



# LABOUR MIGRATION, GLOBALIZATION, RIGHTS, AND GOVERNANCE

## An overview

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## MIGRATION TODAY : FEATURE OF GLOBALIZATION



### **Globalized mobility of skills and labour:**

- 214 million people living outside countries of birth/citizenship in 2010; 230 million 2014
- **105 million economically active in 2010:** employed, self-employed, in remunerative activity
- **90 per cent** of migration today is bound up in labour and employment.

These figures undercount migrant labour, don't include millions more short-term, temporary, or seasonal migrants.

## MIGRATION TODAY : FEATURE OF GLOBALIZATION

For majority of countries, international labour and skills mobility is key to sustaining and renovating processes of development.

Development is not just increasing numbers. Numbers are measures... Gross Domestic Product, per capita income, etc.



## MIGRATION TODAY : FEATURE OF GLOBALIZATION

What means development? It's about:

*expanding and maintaining production of goods, services & knowledge; the capacity to do so and doing so*

*distribution of goods and services;*

*provision of housing, transportation, education, healthcare, welfare/well-being...*

*construction of infrastructure and enhancing technology for production, provision, distribution...*



## MIGRATION TODAY : FEATURE OF GLOBALIZATION

So migration and development means  
Slovakia as well as Swaziland, the United  
States as well as the United States of  
Mexico or Brazil,

The European Union as well as the Southern  
African Development Community, ASEAN  
or MERCOSUR



## MIGRATION TODAY : WHO ARE WE TALKING ABOUT ?



While 'migrant' does not have a precise legal definition in international instruments, migrant worker does:

**International Convention on rights of migrant workers (ICRMW):**

***“The term “migrant worker” refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”***



## MIGRATION TODAY : WHO ARE WE TALKING ABOUT ?



***Exceptions: diplomats, students, artists on tour and people who are on temporary assignment by their companies to work in another country on a particular assignment and for a limited time, are not migrant workers under international law.***

***International law concerns not only migrant workers themselves, but also their families. Both the UN and ILO Conventions –discussed later– contain specific requirements on how families of migrant workers are to be treated.***

## MIGRATION TODAY : WHO ARE WE TALKING ABOUT ?



The vast majority of adult migrants – people residing outside their country of birth or citizenship-- are economically active: employed, self-employed or otherwise engaged in remunerative activity.



## **WHAT are we talking about?**

### **Migration is engine of economic viability**

Migration serves as instrument to adjust skills, age and sectoral composition of national and regional labour markets.

Migration meets fast-changing skills needs resulting from technological advances, changes in market conditions and industrial transformations.

In countries of aging populations, migration replenishes declining work forces and injects younger workers, increasing dynamism and innovation.



## **Migration is engine of economic viability**

**International skills/labour mobility is making vast contributions to development in more than 100 countries by providing:**

- skilled labour, new technological competencies, labour force to sustain otherwise non-viable sectors, enterprises, health care, etc.
- large shares of labour in entire sectors--agriculture, construction, hotel and restaurant, cleaning and maintenance, tourism, others...



## Migration meeting labour force demographic deficits

For a rapidly expanding number of countries

Technology and skills dilemmas are compounded by demographics

Size, composition and age profile of entire 'native' work forces:

- **declining in number,**
- **increasing in age,**
- **constricting in breadth and competencies,**
- **diminishing versus increasing numbers of retired people--**  
dependent on active work force for social security.

15 to 20 % of work forces foreign born in Australia, Canada and the USA. 20% foreign born or children of immigrants in some European countries



## Mobility in Europe

### **Labour/skills mobility features prominent across Europe:**

10% or more of workforces foreign born, and 20% of more 'issue de l'immigration, with at least one foreign-born. Slovakia remains exception

49% of population of Vienna for example. 28% of German population under 30.

Much of the migration into some EU member countries is from other EU member countries.

In some cases, another large portion is from neighboring countries: Eastern Europe and Maghreb.

Free circulation regime of EU is over a half century old

It has been and remains pillar of economic integration and of European productivity and prosperity.



## Labour/skills circulation regimes

Labour circulation has been key to regional integration and development in the still expanding European Union.

Key because it is regulated and harnessed in regional, interstate spaces of economic and social integration.

**Only spaces of larger markets, larger resource bases and larger labour forces can meet competitive demands in a globalized world.**

These spaces obtain larger pools of capital, resources, skills and labour necessary for competitive economies of scale and viable markets.



## Labour/skills circulation regimes

Free circulation of labour in larger markets links capital and labour, essential to obtain most productive use of both labour and capital.

No smaller states have the scale of populations or economies to be competitive in globalized markets dominated by 'giant' economies –China, the USA, Japan, and within Europe, Germany, the UK and France.

None have diversity and extent of skills to fill employer and investor needs

None alone have markets large enough to generate competitive economies of scale in production, distribution or consumption of goods and services.



## Labour/skills circulation regimes

**Building ‘common markets’ means building economic, political and social cooperation**

**Migration is a fundamental pillar for such cooperation.**

Free movement/labour circulation regimes, some directly inspired by EU, are in place or emerging in more than a dozen “Regional Economic Communities” around the world involving today over 100 countries.

These include the EAC, ECOWAS, SADC in Africa;

The Andean Community and MERCOSUR in South America

CARICOM, the Caribbean Community

The new “EEC” – the Eurasian Economic Community

ASEAN is working on it...

Also efforts in Central America, South Asia, the GCC



## Labour/skills circulation

Terms of North-North, South-North, South-South migration do NOT best capture global reality.

Much if not most migration today takes place with-IN regions, specifically within respective development communities or neighbouring areas.

80% or more migration originating in West Africa goes to other West African states. Large portion of migration originating in EU member states is to other EU countries.

Similarly, most migration/mobility originating in South America, in Eurasia, goes to other countries within those regions.

Much migration originating in Asia is to other Asian countries, although large number from certain countries also goes to Gulf region.





## Labour migration futures

Within 15 years, the majority of world's countries –and populations-- will be in work force decline and population ageing mode. Germany loses 5 million members of work force in next ten years, the Russian Federation has lost 10 million since 2000, and rate is now some 1 million workers less per year in its domestic labour force. The Japanese labour force will shrink 37% over the next 25 years. A recent study says that Switzerland will need 400,000 additional workers by 2030. And Qatar 1 million additional migrant workers before 2020. And there's the big one: China's work force will decline by at least 126 million people in 20 years.



## Labour migration futures

If that weren't enough, wake up.

Algeria, Argentina, Armenia, Azerbaijan, Brazil, Colombia, Indonesia, Iran, both Koreas, Lebanon, Mauritius, Mexico, Morocco, Peru, Qatar, Saudi Arabia, Singapore, Tunisia, Turkey, Vietnam, --among others-- have reached or are reaching zero population growth rates by this or next year. Tunisia reached it 7 years ago



# Labour migration futures

## **Slovakia**

***Fertility rate 1.4***

***Industries complaining today of lack of skilled workers***

***How does agriculture function in this country?***

***How will social security be assured without viable work force, without industry, with disappearing work force and doubling of social security dependency rate?***

***Who will provide health care to ageing population, hotel restaurant and tourism services?***



# Slovakia's Migration Futures

## What's at Stake

**New evidence based on more accurate forecasting shows the world on the eve of far greater international mobility.**

**Labour and skills mobility across Europe and beyond is ever more important to maintaining productive and competitive economies, and thus to maintaining development in**

**Effectively governed migration will be essential for economic stability and social well being**

**For Slovakia**

**For Europe**



## Labour migration governance

Unless regulated by appropriate laws and regulations and their effective enforcement, labour migration entails high cost in violations of rights of persons, in reduced productivity, lost opportunities for development and absence of social protection.

The film tomorrow will be eloquent testimony to the challenges here in Slovakia and next door in Czech Republic.



# Labour migration governance

## The Framework (I)

Foundations:

1. **Obtaining *collection and analysis of relevant labour migration data***
2. ***Engaging with social partners*** –employers and worker organizations—in migration policy and administration.
3. **Setting the *standards-based approach to migration*, incorporating international standards into national law and practice**



## Labour migration governance the Framework (II)

4. ***Building institutional mechanisms for policy, administration and coordination on labour migration***
5. ***Informed and transparent labour migration systems*** to measure and meet real labour and skills needs
6. Providing adequate and up to date ***vocational education and training*** to meet both present and future national needs and international demand.



## Labour migration governance the Framework (III)



- 7. *Enforcing minimum decent work standards in all sectors of activity,***
- 8. Implementing *action against discrimination and xenophobia.***
- 9. Extending social protection, specifically *social security coverage and portability,* to migrant workers**



## Implementing the Agenda

### Good policy depends on good data



Current data on migration mostly estimates movements and stocks

Little data on **migrant employment and economic activity**, meaning no data relevant for labour migration administration nor for social security planning, let alone stimulating and managing the economy

## Implementing the Agenda

### Good policy depends on good data



Data required to measure need, impact, effect, and to determine policy and administrative measures to regulate labour/skills mobility:

Employment and unemployment disaggregated by nationality; skills and labour needs by sector, skills/training level; presence and participation of non-nationals by sector, occupation, gender, age, training; conditions of migrant workers where they work/are concentrated; income levels, spending, derivative employment creation, business creation by non-nationals, etc.

# Implementing the Agenda

## Good policy depends on good data



**Labour migration data** needs to be:

- integrated in labour market indicators,
- interfaced with labour and social security administration

Conditions and coverage of people in informal employment and of migrants in formal and informal activity has to be assessed.

Measure is needed of **unrecognized migrant populations**, such as those involved in seasonal agricultural labour.

# Implementing the Agenda

## Good policy depends on stakeholders



**Employers employ workers.**

**Trade unions represent workers**

Employers, organizations representing the 'private sector,' must be involved in making, implementing and evaluating policy and practice on labour migration/mobility.

It simply won't work if the key actors aren't part of it



# Implementing the Agenda

## Good policy depends on stakeholders



### Trade Unions organize and represent workers

–when freedom of association and collective bargaining rights are respected and implemented for all:

- If the workers aren't involved, no way you are going to get it right on policy that is about workers, migrants as well as all workers on labour markets, in employment
- Unions themselves must ensure they are representative of evolving and 'internationalizing' work forces





## Implementing the Agenda

Good policy can only be built on proper foundations

**International Standards provide the legal, accountable and enforceable base for policy and practice.**

A comprehensive set of Standards have been developed over a century.

Market forces alone do not, cannot regulate and protect.

Political administrations are often more subject to next elections than real long term needs of country.

Migrants, foreigners have little domestic political influence.

International standards insist that migrants recognized as persons, with rights; they provide “rules of the game” for all concerned, and they urge and guide international cooperation.



## Implementing the Agenda

Good policy can only be built on proper foundations

**International Standards provide the legal, accountable and enforceable base for policy and practice.**

Three sets particular relevant for labour migration policy:

1) Migration, migrant worker instruments:

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

**ILO Convention No. 97 on migration for employment (1949)**

**ILO Convention No 143 on migrant workers (supplemental provisions)**

86 ratifications/States parties including 10 EU plus Norway

97 counting also not yet ratified signatory countries





## Implementing the Agenda

Good policy can only be built on proper foundations

### 2) International labour standards

All international standards apply to protection of migrant workers, regardless of status.

**Slovakia** has ratified 8 of 8 fundamental conventions, 4 of the 4 labour governance conventions, and 67 technical conventions. But no migrant worker specific instruments

### 3) Social security instruments

**Slovakia** has ratified the fundamental ILO Convention 102 on social security, but not conventions on portability and international coverage.



# Labour Inspection



Labour Inspection is THE means of supervising conditions of work and enforcing the application of 'decent work' standards in law.

Labour inspection needs to be capable and competent to reach sectors and work-sites where migrants are employed –and often where conditions worse

Labour inspection needs to remain completely separate from immigration enforcement, in order to ensure labour and human rights protection for ALL workers, without fear and intimidation of the authorities whose responsibility is to protect people

In most countries, ensuring protection and labour law enforcement for migrant workers requires enablement and specialized training for labour inspectors.

## Non-discrimination/Equality of Treatment



**Ensuring equality of treatment, preventing discrimination and combating xenophobic hostility and violence requires attitude and action by the State, the government and all stakeholders**

**It requires deliberate discourse, policy, education, action, practices**

**In society, in workplaces, in communities**

**Will discuss in detail in next session.**

# The social security challenge



**Although migrant workers fully contribute to the economies of destination and origin countries, migrants are not taken into account in national social security schemes.**

- They often lose entitlement to social security benefits in their country of origin due to absence,
- They often face restrictive conditions or non-access altogether to social security in the country of employment.
- Even when they can contribute to social security systems in host countries, their contributions and benefits often cannot be transferred back to origin countries when migrants depart.

**EU still refining specific mechanisms to safeguard migrant workers' Social Security rights, to ensure portability and to overcome restrictions remaining under national legislation.**

# Implementing the Agenda

## **Slovakia has a great challenge and opportunity**

The elements for a coherent and comprehensive national policy framework are on the table.

All the key stakeholders have been engaged.

Some elements are already in practice, others have to be implemented.

This training provides you with vital knowledge to understand, support and assume your roles in making this policy real and effective



## Foundations for a Framework

### Next steps

Ratification of International Instruments on migrant workers and social security.

Assessment of future labour market needs, migrant populations, social security systems and administrative capacities

Formulation of a national policy framework.  
For Slovakia, implementation of national measures



# Doing the Framework

## What's at Stake

**New evidence based on more accurate forecasting shows the world on the eve of far greater international mobility.**

**Labour and skills mobility across Europe and beyond is ever more important to maintaining productive and competitive economies, and thus to maintaining development in**

**Putting in practice fully and effectively the labour migration governance framework is essential for economic progress, social well being and good governance.**

**For Slovakia**

**For Europe**

