



ACTRAV/ITC-ILO Course (A155169)

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

Trade union perspective on unsafe
migration, prevention and protection

Structure of the Presentation

The presentation is structured as follows:

- ✓ Migration and Globalization
- ✓ Growth of world migrant population 1965 – 2012
- ✓ Global migration – driving forces
- ✓ Are migration and trafficking trade union issues?
- ✓ Vulnerable workers
- ✓ Role of government
- ✓ Role of trade unions
- ✓ Efforts made by ITUC



Migration and Globalization

- ✓ Migration is not a problem, but a phenomenon as old as history.
- ✓ It is likely to increase in the future, not decrease. The issue is how to regulate or govern – and not how to stop migration.
- ✓ Globalization has made least progress in relation to cross border mobility of people and labour in particular.
- ✓ The ILO and the international community now see migration as a positive factor benefiting both source and destination countries and migrant workers and their families.
- ✓ Respect for migrant rights is essential for ensuring and sharing benefits from migration.
- ✓ The world needs more and better migration policies – not more and better controls and policing

Growth of world migrant population 1965 – 2010

	Migrants (millions)	World pop (billions)	Migrants as per cent of world pop
1965 *	75	3.3	2.3
1975 *	85	4.1	2.1
1985 *	105	4.8	2.2
1990 *	154	5.3	2.9
1995 *	164	5.7	2.9
2000*	175	6.1	2.9
2010	214	6.8	3.1

*Source : United Nations : *International migration report 2002*

Global Migration: Driving Forces

- ✓ Demographic trends
 - Population decline in developed countries
 - Population ageing
- ✓ Disparities and gaps across countries
 - Decent work deficits
 - Human security: armed conflict and war
 - Human rights
- ✓ Globalization
- ✓ Social Networks: family unification

Are Migration and Trafficking Trade Union Issues

- Where migrant workers are attracted by governments and employers to undermine existing terms and conditions, the attention and intervention of the trade union are needed
- Undue hardships and abuses in the form of low wages, poor working conditions, virtual absence of social protection, denial of freedom of association and workers' rights, discrimination and xenophobia as well as social exclusion faced by migrant workers if unchecked by trade unions may undermine worker unity and solidarity.

Trafficking in persons

- ✓ Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime “Palermo Protocol” (2000)

“Trafficking in persons” shall mean:

- the recruitment, transportation, transfer, harbouring or receipt of persons,
 - **by means of** the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person,
 - **for the purpose** of exploitation.
- ✓ ILO Forced Labour Convention, 1930 (No. 29)

« All work or service that is exacted from any person **under the menace of any penalty** and for which the said person has **not** offered himself **voluntarily** »

Labour Perspective

- ✓ Labour exploitation – forced labour
 - ✓ ILO C29 – C105
 - ✓ Global report 2007 interpretation
 - ✓ ILO-EC indicators
- ✓ Identification
- ✓ Continuum decent work – forced labour
- ✓ Process of increasing coercion
- ✓ Interrupting the process is preventing forced labour
- ✓ Raising the risks, empowering workers, reducing vulnerability is reducing profits
- ✓ Criminal justice framework – social justice framework

Typical process

Recruitment

- Promises of work: nature, wages, conditions
- Influence of another person: family, neighbours, friends, religious or community leaders
- Recruitment fees

Transport

- **Transport fees higher than expected**
- **Advance for food**
- **Permanent monitoring**
- **Fear / tension**

Exploitation

- **Working tools to be paid**
- **Advance for food, accommodation and clothing**
- **Penalties in case of low productivity or mistake**
- **Violence, isolation**



Debt towards employer and/or intermediary

Smuggling of Migrants

- ✓ Material benefit –usually financial- received for getting a person into a country illegally
- ✓ Does not necessarily involve exploitation
- ✓ Is a consensual relationship between the person to be transported and the person from whom the transportation is being purchased
- ✓ Involves crossing an international border



Means of Coercion

- ✓ Deception, false promises
- ✓ Restrictions on freedom of movement
 - ✓ Physical
 - ✓ Residence status
- ✓ Debt bondage, fees
- ✓ Threats, intimidation and violence

Vulnerable Workers

- ✓ Migrant workers
- ✓ Domestic workers
- ✓ Isolated rural workers
- ✓ People in prostitution
- ✓ Ethnic minorities
- ✓ Agriculture, hotels and restaurants, construction, food processing, forestry...



What makes migrant workers vulnerable to human trafficking?

- ✓ Lack of awareness about rights
- ✓ Abuse of recruiters
- ✓ Precarious residence status
- ✓ Social exclusion, isolation, no time off
- ✓ Informal work
- ✓ Abuse of employers
- ✓ Language, culture and administration



Role of Governments

- ✓ Rights based migration policy
 - ✓ Equality of treatment between migrants in a regular situation and nationals (C97, C143 and UN)
 - ✓ Equality of opportunity between migrants in a regular situation and nationals (C143 and UN)
 - ✓ Respect for the basic human rights of all migrant workers regardless of status (C143 and UN)
 - ✓ More supple labour migration regulation reduces vulnerability and abuse of migrant workers
- ✓ Effective labour inspection (ILO C81, C129)
- ✓ Regulation of private employment agencies (ILO C181 and R198)
- ✓ Freedom of association for migrant workers (ILO C87, C98)
- ✓ Involve all relevant stakeholders in policy development and strategy planning, implementation and monitoring

Role of Trade Unions in Prevention

- ✓ Training and awareness raising amongst membership, depending on sector and location e.g. tourism, transport, agriculture
- ✓ Migrant workers' centres, counselling, legal advice.
- ✓ Working with companies, multinationals
 - ✓ e.g. recruitment agencies
 - ✓ Inditex – ITGLWF
- ✓ Campaigning and influencing policy

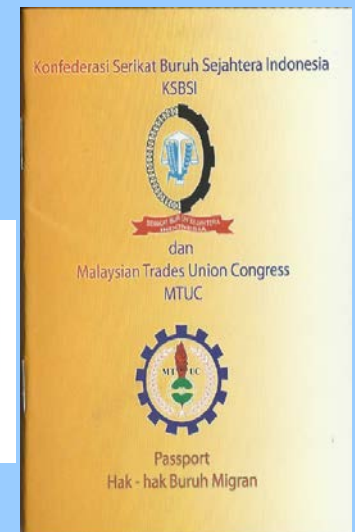


Role of trade unions in combating trafficking and modern forced labour

- ✓ Formalising informal work e.g. domestic workers
- ✓ Legal assistance
- ✓ Mediation
- ✓ Collective - industrial action
- ✓ Monitoring
- ✓ Research and data collection

Build alliances

- ✓ Cooperation with trade unions in other countries
 - ✓ Bilateral agreements
 - ✓ Italy: Cape Verde, Morocco, Peru, Senegal, Tunisia
 - ✓ Spain: Morocco, Mauritania
 - ✓ Senegal: Mauritania
 - ✓ Indonesia: Malaysia
 - ✓ Bahrain: India, Nepal
 - ✓ Brazil: Peru
 - ✓ Trade union passports



- ✓ Cooperate with migrants' rights, migrant-led, diaspora organisations, faith based organisations

Educating and Informing Union Members

- ✓ Destination countries:
 - ✓ Trade unions need support of their own membership in destination countries
 - ✓ Fight racism and xenophobia
- ✓ In origin countries:
 - ✓ Pre-departure information dissemination on rights through members towards possible future migrants
 - ✓ Information on recruitment agencies

Reaching out to migrant workers

✓ In destination countries:

- ✓ Information and awareness campaigns
- ✓ Targeted collective bargaining
- ✓ Integrate migrant workers
- ✓ Assistance and protection
 - ✓ legal assistance
 - ✓ representation
 - ✓ mediation,
 - ✓ collective action
 - ✓ ...
- ✓ Vocational training

✓ In origin countries:

- ✓ Information and awareness campaigns
- ✓ Unionising in origin countries, follow-up migrant workers and assist upon return
- ✓ Survey returned migrants

Efforts made by ITUC

- ✓ Global trade union alliance to combat forced labour and trafficking
 - ✓ Policy development
 - ✓ Networking, coordinating, sharing good practice, sharing information
 - ✓ Support projects
- ✓ Campaigns for ratification of UN Convention and ILO Conventions
- ✓ Monitoring and reporting to ILO, UN, WTO, etc.
- ✓ Global Forum on Migration and Development
- ✓ Special Action Plan on Migrant Workers
- ✓ Promoting ratification of the ILO Domestic Workers Convention
- ✓ Committee on Workers' Capital