

**GENERAL COUNCIL**Brussels, 2 - 4 February 2011

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**RESOLUTION ON A FAIR MIGRATION POLICY****Mobilising against racism and xenophobia, for the UN to take responsibility for migration, and for policy based on labour standards and other human rights**

1. Migration is first and foremost a labour issue: the majority of the 214 million migrants around the world - half of whom are women - are forced to leave their country to find decent work opportunities. The recent surge in the number of migrant workers is intrinsically linked to the failure of neo-liberal globalisation to deliver decent jobs to all. Governments should provide the necessary security to enable people to stay in their own country – in effect to have a right “not to migrate”. While migrants make a positive contribution to the economic and family lives of people in destination countries, today they are feeling the brunt of deteriorating labour markets caused by the 2008 economic and financial crisis. Migrants are being thrown out of work at a higher rate than native-born workers and unemployment among the young foreign-born labour force has soared in all OECD countries.

2. History teaches us that in times of economic crises, anti-immigrant feelings, xenophobia and racism rise. The current crisis seems to be no exception. It is alarming that extreme right and anti-immigrant political parties are part of governmental coalitions, elected to parliament, or supporting government. It has become politically expedient to suggest that this crisis is somehow caused by migrants and that if they were expelled, social problems would be solved. The ITUC expresses its concerns regarding the criminalisation and stigmatisation of migrants and strongly opposes the values promoted by these political parties as they are the opposite of what the trade union movement stands for. Instead of promoting intolerance, politicians should focus on a job-centred recovery to fight the social despair caused by the crisis and exacerbated by austerity measures.

3. The ITUC deplores the hypocrisy of the governments of several countries of destination of migration, which stoke an anti-migrant discourse and fortify their borders while at the same time facilitating the temporary stay of cheap foreign labour, denying migrant workers their human and labour rights. The most vulnerable migrant workers such as low-skilled, contract and domestic workers are the ones left most unprotected.

4. The ITUC insists that the non-respect of the principle of equal treatment between local and migrant workers fragments labour markets, undermines the rights

of both categories of workers, reduces social partners' bargaining autonomy and cultivates social exclusion. The ITUC and its affiliated organisations are deeply concerned by the proposed EU directives on the single permit, seasonal workers and intra-corporate transfers as well as by the guest-worker programmes implemented in North America which do not offer adequate guarantees of decent work to migrant workers under conditions of equality of treatment and non discrimination. The Kafala (sponsorship) system, widely used throughout the Gulf States, which links the issuance of a residence permit to a national employer places the worker at the mercy of his/her boss and must be abolished. The ITUC notes the increasing trend around the world of promoting temporary or circular migration programmes. The majority of such programmes are a detriment to the full exercise of workers' rights and the international trade union movement must develop policies to address the exploitative aspects of this trend.

5. The ITUC denounces the current mercantile approach to the human phenomenon of migration as illustrated by the increased use of the WTO's General Agreement on Trade in Services (GATS) Mode 4 and reiterates its call for a rights-based approach to migration. The ITUC deplors the low level of ratification by countries of destination of international instruments including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the ILO Migration for Employment Convention 97 and the ILO Migrant Workers Convention 143. The ILO has a prominent role to play in the global governance of migration and an historic responsibility to ensure that migrants' rights are upheld worldwide.

6. The ITUC denounces the shifting of the costs of labour migration onto workers. Such costs must be paid by employers or recruiters. By forcing workers to pay recruitment or migration fees to get a job, we are redefining work as a privilege instead of a right. The ITUC and its affiliated organisations must fight to end the institutionalisation of such fees on migrant workers. When imposed on workers, recruitment and/or migration costs often result in debt bondage. The ITUC reiterates its call for the ratification and implementation of ILO Convention 181 on Private Employment Agencies and for greater regulation and control over recruitment and employment agencies as well as policies for ethical recruitment.

7. The ITUC notes that the Global Forum on Migration and Development that meets annually since 2007 has paid lip service to migrant workers and has not managed to promote the rights-based approach to migration that the trade union movement is calling for. The review of the GFMD at the UN High Level Dialogue on Migration and Development in 2013 is an opportunity that unions should not miss, to put in place a global governance of migration within the normative framework of the UN.

8. The ITUC echoes the concerns of the Global Migration Group (GMG) about the human rights of migrants in an irregular situation around the globe. While recognising the legitimate interest of States in securing their borders, this should not trump their obligations to respect and protect the internationally guaranteed human rights of all persons. The ITUC notes that irregular workers are mostly employed by intermediaries and subcontractors and insists that the migratory situation in which they are should not deprive them either of their humanity or of their workers' rights.

9. In destination countries, migrant workers often end up in low-paid, low-skilled jobs, with no or limited access to labour laws and social protection. Many migrants are indeed working in informality. Trade unions have a crucial role to play to ensure their rights are effectively respected and that they have access to the services and benefits they are entitled to. In particular, cooperation between unions in countries of origin and destination is crucial to inform migrants about their rights and about the actual working and living conditions in destination countries. There is a need to organize more migrant workers in trade unions and to promote them in leadership positions. Accordingly, to respond to the urgency and the gravity of the situation, the ITUC General Council instructs the General Secretary as a priority to work intensively with its affiliates, - whose engagement is the most important element for a successful outcome- regional organisations, TUAC and other Global Union organisations over the course of 2011 to achieve a fair migration policy that would respect and protect the rights of all workers, incorporating the following measures:

- Position the trade union movement at the forefront of the anti-racism mobilisation both at the national and international levels, by intensifying trade union actions and campaigns to kick racism and xenophobia out of the workplace, by promoting the benefits of diversity in the labour force and by opposing all racist or xenophobic public statements.
- Oppose any attack on the universality of the principle of equal treatment in order to ensure that all workers, regardless of their migratory status or of their level of qualification, can benefit from equal protection of labour legislation and can enjoy their fundamental human rights including the rights to join and form a union and to bargain collectively.
- Actively promote the ILO rights-based approach to migration including by campaigning for the ratification and implementation of international instruments related to migration such as the UN Convention on the Rights of All Migrant Workers and the Members of their Family, and ILO Conventions 97 and 143.
- Prepare for the 2013 UN High Level Dialogue on Migration and Development, by advocating both at the national and global levels for global governance of migration that would take place within the normative framework of the UN.
- Encourage the ILO to take a more prominent role in international debates and fora related to migration.