



Global Migration Group
Acting together in a world on the move

Global Migration Group (GMG) Task Force on Migration and Decent Work

Terms of Reference (as at 24 March 2016)

Introduction

While the world of work is central to international migration given that a large part of such movements are linked to the search for decent employment and livelihoods, with migrant workers accounting for over 150 million of the estimated 232 million international migrants in 2013,¹ it remains a reality that pertinent aspects of migration, such as the framework that ensures protection, dignity and equal treatment and opportunities for migrant workers and their families as well as labour market issues, have received insufficient attention to date, both in the work of the GMG and international discussions on the migration and development relationship.

Pursuant to the Global Migration Group (GMG) Principals' decision of 14 November 2012 and the subsequent recommendation of the GMG working level at its meeting on 18-19 February 2013, the GMG agreed to establish a Task Force on Migration and Decent Work, which seeks to bridge the human rights (including labour rights) and the economic and development dimensions of labour migration, as well as to strengthen the evidence base for informed policy-making, programme implementation and evaluation in this field.

The Task Force mandate will allow it to improve understanding and raise visibility of the issues concerning migrant workers and their families, including issues arising during the labour migration process: from selection of workers for employment abroad, to their living and working conditions in countries of destination and, in cases where migration is temporary, to return and reintegration in their countries of origin. Specifically, the following issues are of particular concern to the Taskforce: fair and ethical recruitment to avoid abuses that lead to exploitation of migrant workers, including trafficking; restrictions on departure, including current practices in medical examination and gender discrimination; pre-departure orientation; living and working conditions, such as employers withholding wages and passports, and occupational safety and health, with a particular reference to lower and middle-skilled workers, including those in an irregular situation; portability of pensions and other social security benefits; alignment of labour migration policies with actual and projected labour market needs; mutual recognition of diplomas and qualifications, and portability of skills; return and reintegration; policy coherence and cooperation at the national and international level with a view to ensuring fair, safe and regular migration opportunities and the good governance of labour migration; and the relationship between labour migration and development. **This list of themes is not exhaustive and may be adjusted according to priorities and in consultation with participating GMG agencies.**

¹ *ILO Global estimates on migrant workers*, Geneva, International Labour Office, 2015, available at http://www.ilo.org/global/topics/labour-migration/publications/WCMS_436343/lang--en/index.htm.

The follow-up to the 2013 UN General Assembly High-level Dialogue on International Migration and Development and the 2030 Agenda for Sustainable Development, in which decent work and migration now feature in the Sustainable Development Goals (SDGs),² as well as on-going regional processes and dialogues, provide an opportunity for the Task Force to heighten awareness and reflection on a rights-based approach to international labour migration that also takes into account labour market needs, and particularly in reducing the costs of labour migration.³

The Task Force will also initiate work on joint GMG positions in its interaction with the Global Forum on Migration and Development (GFMD) on issues related to labour migration.

The ILO and the IOM will act as co-conveners of the Task Force.

Overall Objective (as outlined in the GMG Multi-Annual Work Plan)

The Task Force will contribute to enhancing the benefits of international migration for migrant workers and countries of origin and destination, and to ensuring improved protection for migrant workers in all spheres.

Specific Objectives

The **longer-term objectives** of the GMG Task Force on Decent Work and Migration are to:

Promote a rights-based approach to labour migration, including through promoting ratification and implementation of relevant international labour standards and human rights instruments;⁴ promoting fair and ethical recruitment of migrant workers; promoting decent work conditions for migrant workers, with a particular focus on lower and middle-skilled workers, including those in an irregular situation; and strengthening social protection for migrant workers, with a particular reference to the portability of pensions, access to healthcare, and other social security benefits.

² See SDG Target 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.

³ See in particular, the UN Secretary General's *Eight-Point Agenda for Action* on making migration work for development (A/68/190), **point 1** - Protecting the Human rights of all migrants: "Member States should be encouraged to ratify and implement all relevant international instruments related to international migration, including the core international human rights instruments, relevant ILO conventions, the protocols against human trafficking and migrant smuggling and the Convention relating to the Status of Refugees. Alternatives to the administrative detention of migrants should be explored, while the detention of migrant children should be avoided. Countries should eliminate all discrimination against migrants with regard to working conditions and wages and with regard to fundamental economic, social and cultural rights. Migrant children should have equal access to education, and all migrants should have access to essential health services. Member States should commit to protecting and promoting the human rights of migrants at all stages of the migration process, including migrants having an irregular legal status. Access to legal migration channels should be enhanced, reflecting actual and projected labour market needs while taking into account human capital requirements in countries of origin and facilitating family unity" (paras 111-112). See also **point 2** – Reducing the costs of labour migration: "There are enormous gains to be made by lowering costs related to migration, such as the transfer costs of remittances and fees paid to recruiters, especially by low-skilled migrant workers. In addition, countries can strengthen the benefits of migration by enhancing the portability of social security and other acquired rights, and by promoting the mutual recognition of diplomas, qualifications and skills" (para. 113). The imperative to promote and protect effectively the human rights of all migrants and reduce the costs of labour migration are reiterated in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (General Assembly Resolution 69/313 of 27 July 2015, para. 111), which is an integral part of the 2030 Agenda for Sustainable Development.

⁴ See, in particular, the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.

Advance on the alignment of labour migration policies with labour market needs, including through examining possibilities for establishing labour market assessments and labour matching mechanisms between origin and destination countries and exploring avenues for mutual recognition of diplomas and qualifications, and portability of skills.

Promote cooperation and coherence to ensure the good governance of labour migration and mobility at the national, regional and international level, among different government ministries, and in collaboration with workers' and employers' organizations, the private sector and other relevant stakeholders; and to strengthen coherence among GMG members in the area of labour migration by, inter alia, preparing joint outputs and conducting joint capacity building activities on decent work-related initiatives concerning migrant workers.

Promote capacity-building activities on labour migration, including through organization of training workshops, and preparation of technical training materials and guidelines for evidence-based policy and programme formulation, implementation, evaluation and assessment.

Expand the knowledge base on labour migration and the linkages between labour migration and development through encouraging the undertaking and dissemination of policy-relevant research on international labour migration and its linkages to development, particularly from a gender and age perspective; sharing good practices for the collection, use and dissemination of information on international labour migration, including the development of quantitative and qualitative indicators on international labour migration and its linkages to development; and considering regional and country-specific needs and experiences in the field of labour migration data and analysis.

The **shorter-term objectives** of the Task Force are to better harmonize the activities of the agency members to raise awareness and promote broader dialogue (including social dialogue) on the means for better addressing issues related to migrant workers.

Key Priorities for 2016-2018 (as also outlined in the GMG Multi-Annual Work Plan)

In 2016-2018, the Task Force will focus on raising awareness and promoting dialogue on decent work for migrant workers in the context of the follow-up and review of the migration-related SDG targets of the 2030 Agenda for Sustainable Development and in the lead-up to the next United Nations General Assembly High-level Dialogue on International Migration and Development (HLD).

Specifically, the Task Force will focus its work on: a) Engaging with the GFMD on migration and decent work issues; b) Achieving the finalization and adoption of the Guidance tool on "Integrating the Migration-Decent Work Nexus in United Nations Development Assistance Frameworks (UNDAFs) and other national development planning processes; c) Contributing to the discussions on the global refugee crisis and its labour market dimensions, and access by refugees to cross-border labour mobility opportunities; d) Contributing to the follow-up and review of the decent work and migration-related targets and indicators of the 2030 Agenda for Sustainable Development; and, e) follow-up to the Tripartite Meeting of Experts on Fair Recruitment, to be held in Geneva in 2016, the aim of which will be to develop Guidelines on Fair Recruitment.

The following outputs/activities are either on-going, outstanding (from 2013-15) or foreseen (2016-18) in the Taskforce on Migration and Decent Work Annual and Multi-Annual Workplans:

Outputs/Activities from 2013-2015 (on-going and outstanding)	Timelines	Modalities/Funding
Update database of good practices on labour migration related to the ILO Multilateral Framework on Labour Migration.	On-going	ILO has already earmarked some funds for this activity. GMG agencies are invited to contribute good practices.
<p>Prepare a Working Paper on Migrant Health, a Key Component of Decent Work, to promote the importance of migrants' health in the labour migration process, focusing on</p> <p>a) Health vulnerabilities associated with labour migration, including occupational safety and health; b) Addressing barriers to accessing health services with good practice examples; c) Health benefits and portability thereof, including useful models of health insurance packages; d) Pre departure and upon arrival health assessment practices based on sound public health principles.</p>	2016-18	<p>IOM in consultation with Task Force agencies e.g. WHO, ILO, UNFPA, UNHCR, OHCHR, WB and other members of the group with a special interest in (or in part of) the areas listed.</p> <p>N.B. There are also synergies with the work taking place under the auspices of the KNOMAD Thematic Working Group on migrant rights and social aspects of migration, which has been developing human rights indicators for migrants and their families, including in the area of the right to health.</p>
<p>Prepare a Working Paper on the implementation of the WHO Global Code of Practice on the international recruitment of health workers & proposed new 2030 HRH global strategy Possible angles include:</p> <p>a) Examples of bilateral and multilateral agreements – model clauses developed by IOM/WHO; b) Promoting migration and development linkages through professional exchange, diaspora placements, return of qualified professionals.</p>	2016-18	IOM in consultation with Task Force Agencies.

Prepare a working paper on “Safety and Health of Migrant Workers: Understanding Global Issues and Designing a Framework towards a Solution”.	2016	To be produced by the ILO. Task Force members will be asked to participate in the Peer Review Process.
Outputs/Activities foreseen for 2016-18	Timelines	Modalities/Funding
<p>Support and engage with the GFMD on migration and decent work issues, including participation in GFMD preparatory meetings and summits and contribution to preparation of background papers and thematic meetings.</p> <p>Support and advocate for more inclusive participation of non-State actors, i.e. social partners and civil society organizations, especially in GFMD discussions concerning migration/mobility and decent work.</p>	<p>Bangladesh 2016</p> <p>Morocco / Germany 2017-18</p>	<p>Task Force member agencies contribute and participate in the GFMD preparatory and thematic meetings and summit at their own cost.</p> <p>ILO in collaboration with other interested Task Force agencies.</p>
Organize the Labour Migration Academy to provide training for government agencies, workers’ and employer’ organizations, among other stakeholders.	<p>Africa 2016</p> <p>Turin 2017</p>	<p>ILO is earmarking funds for this activity. IOM and ILO-ITC will coordinate inputs to this activity.</p> <p>GMG agencies will be invited to contribute in kind in assisting in the trainings and/or in providing materials.</p>
Follow-up the Tripartite Meeting of Experts on Fair Recruitment , which will be tasked to develop Guidelines on Fair Recruitment.	September, 2016 (TBC)	<p>The initiative will be funded by the ILO.</p> <p>A number of GMG agencies (e.g. IOM, UNODC, OHCHR, World Bank) will be invited to participate in the meeting.</p>
Finalize the guidance tool on “Integrating the Migration-	2016-17	Completion of this activity is linked to the broader work on

<p>Decent Work Nexus in United Nations Development Assistance Frameworks (UNDAFs) and other national development planning processes (draft prepared at the workshop in May 2015).</p>		<p>the GMG migration guidance being undertaken under the auspices of the Working Group on Mainstreaming Migration into National Development Strategies, co-chaired by UNDP and IOM.</p>
<p>Contribute to the follow-up and review of the decent work and migration-related SDG targets and indicators of the 2030 Agenda for Sustainable Development.</p>	<p>2016-17</p>	<p>IOM and ILO to liaise on the harmonisation of the decent work indicators for SDG target 8.8 with the indicators for SDG target 10.7, in collaboration with other interested Task Force agencies.</p>
<p>Produce draft guidance on coherent minimum standards relating to Regional Labour Mobility, with particular reference to: access to and portability of social security, recognition of skills and qualifications, fair and ethical recruitment, and working conditions of migrant workers, including the stronger inclusion of principal World of Work actors and social dialogue (ASEAN, CARICOM, MERCOSUR, SADC, etc.).</p>	<p>2016-18</p>	<p>IOM and ILO to further define.</p>
<p>Promote initiatives that document and reduce (e.g. research and capacity-building activities) the social costs of labour migration, including a focus on the wider costs of unethical recruitment on workers resulting from exploitation, debt bondage, and the following:</p> <p>a) Briefing paper on civil society initiatives addressing social costs of labour migration; b) Scoping studies in specific countries affected by large-scale labour migration to assess exactly what “social costs” are being borne and by whom; c) Scoping studies of specific</p>	<p>2016-18</p>	<p>Significant research and capacity-building work will be carried out by UNU.</p>

labour migration corridors (e.g., Tajikistan-Russia, Bangladesh-India, Pakistan-Saudi Arabia) that assess how policy frameworks in both countries facilitate/hinder family life; d) Trainings to national/local authorities in specific countries experiencing large-scale labour migration (e.g., Tajikistan) on constructing or reinforcing social protection provisions for migrant workers and their families); e) Contributing to GFMD Roundtable 1.2 on lowering migration costs (see also support to and engagement with the GFMD above).		
Map practices and modalities for recognizing skills and qualifications; work towards a global convention on recognition of higher education qualifications.	2016-17	UNESCO in collaboration with other interested Task Force agencies.
Finalize the Practical Guide on Maximising the Contribution of Women Migrant Workers to Development.	2016-17	ILO in collaboration with UN Women and other interested Task Force agencies.
Prepare policy briefs relating to migration and gender based on the UN Women's Flagship Report on Transforming Economies, Realizing Rights.	2016-17	UN Women in collaboration with other interested Task Force agencies.
Advocate for the ratification of the ILO Domestic Workers Convention, 2011 (No. 189).	2016-18	ILO in collaboration with UN Women and other interested Task Force agencies.
Undertake research/policy work on labour market integration of refugees and their access to cross-border labour mobility.	2016-2018	ILO and UNHCR to further define.

Working Modalities of the Taskforce on Migration and Decent Work

1. The Taskforce will convene through the GMG focal points as designated by each GMG member.
2. Participation in the Task Force is open to all GMG members that wish to participate.
3. The Task Force will develop annual work plans, in coordination with the GMG Chairs, and in line with the GMG multi-annual work plan.
4. The Task Force will meet as often as necessary, but at least twice a year.
5. Meetings will be convened in a way that allows interested GMG agencies in various locations to participate effectively.
6. Minutes of the meetings will be made available by the co-convenors of the Task Force to all GMG members.
7. The co-convenors of the Task Force will brief the GMG working-level meetings on its work and activities.
8. The GMG website will be used for sharing and archiving relevant documents and materials.
9. The co-convenors of the Task Force will coordinate its work plan with that of the GMG Working Groups on data and research, migration mainstreaming, human rights, gender and migration, and the Task Force on capacity development.
10. The work of the Task Force will be every two years, and on that basis, consideration will be given to its future status.