



## **ACTRAV/ITC-ILO Course (A155169)**

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

**Regional Economic  
Integration and Migration**

# Structure of the Presentation

**The presentation is structured as follows:**

- ✓ Why regional integration?
- ✓ The European Union and free movement of workers
- ✓ Other regional integration systems
  - ✓ Africa
  - ✓ Americas and the Caribbean
  - ✓ Asia
  - ✓ Eastern Europe and Central Asia



# Why Regional Integration?

- ✓ Only participation in regional groupings permits smaller states to participate effectively in today's highly competitive globalized world dominated by giant economic spaces
- ✓ Regional groupings provide larger and diverse pools of capital, resources, **skills and labour**
- ✓ Economies of scale permit competitive efficiencies in production and marketing
- ✓ Greater political and economic power accrues when dealing as blocks with giant economies or other regional blocs (China, EU, USA...)

# The European Union

- **27 Member States**
- **Original six**
  - France, Belgium
  - Germany, Italy
  - Luxembourg, Netherlands
- **EU enlargements**
  - 1973 - Denmark, Ireland, United Kingdom
  - 1981 - Greece
  - 1986 - Portugal, Spain
  - 1995 - Austria, Finland, Sweden
  - 2004 - 8 CEECs, Cyprus, Malta
  - 2007 - Bulgaria, Romania



Source: <http://europa.eu/abc/maps/>

# The EU and the Free Movement of Workers: a brief chronology

- **1957** – Treaty of Rome: free movement of goods, capital services and workers (persons)
- **1968** – Regulation 1612/68 on free movement of workers
- **1990** – 3 directives on free movement of students, retired persons and non-economically active persons
- **1992** – Introduction of the concept of EU citizenship
- **1994** – Internal market and free movement extended to European Economic Area (EEA) countries: Iceland, Liechtenstein and Norway
- **2004** – EU enlargement (8 CEECs, Cyprus and Malta)
- **2004** – EU Citizens Directive 2004/38
- **2007** – EU enlargement (Bulgaria and Romania)
- **2011** – Regulation 1612/68 recast – Regulation 492/2011 on freedom of movement for workers within the Union

# The EU and the Free Movement of Workers: Treaty Principles

- ✓ Non-discrimination on the ground of nationality (Art. 18 TFEU i.e. Treaty on the Functioning of the EU)
- ✓ EU citizenship (Art. 20 TFEU)
- ✓ Right to move and reside freely (Art. 21 TFEU)
- ✓ **Free movement of workers (Art. 45 TFEU)**
- ✓ Right of establishment (Art. 49 TFEU)
- ✓ Freedom to provide services (Art. 56 TFEU)
- ✓ EU Charter of Fundamental Rights 2000
  - ✓ Legally binding since entry into force of the Lisbon Treaty on 1 December 2009

# The EU and the Free Movement of Workers: Core Rights

- ✓ Right to seek employment
- ✓ Right to free access to employment, including public sector employment
- ✓ Right to reside
- ✓ Right to equal treatment
- ✓ Right to family reunification
- ✓ Rights of family members
- ✓ Right to protection against expulsion

# The EU and the Free Movement of Workers: Right to Seek Employment

- ✓ Any EU national has the right to
- ✓ Look for a job in another EU Member State
- ✓ Receive the same assistance from the national employment offices of that EU Member State as any national of the host country
- ✓ Stay in the host country for a period long enough to look for work, apply for a job and be recruited



# The EU and the Free Movement of Workers: Right to Equal Treatment

- ✓ EU nationals working in another EU MS are entitled to equal treatment with nationals of that EU MS in respect of:
  - ✓ Conditions of employment and work
    - ✓ e.g. pay, dismissal and reinstatement or re-employment should s/he become unemployed
  - ✓ Trade union rights
  - ✓ Access to training
  - ✓ Housing and property rights
  - ✓ Social and tax advantages
    - ✓ e.g. job-seeker cash benefits (if genuine link with local labour market), family benefits, minimum subsistence payments

# The EU and the Free Movement of Workers: Right to Family Reunification

- ✓ The following members of a worker's family have the right to reside in the host EU Member State, irrespective of their nationality
  - ✓ Spouse
  - ✓ Registered partner (provided host country treats registered partnerships as equivalent to marriage)
  - ✓ Children who are under the age of 21 or are dependents
  - ✓ Dependent relatives in the ascending line (e.g. parents, grandparents).
- ✓ EU MS must also facilitate entry and residence of:
  - ✓ Other family members who are dependents or members of the worker's household
  - ✓ Other family members who require personal care due to serious health grounds
  - ✓ A partner demonstrated to have a durable relationship with the worker

# The EU and the Free Movement of Workers: Right of Family Members

- ✓ Members of an EU worker's family, irrespective of their nationality, have the right in the EU MS of residence to
  - ✓ Reside (see earlier)
  - ✓ Access to employment without any restrictions (i.e. no need to possess a work permit)
  - ✓ Equal treatment (including social and tax advantages – see earlier)
- ✓ Children of EU workers have the right to (under the same conditions as nationals)
  - ✓ General education on the same terms as nationals, including equal access to study grants
  - ✓ Apprenticeship and vocational training course

# The EU and the Free Movement of Workers: Complementary Rights

- ✓ Social security (coordination - not harmonization)
- ✓ Recognition of qualifications
- ✓ Right to vote and stand as candidates in elections to the European Parliament and in municipal elections in the Member State of residence

## Not regulated

- ✓ Employment Policies
- ✓ Taxation

# The EU and the Free Movement of Workers: Legal and Practical Obstacles

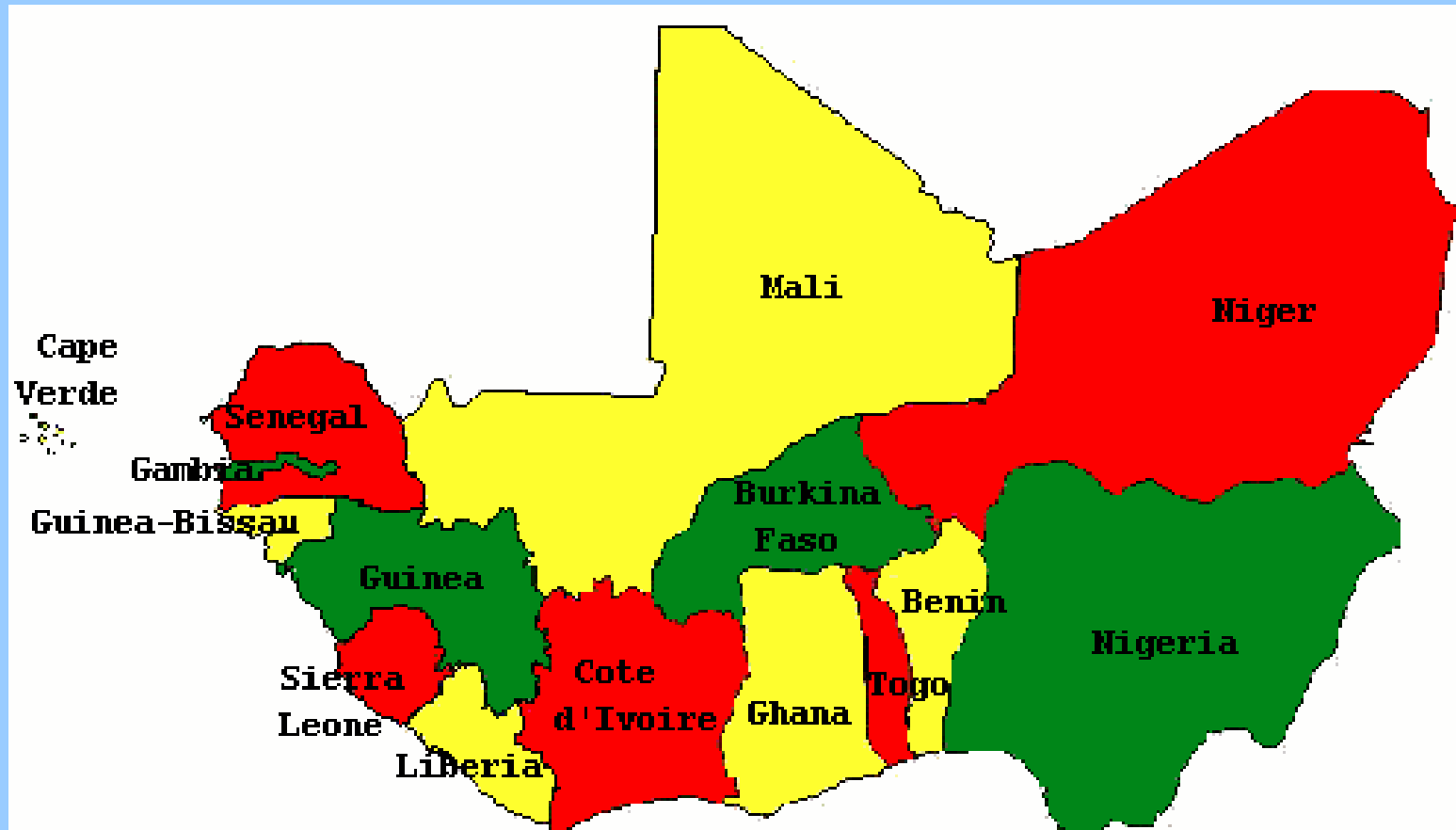
- ✓ Limited mobility in practice
  - ✓ Less than TWO per cent of EU citizens live and work in a EU MS other than their MS of origin
- ✓ Legal obstacles
  - ✓ Taxation issues (e.g. double taxation)
  - ✓ Social security (e.g. pension plans)
  - ✓ Limitations in recognition of qualifications/skills
  - ✓ No EU-wide employment legislation
  - ✓ Absence of strong non-discrimination guarantees or their adequate implementation
- ✓ Practical obstacles
  - ✓ Language barriers
  - ✓ Lack of employment opportunities for partners

# Other Regional Integration Regimes

- ✓ Africa
  - ✓ ECOWAS
  - ✓ SADC
  - ✓ EAC
  - ✓ COMESA
  - ✓ CEMAC
- ✓ Asia
  - ✓ ASEAN
  - ✓ SAARC
- ✓ Americas and the Caribbean
  - ✓ Andean Community
  - ✓ MERCOSUR
  - ✓ CARICOM
- ✓ Eastern Europe and Central Asia
  - ✓ Commonwealth of Independent States
  - ✓ Eurasian Economic Community

# Economic Community of West African States (ECOWAS)

- 15 Member States
- Website: <http://www.ecowas.int/>



# Economic Community of West African States (ECOWAS)

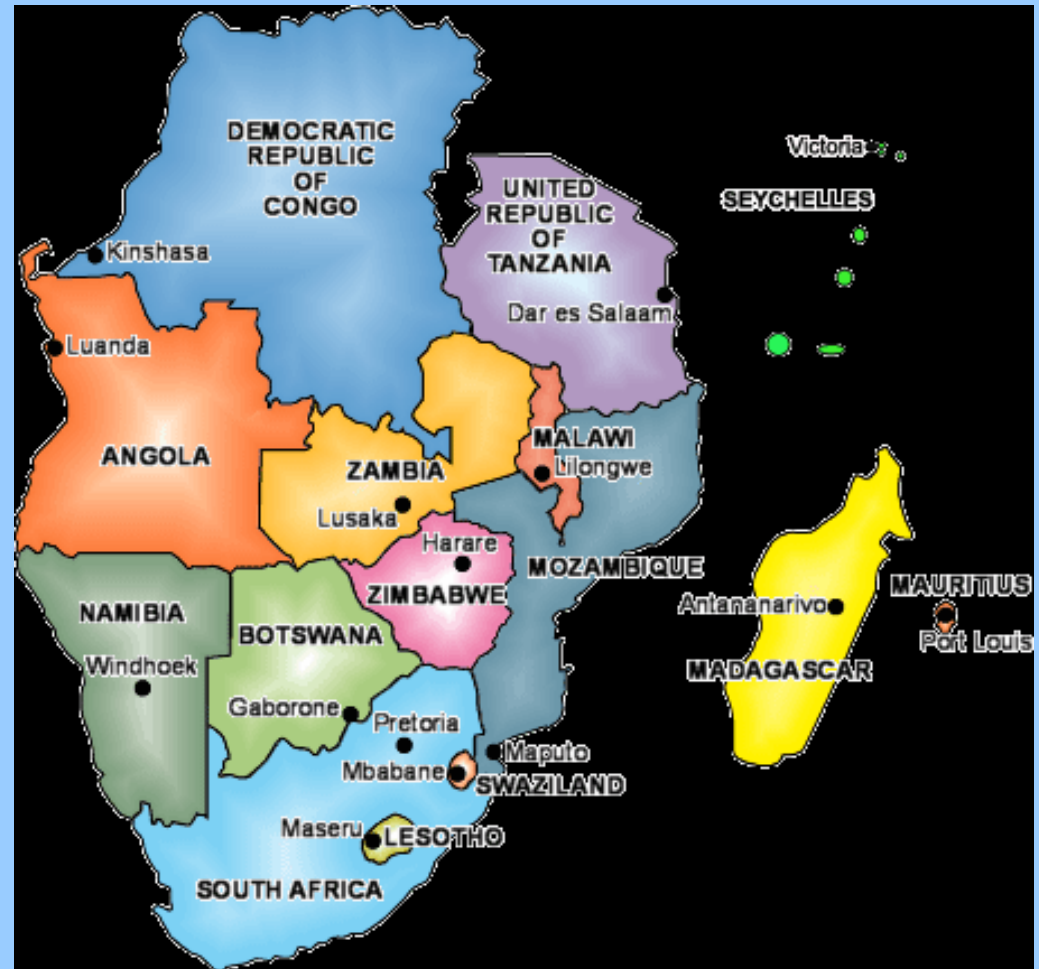
- ✓ ECOWAS was formed in 1975 to foster economic and social development among its Member States.
- ✓ ECOWAS enacted a Protocol on Free Movement of Persons, the Right of Residence and Establishment in 1979.
- ✓ 1<sup>st</sup> phase of the Protocol which guarantees free entry of citizens of Member States without visa for 90 days was ratified in 1980.
- ✓ 2<sup>nd</sup> phase of the Protocol which guarantees right of residence became effective in July 1986.
- ✓ Right of establishment is yet to come into force.



# Southern Africa Development Community (SADC)

- 15 Member States
- Website

<http://www.sadc.int/>



Source: <http://apps.thedti.gov.za/>

# SADC

- ✓ The SADC Protocol on the Facilitation of Movement of Persons has as its objectives to facilitate SADC citizens:
  - Entry into member states without the need for a visa for a maximum of 90 days/year;
  - Permanent and temporary residence;
  - Working in the territory of another member state.
  
- ✓ The Protocol requires two-thirds (i.e. 9) ratification by the members before it can enter into force.
  
- ✓ Some SADC Member States have already entered into bilateral agreements concerning the lifting of visa requirements.

# Common Market for Eastern and Southern Africa (COMESA)

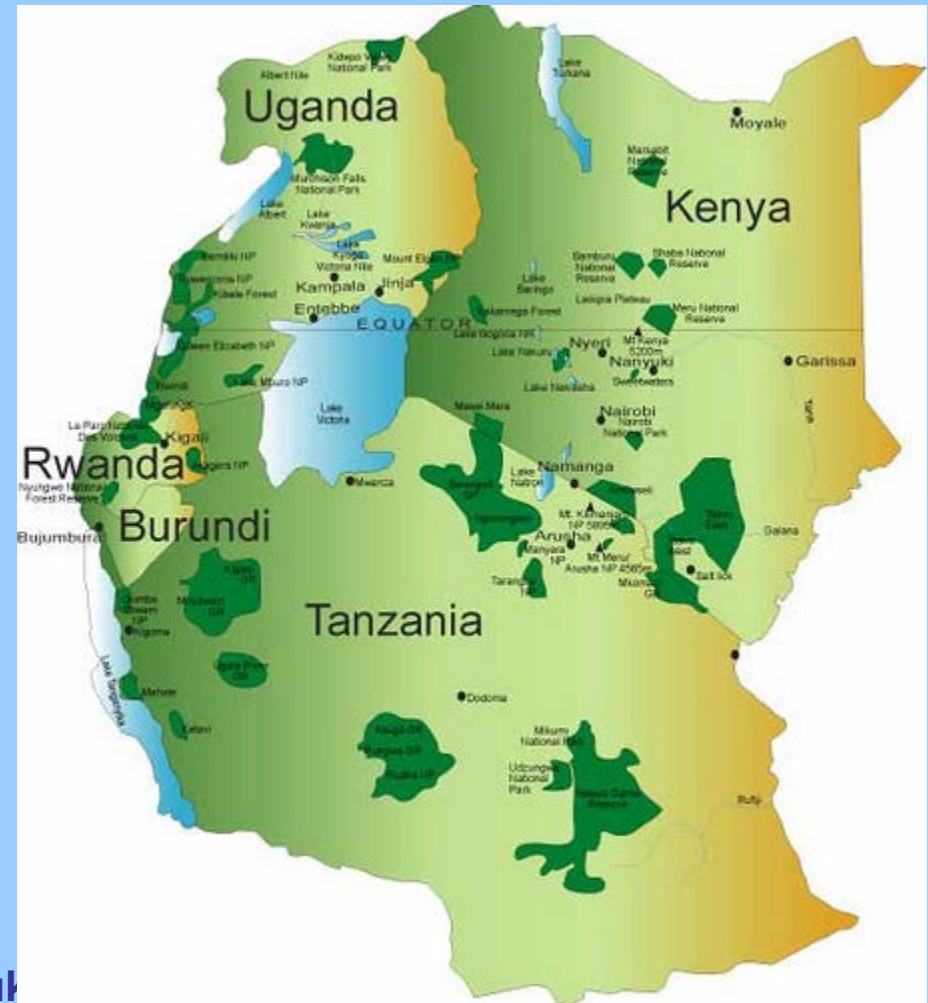
- 19 Member States
- Website  
<http://www.comesa.int>



Source: <http://3yoonmasr.110mb.com/COMESA-map1.gif>

# East Africa Community (EAC)

- ✓ 5 Member States
- ✓ Website  
<http://www.eac.int/>



Source: <http://www.flickr.com/photos/nul>

# East Africa Community (EAC)

- A citizen of a Partner State who seeks to enter or exit the territory of another Partner State as a worker, shall do so at entry or exit points designated in accordance with the national laws of the Partner State and shall comply with the established immigration procedures.
- A citizen of a Partner State who seeks to enter the territory of another Partner State as a worker shall:
  - present to the immigration officer a valid common standard travel document or a national identity card where a Partner State has agreed to use a machine readable and electronic national identity card as a travel document;
  - Declare all the information required for entry and exit; and
  - Present a contract of employment to the immigration officer.

# East Africa Community (EAC)

- A worker who has a contract of employment of a period of more than ninety days in the territory of another Partner State shall apply to the competent authority for a work permit within fifteen working days from the date of entry into the territory of the host Partner State.
- The application for a work permit shall be supported by a valid common standard travel document or a national identity card, where that Partner State has agreed to use the national identity card as a travel document, the contract of employment and any other document the competent authority may require.
- A competent authority may reject an application for a work permit.
- A spouse or child of a worker who is not a citizen of a Partner State who seeks employment in the worker's host Partner State shall apply for a work permit in accordance with the national laws of the Partner State.

# Andean Community of Nations (Andean Pact)

✓ **4 Member States**

✓ **Website**

<http://www.comunidadandina.org>



**Source:** <http://www.zonu.com/fullsize-en/2010-01-13-11726/The-Andean-Community-of-Nations-2006.html>

# Southern Common Market (MERCOSUR)

- ✓ 4 Member States
  - ✓ Argentina, Brazil,
  - ✓ Paraguay, Uruguay
  - ✓ 6 Associated States
  - ✓ Bolivia, Chile Colombia
  - ✓ Ecuador, Peru, Venezuela
- 
- ✓ Website  
<http://www.mercosur.int/>





# The Caribbean Community (CARICOM)

✓ 15 Member States

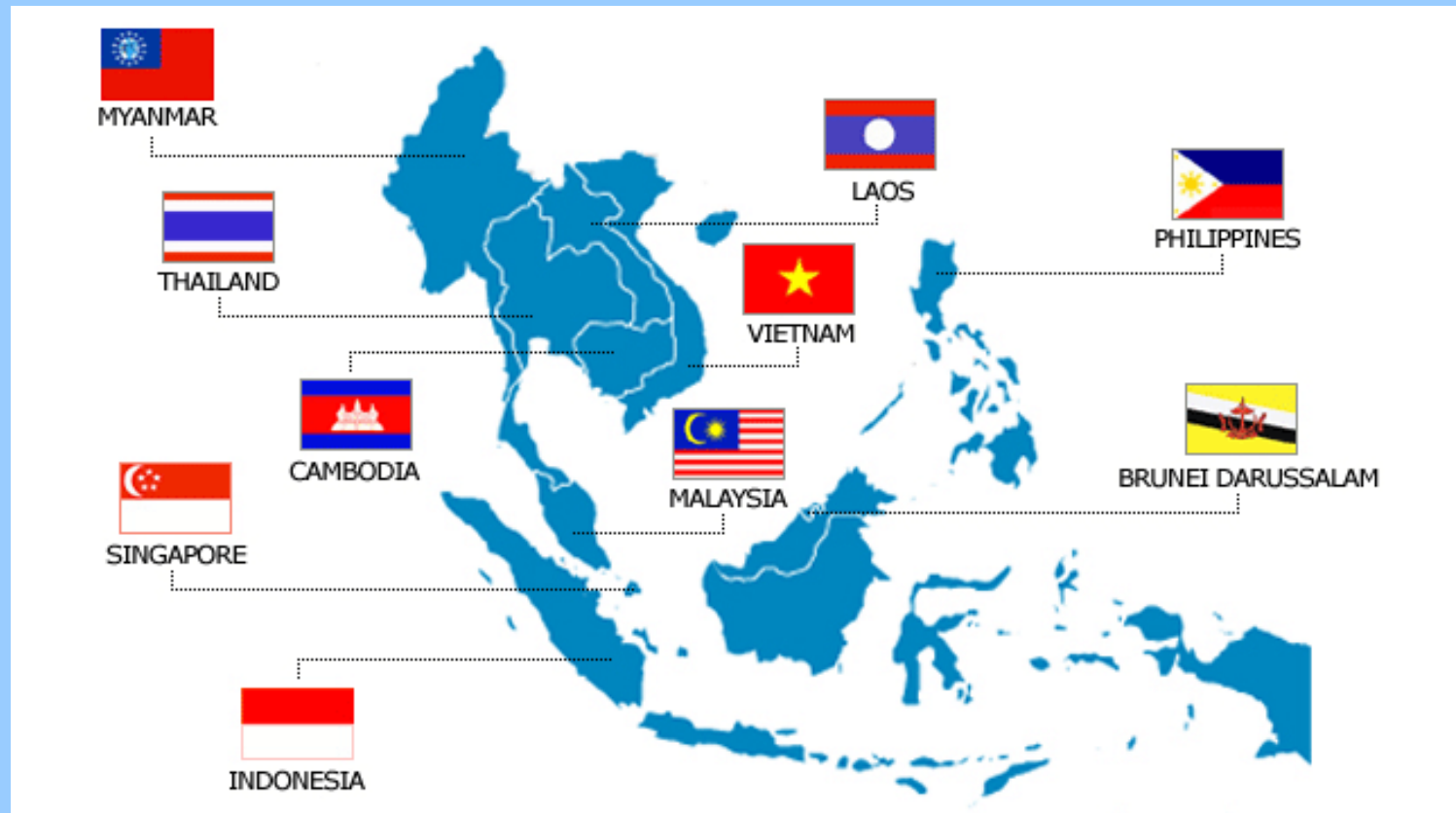
✓ Website

<http://www.caricom.org>



# Association of Southeast Asian Nations (ASEAN)

- 10 Member States
- Website: <http://www.aseansec.org/>



# South Asian Association for Regional Cooperation (SAARC)

- ✓ 8 participating States
- ✓ Website  
<http://www.saarc-sec.org/>



# Commonwealth of Independent States (CIS)

- 12 participating States
- Website: <http://www.cis.minsk.by/>



Source: <http://eurodialogue.org/Commonwealth-of-Independent-States-Map>

# Eurasian Economic Community (EAEC)

## ➤ 6 Member States (orange)

- Belarus
- Kazakhstan
- Kyrgyzstan
- Russia
- Tajikistan
- Uzbekistan

## ➤ Observers (yellow)

- Armenia
- Moldova
- Ukraine

## ➤ Website

<http://evrazes.com/>

