

Six steps to develop a labour migration policy

ITCILO training – 2020

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Question :

1.Has your country developed or is your country currently developing policy instruments to cover labour migration issues?

2.If Yes, has your country developed, or is your country developing:

- a.A migration policy covering labour migration issues
- b.An employment policy covering migration issues
- c.A stand-alone labour migration policy
- d.Other ?

What is the definition of a policy?

A policy is a set of ideas or plans that is used as a basis for making decisions, especially in politics, economics or business

(Collins English Dictionary)

What is a labour migration policy?

- a set of **laws, regulations, objectives, and institutions** which provide a framework to regulate and manage the mobility, recruitment and employment of migrant workers into and out of the country and, if applicable, their return.
- may be captured in a **stand alone policy document**, or it may also be more strategically placed within a migration or an employment policy, depending on national context.
- indicates what the **objectives, scope, targets, and implementation means** of the policy are.
- **politically validated** by the relevant authorities and social partners.

Do international labour standards recommend the development of a labour migration policy?

The need for labour migration policies is clearly identified in the International Labour Standards governing migration for employment.

Article 10 of Convention No. 143 calls upon member States to declare and pursue a national policy to promote and guarantee equality of opportunity and treatment “by methods appropriate to national conditions and practice”.

Article 1 of Convention No. 097 requests that States undertake to make available information on national policies relating to emigration and immigration.

The Migrant Workers Recommendation, 1975 (No. 151) provides guidance on the periodic review and evaluation of the policy, and where necessary, its revision.

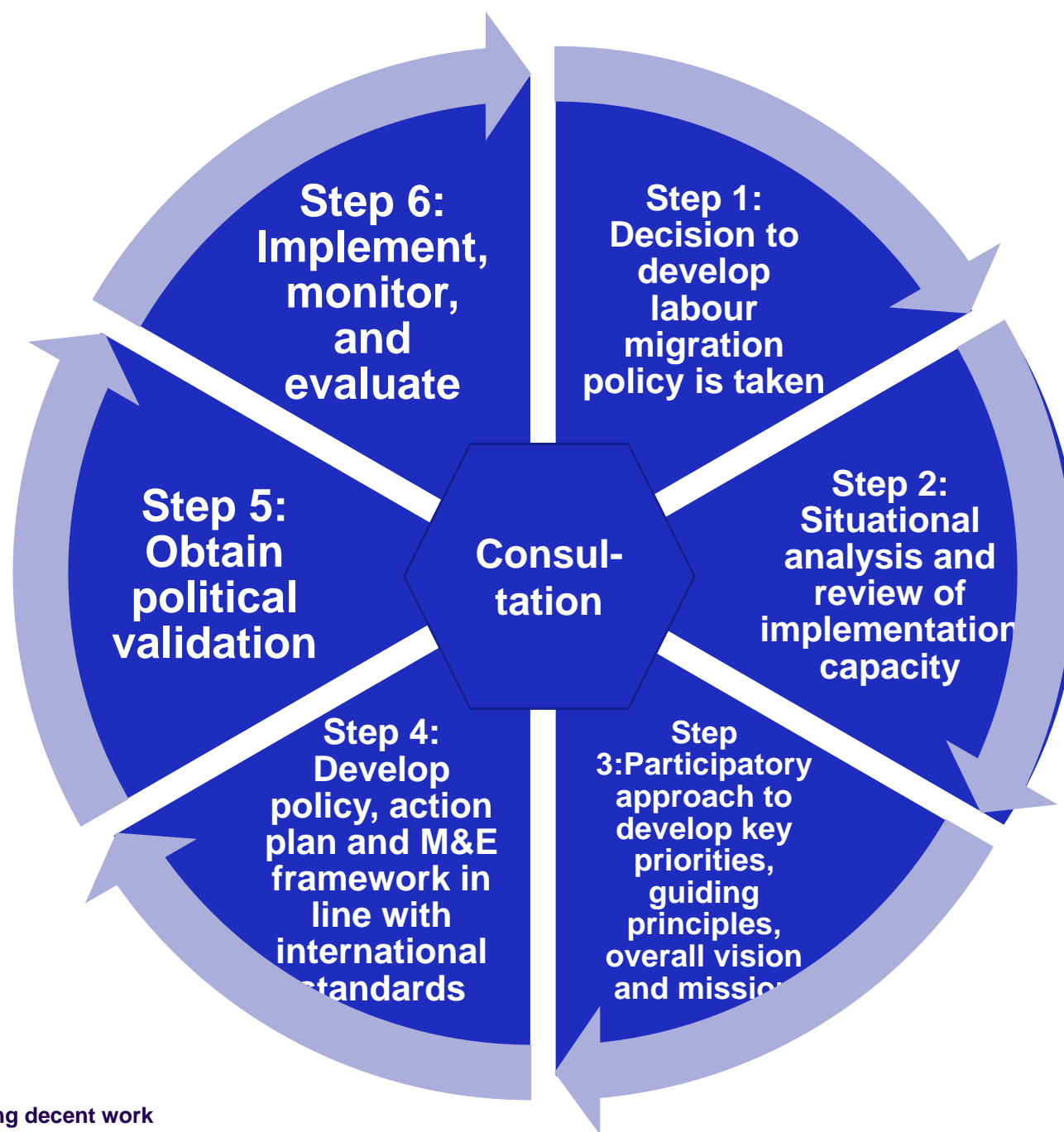


A welder wearing a protective mask and gear is working in a dark environment, with bright sparks and light emanating from the welding point. The welder is positioned on the right side of the frame, and the background is dark with some faint lights.

► The Labour Migration Policy Development Process

▶ **Question:**

In your view, what are the key considerations and steps for developing a labour migration policy?



6 steps of ⁷ the policy development process

Step 1: Decision to develop labour migration policy is taken

The basis for proceeding with the development of a policy

- Political decision is taken
- Minimal governance structure set up (steering committee, task team), including work plan
- Defining the scope and parameters of the policy

Tool : Defining the parameters of the labour migration policy

1. In the context of labour migration policy, is the country one of origin, destination or both
2. What are the critical issues of the current migration situation to address?
3. What is the current policy framework?
4. Is a national labour migration policy the answer?
5. What information and institutional resources are available?
6. Who would lead?
7. Who are the key stakeholders?

Step 2: Undertake a gender-responsive situational analysis, develop information base, and review implementation capacity

Labour migration data sources

Reliable quantitative and qualitative data is required in order to formulate and monitor effective labour migration policies. Reliable quantitative and qualitative data is required in order to formulate and monitor effective labour migration policies.

- ▶ Household surveys, census, labour force surveys
- ▶ Administrative registers (population registers or registers of foreigners);
- ▶ Other administrative sources (residence permits, work permits, or asylum applications);
- ▶ Border collection data (visa types, at entry or exit from a country)

Situational analysis

Purpose: To develop a detailed understanding of the context of migration movements, to ensure that the future policy is founded on a solid evidence base.

- ▶ **Political economy** of labour migration and its impact on **development**
- ▶ Nature and scope of **migration dynamics** and **labour market needs**
- ▶ Review of applicable **laws and regulations**
- ▶ Understanding of regional and **international** commitments
- ▶ **Methodology**: review of statistics and administrative data, interviewing key stakeholders, review of secondary research etc.

► Step 3: Participatory approach to developing key priorities, guiding principles, overall vision and mission

Vision statement:

A future-oriented declaration of the country's aspirations in relation to labour migration - provides a picture of what the country wants to become and should be relatively brief, e.g. "a priority destination country for skilled workers", or, "leading the way in rights-based migration".

Mission Statement:

An overarching and succinct description of what the policy sets out to do within the time of the policy – **the policy's purpose.**

Vision and mission statements – examples from the private sector

Mission: ***“to organize the world’s information and make it universally accessible and useful.”***

Vision: ***“to provide access to the world’s information in one click.”***

Which company is it?



Mission: **Refresh the world. Make a difference.**

Vision: **Our vision is to craft the brands and choice of drinks that people love, to refresh them in body & spirit. And done in ways that create a more sustainable business and better shared future that makes a difference in people’s lives, communities and our planet.**

Which company is it?



Case study: Nigeria

National Policy on Labour Migration 2014

Mission:

To provide an appropriate framework at national level to regulate labour migration; to ensure benefits to Nigeria as a country of origin, transit and destination; to ensure decent treatment of migrants and their families, and to contribute to development and national welfare.

Vision:

To build an effective, responsive and dynamic labour migration governance system in Nigeria.

▶ Step 3 continued: ensuring a participatory approach through consultation and social dialogue

Who to consult?

- ▶ Government ministries, subnational departments and local authorities
- ▶ Social partners
- ▶ Civil society and migrant associations
- ▶ Migrants and their communities
- ▶ Parliamentarians
- ▶ Labour market institutions
- ▶ Banking and financial sector
- ▶ Academia .

When and how to consult

- ▶ Informal direct consultation: online surveys, exchange of correspondence, telephone calls, private meetings;
- ▶ Formal direct consultation: consultative meetings and/or online requests to submit evidence or provide formal input/feedback;
- ▶ Working parties: where a mixed group of stakeholders focus on a particular area of labour migration policy.
- ▶ National/subnational conferences: useful for broader consultation and/or validation.

Case study 3: Pakistan

In Pakistan, a working group approach was taken to consultations and policy drafting. Five working groups were established, addressing five thematic areas related to the policy:

1. Labour Emigration and Protection of Overseas Workers and Inclusive Migration;
2. Global Labour Market Trends and Skill Development;
3. Welfare of Emigrant Workers and Overseas Pakistanis;
4. Promotion of Remittances through Legal Channels and Productive Uses of Remittances; and
5. Reintegration of Return Migrants (including deportees).

The suggested composition of each group included representatives from the Ministry of Overseas Pakistanis and Human Resource Development, as well as representatives from the departments under the Ministry; representatives from academia, civil society and international organisations. Each working group was designed to have eight to ten members meet successively to discuss and deliberate the challenges facing their thematic areas, agreed the main issues and make recommendations as to how the policy could respond to those issues. The working groups made recommendations for the policy, which were triangulated through further bilateral consultations and focus group discussions. The working group approach can maximise the direct input of stakeholders, whilst also promoting their sustainable ownership of the policy.



▶ **Step 4: Develop policy, action plan and M&E framework in line with international standards and national policy priorities**

▶ The structure of the labour migration policy

- Impact
- Outcomes
- Outputs
- Action plan
- Monitoring and evaluation framework



Part 2	
Outcome details	This section would include a more detailed narrative of the situation, key challenges, and proposed policy response for each of the outcomes and outputs identified Part 1
Part 3	
	5.1 Institutional framework for policy implementation
	5.2 Coordination mechanisms
	5.3 Social partner/stakeholder consultation mechanism
	5.4 Resource mobilisation
Part 6: Action Plan: Outcomes, outputs, activities, resourcing, timeframe and responsibilities	
Part 7: Monitoring and evaluation framework	
Annexes	

Part 1	
1.1 Introduction	This section may include a forward by the Minister of the leading Ministry to give political weight to the policy, an executive summary, as well as a broad introduction to the national context of the policy.
1.2 National context	History of labour migration to/from the country; Economic situation; Demography; Key industries; Employment/labour market; Socio-cultural situation; Political factors
1.3 Labour migration context	Labour migration trends and outcomes; Rationale for a national labour migration policy; Existing labour migration policy; Legislative and policy frameworks (national, regional and international)
1.4. Vision, mission and impact	Section to identify the guiding paradigm of the projects keeping in mind a rights-based, gender—sensitive and evidence driven approach.
Outcomes and Outputs	Governance/Administration; Protection/Empowerment/ Equality of opportunities and treatment; Data for policy monitoring and evaluation; Development; Others according to national context

Ensuring a rights based approach to labour migration policy development

1. Ratification of ILO Conventions

- Migration specific conventions – No 97 and No. 143
- Sector specific conventions – No. 188 and No 189
- Employment related Conventions e.g. 181

2. Prevention of and protection against abusive migration practices, including promotion of fundamental principles and rights at work

- Freedom from forced labour, child labour
- Rights to collective bargaining and freedom of association
- Protection from discrimination and xenophobia
- Migrant workers in irregular status

Ensuring a rights based approach to labour migration policy development

3. Promoting fair recruitment and protection during the migration process

- Recruitment is the first step in establishing an employment relationship, yet is also the process where migrant workers' vulnerability to exploitation begins.
- ILO Convention No.181
- General Principles and Operational Guidelines on Fair Recruitment and Definition of Recruitment Fees and Related Costs

4. Enhancing social protection of migrant workers

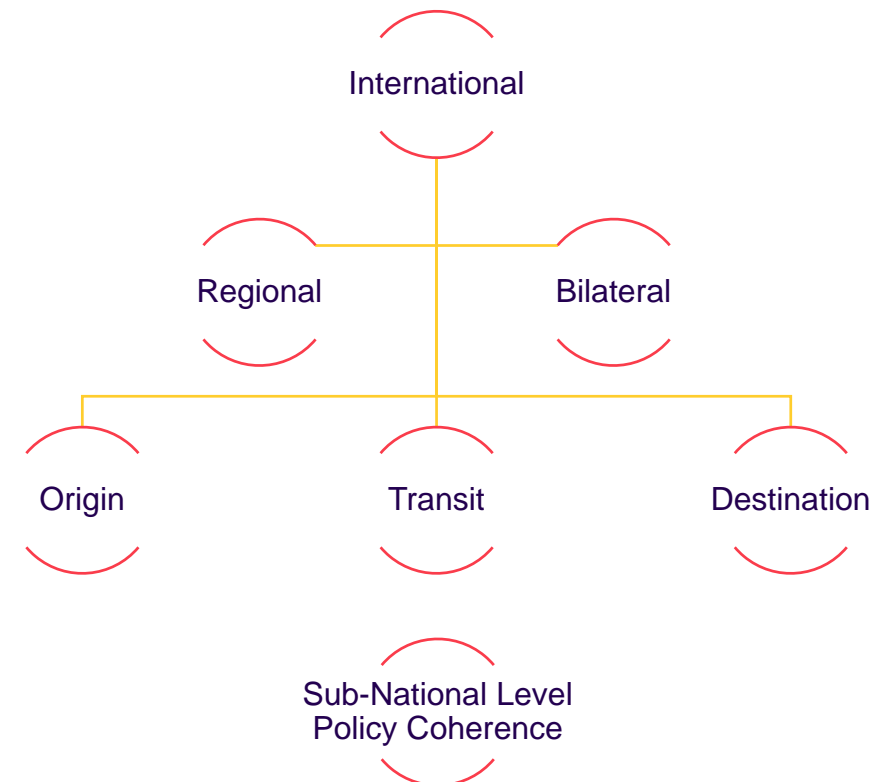
- Social insurance, social assistance, universal benefits, access to health care, amongst others.
- Migrants can be denied access or have limited effective access to social security coverage in their host country because of their status, nationality, or the insufficient duration of their periods of employment and residence. An effective labour migration policy takes into consideration the challenges faced by migrants in accessing their right to social protection (both during employment and upon return) both through unilateral, bilateral and multilateral measures

Ensuring a rights based approach to labour migration policy development

5. Taking a gender-responsive approach to labour migration policies

- develop enabling policy and legislative environments that provide equality of employment opportunity and access to benefits to migrant men and women;
- follow a «two-way» approach, encompassing general provisions to protect migrants and provisions that specifically target female migrant workers, thus empowering them to exercise choices, access resources and claim rights.
- introduce temporary special measures to compensate for past discrimination that may adversely affect women's current situation.

6. Promoting coherence among employment, education/training and labour migration policies



Regional Policy Cohere: The Southern African Development Community

The Southern African Development Community Labour Migration Policy Framework (SADC, 2014) seeks to address policy harmonisation as the first of eleven policy areas.

Within this policy area, there are three anticipated outcomes:

- Harmonized laws and policies on documentation and permitting for the entry and stay of SADC migrant workers or job seekers and third country nationals;
- Harmonization of legislations & policies on recruitment & conditions of employment of SADC migrant workers & third country nationals towards a minimum floor of rights;
- Mainstreaming of SADC labour migration strategy into national development strategies and poverty reduction strategies.

Ensuring a rights based approach to labour migration policy development

7. Taking into consideration labour market needs

- Skills and jobs matching/skills supply and demand measurements
- Development of labour market information systems (LMIS)
- Determination of migrant workers admission policies

8. International, regional and bilateral cooperation

- BLAs
- Regional Protocols and cooperation with RECs
- Agreements amongst social partners

Taking into consideration labour market needs: Seychelles

In its National Labour Migration Policy, adopted in 2018, the Government recognizes the essential role of migrant workers in providing labour and skills needed for the country's development, while also recognizing the need for continued investment in national workers' skills to reduce skills mismatch and unemployment. The policy contains a number of actions aimed at attracting, retaining, and developing needed skills, including:

- Collecting and analysing quantitative and qualitative data to determine current and projected skills needs as well as the supply of workers in key sectors and occupations
- Forming sector-specific skills councils which bring together industry professionals, members of economic planning and education ministries, sector ministries, SMEs and large employers, trade unions and professional bodies, and public and private employment services, which will contribute to improving coordination and engagement among key actors, building consensus around skills needs and development strategies, and providing analysis that can serve to adapt migration admissions policies.
- Strengthening coordination with employers and recruiters to improve programmes to transfer skills from migrants to locals, in order to facilitate local workers' access to jobs
- Strategies for the reintegration of returning Seychellois as well as the retention of skills to prevent the loss of skills ('brain drain')

▶ Step 5- obtaining political validation

This step will be very context specific

Following agreement by tripartite partners and other key stakeholders, the policy should be officially submitted for adoption by the Government. The exact process will depend on the country's official policy development protocols and institutions.

The government may conduct an official launch and develop a communication campaign to ensure immediate publicity and sensitization of those affected by the policy .



▶ Step 6: Implement, monitor, and evaluate policy

Implementation

- The implementation of the labour migration policy will be guided by the action plan (see Annex C for a template).
- Key to the effective implementation of the action plan, and as such, the labour migration policy is:
 - **effective administration, coordination** between partners,
 - their **commitment** and **capacity** and the ability to mobilize adequate **resources**.

▶ Step 6: Implement, monitor, and evaluate policy

Monitoring and evaluation

- Monitoring can be defined as a continuous process that can provide evidence that a policy is making progress towards achieving its set goals. Evaluation, on the other hand, is a finite process conducted at a certain point in time and that seeks to answer whether the policy is having its intended impact.
- Establishing an M&E framework at the outset (see Annex F for template), and incorporating regular monitoring into the implementation of the action plan can ensure that it is integrated throughout the delivery of the policy

Additional resources

Guide on measuring migration policy impacts in ASEAN, available at:
https://www.ilo.org/asia/publications/WCMS_461880/lang--en/index.htm

Gender equality in labour migration law, policy and management (GEM Toolkit), available at
https://www.ilo.org/asia/publications/WCMS_524144/lang--en/index.htm

ILO, IOM OSCE; Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination https://www.ilo.org/global/docs/WCMS_203851/lang--en/index.htm

OSCE Guide on Gender Sensitive Labour Migration policies,
<https://www.osce.org/secretariat/37228>

► **Thank you
Questions?**

