

AFL-CIO Intervention on Fourth Informal Thematic Session: “Contributions of migrants and diaspora to all dimensions of sustainable development, including remittances and portability of earned benefits”

Meeting with Co-facilitators

7.25.17

The AFL-CIO is the leading U.S. union federation representing over 12 million workers in 55 affiliated unions in all sectors of the economy, including hundreds of thousands of migrant workers.

The contributions of migrants to sustainable development are well recognized and important to both origin and destination communities. The narrative around these linkages in global migration policy spaces, however, is incomplete and at times problematic. Often, the contributions of migrant workers are realized through workers’ perseverance in the face of dysfunctional policies, exploitative work arrangements, and asymmetric power dynamics, rather than through any intentional state policy.

In the context of global income inequality, migrant workers take great risks to achieve the significant wage benefits to labor migration. Existing legal channels for labor migration prop up a global labor recruitment industry that is rife with abuse, and undermine the rights of migrant workers in destination countries. Internationally recruited workers often pay high fees to work and face disturbingly common patterns of abuse, including fraud, discrimination, economic coercion, blacklisting and, in some cases, forced labor and human trafficking.¹

Immigrant workers without documents—including many longtime community members and essential workers—face criminalization, deportation, and exclusion. The threat of deportation and lack of political will to establish a path to regular status leave these workers vulnerable to exploitation and with little ability to meaningfully exercise their labor rights and improve their wages and working conditions.

In order to maximize the benefits of labor migration for development and fully support the contributions of migrants to both origin and destination countries, migrant workers – regardless of status, visa type, sector or gender—must be treated equal to all other workers. The issue brief for this session does well in recognizing that inadequate state policies act as a barrier to positive development outcomes. The Global Compact should be explicit in its support for ILO labor standards, including the right to freely associate and collectively bargain, as *enabling* rights that empower migrant workers to maximize labor market outcomes and more meaningfully improve their livelihoods.

Among our affiliated unions, many have enshrined unique protections for immigrant members in collective bargaining agreements, and have served as vehicles for immigrant integration and political participation. Some CBA protections include bans on

¹ For the United States, see: International Labor Recruitment Working Group, “The American Dream Up for Sale: A Blueprint for Ending International Labor Recruitment Abuse,” 2013: <https://fairlaborrecruitment.files.wordpress.com/2013/01/the-american-dream-up-for-sale-a-blueprint-for-ending-international-labor-recruitment-abuse1.pdf>.

recruitment fees, provisions for protections from immigration enforcement, higher wages, training, health and safety provisions, pensions, back pay, and the list goes on.

In the rush to address large movements of people, the Global Compact should not be used to strengthen or expand migration management approaches that advance profits or sheer numbers over rights, including the expansion of temporary work programs. This would undermine the decent work agenda committed to in Agenda 2030.

The issues of rising xenophobia, global inequality, development and displacement cannot be solved by immigration policies that empower employers to undertake discriminatory hiring, depress wages, and create an underclass of migrant workers. For migrant workers to be full stakeholders in sustainable development they must have access to fair migration, which means zero recruitment costs; regular migration programs that are not tied to a single employer and with options for long-term residency and citizenship.

It is encouraging that the issue brief references ILO recommendations for social security rights and migration for employment. These instruments and their annexes provide clear guidance on benefits portability. States should implement these, with ILO technical assistance if needed, as part of a broader agenda of implementing a fair migration agenda underpinned by core labor standards.

One last point on the issue of benefits portability and remittances: the Global Compact should broaden its framing of these terms to include the issue of back pay and workers compensation.

Migrant workers are uniquely disadvantaged when seeking justice for abuse, wage theft, or injury at work. Migrants face major difficulties when attempting to secure rights or remuneration from past employment, including returning or remaining in the country of employment. The nature of immigration enforcement and most work visas is such that workers are often forced to return home before obtaining remedy and then face steep hurdles to returning. Many courts and compensation commissions require workers to be present. In other cases, migrants are excluded entirely from compensation systems they pay into. The availability of public legal service providers is uneven and low-wage workers generally cannot afford their own representation.

States celebrate the development contributions of migrant workers when all goes right. They should also ensure that these workers have a layer of protection when it does not. The Global Compact should put forward cross-border mechanisms to allow migrant workers to access justice and compensation when unscrupulous employers steal their wages, or they are hurt on the job, or they are trafficked or sexually abused. This would go far in mitigating the risks inherent in migration, advancing equality in the workplace, and promoting equitable development. Trade unions and civil society organizations can be a tremendous resource in exploring and cataloguing such initiatives.

Thank you.