

CHAPTER

5

**The International
Labour Organization**



The International Labour Organization

The main aims of the International Labour Organization (ILO)¹ are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen the dialogue on work-related issues. The Organization's unique tripartite structure gives an equal voice to governments, workers and employers to ensure that the views of social partners are closely reflected in labour standards and in shaping policies and programmes, including those relating to labour migration. Most international migration today is linked, directly or indirectly, to the world of work and decent employment opportunities. According to ILO estimates, approximately 105 million of the estimated 214 million international migrants globally are economically active,² many of them women and young people.³ Hence, the relationship between migration and development, and the policies and activities to address it in countries of origin and destination, as well as internationally, cannot be detached from labour issues falling within the mandate of the ILO. Similarly, the identity of the migrant in employment cannot be separated from his or her status as a worker.

The work of the ILO on migration and development occurs in the context of: (a) a rights-based approach to labour migration and mobility; (b) the Decent Work Agenda,⁴ with attention to the creation of decent work opportunities in both countries of origin and destination; and (c) social dialogue.⁵ ILO activities also highlight the contributions of migrant workers to the maintenance of social protection and living standards in countries of destination. The rights-based approach is reflected in the Organization's constitutional global mandate to protect migrant workers; international labour

¹ ILO was founded in 1919, in the wake of World War I, to pursue a vision based on the premise that universal, lasting peace can be established only if it is based on social justice. The Organization became the first UN specialized agency in 1946.

² ILO, *International Labour Migration: A Rights-based Approach* (Geneva, 2010), p. 18. The figure would be closer to 90 per cent if migrants' family members were included.

³ Women of all skill levels make up almost 50 per cent of all migrant workers worldwide and are migrating increasingly on their own to be sole breadwinners rather than to unite with families. Young people between the ages of 15 and 24 constituted one-eighth, or 27 million, of the total migrant population in 2010. From: UN DESA, *International Migration in a Globalizing World: The Role of Youth* (New York, United Nations Population Division, 2011).

⁴ The relationship between migration and development cuts across the four objectives of the Decent Work Agenda of the ILO, namely: (a) respecting, promoting and realizing the fundamental principles and rights at work; (b) promoting employment by creating a sustainable institutional and economic environment; (c) developing and enhancing social protection measures; and (d) promoting social dialogue and tripartism. ILO recognizes these objectives as inseparable, interrelated and mutually supportive (ILO Declaration on Social Justice for a Fair Globalization, International Labour Conference, ninety-seventh session, June 2008, part I, paragraphs A and B). Gender equality is regarded as a cross-cutting issue in the Decent Work agenda.

⁵ In its work on migration and development, ILO devotes special attention to social dialogue. The Organization's unique tripartite governance system has the added value that the results of its work reflect a consensus of the two parties most affected in the world of work: workers and employers. ILO seeks to ensure that the social partners are involved in policymaking on labour migration at the local, national, and international levels, and that their perspectives on migrant workers and the evolving nature of labour migration can also be presented. Capacity-building of workers' and employers' organizations, together with Ministries of Labour (and other government entities, where appropriate), is undertaken to this effect.

standards, including the Organization's fundamental human rights conventions,⁶ which cover all migrant workers (unless otherwise stated); and those conventions specifically concerned with the governance of labour migration and the protection of migrant workers, namely, Migration for Employment Convention (revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).⁷ At the 2004 International Labour Conference, the tripartite constituents of the ILO, mindful of the changing dynamics of international labour migration, reached the consensus that "a fair deal for all migrant workers requires a rights-based approach ... which recognizes labour market needs," and adopted the Plan of Action for Migrant Workers to advance this goal.⁸

1. Migration and development activities since the 2006 High-level Dialogue

Advocacy and policy advice

Since 2006 a key contribution of the ILO to the rights-based approach to migration governance is its promotion of the ratification and implementation of all its conventions and the emphasis on its unique supervisory mechanisms,⁹ which have resulted in improvements in the situation of migrant workers, recommendations for policy changes and identification of protection gaps, leading to the adoption of additional instruments, such as the Domestic Workers Convention, 2011 (No. 189) and the accompanying Recommendation No. 201. The Organization coordinates on human rights questions relating to migration and development with UN treaty bodies such as the Committee on Economic, Social and Cultural Rights and the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (short name: Committee on Migrant Workers). It also assisted the Committee on Migrant Workers in drafting its first general comment on migrant domestic workers and the general comment on the rights of migrant workers and their families in an irregular situation, adopted by the Committee at its eighteenth session in April 2011.

⁶ Namely: Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182); Equal Remuneration Convention, 1951 (No. 100); and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

⁷ See also the accompanying Recommendations No. 86 and No. 151.

⁸ See: "Conclusions on a fair deal for migrant workers in a global economy" in the Report of the Committee on Migrant Workers, International Labour Conference, ninety-second session, 2004.

⁹ ILO supervisory mechanisms include the Committee on Freedom of Association and the Committee of Experts on the Application of Conventions and Recommendations. Information on the work of these ILO supervisory bodies in monitoring the compliance of Member States with these standards is available from the Organization's Information System on International Labour Standards, accessible at www.ilo.org/dyn/normlex/en. One example of a promotional tool in this area is: ILO, *International Labour Standards on Migrant Workers' Rights: Guide for Policymakers and Practitioners in Asia and the Pacific* (Bangkok, 2007), available from www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_146244.pdf.

ILO has also assisted a number of countries in developing and improving legislation and policies on labour migration and establishing pertinent institutions based on the content of the ILO Multilateral Framework on Labour Migration, the centrepiece of the 2004 Plan of Action for Migrant Workers, which comprises a non-binding set of principles and guidelines that find their reference point in the aforementioned international labour standards and resulting good practices. Other important policy tools relating to migration and development include the *Handbook on Mainstreaming Migration into Development Planning* (2010), developed with other members of the GMG; the *Handbook on Establishing Effective Labour Migration Policies* (2006 and 2007), prepared in collaboration with the Organization for Security and Co-operation in Europe (OSCE) and IOM; *Strengthening Migration Governance* (2009), prepared with OSCE; and the manual entitled *Equality in Diversity: Migration and Integration* (2006). ILO has also provided support to a number of countries, such as Jordan, Viet Nam and Yemen, to ensure that national employment policies in destination countries are based on a proper assessment of short- and long-term labour market demand for migrant workers, which includes an analysis of the implications of the labour migration process for countries of origin.¹⁰

In collaboration with other agencies and stakeholders, ILO has provided policy advice on gender issues as they relate to migration and development. In September 2008 the Organization prepared the global policy report *Migration, Gender Equality and Development* for the International Conference on Gender, Migration and Development: Seizing Opportunities and Upholding Rights in Manila, organized with a number of GMG agencies and other partners, which resulted in the Resolution and Manila Call to Action 2008.¹¹ In 2009 ILO co-organized, with the UN Development Programme, IOM and the UN International Research and Training Institute for the Advancement of Women, the Global Consultation on Migration, Remittances and Development: Responding to the Global Crisis from a Gender Perspective, which resulted in a communiqué with policy recommendations for future action.

As fee-charging recruitment agencies are increasingly involved in international migration, and as some recruiters have engaged in unfair and abusive practices, ILO has increased its efforts to promote further regulation of this market by ensuring proper application of existing rules and wider ratification of its Private Employment Agencies Convention, 1997 (No. 181) and its implementation by Member States.¹² A key element is the licensing and supervision of recruitment and contracting agencies

¹⁰ See: ILO, *Guide for the Formulation of National Employment policies* (Geneva, 2012), available from www.ilo.org/emppolicy/pubs/WCMS_188048/lang--en/index.htm.

¹¹ This document is available from www.icgmd.info/docs/icgmd_manila_call_to_action.pdf.

¹² See, for example: ILO, Report of the discussion on the Workshop to Promote Ratification of the Private Employment Agencies Convention, 1997 (No. 181), Geneva, 20–21 October 2009, available from www.ilo.org/sector/activities/sectoral-meetings/WCMS_162739/lang--en/index.htm; ILO, Final report of the discussion on the Global Dialogue Forum on the Role of Private Employment Agencies in Promoting Decent Work and Improving the Functioning of Labour Markets in Private Services Sectors, Geneva, 18–19 October 2011, available from www.ilo.org/sector/activities/sectoral-meetings/WCMS_160794/lang--en/index.htm; and the aforementioned documents' respective "Issues papers."

for migrant workers with clear and enforceable contracts. For example, in September 2012 the Ministry of Labour and Vocational Training (MoLVT) of Cambodia specifically requested the assistance of the ILO project “Tripartite Action to Protect Migrant Workers from Labour Exploitation (TRIANGLE)” in drafting *prakas* (ministerial orders) to better regulate the recruitment process and protect migrant workers.¹³ MoLVT and ILO have formed a multi-stakeholder technical working group, comprising different government ministries, social partners, industry actors and civil society organizations, thus ensuring that the various views are reflected in the development of the measures. This project is also supporting efforts to combat exploitation of migrant workers in Thailand’s fishing sector, including through guidelines on recruitment, in partnership with the Government, the National Fisheries Association of Thailand, the Seafarers’ Union of Burma and civil society.¹⁴

ILO addresses labour migration in an integrated manner across its Decent Work Agenda, with a focus on particular needs and trends in specific sectors, such as hospitality and tourism,¹⁵ education and research, and health services, which are particularly relevant to understanding the migration and development relationship, given the significant presence of migrant workers in these sectors. With regard to the education and research sectors, ILO is a member of the Commonwealth Advisory Council on Teacher Mobility, Recruitment and Migration, which oversees follow-up to the *Commonwealth Teacher Recruitment Protocol*, adopted by the Commonwealth Ministers of Education in 2004 in response to the concern voiced by a number of Commonwealth States that a significant proportion of their teaching workforce was being lost to targeted recruitment drives. In April 2012 the Advisory Council developed a model memorandum of understanding between States to provide an example of good practice in setting out the terms under which teachers should be recruited from one State to work in another, including consultation with relevant teachers’ unions and organizations on its provisions, prior to signing and throughout its life.

In the health services sector,¹⁶ the ILO, together with WHO and IOM, participated in the two-year Action Programme on “The International Migration of Health Service Workers: The Supply Side,” launched in 2006. The aim of the action programme was to develop and disseminate strategies and good practices for the governance of health service

¹³ With a view to the implementation of Sub-decree 190 on “The management of the sending of Cambodian workers abroad through private recruitment agencies.”

¹⁴ See: ILO, “ILO TRIANGLE Activities in the Fishing Sector,” fact sheet, available from www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_191768.pdf.

¹⁵ As underlined in a global meeting, held at ILO in November 2010, the future workforce in the hospitality and tourism sector “will have greater diversity of gender, ethnic background and age profile. To be effective, approaches to skills development for the sector should be part of long-term national growth strategies so that skills development, the industry’s human resource needs and overall national labour market policies are linked.” See: ILO, Final report of the discussion on the Global Dialogue Forum on New Developments and Challenges in the Hospitality and Tourism Sector (Geneva, 23–24 November 2010, available from www.ilo.org/sector/activities/sectoral-meetings/WCMS_162201/lang--en/index.htm.

¹⁶ For more information about the project, visit the webpage “Promoting Decent Work Across Borders: A Project for Migrant Health Professionals and Skilled Workers (2011–2014),” at www.ilo.org/asia/whatwedo/projects/WCMS_173607/lang--en/index.htm.

migration from the perspective of five health worker-supplying countries, namely Costa Rica, Kenya, Romania, Senegal and Trinidad and Tobago. Social dialogue was a major means of action throughout the implementation of the action programme.¹⁷ One of the outcomes of the overall process was a comprehensive inventory and policy framework for addressing the various aspects of health worker migration (for example, working conditions) in the national public health system and considering the role and possible regulation of recruitment agencies.

Capacity development, institution-building and sharing of good practices

Most ILO technical cooperation projects in the field of labour migration and development have capacity development and institution-building components and are implemented in collaboration with ILO constituents (for example, governments and employers' and workers' organizations), as well as with civil society organizations (such as migrants' associations) and other international organizations, where appropriate. Some technical cooperation projects implemented since 2006 have focused more on the employment and labour market side of migration and have included: (a) skills development; (b) financial education for migrant workers and their families (financial literacy training); (c) improved data on labour markets and labour migration; (d) enhancing the capacity of employment services and public recruitment agencies; and (e) professional reintegration of returning migrant workers.

Other projects have pertained more to the rights of migrant workers in the context of labour migration governance and have included: (a) support services to migrant workers through information, advice and legal aid; (b) extension of social security coverage for migrant workers and their families; (c) promotion of international labour standards and regulatory frameworks, including licensing and regulation of private employment agencies; (d) enhancing the role and capacities of trade unions in informing and protecting migrant workers and their families; and (e) support to gender-sensitive labour migration governance and multi-stakeholder coordination mechanisms, including through regional economic communities and other subregional bodies.

In collaboration with ILO constituents and regional economic bodies, the Organization has underlined the role of labour migration in advancing regional integration and development. For example, the ASEAN Forum on Migrant Labour, supported by ILO since its inception, remains unique among ASEAN events in providing workers' and employers' organizations a platform to engage with governments. Each year, the Forum brings together national-level representatives from tripartite constituents and civil society organizations and regional bodies, including the ASEAN Confederation

¹⁷ The launch of the action programme was marked by an interregional tripartite meeting for participating countries, held in March 2006 at the ILO Headquarters in Geneva. National-level tripartite steering committees were established and formalized, aiming to ensure broad stakeholder involvement in a social dialogue process addressing the issue of health worker migration.

of Employers, the ASEAN Trade Union Council and the Task Force on ASEAN Migrant Workers, a regional coalition of civil society groups. The Forum also aims to advance the implementation of specific obligations under the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007). A secondary objective of the Forum has been to foster trust and build confidence among governments, employers' and workers' organizations and civil society groups.

ILO is collaborating with the Southern African Development Community (SADC) and has ensured the inclusion of migration in the draft protocol on employment and labour. In the East African Community, ILO is supporting the development of a legal instrument to coordinate social security arrangements between member countries. In the context of regional economic integration, portability of social security rights is especially important because it facilitates the freer movement of workers, with a view to better integrated and functioning labour markets.

Support has also been provided to governments to ensure that consular representatives, including labour attachés, are better equipped to protect their nationals abroad. These and all other projects under ILO auspices take an integrated approach and also ask the question whether outcomes might differ for migrant men and migrant women, given that incorporation of a gender perspective is an essential cross-cutting issue of the Decent Work Agenda of the ILO.¹⁸ In addition, ILO supports constituents in adopting gender-sensitive labour migration policies and practices, which includes policy advice and capacity-building, to promote gender equality in labour migration policy through strategies to address gender gaps during the migration process. Equal treatment and opportunities for and between men and women migrant workers is pursued in terms of working conditions and wages, social security coverage and equal access to education and training, as well as equitable representation and voice in both the informal and formal economies.¹⁹

At its International Training Centre (ITC) in Turin, ILO has organized specific training courses on migration and development that are open to ILO constituents and other relevant stakeholders, such as migrant associations and civil society. In July 2011 ILO inaugurated the Academy on Labour Migration, an annual two-week training event which comprises a cluster of courses addressing three thematic areas of international labour migration: (a) good governance, (b) protection of migrant workers and (c) migration and development. Resource persons on labour migration are drawn from the in-house expertise of the ILO, GMG agencies and experts from the academic and research community.

¹⁸ Attention to gender issues in migration also featured in: ILO, "Conclusions of the Resolution concerning gender equality at the heart of decent work from the ninety-eighth session of the International Labour Conference, June 2009.

¹⁹ See, for example, the EU-funded project, Gender-sensitive Labour Migration Policies in the Nicaragua–Costa Rica–Panama and Haiti–Dominican Republic Corridors (2011–2014).

The first interregional course on “Decent Work for Domestic Workers,” organized by ITC–ILO, was held in July 2013 and aimed to strengthen the broad protection of vulnerable groups such as migrant domestic workers and victims of child domestic labour. In October 2013, the course entitled “Fostering the social and professional reintegration of return migrants,” will take place at the ITC to advance knowledge of how to enhance the contribution of return migrants to the development of their countries of origin, and different innovative processes of social and professional reintegration.

Knowledge-building (data and research)

Since 2006 the ILO has engaged in knowledge-building and technical assistance to various countries to improve the collection, compilation and sharing of statistics on labour migration. These are essential to building a stronger evidence base for understanding the linkages between labour migration and development. For example, in the context of an ILO–EU project,²⁰ the ILO Department of Statistics provided technical assistance to the National Statistical Offices of Ukraine and the Republic of Moldova to introduce, in their national labour force surveys, specialized modules on international labour migration, including temporary migration. The Pretoria Office of the ILO is a partner in a research project coordinated by Witwatersrand University (Johannesburg) on regional labour migration in the SADC region.²¹ Technical support has also been provided to Malawi and Zambia for the inclusion of a module on migration in household surveys, with similar work being undertaken in Asia.²²

Despite these efforts, comprehensive official national statistics, as well as estimates of the economically active migrant population at the regional and global levels are still lacking. Essential age- and sex-disaggregated data on migrant workers – in particular, their labour market needs, working conditions and wages, migration status, social protection, occupations and skills – remain scant and fragmented. A main gap affecting improvements in the availability of statistics on this topic is the lack of international statistical standards and common methodologies to measure, in particular, temporary and short-term international labour migration.

To address this gap, ILO is formulating proposals explicitly identifying migrant workers as part of the economically active population (employed, unemployed and underemployed) for official labour force statistics produced by countries. The draft standards will be presented for discussion and adoption at the International Conference of Labour Statisticians in October 2013. If adopted, the new standards would represent

²⁰ Project name: Effective Governance of Labour Migration and its Skills Dimensions (2011–2013), in the Republic of Moldova and Ukraine.

²¹ The project, implemented in collaboration with Statistics South Africa, aims to design a survey module to complement South Africa’s quarterly Labour Force Survey to provide basic trends in labour migration.

²² The aim of the Migration Information System in Asia (MISA) is to establish a regional database and a system for the reporting, updating and dissemination of government-generated international migration data. MISA is the only all-Asia migration information system and was established by the Scalabrini Migration Centre in Manila with ILO support. The project website is www.smc.org.ph/misa.

an important step forward in promoting the collection of statistics on international migrant workers as part of national programmes of statistics on the labour force.

The Organization monitors and analyses trends and emerging policy issues in international labour migration that also have specific relevance to migration and development using the following tools: (a) the Good Practices Database on Labour Migration and the Database on Anti-discrimination Action Profiles; (b) textbook-type publications reviewing trends and policies and providing an overview of global issues in international labour migration, for example, *International Labour Migration: A Rights-based Approach* (2010); (c) specialized publications on particular issues and policy developments, for example, the working paper *The global economic crisis and migrant workers: Impact and response* (2009) and the books *The Internationalization of Labour Markets* (2010) and *Social Security for Migrant Workers: A rights-based approach* (2011); and (d) the discussion paper series “International Migration Papers,” which, since 2006, has covered such issues as: (i) migrants and informal work; (ii) the integration of migration into development planning; (iii) lessons learned concerning remittance transfers; (iv) gender, migration and (de)qualification; and (v) migrant workers in particular economic sectors.²³

Major areas of focus for ILO data, research and analysis include: (a) gender, labour migration and development; (b) the development of a standard methodology for assessing outcomes for migrant workers; and (c) youth, employment and migration. These are discussed throughout the rest of this subsection.

Gender, labour migration and development

In addition to its advocacy, policy advice and capacity-building work on gender, labour migration and development, ILO is implementing two EU-funded projects to address the knowledge gaps in the area of gender, migration and development, with particular reference to decent work for migrant domestic workers. The first project, focused on Europe, concerns the possible integration outcomes of admission and employment policies for migrant domestic workers – who are often considered low-skilled – and enhancing stakeholders’ capacities to identify and remove barriers to their socioeconomic integration.²⁴ The second, more global project – with targeted interventions in five migration corridors – seeks to promote decent work for migrant domestic workers by expanding the knowledge base, raising awareness and supporting stakeholders’ capacities to address protection challenges.²⁵ The two projects complement and build

²³ For a complete list of these economic sectors, visit www.ilo.org/migrant/information-resources/publications/working-papers/lang--en/index.htm. For a recent paper addressing a specific economic sector (namely, the international hotel industry), see: T. Baum, Migrant workers in the international hotel industry, International Migration Papers No. 112 Geneva, ILO, 2012, available from www.ilo.org/sector/Resources/publications/WCMS_180596/lang--en/index.htm.

²⁴ Project name: Promoting Integration for Migrant Domestic Workers in Europe (2011–2013).

²⁵ Project name: Global Action Programme on Migrant Domestic Workers and Their Families (2013–2015).

on ILO activities in support of the ratification and implementation of the ILO Domestic Workers Convention, 2011 (No. 189) and its accompanying Recommendation No. 201.

ILO is also preparing the publication, *A Framework for Action on Maximising the Contribution of Women Migrant Workers to Development*, to guide policymakers and other stakeholders and advance knowledge on the nexus between migration, gender equality and development. This strategic guide will include good practices and recommendations on how to maximize the potential contributions of women migrant workers to development by enhancing their protection and optimizing their opportunities to become more significant development contributors.

Developing a standard methodology to assess outcomes for migrant workers

Knowledge-based work on migration and development often devotes insufficient attention to the effects of migration on the migrants themselves, making it difficult to arrive at a comprehensive understanding of the contributions they make to both their countries of origin and destination. ILO is developing a standard methodology to assess outcomes for migrant workers under labour migration programmes and schemes designed to fill jobs that require few or mid-level skills. The methodology will assess a range of variables that concern outcomes for migrant workers, namely, wages, working time, skills development and social security, and will be tested in two pilot case studies in different migrant corridors and economic sectors.

Youth, employment and migration

Youth employment, or the lack thereof, has long been a pressing concern for the ILO and its constituents. Even before the global economic crisis began in 2008, the global youth unemployment rate was already three times higher than the general unemployment rate.²⁶ The 2008 financial crisis and the subsequent global recession have further deteriorated the labour market prospects of young people.²⁷ Both developing and developed countries are facing a “lost generation” of young workers and human capital, and young people are experiencing conditions that encourage them to go abroad in search of work.

However, the data on youth labour migration is sparse and scattered. Therefore, ILO is currently contributing significantly to the thematic window on “Youth, Employment and Migration” of the Millennium Development Goals Achievement Fund (MDG-F) through a research project comprising 14 joint programmes spanning Africa (Sudan and Tunisia), Asia (China and the Philippines), South-eastern Europe (Albania, Bosnia

²⁶ ILO, “The youth employment crisis: Time for action,” report V, prepared for the 101st International Labour Conference 2012, Geneva.

²⁷ Some 73.8 million young people are unemployed, and approximately 35 per cent of youth unemployed in advanced economies have been out of a job for six months or longer, up from 28.5 per cent in 2007. See: ILO, *Global Employment Trends 2013: Recovering from a second jobs dip* Geneva, ILO, 2013, available from www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_202326.pdf.

and Herzegovina, Serbia and Turkey) and Latin America (Costa Rica, Ecuador, Honduras, Nicaragua, Paraguay and Peru) being implemented by the UN Country Teams.

As part of this research initiative, ILO has coordinated country-level studies that shed light on the correlations and interactions between youth employment, youth policies, migration trends and migration policies for ten of these countries.²⁸ The main findings are being synthesized and compiled in the report *Global Trends in Youth Labour Migration*, which will guide policymakers towards better informed gender- and youth-sensitive policies on issues relating to youth employment and youth migration. In November 2012 ILO also published a regional report entitled *Decent work, youth employment and migration in Asia*,²⁹ (ILO International Migration Papers No. 113) the findings of which will feed into the report on global trends, some of which are: (a) diasporas, (b) labour market integration, (c) trafficking for forced labour and (d) migration and child labour.

Diasporas. There is considerable interest, both in academic research and in global policy discussions on migration and development, in the contributions that migrant diaspora communities make to their host countries and countries of origin. ILO is completing a research project entitled “Migration, scientific diasporas and development: Impact of skilled return migration on development in India,” undertaken with the École Polytechnique Fédérale de Lausanne, the Institute of Development Studies Kolkata, and the International Migration and Diaspora Studies Project of the Jawaharlal Nehru University in New Delhi.³⁰ This project, which focuses on talent mobility from India to “new destinations” in Europe and return migration, aims at identifying ways to engage skilled professionals and scientists in home country development.

Labour market integration. The interface between integration opportunities for migrants in destination countries and the migration and development nexus is relatively understudied. In a European Commission-funded research project being carried out together with the Migration Policy Institute, ILO is looking at the labour market integration trajectories of newly arrived immigrants into middle-skilled jobs. The research findings will also be relevant for non-EU States, given that access to employment and participation in the labour market are important requisites for the social integration of people and the most powerful means to combat social exclusion. Many ILO (and UN) Member States have become or are becoming countries of immigration and will have to consider issues in labour market integration to improve the functioning of their labour markets, thereby accelerating economic growth while working towards an inclusive society.

²⁸ Namely: Albania, Bosnia and Herzegovina, Ecuador, Montenegro, Nicaragua, Paraguay, the Philippines, Serbia, Tunisia and Turkey.

²⁹ See: P. Wickramasekara, “Decent work, youth employment and migration in Asia,” International Migration Papers No. 113 (Geneva, ILO, 2012), available from www.ilo.org/migrant/information-resources/publications/working-papers/WCMS_201378/lang--en/index.htm.

³⁰ For more information about the project, visit <http://cooperation.epfl.ch/page-64287-en.html>.

Trafficking for forced labour. Trafficking for forced labour and labour exploitation is the antithesis of decent work and a scourge for development in both origin and destination countries. The recent ILO global estimate of forced labour indicates that the majority of victims are trafficked for labour exploitation.³¹ ILO has designed innovative survey guidelines for estimating forced labour and trafficking at the national level³² which also propose operational definitions of forced labour of adults and children, with associated indicators. Precise technical indications are also given for the sampling and questionnaire designs which take account of the specificity of forced labour. These have been used to implement quantitative surveys in a dozen countries, both among returned migrant workers and in traditional contexts, where bonded labour and vestiges of slavery are still rampant. Work on human trafficking has also been undertaken at the regional level. The Organization recently published the results of a regional research project which attempted to discern patterns of human trafficking in the Middle East, analyzing how vulnerable women and men migrant workers are tricked into and trapped in forced labour in various economic sectors.³³

Migration and child labour. Increasing migration, specifically family migration and independent child migration, affects children below the minimum working age in a way that is detrimental to a child's individual development, as well as to national development goals. The conditions under which children migrate make them especially vulnerable to exploitation and child labour due to neglect, lack of protection, and obstacles to accessing basic services such as education.³⁴ Under an initiative of the Global Working Group on Children on the Move, ILO has taken the lead in several research endeavours regarding migration and child labour. The Organization conducted, for example, a comprehensive desk review of over 300 documents on child labour in agriculture, domestic work, commercial sexual exploitation, hazardous occupations and the urban informal economy, to shed light on the situation of migrant children in child labour. It also partnered with Child Helpline International (CHI) to carry out a review of migrant child labour cases recorded by CHI in Kenya, Nepal and Peru, to be published jointly by CHI and ILO. Analyzing the results of national child labour surveys, ILO has concluded that there is a need for more consistent data on the migration status of child labourers, to be addressed in forthcoming national child labour surveys.

³¹ See: ILO, "Global estimate of forced labour: Executive summary" (Geneva, 2012) available from www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_181953.pdf. On page 3, the report presents an estimate that 9.1 million of internal and international migrants are victims of trafficking and forced labour (comprising 44 per cent of the total number of victims of forced labour).

³² See: ILO, "Hard to see, harder to count: survey guidelines to estimate forced labour of adults and children," report (Geneva, 2011), available from www.ilo.org/public/libdoc/ilo/2011/111B09_351_engl.pdf.

³³ H. Harroff-Tavel and A. Nasri, *Tricked and Trapped: Human Trafficking in the Middle East* (Beirut, ILO, 2013).

³⁴ H. van de Glind, "Migration and child labour – Exploring child migrant vulnerabilities and those of children left behind," working paper by the International Programme on the Elimination of Child Labour (Geneva, ILO, 2010), available from www.ilo.org/ipecinfo/product/viewProduct.do?productId=14313.

2. Support provided to the Global Forum on Migration and Development

ILO has provided support to the Global Forum on Migration and Development (GFMD) every year since its inception in 2007 and has taken part in the preparatory meetings leading up to each GFMD, giving technical inputs on a range of issues such as South-South labour migration and the protection of migrant workers. It has also engaged with the GFMD to disseminate its rights-based approach to labour migration, thereby aligning it with the UN normative framework. The inputs from ILO have aimed at extending recognition of the labour aspects of migration and the importance of social dialogue, focusing on specific issues such as skills development, return and social and professional reintegration, the role of diaspora communities for development, and policy coherence. Because of the undervaluing of women's labour, a higher proportion of women migrants are statistically invisible, and, therefore, considerable attention has been paid to gender and labour migration, with a focus on migrant domestic workers.

The ILO has been active in the Civil Society Days of the GFMD in similar ways – drafting background papers for the round table discussions, having ILO officials participate as expert speakers and providing technical inputs to the deliberations. Because of its tripartite nature, ILO has provided particular support whenever the participation of workers' and employers' organization was considered.

As a member of the GMG, ILO has participated in joint GMG activities at the GFMD, such as contributing to keynote addresses delivered on behalf of the GMG. The Organization has also provided logistical and administrative support to the GFMD whenever needed, including hosting meetings of the GFMD Friends of the Forum.

3. Identified good practices

As observed above, ILO has supported a number of countries in formulating or revising national labour migration policies – or specific aspects of these policies, such as skills development and recruitment – which are gender-responsive and conform to the country's development strategy, as well as international standards. These policies have been established as good practices that recognize the particular role of labour migration in a country's overall development agenda and which are formulated through an inclusive consultative "tripartite plus" process.

At the national level, ILO promotes the Decent Work Agenda within the framework of Decent Work Country Programmes (DWCPs), which are powerful instruments for ensuring that migration remains a choice rather than a necessity. DWCPs are established through a highly consultative process between ILO, respective governments and social partners, as well as other relevant stakeholders. Within a national development framework, DWCPs define a set of priorities and targets, and aim

at tackling major decent work deficits. Taking into account the Organization's fields of comparative advantage, DWCPs provide an integrated framework for its contribution to the realization of national development strategies. In the context of a results-based framework, DWCPs organize ILO advocacy, knowledge and cooperation in the service of tripartite constituents to advance the Decent Work Agenda. Within DWCPs, labour migration is increasingly being identified as a priority issue by ILO constituents. DWCPs also help ensure coherence between labour migration, employment, social protection and other national policies, and that the work of the ILO on labour migration is coherent and consistent with national development strategies and policies.

ILO considers that many good practices in the field of labour migration in general, and migration and development in particular, are found in its rights-based approach to labour migration, which is rooted in international labour standards, including those addressing labour migration and the protection of migrant workers. Moreover, its Multilateral Framework on Labour Migration sets out (in Annex II) examples of many good practices that are in accordance with the principles and guidelines outlined in the framework, including those of specific relevance to migration and development. ILO is currently reviewing and updating some of these good practices, as well as adding new ones.

4. Challenges and gaps evident within the migration and development sphere

As underscored in this chapter, migration is primarily a phenomenon related to work; it is about globalized labour and skills mobility. However, in those circles dealing mainly with migration, the important links between migration and labour markets, including the quantity and quality of jobs in both origin and destination countries, and the contribution of labour market policies to growth and development, are often ignored or poorly understood. In many origin and destination countries, labour ministries, labour inspectorates, employment services, vocational training authorities and workers' and employers' organizations are at the margin of the discussion around the design and implementation of migration policies, and have few capacities and resources for effective intervention. Specific and explicit efforts are, therefore, required to support the capacities and participation of these actors – as well as migrants themselves, diaspora representatives, NGOs and local authorities – in the decision-making processes concerning migration and development.

Labour migration policies are likely to be more effective if based on broad consultation with diverse actors and particularly social partners. However, social dialogue and the involvement of workers' and employers' organizations in labour migration policymaking remain limited in many parts of the world. Rapidly changing labour migration dynamics are a clear challenge to policymakers, given their limited ability to capture what is occurring on the ground. Social partners, as actors in the real economy, possess

reliable information in this regard. Employers' organizations have strategic knowledge of labour market needs, and workers' organizations inform migrant workers about their rights and help ensure that their working and living conditions comply with national and international standards.

Organizing migrant workers into trade unions contributes to reducing their exploitation, strengthens their representation and bargaining power, and assists in their integration, thus deepening social cohesion. Cooperation between trade unions in destination and origin countries is also essential to protecting migrant workers and promoting sound and well-governed labour migration policies.³⁵

The interlinkages between migration, development and human and labour rights remain to be properly explored. Since the GFMD commenced in 2007, increasing attention has been devoted to the protection of migrant workers' rights, although the treatment of this subject has often been somewhat superficial and not very well informed. It is important to undertake a more in-depth analysis of these linkages, which are, to varying degrees, interdependent, as clearly recognized in the four strategic objectives of the ILO Decent Work Agenda, and to which employment, fundamental principles and rights at work, and development are integral.

Similarly, there is a need for a more explicit recognition of migrants as rights holders, and as key contributors through productive and reproductive work, among others, to the socioeconomic well-being of societies of origin and destination. Respect for human and labour rights and the principle of equality of treatment, as articulated in international human rights instruments and labour standards, must receive priority attention. These instruments touch on a wide range of rights, for example, the rights to work in conditions of freedom, equality and security; to form and join trade unions; to enjoy safe and healthy conditions in the workplace; to receive equal pay for work of equal value; to be free from discrimination and enjoy equality of treatment generally; to education and housing; to respect for family life; to legal protection; and the right to social security, including health care and maternity protection.

Recognition of the human right to social security and ensuring its equal application to all workers and their families, including migrants, is particularly important. Challenges in this area include the formulation and implementation of inclusive social security legislation, the need to strengthen social security systems and institutions, particularly in developing countries of origin, and the adoption of multilateral and bilateral agreements guaranteeing the portability of migrants' social security rights. Moreover, the Recommendation concerning National Floors of Social Protection (No. 202), adopted at the 2012 International Labour Conference, could become a major

³⁵ The ILO Bureau for Workers' Activities has developed a model trade union agreement on migrant workers' rights, which has been used in developing cooperation between trade unions in countries of origin and destination. This agreement may be accessed at www.ilo.org/actrav/what/pubs/WCMS_115036/lang--en/index.htm.

mechanism to strengthen the social protection of migrant workers and members of their families in both origin and destination countries.

The global financial and economic crisis, and its implications for the labour markets of countries of origin and destination alike, is likely to further impact not only on the dynamics and characteristics of migration and development but also on the definition of the thematic and geographic priorities for action, the modalities of interventions and the resources allocated to them. Consequently, addressing the multidimensional aspects of migration and development requires political will, the participation of a wide range of social actors and policy coherence at all levels. Giving effect to the recognition of the centrality of the world of work in this relationship calls for coherence with a range of other relevant social policy areas, such as employment and labour market policies; vocational and skills training and education that are free of gender bias; youth employment strategies; and job search assistance and monitoring through solid employment services.

There is also increased interest in consolidating the synergies of the various stakeholders and actors operating in this field – including GMG agencies – by giving due recognition and respect to their different mandates and expertise in order to ensure more effective responses.

5. Recommendations for the 2013 High-level Dialogue

ILO recommends that the HLD observe the following priorities in both its deliberations and outcomes:

- (a) Recognition of the centrality of the world of work in relation to international migration and the fundamental role of social partners and social dialogue in shaping and implementing gender-responsive migration and development policies and initiatives at the national and multilateral levels.
- (b) Recognition and application of the importance of a rights-based, fact-driven, and gender-sensitive approach to labour migration – and to migration and development – that also takes into account the impact of the migrant's age on migration and labour outcomes, to ensure the development potential of migration. Adequate protection of human and labour rights, particularly through non-discrimination and equality of treatment and opportunity; reducing costs and abuses in the recruitment process; provision of labour inspection; and the promotion of decent work are all essential to improving migrant workers' incomes and working conditions and enabling them to contribute to the economies of destination and origin countries.

- (c) Recognition of social security and the principle of equality of treatment in social security as human rights; promotion of the ratification and effective implementation of international standards in this specific area; recognition of the need to support the institutional strengthening and enhancement of social security systems in origin and third countries (for example, for improved financial governance of social security institutions) – with a view to facilitating the portability of migrant workers' social security rights – and the elaboration of bilateral and multilateral social security agreements based on the above standards.
- (d) Supporting policy coherence to address the multidimensional aspects of migration and development with due regard to the mandate and expertise of all stakeholders, including those of GMG agencies, in order to ensure more effective responses.

Postscript: Follow-up to the 2013 High-level Dialogue

By virtue of the decision of its Governing Body in November 2012,³⁶ ILO is convening the global Tripartite Technical Meeting on Labour Migration from 4 to 8 November 2013, which will enable it to assess the outcomes of the 2013 HLD, and consider possible areas for follow-up. The meeting will involve ILO tripartite constituents; other important stakeholders, such as GMG agencies and civil society organizations, will be invited as participants and observers. Four themes are being proposed for discussion at this meeting, as follows:

- (a) Labour and work-related issues in the international debates on migration and development and the post-2015 development agenda;
- (b) Protection of migrant workers, with reference to the particular vulnerabilities of low- and middle-skilled workers;
- (c) Labour market and migration issues, including the recognition and certification of skills, and the methodologies and strategies for assessing labour market needs;
- (d) International cooperation and social dialogue for well-governed international and regional labour migration and mobility.

³⁶ See: International Labour Office, Governing Body, 316th Session, Geneva, 1–16 November 2012, Policy Development Section, Employment and Social Protection Segment, Decision of 8 November 2012, available from www.ilo.org/gb/decisions/GB316-decision/WCMS_192865/lang--en/index.htm. The background document (GB.316/POL/1) informing this decision is available from www.ilo.org/gb/GBSessions/GB316/pol/WCMS_191013/lang--en/index.htm.