

Conclusions ¹

The Tripartite Technical Meeting on Labour Migration,

Having met in Geneva from 4 to 8 November 2013,

Taking into account the Governing Body's decisions at its 316th Session in November 2012, at its 317th Session in March 2013 and at its 319th Session in October 2013,

Giving due consideration to the Second United Nations General Assembly High-level Dialogue on International Migration and Development, that took place in New York on 3–4 October 2013, the Declaration of the High-level Dialogue, the report of the UN Secretary-General on international migration and development (UN document A/68/190, 25 July 2013) and the eight-point agenda for action outlined in that report,

Welcoming the ILO's renewed commitment to labour migration issues,

Recognizing that work on labour migration must take place within overall ILO priorities, the wide Office mandate and the ILO's available resources,

Adopts, this eighth day of November 2013, the following conclusions:

General considerations

1. The ILO's Decent Work Agenda is critical for promoting effective labour migration governance, protecting migrant workers' rights, promoting social dialogue and sustainable enterprises, and addressing labour market needs. Recent global debates on migration and development have affirmed the significance of labour migration and labour mobility, and migrant workers as agents of innovation and change for development outcomes.
2. The Office should:
 - (i) Pay due attention to labour migration in promoting the wider implementation of the Decent Work Agenda at regional, national and sectoral levels, and within the areas of

¹ These conclusions will be submitted to the March 2014 session of the Governing Body of the ILO for its consideration.

critical importance as outlined in the Programme and Budget for 2014–15. Due consideration should also be given to labour migration in the development of the next Strategic Policy Framework, as well as in building capacity for constituents in this domain.

- (ii) Ensure a coherent Office-wide approach and cross-office collaboration in order to bring to bear the broad range of ILO expertise and experience relevant to labour migration, promoting complementarity and avoiding duplication of efforts.
- (iii) Improve its outreach and communications strategy on labour migration.

Labour migration and development: Challenges and opportunities for the ILO in the follow-up to the UN High-level Dialogue and post-2015 development debate

3. In follow-up to the UN General Assembly High-level Dialogue on International Migration and Development (HLD), including as Chair of the Global Migration Group (GMG) in 2014, and in light of the discussions on the post-2015 development agenda, the Office should:
 - (i) Capitalize on the positive outcome of the HLD, and work to ensure that the ILO's Decent Work Agenda is fully integrated in global debates on international migration and development, and further promote decent and productive employment opportunities in all countries so that migration becomes an option and not a necessity.
 - (ii) Further work towards the recognition of labour mobility as a factor of sustainable growth.
 - (iii) Assist countries, upon their request, to formulate and implement coherent, comprehensive, consistent and transparent policies to effectively manage labour migration, and to develop best practices for facilitating safe, orderly and regular labour migration with full respect for human rights. These policies could enhance portability of social security benefits, in particular pensions, and improve enterprise and job creation.
 - (iv) Explore modalities to continue regular tripartite discussion on international labour migration beyond the ILO's GMG Chair; and act strategically to bring to bear on the issue of labour migration the ILO's wide-ranging experience and expertise.
 - (v) As the leading agency on labour migration, engage in evidence-based, policy-oriented research and data development on how workers' rights, wages and other working and living conditions impact on development outcomes for migrant workers and countries of origin and destination. In this context, take due consideration of conditions that might be conducive to sustainable development and decent job creation at the national level, and work to develop indicators to improve policies and other measures to ensure migration's enabling role in development.
 - (vi) As Chair of the GMG and thereafter, foster cooperation and collaboration and non-duplication of efforts among relevant international organizations on issues related to migration and development, with each organization focusing on areas within its mandate and expertise.

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- (vii) Continue to actively participate in important global and regional conferences and other forums where migration issues are being discussed; and engage governments and social partners.

Effective protection of migrant workers

4. The HLD emphasized the need to respect and promote international labour standards as appropriate, and respect the rights of migrants in their workplaces. The ILO should continue to advance its rights-based approach to labour migration, while taking into account labour market needs. All ILO standards apply to migrant workers unless specified otherwise. All migrant workers regardless of status have the right to exercise their human rights, including the fundamental rights at work.
5. With a view to increasing protection, the Office should:
- (i) In line with ILC resolutions, effectively invite member States to consider the ratification of Conventions Nos 97, 143 and 189 and support the implementation of the accompanying Recommendations. Provide technical advice to member States seeking to ratify and/or implement these Conventions.
 - (ii) Work with governments, social partners and international organizations, as appropriate, to undertake awareness-raising activities to facilitate migrant workers' access to reliable information concerning employment, rights and responsibilities, and working and living conditions, in a language and format that migrants understand.
 - (iii) In collaboration with constituents and GMG members and other stakeholders, develop guidance to promote recruitment practices that respect the principles enshrined in international labour standards, including the Private Employment Agencies Convention, 1997 (No. 181), and identify, document, and promote the exchange of good practices on reducing the financial and human costs of migration.
 - (iv) In light of the growing feminization of labour migration, enhance the capacities of the ILO's constituents to apply a gender lens to advance and implement labour migration policies.
 - (v) In cooperation with governments, social partners, international organizations and other stakeholders, seek to promote positive public perceptions of migrant workers and raise awareness of the positive social and economic contributions of migrants, while combating xenophobic and discriminatory attitudes.
 - (vi) Develop focused strategies, taking into account particular areas of vulnerabilities for the protection of migrant workers in sectors with high proportions of migrant workers.
 - (vii) Advance and disseminate knowledge and studies on the impact of migration policies and schemes, including temporary and circular migration schemes, on equal treatment of migrant workers and nationals, including in respect of wages and working conditions, the right to freedom of association and the right to collective bargaining, and access to public services and justice.
 - (viii) Analyse modalities for cooperation and/or exchange of information among national authorities, including labour inspectorates, to identify practices in line with international labour standards for the protection of the rights of migrant workers, including those in an irregular situation. This could include identification of

measures to secure access to remedies in the case of abuse and to improve enforcement of labour protection.

- (ix) Disseminate and promote through capacity building and technical cooperation, including by the International Training Centre of the ILO in Turin, at regional and country levels, and through the GMG, the ILO Multilateral Framework on Labour Migration as an important policy tool for improving labour migration governance that is based on ILO standards. Regularly update, revise and share the good practices of the database accompanying the Framework.
- (x) Assist ILO constituents in their efforts to expand social security coverage for migrant workers on the basis of the ILO social security Conventions and the Social Protection Floors Recommendation, 2012 (No. 202), and in their efforts to facilitate portability of social security benefits.

Sound labour market needs assessment and skills recognition

6. Labour migration can be a vehicle for balancing labour supply and demand, for stimulating innovation and for transferring and spreading skills. Labour market information systems, sound labour market needs assessment taking into account demographic factors, and skills recognition are important to avoid brain waste and deskilling, poor labour market integration and downward pressure on working conditions for all workers.

7. The Office should:

- (i) Strengthen data collection, research and capacity development in order to facilitate evidence-based policy-making and to develop tools for dealing with the internationalization of labour markets to the benefit of all concerned.
- (ii) Upon the request of governments, help build their capacity to conduct, in consultation with the social partners, labour market analysis and needs assessment in relation to labour migration policy, and to develop labour market information systems.
- (iii) Support constituents, where appropriate, in making more effective use of labour market information in planning and improving education, vocational training and lifelong learning to ensure skills for employability.
- (iv) Promote harmonization of statistical methods and concepts on international migration and the exchange of knowledge on labour migration among countries, including the establishment of networks for information exchange on international migration and employment.
- (v) Map existing models and efforts in skills assessment in order to help identify and spread information on good practices in this area, and to facilitate the employment of migrants in countries of origin and destination, while avoiding deskilling and brain waste.
- (vi) Explore mechanisms for mutual recognition of skills, and certification of credentials built on ILO experience and with the active involvement of the social partners; in this regard, seek to encourage and support existing institutions and initiatives that have the potential to facilitate labour market integration and improve skills matching.
- (vii) Promote the alignment of national occupational classifications and the development of up-to-date occupational standards at the national level, with a view to facilitating

job matching within countries and across borders, including for occupations that frequently involve migrant workers, taking into account the most recent version of the ILO's International Standard Classification of Occupations (ISCO-08).

Cooperation and social dialogue for well-governed labour migration and mobility

8. Social dialogue lies at the heart of the ILO's mandate. Through social dialogue at local, national, bilateral, subregional, regional and international levels, the ILO's tripartite constituents can play an important role in the development of rights-based, transparent and coherent labour migration legislation and policies, taking account of labour market needs.
9. The Office should:
 - (i) Promote, when requested, tripartite processes on the design and implementation of labour migration policies, and assist constituents, through technical cooperation and capacity-building activities, including by the International Training Centre of the ILO in Turin, and the exchange of information and good practices following the guidelines contained in ILO instruments, to engage more effectively in these processes.
 - (ii) Assist governments and social partners, upon their request, through policy guidance based on international labour standards, and capacity building, in developing, negotiating and effectively implementing bilateral or other international agreements on labour migration, with a view to increasing positive outcomes for migrant workers, countries of origin and destination, and sustainable enterprises.
 - (iii) Create a repository of agreements and good practices on bilateral and other international cooperation on labour migration, including the model agreement in the Annex to the Migration for Employment Recommendation (Revised), 1949 (No. 86).
 - (iv) Assist constituents, where appropriate, and regional institutions upon their request, in building capacity to implement tripartite processes and participating effectively in regional integration processes on labour migration.
 - (v) As Chair of the GMG in 2014 and thereafter, promote the ILO's Decent Work Agenda as it relates to labour migration, with particular reference to social dialogue and the role of the social partners, among GMG members and other relevant international organizations and government ministries, including those participating in regional consultative processes, and other relevant stakeholders.