Common Space, Berlin, Friday 30 June 2017

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Common Space Focus Sessions

Focus Session theme:	**Focus Session 5:** Mechanisms for Labour Mobility and regularization

1. **What concrete mechanisms[1] exist, existed or might be developed that can achieve "safe, orderly and regular migration" within the theme of this focus session? Please name 3 to 4 mechanisms.**
   - Particular <u>resource</u>: what mechanisms if any does the Sutherland Report suggest in this regard?

(If possible, please detail the stakeholders involved in this mechanism, and - if it is being implemented - please include country/region of implementation If mechanism are mentioned that should be omitted because they go against the principles of 'safe, orderly and regular', feel free to also take note of them).

- Utilizing regional cooperation to achieve fair migration: i.e. MERCOSUR once served as vehicle for regularization and social security portability in member states (EU and various regional dialogues also could be considered in this regard). TUCA coordinates trade unions in the Americas to protect migrant rights and share information about labor laws.

- Regularization holds many benefits for host/ destination countries and promotes decent work for both migrant and local workers, stabilizes labor markets. These benefits should be widely advertised. Good practice on regularization includes allowing migrants to petition for regularization based on family or employment ties.

- Compact could facilitate a global alliance of skill building, credential portability, and human mobility—utilizing expertise of ILO, IOM, World Bank.

- On fair recruitment: Standard contracts, registries to weed out bad recruiters and employers through worker reports, establish grievance mechanisms, and end kafala system.

- Bilateral and multilateral agreements should include consultations with social partners (employers and unions) and other stakeholders.
- Safe and effective complaint mechanisms, coupled with firewalls between immigration enforcement and labor enforcement and public services, would protect and empower migrant workers. Compact should develop guidelines on what constitutes an effective complaint mechanism, including complaints body, legal proceedings, residence status, and compensation.

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[1] Mechanisms" are policies, practices, programmes or partnerships that focus on *implementation,* not simply restating rights or commitments, that concretely help to achieve safe, orderly and regular migration and that either already exist, existed or can be developed. Mechanisms can be implemented individually or in partnerships among states or local authorities, civil society, private sector, international organisations, or several of the above, and they can be local, national, regional, global or multi-levelled.

- For example, drop-in centers for migrant workers (informal and low-key) to report abuses without fear of being reported to immigration authorities—would address labor issues, health and safety, etc. (Austrian minister of Labor established, utilizes union and CSO expertise). Canton (Swiss) for health issues. Whole of government approach to

2. Is it possible to conceive timelines that the Global Compact on Migration might include for a few goals and targets that can increasingly implement such mechanisms for example, over 2, 5 and 12 years?

(Here we are looking at practical next steps to achieve these mechanisms, in the short, mid and longer term. If mentioned, please list who should initiate these next steps).

Not discussed.

3. If your session could choose <u>one key message</u> to be conveyed in the plenary by the Grand Rapporteur, what would it be?

The development of migration policy and implementation mechanisms—including the global compact, bilateral and multilateral agreements, and national and regional policy—must include consultations with social partners (trade unions and employers) and other relevant stakeholders.

4. Additional comments, e.g. particular challenges or highlights worth mentioning? *[optional]*

- Governance of migration: Compact should respond to full migration cycle from pre-departure to reintegration, which would require active government intervention, including in the areas of certification, labor protection information sharing, skills mobility, and social security mobility.
- Transparency: If governments move to bilateral they must be transparent and involve social partners.
- Lots of debate on the merits of bilateral agreements.
- Circular migration: migrants should be able to decide on when to stay and leave. If they have access to work after leaving, they are less likely to stay. Forced circularity often leads to irregularity.

5. Inspirational quotes? *[optional]*

"A worker is a worker is a worker. We [unions] organize migrant workers and we are migrant workers." – Rodrigo Barras, CTA, Argentina.