



Public Service Trade Union Action Planning Meeting on Social Protection for Migrant Workers Berlin, 28-29 November 2013

CONCLUSION DOCUMENT

We, the participants to the “Public Service Trade Union Action Planning Meeting on Social Protection for Migrant Workers” held on 28-30 November 2013 in Berlin, representing affiliates of Public Services International from Germany, Denmark, Norway, Finland, Philippines and India, as well as partners from Vietnam, the EU-Funded ILO Decent Work Across Borders Project, experts and civil society organizations, conclude this important and pioneering meeting with the following statement and action plan.

I. STATEMENT OF PRINCIPLES, REALITIES AND CHALLENGES

Principles

Social protection is a human right, covers everyone, and consists of the totality of human rights, i.e. right to decent work, right to health, right to education, social rights, and cultural rights. We must fight for this human right.

Everyone, as a member of society, has the right to social security (Article 22 of the Universal Declaration of Human Right).

As defined by the International Labour Organization, social protection covers:

“All measures providing benefits, whether in cash or in kind, to secure protection from: (a) lack of work-related income, or sufficient income, caused by sickness, disability, maternity, employment injury, unemployment, old age or death of a family member; (b) lack of access or unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents; and (d) general poverty and social exclusion....Social security has two main dimensions, namely “income security” and “availability of medical care.”

We abide by the UN and ILO-established social protection floors (SPF), which comprise at least the following basic social security guarantees:

- access to a set of goods and services constituting essential health care
- basic income security for children
- basic income security for persons in active age unable to earn sufficient income
- basic income security for persons in old age

Nevertheless, as we continue to work towards this “horizontal strategy” of guaranteeing the minimum standards of access to essential health care and minimum income security for all, we shall aim for the “vertical dimension”, that is, to go higher than minimum standards and progressively ensure higher levels of protection guided by ILO Convention 102 (Minimum Standards) and more advanced standards.

Provision of social protection should be solidarity-based, publicly funded and publicly administered. Therefore achieving social protection for all likewise achieves providing quality public services for all.

Effective provision of social protection ensures income security, fights poverty, reduces inequality, and promotes social inclusion and dignity.

Social security must be accessible across borders. It must cover all migrant workers in origin and destination countries.

The primacy of equality of treatment and non-discrimination must be pursued in the provision of social security, i.e. minimum standards of security must apply to all types of migrant workers regardless of status.

PSI needs to communicate this definition clearly and widely.

Realities and Challenges

Social protection becomes even more necessary in the face of increasing labour mobility.

International migration today is primarily about the search for decent work. In 2013, the United Nations estimates that there are 232 million international migrants globally. Migrant workers, together with their families, comprise 90% of total migration.

There is also the “feminization of migration” with 48% of international migrants being women mostly concentrated in the health and care services, social services, and domestic work.

Migrant workers, particularly women and undocumented workers, are often excluded from the coverage of social protection schemes, due to their nationality, residency restrictions and employment conditions.

Even in cases where migrant workers are entitled to some form of social security in their country of employment, they are most likely to lose their accumulated benefits when they return to their countries of origin due to non-portability of benefits. Thus, many migrant workers pay into the social security system of their country of employment and yet get nothing in the end.

Neo-liberal policies such as privatization and deregulation have further undermined migrant workers’ rights and social protection, as seen in:

(1) Reduction of access and provision of public services and the dismantling of public services that are critical to the health and welfare of communities. Health and social care services are outsourced and left to a deregulated labour market. These trends lead to a segmentation of the workforce, thereby posing a serious challenge to organising, union representation, collective bargaining and an increased burden in the work of the unions.

(2) Deterioration of employment and living conditions, an alarming increase in precarious work, exploitation of workers, attack on trade union rights, loss of jobs, loss of benefits and denial of social security.

(3) Declining membership in trade unions.

Of serious concern is the aggressive promotion of migration policies that undermine workers’ rights and contribute to creating temporary and circular migration and irregular migration.

Ensuring rights-based migration policies and ethical recruitment are critical in determining access of migrants to their human and trade union rights, including social protection.

There are serious challenges to organising of migrant workers due to the:

- Nature of employment – e.g. in the case of social care workers, migrant domestic workers, au pairs, and undocumented migrant workers;
- Employers pressuring their workers not to join unions;
- Conditions of employment, i.e. precarious work; and
- Length of employment.

There is a need for innovative, culturally-sensitive ways of organizing, including establishing pathways to organising

Furthermore, other challenges to access to social security include:

- Lack of awareness/information on right to social security among employers and workers;
- Lack of coordination on social security for migrant workers between origin and destination countries;
- Reciprocity principle in the implementation of social security provisions;
- Low level of ratification and implementation of ILO and UN conventions;
- Lack of understanding of cultural differences that become barriers to organising and solidarity;
- Lack of capacity and involvement of trade unions in monitoring the implementation of national policies, international instruments and bilateral agreements;
- Lack of solidarity among workers, leading to exclusion of migrant workers from unions;
- Lack of involvement of unions and other stakeholders in policy-making and implementation.

In view of these principles, realities and challenges in achieving social protection for migrant workers, we propose the following action plan, which we will implement over the next three years (2014-2016):

II. ACTION PLAN

1. Promote ratification and effective implementation of ILO Conventions and UN Conventions on migrant workers' rights, namely:

- ILO Convention of Migrant Workers C97 and C143
- UN International Convention on the Rights of All Migrant Workers and Members of Their Families
- ILO Convention C181 (Private Employment Agencies)

2. Improve policies and conditions of recruitment of migrant workers, through:

- Collection of information on the operations of the recruitment industry. On this, we will build on the information collected by the ILO DWAB Project in order to conduct a mapping study of the recruitment industry with the end in view of developing guidelines, recommendations, strategies for action.
- Establish national trade union-led multisectoral alliances on ethical recruitment, with the support of PSI.

3. Support global migration-related activities through guidance and facilitation of PSI, and in collaboration with EPSU:

- Development of a "PSI Passport", a "PSI Card" or a mechanism to promote portable union membership among affiliates within the PSI family. This portable membership will help migrating workers have access to information and assistance from the PSI unions as they move from one country to another.
- Bring the issue of social security for migrant workers at the upcoming "PSI Asia Pacific Pensions Forum" that will be held in Asia Pacific on 15-16 December 2013.
- PSI Nordics Affiliates to consider a proposal to tackle the issue of "au pair" in Nordic countries.
- PSI Danish affiliate FOA to organize an "Au Pair Conference" and invite participation from among Nordic/European affiliates of PSI and EPSU.
- Support the organizing of migrant workers into PSI/EPSU unions and ensuring the voice and participation of migrant workers in the unions.

4. Promoting and pursuing bilateral cooperation between governments and between unions:

1. Germany-Philippines Bilateral Labour Agreement on the Deployment of Filipino Health Professionals to Germany (signed 19 March 2013)
 - a. Active engagement of PSI unions, i.e. Ver.di and PSLINK, in the Joint Committee responsible for monitoring the implementation of the Germany-Philippines bilateral labour agreement (BLA).

- b. Collaboration between Ver.di, PSLINK, GIZ (German Development Agency) and Philnetz (Filipino non-governmental organization in Germany) in providing information and assistance to the nurses migrating to Germany, within the context of the BLA.
 - c. Document the whole process of engagement and implementation of the German-Philippines BLA, with the end of view of producing a report aimed at promoting good practices and identifying lessons learned.
 - d. Conduct an outreach/visibility visit of Ver.di to the Philippines in order to meet the migrant nurses and bring visibility to Ver.di, PSLINK and PSI in the context of the BLA. (First Quarter, 2014).
2. Preparation and distribution of Migrant Information Kits intended for workers considering to migrate for work from the countries of origin, i.e. Philippines and India to countries of destination, i.e. Germany, Denmark, Norway and Finland. (Completion: First Quarter, 2014)
3. Develop a proposal to build the capacity and involvement of trade unions in the formulation, negotiation, implementation and monitoring of bilateral labour agreements.