

# Labour's Position on the 2022 International Migration Review Forum Progress Declaration



Global  
Unions

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The pandemic has laid bare the need for sweeping changes to fix the economic and political systems that are failing workers, and the global labour movement has responded with a clarion call for a new social contract that ensures equality, inclusion, climate friendly jobs, rights for all workers, and universal social protection. Coherent, rights-based migration governance is an essential part of the larger structural change we need to create an economy that respects and protects *all* workers and promotes democracy in the workplace and the community.

From the outset, trade unions have outlined a clear set of demands to ensure that the UN Global Compact on Migration adheres to human and labour rights standards, and does not further criminalize migrants or empower the private sector to dictate the terms of migration governance. To do that, States must move beyond temporary or circular migration programs and put the focus on regularization, humanitarian resettlement, and policies that promote sustainable development and decent work for all in countries of origin, transit and destination. The Compact could serve as an important vehicle to help address the root causes that compel people to migrate, encourage pathways out of irregularity, and enhance regular migration channels that promote shared prosperity and advance workers' rights. However, the reality we see is quite different. On the occasion of the International Migration Review Forum, our own progress report shows that States need to shift priorities and approaches to meet the needs and demands of workers.

**Demand #1 – Collective worker voice and participation.** Trade unions have demanded a transparent Compact process that gives workers a seat at the table and ensures our freedom to stand together and receive a fair return on our work. This requires authentic social dialogue and guarantees to adhere to our Fundamental Principles and Rights at Work.

Workers' agency is fundamental to achieving fair migration and decent work for all, so it is an alarming and telling flaw that the UN declaration fails to even reference freedom of association or the right to organize and collectively bargain. Freedom of association is an enabling right that shifts the power dynamics so that workers can protect and advance their interests through collective actions and negotiations with employers. Without realizing this shift, we can never hope to reverse entrenched patterns of discrimination and exploitation against migrant workers. Removing barriers to organizing is critical to defending excluded workers of all sorts, because unions provide concrete mechanisms to enforce labour standards and remedy disputes.

We urge States to heed the Compact's call to engage in social dialogue at the national level with trade unions and workers' organizations to further the development of decent work and fair migration. The UN declaration should also reaffirm the importance of the ILO's tripartite mechanisms and conventions as necessary foundations for building a fair migration governance framework.

**Demand #2 – Commitment to decent work, quality public services and sustainable development.** Trade unions have demanded a Compact process that protects and empowers workers in countries of origin, transit and destination, and policy coherence that produces positive labour market outcomes for all working people, regardless of race, gender or migration status.

The UN progress declaration rightly recognizes decent work as an important benchmark for regular pathways. However, States must also make the promotion of decent work the driving principle for addressing root causes of migration and spurring sustainable development. Decent work policies enshrine universal rights, generate economic growth, promote public health and social cohesion, and reduce racial, gender status inequities that undermine our democratic institutions. Unions are calling for investment in inclusive and quality public services and trade strategies that help creation of decent, climate-friendly jobs, accompanied by just transition measures to promote resilience and guarantee that no one is left behind in dealing with the impacts of the climate crisis and in industrial transformation processes. These shifts are essential to reducing the root causes that force families to migrate as a means of survival.

**Demand #3 – Non-discrimination mandates.** Trade unions have demanded commitments to combat xenophobia and racism, end all forms of discrimination, and ensure equal treatment and access to justice and quality public services for all.

The pandemic has revealed the essential nature of work that has long been invisible and undervalued, much of which is performed by migrants; a significant percentage of these are women migrant workers, such as those in the



health and social care and domestic work. This amplifies the imperative for States to recognize the principles of equal protection and equality of treatment for all workers, regardless of their status or whether they are in the informal or formal economy. We call for policy coherence that incorporates migration governance into broader economic, social, racial and gender justice initiatives. Migrants, whatever their race, class, gender identity, immigration status or sector, must be part of social protection policies, not just upon return to their origin countries as noted in the UN declaration, but also in the destination countries in which they work. Migrant workers must also have access to concrete status protections when they exercise their rights and help to enforce labor laws.

The UN declaration recognizes the systematic violations of migrant workers' rights, including rampant issues of wage theft. The accompanying recommendation however must go further in calling for the development of justice mechanisms that allow migrants, whether still in the destination country or after return to their country of origin or a third country, to easily and fairly obtain remedies for the systematic violations they face in the workplace. The concept of "portable justice" should be part of the implementation of the Compact moving forward, and states should task the ILO with using its tripartite mechanisms to develop international standards around remedying wage theft and other routine workplace violations for migrants.

**Demand #4 – Diverse channels for regular migration.** Given that serious humanitarian concerns gave rise to the Compact, trade unions have demanded that the implementation process prioritize regularization schemes and increase humanitarian resettlement options and other rights-based channels—which allow migrants the freedom to move, settle, work, and fully participate in society—over expanding temporary or circular work programs.

Not all regular pathways are fair or equitable. We commend the UN declaration recommendation to redouble efforts to promote better regular pathways, including the call for regularization of undocumented migrants and family unification. In the context of rapidly escalating mass human displacement, much of which is driven by the climate crisis, the imperative to increase resettlement commitment and capacity grows ever more urgent. Now is the time to emphasize and expand humanitarian pathways for climate migrants and others in ways that ensure full worker rights, facilitate social and family cohesion, and provide options for permanent residence and meaningful participation in civic life.

**Demand #5 – Just models for labour migration and adherence to international standards.** Trade unions have demanded a new approach to labour migration that empowers migrants and reduces employers' control over the process. This framework must include binding regulation of the recruitment industry and be guided by ILO's fair recruitment principles and guidelines to ensure equity and to safeguard rights and standards for all.

In the current text of the UN progress declaration, the labor migration focus is problematically narrow, emphasizing "skills recognition" instead of centering workers' rights and agency. States must take steps to fundamentally restructure labor migration pathways so they end the commodification of migrant workers and the systematic exploitation by recruiters and employers. Temporary labor migration programs must not be positioned as a false solution to origin country development or to humanitarian crises, climate displacement, or other forms of forced migration. Instead, labor migration pathways must allow workers to fully exercise the freedom of association, as well as the option for family unity, permanent residency and eventual citizenship if they desire it.

As workers, we continue to demand that the Compact be firmly based in international human rights as well as humanitarian and labour law, requiring governments to commit, explicitly, to aligning their legislative frameworks with the relevant instruments. It must promote the ratification of the ILO core conventions as well as the migration-specific conventions. The ILO should be the lead UN agency on the governance of labour migration, as it has a rights-based, constitutional mandate and expertise in labour.



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Scan and download the Labour Movement's Report to the First Global Review of the UN Global Compact on Migration **Organising for Justice: Trade Union Actions in Defence of the Human and Labour Rights of All Migrants**, 2022, Council of Global Unions