

Labour migration and social policy

MA Poverty and Development 2011-2012

Core Course: Vulnerability and Social Protection

Lecture 9

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Learning outcomes of the session

Part I: Understanding labour migration processes

- Emphasis on informal, precarious labour migration and the vulnerabilities of migrants as a **global issue**
- Some statistics (and their weaknesses)
- Driving factors of migration and its impact

Part II: Exploring options for transformative migration-related policy

- **Migrants' rights and their realisation**
- Country level policies: decent work for all, and migrants' access to employment, social services, social protection, family/ political rights
- Regional and international policy and normative frameworks
- Provisions under trade-related intergovernmental agreements
- Trade union and civil society movements

PART I:

- Understanding processes
in labour migration

Migration: definition

International labour migration for employment

“Each year millions of women and men
leave their homes
and cross national borders
in search of greater security
for themselves and their families.”
(ILO 2010: 1)

Scope: precarious (labour) migration

- Low-skilled: “3 Ds”
- Within country
- Immediate cross border
- International
 - South-South
 - South-North
 - North-North

The face of vulnerable migration



Typology of migration:

For example:

- Forced, distress-driven vs voluntary
- Internal and international
- Temporary, seasonal, circulatory, permanent
- Hidden vs visible
- Illegal/ irregular vs contractual

“Compartmentalization”: obscures the processes underlying the decision to move, with potentially harmful effects on policy-making”
(UNDP 2009: 12)

Orders of magnitude: almost a billion people

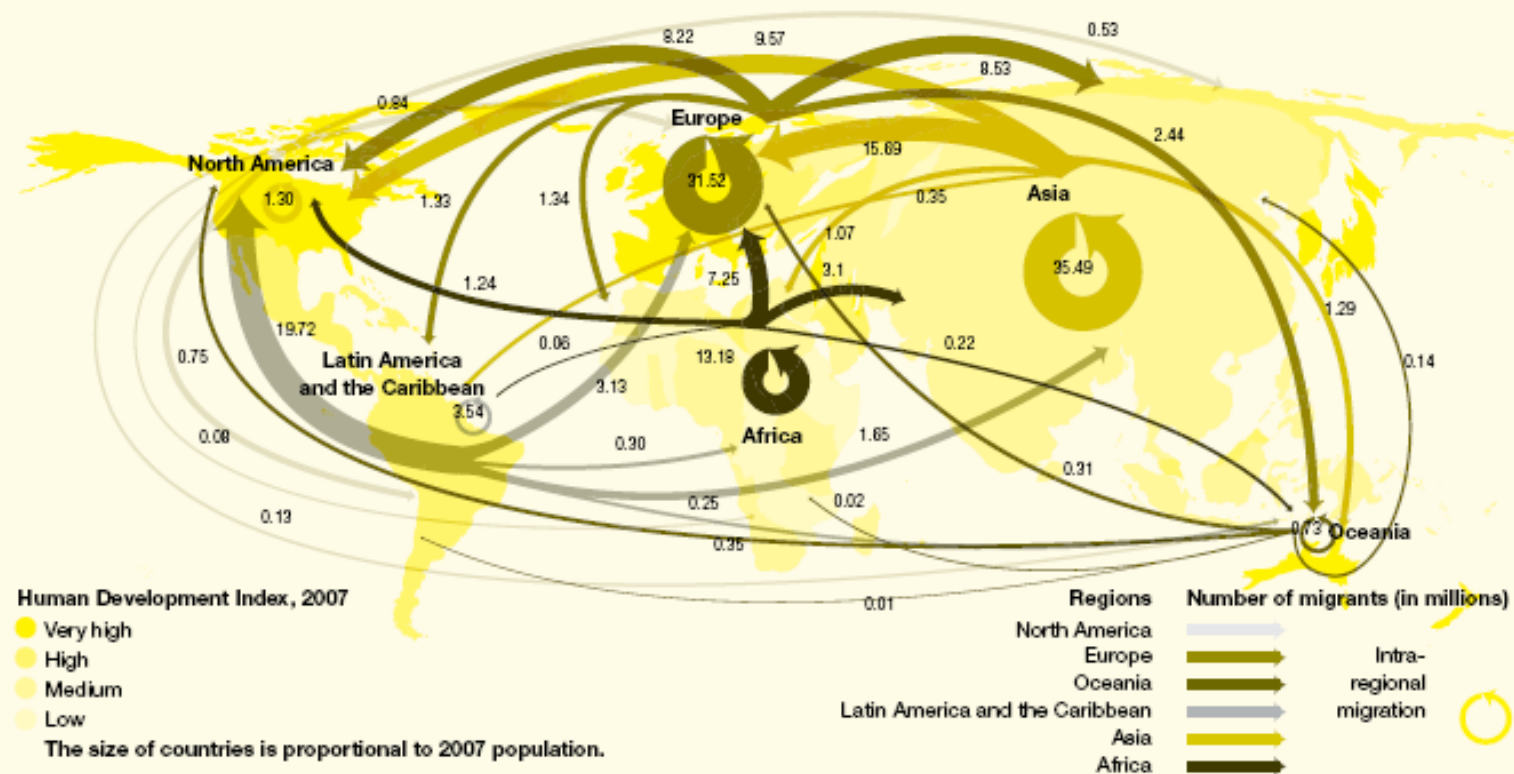
- 200 million international migrants
- an estimated one quarter of all international migrants – 50 million persons - are in irregular status (probably far more)
- 14 million refugees living outside their country of citizenship = about 7 percent of the world's migrants
- 740 million people are internal – intra-country- migrants—almost four times as many as those who have moved internationally
- some 26 million people internally displaced because of conflict or climate change

Migrant flows

Map 2.1

Most movement occurs within regions

Origin and destination of international migrants, circa 2000



Source: HCR team estimates based on Migration DAC (2007) database.

Top Migrant Destinations

- USA
- RUSSIAN FED.
- GERMANY
- SAUDI ARABIA
- CANADA
- UNITED KINGDOM
- SPAIN
- FRANCE
- AUSTRALIA
- INDIA

Source <http://peoplemov.in/> accessed 23.1.12

Top Emigration Countries

- MEXICO
- INDIA
- RUSSIAN FED.
- CHINA
- UKRAINE
- BANGLADESH
- PAKISTAN
- UNITED KINGDOM
- PHILIPPINES
- TURKEY
- Source <http://peoplemov.in/> accessed 23.1.12

Top Migration Corridors

- MEXICO-USA
- RUSSIAN FED.-UKRAINE
- UKRAINE-RUSSIAN FED.
- BANGLADESH-INDIA
- TURKEY-GERMANY
- KAZAKHSTAN-RUSSIAN FED.
- RUSSIAN FED.-KAZAKHSTAN
- CHINA-HONG KONG
- INDIA-UNITED ARAB EMIRATES
- CHINA-USA

Source <http://peoplemov.in/> accessed 23.1.12

Number of migrant workers by region

region	2000	2010	
	millions	millions	Increase 2010:2000
Africa	7.1	8.4	
Asia	25.0	30.7	
Latin America	2.5	3.2	
North America	20.5	25.1	
Europe	28.2	35.1	
Oceania	2.9	3.0	
Total	86.2	105.5	

Source: ILO 2010: Table 1.2 p. 17

Defined as stock of migrants,
economically active foreigners 13

International migration: as % of population

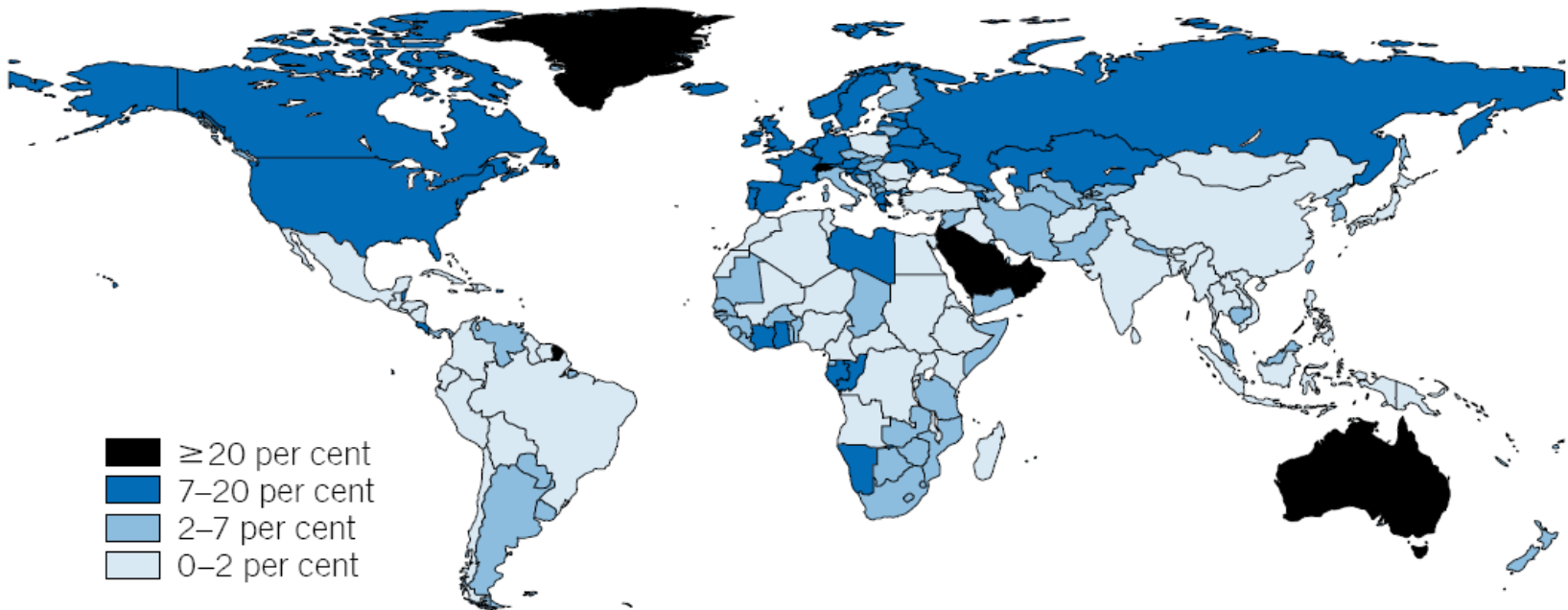
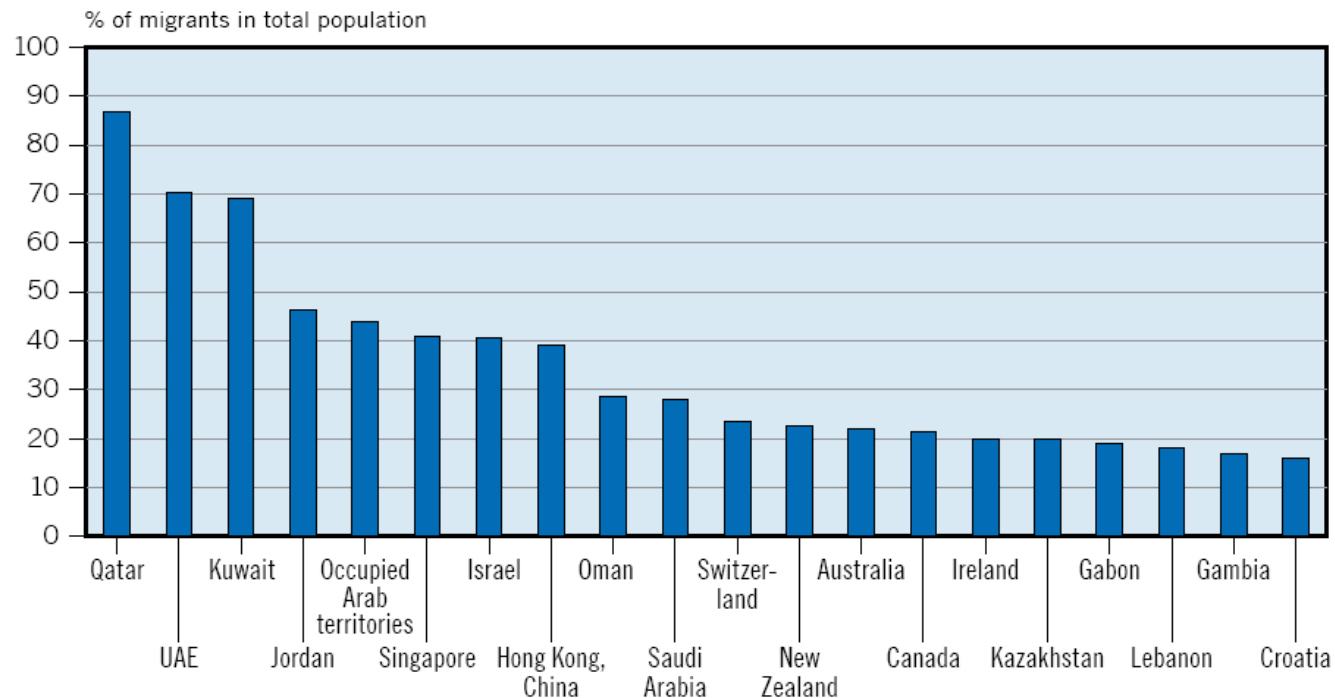


Figure 1.1 Migrants as percentage of population, 2005

Source: UNPD, 2006.

Countries with highest shares of international migrants

Figure 1.2 Countries projected to have highest proportions of international migrants in 2010

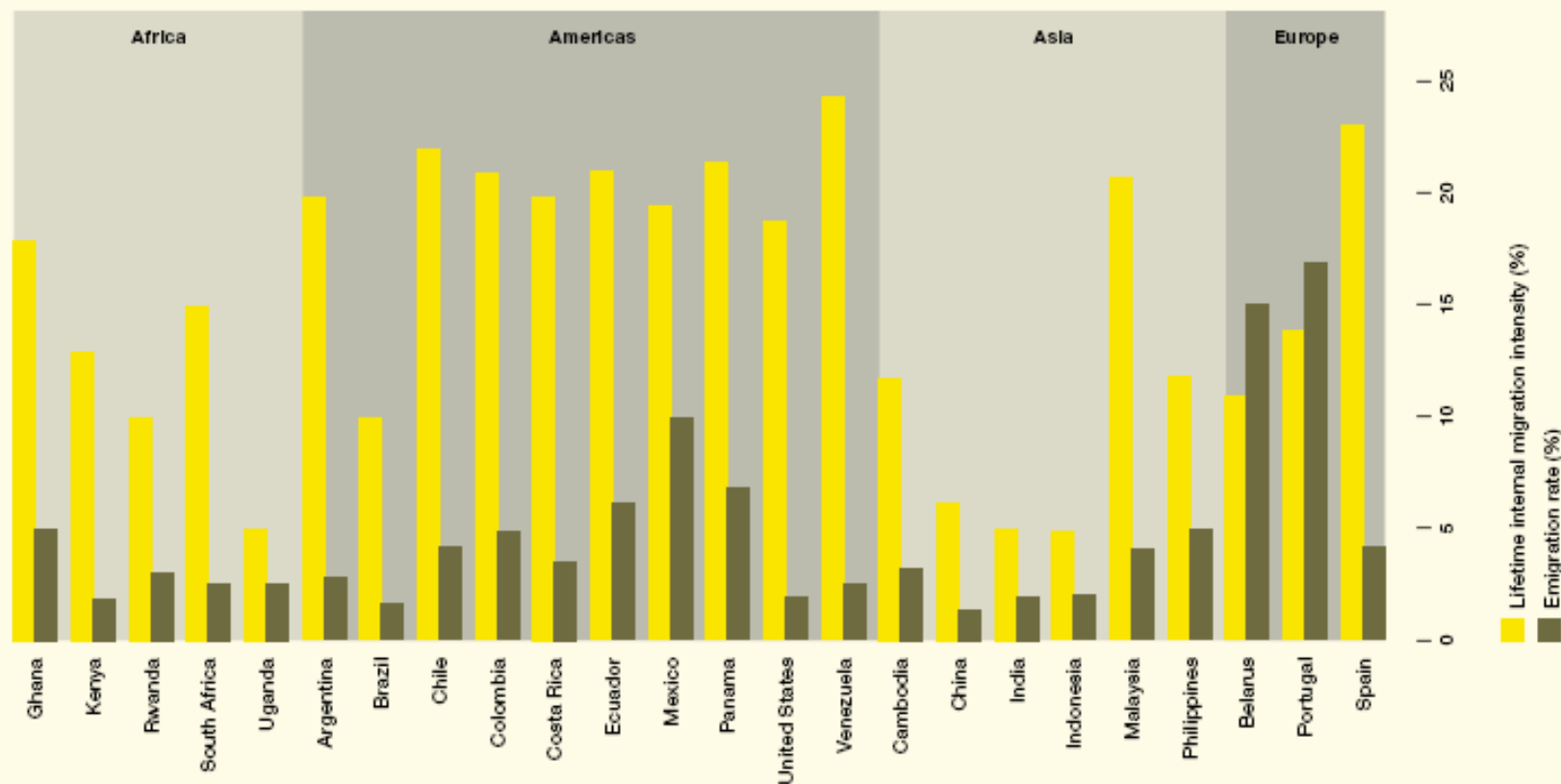


Note: Countries with at least 1 million inhabitants.

Source: UNPD, 2009.

Internal and international migration

Figure 2.1 Many more people move within borders than across them
Internal movement and emigration rates, 2000–2002



Source: Bell and Murtin (2009) and IADH team estimates based on Migration DAC (2007) database.
 Note: All emigration data are from the Migration DAC (2007) database and cover 2000–2002. The internal migration rates are based on census data from 2000 to 2002, except for Belarus (1998), Colombia (2005), Kenya (1999) and the Philippines (1990).

Countries with large numbers of “irregular” migrants

United States		11 500 000			
Italy		500 000			
Spain		400 000			
Rep of Korea		210 000			
Japan		200 000			
Greece		200 000			

Poor statistics

Unfortunately, migration data remain weak. It is much easier for policy makers to count the international movement of shoes and cell-phones than of nurses and construction workers.

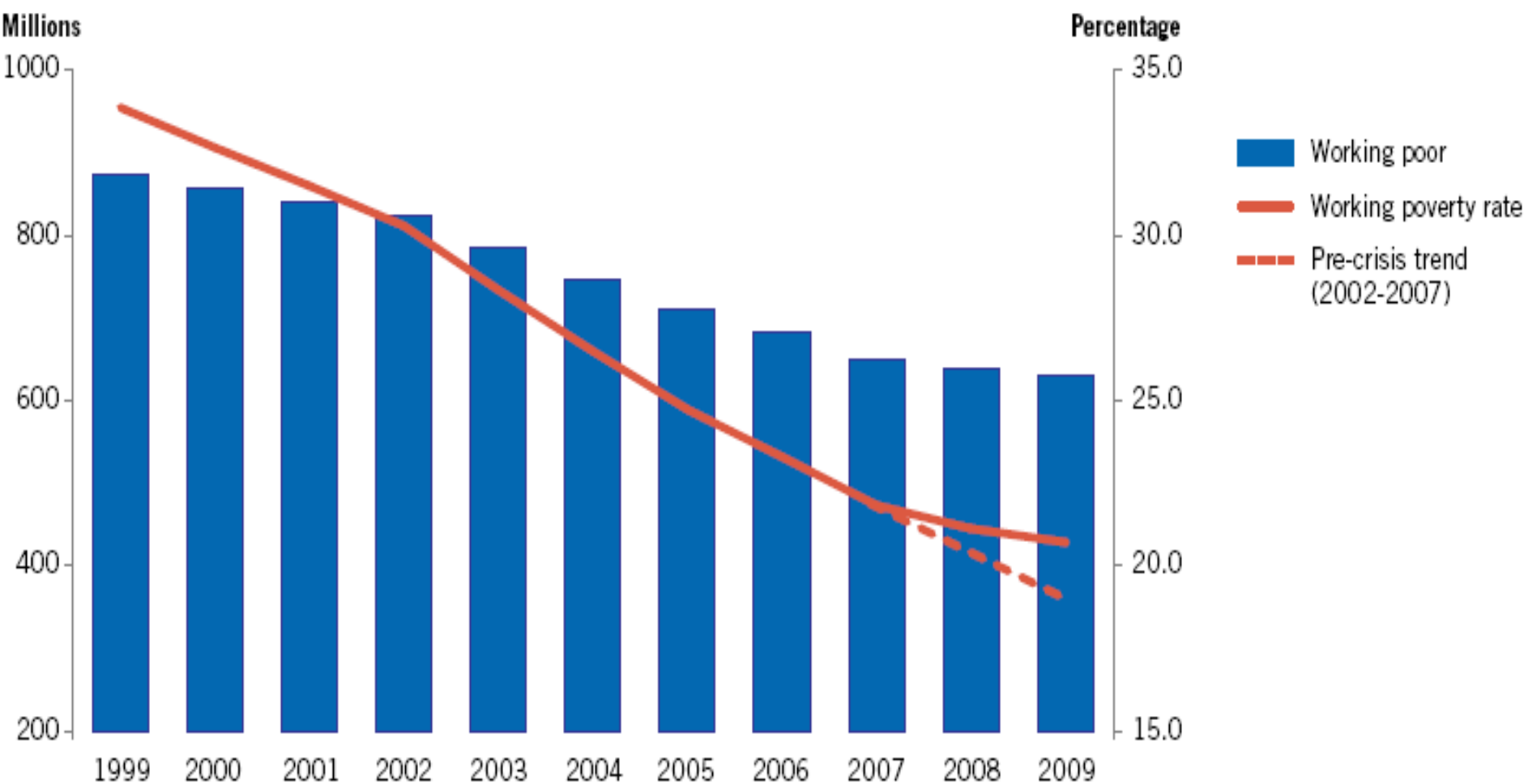
Motivations for low-skilled migration:

Push factors

- **Overarching causality:** deregulation of labour markets and systemic decent work deficits
- Lack of employment and assets
- Food insecurity
- Poverty and income inequality
- Human development disparities
- Climate change displacement
- Social exclusion
- Political oppression, conflict, flight
- Diversifying risk
- Curiosity and opportunity seeking
- (Perceived) higher nominal wages than in origin country
- Anticipated upgrade in opportunities or social status

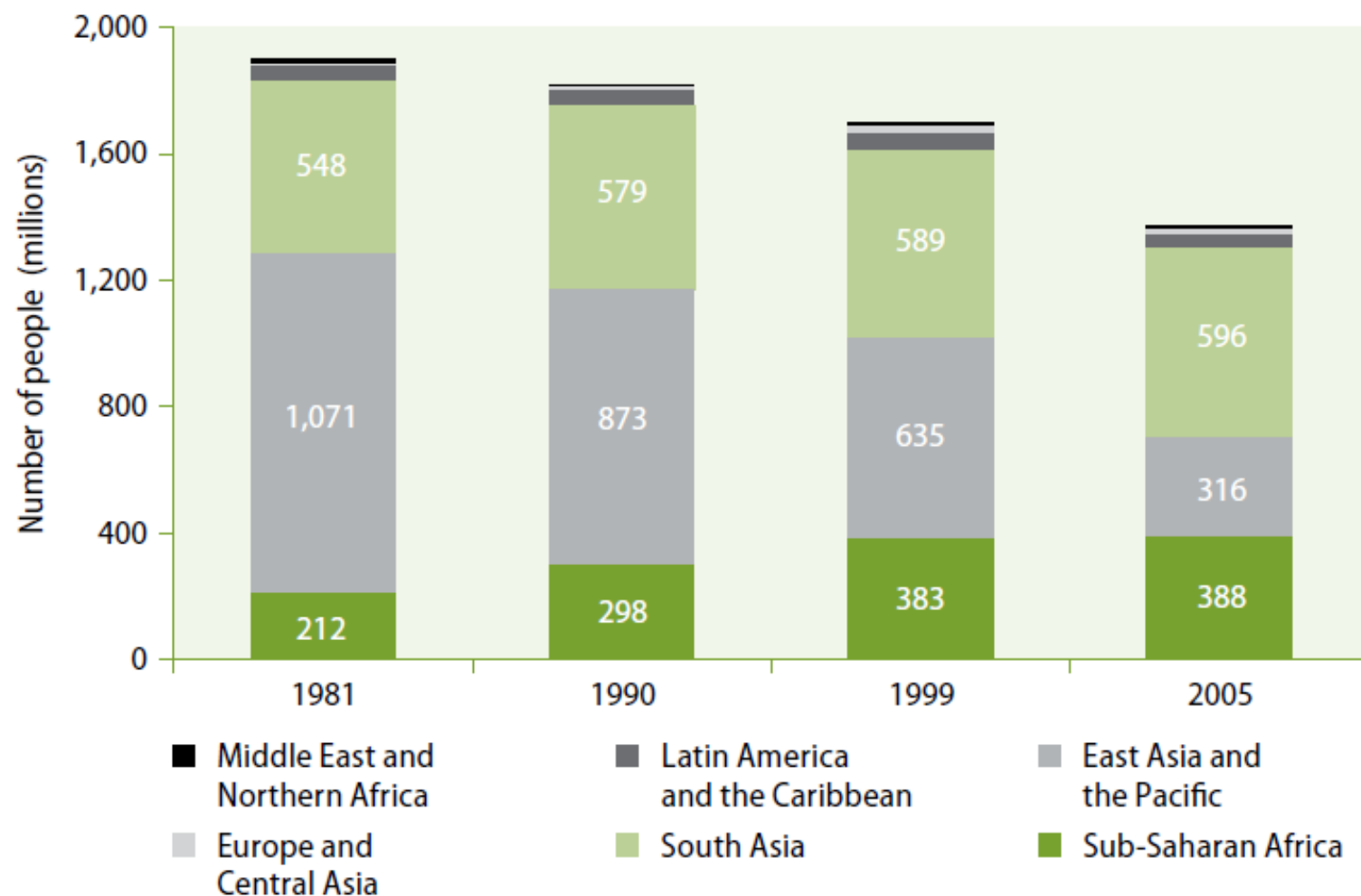
Working poverty

Proportion of employed people living on less than \$1.25 a day (Percentage) and number of working poor (Millions), 1999-2009



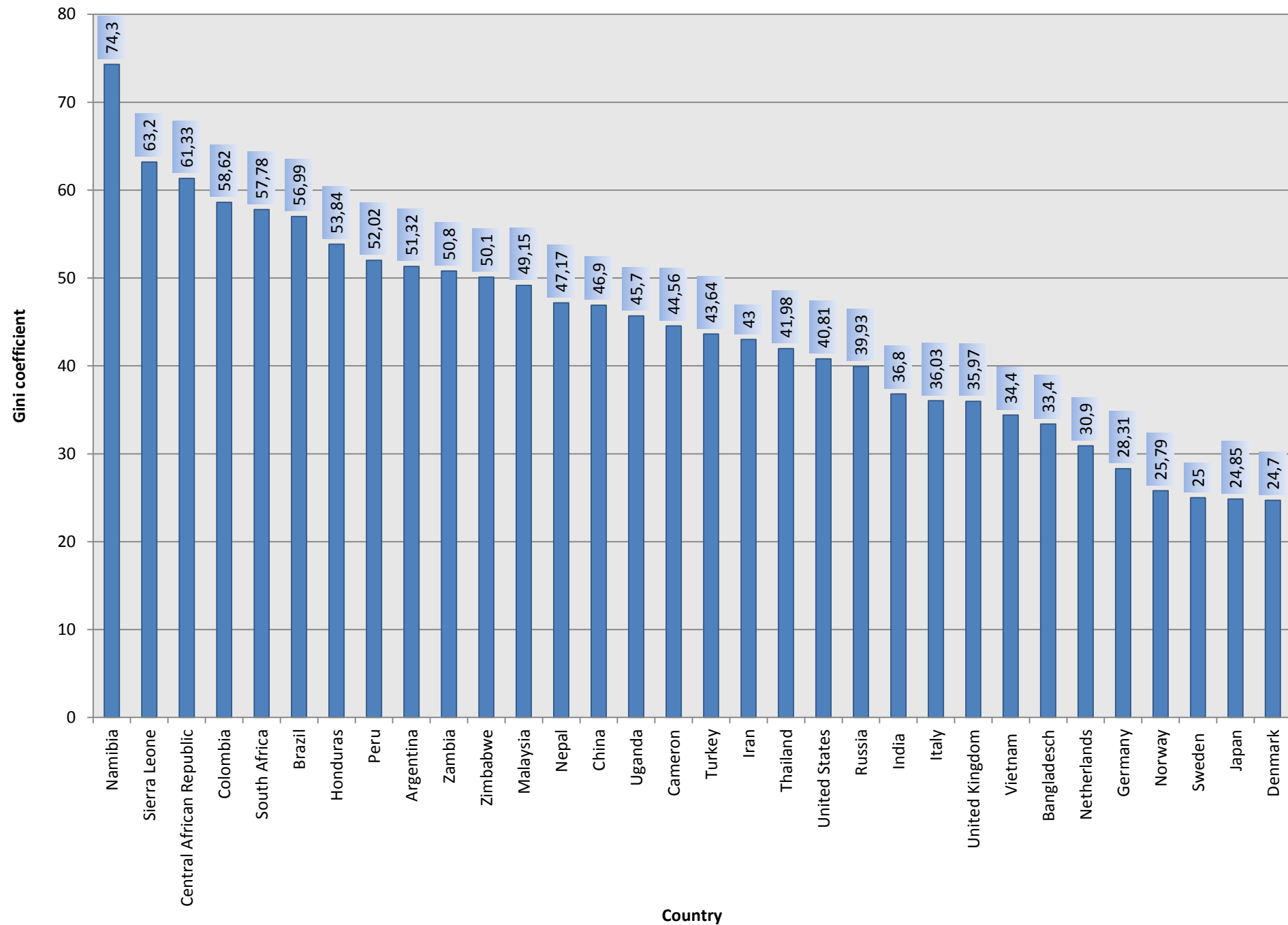
Global and regional trends in extreme poverty, 1981-2005

A. Number of people living on less than \$1.25 a day



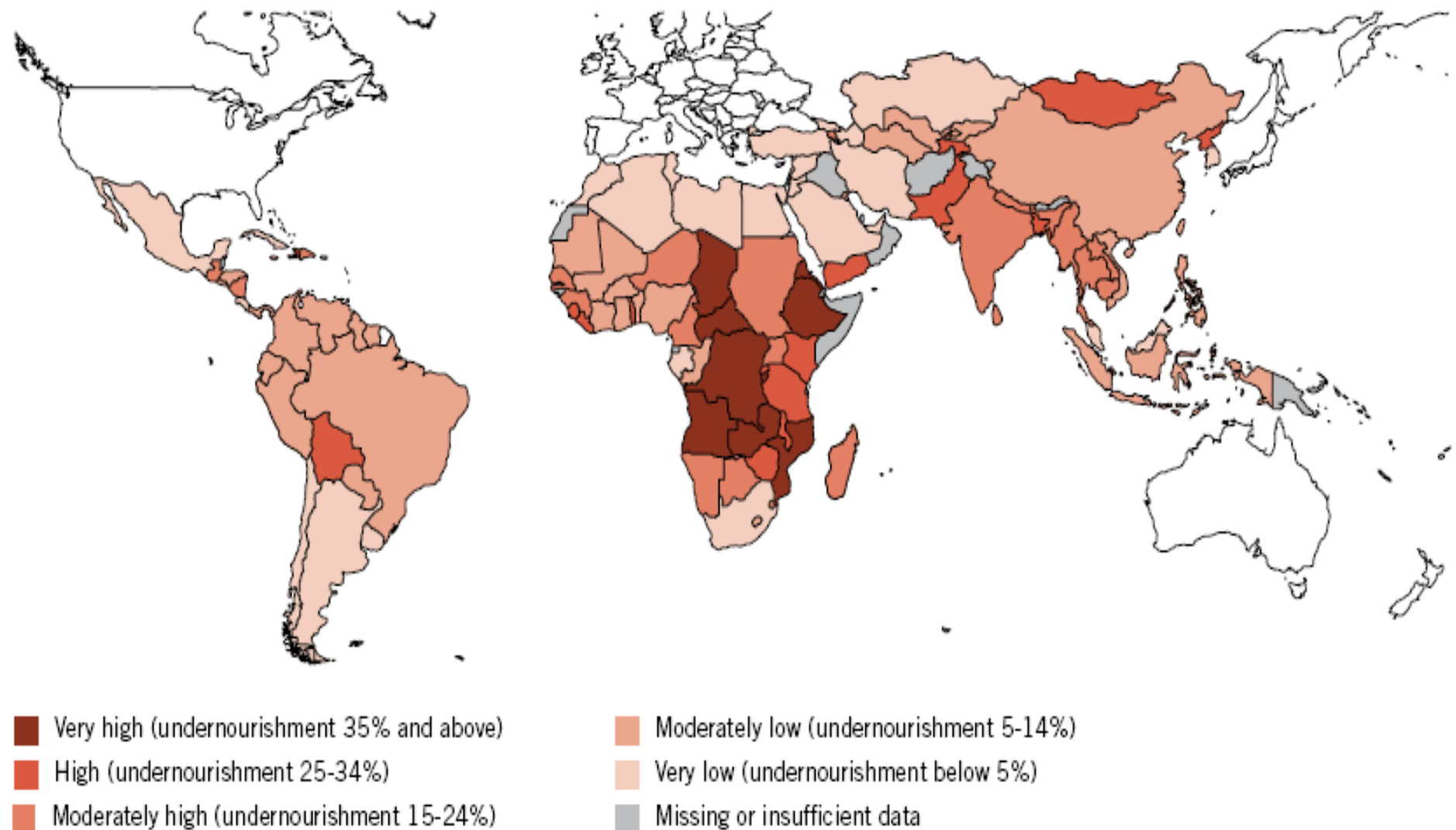
B. Proportion of the population living on less than \$1.25 a day

Country comparison Gini coefficient



Malnutrition

Proportion of undernourished population, 2005-2007 (Percentage)



Reasons for migration: Climate change



Reasons for migration: Conflict

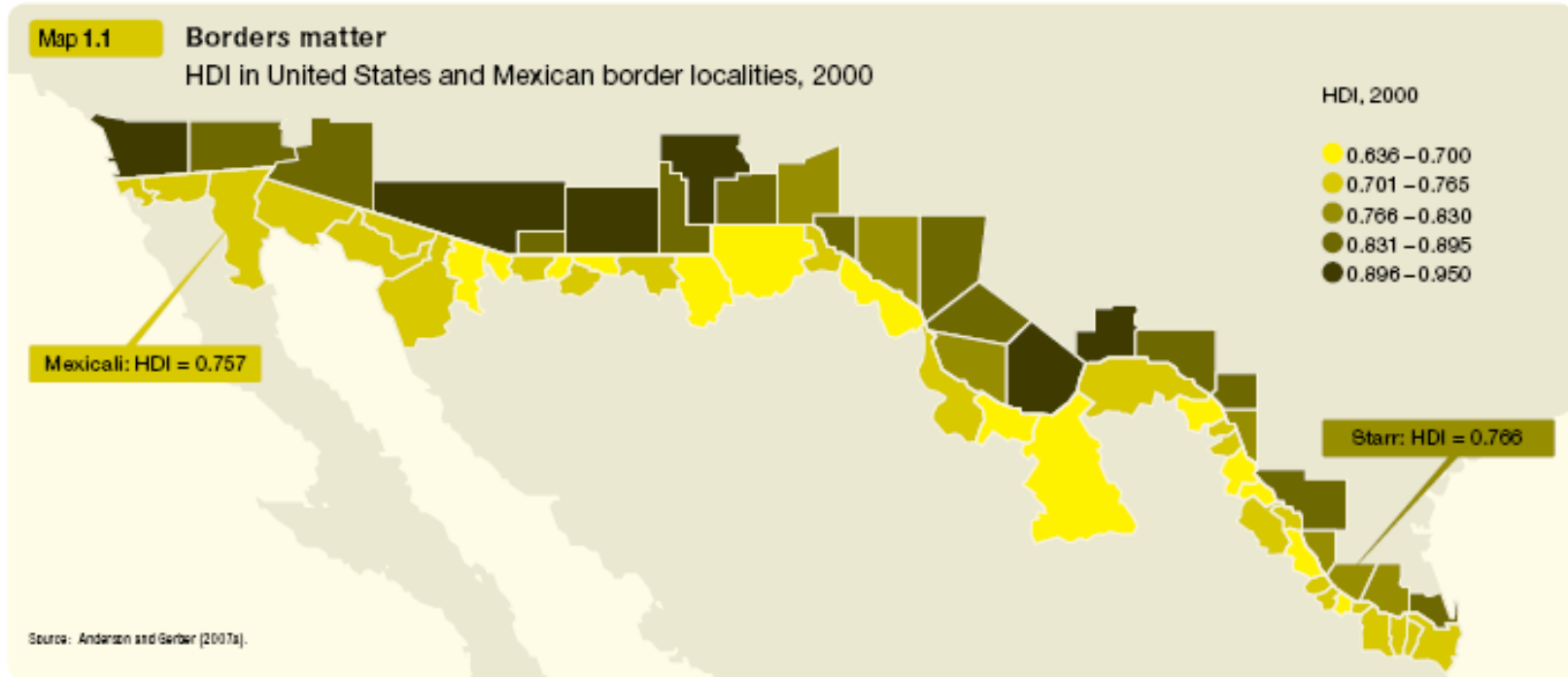


Motivations for low-skilled migration:

Pull factors

- Employment opportunities
- (Perceived) higher nominal wages than in home country
- Change in social status
- Expectation of access to better social services
 - in host country – better services
 - in home country because of remittance-augmented income

HDI differences US and Mexico border



Migration and HDI inequalities



Particularly hazardous migrant occupations

- Agriculture, with many countries employing casual workers, forced labour, child labour
- Mining
- Construction
- Manufacturing for global production chains
- Household services
- Nursing and care
- Hotels and tourism

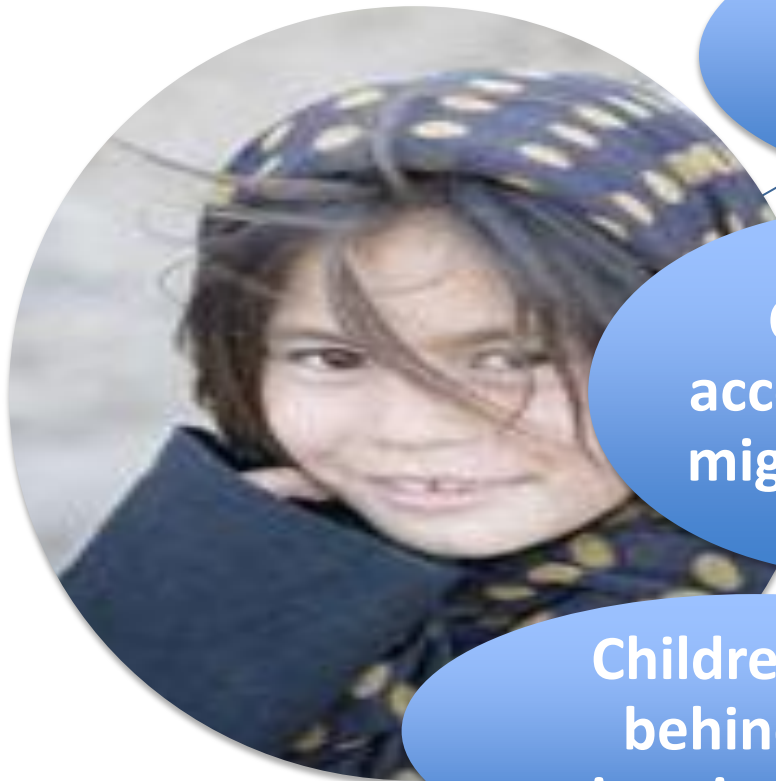
Risks in migration

- Hazardous travel: risk of injury and life
- Accident in dangerous workplaces: physical injury, sexual assault, political repression
- Emotional distress, sexual risks

Particularly vulnerable groups

- Women, in general and trafficked women
- Children, in general and trafficked children
- Domestic workers
- Refugees and people fleeing from conflict
- Minority groups
- “Clandestine migrants” = Persons working in abusive situations
- Persons in situations of illegal migration = undocumented employment: An estimated 50 million people

Vulnerable children



**Child migrant
workers**

**Children
accompanying
migrant adults**

**Children left
behind by
migrating adults**

Migrant children: Examples from China

- *An estimated 14–20 million migrant children lack access to schooling altogether.*
- *Their drop-out rates at primary and secondary schools exceed 9 percent, compared to close to zero for locals.*
- *Children who move with temporary status pay additional fees and are denied access to elite schools.*
- *Access to basic health services is limited. In Shanghai, only two thirds of migrant children were vaccinated in 2004, compared to universal rates for local children.*
- *When migrants fall ill, they often move back to rural areas for treatment, due to the costs of urban health care.*

Implications for the migrant

In the destination country

- Vulnerability, economically, politically, socially
- Low job and wage security
- Wage exploitation
- Precarious work conditions
- Submarket wage rates
- Social exclusion and discrimination as a result of status, xenophobia prejudice
- Family separation

But perhaps

- Liberation from social pressures
- Status elevation

In the home country

- Possibly higher income, sent back as remittances
- Better nutrition, schooling and health access for dependents
- Possibly status elevation
- Possibly new trade or investment opportunities

But perhaps

- Social exclusion

Emotional costs

Your loved ones across that ocean
Will sit at breakfast and try not to gaze
Where you would sit at the table
Meals, now divided by five Instead of six
Don't feed an emptiness.

Nadine Sarreal

Emotional gains

- Agency of migrants: new “transnationalism”
- Parallel institutions – migration industry
- Distinct cultures, multiple identities, and transculturism

Transculturalism- fusion foods



Implications for origin country

losses

- Loss of human resources
- Social fabric disrupted

gains

- Remittances
- New skills and connections

Implications for destination country

Gains

- Additional human resources, often for unpopular occupations, or for the care economy
- New skills and connections
- Cultural diversity

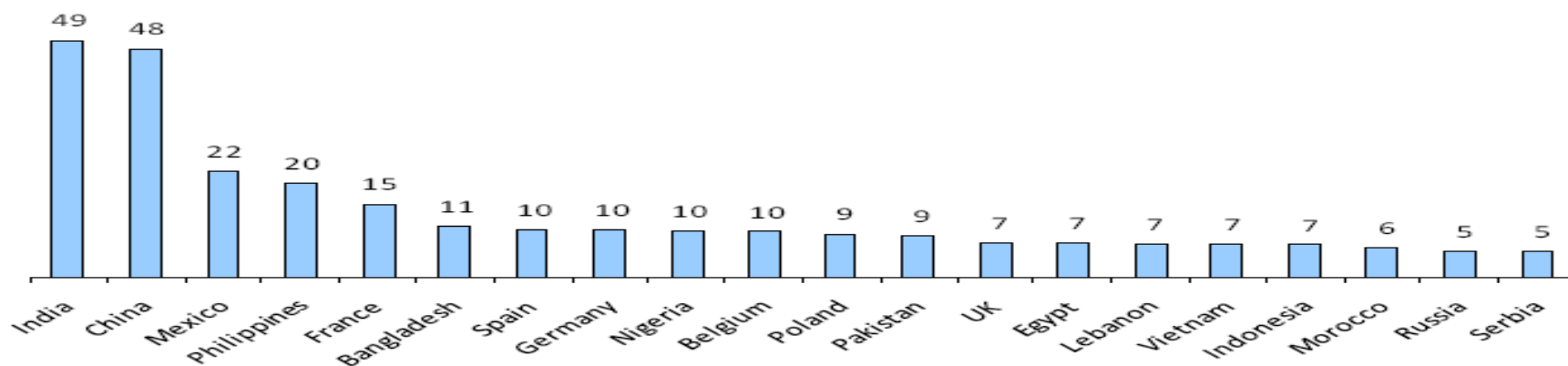
Costs, losses

- Remittance outflows
- Fiscal burden
- Social tensions

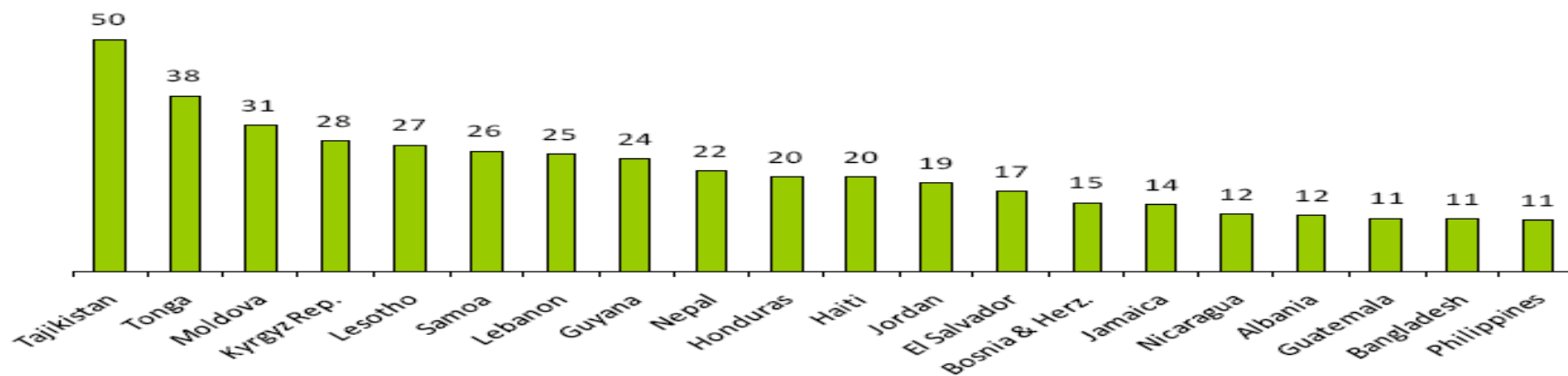
Estimates on international remittances

Box figure 1: Top 20 recipients of migrant remittances

(US\$ billion, 2009e)



(% of GDP, 2008)



Conclusions (part I)

- Migration issues as a **global – transnational -** issue
 - working poor, social exclusions
 - informal economies in South and North
 - interacting push and pull factors

PART II

Exploring policy: migrants' rights and their realisation

- policy considerations in origin and destination countries
- current international policy discussions and normative frameworks from a rights-based perspective
- current international policy discussions from a trade and investment perspective
- role of civil society

Key policy question

- What would **transformative** migration policy look like?
 - legal entitlements of people who migrate
 - as often socially and economically excluded groups in the origin location and
 - as non-citizens in the destination country
 - In origin and destination country: problematic socio-economic and political conditions
 - question of portability of rights

Socio-economic policy in the country of origin

- ◆ Increasing employment opportunities and ensuring decent work in low-income, emigration-prone countries
- ◆ Universalising social protection
- ◆ Making social services and political rights inclusive for all
- ◆ For migrants: policies on information, regulation and protection of migrants' rights

Social dimensions of globalisation and decent work

- **Creating Jobs**
- **Guaranteeing rights at work**
- **Extending social protection**
- **Promoting social dialogue**

Social Protection Floor



A POLICY FRAMEWORK FOR BASIC SOCIAL SECURITY FOR ALL: DEFINITION

The “**Social Protection Floor**”(SPF) is a basic set of social rights, services and facilities that every person should enjoy.

The United Nations suggests that a social protection floor could consist of two main elements that help to realize human rights:

- **services:** geographical and financial access to essential services such as water and sanitation, health, and education;
- **transfers:** a basic set of essential social transfers, in cash or in kind, to provide minimum income security and access to essential services, including health care.

Migration-specific policies

- Access to social security and social services in host and home countries
- Portability of social security rights between origin and destination country
- Labour market and recruitment /employment conditions in origin and destination country
- Access to informal support networks

» Sabates-Wheeler and Feldman 2011: 21

Interesting practices- migration origin countries

- ❑ Philippines Office of the President:
Commission on Filipinos Overseas
1995 Migrant Workers and Overseas Filipinos Act:
Registration, destination country briefings, dual
citizenship options
- ❑ National Policy on Labour Migration, Sri Lanka
2008

Migration policy: destination countries

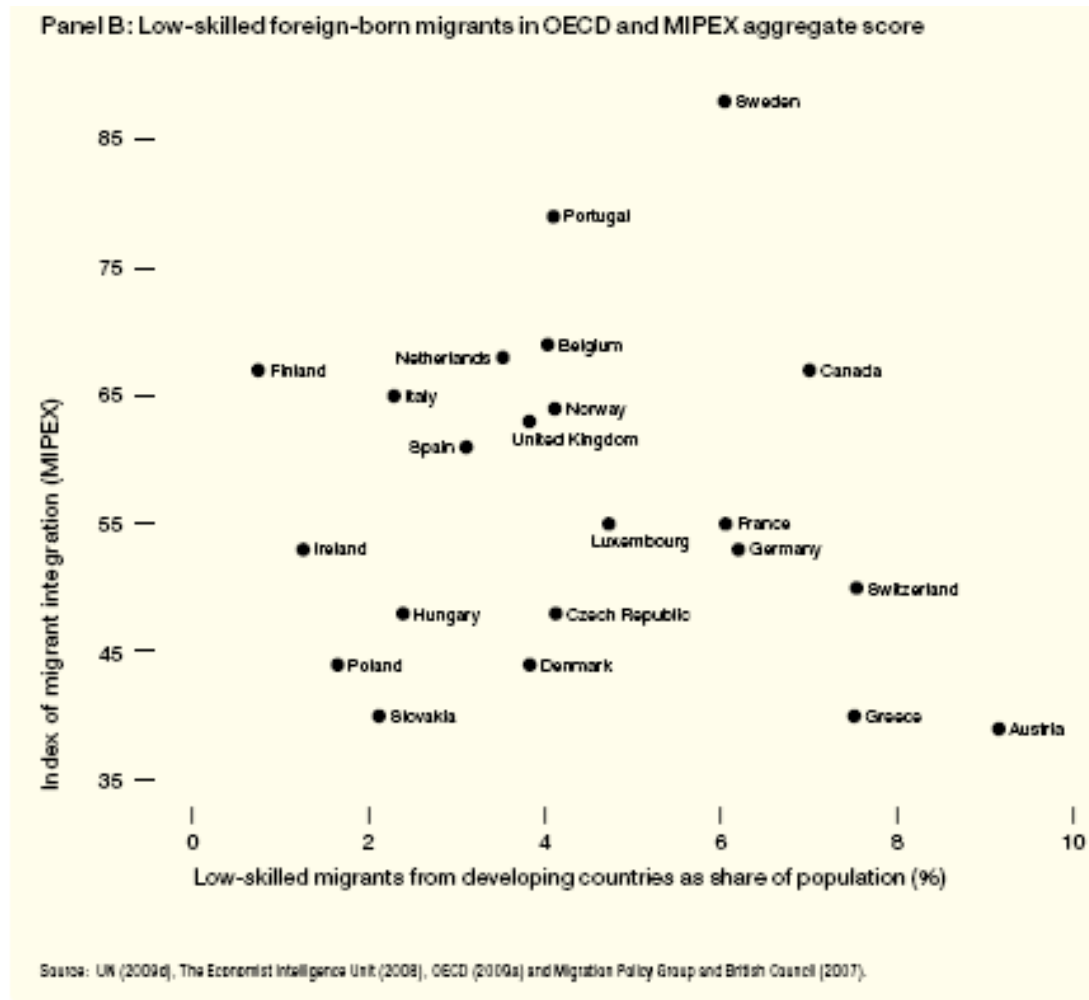
- Opportunities for legal migration for low-skilled worker
 - importance of modifying the GATS
 - Transparent and predictable admission policies for low skilled workers
 - facilitate seasonal work in agriculture or tourism, involving trade unions and employers, destination and source country governments
 - Granting visas for low-skilled workers
 - right to extend their stay, eventual permanent residence
 - facilitate return trips during the visa period
 - right to change employers (employer portability)
- basic wage guarantees, equal pay for equal work, decent working conditions and collective organization
- Ensure gender equality
- Labour inspection and enforcement: ensure health and safety standards at work
- improve and regulate intermediation services
- Recognising qualifications, ease the recognition of credentials earned abroad
- Amnesties
 - transfer of accumulated social security benefits
- Facilitating social cohesion and preventing discrimination

Destination country policies

“The policy mismatch between restrictive entry and high labour demand for low- skilled workers needs to be addressed.”

UNDP 2009: 94

Migration accessibility index



Complementary policies in destination countries

- additional fiscal transfers for social services
- migrant children equal access to education
- language training
- combat discrimination, address social tensions, prevent outbreaks of violence against immigrants
- awareness-raising campaigns.

Reducing transaction costs associated with migration

- Opening corridors and introducing regimes that allow free movement.
- Reducing the cost of and easing access to official documents, such as birth certificates and passports.
- Making destination country requirements simple and transparent and free of cost
- Empowerment migrants, through access to information, rights of recourse abroad and stronger formal and social networks
- Regulation of private recruiters to prevent abuses and fraud or direct administration of recruitment by public agencies.
- Intergovernmental cooperation

Addressing xenophobia

- Ensuring sufficient public services
- Avoiding ghettoisation
- Ensuring minimum wage and age regulations, gender equality
- Valorise cultural diversity and enable intercommunity dialogue

Emerging views on migration policies

- Promote (migrant) employment
- Protect & promote migrant wellbeing
- Maximise developmental impact of migration
- open up existing entry channels so more workers can emigrate;
- ensuring basic rights for migrants;
- Lowering transaction costs of migration
- find solutions that benefit both destination communities and the migrants;
- make it easier for people to move within their own countries;
- mainstream migration into national development strategies.

Source ILO 2010: 155

Source UNDP 2009: v; 4; 95

Interesting practices- migration destination countries

- UK and Ireland: open for workers from EU accession states (from 2004)
- Italy and Spain: regularized the status of those in work
- Canada and New Zealand: seasonal migrant programmes for agriculture et al.
- NZ: lottery for interested Pacific island migrants, e.g. Tongans

Immigrant integration policy: EU

- Respect: basic EU values
- Employment: key to integration
- Basic knowledge: language, history, institutions
- Education: for migrants and their children
- Interaction: migrants-citizens
- Diverse cultures and religions
- Participation: democratic process at local level

by European Council 2004

Bilateral or regional policies

- migration management
- protection of migrants' rights
- “portability” of employer, of social security
- free-movement zones—such as West Africa and the Southern Cone of Latin America

Interesting practice- origin & destination countries

Abu Dhabi Dialogue

- Developing and sharing knowledge on labour market trends, skills profiles, workers and remittances policies and flows, and the relationship to development;
- Building capacity for more effective matching of labour supply and demand;
- Preventing illegal recruitment and promoting welfare and protection measures for contractual workers; and
- Developing a framework for a comprehensive approach to managing the entire cycle of temporary contractual work that fosters the mutual interest of countries of origin and destination.

Global Forum on Migration and Development (est'd 2005)

- Scale: over 160 countries
- Scope: informal non-binding global platform:
 - Good practice exchange
 - Identify information, policy and institutional gaps
 - Establish partnerships and cooperation between countries, and with stakeholders (international organizations, diaspora, migrants, academia, etc).
 - Structure the international priorities and agenda on migration and development.

Global Migration Group

Function:

create integrated approach across entire UN family

Membership:

International Labour Organisation, International Organization for Migration, Office of the High Commissioner for Human Rights, United Nations Children's Fund, United Nations Conference on Trade and Development, United Nations Development Programme, United Nations Department of Economic and Social Affairs, United Nations Educational, Scientific and Cultural Organization, United Nations High Commissioner for Refugees, United Nations Institute for Training and Research, United Nations Office on Drugs and Crime, United Nations Population Fund, UN Regional Commissions, World Bank.

Normative frameworks I: UN human rights tools

- UDHR 1948
- International Covenant on Economic, Social and Cultural Rights 1966/76
- International Covenant on Civil and Political Rights 1966/76
- CERD 1969
- CEDAW 1981
- Convention of the Rights of the Child (1990)
- UN Convention on the Rights of All Migrant Workers and their Families (1990)
- Convention on Transnational Organised Crime (2000)

UN Convention on the Rights of All Migrant Workers and their Families (1990)

- **Non-discrimination with Respect to Rights**
- **Human Rights of All Migrant Workers and Members of their Families**
- **Other Rights of Migrant Workers and Members of their Families who are Documented or in a Regular Situation**
- **Provisions Applicable to Particular Categories of Migrant Workers and Members of their Families**
- **Promotion of sound, equitable, humane and lawful conditions in connection with**
- **international migration of workers and members of their families**

Adopted by General Assembly resolution 45/158 of 18 December 1990

Normative frameworks

The Office of the High Commissioner on Human Rights and the roles of the Special Rapporteurs

- on poverty;
- the right to food;
- education;
- adequate housing;
- safe drinking water and sanitation;
- violence against women;
- right of everyone to the enjoyment of the highest attainable standard of physical and mental health)
- **Special Rapporteur on the human rights of migrants**
- and other substantive areas.

Normative frameworks II:

ILO Conventions

- ◆ Declaration of Fundamental principles and rights at work (1998)
- ◆ 8 main conventions:
 - Freedom of association and collective bargaining C 87, C98 (1948/9)
 - Abolition of forced labour C29 (1930); C105 (1957), child labour C 138 (1973), C182 (1999)
 - Equality of opportunity C 100 (1951), C 111 (1958)
- ◆ Conventions on Social Security C 118 (1962), C157 (1982), C167 (1983)
- ◆ Migrant worker conventions C86, C97, C143, C151
- ◆ ILO Multilateral Framework on Labour Migration (2006)
- ◆ ILO Convention on homework C166 (1996)
- ◆ ILO Convention on decent work for domestic workers (2011)

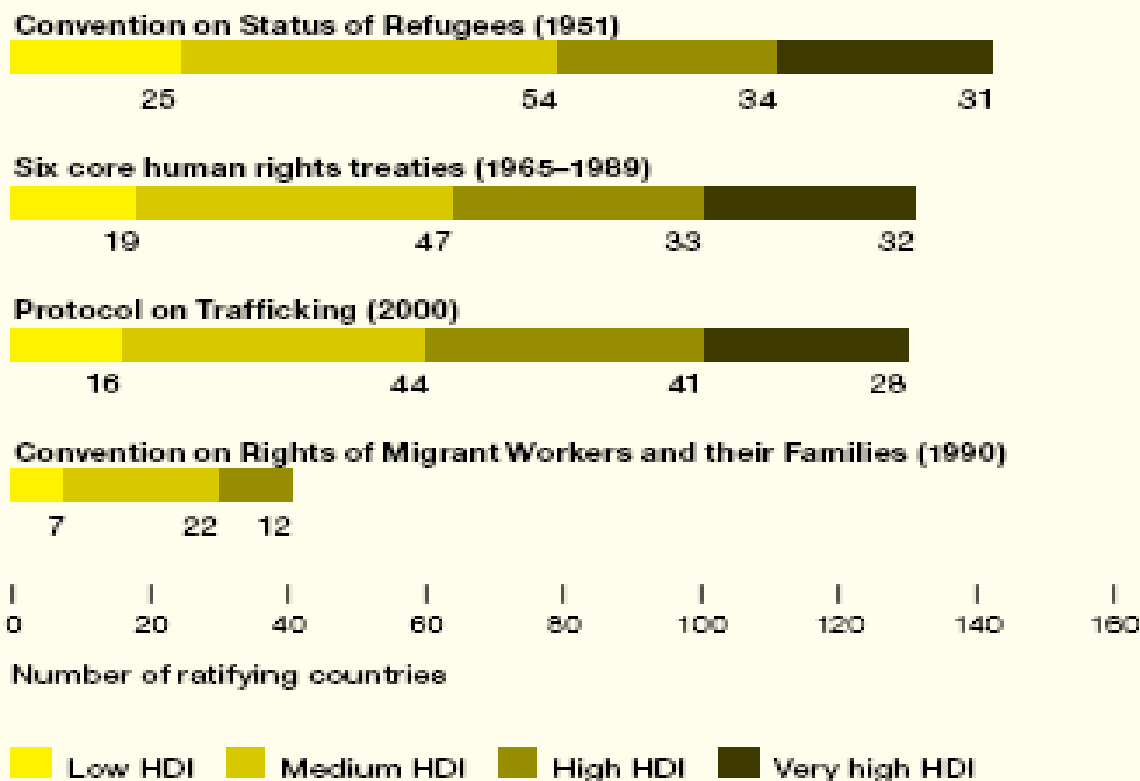
ILO Multilateral Framework on Labour Migration (2005)

- recognizes the sovereign right of all states to determine their own migration policies
- ‘soft law’
- Areas covered:
 - decent work, international cooperation, knowledge base, management of migration, protection of migrant workers, prevention of abusive practices, social integration and inclusion, migration and development

Migration related conventions

Figure 5.1

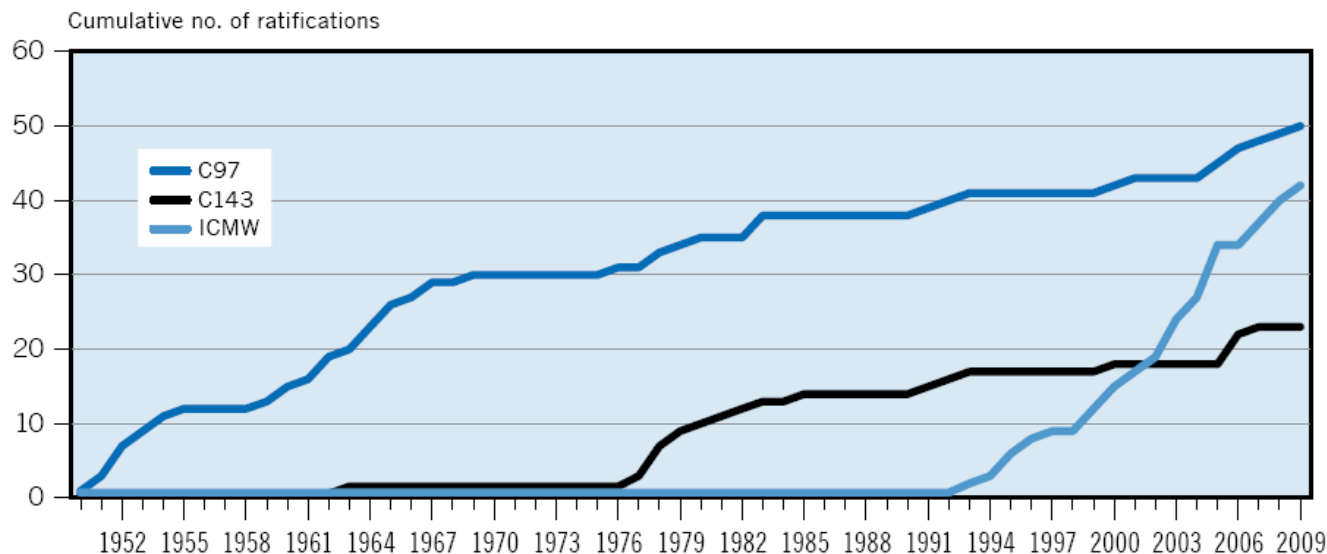
Ratification of migrants' rights convention has been limited
Ratification of selected agreements by HDI category, as of 2009



Source: UNODC (2004) and UN (2009b).

Ratification: Migration-related conventions

Figure 4.1 Cumulative ratifications of the International Convention on the Rights of All Migrant Workers and Members of Their Families (ICMW) and ILO Conventions Nos. 97 and 143, 1950–2009



Source: Chart created by the ILO based on ratification information concerning international instruments on migrant workers.

Doha Development Round and Migration

- Relevant segment: General Agreement on Trade in Services (GATS)
- Asymmetry between movement of capital and of people with professional skills and movement of lower-skilled persons
- Requires a complete redefinition of issues to address issues concerning informal, precarious migration and the global casualisation of labour

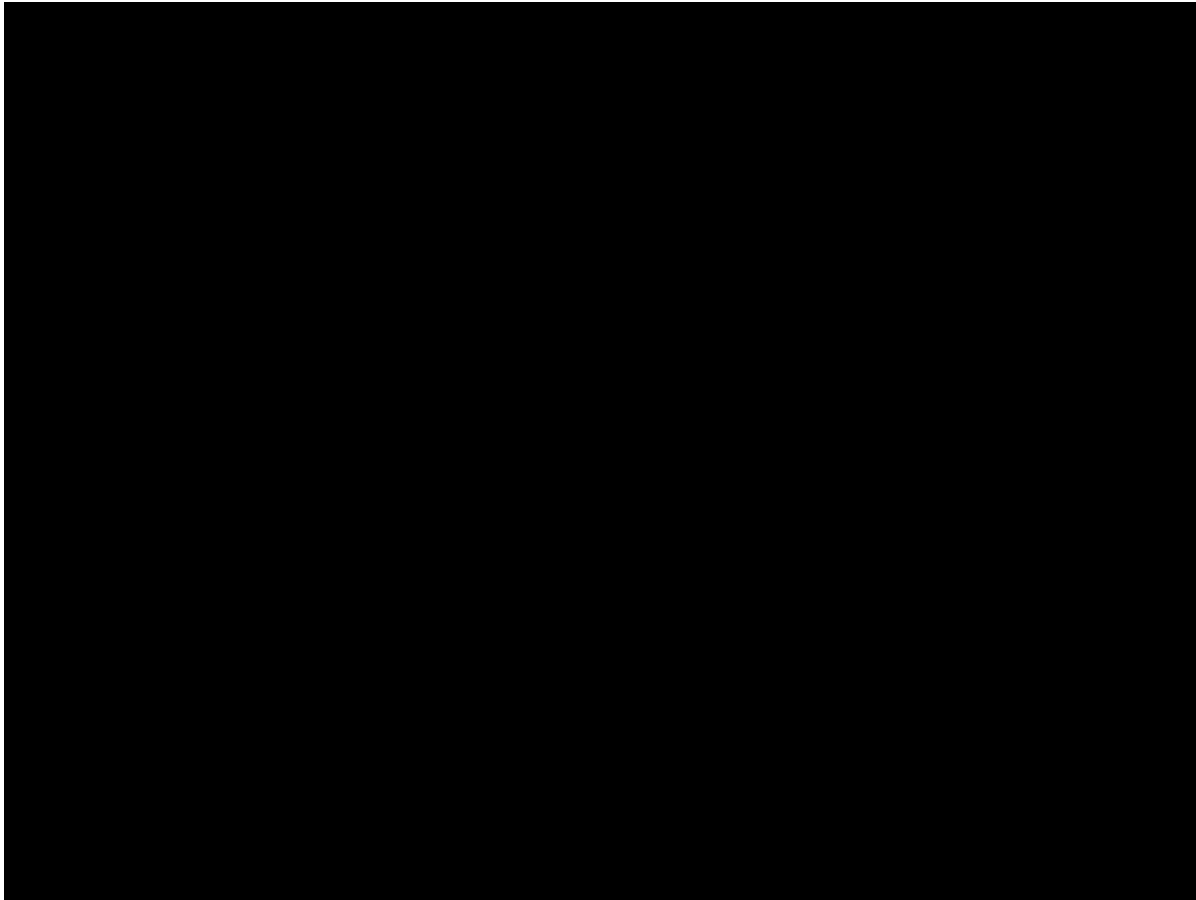
Role of trade unions and NGOs

- informing migrants about their rights
- unionising migrant workers and advocating for regularisation of informal sector migrants
- Enforcing decent work in global production chains
- ensure that all human rights are respected, by employers and governments
- enforcing portability of rights

The 99% movement



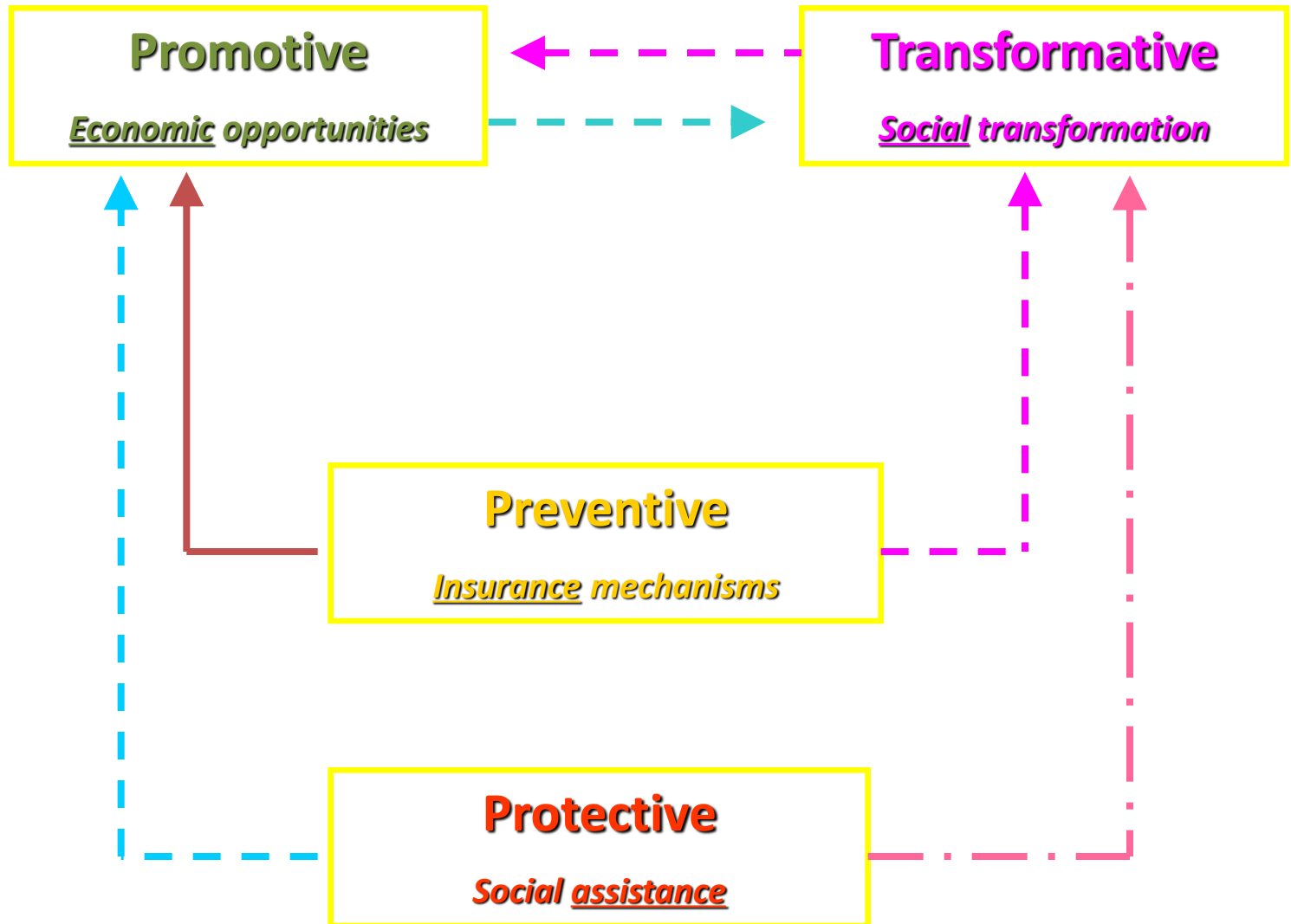
Occupy Wall St. Takes Up Immigration Reform



Need for **transformative** policies

- Address poverty, vulnerabilities, exclusions
- Decent work and social protection
in origin country AND destination country
- Regulating global production chains
- Enforcing preventive, protective, promotive
and ultimately transformative policy thinking
and action on migration
- Enabling the agency of migrants

Reminder: Transformative Social Protection



Some policy conclusions

- Migration issues as a **global** issue
 - working poor, social exclusions, informal economies
 - push and pull factors interacting
- Need **transnational** **transformative** policy responses:
 - Country level : in origin and destination countries
 - Regional: policies for portability of rights
 - Global: Intergovernmental and non-governmental measures for human rights of all, including special efforts for migrants' rights' realisation
 - Transnational coalitions– governments, trade unions, NGOs

Selected references:

Bachelet, Michelle 2011. Social protection floor for a fair and inclusive globalization. Report of the Advisory Group chaired by Michelle Bachelet Convened by the ILO with the collaboration of the WHO. ILO 2011. www.ilo.org

ILO Multilateral Framework on Labour Migration 2006. Non-binding principles and guidelines for a rights-based approach to labour migration. Geneva . http://www.ilo.org/public/english/protection/migrant/download/multilat_fw_k_en.pdf

ILO 2010, International labour migration, A rights-based approach. Ilo Geneva. ISBN 978-92-2-119120-9
http://www.ilo.org/public/english/protection/migrant/download/rights_based_approach.pdf

Kabeer, Naila Can the MDGs provide a pathway to social justice. The challenge of intersecting inequalities. IDS and UN MDG Achievement Fund. 2010. www.ids.ac.uk

Köhler, Gabriele 2009. Policies towards social inclusion. Global Social Policy. April 2009: pp. 24-29, Sage

Rachel Sabates-Wheeler and Rayah Feldman (editors) 2011. Migration and Social Protection: Claiming Social Rights Beyond Borders, Palgrave Macmillan 2011

UN. Universal Declaration of Human Rights. <http://www.un.org/en/documents/udhr/>

UNDP 2009 Human Development Report 2009 Overcoming Barriers Human Mobility and Development
http://hdr.undp.org/en/media/HDR_2009_EN_Complete.pdf

Exercise comparing different policy options for integrating informal sector workers

Background:

- UN conference on international migration
- ILO tripartite setting with governments, trade unions and employers
- Improvement of the situation of informal sector workers, with the objective of formulating an agreed outcome statement at the conference.
- **Task I:** Split up into four or five groups of 2 - 4 students. Read the entire assignment. 5 minutes
- Each group will represent a different interest group:
- Representatives of low income migration destination governments (developing country type of economy)
- Representatives of low income origin country governments
- International trade union confederation
- International employers' association
- A vocal international NGO representing the interests of irregular migrants. 20 minutes
- Each group will briefly present and argue for their interest group's policy points (5 minutes each). Max 25 minutes
- **Task II:** Create 2 new groups, comprising at least 2 representatives of each of the 4 (or 5) interest groups 5 minutes
- Negotiate the policy priorities and prepare an "outcome document" on the key agreed policies to facilitate the integration of irregular migrants. List them out (bullet point form). 25 minutes
-
- **Task III:**
- Individually read the 2 "outcome documents" and vote (show of hands) for the document that is more "transformative," in its scope and design, for the integration of informal sector workers. 5 minutes

Exploring policy options for integrating informal sector workers

VERSION I

Exploring policy options for integrating informal sector workers

VERSION II

Exploring policy options for integrating informal sector workers

Example

- ◆ Ensuring decent employment
- ◆ Universalising social protection
- ◆ Making social services and political rights accessible for all residents
- ◆ Regulation of migration
- ◆ Regularisation and protection of migrants' situations
- ◆ Information, monitoring and redress services
- ◆ Facilitating social cohesion and preventing discrimination