

**OSCE – IOM – ILO**

# **Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination**

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# Why a Handbook on Labour Migration?

- **Principal objective**: To assist countries of origin and destination in their efforts to develop policy solutions and approaches for the better management of labour migration flows
- **Two specific purposes**
  - To provide current and useful information on labour migration policies in both origin and destination countries as well as recent pertinent developments
  - To assist policy-makers in OSCE and Med. countries in the task of designing or revising their policies by providing examples of good and effective policies and practices

# What makes the Handbook unique?

- **First ever comprehensive policy guide that covers both, countries of origin and destination**
- **First major cooperation effort among OSCE, IOM and ILO in the field of labour migration**
- **Handbook was prepared for a wide audience – government officials, policy makers, employers, trade unionists, social workers**
- **Covers thematically basic facts on labour migration: applicable laws, policy guidelines and best-practice models of various countries to assist policy-makers in the OSCE area in the task of designing or revising their policies**

# Handbook structure

- Introduction**
- I International legal framework**
- II Issues underlying policy responses in origin and destination countries**
- III-V Policies in countries of origin**
  - Protection of migrant workers
  - Optimizing the benefits of organized labour migration
  - Administration of labour migration
- VI-VII Policies in destination countries**
  - Admission
  - Post-Admission: rights of migrant workers
- VIII Preventing and reducing irregular labour migration**
- IX Inter-State cooperation**
- X Conclusions**

# Introduction

- **Background**
- **Labour migration trends and characteristics**
  - **Trends**
    - 191 million migrants (UN DESA, 2005)
    - 86 million migrant workers (ILO, 2004)
  - **Driving forces / Types of flows**
  - **Feminization of labour migration**
- **The OSCE area**
  - **US /Canada, EU, Council of Europe, CIS**
- **Regulation of labour migration: the need for a deliberate approach**

# Ch I - International legal framework

- **General international human rights law**
- **Specific UN and ILO standards protecting migrant workers**
  - **UN Convention on Migrant Workers 1990**
  - **ILO Conventions No. 97 and 143**
- **International labour law**
- **Regional standards**
  - **Council of Europe**
  - **Inter-American human rights system**

## **Ch II - Issues underlying policy responses in countries of origin and destination**

- **Countries of origin**
  - **Protection of migrant workers and support services**
  - **Optimizing the benefits of organized labour migration**
  - **Institutional capacity building, inter-ministerial coordination and inter-state cooperation**
- **Destination countries**
  - **Assessing, detecting and predicting shortages of labour**
  - **Demographic factors**
  - **Rights of migrant workers**
  - **Managing irregular migration**
  - **Attitude of the host population**

## **Ch III – Developing policies in countries of origin to protect migrant workers**

- **Policy Strategies**
- **Regulation of Private Employment Agencies**
- **Procedures for Departure**
  - **Employment contracts**
  - **Emigration clearance**
- **Support Services**
  - **Information dissemination**
  - **Migrant Welfare Funds**
  - **Government assistance in destination countries through labour attachés**
- **Inter-state Cooperation**



## **Ch IV – Developing policies to optimize the benefits of organized labour migration**

- **Importance of Marketing**
  - **The market development process / developing an international labour migration marketing cycle**
  - **Market research**
  - **Role of the private sector**
- **Information Dissemination**
- **Bilateral and Regional Labour Agreements**
- **Migrant Remittances**
  - **Role of remittances in national economies**
  - **Data collection**
  - **Remittance services**
  - **Enhancing the Impact of Remittances on Development**
- **Education, Training and Skills Development**
- **Emigration of Skilled Human Resources**

# Ch V – Administration of Labour Migration

- **Giving due priority to the management of labour migration**
- **Establishing the Policy-making Team**
  - **Sharing the overseas employment programme burden**
  - **Designated autonomous body**
- **Crafting the Policy**
- **Institutional Mission and Vision Statements**
- **Monitoring and Evaluating Performance**
- **Data Collection**
  - **Terms and definitions**
  - **Data sources**

## **Ch VI - Foreign labour admission policies**

- **Permanent versus temporary labour migration?**
- **Assessing foreign labour demand**
- **Admission policies**
  - **Employment-based immigration**
  - **Temporary labour migration**
    - **Work permit systems**
    - **Forms of temporary labour migration**
    - **Policy issues**
    - **How to make temporary labour migration programmes feasible?**

## **Ch VII – Post-admission policies: rights of migrant workers**

- **Labour market regulation**
  - **Access to employment**
  - **Brain waste / recognition of diplomas**
- **Protection in the employment context**
  - **Terms and conditions of employment / vocational training**
  - **Trade union rights**
- **Facilitating social cohesion**
  - **Addressing discrimination / integration / family reunion**
- **Enhancing social welfare**
  - **Health care / housing / education**
- **Social security**

## **Ch VIII - Preventing or reducing irregular labour migration**

- **Preliminary issues**
- **The need for a comprehensive approach**
  - **Activities in country of origin**
  - **Border controls and visa policy**
  - **Action against those who facilitate irregular migration**
    - **i.e. traffickers, smugglers, employers, recruiters**
  - **Protection of irregular migrant workers**
  - **Regularization**
  - **Return**
  - **Opening up more legal channels for labour migration**
  - **Inter-state cooperation (see also Ch IX)**

# Ch IX - International cooperation

- **Formal mechanisms**
  - **Bilateral labour agreements** (eco. pol. dev objectives)
  - **Regional integration**
    - EU, NAFTA, CIS
  - **Regional agreements / global level agreements**
    - **Inter-state cooperation in specific human rights and labour instruments**
    - **General Agreement on Trade in Services (GATS) – Mode 4**
      - **mobility of workers in the context of trade in services**

## Ch IX - International cooperation (cont.)

- **Less formal and consultative mechanisms**
  - **Regional Consultative Processes (RCPs)**
    - e.g. Colombo Process, Barcelona Process, 5+5
  - **Other informal meetings**
    - e.g. Joint Commissions of Labour / Round tables
  - **Global initiatives**
    - Berne initiative (State-owned process)
    - ILO Multilateral Framework on Labour Migration (tripartite)
    - UN HLD – Global Forum on Migration & Development
- **Role of Social Partners** (e.g. cooperation among TUs in destination and origin countries)