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INTERNATIONAL LABOUR ORGANIZATION

**Draft ILO Multilateral Framework on  
Labour Migration**

**Non-binding principles and guidelines  
for a rights-based approach to labour  
migration**

**Adopted by the Tripartite Meeting of Experts**

Geneva, 31 October-2 November 2005



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# Draft ILO Multilateral Framework on Labour Migration

## Non-binding principles and guidelines for a rights-based approach to labour migration

adopted by the Tripartite Meeting of Experts

The Governing Body of the International Labour Office,

Recalling that the International Labour Organization has long sought to improve the working and social conditions of men and women employed in countries other than their own;

Considering that the ILO, with its unique tripartite structure, its competence, and its long-standing experience in the social field, has an essential role to play in evolving principles for the guidance of governments and of workers' and employers' organizations;

Bearing in mind the need to promote the Decent Work Agenda and create jobs where people live, as emphasized in the ILO Global Employment Agenda;

Taking into account the programmes and activities on migration of the United Nations, relevant specialized agencies and the International Organization for Migration;

Recording the contributions of the World Commission on the Social Dimension of Globalization and the Global Commission on International Migration;

Recalling that the ILO convened a Tripartite Meeting of Experts on Future ILO Activities in the Field of Migration in 1997;

Having undertaken a general discussion based on an integrated approach on labour migration at the 92nd Session of the International Labour Conference in 2004 on the basis of Report VI *Towards a fair deal for migrant workers in a global economy*, which culminated in the unanimous adoption by the ILC of a *resolution* and *conclusions* directing that the ILO and its constituents, in partnership with other relevant international organizations, carry out a plan of action for migrant workers;

Considering that the plan of action proposed by the International Labour Conference includes the development of a non-binding multilateral framework for a rights-based approach to labour migration, which takes into account labour market needs, the sovereign right of all nations to determine their own migration policies, and relevant action for a wider application of international labour standards and other instruments relevant to migrant workers;

Considering that the non-binding multilateral framework is also aimed at enhancing cooperation between the ILO and other relevant international organizations, in particular in the context of its cooperation with the Geneva Migration Group and regional organizations, for the furtherance of the plan of action and in order to promote coherence in international labour migration policies;

Having considered the report and draft ILO Multilateral Framework on Labour Migration submitted to it by the Tripartite Meeting of Experts in 2005;

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Hereby approves the following Framework, which may be cited as the *ILO Multilateral Framework on Labour Migration*, Non-binding principles and guidelines for a rights-based approach to labour migration, adopted by the Governing Body of the International Labour Office, and invites governments of States Members of the ILO, employers' and workers' organizations, as well as relevant international organizations, to promote and respect its contents.

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## Introduction

1. Migration for employment is an important global issue, which now affects most countries in the world. Two major labour market forces are in operation today that result in increased migration for work – many people of working age either cannot find employment or cannot find employment adequate to support themselves and their families in their own countries, while some other countries have a shortage of workers to fill positions in various sectors of their economies. Other factors include demographic change, socio-economic and political crises, and widening wage gaps within, as well as between, developed and developing countries. There is consequently much movement across borders for employment, with women independently migrating for work in considerably greater numbers than in the past and now comprising about half of all migrant workers.
2. Labour migration can have many beneficial elements for those countries which send and receive migrant workers, as well as for the workers themselves. It can assist both origin and destination countries in economic growth and development. While acknowledging the sovereign right of States to develop their own labour and migration policies, it is important to direct attention to the need to adopt coherent and comprehensive national policies to effectively manage labour migration and to protect migrant workers. Special attention should be given to the multiple disadvantages and discrimination often faced by migrant workers on the basis of gender, race and migrant status. Further, issues related to the movement of workers across national borders cannot be effectively addressed when countries act in isolation; hence, international cooperation in managing labour migration can be valuable in addressing national interests.
3. This non-binding ILO Multilateral Framework gives effect to the resolution and conclusions on a fair deal for migrant workers in a global economy, adopted by the 92nd Session of the International Labour Conference in 2004. Paragraph 23 of the conclusions states:

In order to assist member States to develop more effective labour migration policies, the tripartite constituents have agreed to develop a non-binding multilateral framework for a rights-based approach to labour migration which takes account of national labour market needs. Such a framework will be drawn from, and based on, available information on policy and best practices in countries engaged in international labour migration, existing proposals to enhance the economic benefits of labour migration, relevant international labour standards, the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up, and other relevant international instruments. (See Annex 1.)

Account should be taken in particular of the underlying principles of the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and of accompanying Recommendations Nos. 86 and 151. If these Conventions have been ratified, they should be fully respected.

4. The ILO Multilateral Framework comprises non-binding principles and guidelines for labour migration. It is derived from extensive research, as well as compilation and review of labour migration practices in all regions of the world. It has been drawn from principles contained in relevant international instruments and international and regional policy guidelines, including the International Agenda for Migration Management. Governments and the social partners are invited to give effect to the principles and guidelines therein. The Framework includes examples of best practices in Annex II. Relevant instruments that relate to the principles are referenced below under the principles. The provisions of the Framework shall not limit or otherwise affect obligations arising out of the ratification of any ILO Convention. It is designed to provide practical guidance to governments and to

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employers' and workers' organizations with regard to the development, strengthening and implementation of national and international labour migration policies. It can also guide other parties interested in labour migration issues.

5. In the broader context of commitment to promoting decent work for all, the Multilateral Framework aims to foster cooperation and consultation among and between the tripartite constituents of the ILO and the Office, and in partnership with other international organizations, to assist them in implementing more effective policies on labour migration, including on rights, employment and protection of migrant workers.

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## I. Decent work

### 1.

- (a) **Opportunities for all men and women of working age, including migrant workers, to obtain decent and productive work in conditions of freedom, equity, security and human dignity should be promoted.**
- (b) **The ILO Decent Work Agenda promotes access for all to freely chosen employment, the recognition of fundamental rights at work, an income to enable people to meet their basic economic, social and family needs and responsibilities and an adequate level of social protection for the workers and family members.**

### **Guidelines**

The following guidelines may prove valuable in giving practical effect to the above principle:

- 1.1. developing and implementing economic and social policies that create decent and productive work in accordance with principles 1(a) and (b) of this Framework;
- 1.2. supporting the implementation of the Global Employment Agenda at the national level.

## II. Means for international cooperation on labour migration

- 2. **Governments, in consultation with employers' and workers' organizations, should engage in international cooperation to promote managed migration for employment purposes.<sup>1</sup> Governments and employers' and workers' organizations should work with the ILO to promote coherence of labour migration policies at the international and regional levels based on the guidelines set out below. The ILO should promote dialogue with other relevant international organizations with a view to developing a coordinated approach on labour migration based on the non-binding ILO Multilateral Framework on Labour Migration.**

### **Guidelines**

The following guidelines may prove valuable in giving practical effect to the above principle:

- 2.1. developing the exchange of information between and among governments on labour migration issues;
- 2.2. developing intergovernmental dialogue and cooperation on labour migration policy, in consultation with the social partners and civil society and migrant worker organizations;

<sup>1</sup> Convention No. 97 (Art. 10) and Recommendation No. 86.

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- 2.3. promoting, where appropriate, bilateral and multilateral agreements between destination and origin countries addressing different aspects of labour migration, such as admission procedures, flows, family reunification possibilities, integration policy and return, including in particular gender-specific trends;
  - 2.4. promoting development assistance to projects and programmes generating or increasing opportunities for decent work for women and men in developing countries;
  - 2.5. establishing mechanisms for tripartite consultations at regional, international and multilateral levels;
  - 2.6. promoting bilateral and multilateral agreements between workers' organizations in origin and destination countries providing for the exchange of information and transfer of membership;
  - 2.7. promoting the role of the ILO as a leading agency on labour migration, including in its interaction with other regional or international bodies involved directly or indirectly in labour migration issues.

### **III. Global knowledge base**

- 3. Knowledge and information are critical to formulate, implement and evaluate labour migration policy and practice, and therefore its collection and application should be given priority.**

#### ***Guidelines***

The following guidelines may prove valuable in giving practical effect to the above principle:

- 3.1. improving government capacity and structures for collecting and analysing labour migration data, including sex-disaggregated and other data, and applying it to labour migration policy;
- 3.2. encouraging and facilitating the international exchange of labour migration data, such as by contributing to the International Labour Migration database;
- 3.3. promoting and supporting research on labour migration issues, including the impact of emigration on countries of origin, as well as the contribution of immigration to countries of destination, and disseminating it;
- 3.4. developing bilateral and multilateral exchange of labour market information;
- 3.5. collecting and exchanging profiles of good practices on labour migration on a continuing basis.

### **IV. Effective management of labour migration**

- 4. All States have the sovereign right to develop their own policies to manage labour migration. International labour standards and other international instruments, as**



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well as **guidelines, as appropriate, should play an important role to make these policies coherent, effective and fair.**<sup>2</sup>

## **Guidelines**

The following guidelines may prove valuable in giving practical effect to the above principle:

- 4.1. formulating and implementing coherent, comprehensive, consistent and transparent policies to effectively manage labour migration in a way that is beneficial to all migrant workers and members of their families and to origin and destination countries;
- 4.2. ensuring coherence between labour migration, employment and other national policies, in recognition of the wide social and economic implications of labour migration and in order to promote decent work for all and full, productive and freely chosen employment;
- 4.3. formulating and implementing national and, where appropriate, regional and multilateral labour migration policies all guided by international labour standards and other relevant international instruments and multilateral agreements concerning migrant workers;
- 4.4. implementing policies that ensure that specific vulnerabilities faced by certain groups of migrant workers, including workers in an irregular situation, are addressed;
- 4.5. ensuring that labour migration policies are gender-sensitive and address the problems and particular abuses women often face in the migration process;
- 4.6. providing labour ministries with a key role in policy formulation, elaboration, management and administration of labour migration to ensure that labour and employment policy considerations are taken into account;
- 4.7. establishing a mechanism to ensure coordination and consultation among all ministries, authorities and bodies involved with labour migration;
- 4.8. ensuring that specific structures and mechanisms within these ministries have the necessary competencies and capacities to develop, formulate and implement labour migration policies, including, where possible, a special unit for issues involving migrant workers;
- 4.9. ensuring that the relevant ministries have adequate financial and other resources to carry out labour migration policies;
- 4.10. establishing tripartite procedures to ensure that employers' and workers' organizations are consulted on labour migration issues and their views taken into account.

<sup>2</sup> Migration for Employment Convention (Revised), 1949 (No. 97); Migration for Employment Recommendation (Revised), 1949 (No. 86); Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); Migrant Workers Recommendation, 1975 (No. 151); Employment Policy Convention, 1964 (No. 122).

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**5. Expanding avenues for regular labour migration should be considered, taking into account labour market needs and demographic trends.**<sup>3</sup>

**Guidelines**

The following guidelines may prove valuable in giving practical effect to the above principle:

- 5.1. establishing systems and structures for periodic, objective labour market analyses that take into account gender issues and that include:
  - 5.1.1. sectoral, occupational and regional dimensions of labour shortages and their causes, and relevant issues of labour supply;
  - 5.1.2. shortages of skilled workers in both origin and destination countries, including in the public, health and education sectors;
  - 5.1.3. long-term impact of demographic trends, especially ageing and population growth, on the demand for and supply of labour;
- 5.2. establishing transparent policies for the admission, employment and residence of migrant workers based on clear criteria, including labour market needs;
- 5.3. where appropriate, establishing policies and procedures to facilitate the movement of migrant workers through bilateral, regional or multilateral agreements;
- 5.4. promoting labour mobility within regional integration schemes;
- 5.5. ensuring that temporary work schemes respond to established labour market needs, and that these schemes respect the principle of equal treatment between migrant and national workers, and that workers in temporary schemes enjoy the rights referred to in principles 8 and 9 of this Framework.

**6. Social dialogue is essential to the development of sound labour migration policy and should be promoted and implemented.**<sup>4</sup>

**Guidelines**

The following guidelines may prove valuable in giving practical effect to the above principle:

- 6.1. establishing or strengthening national procedures of social dialogue to ensure consultation on all aspects of labour migration, including on the preparation of educational programmes and materials and provision of services and assistance to migrant workers and those considering migrating for work, both men and women, who may have different needs;

<sup>3</sup> Conventions Nos. 97 and 143 and Recommendations Nos. 86 and 151.

<sup>4</sup> Convention No. 143 (Arts. 2.2, 4, 7, 12(a), 12(e) and 14(b)); Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); Recommendation No. 86 (Paras. 4.2 and 19); Recommendation No. 151 (Paras. 4, 6(b), 7(1), 9, 14, 25(2) and 29).

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- 6.2. facilitating the participation of employers' and workers' organizations in relevant international, regional, national and other forums, including through the establishment of tripartite consultative procedures;
  - 6.3. promoting dialogue and consultation with employers' organizations on practical opportunities and challenges they confront in the employment of foreign workers;
  - 6.4. promoting dialogue and consultation with workers' organizations on particular concerns posed by labour migration and their role in assisting migrant workers;
  - 6.5. involving both men and women migrant workers in dialogue and consultation.

**7. Governments and social partners should consult with civil society and migrant associations on labour migration policy.**

**Guidelines**

The following guidelines may prove valuable in giving practical effect to the above principle:

- 7.1. with the social partners, identifying important civil society and migrant associations that promote the rights and welfare of migrant workers for consultation and support;
- 7.2. encouraging networking among social partners, civil society and migrant associations.

**V. Protection of migrant workers**

**8. The human rights of all migrant workers, regardless of their status, should be promoted and protected. In particular, all migrant workers should benefit from the principles and rights in the 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which are reflected in the eight fundamental ILO Conventions,<sup>5</sup> and the relevant United Nations human rights Conventions.**

**Guidelines**

The following guidelines may prove valuable in giving practical effect to the above principle:

- 8.1. governments should ensure that national laws and practice that promote and protect human rights apply to all migrant workers and that they are respected by all concerned;
- 8.2. information should be provided to migrant workers on their human rights and obligations and assisting them with defending their rights;

<sup>5</sup> Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29), and Abolition of Forced Labour Convention, 1957 (No. 105); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

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- 8.3. governments should provide effective enforcement mechanisms for the protection of migrant workers' human rights and provide training on human rights to all government officials involved in migration;
  - 8.4. legislation and policies should be adopted, implemented and enforced to:
    - 8.4.1. guarantee both men and women migrant workers the right to freedom of association, in accordance with Convention No. 87, and when they join trade unions the right to hold office in those organizations, provide them with protection against discrimination on the grounds of their trade union activities, in accordance with Convention No. 98, and ensure compliance by employers' and workers' organizations with these rights;
    - 8.4.2. protect migrant workers from conditions of forced labour, including debt bondage and trafficking, particularly migrant workers in an irregular situation or other groups of migrant workers who are particularly vulnerable to such conditions;
    - 8.4.3. ensure respect of the minimum age for admission to employment, in accordance with Convention No. 138, and effectively prohibit the worst forms of child labour, including trafficking and forced labour of migrant children and children of migrant workers, in accordance with Convention No. 182;
    - 8.4.4. eliminate all forms of discrimination against migrant workers in employment and occupation.

9.

- (a) **All international labour standards apply to migrant workers, unless otherwise stated. National laws and regulations concerning labour migration and the protection of migrant workers should be guided by relevant international labour standards and other relevant international and regional instruments.**
- (b) **The protection of migrant workers requires a sound legal foundation based on international law. In formulating national law and policies concerning the protection of migrant workers, governments should be guided by the underlying principles of the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and their accompanying Recommendations Nos. 86 and 151, particularly those concerning equality of treatment between nationals and migrant workers in a regular situation and minimum standards of protection for all migrant workers. The principles contained in the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should also be taken into account. If these Conventions have been ratified, they should be fully implemented.**
- (c) **National law and policies should also be guided by other relevant ILO standards in the areas of employment, labour inspection, social security, maternity protection, protection of wages, occupational safety and health, as well as in such sectors as agriculture, construction and hotels and restaurants.**<sup>6</sup>

<sup>6</sup> Of particular relevance are the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); Labour Inspection Convention, 1947 (No. 81); Labour Clauses (Public Contracts)

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## Guidelines

The following guidelines may prove valuable in giving practical effect to the above principles:

- 9.1. taking account of the ILO Conventions and other international instruments relevant to migrant workers, in particular the underlying principles of the ILO Conventions Nos. 97 and 143 and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, fully respecting them where they have been ratified and considering ratification and implementation of their provisions where they have not yet been ratified;
- 9.2. adopting measures to ensure that all migrant workers benefit from the provisions of all relevant international labour standards in accordance with principles 8 and 9 of this Framework;
- 9.3. adopting and implementing a national policy that promotes and aims to ensure equality of treatment of regular migrant workers and nationals in respect of national labour laws and practice and access to applicable social protections in accordance with Convention No. 97;
- 9.4. adopting measures to ensure that migrant workers lawfully within the country enjoy equal treatment with nationals regarding employment and training opportunities after a reasonable period of employment, and, upon loss of their employment, are allowed sufficient time to find other work in accordance with Convention No. 143 and its Recommendation No. 151;
- 9.5. adopting measures to ensure that all migrant workers who leave the country of employment are entitled to any outstanding remuneration and benefits which may be due in respect of employment and as applicable are given a reasonable period of time to remain in the country to seek a remedy for unpaid wages;
- 9.6. adopting measures to ensure that migrant workers admitted on a permanent basis are allowed to stay in the country in case of incapacity to work;
- 9.7. ensuring that restrictions on the rights of temporary migrant workers do not exceed relevant international standards;
- 9.8. adopting measures to ensure that national labour legislation and social laws and regulations cover all male and female migrant workers, including domestic workers and other vulnerable groups, in particular in the areas of employment, maternity protection, wages, occupational safety and health and other conditions of work, in accordance with relevant ILO instruments;

Convention, 1949 (No. 94); Protection of Wages Convention, 1949 (No. 95); Social Security (Minimum Standards) Convention, 1952 (No. 102); Plantations Convention, 1958 (No. 110); Equality of Treatment (Social Security) Convention, 1962 (No. 118); Employment Policy Convention, 1964 (No. 122); Labour Inspection (Agriculture) Convention, 1969 (No. 129); Minimum Wage Fixing Convention, 1970 (No. 131); Nursing Personnel Convention, 1977 (No. 149); Occupational Safety and Health Convention, 1981 (No. 155); Maintenance of Social Security Rights Convention, 1982 (No. 157); Occupational Health Services Convention, 1985 (No. 161); Safety and Health in Construction Convention, 1988 (No. 167); Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172); Safety and Health in Mines Convention, 1995 (No. 176); Maternity Protection Convention, 2000 (No. 183); and Safety and Health in Agriculture Convention, 2001 (No. 184).

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- 9.9. entering into bilateral, regional or multilateral agreements to provide social security coverage and benefits, as well as portability of social security entitlements, to regular migrant workers and, as appropriate, to migrant workers in an irregular situation;
  - 9.10. adopting measures to ensure that migrant workers and accompanying members of their families are provided with access to health care and, at a minimum, with access to emergency medical care, and that regular migrant workers and accompanying members of their families receive the same treatment as nationals with regard to the provision of medical care;
  - 9.11. adopting measures to ensure that all migrant workers are paid their wages directly to them on a regular basis, that they have the freedom to dispose of their wages as they wish, and that all their wages are paid upon the termination of employment in conformity with relevant ILO instruments, in accordance with national law and practice;
  - 9.12. adopting measures to ensure in law and in practice that all migrant workers benefit from equality of treatment with national workers regarding safety and health protection, including measures to address the specific risks in certain occupations and sectors, particularly agriculture, construction, mines, hotels and restaurants, domestic work, and addressing the specific risks faced by women and, where applicable, promoting opportunities in the workplace;
  - 9.13. adopting measures to transform informal economy activities into formal activities and to ensure that migrant workers in these activities benefit from the rights referred to in principles 8 and 9 of this Framework;
  - 9.14. employers and workers' organizations should integrate the specific concerns of men and women migrant workers in collective bargaining processes and social dialogue.

**10. The rights of all migrant workers which are referred to in principles 8 and 9 of this Framework should be protected by the effective application and enforcement of national laws and regulations in accordance with international labour standards and applicable regional instruments.**<sup>7</sup>

### **Guidelines**

The following guidelines may prove valuable in giving practical effect to the above principle:

- 10.1. extending labour inspection to all workplaces where migrant workers are employed, in order to effectively monitor their working conditions and supervise compliance with employment contracts;
- 10.2. ensuring that the labour inspectorate or relevant competent authorities have the necessary resources and that labour inspection staff is adequately trained in addressing migrant workers' rights and in the different needs of men and women migrant workers;
- 10.3. promoting the establishment of written employment contracts to serve as the basis for determining obligations and responsibilities and a mechanism for the

<sup>7</sup> Of particular relevance are the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129) and Conventions Nos. 97 and 143.

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registration of such contracts where this is necessary for the protection of migrant workers;

- 10.4. promoting and discussing the Multilateral Framework by the ILO with other international organizations to ensure that the principle of equal treatment of migrant workers with national workers and the implementation of rights as referred to in principles 8 and 9 of this Framework are not undermined in their policies and programmes;
- 10.5. providing for effective remedies to all migrant workers for violation of their rights, and creating effective and accessible channels for all migrant workers to lodge complaints and seek remedy without discrimination, intimidation or retaliation;
- 10.6. providing for remedies from any or all persons and entities involved in the recruitment and employment of migrant workers for violation of their rights;
- 10.7. providing effective sanctions and penalties for all those responsible for violating migrant workers' rights;
- 10.8. providing information to migrant workers on their rights and assisting them with defending their rights;
- 10.9. providing information to employers' and workers' organizations concerning the rights of migrant workers;
- 10.10. providing interpretation and translation services for migrant workers during administrative and legal proceedings, if necessary;
- 10.11. offering legal services, in accordance with national law and practice, to migrant workers involved in legal proceedings related to employment and migration.

## **VI. Prevention of and protection against abusive migration practices**

- 11. Governments should formulate and implement, in consultation with the social partners, measures to prevent abusive practices, migrant smuggling and trafficking in persons; they should also work towards preventing irregular labour migration.<sup>8</sup>**

### ***Guidelines***

The following guidelines may prove valuable in giving practical effect to the above principle:

- 11.1. adopting and implementing legislation and policies to prevent irregular labour migration and eliminate abusive migration conditions, including the trafficking of men and women migrant workers;
- 11.2. intensifying measures aimed at detecting and identifying abusive practices against migrant workers, including physical or sexual harassment or violence, restriction of

<sup>8</sup> Conventions No. 29, 105, 138 and 182; Convention No. 97 (Art. 3, Annex I; Art. 8 and Annex II, Art. 13); Convention No. 143, Part I; 1990 International Convention (Art. 21).

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movement, debt bondage, forced labour, withholding, underpayment or delayed payment of wages and benefits, retention of passports or identity or travel documents and threat of denunciation to authorities, particularly in those sectors that are outside the usual avenues of regulation and protection, such as domestic work;

- 11.3. implementing effective and accessible remedies for workers whose rights have been violated, regardless of their migration status, including remedies for breach of employment contracts, such as financial compensation;
- 11.4. imposing sanctions and penalties against individuals and entities responsible for abusive practices against migrant workers;
- 11.5. adopting measures to encourage migrant workers and trafficking victims to denounce abuse, exploitation and violation of their rights, taking account of the special circumstances of women and children and to this effect establishing mechanisms for migrant workers to lodge complaints and seek remedies without intimidation or retaliation;
- 11.6. prohibiting the retention of the identity documents of migrant workers;
- 11.7. creating and strengthening channels or structures for information exchange and international cooperation to address abusive migration conditions;
- 11.8. disseminating information on trafficking to warn potential victims of its dangers and raise public awareness on the issue;
- 11.9. assisting and protecting victims of trafficking and other abusive migration conditions, with particular attention to the specific needs of women and children;
- 11.10. adopting policies to address the root causes and impact of trafficking in persons with particular attention to gender-related issues;
- 11.11. encouraging the elimination of misleading propaganda relating to labour migration.

## **VII. Migration process**

- 12. An orderly and equitable process of labour migration should be promoted in both origin and destination countries to guide men and women migrant workers through all stages of migration, in particular, planning and preparing for labour migration, transit, arrival and reception, return and reintegration.<sup>9</sup>**

### **Guidelines**

The following guidelines may prove valuable in giving practical effect to the above principle:

- 12.1. facilitating migrant workers' departure, journey, and reception by providing, in a language they understand, information, training and assistance prior to their departure and on arrival concerning the migration process, their rights and the general conditions of life and work in the destination country;

<sup>9</sup> Convention No. 97 and Recommendation No. 86; Convention No. 110 (Arts. 18 and 26.1(i)).



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- 12.2. wherever possible facilitate migrant workers' return by providing information, training, and assistance prior to their departure and on arrival in their home country concerning the return process, the journey and reintegration;
  - 12.3. simplifying administrative procedures involved in the migration process and reducing processing costs to migrant workers and employers;
  - 12.4. promoting the participation of employers' and workers' organizations and other relevant non-governmental organizations in disseminating information to migrant workers;
  - 12.5. networking between workers' organizations in origin and destination countries to ensure that migrant workers are informed of their rights and are provided with assistance throughout the migration process;
  - 12.6. promoting the recognition and accreditation of migrant workers' skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized;
  - 12.7. providing interpretation and translation services, if necessary, to assist migrant workers in administrative and legal processes;
  - 12.8. establishing effective consular services in countries of destination with, where possible, both female and male staff to provide information and assistance to women and men migrant workers;
  - 12.9. facilitating the movement of migrant workers between the country in which they work and their home country to enable them to maintain family and social ties;
  - 12.10. considering the establishment of a welfare fund to assist migrant workers and their families, for example, in the case of illness, injury, repatriation, abuse or death;
  - 12.11. ensuring that migrant workers are not required to undergo discriminatory medical examinations.

**13. Governments in both origin and destination countries should give due consideration to licensing and supervising recruitment and placement services for migrant workers in accordance with the Private Employment Agencies Convention, 1997 (No. 181), and its Recommendation (No. 188).**

### ***Guidelines***

The following guidelines may prove valuable in giving practical effect to the above principle:

- 13.1. providing that recruitment and placement services operate in accordance with a standardized system of licensing or certification established in consultation with employers' and workers' organizations;
- 13.2. providing that recruitment and placement services respect migrant workers' fundamental principles and rights;
- 13.3. ensuring that migrant workers receive understandable and enforceable employment contracts;

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- 13.4. providing arrangements to ensure that recruitment and placement services do not recruit, place or employ workers in jobs which involve unacceptable hazards or risks or abusive or discriminatory treatment of any kind and informing migrant workers in a language they understand of the nature of the position offered and the terms and conditions of employment;
  - 13.5. working to implement legislation and policies containing effective enforcement mechanisms and sanctions to deter unethical practices, including provisions for the prohibition of private employment agencies engaging in unethical practices and the suspension or withdrawal of their licences in case of violation;
  - 13.6. consider establishing a system of protection, such as insurance or bond, to be paid by the recruitment agencies, to compensate migrant workers for any monetary losses resulting from the failure of a recruitment or contracting agency to meet its obligations to them;
  - 13.7. providing that fees or other charges for recruitment and placement are not borne directly or indirectly by migrant workers;
  - 13.8. providing incentives for recruitment and placement services that meet recognized criteria for good performance.

## **VIII. Social integration and inclusion**

- 14. Governments and social partners, in consultation, should promote social integration and inclusion, while respecting cultural diversity, preventing discrimination against migrant workers and taking measures to combat racism and xenophobia.**<sup>10</sup>

### ***Guidelines***

The following guidelines may prove valuable in giving practical effect to the above principle:

- 14.1. promoting and implementing anti-discrimination legislation and policies, establishing or strengthening specialized bodies on equality and non-discrimination for migrant workers and conducting periodic gender-sensitive data collection and analysis on these issues;
- 14.2. implementing policies and programmes to prevent and combat racism and xenophobia against migrant workers, taking into account relevant recommendations in the Programme of Action adopted at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, 2001);
- 14.3. improving the labour market position of migrant workers, for example, through the provision of vocational training and educational opportunities;
- 14.4. given the particular problems faced by irregular migrant workers or other vulnerable migrant workers as a result of their status, considering the

<sup>10</sup> Convention No. 143 (Arts. 10, 12 and 13); Recommendation No. 151 (Paras. 7.1(c) and 13-16); Recommendation No. 86 (Para. 15).

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implementation of policy options referred to in Convention No. 143 and its accompanying Recommendation No. 151;

- 14.5. creating national or regional centres to develop and implement measures to facilitate the integration of migrant workers and their families, in consultation with the social partners and representatives of migrant workers;
- 14.6. working with the social partners and migrant worker associations to ensure better representation and participation in economic, social and political life;
- 14.7. providing language and cultural orientation courses relating to countries of origin and destination;
- 14.8. facilitating the creation and reinforcement of community support networks;
- 14.9. promoting public education and awareness-raising campaigns regarding the contributions migrant workers make to the countries in which they are employed, in order to facilitate their integration into society;
- 14.10. facilitating the reunification of family members of migrant workers as far as possible, in accordance with national laws and practice;
- 14.11. working towards ensuring that the children of migrant workers born in destination countries have the right to birth registration and to a nationality in order to prevent them from becoming stateless in accordance with the United Nations Convention on the Rights of the Child (1989);
- 14.12. facilitating the integration of migrant workers' children into the national education system;
- 14.13. allowing migrant workers to participate in political activities after a period of legal residence in the country, in accordance with national conditions.

## **IX. Migration and development**

- 15. The contribution of labour migration to employment, economic growth, development and the alleviation of poverty should be recognized and maximized for the benefit of both origin and destination countries.**

### ***Guidelines***

The following guidelines may prove valuable in giving practical effect to the above principle:

- 15.1. integrating and mainstreaming labour migration in national employment, labour market and development policy;
- 15.2. expanding analyses of the contribution of labour migration and migrant workers to the economies of destination countries, including employment creation, capital formation, social security coverage and social welfare;
- 15.3. promoting the positive role of labour migration in advancing or deepening regional integration;

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- 15.4. promoting and providing incentives for enterprise creation and development, including transnational business initiatives and micro-enterprise development by men and women migrant workers in origin and destination countries;
  - 15.5. providing incentives to promote the productive investment of remittances in the countries of origin;
  - 15.6. reducing the costs of remittance transfers, including by facilitating accessible financial services, reducing transaction fees, providing tax incentives and promoting greater competition between financial institutions;
  - 15.7. adopting measures to mitigate the loss of workers with critical skills, including by establishing guidelines for ethical recruitment;
  - 15.8. adopting policies to encourage circular and return migration and reintegration into the country of origin, including by promoting temporary labour migration schemes and circulation-friendly visa policies;
  - 15.9. facilitating the transfer of capital, skills and technology by migrant workers, including through providing incentives to them;
  - 15.10. promoting linkages with transnational communities and business initiatives.

## **Follow-up**

1. With reference to paragraph 35 of the conclusions of the general discussion on migrant workers at the 92nd Session of the International Labour Conference in 2004, the Governing Body should be urged to periodically review the progress made in the implementation of the Multilateral Framework as part of the plan of action.
2. The ILO's participation in relevant international forums should be used to promote this Multilateral Framework as a basis for partnership to achieve coherence.

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## Annex I

### List of international labour Conventions and Recommendations referred to in the ILO Multilateral Framework on Labour Migration

#### *Fundamental Conventions*

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

#### *Migrant-specific instruments*

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migration for Employment Recommendation (Revised), 1949 (No. 86)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- Migrant Workers Recommendation, 1975 (No. 151)

#### *Other ILO Conventions*

- Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
- Labour Inspection Convention, 1947 (No. 81)
- Labour Clauses (Public Contracts) Convention, 1949 (No. 94)
- Protection of Wages Convention, 1949 (No. 95)
- Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Plantations Convention, 1958 (No. 110)
- Equality of Treatment (Social Security) Convention, 1962 (No. 118)
- Employment Policy Convention, 1964 (No. 122)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- Minimum Wage Fixing Convention, 1970 (No. 131)
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)
- Nursing Personnel Convention, 1977 (No. 149)
- Occupational Safety and Health Convention, 1981 (No. 155)
- Maintenance of Social Security Rights Convention, 1982 (No. 157)
- Occupational Health Services Convention, 1985 (No. 161)
- Safety and Health in Construction Convention, 1988 (No. 167)
- Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)
- Safety and Health in Mines Convention, 1995 (No. 176)

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Private Employment Agencies Convention, 1997 (No. 181)  
Maternity Protection Convention, 2000 (No. 183)  
Safety and Health in Agriculture Convention, 2001 (No. 184)

***United Nations Convention***

1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Annex II

### Examples of best practices

#### *Introduction*

The guidelines in the non-binding ILO Multilateral Framework on Labour Migration are partly drawn from best practices carried out in countries engaged in international labour migration. This annex provides concrete examples of these practices, which pertain to policies and institutions of labour migration. They relate to issue areas ranging from the creation of decent work to co-development through effective management of labour migration, protection of migrant workers, human rights of migrant workers, means of international cooperation, labour migration processes and others. The sources of these practices are regional compilations by recognized experts,<sup>1</sup> knowledge accumulated by the Office, experiences and processes of other international organizations and research and publications on the subject.

In including best practices in this annex, the Office has used a number of criteria. The practices must be rights-based or, in other words, in line with international norms for the protection of workers' rights. They should be innovative, representing creative responses and solutions to problems, have an impact on improving labour migration processes, increasing the benefits and reducing the costs of migration. The possibility of wider application or replication is another important factor. Practices should be sustainable over time and supported by requisite administrative capacity for continuity. Cooperation between States is another significant criterion. The term "best" practices is used in a relative sense to indicate "good" practices. This is because the practices included here may not satisfy all the criteria.

The practices are from various regions, in origin and destination, developing and advanced countries alike. They are intended as examples of measures that can be put into place by constituents with a view to better managing migration processes, sustaining economic activity and furthering development in origin and destination countries and protecting migrant workers.

Some countries appear more frequently than others in these examples. This may be explained by the length or extent of their labour migration experiences or the ready availability of information. Naturally, the list of practices is selective and is by no means intended to be exhaustive. Time and space constraints have also affected the compilation of a more comprehensive listing. Clear formulation and effectiveness of the practices have guided their selection. Extended implementation over time could be indicative of effectiveness. The clarity of the design of a practice can contribute to the realization of labour migration policy objectives and can stimulate its adoption by others. Some of the practices presented are good approaches to labour migration that may need to be adapted if implemented elsewhere, to better fit the particular political, economic, social and cultural contexts involved.

This annex is divided into nine sections and sub-headings corresponding to the principles contained in the draft ILO Framework. Most practices cut across several sections in the annex, as shown by the guideline numbers referenced. Their classification by section was therefore guided by judgement on the issue area to which they are most relevant. A short description of each practice is given, followed by a list of the guideline(s) to which it applies and then by references for those who wish more information. The Office plans to update this compilation of practices regularly in cooperation with constituents, as additional information on the examples provided and new measures become available.

#### **I. Decent work**

1. **France:** The co-development approach of France links migration and development policies in source countries of migrant workers and facilitates their circulation between the countries of origin

<sup>1</sup> Manolo Abella (Asia), Aderanti Adepoju (Africa), Augustín Escobar Latapí (Latin America and the Caribbean), Philip Martin (North America) and Rainer Münz (Europe).

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and destination. It targets overseas development assistance in all of francophone Africa, with government support supplementing the contributions of migrants, in order to reduce emigration pressures. Germany (with Turkey), Italy (with Senegal) and Spain (with Ecuador) have similar programmes. Destination countries, origin countries and migrant workers all benefit from these programmes. Destination countries are assisted in meeting labour force needs, reducing demographic problems and controlling irregular migration; origin countries receive increased access to visas, increased remittances and return and recirculation of workers; migrant workers receive funds, credit and investment opportunities. **See guidelines 1.1, 1.2.**

S. Martin; P. Martin; P. Weil: "Fostering cooperation between source and destination countries", in *Migration Information Source*, 1 October 2002, available at <http://www.migrationinformation.org/Feature/display.cfm?ID=60>; P. Weil: "Towards a coherent policy of co-development", in *International Migration*, Vol. 40(3), Special Issue 1/2002, pp. 41-55.

2. **Japan:** In 1989, the ILO and the Ministry of Labour of Japan designed the Inter-Country Project on Strategic Approaches Toward Employment Promotion (PEP) in Asia. One of the objectives was to reduce emigration pressures from selected Asian countries believed to be major sources of irregular migration flows to East Asia, particularly Japan. The first phase of PEP began in Thailand and the Philippines in 1989, and the second phase extended to Bangladesh and Pakistan in 1993. The third phase began operation in China in 1996 and was completed in 2004. The project's broad objective is to develop and advocate an employment strategy for the selected countries, addressing both macro- and micro-level issues based on active labour market policies. It focuses on the promotion of decent work opportunities in rural and urban areas, for the poor, the unemployed and the underemployed. The project has mobilized community-based activities, introduced low-cost income generation schemes, thereby offering options to out-migration, furthered collaboration between NGOs and government agencies and increased the capacity of ministries of labour in designing and implementing micro-interventions for employment creation. **See guidelines 1.1, 1.2, 2.2, 2.4, 5.2, 15.8.**

K.J. Lönnroth (1995): "Active labour market policies in labour-sending countries: What role in reducing the need for emigration?", in *International Migration Papers*, No. 5, Geneva, ILO, <http://www.ilo.org/public/english/protection/migrant/download/imp/imp05.pdf>; <http://www.ilo.org/public/english/region/asro/bangkok/japanmb/pep.htm>

3. **Euro-Mediterranean Partnership:** At the 1995 Euro-Mediterranean Conference, 27 countries of the European Union and southern Mediterranean countries (Egypt, Israel, Jordan, Lebanon, Morocco, Syrian Arab Republic, Tunisia, Turkey, the Palestinian Authority) agreed to work toward establishing a zone of peace, progress and stability in the region. The Barcelona Declaration and Programme of Action adopted by the Conference outlines a broad range of cooperative activities, including the establishment of a free trade area by 2010. Strategies include the promotion of trade, economic growth and employment in countries of origin, which should result in reducing migratory flows. The countries also agreed to grant migrants in regular status all rights recognized under existing legislation and to campaign against racism, xenophobia and intolerance. A framework for social dialogue, as requested by regional social partners, would facilitate the process and improve on this best practice. **See guidelines 1.1, 1.2, 2.1, 2.2, 2.3, 2.4, 9.3, 14.12.**

[http://europa.eu.int/comm/external\\_relations/euomed/bd.htm](http://europa.eu.int/comm/external_relations/euomed/bd.htm);  
<http://meria.idc.ac.il/journal/2005/issue2/jv9no2a6.html>

4. **Global Employment Agenda (GEA):** The GEA is an ILO initiative for the development of a coherent and coordinated international strategy to promote freely chosen productive employment by placing employment at the heart of economic and social policies. Consistent with the Millennium Development Goals, the GEA seeks, through the creation of productive employment, to better the lives of the hundreds of millions of people who are either unemployed or whose remuneration from work is inadequate to allow them and their families to escape poverty. Operating within the ILO's broader agenda of decent work, it addresses the failure of current globalization strategies to create job opportunities where people live, by promoting national and international employment strategies to ease emigration pressures in developing countries. The ILO web site for the GEA is a means of disseminating best practices on employment policies in different parts of the globe and in thematic areas. The implementation of the GEA at the national level is a major component of the 2004 International Labour Conference Plan of Action for migrant workers. Argentina and Ghana provide examples of the application of the GEA at national level. The ILO responded to Argentina's serious economic and financial crisis through an action plan consisting of direct support to enterprises,



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advisory services and capacity building. In Ghana, the ILO provides technical, advisory and other support services focusing on skills development, employment and productivity improvement. See **guidelines 1.1, 1.2.**

<http://www.ilo.org/public/english/employment/empframe/practice/index.htm>;  
<http://www.ilo.org/public/english/standards/relm/gb/docs/gb286/pdf/esp-1.pdf>;  
<http://www.ilo.org/public/english/standards/relm/gb/docs/gb292/pdf/esp-2.pdf>

## **II. Means for international cooperation on labour migration**

5. **Malaysia:** With the support of the ILO, the Malaysian Trade Union Congress (MTUC) organized a Subregional Workshop on Migrant Workers in April 2005, to highlight and publicize the status of migrant workers in Malaysia and to assist in the development of an action programme for the MTUC and its affiliates to extend union protection to migrant workers. See **guidelines 2.6, 6.4, 12.5.**

<http://www.ilo.org/public/english/region/asro/bangkok/>;  
<http://mtuc.org.my/migran%20workersworkshop05.htm>

6. **United Kingdom-Portugal:** The United Kingdom's Trades Union Congress (TUC) and the General Confederation of Portuguese Workers (CGTP-IN) have an agreement to promote membership in TUC unions to Portuguese migrant workers who are CGTP-IN members. An information campaign in Portuguese instructs migrant workers on how to limit abuse from their employers. The CGTP-IN has signed similar agreements for Portuguese workers with trade unions in other key destination countries, namely Luxembourg, Spain and Switzerland. See **guideline 2.6.**

7. **African Union's Draft Strategic Framework for a Migration Policy for Africa:** The framework is designed for developing a coordinated migration policy based on common priorities. It covers a wide number of themes, including labour migration, border management, irregular migration, human rights of migrants, internal migration, migration data collection and data exchange, migration and development (brain drain, remittance transfers and Africans in the diaspora), inter-State cooperation and partnerships, migration and poverty, health, environment, trade, gender, children, adolescents and youth. The framework was presented to the annual African Union Summit of Heads of State in July 2005 in Sirta, Libyan Arab Jamahiriya. See **guidelines 2.2, 2.1, 3.1, 3.2, 8.1.**

<http://www.africa-union.org/Summit/July%202005/PRC%20Draft%20Rapporteur%20Report.pdf>

8. **Andean labour migration instrument:** Adopted in 2003, this instrument provides for the progressive permission of unhampered movement and temporary residence of member States' (Bolivia, Colombia, Ecuador, Peru and the Bolivarian Republic of Venezuela) nationals for employment purposes. The unhampered movement of people is one of the conditions for the gradual formation of the Andean Common Market, which is scheduled to be put into operation by December 31, 2005. See **guidelines 1.1, 2.3, 5.3, 5.4.**

Andean Community General Secretariat:  
<http://www.comunidadandina.org/ingles/treaties/dec/D545e.htm>

9. **Caribbean Community and Common Market (CARICOM):** In 1989, the States and territories in the Caribbean Community (CARICOM) – Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago – entered into the Grand Anse Declaration allowing free movement of nationals of member States. The work permits of Community nationals were gradually eliminated in the categories of university graduates, media workers, musicians, artists and sportspersons. In 2002, member States agreed to extend free movement by the end of 2005 to self-employed service providers, entrepreneurs, managers, technical and supervisory staff, spouses and dependent family members. See **guidelines 2.3, 4.1, 5.2, 5.3, 5.4.**

D. Fuchs; T. Straubhaar: "Economic integration in the Caribbean: The development towards a common labour market", *International Migration Papers*, No. 61, pp. 1-7 (Geneva, ILO, 2003), available at [www.ilo.org/public/English/protection/migrant/download/imp/imp6ie.pdf](http://www.ilo.org/public/English/protection/migrant/download/imp/imp6ie.pdf); <http://www.caricom.org/>

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10. **Central American and North American Regional Conference on Migration (Puebla Process):** The Puebla Process is an initiative aimed at the adoption of a multilateral approach on migration, which recognizes the interaction of various factors in origin and destination countries and emphasizes the importance of the human rights of all migrants. Member States are Belize, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States. The Puebla Process emphasizes migrant protection issues in expert workshops and conference plenaries and incorporates dialogue with civil society organizations in participating countries. Labour migration issues have not been a focus thus far, however. **See guidelines 2.1, 2.2.**

<http://www.gcim.org>; <http://www.rcmvs.org>

11. **Economic Community of West African States (ECOWAS):** Since 1975, ECOWAS has had three protocols covering the free movement of persons within the member States, their establishment and residence and employment access. The issuance of ECOWAS identity documents and modernization of border procedures through passport scanning machines facilitates easier movement across borders. In July 2005, tripartite representatives of seven member countries agreed with the ECOWAS secretariat to take additional steps towards full implementation of the protocols, with support from the ILO, including by improving the exchange of labour migration data and by harmonizing national laws with relevant international standards and the ECOWAS protocols. Member States of ECOWAS are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. **See guidelines 2.3, 3.2, 4.1, 5.4, 6.2, 9.2, 12.3, 12.9.**

<http://www.un.org/ecosocdev/geninfo/afrec/vol18no3/183eca.htm>

12. **European Union (EU):** The settlement of EU citizens and right to work in other member countries are governed by both treaty provisions and national legislation aimed at establishing the European Economic Community (EEC), the internal market and the EU. The 1957 Treaty of Rome anticipated the free movement of persons, goods, services and capital. In 1968, EEC Council Regulation 1612/68 established labour mobility guidelines for harmonizing member state policies on family reunification, equality of treatment in access to employment, working conditions, social and tax advantages, trade union rights, vocational training and education. The 1985 Single European Act envisaged the removal of internal borders, and gave rise to legislation granting European Community preference in hiring and employment services to all workers and their families from any Member State. Since the 1992 Maastricht Treaty, the European Commission and Member States have introduced several instruments for facilitating the international transfer and mutual recognition of professional qualifications. Recent European Councils have acknowledged the need to coordinate an approach to irregular migration flows that addresses the demand for labour not filled by nationals of Member States. In recognition of the future impact of demographic decline and ageing on the economy, the Commission presented to the Council in January 2005 a Green Paper on an EU approach to managing economic migration. It identified major issues and presented options for an EU legislative framework on economic migration, while recognizing that each country should determine its own labour market needs. Regulation of migration at the Community level is currently limited to short-term stays and entry into EU territory. The view of the European Trade Union Confederation is that the legislative framework options presented in the Green Paper do not include a clear framework of rights for all workers concerned, particularly migrant workers from third countries. It has proposed the inclusion of provisions regarding equal treatment in working conditions and benefits between third-country nationals in regular status and EU citizens, as well as protection for those in irregular status, in order to protect the rights and further the working conditions of both migrant workers and national workers. **See guidelines 2.2, 2.3, 5.1, 5.2, 5.3, 5.4, 8.4, 9.3, 9.4, 9.8, 9.12, 12.3, 12.6, 12.9, 14.3, 14.10.**

[http://www.europa.eu.int/index\\_en.htm](http://www.europa.eu.int/index_en.htm)

13. **Mercado Común del Sur (MERCOSUR):** MERCOSUR initially limited free mobility of labour to border areas between the four member States (Argentina, Brazil, Uruguay and Paraguay). In 1997, the Multilateral Agreement on Social Security gave workers who had served in any of the member States the same rights and duties of national workers. A 2000 agreement permits the right to reside and work in member States for a certain time period to artists, professors, scientists, sportspersons, journalists, professionals and specialized technicians who are nationals of other member States. The 2002 Regional Agreement for nationals of member States and associated States (Bolivia and Chile) permits nationals of any of the six countries to reside in the territories of the others and grants them access to any economic activity on an equal basis with nationals. In 2004,

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Argentina, followed by Brazil, adopted a unilateral decision suspending the eviction of migrants in an irregular situation who are nationals of bordering countries. The decision was later extended to nationals of Peru and other countries. Its rationale lies in the advanced integration process under MERCOSUR, the main objective of which is to set up a common market involving the free movement of goods, services and factors of production between member States. **See guidelines 2.3, 4.1, 5.2, 5.3, 5.4, 9.3, 9.4, 14.4.**

MERCOSUR: *Acuerdo sobre Residencia para Nacionales de los Estados Partes del MERCOSUR, Bolivia y Chile, el 6 de diciembre de 2002*, available at <http://www.cpcmercosur.gov.ar/leyes/ley25903.htm>; [www.iadb.org/intal/tratados/mercosur.htm](http://www.iadb.org/intal/tratados/mercosur.htm); E. Texidó et al.: *International Migration Papers*, No. 63 “Migraciones laborales en Sudamérica: el MERCOSUR ampliado (Geneva, ILO, 2003) and E. Geronimi *International Migration Papers*, No. 70 “Admisión, contratación y protección de trabajadores migrantes” (Geneva, ILO, 2004), available at <http://www.ilo.org/public/english/protection/migrant/publ/imp-list.htm>

14. **South American Conference on Migration (Lima Process):** Countries participating in the Lima Process are Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and the Bolivarian Republic of Venezuela. In the Declaration of Quito, member States agreed to define and coordinate strategies and regional programmes on migration to promote the human rights of migrants and their families, strengthen the management of migration flows within the region and develop national and bi-national regulations, promote links with nationals abroad, strengthen networks and identify safer and less expensive means of remittance transfers, promote the integration of migrants, particularly in the workplace, and harmonize and coordinate systems of migration information, administration and legislation. **See guidelines 2.1, 2.2, 2.7, 3.2, 3.4, 8.1, 11.8, 15.3, 15.6, 15.10.**

<http://www.gcim.org>

15. **The Berne Initiative:** This Initiative was launched in 2001 by the Government of Switzerland at the International Symposium on Migration, with the Migration Policy and Research Department of the International Organization for Migration (IOM) serving as its secretariat. It is a state-owned consultative process, which covers all types of migration. The International Agenda for Migration Management (December, 2004), the major product of the four-year Berne initiative process, was designed to assist governments in developing effective measures for the management of migration. It provides for a system for dialogue, cooperation and capacity building at the national, regional and global levels. **See guidelines 2.1, 2.2.**

<http://www.bfm.admin.ch/index.php?id=226&L=3>

16. **Geneva Migration Group (GMG):** In 2003, several international agencies whose mandate covers issues related to international migration – the ILO, United Nations High Commissioner for Refugees (UNHCR), United Nations Office of the High Commissioner for Human Rights (UNOHCHR), United Nations Conference on Trade and Development (UNCTAD), United Nations Office on Drugs and Crime (UNODC) and the IOM – formed an informal group named the Geneva Migration Group, recognizing the need for strengthening strategic alliances between the agencies to enhance coordination and complementarity. The aim of the GMG is to promote good governance of migration by working together for the promotion of the wider application of all relevant instruments and norms relating to migration, and for the provision of more coherent, coordinated and stronger leadership to improve the overall effectiveness of the international community’s response to current and future migration issues. The value and uniqueness of the GMG lies in the fact that it is comprised of heads of agencies themselves. **See guidelines 2.1, 2.2, 2.7, 8.1.**

<http://www.ilo.org/public/english/bureau/exrel/partners/gmg.htm>

17. **The Global Commission on International Migration (GCIM):** The GCIM was established in December 2003 by Sweden and Switzerland, together with the governments of Brazil, Morocco and the Philippines, with a view to providing a framework for the formulation of a coherent, comprehensive and global response to migration issues. Its mandate is to place international migration on the global agenda, analyse gaps in migration policy, examine linkages with other issues and present recommendations to the United Nations Secretary-General, governments and other stakeholders. As part of its work, the GCIM has conducted analysis and research, consultations with stakeholders, regional hearings in different regions of the world, and information sharing. It will submit a final report to the United Nations Secretary-General in October 2005. **See guidelines 2.1, 2.2.**

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<http://www.gcim.org>

18. **ILO:** The Office has organized a series of regional tripartite consultations on labour migration since 1999 to bring key stakeholders together in subregions usually linked to economic integration initiatives. These seminars have performed joint functions of capacity building and tripartite policy concertation exercises. Participants include senior officials of labour ministries and executives of national trade union and employer federations. Using a training methodology that ensures dialogue and contributions from all participants, these events have established or strengthened both informal and formal regional tripartite cooperation on labour migration. In some cases, they have generated specific proposals for policy initiatives in regional mechanisms and/or programmatic follow-up. Venues have included Port Louis, Mauritius, for Indian Ocean countries (2000), Dushambé, Tajikistan, for Central Asia (2001), Pretoria for the Southern Africa Development Community (SADC) (2002), Douala, Cameroon, for Central Africa (2003), Arusha for the East Africa Community (2004), Algiers for Maghreb countries (2005) and Dakar for West Africa (2005). The latter three were facilitated by the EU-supported ILO project “Managing Labour Migration as an Instrument of Development in the Euro-Med Area, East Africa and West Africa”. **See guidelines 2.1, 2.2, 2.7, 6.2.**

<http://migration-africa.itcilo.org>

19. **International Migration Policy Programme (IMP):** The IMP is a global inter-agency programme, co-sponsored by the ILO, the International Organization for Migration (IOM), the United Nations Population Fund (UNFPA) and the United Nations Institute for Training and Research (UNITAR), to organize intergovernmental dialogue and capacity building in regional migration spaces. From 1998 to 2003, IMP activities benefited over 800 senior and middle-level government officials from 115 countries. The IMP developed a rigorous training and dialogue methodology and gathered participants from “common migration spaces” that face similar or common migration and human displacement concerns as origin, destination or transit countries. Its consultations involve representatives of several concerned ministries from each participating country, often including labour, foreign affairs and interior/justice ministries. Representative social partner organizations, academic institutions and civil society associations were also involved in the IMP consultations. **See guidelines 2.1, 2.2, 2.7, 6.2.**

<http://www.impprog.ch/>

20. **Union Network International (UNI):** The UNI, an international organization of trade unions in the professional and service sectors, issues an identity document to migrant workers to help them retain their union rights and obtain support as they travel from one country to another. Those who were union members in their own country can be hosted by a UNI member union in the destination country and receive lists of local contacts, information on working conditions, banking, taxes, housing, schools, health care, pensions and other benefits. Advice on labour issues and laws and collective agreements is available, as well as legal support in case of a dispute with the employer. Training is also available to those with UNI documents. The UNI distributes a booklet, *Working abroad: UNI guidelines*, which is available on its web site in several languages. **See guidelines 2.6, 10.8, 10.11, 12.1, 12.5, 14.3.**

<http://www.union-network.org>

### **III. Global knowledge base**

21. **Australia:** The Bureau of Statistics conducts a monthly labour force survey, which includes questions on migration. Supplemental surveys have also been conducted on immigrants periodically. The Department of Immigration and Multicultural and Indigenous Affairs develops regular reports using client service systems, which includes statistics on the number of overseas employees entering Australia and in which industries they work, as well as non-compliance, overstay and protection visa application rates. The Department also tracks the labour market experiences of migrants through a number of surveys. These include the Longitudinal Survey of Immigrants to Australia (LSIA), a survey of Skilled Designated Area Sponsored (SDAS) visa holders, and a survey of former overseas students granted permanent residence. **See guideline 3.1.**

<http://www.abs.gov.au/>

22. **Costa Rica:** Instituto Nacional de Estadística y Censos conducts yearly multiple-purpose household surveys, which include questions on country of birth, year of arrival, and residence five years earlier. Questions have also been included on remittances. **See guideline 3.1.**

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<http://www.inec.go.cr/>

23. **Ireland:** The Central Statistics Office conducts Quarterly National Household Surveys, which includes questions on Irish citizenship and nationality, place of birth and year of beginning residency in Ireland. Surveys also include questions on emigration of Irish nationals abroad, including the country of emigration and date of departure. **See guideline 3.1.**

<http://www.cso.ie/>

24. **Portugal:** The Instituto Nacional de Estatistica conducts employment surveys which include questions on country of birth and nationality of migrants. Supplemental surveys have been conducted, which contain questions on migration. **See guideline 3.1.**

<http://www.ine.pt/>

25. **ILO:** The International Migration Programme maintains the online International Labour Migration Database (ILM), which hosts statistical time-series data from 86 countries on labour migration obtained through a mail questionnaire survey. In addition to shared EUROSTAT data, the database covers a number of developing countries. The ILO has also developed manuals and guidelines for migration data collection, and provides technical assistance to countries for improved data collection. The ILO NATLEX database contains over 55,000 records of national labour, social security and related human rights legislation. Records in NATLEX provide abstracts of legislation and relevant citation information and are indexed by keywords and subject classifications, including a subject on migrant workers. **See guidelines 3.2, 3.3.**

<http://www.ilo.org/public/english/protection/migrant/ilmdb/index.htm>; [www.ilo.org](http://www.ilo.org)

26. **International Monetary Fund (IMF):** The IMF is the primary source of data on migrant remittances on a global basis. Its annual publication *Balance of payments statistics yearbook* includes official national data on remittances. **See guidelines 3.1, 3.2.**

<http://www.imf.org/>

27. **International Organization for Migration (IOM):** Since 2000, the IOM has published *World migration report*, which presents information on the latest trends in international migration and includes overviews of regional developments, including specific regional overviews. Each issue has a thematic focus, with the third edition in 2005 focusing on costs and benefits of international migration. **See guidelines 3.2, 3.3.**

<http://www.iom.int/iomwebsite/Publication/ServletSearchPublication?event=detail&id=4171>

28. **Migration Information Source (MIS):** The MIS, maintained by the Migration Policy Institute, a private organization in Washington, DC, is a web portal containing both qualitative and quantitative information resources. It contains analysis and perspectives on ongoing migration debates and issues. It is designed to provide information accessible to various groups, such as researchers, policy-makers, journalists and others. **See guidelines 3.2, 3.3.**

<http://www.migrationinformation.org/>

29. **Organisation for Economic Co-operation and Development (OECD):** The OECD collects migration data through the Continuous Reporting System on Migration (SOPEMI), based on a network of national correspondents in its member States appointed by the OECD secretariat. The data are published annually in *Trends in international migration, SOPEMI*. It has emerged as a flagship publication on migration information in OECD countries with analysis of regional and country trends. The report also contains in-depth analyses of selected migration issues. **See guidelines 3.2, 3.3.**

<http://www.oecd.org/>; OECD, 2005. *Trends in international migration – SOPEMI*, 2004 edition (Paris, OECD).

30. **Statistical Office of the European Communities (EUROSTAT):** As the statistical arm of the European Commission, EUROSTAT collects migration and asylum statistics from EU Member States through an annual questionnaire in cooperation with the Economic Commission for Europe, the Council of Europe, the ILO and the United Nations Statistical Division. This joint effort reduces the reporting burden on countries. The questionnaire includes questions on stocks and flows of migrants and citizenship information. The data collected are shared with other agencies and countries through publications and online databases. EUROSTAT aims to standardize the collection and analysis of Community statistics in the field of migration through an action plan backed by statistical legislation. **See guidelines 3.1, 3.2.**

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<http://epp.eurostat.cec.eu.int>; <http://www.unece.org/stats/documents/2005/03/migration/wp.23.e.pdf>; <http://www.un.org/esa/population/publications/migcoord2002/eurostat.pdf>

31. **UNESCO Migration Research Institutes Database:** Launched in February 2002, this database provides information on almost 300 research and training institutes in 77 countries. It also provides details on 86 periodicals dealing with migration. Data are based on the output of UNESCO's DARE Database in social sciences and is gathered from questionnaires (Institute, periodical) and other reliable sources such as official web sites, annual reports and periodicals. **See guidelines 3.2, 3.3, 3.5.**

<http://databases.unesco.org/migration/MIGWEBintro.shtml>

32. **United Nations:** The United Nations Statistics Division (UNSD) issues guidelines and recommendations to help countries collect and disseminate migration data. The latest revision of recommendations on international migration, *Recommendations on statistics of international migration, Revision*, was published in 1998. The UNSD collects official national data on international migration flows and stocks and publishes them in the *Demographic Yearbook*. The UNSD also provides technical support and assistance to countries in the collection and compilation of data and in training statisticians on United Nations recommendations. The United Nations Population Division (UNPD) conducts research and publishes studies on migration policies and migration trends on a regular basis, including on global estimates of the number of international migrants. The report *International Migration 2002* contains migration data for 228 countries and is the most widely used source on estimates of international migrants. The UNPD also convenes an annual United Nations Coordination Meeting on International Migration, which brings together major international agencies involved in collection and analysis of migration data. **See guidelines 3.1, 3.2, 3.3, 3.4.**

<http://www.unstats.un.org>; UNSD, *International migration statistics: Current activities of the United Nations Statistics Division*; UNECE/Eurostat Seminar on Migration Statistics (Geneva, 21-23 March 2005); <http://www.unece.org/stats/documents/2005/03/migration/wp.17.e.pdf>; <http://www.un.org/esa/population/unpop.htm>

33. **United Nations, Economic Commission for Latin America and the Caribbean (ECLAC):** The ECLAC's Latin American and Caribbean Demographic Center (CELADE) strongly recommends the collection of census data by countries in the region on place of birth, year of arrival in the country and place of residence five years earlier. One of the major programmes of ECLAC/CELADE is the research project Investigation of International Migration in Latin America begun in the 1970s to construct a database of information on the main characteristics of migrant populations collected by censuses. The MIALC database currently includes information on those born abroad by country of origin, sex, age, period of arrival, marital status, education level, economic characteristics and average number of children per woman. Most recently, ECLAC/CELADE has also formed the System of Information on International Migration in the Countries of the Andean Community (SIMICA), which is a study of international migration patterns and trends in the countries of the Andean Community, with special emphasis on the characteristics of migrants in both their home and host countries. **See guidelines 3.1, 3.2, 3.3, 3.4.**

<http://www.eclac.cl>

34. **World Bank:** The World Bank disseminates expanded data on remittances in its World Development Indicators (WDI) and the Global Development Finance (GDF) reports. Both World Bank data sets are based on IMF's balance of payments data, but cover a wider range of countries. The GDF uses a broader definition of remittances (sum of workers' remittances, compensation of employees and migrant transfers reported under capital transfers) than the IMF and WDI data. **See guidelines 3.1, 3.2.**

<http://www.worldbank.org/>

#### **IV. Effective management of labour migration**

##### **(i) Policies to manage migration**

35. **Canada:** The Canadian admission policy provides admission procedures for skilled workers, trades persons and professionals, with points awarded based on criteria such as age, education and ability to speak English or French, in order to provide for long-term needs of skilled workers. **See guidelines 4.1, 4.10, 5.1, 5.2.**

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<http://www.cic.gc.ca>; [www.hrdc-drhc.gc.ca](http://www.hrdc-drhc.gc.ca); [www.canlii.org](http://www.canlii.org); *ILO migration survey 2003: Country summaries/Encuesta de la OIT sobre migraciones, 2003: Resúmenes por país/Enquête de l'OIT sur les migrations, 2003: Résumés par pays* (Geneva, ILO, 2004).

36. **New Zealand:** The immigration of skilled workers who have employment offers or qualifications and work experience in an occupation with a shortage of workers is encouraged. The Government attempts to assist with integration for permanent residence by providing a settlement information kit paid by migrant worker fees. The kit covers housing, health, education, work, business, government, laws, integration and information on such issues as banking, transportation, legal issues and history of the country. There is a government web site for migrant workers and a helpline. The Department of Labour publishes information on labour rights in several languages. There is tripartite consultation on labour migration policy. The Immigration Service Settlement Branch provides funding to organizations and businesses that help migrants settle in the country. These services provide information on rights and social services and benefits. English classes are also available to migrant workers. **See guidelines 4.1, 4.2, 4.8, 4.10, 5.1, 5.2, 6.1, 6.3, 6.4, 7.1, 10.8, 12.1, 14.5, 14.7.**

<http://www.immigration.govt.nz>; *ILO migration survey 2003: Country summaries* (Geneva, ILO, 2004).

37. **Philippines:** The Philippines has an employment-driven emigration policy that emphasizes temporary labour migration, worker protection and maximizing the development impact of remittances. The Government identifies labour market niches abroad and arranges an orderly supply of labour through supervised recruitment by foreign employers, recruitment agencies and foreign governments based on bilateral agreements. The Philippines Overseas Employment Administration (POEA) is a specialized agency under the Department of Labor and Employment responsible for the administration of labour emigration. It issues licences to private, Philippines-based recruitment agencies, which must enter into legally enforceable work contracts with workers seeking employment abroad. The POEA approves these contracts, monitors malpractices and prosecutes violators of recruitment standards. However, the Philippines permits recruitment agencies to require pregnancy and HIV/AIDS testing of workers. The POEA formulates emigration policies, campaigns against trafficking, provides pre-departure information, addresses labour rights violations abroad and assists its nationals in destination countries. The Government can suspend or cease the deployment of workers to certain countries in cases of repeated abuse. Migrant workers using official channels receive pre-departure training on social and working conditions abroad, life insurance and pension plans, medical insurance and tuition assistance for the migrant and his or her family, and are eligible for loans. An identification card is issued to migrant workers that provides access to international savings accounts in a consortium of banks and allows for low-cost remittance transfers. Incentives are provided for migrants who return, including loans for business capital at preferential rates and eligibility for subsidized scholarships. **See guidelines 2.3, 4.4, 4.5, 4.6, 4.8, 4.10, 10.1, 10.3, 10.4, 10.8, 11.1, 11.2, 11.3, 11.4, 11.5, 11.7, 11.8, 12.1, 12.10, 15.4, 15.5, 15.6, 15.8.**

<http://www.poea.gov.ph>

38. **Spain:** Spain has instituted three formal structures for the participation of the social partners in legislation and policy on labour migration: a Forum for the Social Integration of Immigrants, an Inter-Ministerial Commission on Immigration Affairs, and provincial executive commissions. In addition, the Ministry of Labour has a labour migration administration, Dirección General de Ordenación de las Migraciones, and a state secretariat, the Delegación de Gobierno para la Extranjería y la Inmigración. Formed as part of the 2000 Global Programme to Regulate and Coordinate Foreign Residents' Affairs and Immigration in Spain (Plan Greco), this secretariat is charged with coordinating migration management activities, including integration of immigrant communities, with a focus on their contributions to economic growth. The head of this secretariat is a leading member of both the Inter-Ministerial Commission on Immigration Affairs, which assesses government practices towards non-citizens, and the Superior Council on Immigration Policy, which oversees immigration affairs at all levels of government. **See guidelines 4.6, 4.8, 6.1, 6.3, 6.4, 14.5, 14.9.**

N. Ortega Pérez: *Spain: Forging an immigration policy*, Migration Information Source, 2003, available at [www.migrationinformation.org](http://www.migrationinformation.org); <http://www.mtas.es/migraciones/>; *ILO migration survey 2003: Country summaries* (Geneva, ILO, 2004).

39. **United Kingdom:** The Highly Skilled Migrant Programme permits the entry of highly skilled migrants, even if they do not have job offers, for employment or self-employment purposes.

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Different assessments are made for applicants under age 28 and over 28 based on a point system. As with most work visas in the United Kingdom, an application can be made for permanent residence status after four years. **See guidelines 4.1, 14.4.**

<http://www.ind.homeoffice.gov.uk>

(ii) Expanding avenues for regular labour migration

40. **Australia:** Those seeking to migrate to Australia for employment can apply through either the permanent or temporary streams of Australia's Migration Programme. Permanent visa applicants, with the exception of those sponsored by an Australian relative living in a designated area of Australia, are assessed against a points test based primarily on skill, age, English language, work experience and migration occupation in demand list (MODL) components. The temporary stream allows businesses to sponsor overseas employees to come to Australia to fill skilled positions that cannot otherwise be filled from within the Australian labour force. The position must meet minimum skill and salary levels and the applicants must demonstrate they have the skills and qualifications to fill the position. Those who have studied in Australia are eligible to apply for permanent resident status. Temporary admissions have been increased to meet employers' needs for skilled workers, but are not available to the less-skilled. Temporary workers may apply for permanent residency, and their spouses are allowed to work. Annual labour market analyses are performed to determine economic and labour market needs, regional needs, the economic, social and environmental impact of migration and the expected number of applicants, including how many are expected to apply based on skills or family needs. The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) manages labour migration. It has a web site which provides labour market information in many languages. The National Office of Overseas Skills Recognition provides information for potential migrant workers on requirements for various job categories. Once a migrant worker has entered Australia, the worker's foreign-earned credentials can be assessed, and loans may be provided for courses required for credentials in Australia. Various professional bodies and states have their own additional criteria for regulating admission to individual professions for overseas qualified persons. The Government has outposted the DIMIA representatives to key industry bodies to help industry use the migration system to get the people they need. The DIMIA and industry run joint recruitment events to better match potential skilled migrants with employers who are finding it difficult to recruit skilled workers locally. **See guidelines 3.1, 4.1, 4.2, 4.8, 5.1, 5.2, 5.5, 12.1, 12.6, 14.3, 14.4, 14.10, 15.3.**

<http://www.immi.gov.au>; [www.austlii.edu.au](http://www.austlii.edu.au); [www.acci.asn.au](http://www.acci.asn.au); [www.actu.asn.au](http://www.actu.asn.au);  
<http://aei.dest.gov.au>; *ILO migration survey 2003: Country summaries* (Geneva, ILO, 2004).

41. **Canada:** The Seasonal Agricultural Worker Programme has been in existence since 1966 and was developed to respond to labour shortages faced by farmers. It allows for the organized movement of migrant workers during the planting and harvesting seasons and is based on Memoranda of Understanding between Canada and Mexico, as well as Caribbean countries, primarily Jamaica. The Programme is administered by Human Resources Development Canada (HRDC), where employers place orders for workers guaranteeing a minimum number of hours of work for at least six weeks, free housing and the minimum wage. Farmers may request workers by name, and many return to the same farm year after year. The employers have a non-profit corporation governed by a board of directors, with representatives from HRDC. Employment contracts are signed by workers, employers and a government agent before the workers' arrival. They are guaranteed pension plan contributions, vacation pay, workers' compensation insurance and health-care coverage. Workers are met at the airport and assisted with entry. However, temporary agricultural workers are exempted from certain labour protections, such as the freedom to change jobs and overtime pay. **See guidelines 2.3, 4.6, 5.2, 5.3, 5.5, 6.3, 9.10, 10.3, 12.1, 12.2, 12.3, 13.3.**

<http://www.rcmvs.org/paises/SAWP.htm>; Report of the International Workshop organized by IOM, Santiago de Chile, Chile, 2000, available at [http://portal.unesco.org/shs/en/ev.php-URL\\_ID=3425&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/shs/en/ev.php-URL_ID=3425&URL_DO=DO_TOPIC&URL_SECTION=201.html)

42. **Egypt:** The Integrated Migration Information System (IMIS) is an Italian-funded project implemented in Egypt by IOM. It has an online database at the Ministry of Manpower and Migration for Egyptians wishing to migrate to Italy. A job-matching system for Egyptian applicants and Italian employers provides Egyptians with access to the Italian labour market information system and enables them to apply for jobs in Italy online. **See guidelines 2.2, 5.2, 12.1.**



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A. Stocchiero: *Fostering Egyptian local development through diasporic networks in Italy*, CeSPI Policy Paper on the Integrated Migration Information System (IMIS) Project, Rome, 2004, available at [http://www.emigration.gov.eg/StaticFiles/Abstract\\_e.asp](http://www.emigration.gov.eg/StaticFiles/Abstract_e.asp)

43. **Germany:** The seasonal foreign workers' programme operates under Memoranda of Understanding between Germany and origin countries and is administered by the German Public Employment Service and its counterparts. The majority of seasonal workers are Polish agricultural workers. Migrant workers are admitted for up to 90 days if nationals are not available to work in agriculture, forestry, hotels and catering, fruit and vegetable processing and sawmills. Employers may not hire migrant seasonal workers for more than seven months per year, unless they grow certain crops. Employers must submit employment contracts to local labour offices, which must include certain wages and working conditions, including on housing, meals and travel arrangements, if any. Employers pay a fee per worker to the Employment Service, which they may not charge to the worker. Although there is a requirement that employers provide adequate housing, there have been reports of substandard living conditions. **See guidelines 2.3, 5.1, 5.5, 10.3, 13.7.**

<http://www.arbeitsagentur.de/vam/vamController/CMSConversation/anzeigeContent>

44. **Spain:** Spain carried out a regularization programme in 2005, which was designed and implemented through extensive consultation with workers' and employers' organizations. It permits migrant workers who have registered with local governments for at least six months, do not have criminal records and have the skills necessary for their jobs to regularize their status. Domestic workers are eligible to apply. Those regularized are given work and residency permits for one year. Employers who intend to employ migrant workers for certain minimum time periods, depending on the sector, and who did not themselves owe taxes, may request regularization of their workers. A large majority of the applications for regularization have been accepted, with the highest percentages in domestic work, construction, agriculture and hotels, respectively. **See guidelines 6.1, 14.4.**

<http://www.mtas.es/migraciones/proceso2005/default.htm>

45. **Spain:** Under the "circular migration" project run by Unió de Pagesos (UP) in Catalonia, seasonal workers are recruited from Morocco, Colombia and countries in Eastern Europe. Two agricultural unions from Majorca (Unió de Llauradors i Ramaders and Unió de Pagesos de Mallorca) have joined the initiative, which promotes the twinning of the seasonal workers' home and host localities. The employment agencies of the Spanish and Catalan governments organize the travel and hiring of the workers, who spend between five and seven months working in Catalonia, and also handle their reception upon arrival. The project includes an accommodation plan, which currently manages more than 50 collective accommodations, and strives to maximize the benefits of increases in migrant workers in Catalan towns. One of the most important benefits is furthering the personal independence of the seasonal migrant workers by involving them in the local community and organizing events and training activities for them. **See guidelines 5.3, 5.5, 7.2, 12.1, 12.3, 14.5.**

[http://www.uniopagesos.es/organitzacio/fundacio\\_02.asp](http://www.uniopagesos.es/organitzacio/fundacio_02.asp)

### (iii) Social dialogue

46. **Costa Rica:** Through efforts of the Higher Labour Council, the social partners agreed to a common strategic agenda on migrant workers, labour flexibility, employment policy and employment in the informal economy. A policy statement on migrant labour recognized the contribution of migrant workers to the country's economic and social development. **See guidelines 4.10, 6.1, 6.2, 6.3, 6.4, 14.9, 15.2.**

*ILO: Report of the Committee of Experts on the Application of Conventions and Recommendations, 2004.*

47. **Ireland:** The triennial social partner agreement, 2003-05 – A Policy Framework for Sustaining Progress – recommends the formulation of national policy on migrant workers. Parties to the negotiations included the Government, employers, trade unions, farming bodies and the community and voluntary sector. One of the ten special initiatives in the agreement is on migration and interculturalism. The Government and social partners agreed on the desirability of developing a comprehensive policy framework on migration, including "issues on which the Government will consult with social partners – specifically, economic migration and the labour market, integration issues, racism and interculturalism and issues affecting migrants". Partners commit to more systematic consultations at the national level regarding economic immigration, to consultations by

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the Government with labour and business interests and to consider the work permits system. They also commit to build on the code of practice against racism in the workplace. **See guidelines 6.1, 6.2, 6.3, 6.4, 7.1, 7.2, 14.2.**

*Sustaining progress: Social partnership agreement 2003-2005*, Dublin, February 2003, available at <http://www.iboa.ie/files/SustainingProgress2003-2005.doc>

48. **Philippines:** The Philippines Overseas Employment Administration (POEA) has a tripartite governing board consisting of the Secretary of Labor and Employment, representatives of other concerned government departments, a workers' representative from the Trade Union Congress of the Philippines, and an employers' representative from the association of private recruitment agencies. **See guidelines 4.10, 6.1, 6.2.**

<http://www.poea.gov.ph>

49. **Africa:** National social dialogue mechanisms specifically addressing labour migration have been established in 12 countries in East, North and West Africa: Algeria, Burkina Faso, Cape Verde, Gambia, Kenya, Mali, Mauritania, Morocco, Senegal, United Republic of Tanzania and Tunisia. These mechanisms comprise informal consultative bodies with participants from government ministries and departments, including labour ministries, national employer associations and trade union federations. Senior level officials of labour ministries have been designated as national focal points on labour migration in each of these 12 countries, with responsibilities to obtain and share information with partners, to convene meetings and seminars among social partners and government ministries and departments and to liaise with subregional mechanisms addressing labour migration. The national mechanisms meet occasionally as capacity and resources available permit; national tripartite capacity-building and policy concertation seminars convened jointly by national partners and the ILO have been held in nearly all of these countries during 2005. National seminars have achieved agreement on priorities for national advocacy for adoption of international standards, for research and for improving labour migration data collection and dissemination. Participants are expected to facilitate exchange of information with the respective government offices and the national social partner organizations they represent. These mechanisms were initiated through an EU-supported ILO project, "Managing Labour Migration as an Instrument of Development in the Euro-Med Area, East Africa and West Africa". **See guidelines 2.1, 2.2, 3.1, 3.2, 6.2, 6.3, 6.4.**

*Labour migration for integration and development in Africa*, available at <http://migration-africa.itcilo.org>

#### (iv) Consultation with civil society and migrant associations

50. **Mexico:** The Government has created a specialized agency under the Ministry of Foreign Affairs to address the needs of its nationals abroad. The Institute for Mexicans Abroad (IME) sets priorities in consultation with an advisory council consisting of 105 elected community representatives, many of whom are migrant workers and leaders of migrant associations in the United States. By bringing together government agencies involved with Mexicans working abroad, the IME ensures coordination and consideration of migrant worker concerns in policy-making and implementation. The IME also commissions research, develops assistance programmes for migrants and transmits information relevant to migrants and their families through the media. **See guidelines 6.1, 6.4, 6.5, 7.1.**

<http://portal.sre.gob.mx/ime/>

51. **Philippines:** The Trade Union Congress of the Philippines (TUCP) works with NGOs and the Government to provide better protection for migrant workers, including women domestic workers. The TUCP works with the NGO Kaibigan on issues and rights regarding women migrant workers, such as trafficking. Both the TUCP and Kaibigan are members of the Migrant Workers' Council of the National Anti-Poverty Commission, which is attached to the Office of the President of the Philippines. The TUCP has a centre for migrant workers in Manila to assist both migrating workers and those who have returned. The public services union, PS-Link, conducts preparatory sessions for those seeking to migrate, where they are informed of their rights and given contacts in the destination countries. **See guidelines 7.2, 9.8, 9.11, 10.8, 12.1, 12.2.**

*Trade Union World*, Briefing, No. 3, p. 9 (ICTFU, May 2004); <http://www.tucp.org.ph/>

52. **United States:** The Illinois Coalition for Immigrant and Refugee Rights (ICIRR), a coalition of migrant organizations, collaborates with trade unions and federal, state and local governments, as

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well as other national and international NGOs, to promote the rights of migrant workers in policy-making. In collaboration with the state government, the ICIRR funds and trains local organizations to translate and advocate for migrants when applying for government programmes or seeking legal help. The ICIRR also conducts multilingual workshops on labour rights, anti-discrimination policies and the immigration process and holds leadership development seminars for migrant workers. **See guidelines 6.4, 7.1, 7.2, 10.8.**

<http://www.icirr.org>

53. **United States:** The trade union, United Food and Commercial Workers Union, cooperates with Latin American, primarily Mexican, workers' community organizations in the United States to organize migrant workers in the meat slaughtering and butchering industry, which has long been dependent on migrant labour. **See guidelines 7.2, 10.8.**

[http://www.ufcw.org/press\\_room/press\\_releases\\_2000/raidonomahaplant.cfm](http://www.ufcw.org/press_room/press_releases_2000/raidonomahaplant.cfm)

54. **Migrant Forum Asia (MFA):** The MFA is a coordinating council of major NGOs in Asia representing a network of migrant support and advocacy groups in both migrant-sending and receiving countries of Asia. Since its establishment in 1994, it has become a regional body that advocates for the rights of Asian migrant workers and their families, regardless of their immigration status. It is an active partner in the international campaign for the ratification of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The MFA and the Asian Migrant Centre disseminate research regarding migrant workers. The *Asian migrant yearbook* is a standard reference on migrant issues and rights in Asia. **See guidelines 3.2, 3.3, 7.1, 7.2.**

<http://www.mfasia.org>; *Asian migrant yearbook 2002-2003: Migration facts, analysis and issues* (Hong Kong, Asian Migrant Centre, 2004); M.L.L. Alcidi: "The multilevel approach to promoting Asian migrant workers' rights: The MFA experience", in *International Migration*, December 2004, Vol. 42, No. 5, pp. 169-176.

## V. **Protection of migrant workers**

### (i) **Human rights**

55. **Mexico:** Forty-three Mexican consulates in the United States provide legal assistance programmes for victims of human rights violations and programmes for migrant minors, as well as social work assistance and cultural services. They also provide the *Matricula Consular*, which is an identification card issued by the Mexican consulates to attest that the bearer of the card is a national of Mexico living abroad. The Mexican Government promotes acceptance of the card as identification by banks, police departments and other entities. It has been particularly useful for Mexican immigrants in irregular status. By 2005, 118 banks in the United States accepted the *Matricula* as an alternative form of identification to permit the opening of bank accounts. The increased access to bank accounts through the use of the *Matricula* has the additional benefit of reducing costs of transferring remittances to Mexico. **See guidelines 8.2, 12.8, 15.6.**

<http://portal.sre.gob.mx/eua/>; M. Orozco: *International financial flows and worker remittances: Issues and lessons*, report commissioned by the Population and Mortality Division of the United Nations, available online as Annex 3 of *Bridging the gap: International migration and the role of migrants and their remittances in development*, see <http://www.businessindevelopment.nl/download.php?id=1012.6936#>; *World migration 2003: Managing migration: Challenges and responses for people on the move*, Vol. 2, IOM World Migration Report Series, Ch. 9 (Geneva, IOM, 2003).

56. **Regional NGO Summit on Foreign Migrant Domestic Workers (Colombo Declaration):** The 2002 Summit in Colombo, Sri Lanka, organized by Coordination of Action Research on AIDS & Mobility (CARAM) Asia, was attended by participants from 24 countries, representing migrant domestic workers, governments, trade unions, NGOs and international organizations. The Summit concluded with the Colombo Declaration that called for strategies, policies, plans and development interventions to address the issue of recognition, protection and dignity of foreign migrant domestic workers. The Colombo Declaration states that the right to stay and to move within and across borders with dignity are fundamental to human civilization and that migrant domestic workers contribute to countries' socio-economic development. **See guidelines 2.5, 6.2, 6.5, 7.2, 8.1, 9.8.**

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*Report of the Regional Summit on Foreign Migrant Domestic Workers, 26-28 August 2002, Colombo, Sri Lanka, available at [http://caramasia.gn.apc.org/page\\_type\\_2.php?page=regional\\_summit/Regional\\_Summit-MainPage&title=CARAMASIA.ORG%20::%20Regional%20Submit%20::%20Main%20Page](http://caramasia.gn.apc.org/page_type_2.php?page=regional_summit/Regional_Summit-MainPage&title=CARAMASIA.ORG%20::%20Regional%20Submit%20::%20Main%20Page)*

57. **Platform for International Cooperation on Undocumented Migrants (PICUM):** The PICUM is a network of organizations providing assistance to migrants in irregular status in Europe, which promotes respect for human rights for undocumented migrants within Europe. The PICUM gathers information on law and practice regarding social rights for undocumented migrants, develops expertise in the field, strengthens networking between organizations dealing with undocumented migrants in Europe and formulates recommendations for improving the legal and social position of migrants in irregular status. The PICUM's report, *Ten ways to protect undocumented migrant workers*, presents detailed information obtained from NGOs, trade unions and others working with and advocating for undocumented workers in Europe and the United States. Grouped in ten actions, methods are presented that contribute to respecting the dignity of undocumented migrants as human beings and as workers. **See guidelines 4.4, 7.2, 8.2.**

<http://www.picum.org>

(ii) **Implementation of international standards at the national level**

58. **Albania:** As in a number of other countries, the hospital care law requires hospitals in Albania to provide free emergency medical care to all persons. Thus, migrant workers and their families, including those in irregular status, are provided care on the same basis as nationals. The Czech Republic and Switzerland also provide access to emergency medical care for migrant workers, including those in irregular status. **See guidelines 9.3, 9.10.**

European Institute of Social Security, Leuven, available at <http://www.eiss.be/>

59. **Azerbaijan:** As in a great number of member States, the Labour Code of Azerbaijan, which became effective in 1999, prohibits discrimination in employment on the basis of citizenship, sex, race, nationality, language, place of residence, economic standing, social origin, age, family circumstances, religion, political views, affiliation with trade unions or other public associations, professional standing, beliefs or other factors unrelated to professional qualifications, job performance or professional skills. **See guidelines 8.4, 9.4.**

ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, 2000.

60. **Bosnia and Herzegovina and Burkina Faso:** These two States are the only ones in the world who have ratified all three international migrant worker Conventions – the ILO Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the 1990 International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families. **See guideline 9.1.**
61. **Canada:** Generally, all authorized migrant workers are entitled to the same coverage under Canadian law as nationals. Canada has entered into bilateral agreements on social security with other countries. Workers are permitted to change employers, and temporary workers who lose their jobs through no fault of their own may remain to seek other employment. **See guidelines 4.1, 8.1, 9.3, 9.4, 9.7, 9.8, 9.9, 9.12.**

<http://www.cic.gc.ca>; <http://www.hrdc-drhc.gc.ca>; <http://www.canlii.org>; *ILO migration survey 2003: Country summaries* (Geneva, ILO, 2004).

62. **Chile and the United States:** Agreements between Chile and the United States for the portability of social security benefits combine credit for work in Chile and the United States to maximize benefits and minimize double taxation. In certain circumstances, dependent family members or spouses of migrant workers may receive benefits in the United States through the social security eligibility of a migrant worker family member. **See guidelines 2.3, 9.9.**

[http://www.ilo.org/dyn/natlex/natlex\\_browse.home](http://www.ilo.org/dyn/natlex/natlex_browse.home)

63. **France:** The Labour Code states that all migrant workers, specifically including those in irregular status, are entitled to wages in conformity with laws applying to national workers and according to the provisions of their contracts. **See guidelines 9.3, 9.5, 9.11, 10.5.**

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Article L341, *Code du Travail*, France.

64. **Italy:** The loss of employment or resignation from employment of non-EU migrant workers in regular status does not automatically result in withdrawal of their residence permits. They are entitled to registration on placements lists until their residence permits expire. **See guideline 9.4.**

*ILO: Report of the Committee of Experts on the Application of Conventions and Recommendations*, 2002.

65. **Jordan:** In 2003, the Ministry of Labour of Jordan endorsed a special working contract for non-Jordanian domestic workers to increase protection for these predominantly women migrant workers, even though national law does not cover domestic workers. Also in 2003, Jordan amended a law regarding the registration of recruitment agencies and monitoring of them. **See guidelines 4.4, 9.8.**

*Special working contract for non-Jordanian domestic workers: An opportunity to enhance protection for a particularly vulnerable group of women workers*, United Nations Development Fund for Women (UNIFEM) Arab States Regional Office, Amman, Press Release, 21 January 2003, available at <http://www.unifem.org/jo/hdocs/mainform.asp?p=readNews&key=4>

66. **Morocco:** Bilateral social security agreements with France, Spain and the Netherlands provide for free medical care to migrant workers. **See guidelines 2.3, 9.10.**

[http://www.ilo.org/dyn/natlex/natlex\\_browse.home](http://www.ilo.org/dyn/natlex/natlex_browse.home)

67. **Philippines:** A memorandum of agreement requires recruitment agencies which recruit workers for foreign ships to make quarterly payments to the Philippines social security system. Workers are covered by social security upon signing the standard seafarer employment contract with the recruiting agency and foreign shipowner as employers. **See guideline 9.9.**

<http://www.sss.gov.ph>

68. **Turkey:** All migrant workers in Turkey have been brought under the compulsory coverage of the statutory long-term insurance schemes in conformity with Article 3(1) of the Equality of Treatment (Social Security) Convention, 1962 (No. 118). **See guidelines 9.1, 9.3.**

*ILO: Report of the Committee of Experts on the Application of Conventions and Recommendations*, 2005.

69. **United States:** National labour and employment legislation, such as legislation on wages and hours, child labour, safety and health, union activity and employment discrimination, covers all migrant workers, including those in irregular status. It is unlawful for an employer to retaliate against migrant workers by reporting them to the immigration authorities because they have sought remedies for violations of labour laws; the Government has successfully prosecuted employers for such retaliation. With regard to employment discrimination, the Civil Rights Act of 1964 covers migrant workers in its prohibition against discrimination on the basis of national origin. It is unlawful to favour national workers over migrant workers and unlawful to favour migrant workers from one country over migrant workers from a different country. The Civil Rights Act also prohibits discrimination on the basis of pregnancy. It is therefore unlawful for an employer to require an employee to take a pregnancy test or to discriminate against a worker because she is pregnant. If necessary, interpretation and translation services are provided for workers in administrative and legal proceedings. With regard to remedies, migrant workers in a regular status are entitled to all remedies to which nationals are entitled, and migrant workers in an irregular status are entitled to remedies for work which they have already performed on the same basis as nationals. However, with regard to prospective remedies, in 2002, the United States Supreme Court reversed long-standing precedent and refused to permit prospective remedies in a case involving a migrant worker in irregular status who had engaged in union activity. The question of the extension of this limitation to other laws is now being litigated through the courts. **See guidelines 9.3, 9.4, 9.5, 9.8, 9.11, 9.12, 10.10, 12.11.**

<http://www.dol.gov>; <http://www.eeoc.gov>; <http://www.nlr.gov>

70. **CARICOM:** The CARICOM Agreement on Social Security is intended to harmonize the social security legislation of member States. It explicitly refers to ILO Conventions and is based on the three fundamental principles of equality of treatment, maintenance of rights acquired or being acquired and protection and maintenance of such rights after migration to other States. The agreement is largely based on ILO Recommendation No. 167. Thirteen member States have signed

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and ratified the agreement, while 12 have enacted national legislation to give it legal effect. See **guidelines 9.2, 9.3, 9.9.**

<http://www.caricom.org/>

71. **European Union:** The EU legal framework ensures far-reaching portability of social security entitlements to nationals of both the EU and third countries. See **guideline 9.9.**

EU Regulations 1408/71, 859/2003, available at <http://europa.eu.int/>

72. **European Union/Maghreb, European Union/Mediterranean countries:** Association agreements by the EU with Algeria, Morocco and Tunisia under the European-Mediterranean partnership contain extensive provisions on the portability of social security benefits for migrant workers from the Maghreb countries who live and work in the EU. See **guideline 9.9.**

[http://europa.eu.int/comm/external\\_relations/euromed/bd.htm](http://europa.eu.int/comm/external_relations/euromed/bd.htm)

73. **ILO supervisory body activities on freedom of association:** The Committee of Experts on the Application of Conventions and Recommendations and the Committee on Freedom of Association have reaffirmed, on several occasions, the rights of migrant workers to form or join trade unions and to be protected against any act of anti-union discrimination. The ILO supervisory bodies also ensure that migrant workers can assume trade union duties, at least after a reasonable period of residence in the destination country, or that a reasonable percentage of them can do so. For example, following observations by the ILO Committee of Experts that their former laws were not in conformity with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Cameroon, Chad and Niger amended their laws to permit migrant workers to hold trade union office after a certain period of residence in the country to conform with Article 3 of the Convention. Finland and Luxembourg amended their laws to remove restrictions on the maximum number of migrant workers who could be members of trade unions in order to bring their legislation into conformity with Article 2 of the Convention. With regard to the rights of migrant workers in an irregular situation, the Committee on Freedom of Association considers them within the coverage of Article 2 of the Convention, which recognizes the right of workers “without distinction whatsoever” to establish and join organizations of their own choosing without previous authorization. See **guidelines 8.4, 9.2.**

ILO: *Reports of the Committee of Experts on the Application of Conventions and Recommendations*, 1993, 1995, 1997, 1998; ILO: 327th Report of the Committee on Freedom of Association, *Official Bulletin*, Vol. LXXXV, 2002, Series B, No. 1, para. 561.

### (iii) Enforcement

74. **Mauritius:** The Special Migrant Workers Unit in the Ministry of Labour inspects the employment conditions of migrant workers, who have the same rights as nationals. It reviews employment contracts to ensure that they meet certain requirements, including insurance, living conditions, return air ticket and health care. Wages must be paid directly to workers. Inspection procedures have been improved and additional inspectors and an interpreter hired in response to protests by migrant workers. Inspectors conduct three types of activity: meeting with workers to inform them of their rights when they first begin working, conducting routine daytime inspections of working, housing and food conditions and conducting night-time inspections of housing and food. Tripartite meetings are held at the Ministry to resolve workers’ grievances, with most being resolved within a day or two. If they are not resolved, employers may be sued and may be subject to criminal penalties. Discrimination is prohibited on the basis of nationality, race, religion, colour, creed and sex. The Special Migrant Workers Unit has recently been attempting to address abuses in the garment industry. See **guidelines 4.8, 4.9, 4.10, 6.1, 8.1, 8.2, 8.3, 8.4, 9.3, 9.4, 9.10, 9.11, 9.12, 10.1, 10.2, 10.3, 10.5, 10.7, 10.8, 10.10, 11.3, 11.4, 11.5.**

<http://www.gov.mu/portal/site/empmentsite/menuitem>

75. **United States:** The Office for Civil Rights (OCR) of the Department of Health and Human Services has guidelines for its grantees, which include most health and welfare institutions in the country, regarding the obligation to provide interpretation services and translation of vital documents for non-English-speaking clients. Other guidelines provide for emergency medical care for all migrant workers and safety net benefits for family members. The OCR investigates national-origin discrimination complaints, including those of migrant workers, and collaborates with service providers, state and local governments and NGOs to ensure training and dissemination of non-discrimination laws regarding migrant populations. See **guidelines 9.3, 9.10, 10.4, 10.9, 10.10.**

## **VI. Prevention of and protection against abusive migration practices**

76. **Moldova, Republic of:** A national referral mechanism (NRS) for trafficking victims, which involves both government organizations and non-governmental agencies, identifies potential and actual victims of trafficking. It links them with services related to economic improvement, such as business development and vocational training, and personal support services, such as medical and legal advice, shelters and witness protection. However, limited funding has resulted in the ability to offer only limited assistance to victims. **See guidelines 11.2, 11.8, 11.9.**

International Migration Branch, ILO, [migrant@ilo.org](mailto:migrant@ilo.org)

77. **Morocco:** The Confédération Démocratique du Travail (CDT) works with NGOs who support migrant workers, such as the Association des Amis et Familles des Victimes de l'Emigration Clandestine in Morocco to assist migrant workers on human rights and other issues, including running an awareness campaign about the dangers of irregular migration. **See guidelines 7.2, 8.2, 11.1, 12.4.**

<http://www.csc-en-ligne.be>

78. **Nigeria:** The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) works to prevent trafficking, prosecute traffickers and assist victims. It coordinates the work of different agencies and regularly consults with the tripartite donors. NAPTIP is responsible for enforcement and education activities of anti-trafficking laws. As the result of bilateral agreements with some transit and destination countries, NAPTIP has rescued and returned children to Benin and Gabon. The 2003 Child Rights Act protects and promotes the rights of children. Public-awareness campaigns are being conducted, particularly regarding child labour and trafficking. Anti-trafficking clubs in secondary schools conduct awareness-raising events for youth on precautions to take before accepting job offers to work in other countries. **See guidelines 2.3, 11.1, 11.2, 11.3, 11.4, 11.5, 11.8, 11.9.**

A. Adepoju: "Review of research and data on human trafficking in sub-Saharan Africa", *International Migration*, Vol. 43, Nos. 1 and 2, 2005; R. Salah: "Child trafficking: A challenge to child protection in Africa", paper presented at the Fourth African Regional Conference on Child Abuse and Neglect, Enugu, Nigeria, Mar. 2004; <http://allafrica.com/>; [http://www.globaljusticecenter.org/papers2005/oyagbola\\_eng.htm](http://www.globaljusticecenter.org/papers2005/oyagbola_eng.htm)

79. **Saudi Arabia:** In July 2005, the Ministry of Labour of Saudi Arabia announced the formation of a special department to protect the rights of domestic migrant workers and impose sanctions on employers who abuse them. The Department of Protection of Domestic Workers will receive complaints from domestic workers who have been sexually harassed, mistreated or who have not been paid. Employers may be banned from applying for any domestic houseworker for five years. **See guidelines 4.4, 4.8, 9.12, 10.7, 11.1, 11.2, 11.3, 11.4, 11.5, 11.9.**

Raid Qusti, *Arab News*: "Ministry cracks down on maid abuses", 25 July, 2005.

80. **Taiwan, China:** Employers are prohibited from retaining the identity documents of migrant workers, such as their passports or residence permits. They also may not withhold their pay or property, commit bodily harm, or violate any of their other rights. Employers who engage in such conduct may be prohibited from employing migrant workers. **See guidelines 8.1, 8.3, 9.5, 9.11, 11.1, 11.2, 11.6.**

*Asian migrant yearbook 1999: Migration facts, analysis and the issues in 1998* (Hong Kong, Asian Migrant Centre Ltd.), p. 177.

81. **Thailand, Cambodia, Lao People's Democratic Republic:** The Minority Language Radio Programming for Trafficking Prevention, a cooperative project between Radio Thailand, international organizations and minority NGOs, produces radio programmes that warn about trafficking and other migration dangers. In 2003, the Government of Thailand signed a Memorandum of Understanding with the Government of Cambodia on bilateral cooperation for eliminating trafficking in children and women and assisting victims of trafficking, and in 2005 a Memorandum of Understanding with the Government of the Lao People's Democratic Republic on cooperation to combat trafficking in persons, especially women and children. **See guidelines 2.3, 7.2, 8.4, 11.1, 11.5, 11.6, 11.7, 11.8, 11.9.**

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[http://www.unesco.org/most/migration/article\\_bpimm.htm](http://www.unesco.org/most/migration/article_bpimm.htm); <http://www.mfa.go.th>

82. **United Kingdom:** Once in the United Kingdom, a domestic worker may apply to change employers. Domestic workers who have left their original employer because of abuse or exploitation and are in an irregular situation may apply for regularization. **See guidelines 9.8, 9.12, 11.3, 11.9, 14.4.**

ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, 2000.

83. **United States:** The Victims of Trafficking and Violence Protection Act of 2000 provides for criminal penalties against those who retain the identity documents of trafficked victims. **See guidelines 11.1, 11.2, 11.4, 11.6.**

<http://www.state.gov/g/tip/rls/tiprpt/2005>

84. **Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process):** The Bali Process is a regional consultative process involving the governments of about 40 countries, mainly in the Asia and Pacific region, with additional observers and partners from other regions of the world. Governments share information and engage in consultations on the prevention of trafficking and smuggling of people, including addressing its root causes. The Second Regional Ministerial Conference in April 2003 recognized that poverty, economic disparities, labour market opportunities and conflict were major causes contributing to the global increase in smuggling and trafficking in persons, calling for the development of cooperative measures in this area. It urged the international community to assist source countries to address the root causes of the illegal movement of people by providing emergency aid, development assistance, direct support programmes for displaced persons and to address the plight of refugees. It encouraged more opportunities for legal channels of migration, including access to the international labour market. **See guidelines 2.1, 2.2, 11.1, 11.2, 11.7, 11.10.**

<http://www.baliprocess.net/>

85. **European Network of Migrant Domestic Workers' Organisations (RESPECT Network):** The RESPECT Network is a network of grass-roots migrant domestic workers' organizations, NGOs and trade unions funded by the European Commission. It promotes the rights of migrant domestic workers and the implementation of public policy measures to improve their working conditions, to prevent abuse and exploitation and campaigns for recognition of the value of their work and their legal recognition. In 2001, the Network produced the Charter for the Rights of Migrant Domestic Workers calling for their respect. **See guidelines 7.1, 7.2, 9.8, 9.12.**

KALAYAAN (Justice for Overseas Workers), St. Francis Centre, Pottery Lane, London W11 4NQ, available at [kalayaanuk@aol.com](mailto:kalayaanuk@aol.com)

86. **European Union:** The Council Directive regarding trafficking provides for short-term residence permits for third-country nationals who are victims of trafficking if they cooperate with the authorities in the apprehension of their traffickers. Prior to receiving these permits, they are given a 30-day "reflection delay" to assist in their recovery, during which they can receive support in the form of shelter, legal advice, medical care and counselling. Those granted residence permits may participate in educational and vocational courses during legal proceedings against traffickers. However, the permit is not meant to be renewed and can be withdrawn if the authorities are not satisfied with the victim's degree of cooperation. Some countries, including Austria, Belgium, Italy and the Netherlands, provide temporary residence and work permits to victims who testify against their traffickers. They also provide vocational training, counselling and legal services and assist with obtaining medical care and psychological and social support. **See guidelines 8.1, 8.2, 8.3, 8.4, 11.1, 11.2, 11.4, 11.5, 11.9, 14.3.**

Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

87. **Mekong Subregional Project to Combat Trafficking in Children and Women:** This subregional project in Cambodia, Lao People's Democratic Republic, Thailand, Viet Nam and the Yunnan Province in China promotes job creation, education and skills training in origin countries to prevent women and children from becoming susceptible to trafficking. **See guideline 11.10.**

<http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/>



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## VII. Migration process

### (i) Orderly and equitable process of migration

88. **Australia:** The Australian Council of Trade Unions (ACTU) regularly broadcasts information for workers, including migrant workers, over many ethnic radio stations and distributes written information in various languages. **See guideline 10.8.**

<http://www.actu.asn.au/>

89. **Costa Rica:** The trade union, Household Workers' Association (ASTRADOMES), has many female migrant worker members, primarily from Nicaragua and also from El Salvador, Guatemala and Honduras. It provides information and assistance on labour and social issues, training on labour rights and other issues, advocates for increased coverage of domestic workers in labour laws and operates a temporary shelter for dismissed workers. **See guidelines 10.8, 11.9.**

*An information guide: Preventing discrimination, exploitation and abuse of women migrant workers*, Booklet 4, "Working and living abroad", p. 62 (Geneva, ILO, undated).

90. **Estonia and Finland:** The Estonian Association of Trade Unions, the Central Organization of Finnish Trade Unions (SAK) and the Finnish Union of Salaried Employees (TU) operate information centres in Finland for migrant workers to prevent a two-track labour market from developing that has lower standards for migrant workers as compared to nationals. Information is provided on housing, work permits, taxes, how to apply for employment, and services offered by unions. The Finnish unions also established an information centre in Estonia for Estonians who have work permits and intend to migrate to Finland or who are considering migrating. Visitors are given information on labour and tax laws and social security and are encouraged to seek help from unions after migration. **See guidelines 9.4, 10.8, 12.1, 12.5.**

<http://netti.sak.fi/workinginfinland/en/index.html>; *Trade Union World*, Briefing, No. 7, (ICTFU, Dec. 2003).

91. **France:** The trade union confederations Confédération Française Démocratique du Travail and Force Ouvrière, along with employers and local government representatives, jointly operate a seasonal work centre for migrant workers, which covers 19 agricultural communes. It provides information to workers on their rights, labour law, training opportunities, housing, and on legalizing their status. It provides services beneficial to both workers and employers in that it assists employers in finding workers and assists workers in moving between hotel and restaurant and agricultural work when their contracts have ended in one of those sectors. Lasting seasonal employment and even permanent employment contracts have been made possible through this job rotation. The social partners also jointly operate a building to house workers during the hotel season. Union and employer representatives distribute a booklet for seasonal workers on hiring procedures, employment contracts, work hours, health and safety, social security, unemployment and jobs. **See guidelines 1.1, 5.5, 6.1, 6.3, 6.4, 10.8, 14.3, 14.4, 14.5.**

*Trade Union World*, Briefing, No. 7 (ICFTU, Dec. 2003).

92. **Germany:** The German trade union IG Bau has offices in Berlin and Warsaw to assist Polish migrant workers. In the Warsaw office, a German union officer works with Polish unions and organizes workers who plan to work in Germany. IG Bau also has an agreement with Polish construction workers' unions on migrant workers, and it distributes brochures in German and Polish to inform migrant agricultural workers in Germany of their rights. **See guidelines 2.6, 10.8, 12.5.**

<http://www.migrant-workers-union.org>; *Trade Union World*, Briefing, No. 4, p. 4 (ICFTU, June 2004).

93. **India:** The Ministry of Overseas Indian Affairs (Pravasi Bhartiya Karya Mantralaya), which was established in 2004, promotes investment by overseas Indians in India, administers the Emigration Act, 1983, sets up and administers centres for overseas Indians' affairs in countries having major concentrations of Indian migrant workers, develops and implements policy regarding employment assistance to persons of Indian origin and non-resident Indians, has representatives in the Foreign Investment Promotion Board and the Foreign Investment Implementation Authority and interacts with the Investment Commission. India has recently joined other countries in enacting legislation providing for dual citizenship to persons of Indian origin in certain countries, as well as Indian citizens who may take up the citizenship of these countries in future arrangements. Migrants can retain their original citizenship after naturalization in the destination countries. This helps migrant

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workers maintain links with their country of origin and facilitates the circulation of persons and skills. See **guidelines 12.1, 12.2, 12.8, 15.5, 15.7, 15.8, 15.9.**

<http://indiandiaspora.nic.in/>;

[http://www.indiaday.org/government\\_policy/dual\\_citizenship.asp](http://www.indiaday.org/government_policy/dual_citizenship.asp)

94. **Pakistan:** A welfare fund, established to benefit nationals abroad, combines mandatory contributions of recruiters and migrants to establish vocational training, educational institutions and commercial, industrial or service enterprises. See **guidelines 12.10, 14.3.**

<http://www.opf.org.pk/>; ILO: Report III(1B), *Migrant workers*, Chapter 6, “Migrants in society”, International Labour Conference, 87th Session, Geneva, June 1999.

95. **Philippines:** The Philippine Overseas Employment Administration provides information on its web site on licensed private recruiters, job vacancies abroad and the locations of consulates in destination countries. It also provides advice and warnings to those intending to migrate regarding unethical recruiters and other practices to avoid when applying for work and during the migration process. Consulates in destination countries have labour attachés, including women attachés, to assist with the needs of women migrant workers and inform them about trafficking. See **guidelines 11.8, 11.10, 12.1, 12.2, 12.8.**

<http://www.poea.gov.ph>; <http://www.trafficking.org.ph/poea/>

96. **Sri Lanka:** Consulates have labour welfare officers to provide information and assistance to migrant workers in destination countries, particularly women. For example, they assist women who have run away from abusive employers by trying to retrieve their passports if they have been retained by their employers, obtaining unpaid wages and providing funds and assistance with return to Sri Lanka. The Migrant Workers’ Welfare Fund, established by the Sri Lanka Bureau of Foreign Employment, is available to migrant workers who need funds in either Sri Lanka or destination countries. They receive insurance for medical needs and in cases of death, as well as welfare assistance, scholarships and assistance with return, such as lodging, in cases of emergency or if they are stranded. The Fund also subsidizes interest on loans to migrant workers to help pay for pre-departure expenses, self-employment upon return and housing. See **guidelines 8.2, 8.3, 10.8, 11.1, 11.2, 12.2, 12.8, 12.10.**

<http://www.justiceministry.gov.lk>

## (ii) Recruitment

97. **Colombia:** National legislation requires that contracts offered to national workers for employment abroad be certified by the Ministry of Labour. Emigration clearance is only given if the contract terms comply with national labour law. See **guidelines 13.2, 13.3, 13.4.**

*An information guide: Preventing discrimination, exploitation and abuse of women migrant workers*, Booklet 3, “Recruitment and the journey for employment abroad”, pp. 32-33 (Geneva, ILO, undated).

98. **Egypt:** The Labour Code enacted in 2003 provides for the recruitment of Egyptian workers for external employment through either the Ministry of Manpower and Migration (MOMM) or private employment agencies. Demand for workers by overseas employers is matched with worker applications, and selected candidates are interviewed. Employment contracts must be reviewed to ensure they contain required terms and then certified. The Labour Code also provides for the regulation of private recruitment agencies, which is done by the Department on Labour Migration. The Department also reviews offers of employment processed by the agencies and must certify them for compliance. The MOMM can suspend or prohibit the operation of agencies which are in violation of the law. However, recruitment agencies are permitted to charge workers recruitment fees, contrary to Article 7, paragraph 1, of the Private Employment Agencies Convention, 1997 (No. 181), which provides that private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers. It should be noted that migrant workers find employment opportunities through channels other than official institutions or private recruitment agencies. See **guidelines 4.8, 13.1, 13.5.**

<http://www.emigration.gov.eg/>; [http://www.ilo.org/dyn/natlex/natlex\\_browse.home](http://www.ilo.org/dyn/natlex/natlex_browse.home)

99. **Ethiopia:** The 1998 Private Employment Agency Proclamation (No. 104), which was enacted in response to abuses of Ethiopian migrant workers, particularly domestic workers and victims of traffickers, requires the licensing of recruitment agencies. Violations may result in cancellation of

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the recruiter's licence. Certain minimum legal requirements must be included in employment contracts, and a copy of each worker's contract must be submitted to the Government. Recruiters must post a bond for workers they recruit and send abroad and they must accept legal responsibility for violations of employment contracts by third parties. There are penalties for violations, including violations of human rights. **See guidelines 4.4, 8.1, 8.3, 11.1, 13.1, 13.2, 13.3, 13.4, 13.5, 13.6.**

100. **Jamaica:** The Ministry of Labour ensures that labour inspections of all private recruitment agencies are conducted on a quarterly basis. **See guidelines 10.1, 13.2, 13.5.**

*An information guide: Preventing discrimination, exploitation and abuse of women migrant workers*, Booklet 3, "Recruitment and the journey for employment abroad", p. 42 (Geneva, ILO, undated).

101. **Mauritius-China:** A bilateral agreement between Mauritius and China has provisions for actions to be taken by each country to protect Chinese migrant workers. China submits information to Mauritius on unreliable recruiting agents. Mauritius submits employment contracts to the Chinese Embassy to ensure conformity with Chinese law and uniformity in the Chinese and English versions of contracts (one signed in China and one in Mauritius). **See guidelines 2.6, 13.3, 13.4.**

<http://www.gov.mu/portal/site/empmentsite/menuitem>

102. **Philippines:** The Philippines Overseas Employment Administration licenses and monitors recruitment agencies, administers regulations, and reviews employment contracts to ensure that they meet requirements. However, the Philippines permits recruitment agencies to charge workers recruitment fees, contrary to Article 7, paragraph 1, of the Private Employment Agencies Convention, 1997 (No. 181), which provides that private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers. Departing migrant workers who do not have POEA-approved contracts are taxed at the airport. Recruiters must post a bond to provide remedies for workers in case of violation of their rights. They must also sign a power of attorney holding them liable for contract violations of employers. Incentives are provided to reward recruiters for good performance. **See guidelines 13.1, 13.4, 13.5, 13.6, 13.8.**

<http://www.poea.gov.ph>

103. **Sri Lanka:** The Bureau of Foreign Employment regulates recruitment agencies. Its board of directors includes members from recruitment agencies. Licensing is required under Act No. 21 of 1985, and there are nearly 600 licensed agencies operating. Recruiters are required to pay a cash bond with the Bureau and provide a bank guarantee, which may be withdrawn by the Bureau in case of breach of contract by the recruiter. Licences of recruiters may be cancelled for violating the law or regulations. Consulates in destination countries register recruitment agencies and companies which recruit Sri Lankan workers, and only those registered are authorized to enter into contracts with workers. Recruiters may not conduct any action, such as place advertisements or interview applicants, without prior written approval. Workers may not depart without an exit clearance and security stamp on their passports. Fees must be paid by the recruiter. The Minister for Labour Relations and Foreign Employment and higher officials of the Bureau of Foreign Employment make regular visits to the major destination countries of migrant workers to review whether they are being properly protected. Officers of the Department of Labour and of the Bureau of Foreign Employment are posted in missions abroad to assist and protect migrant workers. There are Memoranda of Understanding with recruiters in Gulf States, Hong Kong (China) and Singapore for Sri Lankan government approval of employment contracts for domestic workers and investigations of employers. **See guidelines 4.4, 6.3, 12.8, 13.1, 13.3, 13.4, 13.5, 13.6, 13.7.**

Sri Lanka Bureau of Foreign Employment Act No. 21, 1985 and Sri Lanka Bureau of Foreign Employment (Amendment) Act, No. 4, 1994; ILO: Application of International Labour Standards 2005(1), *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IA), International Labour Conference, 93rd Session, 2005, p. 363; <http://www.justiceministry.gov.lk>

## **VIII. Social integration and inclusion**

104. **Canada:** In 2003, Canada established the Live-in Caregiver Programme to meet labour market shortages of live-in workers to care for children, the elderly or disabled. The Programme permits migrant workers to apply for permanent residence after two years of employment have been completed within three years of arrival in Canada. **See guidelines 5.1, 14.4.**

105. **Costa Rica:** In 1997, as a result of the Nicaraguan-Costa Rican bi-national meeting, Costa Rica provided temporary work permits to Nicaraguan migrant workers who were in certain job categories defined by the Department of Labour as in need of workers, particularly agricultural jobs during the coffee and sugar cane harvest seasons. The permits were given to those who had also been given identification documents by the Nicaraguan Consulate, which included those in irregular status. In addition, as a result of a 1998 meeting of Central American Presidents, and in solidarity with countries affected by Hurricane Mitch, Costa Rica provided a general amnesty to nearly 140,000 migrants in irregular status residing and working in the country. Its main objective was to legalize, document and regularize the situation of Central American nationals who had lived in conditions of irregularity and provide them with permanent resident status and a renewable work permit for one year, extendable for another two years. **See guidelines 5.5, 14.4.**

Executive Decree No. 27457-G-RE, Defensoría de los Habitantes; “Personas migrantes: Un llamado a la solidaridad nacional” (San José, Costa Rica, 1999), p. 8, *La Gaceta*, No. 239, 9 Dec. 1998.

106. **France:** Continent Supermarket recruited local workers from an area of Marseilles with high unemployment rates and a large immigrant population. Various NGOs and government officials assisted in writing job profiles and recruiting minorities to fill over 400 jobs. This was facilitated by waiving requirements, such as diplomas, except for specific jobs. Workers were provided with training by employment agencies. The NGOs also trained managers to promote integration and sensitize them to cultural diversity. **See guidelines 14.2, 14.3.**

*Anti-discrimination action profiles on the Web*, available at <http://www.wisdom.at/ilo.index.aspx>

107. **Germany:** Volkswagen established a Declaration on Social Rights and Industrial Relationships at Volkswagen and disseminated written information to its staff to discourage discrimination against migrant workers. It developed programmes for various target groups, such as human resources personnel, trainers, high-level personnel and the workers’ council. Equal opportunity modules were integrated into qualification measures, seminars and vocational training. Specialized counsellors were hired, and five different working groups have worked toward preventing extremist views, with a special focus on adolescents and young adults during vocational training. A guidebook has been distributed addressing youth, trainers and educators. **See guideline 14.2.**

*Anti-discrimination action profiles on the Web*, available at <http://www.wisdom.at/ilo.index.aspx>

108. **Ireland:** In consultation with immigrant and minority groups, the Irish Business and Employers’ Confederation, the Irish Congress of Trade Unions, the Construction Industry Federation, the National Consultative Committee on Racism and Interculturalism and the Equality Authority of the Irish Government host an annual Anti-Racist Workplace Week, which is a nationwide campaign to prevent racism in the workplace. The campaign encompasses worker discussions and training and discussions among workers and members of minority ethnic groups on diversity issues. Seminars, conferences and events celebrating different cultures are also held. Resource packs, posters and newsletters are circulated. **See guidelines 2.1, 2.2, 3.1, 6.1, 6.3, 6.4, 7.2, 14.1, 14.2, 14.9.**

*Anti-discrimination action profiles on the Web*, available at <http://www.wisdom.at/ilo.index.aspx>

109. **The Netherlands:** All immigrants are assessed to see if they need an introductory integration programme. If recommended, they receive Dutch language lessons and information on Dutch society, employment opportunities and their locality, which is usually conducted by the Dutch Refugee Council. A test is given upon completion and a certificate awarded to those who pass, which enables them to study or work in the Netherlands. Although there is no penalty for failure to complete the course, it must be taken again if the test is not passed. **See guidelines 14.3, 14.5, 14.7.**

See Ministry of Justice, available at <http://www.justitie.nl/English/>;  
<http://www.degeschiedenisvaninburgering.nl/>

110. **The Netherlands:** LTO-Nederland, an employers’ organization in the market-gardening sector, and the Dutch Ministry of Social Affairs and Employment have formulated a discrimination prevention project in collaboration with trade unions to improve labour relations, which they jointly fund. It has improved the labour market position of migrant workers by offering Dutch language and skill

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development classes. An equal opportunity code of conduct has been introduced to employers, which includes a grievance procedure and formation of independent committees to evaluate complaints of discrimination in hire and working conditions. A monitoring system reviews the participation of migrant workers in comparison to nationals. **See guidelines 6.1, 6.3, 6.4, 14.2, 14.3, 14.7.**

*Anti-discrimination action profiles on the Web*, available at <http://www.wisdom.at/ilo/index.aspx>

111. **South Africa:** In 1994, the Government, in consultation with the National Union of Mine Workers, granted migrant workers voting rights in local elections. Migrants who had been in South Africa for more than five years were granted permanent residence permits. **See guidelines 14.4, 14.13.**
112. **Spain:** Spanish union confederations operate centres throughout the country to provide information and assistance to migrant workers. The Confederacion Sindical de Comisiones Obreras has centres called “CITEs” which provide information and assistance to workers on labour laws and administrative issues, such as work permits, housing, visas and social security; conduct information campaigns and distribute information in migrant workers’ languages and provide language and other training; as well as awareness-raising among groups who have contact with migrant workers, such as government officials and the police. The regional CITEs share information through a database, which helps them respond more rapidly to workers’ needs. The Unión General de Trabajadores (UGT) has centres in regions with large migrant worker populations and, where there are no centres, provides assistance through local unions. The centres help workers renew residence or work permits, guide them through visa procedures, provide information on work issues and provide legal assistance and assistance with official procedures. Language classes and workshops on health and safety issues are also available. The UGT participates in local and national forums on migrant worker issues. **See guidelines 6.2, 10.8, 10.11, 14.3, 14.5, 14.7, 14.10.**

*Trade Union World*, Briefing, No. 7, p. 4, Dec. 2003; Briefing, No. 4, June 2004, p. 8 (ICFTU).

113. **Sweden:** The Swedish Integration Board engages in a variety of activities to improve the labour market position and integration of migrant workers into Swedish society. Under its trainee positions for migrant workers programme, the Government subsidizes employment for a limited time so they may gain experience and learn the demands and norms of working in Sweden. Supplementary training is provided for migrant workers with foreign academic credentials. The Board also has programmes to combat racism and xenophobia. Migrant workers in a regular status have the same social, economic and education rights, as well as some political rights, as nationals. **See guidelines 9.3, 9.4, 14.2, 14.3.**

<http://www.integrationsverket.se>; *Anti-discrimination action profiles on the Web*, available at <http://www.wisdom.at/ilo.index.aspx>

114. **United Kingdom:** Chemical manufacturer Robert McBride Ltd. responded to migrant workers’ complaints of discrimination by establishing a race equality policy, by centralizing human resources and by training staff. It has redesigned its employment application form to remove potentially discriminatory questions. Applicants are recruited from areas with large immigrant populations, and the requirements for hire in lower skilled jobs are more tailored to job requirements, for example, by removing some unnecessary language requirements. Other policies have been implemented to respond to migrant workers’ needs, such as flexible leave, arrangements for religious observances and a more tolerant attitude toward the clothing worn by minorities. Policies taken by the company have resulted in a more proportionate representation of minorities and migrant workers in the workforce. An anti-discrimination educational event has brought together management, the local trade union and community representatives. Policy advice has been offered by the Race Relations Advisory Service. **See guidelines 7.2, 14.2.**

*Anti-discrimination action profiles on the Web*, available at <http://www.wisdom.at/ilo.index.aspx>

115. **International Confederation of Free Trade Unions (ICFTU):** The ICFTU has prepared a Plan of Action Against Racism and Xenophobia and a guide for trade unionists to implement the Durban Programme of Action. It highlights racism and xenophobia against workers, including migrant workers, and uses the Programme’s recommendations for ways in which to combat this. It explains how these fit in with the trade union Plan of Action and suggests what trade unionists should do, based on examples of successful trade union activities in employment, within trade unions and in

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society. It is also promoting the ILO Conventions relevant to migrant workers. **See guidelines 9.1, 14.2.**

*Trade union primer, guide for trade unionists in their fight against racism and xenophobia*, available at <http://www.icftu.org/www/pdf/RacismeE2004.pdf>

## **IX. Migration and development**

116. **China:** China has begun to reverse its brain drain by encouraging its nationals trained overseas to return and work in China, with many levels of government (central, provincial and municipal, etc.) and organizations actively promoting return. While the national government sets broad policy guidelines and fashions the overall socio-economic and political climate, many institutions are working to encourage migrants back. The central government policy in improving science and technology in China is to permit its nationals freely to go abroad and then compete for them in the international marketplace by creating a domestic environment which would attract them back. Market forces, facilitated by national government reforms, have been the most important factor bringing many people back into the private sector. **See guidelines 15.8, 15.9.**

D. Zweig: *Learning to compete: China's strategies to create a "reverse brain drain"*, Hong Kong, Centre on China's Transnational Relations, The Hong Kong University of Science and Technology, Working Paper No. 2, available at <http://www.cctr.ust.hk/articles/pdf/trigging.pdf>

117. **Ecuador:** Banco Solidario (BSol) forges alliances with banks in major destination countries of its migrant workers to facilitate the transfer of their remittances. It aims to provide access to all bank services in Ecuador, Italy and Spain to keep remittance transfer costs low. **See guideline 15.6.**

<http://www.businessindevelopment.nl/download.php?id=1012.6936> (see Annex 3 of the document).

118. **El Salvador:** The Government initiated the Program for Salvadorians Abroad, which promotes regular migration through bilateral agreements, encourages partnerships between Salvadorian businesses and workers abroad, including tourism and housing, increases remittance investments through fund-matching and coordinates migration policy. In a pilot project, remittance funds of Salvadorian workers in the United States are matched to provide scholarships, focusing on early and basic education in poor rural communities, particularly for those young children who do not attend school. **See guidelines 2.3, 4.7, 5.3, 15.4, 15.5, 15.9, 15.10.**

<http://www.elsalvador.org/home.nsf/asistencia>. M. Roger Hernandez: "Programa de atención a las comunidades salvadoreñas en el exterior", in *Memorias sobre migración internacional colombiana y la conformación de comunidades transnacionales* (Bogotá, Ministerio de Relaciones Exteriores de Colombia, 2003).

119. **Kenya:** Mobile banking units provide access in rural areas for remittance transfers. Online processing and satellite links allow money transfer and other financial services. For example, the Equity Bank serves 29 remote villages and 12,000 clients with its mobile units. **See guidelines 15.6, 15.9.**

[http://www.swwb.org/English/1000/address/gnbi/add\\_gnbi\\_equity\\_bank\\_limited.htm](http://www.swwb.org/English/1000/address/gnbi/add_gnbi_equity_bank_limited.htm)

120. **Mali-France:** The 2000 bilateral agreement, Mali-France Consultation on Migration, provides for an annual discussion at the ministerial level on the integration of Malians in France, co-management of migration flows and cooperative development in emigration areas of Mali. France provides travel costs and funds to start businesses for migrant workers to encourage their voluntary return. For 2002-04, France provided funds for Malians to work in the Malian education system and small business development. The skills of Malians in France are registered and the information managed by a French-Malian committee. The fund has also supplemented the financing of local projects by the Malian diaspora. A Malian bank guarantees loans to small businesses for expansion needs. Public relations visits in destination countries are conducted by those in ministerial-level positions to provide information on the reasons Malians emigrate. Information is provided to Malians on job and residence requirements in destination countries before they depart. Consulates in major destination countries provide assistance to Malian migrants, including with their return, and encourage the sending of remittances to Mali. **See guidelines 2.3, 2.4, 5.2, 12.1, 12.2, 15.2, 15.4, 15.8, 15.9, 15.10.**

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S. Martin; P. Martin; P. Weil: *Fostering cooperation between source and destination countries*, available at <http://www.migrationinformation.org/feature/display.cfm?ID=60>;  
S.E. Findley, Columbia University: *Mali: Seeking opportunity abroad*, available at <http://www.migrationinformation.org/Profiles/display.cfm?id=247>

121. **Mexico:** The fund-matching remittance investment programme, Citizen Initiative 3 X 1, was initiated by migrant associations and local governments in the state of Zacatecas and is now managed by the Federal Ministry for Social Development in coordination with many state and local governments and migrant associations. Migrant workers who provide remittance funds submit proposals for infrastructure development, public services or job creation to the local government or a Mexican Consulate. If the Government approves the proposal, every dollar provided by a migrant association is matched by one each from the local, state and federal government. The 3 X 1 programme has strengthened the role of hometown associations in both the United States and Mexico. **See guidelines 1.1, 1.2, 7.1, 15.5, 15.9, 15.10.**

<http://www.businessindevelopment.nl/download.php?id=1012.6936> (see Annex 3 of the document).

122. **Mexico:** The New Alliance Task Force, begun by a Mexican Consulate General in 2003 with the United States Federal Deposit Insurance Corporation (FDIC), brings together 30 banks, 25 community organizations and government agencies to participate in the remittance market and promote banking, mortgage and credit services among migrant workers. The Government of Mexico promotes the Banco de Servicios Financieros (BANSEFI) as a programme to increase financial products and services available to migrant workers, particularly low-income workers. The costs of remittance transfers have been reduced from more than 20 per cent of the principal sent to between 4 and 10 per cent. Favourable exchange rates have also been promoted. As part of its Partnership for Prosperity Programme between the Mexican and the United States Governments, the BANSEFI disseminates information about the costs of remittance transfers from the United States and provides information on the benefits of the account-to-account transfer system. It has also created a pool of popular banks, micro-finance institutions and credit unions to act as remittance distributors. **See guideline 15.6.**

M. Orozco: *International financial flows and worker remittances: Issues and lessons* (Inter-American Dialogue, Washington, DC), pp. 25-28.

123. **Morocco:** Banque Populaire (BP) of Morocco is a major state-owned bank with branches and agents in several European countries. Moroccan migrant workers in Europe can open joint checking accounts at a local BP branch accessible to relatives in Morocco with no processing fees. The BP also provides inexpensive ways to wire money to Morocco and offers various insurance options specifically for migrants, covering an airplane fare in the case of a family emergency or return of one's body after death. **See guideline 15.6.**

<http://www.bp.co.ma/>

124. **Philippines:** Migrant workers who register their contracts with the Philippines Overseas Employment Administration are given electronic identity cards in collaboration with Philippine banks, which enable them to transfer remittances from destination countries to their families in the Philippines at low cost. Low-cost remittance transfers can also be made through mobile telephone companies. **See guideline 15.6.**

<http://www.poea.gov.ph>

125. **Senegal:** The Bureau d'Assistance et d'Orientation des Sénégalais de l'Extérieur, which is within the Ministry of Foreign Affairs, promotes the welfare of Senegalese workers abroad, facilitates their return and rehabilitation and promotes the return of remittances. It also encourages expatriates to participate actively in the socio-economic development of the country. **See guidelines 12.2, 15.5, 15.8, 15.9.**

*ILO migration survey 2003: Country summaries*, pp. 335-338 (Geneva, ILO, 2004);  
<http://www.gouv.sn>

126. **Senegal-France:** A bilateral agreement provides for an increase in French visas to Senegalese and payment of travel and accommodation for highly skilled migrant workers to undertake temporary development missions in Senegal and for workers to return to Senegal for small development projects, in exchange for assistance from Senegal in returning migrant workers in an irregular status. **See guidelines 2.3, 2.4, 5.2, 15.4, 15.8, 15.9.**

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R. Magoni: *International migration and relations with third countries: France*, Migration Policy Group, Brussels, 2004 available at <http://www.migpolgroup.com/uploadstore/France%20foreign%20relations%20full%20report.pdf>

127. **South Africa-United Kingdom:** A 2003 Memorandum of Understanding (MOU) on Reciprocal Educational Exchange of Healthcare Personnel between the United Kingdom and South Africa provides for the reciprocal exchange of skills and knowledge. The MOU also promotes the recognition of the qualifications of South African health professionals and enables them to work for a specified period in organizations providing National Health Services in the United Kingdom. They then return to South Africa with newly acquired skills and experience. **See guidelines 2.3, 15.7, 15.8, 15.9.**

<http://www.doh.gov.za/>;  
<http://www.dh.gov.uk/PublicationsAndStatistics/LettersAndCirculars/DearColleague...>

128. **Thailand:** The Reverse Brain Drain Project sets up connections among highly-skilled Thai migrant workers to exchange information and knowledge. Professionals are encouraged to return to Thailand to assist in development or technology projects. Over 100 collaborative projects and activities have been carried out with organizations in Thailand. The Association of Thai Professionals in America and Canada, the Association of Thai Professionals in Europe and the Association of Thai Professionals in Japan have all cooperated. **See guidelines 15.8, 15.9, 15.10.**

<http://www.atpac.org>

129. **United Kingdom:** The Department of Health Code of Practice for the International Recruitment of Healthcare Professionals (Revised in 2004) for NHS Employers states that developing countries should not be targeted for the recruitment of health-care professionals. The Code provides best-practice benchmarks for parties involved in international recruitment, the adoption of a list of about 150 developing countries at risk of health-care worker shortages from which workers should not be recruited, the extension of the Code to both temporary and permanent health-care professionals and public and private sector providers, and the non-levy of placement fees on workers. The United Kingdom also has bilateral agreements with China, India, the Philippines and Spain for recruitment of health-care workers. **See guidelines 2.3, 15.7, 15.8, 15.9.**

<http://www.dh.gov.uk/assetRoot/04/09/77/34/04097734.pdf>

130. **Commonwealth Secretariat (2003):** The Commonwealth Secretariat has developed both a code of practice for the international recruitment of health workers and a protocol on teacher recruitment. The Commonwealth Code of Practice for the International Recruitment of Health Workers provides guidelines to Commonwealth countries for the ethical recruitment of workers from developing countries to discourage recruitment from countries which themselves have shortages of health care workers. It has been adopted by Commonwealth Health Ministers and provides a framework for interaction between countries as they seek to meet the basic health needs of their populations. The Commonwealth Teacher Recruitment Protocol was adopted at a ministerial meeting in the United Kingdom in September 2004. It aims to balance the rights of teachers to migrate internationally, either temporarily or permanently, against the need to protect the integrity of national education systems and prevent the exploitation of the scarce human resources of developing countries. **See guidelines 15.7, 15.8, 15.9.**

<http://www.thecommonwealth.org/Templates/Colour.asp?NodeID=34044>

131. **The Digital Diaspora Network Africa (DDNA), the South African Network of Skills Abroad (SANSA) and the African Foundation for Development (AFFORD):** These organizations conduct networking activities to promote links with transnational communities (diaspora) of skilled professionals abroad to encourage their return or circulation and transfer of skills, technology and capital for home country development. The DDNA initiative by the United Nations Information and Communications Technology Task Force promotes development and the achievement of the Millennium Development Goals through mobilizing the intellectual, technological, entrepreneurial and financial resources of the diaspora entrepreneurs. There are three digital diaspora networks to date – Africa, Caribbean region and Latin America. The SANSA targets the thousands of South Africa's expatriate graduates in medicine, education and engineering, particularly those in Australia, Canada, the United Kingdom and the United States. In addition to an electronic network, there is a database of more than 2,000 members. The AFFORD connects United Kingdom-based African organizations with African civil society organizations and a wide range of others, including governments, businesses, investors, bilateral and multilateral agencies and mainstream NGOs for development in Africa. **See guidelines 15.7, 15.8, 15.9, 15.10.**



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G. Mutume: “Reversing Africa’s ‘brain drain’: New initiatives tap skills of African expatriates”, *Africa Recovery*, Vol. 17 No. 2, July 2003, available at <http://www.un.org/ecosocdev/geninfo/afrec/vol17no2/172brain.htm>; Digital Diaspora Network for Africa: <http://www.ddn-africa.org>; <http://www.ddn-africa.org/bridge.html>; SANSa: <http://www.sansa.nrf.ac.za/>; AFFORD: <http://www.afford-uk.org/about/>

132. **The Universal Postal Union (UPU):** The UPU and Eurogiro have connected their networks for the transmission of tele-money orders, which will greatly assist migrant workers in transferring remittances and reducing costs. This programme began with approximately 30 postal administrations, in both industrialized and developing countries, using UPU’s electronic data interchange to send money order data and with nearly 50 post offices and banks using Eurogiro for cash and account transfers. The tele-money order enables post offices and potentially banks using either system to transfer funds electronically. As it expands, it will widely extend the reach of this service across the world and will be particularly valuable for migrant workers and their countries of origin. **See guideline 15.6.**

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