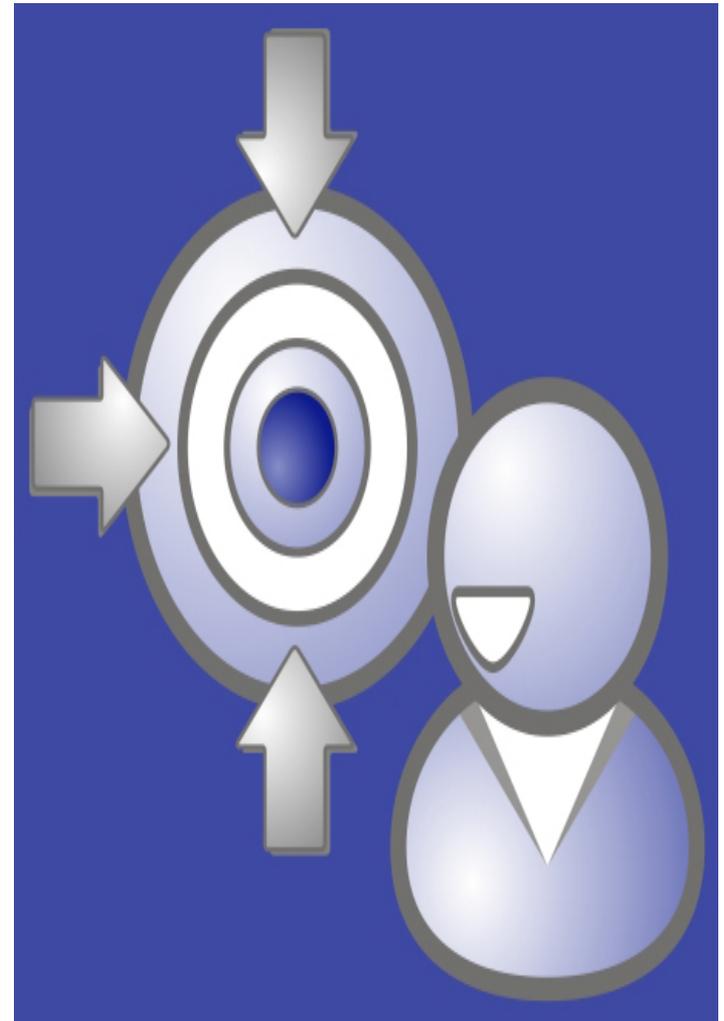

ACTRAV/ITC-ILO Course (A155169)

**Trade Union Actions for Achieving Decent Work for Migrants
(Kisumu, Kenya, 21 – 25 May 2012)**

**Linking Migrant Workers' Priorities with
ILO's Decent Work Agenda**

Structure of the Presentation

- ✓ Age of Mobility
- ✓ Migrant Workers' Priorities
- ✓ The ILO's Mandate
- ✓ The Rights-based Approach
- ✓ What is Decent Work?
- ✓ The 4 Pillars of Decent Work
- ✓ Problems Facing Trade Unions
- ✓ The Task for Trade Unions



Age of Mobility

“ We live in an age of mobility, a time when more people are on the move than at any other time in human history”

Ban Ki-Moon

UN Secretary-General



Age of Mobility

- ✓ Nearly 214 million people, i.e. about 3.1% of the world's population are living outside their countries of origin.
 - ✓ Approximately 105 million of them are migrant workers.
 - ✓ About 50% of these migrants are women.
 - ✓ Labour migration is inevitable (and not undesirable) part of human development. More attention should be focused on making it work for countries of origin, destination and migrant themselves.
-

Age of Mobility

- ✓ The Global Economic Crisis increased the vulnerability of migrant workers:
 - Many countries tightened restrictions on migration, and adopted stronger measures to combat irregular migration.
- ✓ Such measures can increase the risk of exploitation and abuse.
- ✓ They may also reinforce the impression that migrants are partly to blame for the effects of the crisis, fuelling anti-immigration and xenophobic attitudes.
- ✓ Both OECD and developing countries need to act to put human and labour rights at the heart of migration policy.

Migrant Workers' Priorities

- ✓ Protection of human and labour rights of migrant workers
 - ✓ Protection of migrant workers against abuses & malpractices
 - ✓ Xenophobia and racial harassment
 - ✓ High work uncertainty: poor working conditions, low wages, work permit, job insecurity, temporary jobs, etc.
 - ✓ Administration and management of migration flows
 - ✓ Bilateral and regional consultations and agreements
 - ✓ Role of social partners in migration issues
 - ✓ Control of trafficking of women and children
 - ✓ Information campaigns and orientation
 - ✓ Family reunification
-

Message from the UN Secretary General

“Only through cooperation - bilateral, regional, and global – can we build the partnerships between receiver and sender countries that are in the interests of both; explore innovations to make migration a driver of development; fight smugglers and traffickers effectively; and agree on common standards for the treatment of immigrants and the management of migration”

Ban Ki-Moon

Secretary General of the United Nations



The ILO's Mandate

- ✓ Promote opportunities for men & women to obtain decent and productive work, in conditions of freedom, equality, security and human dignity, which is summed up by the expression “Decent Work as a global goal.”
 - ✓ The ILO is the only UN agency with a constitutional mandate for the protection of migrant workers.
 - ✓ The ILO views migration as a labour market and decent work issue within the overarching framework of the Decent Work for All agenda.
-

The ILO's Mandate

- ✓ The preamble of the ILO constitution calls for the protection of the interests of migrant workers.
 - ✓ The ILO has pioneered development of international instruments for the governance of labour migration and protection of migrant workers since its formative years.
 - ✓ The ILO's 2nd Recommendation, adopted in 1919, was about migrant workers.
 - ✓ The Declaration of Philadelphia (1944), Declaration on FPRW (1998), SJD (2008) and GJP (2009) demonstrate the continuing concern with migrant workers.
-

The ILO's Mandate

- ✓ Two key ILO Conventions No. 97 (1949) and 143 (1975) and ILO Multilateral Framework on Labour Migration deal specifically with the protection of migrant workers.
 - ✓ The ILO's fight against inequalities, poverty, decent work deficits through the promotion of DWA is an important contribution to reducing migration pressures and ensuring that when labour migration occurs, it is out of choice and not for mere survival.
 - ✓ The ILO provides assistance to countries in the rights-based management of labour migration.
 - ✓ The ILO has assisted the development, improvement and adoption of national labour migration policies in many countries.
-

Rights-based Approach

The ILO's rights-based policy on migration is based on the following:

- ✓ Tripartism e.g. in the formulation of migration policies at all levels.
 - ✓ Cooperation among tripartite partners in both countries of origin and destination.
 - ✓ Respect for migrant workers' rights to equal treatment to forestall undue pressure on existing wages & conditions.
 - ✓ Legal avenues offered to potential migrant workers, acknowledging existing labour market needs as a strategy for reducing irregular migration and trafficking.
-

ILO Plan of Action on Migrant Workers, ILC 2004: components

- ✓ Development of a non-binding multilateral framework for a rights-based approach to labour migration.
 - ✓ Wider application of international labour standards and other relevant instruments.
 - ✓ Support for implementation of the ILO Global Employment Agenda at national level.
-

ILO Plan of Action on Migrant Workers, ILC 2004: components

- ✓ Capacity building, awareness raising and technical assistance.
 - ✓ Strengthening social dialogue.
 - ✓ Improving the information and knowledge base.
 - ✓ Mechanisms for follow-up.
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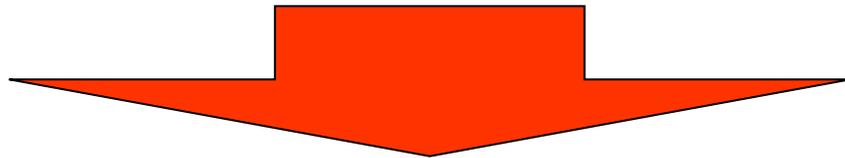
Migrants & Human Rights

- ✓ Number of internationally agreed rights under ILO & UN Human Rights Conventions are applicable to migrant workers. Additionally there are specific conventions aimed at protecting migrant workers rights:
 - ILO's Migration for Employment Convention of 1949 (Revised) (C. 97 & R. 86)
 - The Migrant Workers (Supplementary Provisions) Convention of 1975 (C. 143 & R. 151)
 - UN's International Convention on the Protection of the Rights of All Migrant Workers & Members of their Families
-

«... gain from migration and protection of migrant rights are indeed inseparable. Migrant workers can make their best contribution to economic and social development in host and source countries when they enjoy decent working conditions, and when their fundamental human and labour rights are respected»



**Mr. Juan Somavia
Director General of
the ILO**



Decent Work is for All, including Migrant Workers
Decent Work agenda promotes a Rights-based approach

4) What is Decent Work?

Work that is productive,
gives fair income,
security in the workplace & social protection for the
family,
equal opportunities & treatment,
better prospects for - personal devt & social
integration,
freedom to organise & participate in decision
making

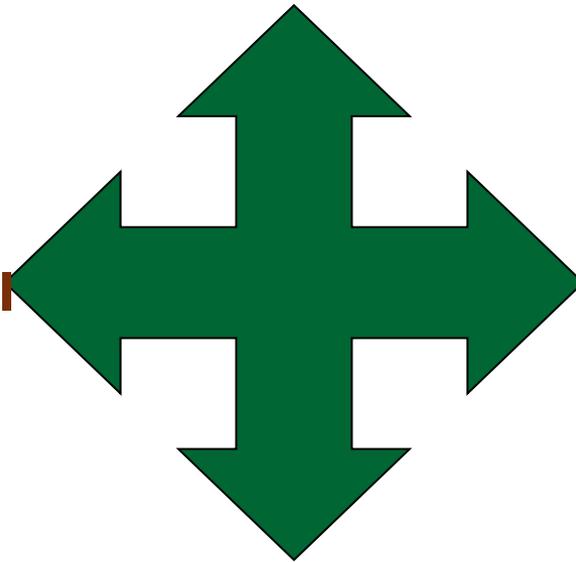
concept of decent work encompasses both
individual and collective dimensions (C 87 & 98)

The 4 pillars of Decent Work

**productive employment &
sustainable enterprises**

**social protection/
social security for all**

**Standards &
basic rights at work**



**Promotion of Social dialogue,
Including Collective bargaining**

[+ Gender Mainstreaming]

Problems Facing Trade Unions

- ✓ Difficulty of unions in labour-sending countries to offer services to migrant workers while they are abroad
 - ✓ Lack of access to relevant information relating to migrant workers.
 - ✓ Non-representation on decision making bodies and at meetings dealing with migrant workers.
 - ✓ Lack of accessibility; migrants work for many different employers and in a variety of sectors; communication problems because of language and cultural barriers.
-

Problems Facing Trade Unions

- ✓ Migrant workers' reluctance to become union members due to lack of relevant information on the role of trade unions.
 - ✓ Migrant workers in irregular situation are not keen to contact unions for fear of detection and deportation by authorities.
 - ✓ Lack of resources on the part of unions and limited networking.
 - ✓ Restrictive policies and practices in receiving countries and widespread pressure from employers for migrant workers not to join trade unions.
 - ✓ Insufficient organisational facilities, trained personnel, etc., on the part of unions.
-

The Task for Trade Unions

Trade unions can:

- ✓ Get involved in the policy debate about addressing migration
 - ✓ Campaign for ratification of the ILO C.97 and 143 and their inclusion in the DWCPs.
 - ✓ Promote respect for basic human and labour rights, especially those guaranteed by the ILO core Conventions.
 - ✓ Conduct information and awareness-raising campaigns about the rights of migrant workers and their role in economic development.
-

The Task for Trade Unions

- ✓ Cooperate with trade unions in other countries to protect and promote the rights of migrant workers.
 - ✓ Organise migrant workers as this the best way to protect them.
 - ✓ Lobby authorities and other stakeholders to tackle the root causes of irregular migration flows.
 - ✓ Negotiate for the safe return of irregular migrants in conditions of dignity.
 - ✓ Lobby sending countries to adopt policy and pursue programmes to reduce emigration pressures.
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DECENT WORK

INTERNATIONAL LABOUR OFFICE

Report IV (1)

Promotional framework
for occupational
safety and health



International
Labour
Office
Geneva



国际劳工局·日内瓦

LABOUR INSPECTION

劳动监察 监察职业指南

沃尔夫根·冯·李希霍芬 WOLFGANG VON RICHTHOFFEN 著

劳动和社会保障部国际劳工与信息研究所译

28 April

ILO - World Day

for Safety and Health at Work



The End!

Any Questions?