

## Remarks of Sandra Polaski, Deputy Director General of the ILO

- Chairman, Ministers, we thank the OECD for inviting ILO to this High-Level Forum on Migration.
- Labour migration can be a vehicle for responding in a timely and effective manner to labour supply and demand needs. And social dialogue, with representative employers' and workers' organizations as well as other stakeholders, can be of enormous benefit in designing and implementing successful labour migration policies and strategies that are well-informed by the realities of a country's labour market.
- In many countries these policies are indeed in need of better design and improved strategies because the effects of the financial and economic crisis have left labour markets under stress. This applies in terms of unemployment rates but also in terms of job quality and skills mismatch.
- The positive contribution that employers' and trade unions can make to better design and operation of migration schemes has already been clearly presented by Renate Hornung-Draus and Sharan Burrow.
- The ILO endorses a stronger role for workers' and employers' organizations in discussion and design of migration policy reforms as well as the implementation and oversight of migration policy. These organizations can play a critical and effective role in identifying labour market needs and trends. And they can also help to ease public tensions related to labour migration.
- While noting the critical role of employers and trade unions, I would like to focus my remarks on the *role of governments* in ensuring that migration policies are sound from a labour market perspective. Migration policies are too often designed from a security perspective rather than from evidence of labour market needs and impacts.
- Where the labour market framework is weak, or does not take migration into account, migration can lead to lower wages and social dumping, particularly in those sectors of the economy that are highly dependent on foreign labour, such as domestic work, construction and the tourism industry.
- These factors then reinforce public perceptions of unfairness and can undermine public confidence in migration schemes.

And despite the positive economic contribution of migration, it is still too frequently associated with unacceptable labour abuses. This often begins with deceptive and even dangerous recruitment practices. In order to address these issues, the ILO has launched a global multi-stakeholder strategy -- the *Fair Recruitment Initiative*, which aims at ensuring

the implementation of recruitment practices based on International Standards and development of policy guidance on closing regulatory and enforcement gaps.

Once in the country of destination, migrant workers face significant discrimination. A recent ILO study with the Migration Policy Institute, as well as others, have found that in Belgium, Denmark, France, Germany, Italy, the Netherlands, Spain, Switzerland, Sweden migrants face significant and widespread discrimination. These are countries with relatively high labour standards and labour market rule of law. And yet the problem is found even there.

- For almost all countries there is clear evidence that migrants face worse wages, working conditions and upward mobility than native workers, with the exception of highly skilled migrants. With regard to wages, the forthcoming ILO Global Wage Report, to be released on Friday, December 5, shows that medium skilled migrants face particular wage discrimination. This then reinforces the public perception that employment of migrants can be used to undermine wage regimes.
- Equality of opportunity and treatment are of prime importance to successful migrant integration in OECD member states. This requires a comprehensive approach through appropriate legislation, which extends the protection of minimum wage and other wage and hour laws and regulations protecting the health and safety of workers and other workplace conditions to all workers, regardless of national or migrant status.
- Coverage of all workers, including migrant workers, under labour laws safeguards both migrants and native workers against practices that drive down wages and working conditions. At a time of labour market stress, many countries should examine their laws to ensure universal coverage of these protections. For example domestic workers, many of whom are migrants, are still often excluded from coverage.
- In addition to non-discriminatory legal frameworks, governments must design effective and strategic monitoring of compliance and meaningful enforcement that can provide an effective deterrent to abuse. Again, this protects both native and migrant workers and reinforces confidence in both migration and labour market policies.
- Labour inspection must be fully separated from immigration control operations to be successful. The ILO advocates that there should be a “firewall” between the two. And migrant workers must be provided with sufficient protection and representation to claim their rights. A number of countries have developed innovative ways of doing this.

- And here employers and trade unions have an obvious role to play, in monitoring and ensuring compliance with laws on wages, hours and working conditions.
- Many governments have also found that reaching out to migrant workers' community, social and religious organizations can provide an entry point for education of migrant workers about their rights and for providing access to government enforcement agencies when those rights are abused.
- The ILO also advocates improving bilateral and regional agreements to secure adequate economic and social protection for migrants. Here there are a number of innovative practices that can be shared and replicated. For example, the governments of Mexico and the United States developed an effective partnership for reaching out to Mexican migrant communities in the US through the Mexican consular offices, including annual high-profile migrant worker rights events as well as day-in-day out support for claims of discrimination or violation of rights.
- The ILO has a body of international standards which provide a framework of governance for equitable treatment of migrant workers, including:
  - the Migration for Employment Convention, 1949 (No. 97)
  - the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
  - and their accompanying Recommendations Nos. 86 and 151,
  - and the ILO Convention on Domestic Workers, 2011 (No. 189)
- The ILO has also developed a Multilateral Framework on Labour Migration containing guidance and good practices that can help realize social integration and inclusion of migrants.
- We are ready to assist any of the governments present, all members of the ILO, in updating, reinforcing and extending their legal frameworks and in sharing best practices for strategic implementation and enforcement. And we can always offer our good offices for convening social dialogue around workplace issues.

Thank you.