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## **BILATERAL TEMPORARY LABOUR ARRANGEMENTS: GOOD PRACTICES AND LESSONS LEARNT**

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# **ANALYTICAL PAPER**

### **Introduction**

1. An expert seminar on *Good Practice Policies in Bilateral Temporary Labour Arrangements* took place in Madrid, Spain, on 10 October 2008. The meeting was attended by 30 participants covering all major regions worldwide, comprising experts from governments, international organizations, academia/think tanks and employer organizations. The technical experts represented the governments of Azerbaijan, Bangladesh, Canada, Ecuador, Hungary, Kyrgyz Republic, Morocco, Mauritius, the Philippines, Senegal and Spain.
2. Representatives of the following international organizations, academia, think tanks and civil society organizations of employers participated in the expert seminar as well: the European Commission (EC), the International Labour Organisation (ILO), the International Organization for Migration (IOM), the Organization for Security and Co-operation in Europe (OSCE), the Organisation for Economic Co-operation and Development (OECD), Georgetown University's Institute for Study of International Migration, Fondation des Entreprises en Recrutement de Main-d'œuvre agricole étrangère (FERME) and the Fundació Pagesos Solidaris.
3. The one-day meeting was co-organized and co-sponsored by the Governments of Spain and Morocco, the co-chairs of Roundtable 1.2 of the first Global Forum on Migration and Development (GFMD I) in Brussels in July 2007. Based on the recommendations of Roundtable 1.2, the two governments asked IOM, ILO and OSCE collaboratively to produce a *Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements*

(hereafter referred to as “the Compendium”), with a view to arriving at future arrangements that contribute to development and provide access to foreign labour markets, notably for lower skilled workers, while controlling irregular migration and protecting the human and social rights of migrants.

4. The Compendium is not intended to be a comprehensive list of existing bilateral arrangements or every policy element that could be included in a bilateral temporary labour arrangement (hereafter BTLA)<sup>1</sup> but rather highlights several key policy elements relevant to effective bilateral arrangements. It provides specific examples of arrangements currently in force employing these elements. Based on the three preconditions for temporary labour migration programmes to benefit both countries of origin and destination identified in the discussions and background paper for Roundtable 1.2 at last year’s Global Forum, the Compendium focuses on (1) legal access to labour markets, (2) protection and empowerment of migrants and (3) ensuring temporariness of migration to maximize its development impact.
5. The aim of this analytical paper is to synthesize policy practices which have worked well and share lessons learnt regarding practices which posed difficulties or required improvements. Together, the Compendium and this complementary analytical paper aim to assist governments and their partners in designing and implementing effective BTLAs. Finally, the Compendium and analytical paper will feed into the discussions at Roundtable 2.1 “Fostering More Opportunities for Legal Migration”, co-chaired by Canada and Bangladesh, at the GFMD in Manila in October 2008.
6. As a starting point, this report highlights the context in which the initiative of devising the Compendium was taken forward and then follows the order of the content of the three preconditions used to structure both the Compendium and the Expert Seminar in Madrid, thereby assessing good practice policy elements and identifying parts that were missing or required adjustment. This paper closes with conclusions and a recommendation for the way forward regarding the Compendium.
7. This analytical paper has been prepared by IOM, ILO, OSCE at the request of the Governments of Spain and Morocco. It reflects the discussions at the expert seminar and does not commit any of the participants in any way. The paper may be distributed in the context of other forums to interested stakeholders.

## **The context of the Compendium**

8. During GFMD I, the potential of temporary migration schemes to leverage development gains was highlighted. Bilateral temporary labour arrangements

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<sup>1</sup> For more comprehensive information on elements which could be considered for inclusion in a BTLA, please refer to the “24 Basic Elements of a Bilateral Temporary Labour Agreement” in OSCE, IOM and ILO, 2007. *Handbook on Establishing Effective Labour Migration Policies. Mediterranean edition*, Vienna, OSCE/IOM/ILO, p. 189, and the “Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons”, ILO, *Recommendation (No. 86) concerning Migration for Employment*, revised 1949, Annex.

were identified as potentially valuable tools for increasing cooperation between origin and destination countries to adapt to labour shortages and oversupply with a flexible, managed approach, particularly in light of the lack of an efficient multilateral framework on labour migration.

9. **What is “temporary (labour) migration”?** Temporary migration concerns the movement of workers of all skill levels who enter a foreign country for definite periods as determined in a work contract with an individual employer or a service contract concluded with an enterprise (IOM, 2004; 2008). The recurrent movement of short-term workers is referred to as “circular migration”. According to OECD estimations, temporary migrant workers entering selected OECD countries<sup>2</sup> amounted to almost 2.5 million in 2006, which exceeds the number of permanent migrant workers entering these OECD countries by about three times (OECD, 2008, 19).
10. **Consideration of temporary labour arrangements needs to be placed in a proper context.** The structural demand for migrant workers, labour market trends, prevailing migration patterns, the size and composition of the informal economy, as well as broader national, regional and global political and economic contexts, all directly affect the role of temporary labour arrangements at national and international levels. Temporary labour migration is just one form of labour migration and indeed one form of organized migration itself, amongst permanent migration, family migration, student migration, humanitarian migration, and others. Moreover, the majority of migratory movements take place spontaneously; organized governmental programmes for temporary labour migration are quite small and those facilitated by bilateral arrangements form an even smaller portion. It is important to acknowledge the relatively small size and number of these programmes in the broader context of labour migration flows. Nonetheless, the impact of even a small programme can be significant, not least of which in the lives of the individuals involved, and important lessons can be learnt that may be relevant for broader application. Therefore, expectations about the potential of BTLAs need to be realistic. Circular and temporary migration will **not solve development deficits nor will they be the ultimate solution to irregular movements** (nor fully substitute for them). Temporary labour migration arrangements, therefore, are just one tool to address labour migration needs and to seek to limit irregular flows. Structural changes are required as well, including to address illicit activities involving smuggling and trafficking.
11. **What is a ‘good practice’?** Due to the scarcity of publicly available information on and assessments of BTLAs, it is difficult to determine whether a policy element contained therein can be regarded as a good or ‘best practice’. To this end the Seminar that brought together technical experts from governments, international organizations, academia, civil society and the private sector working with BTLAs to review and further elaborate the Compendium with lessons learnt aimed to address this challenge. It was recognized by all that this was simply a first step, and that more regular, on-

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<sup>2</sup> Australia, Austria, Belgium, Canada, Denmark, France, Germany, Italy, Japan, Korea, Mexico, Netherlands, New Zealand, Norway, Portugal, Sweden, Switzerland, United Kingdom and the United States (OECD, 2008).

going and comprehensive means need to be developed to effectively share lessons learnt in this domain of growing national and international interest.

12. **Distinction bilateral vs. unilateral:** One of the challenges encountered in developing a Compendium of this sort is the difficulty of distinguishing clearly between bilateral arrangements and unilateral approaches. To give an example, the Philippines has concluded numerous bilateral arrangements with other countries, yet as they are so plenty this approach might be considered as more akin to a unilateral practice, as there appears to be limited positive discrimination in its application. At the same time, countries with non-discriminatory global visa regimes are excluded by definition in a good practice Compendium on bilateral arrangements on labour mobility for temporary workers.

### **Legal access to labour markets**

13. **Mapping of labour market needs in both countries of origin and destination:** Probably offering the greatest convergence of interests of all stakeholders involved, bilateral arrangements are one way of increasing opportunities for the temporary migration of lower skilled workers. Systems need to be established that assess the origin and receiving labour market regarding short term employment needs and changes to these and provide updated information in a transparent way. International agencies can greatly contribute to identifying and sharing these labour market characteristics and trends.
14. **Capacity building:** Reinforcing institutions linked to labour mobility and transferring knowledge is one of the key issues that need to be addressed in the domain of legal access to labour markets. Technology can play a significant role in facilitating labour migration flows. Availability of updated databases on worker profiles and conducting trainings on information technology (IT), as in the case of the Integrated Migration Information System (IMIS) Phase 1 and 2 between Italy and Egypt, can improve the accessibility of a job-matching system to ensure that the recruitment needs of employers are met. In a similar vein an upgrade of skills for local workers should be taken into consideration. Here, too, international agencies can play an important role in further strengthening the capacities of States.
15. **Identification of key stakeholders:** In order to set up effective BTLAs, the main actors and their counterparts in both home and host countries have to be clearly identified and involved during the whole process. In addition to public entities in home and host States, the range of stakeholders includes private sector representatives such as employers, unions, civil society and migrants. Active dialogue and cooperation should be encouraged among them to ensure that all relevant stakeholders benefit from temporary labour migration. International agencies can facilitate this dialogue and be called upon to act as third parties. As a **good practice** mutual trust needs to be ensured between all parties involved, based on the principle of shared responsibility.
16. **Information dissemination:** Another significant element in managing temporary labour migration is the preparation and dissemination of clear and

unbiased information to migrants, including before the decision to migrate is taken. Measures designed to improve the availability and accessibility of this information should seek to make better use of available IT means and provide documents in the native language of the migrant worker prior to the journey as well as upon arrival at destination. In the case of potential migrants from Morocco, the Government has communicated the risks related to irregular migration and how to take advantage of the BTLA with Spain to secure legal temporary work abroad. Employer associations, trade unions, civil society organizations advocating on behalf of migrants and international organizations can contribute to the distribution of crucial information.

17. **Inclusion of a gender aspect:** About half of all migrants in the world today are women. While not a new concern, special attention should be paid to the specific needs and potential vulnerabilities of female migrant workers. Programmes should be tailored to the needs of women migrants, and ensure access to health care and counseling regarding pregnancies and other gender specific health care needs.

### **Protection by Improving Work Outcomes and Skills of Migrants**

18. **Information as protection:** Raising awareness on the benefits and challenges associated with temporary migration can help to ensure the protection of the rights of migrants. To be understandable, this information on the programmes needs to be offered to migrants in their mother tongue. Information campaigns should take action against misleading propaganda with clear information on selection and recruitment processes and relevant administrative structures. These initiatives can provide information to counter corruption and avoid document and other fraud, such as the sale of free forms and charging fees through counterfeit websites of labour ministries in countries of origin as experienced by Spain. Information campaigns can also help deter the use of irregular channels, in particular to decrease the risks related to smuggling and trafficking in persons.
19. The policy challenge lies in **how to make information on the rights and obligations of migrants accessible** to workers. Good practices shared include providing documents containing relevant information, including translation of the regulations in Quebec concerning the rights and obligations of migrant workers and their dissemination in Spanish to Guatemalan and Mexican agricultural seasonal workers recruited by the Canadian employer organization FERME. FERME's orientation provided to workers in the country of origin included the showing of a video about work conditions to minimize drop outs based on false expectations and consequent expenses for all involved. In addition to information technology, social networks can play an important role in the dissemination of information to migrants. The recently opened Migration Information and Management Centre (CIGEM) in Bamako, Mali, funded by the EC, offers information about rights, training opportunities and management of remittances. At the same time, complementary information needs to be made available at destination.
20. **Recruitment:** A well structured recruitment process itself provides a protection mechanism and minimizes vulnerabilities. BTLAs can usefully

contain safeguards against recruitment fees paid by migrant workers and high transportation costs. To guarantee fair work and wage conditions, the inclusion of provisions facilitating a flexible change of employers should be encouraged. Decent accommodation is crucial for migrant workers and should be a standard component included in BTLAs. It is important to note that the provision of housing by employers themselves can create vulnerabilities and lead to dependence on a particular employer. BTLAs can also stipulate what minimum information any individual employment contract should contain, such as working conditions, duration of the contract, remuneration, how transfer costs are paid/divided and the possibilities for prematurely terminating the contract<sup>3</sup>.

21. In cases where **private recruitment agencies** are involved in hiring workers, good practices that have been underlined envision **an active role by governments** in countries of origin and destination **in regulating** these private sector entities. Practical measures can include the registration of manpower agencies and the conferral of licenses to enhance the ability to monitor the compliance with laws protecting the rights of migrants and to supervise the number of employment agencies (e.g. to avoid excessive competition that incites agencies to break the rules and abuse migrants). To promote **corporate social responsibility**, employment agencies can be encouraged to initiate and adhere to self-regulatory mechanisms. Adopting an “ethical code of conduct” can, in appropriate circumstances, be regarded as a good practice, as has been done through the Colombo Process in creating an Association of Private Recruiters and in Kenya with the Kenyan Association of Private Employment Agencies. Depositing guarantees to refund migrants who face losses is another option to be considered. Assuming joint liability between manpower agencies and employers could also be promoted.
22. **Enabling legislative framework:** Without an appropriate regulatory framework in both countries of origin and destination, protection of migrants is hardly feasible. National legislation that enshrines fundamental human rights and the equal treatment of migrants regarding wages and other conditions and ensures access to complaint and redress mechanisms is important. BTLAs can provide an opportunity to agree on measures to implement national laws and international legal obligations, e.g. via labour inspection or other services in the countries of destination<sup>4</sup>. Many origin countries lack the capacity and transparency of legislation and administrative mechanisms to counter abuse and corruption. This points to the need for a discussion of best practices in **both monitoring and enforcement**, including which stakeholders are in charge in origin and destination countries at what stages and who is responsible for sanctioning breaches.
23. **Management** of bilateral arrangements on labour migration is essential to put theory into practice. In addition to governments in countries of origin and destination, other important stakeholders, albeit not party to the agreement,

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<sup>3</sup> For more information, please see Art. 22, *Model Agreement on Temporary and Permanent Migration for Employment*, ILO Recommendation 86 concerning Migration for Employment, 1949, Annex.

<sup>4</sup> See for instance Art. 15, ILO Recommendation 86 concerning Migration for Employment, 1949, Annex.

such as employers, non-governmental and international organisations, can be important partners in the implementation process. They can help provide transparency in the selection process, assistance to migrants during the entire migration cycle, making information available in the native language of the migrants, ensuring fair work and wage conditions and access to social benefits and other aspects discussed above. Moreover, monitoring and evaluation are key endeavours in this regard. As protection starts in the country of origin, consular protection in another countries' representation abroad through cooperation among source countries has been highlighted as a good practice. Collaboration between the Philippines and Indonesia in the form of joint working groups in these countries' embassies in host countries and cooperation in training and legal counseling to protect migrants' rights and their well being warrants mentioning in this context.

24. **Corporate social responsibility:** In countries of destination, it helps if employers adhere to principles of corporate social responsibility to ensure effective protection of migrant workers. As stressed by the Quebecois farmers union FERME and the Fundació Pagesos Solidaris, the Catalanian farmers union in Spain, the provision of decent housing rests in the hands of the employers who should and in the case of Spain have to ensure that adequate conditions, including adequate access to health care, are met to promote the well-being of their workers from abroad. Responsibility on the part of the employers should include providing information tailored to the needs of migrants. Employers can also play a role in enabling social festivities and interactions, with good examples provided by Pagesos and FERME.
25. **Countering social exclusion of temporary migrant workers:** Long working hours in combination with the often geographically remote locations of farm workers, isolation of domestic workers in private households and the reluctance of some employers towards unions pose challenges in terms of the relationships to other workers, employers and the host society. Temporary migrants are often only reached by commercial contacts and a handful of civil society organizations (faith-based, secular, migrant advocacy groups). Promising practices highlighted by the employer associations FERME, Canada, and Unió de Pagesos, Spain, include the support for maintaining the cultural identity of migrant workers by encouraging the celebration of national days and other events linked to migrants' home communities. While social activities are not only conducive to integration and contact with the host community, they also encourage a sense of cultural belonging on the part of the workers. Mental stress and depression as well as language barriers need to be taken into consideration and appropriate access to health care services provided. In Spain, public health care is universally accessible and particularly workers, including seasonal ones, must be registered in the Social Security Scheme from their first day of work. Therefore temporary workers enjoy free access to public health services.
26. **Social protection:** To protect migrants, mediation and dialogue between employers and migrants is critical. An assistance programme including aspects such as adequate housing and medical assistance, in particular regarding pregnancies, diseases and death at the work place, is a powerful means to

endow BTLAs with a **human dimension**. The limited duration of the work under consideration can pose an obstacle for migrant workers in terms of accessing social security and health care benefits as well as pension funds. Due to the temporariness of their employment, migrants often can not benefit from the social security packages to which they are obliged to contribute. One of the options suggested could be to divert the parts of their salary directed towards unemployment insurance to providing immediate access to health care benefits. The feasibility of this alternative depends however on individual national welfare systems and their compatibility with the respective other country engaged in the BTLA.

27. **Learning as empowerment:** BTLAs can represent an important development tool, yet policy coherence is critical to this. The overarching objective of BTLAs should not be limited to meet labour market needs. Instead, enhancing the capacity of migrants to invest productively, upgrading existing skills or developing new ones to counter underemployment while abroad can productively be pursued in a complementary manner. Learning can contribute to personal development and empowerment and have positive spill-over effects in training other workers in the home communities despite the comparatively small numbers of participants in temporary labour migration programmes. This requires a careful selection of workers to meet both the needed requirements at destination and to promote their role in facilitating the development impact of migration at home. A comprehensive policy approach should include measures to prevent discrimination against women or men in the selection process and avoid limiting BTLAs to exclusively female or male-dominated sectors.
28. **Migrant workers can be empowered as agents of development** in their countries of origin when certain conditions are met, among them respect for their human rights, their integration into the host society as well as reintegration upon return, and accompaniment with social benefits and assistance, as appropriate, during the whole migration process. BTLAs can be structured in such a way that they amount to co-development programmes to manage and promote development in the country of origin. The co-development initiative implemented by the Spanish agricultural trade association *Unión de Pagesos* and IOM Colombia promotes the investment of migrants' savings in small businesses, housing, education and health care to encourage multiplier effects of their earnings for their families and the home community at large.
29. **The role of families/kinship:** Family separation poses one of the greatest challenges in the area of migration, and those family members staying behind facing psychological and social difficulties merit greater attention. In a BTLA, the interest in preventing family reunification as an incentive for return needs to be considered in light of the protection and empowerment of migrants and their families and needs to be seen in a larger social context. Participation of the families of migrant workers in programmes can help avoid workers establishing a relation of dependence on the employment abroad. They need to receive information and counseling on how best to invest remittances in a productive way to leverage the development potential of migration in order to



**transform migration out of necessity into a choice**, thus promoting change through migration flows.

30. **Monitoring and evaluation of employment:** Monitoring of the implementation is crucial and includes four different levels: (1) The availability of clear programme guidelines, (2) the collection and dissemination of programme statistics, (3) a regular analysis of the programme function through public and private actors and on level (4) the regular convening of the stakeholders of the programme to review and evaluate. Regular assessments of the feasibility and actual implementation of temporary schemes can improve the ability to tackle shortcomings or the lack of implementation. They can also increase the evidence base and the possibility for well-functioning programmes to be replicated, possibly on a larger scale. The systematic annual impact evaluations conducted by the Government of Canada, together with employers, through meetings with their Mexican counterparts from the Ministry of Labour and Mexican employer organizations on the seasonal workers programme can serve as a best practice. In addition to governmental actors and employers, the academic community and other third parties, such as international organizations, can make an important contribution in analyzing the costs and benefits of a temporary labour migration programme and its impact on the economy, the community and development as well as on migrants and their families.

### **Ensuring temporariness of migration**

31. **Devising a return strategy:** Where migration is intended to be temporary or circular, certain steps need to be taken from the outset to ensure that temporary migration does not turn permanent. Inclusion of an explicit return component in BTLAs can help ensure circularity or temporariness of labour migration. The responsibility for devising return incentives that operate on the personal, political and economic level generally rests on countries of origin, yet should ideally be shared with destination countries. In the case of the BTLAs between Spain and Bulgaria, Colombia, the Dominican Republic, Ecuador, Mauritania, Morocco and Romania, the agreements enable migrants to be re-selected to work abroad and re-enter Spain again in the following year. Furthermore, seasonal workers who participated for four years in the temporary work programmes and returned all these years at the end of the season have access to a more stable work permit in a preferential way. The same mechanism of ensuring return through the opportunity to be selected again for the consecutive season is applied successfully by IOM Guatemala, who based on a Memorandum of Understanding with the Government of Guatemala recruits and transfers agricultural workers on behalf of FERME, Canada.
32. **Managing circular migration promotes return.** Estimated labour market trends should be taken into consideration and followed closely. The importance of access to reliable, updated and comparable data and information on the movement of workers should not be underestimated. While the nature of work in seasonal agricultural harvesting and the restaurant and hotel industries is often clearly temporary, other demands should be assessed in a realistic way with a view to ensuring that short term migrant workers are

neither identified to fill long term labour needs nor do so at the expense of domestic workers. Regular consultations with relevant stakeholders, including employer representatives and unions, can identify labour shortages and indicate which labour needs are more long-term in nature. Creating return incentives through the possibility for multiple entries through legal channels is the basis for circular migration programmes. Circular migration was also discussed as a vehicle for legal migration and sustainable development<sup>5</sup>. Under the recently signed Circular Migration agreement between France and Mauritius, migrant flows are managed with the aim that migrants work abroad for a specific period of time, earn and save money and invest in small and medium-sized enterprises or contribute in other ways to the development of Mauritius and enhancing their personal development.

33. **Reinforcing existing institutional capacity** in countries of origin is key to enable the design of comprehensive labour migration policies. This is equally relevant to establishing reintegration structures as to creating needed structure to facilitate at the front end preparation for employment abroad. Mechanisms to enhance pre-departure assistance to migrants, including cultural orientation, language training, travel documents/visa assistance, as well as assistance at the airport, during transit and upon arrival to ensure the safe return travel of workers whose contracts expired need to be put in place. With a view of facilitating the recognition of skills, at home re-training opportunities can be made available. The ability to guide and train returnees and/or their family members on entrepreneurship or establishing small-scale enterprises is a useful capacity. Reintegration can also be facilitated in cooperation with local federations of industries who can benefit from the new or enhanced skills of returning workers. Provision of psychosocial services for returned migrants and their families may be necessary.
34. Overall, the return component of BTLAs needs to **reconcile the interests of the home and destination country and employers and migrants**. Representing a major economic incentive, the certainty of being employed again in the subsequent year strongly encourages return as demonstrated by the high return rate of Guatemalan seasonal workers in Canada employed through the Quebecois farmers' association FERME. Other mechanisms, such as the reporting of Latin American workers to the Spanish embassies in their home country to be eligible for re-entry and re-employment can be replicated as a good practice as well. These instruments ensure that stakeholders in the host country have access to a truly temporary labour force and home countries are assured that their workers will eventually return and can potentially play a role with regard to development through upgraded or new skills, the capacity to invest and personal development. Increased cooperation can contribute to lowering the costs of migration. One option to reduce travel costs is to negotiate preferential conditions with air carriers.
35. Maintaining ties to family members is an essential **incentive** for return to the home country. Thus, facilitation of contact through IT or other means should

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<sup>5</sup> For more information, please also see European Commission and the Government of Mauritius, 2008 "Workshop on Creating Development Benefits Through Circular Migration. Final Report". JLS/B3/KT/kg D(2008) 16257. [www.gfmd2008.org](http://www.gfmd2008.org).

be promoted, in particular in emergency situations. Pre-departure counseling, assistance during the entire duration of the contract and providing information on return and other services while abroad, can prepare migrants better for their return. In cooperation with employment agencies, migrants should be informed regarding opportunities that exist in the home community and how potentially to apply their skills. Overall, mutual trust between employers and migrants on employment options in subsequent years greatly increases the success of BTLAs in remaining temporary.

36. **By promoting co-investment**, return can be considered as an opportunity rather than a burden. As a joint effort of public administrations, the private sector and international agencies, migrants can be encouraged to engage in community development projects, while also involving their families. Economic return motivations can include enabling income generating activities, such as productive investments in the local economy at home through tax discounts or exemptions, access to credits using remittances or saving schemes, and promoting the set up of small and medium-sized enterprises. Examples include Ecuador's "National Return Plan" (Plan Nacional de Retorno) and the Temporary and Circular Labour Migration (TCLM) model between Colombia and Spain encouraging the participation of migrants in co-development initiatives, and the construction of schools in the Philippines using the funds migrants sent home.
37. **A legislative framework** for humane and orderly migration to ensure and enable temporariness should be promoted and laws and regulations enforced. Information on the duration of the contract and the exact time of return, if feasible, can help guarantee pre-determined lengths of stays in the home country and thus prevent uncertain situations for migrants. Fast-track procedures should be considered in destination countries to expedite the visa granting process, thus enabling timely re-employment. Legislation targeting breaches of contracts and the possibility of notifying the authorities in destination countries that employers did not adhere to their obligations under the contract need to be in place to ensure temporariness of labour migration and to enable migrants to re-enter for work again.
38. **Complementary social security arrangements** to provide for the portability of pensions, social security and health benefits represent key return incentives. Nonetheless, the lack of compatibility between different welfare systems could potentially pose a challenge. As important as stipulating the portability of benefits in arrangements is to inform migrants on these provisions and their entitlements.

## **Conclusions and way forward**

39. **A coherent policy approach** in devising comprehensive temporary labour migration arrangements needs to reconcile the interests of both countries of origin and destination, including by linking migration and development policies through labour migration management. Flexibility in matching labour supply and demand should be jointly sought and facilitated through co-development initiatives.

40. Temporary and circular migration are **not the ultimate solution for development, yet if managed properly can provide an important contribution to development**. Key to the success of bilateral temporary labour arrangements is a management process identifying and **involving all relevant stakeholders and combining their incentives**, including of employers and migrants themselves, in a complementary and beneficial way for all. Sharing responsibility often requires capacity building to reinforce existing institutions.
41. Including **monitoring and evaluation mechanisms** in BLTAs is essential to assessing their economic (and social) viability. These mechanisms are also essential to determining the impact of temporary labour migration on labour markets and the society at destination, and to the development implications in home communities. Taking the wider national, regional and global context into account is necessary in this endeavour as other factors, such as macroeconomic stability and favourable socio-political conditions, are prerequisites for development initiatives to be successful. Criteria used for measuring and monitoring the effectiveness of BTLAs should cover the scope of the programme, in particular compared to overall temporary flows, its duration, and associated costs as well as positive multiplier effects. This needs to be based on clear respect for state sovereignty and territorial integrity. Assessments should also aim to address the question whether the success of BTLAs is – by its nature - limited to seasonal work or whether the lessons learnt in these contexts are of wider applicability and relevance.
42. As a best practice, the need to include a mechanism for a **cost-benefit analysis** of bilateral arrangements was pointed out as a priority for action. Therefore, an assessment of the scope and costs of the programmes described in the *Compendium on Good Practice Policy Elements in Bilateral Temporary Labour Arrangements* could be considered as a potential **way forward**.

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