ILO should pursue, as a priority, migrant workers’ protection and non-discrimination and promoting the Decent Work Agenda.
- 84.** The Workers’ group believed that important areas for cross-border cooperation included: protection and enforcement of rights; coordination on social protection; mutual recognition of qualifications and skills; capacity building between competent authorities; and

intergovernmental dialogue with the full participation of the social partners and civil society organizations. A corridor approach within regional economic communities could be beneficial to addressing protection issues. Two promising ILO approaches that could be built on were the Global Action Programme on Migrant Domestic Workers and Their Families, and the Association of Southeast Asian Nations (ASEAN) Declaration on the Protection and Promotion of the Rights of Migrant Workers. Better international cooperation among labour inspectorates could be promoted, and cooperation along migration corridors could include joint training to enhance identification of exploitative and discriminatory situations for migrant workers with effective remedial action.

- 85.** The Worker Vice-Chairperson used the example of the South Asian Association for Regional Cooperation (SAARC) to highlight the importance of taking action at regional level. In November 2016, SAARC member States met in Islamabad, Pakistan, where they agreed to take joint action on an array of issues ranging from skills to protection of migrant workers. She cited this as a good example of collective action among countries of origin in negotiating a package of protection with countries of destination, including social protection.
- 86.** She stated her group's support of the Office report's recommendations on the issue of social protection, including conclusion and successful implementation of bilateral social security agreements, equality of treatment, ratification and application of relevant ILO Conventions and Recommendations, establishment of national social protection floors, and enhancement of administrative and management capacities of social security institutions. In addition to these, the Workers' group encouraged the exploration of the potential of multilateral forums and regional economic communities to enhance cooperation on social protection. Successful sectoral approaches, such as that applied through the Maritime Labour Convention, 2006 (MLC, 2006), might be useful in addressing some of the challenges in the area of social protection for migrant workers.
- 87.** She expressed the need for mutual recognition of skills and qualifications to minimize skills and jobs mismatches and prevent deskilling and "brain waste". Assessment and recognition of skills of low- to medium-skilled workers, who might lack formal qualifications, should also be incorporated into such systems. The Workers' group welcomed the development of an ILO users' guide in this area. Active involvement of relevant government institutions and social partners was essential in the development of such mechanisms. Citing an example from Nepal, she highlighted the need for workers to be given relevant skills and training for the job for which they were recruited. Skills training prior to departure could be provided to workers, but on-the-job skills training had to be offered in the country of destination and had also to include appropriate training on occupational safety and health and use of safety equipment.
- 88.** The Worker Vice-Chairperson emphasized that the basis for effective international cooperation had to be set within the international human and labour rights legal framework, and without one country or region imposing on the other the terms of that collaboration. The ILO's Declaration on Social Justice for a Fair Globalization could serve as a reference to enhanced cooperation and coordination across ministries and institutions, and she called on the ILO to step up efforts to promote policy coherence on decent work based on the mandate of the Social Justice Declaration. Furthermore, the relative expertise, experience and mandates of the different UN agencies should be recognized and utilized in fostering cooperation and coordination, including through the Global Migration Group. The ILO had a unique role to play in the governance of migration at all levels. A concluding point was on the ILO's convening role in bringing representatives of governments of origin and destination and social partners together to discuss good labour migration practices, policies and experiences, including those related to bilateral agreements. The good practice of convening a meeting between Africa, Arab States and Asia on fair migration for migrant domestic workers should be transferred to other sectors.

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- 89.** The Government member of Malta, speaking on behalf of the EU and its Member States said that the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, the Republic of Moldova and Georgia, aligned themselves with the statement. He noted their agreement with observations made in the report on the need for cooperation at regional, bilateral and international levels for the effective governance of labour migration. He explained that his statement would focus on regular labour migrants, which according to the G20 Labour and Employment Ministerial Declaration referred to those migrants residing in a country in compliance with the legal framework of that country.
- 90.** He affirmed that cooperation on labour migration was particularly important at the regional level, keeping in mind the need to ensure that each country's labour market needs were taken into account. He described the salient features of the free movement of workers within the borders of the EU, which included the right of an EU citizen to search for employment in another EU country, work there without needing a work permit, reside there for that purpose, stay under certain conditions even after their employment had finished, and their access to equal treatment in terms of access to employment, working conditions, social and tax advantages. Social security coordination protected the acquired rights of people moving within the EU/EEA and Switzerland, and these rules were also extended to third-country nationals legally residing in the EU. To enable cooperation at national and regional levels to ensure and enforce decent work for migrant workers, the EU had adopted several measures to exchange information, such as the Platform for Undeclared Work. He emphasized that mobility of EU and EEA citizens for work purposes within Europe had characteristics and rules which closely resembled internal mobility. He called for mobility within regional economic integration areas to be better taken into account in the approach of the ILO, in particular when establishing or reviewing international labour standards.
- 91.** As for labour migration from third-country nationals, he explained that EU laws provided for equal treatment of migrant workers in employment, including working conditions, freedom of association, right to collective bargaining and access to social security. Common rules existed for entry and stay of seasonal workers, highly skilled workers, researchers and intra-corporate transferees. Mechanisms to prevent human trafficking were also in place.
- 92.** In the area of bilateral agreements, EU Member States were committed to including provisions on fair recruitment and protection of migrant workers, and had also concluded and implemented numerous bilateral agreements concerning social security. Development cooperation was also important, and the speaker cited global initiatives between the EU and the ILO on social protection, such as the Global Partnership for Universal Social Protection and the Social Protection Inter-Agency Cooperation Board. Other areas of joint technical assistance had led to improved and strengthened national legal frameworks on migration, in particular anti-trafficking legislation and regulation of private employment agencies.
- 93.** The speaker highlighted several areas where international cooperation at bilateral, regional, multilateral and global levels would be particularly beneficial, including international data on migration, developing skills recognition systems, ensuring public and private employment agencies engage in fair recruitment, ensuring decent work for migrant workers, and social protection. Closer cooperation with the IOM and system-wide coherence in the UN was also called for, particularly in relation to the development of the Global Compact for Migration. The ILO should also pay greater attention to the implementation of its Fair Recruitment Initiative. At national level, the speaker shared practices from some EU Member States, which included setting up inter-ministerial steering groups on different topics on migration and integration that meet regularly, ensuring internal coordination and cooperation. He concluded by stating that the issues of improved coordination and cooperation on labour migration were a key aspect that the conclusions to this Committee should address.

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- 94.** The Government member of Zambia, speaking on behalf of the Africa group, emphasized the need for a holistic approach in the promotion of labour migration governance. At national level, relevant ministries, such as those responsible for labour, home affairs, foreign affairs, mining, agriculture, national planning and finance, should form strong links to ensure policy coherence and harmonization. Setting up inter-ministerial forums for labour migration was an important measure in this regard, in addition to close supervision and monitoring of recruitment agencies to reduce cases of recruitment malpractice, ensure decent work for migrant workers, and to curb trafficking in persons. In the Southern African Development Community (SADC), a multi-sectoral approach had been used to address work-related diseases such as tuberculosis and silicosis through cooperation between the Ministries of Labour, Mines and Health. Such collaboration was also needed in the area of portability of social security benefits. National-level legal frameworks should guide this coordination, address issues of migrant workers in the informal economy, and increase flexibility in the issuance of work permits to vulnerable workers. He stated that bilateral and multilateral agreements should be signed, implemented and monitored to smoothen and deepen relationships among countries. A peer review mechanism would be beneficial. The role of international agencies providing technical assistance to joint initiatives – such as the Joint Labour Migration Programme developed in coordination with the ILO, IOM, AU and UNECA – should also be emphasized. Sustainability of efforts could be enhanced through understudy mechanisms that would promote capacity building and knowledge transfer. The speaker also called for the development of regional instruments based on ILO Conventions on labour migration, which might also lead to an increased rate of ratification by member States. He concluded by calling for joint research by member States at national, regional and international levels to deepen relationships and to produce reliable data, statistical analysis and common solutions.
- 95.** The Government member of the Republic of Korea extended her respect to the ILO for its work on protecting migrant workers and maximizing the benefits of labour migration. In particular, the ILO's guidance on bilateral and regional cooperation measures was helpful at national and global levels. She introduced the whole-of-government approach adopted by the Republic of Korea to foster cooperation among migration-related agencies. In this regard, the Republic of Korea adopted a national plan for immigration policy every five years, which was carried out through annual action plans in cooperation with 18 central government ministries and related departments of the local government. The plan referred to matters of border control, sojourn management, integration policies, protection of rights, improving the public perception of migrant workers, and international cooperation. An advisory committee was tasked with reviewing and revising these policies. As regards labour migration, the Third Basic Plan (2018–22) would cover admission, stay, integration, protection of rights and cooperation with sending countries. Global discussions, such as the Global Compact for Migration and the SDGs would also be integrated into the Third Basic Plan. The speaker called on the ILO to connect with migration policy experts in the Republic of Korea and engage their expertise. She cited the IOM Migration and Research Training Centre as a good example of a think tank that established linkages between migration-related ministries in the Republic of Korea, international organizations and expert groups. This group had recently worked together with Statistics Korea, the Asia Pacific Population Institution, the IOM Global Migration Data Analysis Centre, ASEAN–Korea migration experts networks and members of the Metropolis International Project to build a system of migration data, including labour migration.
- 96.** The Government member of Indonesia stated that Indonesia had strengthened coordination and cooperation between ministries on labour migration governance. This had been achieved by strengthening national legislation, improving inter-agency coordination, implementation and law enforcement, and enhanced protection efforts for Indonesian migrant workers overseas. To continue efforts to assist migrant workers in the future, the Government intended to upskill and increase the capacity of Indonesian migrant workers before leaving

Indonesia. In addition, it had already established 24 Indonesian missions in countries with a significant share of Indonesian migrant workers, which provided shelter, consular and legal assistance, training and education. At the domestic level, Indonesia was revising legislation related to migrant workers and had instituted programmes such as Productive Migrant Village, to prevent irregular migration and empower migrant workers' families. Significant advances had also been achieved for Indonesian migrant workers through bilateral agreements with destination countries, some of which included guaranteed health services, training and professional certification. At the regional level, Indonesia was working towards the establishment of a legally binding instrument on the protection of all migrant workers. Globally, it urged the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the involvement of all relevant stakeholders in debates related to the protection and equal treatment of migrants.

97. The Government member of China said that China was both a significant country of origin and destination, hence the protection of migrants was a high priority of her Government. She then proposed four recommendations for the ILO to enhance its coordination and cooperation between member States. First, additional data collection efforts among relevant ministries should be undertaken and additional research completed. The Ministry of Foreign Affairs, the Ministry of Commerce and the National Statistical Office could work together to create a unified system and share information and the ILO could guide member States on best practices in the collection of data and survey design. Secondly, fair recruitment corridors and procedures and public-private partnerships should be promoted which could help the ILO to further improve its principles and guidelines. Thirdly, member States should be encouraged to have relevant employment services and training centres. Finally, she encouraged inter-agency cooperation and called on the ILO to collect data and provide guidance on the formulation of bilateral agreements between member States.
98. The Government member of Argentina stated that coordination and cooperation at the international level, regional integration, national policies and social dialogue were key elements required to establish policies which facilitated the full social and labour market integration of migrant workers. At the national level, clear regulatory frameworks and efficient mechanisms were required to promote speedy and transparent processes. In this regard, the Government had relied upon the use of its normative framework and available means of implementation to design its own inclusive migration policy, completed in 2004, which promotes full integration by recognizing and protecting migrants' human rights. It had regularized many migrants, including through providing permanent residency. Its policy in 2006 towards refugees also included public-private partnership initiatives whose objective was to integrate migrants who were seeking asylum. Looking at the bilateral and multilateral levels, the establishment of common criteria for regularization was essential to facilitate migration. The Southern Common Market (MERCOSUR) experience proved that inclusive migration systems had positively impacted both the social integration of migrants and growth. However, while inclusive labour market legislation was important, it was also important to ensure that migrant workers were aware of their rights. This could be accomplished through guides or other tools adapted in languages accessible to workers. He gave the example of his country where the guide *Working in Argentina* had been published for migrants so that they were aware of the procedures that had to be undertaken to migrate to and work in Argentina. Efforts to train security forces about situations to which migrants were particularly vulnerable, such as child or forced labour, were also essential since this group often had initial contact with migrant workers in destination countries. Finally, in a federal country like Argentina, coordination between the provincial and national levels was also essential to ensure the effective application of policies.
99. The Government member of South Africa pointed to the inter-ministerial coordination of migration in South Africa. For example, while the Ministry of Home Affairs enforced immigration laws and visa issuance, the Department of Trade and Industries directly assisted

prospective investors, and the Ministry of Labour regulated foreign nationals in the labour market and enforced labour legislation. She explained that the right for all workers, both national and foreign, to fair labour practice was enshrined in the Constitution. While the Ministries had separate but related roles, an Inter-Ministerial Committee Task Team on Migration, coordinated by the Office of the President, helped to ensure coordination. In addition, involvement of the social partners was key. Social partners played an active role in the development of labour laws that include migrant workers and in the Employment Services Board – a tripartite board which also included community representatives – and was responsible for advising the Minister of Labour on labour market issues.

- 100.** The Government member of Ghana expressed support for the Africa group statement made by the Government member of Zambia . She continued by stating that all four pillars of decent work should be mainstreamed into governments’ bilateral and multilateral agreements and regional protocols. Achieving this integration could be accomplished through the creation of a tripartite platform, with origin and destination countries present, to discuss good labour migration practices and experiences; this could be accomplished through ILO technical assistance. Turning to mechanisms of coordination and cooperation between various stakeholders, in May 2017, the Ministry of Employment and Labour Relations, in collaboration with the social partners and the Ministry of Foreign Affairs, required foreign visas received by migrant workers from Ghana to destination countries to be validated by receipt of an exit permit from Ghana’s Ministry of Employment and Labour Relations. In this way, the Government monitored the contents of standard employment contracts, for domestic workers in particular, and ensured the contracts’ compliance with decent work standards. In addition, the Government was collaborating with the ILO, EU and IOM to develop a comprehensive labour migration policy in 2017.
- 101.** The Government member of India stated that coordination and cooperation between all relevant ministries, not only labour, foreign affairs, interior and development planning, but also ministries of social welfare and industry, was essential for labour migration to be an engine of growth as well as dialogue within regions. Effective national mechanisms needed to be replicated at the regional and global levels. The capacity of existing mechanisms needed to be enhanced and reliable data provided to assist in policy formulation. There was also a need for deeper and more effective cooperation with international agencies such as the Global Migration Group. It would also be important to outline goals and deliverables and to regularly measure if they had been attained. In a globalized world, it was critical to coordinate across countries and regions to promote employability, skills portability and to harmonize qualification frameworks.
- 102.** The Government member of Switzerland said that migration impacted on many government ministries and while there were cases of human suffering, labour migration also provided many benefits. He said that for fair labour migration to occur, three elements were essential. First, a coherent and comprehensive cooperation policy framework with a clear political mandate to implement policies. Second, institutional platforms for dialogue and coordination, with a clear understanding of agencies’ roles in the structure. And finally, a dedicated budget for inter-ministerial cooperation and implementation. He illustrated the importance of bilateral partnerships by means of a public–private partnership between a Swiss-based global company and Nigeria whereby young Nigerians benefited from vocational training in Nigeria, with the brightest being transferred to Switzerland for further skills improvement so that they could return to, in turn, transfer their skills to Nigeria. He recalled that migration often encompassed an element of human suffering and tragedy, but there was also the potential for development at the personal level through skills development, and at the local level through interactions between migrants, local actors, and small and medium-sized businesses that were often operating at the local level. He supported the views of previous speakers with regard to the importance of coordinating regional processes. The ASEAN Forum on Migrant Labour, with ILO involvement, was a good example, as was the

ILO Regional Fair Migration Project in the Middle East (FAIRWAY). These initiatives fostered trust and cooperation at the regional level. Globally, there was an increased interest in migration issues and the ILO had a comparative advantage, together with the IOM for leading the One UN approach to migration.

- 103.** The Government member of Brazil thought that cooperation and coordination were of great importance and could contribute concretely to the progress of labour migration. He shared details of his country's National Council of Immigration, which comprised ministries, workers' organizations, employers' organizations and civil society and was an example of good practice for the coordination of migration policies.
- 104.** The Government member of Mexico said that adopting a cross-cutting focus on migration with humans at the centre was necessary for the design and implementation of effective migration policies. Coordination mechanisms among relevant groups would improve institutional cooperation and promote dialogue, information exchange and joint activities. These mechanisms would help to clearly identify functions, responsibilities and competencies for better implementation and integration of programmes, actions and strategies. He described several initiatives by the Government, including bilateral agreements for orderly, legal and safe temporary migration, particularly to fill shortages in agriculture, with Guatemala and Honduras. These and other national efforts showed the extent to which it considered the theme of migration as a policy priority, and the National Plan of Development 2013–18 incorporated the need for protecting migrants' rights. Mexico had also reaffirmed its commitment to a new vision on international migration and had increased its cooperation based on a profound understanding of the causes and effects of labour migration, including migrants' important contributions to national economies.
- 105.** The Government member of the United Arab Emirates, speaking on behalf of the GCC, said that labour migration was of great importance to his Government. Migrant workers accounted for more than 85 per cent of the total population. The United Arab Emirates encouraged sponsorship for temporary labour migration, requiring migrants to have an offer of decent work before being issued with a work permit and temporary residency rights. Policies had been developed to regulate the job market, for example to promote fair recruitment. Work permits were issued at the discretion of the Government, without any influence from the employer. He conceded that despite labour market benefits, both countries of origin and countries of destination faced governance challenges due to a lack of coordination and migration information systems. New IT-based systems could be used to further developments on mutual recognition of skills and on bilateral and multilateral initiatives with respect to labour inspection. The electronic protection of wages was now an option. As an example of good practice, he cited cooperation with the Government of the Philippines to supervise every stage of migrant labour recruitment, using, inter alia, an electronic platform. He emphasized that labour migration had an important role to play in achieving social and economic development, cooperation and dialogue among all stakeholders. It was essential not to rely solely on a rights-based approach but also to practice a development-based approach.
- 106.** The Government member of Nigeria pointed out that for a country like Nigeria with a population of more than 170 million, of which a significant fraction were young men and women, migration had become a major concern. Nigeria's authorities had taken action to tackle the problem of youth leaving the country using dangerous, life-threatening routes through the Sahara to reach Europe. This included encouraging youth to use a new National Directory Employment International to find jobs abroad instead of resorting to smugglers. The National Communications Commission served to bring various ministries and agencies together for the establishment of comprehensive data on unemployed youth and their skills.

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- 107.** The Government member of Lesotho saw her country as both an origin and a destination country, although it had traditionally been a sending country and essentially still was. In Lesotho, migrants enjoyed equal treatment with nationals. To protect own nationals abroad, research had been carried out with international support on subjects such as diaspora engagement, remittances, the negotiation of bilateral agreements, and return and reintegration. Lesotho had developed a migration data management strategy, a remittances policy framework and a national migration policy. An inter-ministerial coordination team had been created to work together with employers, workers and NGOs, with a desk established specifically for labour migration issues. Portability of social security benefits was critical for Lesotho, and had become a reality under a bilateral agreement with South Africa, which also covered issues such as recruitment free of charge and no-cost remittances transfers. The ILO's support for international labour standards and in responding to the General Survey were highly appreciated, but the speaker recognized that significant challenges remained, and welcomed continued support from international partners such as the ILO.
- 108.** The Government member of Canada affirmed her country's strong interest in promoting managed migration systems that included appropriate labour and human rights protections. Canada had well-established structured governance mechanisms on labour and immigration; the federal, provincial and territorial governments met regularly to plan and consult each other on these issues. A key priority of the Canadian Government was to help implement the 2009 Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications, a joint vision for federal, provincial and territorial governments to ensure concerted action in the area of labour market integration. Canada continued the delivery of its Temporary Foreign Worker Program in moving towards a more strategic, compliance approach. The number of employer inspections with an on-site component were to be increased, and sectors targeted that relied on the most vulnerable workers, such as primary agriculture and caregivers. Additional work was planned with community organizations to inform workers of their rights and protections upon arrival in Canada. As an example of international cooperation she cited work undertaken with the IOM, in consultation with the ILO, on the development of the International Recruitment Integrity System, in order to support and encourage integrity in recruitment practices. The system was being piloted by Canada – more specifically the provincial governments of Alberta and Saskatchewan – and the Government of the Philippines.
- 109.** In reacting to the prior discussion, the Worker Vice-Chairperson noted numerous statements about things to be done and where experiences had been shared. She had heard a lot of positive feedback about temporary migration programmes, whereas the Workers' group had other experiences. Fundamental principles and rights at work were often not at the heart of these programmes. Decent work should be centre stage, otherwise temporary migration schemes might lead to the commodification of labour. This risk came to mind in particular with regard to sponsorship programmes. Temporary migration was an important question to be put on the table. The ILO should evaluate and monitor temporary migration programmes within the Decent Work Agenda, taking into account the Fair Migration Agenda. Under such schemes, were freedom of association and collective bargaining really granted to migrants and was there access to social security?
- 110.** The Employer Vice-Chairperson cautioned that if the Employers' group did not respond to every point raised during the discussions, this would not mean that they had no opinion nor were they necessarily in agreement. He requested that the broad framework points of the Employers be heard and their convictions and experiences taken into account. He pointed to potential areas for common ground. The Employers had heard the Workers speak about the importance for workers to be properly trained. In turn, the Employers had spoken about employability and recognized the need for on-the-job training. The issue of work-readiness of migrants clearly needed to be tackled. In this respect, some interesting examples of

regional cooperation in Asia had been outlined. Points of divergence had also appeared in the discussions, for example on the value of work opportunities and the respective positions on temporary migration programmes. On temporary programmes, the Employers differed from the viewpoint of the Workers, as temporary migration also had positive sides. For example, in the Employer Vice-Chairperson's own country, temporary migration presented a pathway to more permanent stays and eventually citizenship, and enrichment of Australian society. In any case, the Employers' group was not willing to say in the conclusions that temporary migration should be treated with disapproval. Finally, he pointed to public-private partnerships and considered that there was a healthy range of experiences that Governments had shared in this area to improve governance at national and regional levels. The Office's role concerning public-private partnerships should be discussed.

Point 3. Social dialogue at all levels

- 111.** The Worker Vice-Chairperson said that social dialogue on issues related to labour migration was clearly very poor and that strengthening social dialogue could considerably improve the effectiveness of labour migration policies as well as the protection of migrant workers' rights. The benefits of social dialogue should be promoted as well as mechanisms for social dialogue itself. This was also recognized by the Committee of Experts, which had emphasized the pivotal role played by social partners in effective labour migration governance. Strengthening social dialogue required respect for the right to freedom of association of migrant workers and the effective recognition of their right to bargain collectively, in national law, bilateral agreements, interregional and other multilateral agreements concerning labour mobility and migration. She recalled the Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (2016) that found that low-wage migrant workers in particular faced abuses and that many migrant workers were effectively barred from forming and joining unions, and she called for further research by the ILO into the ability of migrant workers to effectively exercise their right to freedom of association, with a particular focus on the situation of temporary migrant workers. She noted that having legal status did not guarantee freedom of association or rights of assembly and could leave workers at the mercy of employers.
- 112.** She further noted that it was important to involve the social partners in the design, implementation and monitoring of initiatives to ensure that labour migration policy was based on assessed labour market needs. Possible means of addressing labour market shortages, for example by upgrading skills of local workers, should first be assessed before deciding to import migrant labour. In terms of migrant workers, it was important to assess educational and vocational skills and requirements, including measures aimed at the recognition of skills and qualifications. Labour migration policies were often determined and implemented by ministries of interior, immigration or foreign affairs. Strengthening social dialogue on labour migration at all levels therefore required the involvement of labour ministries in all stages of the formulation of migration policy. Similarly, national social dialogue needed to be extended to labour migration issues with the participation of trade unions and employers' organizations. There appeared to be a distinct lack of social dialogue in the preparation of bilateral labour migration agreements, arrangements and cooperation on migration, including monitoring and follow-up provisions. Almost no information was available on the role of social dialogue in the drafting, negotiation and implementation of bilateral agreements. She illustrated the potential benefits of involving the social partners as an integral part of the negotiation of bilateral agreements, by referencing the agreement between Germany and the Philippines on the deployment of Filipino health professionals, which gave the migrant worker the same salary and benefits as a comparable German health-care worker. The agreement had been reached with guidance from the ILO, was monitored by national social partners and could serve as a benchmark for the ILO and its constituents. She noted a similar absence of social dialogue mechanisms for regional labour migration,

although some regional economic communities had set up tripartite social dialogue structures which included migration. She called for improvements in those regional structures in order to promote tripartite social dialogue in labour migration governance processes. It was necessary to take into account not only the needs of the employers, but also the rights of migrant workers and their situation upon their return to their home country.

- 113.** The speaker then highlighted the importance of developing social dialogue mechanisms that would allow for the participation of informal workers. In this regard, the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), could be extremely useful. She urged member States to create an enabling environment for employers and workers to exercise their right to organize and to bargain collectively and to participate in social dialogue in the transition to the formal economy.
- 114.** She continued by stating that trade agreements and labour mobility agreements lacked protections for migrant workers. There were serious concerns about the short-term migration promoted through such agreements, which clearly increased the risks for abuses of workers' rights. Where such agreements existed, it was important to avoid negative impacts on migrant workers through provisions that would guarantee the protection of labour rights. She suggested that the discussion of a global mobility framework in multilateral and bilateral trade agreements could be considered, on the condition that it sought to strengthen protections for migrants and would be based on respect for international labour standards.
- 115.** The ILO had an important role to play in providing technical support to the social partners and labour ministries to build the capacity of constituents to formulate labour migration policies based on its standards and policy framework. Those capacity-building efforts could be supported by the International Training Centre in Turin. One of the challenges was to identify and organize migrant workers, including due to the increasingly temporary nature of migration. She stated that the ILO should also play a role in bringing together labour and other relevant ministries with the social partners, to facilitate coherent whole-of-government approaches to migration. Good practices and lessons learned in some countries could be better shared and more efforts should be made to promote these. Internationally, social dialogue needed to be promoted in discussions elsewhere in the multilateral system, and she called for governments and the ILO to play an advocacy and facilitating role to improve access to meaningful participation in international forums, particularly for workers' organizations. Bilateral and regional labour migration agreements needed to include, as a standard procedure, consultations with social partners. Collection of data, dissemination of research and sharing of good practices were important tools available to the ILO to demonstrate how labour migration affected labour markets and how the participation of social partners enabled the elaboration and implementation of credible, viable and sustainable labour migration policies and practices, which would help to counteract negative perceptions and build trust.
- 116.** The Employer Vice-Chairperson reiterated the commitment of his group to social dialogue. Social dialogue was not an end in itself, and in order to be relevant and beneficial, social dialogue would need to contribute to sound and effective labour migration governance. Further, he recalled that social dialogue could be of a bipartite or tripartite nature.
- 117.** Discussion point 3 could be broken down into further elements, including: an examination of the range of dialogue and engagement options that were available to support sound and effective labour migration governance; the position of social dialogue in the range of approaches governments could use to govern labour migration; and the areas in and the circumstances under which labour migration governance could be strengthened through social dialogue. With this foundation, the Employers would be able to identify what the ILO should offer in this area.

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- 118.** The Employer Vice-Chairperson noted that countries were using social dialogue on labour migration in diverse manners. This diversity of social dialogue should be noted and used to inform the support that the Office provided on social dialogue and labour migration to achieve improved outcomes.
- 119.** The Employers' group recognized that labour migration governance was primarily the business of the State, but that policies and governance would be most effective if they adequately reflected the needs and realities of real economic actors, including the private sector. Given their knowledge and role of investing and creating jobs, business was uniquely qualified to forecast the skills needed in the future and to advance skills mobility. At a practical level, employers, unions and governments had successfully worked together to guide research and to identify the data necessary for evidence-based policy-making.
- 120.** The Employer Vice-Chairperson cited the existence of several established regional and bilateral dialogues which were generally government to government, and stated that bipartite or tripartite dialogues could complement and support these efforts. He concluded by highlighting that the key to facilitating social dialogue lay with government, and called on governments to be willing and committed to engage in a meaningful dialogue. Appropriate, relevant and useful dialogue would lead to stronger general acceptance of the regulations on labour migration and improved levels of compliance, as well as reinforcement of the legitimacy and public acceptance of labour migration.
- 121.** The Government member of Zambia, speaking on behalf of the Africa group, recognized the pivotal role social partners played in the effective implementation of labour migration governance policies and programmes. Institutionalized social dialogue was essential to the development of labour migration policies, and should be promoted at national, regional and international levels. A key challenge in Africa was that the administration of labour migration governance often lay with ministries responsible for home, foreign or interior affairs, leading to a notable absence of tripartite dialogue, cooperation and coordination. On a positive note, all regional economic communities in Africa did have programmes on labour migration, though they were at different levels of implementation. Several key challenges for Africa were identified, including: the lack of robust tripartite consultative forums at national and regional economic community levels; an absence of policy exchange, dialogue, coordination or harmonization across the African region; and limited implementation of recommendations following tripartite dialogues on labour migration.
- 122.** The Africa group recommended that the ILO should play a leading role in ensuring policy coherence on labour migration through social dialogue at all levels. Social dialogue was a prerequisite to managing an effective migration policy. Technical support to social partners was also necessary, as reflected in the Ouagadougou +10 Plan of Action. The speaker called on the ILO to take its rightful role in the labour migration agenda, including through valuable contributions to the Global Compact for Migration. The inclusion of NGOs was also necessary, particularly in matters related to the informal economy. The speaker concluded by stating that the key to promoting social dialogue was the development of programmes and projects by regional economic communities on labour migration. Furthermore, tripartite consultations should be held prior to the development of bilateral and multilateral agreements.
- 123.** The Government member of Malta, speaking on behalf of the EU and its Member States, referred to regular labour migrants, as defined by the G20 Labour and Employment Ministerial Declaration. He noted that social dialogue lay at the heart of the ILO's mandate and was key to the development of rights-based, transparent and coherent labour migration legislation and policies, taking account of labour market needs. The group was in agreement with the conclusion of the Tripartite Technical Meeting on Labour Migration of 2013, and believed it was important to promote social dialogue on labour migration through the Global

Compact for Migration. Promotion of social dialogue was a common objective of the EU and social dialogue was institutionalized at sectoral and cross-industry levels. Solutions negotiated through social dialogue would be more widely accepted and respond to the diversity of needs and demands more effectively.

- 124.** The speaker cited several initiatives taken at European and Member State level to address labour migration issues via social dialogue, including a joint declaration signed in March 2016 between European social and economic partners. In December 2016, European social partners elaborated “Joint guidelines on migration and strengthening anti-discrimination in local and regional governments”, which provided guidance on the role of local and regional governments, employers and trade unions in integrating migrants, fostering integration into the labour market and raising awareness of migrants’ rights. Capacity building, peer-review learning and exchange of best practices at different tiers of government were recommended in the guidelines. A further initiative was the European Dialogue on Skills and Migration established by the European Commission to create a platform to foster long-standing dialogue with different private and public sector actors on labour migration and labour market integration of third-country nationals. In this context, employers’ and workers’ organizations had launched an initiative to support the integration of refugees and labour migrants in the labour market.
- 125.** The Government member of Namibia, in line with the statement made by the Africa group, stated that social dialogue should be strengthened and that labour migration was a relevant concern to all countries. In this respect, trade unions also needed to be truly representative in order to ensure real dialogue. At the national level, Namibia had validated a draft labour migration policy in collaboration with the IOM, drawing on principles on migration from the Southern African Development Community Protocol on Facilitation of Movement of Persons (2005) and in the African Union Agenda 2063. The policy also ensured that migrant workers were entitled to their full rights and protections. Namibia was also committed to regulate migrants properly, particularly in line with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). However, it was important to distinguish between labour migrants and refugees; the latter migrated for different reasons and were influenced by different factors.
- 126.** The Government member of Mexico stated that holistic approaches were necessary to respond to the needs of migrants. In particular, it was essential to identify the aspects of greatest importance through working groups which facilitated the exchange of experiences and best practices at the national, regional and global levels. He noted that the Global Migration Group should design models for an integral response. At the national level, the Consultative Board on Migration Policy was the body responsible for facilitating social dialogue between different actors. At the regional level, Mexico maintained a permanent dialogue with the ministries of foreign affairs of the countries of the Northern Triangle of Central America, which included a working group to discuss various aspects of labour migration in an integrated manner. Mechanisms at the bilateral level had also been established with various countries to facilitate dialogue and promote the exchange of experiences at the regional level. Tripartite discussions at the International Labour Conference represented one of the best examples of global social dialogue, and the results from the present Committee would inform the Global Compact for Migration.
- 127.** The Government member of Bangladesh noted that at the national level social dialogue played an important role in shaping migration policy. Law and policy development and decision-making took place following sufficient consultation with relevant stakeholders. These included employers’ and workers’ organizations, but also the media, civil society and migrant workers themselves. At the global level, however, discrepancies existed between countries which had ratified existing standards and Conventions and those which had not.

The former group tended to be countries of origin, and the latter, countries of destination. For this reason, social dialogue was essential to engage workers' and employers' organizations more actively in countries of destination.

- 128.** The Government member of South Africa, in line with the statement made by the Africa group, noted that social dialogue served as a means to promote better wages, working conditions, peace and social justice. It was also key to the development of rights-based, transparent and coherent labour migration policies. Strong social dialogue required many elements, some of which included independent workers' and employers' organizations and a political willingness and commitment to engage. In South Africa, the National Economic Development and Labour Council was the tripartite body of the Ministry of Labour which facilitated social dialogue. It also included civil society, and the involvement of other ministries was essential. At the regional level, South Africa was guided by the regional protocols on labour migration. From a global perspective, the ILO, the IOM and other regional and international bodies should provide technical support to social partners, and bring relevant ministries together with the social partners on the development of labour migration policies.
- 129.** The Government member of Switzerland supported the remarks made by the Employers' and Workers' groups regarding the importance of social dialogue in helping countries anticipate the needs of markets regarding skills development and ensuring the well-being of workers. For example, Switzerland's migration policy ensured that migrants and nationals were entitled to the same rights. This policy, which included supporting measures, would not have been possible without social dialogue. Regarding temporary and circular migration, it was important to recognize the inherent risks; however, it was equally important to recognize that these forms of migration were a reality. Some workers migrated with particular social or economic goals in mind and with the intention of returning to their countries of origin. Consequently, this type of migration should not be delegitimized, but rather the right to this particular type of migration should not be limited. Turning to social dialogue at the global level, he noted that it needed improvement. In particular, discussions about social protection required social dialogue. While much of the focus of migration work was on the United Nations SDGs related to targets 10.7, 8.7 or 8.8, of equal importance were targets 10.4 and 1.3, which dealt with social protection and could benefit from social dialogue. He concluded by emphasizing the importance of workers' and employers' involvement in the processes related to the Global Compact for Migration and expressed his contentment about the inclusion of the private sector in the Global Forum on Migration and Development via the IOE and the World Economic Forum to support the Global Forum on Migration and Development Business Mechanism. Trade unions should be more involved in the future; they were not yet given the appropriate space in the Global Forum on Migration and Development.
- 130.** The Government member of India emphasized that marginalized and vulnerable groups were often excluded from social dialogue but it was essential to include them as part of formal processes in order to ensure inclusive social dialogue. While ensuring the participation of these groups at the global level could be a challenge, it should be promoted at the regional, national and grass-root levels. The involvement of social partners was also essential, as they recognized how labour migration affected labour markets and could provide information on labour market needs and could be consulted on admission policies. Harmonization of labour policies was also crucial. For this reason, the creation of social dialogue mechanisms at the regional and subregional levels was essential.
- 131.** The Government member of Chile said that his Government had recently introduced a national public policy on migration which was the result of contributions made by various actors and which applied to all ministries equally. The recent legislation also incorporated a tripartite consultative High Labour Council which participated in the formulation of policies

and recommendations designed to strengthen and promote social dialogue. The ILO had played an important role in Chile as a result of the technical advice provided on proposed legislation. This assistance had enabled Chile to change its migration policies in accordance with international standards. He concluded by noting that social dialogue was a key strategy that governance bodies should promote to strengthen the quality of their policies and actions that facilitate the integration of migrant workers.

- 132.** The Government member of Ghana supported the Africa group statement and stressed that social dialogue was one of the most important pillars of decent work and closely related to labour migration, which was critical to the future of work. It was unacceptable that labour migration policies were largely the domain of ministries of interior, immigration or foreign affairs which focused on border control and security. In Ghana, the Ministry of Employment and Labour Relations had been involved in developing, with the tripartite partners, the migration policy. Such debates, conducted in the true spirit of tripartism, could bring legitimacy to policies adopted, counteract negative perceptions and build public support. Although social dialogue processes could be long and expensive, organizations such as the ILO, the IOM and the EU could support national efforts with technical and financial resources for effective implementation.
- 133.** The Government member of Panama agreed that social dialogue improved labour migration governance if it involved all bodies regulating it. Panama had signed bilateral agreements with Costa Rica and was working with the IOM on a diagnostic tool on migratory flows in order to protect labour rights.
- 134.** The Employer Vice-Chairperson, drawing on the discussion, concurred with the statement of the Africa group that the Committee's conclusions should be practical so that they would not simply sit on a shelf. Noting the position of the Government member of Bangladesh, he agreed that governments did their best in various areas and it was an opportunity to think about how the ILO could respond to government needs. Needs were diverse, including in the area of social dialogue, which could be one tool to improve labour migration governance. The Swiss Government member had challenged Workers and Employers to engage with the Global Compact, and the Employers' group could confirm that they were committed to their ongoing role in providing private sector inputs. The Government member of Ghana had emphasized that social dialogue could be a long and expensive process. Therefore, careful reflection was needed on the contexts in which social dialogue could be employed most usefully.
- 135.** He recalled that it was governments that determined their own structure, and so he could not fully support the Workers' call to require ministries of labour to deal with labour migration. He welcomed the example of the bilateral agreement concluded, with the social partners' participation, between Germany and the Philippines. Such good practices should be shared widely.
- 136.** The Worker Vice-Chairperson commended the constructive spirit of the deliberations. In response to the comments made by the Employers to the contrary, she contended that social dialogue was indeed an end in itself. In the ILO, social dialogue was a central value. Social dialogue was akin to the concept of democracy, which was more than a mere instrument. She agreed nonetheless with the Employers' group that social dialogue could take various forms.
- 137.** She further agreed with the Employers that the social partners had a unique role to play in the area of labour migration governance, as did trade unions. She did not agree that in the matter of skills policy, employers should be the priority partner for consultation. Citing examples of migrant seafarers and nurses in Australia, she indicated that in some cases employers had opted for importing labour rather than using skilled local workers or investing

in skills upgrading of local workers. Unions had important perspectives and solutions to share on this question.

- 138.** The involvement of unions in social dialogue on labour migration could also help communities to accept migrants, which was important in today's xenophobic and anti-migrant contexts. She agreed that unions should also be involved in the Global Forum on Migration and Development. She thanked the Africa group for highlighting the importance of social dialogue in African regional policy, which confirmed the ILO's role in building capacity. She agreed with the Government member of South Africa that sound social dialogue required the social partners and genuine commitment. The Government member of Switzerland had rightly pointed out that it was important to also focus on SDGs related to social protection. She concluded by underscoring that labour ministries needed to be involved, because labour migration was a labour issue, with an impact on labour markets and working conditions, and not just a border control and security matter.

Point 4. Bilateral agreements and fair recruitment

- 139.** The Employer Vice-Chairperson considered that the point for discussion could evaluate four factors: (1) tools to support sound and effective labour migration governance; (2) the usefulness of these tools in relation to their intention; (3) whether these tools were sufficient for developing a Global Compact for Migration; and (4) what needed to be done to move further.
- 140.** Regarding tools to promote sound labour migration governance, the speaker pointed out that the ILO already offered a range of tools and initiatives that supported labour migration governance. Referring to the 2006 *ILO Multilateral Framework on Labour Migration* and the 2016 *General principles and operational guidelines for fair recruitment*, he stated that these particular tools reflected consensus by governments, workers and employers. Moreover, these tools were up to date, as they had been revised and supported during the past 12 months. The challenge was promoting them. In particular, the ILO needed to take effective steps to assist constituents in sound and effective labour migration governance, and support its member States in determining the needs of their labour markets, identifying gaps and areas where access to the skills and contributions of migrant workers would be important, and in improving labour migration governance.
- 141.** Turning to Conventions Nos 97 and 143, the speaker noted that their status needed clarification. The General Survey of 1999 on migrant workers had found that some of the provisions in these Conventions were obsolete, citing provisions related to medical examinations for example, and had recommended that both Conventions be entirely revised in order to bring them up to date. He also referred to the 2016 General Survey to highlight that the Committee of Experts had noted difficulty by some countries in implementing these Conventions. It was unlikely that these instruments were more relevant today. The Committee should therefore consider what signals it should send to the Governing Body in relation to these instruments. He noted, however, that he understood the ILO should do what was required in activities around the standards until the ILO decides otherwise.
- 142.** The speaker then turned to the relevance of ILO tools in providing input to the global discussion on migration, notably the Global Compact for Migration. It would not be credible to base this input on standards that had been found to be obsolete in the previous millennium. Rather, the ILO should provide information about challenges and needs as well as innovative approaches at the national, bilateral and regional levels. While the ILO should draw on all of its up-to-date tools, its contribution to the Global Compact should not be standards-led. It should focus on information sharing and capacity building for labour migration governance.

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- 143.** The speaker turned to the matter of what further action would be needed to overcome challenges and to complement existing frameworks. It was important to ensure that the ILO's work was relevant for constituents and that migration delivered benefits to employers, employees and communities. The ILO should help constituents to reduce the migration risks and offer governments options and practices that would lead to sound governance of labour migration. In particular, the ILO could support governments in basing their migration policies in facts, data, best practices and good governance, while eradicating the kinds of misperceptions about labour migration identified in the report. Finally, in the framework of labour migration, there was a need for support for skills development and recognition and sound and effective labour market governance.
- 144.** The Worker Vice-Chairperson stated that the standards on migration were as relevant today as ever, quoting from the 2004 conclusions of the International Labour Conference that followed the 1999 General Survey referred to by the Employers. She also noted that although ILO standards on migration were central to migration policy and the protection of migrant workers, most of the other labour standards also applied to migrant workers, in particular the Domestic Workers Convention, 2011 (No. 189). She wanted to see a renewed political commitment to the ILO's migrant worker Conventions, given the importance of migration in today's world and the numerous violations related to the rights of migrant workers. In addition to the protection of migrant workers' rights, the Conventions addressed key issues related to migration policies such as family reunification, social inclusion and cooperation between countries of origin and destination, as well as such issues as unlawful employment of migrant workers. Gaps in the protection of migrant workers' rights would be addressed by the ratification and implementation of Conventions Nos 97 and 143, as well as the implementation of the Migration for Employment Recommendation (Revised), 1949 (No. 86), and the Migrant Workers Recommendation, 1975 (No. 151), supplemented by the 2006 *ILO Multilateral Framework on Labour Migration* and the *General principles and operational guidelines for fair recruitment*.
- 145.** In the 2016 General Survey on instruments concerning migrant workers, the Committee of Experts had noted the relevance and potential of the instruments to contribute to effective governance of the considerable migration challenges faced by the tripartite constituents and asserted that by giving effect to the provisions of these Conventions, member States would benefit from improved regulation of labour migration. She noted that the standards remained relevant until otherwise decided by the ILO and provided a great deal of flexibility. The Office should undertake a well-resourced and highly visible campaign to promote the ratification and implementation of these two Conventions, and increase awareness of the potential of the instruments to contribute to the sound governance of labour migration at national, bilateral, regional and global levels. The Office could also provide technical assistance and support to member States and social partners to enable them to actively participate in policy-making and implementation in relation to labour migration. The Workers' group did not believe in sound governance without a rights-based approach. She called upon ILO constituents to consider ratification of the migration Conventions as soon as possible.
- 146.** The speaker called upon the Office and governments to make more use of the model agreement in the Annex to Recommendation No. 86 when negotiating bilateral agreements, so as to increase the protection to migrant workers offered by such agreements.
- 147.** Concerning recruitment, she noted that migrants might be subjected to various forms of abuse, such as underpayment of wages, collection of recruitment fees, deposits and illegal wage deductions, violence, deception about the nature and conditions of work, multiple layers of contradictory employment contracts, retention of passports, debt bondage and mandatory pregnancy or HIV tests. Recruitment was the first step in establishing an employment relationship and recruitment conditions were therefore critical in ensuring

sound migration and employment outcomes. She recommended the effective regulation and monitoring of recruiters to prevent the abuse of migrant workers, including trafficking in persons and forced labour, noting that the implementation of ILO norms was necessary to protect migrant workers from abuse in recruitment. The Private Employment Agencies Convention, 1997 (No. 181), provided for the adequate protection by member States, including by means of bilateral agreements where appropriate, against abuses of migrant workers recruited by private employment agencies. She noted that the 2016 general discussion of the International Labour Conference on decent work in global supply chains and the mandated follow-up work, mandated due diligence and the use of joint and several liability was expected to be a useful tool to regulate and prevent abuse by private recruitment agencies.

- 148.** The speaker then turned to the ILO *General principles and operational guidelines for fair recruitment*, endorsed by the Governing Body in November 2016. The guidelines would empower the ILO to provide leadership among international institutions working in this area, as well as in the debate on the Global Compact for Migration. The ILO needed the support of its constituents to make this happen, including referring to it in bilateral and other agreements, and she suggested that one option would be to translate the existing guidelines into a new Convention, so as to complement the existing normative framework and to address remaining gaps and areas of concern, which included the definition of recruitment fees and related costs, tied employment regimes, effective grievance mechanisms, enforcement challenges across jurisdictions and freedom of association and the role of workers' organizations in the recruitment process. Another, preferred option would be to evaluate the effectiveness of the guidelines after a period of three years, for example through a tripartite meeting of experts, to assess whether gaps in governance and protection persisted. In the meantime, the ILO should include in its programme, as a matter of urgency, ways to address these important issues and challenges through tripartite discussions.
- 149.** She also called for further work to promote government-to-government recruitment, including best practices and the involvement of the social partners, as well as the promotion of standard employment contracts in bilateral agreements so as to prevent some of the common abuses. As mentioned previously, the Workers' group wanted the ILO to work as a matter of priority on checking the content and nature of bilateral and temporary migrant worker programmes and schemes, including sponsorship programmes, for their consistency with respect for fundamental principles and rights at work and the Decent Work Agenda. The results of the work could then feed into an expert meeting, to assess if further action was needed. That expert meeting could be combined with the proposed meeting of experts on fair recruitment.
- 150.** The speaker emphasized that there could not be support for temporary labour migration programmes that did not contain the possibility of permanent residence, that were designed in such a way that migrant workers' rights were directly or indirectly undermined, that disrupted labour markets through replacing permanent jobs with temporary, low-quality jobs, and that undermined overall working conditions for both local and migrant workers. She reiterated a request for the Office to carry out further research to examine the impact of temporary and circular migration schemes on national labour markets and on the application of the four pillars of the ILO's Decent Work Agenda for migrant workers and local workers alike. The results would help the ILO and its constituents to understand what action would be needed to ensure that such schemes did not undermine decent work or negatively affect the resilience and inclusivity of national labour markets.
- 151.** The ILO needed to address irregular migration as a matter of the utmost priority, especially with regard to how to help protect the fundamental human and labour rights of migrant workers, how to tackle the persistent use of irregular labour to undercut the wages and working conditions of local workers and how to provide pathways out of irregularity for

migrant workers so that they could live and work in dignity. Finally, she requested the Office to initiate a compendium of good practice for labour migration and on the promotion of ILO standards relevant to labour migration.

- 152.** The Government representative of Malta, speaking on behalf of the EU and its Member States, said that his comments related to regular labour migrants, unless stated otherwise. Effective international cooperation at the bilateral, multilateral and regional levels could encourage public and private recruitment agencies to engage in fair practices. The EU appreciated the attention to fair recruitment throughout the report. The ILO's initiatives on fair recruitment were important to ensure that migrants did not become victims of trafficking in human beings, forced labour or modern slavery. Clear guidelines were crucial for the development of the Global Compact. The EU and its Member States supported the ILO Fair Recruitment Initiative, together with its multi-stakeholder approach. He considered the ILO *General principles and operational guidelines for fair recruitment* to be a useful tool for informing ILO, tripartite constituents and other stakeholders' current and future work on recruitment. The guidelines and principles would contribute to achieving SDG targets on migration, protecting labour rights, and promoting safe and secure working conditions for all workers, including migrant workers. The speaker emphasized that they should certainly inform the Global Compact for Migration. The EU and its Member States believed that recruitment of migrant workers should take place in a manner that respects, protects and fulfils internationally recognized human and labour rights. The speaker highlighted some of the salient features of the guidelines, including the right to freedom of association and collective bargaining, access to decent work and living conditions, access to grievance mechanisms and compensation, and, importantly, that no fees or other costs should be charged to migrant workers, a key feature in order to prevent debt bondage. Furthermore, the guidelines promoted mutual recognition of skills to address brain waste and deskilling, and promoted bilateral and multilateral agreements as concrete paths for action. The EU and its Member States welcomed the complementary efforts of international organizations, such as the IOM through its International Recruitment Integrity System, in addressing the challenges during the recruitment process. The speaker also acknowledged the role of the private sector and stressed the responsibility of enterprises to respect human rights when recruiting workers, including through human rights due diligence assessments of recruitment procedures. He also recalled the prohibition on retention of passports, contracts, or other identity documents.
- 153.** The speaker encouraged ratification and implementation of the Protocol of 2014 to the Forced Labour Convention, 1930, and highlighted its provisions on fair recruitment in Article 2. He called for special attention to the *ILO Multilateral Framework on Labour Migration*, citing it as an important piece of "soft law" that was a key policy tool for a rights-based approach to labour migration. Furthermore, bilateral agreements were an important tool to ensuring legal channels of migration, fair recruitment processes and adequate rights protection. He called for further assistance on matters of social security coordination, in cooperation with other international organizations. In order to strengthen bilateral agreements, he suggested to consider the recommendation by the previous Special Representative on International Migration, Peter Sutherland, on providing States with expert capacity to facilitate the negotiation, implementation and monitoring of bilateral, regional, and even global agreements on labour migration by drawing on the complementary expertise of the ILO, the IOM, the OECD and the World Bank. The speaker emphasized that the EU and its Member States did not see the need for the creation of additional ILO instruments, and that the Office should focus its efforts on existing normative and policy frameworks, especially those on bilateral agreements and fair recruitment. The existing frameworks should also feed into the Global Compact for Migration.

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- 154.** The Government member of Zambia, speaking on behalf of the Africa group, acknowledged that ILO Conventions Nos 97 and 143, as well as the ILO's core Conventions, apply and safeguard the rights of migrant workers. The group expressed concern, however, with the level of ratification and implementation of the above Conventions, and requested the Office to advocate for their ratification and implementation. Despite the recent release of the General Survey, the group felt that the Office should conduct a gaps analysis to assess their relevance and to identify why member States were not ratifying. Further research and guidance was needed to enable governments to revise legislation in line with the Conventions. The Africa group also expressed support for the fair recruitment agenda, while calling for it to also be effectively monitored and evaluated.
- 155.** At the level of regional economic communities, the group endorsed the report's findings on the free movement of persons as a practical means to expanding legal regimes for labour circulation, free trade and commerce in locally produced goods. He explained that Africa's regional economic communities had adopted legal regimes for the free movement of workers, and that these frameworks were generally in line with international standards, as more than half of the member States of Africa had ratified at least one ILO Convention on labour migration. Codes of practice and protocols had been adopted at regional level to support member States in their ratification of labour migration Conventions. Member States were also implementing the Ouagadougou +10 Plan of Action with the support of development partners and through Decent Work Country Programmes. The Africa group recommended that the ILO's normative and policy frameworks should be linked to regional consultative processes and to other regions' tripartite mechanisms on policy consultations and coordination. Such linkages would strengthen tripartite policy and its administration at national level, accelerate the rate of ratification, or indeed lead to a new standard. He also indicated that the ILO should assist member States with addressing the portability of social security benefits.
- 156.** The Government member of the United States said that the issue of fair recruitment had long been the subject of ILO standards work. It was addressed in a range of binding and non-binding instruments that were sufficient to address current and future recruitment challenges. As an example, she noted the widespread recognition that fundamental principles and rights at work apply to all workers, including migrant workers. While recognizing the sovereign right of nations to control and manage their borders, the speaker highlighted that the ILO could usefully respond to country requests for assistance with respect to content, implementation and monitoring of bilateral agreements as they were being developed. Research on the impact of such agreements would be useful and could inform future policy-making. The speaker emphasized that enforcing labour and employment laws for all workers decreased workers' vulnerability to exploitation and human trafficking. It also protected host country workers from depressed wages and working conditions, prevented unscrupulous employers from gaining an unfair competitive advantage by hiring foreign workers willing to work for lower wages or in inferior working conditions, and levelled the playing field for employers meeting their obligations under the law. The speaker noted that businesses, workers' organizations and other stakeholders had a key role to play in preventing poor working conditions and abuse of foreign workers, and encouraged them to continue with their increasingly proactive roles in addressing fair recruitment and protection of rights at work.
- 157.** The Government member of Egypt thanked the Office for addressing the issue of migration, which was of key political and economic importance to Egypt, and expressed his support for the statement made by the Government member of Zambia on behalf of the Africa group. The speaker noted that migrant workers played an important role in the economies of countries of destination and that it was up to all governments and civil society actors to do the utmost to protect migrant workers' rights and address the problems they faced. He emphasized that migration needed to be considered in an inclusive and complementary

manner. Remittances were private funds and should not be confused with funds received through development assistance. Issues regarding migrant workers and those regarding refugees should be kept separate. In particular, the speaker noted that Egypt would like to see more expedited regimes for visa issuance. He also noted that migrants in a regular status played an important part in restoring balance between north and south and were an expression of the principle of efficient human cooperation. He explained that Egypt had entered into a number of bilateral agreements, including with Italy, Kuwait, the United Arab Emirates and Saudi Arabia. Irregular migration presented major challenges and needed to be addressed. He also called for the combating of trafficking in persons, and noted that good governance in the field of migration required continuous cooperation among countries of origin and destination.

- 158.** The Government member of Bangladesh acknowledged that labour migration had been an integral part of his country's economic and social development since the 1980s. The ILO's Conventions, Protocols and Recommendations had provided useful guidance to Bangladesh, and ILO technical assistance had supported Bangladesh to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Furthermore, the ILO *General principles and operational guidelines for fair recruitment* had been translated into Bengali to ensure better understanding and effective use. The speaker acknowledged that fraudulent recruitment practices, in particular visa trading and the high cost of migration, were a major challenge, and that countries of origin and destination needed to cooperate closely in order to address it. In this regard, Bangladesh welcomed the efforts of the ILO to develop a methodology to measure recruitment costs. He further encouraged implementation of training programmes on the ILO's normative and policy frameworks at national and regional levels.
- 159.** The Government member of India noted the substantial progress made in making existing normative and policy frameworks on bilateral agreements and fair recruitment more effective. For further improvement, India recommended the compilation of best practices. Citing several national practices, the speaker explained that India had signed memoranda of understanding and had set up joint working groups to resolve bilateral issues, including the coordination of social security schemes and portability of pension contributions. Frameworks on fair recruitment could be strengthened through capacity building, transfer of knowledge, lifting of barriers and bypassing labour intermediaries. Such efforts would both ensure protection of migrant workers' rights and enable countries of destination to harness the labour and talent of migrants for development.
- 160.** The Government member of Mexico stated that the existing normative and policy frameworks on migration, including those of the ILO and other multilateral forums, were sufficient to address current challenges, and for this reason the focus should be on their implementation as well as the promotion of bilateral and regional agreements that encouraged an orderly, just and legal flow of migrant workers, in accordance with labour market needs. Further consideration should be given to regional and multilateral processes to improve global governance and formulate inclusive migration policies, rectifying negative perceptions about the impact of migrant workers. ILO technical assistance would be necessary to strengthen labour legislation, improve access of migrant workers to the labour market, and to encourage public and private actors to adopt fair recruitment practices. The speaker emphasized the importance of promoting international instruments and recommended that a compendium of legal frameworks relevant to migration should be prepared for input to the Global Compact for Migration. She concluded by calling for a shared responsibility among all actors in order to realize the vision of the 2030 Agenda.
- 161.** The Government member of Ghana supported the statement by the Government member of Zambia on behalf of the Africa group, and noted that bilateral agreements played an important role in ensuring the protection of migrant workers' rights, provided that they were

comprehensive in design, content and implementation, and were mainstreamed into national plans. Nevertheless, Ghana found that the ILO's existing normative and policy frameworks on bilateral agreements and fair recruitment were insufficient to address current and future governance challenges. The speaker recommended the development of a single framework that incorporated all the identified shortfalls and concerns raised, and asked that the Committee be provided with further opportunity to discuss the possible adoption of a new standard for bilateral agreements on labour migration.

- 162.** The Government member of Kenya referred to the range of binding and non-binding instruments that the ILO had developed since its origin. However, with regard to the assessment of these instruments, he urged the ILO to consider whether member States, particularly those who had been most affected by labour migration, had demonstrated commitment in implementing existing standards in practice. A review of the level of ratifications of the relevant Conventions could indicate the extent to which member States had advanced in this respect. Such an exercise would also guide the Office on the best way to proceed, such as through technical assistance to increase ratification or through the development of new or consolidated standards. Considering areas of future ILO work, the ILO should continue to advance its work on the scope and definition of recruitment fees and related costs. It should also more clearly explore the role of workers' organizations in promoting fair recruitment practices and develop a policy framework to address challenges associated with the implementation of joint liability arrangements.
- 163.** The Government member of Norway stated that Norway had ratified both Conventions Nos 97 and 143. She declared that both Conventions were flexible and allowed for national circumstances to be reflected. For this reason, the normative and policy frameworks were relevant, as affirmed by the Committee of Experts in the General Survey published in 2016. However, as the Committee of Experts had indicated, updates in certain areas might be useful. This process would best be taken up by the Standards Review Mechanism. Of greater importance, however, was the expansion of more development cooperation to assist countries in the implementation of Decent Work Country Programmes and ILO guidelines on migration. Bilateral agreements must be transparent and take account of ILO Conventions. Additional work on migration trends and data collection would also be welcomed to strengthen the formulation of migration policies at the country level.
- 164.** The Government member of Nigeria reiterated that labour migration was a global issue affecting all countries, whether they were countries of origin, transit or destination. His country had taken four steps to promote good governance of labour migration and further reduce irregular migration and its impact on migrants and their families: first, the establishment of the International Labour Migration Desk in 2004, which ensured that migrants were registered, trained before departure, placed in decent work abroad and allowed collaboration with relevant stakeholders within and outside the country to ensure smooth migration and to prevent child and forced labour and human trafficking; second, the establishment of the National Labour Exchange, which provided information on overseas vacancies; third, the licensing of private recruitment agencies; and fourth, the development of a national policy on labour migration with the support of the ILO and other international organizations. He informed the Committee that Nigeria had no bilateral agreements with other countries, but understood that to ensure fair migration these were essential, and requested technical support from the ILO and other international agencies to help surmount the numerous challenges encountered in labour migration governance.
- 165.** The Worker Vice-Chairperson drew attention to the interventions made by the Government members, especially to the differences in situations existing in different countries. She singled out the interventions made by the Government member of Zambia on behalf of the Africa group and the Government member of Norway in particular. The former had said that his group would like to see more ratifications of ILO Conventions related to migration, but

also understand the reasons that hindered member States from ratifying. The Worker Vice-Chairperson indicated that many governments were uncertain how flexible the instruments are, but they were flexible enough to be ratified easily. She pointed out that the questions by the Employers about Conventions Nos 97 and 143, and their accompanying Recommendations, were ones they had had for many years. She explained that this was the reason for the ILO's 2016 General Survey. The General Survey had not only collected information from all constituents on instruments related to migrant workers, but, more importantly, provided answers to the spectrum of questions which had been asked during the Committee's discussions.

- 166.** In particular, the General Survey contained a chapter on the difficulties and prospects of ratification and included detailed responses from constituents. It identified two main challenges: government misconceptions about the requirements for ratification and legal obstacles. According to the Committee of Experts, legal obstacles often referred to situations where national laws did not conform with the Conventions. For this reason, technical assistance could prove invaluable in clarifying the misconceptions and technical legal challenges associated with ratification.
- 167.** At the same time, she cautioned about the way in which the ILO should move forward. A Standards Review Mechanism already existed and was designed to review the status of existing instruments. Experience showed that Conventions thus reviewed were often found still relevant. For this reason, it was undesirable to focus the discussion on how perfect or up to date the instruments related to migrant workers were. While they perhaps could be improved, attention should focus on ensuring that the principles embedded in the relevant instruments were implemented in both countries of origin and destination. Attention would also be better focused towards understanding difficulties in affording equal treatment to migrant workers.
- 168.** She concluded by noting that the current political context had often hindered countries' ability to prioritize migrant workers' rights. She clarified that the Workers' position was not to prevent all temporary migration, but to recognize that where it was happening, there should be assurance that it was maximizing the benefits of migration. In this context, it was more desirable to take the existing normative framework as a starting point, but identifying areas of future work for the ILO, such as temporary migration, bilateral agreements and fair recruitment. These concrete actions could then be evaluated in the years to come.
- 169.** The Employer Vice-Chairperson reiterated that the absence of an explicit rebuttal from the Employers to arguments which had been made in the room did not imply agreement from the group or acquiescence to their inclusion in the conclusions. He then pointed to the common points of agreement in the room. First, he expressed satisfaction with the support for Convention No. 181, and the ILO *General principles and operational guidelines for fair recruitment*. There was also agreement about the challenges presented by irregular migration. The example from the Workers' group about the city of Geneva's experience concerning the regularization of irregular domestic workers encapsulated how the Office should proceed in this area. The Office should work to understand it better and present it as one example for constituents' consideration.
- 170.** Considering the standards relevant to migrant workers, he proposed that work on standards should be seen as one of many options that member States consider. Many different requests had arisen from the discussion; work on standards was only one. He further clarified that he did not say that the Conventions related to migrant workers were rendered out of date by the Governing Body, but he questioned if the ILO should focus extra efforts on promoting standards which experts considered to be out of date. While the Workers' group had expressed support in favour of additional efforts to promote ratification, the Employers' group was against it. Additional efforts to promote the instruments were at odds with recent

trends in their ratification and statements expressed by some Governments. Constituents were aware of the instruments related to migrant workers and had chosen not to ratify them. For this reason, additional efforts to promote these particular instruments, above and beyond the ordinary processes, would be a misuse of resources. These concerns similarly applied to the model agreement appended to Recommendation No. 86. Effective conclusions from the discussion should exclude adding resources to the promotion of these standards. The Employers' group did not suggest to expand the existing normative framework, for example by a new Convention.

- 171.** Regarding the Tripartite Meeting of Experts on Fair Recruitment held in September 2016, he emphasized that elements of the discussion which were not incorporated into the conclusions, such as new standard-setting measures, were inappropriate to include or discuss at this early juncture. He also recalled the Government member of Zambia's remark, speaking on behalf of the Africa group, about the importance of following up on the effectiveness of guidelines. However, following up on a tripartite meeting held in 2016 was premature. The Governing Body was aware of the guidelines and could choose an appropriate time to follow up.
- 172.** He concluded by referring to future areas of work by the ILO. It was inappropriate to mandate the ILO to have an obligatory role in the negotiation of the content of bilateral agreements. Countries could choose to engage the ILO at any time in their negotiations. Regarding temporary, or non-permanent migration, he noted that the majority of Government members appeared not to be against it, citing the intervention of the Government member of Switzerland as an example.
- 173.** The Worker Vice-Chairperson requested clarification from the Employer Vice-Chairperson on what he meant by not wanting a standards-led approach. She noted that everything the ILO did was built on a normative framework. She also sought to understand why the Employers' group did not want to promote the two up-to-date Conventions on migration and why they considered this to be a misuse of ILO resources. She recalled that an example of a model bilateral agreement was contained in the Annex to Recommendation No. 86, and this could be used as a model for governments. As for temporary migration, she explained that her group was not against it but wanted the decent work deficits associated with it to be identified and the required action pinpointed through tripartite discussion. She reiterated that relevant principles and guidelines should be promoted, and that her group had requested the Office to work with the tripartite constituents on the ILO's *General principles and operational guidelines for fair recruitment*, and that the ILO should play a leadership role on labour migration in all its forms.
- 174.** The Employer Vice-Chairperson explained that standards were one means among many to promote fair labour migration governance but not the only way and that a mix of ILO services was preferable. He explained that the ILO already had a process for promoting standards, but to make extra efforts for this could be a misuse of ILO resources. He agreed that actors should be aware of the Annex to Recommendation No. 86, but also that its relevancy had been questioned.
- 175.** The Worker Vice-Chairperson asked the Office to clarify what the Committee of Experts had said regarding the relevance of the instruments on migrant workers following the 2016 General Survey, and how the Office defined ordinary efforts versus extra efforts. This could be undertaken by having the recommendations being on screen for the whole Committee to see.

Point 5. Action by the ILO's constituents and the Office

176. The Representative of the Secretary-General of the Conference (Ms D. Greenfield) addressed two questions posed in the preceding discussion by the Worker Vice-Chairperson. Concerning the first on the relevance of Conventions Nos 97 and 143, she read aloud excerpts from the 2016 General Survey, *Promoting fair migration: General Survey concerning the migrant workers instruments*:

188. The Committee wishes to underline the critical importance of good governance, the rule of law and respect for human rights to the effective regulation of international labour migration, and recalls the potential of the instruments to provide a framework for the fair and effective governance of labour migration and protection of the rights of migrant workers.

616. The Committee notes significant common commitments and concerns shared by the tripartite constituents in relation to labour migration. In this context, the Committee is mindful of the potential of the instruments to provide a useful framework for member States to address the challenges in relation to the governance of labour migration and, in particular, to promote and guarantee the rights of migrant workers. The Committee especially wishes to emphasize the importance of effective international and national cooperation between governments and the social partners.

654. It is, accordingly, the view of the Committee that the instruments retain their relevance, for all migrant workers, irrespective of gender, origin, skill and status. Migrant workers continue to require specific protection to ensure that their rights are respected; the need to address irregular migration is increasing in importance; and the potential for international cooperation between countries of origin, transit and destination has been stated numerous times by governments and social partners. Moreover, the need for cooperation between governments and social partners, as set out in the instruments, is key to good governance of labour migration as a whole. *The Committee firmly believes that the instruments have the potential to contribute to effective governance of the considerable current migration challenges faced by the ILO's tripartite constituents.*

656. Having said that, the Committee however appreciates that the potential of the instruments may not be fully met, particularly in the context of significant current developments in migration and globalization. In fact, the Committee is aware that details of certain provisions in the instruments may be considered to have lost their relevance, not being fully responsive to, or necessary, in the current migration context. The Committee is mindful of the comments of certain governments and employers' organizations in this regard. A few governments proposed consolidation or unification of the Conventions, while others proposed a review of the Conventions, including in the context of the Standards Review Mechanism (SRM). Certain employers' organizations pointed to the possibility of an ILO standards-setting initiative with a possible revision and merger of the instruments.

Further paragraphs that reflected similar views of the Committee of Experts on the Application of Conventions and Recommendations were Nos 652, 655, 657 and 658 of the 2016 General Survey.

177. She then answered the second question on the definition of "ordinary efforts" versus "extra efforts" of the ILO when it promoted ILO standards. The former, or what she called "other promotional activities", included to advise and provide technical support to constituents on their request when considering ratification; assist them to address implementation gaps; provide information through training and awareness raising in the context of development cooperation; and disseminate information on ILO standards and related promotional activities, including those through the Office's collaboration with relevant UN forums or mechanisms. "Extra efforts" could be understood as a ratification campaign, which had a more formal process, and a budget, and were submitted to the Governing Body for approval. Examples where the ILO had undertaken such campaigns through this process were those for the fundamental Conventions, occupational safety and health, and instruments on fishing.

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- 178.** The Worker Vice-Chairperson noted that the main driver of migration remained the search for decent work, which was impacting on labour markets. The ILO was in a unique position, as the only UN specialized agency bringing together governments, employers and workers on an equal footing, to work towards improving working conditions and living standards in the furtherance of social justice. Labour migration was a key feature of globalized economies and would remain so. The ILO's Social Justice Declaration had been unanimously endorsed by Heads of State at the 63rd session of the UN General Assembly (2008), with governments expressing strong support for fair globalization and decent work for all. This sentiment had been reaffirmed in Goal 8, target 8.8 of the 2030 Agenda, which required the promotion of safe and secure working environments for all workers, including migrant workers. The ILO's Fair Migration Agenda aimed to respect the fundamental rights of migrant workers and offer them real opportunities for decent work, while responding to the interests of countries of origin, transit and destination, employers, migrant workers and nationals.
- 179.** She underlined the primary importance of the ILO's knowledge, expertise and experience in contributing to the consultations and negotiations on a Global Compact for Migration and to make full use of tools available. Specifically she noted international labour standards, fundamental principles and rights at work, and the Decent Work Agenda as all relevant to informing the development of the Global Compact. The ILO's body of standards continued to be an essential tool for guidance and the harmonization and convergence of legislation at national and regional levels, referring again to the 2016 General Survey's finding of relevance of the migration Conventions, and renewed efforts to promote their ratification were required. She suggested that the ILO could prepare leaflets or similar, outlining the relevant Conventions and explaining their usefulness and flexibility so as to deal with common misperceptions. She also called for technical and regional meetings to be organized with the participation of the social partners to explore obstacles to ratification and how ILO technical support could help to overcome those problems. In the meantime, the ILO should make full use of all of its promotional possibilities within its ordinary efforts, though the Workers would appreciate even extra efforts if possible. For the Global Compact process, the Office could prepare information about the ILO's tripartite nature and renew its impetus to raise awareness around the standards, especially as the ratification of these standards was called for by the New York Declaration.
- 180.** Other tools were at the ILO's disposal. The *ILO Multilateral Framework on Labour Migration* was an important tool for addressing the expansion and mounting complexity of labour migration. The Fair Recruitment Initiative, the *General principles and operational guidelines for fair recruitment* and the Protocol of 2014 to the Forced Labour Convention, 1930, could inform global debates. It was important to encourage cross-border dialogue, with the participation of the social partners, to integrate other partners and to include references to social dialogue in bilateral agreements. She reiterated the Workers' group's suggestion that an evaluation of the *General principles and operational guidelines for fair recruitment* be carried out in three years' time to examine whether it had had an impact and identify whether any further action was necessary.
- 181.** The 2030 Agenda presented an opportunity for strengthening international cooperation on labour migration and enhancing labour migration polices. Goal 1 addressed the implementation of social protection floors and Goal 5 covered gender equality. Goal 8 aimed for inclusive and sustainable growth, productive and full employment and decent work for all. Goal 10 called for the facilitation of orderly, safe, regular and responsible migration and mobility of people. Goal 16 required the promotion of the rule of law at national and international levels and called for equal access to justice for all to be ensured, an important goal for migrant workers who needed access to the justice system, remedies and compensation. The potential of the 2030 Agenda would only be realized if the Goals were seen as mutually supportive and reinforcing, which required a holistic, integrated approach.

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- 182.** Mechanisms needed to be established to ensure the inclusion of labour ministries and social partners in the negotiations of the Global Compact, the implementation and monitoring of the 2030 Agenda and consultations under the Global Forum on Migration and Development.
- 183.** Moving on to the debate on the future of work, she emphasized the contribution that the social partners could make to the development of a skilled workforce, by means of education, vocational training and lifelong learning, while addressing insecurity and uncertainty, which would be important for helping workers to find decent and productive jobs.
- 184.** She reiterated the concerns of the Workers' group over the deficits, abuses and violations that had arisen from the design and implementation of temporary labour migration programmes and reaffirmed their request for the Office to undertake research in this area. She clarified that it was not their intention that labour migration only take place on a permanent basis. There appeared to be consensus in the Committee that labour migration policy needed to be evidence-based. As part of the ILO's wider role in research and data collection in the context of the SDGs and the Global Compact, the ILO should examine the impact of circular migration policies, the issue of migrant workers in transit, as well as irregular migration and pathways out of irregularity, so as to guide ILO constituents on how to balance the risks and challenges, and the opportunities. ILOSTAT should be a main source of data in the Global Compact process.
- 185.** She concluded by reaffirming the ILO's relevance to the debate on migration owing to its mandate, experience and tripartite structure, and called for co-leadership between the ILO, the IOM and the OHCHR in the Global Compact process.
- 186.** The Employer Vice-Chairperson reiterated the Employers' group's expectations for the conclusions. The conclusions should be based on the positive role of labour migration. The ILO should respond to the needs and realities of constituents. This included support to deliver and contribute to sound and effective governance and support on skills development and recognition. The conclusions should equip the Office to make an appropriate and positive contribution to global processes like the Global Compact for Migration, squarely directed to labour migration.
- 187.** He stressed the importance of private sector input and engagement on sound and effective labour migration governance. Businesses could and should play a more prominent role alongside governments and workers. This could help to shift the narrative around migration from one of control and fear to opportunity. For this reason, the conclusions should include a positive recognition of the role for the private sector in sound and effective labour migration governance.
- 188.** Other members of the Committee had voiced similar expectations. The ILO had an opportunity to support sound and effective governance which maximized the benefits and minimized the risks of labour migration. For this reason, the ILO should gather and communicate a factual basis for good policy and sound and effective labour migration governance. Another common commitment which surfaced from the discussion was to avoid and correct public misperceptions and xenophobia towards migrants. The ILO *General principles and operational guidelines for fair recruitment* were also largely valued by all sides of the room. They represented the ILO's best input into meeting fair recruitment challenges, some of which included irregular migration and abusive practices. He noted with approval the promotion of Convention No. 181 in the guidelines.
- 189.** With regard to future action for the ILO, he called for the ILO to respond to constituent needs as required by the Social Justice Declaration. In particular, with respect to skills, the Office should make its services to constituents more relevant and effective. Meeting the skill needs that had been identified by employers should not be contingent on any particular

shortages, as migrants enriched and energized economic innovation and flexibility anyhow. Migrants could provide benefits even in times of unemployment. Waiting for labour shortages to occur in lieu of anticipating them guaranteed damage to the economy and to jobs more widely. In addition, labour migration was diverse and encompassed various types of migration, such as professional and managerial besides low-skilled migration. The conclusions needed to reflect this diversity, as identified by many voices in the discussion.

- 190.** The Employer Vice-Chairperson continued by recalling the importance of social dialogue. A wide range of dialogue options had arisen during the discussion and constituents had to carefully consider how and where social dialogue contributed to sound and effective labour migration in specific contexts. The Committee's conclusions should emphasize opportunities for consultations, but in a targeted way that focused on sound and effective labour migration governance, as well as the heterogeneity of countries' contexts. The ILO had an important role to play in strengthening the capacity of its tripartite constituents.
- 191.** He then turned to his earlier remarks about the promotion of Conventions Nos 97 and 143. He thanked the Representative of the Secretary-General for the clarification between "ordinary" and "extra" efforts made by the Office. He reiterated that both of these two particular Conventions warranted no more than ordinary efforts, which were considerable. Ordinary efforts encompassed various options such as technical assistance, the identification of gaps, or some promotion of awareness. Since a campaign was considered "extra" effort, it was inappropriate to launch one. He also referred to previous comments made by the Committee of Experts in 1999, in which the Committee had expressed scepticism and concern about these two Conventions at that time. For this reason, the remarks from 1999 supported the Employers' rationale for wanting to restrict work on these two Conventions to ordinary processes. The most up-to-date documents and guidance the Office should promote were the *ILO Multilateral Framework on Labour Migration* and the *General principles and operational guidelines for fair recruitment*.
- 192.** Considering messages to the wider global community, following the current session of the Conference, the ILO should only use the consensually agreed common priorities, to be reflected in the conclusions, in future global migration debates. Globally, the Office should: champion the positive role that labour migration could play in all countries; promote labour migration policies and governance based on facts, as opposed to misperceptions; emphasize, during discussions related to the Global Compact for Migration, the importance of sound and effective labour market governance to realizing the benefits and avoiding risks of migration; and advocate that the key to good governance lay in responses to needs and priorities at the national level, and on occasion, bilaterally or regionally. He concluded by urging the ILO to present itself as a repository of information and good practices which contributed to sound labour migration governance. The Global Compact for Migration was an opportunity for the ILO to strengthen cooperation with other international agencies, in particular the IOM.
- 193.** The Government member of Malta, speaking on behalf of the EU and its Member States, noted that his statement only referred to labour migrants in a regular situation. He then presented nine priority areas for the Office. First, there was a wide-scale need to improve data collection on labour migration for evidence-based policy-making. Second, the Office should focus its efforts on strengthening its technical assistance and capacity-building activities related to the existing normative and policy frameworks. Third, regarding bilateral agreements, the ILO, alongside other organizations like the IOM, World Bank or OECD, should provide States with dedicated expert capacity to facilitate the negotiation, implementation and monitoring of bilateral, regional and possibly global agreements on labour migration. Fourth, the Office and the ILO should pay particular attention to the application of fundamental principles and rights at work for migrant workers, irrespective of their status, at the national, bilateral, regional and global levels. Fifth, the Office should

move forward in the promotion and use of the *General principles and operational guidelines for fair recruitment*, including complementary mechanisms such as the IOM's International Recruitment Integrity System. Sixth, the Office should seek ways to foster cooperation in the development of skills recognition systems and support constituents in the development of such systems. Seventh, social partners should have active involvement in the field of labour migration. The Office should also support social partners' initiatives and capacity building in this area. Eighth, the priorities identified during the discussion and subsequent conclusions should be used to inform the development of the Global Compact for Migration and build on the New York Declaration. Ninth, the conclusions should reaffirm the ILO commitment to the 2030 Agenda for Sustainable Development, with special mention of Goals 10 and 8. Finally, the Office should foster and actively promote coordination, coherence and complementarity with all relevant UN and regional organizations and continue cooperating with the Global Forum on Migration and Development.

194. The Government member of Zambia, speaking on behalf of the Africa group, emphasized the importance of timely, reliable, accessible and comparable data for sound and effective labour migration governance and for the protection of the rights of migrants. While Africa had prioritized the availability of data in its plan of action on labour migration, it still faced many challenges in the collection, collation, analysis and dissemination of migration statistics. For this reason, member States should assess migration data needs through national data plans and invest in them; this required the development of a harmonized template, *inter alia*, to collect data across Africa. Dialogue should also be facilitated between member States in order to promote data sharing and coordination among national and regional economic communities and institutions. Assistance in the collection, systematization, management and dissemination of data, and guidance on the use of non-traditional data sources was also required alongside the creation of labour market databases. Development cooperation training activities should be undertaken in collaboration with African Labour Administration Centres. He encouraged the close collaboration between the ILO and the IOM; the two organizations should deliver as one. Finally, he agreed with the Workers' group's statement about the need for additional efforts on irregular migration. He called for research work, and where possible, to have tripartite consultations and workshops, as well as the promotion of the ILO's Conventions and a rights-based approach to migration.

195. The Government member of Honduras stated that the work of the ILO on matters of labour migration should be positioned as a tool to guide member States in achieving their specific goals. Regulations on migrants varied from State to State. While migrants had responsibilities and obligations towards their respective countries of destination, there had to be a balanced strategy that should also consider the rights of migrants in accordance with ILO Conventions, in particular the fundamental Conventions. She explained that her country's law on the protection of Honduran migrants and their families strove to prevent exploitation, discrimination and forced labour, based on the Decent Work concept. She highlighted the importance of continued exchanges of experiences in the development of the Global Compact for Migration so as to establish multilateral alliances leading to a framework of shared responsibilities in matters of labour migration. Investing in human capital played a major role and should be the central pillar in national and international employment policies so that workers might undertake their work freely, with equality and in conditions of human dignity.

196. The Government member of India stressed the need for reliable data and for the development of comparable international indicators. All stakeholders would have to work together to achieve the SDGs related to decent work. The application of the fundamental principles and rights at work was critical. She also acknowledged that fair and effective labour market integration policies could contribute to social and economic development. The ILO should create greater awareness through research, data collection, media and information campaigns, and capacity building. She further advocated: gender-sensitive development

strategies; social protection systems to support poverty eradication; skills development policies; ending all forms of discrimination, in particular discrimination against women and girls; and the recognition of unpaid care and domestic work. Finally, she pointed to the eradication of forced and child labour as priorities for work.

- 197.** The Government member of the United States noted the Committee members' agreement that all stakeholders had key roles to play in addressing labour migration, and that fundamental principles and rights at work should be respected for all workers, including migrant workers. She supported the ILO's efforts to strengthen labour market institutions and to improve statistics and data collection, and reaffirmed the importance of the ILO's Fair Migration Agenda. She noted increasing recognition of the abuse and exploitation that could result from the actions of unscrupulous recruiters. With this in mind, she noted that the ILO could help to address this issue by continuing to promote and disseminate its *General principles and operational guidelines for fair recruitment*.
- 198.** The Government member of Mexico stated that the ILO should continue the work on rights-based systems for labour migration, in particular focusing on the protection of migrant workers, the improvement of their working conditions, and also the move from informal to formal economies so as to reduce irregular migration. She affirmed that the generation of statistical data, with clear methodologies, was important for the implementation of the SDGs and other international agreements. The ILO should aim to become a reference point for knowledge regarding all aspects of migration. She reiterated that, taking into account its unique tripartite structure, the ILO had an important role in the Global Compact for Migration discussions and brought the Committee's attention to the regional meeting on labour migration for Latin America and the Caribbean that Mexico would host in September 2017, whose recommendations would feed into the Global Compact for Migration discussions.
- 199.** The Government member of the Philippines informed the Committee that, as a signatory to both Conventions Nos 97 and 143, the Philippines supported the protection of all migrants, regardless of their gender or status. Migrant workers deserved decent work everywhere. He called upon other member States to also ratify these Conventions, and advocated tripartite participation in the implementation of migration policies. He saw market mechanisms and information management as key aspects of furthering fair recruitment practices. He urged the Office to provide technical assistance to the social partners to assist them in managing the critical aspects of the migration cycle. He also supported every call for strengthening through major efforts ratifications of Conventions Nos 97 and 143, in accordance with national processes.
- 200.** The Government member of Norway underscored the importance of labour migration benefiting both the country of origin and that of destination. She pointed out that governments were responsible for creating the preconditions for development, which included good governance, capacity building and the implementation of international labour standards. It would also require a commitment to fundamental principles and rights at work in migration agreements. She agreed with the Workers' group that the Office should conduct research on existing labour migration programmes and identify potential decent work deficits. She reminded the Committee on her intervention concerning Conventions Nos 97 and 143, supported their promotion and trusted that the Office would do this in an appropriate way. Member States held international organizations accountable for working together, but joint work could also be expected of member States, for example whole-of-government approaches, especially in the area of labour migration. Of particular relevance was the involvement of ministries of finance as allies on migration policies.
- 201.** The Government member of Ghana referred to the challenge facing her country in obtaining accurate and reliable statistics and data on labour migration, which was essential for

evidence-based policy-making. She thanked the ILO, the World Bank and the EU for their assistance in developing a web-based interactive labour market information system which linked jobseekers to industry, and which would officially be launched in July 2017. She also thanked the EU for their support in training labour officers as well as refurbishing several public employment centres which served as a hub of information for jobseekers. She hoped that the ILO, the World Bank and the EU could continue to commit to build on these gains.

- 202.** The Government member of Lesotho thanked the ILO for its “ordinary” efforts to assist member States in implementing the key Conventions on labour migration. Nevertheless, she insisted that “extra effort” was required to assist member States wishing to ratify these instruments and to ensure the effective implementation of their provisions. She pointed to capacity building as a key element to ensure decent work and sound governance of labour migration. In this respect, the 2016 Academy on Labour Migration conducted for the southern African region by the ILO was a very helpful initiative, which should be repeated regularly or upon request. She considered that there was not sufficient social dialogue regarding labour migration issues, and asked the Office to assist constituents in this regard. She also requested assistance from the Office in the area of bilateral labour agreements negotiations, in particular for migrant origin countries. She agreed with others that having current data was a challenge, and looked to the Office for advice to help overcome this challenge. Finally, she requested the Office to produce up-to-date educational materials detailing migrant workers’ rights and obligations, and to collaborate more closely with the IOM in the field of sound governance of labour migration.
- 203.** The Government member of Switzerland urged the Committee to look at labour migration and social dialogue within the context of the 2030 Agenda and the SDGs. He highlighted Goal 5 on gender equality and pointed to the fact that migrant women suffered two types of discrimination, firstly for being women, and secondly for being migrants; this should be given importance. It would be good for the ILO and its constituents to examine all aspects of commonality between labour migration and the 2030 Agenda. In this respect, a Swiss-funded project would provide a series of briefs on interlinkages and would be launched at the 2017 Global Forum on Migration and Development Summit in Berlin with a brief on labour migration and social protection. He reiterated the importance of local actors in labour mobility and that their importance should be included in the Global Compact for Migration submission. On the Global Compact for Migration, he cautioned that it should not just reiterate the same generic principles that had been agreed in the past, but should look instead at practical solutions for the implementation of these principles. Areas of consent and progress included fair and ethical recruitment, and the role of human rights and of business in migration governance. The way that the ILO had embraced migration in the past few years and helped to put the ILO’s labour migration work front and centre in the global debates under the leadership of ILO Director-General Guy Ryder deserved special recognition in the Committee’s conclusions.
- 204.** The Government member of Brazil stated five key aspects that had to be considered regarding the conclusions of the Committee; these conclusions would be more than a minor contribution to the design of the Global Compact for Migration. First, the ILO’s key role concerning labour migration and labour issues should be understood and recognized. Second, the conclusions agreed to by the Committee needed wide dissemination. Third, the need for credible and up-to-date data on labour migration could not be underscored sufficiently. Fourth, national and regional consultations in order to strengthen social dialogue were of major importance, and fifth, the conclusions should give a clear mandate to the Office to actively participate in the Global Compact for Migration thematic session on “Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures” that would take place in Geneva in October 2017.

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- 205.** The Employer Vice-Chairperson explained that he would first respond to comments made by Governments, from whom he had heard a clear message on the importance of data and information, which countries needed as a foundation for good policy and sound governance. Recalling the Social Justice Declaration, he called for data that was responsive to constituents' needs. He reiterated the importance of harmonized data collection at a global level, and asked that the Office communicate this need and the importance of labour migration data to the International Conference on Labour Statisticians to be held in October 2018.
- 206.** He recalled the Government member of Zambia's point on the importance of ILO and IOM coordination. The issue of irregularity was something mentioned by a majority of speakers. The Employers' group also noted with interest the reference made by the Government member of Ghana to the relevance of the private sector in the provision of information regarding labour markets. He supported the points made by the Government member of Switzerland and the Government member of Brazil, particularly on the value of this general discussion as input to the Global Compact for Migration, and the importance placed on implementing the ILO's *General principles and operational guidelines for fair recruitment*.
- 207.** The Employers' group wished to emphasize the importance of implementing the ILO's *General principles and operational guidelines for fair recruitment* prior to embarking on a process of evaluation. The speaker noted that they had only recently been produced, in September 2016, endorsed by the Governing Body in November 2016, and had been discussed by the delegates to the 16th Asia and the Pacific Regional Meeting in Bali in December 2016. He pointed to recommendation B(8) of the Bali Declaration through which constituents in Asia had agreed on enhancing labour migration policies in line with these new guidelines. He wished to underline that it would be premature to deliberate on further follow-up processes.
- 208.** The speaker noted the contrasting views of the Workers and Employers on Conventions Nos 97 and 143, and thanked the Office for the clarification provided at the beginning of the sitting. He re-emphasized the Employers' group's view that extra efforts to promote these ILO Conventions should be avoided. In response to the Workers' request for future ILO work on cross-border dialogue, the Employer Vice-Chairperson recalled the Social Justice Declaration and the need for the ILO's work to be led by its Members' needs. He also expressed caution to avoid duplicating efforts with other meetings already scheduled or planned.
- 209.** Regarding input to the Global Compact for Migration, the Employers' group cautioned the ILO not to lead with its standards, but rather with dialogue and with information that the ILO had on contemporary needs and good practices. It should be left up to governments to decide on how and through which ministries they wished to engage in this high-level process. The insertion of labour ministries into the Global Compact for Migration processes should therefore be left up to governments. Noting the 2017 report of the former Special Representative to the Secretary-General on International Migration on recommended approaches towards the Global Compact for Migration, he highlighted that in the context of organizing multi-stakeholder efforts and dialogues, the ILO had a key role to play on skills. He welcomed the October 2017 thematic session on "Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures" to which the ILO was providing substantive support, and declared that the Employers were ready to include the private sector perspective into that process.
- 210.** He thanked the Office for organizing a discussion that highlighted the experiences, needs and challenges in governing labour migration, and thanked the Governments for engaging with the Employers on the matters they had raised. He also thanked the Workers' group for

a vigilant but constructive discussion. He looked forward to productive negotiations towards conclusions that would reflect the Committee's discussion.

- 211.** The Worker Vice-Chairperson thanked Government members, such as the Government member of Zambia speaking on behalf of the Africa group, for their attention to irregular migration. There was a general understanding that, while it was a difficult issue, it should nevertheless be addressed. Others, such as the Government member of Malta speaking on behalf of the EU, deserved praise for their particular attention to fundamental principles and rights at work, irrespective of migrants' status. She also thanked Governments, in particularly the Africa group and Norway, for looking into the opportunities and decent work challenges of migration programmes. The Workers' group was in agreement with the Government member of Switzerland that the messages the ILO took forward to the Global Compact for Migration process should be based on all aspects of the ILO's work, not solely on the outcomes of this particular discussion. The mandate for this general discussion had been limited to matters of governance, bilateral cooperation and fair recruitment, and the ILO should certainly use the conclusions of the Committee when these matters came up in the Global Compact for Migration process. On all other issues it should take into consideration conclusions made in the past.
- 212.** The Workers' group sought to clarify that ILO constituents included workers, employers, and governments, and that the ILO was responsible for responding to its constituents' needs, whether these were expressed individually or collectively. Workers also did not agree with the limits the Employers seemed to be placing on social dialogue, confining it to wherever constituents considered it to be useful and where it could meaningfully contribute to sound labour migration governance. She recalled, again, that ILO constituents included three groups, that each group might find value in social dialogue, and that it was not up to one group to determine whether the contribution of another group would meaningfully contribute to sound labour migration governance.
- 213.** The Workers' group saw general agreement on the importance of the ILO *General principles and operational guidelines for fair recruitment*, and the urgency to address this matter, given the large number of problems. The speaker re-emphasized the need to come back to this issue in future and to determine whether the ILO *General principles and operational guidelines for fair recruitment* had been sufficient to deal with the challenges.
- 214.** On the matter of Conventions Nos 97 and 143, the Worker Vice-Chairperson emphasized areas where the Employers and the Workers were in agreement. The clarification of the Office had confirmed that the standards were up to date, and the difference between normal and extra Office activity to promote the standards. She stated that many of the suggestions brought forward by the Workers' group – for example the development of brochures to address common misperceptions, or how to address issues raised in the General Survey – were, in their view, within the realm of ordinary work of the Office. The convening of technical meetings at regional level for governments who were interested would be in response to the Office's mandate to meet constituents' needs. The Workers' group re-emphasized that they supported extra efforts of the Office and that they would be in favour of a campaign for the ratification of these standards, but noted that this would need to be discussed and decided upon by the ILO's Governing Body.
- 215.** The Worker Vice-Chairperson highlighted that her group was in disagreement with the Employers' group's advice to the Office to avoid leading its input to the Global Compact for Migration with standards. She underlined that, contrary to this advice, it was the constitutional mandate of the ILO to lead with its standards, most importantly the ILO standards on fundamental principles and rights at work. Regarding the matter of cross-border social dialogue, she explained that a meeting on this matter was foreseen in the action plan

on global supply chains, and that the Workers' request was to integrate migration and mobility dimensions into it.

Discussion of the draft conclusions

- 216.** The Chairperson presented the draft conclusions prepared by the Drafting Group.
- 217.** The Worker Vice-Chairperson stated that the draft conclusions were a good basis for further discussions. She noted with concern that matters dealing with freedom of association for migrant workers in point 11 had remained in brackets. Freedom of association was a pillar of the ILO and was an enabling right essential to achieving decent work. While the current discussion related to labour migration, freedom of association should equally apply to migrants. While the Workers' group anticipated some amendments, she voiced her hope that in much of the text there would not be a need for many amendments.
- 218.** The Employer Vice-Chairperson remarked that much time had gone into crafting and drafting the proposed conclusions. While the Employers' group thought the current text was a very good basis on which to proceed with the discussion, his group would submit amendments related to substance and expression which aimed to clarify the text. He indicated that they would avoid amendments for the sake of amendment. The final conclusions should be relevant and useful, and capture the role and concerns of the ILO constituents, and clarify the role and future work of the Organization at the multilateral level and with constituents. They should also provide a clear signal to the rest of the multilateral framework.
- 219.** Regarding point 11, he indicated that the Employers' group was not opposed to the inclusion of a point on freedom of association. However, the two bracketed statements reflected differing perspectives on how best to incorporate the concept into the point in question.
- 220.** The Government member of Zambia, speaking on behalf of the Africa group, expressed his appreciation for the rich discussion during the negotiations at the Drafting Group. The negotiations confirmed the importance of social dialogue as a pillar of decent work. The text was a very good document from the Drafting Group covering almost all areas that needed to be addressed in dealing with labour migration governance. As the Committee looked to complete the work around the bracketed areas, he hoped that members would do so with a sober mind. The document could make a real difference once implemented.
- 221.** The Government member of Mexico noted the importance of social dialogue during the discussion of the conclusions, which had led to the creation of a balanced document. She also emphasized that agreement on the topics in square brackets could be reached with the right political will.
- 222.** The Government member of Spain, speaking on behalf of the EU and its Member States, stated that the draft conclusions prepared by the Office for the Drafting Group was a very good draft, which had been improved and enriched by the discussion. Social dialogue had been essential to the development of the draft conclusions. She thanked the Workers and Employers for their efforts to achieve compromise. Her delegation was happy with the results, as they would serve as a good basis for the discussion. She expressed her hope that, as the discussions moved forward, the members of the Committee would not lose sight of the forest for the trees.

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223. The Chairperson explained the amendment process and particularly what was expected of amendments related to the bracketed text. He also identified that the Government member of the United Republic of Tanzania had been put forward as the Committee's Reporter to the Conference, which found no objection.
224. The Chairperson reminded the Committee of its mandate set by the Governing Body, which was to have a general discussion to examine labour migration trends and related governance challenges, and to produce a set of conclusions that would lead the ILO to confirm and adjust its priorities accordingly. He then introduced the procedures for discussing the 77 proposals for amendments which had been received.
225. The Committee adopted the title of the conclusions and the first heading.

Point 1

226. The Government members of the EU and its Member States submitted a linguistic amendment affecting the French text.
227. The amendment was adopted.
228. The Government members of the EU and its Member States submitted an amendment to insert the word "planned" between "the" and "Global Compact for Safe, Orderly and Regular...".
229. The Worker Vice-Chairperson responded that, while she understood the intent of the amendment, it was intended that the conclusions would retain relevance beyond next year. Therefore, the Workers' group preferred the original text.
230. The Employer Vice-Chairperson stated that they had no objection to the amendment.
231. The Government member of Spain, on behalf of the EU and its Member States, withdrew the amendment.
232. Point 1 was adopted, as amended.

Point 3

233. The Employer Vice-Chairperson introduced an amendment to move point 3 to the end of point 1 for reasons of structure and flow of the text. It would be more relevant to examine the diversity and complexity of labour migration before dwelling on matters of governance considered in point 2.
234. The Worker Vice-Chairperson had no objection to the proposal.
235. As no objection was voiced to the amendment, it was adopted.
236. The Government member of Zambia, speaking on behalf of the Africa group, introduced an amendment in line 3 to replace "joining the ranks of" with "becoming", for the reason that the French translation was not aligned with the English text, and that the word "becoming" reflected more accurately in the French text.
237. The Employer Vice-Chairperson did not oppose the amendment but did not see it as necessary as the meaning of both terms was the same.

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- 238.** The Worker Vice-Chairperson reminded the Committee that the English was the original text, and that language questions should be referred to the secretariat. Furthermore, the word “becoming” suggested that a person was moving from being a woman to being a migrant. She preferred the original text.
- 239.** The Government member of Zambia, speaking on behalf of the Africa group, noted that linguistic changes would be addressed by the secretariat and therefore withdrew the amendment.
- 240.** The Worker Vice-Chairperson proposed an amendment to replace the word “economy” with the word “sectors”. The term would fit in better with the French and Spanish translations.
- 241.** The Employer Vice-Chairperson had no objection to the amendment, but was concerned that the discussion should focus on matters of substance rather than on linguistics.
- 242.** The Government member of Zambia, speaking on behalf of the Africa group, suggested inserting a footnote after the word “economy” to explain the term “care economy”.
- 243.** The Worker Vice-Chairperson said that the paragraph was about trends and it was important that there was a clear reference to care work. She also noted that some adjustments were needed to the French and Spanish translations of the term “domestic work”.
- 244.** The amendment was adopted.
- 245.** The Government member of Zambia, speaking on behalf of the Africa group, introduced an amendment to add “and other forms peculiar to women” after the words “including violence”. The paragraph discussed specific challenges associated with women, which his group wanted to highlight.
- 246.** The Worker Vice-Chairperson agreed that the paragraph discussed notable risks for women, but noted that many of those risks also affected men and therefore it was not appropriate to restrict the text to women. She introduced a subamendment to add “and harassment” after the word “violence”, as this was the wording used by the ILO Tripartite Meeting of Experts on Violence against Women and Men in the World of Work in 2016.
- 247.** The Government member of Malta, speaking on behalf of the EU and its Member States, supported the subamendment.
- 248.** The Government member of Zambia, speaking on behalf of the Africa group, supported the subamendment.
- 249.** The Employer Vice-Chairperson supported the subamendment, saying that the resulting text was improved and more accurate.
- 250.** The amendment was adopted as subamended.
- 251.** The Government member of Bangladesh, supported by the Government member of Zambia on behalf of the Africa group, introduced an amendment to insert “in the absence of fair migration governance” after “violence”.
- 252.** The Worker Vice-Chairperson pointed out that even where there was good governance, the risks faced by women still existed and therefore she did not support the amendment.
- 253.** The Employer Vice-Chairperson agreed with the Worker Vice-Chairperson and did not support the amendment.

254. The amendment was not adopted.

255. Point 3 was adopted, as amended.

Point 2

256. The Government member of Bangladesh, supported by the Government member of Spain on behalf of the EU and its Member States, introduced an amendment to insert “both” before “culturally and socially”.

257. The Employer Vice-Chairperson did not object to the amendment, but emphasized that the Committee should focus on enhancing the clarity of the text, rather than style.

258. The Worker Vice-Chairperson agreed with the Employers’ position and supported the amendment.

259. The amendment was adopted.

260. The Government member of Bangladesh introduced an amendment to insert “on the contrary” before “Poorly governed”.

261. The amendment was not seconded and therefore fell.

262. The Employer Vice-Chairperson introduced an amendment to insert “and irregular” after “Poorly governed”. He explained that the problems cited in the text mainly existed as a result of irregular migration. The purpose of the amendment was to highlight the challenges of irregular migration.

263. The Worker Vice-Chairperson considered that the paragraph dealt with issues which also related to regular migration. The challenges of irregular migration were discussed specifically later in the text and therefore she did not support the amendment.

264. The Government member of the Philippines noted that the first and third sentences of the paragraph talked about governance. Inserting the word “irregular” would alter the meaning of the text.

265. The Government member of Zambia, speaking on behalf of the Africa group, felt that the amendment was misplaced because irregular migration was discussed elsewhere in the text.

266. The Government member of Spain, speaking on behalf of the EU and its Member States, said that the challenges listed in the paragraph also applied to regular migration and therefore her group did not support the amendment.

267. The Government member of France noted that the French version was also an official text, and proposed his delegation’s assistance in the finalization of the French version.

268. The Employer Vice-Chairperson pointed out that the second sentence was an introduction to the list of risks which followed, which included child labour, forced labour and trafficking in persons. No country allowed such practices in its regular migration. It was therefore important to link these to irregular migration.

269. The Worker Vice-Chairperson pointed out that even in countries where migration was well-regulated, poor enforcement could lead to risks of abuses. She therefore did not support the amendment.

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- 270.** A Representative of the Secretary-General (Ms Tomei), in reply to a question posed by the Government member of Mexico about the definition of the term “irregular migration”, noted that Convention No. 143 referred to migrant workers in an illegal or irregular situation, but did not define this term. The ILO therefore drew from the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), which defined migrant workers as documented or in a regular situation “if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party”. The same text considered migrant workers in an irregular situation if they did not comply with these conditions.
- 271.** The amendment was not adopted.
- 272.** The Government member of the United States, speaking also on behalf of the Government members of Norway, New Zealand, Canada and the EU and its Member States, introduced an amendment to replace “displacement and increased risk of child labour” with “displacement, increased risk of child labour” in the penultimate sentence of paragraph 2 to make it clear that the two were separate risks, with no specific connection between the two.
- 273.** The Employer Vice-Chairperson said that it was a simple but important grammatical clarification and supported the amendment.
- 274.** The Worker Vice-Chairperson supported the amendment.
- 275.** The Government members of the Philippines and Mexico, and Zambia speaking on behalf of the Africa group, also supported the amendment.
- 276.** The amendment was adopted.
- 277.** The Government member of Bangladesh introduced an amendment to insert “discrimination” after “displacement” in the penultimate sentence of paragraph 2 because it was appropriate to include discrimination as a risk in poorly governed labour migration.
- 278.** The Government member of Spain, speaking on behalf of the EU and its Member States, supported the amendment.
- 279.** The Worker Vice-Chairperson proposed a subamendment to insert “discrimination” in the last sentence because it was more logical for it to be placed in connection to racism and xenophobia.
- 280.** The Employer Vice-Chairperson, the Government member of Zambia, speaking on behalf of the Africa group, and the Government member of Bangladesh supported the subamendment.
- 281.** The amendment was adopted as subamended.
- 282.** The Government member of Spain, speaking on behalf of the EU and its Member States, introduced an amendment to replace “and trafficking in persons, sometimes with lethal consequences” with “, trafficking in persons and deficits in decent work, in some cases with lethal consequences” in the penultimate sentence of paragraph 2 because it was important to stress that there were different types of risk that could have lethal consequences.
- 283.** The Employer Vice-Chairperson said that it was important to capture the idea that, for millions of people, migration had given rise to positive experiences and opportunities. The idea of lethal risks as a result of migration could not be generalized, but it was important to

refer to it somewhere in the text. He expressed concern at associating lethal consequences with the general notion of decent work deficits. This term had a wide meaning in the Organization, including non-compliance with laws on labour relations, hours of work and wages, which was undesirable but did not give rise to lethal consequences. He proposed a subamendment to insert “and trafficking in persons and deficits in safety and health at work”, which would create a subset of risks giving particular rise to concern.

- 284.** The Worker Vice-Chairperson noted that violations of laws on hours of work could have lethal consequences due to fatigue. She proposed a further subamendment to insert “and trafficking in persons, safety and health hazards, and other decent work deficits, in some cases with lethal consequences” because it was appropriately addressing the concerns raised.
- 285.** The Government member of Norway supported the further subamendment, as it provided more clarity.
- 286.** The Government member of Zambia, speaking on behalf of the Africa group, supported the further subamendment.
- 287.** The Employer Vice-Chairperson said that the text was indeed improved by the insertion of “safety and health hazards”, but remained concerned at the generalization about decent work deficits. He proposed a further subamendment to delete “in some cases with lethal consequences”. He had no objection to including risks, but it was important to consider the precise meaning of decent work deficits; risks should be addressed credibly and not generalized or treated with imprecision.
- 288.** The Worker Vice-Chairperson said that there had been strong support for her original subamendment, and did not support the Employers’ subamendment. She proposed a further subamendment, so that the sentence in question would end “, trafficking in persons, safety and health hazards and other decent work deficits.” A new sentence would be inserted immediately after, to read: “In some cases some of these risks have lethal consequences.”
- 289.** The Government member of the Philippines proposed a further subamendment retaining the words proposed by the Worker Vice-Chairperson, but rearranging them so that “trafficking in persons” and “safety and health hazards” would appear closest to the risk of having lethal consequences. This subamendment was not seconded and therefore fell.
- 290.** The Government member of Zambia, speaking on behalf of the Africa group, and Spain, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Worker Vice-Chairperson.
- 291.** The Employer Vice-Chairperson said that he did not object to the subamendment proposed by the Worker Vice-Chairperson.
- 292.** The amendment was adopted as subamended. The amendment D.10 of the Employers therefore fell.
- 293.** The Government member of Bangladesh introduced an amendment to replace “add to” by “increase” in the last line of point 2.
- 294.** The amendment was not seconded and therefore fell.
- 295.** The Government member of Bangladesh proposed an amendment to insert “governance” after “labour migration” in the last line.
- 296.** The amendment was not seconded and therefore fell.

297. Point 2 was adopted as subamended.

Point 4

298. The Government member of Zambia, speaking on behalf of the Africa group, introduced an amendment to insert “unique” before “tripartite”, and in line 3, replace “a unique” by “an important” in line 2. He argued that the uniqueness of the ILO was its tripartite nature. The proposed amendment clarified this notion.
299. The Worker Vice-Chairperson agreed that the proposed amendment more accurately reflected how the unique tripartite role of the ILO enabled the Organization to play an important role in labour migration governance. She supported the amendment.
300. The Employer Vice-Chairperson supported the amendment and concurred that an “important” role was more appropriate for the ILO than a “unique” role.
301. The Government member of Spain, speaking on behalf of the EU and its Member States, proposed a subamendment to add “international” between “unique” and “tripartite”. Tripartite institutions also existed at the national and regional levels. For this reason it was important to clarify the international role played by the ILO.
302. The Worker Vice-Chairperson considered that the ILO also worked at the national and regional levels and its tripartism operated at these levels as well. The term “international” already appeared in the Organization’s name. She requested guidance from the secretariat regarding the most appropriate reference to the Organization.
303. The Representative of the Secretary-General indicated that the standard and traditional way of describing the ILO was more generally as a “unique tripartite organization”, without reference to “international”.
304. Taking into account the comment made by the Representative of the Secretary-General, the Government member of Spain, speaking on behalf of the EU and its Member States, withdrew the subamendment.
305. The amendment was adopted.
306. Point 4 was adopted, as amended.
307. Part 1 was adopted, as amended.

Point 5

308. The Chairperson introduced Part II of the draft conclusions and its heading. Hearing no objection, the heading was adopted.
309. The Government member of Zambia, speaking on behalf of the Africa group, introduced an amendment to replace “and youth” by “, youth and persons with disabilities” in lines 9 and 10. He expressed his strong support in favour of the explicit inclusion of vulnerable groups, like persons with disabilities.
310. The Worker Vice-Chairperson supported the amendment given that the sentence referred to addressing skills and training, an area where there appeared to be increased attention to persons with disabilities in many countries.

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- 311.** The Employer Vice-Chairperson also accepted the proposed amendment.
- 312.** The Government member of Spain, speaking on behalf of the EU and its Member States, proposed a subamendment to replace “youth and persons with disabilities” with “youth, persons with disabilities, and other vulnerable groups”.
- 313.** The Government member of Chile expressed support for the EU subamendment.
- 314.** The Worker Vice-Chairperson disagreed with this subamendment, since the modification suggested that women, as a collective, were a vulnerable group.
- 315.** The Employer Vice-Chairperson stated that the Employers did not object to the proposed subamendment.
- 316.** The Government member of Switzerland agreed with the Worker Vice-Chairperson’s comment regarding the interpretation of women as a vulnerable group. To address this issue, he proposed a new subamendment to replace “women and youth, persons with disabilities, and other vulnerable groups” with “women and youth and taking into consideration the needs of persons with disabilities and other vulnerable groups”.
- 317.** The Government member of Spain, speaking on behalf of the EU and its Member States, agreed with the remark made by the Worker Vice-Chairperson regarding women as a vulnerable group. She then proposed a subamendment to delete “other” from “other vulnerable groups”.
- 318.** The Worker Vice-Chairperson expressed that it was important to distinguish between groups in vulnerable situations and vulnerable groups. For this reason, she introduced a subamendment to encompass all groups in vulnerable situations. She proposed to replace “women and youth and taking into consideration the needs of persons with particular disabilities and vulnerable groups” with “women and youth, and groups in vulnerable situations”.
- 319.** The Government member of Zambia supported this subamendment proposed by the Worker Vice-Chairperson, but questioned whether “youth” should be “youths”.
- 320.** The Chairperson stated that linguistic revisions would be completed at a later stage.
- 321.** The Employer Vice-Chairperson disagreed with the subamendment proposed by the Workers. The initial intention of the text and amendment had been to draw attention to certain groups which required particular attention, like women and youth. This had transformed into a discussion about vulnerable. To reinstate the original intention of the text, he suggested to return to the original text, or only include the original amendment proposed by the Government member of Zambia on behalf of the Africa group.
- 322.** In order to resolve the challenge of not referring to women as a vulnerable group, the Worker Vice-Chairperson withdraw her original subamendment and proposed a new subamendment which replaced “women and youth, and groups in vulnerable situations” with “women and youth, and vulnerable groups, including persons with disabilities.”.
- 323.** The Employer Vice-Chairperson introduced a further subamendment which replaced “women and youth, and groups in vulnerable situations” with “women and youth, and persons with disabilities and other vulnerable groups”. He argued that this revision drew attention to women and youth, but separated them from being classified as a vulnerable group.

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- 324.** The Government member of Zambia, speaking on behalf of the Africa group, was happy to see people with disabilities appearing in the text and supported this version.
- 325.** The text was adopted as subamended.
- 326.** Point 5 was adopted, as amended.

Point 6

- 327.** The Employer Vice-Chairperson introduced an amendment to point 6, line 4, to delete “There is solid evidence that” to reflect the structure of other sentences in that point. He indicated that paragraphs 5 and 6 had been drafted as statements of conviction; to make the statement clearer and more effective, and in light of the Employer’s group’s opinion that the Office report did not present “solid evidence”, this reference should be deleted.
- 328.** The Workers Vice-Chairperson asked the Office to clarify what was understood as “solid evidence” in this context.
- 329.** The Representative of the Secretary-General pointed the Committee to paragraph 136 in Report IV, as well as table 4.2 which listed a number of regional economic community agreements negotiated through social dialogue. The Office also pointed to evidence delivered by Governments during plenary on the negotiation of bilateral and regional agreements, and the importance of the role of social dialogue to move these agreements forward.
- 330.** The Workers’ Vice-Chairperson introduced a subamendment to point 6, line 5, to delete “can strengthen” and replace with “strengthens”.
- 331.** The Employer Vice-Chairperson withdrew the amendment.
- 332.** The Chairperson noted that the proposed amendment to line 6 to insert the word “those” before “on” was an editorial amendment that did not affect the French or Spanish versions.
- 333.** As no objection was voiced to the amendment, it was adopted.
- 334.** The Employer Vice-Chairperson submitted an amendment to point 6, line 7, to replace the word “perception” with “perceptions” in order to reflect the numerous hostile ideas toward migration that may be held by the general public, which were at times different, and were wrong for various reasons. The use of the plural would pick up on these multiple perceptions more accurately.
- 335.** The Worker Vice-Chairperson stated that she did not oppose the amendment but also did not find anything wrong with the original text.
- 336.** The Government member of Zambia, speaking on behalf of Africa group, did not support the amendment and preferred the original text.
- 337.** The Employer Vice-Chairperson withdrew the amendment.
- 338.** Point 6 was adopted.
- 339.** The Committee adopted the second heading “Areas warranting special attention”.

Point 7

- 340.** The Government member of Spain, speaking on behalf of the EU and its Member States, submitted an amendment to line 4, to replace “and effective enforcement ... and equality of treatment” with “contribute to social integration and equality of treatment. It is necessary to have effective enforcement of migrant workers’ fundamental rights at work, including access to justice, irrespective of migrant status.”
- 341.** She immediately introduced a subamendment to replace “including” with “and”.
- 342.** The Worker Vice-Chairperson asked for clarification on whether “and economic” was also being deleted after the words “social integration”.
- 343.** The Government member of Spain, speaking on behalf of the EU and its Member States, noted that the deletion of “and economic” had been unintentional and agreed to include it back into the subamendment.
- 344.** The Worker Vice-Chairperson noted that, with this clarification and subamendment, the Workers’ group supported the subamendment.
- 345.** The Employer Vice-Chairperson had no objection to the subamendment.
- 346.** The Government members of Mexico and the Philippines supported the subamendment.
- 347.** The Government member of Zambia, speaking on behalf of the Africa group, supported the subamendment but stated that the secretariat should have noted there were two amendments to effect the requested change.
- 348.** The Employer Vice-Chairperson noted some issues with translation of the text into French and Spanish, and asked the secretariat to review the translation after adoption of amendment.
- 349.** The subamendment was adopted.
- 350.** The Government member of Spain speaking on behalf of the EU and its Member States, submitted an amendment in line 6 to replace “Effective protection ... from social partners.” with “Protection of migrant workers’ rights at work requires a coordinated approach from Member States’ policy departments, enforcement institutions and social partners, according to national law and practice.”
- 351.** She immediately introduced a subamendment to amend the replacement text to: “Protection of migrant workers’ rights at work as reflected in ILO Conventions Nos 97 and 143 and other relevant ILO standards requires a coordinated approach from Member States’ policy departments, enforcement institutions of labour laws and regulations and social partners, according to national law and practice.” She explained that the reason for the initial amendment had been to go beyond labour inspectorates and also include other institutions in charge of protecting migrants. She argued that the focus of this paragraph should be on the rights at work, rather than the institutions that implement those rights, which was the reason for adding the reference to ILO standards.
- 352.** The Worker Vice-Chairperson considered that the subamendment brought clarity to the proposed amendment, which was helpful. She appreciated that the EU and its Member States had acknowledged the Workers’ group’s position on rights at work.

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- 353.** The Employer Vice-Chairperson did not support the subamendment, which he considered to be an entirely different proposition to the original amendment. He was disappointed that the comments of the Committee of Experts on the outdated nature of Conventions Nos 97 and 143 were being ignored. For example, Convention No. 97 largely focused on recruitment by governments, whereas today most recruitment was being done by private recruitment agencies. He also pointed out that travel of migrants was mainly by air currently, and not by ship as was the case when Convention No. 97 was adopted. He wished to put on record that the conclusions of the Committee would be rendered less relevant and less applicable by reference to those Conventions. He also made it clear that his group did not support the listing of Conventions in the conclusions.
- 354.** The Worker Vice-Chairperson replied that reference to Conventions Nos 97 and 143 was in line with the opinion of the Committee of Experts in the 2016 General Survey, who concluded that it would be incorrect to describe the two Conventions as obsolete, although they had acknowledged that some of the provisions were outdated. The ILO had moved forward on issues such as recruitment, which was reflected, for example, in the Private Employment Agencies Convention, 1997 (No. 181), and Convention No. 189, and their accompanying Recommendations. She considered that those were included in the phrase “other relevant standards”. However, it would be helpful when mentioning rights at work to be clear about what was meant.
- 355.** The Government member of the Philippines reminded the Committee that his country had ratified both Conventions Nos 97 and 143, in 2009 and 2006, respectively. He said that although some provisions in the Conventions were outdated, the Conventions as a whole remained relevant. He therefore supported the subamendment.
- 356.** The Government member of Argentina agreed with the views of the Government member of the Philippines and was of the opinion that it was correct to mention the international labour standards, as they provided the fundamental rights of migrants.
- 357.** The Government member of Uruguay agreed with the Government member of Argentina and supported the subamendment.
- 358.** The Employer Vice-Chairperson submitted a subamendment to insert at the beginning of point 7: “Noting that the status of the migration Conventions is being reconsidered under the Standards Review Mechanism,”. He proposed a further subamendment to insert after the word “of”, “enforcement institutions of both labour and migration laws”.
- 359.** He explained that he did not support the subamendment proposed by the Government member of Spain, speaking on behalf of the EU and its Member States. If the Committee decided to refer to the migration Conventions in its conclusions, then it would be important to clarify that the Standards Review Mechanism might determine that those Conventions were no longer up to date.
- 360.** Responding to a request for clarification, the Representative of the Secretary-General (Ms Greenfield) said that inserting “Noting that the status of the Conventions is being considered under the Standards Review Mechanism” would not be an accurate statement, because Conventions Nos 97 and 143 and their accompanying Recommendations Nos 86 and 151 were not on the tripartite working group’s current list of 135 Conventions and instruments for review.
- 361.** The Worker Vice-Chairperson cautioned against getting into a wrong debate. The sentence clarified the rights of migrant workers and it was useful to specifically mention instruments that were still relevant, regardless of their ratification status by governments. It was not

suggesting that governments should ratify those Conventions; they were relevant not only for governments that had ratified them, but also to give guidance generally.

- 362.** The Government member of Spain, speaking on behalf of the EU and its Member States, wished to build a bridge between the Employers and the Workers on this point. Migrants' rights were under discussion and the aim was to be inclusive. Many instruments besides the fundamental rights protected the rights of workers, but there was no need to list Conventions. One might therefore wish to settle for a formulation such as "as reflected in ILO standards".
- 363.** The Worker Vice-Chairperson, in going back to the proposal made by the Employers, said that the Workers could not accept the wording referring to the Standard Review Mechanism in the first of the subamendments proposed by the Employers. They were strongly against the second subamendment proposed by the Employers because of the reference to enforcement institutions of both labour and migration laws. This Committee had agreed to focus on labour issues, not immigration questions such as border controls, etc. Furthermore, she failed to understand the reluctance to mention two relevant instruments that many governments had ratified, given that they were the only instruments specifically about the protection of migrant workers.
- 364.** The Employer Vice-Chairperson said that the idea behind his group's second subamendment to delete reference to labour inspectorates was that immigration authorities and labour authorities should be able to work cooperatively and carry out dual inspections, and even carry dual badges. Also, without getting into questions about categories of migrants, if enforcement institutions were mentioned, it was important to talk about the value of migration inspection, as it related to the world of work and visa issues at the same time; it was at the intersection of labour and immigration law. With regard to the status of the Standards Review Mechanism, he would not press for his group's first subamendment.
- 365.** The Chairperson took it that the first subamendment proposed by the Employers referring to the Standards Review Mechanism was not supported and therefore would not be adopted.
- 366.** The Worker Vice-Chairperson reiterated that the Workers did not support the Employers' second subamendment.
- 367.** The Employer Vice-Chairperson reiterated that any mention of the specific standards was unacceptable to the Employers.
- 368.** The Government member of Spain, speaking on behalf of the EU and its Member States, emphasized that the issue was about the protection of the rights of workers. She did not support referring exclusively to institutions of labour inspection because other institutions could also be useful in helping protect the fundamental rights of workers. She wished to stress that national law and practice should be a deciding factor in which institution would defend the rights of workers. The EU Members did not support the Employers' reference to enforcement mechanisms under migration law. Therefore, she proposed a further subamendment with the purpose of making it clear that the focus ought to be on labour laws and regulations, so that the last sentence of paragraph 7 would read: "Protection of migrant workers' rights at work, as reflected in ILO Conventions and standards, requires a coordinated approach from member States' policy departments, enforcement institutions of labour laws and regulations and social partners, according to national law and practice."
- 369.** The Worker Vice-Chairperson expressed disappointment that well-known, relevant ILO standards could not be mentioned explicitly. One needed to qualify at least somewhat and speak of *relevant* standards at the minimum. She therefore proposed a further subamendment "as reflected in relevant ILO standards". Drawing attention to 2016 ILO General Survey, *Promoting fair migration: General Survey concerning the migrant workers instruments*, she

emphasized that the Committee of Experts had cautioned against too much cooperation between labour inspectors and immigration authorities. Paragraph 482 of the 2016 General Survey stated that “cooperation between the labour inspectorate and immigration authorities should be carried out cautiously keeping in mind that the main objective of the labour inspection system is to protect the rights and interests of all workers, and to improve their working conditions, rather than the enforcement of immigration law”.

- 370.** The Employer Vice-Chairperson welcomed a formulation around “relevant standards”, which the Employers would have also introduced. He noted that some of the larger Government groups had supported the naming of the specific Conventions because they had ratified them, although he reiterated that mentioning them in no way implied a call for their ratification.
- 371.** The Worker Vice-Chairperson was interested in hearing about more Government positions; she saw a significant amount of support among Government members to allow for the standards to be explicitly mentioned. One possible guiding document could be the Protocol of 2014 to the Forced Labour Convention, 1930 (Forced Labour Protocol), which listed migration-related standards including ILO Conventions Nos 97 and 143, among others.
- 372.** As a compromise, the Government member of Australia proposed a further subamendment, inserting the words “such as” so that the amendment would read: “... , as reflected in relevant ILO Conventions such as Conventions Nos 97 and 143 and other standards, ...”.
- 373.** In view of the new subamendment put forward by Australia, the Employer Vice-Chairperson stated that the Employers had been satisfied with the earlier subamendment by the EU.
- 374.** The Worker Vice-Chairperson welcomed the new subamendment put forward by Australia and encouraged Governments to give their opinions.
- 375.** The Government member of Norway supported the Australian subamendment. She could not understand why the two most relevant ILO Conventions on migrant workers should not be referred to, as this discussion centred on migrant workers. These instruments possibly required future improvement but it would take several years before they might end up in the Standards Reviewing Mechanism.
- 376.** The Government member of Brazil expressed his support for Norway’s statement and considered it impossible not to mention the two Conventions most important to the matters discussed in the Committee. The Government member of Australia’s subamendment was a good one.
- 377.** The Government member of the Philippines supported the subamendment of the Government member of Australia.
- 378.** The Government member of Zambia, speaking on behalf of the Africa group, added his support for Australia’s proposed further subamendment, and so did the Government member of New Zealand .
- 379.** Following a remark by the Chairperson about growing consensus, the Employer Vice-Chairperson noted that there remained substantial disagreement. He suggested reference to one particular instrument, namely Convention No. 181 and wished to put on record that while there might be a majority in the Committee favouring the subamendment as put forward by Australia, the Employers did not share this view.
- 380.** The Worker Vice-Chairperson considered that Convention No. 181 could not be simply listed after Conventions Nos 97 and 143 but the Workers were happy to include it, provided

one could find an appropriate place in the text. Convention No. 189 on domestic workers should also appear given the relevance it had for a significant portion of mostly women migrants. Therefore, she proposed a further subamendment for the text to read: “Conventions Nos 97 and 143, and other relevant standards, including Conventions Nos 181 and 189”.

- 381.** The Employer Vice-Chairperson supported moving on, but wished to put on record that for the Employers there was no compromise; they did not fully agree, however he noted that it was clear that a majority did agree.
- 382.** The Chairperson declared the following text adopted as a majority position: “Protection of migrant workers’ rights at work as reflected in relevant ILO Conventions such as Nos 97 and 143 and other standards, including Conventions Nos 181 and 189, requires a coordinated approach from member States’ policy departments, enforcement institutions of labour law and regulations, and social partners, according to national laws and practices.”
- 383.** Two further amendments to point 7 proposed by the Worker and Employer members respectively fell (D.53 and D.7).
- 384.** Point 7 was adopted, as amended.

Point 8

- 385.** The Government member of the United States, also speaking on behalf of the Government member of New Zealand, introduced an amendment to replace “and retraining to” with “for” in line 4. She argued that labour migration programmes employed migrants to meet skills gaps. For this reason, migrant workers coming through such programmes would not need retraining as they should already have the skills required.
- 386.** The Worker Vice-Chairperson drew attention to the references made in the text to upskilling and retraining for both migrants and nationals. Both nationals and migrants were mentioned since skills gaps could be filled by migrants or by retrained nationals. For this reason, she insisted that the reference to retraining remain.
- 387.** The Government member of Zambia, speaking on behalf of the Africa group, rejected the amendment. His group also valued the reference to retraining.
- 388.** The Government member of the Philippines also did not support the amendment. He stated that one of the benefits of migration, often mentioned between countries of origin and destination, related to opportunities for retraining and upskilling. Upskilling, retraining and recognition of skills facilitated labour mobility. For this reason, the reference to retraining was important.
- 389.** For the purposes of clarity, the Employer Vice-Chairperson proposed a subamendment to replace “for upskilling and retraining to” with “for upskilling and retraining”.
- 390.** The Government member of Zambia, speaking on behalf of the Africa group, expressed his support for the subamendment.
- 391.** The Government member of the United States also agreed.
- 392.** The subamendment was adopted.
- 393.** The Employer Vice-Chairperson withdrew a further amendment (D.6) to point 8.

394. Point 8 was adopted, as amended.

Point 9

395. Point 9 was adopted.

Point 10

396. The Government member of Spain, speaking on behalf of the EU and its Member States, proposed an amendment to replace “mobility” with “migration” in line 4. She stated that the proposed change in words aligned more closely with the terminology used in the conclusions.

397. The Employer Vice-Chairperson and Worker Vice-Chairperson supported the amendment.

398. The amendment was adopted.

399. The Government member of Bangladesh introduced an amendment to delete “the portability of”.

400. The amendment was not seconded and therefore fell.

401. The Employer Vice-Chairperson proposed to delete “and health services” from the last line. He explained that health services, by definition, were included in the Recommendation No. 202, and questioned the importance of singling out one component.

402. The Worker Vice-Chairperson replied that the explicit inclusion of health services had arisen during the Drafting Group. It was thought that few people understood that a social protection floor encompassed health services. She was open to better wording as long as it retained an explicit reference to health services.

403. The Government member of the Philippines and the Government member of Zambia, speaking on behalf of the Africa group, seconded this view of the Worker Vice-Chairperson.

404. The Representative of the Secretary-General (Ms Greenfield) replied that, according to Recommendation No. 202, social protection floors should comprise at least four basic social security guarantees. One of the guarantees included “access to a nationally defined set of goods and services, constituting essential health care ...”.

405. The Worker Vice-Chairperson proposed a subamendment to replace “and health services” with “which aim to ensure, among other things, access to essential health care.”

406. The Government members of Mexico, the Philippines, Spain, speaking on behalf of the EU and its Member States, and Zambia, speaking on behalf of the Africa group, supported the subamendment.

407. The Employer Vice-Chairperson noted that the precision in the subamendment addressed his concerns.

408. The amendment was adopted as subamended.

409. The Committee adopted point 10.

Point 11

- 410.** The Employer Vice-Chairperson introduced an amendment to point 11, line 1, to insert “can” between the words “workers” and “face” to avoid an undue generalization that every worker faced difficulty. He highlighted an example from Australia, where migrant workers in the automobile industry entered the country and were unionized quickly.
- 411.** The Worker Vice-Chairperson had no objection to the amendment.
- 412.** The Government member of Spain, speaking on behalf of the EU and its Member States, supported the amendment.
- 413.** The amendment was adopted.
- 414.** The Worker Vice-Chairperson submitted an amendment to line 2 to delete the sentence “Freedom of association is a means for the achievement of decent work.” She proposed a subamendment drawing on the ILC Resolution on Advancing Social Justice through Decent Work (2016) to replace the sentence with “Freedom of association is a fundamental right and an enabling condition for the realization of decent work.” Furthermore, the sentence “Overcoming these obstacles is necessary to achieving decent work” would be deleted.
- 415.** The Employer Vice-Chairperson supported the subamendment.
- 416.** The Government member of Spain, on behalf of the EU and its Member States, supported the subamendment.
- 417.** The Government members of Australia, Canada, Mexico and the Philippines also supported the subamendment.
- 418.** So did the Government member of Argentina, albeit noting that the Spanish text version needed a slight revision.
- 419.** The Government member of Zambia, speaking on behalf of the Africa group, supported the amendment.
- 420.** The subamendment was adopted.
- 421.** As a result, six further amendments to point 11 fell.
- 422.** The Government member of Zambia, speaking on behalf of the Africa group, introduced an amendment to move the last sentence of point 11 to Part III, “Moving forward: Priorities for ILO action”, and to insert it after 17(e), with the title of “*Freedom of association*”. The sentence reflected an action for the ILO to take, and should thus be reflected under Part III, which was dedicated to priorities for ILO action.
- 423.** The Worker Vice-Chairperson thanked the Africa group for raising this amendment as the Drafting Group had not had sufficient time to address the action points related to point 11. The Workers’ group supported the amendment.
- 424.** The Employer Vice-Chairperson supported the amendment.
- 425.** The Government member of Spain, on behalf of the EU and its Member States, supported the amendment.
- 426.** The amendment was adopted.

427. Point 11 was adopted.

Point 12

428. The Government member of Spain, speaking on behalf of the EU and its Member States, submitted an amendment to replace “and sex” with “, sex and migratory status”. Under the 2030 Agenda, migratory status needed to be considered in data collection.
429. The Worker Vice-Chairperson did not support the amendment. She was not sure that it would be technically possible for the ILO to collect data on migratory status, including on such statuses as regular and irregular migration.
430. The Government member of Spain, speaking on behalf of the EU and its Member States, replied that for the effective study of labour migration and forming effective labour migration policies it was necessary to have disaggregated data. Such data would not necessarily cover such statuses as regular or irregular, but could include such statuses as long-term, short-term, seasonal and permanent migration.
431. The Government member of Mexico stated that the question of defining migration status in statistics should be left to the International Conference of Labour Statisticians, which would take place in 2018. She did not support the amendment.
432. The Government member of Zambia, speaking on behalf of the Africa group, considered that the discussion should be left to expert statisticians, taking into account all the variables. The phrase “among others” implied a wide range of aspects data could cover. His group did not support the amendment.
433. The Government member of Argentina supported the view that expert statisticians should address the details of data disaggregation. He introduced a subamendment to delete “by age and sex, among others”.
434. The Government member of Chile supported the subamendment proposed by Argentina.
435. The Government member of Spain, speaking on behalf of the EU and its Member States, reiterated her view that it was important to cover all aspects of migratory status, adding that most of the draft conclusions had been written in regard to regular migrants. She submitted a further subamendment to insert “based on the 2030 Agenda” after “migratory status”.
436. The Employer Vice-Chairperson recalled that the conclusions had drawn particular attention to women and young people. The objective of the point under discussion was to explain that up-to-date data were key for effective policy-making. Particular disaggregation was important, especially disaggregation with respect to age and sex.
437. The Worker Vice-Chairperson said that it was important to have guidance from labour statisticians. It had been agreed to disaggregate data by sex and age, because of migration trends, but it was necessary to know what was possible for the ILO.
438. The Deputy Representative of the Secretary-General (Ms Tomei) explained that there was no currently agreed international definition of migratory status. There was ongoing work under the 2030 Agenda between the ILO and other relevant international organizations to arrive at an agreed definition, as well as a methodology for collecting data.
439. The Government member of Spain, speaking on behalf of the EU and its Member States, put forward a sub-subamendment to add “consistent with the 2030 Agenda”.

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440. The Worker Vice-Chairperson proposed a sub-subamendment to add “with a view to supporting the 2030 Agenda”.
441. The Government member of the United States, noting that the discussion was related to Sustainable Development Goal target 17.18, introduced a sub-subamendment to insert, at the beginning, “Recalling the 2030 Agenda’s call for better demographic data,”.
442. The Government member of Zambia, speaking on behalf of the Africa group, and the Government members of Norway and New Zealand supported the subamendment of the United States.
443. The Worker Vice-Chairperson proposed a further subamendment to replace “Up-to-date ... are key for” with “With a view to supporting the 2030 Agenda, among other initiatives, providing up-to-date, reliable and comparable disaggregated labour migration data is key for”.
444. The Government member of Switzerland pointed out that the 2030 Agenda for Sustainable Development had been mentioned in very few of the other points of the draft conclusions. It might therefore send a strange signal if its mention was limited almost exclusively to labour migration data. He strongly supported the subamendment proposed by the Government member of the United States.
445. The Government member of Spain, speaking on behalf of the EU and its Member States, proposed a further subamendment to the first sentence, to begin “Recalling the 2030 Agenda”, as it would give an inspirational message, and for the rest of the sentence to remain as proposed in the original amendment.
446. The Representative of the Secretary-General (Ms Greenfield) said that the conclusions would be preceded by a resolution on fair and effective labour migration governance, which would make reference to the 2030 Agenda and the Global Compact for Migration. They would then be submitted to the Conference, which would adopt them and request the Director-General to take account of the conclusions when preparing the future programme and budget.
447. The Employer Vice-Chairperson pointed out that points 4 and 1 also made reference to the 2030 Agenda.
448. The Worker Vice-Chairperson supported the further subamendment proposed by the Government member of Spain, on behalf of the EU and its Member States, as did the Employer Vice-Chairperson.
449. The amendment was adopted as subamended.
450. Point 12 was adopted.

Point 13

451. The Chairperson presented to the Committee a new text for point 13 that had been drafted after prolonged discussions by all three groups. He noted that this text reflected most, although not all, of the concerns and suggestions made by the groups. The text read “*13. Temporary labour migration. Temporary labour migration can be positive for labour markets of countries of origin and destination and can fill genuine short-term labour and skills gaps in certain sectors. However, careful consideration needs to be given to effective governance of temporary labour migration to protect the rights of migrant workers and*”

national workers, ensure decent work, afford equal treatment consistent with national laws and regulations and international obligations, and respect the fundamental principles and rights at work.”

- 452.** The Worker Vice-Chairperson thanked the Employers’ and Government groups for their efforts to reach a consensus, resulting in the new text. She wondered if the usual ILO terminology would be “in accordance with” rather than “consistent with” and asked the Office for clarification. It would be preferable to use existing ILO language.
- 453.** The Deputy Representative of the Secretary-General (Ms Tomei) confirmed that the usual wording used by the ILO was “in accordance with” and the proposed text was modified to take this into account.
- 454.** The Employer Vice-Chairperson thanked the Government group for their assistance towards achieving consensus. He supported the new text, replacing “consistent with” by “in accordance with”.
- 455.** There being no objections, the compromise text for point 13 was adopted.
- 456.** As a consequence of the previous discussion, all ten amendments listed under point 13 fell.
- 457.** Point 13 was adopted, as amended.

Point 14

- 458.** The Government member of Spain, speaking on behalf of the EU and its Member States, proposed an amendment to replace “and can undercut ... public perceptions” with “and human rights violations and, in some cases, can undercut the wages of local workers. When labour migration is not well managed it can therefore present problems for migrants, local communities and governments themselves. It can undermine public confidence in the ability of governments to effectively manage migration and can lead to negative public perceptions.” after “exploitation” in line 3. She explained that the amendment stressed the vulnerability of irregular migrants, as well as the challenges they, their communities and governments faced.
- 459.** She continued by introducing a subamendment which inserted “labour” before “migrants, local communities and governments themselves.” The proposed addition was more consistent with the language used throughout the discussion and conclusions.
- 460.** The Worker Vice-Chairperson introduced a subamendment which inserted “established” before “wages”, and “working conditions” after “wages”, and deleted “of local workers” after “wages”. These changes modified the text to read: “can undercut established wages and working conditions.” Removing the reference to “local workers” highlighted that irregular migrants were often exposed to conditions which resulted in lower wages, without placing the onus for this on the irregular workers themselves, and setting up local workers and irregular workers against each other. Undercut wages were the result of other mechanisms in play which facilitated the payment of lower wages.
- 461.** The Employer Vice-Chairperson, pointing to the focus on irregular workers, proposed a subamendment to delete “When labour migration is not well managed”. He argued that it was not the mismanagement of labour migration which increased vulnerabilities and presented problems to local communities and governments, but the existence of irregular labour migration. He then noted that the addition of “established” seemed redundant, but could be accepted, and requested further comment from the Governments.

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- 462.** The Worker Vice-Chairperson, in response to the Employer Vice-Chairperson’s query about the addition of the qualifier “established” to “wages and working conditions”, explained that “wages and working conditions” alone was vague since the reference lacked both context and a reference point. The word “established” provided both since it implied the existence of a location and a level of wages which could be undercut. This formulation also allowed the reference to “local workers” to be removed.
- 463.** The Government member of Spain, speaking on behalf of the EU and its Member States, supported both subamendments, but noted that for linguistic accuracy, “perceptions” should be changed to “perception”.
- 464.** The Employer Vice-Chairperson did not object to the Worker Vice-Chairperson’s proposal to insert the word “established” before “wages”. He disagreed however, with the proposal to change “perceptions” to “perception”. It was possible for multiple and different negative perceptions about migrants to co-exist.
- 465.** The Government member of the United States agreed with the proposal to retain “perceptions” in the plural form. However, while she expressed appreciation for the inclusion of “working conditions” in the text, she thought that “wages and working conditions of local workers” was clearer than “established wages and working conditions.”
- 466.** The Employer Vice-Chairperson proposed a subamendment to insert “irregular” before “migrants, local communities and governments”. He argued that since the paragraph referred to the challenges and vulnerabilities of irregular migration and irregular migrants, the problems faced would also be uniquely assumed by irregular migrants.
- 467.** He continued by proposing to insert “labour” after “effectively” to read “the ability of governments to effectively manage labour migration”. This suggestion was more consistent with the language used during the discussion and conclusions.
- 468.** The Government member of Spain, speaking on behalf of the EU and its Member States, supported the Employer Vice-Chairperson’s subamendment to clarify the reference to “irregular” migrants.
- 469.** The Government member of the Philippines supported the Worker Vice-Chairperson’s subamendment to qualify “wages” with “established” and delete the reference to “local workers”. He explained that both the wages of local workers and of regular migrant workers could be undercut by irregular migration.
- 470.** The Government member of Mexico supported the subamendment proposed by the Employer Vice-Chairperson.
- 471.** The Government member of Switzerland stated that problems related to irregular migration affected all migrants, regular and irregular alike. For this reason, he did not agree with the subamendment proposed by the Employer Vice-Chairperson to insert “irregular” before “migrants”.
- 472.** In order to retain consistency with other references in the text, the Government member of Australia proposed a subamendment to replace “labour migrants” with “migrant workers”.
- 473.** The Worker Vice-Chairperson agreed with the subamendment proposed by the Australian Government. She also disagreed with the exclusive reference to “irregular” migrants, for the reasons outlined by various Governments, and supported retaining “perceptions” in its plural form. While negative perceptions could originate from irregular migration, they could be directed at others, like regular migrants.

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474. The Government member of Spain, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Australian Government to use the term “migrant workers”.
475. The Chairperson recalled that in point 6 the text referred to “perception” in the singular form.
476. The Employer Vice-Chairperson stated that if the singular form was used in a previous context it could be retained.
477. The Government member of Chile questioned whether the reference to “negative public perceptions” referred to negative public perceptions of the government or negative public perceptions of the public at large. He proposed that the Spanish version of the text be modified to accurately reflect the latter.
478. The Government member of Spain, speaking on behalf of the EU and its Member States, reaffirmed that the reference was to negative public perceptions of the public.
479. The Government member of Zambia, speaking on behalf of the Africa group, supported the text as subamended.
480. Despite the use of the singular form of “perception” in point 6, the Worker Vice-Chairperson reiterated the importance of using the plural form in this case.
481. The Government member of Mexico proposed a subamendment to insert “puede” before “redundar” in the Spanish version in order to be consistent with the other two languages.
482. The amendment was adopted as subamended.
483. A subsequent amendment of the Workers’ group fell.
484. The Worker Vice-Chairperson submitted an amendment to add a new sentence at the end of the paragraph: “Policies offering pathways out of irregularity should promote the full integration of irregular migrant workers into societies of destination countries.” She explained that the purpose of the amendment was to create a space for solutions alongside the description of the problems of irregular labour migration.
485. The Employer Vice-Chairperson did not support the amendment. He considered that the issue would be covered adequately by point 17(g) and did not think it was necessary to add anything further in the paragraph under discussion. He also reminded the Committee that this was a controversial topic in the Drafting Group and the Group had preferred the wording in point 17(g) which was acceptable to all. Furthermore, he questioned whether it was the role of the ILO to talk about social integration, which also had cultural, linguistic, religious and other aspects. He appreciated the sentiment, but saw real challenges for the integration of irregular migrants. He felt that the question was beyond the scope of the current discussion, which was on labour issues.
486. The Government member of Australia supported the views expressed by the Employer Vice-Chairperson. The matter had been discussed at length in the Drafting Group and she considered that the existing wording of point 14 and point 17(g) adequately reflected the outcome of those discussions.
487. The Government member of Switzerland shared the sentiment of the amendment submitted by the Workers’ group, but he thought the wording in point 17(g) was sufficient. Integration was a work issue because integration often takes place in the workplace; however, many governments would have a problem with the notion of integrating irregular migrant workers.

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- 488.** The Government member of the United States shared the views of the Government member of Switzerland. Pathways out of irregularity were not in the remit of this Committee.
- 489.** The Government member of Spain, speaking on behalf of the EU and its Member States, did not support the amendment.
- 490.** The Government member of Zambia, speaking on behalf of the Africa group, questioned the need to integrate irregular migrants into their host countries. He would prefer that help be given to regular migrants. He did not support the amendment.
- 491.** The Worker Vice-Chairperson did not agree with the Employer Vice-Chairperson that pathways out of irregularity could only be mentioned in paragraph 17(g). There were other examples of cross-referencing in the draft text. She introduced a subamendment to replace the proposed sentence with “Policies offering pathways out of irregularity would support the social and economic integration of migrant workers in destination countries”, which would offer a more generalized perspective.
- 492.** The Employer Vice-Chairperson noted that no amendments had been submitted to point 17(g). The Committee could be confident that the matter of pathways would be addressed at that point in the text. He had not heard any support in the room for the present amendment.
- 493.** The Worker Vice-Chairperson replied that the objective of the subamendment was to address the concerns of the Governments. She acknowledged that no amendments had been submitted to point 17(g), but proposed that the subamended text be moved there.
- 494.** The Government member of Spain, speaking on behalf of the EU and its Member States, reiterated that there had already been much discussion in the Drafting Group on this matter. There were many possible pathways out of irregularity, but it would be a mistake to confuse them with integration, which was a separate issue. She did not support the subamendment.
- 495.** The Government member of Australia supported the views of the Government member of Spain. Point 17(g) accurately reflected the discussion of the Drafting Group. She did not support the subamendment.
- 496.** The Worker Vice-Chairperson withdrew the amendment.
- 497.** Point 14 was adopted, as amended.

Point 15

- 498.** The Government member of Zambia, speaking on behalf of the Africa group, introduced a subamendment to replace the bracketed text “[can benefit from] [should be based on]” with “will be more beneficial if they are based on” before “social dialogue”.
- 499.** The Worker Vice-Chairperson said that she could support the proposal of Zambia. As this was a point on the importance of including social partners in the coming about of these agreements it would be desirable to have a text that the social partners would agree on. She proposed a further subamendment to replace “more beneficial” with “more effective”.
- 500.** The Employer Vice-Chairperson recalled that in the drafting discussions, it had been stressed that bilateral agreements could be useful tools that could address labour market needs and the protection of migrant workers and linked to social dialogue. The issue was how to express that link based on facts. In his view, it was up to governments to harness the utility

and power of social dialogue, where relevant. It was not for the Committee or the ILO to dictate to governments that they should approach bilateral arrangements in a particular way or use a particular mechanism such as social dialogue. The Employers were happy to point to social dialogue as a mechanism to facilitate discussion, but the message should not be that there was an obligation. The Employers preferred “can benefit from”, which reflected how governments operated.

- 501.** The Worker Vice-Chairperson said that it was clear that the text of the subamendment proposed by the Government member of Zambia, on behalf of the Africa group, was intended as an encouragement and not as an obligation. It was effectively saying that social dialogue was beneficial to developing sound bilateral agreements.
- 502.** The Employer Vice-Chairperson noted that it was clear from the following amendments on point 15 submitted by Government members that they shared some of the Employers’ understanding of how social dialogue could operate in the context of bilateral agreements. Referring to table 4.1 of Report IV, on the advancement of intraregional migration and mobility regimes pursued by regional economic communities, he questioned whether there was any evidence that these regimes had been improved by social dialogue.
- 503.** The Government member of Norway stressed that the point in question related to situations “when addressing both labour market needs and the protection of migrant workers”. Such matters were directly linked to employers and workers. Her delegation preferred “based on social dialogue” but could accept the Africa group amendment.
- 504.** The Government member of Mexico said that a number of members from her region had wished to delete the sentence. Social dialogue facilitated industrial relations, but it was not clear that it had a place in the negotiation of international agreements.
- 505.** The Government member of the Philippines emphasized that social dialogue was one of the four pillars of decent work, and that the ILO’s achievements in relation to the SDGs was through tripartism. The formulation of the sentence was to provide encouragement to involve the social partners. He supported the amendment proposed by the Africa group, and proposed a further subamendment to insert the word “and” before “will be beneficial”.
- 506.** The Employer Vice-Chairperson emphasized that the message should not be prescriptive. According to figure 3.1 in Report IV, on bilateral labour migration agreements that incorporated a good practice, only 1 per cent of these agreements had been based on social dialogue. It was difficult therefore to establish a factual basis for the Africa group’s amendment.
- 507.** The Worker Vice-Chairperson expressed puzzlement as to why the Employers’ group did not wish to be involved in agreements dealing with matters of labour market needs. While there had not been many examples of agreements based on social dialogue, a number of Governments had expressed the view that such agreements could benefit from it.
- 508.** The Government member of Spain, speaking on behalf of the EU and its Member States, proposed a further subamendment to replace “will” with “can”.
- 509.** The Government members of the United States, Canada, Mexico and Zambia, on behalf of the Africa group, supported the subamendment.
- 510.** The Employer Vice-Chairperson proposed a further subamendment to replace “if they are based on social dialogue” with “if they are informed by social dialogue”, as it better reflected government practice.

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- 511.** The Worker Vice-Chairperson did not support the subamendment and preferred the version proposed by the EU.
- 512.** The Government member of the Philippines recalled that the subamendment proposed by the EU and its Member States had been supported by a number of Government members and appeared to enjoy support.
- 513.** The Government member of Pakistan noted that policy derived from bilateral agreements should be open to social dialogue, whereas the actual negotiation of the agreements was the business of governments.
- 514.** The Government member of Thailand supported the EU subamendment.
- 515.** In view of the discussion, the Chairperson noted that the Employers' subamendment did not have support. The subamendment proposed by the EU, however, did appear to enjoy substantial support.
- 516.** The Employer Vice-Chairperson wished to place on record that while there might be wide acceptance of the subamendment, his group did not support it.
- 517.** The amendment was adopted as subamended.
- 518.** As a consequence, four subsequent amendments fell.
- 519.** Point 15 was adopted.

Point 16

- 520.** The Chairperson indicated that there were no amendments to point 16.
- 521.** Point 16 was adopted.

Point 17

- 522.** The Government members of the EU and its Member States submitted a linguistic amendment affecting the French text, to replace "chef de file" with "de premier plan".
- 523.** The amendment was adopted.
- 524.** The Government member of Spain, speaking on behalf of the EU and its Member States, submitted an amendment to the chapeau of point 17 to insert the following sentence after the first sentence: "This document should guide the ILO's contribution to the development of the Global Compact for Safe, Orderly and Regular Migration." She explained the conclusions of the Committee should not only be an important contribution to the development of this Global Compact, but also guide the ILO's future work in this area. With this explanation, she subamended her amendment to insert ", and the ILO's further work in this area" after "Migration".
- 525.** The Worker Vice-Chairperson supported the proposed amendment but suggested that the text should read "should assist in guiding the ILO" as opposed to "guide". Guidance would also come from other sources.

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- 526.** The Employer Vice-Chairperson thanked the EU for their direction on the Global Compact for Migration. However, he pointed out that other approaches, complementing the conclusions could also be used by the Office to develop the Global Compact for Migration. With this in mind, he proposed to subamend the amendment by replacing the word “guide” with the word “assist”. He also pointed out that point 17(i) contained guidance to the ILO with regard to collaboration with relevant institutions that deal with labour migration. He suggested to park this amendment until the discussions on 17(i) had been concluded, and then to return to discussing the chapeau.
- 527.** The Worker Vice-Chairperson said that the contribution which the conclusions would make to the Global Compact for Migration was beyond doubt. Stating that these conclusions would assist the ILO in the development of the Global Compact for Migration should not cause problems. She saw no reason to park this amendment.
- 528.** The Government member of the Philippines also did not wish to park this amendment.
- 529.** The Government member of Mexico supported the amendment, considering that the Global Compact for Migration would be one of the most important international agreements related to migration.
- 530.** The Employer Vice-Chairperson was of the opinion that this amendment would be a repetition of point 3(b) of the *Draft resolution concerning fair and effective labour migration governance* which would be adopted by the Committee. In addition, points 3(a) and 3(c) of this resolution already requested the ILO to prepare a plan of action and to take into account the conclusions when preparing future programmes. He also cited point 4 of the draft conclusions which stated the importance of the ILO’s unique tripartite structure and leadership role in decent work in labour migration, as well as its strong contribution to the Global Compact for Migration.
- 531.** The Worker Vice-Chairperson said that the current discussion was on the draft conclusions and that the resolution would be based on these discussions; with this logic, points had to be discussed in order. She opposed parking this amendment.
- 532.** The Government member of Spain, speaking on behalf of the EU and its Member States, acknowledged that there were other parts of the document speaking to the ILO’s role in the Global Compact for Migration. But this was a proper place for this text as it would come under the heading “Priorities for ILO action”.
- 533.** The Employer Vice-Chairperson said they were persuaded, but warned that they did not want to have the amendment repeated again in point 17(i).
- 534.** The Worker Vice-Chairperson pointed out that point 17(i) was an action point while the chapeau would be merely an introductory text.
- 535.** The Government member of Spain, speaking on behalf of the EU and its Member States, stated that they wished to be ambitious and show the role of the ILO.
- 536.** The Worker Vice-Chairperson introduced a subamendment to state: “This document should guide the ILO’s further work in this area, including its contribution to the development of the Global Compact for Safe Orderly and Regular Migration.”
- 537.** The Employer Vice-Chairperson supported the subamendment, provided it would also be supported by the EU.

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- 538.** The Government member of Spain, speaking on behalf of the EU and its Member States, supported the subamendment.
- 539.** The Government member of Brazil took to the floor to state that, while he did not oppose the amendment and thought that it gave a clear message on the ILO's contribution to the Global Compact for Migration, two problems had to be noted that would arise from the subamendment. First, it referred only to the development of the Global Compact for Migration, not its implementation, whereas clause 17(i) also spoke of its implementation. Second, it was not clear whether the change to the chapeau would refer to the whole document or only the actions that followed in the subsequent clauses of point 17. If the whole document was being referred to, this might not be the best place to introduce the subamendment. If actions were being referred to, the language should be more direct.
- 540.** The Government member of Mexico supported the inclusion of the reference to the Global Compact for Migration and expressed her understanding that the ILO's contribution would not only be in the process of development but also in the implementation of the framework achieved under the Global Compact for Migration.
- 541.** The Government member of the Philippines supported the subamendment introduced by the EU.
- 542.** The Chairperson noted that the text was compromise language that had the support of the majority on the floor.
- 543.** The Worker Vice-Chairperson clarified that the Government member of Mexico had proposed deleting the word "development" through their earlier intervention. She clarified that this was a chapeau and that the action points would be outlined in subsequent clauses.
- 544.** The Chairperson explained that he was seeking support for the text on the screen, and that no subamendment had been submitted by the Government member of Mexico .
- 545.** The subamendment introduced by the Workers was adopted.
- 546.** The Committee adopted the chapeau of point 17.

Point 17(a)

- 547.** The Worker Vice-Chairperson withdrew their amendment to point 17(a).
- 548.** The Committee adopted point 17(a).

Point 17(b)

- 549.** The Committee adopted point 17(b) without amendment.

Point 17(c)

- 550.** The Chairperson presented to the Committee a new text for point 17(c) which was the product of thorough discussion by all three groups. The compromise text reads as follows: "Subject to a Governing Body decision, the Office should assess the impact and effectiveness of this work through a high-level evaluation or other appropriate method within five years, for the Governing Body to determine whether further action is necessary."

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- 551.** The Worker Vice-Chairperson clarified that the new text would replace the bracketed text at the end of paragraph (c), not the whole paragraph.
- 552.** The Employer Vice-Chairperson thanked all those who had helped with the crafting of the new text. He supported the text.
- 553.** The Government member of Zambia, speaking on behalf of the Africa group, supported the new text.
- 554.** The compromise text was adopted.
- 555.** As a consequence, four amendments listed under point 17(c) fell.
- 556.** Point 17(c) was adopted, as amended.

Point 17(d)

- 557.** An amendment to point 17(d) fell, in consideration of an earlier amendment in point 12.
- 558.** The Committee adopted point 17(d).

Point 17(e)

- 559.** The Government member of Spain, speaking on behalf of the EU and its Member States, stated that their amendment to line 3 to insert “as set out in Social Protection Floors Recommendation, 2012 (No. 202),” was introduced with the purpose of clarity, in particular for the Spanish translation. The delegate withdrew the amendment, in consideration of earlier discussions and the additional reference to Recommendation No. 202 made in point 10.
- 560.** The Worker Vice-Chairperson introduced an amendment after clause 17(e) to add the following new clause: “Freedom of Association: Work with ILO constituents to identify obstacles to freedom of association for migrant workers and assess the most effective measures and strategies to address them.” The Workers’ group was ready to withdraw this amendment after receiving clarification from the Chairperson that an earlier amendment to point 12, submitted by the Government member of Zambia on behalf of the Africa group would be inserted at this point of the text.
- 561.** The Chairperson confirmed that the amendment introduced by the Government member of Zambia on behalf of the Africa group was moved to this paragraph, and it was displayed on the screen to read: “The ILO should work with its constituents to identify obstacles to freedom of association for migrant workers and assess the most effective measures and strategies to address them.”
- 562.** The Worker Vice-Chairperson noted that their amendment used the same content as the one by the Africa group, but that the Workers’ draft had adapted the language to fit with other clauses of point 17. She asked the Office to take care of language edits.
- 563.** The Employer Vice-Chairperson agreed that the Office should align the language and confirmed that the paragraph had been adopted the preceding day.
- 564.** The Workers’ group withdrew their amendment.

565. The Committee adopted point 17(e).

Point 17(f)

566. The Government member of Spain, speaking on behalf of the EU and its Member States, submitted an amendment to point 17(f) in line 3, to replace “workers and ... markets,” with “workers, national labour conditions and markets, and the development impact of labour migrants in their countries of origin,” in order to reflect all considerations that should be made while examining temporary labour migration regimes, including in countries of origin.
567. The Worker Vice-Chairperson thanked the EU for bringing forward this amendment. She suggested, however, that the conclusions should not refer to the development impacts of migrants, but to the impact of labour migration on countries of origin, to avoid linking development to individuals and to broaden the scope of the comparative analysis. She therefore introduced a subamendment to replace “labour migrants” with “labour migration”.
568. The Employer Vice-Chairperson stated that they did not oppose the content of the subamendment, but wanted to submit a subamendment to clean up the language, suggesting to replace “the development impact of labour migration” with “and on development in countries of origin”.
569. The Government member of Pakistan explained that they were flexible with the language that would be adopted through the amendment, but cautioned that the text should seek to strike the right balance. Development impacts of labour migration, especially temporary migration, occurred in both countries of origin and destination. The delegate introduced a subamendment to suggested adding “and destination” after “countries of origin”.
570. The Chairperson called for secondment of the subamendment introduced by the Government member of Pakistan.
571. The Worker Vice-Chairperson expressed her agreement, stating that the development impact was not only in countries of origin, and recalled that many Governments had asked for inclusion of countries of transit as well. She therefore requested a further subamendment to add “countries of transit” after “countries of origin”.
572. The Government member of Mexico supported the subamendment submitted by the Worker Vice-Chairperson.
573. The Government member of the United States raised concern over the scope of the study that was now being proposed. Assessing the impact of labour migration on development in a single country was a huge task that required ILO expertise, as well as the expertise of many other actors. She expressed concerns over the scope of the demands that would be placed on the Office and the resources it would take to produce such an examination, and therefore proposed a further subamendment to insert “and, as appropriate, work with other relevant agencies to assess the development impact in countries of origin, transit and destination” after “... national labour conditions and markets,”. This would take into account the ongoing work of the ILO as part of the Global Migration Group, and with the World Bank under the Global Knowledge Partnership on Migration and Development Initiative, among others.
574. The Chairperson called for secondment of this subamendment and noted several Governments indicating their support. The subamendment was therefore included in the discussion.

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- 575.** The Government member of the Philippines cautioned that the meaning of the original point was beginning to change with the various amendments made to it. He noted that the reference to “development impact” had a positive connotation, while exclusively positive outcomes were not always a reality in the case of temporary labour migration regimes, which also resulted in challenges of brain drain, increased labour shortages in countries of origin, and social costs such as separation of families. He asked that the word “development” be replaced with a more neutral term.
- 576.** The Worker Vice-Chairperson agreed that the most important message risked getting lost with the various changes. She noted that temporary schemes were usually geared towards the countries of destination, and, depending on the negotiating power of the country of origin, would to a lesser extent reflect the needs of the latter. She suggested to withdraw her subamendment to refer only to “countries of origin”.
- 577.** The Government member of Spain, speaking on behalf of the EU and its Member States, noted that a “development impact” could both be positive or negative and did not have any connotations attached. When the impact was analysed, the positive or negative aspects would be identified.
- 578.** The Worker Vice-Chairperson retracted her previous statement and confirmed that the Workers’ group would like to keep mention of “countries of origin, transit and destination”. She agreed with the remarks made by the Government member of the United States, and suggested that the constituents should provide the Office with the time and means to implement the proposed study.
- 579.** The Government member of Bangladesh introduced an additional subamendment to delete the word “development”, leaving only “impact”, in line with the intervention made by the Government member of the Philippines.
- 580.** The Government member of Mexico asked whether or not the timing, scope and content of the study could be modified by the Governing Body of the ILO.
- 581.** The Worker Vice-Chairperson noted that the text could be read and interpreted in various ways and that it was important for all delegates in the room to have a clear understanding that the comparative analysis would be undertaken of different schemes to assess their impact in general terms, and, where appropriate, work should be done with relevant agencies to assess the development impact. She suggested that the study should perhaps be limited to only countries of origin.
- 582.** The Government member of Zambia, speaking on behalf of the Africa group, assured that their group had carefully looked at the subamendment introduced by the Government member of Bangladesh to delete the word “development”. The group understood the clause to ask the Office to conduct an assessment of the impact of temporary labour migration schemes, where possible in a collaborative manner, and to submit the findings to the Governing Body. In this understanding, the Africa group supported the subamendment by the Government member of Bangladesh.
- 583.** The Representative of the Secretary-General (Ms Greenfield) intervened to express concern over the scope of work being proposed by constituents, particularly in terms of resources, times and technical expertise needed, noting the reality of a crowded agenda where resources were parcelled out carefully. The Office proposed either a staged approach, or a reversion to the original language brought forward by the Drafting Group.

584. The Deputy Representative of the Secretary-General (Ms Tomei) was alarmed by the demands being placed on the Office, noting not only the scope of work but raising also methodological aspects. She explained that the ILO, in collaboration with the OECD, was currently assessing the impact of labour migration on developing/emerging countries that were countries of destination for migrant workers. The work was ongoing but raised questions over which indicators to consider when determining the impact. Reverting back to the original text would allow the plan of action to be proposed to the Governing Body in November to determine what was feasible through such a proposed study.

585. The Government member of Spain, speaking on behalf of the EU and its Member States, granted that if the Office was concerned about the feasibility of the scope of the activities proposed by amendment, this was of equal concern to the EU. For this reason, she withdrew the amendment.

586. The Employer Vice-Chairperson stated that, although the amendment fell, if it had not fallen, the Employers' group would have proposed to insert "and sustainability of enterprises" after "labour conditions and markets". Part of analysing labour market conditions included understanding the reasons for which employers needed temporary migrants in their companies. This would have been an important element to consider in the study which had been proposed by the amendment which had fallen. The original text prepared by the Office was nonetheless preferable to the proposed amendment.

587. Point 17(f) was adopted.

Point 17(g)

588. Point 17(g) was adopted.

Point 17(h)

589. The Worker Vice-Chairperson proposed an amendment to replace "both labour market needs" with "labour market needs, workforce sustainability" in line 6. She explained that "workforce sustainability" referred to the brain drain experienced by countries of origin. When countries of origin sent qualified workers, like health-care professionals, to destination countries, countries of origin often experienced difficulties managing their own shortages for these types of qualified workers. For this reason, it was important to consider labour market needs and worker protection, but also to consider the wider impact that migration had on countries of origin, like their workforce sustainability.

590. The Employer Vice-Chairperson proposed a subamendment to end the point after "multilateral agreements" in order to make the point clearer and more concise.

591. The Worker Vice-Chairperson alleged that the intention of the Employer Vice-Chairperson's subamendment was to change the meaning of the original amendment. She considered this to be in violation of the procedural rules and requested clarification from the secretariat.

592. The Coordinator of the secretariat (Ms Tabbara) confirmed that subamendments could fine-tune, but not change, the original intention of an amendment.

593. In light of the secretariat's response, the Employer Vice-Chairperson rejected the amendment proposed by the Worker Vice-Chairperson. "Workforce sustainability" was not a concept widely understood and its inclusion would generate confusion for those who had not participated in the discussion.

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- 594.** The Government member of Pakistan remarked that workforce sustainability was included during exchanges on best practices used in the design of bilateral agreements. For this reason, he rejected the amendment.
- 595.** The Government member of Spain, speaking on behalf of the EU and its Member States, stated that she did not understand workforce sustainability as a concept. Without this understanding, she could not accept the amendment.
- 596.** The Government member of the Philippines, stated that workforce sustainability related to brain drain suffered by countries of origin. He proposed that one means to address the skill shortages in countries of origin was through training developed in collaboration with destination countries. He expressed his support for the amendment.
- 597.** The Worker Vice-Chairperson introduced a subamendment to replace “, workforce” with “and”.
- 598.** The Government member of the Philippines felt comfortable with this new wording as well.
- 599.** The Employer Vice-Chairperson pointed out that “workforce sustainability” was not a known concept that could be easily understood. Labour market needs included the needs of enterprises for sustainability. The amendment did not add anything useful to the text and he did not support it.
- 600.** The Worker Vice-Chairperson proposed a subamendment to replace “address both labour market needs” with “address labour market needs in countries of destination, the effect of migration in countries of origin, and the protection of migrant workers”.
- 601.** The Government member of Uruguay proposed a subamendment to replace “address ... migrant workers.” with “address the needs of labour markets in countries of origin, transit and destination and the protection of migrant workers.”
- 602.** The Worker Vice-Chairperson asked whether the Office knew of existing bilateral or multilateral agreements that had taken into account the needs of countries of transit. If not, then the word “transit” could be omitted.
- 603.** The Deputy Representative of the Secretary-General (Ms Tomei) confirmed that bilateral agreements tended to focus on countries of origin and of destination; the labour market needs of countries of transit were not usually taken into account. The word “transit” was thus removed.
- 604.** The Employer Vice-Chairperson was concerned that the powerful concept encapsulated in the original text was being diluted by the addition of extra clauses. One had to keep in mind that there were buyers and sellers in any market and that numerous countries were interested in getting a share of the worldwide flow of remittances. Bilateral agreements were often reached only after labour migration had already been established. Research and impact assessments were therefore rendered impractical. He proposed a further subamendment to add “, as appropriate,” after the word “destination”.
- 605.** The Government member of Pakistan gave to consider that bilateral labour agreements would inherently address labour market needs.
- 606.** The Worker Vice-Chairperson voiced her discomfort in characterizing a labour market where workers were sold, and challenged the Employer Vice-Chairperson to use a different term. She also noted that some countries had poorer negotiating powers than others. More

work needed to be done to draw attention to this in bilateral agreements. She submitted a further subamendment to reinstate “, transit”.

- 607. The Chairperson observed that he had not heard any objections to the subamended text.
- 608. The amendment was adopted as subamended.
- 609. Point 17(h) was adopted.

Point 17(i)

- 610. The Chairperson presented to the Committee the following new text for point 17(i) that had been drafted in cooperation by all three groups: “Collaboration with relevant institutions that deal with labour migration. Deepen collaboration with the Global Migration Group, in particular the International Organization for Migration and the Office of the United Nations High Commissioner for Human Rights, including in the process leading to the adoption and implementation of the Global Compact for Safe, Orderly and Regular Migration. Make full use of the ILO’s unique tripartite nature and normative framework.”
- 611. The Government member of the Philippines asked why collaboration was limited to the three partners mentioned, when others could also be included.
- 612. The Chairperson explained that the text was a compromise, arrived at after long negotiations and suggested that it would not be wise to change it at this point.
- 613. The Government member of the Philippines withdrew his question.
- 614. The compromise text was adopted.
- 615. As a consequence of the previous discussion, seven amendments under point 17(i) fell.
- 616. Point 17(i) was adopted, as amended.
- 617. Point 17 was adopted, as amended.
- 618. Heading III was adopted.

Adoption of the conclusions as a whole

- 619. The Chairperson stated that the discussion was concluded and the set of conclusions in its entirety could be adopted as amended.
- 620. The conclusions were adopted as amended.

Adoption of the resolution

- 621. The Chairperson turned to the draft resolution, explaining that this was based on a standard text which had been adapted to the circumstances. It had been discussed in and approved by the Drafting Group.
- 622. The Worker Vice-Chairperson and the Employer Vice-Chairperson both approved the draft resolution.

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623. With the approval of the Vice-Chairpersons, the Chairperson declared the resolution as adopted.

Closing remarks

624. The Representative of the Secretary-General (Ms Greenfield), emphasizing the difficulty of the issues addressed, said that the debates over the previous ten days had demonstrated the seriousness of the purpose of the ILO and its tripartite constituents in bringing to the fore topics that were critical to the world of work. She had been impressed with the seriousness with which the constituents had approached their task. She expressed the hope that the conclusions would prove to be relevant, useful and have impact on labour migration. She thanked the Chairperson for the manner in which he had dealt with the discussions, allowing everyone to air differences in a positive way. She thanked the Vice-Chairpersons for providing clarity on issues and the Government members for endeavouring to build bridges where necessary. She thanked the different members of the Secretariat for their contribution to such an immense and important worldwide phenomenon.
625. The Worker Vice-Chairperson thanked the members of her own group for bringing real life experience to inform the discussions on the meaning of migration and raise concerns over the effect of migration on the world of work. She expressed her gratitude to all the workers who had made the work of the Committee possible, including staff working in the cafes and restaurants and the interpreters – some of whom could well be migrants with different statuses and backgrounds. She commended the Employer Vice-Chairperson on his ability to find a way to negotiate by taking a good social dialogue approach. She thanked the Government members, including the Government member of Spain, who had represented the EU and its Member States with excellent support from her colleagues, and the Government member of Zambia, who had represented the Africa group with much interest and knowledge from a region with significant experience of labour migration, and the valuable contributions of all other governments. She thanked the Office and the secretariat for providing services, knowledge and expertise, and especially the Chairperson for undertaking his task so skilfully and calmly throughout the discussion.
626. The Employer Vice-Chairperson said that the Committee could be proud of having made a substantial contribution through a set of cogent conclusions with a very human dimension, which would be relevant to many migrants and provide an opportunity to address the issues and decide on action to be taken going forward, including to the highest UN level. He thanked the Government members for their substantial contributions, attempting throughout to put negotiations on course and find ways through difficult issues. He expressed particular gratitude to the useful feedback provided by Government members from countries of origin, where so many nationals were working overseas, often for extended periods. He thanked the Office for its excellent report and initial set of draft conclusions which showed that the Office had genuinely listened to the general discussion. He also thanked the Worker Vice-Chairperson, who was a fierce advocate for her people, for her pragmatic and constructive input, and the Chairperson for his calm and organized demeanour and subtle changes of gear. Lastly, he thanked his advisory colleagues in the IOE and ACT/EMP and his colleagues from the Drafting Group, who had provided invaluable input and patience.
627. The Government member of Malta, speaking on behalf of the EU and its Member States, expressed his thanks to the Chairperson, the Vice-Chairpersons, the other Governments and the Office. The topic of migration and the work of the Committee was of utmost importance at the national, regional and global policy levels. While the focus of the discussions had been on regular migrant workers, the EU was fully committed to promote, protect, and respect human rights and the fundamental rights at work of migrants, irrespective of their status. He continued by expressing his appreciation for the conclusions which reflected the values of

the EU and its Member States and was satisfied with the results which helped to promote and ensure decent work and effective labour migration governance. Furthermore, the action-oriented conclusions would guide future work on labour migration.

- 628.** The Government member of Zambia, speaking on behalf of the Africa group, thanked the Chairperson for having very ably and professionally guided a debate on the extremely complex matter of labour migration. He expressed appreciation to the Vice-Chairpersons for their constructive and objective contributions to the discussions, which underpinned the value of social dialogue. He also thanked the Workers' and Employers' delegates, other Government members, and in particular all the African States in the Africa group for their inputs to a very fruitful debate. The conclusions reached by the Committee were much appreciated by the Africa group, as migration affected Africa in diverse ways. He expressed the hope that the outcomes of the discussions would guide the ILO's future work and that of the Africa group on labour migration governance and be a meaningful contribution to the Global Compact for Migration. He appreciated the commitment of the Office and thanked the interpreters who enabled the Committee to "deliver as one".
- 629.** The Chairperson thanked everyone present for their hard work, determination and commitment. Chairing this Committee had given him the opportunity to see first-hand the value of a tripartite process and that of social dialogue; what appeared insurmountable could be resolved in this way. The adopted conclusions were squarely focused on labour migration, were action-oriented, provided specific guidance and would contribute to the Global Compact for Migration and other processes. The two Vice-Chairpersons had truly impressed him as great advocates, committed to their causes, continuously striving to find solutions. They deserved sincere thanks, as did the secretariat, the translators and interpreters. He declared the final sitting of the Committee closed.

Geneva, 16 June 2017

(Signed) S.G. Reyes Castro
Chairperson

S. Barklamb
Employer Vice-Chairperson

C.E. Passchier
Worker Vice-Chairperson

C. Mushy
Reporter

Appendix

Fate of amendments to the draft conclusions

1. The following amendments were adopted:

D.78	D.33	D.52
D.27	D.31	D.61
D.54	D.80	D.77
D.17	D.76	
D.62	D.28	

2. The following amendments were adopted, as subamended:

D.35	D.65	D.69
D.16	D.5	D.47
D.66	D.73	
D.32	D.70	
D.79	D.59	

3. The following amendment was rejected:

D.13	D.11
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4. The following amendments fell:

D.18	D.58	D.21
D.10	D.71	D.57
D.15	D.60	D.68
D.14	D.51	D.64
D.53	D.38	D.67
D.7	D.24	D.20
D.12	D.37	D.56
D.75	D.72	D.82
D.30	D.23	D.46
D.26	D.50	D.19
D.29	D.22	D.55
D.74	D.36	D.83
D.39	D.4	
D.25	D.48	

5. The following amendments were withdrawn:

D.63	D.6	D.44
D.34	D.49	D.81
D.9	D.45	
D.8	D.84	