



RESOLUTION

ON

MIGRANT WORKERS

1. Congress notes that migration is a universal and continually growing phenomenon in the world of work with the current number of migrants estimated to be as many as 200 million, nearly half of whom are women.
2. Growth of migration is fuelled by the uneven and negative effects of globalisation - poverty, unemployment, glaring income disparities, under-employment, lack of democracy, bad governance, environmental degradation - as well as national disasters, conflicts and the desire of people for decent work and a decent life for themselves and their families. Migration must not be the only way to escape from poverty or oppression. Congress insists that it is a fundamental responsibility of international policy-making to promote balanced development and decent work in order to eliminate involuntary migration.
3. Congress emphasises and welcomes the positive contributions migrant workers make to the economy and insists that this be recognised and reflected in their treatment. Migrant workers, regardless of their status, must enjoy equal treatment under labour legislation and full respect of their fundamental rights at work.
4. Governments, in a concerted approach with employers' organisations and trade unions, must formulate and implement policies which incorporate a rights-based and gender-sensitive approach that provides for legal migration channels within an appropriate multilateral framework. The International Labour Organisation must have a central role in the development of global and coherent international migration policy that can contribute to better protection of migrants, social development and better inter-cultural understanding while minimising the problems of a "brain drain" from developing countries as well as countries in transition.
5. Congress deplores the widespread abuse and exploitation of migrant workers by employers and by agents and intermediaries and the failure of governments to act adequately to protect them. Migrant workers, particularly those in irregular status, are not only more often unemployed than local workers, they are more often employed in precarious, temporary jobs, undeclared by employers, with lower wages and less social protection and often in the informal economy. Such exploitation undercuts existing rights, terms and conditions for all workers, resulting in social and community divisions and underlining the need for irregular workers to benefit from equal protection of labour legislation. Problems are more severe in sectors with a low trade union presence, such as domestic work, which requires particular attention.

6. Women migrant workers are particularly vulnerable to exploitation and harsh treatment, including gender-based violence. Moreover, women are disproportionately represented among workers who are trafficked internationally and exposed to the worst forms of abuse.

7. Congress denounces forced labour and trafficking in persons as modern forms of slavery and calls on the ITUC and its affiliates to intensify their actions, working with the Global Trade Union Alliance against Forced Labour and Trafficking, to eradicate forced labour and trafficking and to punish traffickers, particularly those profiting from sexual exploitation, to provide adequate compensation for victims and to extend support to trafficked workers.

8. Congress is committed to extending trade union solidarity, social justice, equal treatment and gender equality to all migrant workers, regardless of their legal situation, in order to secure non-discrimination and equal treatment with workers who are nationals of the host country. Freedom of association and the right to organise is a fundamental right of migrant workers and their participation in trade unions is an important path to their integration at the workplace and in society.

9. Congress denounces the shifting of the costs of labour migration onto workers. Such costs must be paid by employers or recruiters. When imposed on workers, recruitment or migration costs often result in debt bondage. Congress calls for the ratification and implementation of ILO Convention 181 on Private Employment Agencies, which states that private employment agencies “shall not charge directly or indirectly, in whole or in part, any fees or costs to workers”.

10. The global financial and economic crisis is impacting sharply on the employment of migrant workers and their remittances to their countries of origin, creating a need for international financial and development assistance where this is causing particular difficulties in developing countries. Congress underlines the need for labour market policies to address the specific needs and circumstances of migrant workers at risk of unemployment or displacement by the crisis and for their rights to social protection to be respected fully.

11. In cases of dismissal migrants’ rights to social security, retirement and other benefits need to be fully guaranteed and maintained over time. Residency status should not be made contingent on employment status. Migrants in irregular status require access to due process of law, guarantees of full respect for their human rights, and decent living conditions provided by the host country. All migrants including those in irregular status must, including in cases of deportation, have access to due process of law and guarantees of full respect for their human rights.

12. Congress underlines the special situation of migrant workers who are part of trade in services, such as posted workers within the European Union and workers that are sent from one country to another under Mode 4 of the General Agreement on Trade in Services (GATS). Such workers are still formally employed by the employer in the home country while they perform their work in another country. Migrant workers involved in trade in services should enjoy the same rights to equal treatment as other migrant workers and host country laws and collective agreements should apply, without such equal treatment being considered an obstacle to free trade.

13. Congress insists that governments respect their obligations under international law towards the institution of asylum and the principles of refugee protection, working

in close cooperation with the Office of the UN High Commissioner for Refugees (UNHCR).

14. Congress underlines the responsibility of the ITUC and its affiliates to play a more visible and active role in promoting the rights and equal treatment of migrant workers and in the fight against racism and xenophobia. Trade unions in destination countries have a special role in countering misleading propaganda against migrant workers, including that blaming them for unemployment and insecurity on migrant workers. Congress rejects all forms of sectarianism or xenophobia that encourage insularity, segregation and exclusion.

ITUC Action Programme

15. Congress instructs the ITUC and regional organisations and structure, working together with Global Unions partners and affiliates to:

- (a) Promote the ratification and implementation of ILO Convention 97 (Migration for Employment) and Convention 143 (Migrant Workers Supplementary Provisions) and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and report on implementation by the countries having ratified some or all of these standards;
- (b) Encourage and assist trade unions in countries of origin of migrant workers to include the issues of migrant workers in their national tripartite consultations including through the application of ILO Convention No. 144 on Tripartite Consultation, and negotiate for migrant workers to be provided with appropriate pre- departure and post-arrival training, including skills, relevant health and safety information and legal rights;
- (c) Support provisions for the respect of migrant workers' rights, transferability of pension entitlements and other social benefits and equal treatment in bilateral or regional agreements between governments of countries of origin and of destination;
- (d) Promote the application of national labour law and international labour standards to all migrant workers, including refugees and asylum seekers, irregular migrants and those covered under Mode IV GATS provisions;
- (e) Promote action by unions in countries of destination: to establish structures and services centres and engage in organising of migrant workers, including those in irregular status; ensure that legislation and collective agreements, including access to basic public services and social protection, cover migrant workers on the basis of the principle of equal treatment; provide training and information on their rights; extend legal assistance in case of abuse and special assistance to address problems of women migrant workers; and pay particular attention to young migrant workers;
- (f) Encourage and facilitate contacts, partnership agreements and regular cross border consultations between unions in countries of origin and of destination;
- (g) Integrate issues related to decent work for migrant workers and their rights in trade union training programmes and publications, with particular attention to educating trade union members and leaders on migration, its root causes, and the need for trade unions to stand in solidarity with migrants;

- (h) campaign and negotiate with governments and international institutions for the regulation, control and inspection of agents and intermediaries to ensure guarantees of ethical recruitment and placement practices and access to remedy in case of violations or malpractice;
- (i) work to protect and improve the rights and working conditions of cross border workers;
- (j) promote co-development initiatives at bilateral and decentralised cooperation level;
- (k) support initiatives aimed at lowering the cost of sending remittances home;
- (l) work with the ILO and with other concerned international organisations to implement the ILO Multilateral Framework on Labour Migration and for the establishment of a rights-based multilateral framework for migration in the global economy;
- (m) build alliances with like-minded non-governmental organisations that work on issues related to the rights and organising of migrant workers and to developing cohesive policies and practices on migration and development.

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