

**Mekong Migration Network Workshop on Migration Trends
and Responses in the Greater Mekong Subregion and Beyond**
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**Good Governance of Labour Migration in the GMS:
ILO framework and its application in the GMS**

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Fundamental Principles of the ILO

- **Labour is not a commodity and must not be reduced to a global commodity;**
 - I. **Freedom of association and right to collective bargaining: C. 87 & C. 98;**
 - II. **Eliminating all forms of forced labour C. 29 & C.105:**
 - III. **Eliminating discrimination on employment, occupation and wages: C. 100 & C. 111;**
 - IV. **Elimination of child labour and the worst forms of child labour: C. 138 & C. 182.**



Fundamental Principles Relating to Migration for Employment

- **Rights-based approach on labour migration: integration & application of norms, principles and labour standards based on international human rights and fundamental workers' rights in policies, legal & regulatory framework;**
- **Basic human rights of migrant workers irrespective of their status must be protected and promoted;**
- **Promotion of equality of opportunity and treatment of nationals, migrant workers and their family - legally residing in the country.**



Governance in Labour Migration

- Governance refers to mechanism, institutions and process through which the authority is exercised in the conduct of public affairs and private sector.
- Direct effect of governance on migration refers to the reaction of potential/migrants to the quality of public administration and political capacity in their home/host country.
- **Responsiveness of migration to public administrative deficiencies** - exhibited in the growing number of irregular migration, trafficking of human & labour exploitation, especially, when people calculate that they have to go through a myriad of labyrinth public administration, costly process, and long waiting time for legal deployment abroad – partly causing the failure of MOU.

Good Governance of Labour Migration

Labour sending and receiving countries confronted with challenges:

- i. Consistency of policy to international standards;**
- ii. Policy coherence: mutually reinforcing policy actions across government departments & agencies or integral part of national development plan;**
- iii. Coordination of policy-making and its implementation among government ministries;**
- iv. Policy transparency and flexibility to changing circumstances: understanding & social dialogue;**
- v. Gender sensitivity: Gender needs and vulnerability;**
- vi. International and interstate cooperation for sharing responsibility in protection of migrant workers, promoting orderly migration;**
- vii. Good data collection and information dissemination.**



Instruments Related to Labour Migration

- **Migration for Employment (No. 97)–Rev. 1949**

Assistance, information, protection and equality of treatment for migrant workers

Section I:

- Provide of free and accurate information on legal & regulations and conditions of work, etc;
- Take actions against misleading information;
- Facilitate departure, journey and reception;
- Provide appropriate medical services at the time of departure and arrival;
- Provide free recruitment services.



Migration for Employment (No. 97)–Rev. 1949

Section II:

- Apply, without discrimination in respect of race, religion or sex, to migrants lawfully within its territory, treatment no less favorable than that applies to its own nationals on the following:
 - Remuneration, hours of work, training;
 - Membership of trade unions & collective bargaining;
 - Social security (employment injuries, maternity, sickness, invalidity, old age, death, and other contingencies);
 - Accommodations;
 - Access to legal proceeding;
 - Export/import of remittances/currency.

(Annexes on Recruitment and conditions of labour if migrants for employment recruited for group transfer – Govt and non-govt, sponsored arrangements; and on Importation of personal effects, tools and equipment of migrants for employment)



Instruments Related to Labour Migration

Migrant Workers (No. 143) – supplementary provision 1975 (Concerning migrations in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers)

- *Equality of opportunity and treatment and the elimination of abusive conditions*

Part I, dealing with migration in abusive conditions: set the general obligation to respect the basic human rights of all migrant workers.



Migrant Workers (No. 143) – supplementary provision 1975

- 1. Seek to determine whether there are illegally employed migrant workers in its territory and whether there depart from, pass through, or arrive in its territory any movement of migrants for employment;**
- 2. Adopt necessary measures (a) to suppress clandestine movement of migrants for employment and illegal employment of migrants; and (b) against the organizers of illicit or clandestine movements of migrants for employment and against those who employ workers who have immigrated in illegal conditions;**




Migrant Workers (No. 143) – supplementary provision 1975

- 3. Contact and exchange of information between the States.**
- 4. Migrant workers who has lawfully resided for the purpose of employment shall not be regarded as in an illegal situation because of loosing his employment;**
- 5. Irregular migrant workers enjoy equality of treatment in respect of rights arising out of past employment such as wage, social security and other benefits.**



Migrant Workers (No. 143) – Cont.

Part II, pursuing a policy designed to promote and guarantee equality of treatment in respect of employment and occupation, social security, trade union and cultural rights and individual and collective freedoms

- (1) Organize educational programme to acquaint migrant workers to understand policies, and their rights and obligations;**
 - (2) Assist and encourage migrant workers to preserve their national and ethnic identity and their cultural ties with their country of origin;**
 - (3) Make the free choice of employment subject to the minimum prescribed period of residence – not exceeding two years;**
 - (4) May restrict migrant workers access to limited categories of employment or functions;**
 - (5) Make regulations concerning recognition of occupational qualifications**
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Instruments Related to Labour Migration

Equality of Treatment (Accident Compensation) Convention (No. 19) – 1925

To grant the equality of treatment for nationals and foreign workers as regards workmen's compensation for accidents

- Grant to the nationals, foreign workers and their dependants without any condition as to residence, of any other member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.



ILO Multilateral Framework on Labour

Migration – 2005

- **Non-binding principles and guidelines for a rights-based approach to labour migration**
- **Provide practical guidance to governments, employers' and workers' organizations and other concerned parties on the development, strengthening and implementation of labour migration policies.**
- **Consist of four broad themes:**
 - I. Decent work for all;**
 - II. Management and governance of migration;**
 - III. Promotion and protection of migrant rights; and,**
 - IV. Migration and development.**



Multilateral Framework on Labour Migration

- I. **Decent Work:** Promote opportunities for all men and women of working age to obtain decent and productive work at home or abroad in conditions of freedom, equity, security and human dignity (DWCP);
- II. **International cooperation:** Governments should engage in international cooperation to promote managed migration for employment purposes and protection of migrant workers;
- III. **Global knowledge base:** Knowledge and information are critical to formulate, implement and evaluate labour migration policy and practices;
- IV. **Effective management of labour migration:** Formulate and implement coherent, comprehensive, consistent and transparent policies to effectively manage labour migration;



Multilateral Framework on Labour Migration

- V. Protection of migrant workers: The human rights of all migrant workers, regardless of their status, should be promoted and respected, in particular, all migrant workers should benefit from the principles and rights in the 1998 ILO Declaration on Fundamental Principles and Rights at Work;**
- VI. Prevention of and protection against abusive migration practices: Formulate and implement measures to prevent and eliminate abusive migration conditions, including irregular labour migration, smuggling and trafficking in persons and other abusive practices;**
- VII. Migration process: 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;**



Multilateral Framework on Labour Migration

VIII. Social integration and inclusion: Governments and social partners should promote economic, social and cultural integration and inclusion of migrant workers and their families;

IX. Migration and development: Contributions of labour migration to employment, economic growth and development should be recognized and maximized for the benefit of both origin and destination countries by providing incentives for the productive investment of remittances for enterprise creation and development.



Thank you

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