

STATEMENT TO THE HIGH LEVEL DIALOGUE OF THE GENERAL ASSEMBLY ON THE THEME OF INTERNATIONAL MIGRATION AND DEVELOPMENT

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A RIGHTS BASED APPROACH TO MANAGING GLOBAL MIGRATION AS AN ESSENTIAL FOUNDATION FOR BOTH ECONOMIC AND SOCIAL DEVELOPMENT

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Where Migrant workers enjoy the protection of rights the social and economic benefits of migration are well documented.

An increase in labour mobility stands to increase GDP in both sending and receiving nations more rapidly and more in percentage terms than that of liberalisation of goods, services and capital.

In his report to the General Assembly on migration and development, the Secretary-General notes that:

The role that migrants play in promoting development and poverty reduction in countries of origin, as well as the contribution they make towards the prosperity of destination countries, should be recognized and reinforced.

But he puts responsibility up in lights for all of us when he also says that:

“The benefits of international migration, not only for the migrants themselves, but equally for receiving societies, are contingent on the protection of migrants’ rights.”

This HLD on Migration is a most optimistic development. Unfortunately to date there has been far less political will from national leaders to manage international migration than to manage trade liberalisation. Consequently even where economies are increasingly reliant on migrant labour for workforce sustainability, where they have sectors that are largely dependent on undocumented workers or industries that are propped up by exploitative use of temporary labour, the reluctance to recognise and regularise their participation is scandalous by any benchmark of human rights.

Unions and employers associations have been united, through the ILO and at debates in Davos, in their call for the world’s leaders to recognise the increasingly global nature of the workforce and act to both implement rights and facilitate labour mobility.

With the clear challenge of a global jobs crisis articulated most specifically by the Director General of the ILO, Juan Somavia, *as the need to create 400*

million jobs, decent jobs, within 10 years, the push factors driving economic migration can only increase.

Add to the unemployment statistics of some 190 million workers the numbers of workers exploited through denial of rights and those that cannot get enough work or work that pays enough to make a living and one quarter of the global labour force is in distress.

To manage the rapid increase in economic migration and to maximise both economic and social development all nations must adopt a rights based approach to migration management.

Accepting that decent work deficits are driving a rapid increase in labour migration there is still inadequate focus from intergovernmental structures on the fact that this migration has an increasing south-south as well as a north south face and that today labour migration is majority female.

Rarely do we see an issue that is both victim and saviour yet labour migration is just that and must be addressed as a central component of the decent work agenda. While the failure of the global economy to create jobs where people live is a major push factor, the economies of the north would be devastated without migrant labour contributing to the workforce and indeed to growth.

Decent work is a fundamental condition for maximising the benefits of migration for migrant and national workers, but also for economic and social development benefits in both origin and destination countries. Countries of destination get 87% of a migrant workers wage invested in the domestic economy while countries of origin get 13% in remittances. Economic benefits alone should be enough for governments to argue for a coherent global approach to labour migration.

The world we share has a shameful history of slavery, indentured labour, class discrimination, racism and Xenophobia – if leaders are serious about constructing a fair globalisation then a ‘rights based approach’ must sit at the heart of a commitment to respect, regularise and manage migration flows.

For every migrant success story there are too many tales of sickening exploitation, with too often criminal abuse of women in host countries. Each of us here knows that unless the conventions laid down by the UN and ILO are ratified and the resulting rule of law respected, this will continue.

Decent work means that ILO standards must apply to all workers, including migrants. Standards of particular relevance include ILO core conventions, particularly 87 and 98. You all know that in too many countries migrant workers are denied the fundamental right to freedom of association and prevented from organising and bargaining for equal treatment. This is shameful discrimination and must end. Equally the application of migration conventions 97 and 143 as well as standards related to OSH, social security, protection of wages, private employment agencies, maternity protection and labour inspection apply. In addition the ILO Multilateral Framework for

Migration provides a set of guidelines for a rights based approach based on best practice is a consolidated guide for managing migration and endorsed by Governments, Workers and Employers.

Ensuring basic workers' rights, through ratification and implementation of ILO instruments has a double advantage for governments: for those from countries of origin it allows them to express and show their legitimate concerns for the fate of their people who are far from home and seek remedy when situation of exploitation occurs. For those governments in countries of destination who, as legitimately, care for their national workers, it will help ensure that they workers are not placed in unfair competition situation. Respect for basic rights together with the opening of additional legal avenues for migration based on genuine labour market needs will address irregular migration, ensure a sustainable workforce, add to the tax base and provide a boost to the domestic economy. Everybody wins.

As employment arrangements become more complex, many of them designed to contract out of the responsibility for fair wages and conditions, the ILO has responded with a new standard adopted in June, the 'Recommendation on the Employment Relationship'. This is another tool for all of us to use as we shape the global floor for a fair globalisation by preventing abuse, particularly by multi-national companies using labour brokers and the growing exploitation of complex and exploitative temporary migrant schemes.

I commend the UN report for the 2006 High level Dialogue. In particular let me address three major issues briefly.

Coherence: I note and take some optimism from the determined approach to coherence. The forum proposed as a follow up mechanism is essential and indeed as a person who was a member of the Global Commission for Migration, am pleased that it is very much in line with one of the central recommendations of the GCIM report.

Indeed the strength of this proposal is the potential for accountability of the agencies to member states, which I trust, will provide a responsive framework for sending countries to ensure protection for their peoples in host destinations. Given the central relationship with the UN ambitions for a fair globalisation based on full employment and decent work; a set of responsibilities which ECOSOC has been charged with and given the strength of the statement recently endorsed by this body it seems logical that this forum is structured to work within this context.

Further we would hope to see a forum with provision for a consultative mechanism with workers and employers given that the day to day management of the workforce falls to us. Indeed at the ILO and throughout the GCIM consultations my experience is that sadly there is greater unity of view amongst the social partners for equal treatment of migrants than there is within and across national governments. Thus worker and employer associations can add real value.

Apart from our practical experience in the implementation and monitoring of workplace rights, migrant workers must have a voice. Trade unions represent millions of migrant workers and work closely with migrant associations in every parts of the world.

The mandate of the forum must include a plan to address the global crisis in health workers, the need for a massive investment in training and agreed principles for ethical recruitment as a basis for positive co-development programmes. This and other critical areas of global risk require global coherence and co-development commitments.

Temporary Migration: I congratulate the UN for the explicit warnings of the economic and social dangers of this growing practice. It is proving to be a channel for labour exploitation that unions cannot accept. Without freedom of employment and guarantees of equal treatment temporary migration is potentially a 21st face of labour enslavement the world has struggled to rid itself of. Don't let this be your legacy for our children and grandchildren.

Temporary migration is increasing and will play a larger role in the coming decades. However there is an urgent need to out how to manage it successfully and to assess the social impact in a transparent manner... Freedom of employment with rights, grievance procedures and social protections for families along with pathways to full resident status must be in place.

My own country, Australia, has a proud record on permanent migration and a growing economy as a result but the current abuses of temporary migrants, related to a lack of control over employer sponsored visas, is shameful

Consider the plight of Filipino Chefs:

Mid 2005. Ashley Delander and John Harrington recruit skilled Filipino chefs and cooks for jobs in Australia. Each worker is charged 100,00 Peso / Aus. \$2,500 to secure their job.

September 2005. Approximately 30 skilled Filipino chefs and cooks arrive in Sydney. Approx. 15 of them are sent to Canberra on a mini bus. This is the first time that they are told that they will be working in Canberra not Sydney.

September / October. The skilled Filipino workers are "sold" for between \$6,000 to \$9,000 to various Canberra restaurants by John Harrington the organiser of the exploitation scheme under the umbrella of the sub class 457 visas.

October 5th Margarito "Gary" Sorrosa is the first of many to lodges a complaint with the Department of Immigration & Multicultural Affairs (DIMIA) about his working conditions and pay rate.

A pattern of unconscionable treatment of overseas workers emerges, not subject of serious court action, from many well known restaurants in the nation's capital.

If this was isolated we could clean it up and move on but Korean construction workers in Perth, Chinese manufacturing workers in Sydney, Meat workers in regional South Australia; the stories are endless and it is in the interest of responsible employers as well as the unions to see it cleaned up.

If our Government is allowing this to happen in a country with a proud tradition as an immigrant nation then how can we protect the rights of migrant domestic women workers who have their papers taken from them in the Gulf states; migrant construction workers in Asia who are left without the guarantee of minimal safety standards; agricultural workers who are often children in Latin America or the myriad of other examples of the ugly face of migration.

Visas to exploitation all too often can come from temporary migration arrangements. This most definitely includes too many mode 4 workers sponsored under WTO rules; a global organisation of nations, which refuses to acknowledge human and labour rights. It certainly includes the majority of guest labour programs which are the creation of employers too often refusing to pay market rates for labour.

These practices are also giving rise to private recruitment agencies that are simply shysters – ripping off some of the poorest workers through charging fees in contravention of the ILO convention 181 on private sector employment agencies. Countries must look to ratify and implement this amongst other conventions to protect their own citizens.

Time bound, indentured labour arrangements are not a rights based foundation on which to build a fair globalisation within which labour mobility has a central role to play.

Regularization: Let me say thank you. The courage to name this imperative is commendable. Countries that know their economies would fracture without irregular or undocumented labour have shown little courage and much hypocrisy in ignoring this central humanitarian challenge. Countries like Spain, Italy, Greece, Argentina or South Korea have taken the plunge and benefited all round, including a healthier social security budget. Managing this aspect of migration is a matter of political will, a will which should be based on the depth of humanity of our leaders. Please don't let us down!

As events shows in Spain this also requires international cooperation. The vision and courage of governments proceeding to make live regular for millions should be supported not questioned by neighbouring countries.

Unions have much to offer from our responsibility to ensure equal treatment for migrant workers to the advocacy and collective bargaining role that extends to health care, training, social protection, retirement incomes and

workforce planning. Trade Unions play a fundamental role in contributing to the integration of migrant workers by offering them not only membership, but also a say in their decisions, the possibility to elect their leaders and be elected. No other institution has that capacity. Unions play a critical role in protecting established democracies but even more so in nations where democracy is an emerging governance institution.

Workers capital is a central part of the strength of our economies and of the development potential of labour migration. As notes earlier migrant workers contribute on average 13% of their income to the countries of origin through remittances and 87% of their income to the domestic economy of their host country. While we must reduce the cost of remittance transfers let's not overlook the right to portability of pensions and entitlements contributed to through the tax base in one or more foreign countries.

Trillions of dollars of workers capital is managed in various ways throughout the world – globalisation must catch up with our demands for both cheaper and more secure transfer of remittance monies and portability of pensions, accumulated retirement contributions where they exist, and savings without tax penalties.

Global portability and single taxation arrangements for the income of migrant workers is an urgent challenge.

Labour mobility cannot remain the invisible contribution to economic growth as we struggle with fair trading arrangements for the global flow of goods, services and capital. Employers need labour and workers need jobs but decent jobs require a rights based approach to the management of labour mobility. You can make this a reality and improve the lives of tens of millions of people.

“I want to go home, but the company is not paying me. I went to the employment security centre, but they did not solve my problem. Migrant workers are also human beings. Why don't they pay for my work? I cannot go home because I don't have any money. I have chosen to kill myself as there is no other way”. (Note left by Jeong, a 34 year old Chinese worker in South Korea)

Migrant workers are contributing to the strength and the stability of the global economy. Their labour and capital earned also adds to development. We all recognise that the fastest route out of poverty is decent work. As we seek to generate decent work everywhere we urge world leaders here to ensure that we recognise respect and ensure rights and social protection for the world's migrant population; a population, in aggregated terms, equal to Brazil or the 5th most populous global nation; a population making a massive contribution to economic and social development.