GFMD 2020
The governance of labour migration in the context of changing employment landscapes
Report on regional consultations

Michelle Leighton, ILO

This report summarizes the regional consultations on the thematic area of 'governance of labour migration in the context of changing employment landscapes' which were convened in three regional contexts, engaging 206 multi-stakeholder participants from government, mayors offices, business, trade unions, youth and women`s groups, among other civil society organizations, and academic experts.[1] In the Africa region these were co-convened by the GFMD Chair and the African Union, separately in English and in French. In the Middle East, consultations were co-convened by the GFMD Chair and Abu Dhabi Dialogue. In Europe the consultations were convened by the GFMD Chair and OECD Development Center.

The consultations focused on key issues identified in the background paper under a number of sub-themes including: how labour migration governance can be reoriented toward more human centered approaches, built around more robust data and evidence as well as implementation of international human rights and labour standards; how such governance can improve coherence between migration, employment, education and training policies to meet real labour market needs at all skills levels; and how cooperation can facilitate more regular pathways of migration and positive development outcomes for all stakeholders, particularly for the migrant workers themselves.

The discussions were engaging and often robust among the various stakeholders, revealing a multifaceted set of exchanges on the governance challenges and opportunities. The participants expressed priorities for action and recommended approaches to help governments and stakeholders better prepare for changing future trends in employment and migration. These are highlighted below.

1. **Broad discussions around decent work deficits led to a number suggested elements for improving governance strategies that would generate a more human-centred approach to addressing 'future of work' challenges and opportunities for labour migration.**

Quite a number interventions centered on the decent work deficits faced by migrant workers, the inconsistencies in laws, policies, regulatory frameworks and lack of rights implementation. Governance challenges have risen as countries have evolved from origin to transit and destination countries, or characterized by all three. While most migration takes place within regions, increasing numbers of migrant workers are moving between regions such as Asia and Africa to the Gulf. The contribution of migrants to development and societies has been well documented, reiterated in the Global compact for safe, orderly and regular migration, and there is much consensus that migrant workers can be a catalyst for growth. The future of migration post-COVID-19 may depend on the level and seriousness of the disruptions to the business community in many countries due to the pandemic, the level of socio-economic support for recovery and the demographic changes that may emerge. Rebuilding and recovery could be more robust through the adoption of fair and effective labour migration frameworks which respond to the emerging needs of businesses and changes in migration flows, while also protecting migrant workers` rights.

---

[1] The report summarizes the outcomes of the regional consultations jointly, and not by each region as advised by the Chair and to avoid duplication. It is also with thanks to support from Patrick Marega-Castellan, ILO.

The treatment of migrant workers, particularly their lack of protection and implementation of human-labour rights, was a recurring theme.

- There was a recognition that labour protections are weak and current governance models not sufficient to effectively meet the needs of business or migrant workers, who are often denied equal treatment, suffer increased discrimination and work in low wage, temporary and informal working conditions—in some countries 90% of jobs for migrant workers are in the informal sector which has been hardest hit by the pandemic.
- Those working in sectors such as domestic work may not be recognized under national labour laws, creating further deficits in protection which can leave migrant workers more vulnerable to potential exploitation, particularly for women that make-up the majority of care workers.
- The mechanisms for recruiting migrant workers are still poorly regulated by many countries, and the lack of fair recruitment can lead to high fees and costs being paid by migrant workers to labour brokers. This provides a gateway to abuse and increased risk of forced labour and human trafficking. Migrant workers into destination countries may not be given jobs promised, or experience unhealthy workplace and living conditions that counter international labour standards, safety and health.
- The COVID-19 pandemic has revealed large gaps in labour protection implementation, including for occupational health and safety. There is a growing incidence of under-- or nonpayment of wages, excessively long working hours, the lack of access to social protection, including to health care, among others. Essential work often is not translating into decent work, including those in essential jobs, and migrant workers` families are left out in many policies.
- Beyond the lack of comprehensive labour rights protections, there was recognition that across countries and migration corridors the rules and regulations are inconsistent, even within the same region, and some systems may be ``obsolete`` or inadequate to meet the realities of today`s business needs. Governance can be overly complex, duplicative and confusing with many different agencies or institutions involved. Hence, modernizing these systems and making them more adaptable to economic growth would need priority attention.

Approaches suggested by participants to foster labour protection include ratification and implementation of international labour standards, policy coherence, and inter-institutional cooperation

- Harmonizing the roles of institutions, laws and policies will be important in addressing future challenges. ILO Standards such as Conventions 97 and 143 and their recommendations, and Convention 189 and 181 were pointed to among others as ones that should be ratified and which provide ample guidance, along with implementation of universal human rights and fundamental principles and rights at work. National labour laws should be inclusive of migrants, and there is a particular gap in protection of domestic workers.
- Modernizing labour migration frameworks would require tackling the inconsistencies in the multiplicity of government agencies and institutions engaged in migration procedures at national level. A whole of government approach with stronger inter-institutional coordination among ministries of foreign affairs, interior, labour and education and training and others is needed.
- The challenge is to develop policy and programmatic approaches towards the adjustment and recovery of overseas employment and labor migration management. Opportunities exist for strengthening tripartite-plus collaboration and social dialogue to ensure decent and productive employment creation that would help the local economy and global labor market recover. Civil society and other stakeholders including trade unions and business have much to contribute.

- Innovations on extending services via online platforms and more transparent oversight of recruitment agencies plus accurate and timely labor market information for stakeholders will bring benefits.
- Significant benefits can be yielded through national and municipal cooperation, particularly in absorbing and reintegrating returning migrant workers into the labour market, assuring more of phased returns. Encouraging capacity-building of cities and their interaction with national level institutions and regional and global fora such as GFMD, together with greater local investment of resources, can help them to examine good practices and seize opportunities for local job creation.
- Investing in local cities will further be important to develop the skills of local workers and identify or anticipate future skills needs. Practical efforts to build partnerships among local authorities with education and training institutions and migration agencies would be a needed first step.
- In the short to medium term, governments can follow the good practices being instituted in a number of countries to extend socio-economic recovery programmes to migrant workers, including access to social protection and basic needs regardless of status for migrant workers and their families.
- Governments can open pathways for potential employment through means such as untying migrant workers from their employers (as under the Kafala system) and provide some mobility for migrant workers to take jobs in other sectors or occupations. This would ensure they remain in regular status and can fill labour shortages as businesses recover. Similarly, this can help those who fall into irregular status from forced returns. Phased returns of migrant workers should be preferred over return of large numbers to labour markets that are already fragile or have high levels of unemployment.
- Looking toward reintegration and recovery, investing in skills development and recognition could improve labour market outcomes for both workers and economic productivity of business. Reintegration can be linked as well to investment in predeparture programmes that better prepare migrant workers.
- Access to justice, portability of social security entitlements, and wage protection systems should be strengthened, including ensuring wages and end of service benefits are paid before workers return home. Building of capacity of trade unions is an important means to assisting migrant workers' access to justice, but as well to improve predeparture training.

2. *The need for more robust data to inform migration policies collected on a regular and timely basis was a challenge raised by many, with suggested areas for improvement, particularly to capture changing employment and migration patterns and post-COVID-19 labour market needs.*

- Data deficits exist at all levels, particularly data disaggregated by occupation and gender, and this serves as a barrier to informed policy-making and to addressing the specific needs of groups in vulnerable situations, such as women and youth migrant workers. Predicting future migration needs or trends will be ever more challenging without more sophisticated data collection systems as well as data sharing that can benefit migrants and businesses.
- These challenges are exacerbated by the level and diversity of the definitions and statistical methods being used by origin and destination countries and across regions. These can cause confusion and detachment of policies from the realities on the ground.
- Labour market information systems in many countries are weak and not supportive of business needs, and data on employment opportunities in sectors or occupations is not well known by migrant workers in origin countries, making them reliant on labour brokers that may charge high fees or put them at risk of situations of human trafficking or forced labour. The lack of data also puts small and medium enterprises (SMEs) in many countries at a disadvantage in meeting labour market shortages.

Various approaches and means for improving data collection and sharing were suggested

- Data should be collected in origin and destination countries alike with a view to providing medium and longer term monitoring of movements and trends that can inform national and international skills needs for the future, and which better links to education and training, and the needs of migrant workers, including women and youth.
- Countries can take advantage of new statistical definitions, standards and guidance developed by the International Conference on Labour Statisticians and ILO which would better harmonize and make consistent regional and global data on labour migration. Good practice models are emerging as countries utilize the new standards and guidance.
- Countries can invest in more sophisticated models for labour market information, including sharing across migration corridors, with the participation of business and with a view to improving access by prospective migrant works and SMEs to the skills they need. Support for mechanisms such as job sharing platforms and one stop skills-jobs centers are emerging good practices, and social dialogue can play a constructive role.
- Data on trends in sector with emerging growth, such as the care economy among others, as well as labour force participation of women migrant workers can also help future forecasting, training and understanding of labour shortages and skills gaps as well as migrants contribution to development.
- On evidence based narratives, it was viewed as important to "continue communicating the reality of migration" enabling political debates to be based on solid evidence, and to provide information to migrant workers and host communities to strengthen understanding and tolerance, as well as on the benefits migrant workers bring to host communities.

3. ***Fostering innovative admission and visa schemes for in-market labour mobility was raised as an area to enhance workforce productivity and foster regular migration pathways for skills and jobs matching.***

- It was observed that the post-COVID-19 the future of work may accelerate some trends while diminishing others in terms of skills needs. Demand for skills and labour around the world will intensify as businesses and economies build back, but full recovery if at all would take many years. The changing migration landscape may require policies to be better linked to changing business needs while also ensuring migrant workers' rights are protected. In some sectors there may emerge a shift to automation and the role of technology may require different skill sets. Automation and new technologies could diminish some but create other jobs and there may be demand for new skills. Countries should invest in preparing migrant workers, including women migrant workers, at all skills levels for these opportunities.
- Skills mapping in origin and destination countries is key, particularly to ensure examination of skills and talent at national level and to promote jobs and skills matching. Knowledge economies may be emerging which will require monitoring of changing business models and technology, particularly as economies diversify. This may change demand for migrant labour in some occupations and sectors toward higher skills levels. At the same time, health and other services sectors continue to expand and low to medium skills remain in demand for the present.
- Building the capacity of Public Employment Services to monitor and counsel migrant workers in destination as well as origin countries is one means to ensure better skills and jobs matching.
- Intercompany transfers and apprenticeships were raised as means to help build skills. Intercompany transfers and migration pathways would be best if linked to economic growth.
- Technology can also improve governance and state to state cooperation, for example, emerging E-visa or payment systems which can eliminate fraud and abuse of labour brokers or nonpayment of wages by employers. E-visa and governance mechanisms should be examined further to consider how to make

governance systems more fair, effective and efficient and more consistent across migration corridors, and more diversity so businesses have access to shorter and longer term visas while flows remain dynamic.

- Broad partnerships through national and regional platforms that engage all relevant stakeholders were cited as examples of how governments can move toward more forward-looking, inclusive and modern labour migration policies, particularly in deciding on temporary or circular migration schemes that meet decent work conditions, and for examining the appropriate length of contracts. Skills partnerships such as the Global Skills Partnership of ILO, IOM, UNESCO, IOE and ITUC are developing good practice models.
- Partnerships are also needed to broaden portability of entitlements, and social protection, within and across regions, and to help countries move toward realizing the 2030 SDG commitments.
- Training workshops to exchange on which migration schemes work best can help in understanding which are good practices in terms of modern admission and visa schemes.
- The movement toward policies that promote regularization and for migrant workers to change employers as labour market dynamics change were highlighted as further areas emerging from COVID-19 lessons.
- Guidance exists in the GCM, particularly Objective 5, relating to providing regular pathways for migration, Objective 6 on fair recruitment and Objective 18 on skills development and recognition that should be utilized, as well as guidance and tools developed by the ILO and other agencies.

> ### *4.* ***A critical highlight was the need for cooperation between origin and destination countries to make labour migration a positive experience and contribute to future development, decent work and productive employment.***

- International and bilateral cooperation between countries on labour migration and mobility schemes, including through rights-based bilateral labour migration agreements (BLMAs) will continue to play an important role in ensuring businesses meet labour market needs and migrant workers' rights are protected, including on their return and reintegration.
- More regional harmonization was proposed, and the question of whether there was scope to consider GCC wide permit system was raised, as an example.
- International cooperation is of significant importance to the future of ensuring proper systems for the recognition of qualifications and prior learning of migrant workers in destination and origin countries, as mentioned previously. Platforms such as GFMD and ADD among others (Colombo Process and RCPs), could scale-up work in this area and foster deeper exchanges across countries and stakeholders.
- Partnerships at national and regional level could better engage municipalities and proactive efforts in this regard could produce large dividends. There was consensus on the need to strengthen cross border partnerships with municipalities to help build their capacity to implement human and labour rights standards, and to adopt models which enhance business productivity.
- It was observed that understanding migration and its links with future employment landscapes means understanding the current contribution that migrants are bringing across different sectors. Scaling up of promising approaches could be done through more cross border and international awareness raising, and collaboration among a diverse group of stakeholders as identified in the GCM.
- There are experiences emerging from partnerships not just between states but among businesses and employers' organizations, workers' organizations and trade unions across migration corridors. These partnerships can support social dialogue as governments develop new policies and programmes. There was broad agreement on the need to improve transparency, consistency and efficiency of regulatory frameworks as means to foster more regular pathways for migration.

Annex 1

Sharing experiences

- The **AU** Joint Labour Migration Programme (JLMP) a partnership effort of AUC, ILO, IOM and ECA supports RECs in updating labour migration governance systems for the implementation of free movement protocols; The AUC is implementing pilot programmes including in areas of fair recruitment and social security portability targeting **North Africa** Public Employment Services (RSMSS project).
- **ECOWAS** provides regional coordination promoting measures for employment as part of the pandemic responses.
- **Morocco** has extended protections to migrant workers during the pandemic, and provides access to social protection to migrant workers' under BLAs. In the context of the of the ILO Centenary "one for all" ratification campaign, **Morocco** deposited the instruments of ratification for three ILO conventions including the ILO Migration for Employment Convention (Revised) (No. 97) and the ILO Social Security (Minimum Standards) Convention (No. 102).
- **Bangladesh** is strengthening partnerships with banks to help migrant workers better reintegrate and recover their wages and entitlements, is planning to adopt a new reintegration strategy based on findings of the rapid assessments conducted with the support of ILO.
- Business representatives indicated the **Estonia**`s labour migration scheme as an interesting model which can support business in emerging from the crisis.
- The National Institute of Migration of **Dominican Republic** carried out a study "Promotion of livelihoods for the Venezuelan population in the Dominican Republic" in coordination with ILO and UNHCR which provides a detailed analysis of the job profiles and skills of Venezuelan migrants in the country, as well as protection and regularization measures aimed at avoiding labor informality and facilitating insertion in the health, education and tourism sectors without creating competition with national workers.
- **Indonesia** is promoting skills innovations and counselling services for its MWs.
- **The Philippines** on a national level has instituted programmes for migrant workers abroad that provide social and economic support, including on return, and consular support for access to justice. The **City of Naga (Philippines)** strengthened partnership between local authorities, national agencies and other stakeholders to address the reintegration challenges.
- **Spain** shared lessons emerging from broad supports it is providing to migrant workers and refugees, ensuring equality of treatment, access to social protection and regularization.
- Fifty Member States participated in a series of workshops leading to the development of the 2nd edition of the Report on labour migration statistics for **Africa**. This builds on the work conducted by the AUC with the support of ILO, IOM, UNECA.
- Experiences were shared on awareness raising programmes conducted in the **GCC** to help migrant workers preparing for return in an orderly and fair fashion.
- A number of governments, including the **United Arab Emirates,** shared that they had introduced protection measures during the COVID-19 pandemic, including free testing and treatment regardless of migratory status, extension of visas, food-distribution, and employment mobility.
- **Johannesburg (South Africa)** is strengthening partnerships between local and national authorities to address the changing impacts of local labour markets and migrant worker needs;
- **Lampedusa (Italy)** and other local authorities are involved in the project "Snapshots From The Borders", an active network bringing the voice of the reality of migration from the periphery to

- the center, aimed to improve the critical understanding on global interdependencies determining migration flows towards European borders.
- The administration of **Sfax (Tunisia)** is committed to work with all levels of government for the integration of migrant workers and requires appropriate ``know how``.
- The **South Asian Employers Association** is working with the ASEAN employers groups to develop a skills passport enhancing regional harmonization on skills in specific sectors.
- The **Legal Clinic on Migration and Citizenship – of the Rome University** provides legal advice to the public strengthening the link between academic community and vulnerable migrants
- The **Global Skills Partnership on Migration** coordinated by UNESCO, ILO, IOM, IOE, and ITUC provides a unique platform to: respond to the dynamic changing landscape and changing needs of labour shortages and sectors; promote investment, including at local cities level, in access to skills development and anticipation of skills needs, linking education and training institutions to migration institutions.
- The work of the **UN Network on Migration**, including through its working groups such as the one on Bilateral labour migration agreements led by ILO and IOM, is enabling access to new guidance for pilot testing develop by the UN system.
- The **UN Major Group on Youth** and the OECD co-lead the **KNOMAD thematic working group on youth** and reiterate the key role and potential of youth and young migrants in bringing innovation and skills.
- The **OECD Network of Communication Officers on Migration** (NETCOM) provides a space to discuss communication objectives in the area of migration.
- **ILO** has developed key guidance on skills and prior learning recognition to be tailored to regional and national contexts which link was provided.
- How to Facilitate the Recognition of Skills of Migrant Workers: Guide for Employment Services Providers https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_748721.pdf.
- Training Employment Services Providers on How to Facilitate the Recognition of Skills of Migrant Workers: Facilitator's Notes https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_748722.pdf.