

GFMD 2020 UAE – Thematic Note on Theme 1: The Governance of Labour Migration in the Context of Changing Employment Landscapes

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1. Introduction and global trends

Migrant workers on average represent 4.7 per cent of the global labour pool, comprising 164 million workers,¹ with nearly half being women. The majority of these workers are employed in high-income (67.9 per cent) or upper-middle-income countries (18.6 per cent). Almost 29 per cent of all migrant workers are located in the Arab States and Asia and the Pacific.²

In many countries migrant workers represent a significant share of the workforce and make important contributions to societies and economies, with generally higher labour force participation rates compared to national workers.³ As the COVID-19 pandemic highlights, they often carry out essential jobs in health care, construction, transport, services, and agriculture and agro-food processing.⁴ Women migrant workers represent a significant share of those in domestic work, comprising 73.4 per cent (or 8.45 million) of all migrant domestic workers. Many migrant workers are concentrated in sectors characterized by high levels of temporary, informal or unprotected work, low wages and lack of social protection. As discussed in other sections, without proper policies in place these can present governance challenges to safeguarding migrant workers' rights while also maintaining and increasing economic productivity.

Predicting future economic growth and job potential for migrant labour is complex and difficult to foresee. The current COVID-19 pandemic is having an unprecedented impact on global economies, businesses and workers. ILO estimates that full or partial lockdown measures are affecting nearly 2.2 billion workers, or 68 per cent of the global workforce; working hours may decline by 10.5 per cent in the second quarter of 2020, equivalent to loss of 305 million full-time workers.⁵ Along with high levels of unemployment, the pandemic has brought rising levels of discrimination and xenophobia against migrant workers, food insecurity, worsening working conditions, including reduction or non-payment of wages, cramped or inadequate living

¹ ILO Global Estimates on International Migrant Workers – Results and Methodology. 2nd ed. International Labour Office - Geneva: ILO, 2018. Available at: https://www.ilo.org/global/publications/books/WCMS_652001/lang--en/index.htm

² In 2017, over 40 per cent of workers in the Arab States were migrants, compared to well below 10 per cent in most regions.

³ ILO Global Estimates on International Migrant Workers, Results and Methodology, Id. at note 1.

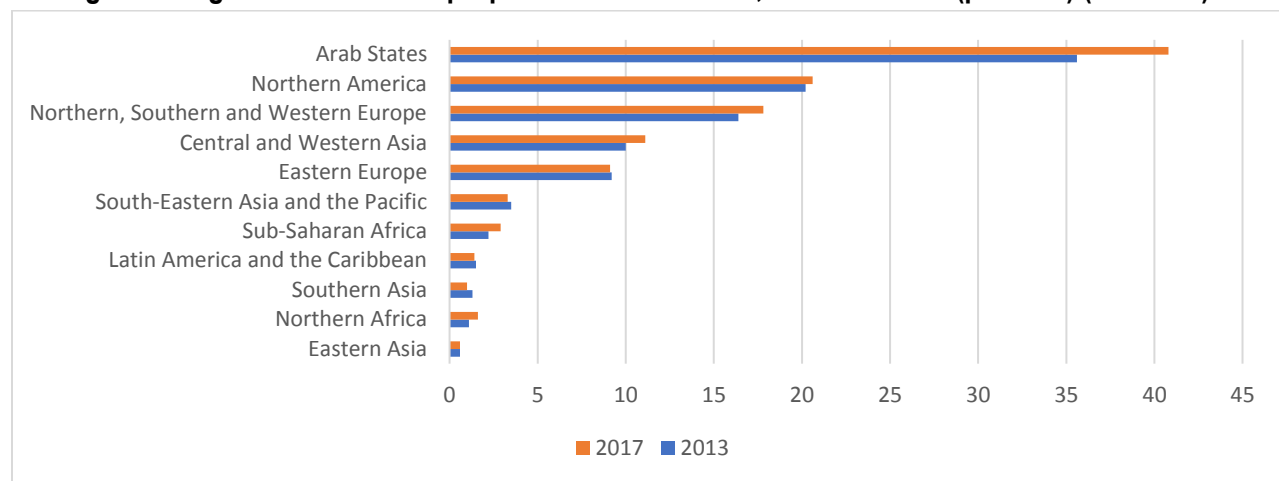
⁴ ILO estimates 11 million migrant women are in domestic work, many in home care jobs. Ibid.

⁵ ILO Monitor: COVID-19 and the world of work, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_743146.pdf.

conditions, restrictions on movements, as well as higher levels of violence and harassment, particularly for those in domestic work,⁶ and the forced return of migrants.⁷

In cases where travel restrictions due to COVID-19 prevent migrant workers from returning home, layoffs of migrant workers can mean not only income losses but the expiration of visa or work permits, putting migrants into undocumented or irregular status. Some countries have sought to diminish these impacts by adjusting their status to prevent irregularity.⁸ Still, travel restrictions have prevented tens of thousands of migrant workers from taking up their employment abroad, for which many paid high recruitment fees and costs—a practice that can lead to irregular movements, debt bondage and trafficking in persons.⁹

Figure 1. Migrant workers as a proportion of all workers, 2013 and 2017 (per cent) (ILO 2018)



International labour migration and mobility are inextricably linked to the processes underpinning the future of work. For many migrants, sending home remittances can improve family health and education, among other development outcomes.¹⁰ In the past decade, demand for migrant labour has continued to increase in most regions (see figure 1). At the same time the key drivers of migration, such as demographics, technological progress and climate change, are affecting economies around the world. These factors and their implications for future migration and its governance are diverse, and may vary for occupations or economic sectors, and how businesses and economies emerge in a post-COVID-19 world.

As the pandemic progresses, certain economic sectors are witnessing a surge in openings for migrant labour, such as in care work and agriculture. Care work, a sector mostly dominated by women, is likely to continue to experience real growth for migrant workers as aging populations increase—ILO estimates the potential for

⁶ See, <https://www.hrw.org/news/2020/04/06/domestic-workers-middle-east-risk-abuse-amid-covid-19-crisis>; <https://www.diariolibre.com/economia/no-tenemos-comida-ni-dinero-y-nadie-se-preocupa-por-nosotros-AP18246767>.

⁷ See, e.g., <https://www.nytimes.com/2020/04/13/world/middleeast/persian-gulf-migrants-coronavirus.html>; <https://www.irishtimes.com/news/world/middle-east/saudi-arabia-repatriating-thousands-of-migrants-back-to-ethiopia-1.4227393>; ILO guidance brief on COVID-19 in Lebanon https://www.ilo.org/beirut/media-centre/news/WCMS_741598/lang-en/index.htm.

⁸ ILO policy brief Migrant Workers and COVID-19, (forthcoming 2020).

⁹ Ibid.

¹⁰ Many countries of origin depend on remittances sent home by migrant workers to help families for education and healthcare, which the World Bank estimates have reached US\$689 billion in 2018. <https://www.worldbank.org/en/news/press-release/2019/04/08/record-high-remittances-sent-globally-in-2018>

the creation of 269 million new jobs if investment in education, health and social work was doubled by 2030.¹¹ The share of workers in agriculture is also significant, in 2019 reaching to 42.1 per cent in Southern Asia and 30.9 per cent in South-Eastern Asia and the Pacific.¹² The COVID-19 pandemic is exposing the high dependence of many economies on migrant workers for agricultural production, with countries in Europe, Australia, New Zealand and the United States opening more channels for seasonal migrant workers to take-up work immediately.¹³ As migrant workers are called-on to do essential jobs during the pandemic, ensuring occupational safety and health is critical to their protection.

Demographic changes will continue to be highly relevant to governing future migration patterns, depending on the region— of the additional 2.4 billion people projected between 2015 and 2050, 1.3 billion will be in Africa.¹⁴ The youth bulge presents an enormous challenge for creating jobs. Many workers may have to seek opportunities across borders. Most African workers who migrate to the Middle East (of 3.4 million total) are young, male and low-skilled, with many engaged in construction work, though migration is becoming more feminized as demand for domestic workers increases.¹⁵ Youth unemployment will remain a challenge for many countries and as a driver of migration if decent work deficits continue.¹⁶

The impact of climate change and technological progress to future labour markets will also be important variables across economic sectors and countries: climate change is already damaging infrastructure, business activity and livelihoods, while fear of jobs disappearing or tasks performed by AI through automation have risen. Though in some contexts, technological progress may increase the demand for more skilled workers (e.g., engineers), benefiting the economy through higher productivity and incomes.¹⁷

2. Governance challenges

While the demand for migrant labour and human mobility is likely to increase, migrant workers face a range of human rights violations and decent work deficits, which have increased since the start of the COVID-19 pandemic and that pose significant governance challenges. Recruitment fraud and abuse can lead to workers

¹¹ ILO, Care work and care jobs for the future of decent work, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_633135.pdf. Care work plays a critical role in shaping the future of work. ILO calls for increased public and private investment in care services, achieving decent work for care workers, including migrant workers.

¹² See, ILO ``Preparing for a Brighter Future of Work, report to the fifth Ministerial Consultation, Abu Dhabi Dialogue, (October 2019), http://abudhabidialogue.org.ae/sites/default/files/document-library/Future%20of%20Work%20ILO%20Study_0.pdf citing ILO modelled estimates, November 2018, ILOSTAT database, www.ilo.org/ilostat. In Southern Asia, more women than men are in agriculture (58.1 per cent versus 37.2 per cent), while the gender gap is reversed in the other regions.

¹³ ILO Seasonal Migrant Workers' Schemes: Rethinking Fundamental Principles and Mechanisms in light of COVID-19 (forthcoming).

¹⁴ UNDESA (2016) *World Population Prospects: Key Findings and Advance Tables*.

¹⁵ ILC, Addressing Governance Challenges in a Changing Labour Migration Landscape, ILC 106th session, 2017, (para. 66).

¹⁶ ILO ``Preparing for a Brighter Future of Work, report to the fifth Ministerial Consultation, Abu Dhabi Dialogue, (October 2019), http://abudhabidialogue.org.ae/sites/default/files/document-library/Future%20of%20Work%20ILO%20Study_0.pdf. The rates of youth unemployment vary widely across countries (exceeding 15 per cent in Afghanistan, Indonesia, Nepal and Sri Lanka, along with Kuwait and Saudi Arabia (in the latter, it reaches almost 30 per cent). Unemployment rates are notably higher for young women in many countries and this gender gap persists into later adulthood.

¹⁷ The narrative for advanced economies, such as Japan, Germany, the United States, Republic of Korea and, increasingly, China, is unlikely to apply to the situation in other economies. ILO ``Preparing for a Brighter Future of Work, report to the fifth Ministerial Consultation, Abu Dhabi Dialogue, (October 2019), http://abudhabidialogue.org.ae/sites/default/files/document-library/Future%20of%20Work%20ILO%20Study_0.pdf. See also, *Work for a Brighter Future*, (ILO 2019) https://www.ilo.org/global/topics/future-of-work/publications/WCMS_662410/lang-en/index.htm.

paying high costs for their jobs, to irregular migration, trafficking in persons and forced labour. The absence of fair recruitment policies as prescribed by the ILO,¹⁸ including pre-departure orientation, can lead to the violation of migrant workers' rights and for business to skills mismatch. Migrant workers can experience contract substitution, non-payment or late payment of salaries, lower pay compared to national workers, excessive working hours, and confiscation of passports, and often lack of access to social protection and skills development and recognition. Many can suffer verbal and physical abuse, including gender- and race-based violence and harassment, especially migrant domestic workers.¹⁹

Economic growth is viewed as a necessary condition for creating jobs, but it is typically not sufficient to guarantee the creation of decent and productive employment. How labour migration is governed makes a difference. The governance issues described above often multiply due to the lack of coherence between national migration policies and employment policies,²⁰ and contribute to an uneven distribution of benefits derived from labour migration. A compounding problem is the growing informal economy for many countries – the incidence of informality is particularly high among migrant women with nearly 75% of migrant women working in the informal economy in low and middle-income countries²¹.

Migrant workers, regardless of status, often experience multiple and intersecting forms of discrimination, based on gender, religion, race, nationality, and other identities. Gender discrimination is an underlying cause of gender-segregated labour markets and gender inequalities in terms of jobs opportunities and access to decent work, particularly for migrant workers (e.g. migrant women mainly working as care workers and domestic workers, migrant men working in high-skilled occupations or in construction).

Inequalities are also exacerbated by pervasive wage gaps --migrant workers are frequently underpaid when compared to nationals in similar occupations. ILO data reveal that on average in high-income countries, the migrant wage gap is 12.6 per cent, and of this 10 per cent cannot be explained by differences in levels of education between nationals and migrant workers.²² Failure to address these gaps can pose challenges for business to meet labour market demands, and barriers to the protection of migrant workers, especially for those in an irregular situation who often remain unprotected.

International migration of skilled persons has assumed increased importance in labour migration governance. The availability of better-paid employment in destination countries is a large pull factor for both men and women migrant workers. Brain drain is a key governance issue, however, for low-income or emerging

¹⁸ See, ILO General Principles and Operational Guidelines for Fair Recruitment and definition of recruitment fees and related costs, https://www.ilo.org/global/topics/labour-migration/publications/WCMS_536755/lang-en/index.htm.

¹⁹ ILO, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_633135.pdf.

²⁰ This can lead to high costs of migration, labour market segmentation, discrimination, poor working conditions, low wages, lack of social protection. Clara van Panhuys, Samia Kazi-Aoul and Geneviève Binette, "Migrant Access to Social Protection under Bilateral Labour Agreements: A Review of 120 Countries and Nine Bilateral Arrangements", ILO ESS Working Paper No. 57, 2017.

²¹ Amo-Agyei, S. (2020, forthcoming) An Analysis of the Migrant Pay Gap, Technical Paper, ILO Geneva; Source: ILO (2018) *Women and men in the informal economy: A statistical picture*. Third edition (This is as compared to 70% of men migrant workers in the same countries surveyed), https://www.ilo.org/global/publications/books/WCMS_626831/lang-en/index.htm.

²² Amo-Agyei, S. (2020, forthcoming) An Analysis of the Migrant Pay Gap, Technical Paper, ILO Geneva. Employer discrimination against migrants because of factors such as prejudice or distrust may account for part of the wage gap.

economies. The exodus of highly skilled migrants taking jobs in high-income countries can strain social services, particularly in health and education, reducing potential economic development.

It is, therefore, important to see migration patterns in the perspective of widening global skills gaps and global unemployment, and at the national level to promote and strengthen proactive policies on upskilling and reskilling, including better and effective policies to address skills and jobs mismatch, connect real labour market needs with formal education systems and/or effective formal and informal lifelong learning. Upskilling and skills recognition should be integral parts of such national level policies.

Returning migrants and reintegration into labour markets pose further governance challenges, particularly where there are already high levels of unemployment. Insufficient institutional capacity, particularly public employment services, to assist returning migrants and little harmonization between origin and destination countries on skills recognition can often hamper migrants' successful reintegration, as can their forced returns. Existing gender inequalities in the labour market, including occupational segregation in origin and destination countries widen the challenges for women migrant workers.

3. Moving toward improved governance

The GFMD has long identified migration governance as pivotal to ensuring positive development outcomes. The COVID-19 pandemic may create an imperative to rethink old governance strategies; the tools exist to do so. The 2030 Sustainable Development Agenda has recognized the role of decent work in migration governance as well as the importance of gender equality in the Sustainable Development Goals (e.g., targets 8.7, 8.8 and 10.7). The Global Compact for Safe, Orderly and Regular Migration (GCM) sets out specific guidance to improve regional and national governance, recognizing the critical role of cities, businesses, trade unions, and civil society in assuring implementation. These stakeholders along with regional bodies and countries have already begun to implement the Global Compact.

The ILO's Centenary Declaration for the Future of Work, adopted in June 2019, advocates three pillars of action: investment in people's capabilities; investment in the institutions of work; and investment in decent and sustainable work. It calls on the ILO to deepen and scale up work on international labour migration, taking a leadership role in response to constituents' needs, and calls for the effective realization of gender equality in opportunities and treatment.²³ As States emerge from the COVID-19 crisis, ILO has developed guidance to help countries, business and societies in meeting changing employment needs.²⁴

Adopting rights-based and gender-responsive labour migration frameworks can lead to a fairer distribution of the prosperity that men and women migrant workers help to create, and can respond equitably to the interests of countries of origin, transit and destination. International labour standards, and especially fundamental rights at work provide "a decent work compass" that can guide more immediate and longer term policies

²³ Ibid. See, ILO Convention on Violence and Harassment, 2019 (No. 190), and Recommendation (No. 206).

²⁴ ILO's COVID-19 strategy will help: stimulate the economy and employment; support enterprises, jobs, income; protect workers, and rely on social dialogue. https://www.ilo.org/ankara/areas-of-work/covid-19/WCMS_742555/lang-en/index.htm.

which both protect migrant workers and meet labour market needs.²⁵ Policies that promote ILO fair recruitment guidelines can advance equal opportunities and help to prevent forced labour and trafficking in persons. For these frameworks to be effective, they should be buttressed by more robust data collection and social protection systems that are inclusive of migrant workers.²⁶

Investment in the development, recognition, and certification of migrant workers' skills will also be critical to meeting the demands of changing employment landscapes and in facilitating regular pathways for labour mobility, particularly for semi-skilled and skilled workers. Promoting good practices to help raise awareness of the value of effective training or lifelong learning programmes is important, as is strengthening labour market institutions responsible for skills development policies and programmes. Building the capacity of social partners to engage with the government in developing and implementing skills policies can help to optimize the functioning of labour markets.

Bilateral and multilateral cooperation, including bilateral labour migration agreements (BLMA), remain essential to promoting decent work across migration corridors, including for regular admissions and visa policies, social security and skills portability. This cooperation can also facilitate economic support to migrants that lost their jobs or help prepare them for reintegration into home labour markets. As the number of BLMAs and Memoranda of Understanding grows,²⁷ ILO and IOM are leading the UN Network on Migration effort to adopt UN system-wide guidance on BLMAs that can help foster this cooperation.

Improving labour migration governance will require, overall, better coherence between employment, education and training, and migration policies, particularly to ensure a workforce trained to meet future demand.²⁸ Policy frameworks will be stronger and more durable if based on a whole of government/whole of society approach, and through social dialogue and engaging employers' and workers' organizations.

4. What practices in the following areas can best serve to improve labour migration governance?

- A human-centred approach to addressing Future of Work opportunities and challenges for migrants.
- Improving the foundations for evidence-based policy making through gathering and sharing data, identifying gaps in migration statistics, and using analytical tools.

²⁵ ILO, Promoting employment and decent work in a changing landscape, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_736873.pdf (2020); Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and Recommendations Nos. 86 and 151; ILO standards and fundamental rights highlighted in ILO 2016 General Survey on Promoting Fair Migration https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_453898.pdf; See also ILO standards and COVID-19, https://www.ilo.org/global/standards/WCMS_739937/lang-en/index.htm.

²⁶ ILO ``Preparing for a Brighter Future of Work, report to the fifth Ministerial Consultation, Abu Dhabi Dialogue, (October 2019), http://abudhabidialogue.org.ae/sites/default/files/document-library/Future%20of%20Work%20ILO%20Study_0.pdf.

²⁷ For example, BLAs are increasing between Africa to the Middle East: Kenya concluded BLAs with Qatar (2013), Saudi Arabia (2017) and UAE (2018); Ethiopia concluded BLAs with Qatar, Saudi Arabia and Jordan, and negotiating others.

²⁸ ILO, Promoting employment and decent work in a changing landscape, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_736873.pdf (2020).

- Integrating labour migration policies with national employment strategies to identify skills shortages and enhance regular migration pathways.
- Fostering innovative admission and visa schemes to increase in-market labour mobility and enhance workforce productivity.
- Developing migration policies for attracting high skilled workers