



**UN Secretary-General's report on
the Global compact for safe, orderly and regular migration
Inputs of the International Labour Organization**

The Global Compact offers the international community the opportunity to improve workplace productivity and deliver decent work outcomes for migrant and national workers, as well as to shift current misperceptions of migration, by readjusting migration policies to effectively include *all labour market aspects*. Laws, policies and institutions, in the country and across borders, matter greatly in achieving this goal.

Most migration today is linked directly or indirectly to the search for decent work opportunities.¹ Even if employment is not the primary driver, it usually features in the migration process at some point.² ILO estimates that there are 150 million migrant workers, representing over 65 per cent of all migrants. Among migrant workers, 56 per cent are men and 44 per cent are women. Migrant workers account for 4.4 per cent of all workers, and have higher labour force participation rates than non-migrants globally (73 per cent and 64 per cent respectively).³

Evidence suggests that poorly governed labour migration can increase the incidence of irregular migration and raise the risk of exploitation for migrant workers and governance challenges for countries of origin, transit and destination. For low-wage workers, these risks include: being trapped into jobs with poor wages and working conditions, often in the informal economy; exposure to violations of labour and other human rights; dangerous workplace and health hazards; child labour; forced labour; debt bondage; trafficking in persons; and other decent work deficits.⁴ Exploitative recruitment practices, at the very start of the migration process, add to the challenge through exorbitant recruitment fees and other costs charged to migrant workers. The mismatch of skills to the jobs available in destination countries; separation of families; and absence of social protection also contribute to the social and economic costs of migration.

Conversely, when labour migration is well-governed, fair and effective, it can deliver benefits and opportunities for migrant workers, their families, and host communities alike. It can balance labour supply and demand, help develop and transfer skills at all skill levels, contribute to social protection systems, foster business innovation, and enrich communities both culturally and socially. Below, suggestions are put forward on the Global compact's possible structure, elements, commitments and means of implementation that can most contribute to delivering on these goals.

(1) Structure and elements of a global compact for safe, orderly and regular migration

Structure: During the GCM consultations, we have taken note of the high priority member States have attached to the issue of labour migration and mobility. As such, the structure of the Compact should include a dedicated section on labour migration and mobility and its governance. ILO's constituents reinforced this as a priority area for GCM action at the 2017 International Labour Conference (ILC).⁵

¹ ILO: World of work report: Developing with jobs (Geneva, 2014).

² ILO-OECD-World Bank, *The Contribution of Labour Mobility to Economic Growth*, joint paper for the G20 Labour and Employment Ministers' Meeting, Ankara, Turkey, 3-4 September 2015, pp. 3-4.

³ ILO: *Global estimates of migrant workers and migrant domestic workers: results and methodology* (Geneva: 2015).

⁴ ILO, *Conclusions concerning fair and effective labour migration governance*, International Labour Conference, 106th Session, Geneva, 16 June 2017, para. 3.

⁵ ILO, *Conclusions concerning fair and effective labour migration governance*, International Labour Conference, 106th Session, Geneva, 16 June 2017.

The GCM structure could be similar to that of the 2030 Agenda on Sustainable Development so as to include actionable commitments and targets, that are time-bound where possible. The Global compact is being developed through a state-led process that is closely collaborating with and supported by the UN system. The UN system has the capacity and technical expertise to help support Member States' follow-up and implementation. Existing UN structures are in place and could be utilised globally at HQ level and in the field, including through regional mechanisms and coordination within UN Country Teams. UN agencies with specialised expertise could be identified to lead efforts to support member States in implementing the thematic areas of the Compact, including through evidence and research, capacity-building, policy-advice, technical guidance, and building bridges and platforms for sharing good practices.

ILO is ready to play its role and to lead coordination of UN support for commitments adopted on decent work and labour migration, in cooperation with and complementing the work of other organisations like IOM, OHCHR, UNHCR, and other members of the Global Migration Group. The ILO's tripartite structure and processes promoting social dialogue in the formulation and implementation of labour migration policies can serve as a platform for consultations in line with commitments in the Compact.

The structure of the Compact should also seek to gain political commitment for follow-up at the highest levels that translates into inter-ministerial coordination mechanisms and multi-stakeholder consultations, and mainstream migration into national development planning to ensure coherence and to 'leave no one behind.'

The GFMD provides an additional platform to ensure synergies and exchange of practices and information. The GFMD can strengthen its existing mechanisms to support the Compact by creating appropriate space and platforms to consistently engage all relevant actors related to the GCM thematic areas, particularly workers and employers' organisations as key actors on matters related to labour migration and mobility.

Elements: Labour migration should be a central area of the GCM, while also considering how it is linked to other thematic areas that together can ensure well-governed migration. In line with the SDGs, the GCM is seen as a potential blue print for the implementation of target 10.7, and to contributing to 8.8 in protecting migrant workers, among other goals and targets.⁶ Of central importance to realizing these goals is Member States' commitment to adopt frameworks for fair and effective labour migration governance, grounded on international labour standards and other related human rights norms and instruments. The Conclusions concerning fair and effective labour migration governance, adopted by the ILC in June 2017, identify specific priorities⁷ and these have been elaborated as actionable commitments in the section below.

In structuring the commitments under the Compact, time-bound targets may be appropriate where standards, tools and guidance are already in place to support member States. In areas where global consensus has not yet ripened, such as on how to effectively address irregular migration, or on return and reintegration of migrants, the Compact may benefit by calling for the development of global guidance and good practice tools.

The increasing global phenomenon of mixed migration flows, comprising all categories of migrants whether regular or irregular and including refugees and other forcibly displaced populations, underscores the importance of identifying inter-linkages between the GCM and the global compact on refugees being led by UNHCR. Effective and system-wide coherence will be needed when both compacts tackle similar issues, which is particularly the case for migrants' and refugees' access to decent work opportunities and protections in the workplace. International labour standards should be consistently applied to all workers. Access to employment and livelihood opportunities, including through regular labour migration channels, is essential to durable

⁶ Facilitate orderly, safe, responsible and regular migration and mobility of people, including through the implementation of planned and well-managed migration policies.

⁷ ILO, *Conclusions concerning fair and effective labour migration governance*, International Labour Conference, 106th Session, Geneva, 16 June 2017.

solutions and socio-economic development more broadly at national, regional and global levels. In this context, the ILO Guiding Principles on the Access of Refugees and other Forcibly Displaced Persons to the Labour Market highlight how regular labour migration channels and decent work may help in protection and integration of populations in vulnerable situations and to addressing related drivers of forced displacement.

(1) Actionable commitments that may be included in the Global compact on migration

Adopt fair and effective labour migration governance frameworks

Given the diversity and complexity of labour migration governance, it is critical that member states develop fair and effective labour migration governance frameworks that are evidence-based, gender-sensitive and grounded on international labour standards and the Decent Work Agenda. At a minimum, these frameworks should include and address the following elements.

- **Labour Rights and Decent Work.** To avoid the violation of international labour standards and to support a decent work agenda, a ‘whole of government’ approach should be adopted that engages labour ministries, employers’ and workers’ organizations through social dialogue.

Actionable commitments and targets should include:

- Ratifying and effectively implementing all relevant ILO Conventions, including Migration for Employment Convention (Revised) No. 97 and the Migrant Workers (Supplementary Provisions) Convention No. 143. .
 - Ensuring cohesion and coherence between labour migration policies and employment and social protection policies.
 - Extending labour legislation protection and access to justice to migrant workers in vulnerable situations (e.g. domestic workers) and support implementation of the Domestic Workers Convention No. 189.
 - Reducing labour migration costs and abusive working conditions (e.g. wage protection mechanisms) and promoting labour market integration (combatting discrimination of migrant workers).
 - Taking effective measures to combat and prevent child labour, forced labour and trafficking.
 - Abolishing tied employment and sponsorship requirements.
- **Freedom of association.** In a large number of countries, the legislation remains unclear, or is not respected, as to whether migrant workers can enjoy fundamental rights. These include as the right to form and join trade unions, hold office in trade unions and be protected against discrimination based on their trade union activities. They also include the have freedom to strike.

Actionable commitments and targets should include:

- Ensuring implementation of ILO fundamental principles and rights at work, and promoting migrant workers’ ability to organize, be represented and participate in trade union organisations. These principles and rights apply irrespective of their immigration status, in line with SDG indicator 8.8.
- Promoting universal ratification of ILO Freedom of Association and Protection of the Right to Organise Convention No. 87 and ILO Right to Organise and Collective Bargaining Convention No. 98.
- Protecting migrant workers from discrimination on the grounds of their trade union activities and freedom to strike, including through specific legislation and programmes.

- **Irregular migration.** Irregular labour migration increases migrant workers' vulnerability to exploitation and, in some cases, can undercut established wages and working conditions.⁸ The ILO is developing a compendium of good practices, law and policy frameworks on reducing irregular labour migration, including through pathways out of irregularity and informality, and protecting migrants in irregular situations by 2020.

Actionable commitments and targets should include:

- Adopting global or consensus-based guidance on good practices for addressing irregular migration. These may include principles and guidelines for regularization of migrant workers, particularly those well-integrated in the labour market or who have fallen into irregular status through no fault of their own and/or due to circumstances beyond their control.
 - Promote decent work and job creation in countries of origin and transit with dedicated assistance.
 - Establish more regular migration opportunities for migrant workers of all skill levels.
 - Undertake labour market needs assessments to identify supply and demand for migrant workers through social dialogue processes.
 - Carryout awareness-raising campaigns on the risks and challenges of irregular migration, and ensure where return occurs it is in compliance with international human rights standards and includes support for reintegration, including through access decent work opportunities.
- **Fair recruitment oversight and practice.** The recruitment process is often where exploitation of workers starts. Data from ILO–KNOMAD research shows that inflated recruitment costs can amount to up to a year's salary⁹ increasing migrant debt burdens. ILO and the World Bank are developing a methodology to monitor recruitment costs under SDG indicator 10.7.1. Moreover, a growing number of countries and global businesses are adopting measures to eliminate worker paid recruitment fees, fraud and abuse, as called for the 2016 ILO's General principles and operational guidelines for fair recruitment¹⁰ and based on international standards and the ILO Fair Recruitment Initiative.¹¹ Other good practices include the International Trade Union Confederation's Migrant Recruitment Monitor and IOM's IRIS initiative.

Actionable commitments and targets should include:

- Adopting fair recruitment mechanisms and processes across migration corridors based on ILO's General principles and operational guidelines for fair recruitment.
 - Eliminating by 2030 worker-paid recruitment fees in-line with the SDGs.
 - Providing capacity-building to Public Employment Services to serve a larger role in technical support for labour mobility across borders.
 - Enhance labour inspectors' capacity to better monitor private employment agencies.
- **Skills development and recognition.** Low-skilled migrant workers are frequently confronted with limited access to skills development and recognition, especially for prior learning, which contributes to skills and jobs mismatches, deskilling and lower productivity and rights protection. Public employment services, and private employment agencies when properly regulated and informed by

⁸ ILO: *Fourth item on the agenda : Labour Migration, Reports of the Committee for Labour Migration : Resolution and conclusions submitted for adoption by the Conference*, International Labour Conference, Provisional Record, 106th Session, Geneva, June 2017, p. 4.

⁹ ILO–KNOMAD Surveys, 2015, cited in Background paper prepared by the ILO at the Global Forum on Migration and Development, Roundtable 1.1, Reducing migration costs. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_550269.pdf.

¹⁰ http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_536755.pdf.

¹¹ http://www.ilo.org/global/topics/fair-recruitment/WCMS_320405/lang--en/index.htm

sound labour market assessments, can play an important role in addressing these challenges. With this in mind, ILO has produced practical guidance.¹²

Actionable commitments and targets should include:

- Assessing skills needs and gaps with the view to inform effective skills-jobs matching.
- Adopting skills recognition mechanisms for skills acquired formally or non-formally, including at the sectoral level and across migration corridors.
- Establishing regional and global skills partnerships involving relevant government institutions, business, workers and employers' organisations to facilitate skills recognition and support integration and reintegration of migrant workers returning home.

- **Social protection.** Migrant workers and their families experience significant difficulties in accessing social protection, including sickness and health-care benefits, and other social security benefits, due to eligibility requirements relating to their nationality, status or insufficient periods of employment and residence.¹³ The ILO can provide active and effective support through guidance tools for extending social protection to migrant workers within and across borders, and institutional capacity building.

Actionable commitments and targets should include:

- Establishing non-discriminatory national social protection systems, including social protection floors for migrant workers.
- Adopting and implementing gender-responsive bilateral and multilateral social security agreements to ensure the portability of social security entitlement and benefits (acquired and in course of acquisition).

- **Labour migration statistics.** Updated, reliable and comparable labour migration data, disaggregated by age and sex, among others, are key for evidence-based policy-making, evaluating the impact of labour migration schemes, protecting migrant workers' rights and building public confidence in migration issues. Harmonization of statistical definitions, capacity building and sufficient data collection systems remain some of the key challenges. The ILO is currently supporting preparatory work for defining international standards on labour migration statistics, in line with SDG 17.18.

Actionable commitments and targets should include:

- Improving the collection and production of labour migration statistics at national, regional and global levels.
- Grounding labour migration policies in accurate sex-disaggregated labour migration data and statistics, aligned with international standards and International Conference of Labour Statisticians (ICLS) guidance.

- **Bilateral and regional cooperation agreements and arrangements.** Bilateral and regional cooperation on labour migration has become an essential tool for properly governing migration flows that are increasingly complex and dynamic.¹⁴ The international community can deepen its support for cooperation across migration corridors and with regional economic communities and processes.

¹² "How to facilitate the recognition of skills of migrant workers: Guide for employment services providers"

http://www.ilo.org/skills/pubs/WCMS_572672/lang--en/index.htm.

¹³ ILO, *Addressing governance challenges in a changing labour migration landscape*, International Labour Conference, 106th Session, 2017, Geneva, paras. 51-52.

¹⁴ ILO: *Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers: A Review*

http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_385582.pdf

Actionable commitments and targets could include due consideration to:

- Adopting bilateral and regional labour migration and mobility agreements and arrangements grounded on ILO standards and model agreements that promote regular channels for migration and equal access for women and men to decent work opportunities.
- Adopting dialogue processes and mechanisms to facilitate cooperation actions to ensure enforcement of migrant workers' rights, fair recruitment, mutual skills recognition, social protection, portability of social security entitlements and benefits, and data collection among others, and adopting standard employment contracts in line with international standards and instruments.
- Engaging in and enhancing inter- and intra-regional dialogue and platforms to strengthen policy coordination, governance within regional labour markets, and exchange of good practices.

(2) Follow-up and review of the Global Compact on Safe, Orderly and Regular Migration

The process to review implementation of the Sustainable Development Goals (SDGs) may serve as a model for GCM follow-up, with reporting on progress around thematic areas. A process similar to SDG follow-up and review, such as through the United Nations High-level Political Forum, could be imagined for the GCM working coherently with the General Assembly, the Economic and Social Council and other relevant organs and forums, in accordance with existing mandates.

Member States could be encouraged to adopt national and regional action plans around commitments in Global Compact. The UN system could support such planning efforts in line with the new UNDAF guidance on migration and refugees, and facilitate periodic multilateral and interregional exchanges at field level.