

20th Session of the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, Geneva, 7 April 2014

Half Day General Discussion on “Workplace Exploitation and Workplace Protection”

Presentation by

Rosa Pavanelli, General Secretary, Public Services International



I speak on behalf of Public Services International (PSI), which is a global trade union federation representing 20 million working women and men who deliver vital public services in 150 countries around the world. PSI runs a Migration Programme, aiming to defend the human and trade union rights of all migrant workers while promoting equality, access to justice and quality public services for all.

PSI forms part of the Global Union Federations, which collectively represent more than 200 million workers all over the world. In addition to my intervention, the Global Unions have also jointly submitted a written contribution to this Half day General Discussion.

We fully believe that the core issues of workplace exploitation and workplace protection for migrant workers cannot be tackled effectively other than within the international human and labour rights framework of the United Nations system. The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, along with ILO Convention 97 on Migration for Employment, ILO Convention 143 on Migrant Workers and the eight ILO Core Conventions, provide the most comprehensive protection framework for all migrant workers and members of their families. The work of the UN Treaty Bodies, together with governments, employers, trade unions and civil society, including migrants themselves and their communities, is critical in propagating these Conventions and bringing them into effect.

In my intervention, I would like to focus on *key concerns* and *key priorities for action* that the UN Committee may want to consider in view of strengthening the human and labour rights of migrant workers and members of their families.

The first concern is that workers' rights are central in dealing with international migration. Of the 232 million international migrants today, 90 per cent leave home in search of work. This is a considerable volume vis-à-vis the total global migration flows. Yet despite their well-documented positive contributions to societies, migrant workers are victims of discrimination, abuses and violations of their rights. Inequality, xenophobia, exploitation, forced labour and human trafficking are on the rise. Women migrants, who make up nearly fifty per cent of international migrants, are often placed in this chain of abuse. Migrant domestic workers, seasonal workers, temporary migrant workers, including those in circular

migration schemes, and undocumented migrant workers, are amongst the most vulnerable groups of workers, whose rights are often ignored or violated.

There are well-publicised examples of brutal exploitation of migrant workers, such as Qatar and elsewhere in the Gulf. But such examples exist in virtually every country. In countries where laws do not protect trade union and labour rights and in countries where there is a gap in law and practice and enforcement mechanisms and resources are inadequate, migrant workers become victims of arbitrary treatment, oppression, forced labour and human trafficking.

Second, recruitment conditions are critical in ensuring sound migration and employment outcomes for migrant workers. Labour recruiters, brokers and middlemen are responsible for a wide range of human rights violations. Too often migrant workers find themselves effectively bonded to recruitment agents, through having to pay back extortionate “fees”, contrary to international labour standards. Too often migrant workers are promised one job by recruiters, but end up in another. They end up in jobs where they may be forced to live in overcrowded, sub-standard accommodation, the cost of which is deducted from their already meagre pay. They work in jobs where working hours are unregulated, where health and safety standards are non-existent, and where there is little possibility of social dialogue or collective action to improve their situation.

Various self-regulation schemes have not worked to regulate the murky practices of the international labour recruitment industry. Binding legal frameworks, based on UN and ILO Conventions, are necessary. Reforming the labour recruitment industry requires good governance and transparency and a much larger role for public authorities and agencies. Governments must not sub-contract their human rights obligations to private firms.

Third, labour migration needs to be addressed in a holistic manner, with full consideration of human rights and sustainable, social and economic development. The bulk of migration today is a symptom of uneven development, exacerbated by unfair tax, trade and economic policies, including policies on austerity, that fail to address poverty and inequality. Reduced public funding have led to loss of jobs, worsening working conditions and cuts in public services, such as health, education and social services that are necessary for the well-being of the population. Migrant workers, including women, children and young workers, are disproportionately affected.

Trade and economic agreements that promote aggressive privatisation and purely market-driven labour migration treat migrant workers as commodities rather than as human beings with inalienable rights. This is where the chain of abuses continues.

Having elaborated on these concerns, I’d like to highlight a number of key priorities for action that governments, employers, trade unions and civil society could promote.

First and foremost is the need for sound and coherent policies, addressing not only migration but sustainable human, social and economic development for all people. The UN Migrant Workers Convention calls for the “promotion of sound, equitable, humane and lawful conditions in connection with international migration.” State parties must deliver on these obligations.

Last year, we were all shocked and moved by the tragedy of Lampedusa. Unfortunately, it is only one dramatic example of what is happening in all regions of the world. Governments must embark on policies and cooperation measures that not only address the conditions with which migrant workers and their families migrate, but also the root causes of why people migrate. Policies towards sustainable human, social and economic development, including respect of rights, access to decent work and quality public services are important in order to allow for the right of people “not to migrate”.

Governments can help mitigate racism and xenophobia by reducing emphasis on the security issue and funding of security programmes. Instead they should focus their investments on public policies and social services that promote inclusion.

Together with coherent policies are priority actions that are critical in realising the rights of migrant workers and members of their families. As Global Unions, working in partnership with civil society, we have identified key actions at international, regional and national levels that we would like to share in this discussion. These include:

1. Realising the rights of migrant workers through supporting campaigns for the ratification of the UN Migrant Workers Convention and the ILO Conventions on Migrant Workers C97 and C143. We need to raise awareness among migrant workers of their labour rights, in particular the rights to freedom of association, collective bargaining, equal treatment and non-discrimination, and fighting racism and xenophobia.
2. We will promote policy coherence in the national and global governance of labour migration. We shall challenge the current governance of international migration by actively promoting the role and mandate of the rights-based agencies of the United Nations, including the ILO, the Treaty Bodies and the human rights special procedures. Recognition and inclusion of trade unions in the governance of migration will help combat prejudices, discrimination and exploitation of migrant workers and will enhance cooperation with governments and employers through social dialogue and collective bargaining. We are yet to see these improvements happen in global processes such as the Global Forum on Migration and Development and the follow-up to the UN High Level Dialogue on Migration and Development. The outcome of the 2013 ILO Tripartite Technical Meeting on Labour Migration is an important step in the right direction.
3. We will organise migrant workers and intensify efforts to realise the rights to freedom of association, collective bargaining and equal treatment, both in law and practice. All migrant workers must have the right to equal wages and working conditions, to social security and to access to justice and adequate grievance mechanisms.
4. We must expose the role of recruitment agencies and promote transparency, ethical recruitment, regulation and compliance of recruitment practices with international human rights and labour standards.
5. Finally, we welcome and support the role of this Committee and encourage the ILO Office to regularly provide briefings to the Committee in order to strengthen workers’ protection issues and decent work in the examination of country reports.