

CHECK AGAINST DELIVERY



**Statement by Mr. Felipe González Morales,
Special Rapporteur on
the human rights of migrants**

**GCM
PANEL 2: Decent work and labour mobility**

Geneva, 12 October 2017

Dear panellists,
Distinguished delegates,
Ladies and gentlemen,

It is an honour to be here with you to take part in this important discussion on decent work and labour mobility.

Let's be conscious about the fact that very often migrants do the jobs, that nationals are no longer willing to do, in the agriculture, construction, hospitality, care, fisheries, and extraction sector. Often, those doing these jobs have a precarious immigration status because they are undocumented migrants or as temporary migrant workers. Underground labour markets act as a magnet for undocumented migration at the request of exploitative employers and constitute a major pull factor for exploited migrant workers and a key trigger of the smuggling market. Due to the favourable impact of lower labour costs on certain economic sectors, it is difficult to significantly reduce those markets.

In addition, this group of low skilled migrants, especially the women and children, are intrinsically vulnerable to exploitation and abuse in the workplace due to: deceptive recruitment practices, both by employers and intermediaries frequent lack of social support systems; unfamiliarity with the local culture, language, their rights at work and national labour laws; limited or denied access to legal and administrative systems; dependence on the job and employer due to migration-related debt bondage, to legal status, or to employers restricting their freedom to leave the workplace;. Furthermore, Complaint mechanisms and courts are often not easily accessible for migrants. Migrants are also reluctant to report abuse by their employer as they fear retaliation or detection, detention and deportation.

In order to significantly reduce unnecessary exploitation and abuse of migrant workers, States must open up more regular migration channels for migrants at all skill levels by establishing common and accessible visa and work permits would considerably reduce undocumented migration and hence exploitation. Allowing people to look for work on the regular labour market would present opportunities for both employers and workers, as it would allow for the optimal matching of job skills to jobs and of labour supply to labour demand between countries. States should further considerably enlarge the elements of human mobility and labour migration in trade negotiations. States must also ensure ethical recruitment intermediaries at both ends of the migration process by establishing effective government

regulatory frameworks and institutional monitoring mechanisms for the labour recruitment industry.

The solution is to properly empower migrants: as far as labour rights are concerned, migrant workers, including those in an irregular situation, should have all their labour rights respected. Labour inspectors should be able to sanction employers upon receiving complaints from any worker, without the obligation to transfer any information to immigration enforcement. Abolishing sponsorship-based temporary migrant worker programmes, such as those based on single-employer sponsorship mechanisms, in favour of open work visas, would considerably reduce labour exploitation. The right to organize and engage in collective bargaining is essential for migrants to express their needs and defend their rights, in particular through trade unions and labour organizations.

I thank you for your attention.