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Global Migration Policy Associates

*An International research, policy development,
advisory services and advocacy group*

A BRIEF ON MIGRATION AND SOCIAL DIALOGUE

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I. THE CONTEXT : THE IMPERATIVE OF SOCIAL DIALOGUE ON MIGRATION

Migration today is about labour, skills, productivity, competitiveness. It is about the viability of developed, industrialized economies. It is certainly about viable, competitive enterprises and in many cases it is about the very survival of some businesses, particularly SMEs, as well as entire economic sectors in many countries.

Migration today is also fundamentally about labour-capital relations, about the composition of work forces, about whether workers are organized into unions. Or not.

So how is migration NOT a central topic for social dialogue?

A look at reality

Most migration results in economic activity outcomes. There are an estimated 235 million people living outside their country of birth or citizenship. In 2010, when there were about 214 million, the ILO estimated that 105 million of the total were economically active, employed, self-employed or otherwise engaged in economic activity. That was nearly half, representing a very large portion of adults of working age in the global «migrant» population. Assuming an overall average of one accompanying dependent per active migrant indicates that some 90% of all migration results in economic activity outcomes¹, including by people who moved for reasons of refugee flight, family reunification or study abroad.

Employment characteristics of migrants are central to labour markets and labour force composition in more than 100 countries today. Foreign born workers now comprise 10% to 15% of labour forces in Western European countries, around 18% in immigration countries of Australia, Canada and the USA.² Taking account of offspring of recent immigrants gives figures of 20% or more of work forces “issue de l’immigration” in some European countries;

1 ILO, *International Labour Migration: a Rights Based Approach*, International Labour Office, Geneva, 2010, page 1.

2 Recent figures for most EU countries and “immigration countries” mentioned are found in the OECD *International Migration Outlook: SOPEMI 2011* Statistical Annex

19.6% of the German population is foreign-born or first generation “issue de la migration”. 49% of the population of Vienna is either foreign born or has at least one foreign-born parent. As former mayor Ken Livingston once said, 'London would not make it to breakfast without migrants.'

Migration represents growing portions of populations and, particularly, work forces in many countries across Asia, the Americas, the Caribbean, and Eurasia. And from 50% to over 90% of work forces in member States of the Gulf Coordination Council (GCC) and several other MENA (Middle East and North Africa) countries. It is 10-20% across Eurasia (Russian Federation, Caucasus and Central Asia).

In reality most migration is taking place within regions –not between, within regional economic communities or common market spaces. 52% to over 60% of migration originating in Africa, Asia and Europe remains within those regions. Much migration today takes place within the twelve Regional Economic Communities that have formal regimes of free circulation of persons, involving more than 100 countries. 80% of migration originating in West Africa goes to other member states of the Economic Community of West Africa States. 60% for SADC, the Southern Africa Development Community. This proportion is similar in the European Union and Mercosur.

What's driving migration?

Evolution and diversification of technology along with transformations and relocations of industrial processes and changes in the organization of work itself are constant characteristics of the world of work today. This constant evolution requires accelerating complexity, diversity and specialization in the competencies and skills of work forces in each and every country worldwide.

No country today can form or train the entire range and number of evolving skills needed to perform the complex, inter-related work done on its territory. This drives a constantly increasing, international mobility of competences and labour at all skill levels. Migration is internationalized labour and skills mobility. It is the key factor to sustaining and renovating essential processes of development: production of goods, services and knowledge, distribution, construction of facilities for housing, education, healthcare and transportation in many if not most countries.

For many enterprises and for entire economic sectors in some countries, low cost, unprotected foreign labour is the only ticket to survival. Agriculture would not remain viable in Europe nor in North America, nor would a part of the population afford to eat without cheap immigrant labour. Health and home care for children and increasing populations of ageing people depend on migrants. As do hotel, restaurant and tourist sectors in all regions, notably Africa, Asia, and Europe. Global, systemic, intense competition as well as free trade, and the race to the bottom phenomena push against costs of labour and provision of social services, indeed on the social protection function of States.

Keeping some migrants cheap, docile, flexible –and removable without social obligations-- becomes highly desirable, including to keep jobs at home. It is no accident that from 6 to 11 million undocumented migrants, mostly workers, have remained consistently in the US economy over the last three decades. There has been a similarly consistent presence of undocumented workers across the EU and in many other countries. While rhetoric may abound about controlling migration, some migrant workers remain in irregular situations, providing the cheap, docile, flexible labour that sustains enterprises and activity –and employment-- in certain sectors.

«We ain't seen nothin' yet»

New evidence suggests that the world is on the eve of far greater international mobility. Within 15 years, the majority of world's countries –and populations-- will be experiencing work force decline and population ageing.³ Germany loses 5 million members of work force

³ For a corporate view on the phenomena, see Ernst & Young online report: “Six global trends shaping the business world: Demographic shifts transform the global workforce” at

in next 15 years, the Russian Federation has lost 10 million since 2000, with a current annual decline of nearly 1 million workers less per year in its domestic labour force. The Japanese labour force have shrunk 37% by 2040 from its 1990 level. A recent study showed that Switzerland will need 400,000 additional workers by 2030 ; Qatar 1 million additional migrant workers before 2020. And there's the big one: China's work force declined for the first time in history in 2012, and is forecast to shrink by at least 100 million people in the next 30 years.

Some 127 of 224 recognized countries and political territories are at or well below zero population growth fertility rates⁴. Examples from regions: Africa: Libya, Mauritius, Morocco, Seychelles, Tunisia. Asia: Bhutan, Brunei, Hong Kong, Indonesia, both South and North Korea, Malaysia, Mongolia, Singapore, Sri Lanka, Taiwan, Thailand, Vietnam. Americas: Brazil, Canada, Chile, Colombia, Costa Rica, El Salvador, Nicaragua, Paraguay, Uruguay, USA, plus nearly all Caribbean states. Argentina, Mexico, Peru are 'almost there' with 2.25 rates in 2013. All EU member countries. Eurasia: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russian Federation, Ukraine, Uzbekistan. Middle East: Bahrain, Iran, Lebanon, Qatar. Saudi Arabia is at 2.21.

Over the next 15 years or less, all of these countries face increasing departures from the work force uncompensated by entrants. The consequences are already exemplified by the fact that, since 2012, the net flow of migration between the USA and Mexico is southward, to Mexico.

Meanwhile, according to a recent forecasting study by the McKenzie Global Institute, the global shortage of high skilled and trained technical skills is projected to reach 85 million. This in just six years, when employers in most parts of the world already today complain that they cannot fill one in three jobs on offer with the needed level of skills.

This means increasingly intensified global shortages of perhaps the most crucial economic resource of all today: skills and labour. This alone should make migration a most critical concern for employers.

Migration and industrial relations

In economic actor terms, migration is a key terrain of contention between capital and labour: between the employers/private sector versus workers/especially organized unions. Migration policy and treatment of migrants has significant impact on how and where the division of wealth is fought out-- how much of what is generated is returned to capital versus how much goes to working people as remuneration and to populations as public services and social protection.

Migrants are also vectors of contention over conditions of work and, particularly, investment in safety and health protections versus lowering labour-related costs to sustain returns on capital.

For unions, migration poses directly questions of whether – not just to what extent-- working people remain organized to defend and advance their interests. With increased proportions in work forces and often their concentration in collective workplaces, migrant workers are key to whether and how workers freely associate and organize to collectively bargain for fair remuneration and decent work conditions. In some cases, they may be making or breaking unionization –not of their own volition.

<http://www.ey.com/GL/en/Issues/Business-environment/Six-global-trends-shaping-the-business-world---Demographic-shifts-transform-the-global-workforce>

4 This and following figures drawn from the on-line *CIA World Factbook, Country Comparison: Total Fertility Rate(s)* at <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2127rank.html>. 2.1 to 2.2 children per woman is considered the 'replacement rate' of zero population growth, below which population will decline.

Governance

A major challenge is the generalized shift of labour market, labour force and industrial regulation functions from labour, employment and economy-concerned ministries to ministries of interior/home affairs and related control institutions by the transfer of authority over migration, which is today 90% about labour and economic activity.

By definition, the security institutions of government do not have the competence on the innumerable functions required for regulating labour forces, facilitating industrial relations or ensuring supervision of working conditions, let alone social protection of workers. While security institutions are now lead agencies –and in many cases exclusive with exclusive authority on migration in a very large majority of countries worldwide, very few have any consultative relations with social partners.

THE AGENDA FOR SOCIAL DIALOGUE

I. The Issues

Some key Migration Issues, particularly for employers:

- Labour force composition and availability
- Training and qualifications for labour market needs: national education policy and practice
- Recognition of training and experience acquired elsewhere
- Labour and skills mobility
- Productivity and competitiveness
- Markets and marketing
- Diversity management and workplace relations
- Industrial relations

Some key migration issues particularly for workers/unions

- Employment and Decent Work
- Organizing workers
- Freedom of association and collective bargaining
- Representation and representative unions
- Relations and respect among workers
- Equality of treatment/anti-discrimination
- Workplace protection/conditions of work, OSH
- Dealing with grievances of workers who may be at greater risk of mistreatment

Most of these issues are, of course, common concerns among social partners as well as ministries of labour/employment.

Virtually every country in the world is today reviewing, revising, reformulating laws and policy related to migration. It appears that social partners are not active nor being consulted in many of these processes.

While other Civil Society and «diaspora» organizations may more often be involved, they do not necessarily grasp or represent either the interests of migrants –many of whom are workers-- nor of the main economic and social actors concerned by migration-- the social partners.

II. Main arenas of action for social partners

- Law and legislation
- Policy concerning migration and migrants
- Administration of (labour) migration
- Practices in workplaces, the world of work

III. Eight key topics for social dialogue, cooperation, and common action:

Using the model of the emerging AU-ILO-IOM-ECA labour migration programme framework:

Governance

- 1) Domestication and implementation of international standards: the foundations for a legal, rules-based approach that levels the playing field, provides the basis for legitimate governance and provides protection for migrants
- 2) Elaboration and implementation of regimes for international labour and skills mobility that facilitate movement, admissions and integration
- 3) Providing competence and capacity for labour ministries and social partners
- 4) Establishing viable mechanisms with necessary specific competences for social partner consultation and cooperation on migration at national, REC, regional and global levels.

Implementation

- 5) Implementation and supervision of labour standards and their application to migrants
- 6) Extension of social protection to migrant workers and their families
- 7) Reform of national vocational, technical and scientific training and qualifications to meet current and future skills and labour needs internationally
- 8) Collection, exchange and application of relevant and reliable labour migration data and knowledge.

Examples of social partner/social dialogue mechanisms and actions on this Agenda:

A. **Focal points** in social partner organizations; the basis for any viable national, REC or international social dialogue on migration is national focal point officers and units in the respective social partner organizations as well as in the Ministries of Labour.

- Most EU member state national trade union confederations, some employer organizations.

- MERCOSUR countries
- Some countries in Africa
- A few countries in Asia
- USA, Canada
- A few Caribbean countries

B. Specific, dedicated **National mechanisms** for local and national social partner consultation and cooperation on migration

An inventory is lacking

National social partner consultations and platforms on migration have existed, some continue, in some cases together with government ministries, in various Africa countries: Algeria, Burkina Faso, Kenya, Morocco, Nigeria, Senegal, South Africa, Tunisia

C. **Regional tripartite conferences and consultations**; some recurring, others 'one time' so far.

Andean countries, Central Asia, Central Africa, East Africa, Southern Africa, West Africa, Central Maghreb, Europe-EU, de facto Council of Europe (until 2010)

D. **Formal REC mechanisms**:

- EAC
- EU-EESC

E. No consistent global mechanism nor dialogue.

Shining Example of potential: ILO ILC 2004 General Discussion on migrant workers (and preparatory consultations), and the subsequent tripartite expert meeting on the Multilateral Framework on Labour Migration (2005).

Accomplishments

A few significant accomplishments of social partner cooperation on migration law, policy and practice:

- Successful joint support (with other actors) for ratification of the ILO migrant worker conventions and/or the ICRMW in **Algeria, Armenia, Burkina Faso, Mali, Mauritania, Nigeria, etc.**
- **Irish** joint social partner agreements that called for and resulted in improved labour migration policy, anti-discrimination, employer-trade union training, integration, etc.
- Establishing viable terms for and successful implementation of regularization of more than 600,000 migrant workers in irregular situations in **Spain**, and a similar number in **Argentina**.
- Multiple opinions by the **European Economic and Social Committee** pushing for incorporation of economic actor/social partner demands in preparation European Council Communications, EU Directives and European Parliamentary resolutions and decisions on migration and migration related concerns.
- Establishment of a functioning, multi-stakeholder national migration policy council in **Uganda** that has advised the government on national regulations, policy formulations and legislative initiatives on labour migration.

What's needed?

- Deliberate commitment and attention to specificity of subject area and specialized topical dialogue by employer organizations, trade unions and ministries of labour.
- Identification of specific/specialized focal point actors in each national and regional social partner organization.
- Capacity building and training on substance for the designated actors.
- External and internal impetus to initiate specific forums, mechanisms, processes of social dialogue on migration; (Few if any have succeeded as a dependent adjunct of a formal national social dialogue/social partnership forum or process.)
- Political support and provision of 'space' and recognition by organizational leadership.
- More attention to facilitating networking and cooperation among constituent focal points tby ITUC, IOE. (There are still apparently no international listings of identifiable migration focal points in national unions and national employer organizations.)
- Specific attention and support by ILO, particularly ACTRAV and ACTEMP as well as ITC, to establishing, capacity building and networking of focal points on (labour) migration in social partner organizations in all regions.

Conclusion

Mobilizing social dialogue, and the social partners themselves, on migration will be essential to re-asserting coherent, rights-based governance of migration worldwide as well as in most countries. The challenges are huge, the opportunities open, and the potential benefits great. But it will take a serious political commitment, allocation of resources and mobilizing social partner institutions and constituencies to succeed.

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