



Labour's Demands for the Global Compact on Migration

Rising xenophobia and the unprecedented scale of human displacement during recent years highlight the urgent need for a global commitment to fair migration and coherent, rights-based policies. The UN Global Compact on Safe, Regular, and Orderly Migration represents a historic opportunity to address this need. The Compact could serve as an important vehicle to recognise the root causes that compel people to migrate, and to encourage pathways out of irregularity. It must enhance regular migration channels that promote shared prosperity and advance workers' rights. However, in today's challenging political climate, there is also a risk that the Compact could shirk humanitarian obligations, failing to provide protections from deportation regimes and abusive temporary or circular work visa programs. The global labour movement asserts that the Compact will only be successful if it adheres to human and labour rights standards, and does not further criminalize migrants or empower the private sector to dictate the terms of migration governance. It is time for States to move beyond temporary or circular migration programs and put the focus on regularization, humanitarian resettlement, and policies that promote sustainable development and decent work for all in countries of origin, transit and destination. Workers and trade unions are setting the bar high. We will only accept a Compact that reflects these core demands:

Collective worker voice and participation. We demand a transparent Compact process that gives working families a seat at the table and ensures our freedom to stand together and receive a fair return on our hard work.

- ***Freedom of association and the right to collective bargaining.*** Migrants and refugees must be guaranteed full and equal rights and protections, including the right to form and join a union and to collectively bargain for fair compensation and treatment. Freedom of association is an enabling right which shifts the power dynamics, enabling workers to protect and advance their interests through collective actions, as well as negotiations with employers. Without realizing this shift, we can never hope to reverse entrenched patterns of discrimination and exploitation against migrant workers. Removing barriers to organizing is critical to defending excluded workers of all sorts, because unions provide concrete mechanisms to enforce labour standards and remedy disputes.
- ***Authentic social dialogue.*** Workers and trade unions must have a clear role in State decision-making and implementation of the Compact and monitoring of outcomes, including as they relate to the creation of new channels for migration. The Compact should explicitly integrate the ILO's tripartite structure of consultations (between the government and workers' and employers' representatives) as a central governance mechanism for global labour migration policy, and a necessary vehicle for economic and social integration of refugees and migrants.
- ***Adherence to international standards.*** The Compact must be firmly based in international human rights as well as humanitarian and labour law, requiring governments to commit, explicitly, to aligning their legislative frameworks with the relevant instruments. It must promote the ratification of the ILO core conventions as well as the migration-specific conventions¹. The ILO should be the lead UN agency on the governance of labour migration, as it has a rights-based, constitutional mandate and expertise in labour.

¹Relevant instruments to include the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the ILO Core Conventions: C87 on Freedom of Association, and Protection of the Right to Organise; C98 on the Right to Organise and Collective Bargaining, and the Migration-specific Conventions: C97 Migration for Employment Convention; C143 Migrant Workers (Supplementary Provisions).

Commitment to decent work and sustainable development. We demand a Compact that protects and empowers workers in countries of origin, transit and destination, and produces positive labour market outcomes for all working people, regardless of race, gender or immigration status.

- ***In origin countries.*** The Compact must address the root causes of displacement and complement and support the decent work commitments enshrined in the sustainable development goals, reducing the need to migrate as a means of survival. Migration policy must not be used as a substitute for meaningful development strategies that create decent work in origin countries. Development aid budgets must not be used as a means to compel governments to tighten borders and accept forced returns while disregarding the human rights of migrants and refugees.
- ***In destination countries.*** The Compact must insist that labour migration policies promote an agenda for fair migration and decent work for all. They must be evidence-based, relying on actual labour market needs assessments, and designed in consultation with the social partners (trade unions and employers' organizations). This approach would avoid the use of models that empower employers to displace or diminish an existing workforce, to lower labour standards, wages, or working conditions, or to otherwise undermine decent work. Refugee resettlement and regularization programmes must emphasize effective labour market integration.
- ***Policy coherence.*** States must ensure coherence between migration and labour law and policy, along with economic and social policies that promote positive labour market and sustainable development outcomes in both origin and destination countries.

Non-discrimination mandates. We demand commitments to combat xenophobia and racism, end all forms of discrimination, and ensure equal treatment and access to justice and quality public services for all.

- ***Inclusion and outreach.*** States must reject the ongoing criminalization of migrant workers, highlight the positive contributions of migrants and refugees, and take active measures to combat xenophobia and racism.
- ***Equal treatment.*** States must reverse the patterns of racialized and gendered inequality fostered by temporary labour migration programs and prolonged conditions of irregularity. Non-discrimination and equal treatment in respect to wages and working conditions, as well as protection against exploitation, violence and harassment, must be grounding principles of the Compact, and States must fully commit to them.
- ***Gender Equality.*** The Compact must uplift the rights and agency of women rather than reinforce gendered power relations. To this end, it must explicitly incorporate provisions on non-discrimination and equal treatment of men and women with respect to employment, wages, working conditions and social security benefits, as well as provisions on appropriate health care, and an explicit prohibition on pregnancy testing. Of equal importance are protection measures concerning violence against women in the migration process and in the country of destination.
- ***Access to justice.*** Workers, irrespective of their presence or legal status in a State of residence, must have access to effective dispute resolution mechanisms and appropriate remedies in case of rights violations. For this to occur without risk to migrants of intimidation or deportation, States must maintain a firewall between immigration enforcement and other functions of law enforcement, including police authorities and labour inspectorate functions.
- ***Access to social protections.*** States must make social protections accessible and portable, and invest in programs that combat social exclusion through the provision of health care and public services, and through quality education and training, including skills upgrading as well as language and vocational training. All migrants, regardless of status, must be able to access public services without fear or discrimination. Thus, States must establish a firewall between public services and immigration control.

- **Access to quality education.** The Global Compact should ensure the right to free quality education for all migrant children, youth and adults. In addition to basic and post-basic education, migrants should have access to quality early childhood, language and technical, vocational education and training programmes. Particular measures should be taken to enable unaccompanied minors and undocumented children to have access to quality education. Destination country governments should recognise the qualifications of migrants, including those of migrant and refugee teachers as an important pathway to employment and decent work

Diverse channels for regular migration. Given that serious humanitarian concerns gave rise to this process, the Compact should prioritize regularization schemes and rights-based channels—which allow migrants the freedom to move, settle, work, and fully participate in society—over expanding temporary or circular work programs.

- **Pathways out of irregularity.** States must commit to maximize opportunities for irregular migrants to regularize their status. We cannot move forward with a responsible strategy to promote safe and regular migration without at the same time addressing the pressing needs and acute exploitation of millions of migrant workers who currently lack status and rights.
- **Humanitarian commitments.** This Compact must acknowledge asylum, refugee resettlement, and other relief programs as essential forms of safe and regular migration. Given the scale of displacement and suffering, it is counterproductive to separate vital refugee commitments from the broader framework of migration governance.
- **Enfranchisement, permanence and family unity.** The Compact must promote regular migration channels that ensure full labour rights, facilitate social and family cohesion, and provide options for permanent residence and meaningful participation in civic life.

Just models for labour migration. We demand a new approach to labour migration that empower migrants and reduce employers' control over the process. This framework should be guided by principles to ensure equity, and to safeguard rights and standards for all.

- **Worker control of status.** Migrant workers must not be tied to a single employer or forced into indefinite seasonal or circular migration for work. Visa policies must take the needs of workers fully into account, ensuring transferability of work visas to facilitate mobility and increased agency in the labour market. Workers must be able to exercise the option for family unity, permanent residency and eventual citizenship if they desire it.
- **Secure and direct employment.** Labour migration programs must not be used to expand precarious work by deliberately making previously permanent jobs insecure, temporary or contingent, or by facilitating subcontracting, privatization or third-party employment models.
- **Recruiter regulation.** The recruitment industry should be regulated through mandatory, enforceable mechanisms rather than voluntary programmes, with a view to eliminating destructive and exploitative practices. The ILO's "General Principles and Operational Guidelines on Fair Recruitment" must be embedded into the Global Compact's framework on the governance of migration, and States must adhere to these principles, including a commitment to ban recruitment fees that, whether paid upfront or through deductions, can lead to debt bondage and forced labour.