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Labour Migration
Policies Regional and
International. Making



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International
Labour
Organization

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1919-2019

GENERAL PRACTICAL GUIDANCE ON

PROMOTING COHERENCE

AMONG EMPLOYMENT, EDUCATION/TRAINING AND LABOUR MIGRATION POLICIES

1

INTRODUCTION

Labour Migration Policies Regional and International. Making the most of migration for all requires developing a comprehensive strategy that recognizes the short-term as well as the long-term labour market needs at all levels of skills. The growing impact of migration on the world of work is testing current migration management systems. This requires cooperation between national education and labour ministries and with other ministries that have

Well-governed labour migration can be of benefit to both the origin and destination countries as well as the migrant workers themselves, if the right policies are in place. The challenge compared to other policy areas is that labour migration needs to respond to immediate labour market demands that cannot be met domestically, as well as to support long-term labour force dynamics, while not negatively affecting national workers.

Given the growing importance of labour mobility to economic development, the World of Work actors (Employment/labour ministries as well as workers' and employers' organizations) can and should play a larger role in labour migration policies' formulation and implementation. Indeed, in order to make migration policies for employment purposes sustainable, they must be based on a broad social consensus achieved through close consultation between the tripartite partners. It is crucial that labour migration policies are based on identified labour market needs and trends, and ensure productivity and inclusive economic growth. Bringing the social partners into migration policy dialogue from the beginning enables more effective and durable policy design, and a wider set of possible policy solutions. Their participation can also help to ease public tensions related to labour migration.

In this context, there is an increasing need for the harmonization and coordination of employment, education/training and labour migration policies. Better protecting migrant workers, reducing abuse and exploitation, and adequately matching jobs with skills can help ensure better conditions of work, higher wages and a greater potential for the positive contribution of labour migration to development. The political sensitivity around migration in many countries may also hinder positive policy responses.

Policy coherence is not a new concept, but although much research has gone into understanding coherence for migration and development, only a very limited number of studies have looked into policy harmonization between labour migration, employment and education/training.

In the case of **Countries of Origin** coherence between labour migration policies and employment as well as education/vocational training policies can include the following:

- Ensuring job-rich growth and the relief of unemployment and underemployment;
- Promoting the formalization of the Informal Economy;
- Providing support to entrepreneurship;
- Facilitating job search, career guidance and job counselling for potential migrant workers, and returnee migrant workers;
- Ensuring that employment contracts conform with International Labour Standards;

- Promoting employability enhancement (upskilling and reskilling) equipping workers with the necessary qualifications in demand in the national labour market and abroad;
- Minimizing wage distortion effects;
- Ensuring the utilisation of new skills acquired abroad;
- Minimizing the brain drain and protecting domestic industries;
- Improving the social returns on investments in education;
- Managing the composition of the emigrant workforce;
- Improving migrant workers' conditions of employment abroad;
- Curbing recruitment and job placement abuses;
- Regulating private employment agencies (PEAs) and informal recruiters through prohibition, registration, licensing, & monitoring.

In **Countries of Destination**, the harmonization between labour migration policies and employment as well as education/vocational training policies can comprise:

- Determining the existing supply of, and demand for, migrant workers at all skill levels through labour market needs assessments for periodic, objective labour market analyses that determine sectoral, occupational and regional dimensions of labour shortages and their causes;
- Ensuring labour market needs assessments are part of a national labour market information system (LMIS);
- Formulating permanent migration programme and determining what are the skill levels it applies to and how many foreigners enter the country through it;
- Determining the need for temporary/circular migration schemes;
- Putting together Catalogues of occupations difficult to cover, and determining quotas/ceilings based on LMIS or through other evidence-based means;
- Establishing and defining a vacancy/labour market tests system;
- Undertaking regularization schemes (e.g. amnesties) to cover the need for migrant workers in certain sectors and occupations;
- Ensuring migrant workers' working conditions are respected (e.g. wages, working time, leave entitlements, occupational safety and health, social security, etc);

- Ensuring the implementation of Anti-discrimination and pro-Labour Market Integration practices.
- Regulating private employment agencies (PEAs) and informal recruiters through prohibition, registration, licensing, & monitoring.

The objective of policy coherence is particularly important in the area of migration, due to its close connections with the 2030 Agenda Sustainable Development Objectives (SDGs) (particularly nos. 8 & 10) and other policy fields as well as its multidisciplinary and transnational nature. Further, coherence in the field of migration policy is characterized by a dual approach:

- a) internal coherence between policies on different dimensions of migration (which interact in various combinations), such as migration for employment (labour) versus migration for development, policies to control migration and policies to promote or facilitate migration, etc.; and,
- b) external coherence between migration policies and policies of other relevant domains (which are touched upon or are affected by migration), in particular, employment and education/training policies.

Box 1 : Why is it necessary to formulate a labour migration policy? The absence of a migration policy to improve the governance of labour migration can cause a series of collateral problems

- Abuse, discrimination and exploitation of migrant workers;
- Growth of migration in an irregular situation;
- Augmentation in forced labour, child labour and human trafficking;
- Increase of the informal economy;
- Wage dumping and of working conditions of national workers ;
- Dishonest competition between employers that respect and those that do not respect corporate social responsibility;
- Loss of social security contributions and taxes ;
- Brain drain from developing countries.

Box 2 : Labour Market Information Systems

Employment policy should be based on analytical studies of the present and future size and distribution of the labour force, employment, unemployment and underemployment. Policy-makers are requested to take informed and evidence-based decisions related to labour migration issues in order to determine Bilateral Labour Migration Agreements (BLMAs), Regularization Programmes, Temporary Migration Programmes, the formulation of Catalogues of Occupations difficult to Cover, the establishment of foreign workers' quotas per sector and occupation, and fair processes in terms of labour market/vacancy tests. Data compiled in Labour Market Information Systems permits them to avoid “a raise to the bottom approach” impact in terms of wages between migrant and national workers, etc.

The ILO defines policy coherence on migration as “ensuring that policies and programmes regarding migration and other areas do not conflict with each other, either directly or intentionally” (ILO, 2010a, p. 146). In order for this approach to be realized, a comprehensive vision of how migration could address long-term economic and social demands is required. Coherence could also be understood as the extent to which policies are mutually reinforcing, which is very relevant to migration policies in relation to labour market needs.

Furthermore, the ILO Multilateral Framework on Labour Migration, 2006, underlines the importance of ensuring “coherence between labour migration, employment and other national policies, in recognition of the wide social and economic implications of labour migration and in order to promote decent work for all and full, productive and freely chosen employment” (Guideline 4.2).

Box 3: Labour Market Needs Assessments

For policy coherence to function, it is necessary to establish transparent policies for the admission, employment and residence of migrant workers based on clear criteria, including labour market needs. As such, Governments need to establish systems and structures for periodic, objective labour market analyses that take into account gender issues and that include:

- sectoral, occupational and regional dimensions of labour shortages and their causes, and relevant issues of labour supply;
- shortages of skilled workers in both origin and destination countries, including in the public, health and education sectors;
- long-term impact of demographic trends, especially ageing and population growth, on the demand for and supply of labour.

International. Making the most of migration

Box 4: Employment Policy Recommendation, 1964 (No. 122)

Article 4. (1) Employment policy should be based on analytical studies of the present and future size and distribution of the labour force, employment, unemployment and underemployment.

Article 5. (1) Each Member should recognise the importance of building up the means of production and developing human capacities fully, for example through education, vocational guidance and training, health services and housing and should seek and maintain an appropriate balance in expenditure for these different purposes.

Article 33. International migration of workers for employment which is consistent with the economic needs of the countries of emigration and immigration, including migration from developing countries to industrialised countries, should be facilitated, taking account of the provisions of the Migration for Employment Convention and Recommendation (Revised), 1949, and the Equality of Treatment (Social Security) Convention, 1962.

Annex I. General and Selective Measures of an Employment Policy

Article (1) Each Member should :

- (a). make continuing studies of the size and distribution of the labour force and the nature and extent of unemployment and underemployment and trends therein, including, where possible, analyses of :
 - (i). the distribution of the labour force by age, sex, occupational group, qualifications, regions and economic sectors; probable future trends in each of these; and the effects of demographic factors, particularly in developing countries with rapid population growth, and of technological change on such trends;
 - (ii). the volume of productive employment currently available and likely to be available at different dates in the future in different economic sectors, regions and occupational groups, account being taken of projected changes in demand and productivity;
- (b). make vigorous efforts, particularly through censuses and sample surveys, to improve the statistical data needed for such studies;
- (c). undertake and promote the collection and analysis of current indicators of economic activity, and the study of trends in the evolution of new techniques in the different sectors of industry both at home and abroad, particularly as regards automation, with a view, inter alia, to distinguishing short-term fluctuations from longer-term structural changes;
- (d). make short-term forecasts of employment, underemployment and unemployment sufficiently early and in sufficient detail to provide a basis for prompt action to prevent or remedy either unemployment or shortages of labour.

2. Attainment of the social objectives of employment policy requires co-ordination of employment policy with other measures of economic and social policy, in particular measures affecting :

- (a). investment, production and economic growth;
- (b). the growth and distribution of incomes;
- (c). social security;
- (d). fiscal and monetary policies, including anti-inflationary and foreign exchange policies; and
- (e). the promotion of freer movement of goods, capital and labour between countries.

Box 5 : Countries of Origin- Four Types of Labour Migration Frameworks

1. **Laissez-faire:** the State does not intervene at all and leaves the employment of migrant workers abroad completely to the market. (ex. Portugal and the United Kingdom).
2. **Regulated system:** the State usually intervenes at the legislation level creating laws that regulate the recruitment of its nationals for employment abroad. The actual recruitment is mainly left to the market, but the State influences by screening the jobs offered, regulating intermediation by recruiters, setting minimum standards for employment contracts and requiring emigration clearance for certain categories of workers.
3. **State-managed:** The State plays a greater role in influencing migration as a whole, not simply recruitment. Recruitment can be done through the State Employment Service or through a Foreign Employment Office. The State does not simply regulate foreign employment, but sets up State enterprises to supervise the recruitment and placement of workers abroad. The State gives direction and regulates the private sector. The State negotiates agreements with countries of employment, increases the supply of skills in great demand abroad and expands deployment in advantageous occupations and countries (ex: Korea, Philippines and Pakistan).
4. **State monopoly:** the State organises and controls the whole labour migration process and there is no place for private recruitment agencies (ex: China and Vietnam).



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LABOUR MIGRATION POLICIES AT NATIONAL LEVEL

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The absence of labour migration policies at national level may be due to lack of political will, scarce resources - human or financial or both - or simply that migration is not considered an issue requiring policy attention. In some countries, there is also the challenge of political stability - e.g. changes in ministerial leadership which can affect continuity for these policies.

Policy coherence may not have the same meaning, value and intensity in all countries, as the approach to migration depends on the political, economic and social conditions at a given moment in time. Since analysis of policy coherence implies that policies exist, the first step is to look at the different aspects that can be intersected at national, bilateral or regional levels, as indicated in the following scenarios:

- absence of migration policy, including labour migration;
- presence of migration policy, not specifically covering labour migration issues;
- presence of migration policy, covering labour migration issues among others;
- labour migration policy existing as a separate policy;
- separate policy to cover specific aspects of migration, including labour migration, e.g. return migration, reintegration, readmission policies;
- no specific migration policy, but sector policies containing provisions on labour migration (e.g. fishing, agriculture);
- no specific migration policy, but other policy areas (one or more policy domains) such as employment, education/training, security, foreign policies containing provisions/covering labour migration issues. This is the case where the adoption of a comprehensive policy is not considered vital, with preference given to addressing specific issues (e.g. employment, validation of prior learning, recognition of academic qualifications, labour inspection);
- no policy per se, but a comprehensive legal framework, mission statements and plans from different units, as in the case of the Philippines (Philippine Overseas Employment Administration, Overseas Workers Welfare Administration, Philippine Overseas Labour Office); or
- presence of bilateral and/or multilateral labour migration arrangements; or free movement protocols at regional level.

Given the many different situations involved, labour migration policies are designed, implemented, monitored and evaluated in a variety of ways.

This complexity is also translated into the issue of policy coherence, as it depends on the country's public policy landscape, the role of labour market institutions, the presence of social dialogue and respect for international obligations (e.g. implementation of ratified Conventions and Treaties on labour migration).

Table 1. Basic Functions of a Foreign Employment Service

Regulation of migration flows	Recruitment and placement	Contract review and processing	Licencing and regulation	Protection and welfare
a) Conducting market research	a) Organizing and maintaining manpower registry / occupational classification system	a) Assessing conformity with national minimum requirements	a) Implementing licence policy for private sector: Recruiters; Service providers; Joint ventures; Issuing permits for direct recruitment by foreign employers; combating irregular recruitment	a) Setting minimum standards
b) Negotiating bilateral agreements	b) Arranging job interviews for foreign clients	b) Issuing exit clearances		b) Dispatching Labour Attachés
c) Carrying out promotional activities	c) Arranging reliable health certifications	c) Providing special facilities at airports and train stations		c) Verifying job offers / conditions
d) Identifying market access problems	d) Arranging skills testing			d) Conciliating / arbitrating contract implementation disputes
				e) Organizing pre - departure courses
			f) Negotiating social security agreements	

Box 6 : Countries of Origin- Ministries of Labor in cooperation with other Ministries - Areas of Intervention in a migration regime managed by the State

Influence demand

- a). Diversify migration to new and better destinations;
- b). Guide migration to better paid occupations;
- c). Ensure that workers are hired in the formal economy.

Influence supply

- a). Consider the conditions of employment at home;
- b). Avoid the lack of necessary workers in the national labor market through the installation of exit barriers and attraction measures;
- c). Development of competencies.

Regulate recruitment (especially through the Public Employment Service)

- a). Open legal recruitment channels;
- b). Reduce recruitment costs;
- c). Establish minimum contract terms;
- d). Check the exit of workers.

Protect workers

- a). Establish minimum standards;
- b). Ensure better terms of employment for migrants through bilateral agreements and model employment contracts;
- c). Ensure coverage of social security for migrant workers;
- d). Provide benefit services;
- e). Labor inspection.

Box 7 : Labour migration from Ethiopia

Ethiopia is today an origin, destination and transit country for migrants. While the number of Ethiopians abroad is estimated to be more than 1.5 million, obtaining accurate figures is difficult due to the large number of undocumented migrants. The country is a major transit hub out of the Horn of Africa for both migrants and refugees from Eritrea, Somalia, South Sudan and Yemen, who cross into Ethiopia and move on to other destinations.

In order to protect migrant workers more effectively, Ethiopia is in negotiations to sign labour exchange agreements with Lebanon, Saudi Arabia and the United Arab Emirates (UAE). Agreements with Kuwait and Qatar and a Memorandum of Understanding (MoU) with Jordan and Yemen are already in place.

Source: General practical guidance on promoting coherence among employment, education/training and labour migration policies, based on ILO, 2017d.

Box 8 : To effectively regulate labor migration and provide labour and social protection to migrant workers, two of the most important tools recommended by the ILO are:

1. Bilateral agreements (e.g. labor migration exchange agreements, social security portability of benefits agreements and agreements for the recognition of certificates, diplomas and skills). These should cover aspects such as notification of vacancies, selection and recruitment, employment contracts, transport and working conditions, procedures for the resolution of conflicts, protection of fundamental rights, social security and family migration and return of migrants. Whatever form bilateral agreements take, it is important to ensure that they are accompanied by directives on implementation;
2. Employment contracts - must include at least the following:
 - a). Description of the job, the place of employment and the duration of the contract;
 - b). Basic remuneration and for overtime;
 - c). Regular working hours, rest days, vacations;
 - d). Transport clauses to countries / place of employment, and return;
 - e). Compensation for work accident or occupational disease, medical emergency care;
 - f). Valid reasons for termination of the contract;
 - g). Conflict resolution clause;
 - h). Indemnification and non-monetary benefits related to employment.

3

LABOUR MIGRATION POLICIES AT REGIONAL LEVEL

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In addition to labour migration policies at the national level, there is an increasing trend of regional labour migration and mobility. As a result, national labour migration policies may also be affected by the binding directives that membership in regional economic and political communities requires. Since regional labour migration policies are a growing reality, they also raise the issue of maintaining coherence at both regional and national levels.

Box 9: Regional migration policy framework in Africa

One of priorities of the Intergovernmental Authority on Development (IGAD) is to increase the effectiveness of migration management. To this end, the IGAD Council of Ministers adopted the IGAD Regional Migration Policy Framework on 11 July 2012. The Framework was inspired by and developed in response to the African Union (AU) decision EX.CL/Dec.304 (IX) on the Migration Policy Framework for Africa. One of its many objectives is to facilitate the integration of migrants into the labour market by providing migrant workers with access to education and training facilities and giving them the right to join trade unions.

While the policy is coherent with the objective of the African Union to have free mobility of its citizens and workers in the continent, the implementation might meet constraints due to the complex nature of the migration flows (regular and irregular migrant workers, refugees and other forcibly displaced persons, transit migrants, etc.) in the region.

Source: ILO: Skills portability at regional economic community and continental level: Review and policy advice.

Education and Training Policies- Skills recognition and matching

The ILO Multilateral Framework on Labour Migration (2006) proposes a guideline on “promoting the recognition and accreditation of migrant workers’ skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized” (Guideline 12.6). Not adequately addressing labour market demands for all skill levels is likely to be costly for employers, since it will require retraining and could also result in the waste of much needed public funds for education. The lack of proper skills matching could contribute to increasing the precariousness of the labour market, since the unrecognized demand for low- and medium-skilled jobs often ends up being filled by short-term national contract and agency workers, and irregular migrant workers. This also increases the likelihood of workers

moving to the informal economy; it can put workers at risk of exploitation and can affect economic productivity.

In general, having a diploma/certificate issued in the origin country does not qualify as a demonstration of knowledge and skills. The main recognition mechanisms are:

- Unilateral recognition systems. Recognition is made possible with reference to a national qualification system, which allows for recognition and skills portability.
- Bilateral agreements between migration origin and destination countries. Skill recognition should be part of broader labour migration arrangements, aiming at creating favourable conditions for regular migration and for ensuring the protection of migrant workers' rights.
- Regional skills mobility. As part of economic and social integration, economic communities include mechanisms facilitating skills mobility. Priority seems to be given to skilled workers. Some RECs (e.g. ECOWAS Convention on Equivalence of Certificates and the ECOWAS Protocol on Education and Training; the EAC's incipient Qualifications Framework, as well as SADC Regional Qualifications Framework) have already made significant progress on the harmonisation of skills and competencies curricula.

The recognition of other forms of learning, not included in formal certificates, is made through systems for validation of prior learning, where they exist. In general, such recognition systems include the following steps:

- assessment of competences and identification of existing gaps;
- training, aimed at filling the gaps; and
- assessment of competences following the training, and issuance of a formal certificate.

In many low and middle-income countries, however, no systems for recognition of prior learning exist. This is a particular issue for origin countries and return migrants trying to reintegrate into their domestic labour markets.



Box 10 : Types of recruitment mechanisms

1. Official recruitment agencies - public employment offices or other official agencies of the territory where the operations are carried out;
2. Private employment/recruitment and placement agencies - they must have prior authorization and must be subject to the supervision of the competent authority of the territory where the operations are to take place;
3. Direct recruitment by the employer - subject to the approval and supervision of the competent authority, if this is necessary in the interests of the migrant.

Box 11 : Example of the role of private employment agencies in labour migration - Ethiopia

According to the provisions of Proclamation N. 923/2016, a strong role can be played by private employment agencies in the implementation of bilateral labour agreements. PrEAs can assist migrant workers by:

- providing advice on how to gain access to job opportunities that could be available for jobseekers in the international labour market;
- helping jobseekers in the identification of skills and competences;
- referral to training opportunities and employment promotion measures;
- assisting foreign employers in the selection of potential migrants as part of the bilateral agreement; and
- organising pre-departure training in language and information on the receiving country.

Source: Based on ILO, 2017d.

Box 12 : Integrated Programme on Fair Recruitment (FAIR)

Phase II (Tunisia) This global project seeks to contribute to the promotion of fair recruitment practices globally and across specific migration corridors in North Africa, the Middle East and South Asia. Target countries include Hong Kong SAR, Jordan, Nepal, the Philippines, Tunisia and Qatar.

In Tunisia, the project has been building the capacities of the main public recruitment agency to help and accompany Tunisian citizen to be fairly recruited abroad. An agreement is currently being negotiated between the governments of Tunisia and Qatar.

Key stakeholders at the national level in Tunisia will include: Ministry of Vocational Training and Employment (MFPE); Ministry of Social Affairs (MAS), National Agency for Employment and Independent Work (ANETI); Tunisian Agency for Technical Cooperation (ATCT); Office of Tunisians abroad (OTE); Tunisian General Labour Union (UGTT); and, Union Tunisienne de L'industrie, Du Commerce et de L'artisanat (UTICA), Maison du droit et de la migration.

Source: ILO, 2019, <https://www.ilo.org/global/topics/fair-recruitment/phase2>

INSTITUTIONS INVOLVED IN LABOUR MIGRATION POLICIES, ORIGIN AND DESTINATION COUNTRIES

Ministries of Labour and Employment

in both- Countries of Origin and Destination

- › Ensuring jobs and skills mismatch and identification of labour surplus or skills shortages in certain economic sectors and occupations, percentage of workers in the formal and informal economy, etc;
- › Carrying out labour market needs assessments to determine existing demand for, and supply of, migrant workers through Labour Market Information Systems and/or Labour Market Observatories;
- › Facilitating job search, career guidance and job counselling for potential migrant workers, and returnee migrant workers through its Public Employment Service;
- › Provision of pre-departure information and vocational training for potential migrants, and entrepreneurship training and financial education for potential and returnee migrant workers);
- › Protecting the well-being and working conditions of migrant workers by setting a regulatory framework for labour migration (e.g. ensuring that employment contracts conform with International Labour Standards);
- › Facilitating access to migrant workers' employment opportunities by negotiating Bilateral Labour Migration Agreements (BLMAs) and regulating the migration of certain skills.
- › Regulating private employment agencies (PEAs) through prohibition, registration, licensing, & monitoring);
- › Facilitating skills recognition (e.g. recognition of prior learning) and skills certification in collaboration with the Ministry of Education;
- › Providing social protection by ensuring access to, and portability of, social security rights and benefits;
- › Ensuring respect for workers' working and living conditions (e.g. wages, working time, weekly and annual leave entitlements, and other in-service and end-of-service contract entitlements) through Labour Inspection Services;
- › Guiding migrant workers in need of access to justice (non-respect of contract's terms and conditions) to Labour Courts and redress mechanisms;

Ministries of Labour

in Countries of Destination

- › Establishing Catalogues of occupations difficult to cover/Critical Skills Lists, and quota/ceilings systems based on labour market needs identified through labour market information systems (in



straight collaboration with workers and employers' organisations) to accurately determine existing demand and supply and regulate the number of migrant workers per sector and occupation;

- › Informing and ensuring compliance with vacancy/labour market tests (in case of labour shortages) through the imposition of fair waiting periods to publicize the vacancy, ensure evidence is provided that the job was offered to national workers, and requiring the employer to raise the salary offered by a certain percentage, if necessary.
- › Providing employers' authorizations to hire migrant workers and facilitating administrative procedures for work permits;
- › Ensuring that there exists no labour market "social dumping" or "raise-to-the-bottom approach" in terms of wages and other working conditions between national and migrant workers by imposing fees and sanctions, if necessary;
- › Organizing a temporary migrant labour scheme to regulate or control the entry of migrant workers into the country, the economic activity in which they may legally engage and, the duration and conditions of their stay or residence.
- › Formulate and implement Regularization schemes, if necessary.

Employers' Organizations

in both - Countries of Origin and Destination

- › Ensuring corporate social responsibility by applying the UN Guiding Principles on Business and Human Rights, ILO's Decent Work principles, the ILO Declaration on Fundamental Principles and Rights at Work and the UN Global Compact on Safe, Orderly and Regular Migration;
- › Ensuring solidarity between foreign and national workers, particularly in terms of preventing a "raise to the bottom approach" concerning working conditions (e.g. working time, wages, leave entitlements, etc);
- › Promoting the adoption of Codes of Conduct by enterprises and industries to encourage fair and effective labour migration practices;
- › Fostering the application of the General Principles and Operational Guidelines for Fair Recruitment of national and migrant workers and engaging in dialogue with the government for an effective but not unduly restrictive regulatory framework and effective enforcement so as to eliminate malpractices in the recruitment industry;
- › Preventing and eliminating forced labour, child labour and trafficking linked to labour migration processes;
- › Combatting non-discrimination in employment and occupation of



migrant workers and promoting good practices through publications and training;

- › Drawing employers' attention to the human and labour rights violations associated with migration in an irregular situation;
- › Ensuring the social protection of nationals abroad and of migrant workers at home;
- › Investing in the acquisition of workers' new skills to improve their employability and ensure the recognition of migrant workers' newly acquired skills abroad;
- › Identifying industry's skill gaps and requirements not being met by planned investments in education and training;
- › Promoting long-term human resources development planning among member companies;
- › Training and educating employers' organisations in relevant laws.

in Countries of destination

- › Promoting multi-ethnic workforces by showing its strengths and advantages;
- › Encouraging and promoting integration of migrant workers through: training of personnel managers to manage a multi-ethnic workforce, offering migrant workers with upskilling and reskilling opportunities, preparing health and safety notices in languages understood by migrant workers and providing language courses, etc.
- › Promoting the principle of equal pay for work of equal value among member enterprises;
- › Participating in social dialogue on Catalogues of occupations difficult to cover, establishing quotas/ceilings and migrant labour schemes (e.g. temporary migration programmes) and other national policy dialogues which might impact on other labour migration policy issues;
- › Complying with vacancy/labour market tests and other Government requirements;
- › Respecting the application of procedures for visas and work permits;
- › Ensuring employer responsibilities in reporting on the employment of migrant workers;
- › Ensuring respect for terms and conditions of employment, particularly for working and living conditions;
- › Supporting Government policies on the regularization of migrant workers (e.g. amnesties) and engaging in dialogue with the other two tripartite partners on measures that need to be taken for the removal of the root causes of irregular migration.
- › Employers' organizations need to participate in collective bargaining to determine fair conditions of work for migrant workers.

in Countries of origin

- › Considering raising the minimum wage to reduce emigration propensities;
- › Ensuring to find concrete solutions (e.g. job creation) to unemployment, informal economy and lack of decent jobs' challenges.

Workers' Organizations

in both Countries of Origin and Destination

- › Collaborating, where appropriate, with workers' organizations in foreign countries or cooperating with other agencies / bodies / associations (private or public) to advance a common interest of upholding and protecting the rights of migrant workers.
- › Reaching to migrant workers, organizing them into trade unions and representing them;
- › Combatting non-discrimination in employment and occupation of migrant workers and promoting good practices;
- › Advocating for ratification of international labour standards applicable to migrant workers, especially Conventions No. 97, No. 143, No. 181, No. 189 and No. 190;
- › Taking appropriate action to protect the human and labour rights of migrant workers and eliminating all forms of exploitation;
- › Advocating for national policies and measures, especially legislation to ensure that migrant workers are given equal treatment with regard to wages and conditions of employment, social security, the right to organize and join trade unions and the other rights provided for in ILO Conventions;
- › Ensuring solidarity between foreign and national workers, particularly in terms of preventing a "raise to the bottom approach" concerning working conditions (e.g. working time, wages, leave entitlements, etc);
- › Cooperating with employers to integrate migrant workers in multicultural workplaces;
- › Obtaining access to policy forums to ensure that the view of men and women migrant workers are taken into account;
- › Assisting migrant workers in obtaining accurate and comprehensive information about employment opportunities and workers' rights.

in Countries of origin

- › Developing union capacity to participate effectively in policy dialogue on labour migration;
- › Offering services for pre-departure training and country-specific

information about conditions of employment, social security and relevant international labour standards;

- › Advocating for the use of model employment contracts, based on ILO standards for decent work;
- › Advocating for policies and programmes that would lead to the reduction or abolition of fees charged to migrants, including recruitment fees, as provided for in ILO Conventions;
- › Establishing links with diaspora communities abroad and participating in the development of appropriate policies and programmes for the socio-economic reintegration of returnee migrant workers;
- › Providing access to justice counselling and referral services, particularly for migrant workers who have suffered from abuse and labour exploitation; and
- › Establishing special programmes for women migrant workers, especially protection against gender-related discrimination and forced labour.

in Countries of destination

- › Establishing a programme for monitoring working conditions of migrant workers and for protecting their rights;
- › Helping organize migrant workers or arrange for their membership in trade unions;
- › Defending migrants in court litigations involving violation of their human and labour rights;
- › Making representation for the repeal of provisions in working contracts or working permits that discourage migrants from joining trade unions;
- › Disseminating information to migrants through publicity campaigns, organizing training activities concerning rights in a language they understand and assisting them with legal and paralegal services;
- › Discussing the situation of migrant workers with employers' organizations, including migrant workers in collective bargaining agreements and encouraging employers' organizations to provide migrant workers opportunities for skills upgrading;
- › Establishing programmes to promote the integration of migrants; and
- › Campaigning for non-discriminatory treatment of migrant women and for adequate protection against sexual or other abuses.
- › Assisting in regularization/amnesty programmes and ensuring that proper procedures respect human rights and are observed in the deportation of migrant workers in an irregular situation.



Table 2. Organizations involved in labour migration policies, origin and destination countries

Organization	Role in origin countries	Role in destination countries
Ministry of Education	<ul style="list-style-type: none"> › Aligning skills supply to the needs of the domestic and international labour markets; › Responsible for bilateral and mutual arrangements for recognition of qualifications; › Setting up and accrediting testing centres for national workers and potential migrants; › Recognizing qualifications of foreign workers 	<ul style="list-style-type: none"> › Support migrant workers in the recognition of their competences acquired abroad; › Responsible for bilateral and mutual arrangements for recognition of qualifications; › Setting up testing and accrediting centres for national and migrant workers
National qualifications authority	<ul style="list-style-type: none"> › Develop, implement and maintain the national or sector qualifications systems › Assess the correspondence of qualifications to regional qualification frameworks › Ensure compliance with provisions for registration and accreditation of training institutions › Ensure that national qualifications are internationally comparable › Recognize and evaluate qualifications for the purpose of establishing their equivalence › Recognize and validate competencies acquired outside formal education and training systems 	<ul style="list-style-type: none"> › Develop, implement and maintain national or sector qualifications systems › Assess the correspondence of qualifications to regional qualification frameworks › Ensure compliance with provisions for registration and accreditation of training institutions › Ensure that national qualifications are internationally comparable › Recognize and evaluate qualifications for the purpose of establishing their equivalence › Recognize and validate competencies acquired outside formal education and training systems
National recognition information centre	<ul style="list-style-type: none"> › Provision of information on current issues in international academic and professional mobility, and on procedures for the recognition of foreign qualifications 	<ul style="list-style-type: none"> › Provision of information on current issues in international academic and professional mobility, and on procedures for the recognition of foreign qualifications
National Statistical Office	<ul style="list-style-type: none"> › Data disaggregated by sex/age/ skills/ occupation on labour market and migration 	<ul style="list-style-type: none"> › Data disaggregated by sex/age/skills/ occupation on labour market and migration
Public Employment services	<ul style="list-style-type: none"> › Career counselling for potential migrants › Assisting jobseekers in the identification of skills and competences; › Referral to training opportunities and employment promotion measures › Assisting foreign employers in the selection of potential migrants as part of bilateral/ multilateral labour agreements; › Organizing pre-departure training, including language and cultural orientation 	<ul style="list-style-type: none"> › Provision of support in job searching and skills upgrading, especially for matching to fill vacancies; › Advice on and support for protecting migrants' rights at work; › Referral to other public or private institutions dealing with their needs, including the recognition of competencies
Labour inspectorate	<ul style="list-style-type: none"> › Protection of migrant workers at workplaces 	<ul style="list-style-type: none"> › Enforcement of labour legislation, including › Occupational safety and health, working conditions, labour protection

Other institutions that also have important roles to play on labour migration governance are the following:

- a) Labour Market Observatory;
- b) Social Security Institute;
- c) Vocational Training Institute;
- d) Occupational Safety and Health Service;
- e) Working Conditions Service.
- f)) Anti-discrimination and Labour Market Integration Agencies;
- g) Freedom of Association and Collective Bargaining Bodies.

Box 13 : Labour shortages in Countries of destination

- Relative scarcity occurs when full employment has not been reached and there are still vacancies because there are no workers willing to take jobs offered by employers at current wages.
- In general, these job vacancies tend to be in some sectors (low-wage industries, services or plantations), occupations (work that is very unpopular), regions (economically unattractive or remote), employers (those whose companies are of small size and operate on the profit margin or offer substandard wages and working conditions).
- It usually occurs in more developed countries, where social benefits are generous, workers are in a position to reject low wages, jobs without a future and access better paid jobs or obtain income through other means.

Box 14 : The Transition from the Informal to the Formal Economy Recommendation (R. 204)

- Considers migrants as «especially vulnerable to the most serious decent work deficits in the informal economy»
- Applies to all workers and economic units (including enterprises, entrepreneurs and household) in the informal economy.
- Objective - a) Facilitate the transition of workers and economic units from the informal to the formal economy while respecting workers' fundamental rights; b) Promote the creation, preservation and sustainability of decent jobs in the formal economy; c) Prevent the informalization of formal economy jobs.

Formulating a policy	Done	Being done	To be done	Not appropriate or possible
Introduce policies on employing foreign workers				
Establish a policy coordinating mechanism				
Allow private agents to play a role in seeking, selecting, recruiting and transporting foreign workers to be employed				
Allow direct hiring by employers				
Establish links with migrant sending countries through either a framework agreement or an operational bilateral recruitment agreement				
Admissions policy				
Establish quotas, dependency ceiling or similar limitation on:				
Low-skilled workers				
Semi-skilled workers				
Highly-skilled workers				
Establish an admission system through work permits, visas or authorizations				
Conduct a vacancy test				
Organize a temporary or seasonal labour migration scheme				
Improve the system for administration and fees				
Create a monitoring system to see how the policy works and generate statistical data				
Post-Admissions policy				
Grant access to employment other than that for which a migrant was recruited				
Grant freedom of association in the field of work				
Afford equality in terms and conditions of employment for both foreign and national workers - access to social security, housing, health care, occupational safety and health and other				
Give both foreign and national workers access to supplementary measures and support services to implement user-friendly policy (i.e. equal training opportunities, language and training for migrants, complaints and redress mechanisms, other integration assistance, etc.)				
Allow family reunification or migration				

4

GUIDELINES ON PROMOTING COHERENCE AMONG EMPLOYMENT, EDUCATION/TRAINING AND LABOUR MIGRATION POLICIES

Guidelines for policy design

The following indications may prove valuable in giving practical effect to the principles listed below. A specific guide would be needed in order to operationalize these general principles.

PRINCIPLE 1

The labour migration policy design process is clearly and timely organized by the designated institution/line ministry, in close consultation with other relevant institutions such as ministries of labour and other stakeholders, including employers' and workers' organizations.

Guidelines

- 1.1. Have a clear understanding of the roles of the different actors, and encourage multi-stakeholder participation for enhancing the policy design.
- 1.2. Prepare a strategy for the active engagement of all relevant institutions and key actors that need to be involved and consulted during the policy design phase, including employers' and workers' organizations, civil society, etc.;
- 1.3. Consider the role of the different levels of government in labour migration: national, regional and local.
- 1.4. Make sure that key stakeholders are aware of labour migration issues at stake, including gender aspects, and are in a position to actively contribute to the policy-drafting process.

PRINCIPLE 2

Labour migration policies are evidence-based, gender-sensitive, and reflect real labour market needs.

Guidelines

- 2.1. Improve the collection and production of gender-disaggregated, labour migration statistics at national and regional levels, in particular on the number of migrant workers, their distribution by sector, and employment patterns.
- 2.2. Carry out labour market needs assessments at all skill levels, not just for high-skilled occupations, and share results with relevant institutions, policy-makers and other stakeholders. Public employment services (PES) are well-suited, where mandated to work with migrant workers, to carry out skills assessments and forecasting.
- 2.3. Analyse potential unintended policy effects (positive or negative) in the short, medium and long term. In case of negative developments, consider mitigation scenarios.

- 2.4. Consider economic, social and environmental repercussions and costs of policy options, including gender aspects.

PRINCIPLE 3

Labour migration policy contains clear commitments, is budgeted and time-bound.

Guidelines

- 3.1. Include a well-articulated national policy statement on labour migration, making clear the government's commitment.
- 3.2. Include in the policy document: strategic objectives, baselines and targets, as well as performance indicators.
- 3.3. Map all potential sources of financing (public, private, domestic, international), as well as complementarities with funding granted to other policy areas such as employment and education/training to reflect the growing cross-cutting nature of policy-making.
- 3.4. Ensure that labour migration policy and its respective budget allocations will reinforce each other.
- 3.5. Where appropriate, consider the creation of enabling conditions for diversification of funding sources, and attract contributions from private sources and the international donor community.

PRINCIPLE 4

Labour migration, employment and education/training policy interlinkages (synergies and trade-offs) should be carefully considered during the policy drafting process. Other national policies, where relevant (security, trade, etc.) and gender-related aspects should also be taken into account, as appropriate.

Guidelines

- 4.1. Give due consideration to all relevant policy interlinkages and their potential impacts, as well as incorporating a gender perspective in all policy aspects.
- 4.2. Align labour migration policy with employment, education/training and other national or sector policies/strategies. Propose integrated approaches, where relevant, to policy outputs in order to achieve more coherent policy responses and promote a whole-of-government approach.

- 4.3. Carry out analyses on contextual factors (governance, transparency, knowledge, etc.) that might impede or facilitate the policy coherence process, and having a strategy on how to address impeding/negative aspects.
- 4.4. Assess the impact of labour migration on the domestic labour market, with particular reference to the risk of brain drain and brain waste, and their impact on the development prospects of origin countries. Labour migration policy should therefore be combined with employment measures, facilitating job creation and training/retraining opportunities for both national and migrant workers.

PRINCIPLE 5

Labour migration policy reflects a country's international obligations such as international labour standards, fundamental principles and rights at work, and other ratified treaties and Conventions as well as signed bilateral and multi-lateral labour migration arrangements.

Guidelines

- 5.1. Be guided in the policy design process by relevant international norms (such as UN and ILO migrant-related Conventions), including the ILO Declaration on Fundamental Principles and Rights at Work, in order to protect the basic human rights of migrant workers, including those in irregular status.
- 5.2. Recognize the needs of different migrant groups on the labour market: potential, current, return and transit migrant workers, and apply a gender-sensitive approach.

PRINCIPLE 6

Labour migration policy encompasses cooperation efforts at all levels (bilateral, regional and multilateral).

Guidelines

- 6.1. Duly reflect efforts at all levels (bilateral, regional and multilateral) among governments, social partners and other stakeholders as an essential pillar for enhancing labour migration governance, including in the frameworks of regional economic communities.
- 6.2. Include measures for securing improved development outcomes of labour migration for migrant workers and their families, as well as for countries of origin and destination.

PRINCIPLE 7

There are formal mechanisms to guarantee effective feedback between different levels

of government involved in the implementation of the labour migration policy.

Guidelines

- 7.1. Make sure that there are well-established, functioning mechanisms for collaboration and coordination among different levels of government - local, regional and national - in charge of labour migration policy, as well as other relevant key stakeholders such as employers' and workers' organizations.
- 7.2. Strategically locate coordination mechanisms within government structures in order to be able to address policy tensions in a timely manner and ensure coherence throughout the implementation process, including due consideration for gender equality and mainstreaming.
- 7.3. Ensure that coordination mechanisms are able to provide feedback into the next cycle of policy drafting, building on lessons learned and good practices.

PRINCIPLE 8

There are monitoring mechanisms and tools in place to assess labour migration policy implementation.

Guidelines

- 8.1. Put in place transparent monitoring and reporting systems to collect up-to-date and reliable evidence to assess progress in implementation. The system should ideally cover the entire policy cycle (identification, design, adoption, implementation and assessment).
- 8.2. Use the indicators of success identified in the labour migration policy effectively, including those that capture policy interlinkages across sectors (e.g. number of migrant workers having jobs abroad corresponding to their skill levels).
- 8.3. Dedicate sufficient financial resources for monitoring to take place continuously, and be in a position to assess implementation at any given point in time, and, if required, take adequate measures of redress.

- 8.4. Create mechanisms and tools for labour migration policy to be able to adjust to new policy developments, needs and priorities in a timely manner, and/or as negative feedback emerges in the course of implementation.
- 8.5. Maintain active dialogue on appropriate governance mechanisms between origin and destination countries, so as to be able to include findings in the implementation process of the national labour migration policy.
- 8.6. Actively engage the social partners in the periodic review process to ensure that adjustments to policy coherence are carried effectively out.



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