

## GFMD Dialogue on the Global Compact on Migration

### GCM Cluster 6 – Irregular migration and regular pathways, including decent work and labour migration, recognition of skills and qualifications and other relevant measures

#### Summary Report

1. Working session III was chaired by **Ambassador Ravinatha Aryasinha**, Permanent Representative of Sri Lanka to the UN in Geneva. The International Organization for Migration (IOM), represented by Ms. Lara White, set the context of the session, by presenting a [thematic recollection](#) of GFMD discussions on the issues touched upon by GCM cluster 6. There were two input speakers – one from government (**Mr. Alex Zalami**, Advisor to the Minister of Labour of the United Arab Emirates) and another from the private sector (**Mr. Jaap Buis**, Public Affairs Manager at Randstad Holding). **Ms. Michelle Leighton** of the International Labour Organization (ILO) served as rapporteur.
2. The Chair opened the session by emphasizing the need to achieve a win-win situation for all, and to ‘leave no one behind’ in the spirit of the 2030 Agenda. He paid tribute to the former UN Secretary General’s Special Representative for International Migration (SRSG), Mr. Peter Sutherland, and welcomed Mrs. Louise Arbour as the new SRSG. The Chair emphasized that the Sutherland Report on governance of migration contains elements and recommendations that were relevant to the issues for discussion in the working session, and for governance of migration in general. He also mentioned the efforts of the Colombo Process and the Abu Dhabi Dialogue (ADD) in addressing many of these issues, including the recognition of skills and qualification, ethical recruitment practices and information orientation programs. Some tangible steps have now been taken to operationalize the outcomes of these processes for the benefit of both sending and receiving states, and the migrants themselves.
3. **Ms. White** premised her presentation on the [policy brief](#) earlier prepared by the IOM upon the invitation of the GFMD 2017-2018 Co-Chairs, which enumerates 10 policy recommendations and best practices from past GFMD discussions. She highlighted that the GFMD, since its inception in 2007, has discussed the pertinent issues relevant to cluster 6, such as the promotion of decent work and ethical recruitment, skills mobility, skills recognition, increasing pathways for regular migration, protection of the rights of migrant workers and prevention of human trafficking smuggling modern slavery and exploitation by employers or at recruitment agencies. She also read out the following guiding questions:
  - a) What best practices and innovative approaches can be implemented that would provide more legal pathways for migration?
  - b) What approaches have proven successful and could be reviewed for transposition in addressing and preventing irregular flows including the resort to smuggling, overstay, inappropriate and unlawful documentation?
  - c) In what ways can States promote government-to-government collaboration and public-private partnership that would enhance skills recognition and skills mobility amongst migrants, which would benefit both host and origin countries?
  - d) How to promote ethical recruitment programmes and adherence to existing legal frameworks amongst all stakeholders, including employers, recruitment agencies, etc.?

4. The first input speaker, **Mr. Alex Zalami**, anticipated that the GCM drafters would like to see from the GFMD inputs a concise set of the recommendations and good practices that 1) promote safe orderly and regular migration, and 2) increase the development benefits of migration. In this context, he held the view that there are two necessary conditions for attaining the goal of increasing the developmental outcomes of migration – the protection and empowerment of migrant workers. He suggested that the GFMD recollection of policy recommendations and good practices be grouped under these two categories. In addition to the 10 recommendations highlighted by IOM, Mr. Zalami suggested adding orientation programs from pre-employment stage, criminalizing trafficking in persons and forced labor, skills-driven admission policy in countries of destination, legislative and regulatory reforms to ensure equitable and balanced labor relations. The Colombo Process and the ADD, he said, could offer good examples, such as the alternative recruitment model that aims to address flaws in the current system, wherein the relation between the employer in the country of destination and recruitment agency both in the countries of origin and destination is non-transparent.
  
5. **Mr. Jaap Buis** articulated the vital role of the private sector considering that there are 150 million migrant workers out of the total 240 million migrants today. Migrants need businesses for employment and businesses need migrants to fill needed skills. In his opinion, there are two main issues where the interest of the private sector coincides with that of civil society and governments: (1) the need to create well managed regular pathways to ensure migrants can go there where their skills are needed, and (2) ensuring fair and ethical recruitment and decent work for these migrants. In view of the demographic challenges and the future of work, businesses need skills mobility and more legal pathways for migration. Governments need to work more closely with businesses and strengthen their regulatory and enforcement mechanisms in order to ensure fair recruitment. Mr. Buis called upon policymakers and organizations to ensure that they fully understand the dynamics of labour mobility, and the impact it has on developing and mature economies. He cited a number of concrete practices, including:
  - a) Code of Conduct of the World Employment Confederation – a federation of all organized human resource service providers with a longstanding commitment to ethical practices and to the principles of the ILO decent work agenda;
  - b) The ILO Convention 181 on private employment agencies – so far ratified only by 32 countries, more states should endorse this convention as a way to help responsible and ethical agencies to eradicate the rogue operators and to ensure that no abuses are linked with recruitment services.
  - c) Work in freedom strategy to fight human trafficking in South-Asia and the Middle East
  - d) The ILO Operational Guidelines and Principles on Fair Recruitment
  - e) The International Recruitment Integrity System (IRIS) led by the IOM and ILO
  
6. All speakers emphasized that there is no need to reinvent the wheel, but rather to take stock of what is already known. Many wheels are already turning, including within the GFMD framework, in ILO, in IOM, in business and civil society. But these good practices must be brought together into the Global Compact on Migration.

### **Labour migration governance: an overarching theme**

7. The opening statements were followed by an exchange of perspectives from the floor that touched upon many of the 10 policy areas in the GFMD brief and the GCM cluster 6 thematic areas. Throughout the discussion, a recurring and overarching theme was labor migration governance. It was underlined that many countries will continue to face labor shortages, changing demographics and a future of work that requires skills supplied by migrants. A notable example is in the health sector.
  
8. In this regard, participants highlighted the need to explore the elements of well-managed migration pathways and channels, and to prevent irregular migration and all its negative consequences. The elements needed involve bilateral and regional cooperation through agreements or frameworks that are sensitive to the specificities of sub-regions and migration corridors. There should be encouragement of governance through regional economic communities and coordination with the Regional Consultative Processes. This would strengthen the ability for labor mobility and labor migration governance to ensure the protection of migrant workers. It was stressed that significant

disparities exist between the way labour migration takes place and how successfully it takes place across regions of the world. There is a great scope, particularly in the South-South context, for better support and capacity building in order to make labor mobility really work for regional development.

9. The idea of holding regional consultations on the Global Compact was welcomed, but links should be established between the global discussion and what is happening at the regional level. The engagement of business and the private sector, workers organizations, and migrants themselves clearly needs to occur as part of, and be encouraged by the Global Compact. Business identified what it needs – clear, transparent, predictable and timely labor migration policies.
10. The imperative to protect and empower migrants was repeatedly mentioned by participants, and the need for a human-rights based approach to migration governance. In this context, the importance of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and their Families (CMW), and other ILO conventions was emphasized by many participants. Noting that many countries continue to shy away from acceding to the Convention, a question was asked about pragmatic steps that could be taken to devise alternative rules and guidelines that such countries would be willing to comply with.
11. Governance needs to protect migrant workers through sound policies that counter discrimination and xenophobia by using existing tools, including conventions, international standards, policy frameworks and guidance. Migrants' contributions to poverty reduction and development in their countries of origin, as well as in their countries of destination must also be recognized and enhanced. At the same time, there is a need to ensure that development aid continues to flow and is directed at helping build the capacity of those countries and stakeholders that face enormous challenges in labor migration.
12. The discussion brought to light various innovative admissions policies which are a key to effective labour migration governance. These varied policies include the points-based system, sponsored or skills-based admissions, the lottery system, and government to government cooperation. However, no one size fits all, and there are different migration models across the regions. Specific examples especially in the Asia and Middle East corridor, as well as those concerning low-skilled and highly-skilled migrants (such as in Canada) were mentioned.
13. There was reference to the use of national coordination mechanisms as a means by which to harmonize and have sound national governance and institutional capacity building. There was also understanding that different sectors may require different approaches. Sector-specific shortages may call for different ways to attune policies toward those needs.
14. There was a suggestion to examine global cooperation and partnerships through multilateral frameworks to promote transparency and exchange of information. In this regard, a provocative suggestion was made by the GFMD 2017 Chair to strengthen the GFMD Support Unit so that it could offer a global web-based database that could inform migrant workers about compliant and non-compliant employers, competitive remittance transfer costs, and other vital aspects of decent work. Reference was also made to some of the recommendations in the Sutherland Report to form a global alliance of labor sending states and establish a global support mechanism to enforce commitments on bilateral agreements, which could, *inter alia*, address power relations between countries of origin and destination.

#### **Two key elements for effective governance of labour migration:**

15. Under the rubric of labour migration governance, the debate zeroed in on two key elements – recruitment and skills.

##### *A. Recruitment*

16. The discussion urged the Global Compact for safe, orderly and regular migration to promote fair and ethical governance of recruitment and adopt methods for addressing non-compliant recruitment practices. While reforms in the recruitment industry have been recorded, more can be done, as many migrants continue to fall prey to unscrupulous recruiters. Well-established is the link between poor governance and the rise in human trafficking, forced labour and fraud and abuse of migrant workers.
17. The session deliberated on how States can better promote ethical recruitment policies and adherence to existing legal frameworks amongst all stakeholders, including employers and labor recruiters. There was a consensus that it is the states' primary responsibility to establish recruitment regulations and ensure their enforcement. Moreover, it was underlined that workers are not a uniform, homogeneous group. The low-or-unskilled migrants need greater protection from predatory recruitment practices.

*B. Skills Mobility*

18. There was a wide agreement that the Compact should promote skills mobility and recognition while also balancing the need for protection of migrant workers' rights. There was a suggestion to look at skills in a holistic way, whereby the worker is trained, certified, and able to access certification or recognition of upskilling all through the migration process. The GCM should encourage such processes through different mechanisms, such as the skills passport. Certification combined with skills recognition would enable labor mobility and increase productivity, improve wages, reduce vulnerability, minimize job mismatches and reduce brain drain.

**Irregular migration and drivers of migration**

19. The link between irregular migration and drivers of migration was strongly raised during the discussion. Delegates underlined that irregular migration is not always related to regular labour migration. Irregular migration cannot be addressed by security considerations only, but should be based on broader development frameworks and on mainstreaming migration in development strategy to address the root causes that push people and migrants to move. Efforts must be made to ensure that migration becomes a choice and not a necessity.
20. Participants expressed concern about the consequences of irregular migration, such as human trafficking and smuggling. However, in view of the fact that there is a dedicated GCM cluster on drivers of migration, the session did not focus on this topic.
21. Below is a list of policy and practical recommendations that were mentioned by participants during the session:

**Policy Recommendations**

*On labour migration governance:*

- Develop and implement a multi-stakeholder and multilateral framework, which involves social dialogue in the design of labour migration policies both at national and international levels.
- Mainstream migration into development planning, rather than focusing on security concern
- Enter into bilateral agreements on human resource mobility, mutual recognition of skill sets, and portability of social security benefits.
- Manage irregular migration in order to prevent xenophobia and racism
- Ratify existing ILO conventions

*On recruitment*

- Create well managed regular pathways to ensure migrants can go there where their skills are needed, and (2) ensure fair and ethical recruitment and decent work.
- Engage the business sector, workers' organizations and migrants themselves in legislating and implementing recruitment laws.

- Adopt codes of conduct for fair and ethical recruitment, while ensuring government oversight.
- Anticipate the outcomes of ILO's general discussion in June 2017 on labor migration governance at the national, bilateral, regional and global levels, and also on fair recruitment.
- The Global Compact could reference the 13 principles and 33 practical guidelines adopted by ILO's guidelines on fair recruitment which point to concrete provisions that can inform the compact, but also because they cover facets of both public and private recruitment at national and international levels.
- IOM's IRIS initiative is an important tool for business and their supply chains to ensure standards are met, including fundamental principles and rights of work.
- Abide by the WHO's Global Code of Practice on the international recruitment of health personnel

#### *On skills mobility*

- The ILO Convention 181 on private employment agencies – so far ratified only by 32 countries, more states should endorse this convention as a way to help responsible and ethical agencies to eradicate the rogue operators and to ensure that no abuses are linked with recruitment services.
- Work in freedom strategy to fight human trafficking in South-Asia and the Middle East
- The ILO Operational Guidelines and Principles on Fair Recruitment
- The International Recruitment Integrity System (IRIS) led by the IOM and ILO
- Code of Conduct of the World Employment Confederation – a federation of all organized human resource service providers with a longstanding commitment to ethical practices and to the principles of the ILO decent work agenda;

### **Practical Recommendations**

#### *On labour migration governance:*

- Ensure seamless coordination between immigration policy and the economic sectors in order to facilitate the mobility of needed skills
- Address the legislative and law enforcement gaps at the national level, to promote a balanced relationship between the employers and migrant workers
- Critically assess the different categories and definitions of migrants (temporary labour migrants, highly skilled migrants, irregular migrants; refugees, asylum seekers, family members) and design appropriate legal policy frameworks that are needed to ensure they are all protected
- Facilitate visa issuance to reduce irregular migration
- Provide development aid in order to fight irregular migration
- Tie admission and mobility policies in order to deal with issues of protection and empowerment

#### *On recruitment*

- Better regulation of supply chains could be done through public-private-partnerships and government to government agreements. Governments that issue migrant labour contracts must lead the way in cleaning up the supply chains.
- Build alliances with small and medium enterprises and mobilize a shift in the demand for fair and ethical recruitment services. An example is the Leadership Group on Responsible Recruitment, a coalition of major multi-national companies that are joining with expert organizations such as IOM, Verité, Interfaith Center for Corporate Responsibility.
- Efforts must also be done to ensure that the standards are followed throughout the value chain.

#### *On skills mobility*

- Innovation and training for migrants in countries of origin
- Cooperation between countries of origin and destination in fostering skills recognition across borders, and educational and training methods across borders.
- On a regional basis, encourage common training standards and increase the mobility of trained, certified migrant workers

- Strengthening government-to-government cooperation, as well as Public-Private Partnerships (PPPs) to enhance the skills recognition and skills mobility among migrants
- Engage labor market institutions and educational institutions in skills certification and recognition.
- Mutual recognition in the area of hospitality professionals, such as in ASEAN

22. Amb. Aryasinha closed the session by thanking the delegates for the candid sharing of their perspectives and experiences.