



Public Services International
Internationale des Services Publics
Internacional de Servicios Públicos
Internationale der Öffentlichen Dienste
Internationell Facklig Organisation för Offentliga Tjänster
國際公務勞連

Towards a Global Compact on Safe, Orderly and Regular Migration

Key Points Submitted by:

Public Services International

About PSI

Public Services International is the global trade union federation representing more than 20 million workers, represented by over 700 unions in 154 countries and territories. Our members, two-thirds of whom are women, work in social services, health care, municipal and community services, central government, and public utilities such as water and electricity.

PSI champions human rights, advocates for social justice and promotes universal access to quality public services. PSI works with the United Nations system and in partnership with labour, civil society and other organisations.

PSI Key Points

The following are the key points put forward by PSI in the consultations leading to the Global Compact on Safe, Orderly and Regular Migration. These key points go hand in hand with two other documents:

- Global Unions Recommendations for 2017 Global Forum on Migration and Development
- Child Rights in the Global Compact

Migration and Development: Addressing Root Causes

1. **Migration is not a tool for development.** It is important to view migration holistically, addressing the opportunities and challenges in the whole migration cycle (pre-decision, pre-departure, departure, transit, arrival, integration, return and reintegration), with priority placed on protection and promotion of human rights of migrants but equally addressing sustainable development, root causes and drivers of migration. **Coherent, rights-based and sustainable migration policies** can enable a positive migration experience and benefits for migrants, origin, transit and destination countries but must ultimately – in the medium to long term – work towards reducing **dependency on migration**. Efforts towards creating decent work, promoting peace and sustainable development in the place where people live, must be the priority, if we are to make **migration a choice and not a necessity**.
2. We caution against the overemphasis on the migration-related agenda of the SDGs, as it can promote more migration without addressing the root causes and drivers of migration. The SDGs cannot be tackled piecemeal. As we talk about the whole of government and whole of society, we must talk about **the whole of SDGs** in the Global Compact.

Rights-Based Normative Framework in Migration Governance

3. The **rights-based normative framework**, grounded on international human rights norms and labour standards, takes primacy in migration governance. The UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the ILO Conventions on Migrant Workers (ILO C97 and C143) provide the comprehensive and practicable framework in developing migration policies. While guiding principles, based on existing Conventions are valuable in the governance of migration, these should not be taken as a

replacement, but must go hand in hand with the ratification and effective implementation of international human rights norms and labour standards.

Promoting Access to Quality Public Services: Towards Inclusion, Social Protection and Fighting Racism and Xenophobia

4. Public service workers, along with local authorities are at the frontlines in **providing vital services** such as emergency response, reception and registration, health care, shelter, food, social services, education, job placement and integration. **Ensuring adequate funding and building the capacity for public service workers** in delivering quality public services for migrants, refugees and the local population will not only address inequality but will contribute to inclusion, social cohesion, sustainable integration of migrants and combatting racism and xenophobia.
5. All migrants, regardless of status, must be able to **access quality public services** without fear and on the basis of equal treatment and non-discrimination. It is important to **establish a firewall** between immigration control and access to public services and access to justice for migrants, particularly undocumented migrants, who are in the most vulnerable situation.
6. **Quality public services** support the delivery of and **access to social protection**. It is imperative to keep public services in **public hands** to preserve the public good, while promoting **good governance, regulation, transparency and accountability** in their management and delivery.
7. **Access to and portability of social security** for migrant workers must be guaranteed and governed by multilateral or bilateral agreements, in line with international human rights norms and labour standards.

Promoting Fair and Ethical Recruitment and No to Recruitment Fees

8. PSI promotes **fair and ethical recruitment** and advancing the 2016 ILO Guidelines and Principles on Fair Recruitment. PSI strongly maintains its position in prohibiting the charging of recruitment fees and related costs on migrant workers. See PSI Campaign #NoRecruitmentFees, www.world-psi.or/nrf.
9. We emphasise that **States have the ultimate responsibility** to govern and regulate international recruitment in line with international human rights norms and labour standards. On this, we support government-to-government recruitment, particularly on health worker migration. The Germany-Philippines bilateral labour agreement (BLA) on Nurses is a good example. We also emphasise the role of public employment agencies in implementing fair recruitment, ensuring transparency, anti-corruption and protection of whistle-blowers.

No to Temporary and Circular Migration

10. **Temporary and circular migration** pose a lot of problems in creating an underclass of workers with no access to their full human and labour rights. Temporary and circular migration must not be used to replace permanent and sustainable jobs nor should they be used to undermine workers' rights, for both migrant and local workers. Temporary and circular migration cannot apply to public services. In order to protect the common good, putting people over profits, public services must be protected with permanent, sustainable jobs and decent work.

Multilateral and Bilateral Labour Agreements

11. **Multilateral and bilateral labour agreements** are necessary in facilitating rights-based labour migration and social protection. However, these agreements must be transparent and are fully in line with international human rights norms and labour standards, with the direct involvement of social partners. In view of this,

PSI unions bring the experience from their involvement in the Germany-Philippines Bilateral Labour Agreement (BLA) on the Deployment of Filipino Health Professionals to Germany that was signed in 2013. The agreement includes all the elements of worker protections, fair recruitment, non-discrimination, trade union rights, social security and human resources development. It includes the trade unions, PSLINK in the Philippines and Ver.di in Germany – unions affiliated to PSI – as part of the Joint Monitoring Committee within the agreement. The unions are involved in monitoring the implementation of the agreement, including through visits and dialogue in the Philippines and in Germany. This good practice example shows that social dialogue and joint engagement in promoting workers' rights and addressing labour migration costs, is possible within a bilateral labour agreement.

Mutual Recognition of Skills and Qualifications

12. The **mutual recognition of skills and qualifications** is an important aspect of work for PSI, particularly in the health and care sectors. This must take into account fairness, non-discrimination, equality of opportunity and treatment and protection of rights. With mutual recognition, must come mutual responsibility by States to ensure the sustainable development of the health workforce in both origin and destination countries.

Gender Perspective

13. The **gender perspective must be fully incorporated** in the Global Compact on Migration. Discussion and outcomes must take into account addressing the vulnerabilities faced by women migrant workers, but likewise emphasise on women's empowerment through access to quality public services, access to justice, decent work, trade union rights and gender responsive policies and interventions.

Child Rights in the Global Compacts

14. PSI supports mainstreaming **child rights in the Global Compact on Migration and the Global Compact on Refugees**, building on key areas, namely, promoting non-discrimination and integration, the best interests of the child, children's access to services, ending child immigration detention, promoting durable solutions, and child protection. We are part of global Initiative on Child Rights in the Global Compacts (<http://www.childrenonthemove.org/>). The Initiative has developed a set of *Recommendations for protecting, promoting and implementing the human rights of children on the move in the proposed Global Compacts*. The four-page synthesis document is attached, or can be found here <http://www.childrenonthemove.org/wp-content/uploads/2017/02/Four-pager-on-working-document-24-June-2017.pdf>.

For more information on PSI Migration and Refugee Work:

<http://www.world-psi.org/en/issue/migration-and-refugees>

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