



Report
Side Event ILC 2023 on
Enhancing Workers' Voice for Fair Recruitment and Decent Work
14th of June 2023
Geneva, Switzerland

Context

Despite commitments and standards on safe, orderly and dignified migration, there are still several challenges facing migrant workers globally. Migrant workers continue to face health risks, thousands of them lose their lives and get injured in destination countries. In fact, various studies have demonstrated that these deaths are related to their living and working situations and conditions and are preventable. At worst, they are not protected by insurances and social protection schemes. These in turn has adverse impacts on the left behind members. Likewise, migrant workers continue to work in forced labour situations and are subjected to several forms of ill-treatment and violences. The COVID-19 pandemic exacerbated these living and working challenges that migrant workers face in Countries of Destination (COD). Restrictions, arrest and deportation were imposed and carried out in inhumane conditions, which partly contributed to negatively affect the mental health of migrant workers and members of their families.

Further, migrant workers also have faced challenges to access justice and dispute resolution mechanism in destination countries when their rights are violated or are in detention. Moreover, they have not been able to receive their wage losses mainly in the GCC countries and Malaysia. There are gaps and challenges in establishing and effective enforcing bi-lateral labour agreements (BLMAs) to ensure decent work and protecting the rights of migrant workers. Most countries of origin have struggled to ensure fair and ethical recruitment and curb unscrupulous recruitment practices, as well as to provide skilling opportunities to their youth.

The rapid adoption of technology and mechanisation of work, the world of work is going to drastically change. Millions of jobs are already lost during the COVID-19 and it is likely that more are going to be lost due to the increased use of technologies and AI for production and supplies. Further, workers and employees will need up-skilling and reskilling to stay relevant and fulfil skill gaps in the coming years and decades to thrive in future jobs.¹ There is an increased risk of decent work deficits, amplification of informalisation in the world of work and pressure to regulate the world of work.

There are save consensuses that changes in demographics will continue to make migration a relevant player in fixing the demand and supply challenges in the labour market. Migration will remain critical to the global economy's quest to continue to grow sustainably. Ways to ensure mobility is done safely, orderly, regularly and in ways that preserve the rights of migrant workers and members of their families are critical issues in the migration governance mix.

¹ Global Commission on the Future of Work: Work for a brighter future https://www.ilo.org/global/publications/books/WCMS_662410/lang--en/index.htm; World Economic Forum's Future of Jobs Report https://www3.weforum.org/docs/WEF_Future_of_Jobs_2020.pdf; Michael Georgiou, 'How SMEs Can Leverage Emerging Technologies for Business Success' : Imaginovation,2022 <https://imaginovation.net/blog/how-sme-can-leverage-emerging-technologies/>



Therefore, trade unions as critical social partners should play critical roles in ensuring decent work for migrant workers, safe and dignified migration and protection of their lives and rights. They should work towards mitigating the aggravation of informalisation and depletion of workers' voices in social dialogue, while collaborating in solidarity at the national, regional, and global levels to promote the decent work agenda for sustainable and inclusive development, as well as fundamental rights to occupational safety and health for workers, in line with the commitments expressed in the 17th Asia and the Pacific Regional Meeting Singapore, December 2022² and 109th Session of the International Labour Conference 2021.

On this backdrop, it is important that the network of the regional trade unions: ASEAN Trade Union Council (ATUC); South Asian Regional Trade Union Council (SARTUC); African Regional Organisation of the International Trade Union Confederation (ITUC-Africa); International Trade Union Confederation – Asian Pacific (ITUC-AP); Arab Trade Union Confederation Arab TUC and the Trade Union Confederation of the Americas (TUCA) which have signed Memorandum of Understanding (MoU) (2018-2022) to work together on the various issues of all workers including the migrant workers, come together in the International Labour Conference (ILC) in 2023 with updated MoU to discuss the issues of migrant workers' situations and way forward to address issues related to fair and ethical recruitment, decent work and social protection of migrant workers. Most importantly, the Memorandum of Understanding (MoU) Signing Ceremony between: ASEAN Trade Union Council (ATUC), South Asian Regional Trade Union Council (SARTUC), African Regional Organization of the International Trade Union Confederation (ITUC-Africa), International Trade Union Confederation Asia Pacific (ITUC-AP); Arab Trade Union Confederation (Arab TUC) the Trade Union Confederation of the Americas (TUCA) as implementing signatories, and the International Trade Union Confederation (ITUC) as observer signatory, to pursue and achieve effective protection of the rights of migrant workers, happened on 12th June 2023 at ILC 2023 in presence of ILO DG, **Mr. Gilbert Houngbo**.

The ILC, given its tripartite convening nature is a fitting space to espouse and expand the ways and means to ensure the effective governance of labour migration to contribute to development. Therefore, SARTUC has organised and participated a session at the conference on 24th of June 2023 at room 27 (in the basement) at the **Palais des Nations** from 13:00 - 14:00, in which representatives of the regional networks, ILO, ITUC, Mondiaal FNV, DTDA, employer, and activists had participated in the event with the participation of 14 participants (8 females and 6 males).

Objectives of Meeting/Session

1. To showcase trade unions' engagements on labour migration that are contributing to reshaping the dominant narrative to a positive one.
2. To recruit more tripartite stakeholders at the continental and national levels towards inclusive and effective labour migration governance arrangements.

² https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_863606.pdf



3. To deepen social dialogue on labour migration governance.

Session/Discussion

Mr Laxman Basnet, General Secretary of SARTUC, welcomed all the delegates of the side event at ILC 2023 and highlighted the objectives of the side event along with the importance of the international gathering in enhancing workers' voices for fair recruitment and decent work. He mentioned that in the debate on labour migration the rights of migrant workers are still forgotten. Too often it is only a win-win situation: countries of origin benefit from the remittances they receive, and the countries of destination benefit because of the cheap labour they can employ, but it is almost never a win-win-win situation, where the migrant worker is also sharing in the benefits. Furthermore, he expressed that migrant workers continue to face health risks, thousands of them lose their lives and get injured in destination countries. Additionally, he highlighted the role of trade unions as critical social partners and trade unions shall play constructive roles in ensuring decent work for migrant workers, safe and dignified migration and protection of their lives and rights, and global forums like ILC are very crucial to promote the decent work agenda for sustainable and inclusive development, as well as fundamental rights to occupational safety and health for workers.

Europe is becoming more and more of a key destination for labour migrants, trade union movement should be more present at the table with the European Union. The role of employers in this whole debate is also very important, therefore we are glad the FNCCI, the employers association of Nepal, is also joining this meeting.

Mr Owen Tudor, Deputy General Secretary, ITUC, mentioned that the role of the ILO is decreasing in the migration debate, a role that is taken over by the IMO. He stated that migrant workers, driven by desperate poverty, often find themselves trapped in similarly dire circumstances in their destination countries due to exploitation by recruitment agencies and employers. The bargaining power of the labour migrants is decreasing because of non-ethical recruitment and false promises. Furthermore, in order to create a mutually beneficial situation for all parties involved, unions have a crucial role to play in extending the advantages of migration to workers from both source and destination countries. This requires cross-border collaboration, uniting workers from different countries and acknowledging that some nations may switch roles over time. While unions generally recognize the potential membership of migrant workers, there are instances where concerns about the impact of migration on the local labour market hinder cooperation with unions in source countries. Multilateral union organizations such as the ITUC and SARTUC play a vital role in fostering understanding and establishing connections. Initiatives like the ITUC's Migration Recruitment Advisors project contribute to this effort by increasing awareness of risks and addressing them. Although the full potential of collaboration between the ILO and unions to benefit workers has yet to be realized, the revised MoU holds promise in that regard. Furthermore, there is a need for the ILO to assume greater global leadership on worker migration, as the current landscape is often dominated by organizations such as IOM.

Ms Sonia George, Vice President of SEWA (India), mentioned that organizing migrant workers is a big challenge for trade unions. Especially women are more vulnerable to exploitation and most of them are undocumented. Some achievements have been reached in the portability of social protection in countries of origin and countries of destination.



Ms Linnea Wikstrom, Global Coordinator for Construction and Infrastructure, **BWI** mentioned that a wider perspective on migration is needed because new countries of origin or transfer are emerging, such as **Romania and Serbia**. In these countries, the trade unions are reacting differently. Also, she emphasised the need to anticipate a large demand for labour migrants in the **construction sector in Ukraine**. The destruction of infrastructure and buildings because of the war is immense. To restore this 3x the Marshall plan is needed. IFI are committing funds, but the labour is lacking. Ukraine always has been a country of origin for migrants and do not have not much experience being a country of destination. To reduce the risk of exploitation, unions, also from EU countries, should be involved from the start.

Dr. Hildegard Hagemann, representative to the ILO from **Kolping International**, mentioned that from the German perspective language is of utmost importance. Germany has a large demand for migrant labour, and skilled workers, especially in the **care sector**, but language is often an obstacle. The role of recruitment agencies in this is important. Furthermore, she highlighted the development of labour migration between Vietnam and Germany, emphasizing the need to address agency roles and structural deficiencies in protecting migrant rights. The advocacy work of unions and CSOs should focus on three levels: a) the Government; – b) the level of workplaces and training institutions, to improve their integrative measures and welcome policies; and c) civil society actors, to support and guidance of labour migrants. Additionally, good practices like the bilateral agreement between the Philippines and Germany for care workers were mentioned. According to her, the relevance of the Global Compact of Migration was questioned, with participants suggesting the ILO reclaim its mandate for labour migration issues.

Ms Lone Ilum Christiansen, head of the secretariat/director of the Danish Trade Union Development Agency (DTDA), emphasised the importance of providing protection to labour migrants and good labour contracts. Trade union platforms should interact with the regional governmental platforms to guarantee safe migration. In reply to her, **Mr Laxman Basnet**, General Secretary of SARTUC, explained that the regional South Asian platform - SAARC, is dysfunctional at the moment because of geo-political obstacles. A summit is foreseen next year but uncertain whether this can be realized. The trade union movement needs to reconsider how to deal with this reality. It is very important for trade unions to influence the rising costs of recruitment because this is an important source of exploitation.

Mr Hansa Ram Pandey, a senior expert of FNCCI (employers' organisation, Nepal), expressed that the FNCCI is worrying about the labour shortages in the countries of origin. He emphasised that Nepal being a South Asian labour-sending country, has over 4 million migrant workers in various nations, mainly Gulf countries, Malaysia and Korea, creating a labour shortage and lack of working population in the country of origin. He expressed the bitter reality of migrant workers often face exploitation, with 74 per cent being unskilled, 24 per cent being semi-skilled and the remaining only 2 per cent being skilled workers. Challenges to migrant workers in countries of destination include changing employment contracts, passport confiscation, poor working conditions, and difficulties in obtaining compensation in case of injuries/illness or in deaths. The recruitment process needs improvement in fairness, transparency, and job information along with the recruitment cost. Dialogue, collaboration among all the stakeholders and skill training are crucial to achieving fair labour migration. Likewise, he opined that the government should establish support systems, strengthen ties with host countries, and ensure the well-being of migrants including social and psychological health.



Ms Catelene Passchier, a chairperson of the ILO worker's group, emphasised the importance of the role of trade unions in the debate on labour migration. Increasingly labour is treated as a commodity. In this, it is of utmost importance that unions collaborate and are united.

Ms Wilma Roos, Senior Policy Advisor, FNV (The Netherlands), mentioned that the debate on migration is very topical at the moment. The EU for example just signed a migration deal with Tunisia to stop migration to the EU countries. In this debate labour migrants and refugees are mixed in one anti-migration discourse. Also if we look at the routes through which labour migration is taking place, you can see this mixture and the anti-migration sentiments.

Additionally, she highlighted that because of the lack of safe and legal migration routes, especially for lower-skilled migrants, increasingly labour migrants from South Asia are travelling to North Africa and risking their lives, together with refugees, to cross the Mediterranean Sea to reach Europe. On the other hand, the number of migrants from Central and South Asia that are recruited by several shadowy recruitment agencies is increasing. These migrants follow a different route: they migrate to Eastern Europe to receive semi-legal work permits or service contracts to work as labour migrants in Western Europe. Moreover, irrespective of the route followed: all these migrants are extremely vulnerable and the risk of exploitation by employers is immense.

The influence of trade unions in fighting against this exploitation and anti-migrant sentiments has eroded with the entering into force of the Global Compact on migration. **Ms Lone Ilum Christiansen**, head of the secretariat/director of DTDA, mentioned that of the 23 clauses in the global compact, only 2 refer to unions. Within the mandate of the Global Compact, the focus on bilateral agreements between countries on how to deal with labour migration and the rights of migrant workers excludes the input of trade unions. Also, the agreement that the IMO is the prominent organisation to deal with global labour migration, has eroded the influence of the ILO on this matter and the influence of trade unions.

Discussion and Observations

- Despite commitments and standards on safe, orderly and dignified migration, there are still several challenges faced by migrant workers globally.
- It is also very important that in the whole debate on labour migration, the rights of migrant workers are put first.
- It is therefore of utmost importance that the ILO, being a tripartite organisation, takes back its role in the global labour migration discourse and includes this on its agenda.

List of Participants (14 Participants – 8 female; 6 male)

S. No.	Name	Affiliation/organisation	Email
1.	Ms Lone Illum Christiansen	Head of secretariat/director, Danish Trade Union Development Agency (DTDA), (Denmark)	lic@dttda.dk
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3.	Mr Ariel B CASTRO	Senior Specialist in Workers' activities-Desk Officer for Asia and Pacific	castroa@ilo.org
4.	Mr Owen Tudor	Deputy General Secretary, ITUC, Brussels, Belgium	owen.tudor@ituc-csi.org
5.	Ms Paola Simonetti	Director Equality Department, ITUC, Brussels, Belgium	paola.simonetti@ituc-csi.org
6.	Dr. Hildegard Hagemann	Senior Consultant, KHOI BINH Company Limited, (Germany) Kolping international	HildegardHagemann@kolping.net
7.	Ms Catelene Passchier	Chairperson Workers' Group and Vice-Chairperson Governing Body of the ILO	catelene.passchier@fnv.nl
8.	Ms Linnea Wikstrom	Global Coordinator for Construction and Infrastructure, BWI	linnea.wikstrom@bwint.org
9.	Ms Sonia George,	Vice President, SEWA, (India)	soniageorgem@gmail.com
10.	Mr Binod Shrestha	President, GEFONT, (Nepal)	binod.stha01@gmail.com
11.	Ms Smritee Lama	GEFONT, (Nepal)	smriteelama@gmail.com
12.	Mr Hansa Ram Pandey	Senior Expert, Federation of Nepalese Chambers of Commerce & Industry (FNCCI), Nepal	hansarpandey@gmail.com
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