

Trade Union Best Practice Initiatives for Migrant Workers

July 2005

A general discussion on labour migration held during the International Labour Conference in June 2004 concluded, among other things, that the ILO should develop a non-binding multilateral framework for migrant workers in a global economy. Such a framework, now in preparation, will comprise international guidelines on best practices in a number of areas identified at the Conference. As part of preparation for the development of the framework, the Bureau for Workers' Activities of the ILO (ILO/ACTRAV) has compiled trade union best practices in those areas. This document does not pretend to be exhaustive and readers may feel free to contact Luc Demaret at ACTRAV (demaret@ilo.org) should they have additional information.

1. Having regard to labour market needs and demographic trends in the various countries, expanding avenues for regular labour migration

The union movement is an essential part of national discussions on immigration policy; even in new receiving countries such as the Czech Republic unions are engaged in influencing legislation through tripartite mechanisms and through participation in specialised government commissions examining these issues. In the traditional receiving countries the union movement has been quick to adapt to the realities of migrant workers and are making their voice heard.

The Italian trade unions – CGIL, CISL and UIL – have denounced the current migration system's reliance on workers quotas, claiming that it is unable to guarantee that an adequate balance is struck between the supply and demand for foreign labour in Italy. Only a few thousand immigrants enter Italy legally every year, whereas the number of illegal workers entering the country every year is estimated at 200,000. The unions also denounce the administrative handling of the renewal of work and residency permits, a process which can take over 10 months and which often plunges the migrant worker into uncertainty and vulnerability. The unions have also called for talks with ministries most affected by immigration – Labour, social affairs, foreign affairs and home affairs – with a view to removing the atmosphere of uncertainty and the sense of precariousness felt by migrant workers, and in order to break down public feelings of mistrust.

In Spain, trade unions are regularly involved in commenting and proposing amendments to national legislation on immigration. The UGT has released papers examining recent proposals for modifications of immigration law, adopting European directives on equality, as well as developing yearly quotas for migrant workers Spain. In May 2004 the UGT called for a state compact on immigration issues (pacto de estado en materia de inmigracion) in order to establish a stable forum for discussing migration issues. The UGT stresses that the government needs to take the lead in the design

and implementation of this compact – and that this should not be used as an electoral ploy, as this will have negative effects on society. The UGT also commented that it was pleased to note that immigration issues have returned to the control of the ministry of Labour and Social Affairs, and of the creation of the secretariat of immigration and emigration (la secreteria de estado de inmigracion y emigracion). The UGT further calls for the creation within this secretariat of a tripartite labour commission in order to integrate migrant workers into the national labour market and to guarantee their rights

In November 2004, Spain adopted new rules for foreign workers, which included measures providing for the regularization of over 500,000 undocumented workers. These rules had been negotiated with the social partners and trade unions played a key role in ensuring that they included references to rights.

Other examples of large scale political mobilisation are a postcard campaign launched by the American labour federation AFL-CIO in 2001. This was addressed to members of Congress (parliament) and to the President and called for a legal status, with equal rights, for all immigrant workers, together with the legalisation of illegal immigrants.

2. Promoting managed migration for employment purposes, including bilateral and multilateral agreements between host countries and countries of origin

Trade unions are also important actors in regional agreements proposing economic integration, and the establishment of regional labour markets. For example the member states of the East African Community (EAC), along with governments, employers and trade union federations, launched in December 2004 a labour migration project for development and integration. This is an ILO initiative supported by the European Union. This supports the implementation of the EAC treaty commitments to establish free circulation of labour and services, and provide right of residence to the citizens of the community.

In the European Union, trade unions have been vocal in commenting on prospective amendments to free movement for employment purposes. For example, in Estonia national trade union centre, EAKL, has condemned the selective implementation of the free movement of workers for the 10 new member countries. EAKL considers the restricted implementation of the right to free movement – where nationals from the accession states must wait a number of years before allowed into the labour markets of other EU members – as discriminatory and that it takes no account of the interest of the union movement. The Unions in Estonia are also active with skill upgrading and the recognition of qualifications in order to prepare their nationals for entering the European labour market.

The promotion of managed migration for employment purposes is high on the agenda of the trade union movement in sending countries. In order to set the issue of workers rights onto the political agenda, the TUCP in the Philippines has long campaigned for workers representation in the formulation of migration related policies, and has been successful in nominating worker representatives in the policy making bodies of select government agencies on migration. On the other hand, the Ecuadorean Confederation of Free Trade Unions (CEOSL) has constantly denounced the government's failure to defend Ecuadorean migrants abroad, particularly as their remittances is the second most important source of income.

The unions approach to managing migration between sending and receiving countries has included much action between the union movements in source and destination countries. For example, the Spanish workers confederations, CC.OO and UGT have met with Moroccan trade unions, as well as with migrant workers associations such as the Association of Moroccan Migrant Workers in Spain (ATIME). The CC.OO met with the Moroccan trade union confederation UMT in January 2003 to devise a strategy for cooperation on immigration issues. Bilateral relations also exist between CCOO and the trade union movement in Mauritania, which regularly visits Spain to discuss the situation of Mauritanian migrant workers in Spain.

Spanish unions have also been involved with promoting local development in sending countries, especially in South America, through the ISCOD (Instituto Sindical de Cooperacion al Desarrollo). The UGT trade union federation has also opened an information centre for would-be migrants in Ecuador and works closely with unions in that country to defend the rights of Ecuadorean immigrants.

There has also lately been much cooperation between unions in neighbouring European countries. For example IG-Bau, Germany's building workers' union, has had contacts with a number of unions in countries of Eastern Europe, most of which have now entered the EU and will (soon) benefit from the free movement of workers. In 2001, Britain's Trades Union Congress (TUC) and the Portuguese national trade union federation CGTP signed an agreement to promote membership of TUC unions to Portuguese members in the UK. The workers benefit from an information campaign, in Portuguese, explaining how they can help limit abuse from their employers. The CGTP has also signed similar agreements with trade unions other key destination countries for Portuguese workers, namely Switzerland, Spain and Luxemburg.

The Trade Union Confederation of Romania has pressured the government to reach agreements with governments of receiving countries for Romanian migrant workers. It has also concluded agreements with unions in these receiving countries so that their members are protected there and their trade union membership is transferred to a partner organisation in the destination country. Before leaving the

Romanian migrants are instructed on the specificities of the receiving countries. Further cooperation between unions help protect the rights of their workers abroad. The Romanian union CNSLR-Fratia cooperates with France's CGT at the Chantiers de l'Atlantique in Saint Nazaire, in Western France, in order to help Romanian workers there on wage issues.

Union Network International-Europa (the European section of the Global Union Federation for service workers) launched a union passport scheme in 2000 to help mobile workers to retain their union rights and obtain support as they travel from one country to another. This was initially set up for Indian IT workers abroad. The passport allows a worker who is already a member of a union in his/her home country to be 'hosted' by a UNI member union in the destination country. With the passport the worker has access to a list of local contacts, information on working conditions, the banking system, tax regulations, information on housing, schooling and healthcare. The migrating worker can also benefit from advice on labour issues and from legal support in the event of a dispute with the employer. The passport gives the holder the opportunity to participate in local union activities, including training courses.

The trade unions in sending countries are also keen to maintain links with their expatriate communities by cooperating with unions in destination countries. This is an area many unions in developing countries are engaged in, including UNSAS in Senegal, CNTD in the Dominican Republic, the Ceylon Workers Congress (Sri Lanka) and the Moroccan UMT. The All India TUC is active in organising Indian workers who emigrate to the Middle East, to Singapore and Malaysia. It also organises cultural activities for these nationals abroad. In Nepal, the national trade union GEFONT has started to organise Nepalese migrants in such countries as India, Japan, Korea and some Gulf countries where large number of Nepalese are employed. It has formed support groups in those countries whose representatives can participate in the GEFONT national congress. The Nepalese trade union confederation also has an agreement with the All India TUC (there are about half a million Nepalese people working in India, who do not require work visas) that their members are automatically members in the other country unions as soon as they cross the border.

3. Promoting managed migration to address the impact of an ageing population on national economies

The impact of an ageing population in most of the traditional receiving countries has increased the demand for healthcare workers. Almost half of newly recruited nurses in the UK in 2001-2002 came from abroad, notably the Philippines, India or South Africa. But the emigration of medical and nursing staff represents a potential threat to the health services in developing countries. Of the 7,000 nurses

registered every year in the Philippines, 70 percent leave their country in search of a better life or to help their families by sending money home. At the same time there are about 30,000 vacant posts in the country.

The British TUC is campaigning on the terms and recruitment of these migrant workers, to ensure that they cover issues including the rights and benefits they are entitled to and the ethical practices of recruitment agencies. The UK public sector union UNISON has published a “Guide for Nurses from Overseas Working in the UK”. They consider it unethical that a developed country like the UK should be recruiting a high number of fully trained and qualified nurses from developing countries. They suggest that the government favour applications from professionals currently out of work and encourage nurses to take up training.

In the countries of origin trade unions are campaigning to ensure their healthcare workers decide to stay. In Ecuador the confederation SUTE is calling for wage increases in order to motivate their nationals to stay in the country. In Kenya, trade unions have recommended applying pressure on the government to increase the health budget, promote the establishment of collective bargaining committees in all health centres and pursue negotiations on increasing wages and bonuses.

4. Licensing and supervision of recruitment and contracting agencies for migrant workers in accordance with ILO C.181

5. Promoting decent work for migrant workers

The trade union movement promotes decent work for migrants by actively organising them into the union movement. This way, migrant workers receive the full attention of trade unions. The integration of migrant workers has also provided a big boost to trade union membership and helps revitalise the movement. This has especially been the case in the United States, where thousands of migrant workers have been organised by sector to improve their lot and uphold conditions and standards at work. This began with the organisation of Mexican migrants in the agriculture sector but has expanded into many sectors in the economy. In Canada, the organising of migrant workers in the forestry sector and the subsequent pressures from union confederations made the employers group finally agree to negotiate on improvement on minimum employment conditions for agricultural workers.

In Korea, the KCTU trade union confederation organises foreign members into committees according to their nationality, all which are affiliated to the KCTU. In addition, the action plan of the confederation includes having more involvement protecting Korean nationals abroad, notably in

Japan. In Singapore, the NTUC has been very accommodating to its foreign members, especially as they form 17.5 percent of union membership. In certain unions, membership can be as high as 70 percent. Migrants enjoy the same services and benefits as local workers. In some cases, union fees are subsidized. They are also entitled to subsidized training, including in English and mathematics.

In many unions in Switzerland migrant workers form the majority of members; the GBI, the trade union for construction and industry estimates that about two thirds of its members are migrant workers. This is the result of organising campaigns targeting migrant workers launched in the 1980s, which included publishing information brochures in seven languages; three of these were official Swiss languages (French, German and Italian) while four were the languages most spoken by migrants. In each issue of the union newsletter, a two-page summary is provided in different languages. The GBI also organises migrants into groups, which then delegate members to participate in the commission for migration, and in the migration conferences organised according to different sectors. These conferences determine the direction of Swiss trade unions policies on migration policies. While within the GBI some people argue that the special structures for migrants results in the 'ghettoisation' of migrant members, other argue that due to these structures the unions have been able to attract so many migrants as members.

One union where the issue of migrant workers has been mainstreamed into the union structure includes UGT in Spain, where in addition to a migration department; there are migrant secretariats in the four regions of Spain where migrant workers are most present. The UGT also has a person in charge of women and migration. In all the unions (19) and state federations (8) there is a person in charge of migration matters. These are engaged in providing legal assistance to migrant workers, preparing and diffusing information material, and participating in local and national forums on migrant workers. The UGT is further involved in a wide variety of issues concerning migrant workers, including wages and discrimination, collective agreements, calling for modification of laws on migrant workers, social security, schooling etc.

6. Preventing abusive practices, migrant smuggling and trafficking in persons

One way in which trade unions are fighting against the exploitation of especially undocumented migrants is by calling on the regulation of sub-contractors that hire this undocumented migrant labour. In the UK some 70 percent of seasonal workers are supplied by 'gang masters', who bill the farmers for their services and pay the agricultural workers cash in hand for day to day work. They further derive their profits from deducing transport costs, food and housing from the wages paid to workers. Many of these gang masters have ties to smuggling and trafficking rings.

The UK Transport and General Workers Unions (TGWU) has campaigned for a system of licences for these gang masters. The slogan for the campaign, launched in 2004, is “legislation not exploitation”. They reckon that in the UK’s agriculture sector alone some 3,000 gang masters are employing about 60,000 people. The TGWU reckons that about 100,000 workers, mostly undocumented migrants are all dependent on a gang master for work. The union is calling for the introduction of a licenses and a gang master register, which inspectors could then consult. These licences would be valid for two years and renewable as long as the gang master has not breached any obligation.

A study on migrant workers in agriculture commissioned by EFFAT (the European federation of food, agriculture and tourism trade unions) also recommended that the main contractors be made responsible to their subcontractors, and, to achieve this, cooperation should be organised between trade unions and consumer groups

7. Protecting and promoting the human rights of all migrant workers

The union movement is one of the main actors in ensuring the protection of the human rights of all workers, and many unions consider that as long as a worker is employed he or she can be a member, regardless of his or her status, in line with the provisions of freedom of association contained in ILO Convention 87. In the United States, the AFL-CIO has further recommended native workers not to talk to migrant workers about their immigration status, as this may put the migrants in a vulnerable situation. In addition, in the USA union membership card often include a picture and can be used by migrants as a form of identification.

The active defence of the human rights of all migrant workers is most clearly illustrated in the trade union position against the deportation of undocumented immigrants. For example, the Korean Confederation of Trade Unions (KCTU) actively opposes the government policy of deporting undocumented workers, and this has included political mobilisation. On 15th November 2003, some 100 KCTU militants and sympathisers occupied for several months a cathedral in Seoul to demand a halt to the forced deportation of migrant workers and the regularisation of all undocumented workers. They were also deeply opposed to the new Employment Permit System, set to come in force.

In Thailand, it was a local trade union that took action to protest against the exploitation of migrant workers from Burma. In 2003, they found 420 Burmese workers dismissed from their job for submitting a complaint about their working conditions. While the workers had first attempted to reach agreement with the employers these responded by firing all the workers and calling the police to arrest and deport them. The union launched an immediate campaign to report these violations in the press.

Following the expulsions of migrant workers from Malaysia, the ICFTU-APRO, in cooperation with the Malaysian TUC, the Bangladeshi ICFTU-BC and the Philippine TUC called for the Malaysian government to review its policy and to ensure the protection of migrant workers, who are vital to the country's construction, plantation and domestic service sectors.

In September 2001, the Spanish union confederations UGT and CCOO denounced the government plans to repatriate a thousand Moroccan immigrants from the Canary Islands. They considered the plan ill prepared and no answer to the real problem. Spanish unions have been actively involved in protecting immigrant workers and engaging in awareness raising ever since.

8. Promoting measures to ensure that all migrant workers benefit from all relevant international labour standards.

The organisation of migrant workers to defend hard won labour rights is especially important because of globalisation and economic integration, which has gone the furthest in Europe but which is occurring in all regions of the world. In the EU, this has resulted in French Unions working to defend the rights of Romanian lumberjacks working in French forests and employed by a German firm. Unions are also engaged in protecting their nations working abroad. For example, UGT Spain is involved in protecting Spanish workers abroad; the agriculture federation (federacion agroalimentaria) undertakes a yearly information campaign for Spanish agriculture workers abroad. These campaigns also include field visits to compare working conditions of temporary migrant workers.

Unions are also engaged in upholding international labour standards through the International Labour Organisation (ILO). The trade union congress of the Philippines (TUCP) lodged a complaint in March 2003 against the government of Hong Kong following its decisions to cut the wages of migrant domestic workers. The TUCP considered this as unacceptable discrimination and violates Article 6 of ILO Convention 97 on Migration for employment. The convention seeks to prohibit unequal treatment between migrant and national workers in areas such as pay, social security, social security, and access to justice. The ILO Committee of Experts have reviewed the case. In Spain, until 2001 national law used to prohibit undocumented migrants from joining unions. The UGT subsequently brought a complaint to the ILO Committee of Freedom of Association against the Spanish government for violating Convention 87. Such pressure was successful and in March 2002 the clause was repealed.

Trade unions are also essential actors calling for the ratification of international instruments. The campaign promoting the 1990 UN convention on migrant workers enjoyed the support of trade unions

and of civil society, while trade unions are also active in promoting the ratification of UN and ILO instruments protecting migrant workers. For example, the president of the Swiss union GBI, who is also a member of parliament, asked a parliamentary question on whether Switzerland intends to ratify the 1990 UN convention. (He was told that this was not possible as this would contravene the 2004 reforms on migrants in Switzerland.)

In April 2005, during a tripartite seminar on migration for Maghreb countries, the secretary general of the General Union of Algerian Workers called on his colleagues in other Maghreb countries to campaign for the ratification of Convention 97 and on Governments to take action. Algeria has ratified Convention 97 and has now announced its ratification of the UN Convention on migrant workers.

9. Promoting awareness of migrant workers' rights

One of the main roles of trade unions is promoting outreach programmes to promote awareness of migrant workers' rights, and of the ways in which the union movement can help them. This often includes publishing information in the native languages of the migrant workers. In Australia, where there are 30-40 ethnic radio stations, the ACTU union confederation regularly broadcasts information and programmes in the respective language. Various other trade union communications, including campaign material and health and safety material, are produced in different languages. In New Zealand, the NZCTU also broadcasts programmes over the radio targeting migrant workers. They have also run a pilot programme where union officials are asked to identify the specific problems migrant workers have to deal with on the factory floor. Large minorities, including Pacific Islanders and Maori workers have their own structures within the council of trade unions, which allows them to bring forth their concerns.

An increasing number of unions have been establishing Information centres to inform migrant workers of their rights, and help them seek juridical redress. The Spanish workers' confederations CC.OO and UGT both have set up information centres to assist migrants from the Maghreb and Sub-Saharan Africa. The first of these CITEs (information centres for migrant workers) were set up by the CC.OO in 1986 and have grown consistently since. There are today over 150 people, migrant and trade unionists working in these centres. The issues covered by these centres include:

- advice and support for migrants on labour legislation and administrative issues, including work permits, accommodation, visas, social security etc.
- Information campaigns and multicultural periodicals
- Training for migrants, including Spanish language training, job seeking procedures, etc.

- Awareness raising among groups who come into contact with migrants, such as public sector employees and the police.

UGT Spain has also set up a network of 11 information centres (Guia de Inmigrantes y refugiados) in regions with large immigrant populations. These centres help migrants renew their residence or work permits, to guide them through the procedures for visas and to provide information on all work related issues. Volunteers provide free Spanish classes and trade unions representatives organise workshops on health and safety issue. In 1995 the UGT centres has received some 7,600 migrants, and remarked that 70 percent of them were asking principally for legal information and that 30 percent requested information of a social nature.

Estonians form the second largest migrant community in Finland but many risk exploitation because they are unprotected and unaware of their rights. As a result the Finnish confederation SAK, the Finnish union of salaried employees TU, and the Estonian trade union confederation EAKL have opened information and advice centres for Estonian migrants working in Finland so that they can exercise their entitlement to the same rights as Finnish workers in order to avoid the emergence of a two-track labour market. The centres provide information about accommodation, work permits, the tax system, the steps involved in seeking employment, or about the services offered by trade unions. The centres also organise meetings and seminars between Finnish and Estonian trade unionists.

The AFL CIO also provides migrant workers centres, especially for workers in the informal economy, domestic workers and day labourers. These centres are usually staffed by lawyers who can advise them on their rights. The unions also organise special training for immigrant workers, including English language courses and citizenship classes, which migrants need proof of if they are to apply for permanent residency status.

Another outreach method is in Barbados where the workers union (BWU) systematically gets in touch with all new documented migrant workers. When migrants enter the country legally their names and countries of origin as well as the sector are listed in the newspaper. If the sector is under the auspices of the BWU she or he will be contacted and informed of the activities and services of the BWU. The union is further looking into how to contact undocumented migrant workers.

Unions are also engaged in promoting awareness of their rights to would-be migrants. In important sending countries such as the Philippines, 10 percent of whose citizens' live abroad, trade unions help ensure that prospective migrants are well prepared and knowledgeable about their rights. The Philippine public service trade union, PS-Link, has authorisation from the government to participate in preparatory sessions for workers seeking to migrate. These sessions give trade unions an opportunity

to inform workers of their labour rights and put them in contact with their counterparts in the destination countries.

Trade unions are also promoting migrant workers rights by working closely with migrant communities and cooperating with civil society. Unions have found that when defending and unionising migrant workers, success sometimes depends on alliance with other civic groups which defend migrants. For example in Nebraska (USA) the United Food and Commercial Workers union has been cooperating very closely with Mexican community organisations in a campaign to unionise migrant workers in the meat industry. NGO groups have also worked closely with trade unions in order to repeal certain immigration directives. Unions in Spain also have a long tradition of working with immigrant associations, including organising protests against successive reforms of immigration laws, and working together within national consultative forums, including on the integration of migrant workers, and releasing declarations on immigration issues. In 2003 the UGT further signed a cooperation agreement with the Association of Moroccan workers (ATIME)

The AFL-CIO has recently drawn up a plan to strengthen and further develop the infrastructure within the labour movement for mobilising, organising and representing immigrant workers. Their strategy is to focus on issues that affect migrant workers at the local level and to work closely with, and build on the experiences of, non governmental organisations concerned with migrant workers. This includes existing community and immigrant rights networks, immigrant and labour advocacy groups, civil rights and religious organisations and workers centres. The aim is to build an infrastructure that efficiently mobilizes the resources of both labour and immigrant advocacy community to organise and represent immigrant workers, and to help migrant workers gain power in the community (civic empowerment) and on the job.

This policy aims to build better understanding and ties between labour and immigrant communities. The AFL-CIO wants to make their support for comprehensive immigration reform known in the communities that are directly affected by the issue.

10. Preventing and combating irregular labour migration

Trade unions in sending countries are active in informing workers of the dangers of clandestine migration. For example, the Moroccan CDT cooperates with NGOs to organise awareness raising campaigns on the dangers of illegal immigration, including running films and organising seminars. They work closely with associations who support victims of clandestine immigration.

The Philippine union TUCP and Kaibigan, an NGO working with migrants, have organised a number of programmes specifically targeted to women migrants, who represent 50 percent of all Filipino migrants, in order to inform them of their rights and to combat the trafficking of women. Local unions in many Asian countries of destination also provide support to Filipino migrant workers. In Japan, for example, Rengo, is active in fighting against the exploitation of women in Japanese night clubs, where many Filipino women are employed, while trade unions in Hong Kong offer help to women domestic workers who suffer abuse.

In receiving countries, the trade unions are often in the forefront of campaigns aimed at having undocumented migrants regularized for them to benefit from prevailing labour rights. The UGT in Spain, which is now an important entry point for irregular migration in Europe, has repeatedly called for the regularisation of undocumented migrants. They have further commented that that due to the inequalities between different countries and regions in the world, the phenomenon of irregular migration is impossible to solve in the short and medium run. Regularisation programme will only achieve its objective of reducing the number of people in an irregular situation – and avoid increased in the future – if at the same time the informal economy shrinks; the control of migration flows work correctly and respond to peoples’ desire to move; people trafficking and smuggling is eliminated and there is cooperation with countries of origin. The UGT considers that these have yet to occur. They consider that national immigration policies should include cooperation with sending countries, social integration and labour policies. They also identify as one of the main reason for irregular migration the availability of work in the informal sector. They consider that no regularisation action will have long-term success if at the same time no action is taken to deal with the informal economy.

Many receiving countries have launched amnesty programmes for undocumented workers and trade unions are also involved in helping such migrant workers with the administrative requirements. Trade unions have found that they can boost membership by helping these irregular workers, who are especially women domestic workers, to compile their dossiers for submission, In France during regularisation programmes in the 1980s numerous migrant domestic workers joined the CFDT who offered assistance in preparing their dossiers. Unions in Switzerland (SIT), Italy (CGIL and UIL) and Belgium (FGTB) have also attracted domestic workers into their ranks by offering help with the administrative procedures they need to complete. The Belgian FGTB also provides them with a certificate stating that the union will be defending them, and a tacit agreement has been reached with the authorities that the worker will not be detained or expelled during the legal proceedings.

11. Improving labour inspection and creation of channels for migrant workers to lodge complaints and seek remedy without intimidation

Unions such as UGT Spain have emphasised that issues of equality of treatment and non-discrimination should be part of the function of labour inspections. The UGT has also called for a national commission to be created within the department of labour inspection and social security to deal with such issues in the world of work.

12. Measures to reduce the cost of remittance transfers

The AFL-CIO has been very involved in finding ways to make it more affordable for migrants to remit money into their home countries. After various negotiations, the employers set up bank accounts for migrants which are less expensive than money sheets. This enables migrants to have ATM cards which had their photograph, the union logo and a credit card logo.. This form of ID would make the daily life of the migrant easier. Workers can also get a second bank account to pay their families at home. With this system the transaction costs for money transfers are reduced from 20 percent to 3 percent.

13. Incentives to promote productive investment of remittances

14. Measures to ensure that all migrant workers are covered by national labour legislation and applicable social laws

Trade unions ensure that all migrant workers are covered by national labour legislation and applicable social laws by organising them and defending the rights of all workers in the country, regardless of nationality. The union movement in new receiving countries such as Spain have been one of the first actors to recognise the realities of immigration; the UGT emphasises that immigration in Spain is fundamentally labour oriented, and the issue has to be addressed from this perspective. They do not consider it possible or convenient to have differential treatment for labour migrants.

Other measures to ensure migrant workers are covered by national labour legislation includes ensuring that all firms hiring migrant labour are registered. In Singapore since 2003 all construction firms must be registered before they can bring foreign workers in on work permits.

15. Policies to encourage return migration, reintegration into the country of origin and transfer of capital and technology by migrants.

Since 2001, UGT Spain has developed a programme to help returning Spanish migrants. This informs the returning migrant worker of the rights and benefits he or she could be entitled to, notably regarding social security, and to help with their labour insertion. The TUCP has also set up a center for migrant

workers in the capital of Manila that gives advice to migrants who return to the Philippines, helping them in areas such as the collection of back pay and the examination of employment contracts.

In Europe, the union representatives from Eurocadres launched a manual in 1998 for full time union officials to advise members wishing to work in other member countries or return to their country of origin. (Mobil-Net) This project is mainly aimed at facilitating the mobility of professional and managerial staff within the EU and to help develop a European labour market. This project ensures that advisors are fully up to date on EU policies and actions on the free movement of workers. A handbook is available in several languages that include general information on the contract of employment, recognition of qualifications, social security, taxation and integration, as well as country specific chapters.

The Romanian trade union CNSLR-Frantia have remarked that passport schemes help encourage skilled emigrants to return home by helping them find an equivalent job in their countries of origin. Around 10 percent of adult Romanians work abroad and the unions are encouraging them to return home. As part of their cooperation with Eurocadres they have tried to set up protection facilities for these skilled emigrants so that they can find an equivalent skilled job in their home countries. This helps prevent the brain drain phenomenon.

16. Promoting guidelines for ethical recruitment of migrant workers and exploring mutually beneficial approaches to ensure adequate supply of skill

Public services international (PSI) is also calling for destination countries to use 'ethical' procedures to recruit especially health care workers which can leave labour shortages in specific sectors in the countries of origin. They further caution that on arrival these workers are sometimes misled over their working conditions and exploited by private recruitment agencies. They note that women are particularly vulnerable. On 8 March 2004, International women's day, PSI issues proposals which call on governments, trade unions and employers in the sector to improve wages and working conditions for nurses, adopt ethical recruitment guidelines for both public and private recruitment agencies, provide compensation to government health services in sending countries, increase the participation of workers and trade unions in health sector planning and reform, and to respect the right of workers to join and become active members of trade unions. The PSI also remarked that migration must not become an alternative to adequate funding of public health services, training of staff and decent work in the sending countries.

Faced with a brain drain to universities in developed countries, education unions advocate keeping researchers in their countries of origin by improving their terms and conditions. In Poland, NSZZ Solidarnosc consider that three factors have helped improve the situation of academics in their country. The introduction of legislation strengthening academic freedom, the possibility for academics to combine posts, and significant increased in salaries (increased by 25 percent on average). This helps prevent the best minds from leaving the country. Unions in the destination countries have also campaigned to ensure that migrant workers are guaranteed good working conditions and are not exploited. The National Education Association (NSA) in the USA is active in protecting the terms and conditions of all those employed in education, native and migrant workers. An agreement is being drawn up which stipulates minimum criteria for recruiting foreigners to the US education system and ensures, among others, that they are not recruited by external suppliers and enjoy the same terms and conditions as local staff.

17. Addressing the specific risks for all migrant workers, in certain occupations and sectors (3D jobs and on women in domestic service and the informal economy)

Unions in sectors where there is a high percentage of migrant labour are engaged in ensuring that migrant workers are not used to deteriorate safety and health regulations and standards of work. This is often done through organising migrant workers and including their concerns in collective agreements. For example, In 2003, EFFAT launched a campaign to promote the social and trade union integration of seasonal workers in European agriculture, particularly of new migrants from Eastern Europe. They noted with concern that because these migrants come to gather as much money as they can within a limited period of three to six months, they can be made to work seven days a week, up to 16 to 18 hours a day. This results in more accidents at work, which is affecting an increasing number of workers lacking social protection. European employers' and workers' representatives have also published safety guides for handling machines used in forestry and for handling pesticides in the native languages of the migrant workforce. EFFAT also intends to press EU member states to improve the living conditions of seasonal workers. In Singapore a mandatory full day construction and Safety Orientation Course (SOC) must be undertaken before work permits are issued/renewed.

The most common way to protect migrant workers in high risk occupations is through bilingual information guides. In August 2003, German and Polish agricultural workers' unions, IG Bau (Germany) and ZZPR (Poland) published a bilingual information guide for Polish workers employed as Seasonal labourers in Germany. The guide covers basic areas of legislation, including work contracts, employers' legal obligations in terms of sick pay, the German social security system, holiday pay, salaries and taxes, prescriptions for medical complaints, contract termination procedures,

and the minimum regulations employers must comply with in terms of accommodation. The information guides explain how trade unions can assist their members -making particular reference to representation at industrial tribunals in the event of conflicts with an employer during the season. It also provides a list of addresses and telephone numbers of the regional trade unions. In 2004, IG Bau also opened a toll free number where people could call in to report illegal work. This is part of a campaign which lobbies that rule enforcement is necessary in order to avoid a levelling down of labour standards.

In France the CFDT and Force Ouvrière joined with employers and local authorities representatives to open a seasonal work center near Béziers in 2003, which covers 19 communes. The aim of this project is to prevent the employment of clandestine workers hired through gang masters under the guise of foreign temping agencies. The center informs seasonal workers of their rights, the options in terms of legal recourse as well as training opportunities. The center is founded on the versatility between the hotel and restaurant trade and the agriculture sector, and offers workers whose contract has expired in one possible work opportunities in the other. While the switch from one sector to another is not always easy, job rotation is common in the agriculture sector itself. For examples, seasonal workers who have finished their job in a cooperative winery may continue working for the wine grower in the vineyards. This can help create lasting seasonal employment and even permanent employment contracts.

Trade unions have also been active in protecting domestic workers, most of whom are women. The FILCAMS-CGIL union in Italy estimates that of the million domestic workers in Italy, 480,000 are immigrants, and most are in an irregular situation. During an amnesty for undocumented migrants in Italy in 2000, they reported that out of half a million applications, 340,000 were from migrant domestic workers. While their close dependence on their employers and on their workplace makes such workers very hard to organise, unions have found that especially during regularisation programmes they can offer help in preparing their dossier for submission. In France during regularisation programmes in the 1980s numerous migrant domestic workers joined the CFDT who offered assistance in preparing their dossiers. The CFDT further took action to ensure that migrant workers were covered by collective agreements on domestic work. The garment sector has also been active trying to organise migrant women workers, especially home workers. This includes the Textile Clothing and Footwear Union of Australia (TCFUA) and the Canadian International Ladies' Garment Workers Unions. (ILGWU)

The European network 'Respect' provides essential information and advice for domestic workers in a manual developed by its members, especially the unions that organise domestic workers in Europe. This provides, among other services, information on minimum wage, the right to change employers, and their right to join a union. The aim of the Respect Network is to prevent exploitation and demand

respect for their rights. They provide contact information for 9 European countries where the network is present, and enjoy the support of local unions. In Asia, the migrant and domestic workers' section of the Indonesian labour confederation SBSI is cooperating with the International Confederation of Arab Trade Unions (ICATU) in an effort to provide better protection for migrant workers in Arab countries. In August 2002 a regional seminar on international migration of domestic workers was held in Sri Lanka, where trade unions undertook to strengthen their networking.

The CGIL union in Italy launched in 2001 a programme on participative citizenship in favour of migrant women, which includes seminars on the situation of migrant women domestic workers, campaigns against deportation, and other awareness raising measures. In some countries including France and Italy, migrant domestic workers are also covered in collective agreements.

Unions also ensure that they are up to date with the legal and administrative procedures concerning domestic workers, notably undocumented workers. The UGT Portugal organises classes and seminars for union delegates for them to understand and be up to date with migration policy. This allows affiliated unions to better inform their members in domestic service about their rights.

Domestic workers are also very present in developing countries, where they often come from neighbouring countries. In Benin in 2001, a union was specifically created to help them, the Syndicat national des employés de maison (synemb), affiliated to CSA-Benin. They are mainly engaged in defending workers who have been unjustly dismissed. They stress the need for more awareness raising and training union officials on these issues. In South Africa, the Domestic Services and Allied Workers Unions are also engaged in organising migrant domestic workers and defending their rights, including through public mobilisation in front of parliament in 2001 against a proposal that was subsequently shelved, and fighting for an increase in the minimum wage of domestic workers.

At the international level the last two World Women's Conferences of the ICFTU (Rio de Janeiro 1999 and Melbourne 2003) gave special attention to women migrant workers and put forward measures for trade union action, including: Informing them about the benefits of union membership; adopt and implement positive action measures to promote their full integration into the trade unions; Include their problems in collective bargaining and encourage them to take part in it; negotiate for them equal pay for work of equal value; Focus on training on their right to equal opportunities; Actively support information networks for them; and encourage the media to raise public awareness of the problems they face.

18. Promoting social integration and inclusion and reducing discrimination and combating racism and xenophobia

Trade unions have been involved in fighting against discrimination, racism and xenophobia at all levels, from the international level, the regional level, the local level and in the workplace. At the international level in July 2001 the ICFTU adopted an action plan to combat racism and xenophobia, which urges governments to ratify and implement the UN convention on the elimination of all forms of Racial Discrimination (1965), as well as promoting the ratification of the 1990 UN convention on the protection of all migrant workers and their families, as well as the relevant ILO instruments. They also called on governments to ensure quality of treatment for immigrants and minorities on matters regarding access to social services and provisions (Health, housing, education etc.) and to promote the integration of migrant workers. Trade union commitments in the area of migration include: urging governments to regularize the status of undocumented workers; waging a lobbying campaign to push for legislation to protect people working in the shadow economy; To work with migrant communities to provide support for and legal assistance to documented workers; to undertake special campaigns to organise migrant workers, especially undocumented workers; to play an active role in shaping immigration and migration policies to protect the interests of the workers and their families; to ensure that countries sending and receiving migrant labour work together to protect and defend the rights to migrant workers.

In the final resolution on fighting discrimination and achieving equality of the 18th World Congress of the ICFTU (December 2004) the union movement re-emphasised that discrimination is a violation of fundamental human rights and that the task of trade unions is to promote coherent application of the principle of equal pay for work of equal value, and to expose any failure to do so. Congress further remarked that anti-terrorist legislation and increasingly tough asylum and migration policies run the risk of encouraging discrimination, and make it more important than ever for trade unions to intensify their activities in fighting racial discrimination everywhere. On migrant workers the resolution called it imperative for trade unions to play a more active and visible role in promoting solidarity, and in protecting the rights of migrant workers regardless of their status in the host country. They also remarked that particular attention is needed on the vulnerable situation of women migrants.

In Ireland, the social partners have launched an annual Anti-Racist Workplace Week for awareness raising to combat racism in the workplace. This is a nationwide campaign to accommodate diversity and send a message for greater equality across local communities and the wider society. In the first year over 50 events and activities were organised at the national, regional, local and enterprise level throughout the country. This includes conferences and seminars, provision of training on promoting

diversity, awareness raising in newsletters and newspapers, and events celebrating different cultures. The first anti-racist workplace week saw over 20,000 posters, 40,000 leaflets and 6,000 resource packs distributed in the run up to the week.

The Canadian Labour Congress has held an Aboriginal/Workers of Colour conference and has produced an immigration toolkit that helps its members promote the introduction of progressive policies on immigration and refugees. The British Trades Union Congress has held conferences on the subject and produced guides to help integrate migrant workers. They also have an on-line training course for union officials for tackling racism in the workplace. They are also demanding extended leave after a certain period of time to allow immigrant workers to visit their countries of origin or for religious reasons.

Racism and discrimination measures have also been included in collective agreements. The Canadian Labour Congress pioneered the inclusion of anti racist provisions in collective agreements. In the Netherlands, since 1998 the general labour agreements call for codes of conduct against unwanted behaviour to be developed in all the organisations covered. This includes codes of conduct against racial discrimination, discrimination on the grounds of orientation, religion, etc. A survey by the British TUC showed that black and Asian workers covered by collective agreements have an average hourly wage that is one third higher than those not covered. In Italy, the social partners reached an agreement that takes migrant workers concerns into account. This allows migrants time for prayers during breaks, and after three years of service migrants are entitled to extra holiday to visit their countries of origin. An AFL-CIO initiative is that trade union members can choose when they take bank holidays, I.e. that they work during the National day (4th July) and instead opt to take vacation on their own national day or holy day.

In Finland, the training foundation of the Central Organisation of Finnish Trade Union works to help immigrants integrate into the labour market by improving cultural awareness between migrant workers, trade union officials and native workers. The unemployment rate of immigrants is around 30 percent in Finland. Among the main reasons are insufficient Finnish language skills, intolerance towards immigrants and the fact that immigrants need to get acquainted with the Finnish working culture. This three year project aims to help integrate immigrants into the world of work and to emphasise that multiculturalism is already a part of Finnish society.

In Norway, the confederation of trade unions, LO Norway, has recently appointed a special advisor on migration who organises activities against racism. The work is very much decentralised and it is up to the shop stewards to carry out the work at the local level. One campaign consists of supporting places of worship for migrants at their workplace. Further anti-racism campaigns are planned.

In Spain, unions along with IMSERSO, the government agency for migration and social services, have been working to promote multicultural workplaces and fight against racism and xenophobia. An interesting approach is that in December 2001 seminars were held where union officials in sectors where there has historically been a high concentration of migrant workers (agriculture, construction) gave presentations and examples of best practices to union officials in sectors where migrant workers are a more recent phenomenon, or not very present.

Unions are also active fighting against discrimination within their own organisation, and this is done through awareness raising and training for union activists. The French CFDT was engaged for several years in this, producing equality charters and codes of conduct. The unions want members and workers in general to speak out against racism. If serious racist offences take place, CFDT members are encouraged to denounce it publicly and take action in courts. The AFL-CIO has also spent considerable time and effort educating national workers on migration issues in an effort to appease workers concerns about the impact of immigration on the national labour market.

The German confederation of trade union's educational institute (DGB Bildungswerk) has compiled an extensive selection on good practice cases with regards to anti-racism and equal opportunities at the workplace. They publish regular newsletters on migration. The good practice database and newsletter can be accessed on <http://www.migration-online.de> . In Spain, the teachers' union FETE-UGT has established a project highlighting best practices in the field of education to promote intercultural education.

In France, the labour confederation Force Ouvrière has provided a free phone number for victims of discrimination, as well as advice centres on legal and administrative matters, while in the USA the AFL-CIO also offers a free legal service for immigrant workers, including the provision of a lawyer.

Finally, unions have also been active in denouncing and calling for the repeal of discriminatory measures. In Britain the passing of the 1999 Asylum and Immigration Act provided for the creation of a voucher system for asylum seekers. These were viewed as iniquitous in that they discriminated against an already vulnerable sector of society. The NGOs Oxfam and the Refugee Council worked together with the Transport and General Workers Union in a campaign that succeeded in scrapping the voucher system.

19. Facilitating the portability of social security entitlements and other relevant entitlements through, regional or multilateral agreements in relation to regular migrants

The joint efforts and pressure from trade unions and civil society in Korea saw a new labour legislation on overseas migration, which was recently enacted to provide fundamental legal protection with entitlement of social security schemes.

20. Promoting the recognition and accreditation of migrant workers' skills and qualifications

EFFAT and the employers group, GEOPA, signed an agreement on training on 5 December 2002 regarding the creation of a European qualifications passport. Under this agreement, agricultural workers will be able, through "National Reference Centres" to present "qualifications and skills booklets » indicating their diplomas, training certificates and occupational skills." This will make it easier to compare the qualifications of cross border workers with those in countries where they wished to work. It will also benefit employers by removing obstacles on the EU labour market.