

ACTIVITY REPORT

A9714774: E-Learning on Developing, Negotiating and Implementing Bilateral Labour Agreements

13 June – 22 July 2022

On line

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ACTIVITY SUMMARY

Activity title	E-Learning on Developing, Negotiating and Implementing Bilateral Labour Agreements
Codes	A9714774
Platform	https://ecampus.itcilo.org/course/view.php?id=2401
Dates	13/06/2022 to 22/07/2022
Language(s)	English, French
Participating countries:	Bangladesh, Burkina Faso, Comoros, Democratic Republic of the Congo, Eswatini, Ethiopia, Fiji, Gambia, India, Kenya, Kiribati, Lesotho, Madagascar, Mauritania, Mauritius, Namibia, Nigeria, Pakistan, Papua New Guinea, Philippines, Samoa, Seychelles, Solomon Islands, South Africa, Sri Lanka, Tanzania, Tonga, Tuvalu, Zimbabwe
N° of participants	57
Partner Institutions	International Labour Organization
Activity Manager	Miriam BOUDRAA
Activity Coordinator	Marion CHRISTOPHE
Donor(s)	ILO: ILO GOALS project, ILO RBTC Asia and Pacific ITALY MAE

BACKGROUND

OVERVIEW OF THE COURSE

Recently bilateral labour agreements, such as bilateral agreements and memorandums of understanding on labour migration, have gained prominence as tools to facilitate the cross-border movement of workers. While bilateral agreements can play an important role in ensuring that labour rights of migrant workers are protected; in practice, they exhibit a number of shortcomings regarding their design, content, monitoring, implementation and impact. In response to these challenges and opportunities, the ITCILO designed this upcoming course on E-learning on Negotiating Bilateral Labour Agreements, with a view to increasing the potential of BLAs in improving the governance of labour migration, promoting and protecting the rights of migrant workers, and enhancing migration and development linkages. This course aims to reinforce the negotiation skills and techniques of officials involved in the adoption and follow-up of bilateral and/or multilateral agreements.

LEARNING OBJECTIVES

By the end of this course, participants will be able to:

- **Discuss** potential challenges for effective implementation of BLAs/MoUs and the way forward;
- **Appreciate** the role, objectives, challenges and opportunities associated with negotiating bilateral labour agreements (BLAs);
- **Become familiar** with key policy priorities that justify the need to adopt bilateral labour agreements;
- **Identify** good practices in bilateral labour agreements based on specific criteria drawn from international norms, and highlight agreements which could lead to better outcomes in terms of migration governance and protection of migrant workers;
- **Improve** capacity for critical review of existing BLAs and MOUs and negotiate for their revisions;
- **Understand** the negotiation process and techniques of effective negotiation, including through the simulation of a negotiation agreement.

STRUCTURE, CONTENT AND METHODOLOGY

The course consists of a number of online modules offered through the e-Campus online platform to be completed over a period of six weeks from 13 June to 22 July 2022, for an estimated 60 learning hours. The course is broken down into three phases:

- **Pre-course learning:** Flexible (asynchronous) self-guided online learning on e-Campus and an end of phase assessment.
- **“Real time” learning:** Live interactive sessions and engaging video presentations by highly experienced trainers, blended with individual and collaborative group exercises, peer-to-peer assessment and online technical forums on e-Campus.
- **End of course assignment:** Individual assignment applying ILO Guidelines to the participant’s organization.

Participants who successfully completed all assessments and the final assignment with a passing grade of 60/100 received a Certificate of Achievement.

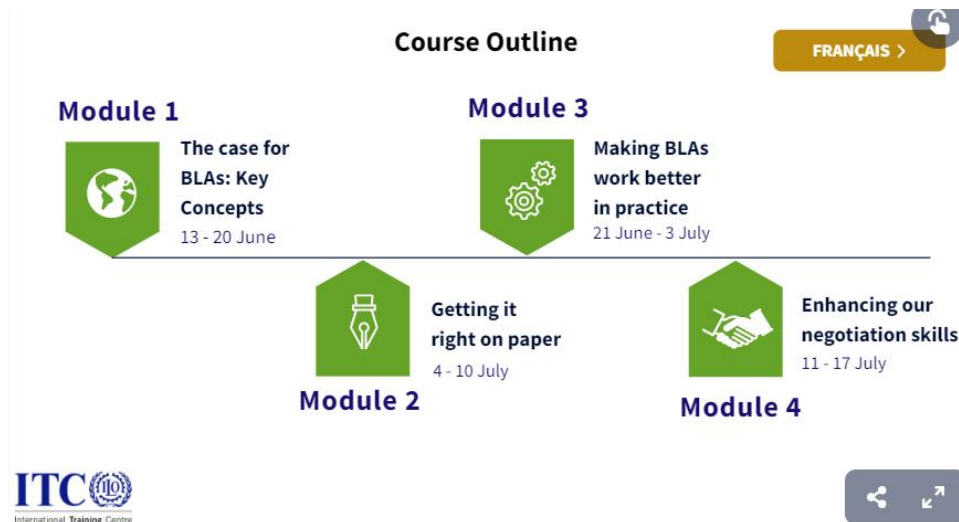
The course covered the following technical content:

Technical content on BLAs and MoU

- Historical overview and current developments of bilateral labour agreements (BLAs) and memorandum of understanding (MoU)
- Types and general features of BLAs and MoU on labour migration
- Recent global and regional trends of BLAs and MoU
- Normative foundations of bilateral labour agreements
- Agreement Structure, Assessment and Good Practices
- Minimum standards/provisions for a bilateral agreement/MOU
- Skills and Social Protection in the BLAs and MoU
- How to make agreements work?
- Monitoring and evaluation
- Joint committees: role, TORs and agenda
- Good practice review: Bilateral Agreements/MOUs on Labour Migration

Technical content on Negotiation skills

- Process and stages of negotiating bilateral labour agreements;
- Characteristics of position-based and needs-based negotiation;
- Behaviours of effective negotiators



The assessment structure for this course is based on a points system, as follows:

- Between 0 and 29 points: no certification
- Between 30 and 59 points: Certificate of participation
- At least 60 points plus submission of final essay: Certificate of achievement

Here below is a detailed description of how participants could get points:

1) WEEKLY QUIZZES

40% of course assessment

Participants had to complete 6 mandatory quizzes from Weeks 1-6. These focused on essential readings and on Modules. All quizzes were mandatory and should be completed by the end of the course. Each weekly quiz will give up to 5 points for a total of maximum 30 points throughout the six weeks. Points are awarded for correct answers; incorrect answers will not earn any points.

2) GROUP WORK

30% of course assessment

The discussion should integrate some of the lessons learned from the previous sessions. All participants will receive the same grade (as it is a group work), but those who don't participate will receive 0 points to the exercise

3) FINAL ASSIGNMENT

30% of course assessment

Participants will be asked to complete an end of course assignment: This individual written assignment is expected to reflect the participants' context.

4) ACTIVE PARTICIPATION

Extra 10% of course assessment will be given to participants who will be particularly participatory during the forum of discussion. This 10% will only be used if the participant needs it to get the certificate of achievement

E-CAMPUS

The course was delivered through the ITCILO eCampus platform, a full-fledged e-learning environment that enables course organizers, experts, trainers and participants to interact in a virtual environment designed to maximize the learning experience.

The course platform is available at this link:

<https://ecampus.itcilo.org/course/view.php?id=2401>

And will remain accessible after the course to participants who wish to refresh their knowledge and / or access the materials at a later date.

All partners had access to the platform and were able, if they so wished, to interact with participants in the dedicated forum and to monitor in real time the course agenda and activities on offer.

Please find here below a screenshot of the course homepage.

E-LEARNING ON DEVELOPING, NEGOTIATING AND IMPLEMENTING BILATERAL LABOUR AGREEMENTS



Course People Certification



Useful information / Informations utiles

NO REQUIREMENTS



Getting Started / Pour commencer

START: 13 JUN 2022 END: 22 JUL 2022 ACTIVITIES DUE: 6



MODULE 1 - Key concepts / MODULE 1 - Concepts clés

START: 13 JUN 2022 END: 22 JUL 2022 ACTIVITIES DUE: 4



MODULE 2 - Getting it Right on Paper / MODULE 2 - Bien

Calendar

February 2023						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

Course agenda / Agenda du cours



TARGET AUDIENCE

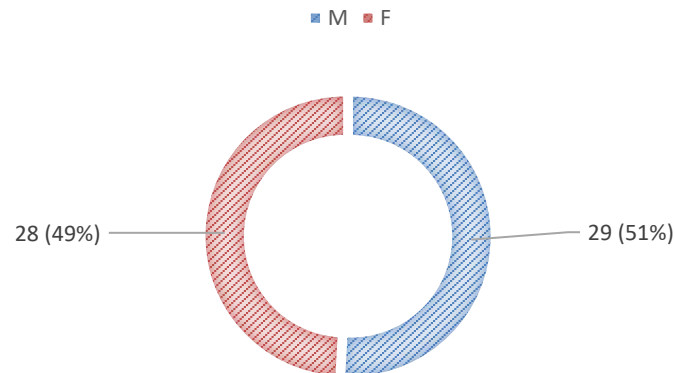
The course is designed for:

- stakeholders involved in the negotiation of bilateral and regional agreements/MoUs and migration issues, in particular officials dealing with migration policy and/or international relations;
- policy-planners involved in the conclusion of bilateral labour agreements;
- practitioners from public institutions and ministries dealing with migration policies and/or international relations;
- representatives of workers' and employers' organizations.

LEARNING ANALYTICS

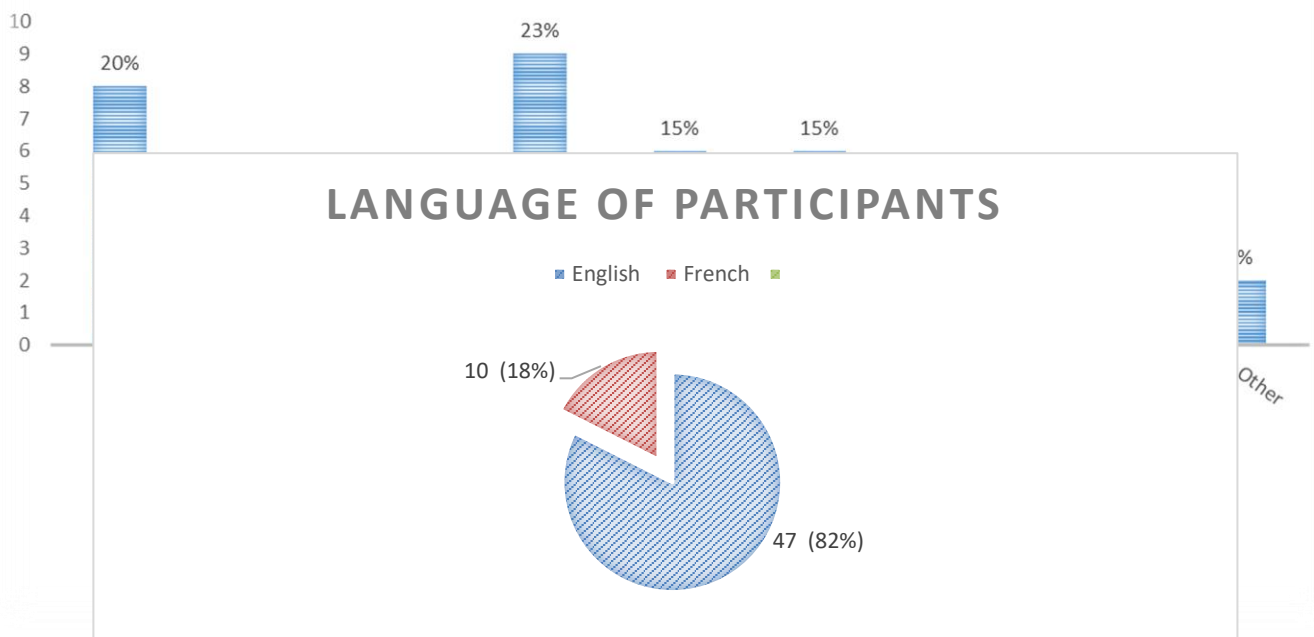
PROFILE OF PARTICIPANTS

PARTICIPANTS DISTRIBUTION BY GENDER

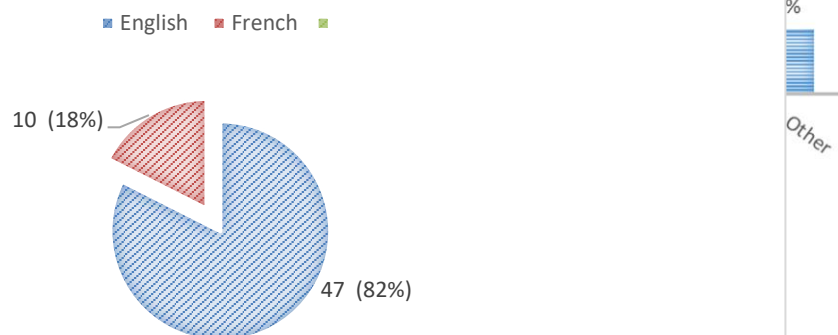


From a gender perspective, there was a very good balance (almost equal share) among men and women participants.

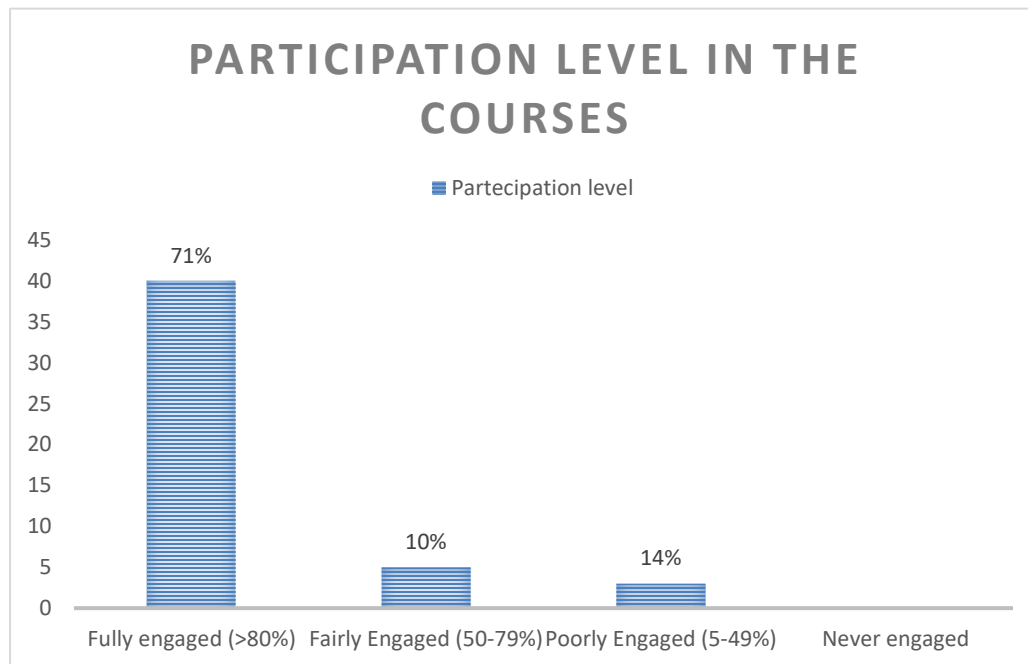
PARTICIPANTS BY ORGANIZATION TYPE



LANGUAGE OF PARTICIPANTS



COMPLETION RATES



Completion rate of the tasks in the eCampus page showed high performance and completion rates: 40 out of 57 participants were fully engaged (had completed all or most of the activities), while 8 submitted at least some of

the tasks.

- Group work

The participants were divided in 3 groups, 2 English speaking and 1 French speaking. Each group was composed of representatives of two fictional countries and were asked to negotiate and agreed on a bilateral labour migration agreement. The main objective of the exercise was to put into practice:

- 1) The technical content of the course (and ensuring that the provisions of the agreement were in line with the ILO approach and protected the rights of migrant workers)

- 2) Test the negotiation skills of participants and some of the tips given to participants during the specific sessions on negotiation skills. By doing so, participants were put into a real case situation of negotiation of a labour migration agreement with the different challenges, which might exist in similar situation.

All groups managed to present the results of the group work during the concluding webinar.

The outline of the exercise is available in annex.

- Final essay

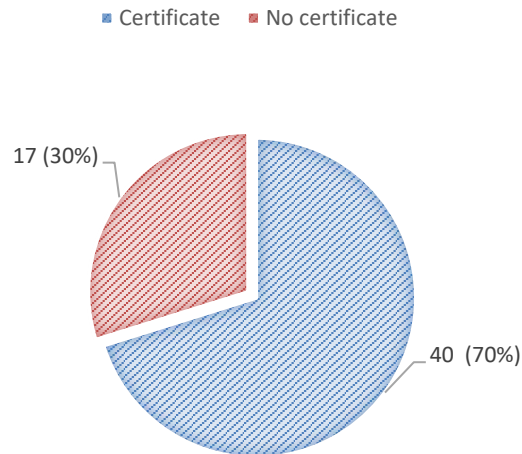
32 out of 47 participants submitted their final individual assignment, with an average grade of 19 out of 30. The participants had to apply what learned during the course to their own context, by producing an essay of more or less 1500-2500 words. The assessment was based on the following components:

- 5 points : clarity of the subject and outline
- 10 points : alignment with content of the course
- 10 points : coherence of the recommendations
- 5 points : mainstreaming a gender perspective.

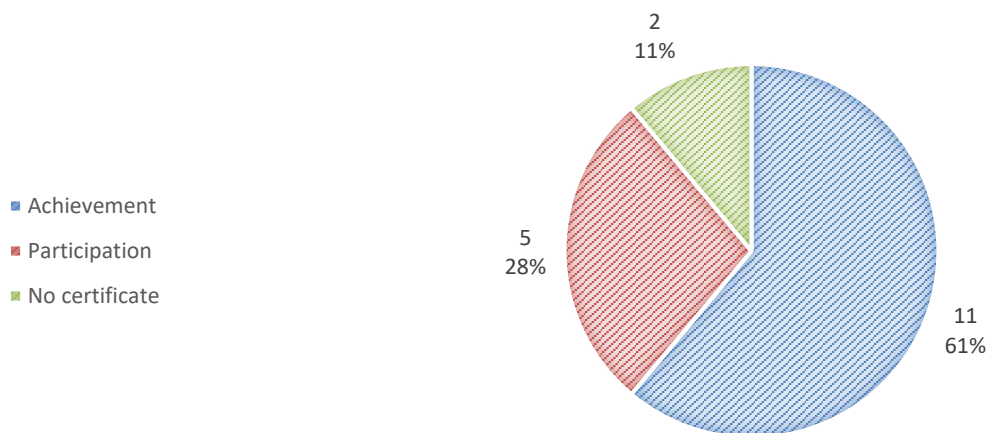
The assessment structure for this course was based on a points system, as follows:

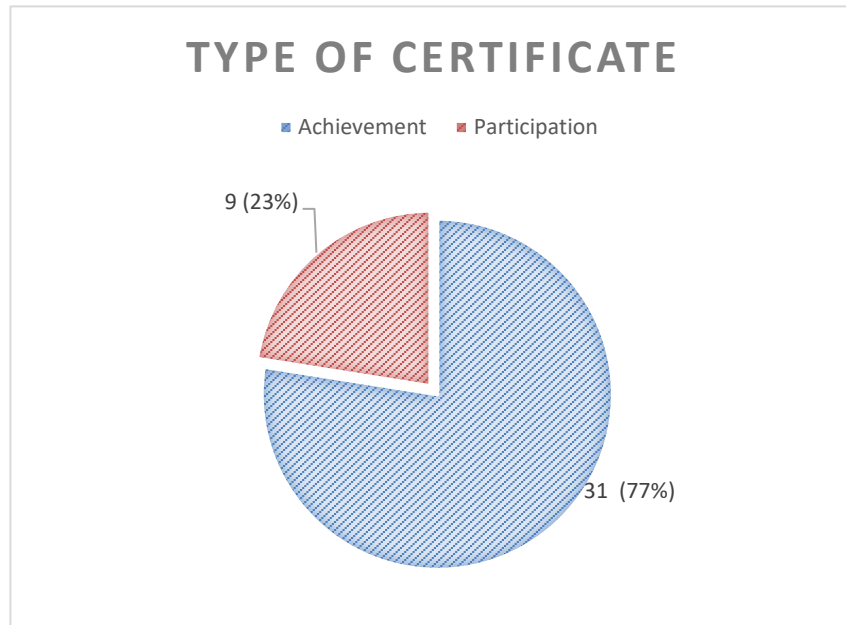
- Between 0 and 29 points: no certification
- Between 30 and 59 points: Certificate of participation
- At least 60 points plus submission of final essay: Certificate of achievement

BREAKDOWN OF PARTICIPANTS SUCCESS RATE



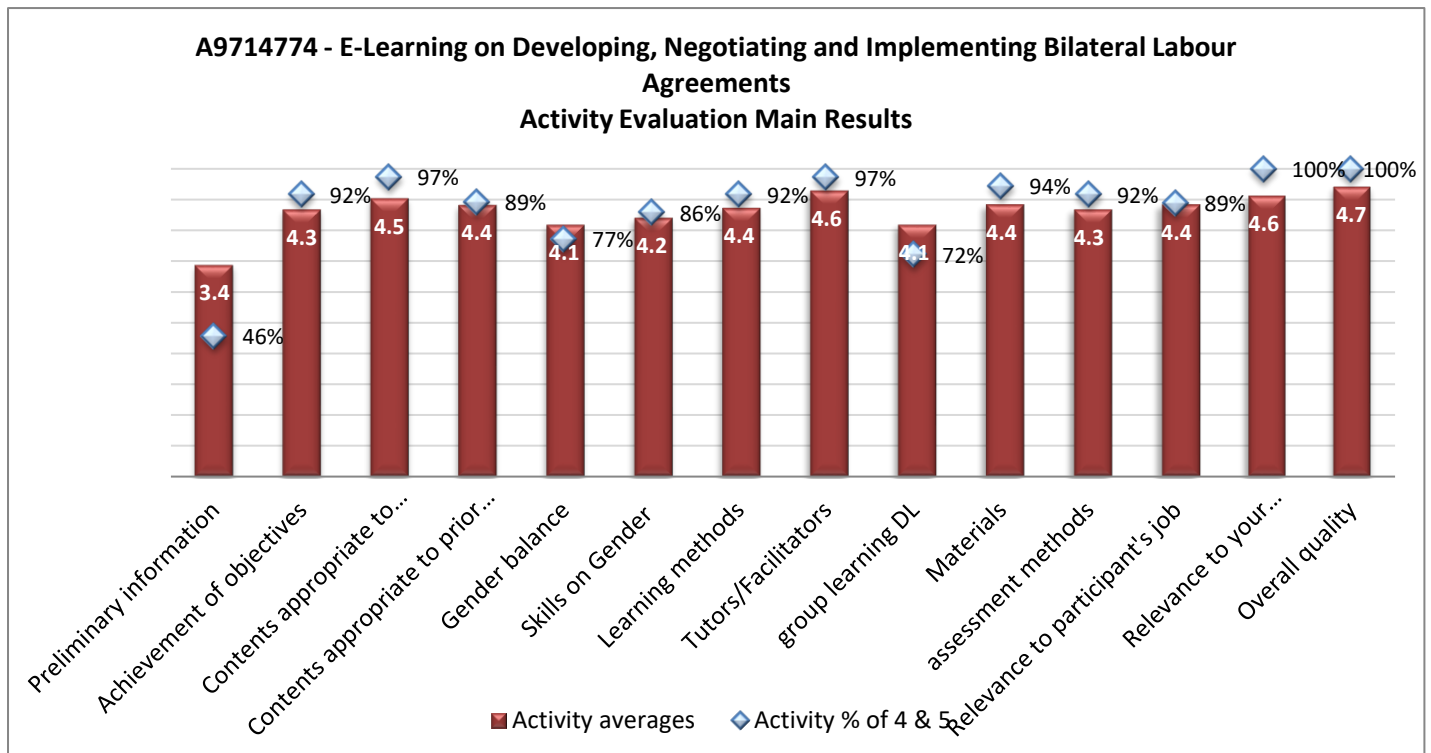
SAMM PARTICIPANTS SUCCESS RATE





FINAL EVALUATION





A final evaluation questionnaire was sent to participants after the end of the course. In addition to multiple choice questions where participants could indicate their appraisal on a scale from 1 to 5 with 1 being the lowest, a number of open ended questions were also included to encourage participants to share reflections on what was most useful to them and suggestions for improvement of future editions. The graph below offers a visual representation of the participants' responses to the multiple choice questions.



ANNEXES

AGENDA
BLA TOOLKIT LINK
GROUP WORK

AGENDA

Inaugural Webinar 15.06 Welcome and course presentation		Webinar 2 16.06 Key concepts	Webinar 3 21.06 The normative framework		Session 4 23.06 Guidelines from around the world
Webinar 5 28.06 Social Protection in BLAs	Webinar 6 04.07 Skills dimensions in BLAs	E-LEARNING COURSE ON BILATERAL LABOUR AGREEMENTS Cliquez ici pour la version française 			
Webinar 9 07.07 Monitoring and evaluation	Webinar 10 12.07 Negotiation skills 1	Webinar 11 14.07 Negotiation skills 2	Webinar 12 19.07 Experience from countries of origin and destination regarding BLAs and MoU		Webinar 13 21.07 Group work presentation and closing
GROUP WORK WEBINARS 01.07 13.07 OPTIONAL 06.07 20.07	Webinar 8 03.07 Mainstreaming gender in BLAs				

BLA TOOLKIT LINK

LABOUR MIGRATION

Developing and implementing bilateral labour migration agreements in Africa

A training toolkit created by the ILO, IOM, and ITCILO



About the toolkit

Welcome to the joint International Labour Organization and the International Organization for Migration's training toolkit on **Developing and Implementing Bilateral Labour Migration Agreements in Africa**.

Click on the image or on the link below to access

<https://www.itcilo.org/resources/developing-and-implementing-bilateral-labour-migration-agreements-africa>

GROUP WORK

BARUBA

BARUBA is a very visited country, whose beaches and natural parks are very appreciated. The economy of BARUBA is essentially based on tourism.

During the peak season (April to October), the country needs a large number of workers. Hotels and restaurants need maintenance staff, waiters, cooks, bilingual receptionists and entertainers.

BARUBA is currently negotiating a temporary labor migration agreement with its neighbor NEO.

This agreement should allow for the arrival of low to medium skilled workers for the duration of the peak period.

BARUBA, which is currently facing serious problems with irregular migrant workers, emphasizes the following points:

- All staff to be recruited must be women between 35 and 45 years old, married and with dependent children. This is to ensure that staff will return to their home countries once the contract is over to be reunited with their families (family reunification is not provided for in the case of temporary labor migration agreements)
- In addition, the Ministry of Foreign Affairs and the Ministry of Interior of BARUBA would like to take this opportunity to ratify a readmission agreement between BARUBA and NEO. To date, NEO has never been willing to sign such an agreement.
- With regard to wages and working conditions, BARUBA offers NEO workers wages that are lower than those offered to its nationals, but which are much higher than NEO's wages.
- The Ministry of the Interior would also like the Ministry of Labor to collaborate so that BARUBA's labor inspectors collaborate on irregular migration and report irregular migrants employed in the hotel sector to the authorities.

BARUBA is willing to provide housing for NEO workers and will cover half of their airfare. The other half will be covered by the migrants themselves or by the NEO Ministry of Labor.

Finally, BARUBA's main objective is to sign an agreement with NEO as soon as possible because the tourist season is starting soon. Moreover, such an agreement will allow BARUBA to regain its credibility at the regional and international level. BARUBA has been under fire from trade unions and civil society for the conditions of migrants in its territory. This criticism has been widely reported in the media.

BARUBA has also begun negotiations with DIWA, another country of origin, to sign a temporary labor migration agreement. Unfortunately, DIWA workers do not have the same skills as NEO workers. There is a need for pre-departure training for DIWA workers to meet the needs of employers.

Neither the Ministry of Labor nor the employers in BARUBA want to have to pay for training DIWA workers and want operational workers right away.

NEO is an important source country for low- and middle-skilled workers. Neo is known for its good education system, especially in the hotel and hospital sector.

NEO has recently begun a major push to expand social protection. One of the most critical issues is that of domestic workers abroad. Trade unions and the Ministry of Neonians Abroad are stressing the importance of incorporating social protection for Neonian workers into temporary labor migration

agreements to ensure that workers abroad maintain their social security rights while they are being acquired and of course also their pensions later on.

In addition, the unemployment rate among young men between 18 and 35 is severe and one of the first consequences is an increase in irregular migration flows. The government has had to face criticism from the unions. They believe the government is incompetent to solve the problem.

NEO believes that a temporary labor migration agreement could help address this problem, especially if it can convince BARUBA to employ young men as well.

NEO has also decided to develop its tourism sector, since it also benefits from a favorable natural setting (beaches and mountains). But to propose a "different form of tourism". NEO has decided to focus on solidarity tourism. Also a huge campaign of creation of green jobs is currently thought at the national level. For the Neonian employers as well as the ministry in charge of development and tourism it is important to encourage the return of Neonians living abroad who have experience in the tourism sector. Therefore,

they would like the agreement with BARUBA to include the possibility of access to additional training for Neonian workers to ensure that their skills are maximized upon their return.

BARUBA has been a member of the ILO since 1958 BARUBA has ratified the following ILO conventions:
Fundamental ILO Conventions

- C87 Freedom of Association and Protection of the Right to Organize Convention, 1948
- C98 Right to Organize and Collective Bargaining Convention, 1949
- C29 Forced Labour Convention, 1930
- C105 Abolition of Forced Labour Convention, 1957
- C138 Minimum Age Convention, 1973
- C182 Worst Forms of Child Labour Convention, 1999
- C100 Equal Remuneration Convention, 1951
- C111 Discrimination (Employment and Occupation) Convention, 1958

P029 - Protocol of 2014 to the Forced Labour Convention, 1930 Conventions of General Application

- C81 Labour Inspection Convention, 1947
- C95 Protection of Wages Convention, 1949
- C122 Employment Policy Convention, 1964

Conventions with specific provisions on migrant workers

- C19 Equality of Treatment (Accidents at Work) Convention, 1925
- C88 Employment Service Convention, 1948
- C102 Social Security (Minimum Standards) Convention, 1952
- C118 Equality of Treatment (Social Security) Convention, 1962
- C181 Private Employment Agencies Convention, 1997
- C189 Decent Work for Domestic Workers Convention, 2011

Specific instruments protecting migrant workers

- C97 Migrant Workers Convention (Revised), 1949

NEO has been a member of the ILO since 1978. It has not ratified ILO Convention 97 and 143. It has ratified only 7 of the core conventions. NEO has not ratified Convention 100 on equal pay. NEO has not ratified C118 on equal treatment in social security.

Conventions of General Application

- C81 Labour Inspection Convention, 1947
- C95 Protection of Wages Convention, 1949
- C122 Employment Policy Convention, 1964

Specific instruments protecting migrant workers are not ratified by NEO

- C97 Migration for Employment Convention (Revised), 1949
- C143 Migrant Workers (Supplementary Provisions) Convention, 1975

Before meeting to negotiate the agreement, each country must negotiate its position internally. The different institutions represented are for BARUBA:

1. Ministry of Labor and Vocational Training
2. Ministry of the Interior
3. Ministry of Foreign Affairs
4. Trade Union

5. Employers' Organization
6. NGO for the protection of the rights of migrant workers and their families

The group should appoint a chief negotiator. The leader will appoint two special advisors.

NEO

NEO is an important emigration country for low-skilled as well as middle and high-skilled workers. NEO is famous for its good education system, and particularly in the hotel and hospitality sectors. NEO is presently negotiating a temporary labour migration agreement with its neighbouring country BARUBA.

This agreement should enable the admission of low-skilled but also middle-skilled workers.

NEO has just started an important campaign on the extension of social protection. One of the most important issues is the social protection of its nationals abroad.

The trade unions and the Ministry of Neoans Abroad insists on the importance of integrating the social protection of Neoan citizens in the temporary labour migration agreement in order to maintain their acquired social security rights and rights in the course of acquisition, as well as the export of pensions. Moreover, the unemployment rate of young males in the 18-35 age category is particularly alarming and one of the first consequences is the increase in irregular migration flows.

The Government has to answer criticism from the trade unions, as well as NGOs, which blame its incompetence in properly addressing the youth employment issue.

NEO is of the opinion that the temporary migration agreement with BARUBA could be a good response to this problem if it manages to convince BARUBA to employ this category of workers.

Moreover, the Ministry of Foreign Affairs of BARUBA would like to take the opportunity of this negotiation to conclude a readmission agreement with NEO. So far, NEO has not really been keen on concluding such an agreement.

The Ministry of Foreign Affairs of NEO is not against cooperation but does not want to sign a formal agreement. It also knows that this will enable NEO to send more workers abroad. Rather than negotiating a readmission agreement, the MFA would like to try to negotiate an amnesty for its citizens in an irregular situation in BARUBA, and give guarantees that it will help in the repatriation of its nationals during the amnesty.

The Ministry of Neoans Abroad and the trade unions are opposed to cooperation on readmission.

Concerning the issue of recruitment fees – employers from Baruba do not want to pay for it and they want workers from NEO to cover the costs themselves. Trade unions and civil society organizations in NEO deem this unacceptable.

The Ministry of Labour of NEO, as well as Trade Unions, want to ask BARUBA to increase the implementation of labour inspection services in workplaces and living places as part of the agreement, in order to minimise abuses.

Finally, NEO would like to receive some guarantee from BARUBA concerning the vocational training that its workers should receive during their stay in BARUBA. This would facilitate their professional reintegration upon return to NEO.

NEO also benefits from the same kind of geographic advantages as BARUBA (nice beaches, important natural parks...) and would like to develop the tourism sector with an ecological approach (in order to develop “green jobs”, for instance). Therefore, access to vocational training is an important element for NEO’s Ministry of Labour – as this important project could partially address the problem of unemployment in the country.

BARUBA is a famous touristic country; well known for its beaches and friendly citizens. During the peak

period (from April to October), there is a significant need for workers. Indeed, hotels and restaurants need cleaning staff, bilingual receptionists, waiters, cooks, animators and managers.

With regards to the wages and conditions of work, BARUBA propose salaries to Neoan workers which are lower than those offered to nationals, but which are still much higher than the average salaries in NEO.

BARUBA will also offer accommodation to Neoan workers and will cover half of the cost of the return air ticket; the migrants themselves or the Ministry of Labour of NEO should cover the other half.

BARUBA is facing a serious problem of irregular migration and insists on the following; all staff recruited should only be composed of 35-45 year old married women with children. This is to ensure that the workers go back to their country of origin after completion of their work contract because their husbands and children have stayed behind.

BARUBA needs to conclude an agreement as soon as possible because the peak period is about to start. Therefore, it needs to start discussing with DIWA, another origin country, but where the workers are not as skilled as Neoan workers in tourism sector occupations.

EO is an ILO member since 1978 :

Relevant conventions ratified by NEO :

ILO Fundamental Conventions

- C87 Freedom of Association and Protection of the Right to Organise Convention, 1948
- C98 Right to Organise and Collective Bargaining Convention, 1949
- C29 Forced Labour Convention, 1930
- C105 Abolition of Forced Labour Convention, 1957
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- C88 Employment Service Convention, 1948
- C102 Social Security (Minimum Standards) Convention, 1952
- C121 Employment Injuries Benefit Convention, 1964
- C181 Private Employment Agencies Convention, 1997
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ILO Fundamental Conventions Conventions of general application

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- C189 Decent Work for Domestic Workers Convention, 2011 Specific instruments protecting migrant workers:
- C97 Migration for Employment Convention (Revised), 1949

Before meeting to negotiate the agreement, each country has to negotiate its position internally The different institutions represented are for NEO:

1. Ministry of Labour and Social Protection
2. Trade Union
3. Employers organization
4. Ministry of Neoans Abroad
5. Ministry of Foreign Affairs

The group should nominate the representative who will take the leading role in the negotiation process.

The negotiation leader will appointed two special advisors.

<https://www.sammproject.org>

