

**UNITAR/UNFPA/IOM/ILO Labour Migration Workshop
UN, NY, 15 March 2006**

Session: Introduction-Globalisation and International Labour Mobility

**Promoting Decent Work: Labour Migration and International Standards
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“Decent Work” is now an internationally accepted term, promoted by the ILO as an overarching concept.

- Decent work addresses the **quality of employment** and sums up the **aspirations of people** in their working lives to obtain decent and productive work.
- **According to Mr. Somavia, ILO Director General**, “The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity.”
- The ILO does this through the promotion of its Decent Work Agenda
- Decent Work is not restricted to the promotion of labour standards as is wrongly assumed, it includes fundamental principles and rights at work, (its standards component), but also employment promotion, social protection and social dialogue. These four components work together to produce Decent Work.

Let’s now turn to Globalization, Decent Work and migration

- **There is a serious global jobs crisis:** Half of all the workers in the world – some 1.4 billion people – are the working poor – currently living in families that survive on less than US \$2 a day.
- In terms of people with no work at all, unemployment is at its **highest point ever** and continues to rise – it now stands at nearly **192 million** worldwide, or about **6 per cent** of the global workforce. Of these unemployed, the ILO estimates **that 86 million**, or about half the global total, are young **people aged 15 to 24**.
- **Growth is simply not delivering enough jobs.** Economic growth is insufficient to reverse the deficit in decent work and reduce poverty. Unfortunately, the policies we have now to create jobs and reduce poverty are not working in many countries. The global jobs crisis is also creating a deficit of Decent Work, as defined earlier with its four components of rights at work, right to work, social protection and voice.
- The ILO Director General has again stated that **the single greatest failure of globalization has been its “inability to create jobs where people live”**.

- **Globalization has succeeded in integrating markets for goods, services and finance across borders but its impact on the movement of people and labour has been quite limited.** This is due to various immigration barriers and border controls by nations, based on their sovereign right on immigration matters.
- At the same time, globalization has increased migration pressures in developing countries through inadequate job creation and increasing disparities in incomes and wealth across nations, and to quote Mr. Somavia again, ***“When people cannot find work at home in their communities and societies they look elsewhere. In the present environment, labour migration easily becomes a source of tension, not to speak of human trafficking and other similar activities.”***
- Globalization has led to some liberalization of the demand for skilled workers. Demographic changes are also creating a demand for replacement migration in high income countries.
- Although **developing countries have a surplus in low skilled workers, and there is a demand for such labour in developed countries, there are few legal migration opportunities.**
- In the face of migration barriers and the demands for greater migration control in the receiving countries, a significant number **may resort to migrate as asylum seekers and refugees or in irregular situations.** The situation also creates many opportunities for traffickers and smugglers of human beings.

Let's now take a closer look at Decent Work and Labour Migration

- International labour migration cannot by itself act as a safety valve, and cannot solve the issue of the jobs crisis. **Migrant workers form only 3-4 % of the global work force.**
- Most of the world's migrants are migrant workers. In 2000, there were roughly **81 million** economically active migrants and with their families, almost 90 percent of total international migrants, was estimated at 175 million. Refugees and asylum-seekers account for about 10 % of migrants.
- The concept of Decent Work when applied to the home countries of migrants refers to the creation of rewarding employment opportunities at home, which would tend to keep people in place. A major component of the **2004 International Labour Conference Resolution on a fair deal for migrant workers** is the call for the implementation of the Global Employment Agenda at national level, which would help address this issue.
- In the **destination countries**, Decent Work refers to the situation of migrant workers. In general, decent work deficits or gaps are high in most receiving countries and this erodes the **potential benefits of migration for all parties**, as well as seriously undermines its development impact.
- **What can be the decent work deficits for a migrant worker?** Gaps in Decent Work may occur in all four components of Decent Work, i. e. rights, employment, social protection and social dialogue

- **Rights deficits:** basic human rights are denied to some migrant workers who work in conditions of forced labour and slavery (as can be the case for domestic migrant workers and trafficked persons); denial of equal treatment and gender inequality and discrimination;
- **Employment deficits:** Migrant workers face much higher unemployment and underemployment. They are often confined to the informal sector with poor quality jobs; lack of recognition of skills and experience; second generation migrants also encounter serious employment problems, and migrants in general face high levels of discrimination and growing xenophobia;
- **Social protection deficits:** unsafe and hazardous work involving **dirty, dangerous and degrading** jobs (the 3-D's); insecure income, and inadequate protection and solidarity in the face of disease, disability and old age; lack of portability of social security rights and pensions. Workers in irregular status pay into social security systems with no return.
- **Social dialogue deficits:** no freedom of association; lack of representation and voice.

Let's look at the international to protect migrant workers.

- The ILO Constitution refers to the need for **“protection of the interests of workers when employed in countries other than their own”**. When we know that the Constitution was adopted in 1919, we realize that since its inception, the ILO has recognized that **migrant workers face certain, unique circumstances and are more vulnerable due to their status as non-nationals of the countries in which they work.**
- The rights of Migrant Workers, the protection of their human rights and the promotion of their equal treatment and opportunity are enshrined in the **ILO Constitution (1919)**, the **Declaration of Philadelphia (1944)** and the **Declaration of Fundamental Principles and Rights at Work (1998)**. These are three fundamental documents for the Organization.
- The ILO's international labour standards serve as a yardstick to ensure the quality of jobs and decent work and still constitute the most important building blocks for the protection of migrant workers at the international level.
- **All ILO standards** apply to migrant workers **unless specifically stated otherwise.**

Migrant-Specific Instruments

- Several ILO instruments relevant to migrant workers stress the importance of **international cooperation in the area of labour migration, including the adoption of bilateral agreements.**
- The first international instruments providing more comprehensive solutions to the problems facing migrant workers include the ***Migration for Employment Convention, 1949 (Revised) (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)***
- ILO instruments call for measures aimed at regulating the conditions in which migration for employment occurs, combating irregular migration and labour trafficking, implementation of

measures to detect illegal employment of migrants with the aim of preventing and eliminating abuses, encourage cooperation between States, employer's and workers' organizations.

- The instruments define parameters for recruitment and contract conditions, participation of migrants in job training and promotion, and for family reunification and appeals against unjustified termination of employment or expulsion. They also contain special provisions on access to social services, medical services and reasonable housing.
- The instruments call for the adoption of a policy to promote and guarantee equality of treatment and opportunity between regular status migrants and nationals in employment and occupation in the areas of access to employment, remuneration, social security, trade union rights, cultural rights and individual freedoms, employment taxes and access to legal proceedings.
- Some principles and rights at work that derive from the ILO Constitution and that have been expressed and developed **in eight ILO Conventions are deemed to be fundamental** for the protection of the human rights for all workers, including migrant workers by the international community and the ILO.
 - Including: **The Forced Labour Convention**, 1930 (No. 29) and the **Abolition of Forced Labour Convention**, 1957 (No. 105), 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); the **Equal Remuneration Convention**, 1951 (No. 100) and the **Discrimination (Employment and Occupation) Convention**, 1958 (No. 111); and the **Minimum Age Convention**, 1979 (No. 138) and the **Worst Forms of Child Labour Convention**, 1999 (No. 182).
- **Ratification and Promotion of Conventions:** The 1998 ILO Declaration on Fundamental Principles and Rights at work states that, "all members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of their membership of the Organization, to respect and to promote and to realize in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions"
- **ILO Conventions and Decent Work:** While unmistakably the eight core ILO Conventions must be promoted without delay for all workers, migrant workers' rights are not only a matter of fundamental rights, the ILO believes they are equally important to the promotion of decent work for all migrant workers.
- **Promotion of Equal Treatment of Social Security:** The ILO instruments that promote equality of treatment between migrant workers and nationals in the area of social security are particularly relevant. The most recent Equality of Treatment (Social Security) Convention, 1962 (No. 118) broadens the scope of protection and specifically establishes the right to equality of treatment in all of the nine branches of social security between nationals and non-nationals of a State which has also ratified the Convention.
- **The Maintenance of Social Security Rights Convention, 1982 (No. 157):** This Convention institutes an international system for the maintenance of acquired rights and rights in the course of acquisition for workers who transfer their residence from one country to another, and which ensure the effective provision of the benefits abroad when they return to their country of origin.
- **Private Employment Agencies Convention (No. 181), 1997:** Considering the increase in private employment agencies dealing with the recruitment of migrant workers, this

Convention has become one of the most relevant ILO standards for migrant workers today. It requires ratifying States to adopt measures to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies.

- **The Protection of Wages Convention, 1949 (No.95):** This Convention also deserves particular attention as it provides for the settlement of wages due upon the termination of a contract and prohibits “any deduction of wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment”.

The ILO Multilateral Framework on labour migration¹

- Adopted by the Tripartite Meeting of Experts in Geneva on 31 October to 2 November 2005. This document is expected to be endorsed by the Governing Body at its March.
- A Non-binding framework of principles and guidelines for a rights-based approach to labour migration that develops a comprehensive compilation of relevant principles, guidelines and best practices in relation to labour migration. The Framework was developed as a follow-up to the mandate given to the ILO in the 2004 International Labour conference Resolution on **a fair deal for migrant workers in the global economy**.
- This document is available on the ILO webpage (see below) and can be consulted for further information

¹ <http://www.ilo.org/public/english/standards/reIm/gb/docs/gb295/pdf/tmmflm-1.pdf>