

The 2030 Agenda for Sustainable Development provides a strong link between decent work and migration in Sustainable Development Goal (SDG) 8 on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, which contains target 8:8:

“Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.”

Other important targets relating to labour migration are found in SDG 10 on reducing inequality within and among countries: “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies” (target 10.7) and “by 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent” (target 10.c).

Reducing the costs of recruitment is also a vital part of ILO’s work in helping governments meet their migration-related commitments under the Addis Ababa Action Agenda and SDG 10. The ILO and the World Bank are custodians for the indicator on recruitment costs under SDG target 10.7 and will be developing and pilot testing a methodology for this indicator, based on the survey research work on reducing labour migration costs undertaken to date under the auspices of the Global Knowledge Partnership on Migration and Development (KNOMAD).

## DECENT WORK for Migrants and Refugees





## Protecting People at Work

Since 1919, the International Labour Organization (ILO) has developed, upgraded and maintained a system of international labour standards aimed at promoting opportunities for all women and men to obtain decent and productive work, in conditions of freedom, equity, security and dignity. The ILO also has a constitutional mandate to protect “the interests of workers when employed in countries other than their own”, and these workers include both migrants and refugees.

The lack of labour protection for migrant workers undermines protection generally for all workers. The many international labour standards developed and adopted by the ILO are important for safeguarding the dignity and rights of all workers, including migrant workers and refugees.

### ILO Constitution and the Declaration of Philadelphia

The preamble to the ILO Constitution, 1944, highlights the importance of “protection of the interests of workers when employed in countries other than their own”. Article III of the Declaration of Philadelphia, annexed to the Constitution and which sets out the aims and purposes of the ILO, underlines the important role of labour migration in global efforts to achieve full employment and improved standards of living.

### Instruments on Migrant Workers

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migration for Employment Recommendation (Revised), 1949 (No. 86)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- Migrant Workers Recommendation, 1975 (No. 151)

### Selected Instruments with Provisions on Migrant Workers

- Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
- Employment Service Convention, 1948 (No. 88)
- Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Equality of Treatment (Social Security) Convention, 1962 (No. 118)
- Maintenance of Social Security Rights Convention, 1982 (No. 157)
- Private Employment Agencies Convention, 1997 (No. 181)
- HIV and AIDS Recommendation, 2010 (No. 200)
- Domestic Workers Convention, 2011 (No. 189)
- Domestic Workers Recommendation, 2011 (No. 201)

### Fundamental Rights Instruments

#### Abolition of Forced Labour

- Forced Labour Convention, 1930 (No. 29)
- Protocol of 2014 to the Forced Labour Convention, 1930
- Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)
- Abolition of Forced Labour Convention, 1957 (No. 105)

#### Elimination of Child Labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

#### Trade Union Rights

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

#### Equality and Non-discrimination in Employment and Occupation

- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

## LABOUR MIGRATION AND DECENT WORK

Today’s unprecedented level of human mobility has become a major political priority at the national, regional and international level.

Of the world’s 244 million international migrants, over 150 million are migrant workers. Migration today is strongly linked to the world of work and the search for decent work opportunities. Even when employment is not the primary driver of the initial movement, it usually features in the migration process at some point.

Other drivers of migratory flows are diverse, including factors such as poverty, food insecurity, climate change, persecution, armed conflict, natural disasters, terrorism, or human rights violations and abuses.

Migration holds major benefits for both origin and destination countries. Research consistently shows that the earnings of migrant workers form an important source of private capital and can contribute substantially to development in their countries of origin. In 2015, migrants sent \$US 601 billion in remittances to their countries of origin, although the true value of remittances is likely to be much higher since only a portion of total remittances flow through official channels.

The social and economic contributions of migrant workers, however, go well beyond remittances and can provide significant benefits to destination countries as well. The New York Declaration for Refugees and Migrants points out that migrants “can help to respond to demographic trends, labour shortages and other challenges in host societies, and add fresh skills and dynamism to the latter’s economies.”

Yet migrant workers continue to suffer from significant violations of their human rights, including fundamental rights at work and other labour rights violations that increase the social and financial “costs of labour migration”. These range from discrimination in wages, poor working conditions, lack of access to social protection and abusive recruitment practices to – in extreme cases – bonded or forced labour and trafficking.

Many migrant workers are concentrated in specific economic sectors such as domestic work, manufacturing, construction and agriculture. Special attention is required for domestic workers who are among the most vulnerable groups of workers. Worldwide, there are currently 67 million domestic workers working in private households, often in the informal economy and without clear terms of employment, who continue to be excluded from protection under labour legislation in a number of countries. Eleven and a half million are migrant workers and over 70 per cent of these are women.

### A Global Snapshot of Human Mobility

- In 2015 there were 244 million international migrants representing 3.3 per cent of the global population – over 150 million of these are migrant workers;
- 72.7 per cent of all migrants are of working age (15 years or older);
- There are 67 million domestic workers worldwide. 11.5 million domestic workers are international migrants and over 70 per cent of these are women;
- Migrants sent \$US 601 billion in remittances in 2015 to their home countries;
- There are over 65 million people forcibly displaced by conflict, violence and human rights violations of which 21.3 million are recognized as refugees and registered asylum seekers.

*Asia-Pacific hosts 17.2 per cent of migrant workers worldwide (25.8 million persons).*

*A Cambodian migrant labourer working on a construction site in Thailand. (Maryann Bylander/ILO photo)*





## REFUGEES

Large movements of refugees and persons forcibly displaced by violence, conflict, human rights abuse, disasters and environmental change are creating considerable challenges for countries of first asylum, transit and destination, as well as countries of origin. These challenges include the actual and potential impact of these populations on labour markets of host countries, particularly those in difficulty even prior to large movements.

Of concern to the ILO is that often only a very small minority of refugees gain access to labour markets in the formal economy. Access to work or livelihoods may be prohibited or restricted by law and refugees who do manage to find work do so mostly in the informal economy.

The precarious situation of these populations renders them vulnerable to discriminatory practices which can lead to exploitation, the denial of fundamental principles and rights at work and situations of forced labour, bonded labour and child labour. This impact on working conditions may have a knock-on effect more widely across labour markets, ultimately affecting all workers.

As displacement becomes increasingly protracted – UNHCR calculates that refugees are displaced for 17 years on average – urban areas may become increasingly appealing as they appear to offer better economic prospects than camps and rural areas. However, access to urban labour markets may be constrained by unclear legal status and degree of enjoyment of economic and social rights. Competition in the highly crowded informal economy, where most refugees search for work, results in unfair competition for unauthorized and unprotected jobs.

At the same time, there is widespread recognition that refugees and other forcibly displaced persons contribute to host societies by bringing skills, extensive social capital, talents and competences that can contribute to the development of host countries. In addition, in some circumstances, they can help meet labour shortages due to, for example, changing demographics in the form of ageing populations and declining workforces.

For host countries and populations, protracted displacement can also lead to socio-economic costs and impacts. For example, in some countries, particularly those hosting large movements of refugees, public services come under strain, more pressure is placed on already fragile labour markets and some macroeconomic development gains may be at risk of being reversed. Sometimes these pressures translate into political and social tensions between host and refugee populations, especially in al-

### A new vision for global development

The 2030 Agenda for Sustainable Development (SDG) recognizes that migration connects with the world of work and sustainable development in multiple ways and that regional and international cooperation on the creation, expansion and strengthening of migration regimes is vital to better protect migrant workers from discrimination and other rights violations in the workplace.

SDG target 8.8, for example, commits member States to “protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment”, while target 10.7 seeks to “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.

#### Key Definitions

- **Migrant** - is any person who is moving or has moved across an international border or within a State away from their habitual place of residence regardless of their legal status; whether it is a voluntary or involuntary movement or what are the causes or length of stay.
- **Refugee** - is someone who has been forced to flee his or her country because of persecution, war, or violence and is unable or unwilling to return due to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group.
- **Labour migration** - is defined as the movement of people from one country to another for the purpose of employment.
- **Migrant worker** – a person who migrates or has migrated to a country of which they are not a national with a view to being employed other than as an own-account worker.

The Addis Ababa Action Agenda of the Third International Conference on Financing for Development (and an integral part of the 2030 Agenda), for its part, recognized that stronger governance is needed to optimize and distribute in a fair manner the benefits of migration and that reducing the costs of migration through lowering recruitment costs, ensuring coordination of social security rights and benefits, skills recognition and lowering remittance costs are key vehicles to achieve this. Similarly, the New York Declaration for Refugees and Migrants acknowledges that labour migration at all skill levels, employment creation and adherence to labour standards are essential in protecting migrant workers, regardless of their status.

Both documents highlight the pivotal role that the ILO’s Decent Work Agenda and Fair Migration Agenda can play in harnessing the development potential of migration and in protecting the rights of people on the move.

A number of global challenges – such as climate change, globalization, increasing income inequalities and demographic shifts – are expected to result in increased migration of millions of people over the next decades. ILO’s international standards and expertise, as well as the strength of its constituents (labour ministries, workers’ and employers’ organizations), offer crucial guidance in the establishment and effective implementation of fair and rights-based migration schemes that benefit all those involved.

*Refugees often take jobs that national workers are unwilling to fill. Many end up working in the informal economy, which puts them at significant risk of exploitation in terms of wages, working conditions and social security coverage.*

*These Syrian refugees work in the construction sector in Jordan. (Nadia Bseiso/ILO photo)*





### Strategies to promote refugee livelihoods

Despite the challenges and constraints, some governments are reforming refugee and/or labour legislation and have adopted positive strategies to promote refugee livelihoods through granting access to livelihoods.

The Turkish Government adopted the Regulation on Work of Foreigners under Temporary Protection, allowing Syrian refugees in possession of temporary identity cards and residing in Turkey for six months to apply for work permits.

Jordan's pioneering strategy, the Jordan Compact, aims to provide work permits for up to 200,000 Syrian refugees in the coming years. In addition, the Minister of Labour has issued directives to waive all fees relating to issuing 12-month work permits for Syrian refugees for a grace period.

ready poorly served and overcrowded urban areas where refugees settle.

Recognizing these challenges, a paradigm shift is taking place among international development and humanitarian actors and donors to look beyond critical humanitarian assistance and to include early intervention of development actors. The ILO, alongside the international community, has increasingly acknowledged the need to strengthen the nexus between humanitarian assistance and the development dimensions of the overall response to these situations with decent work strategically placed at this intersection.

This approach enables refugees to participate in and contribute meaningfully to the economies and societies of host countries, while not disadvantaging national workers and host communities. This is essential to mitigate fiscal stress, limit macroeconomic shocks, stabilize and support longer term development, alleviate labour market pressures and promote sustainable livelihoods that harness the productive capacities of refugees and their hosts.

Central to the ILO's mandate is the "protection of the interests of workers when employed in countries other than their own", including migrants and refugees.

For its part the ILO can bring significant added value and specialized knowledge and expertise to the challenges that host countries may face, including:

- assistance in defining the terms of access to labour markets which also meet the needs of host communities and the local workforce;
- skills recognition;
- enterprise development;
- technical advice on occupational safety and health;
- addressing informality;
- protecting workers' rights, and;
- assistance in establishing employment-intensive investment programmes.

### Moving forward together for all workers

The ILO, in collaboration with its tripartite part-

ners, is giving shape to a comprehensive and coherent set of responses to the widespread challenges regarding access of refugees to decent work.

An initial step on the path to improving decent work outcomes for refugees is a review of governance frameworks on access to labour markets, considering the adaptation and/or formulation of relevant policy responses and national action plans. These response mechanisms should be underpinned by international labour standards, decent work principles, humanitarian and human rights norms and should be developed in consultation with relevant ministries and representative organizations of workers and employers.

Governments, in collaboration with the social and other partners, should formulate economic growth strategies that support investment in job creation that benefit both national workers and refugees and displaced persons, including measures to enhance the capacity of public and private employment agencies to support the access of these groups to the labour market. They should also strengthen efforts for the inclusion of youth and women into the labour markets. In addition, steps should be taken to ensure the coordination of work-related entitlements – such as social security benefits, including pensions – and skills accreditation.

An essential element underpinning these efforts is the promotion of labour rights and equality of opportunity and treatment. National policies should include measures to combat and prevent all forms of discrimination in law and in practice, promoting the right to freedom of association and collective bargaining.

Alongside these national efforts, the international community should ensure the availability of adequate, sustainable and predictable support. In addition, further national, bilateral, regional and global dialogue on the labour market implications of large movements of refugees is vital in identifying sustainable solutions and sharing good practices.

### ILO Response: Syrian Refugee Crisis

The Syrian refugee crisis embodies one of the largest and most protracted and complex humanitarian emergencies of modern times. Since 2011, the bulk of refugees fleeing the conflict in Syria have found refuge among host communities in neighbouring states.

Among the Arab States, Jordan and Lebanon already had to contend with difficult socioeconomic conditions before the Syrian crisis, but now experience additional challenges including:

- a significant increase in labour supply, particularly in low-skilled occupations, which has led to downward pressure on wages and working conditions;
- growth in the informal economy;
- a rise in market demand which has exerted upward pressure on consumer goods;
- a decrease in access to and quality of public services;
- an increase in child labour among refugees, and;
- rising social tensions between refugees and host communities.

As part of the wider UN response, the ILO Regional Office for the Arab States has adopted a cross-cutting,

development-focused strategy which supports both refugees and host communities to strengthen social and economic stability, as well as to realise the rights of both to decent work and social justice.

The ILO strategy builds on existing country programmes and focuses on the following areas of response:

- Build the resilience of host communities in order to facilitate access to employment and livelihood opportunities;
- Strengthen institutional capacity and coordination mechanisms at local, regional and national levels to combat unacceptable forms of work with a focus on child labour;
- Support policy development to ensure an employment-rich national response, embedded in the principles of decent work.

Similarly, the ILO Office in Ankara is supporting the Turkish response to the Syrian refugee crisis, particularly through skills and language training courses targeting both refugee and host communities.

*Education is a fundamental human right central to the protection and recovery process of refugee children.*

*Syrian refugee children attending school in Harran refugee camp, Turkey, supported by the Turkish Emergency and Disaster Agency AFAD. (Erkut Ertürk/ILO)*





## FAIR RECRUITMENT FOR DECENT WORK

While some cross-border recruitment is facilitated by public employment services, and social and informal networks, private employment agencies and other labour recruiters play an increasing role in matching labour demand and supply across borders. The role of public employment services in cross-border placement mainly takes place within the framework of bilateral agreements that incorporate arrangements for temporary worker programmes. However, there are growing concerns over the activities of unscrupulous labour recruiters and informal labour intermediaries in the recruitment process.

These agents often prey on low-skilled workers and those desperately searching for work. Reported abuses involve deception about the nature and conditions of work, the retention of passports and other identity documents, deposits and illegal wage deductions, collection of fees or related costs from workers and debt bondage linked to repayment of recruitment fees.

For migrant workers, these may be coupled with threats if workers wish to leave their employers, and fears of subsequent expulsion from a country. A combination of these abuses can amount to trafficking in persons and forced labour, and they are often linked to other serious infringements of fundamental rights in the workplace.

Workers are vulnerable to abusive recruitment practices especially when they are seeking jobs in an environment of high unemployment, fleeing crisis situations like wars or disasters, or when there is intense competition for jobs and when they are not protected by transparent laws and effective enforcement.

These problems are even more severe when governments have not laid down clear requirements in law and regulations for fair recruitment, adopted bilateral or multilateral agreements to prevent abuses in major recruitment corridors, or when they lack the capacity to enforce the law. A lack of appropriate government regulation and oversight often creates commercial uncertainties, and adds to the costs of doing business.

As a result, the recruitment intermediation landscape today is complex, owing to the fragmented global governance system of labour migration and the large number of actors involved: from private employment agencies to the multiple levels of sub-agents, to whom work is passed by the principal agencies. The revenues generated by the industry come from fees charged for temporary staffing, search-and-placement and corporate training services.

*South-South migration has accelerated in recent years and constitutes 57 per cent of all migratory flows. Almost half of all migrants are women.*

*This migrant worker from Nepal is one of the many aspiring female migrant workers (Omar Havana/ILO Photo)*



### Addressing legislation and enforcement gaps in recruitment of migrant workers

The ILO and its tripartite partners are collaborating on addressing legislation and enforcement gaps at the national level and identifying those who are responsible for these abuses.

On 5-7 September 2016, an ILO Tripartite Meeting of Experts discussed and adopted Principles and Operational Guidelines on Fair Recruitment, which will be considered by the ILO Governing Body later this year, with a view to their endorsement, publication and dissemination.

The Principles and Guidelines are comprehensive in scope aimed at all workers and at all relevant actors in the recruitment process, namely governments, employers and labour recruiters, and identify a number of good practices.

### Good practices for recruitment – ILO’s Fair Recruitment Initiative

The ILO’s multi-stakeholder Fair Recruitment Initiative is implemented in close collaboration with governments, employers’ and workers’ organizations, the private sector and other key partners to build a fair recruitment regime on four key pillars which puts social dialogue at the centre: enhancing global knowledge of recruitment practices worldwide; improving laws, policies and enforcement mechanisms; promoting fair business practices; and empowering and protecting all workers.

As a point of departure, recruitment practices must be in accordance with internationally recognized human rights, including those contained in international labour standards. This in turn means that governments need to translate these international standards into effective laws and regulations, and to implement them vigorously.

Workers’ organizations can play a vital role in monitoring and overseeing recruitment processes to ensure that certain principles, such as the prohibition of the payment of fees or other related costs by workers, are respected, and that appropriate and effective grievance and dispute resolution mechanisms are established and function properly. Employers’ organizations should cooperate closely with the labour administration, including labour inspection services, to help ensure that recruitment is fair and conducted within the law.

On the basis of the recently adopted Principles and Guidelines, the ILO will play its role in providing capacity building and technical assistance to its constituents in promoting fair recruitment and ensuring that recruitment and placement services respect migrant workers’ fundamental principles and rights.

Distribution of migrant workers, by sex and broad subregion, 2013 (percentages)

