



International
Labour
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► Practical guide on developing labour migration policies



▶ **Practical Guide on Developing
Labour Migration Policies**

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Practical guide on developing labour migration policies

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Abbreviations and acronyms

AFML	ASEAN Forum on Labour Migration
ASEAN	Association of Southeast Asian Nations
BLA	bilateral labour agreement
BLMA	bilateral labour migration agreement
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	UN Convention on the Elimination of All Forms of Discrimination Against Women
COVID-19	coronavirus disease 2019
ECOWAS	Economic Community of West African States
FRI	Fair Recruitment Initiative
GCM	Global Compact for Safe, Orderly and Regular Migration
ICRMW	UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ILMS	International Labour Migration Statistics Database for ASEAN
IOM	International Organization for Migration
ISCO	International Standard Classification of Occupations
LMIS	Labour Market Information System
M&E	monitoring and evaluation
MOLTV	Ministry of Labour and Vocational Development [Cambodia]
MOU	memorandum of understanding
OSCE	Organization for Security and Co-operation in Europe
RPL	recognition of prior learning
SADC	Southern African Development Community
SDGs	Sustainable Development Goals
SMART	Specific, Measurable, Achievable, Relevant, Time-Bound
TWG	Thematic Working Group
UN	United Nations

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Objectives

This Guide is intended to provide practical and succinct guidance on the process to be undertaken by ILO constituents governments, workers' organizations, employers' organizations, in consultation with civil society organizations and other relevant partners, during the course of developing or revising a national labour migration strategy, policy and/or action plan. Wherever possible, the guide will inform users of the ILO approach, standards and tools already developed and relevant for informing each stage of labour migration policy development and implementation. Content of the policy is also considered, and the user of the guide will be directed to existing tools or the latest research on relevant topics. The Guide will also provide information on how labour migration issues may interact with other national policy priorities, including employment, education, vocational training, social protection and gender equality/non-discrimination. A Glossary of Terms is included in Annex A of this Guide.

Audience

In addition to providing direct guidance to ILO constituents, the Guide will also assist ILO officials and partners in the field to provide technical advisory services in the design of rights-based and gender-responsive labour migration policies, and to promote better linking of employment and labour migration policies and practices.

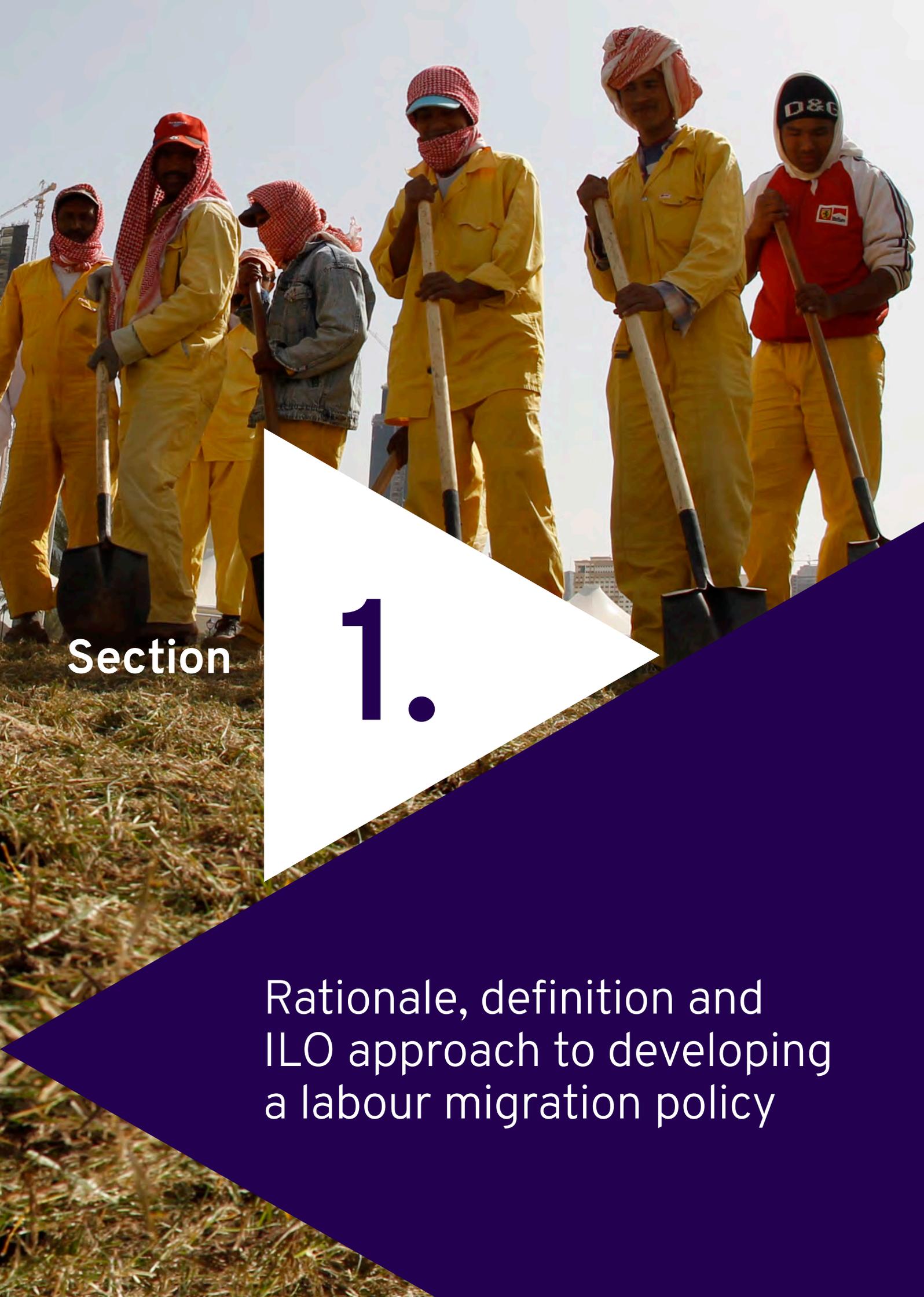
Structure and organization of the guide

The Guide seeks to address both the process of developing a labour migration policy and the content to be included therein.

Section 1 looks at the approach to making a policy, including taking account of the national context, defining the parameters and including social dialogue.

Section 2 sets out the six key stages of developing, implementing and monitoring a labour migration policy, including a checklist of questions that should be considered at each stage. It also provides guidance to assist implementation and monitoring and evaluation. Substantive information on the key considerations and core elements to be included in a labour migration policy is interwoven within the policy development steps.

The Annexes provide templates that policymakers can use during the policy development process, including templates for action plans, monitoring and evaluation (M&E) frameworks and draft terms of references for external consultants who may be engaged in the drafting of a policy.



Section

1.

Rationale, definition and ILO approach to developing a labour migration policy

▶ Rationale for and definition of labour migration policy

International labour migration – migration from one country to another for employment purposes – is a feature of contemporary labour markets and of the future of work. The ILO estimates that migrant workers constitute 5 per cent of the global labour force, representing an integral part of the world economy. The majority of international migrants today are migrant workers in search of employment and better income opportunities – while there were 272 million international migrants in the world in 2019, 169 million (99 million men and 70 million women) were migrant workers (ILO 2021). There are few countries in the world that are not affected by international labour migration flows, whether as countries of origin, transit or destination, and often in several of these categories at the same time. Of great importance is the consolidation of South–South migration corridors that have become increasingly more important than South–North migration flows over time.

Labour migration is a complex policy challenge for governments whereby a multitude of different issues and interests need to be balanced – from economic, to social, to political, to cultural. When properly governed, labour migration can contribute to sustainable development for countries of origin, transit and destination, and can provide benefits and opportunities for migrant workers and their families. It may balance labour supply and demand, help develop and transfer skills at all levels, contribute to social protection systems, foster innovation and enrich communities both culturally and socially. On the other hand, poorly governed labour migration can bring risks and challenges, including for sustainable development and decent work, in countries of origin, transit and destination, especially for workers in low-wage jobs. These risks can include dependency, underdevelopment, and informality, brain drain, displacement, child labour, debt bondage, forced labour, trafficking in persons, safety and health hazards – including inter-generational burdens of occupational disease – and other decent work deficits. Some of these risks can have lethal consequences. Racism, xenophobia and discrimination, misperceptions and misinformation, violence and harassment add to the overall challenges of labour migration (ILO 2017e).

In addition to the challenges already experienced in the migration process, the COVID-19 pandemic has had a devastating impact on migrant workers and their access to fair recruitment and decent work. In 2021, the ILO adopted a Global Call to Action, outlining urgent measures needed to ensure a human-centred recovery from the pandemic. The Call to Action recognises that migrants are amongst the disadvantaged and vulnerable populations that have been affected disproportionately. ILO rapid assessments conducted in 2020–21 found that migrant workers were extremely impacted by COVID-19. Border closures across much of the world increased the vulnerability of migrant workers at the same time as economic and social dependence on migrant workers who deliver essential services such as healthcare and sanitation also increased. They had their employment in countries of destination summarily suspended or cancelled as the pandemic spread and were left without income. Workers were stranded by travel restrictions and border closures, and in some countries were excluded from COVID-19-related social security packages made available to citizen workers. The pandemic also exacerbated debt burdens carried by migrant workers. During COVID-19 many prospective labour migrants took on debt to travel, but then could neither travel, obtain refunds, nor earn income to repay their debts. Migrant workers stranded without employment incurred additional debt and/or lost savings covering basic living costs for themselves and their families and in attempts to travel home (ILO, forthcoming). ILO has highlighted that the development of policies, through social dialogue, that foster inclusion of migrant workers in national responses is one of the key actions governments can take to mitigate the impacts of COVID-19 on migrant workers (ILO, 2020a).

A labour migration policy is a means through which governments can govern the complex challenges that arise and put in place contingencies for emergencies, such as the COVID-19 pandemic. The need for policies on labour migration is clearly identified in the international labour standards governing migration for employment:

- Article 1 of the Migration for Employment Convention (Revised), 1949 (No. 97), asks that States undertake to make available information on national policies relating to emigration and immigration;
- Article 10 of Migrant Workers (Supplementary Provisions) Convention, 1975 (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”;
- The Migrant Workers Recommendation, 1975 (No. 151), provides guidance on the periodic review and evaluation of the policy, and where necessary, its revision. It further states that its provisions should be applied “within the framework of a coherent policy on international migration for employment”, and defines the key basis for this policy as:
 - The economic and social needs of both countries of origin and countries of employment;
 - Taking into account not only of short-term manpower needs and resources but also of the long-term social and economic consequences of migration for migrants as well as for communities.

In 2016, the Committee of Experts on the Application of Conventions and Recommendations (CEACR)¹ undertook a General Survey to assess the impact of the migration for employment instruments, to understand the difficulties and prospects for their ratification, and to highlight the potential of the instruments. It was observed that “[g]overnance of labour migration at the national level is of crucial importance”. National labour migration policies allow Member States to integrate the protection of migrant workers’ rights into the economic, political and social dimensions of their governance of labour migration flows. The CEACR also observed that a number of Member States reported that their national migration policy was made up of a combination of elements, including national legislation, bilateral agreements and policies or programmes protecting workers (ILO 2016a).

In recent years, the ILO has also observed a new trend of States drafting a National Labour Migration Policy as one coherent, high-level document encompassing an integrated and rights-based approach to the horizontal and vertical coordination of labour migration governance. As such, it is a fairly new stand-alone policy area, in contrast to other topics (education, security, foreign policy, immigration, employment) that have received much greater attention from policymakers in the past.

In a broad sense, labour migration policy is a range of institutional structures (legislation, validated strategic documents, plans of action, budget) and practices (implementation regulations and actual procedures) that regulate labour mobility.

This guide focuses on the design of a labour migration strategy and its formal validation.

¹ The CEACR is an independent body composed of legal experts charged with examining the application of ILO Conventions and Recommendations by ILO Member States.

In this context, the labour migration policy can be defined as, but is not limited to being:

▶ A stand-alone document [that] provides a framework to regulate and manage the mobility, recruitment and employment of migrant workers into and out of the country as well as the reintegration of migrant workers in the labour market upon their return.² It indicates what the objectives, scope, targets, and implementation means of the policy are. It has been politically validated by the relevant authorities and social partners and it can foster cooperation between countries of origin, transit and destination on migrant workers' protection.

▶ (Segatti 2015).

The ILO has observed that the labour migration policy documents that have been developed in the recent past typically define the legislation that give authority for the required measures, while identifying the administrative organization(s) responsible for implementing the policy. Policies are often accompanied by an action plan that ensures accountability for and monitoring of policy implementation.

Furthermore, a labour migration policy could take one of several formats:

1. a standalone labour migration policy document;
2. a subset of broader migration policy; or
3. an integral component of employment policy.³

The decision on the format to be taken will depend on national context, policy aims and stakeholder consultation. Regardless of the means selected, the key focus of such a policy is to address the labour aspects of migration phenomena. As with any matter concerning the governance of the labour market, the development of such labour migration policies should be based on social dialogue and a participatory and consultative process with all relevant stakeholders to ensure consensus on its provisions.

² Migration and development, as well as return and reintegration, are also important elements to consider.

³ In a mapping of employment policies conducted by the ILO, it was found that out of 55 countries studied, a majority (35) of national employment policies did cover labour migration issues, though such coverage varied from including migration in the situational analysis to having specific goals and objectives on migration. Most of the countries mapped had a national migration policy or at least a legal framework that governs migration. A few countries have a migration policy focusing almost exclusively on border control and security aspects (Popova and Panzica 2017).

► **Box 1. Recommended principles of a sound labour migration policy**

Good governance and rights-based: Policies should be based on respect for human and fundamental labour rights with appropriate laws and regulations to support such policies, along with the financial and technical resources required.

Whole of government and society approach:¹ Policies should incorporate mechanisms to ensure coordination and consultation among ministries, social dialogue with workers' and employer's organizations, and consultation with other relevant partners/actors to strengthen effective implementation and policy coherence.

Tripartite Consultative processes: Open debate and social dialogue informs the policy and increases ownership over policy objectives and outputs. It ensures that workers' and employer's organisations can adequately reflect their member's interests, and their knowledge, information, and forecasts for the labour market, thereby identifying how and in which forms, migration can contribute to economic growth and what forms of protection are needed for migrant workers.

Gender-responsive: Addressing gender-based discrimination in law and in practice and ensuring equal opportunities in relation to labour migration, taking into account specific gender concerns.

Policy coherence: Ensure consistency with policies in other spheres of governance (at both the national and subnational level). It is important that policies seek to achieve the long-term requirements of the country and do not directly or indirectly undermine existing policies.

Links to employment, social, training and education policies: Labour migration policy should be informed by relevant and intersecting policy areas.

Data and evidence base: Ensure the ongoing collection and analysis of disaggregated data, including through labour market information systems, household surveys and migration data, administrative records, results and research from partners. Data should be analysed to inform and update the policy.

Resourcing: The relevant ministries and partners have the capacity and resources to formulate and implement the policy, action plan and monitoring and evaluation framework.

Transparency: Transparency of form and process to engender credibility and trust – particularly important where recruitment and contracting of migrant workers is undertaken by public bodies.

Broad public support: Inform and educate the public, and ensure that the policy has support and/or is consistent with public views.

Flexibility: Administer and monitor in a manner that is sufficiently flexible to allow policy-makers to learn from past performance and for the policy to be adjusted to suit changing circumstances.

Addressing irregularity, exploitation and discrimination: Expressly address issues (existing or potential) of irregularity, exploitation and discrimination throughout the migration process, recognizing that to ignore such elements is detrimental to the migrants and countries involved.

Crisis response: The policy considers measures to take in case of health, conflict or other crises that require the mass repatriation of its citizens abroad.

¹ The Global Compact considers that migration is a multidimensional reality that cannot be addressed by one government policy sector alone. To develop and implement effective migration policies and practices, a whole-of-government approach is needed to ensure horizontal and vertical policy coherence across all sectors and levels of government; The Global Compact promotes broad multistakeholder partnerships to address migration in all its dimensions by including migrants, diasporas, local communities, civil society, academia, the private sector, parliamentarians, trade unions, national human rights institutions, the media and other relevant stakeholders in migration governance.

▶ ILO's approach to labour migration policy development

International labour standards, tools and guidance on migration for employment

The protection of migrant workers throughout the migration process has been a key objective of the ILO since its inception. The 2019 ILO Centenary Declaration for the Future of Work calls on the ILO to deepen and scale up its work on international labour migration in response to constituent's needs. A labour migration policy grounded in the international normative framework and ILO's approaches can ensure that governments effectively promote protection of the human and labour rights of migrant workers. The framework includes comprehensive instruments on labour migration through ILO Conventions, Protocols, and Recommendations;⁴ as well as United Nations (UN) Conventions.

ILO Conventions, Protocols and Recommendations apply to all workers regardless of their nationality. There are roughly three categories of international labour standards related to migrant workers:

1. Standards specifically on migration for employment:
 - ▶ Migration for Employment Convention (Revised), 1949 (No. 97);
 - ▶ Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
 - ▶ Migration for Employment Recommendation (Revised), 1949 (No. 86); and
 - ▶ Migrant Workers Recommendation, 1975 (No.155)
2. Standards and Recommendations articulating fundamental principles and rights at work:
 - ▶ Forced Labour Convention, 1930 (No. 29); Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35)
 - ▶ Protocol to the Forced Labour Convention 2014 (P29); Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)
 - ▶ Abolition of Forced Labour Convention, 1957 (No. 105);
 - ▶ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
 - ▶ Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
 - ▶ Equal Remuneration Convention, 1951 (No. 100);
 - ▶ Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
 - ▶ Minimum Age Convention, 1973 (No. 138); and
 - ▶ Worst Forms of Child Labour Convention, 1999 (No. 182).
3. Related standards relevant to migrant workers, including in areas of social security, employment policy, private and public employment agencies, employment and working conditions, violence and harassment, and sector-specific Conventions and Recommendations.⁵

4 ILO Conventions and Protocols are legally binding international treaties that may be ratified by Member States, laying down the basic principles to be applied by ratifying countries. Recommendations are non-binding but authoritative guidelines that do not have to be ratified and become effective upon adoption at the International Labour Conference.

5 This would include ILO Conventions such as: C190 - Violence and Harassment Convention, 2019 (No. 190), C189 - Domestic Workers Convention, 2011 (No. 189), C188 - Work in Fishing Convention, 2007 (No. 188) and Recommendations such as: R206 - Violence and Harassment Recommendation, 2019 (No. 206), R201 - Domestic Workers Recommendation, 2011 (No. 201), R202 - Social Protection Floors Recommendation, 2012 (No. 202), R199 - Work in Fishing Recommendation, 2007 (No. 199).

In addition to its international labour standards, the ILO has also developed non-binding principles and guidelines applicable to labour migration and that serve to protect migrant workers, including:

1. **Multilateral Framework on Labour Migration: Non-binding Principles and Guidelines for a Rights-Based Approach to Labour Migration:** The Multilateral Framework consists of a set of non-binding principles and guidelines for a rights-based approach to labour migration. It aims to assist governments, social partners and stakeholders in their efforts to regulate labour migration and protect migrant workers by providing a comprehensive set of rights-based guidelines and principles. It is structured around nine areas, including: (1) decent work; (2) international cooperation; (3) knowledge base; (4) management of labour migration; (5) protection; (6) prevention and protection against abusive migration practices; (7) migration process; (8) social integration and inclusion; and (9) migration and development.⁶
2. **General Principles and Operational Guidelines for Fair Recruitment and Definition on Recruitment Fees and Related Costs:** The General Principles are intended to orient implementation of fair recruitment initiatives at all levels. The Operational Guidelines address responsibilities of specific actors (governments, employers, labour recruiters) in the recruitment process and include suggested interventions and policy tools that can be applied.
3. **Guiding Principles on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market** set out principles to support ILO Member States on the access of refugees and other forcibly displaced persons to the labour market, and to assist those States impacted by these situations in providing responses that meet the needs and expectations of host communities, refugees and other forcibly displaced persons.

Furthermore, in 2014, the ILO reinvigorated its work on labour migration by setting the Fair Migration Agenda, which aims for labour migration that not only respects the fundamental rights of migrant workers but to also offers them real opportunities for decent work. This means a fair sharing of the prosperity they help to create, and to build migration regimes that respond equitably to the interests of countries of origin and destination, migrant workers, employers and nationals. It consists of eight principles that are relevant to the development of labour migration policy:

- Making migration a choice and not a necessity, by creating decent work opportunities in countries of origin;
- Respecting the human rights, including labour rights, of all migrants;
- Ensuring fair recruitment and equal treatment of migrant workers to prevent exploitation and to level the playing field with nationals;
- Formulating fair migration schemes in regional integration processes;
- Promoting bilateral agreements for well-regulated and fair migration between Member States;
- Countering unacceptable situations through the promotion of the universal exercise of fundamental principles and rights at work;
- Promoting social dialogue by involving Ministries of Labour, trade unions and employers' organizations in policymaking on migration;
- Contributing to a strengthened multilateral rights-based agenda on migration.

⁶ The Framework contains a list of good practices with examples in its Annex. Since the publication of the Framework, the ILO MIGRANT technical branch has developed a database of good practices, which is available at the following link: <http://www.ilo.org/dyn/migpractice/migmmain.home>.

In 2017, the 106th Session of the International Labour Conference adopted conclusions to provide further guidance and strategic direction on addressing governance challenges for fair and effective labour migration at national, bilateral, regional and interregional levels, and on fair recruitment. The conclusions point to ten areas warranting special attention and priorities for action, which similarly warrant special attention during the development of labour migration policies, namely:

- ▶ 1. protection of migrant workers and labour market integration;
- ▶ 2. skills recognition and development;
- ▶ 3. fair recruitment;
- ▶ 4. social Protection;
- ▶ 5. freedom of association;
- ▶ 6. data and statistics;
- ▶ 7. temporary labour migration;
- ▶ 8. irregular labour migration;
- ▶ 9. bilateral agreements; and
- ▶ 10. regional governance frameworks on labour migration (ILO 2017e).

Relevant international human rights standards and global agreements

In promoting sound, equitable, humane and lawful conditions for international migration of workers and members of their families, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, (ICRMW) includes a provision in Article 65 for formulation and implementation of policies regarding such migration. In identifying common responsibilities of countries of origin and destination, the Convention on the Elimination of Discrimination Against Women, 1979, (CEDAW) General Recommendation 26 recommends States formulate comprehensive, gender-sensitive and rights-based policy on the basis of equality and non discrimination to regulate and administer all aspects and stages of migration, to facilitate access of women migrant workers to work opportunities abroad and to promote safe migration of women.

The Global Compact for Safe, Orderly and Regular Migration (GCM) was adopted on the 10 December 2018. References to decent work and labour migration are embedded across several objectives and can serve to set the goals and objectives of the labour migration policy. Relevant objectives and their corresponding actions include:

- ▶ **Objective 5.** Enhance availability and flexibility of pathways for regular migration
- ▶ **Objective 6.** Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
- ▶ **Objective 16.** Empower migrants and societies to realize full inclusion and social cohesion
- ▶ **Objective 18.** Invest in skills development and facilitate mutual recognition of skills, qualifications and competences
- ▶ **Objective 21.** Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration
- ▶ **Objective 22.** Establish mechanisms for the portability of social security entitlements and earned benefits.

While the GCM makes no specific statement on the development (or not) of a labour migration policy, it provides a rich set of recommendations that governments and social partners should consider in setting policy priorities.

Social dialogue for labour migration policy development and implementation

As one of the four pillars of the ILO's Decent Work approach and a key principle of ILO standards and the Fair Migration Agenda⁷, social dialogue should feature prominently in labour migration policymaking processes. The ILO (n.d.-b) defines social dialogue as:

All types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. ... The main goal of social dialogue itself is to promote consensus building and democratic involvement among the main stakeholders in the world of work.

As key labour market actors, workers' and employers' organizations have important contributions to make during policy formulation processes. Social consensus among representatives with differing views on migration is the best guarantee that a policy will be sustainable. Decisions reached through consultation are more likely to be implemented because they will receive the support of social partners. Social dialogue within and between countries is one way to reconcile the objectives of social and labour rights, as well as national security issues, border management and irregular migration. This has been the experience wherever employers' and workers' organizations form an integral part of the policy-coordinating mechanism on labour migration. Additionally, once the policy has been adopted, employers' and workers' organizations can play a role in promoting acceptance by their members of national policies and regulations (refer to **box 2** for the contribution of employers' and workers' organizations to labour migration policy development and implementation).

Social dialogue can exist as a tripartite or bipartite process which can be informal or institutionalized. For example, most ILO member States have national level tripartite social dialogue institutions in place, such as social and economic councils or similar bodies. While sporadic good practices do exist on informed social dialogue (see for example **case studies 1** and **2** below), the unfortunate reality is that very little consultation and tripartite dialogue takes place in relation to labour migration at the national level, or in the conclusion of bilateral labour agreements. There are a variety of reasons for this. For instance, while social partners may be in regular contact with the Ministry of Labour and tripartite dialogue may be institutionalized in Ministry of Labour structures, other ministries may be leading the migration policy or bilateral labour agreement development (for example, Ministries of Foreign Affairs). Other reasons can include social partners lacking the financial or human capacity to engage meaningfully on migration issues, or they may have prioritized other policy areas. The ILO has concluded that bilateral labour agreements "can be more beneficial if they are based on social dialogue". The forthcoming guidance by UN Network on Migration on Bilateral Labour Migration Agreements also stresses the need for social dialogue at all stages of BLA development and implementation.

⁷ For example, Recommendation No. 86 states that "the Government should consult the appropriate organisations of employers and workers on all general questions concerning migration for employment" (Para. 4(2)).

▶ Box 2. Role of social partners in policy development

Further guidance on the role of trade unions in governing labour migration

For further guidance on why and how trade union organizations can mobilize to protect the rights of migrant workers and support implementation of labour migration policies, please refer to: ILO, *In Search of Decent Work – Migrant Workers’ Rights: A Manual for Trade Unionists*, 2008.

The aims of this manual are to assist trade unionists to:

- ▶ Understand that migration and the rights of migrant workers are an important issue for trade unions;
- ▶ Develop a gender-sensitive trade union perspective and approach to the issue of migrant workers, understanding the difficulties and differences women and men face in the labour market;
- ▶ Organize migrant workers – regardless of their legal status or work in the formal or informal part of the economy; and
- ▶ Defend migrant workers’ rights, including using international and national law to defend migrant workers.

How can employers’ organizations contribute to sound policy on labour migration?

In countries of origin:

- ▶ Be actively involved in consultations and negotiations on migration and labour migration policies;
- ▶ At the enterprise level, through direct assistance and training on the labour migration policy for employers, particularly focusing on areas relevant to employers such as skills recognition, occupational safety and health considerations, and the hiring of returning migrant workers with specific skills.

In countries of destination:

- ▶ Inform the policy on the absolute and perceived skills shortages in the labour market;
- ▶ Advise whether admission policies and labour market tests (for example, quotas) are realistic and in support of their needs;
- ▶ Promote principles of equality of treatment and protection of human and labour rights.

For further guidance on the role of employers in governing labour migration, please see:

- ▶ Section 6.3 – “What can employers do to curb abuses against migrants?” in ILO 2005. A further reference of interest could be ILO, ACT/EMP Research Note, 2015;
- ▶ [Trade union action to promote fair recruitment for migrant workers](#), ILO, 2020;
- ▶ [Temporary labour migration: Two studies on workers’ perspectives and actions](#), ILO, 2021;
- ▶ [Trade union manual: Organizing women migrant workers: Manual for trade unionists in ASEAN](#) (ilo.org), ILO, 2021;
- ▶ [Trade union manual: Organizing women migrant workers: Handout compendium](#) (ilo.org), ILO 2021.

Source: ILO 2005; 2008, 2015, 2020, 2021

► **Case study 1.**
Regional tripartite dialogue at the ASEAN Forum on Migrant Labour

The ASEAN Forum on Migrant Labour (AFML) is the only labour migration forum in Asia that is carried out in a tripartite setting with the additional involvement of civil society organizations. The AFML brings together key stakeholders in labour migration in the Association of Southeast Asian Nations (ASEAN), including the ILO's tripartite constituents – government, employers' organizations and workers' organizations – as well as the ASEAN Secretariat, civil society and international organizations. It gathers annually to discuss, share experiences and build consensus on protection of migrant workers issues committed to under the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (known as the "Cebu Declaration"), and concludes with the adoption of Recommendations that bring life to the provisions of the Cebu Declaration. The AFML's thematic discussions across its past meetings have provided comprehensive Recommendations for ASEAN Member States and social partners in the areas of information services; return and reintegration; promoting a positive image of migrant workers; regulation of recruitment; labour migration data collection, analysis and sharing; complaints mechanisms, protection during employment; and coordination among stakeholders. The progress made against these Recommendations in each country is reported on at the following year's forum.

Source: ILO 2018b.

► **Case study 2.**
Social dialogue at national level

In Brazil, the National Immigration Council (CNIg), attached to the Ministry of Labour and Employment, has a consultative and normative role. The CNIg is a tripartite structure, with the additional participation of representatives of academia, international organizations and NGOs as observers. The CNIg aims to guide, coordinate and oversee immigration activities, and has been able to influence immigration policy, especially on labour migration.

In Tunisia, a participatory process was used to revise the national migration strategy (SNM) in 2017 (still pending adoption). Led by the Ministry of Social Affairs, this involved different parts of government, social partners (the trade unions UGTT and UTICA), civil society, ILO, the International Organization for Migration (IOM) and others. The revised strategy consists of five inter-related axes, the first of which is to strengthen the governance of migration management. The SNM recognizes the importance of inclusive and participatory dialogue involving all concerned stakeholders to ensure its effective implementation.

Source: ILO 2017b.; Tunisia 2015.

► Labour migration policy development in the national context

Key determinants of a country's approach to labour migration policy will be its history of migration, past regulatory experience, related policy priorities and public attitudes. All of these factors will shape the dominant paradigms on migration, the understanding of labour migration, the institutional structures already existing, and the country's positioning at the bilateral and multilateral levels.

Policy priorities and approaches will also depend on whether the country is an origin, transit or destination country, bearing in mind that a country may be all three at once. Further, a country may be a country of origin for one type of migration and a country of destination for another, and as such, may need to address policy considerations throughout the migration cycle (for example, a country may be a country of origin for skilled workers, but a country of destination for low-skilled workers). These factors can impact approaches at the State level, and will also inform the different priorities of partners and stakeholders within States.

Policy approaches to labour migration may also be an attempt to balance different and, at times, conflicting interests and objectives. For origin countries, the imperative to **protect** its workforce from rights abuses can be a primary driver of labour migration policy. Objectives to improve employment and working conditions (in particular improving wages and conditions of employment for nationals working abroad), to reduce the cost of emigration by curbing recruitment abuses, and to provide social protection floors or social protection benefits for migrants and their families can figure prominently. Origin countries have also taken a "protective" stance by banning migration in certain sectors or to certain countries in order to prevent their nationals from being subject to abuse; though the effects have most often not been in line with the intentions. This is particularly seen in the bans on women's migration into domestic work.⁸

The desire to **govern** migration may be the primary driver of labour migration policy. Curbing undocumented or irregular migration and making migration processes more orderly can be a key objective for both origin and destination countries. Irregular labour migration increases migrant workers' vulnerability to exploitation, and in some cases, can undercut wages and working conditions (ILO 2017e, 4).⁹ On the other hand, regular and orderly migration may be seen as a way of sustaining and growing the economy through skilled and low-skilled labour. For destination countries, negative attitudes towards migrants can take the form of associating migration with security risks, social unrest or worsening working conditions for nationals, or seeing migrant workers as drains on services and resources, especially as the labour market impact of migration policies remains an understudied area.¹⁰

Some countries of origin will view migration in terms of the **development** benefits in relation to reducing unemployment, generating greater foreign exchange income through remittances, increasing savings and building the skills of their national workers. At the same time, origin countries may also see labour migration in terms of the loss of highly skilled workers (so-called "brain drain"), or in terms of the detrimental impact on families left behind when family reunification is not included in the host country's policy.

8 Restrictions on women's labour migration ranging from outright migration bans to prerequisites relating to age and marital status are one way in which States attempt to address the risk of exploitation and abuse faced by women migrant workers. Though intended to protect women from harm, gender-based migration restrictions violate numerous international legal standards addressing discrimination and equal opportunity, as well as the right to leave a country. The ILO has conducted several pieces of research that provide important evidence in favour of repealing gender-based migration restrictions and that provide recommendations for alternative strategies that protect and support women migrant workers. See: Rebecca Napier-Moore, *Protected or Put in Harm's Way: Bans and Restrictions on Women's Labour Migration in ASEAN Countries* (ILO, 2017), and ILO, *No Easy Exit: Migration Bans Affecting Women from Nepal* (2015).

9 The ILO is developing a compendium of good practices, laws and policy frameworks on reducing irregular labour migration, including through pathways out of irregularity and informality, and protecting migrants in irregular situations by 2022.

10 The Organisation for Economic Co-operation and Development (OECD) and ILO have recently worked on increasing the knowledge base on the contribution of immigrants to developing countries' economies. Further information is available at: http://www.ilo.org/global/topics/labour-migration/projects/WCMS_344706/lang--en/index.htm#Outputs.

Destination countries may also approach labour migration as a means to achieve **economic development goals**, in particular to address unmet labour market needs. Changing demographics, mismatches between labour supply and current skills demand in the labour market, as well as changing expectations of nationals in terms of the type of work they are willing to engage in can generate needs for foreign labour in both short- and long-term employment. On the other hand, destination countries may seek to adopt restrictive labour migration policies when faced with high levels of national unemployment to protect their workers from the perceived risk of displacement of nationals by migrant workers.

► What issues should be considered in a labour migration policy?

While **Section 2** will provide detailed guidance on the key elements to be taken into account in labour migration policy development, **table 1** below is meant to be a snapshot of priority policy issues along five key outcome areas that policymakers should consider during the policy development process.

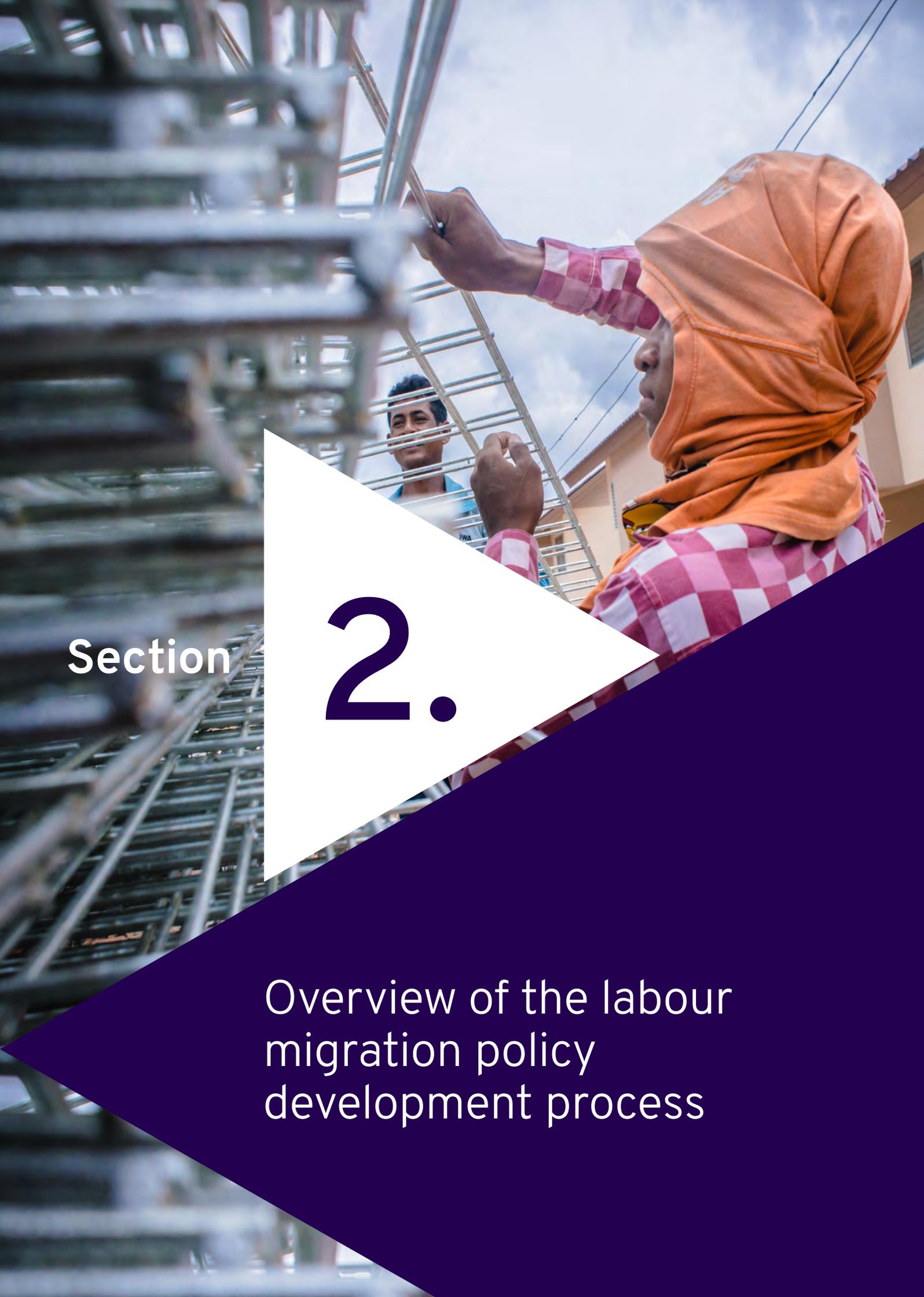
► **Table 1. Examples of policy priorities**

Outcome areas by theme ^a	Examples of policy priorities and actions to consider
Governance	<ul style="list-style-type: none"> • Capacity to formulate and implement policy • Establishment or strengthening of institutional mechanisms for coordination and implementation • Ratification of Conventions and Protocols • Gender outcomes of the policy and differential expected impact on women and men in all their diversity • Determining admissions systems and labour market access (points-based schemes, quota systems, others)
Protection	<ul style="list-style-type: none"> • Pre-departure and on-arrival training • Regulating recruitment agency activity • Prohibiting worker-borne recruitment fees or related costs • Recruitment for overseas employment through public employment services • Vetting, approval and signing of employment contract prior to departure in a language understood by the worker • Coverage by labour and social protection • Protection against forced labour • Equality of treatment and access to opportunity. • Freedom of association and right to collective bargaining • Labour inspection for migrant workers at the workplace and enforcement of labour standards and contracts • Access to basic services, including health and social services • Complaint mechanisms and legal assistance • Access to support through consular services and labour attachés • Migrant welfare programmes/funds • Crisis response, including in case of mass repatriation (for example, due to health- or conflict-related crises)

Outcome areas by theme ^a	Examples of policy priorities and actions to consider
Development	<ul style="list-style-type: none"> • Facilitating return process, including supporting enterprise development and migrant workers' access to employment services and skills development, training and recognition • Gender equality in migration outcomes • Analysis of the contribution of migration to economic and social development • Productive investment in remittances • Reducing the cost of remittances • Filling skills gaps in national labour markets • Ensuring labour market integration of migrant workers and recognition of social and economic contribution to destination country economies • Ensuring transfer of skills, capital and technology • Mainstreaming migration into development agenda
Mobility	<ul style="list-style-type: none"> • Intergovernmental and tripartite dialogue on labour migration policy • Labour market assessments to ensure migration meets labour market needs • Bilateral, regional and multilateral labour migration agreements • Gender-responsive labour migration agreements • Accreditation of skills and qualifications and access to training opportunities • Bilateral social security agreements
Data collection and management	<ul style="list-style-type: none"> • Labour market information system • Collection and analysis of administrative records (including information on gender, age, country of destination, sector of employment, occupation) • Collection, compilation, management and dissemination of internationally comparable data on labour migration, disaggregated by sex, and depending on migration patterns in the country or region, other facts such as origin and age, migrant status, sector of employment and occupation

^a The intended outcome areas suggested are thematic. It would be up to the national stakeholders to define each outcome along the selected themes. For example, in terms of the theme "data collection and management" one national labour migration policy determined the outcome to be: "[Country] relies on a robust, interconnected labour migration data collection system aligned to international standards".

Source: Compiled by the author.



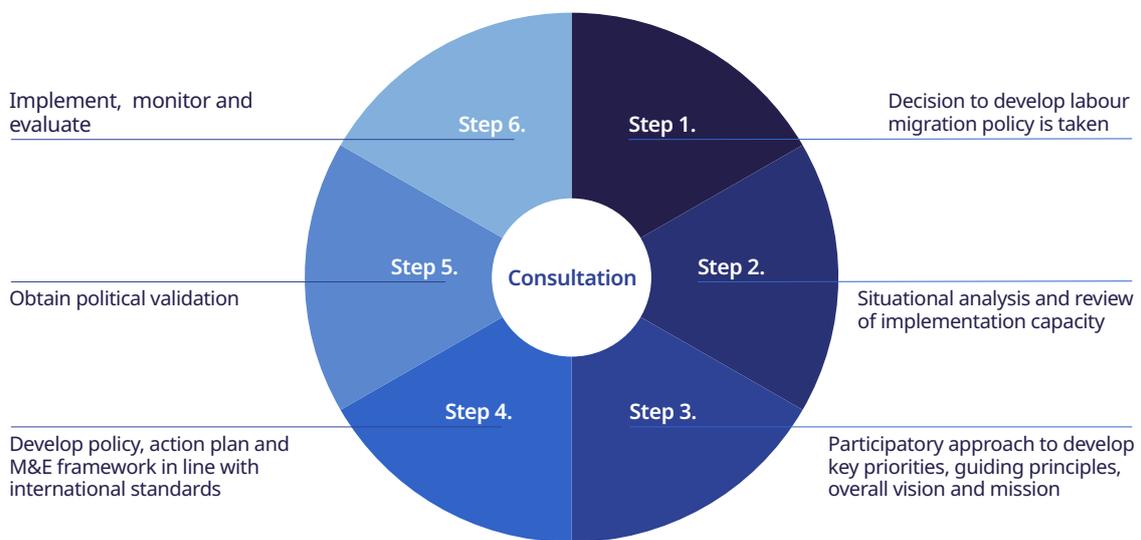
Section

2.

Overview of the labour
migration policy
development process

Labour migration policies can be developed following the six stages identified in figure 1 and detailed in this section. An emphasis on continuous and broad consultation is recommended throughout the policy development and implementation process. Effective social dialogue should include tripartite constituents, Employer group, Workers organisations and Governments, including different national and sub-national government departments and authorities, and where relevant, consultation with civil society, representatives of the finance industry, academics, think tanks, and representatives of groups particularly involved in the migration process (such as indigenous peoples), ensuring at all times an equitable presence and participation of women (see [Step 3](#) below for more on consultation).

► **Figure 1. Six steps of labour migration policy development**



M&E = monitoring and evaluation. Source: Compiled by Author.



Step 1.

Decision to develop labour migration policy is taken

This step is the basis for proceeding with the development of a labour migration policy document. It is a political step confirming the government's decision to embark on such a process. Along with this decision, it would be necessary to set up a minimal governance structure consisting of, for example, a steering committee and task team(s) officially responsible for steering the process forward and managing it throughout. This structure may be set up within the Ministry of Labour or be an inter-ministerial mechanism. In addition, this first step will include the validation of the overall work plan of the steering committee and task team by the lead ministry for the policy development process. This necessary validation can provide political legitimacy to the process, something which will be needed throughout to ensure that stakeholders have ownership over the entire process. Taking the above and other considerations into account, policymakers and relevant constituents would need to ask themselves several questions at the outset of the policy development process in order to ensure that a labour migration policy is needed and to what aim. **Box 3** lists several questions that the lead ministry, steering committee and task team may ask of themselves during this step of the policy development process.



► **Box 3. Defining the parameters of labour migration policy**

Before starting the process towards developing a labour migration policy, it is important to define the scope and parameters of the policy itself. This can be done by answering the following questions in consultation with social partners and other relevant stakeholders:

- 1. In the context of labour migration policy, is the country one of origin, destination or both:** From the data available (including non-official data on irregular migration), is the country primarily a destination for migrant workers, a country of origin, a country of transit, or both or all? If both or all, is the intention that the policy will address issues faced by national workers abroad, as well as migrant workers in the country, or just one dimension of labour migration? Why?
- 2. What are the critical issues of the current labour migration situation to address?** Is the country trying to increase or reduce labour migration (in or out and/or for certain types of migration, such as domestic workers, medical professionals, low-skilled migrants, irregular-status migrants); regulate existing labour migration; address abusive practices or exploitation, trafficking or forced labour; promote equality of opportunity; or increase skills transfer/address a skills gap? The country may be wishing to address a mix of these elements.
- 3. What is the current policy framework?** What does the country already have in place to address labour migration – including specific policies (national or subnational), strategies, laws and bi/multilateral agreements; engagement with regional processes and frameworks; and/or references to labour migration in connected policy frameworks (for example, education or employment)? What are the policy and protection gaps? How will the policy link to the broader policy framework and national development strategy? Are there conducive items on the agenda of leading political authorities (the ruling party, for instance) that will support this effort? Are there conducive frameworks at regional and subregional levels that will support government action in developing such a policy and seeking support from its neighbours?
- 4. Is national labour migration policy the answer?** On the basis of the initial assessment of policy gaps, consider whether a national labour migration policy will have a clear added value or alternatively whether it should be a sector/corridor-specific or subnational policy – in some circumstances, policies focused on employment, education/training and/or immigration may be more appropriate.
- 5. What information and institutional resources are available?** Does the country collect, analyse and share age- and sex-disaggregated data on labour migration? What institutional resources/specific government departments and/or migration-specific budget does the country have?
- 6. Who would lead?** Consider who will lead the policy process – will it be a government unit from the ministry responsible for labour migration? Is there high-level commitment and/or leadership from the government to ensure ownership and engagement? Are other ministries and departments committed to the process? What will be needed to secure the ultimate endorsement to enact the policy? Will the policy be primarily for implementation by the lead ministry responsible for labour migration or will there be expectations for resourcing and implementation by multiple ministries and stakeholders (the latter is preferable, but commitment from more stakeholders is necessary at an early stage, or at different stages during its implementation).
- 7. Who are the key stakeholders?** Social dialogue between the ministry of labour, workers' and employer's organisation, should always occur in the process of developing a labour migration policy. Other stakeholders may also be consulted. For this purpose, it is beneficial to undertake an initial mapping of stakeholders and those who have an interest/mandate in relation to migration-related matters, in order to ensure that they are incorporated in consultations and that factors relevant to them are included in the situational analysis and policy development.



Undertake a gender-responsive situational analysis, develop an information base, and review implementation capacity (human resourcing and financing strategies)

Before starting the process of drafting the policy, it is recommended to spend a period of time building an evidence base. Evidence can be collected through national and regional data and statistics, including through Labour Market Information Systems (see [case study 3](#) for an example from ASEAN), review of secondary research and interviews with stakeholders engaged with migration and/or with potential, current and returned migrant workers themselves.

2.1. Labour migration data sources¹¹

Reliable quantitative and qualitative data, statistics and information are required in order to formulate and monitor effective labour migration policies. This information supports the responsiveness of the policy with the real labour market situation for migrant workers, employers and governments, while also enabling alignment with relevant international labour standards and commitments, such as the Global Compact for Safe, Orderly and Regular Migration.

The endorsement of the *Guidelines Concerning Statistics on International Labour Migration* at the 20th International Conference of Labour Statisticians of 2018 was a key milestone in this respect. The guidelines address the absence of internationally agreed standards regarding concepts, definitions and methodologies for the measurement of labour migration (ILO 2018c).

Data, statistics and information needed for policy development include:

- historic and emerging trends in labour migration flows;
- analysis of causes and drivers of labour migration, and reasons of demand for employment of migrant workers;
- stock take of available services to men and women migrant workers (pre-departure, on arrival and return) provided by governments, social partners or civil society;
- information on recruitment and working conditions (recruitment fees and related costs paid; working hours, wages, resting period, and other contractual conditions; rights to freedom of association and collective bargaining, etc.);
- demographic and socio-economic indicators (to identify migrant workers' characteristics over time);
- share of migrant workers in the total labour force, and share of men and women migrant workers;
- occupations and economic sectors in which migrant workers are employed;
- migrant workers' status in employment;
- social security coverage; and

¹¹ This section is based on: ILO 2013b; 2015b; 2018c; OSCE, IOM and ILO 2006.

- contribution to/impact of labour migration on countries of origin and destination (labour markets, remittances, share of GDP, job creation, poverty reduction, human development, etc.)

While collection of comprehensive and comparable data on labour migration may still be relatively limited, data can be taken from a number of sources:

- household surveys, population censuses, or labour force surveys: In addition to providing contextual data that builds up a picture of migration, specific migration-related questions can be added to existing household and labour force surveys to make the data more detailed and comparable. Further information on the ILO labour migration module can be found on the *ILO Good Practices Database on Fair Migration*.
- administrative registers (population registers or registers of foreigners);
- other administrative sources (residence permits, work permits or asylum applications);
- data derived from exit controls;
- border collection data (visa types, at entry or exit from a country); and
- surveys to collect data for Sustainable Development Goal (SDG) indicator 10.7.1, which measures “[r]ecruitment cost borne by an employee as a proportion of monthly income earned in country of destination” (see **box 4**).

In terms of the level of detail and accuracy, administrative data – commonly collected during registration processes – and can provide detailed data on “regular” or “registered” migrants.

► Box 4. Measuring recruitment fees and related costs paid by migrant workers

Increasingly, migrant workers face high economic and social costs when migrating internationally, despite the fact that ILO standards and the General Principles and Guidelines for fair recruitment call for non-worker paid recruitment fees and related costs. These costs arise from unclear international recruitment processes, through which workers – and particularly low-skilled workers – incur large fees. An important step to reducing recruitment costs is to understand and measure the actual costs migrant workers face when they seek jobs abroad.

The United Nations 2030 Sustainable Development Agenda, under its Goal 10.7, calls for facilitating orderly, safe and responsible migration and mobility of people, including through implementation of planned and well managed migration policies. This goal includes the indicator 10.7.1: “Recruitment cost borne by an employee as a proportion of monthly income earned in country of destination.” As custodians of indicator 10.7.1, the ILO and the World Bank have developed, through a consultation process with national statistical offices, guidelines and an operational manual to support national statistical offices in producing the statistics needed to calculate the 10.7.1 indicator.

At the time of publication of this report the recruitment costs surveys have been conducted/ are ongoing in nine countries.

Guidelines are available at:

https://www.ilo.org/global/topics/fair-recruitment/WCMS_726736/lang--en/index.htm.

A labour market information system (LMIS) consists of a set of institutional arrangements, procedures and mechanisms that are designed to produce labour market information. A functional LMIS will provide the information necessary for a country to be able to match labour supply and demand, but will also provide the information upon which the labour migration policy can be based and evaluated. An LMIS can provide the information to help determine what the local labour market needs are (in terms of surpluses and shortages) and whether migration is fulfilling – or has the potential to fulfil – those needs. An LMIS can provide sector-specific information, which can then be used to understand where skills gaps exist and what is needed to address them.

In situations where a country has a surplus of labour, the LMIS can help inform what the structural causes are and whether emigration will partly address some of the labour market issues. This information can also be used to determine what numbers of migrant workers the country has the capacity to prepare, select and place abroad, and how sustainable this is. Where there are labour shortages, the LMIS can help to determine the profile of workers being sought from abroad in terms of occupations, skills, experience, etc. This can further inform whether the country has the resources and capacity to provide labour to migrant workers on the basis of terms and treatment that equal those of nationals in relation to labour and human rights.

Key to reliable and effective data collection are:

- capacity to collect and analyse data and statistics and apply them to labour migration policy;
- coordination between users and producers of labour migration information, including social partners;
- inclusion of key migration-related questions in census, household and labour force surveys; and
- prioritization and resourcing of labour migration data collection, analysis and sharing in the short, medium and long term.

► Case study 3. The International Labour Migration Statistics Database for ASEAN

In 2014, the ILO launched the International Labour Migration Statistics (ILMS) Database for ASEAN. The objectives of the ILMS were to:

- provide an openly-available, relevant, comprehensive and timely information source to enable evidence-based policymaking on international labour migration in ASEAN;
- map the existing data sources countries collect, including information about their quality, scope, completeness, comparability and possible ongoing gaps and weaknesses that can be filled through capacity building; and
- to define a set of tables of relevance on international labour migration as a standard reference-point for future data collection, publication and analysis in ASEAN and beyond.

The tables collected under the ILMS Database in ASEAN were decided upon through extensive consultations with ASEAN Member States and other stakeholders. The 17 tables are collected across the following three modules:

- Module A: International Migrant Stock;
- Module B: International Migrant Flow; and
- Module C: Nationals Abroad.

The following guide on the process was developed to enable other regional economic communities to replicate the ILMS: ILO, [Guide on Developing an International Labour Migration Statistics Database in ASEAN: Towards More Effective Data Collection and Sharing](#), 2015.

2.2. Situational analysis

In order to ensure that the policy being developed responds to the realities of labour migration it should be evidence-based. Paragraph 1 of the Migrant Workers Recommendation, 1975 (No. 151), states:

Members should apply the provision of this Recommendation within the framework of a coherent policy on international migration for employment. That policy should be based upon the economic and social needs of both countries of origin and countries of employment; it should take account not only of short-term labour needs and resources but also of the long-term social and economic consequences of migration both for migrants as well as for the communities concerned.

The Migration for Employment Convention (Revised), 1949 (No. 97), also requires ratifying States to make available to other Members information on national policies, laws and regulations, relating to emigration and immigration; information on special provisions concerning labour migration and the conditions of work and livelihood of migrant workers; as well as any general agreements or special arrangements on these questions (Art. 1(a)-(c)). Paragraph 1(b) of the Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons annexed to the Migration for Employment Recommendation (Revised), 1949 (No. 86), also requires countries of immigration to provide appropriate information to countries of origin concerning “the number, the categories and the occupational qualifications of the migrants desired”.

The Model Agreement also emphasizes the importance of sharing information on: the conditions of life and work, including the cost of living and minimum wages and additional allowances; the nature of employment available; social security systems and medical assistance; provisions on transport and housing; transfer of savings and other items due in the context of a bilateral agreement; and special facilities and facilities for education and training (Paragraph 1(c)–(e)).

A situational analysis should therefore be undertaken with a view to developing a detailed understanding of the context of migration movements, to ensure that the future policy is founded on a solid evidence base. Evidence can be collected through national and regional data, including through LMIS (see [case study 3](#) for an example from ASEAN); review of secondary research; and interviews with stakeholders engaged with migration and/or with migrant workers themselves.

The situational analysis should examine the political economy of labour migration and its impact on key development indicators over the past few decades. It should take into account an analysis of applicable laws and regulations, as well as any comments of the ILO supervisory bodies relating to relevant ratified ILO Conventions in the country concerned, as well as any comments from UN human rights treaty bodies.

It also involves data collection, including statistics and administrative data on labour migration (disaggregated by age, sex, occupation and skill level, where available and if possible, over long time series) to build a clear picture of the nature and scope of migration dynamics and of labour market needs. Other relevant information can be collected by identifying and interviewing key stakeholders, including current and former women and men migrant workers, and by consulting with relevant ministries, workers’ and employers’ organizations, and civil society to develop a detailed picture of key issues and priorities. A review of the country’s commitments under international and regional Conventions, Protocols or frameworks should be undertaken to ensure that these are understood and taken into account. [Case study 4](#) outlines the experience of South Africa to develop a solid evidence base prior to moving to the policy development stage. See [box 5](#) for the key questions a situational analysis should be answering.

► Case study 4. South Africa: Labour migration assessment

The Department of Labour in South Africa is currently developing South Africa's first national labour migration policy with a view to complementing the Department of Home Affairs' 2017 White Paper on International Migration. With support from the ILO, the Department of Labour has adopted an inclusive and participatory policy development strategy, which started in 2015 with a high-level seminar on labour migration management and policy development, the establishment of a road map in 2016, and a task team in early 2017 whose responsibility is to supervise the development of the policy. The task team comprises officials from various branches and provincial offices in the Department of Labour, and consults with other government departments and experts on an ad hoc basis. A nationwide consultative process at the national and provincial levels, including social partners and civil society, has been planned to present the project and collect submissions on the draft policy before its submission to the Cabinet.

Before launching into the process of developing a labour migration policy, South Africa conducted a **labour migration assessment**, which was validated by the task team. The assessment offers an overview of past and current trends in labour migration management in South Africa, and points to challenges, strengths and weaknesses in South Africa's systems. The objective of the assessment is to pave the way for the drafting of the National Labour Migration Policy. The assessment covers the macroeconomic background, labour market and migration policies, the history of the governance of labour migration over the past 15 years, and examines South Africa's international, regional and bilateral obligations. It studies available data on immigration, emigration, asylum, regularization and deportations. Taking into account labour market dynamics, the assessment examines data on migrant workers' characteristics per industry and sector, and at various skill levels. The assessment identifies the added value of identifying a labour migration policy and suggests a way forward.

Source: Interviews with key informants.

► Box 5. Key questions to be answered by the situational analysis

Labour migration trend analysis

- Whose interests has labour migration served over the past few decades?
- What is the historical and current scale of labour migration (to what extent is labour migration regular or irregular and/or to what extent is the employment of migrants in the informal or formal economy)?
- Who is migrating (by age, gender, income level, skill level, geography, marginalization)?
- In which geographical areas and sectors are migrant workers mainly present?
- What level of skill do men and women migrant workers have; how does this contrast to the level of skill they need in their employment?
- What are the main forces driving migration? To what extent are these driving "distress" migrations (for example, as a result of conflict, violence or climate)? Are the drivers the same for men and women? If not, how do they differ?
- What are the country's labour needs and/or employment situation? What is the nature (type of skills) and scope of demand for migrant workers?

Stakeholder analysis

- ▶ Who are the key stakeholders – representing actual and potential migrant workers, representing employers and representing the government?
- ▶ In what ways have employers, national and migrant workers, and government benefited from labour migration? In what ways has labour migration negatively affected them? Are outcomes of migration similar for women and men migrant workers?
- ▶ What level of interest and capacity do the stakeholders have to develop and implement the policy on the basis of the following criteria: (i) knowledge; (ii) access to and control of resources (human, technical and financial); (iii) organizational abilities; (iv) responsibility, motivation and leadership; and (v) authority.
- ▶ What do stakeholders say the key labour migration issues are?

Governance

- ▶ Does the Constitution have reference to migration issues?
- ▶ Does the national policy framework currently address international migration issues? How do current policies, laws and regulations on migration impact differently women and men?
- ▶ Does the government have institutions established with the mandate to address labour migration? If so, what is their mandate?
- ▶ What are the country's regional and international commitments in relation to labour migration?
- ▶ Are there any comments from ILO or UN supervisory bodies relating to labour migration or migrant workers' rights that need to be addressed?
- ▶ Is there currently a systemic, regular and realistic assessment of the country's labour migration needs, for example through demographic, labour market or economic projections or through a Labour Market Information System (LMIS)?
- ▶ Are national and/or subregional workers' and employers' organizations actively involved in shaping, implementing and monitoring labour migration policies, regulations and practices?
- ▶ Are there initiatives in place to regularize migrant workers – if so, are they effective; if not, is this a priority?^a
- ▶ Are there efforts in place to ensure that women have the same access to migration opportunities as men? Do specific restrictions on women's overseas employment exist?
- ▶ What are the main recruitment channels used and what are the costs associated with migration for employment for workers and employers?
- ▶ Do women and men have equal access to employment and other services, including skills development and training?

Social and labour protection

- ▶ Does the government promote the integration of migrant workers in workplaces and societies where they live and work?
- ▶ Is data available on the working conditions of migrant workers (including on wages, registered complaints, occupational safety and health (OSH) issues)?
- ▶ Are there mechanisms in place to protect migrant workers from trafficking in persons, smuggling, forced labour, other forms of labour exploitation, discrimination, or violence and harassment?

^a Article 9(4) of Convention No. 143 provides the opportunity for Member States to regularize men and women migrant workers in an irregular situation, and Recommendation No. 151 suggests that the decision on whether or not workers' situations should be regularized should be taken quickly.

- ▶ Is discrimination against migrant workers prevalent and/or accepted? What types of discrimination do migrant workers experience?
- ▶ Is violence and harassment, including gender-based violence, against migrant workers prevalent in the country or in context of migration process? What types of violence and harassment do they experience, and which migrant workers are in the most vulnerable situations?
- ▶ What are the main categories of exploitation and abuse of migrant workers? In what ways are they gender-specific?
- ▶ What services are available to migrant workers? What are the barriers to accessing the services, and in what ways are the barriers gendered?
- ▶ Are migrant workers able to access social security benefits and health services, including maternity protection? Are they excluded from specific branches?
- ▶ Are there social security coordination mechanisms (such as bilateral/multilateral social security agreements) with other countries allowing the portability of social security benefits acquired and in course of acquisition by migrant workers?
- ▶ Does the government take measures to address the problems and specific abuses women often face in the migration process, in particular in destination countries, in respect of working conditions (for example, wages, working time, violence and harassment, discrimination, exploitation)?

Migration and Development

- ▶ Is migration mainstreamed in national development plans?
- ▶ Are there links with national employment policies or cross-referencing?
- ▶ What is the financial remitting behaviour of migrants, how much is remitted and for what purpose are remittances used?
- ▶ What can the government do to support the use of official remittance channels?
- ▶ What are the social impacts of migration?
- ▶ Is the negative impact of migration on development (“brain drain”) considered and/or important?
- ▶ Is there the intention to maximize the positive effects of migration, for example through the productive use of remittances and acquired skills?
- ▶ What data is available on the impact of labour migration on poverty alleviation, household income, education levels, skills acquisition, burden of disease, etc.? What do these data show about the actual outcomes of labour migration for the country?

2.3. Review of implementation capacity

A complementary step at this stage is to analyse the government’s implementation capacity both from a human resources and financial resources point of view. The public administrations in charge of the policy are critical, and their capacities need to be factored in from the start: what can they realistically deliver? What have they delivered? Is there an issue of institutional coordination, and should institutional reform be envisaged? What institutional partnerships (for example, with international development partners) should be considered to support implementation of the policy? Ignoring such realities may lead to bottlenecks and hurdles when implementation of the policy commences, and at worst could lead to non-implementation of policy.

At a later stage, the policy and action plan should be fully budgeted, or a plan for annual budgeting should be agreed, with commitments to ring-fence funding from relevant governmental and non governmental partners. Similarly, a plan should be developed to ensure that the partners identified to deliver and monitor the policy and action plan have or can acquire the requisite capacity to do so.

2.4. Finalizing Step 2: Policy development checklist

The completion of Step 2 should lead to a concrete output that could be published in the form of a paper titled “Situational Analysis” or “Labour Migration Assessment”. Such a document should be circulated to relevant stakeholders for comments and finalized through inputs and comments gathered at a stakeholder validation workshop. Table 2 provides a checklist of questions to answer in order to complete Step 2.

► Table 2. Checklist: Specific questions to answer to complete Step 2 of policy development

Specific questions to answer to complete Step 2 of policy development		Check
Completing situational analysis	Have the most pertinent information, data and statistics on labour migration trends, stakeholder analysis, governance, protection and migration and development been identified and analysed?	
	Were relevant stakeholders consulted on the development, drafting and finalization of the situational analysis/labour migration assessment?	
Review of implementation capacity	Has a mapping of potential financing (public, private, domestic, international) been completed?	
	Has complementary funding in related policy areas (such as, employment, education, training) been discussed and reflected in a policy resourcing strategy?	
	Has a lead technical unit been given the mandate to administrate the policy?	
	Has a training plan been developed to ensure partners and key stakeholders have the capacity to implement the policy?	



Participatory approach to developing key priorities, guiding principles, overall vision and mission

3.1. Developing key priorities, guiding principles, overall vision and mission

In consultation with stakeholders and informed by the results of the situational analysis, the key priorities for the policy should be discussed and agreed. These priorities can guide the framing of the overriding mission and vision of the policy (see **box 6**), which give the policy a direction. In this regard, it is important that both the vision and mission statements should, where possible, affirm the overarching commitment to a policy that is rights-based and gender-responsive. It is also important to agree which guiding principles will inform the interpretation of the policy, in addition to the principles of human rights and non-discrimination. The mission and vision will, in turn, define the intended impact and outcomes of the policy (see **case study 5** below for an example).

► Box 6. Developing vision and mission statements

Vision Statement

A future-oriented declaration of the country's aspirations in relation to labour migration. The Vision Statement provides a picture of what the country wants to become and should be relatively brief, such as "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. The Mission Statement plays a key role in guiding the policy's development and interpretation. Reference to the Mission Statement should provide an idea of the overriding intention of the policy. A strong Mission Statement should include three elements:

"Purpose" – the result the policy seeks to achieve (for example, increased, decreased or skilled migration);

"Method" – the primary means that will be used to accomplish the purpose (for example, legislative development, service delivery, wider information services); and

"Values" – a list of guiding principles shared by stakeholders (for example, gender-responsive, rights-based, evidence-driven, labour-market-needs-based, consultative processes).

► **Case study 5. Nigeria: Stating the vision and mission in a National Policy on Labour Migration**

Mission

To provide an appropriate framework at the 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.

Source: Nigeria 2010.



3.2. Ensuring a participatory approach through consultation and social dialogue

Social dialogue among ministries of labour, workers' and employer's organizations and further consultation with relevant ministries and other stakeholders is key to the development of a policy that is representative of the reality of those who will be migrating or employing migrant workers. It is also a means through which to achieve broader understanding and commitment from the partners that will both implement and be impacted by the policy. Consultation must, however, be undertaken in good faith, with a clear and transparent process that promotes trust and respect among stakeholders involved.

3.2.1. Whom to consult?

Government ministries and subnational departments/local authorities

While the policy is likely to be driven by one ministry, such as the Ministry of Labour, consultation with broader government departments is crucial (with, for example, employment, health, education, social welfare, gender equality, development, environment, interior and foreign affairs, finance and economic, planning and development) to ensure policy and institutional commitment and coherence from the outset. Subnational departments/local authorities (including subnational departments of labour, health and social welfare, as well as local councils) will also bring a more nuanced perspective of the drivers and outcomes of migration from the local level.

Social partners (employers' and workers' organizations)

As identified in Section 1, labour migration can have direct and indirect impacts on national employers and workers, both positive and negative. Engaging the most representative organizations of workers and employers organizations through social dialogue to shape the labour migration policy ensures that it responds to national current and future labour market needs. This approach can contribute to mitigating negative effects, while increasing the commitment of social partners to the policy approach – particularly important where these partners are required to support the practical implementation of the policy.

Civil society and migrant associations

The ILO Multilateral Framework on Labour Migration (2006) also recommends, when relevant, to consult with civil society and migrant associations on labour migration policy, in particular those that promote the rights and welfare of migrant workers. This is particularly important where irregular migration and informal employment are a significant issue, resulting in a limited interaction of social partners in the migration process. Where appropriate, other groups particularly involved in the migration process (such as women's groups and indigenous peoples) should be considered. Civil society and migrant associations can also play a significant role in ensuring migrants are informed and in providing services to them.

Migrants and their communities

The voice of migrant workers is integral to policy development, and can be incorporated through connections with workers' organizations, civil society and migrant associations or directly.

Parliamentarians

Consulting with parliamentarians can provide two key benefits: first, they commonly bring a higher level, more cohesive perspective, and will be able to provide input on how to ensure coherence with other national and regional commitments; and second, consultation is also a positive method of securing higher level commitment to the policy.

Labour market institutions:¹²

Labour market institutions that may be consulted during policy development and implementation might include:

¹² Labour market institutions can be broadly defined as the system of rules and regulations governing labour markets, and may include systems that regulate the workplace (for example, collective bargaining, minimum wage, etc.) as well as systems whose institutions redistribute income (for example, social security services) (O'Higgins and Moscarriello 2017).

- ▶ public employment service;
- ▶ vocational training institutions;
- ▶ labour inspection service, to ensure respect for working conditions, particularly working time and wages;
- ▶ wage-setting commissions;
- ▶ social security institutions;
- ▶ occupational safety and health services;
- ▶ skills development and recognition mechanisms; and
- ▶ equality and human rights bodies.

Recruitment agency associations

Recruitment agency associations are a key partner in governing labour migration, but are not always included in employer organizations. Consultation with recruitment agencies is key to ensuring that there is commitment to the policy, and that it responds to any genuine practical limitations limiting the ability of recruitment agents to ensure their practices are safe and transparent.

Banking and financial sector

Including these actors is a way to ensure that the policy objectives on financial inclusion, remitting money, and the saving or investment of remittances respond to the realities of the banking sector, and to increase commitment to policy aims, including those related to reducing remittance transfer costs.

Academia

Academia can contribute to the evidence base needed to inform policy development.

3.2.2. When and how to consult and engage in social dialogue

A system of social dialogue and consultation should be in place permanently to advise and support the development, implementation, monitoring and review of the policy. However, many countries have found that continuous and broad consultation can result in a slow and ineffective process. Strike the balance by creating a small representative consultation group that is involved in regular dialogue and synthesizes its considerations and decisions in a transparent way. This can then be complemented by wider stakeholder consultation at key stages in the process of the policy. Alternatively (or in addition), divide up stakeholders into sub-groups to focus on specific elements of design, implementation and monitoring of the policy. Use of external consultants to manage consultations can be a good way of securing objectivity in the process (see Annex G for model terms of reference for the engagement of international and/or national experts).

Consultation will normally take different forms throughout the policy development process, including:

- ▶ Social dialogue with nationally representative workers' and employer's organizations;
- ▶ 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; and
- ▶ National/subnational conferences: useful for broader consultation and/or validation.

See **case study 6** on the “working group” approach taken in Pakistan to ensure consultation and inputs from a broad range of stakeholders. Similar approaches were also adopted in Cambodia and Sri Lanka.

► Case study 6. The working group approach in 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, and representatives from academia, civil society and international organizations. Each working group was designed to have eight to ten members meet successively to discuss and deliberate the challenges facing their thematic areas; agree on 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 maximize the direct input of stakeholders, while also promoting their sustainable ownership of the policy.

3.3. Finalizing Step 3: Policy development checklist

► **Table 3. Checklist: Specific questions to answer to finalize Step 3 of policy development**

Specific questions to answer to complete Step 2 of policy development		Check
Developing key priorities, overall vision and mission	Is it clear to all stakeholders what the policy sets out to do?	
	Have mission and vision statements been developed and finalized?	
Ensuring broad and effective consultations	Have consultation procedures and systems been established and are they meeting regularly to ensure social dialogue (including workers’ and employers’ organizations as well as civil society, migrant associations and migrant workers) on legislative and policy development?	



Step 4. Develop policy, action plan, and monitoring and evaluation framework in line with international labour and human rights standards and national policy priorities

Once the mission and vision are established and the priorities are set, the impact, outcomes, outputs and activities can be developed (see **table 4** below for a template policy structure)¹³, as can the action plan text (see Annex C for an action plan template). In principle the policy and action plan should:

- Be rights-based and gender-responsive; responsive to labour market needs; inclusive of international, regional and bilateral cooperation; and in line with international labour and human rights standards (see section 4.2.1 for guidance on international standards relating to labour migration; see section 4.3 for guidance on gender-responsive policies);
- Be aligned with national policy priorities as expressed in National Poverty Reduction Strategies or Development Plans and sectoral policies, such as National Employment and Labour policies, National Human Resources Development Policies, and Education and Training policies (see section 4.4 for more on achieving policy coherence);
- Include activities that are time-bound, aligned to national timeframes and results-based, with a clearly identified lead;
- Include a monitoring and evaluation (M&E) framework, with specific indicators and targets as well as a plan for reporting (see Step 6 for more information on M&E and Annex D for an M&E framework template).

4.1. The structure of the labour migration policy

The structure of the labour migration policy document should enable its users and readers to clearly understand its intended impact, the outcomes it is hoping to achieve, and which outputs need to be delivered in order to meet the intended objectives and outcomes. The words impact, outcomes and outputs can be defined as follows:

- **Impact**
This is the overall end goal of the policy – what will the ultimate impact be? The impact will likely be a reflection of the mission statement.
- **Outcomes**
Outcomes represent the core themes and intentions of the labour migration policy, and will be heavily informed by the priorities identified in the evidence gathering stage. In general, labour and human rights, gender equality, and non-discrimination should be embedded into the language of the outcomes. The following are examples of outcome areas; it is common that labour migration policies feature three to four:

¹³ It is worth noting that many different terms can be used when structuring policies – this Guide uses the terms “outcome” and “output”. However, the use of the terms “objective” and “results” is also common. The key is that the structure of the policy represents a realistic chain of results and that language and terminology are applied consistently.

- ▶ improving governance of labour migration;
- ▶ strengthening protection of migrant workers;
- ▶ harnessing migration for development;
- ▶ establishing effective mobility;
- ▶ increasing accurate data collection and management; and
- ▶ strengthening partnership and international cooperation.

▶ **Outputs**

These are the tangible products and services that will be delivered. Some examples could include:

- ▶ accurate and accessible information (for workers, employers and the public throughout the migration process);
- ▶ services and support for migrants throughout the migration process;
- ▶ safe and regular migration opportunities for men and women (for example, by addressing gendered and other discriminatory barriers)
- ▶ initiatives or schemes that impact migration outcomes for the individual migrant (for example, offering skills development for migrants who choose a specific migration opportunity); and
- ▶ modified laws and policies.

A complementary **action plan** will articulate which activities are to be implemented and by whom (see Annex C for template). It sets out the specifics of what will happen, who will implement, what resources (financial and technical) will be needed, and by when. It is useful at this stage to identify where there may be barriers to achieving the action, and who will be involved in making the action happen.

Monitoring and evaluation (M&E) framework (see section 6.2 for further information and Annex F for a M&E framework template): 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.

4.1.1. Labour migration policy template

The following subsection presents a template structure of a labour migration policy that can be adapted to the national context. Annex C and Annex D provide further guidance on the action plan and M&E framework that are referenced at the end of **table 4** and further explained in the Guide below.

► Table 4. Labour migration policy template

Labour Migration Policy Template	
Part 1.	
1.1 Introduction	This section may include: a foreword 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Labour migration trends and outcomes • Rationale for a national labour migration policy • Existing labour migration policy • Legislative and policy frameworks: <ul style="list-style-type: none"> - National (alignment to national development plans; coherence with related policies, such as employment, skills, training, education, etc. - Regional (continental, regional frameworks and policy processes) - International (UN Treaties and Protocols; ILO Conventions, Recommendations and Protocols; reporting mechanisms)
1.4 Vision	Sections to identify the guiding paradigm of the projects keeping in mind a rights-based, gender-sensitive and evidence-driven approach.
1.5 Mission	
1.6 Impact	
1.7 Outcomes and Outputs	<ul style="list-style-type: none"> • Governance/Administration • Protection/Empowerment/Equality of opportunities and treatment/ Crisis response • Data for policy monitoring and evaluation • Development • Others according to national context
Part 2.	
2.1 Outcome 1	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 in 1.7 above.
Part 3.	
3.1 Outcome 2	
Part 4.	
4.1 Outcome 3	
Part 5.	
5.1 Institutional framework for policy implementation	
5.2 Coordination mechanisms	
5.3 Social partner/stakeholder consultation mechanism	
5.4 Resource mobilization	
Part 6. Action Plan: Outcomes, outputs, activities, resourcing, timeframe and responsibilities	
Part 7. Monitoring and evaluation framework	
Annexes	

4.2. Ensuring a rights-based approach to policy development

This guide seeks to highlight the key principles, rights and obligations that States should commit to when adopting a rights-based and gender-responsive labour migration policy. As this guide will not provide all the content that should be included in a labour migration policy, readers are directed to further research, guidance or tools the ILO has developed on the subject matter.

► Further guidance: Policy development

The OSCE, IOM and ILO *Handbook on Establishing Effective Labour Migration Policies* (2006) was developed to support decision makers in their efforts to develop new policy solutions and approaches for better management of labour migration and labour migration flows in countries of origin and destination. It covers a range of issues in detail, from the international legal framework for protecting migrant workers, to the development of policies in countries of origin and destination, administration of labour migration, admission and post-admission policies, to measures to reduce irregular migration.



4.2.1. Ratification of ILO Conventions and Protocols

A labour migration policy grounded in the international normative framework and encouraging the ratification of relevant ILO Conventions and Protocols can ensure that governments effectively promote protection of the human and labour rights of migrant workers. The International labour standards framework consists of ILO Conventions, Protocols (to be ratified) and Recommendations (not open for ratification), as well as UN Conventions.

Where a Convention or Protocol has been ratified by a State, the State has obligations under it. The ILO supervisory mechanisms support member States to implement Conventions they have ratified or Recommendations they have adopted. Governments will need to submit periodic reports, and may be asked for special reports (for example, in the case of a General Survey).¹⁴ A complaint procedure exists, and a complaint may be brought forward when an individual State is not complying with its obligations.¹⁵

Even where the State has yet to ratify a Convention or a Protocol, these instruments, along with the relevant Recommendations, can provide important guidance on the protection and promotion of labour and human rights throughout labour migration. **Box 7** outlines several reasons why countries should ratify ILO Conventions on migrant workers (that is, Conventions Nos 97 and 143). Annex B sets out the main ILO and UN Conventions that relate to labour migration and summarizes their key articles.



14 The most recent study on ILO migrant worker-related standards was conducted in 2016. See: ILO, *Promoting Fair Migration – General Survey Concerning the Migrant Workers Instruments*, ILC.105/III/1B (2016).

15 An overview of the ILO supervisory mechanisms can be found at: <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/lang--en/index.htm>.

► Box 7. Why is it important to ratify and effectively implement ILO Conventions Nos 97 and 143?

Ratifying and effectively implementing the ILO Conventions Nos 97 and 143 on migrant workers and their accompanying Recommendations (Nos. 86 and 151, respectively) is a key pillar in realizing the labour migration-related targets of the 2030 Agenda for Sustainable Development, the Global Compact for Safe, Orderly and Regular Migration, as well as the implementation of ILO's Decent Work and Fair Migration Agendas.

The Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), mutually reinforce the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted in 1990 by the United Nations General Assembly. Together, these three instruments constitute a framework of complementary international standards that recognize and guarantee the rights of migrant workers in countries of origin, transit and destination. The structures of Conventions Nos 97 and 143 are highly flexible and allow Member States to ratify them partially (both are divided into several parts) or fully, thus allowing them to be compatible with existing legislation and practices at the national level.

All States should make progress in promoting and ratifying international standards concerning labour migration, as the traditional classification between countries of origin, transit and destination is now becoming less clear. By ratifying Conventions Nos 97 and 143, countries gain a great deal of legitimacy at the international level to promote measures and negotiations with other States aiming to protect the labour rights of their migrant workers abroad and the rights of migrant workers within their territory.

Ratifying ILO Conventions Nos 97 and 143 promotes and strengthens the process of modernizing labour migration policies and legislation, while at the same time, permitting States to consolidate their progress towards achieving fair labour migration governance based on: international cooperation; recognition of labour market needs at all skill levels; promotion of the respect for fundamental principles and rights at work; and the principles of equality of treatment and opportunity between migrant and national workers.

Conventions Nos 97 and 143 recognize the pivotal role of social dialogue and tripartism in the effective governance of labour migration, particularly in the formulation and implementation of labour migration policies.

Further principles enshrined in the Conventions include:

- recognition of fundamental rights at work of all migrant workers;
- equal treatment between migrant workers in a regular situation and national workers;
- equality of treatment and opportunity between migrant workers in a regular situation and national workers; and
- equal treatment between migrant workers in an irregular situation and those in a regular situation.

For further information see: ILO, Ratification and Effective Application of ILO Conventions No. 97 and 143, forthcoming.

► Further guidance on international labour standards

ILO, *Promoting Fair Migration – General Survey Concerning the Migrant Workers Instruments*, ILC.105/III/1B (2016).

ILO, “Applying and Promoting International Labour Standards: ILO Supervisory System”.

ILO, *Ratification and Effective Application of ILO Conventions No. 97 and 143*, forthcoming.

ILO, *ILO Standards and COVID-19 (coronavirus)* - Version 3.0, April 2021, FAQ - Key provisions of international labour standards relevant to the COVID-19 pandemic and recovery, and guidance from the Committee of Experts on the Application of Conventions and Recommendations.

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

The decent work deficits that continue to be suffered by migrant workers have been well documented. These include the denial of fundamental principles and rights at work, as well as other infringements of their human and labour rights. Estimates released in 2017 show that of the 25 million people in forced labour, one out of every four was being exploited outside their country of residence (ILO 2017f). Based on their nationality, residence status or migration status, migrant workers may be denied the right to freedom of association or collective bargaining. Discrimination and xenophobia against migrants are rife, and may also be experienced by migrants at work, especially by those in an irregular status who may fear deportation or other forms of retaliation when asserting their labour rights. Both men and women may be vulnerable to physical and sexual assault and harassment, particularly when engaged in employment that may isolate them from their communities or from support services, such as work on fishing boats or domestic work. Payment of excessive recruitment fees (covered in section 4.2.3 below) may leave migrant workers vulnerable to debt bondage and forced labour. In terms of occupational safety and health, the ILO has observed that migrant workers tend to be disproportionately affected by occupational injuries compared to the non-migrant population. On average, migrant workers earn 13% less than nationals; this gap can increase to as high as 42 per cent in some countries (ILO, 2020b). Finally, it has also been observed that migrant workers can face significant challenges when attempting to access social protection, including healthcare and other social security benefits (ILO 2017c).

Given the above general observations on abusive practices that migrant workers may be subject to – both prior to deployment as well as during their employment – the development of a labour migration policy represents an important process to analyse and take stock of protection gaps in the legislative, policy and programmatic framework and to introduce measures to combat these through policy objectives, outputs and specific actions. **Table 5** outlines aspects a labour migration policy could address to protect fundamental principles and rights at work.

► **Table 5. Checklist: Policy considerations to protect fundamental principles and rights at work**

Does the labour migration policy consider the following general aspects to protect fundamental principles and rights at work?	Check
Respecting, protecting and fulfilling internationally recognized human rights, including the fundamental principles and rights at work, and other relevant international human rights and labour standards. (MLFM 9; PGFR 1, 21, 22)	
Ensuring national laws and practices that promote and protect human rights apply to migrant workers, irrespective of their status. (MLFM 8.1)	
Strengthening the capacity of government officials involved with migration to be able to defend and enforce the human rights of migrant workers. (MLFM 8.3)	
Addressing the irregular or forced movement of people overseas for the purposes of labour (in particular exploitative labour). (C029, Art. 1; C143, Art. 3; ICRMW, Art. 11; Palermo, Art. 9; MLFM 8.4, 11 and 14.4)	
Ensuring decent employment and working conditions, including wages (amount regularity, and equality between nationals and migrant workers), working time, occupational safety and health, social protection, freedom of association and collective bargaining, freedom from violence and harassment. C189, Arts 3 and 6; R151, Para. 2; ICRMW, Art. 25; GR26, Para. 26(b); MLFM 1, 8.4, 9.11 and 9.12; PGFR 1.; C190, Art 6 and 11; R206, Art.10)	
Provisions specific to the labour and social protection of domestic workers. (C189)	
Provisions specific to the labour and social protection of fishers. (C188)	
Establishing rights-based entry procedures. (ICRMW, Art. 21)	
Facilitating safe arrival and employment through information, training and assistance. (C143, Art. 12(c); C097, Arts 2–4; C189, Art. 7; R086, Paras 5 and 10; R151, Para. 7; ICRMW, Art. 43; GR26, Para. 26(g); MLFM 8.2)	
Providing consular and other services to migrant workers in countries of destination. (ICRMW, Art. 23; GR26, Para. 24(j); MLFM 12.8)	
Protecting the human and labour rights of migrant workers (equality of treatment, addressing discrimination, racism, xenophobia). (C143, Art. 1; C189, Art. 3; ICRMW, Arts 8–35, 43; R200, Para. 28; MLFM 8.4, 9.8 and 14)	
Facilitating the safe return of migrants and their reintegration, through information, training, skills recognition, financial and employment services, as well as services and complaints mechanisms for those who have experienced abuse and exploitation. (ICRMW, Art. 67; GR26, Para. 24(h); MLFM 12.2 and 15.9; PGFR 8)	
Monitoring and enforcing laws and prosecuting employers and actors who exploit migrants or employ them illegally. (C143, Art. 6; C189, Art. 15; MLFM 10; PGFR 5)	
Providing access to claims processes, complaints, grievance mechanisms and justice (including effective remedies). (C189, Art. 16–17; GR26, Para. 26(c); MLFM 9.5, 10; PGFR 8)	
<p>C029 = Forced Labour Convention, 1930 (No. 29) C097 = Migration for Employment Convention (Revised), 1949 (No. 097) C143 = Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) C188 = Work in Fishing Convention, 2007 (No. 188) C189 = Domestic Workers Convention, 2011 (No. 189) C190 = Violence and Harassment Convention, 2019 (No. 190) GR26 = CEDAW General Recommendation No. 26 on Women Migrant Workers ICRMW = UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 MLFM = ILO Multilateral Framework for Labour Migration Palermo = Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 PGFR = ILO General Principles and Operation Guidelines for Fair Recruitment R086 = Migration for Employment Recommendation (Revised), 1949 (No. 86) R151 = Migrant Workers Recommendation, 1975 (No. 151) R200 = HIV and AIDS and the World of Work Recommendation, 2010 (No 200) R206 = Violence and Harassment Recommendation, 2019 (No. 206)</p>	

► Further guidance on rights protection during employment

ILO Declaration on Fundamental Principles and Rights at Work

ILO, “Freedom of Association”, topic portal.

ILO, “Collective Bargaining”, topic portal.

ILO, 2020. *Protecting migrant workers during the COVID-19 pandemic: Recommendations for Policy makers and constituents*. This brief containing information to assist governments and other stakeholders in designing COVID-19 policy responses that ensure the protection of migrant workers, as well as to inform responses for the protection of refugees and those displaced working in countries other than their own.

ILO, 2020. *The migrant pay gap: Understanding wage differences between migrants and nationals*. This report analyses how migrant wages have evolved in 49 countries before the COVID-19 pandemic. It details the difficulties faced by migrants in receiving the same pay as nationals. It examines gender discrimination affecting women migrants and the difficulties migrants have in getting a job that corresponds to their level of education. It also includes first indications of the impact of the COVID-19 crisis on migrant workers.

4.2.3. Promoting fair recruitment and protection during the migration process

Recruitment is the first step in establishing an employment relationship, yet it is also the process where migrant workers’ vulnerability to exploitation begins. Despite the existence of international labour standards relating to recruitment, national laws and their enforcement often fall short of protecting the rights of workers – and migrant workers in particular.¹⁶

The Fair Recruitment Initiative (FRI) was launched in 2014 as part of the ILO Director-General’s call for a Fair Migration Agenda. Since its launch, the FRI has been critical to ILO’s work in the area of national and international recruitment of workers, and has added renewed impetus and visibility to this important topic. The vision of the second phase of the FRI (2021–25) is to ensure that recruitment practices nationally and across borders are grounded in labour standards, are developed through social dialogue, and ensure gender equality. Specifically, that they:

- are transparent and effectively regulated, monitored, and enforced;
- protect all workers’ rights, including fundamental principles and rights at work, and prevent human trafficking and forced labour; and
- efficiently inform and respond to employment policies and labour market needs, including for recovery and resilience.

The ILO General Principles and Operational Guidelines for Fair Recruitment and the accompanying Definition on Recruitment Fees and Related Costs provide the most-up-to-date global guidance on measures to promote fair recruitment.¹⁷ **Table 6** pulls together policy considerations highlighted in these tools as well as other relevant ILO and UN standards. These questions should be taken into account when drafting a

¹⁶ For example, a KNOMAD study has revealed that recruitment costs can equal a year’s salary, and other costs to migrant workers such as deficiencies in health, income, and working conditions can represent 27 per cent of total actual wages (Aleksynska, Aoul, and Petrencu 2017).

¹⁷ On the basis of this guidance, the ILO has provided technical support to Member States in topics such as: prohibiting the charging of fees to workers; licencing and self-regulation of recruitment agencies; access to complaint mechanisms; recruitment practices of public employment services; enhancing the capacity of trade unions to monitor recruitment and provide services to workers; and establishing a fair recruitment corridor.

labour migration policy to ensure that it enables the promotion of fair recruitment and protection during the migration process.

► **Table 6. Checklist: Policy considerations to ensure fair recruitment**

Does the labour migration policy consider the following aspects to promote fair recruitment?	Check
Facilitating the fair recruitment, departure and journey of migrants; ensuring that all stakeholders are involved in providing information, training and assistance on arrival, rights and conditions of life and work, in a language the migrant understands. (C143, Art. 12(c); C097, Art. 2-4; C189, Art. 8; R086, Para. 5; ICRMW, Art. 37; GR26, Para. 24(a) and (b), R200, Para. 40; MLFW 12.1)	
Ensuring regulated and rights-based recruitment processes (whether public, private or direct), including ensuring that no fees or related costs are charged to the worker. (C189, Art. 15; R086, Para. 14; C181, Art. 7; GR26, Para. 24(c); MLFM 12.3 and 13; PGFR 2, 3, 4, 6, 15, 17)	
Eliminating worker-borne recruitment fees and related costs, including by defining which fees and costs are to be borne by the government, employer or recruitment agency. (C181, Art. 7, GPOG Definition, para. 12)	
Regulating and licensing private recruitment agencies and ensuring oversight through enforcement (for example, inspection of recruitment agencies). (C189, Art. 15; R086 Para.14; C181, C029 and P029; MLFM 13; PGFR 2, 3, 4)	
Ensuring migrant workers are not required to undergo discriminatory medical examinations. (R200, Paras 25 and 27; MLFM 12.11)	
Identifying and addressing barriers to safe and regular migration into decent work, in particular for women, unskilled and vulnerable migrants. (C189; MLFM 11)	
Monitoring and enforcing laws to prevent abusive practices, including smuggling and trafficking; prosecuting actors responsible; and providing protection and remedies for victims. (Palermo, Art. 9; MLFW 11; PGFR 5)	
<p>C029 = Forced Labour Convention, 1930 (No. 29) C097 = Migration for Employment Convention (Revised), 1949 (No. 097) C143 = Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) C181 = Private Employment Agencies Convention, 1997 (No. 181) C189 = Domestic Workers Convention, 2011 (No. 189) GPOG Definition = ILO Definition of Recruitment Fees and Related Costs, 2019 GR26 = CEDAW General Recommendation No. 26 on Women Migrant Workers ICRMW = UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 MLFM = ILO Multilateral Framework for Labour Migration P029 = Protocol of 2014 to the Forced Labour Convention, 1930 Palermo = Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 PGFR = ILO General Principles and Operation Guidelines for Fair Recruitment R086 = Migration for Employment Recommendation (Revised), 1949 (No. 86) R200 = HIV and AIDS and the World of Work Recommendation, 2010 (No 200)</p>	

► Further guidance: Reference materials on fair recruitment

The ILO's [Fair Recruitment Initiative](#) topic portal provides an overview to the ILO's work on fair recruitment, including latest tools, publications, and brochures.

The ILO's [General Principles and Operational Guidelines for Fair Recruitment and Definition on Recruitment Fees and Related Costs](#) provide concrete guidance to governments, social partners and civil society on promoting fair recruitment. The principles and guidelines are derived from a number of sources, including international labour standards and ILO instruments, among others.

[ILO training materials on fair recruitment](#) are available online. The training course is available as downloadable PDFs as well as an interactive version, and contains five modules covering different aspects of recruitment:

- Module 1: Why fair recruitment matters
- Module 2: The legal and normative framework for fair recruitment
- Module 3: Public employment services and private employment agencies in a changing recruitment landscape
- Module 4: Monitoring and enforcement of recruitment regulations
- Module 5: Fair recruitment in a global labour supply chain context

This training tool is also available in French and Spanish.

[Promising Practices on Fair Recruitment](#): A series of good practices implemented by tripartite stakeholders in the pursuit of ensuring fair recruitment of migrant workers.

ILO, 2020, [Ensuring fair recruitment during the COVID-19 Pandemic](#). This brief highlights the key challenges in national and international recruitment of workers during the COVID-19 pandemic, how the ILO is responding, and recommended policies and measures. The Annex outlines practices undertaken by ILO stakeholders to promote fair recruitment during COVID-19.

4.2.4. Enhancing social protection of migrant workers

The term social protection can encompass a broad variety of policy instruments, including social insurance, social assistance, universal benefits and other forms of cash transfers, as well as measures to ensure effective access to healthcare and other benefits in kind aiming at securing social protection. Although “everyone as a member of society has the right to social security” (Universal Declaration of Human Rights, 1948, Art. 22), in reality, compared to nationals working their entire lives in one country, migrants face huge challenges in exercising their rights to social security. They 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. Their access may be further curtailed due to a lack of knowledge about and awareness of their rights and obligations. At the same time, they can lose their entitlements to social security benefits in their country of origin because of their temporary absence.

An effective labour migration policy takes into considerations 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, as described in [table 7](#) below.

► **Table 7. Checklist: Policy considerations to enhance social protection**

Does the labour migration policy consider the following aspects to promote migrant workers' access to social protection?	Check
Incorporate strategies for the ratification and application of ILO Conventions, Protocols and Recommendations containing standards relevant to migrant workers and their social protection. (C102, C118, C157, R202)	
Conclude social security agreements (bilateral/multilateral) to provide for the coordination of social security and social security provisions in bilateral labour agreements (BLAs). (R086, Annex)	
Ensuring adequate access to healthcare (including sexual and reproductive health), medical attention, good hygienic conditions and occupational health and safety throughout migration. (C097, Art. 5; R086, Para. 12; R151, Paras 20–22; ICRMW, Art. 28; GR26, Para. 24(d); R200, Para. 47)	
Adopt unilateral measures by incorporating certain principles in national legislation and/or by setting up specific schemes or mechanisms to provide or enhance access to social protection for migrants. Ensuring equality of treatment and opportunities in relation to employment benefits and social security (including portability of benefits). (C189, Arts 13–14; R086, Para. 16; R151, Paras 2, 23–29; ICRMW, Arts 27 and 54; MLFM 9.3, 9.9)	
Establishment of national social protection floors to (unilaterally) ensure access to essential healthcare and basic social protection to all, including migrants and their families. (R202)	
Consider establishment of a welfare fund to assist migrant workers and their families, including in case of illness, injury, repatriation, abuse or death. (MLFM 12.10)	
<p>C097 = Migration for Employment Convention (Revised), 1949 (No. 097) C102 = Social Security (Minimum Standards) Convention, 1952 (No. 102) C118 = Equality of Treatment (Social Security) convention, 1962 (No. 118) C157 = Maintenance of Social Security Rights Convention, 1982 (No. 157) C189 = Domestic Workers Convention, 2011 (No. 189) GR26 = CEDAW General Recommendation No. 26 on Women Migrant Workers ICRMW = UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 MLFM = ILO Multilateral Framework for Labour Migration R086 = Migration for Employment Recommendation (Revised), 1949 (No. 86) R151 = Migrant Workers Recommendation, 1975 (No. 151) R200 = HIV and AIDS and the World of Work Recommendation, 2010 (No 200) R202 = Social Protection Floors Recommendation, 2012 (No. 202)</p>	

► **Further guidance: Reference materials on social protection for migrant workers**

The ILO factsheet “[Labour Migration Highlights No. 4: Social Protection for Migrant Workers](#)” provides a general overview of ILO’s approach, actions and standards to ensure that migrant workers have access to social protection.

The ILO has released a new guide, “[Extending Social Protection to Migrant Workers, Refugees, and their Families: Guide for Policymakers and Practitioners](#)” (2022).

ILO, 2020. *Social protection for migrant workers: A necessary response to the COVID-19 crisis*. This informative note presents policy options in order to ensure comprehensive social protection for migrant workers in the context of the COVID-19 pandemic and beyond.

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

Women comprise slightly less than half of the 244 million international migrants (UNDESA 2016). Globally, women's autonomous labour migration is on the rise, resulting in women migrant workers showing a substantially higher labour force participation than non-migrant women in high, upper-middle and lower-middle income countries (ILO 2018a). However, while the scale of women's migration may be almost equal to men's, labour migration patterns and outcomes can be very different for men and women. Women migrant workers are subject to multiple and intersecting forms of discrimination that limit their access to safe migration, fair recruitment and decent work throughout the migration cycle. Women have fewer options than men for regular migration, and are often employed in lower-paid informal economy jobs with few, if any, labour protections (for example, domestic work rarely attracts the same labour rights as other employment). Women's labour migration can also, however, create gendered contributions in both countries of origin and destination, including to social protection.

Despite the increasing amount of evidence about the gendered outcomes of migration, many key stakeholders struggle to understand or accept the concept of gender equality and the different needs of women and men. In particular, stakeholders remain unaware of the challenges facing "invisible" women working in private households or in traditionally male-dominated sectors like construction. Policies that restrict women's regular migration (such as bans by sector or to a specific country of destination) can increase irregular migration. Lack of understanding of the situations, perspectives and agency of women can result in misdirected policies and scenarios in which underlying unequal conditions persist and discriminatory policies have not been transformed.

Gender-responsive labour migration policies have been defined in the Organization for Security and Cooperation in Europe's *Guide on Gender-Sensitive Labour Migration Policies* as policies "recognizing that both men and women migrate for economic reasons and better employment opportunities, and that the migration experience of men and women may differ significantly" (OSCE 2009, 2). They also recognize that female migrant workers may experience more disadvantages and discrimination at all stages of the migration process due to employment categories/sectors offered, educational requirements and gender stereotyping, the latter of which is often further magnified by the intersectional marginalization of age, class and ethnicity. Furthermore, gender-responsive labour migration policies acknowledge the significant economic and social contributions made by female migrant workers to their countries of origin and destination. Therefore, such policies seek to:

- 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 (OSCE 2009, 2).

► Case study 7. Sri Lanka: Taking a gender-responsive approach to labour migration

Sri Lanka's 2008 National Labour Migration Policy included a National Policy Statement on Labour Migration that not only affirmed the fundamental equality of women and men before the law and the significant role of women in nation-building, but also recognized the contribution of women migrant workers and committed to applying gender-sensitive criteria to the formulation and implementation of policies and programmes affecting migrant workers. This commitment extended to the composition of bodies tasked with the welfare and empowerment of migrant workers. The policy acknowledged and sought to address the particular vulnerability of women migrant workers in employment categorized as low-skilled and in inadequately regulated sectors (including domestic work). Since the implementation of this policy there has been several protection and empowerment measures taken to reduce women's migration into low-skilled and unregulated employment. Action towards a minimum skills standard for female domestic workers (especially those seeking employment in the Arab States) and a push for more skilled women to migrate rather than women as domestic workers, has also been seen. The two main focuses of the new labour migration policy are skills upgrading, recognition and certification for women to enable them to seek skilled and semi-skilled employment (as opposed to low-skilled work), as well as engagement of a wider group of stakeholders in the migration governance process.

Source: Sri Lanka 2008.

It is necessary to ensure that policies are not only gender-responsive, but that, where necessary, they include provisions specific to gendered migration outcomes (see [case study 7](#) for an example from Sri Lanka) (ILO 2016c). In particular, specific consideration should be given to the following:¹⁸

- Ensuring gender-responsive law and policy is developed in accordance with international norms, in particular CEDAW General Recommendation 26, the ILO Domestic Workers Convention, 2011 (No. 189), and ILO Violence and Harassment Convention 2019 (No. 190).
- Ensuring women have equal access and opportunity to pursue regular and skilled migration options (this may include addressing skills development in countries of origin and enhancing access to financial capital and information on employment opportunities).
- Providing equal opportunities and treatment to men and women migrants by abolishing any measures that restrict the migration of women.
- Addressing barriers to accurate information throughout migration (particularly pre-departure).
- Re-valuing the sectors in which women work (including ensuring all sectors are fully covered by all labour laws).
- Addressing particular attention to those women who are particularly vulnerable in their migration, for example because of the isolated or informal and unprotected nature of their work (such as domestic work or sex work).
- Recognizing and developing the skills of women migrant workers and designing specific strategies to attract women into skills training and employability in non-traditional occupations.
- Ensuring that women have access to sexual and reproductive health services at all stages, as well as maternity protection.
- Incorporating gender-experts in policy development teams.

¹⁸ For a comprehensive list of policy considerations, see: UN Women 2017.

- Developing the capacity of stakeholders to develop and implement gender-responsive law and policy (see **box 8**).
- Developing institutional capacity to collect and analyse all migration and labour data disaggregated by age, sex, occupation and skill level.
- Increasing gender equity in the make-up of institutions that manage labour migration.
- Ensure all workers, in particularly women as well as persons belonging to vulnerable groups or groups in situation of vulnerability are covered by laws, regulations and policies that ensure the right to equality and non-discrimination in employment and occupation (ILO Convention No.- 190, Article 10).

► **Box 8. Mainstreaming gender training for migration stakeholders**

Addressing gender-based discrimination is crucial to establishing a labour migration policy that seeks to achieve equitable outcomes. However, capacity to design and implement gender-responsive policy and programming can be low among migration stakeholders. Mainstreaming gender training throughout the policy development process can address this challenge. Gender training for these purposes could include:

General

- Raising awareness on gender-based discrimination as a phenomenon that exists on a social, cultural and institutional level and impacts detrimentally on individuals in all spheres of life, including labour migration drivers and outcomes.
- Enhancing understanding of the impact of gendered power relations, and recognition of the importance and value of gender equality mainstreaming within workplace contexts.
- Increasing knowledge of the mechanisms and tools for promoting gender equality and to facilitate their application in practice.
- Building confidence and organizational capacity to advocate for women's empowerment.

Migration-specific

- Providing information on the gendered dimensions of labour migration, including feminized sectors of work, gender-based discrimination, violence and harassment at work, and gendered migration drivers and outcomes.
- Addressing structural barriers that prevent the full development and advancement of women in migration – including as migrants, but also as women representatives of social partners, women labour inspectors, and women in leadership positions (both government and non-government).
- Establishing a foundation for moving towards gender equality and ensuring equal rates of benefits for women and men migrant workers.
- Creating an enabling environment for increased participation and voice of women as active agents in influencing and determining outcomes of labour migration policy.
- Supporting women's organization and representation, including through trade unions and through the development of leadership training and organization strategies directed at women migrant workers.

Source: ILO: 2016c.

► Further guidance: Gender responsive labour migration policies

The ILO's *Gender Equality in Labour Migration Laws, Policy and Management – GEM Toolkit* is a set of nine practical tools to facilitate the implementation of gender mainstreaming strategies in labour migration and related employment; social protection; and equality laws, policies, programmes and projects, as well as in day-to-day labour migration management practices in labour migration law, policy and management.

ILO, 2021. *Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206*. The Guide sheds light on definitions, core principles and measures enshrined in these instruments.

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

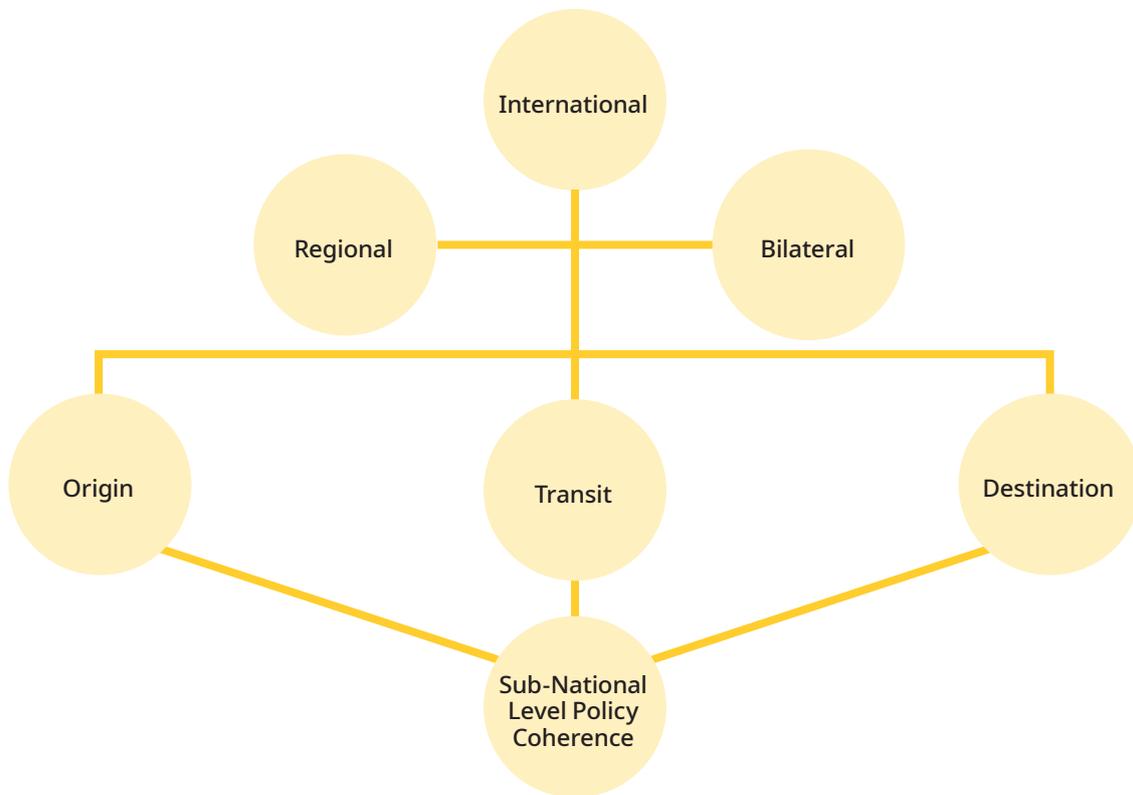
4.4.1. What is policy coherence?

Labour migration policies do not exist in isolation. Labour migration is influenced by horizontal interaction with other national policy concerns (in particular, employment, immigration, social welfare, health and education). It is also influenced vertically, from the subnational level to the bilateral and international level. As such, taking a coherent approach will ensure mutual reinforcement of policy both horizontally and vertically by promoting coordination and the harmonization of policy agendas (see figure 2 for an example of a national policy coherence model).

The ILO Multilateral Framework on Labour Migration (ILO 2006) underlines the importance of ensuring “coherence between labour migration, employment and other national policies, in recognition of the wide social and economic implications of labour migration and in order to promote decent work for all and full, productive and freely chosen employment” (Guideline 4.2). In pursuing policy coherence, the process will minimize policy conflicts (see **box 9** for examples of such conflicts) and maximize policy synergies, which in turn will increase the credibility and effectiveness of the policy and its likelihood to succeed.

Policy coherence was identified at the 2017 Global Forum on Migration and Development as essential to achieving SDG target 10.7 of “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.

► Figure 2. National level policy coherence model



Source: (GFMD, 2017)

► **Box 9. Examples of non-coherent policies**

- A policy to reduce dependence on foreign labour is not consistent with a policy to make it cheaper for employers to hire foreign rather than national workers.
- A country of origin policy aimed at demanding labour protections for domestic workers in foreign countries is not coherent with an absence of labour protections for domestic workers at home.
- A policy that places restrictions on the migration of a particular set of people contradicts the right to freedom of movement.
- A policy that ties work permits to a single employer and prevents migrants from legally changing their employment will be at odds to a policy that seeks to reduce irregular migration.
- A country of origin policy prohibiting the migration of specific groups into specific sectors will be contradicted by a country of destination policy that seeks to facilitate their regularization, thereby allowing those workers who departed their country of origin irregularly to be regularized and allowed to work in the country of destination.
- A policy banning migration of women in any form, will be inconsistent with a constitutional and policy framework that seeks to be gender-responsive and eliminate discrimination.

4.4.2. How to achieve policy coherence?

Paying attention to the following suggestions will increase the coherence of the labour migration policy being drafted with existing national, regional and international policies and standards.

Ensuring adherence to international standards

A proven way of ensuring policy coherence vertically as well as harmonization horizontally is to ensure that policies are developed in accordance with international standards. Many of the ILO standards, for example, apply to all workers, with some standards specifically focusing on migrant workers. This means that where a national labour migration policy and a national employment policy are developed separately, but in accordance with ILO standards, it is likely that there will be greater consistency, in particular in relation to the fundamental labour rights and freedoms of the workers.

Strengthen regional labour mobility policies and practices

In addition to ensuring harmonization of policies through adherence to international standards, vertical and horizontal coherence can also be strengthened through regional frameworks (see [case study 8](#) for an example from the Southern Africa Development Community).

Undertake an analysis of existing policy commitments (national to subnational)

An analysis of the policy framework at the national and sub-national level will identify any inconsistencies. Ensure that where inconsistencies exist, these are analysed against international and regional standards. A policy commitment that aligns with international and regional standards should have precedence over those that do not. Seeking amendments to the broader policy framework in the country can be included as an action in the policy itself.

► Case study 8. The Southern African Development Community Labour Migration Policy Framework

The Southern African Development Community (SADC) Labour Migration Policy Framework seeks to address policy harmonization as the first of 11 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 jobseekers and third-country nationals;
- Harmonization of legislations and policies on recruitment and conditions of employment of SADC migrant workers and third-country nationals towards a minimum floor of rights; and
- Mainstreaming of SADC labour migration strategy into national development strategies and poverty reduction strategies.

Source: SADC 2014.

Establish a coordination mechanism

Such a mechanism might include representatives from key ministries at the national level and representatives from key subnational regions who meet to share information on trends, developments and policy considerations, with a view to identifying and addressing potential policy conflicts and enhancing synergies. These coordination systems should also extend to the bilateral level through regular exchange between countries of origin and destination. Bilateral labour agreements may contribute toward policy coherence between approaches in countries of origin and destination. For example, in the case of policies on charging of recruitment fees, which may be allowed in the country of origin but prohibited in the country of destination or vice versa, a bilateral agreement may be used to stipulate that no recruitment fees or related costs should be charged to the migrant worker in the country of origin or destination.

Identify and integrate cross-cutting issues

Policies commonly benefit from the identification and integration of cross-cutting issues (some common issues include gender, non-discrimination, coordination, and the environment). By identifying the cross-cutting issues running through the national development planning and key national policies, the labour migration policy can create a direct connection to those issues, enhancing coherence with the national framework.

Coherence is not a one-way street

A national labour migration policy should not just be coherent with already extant national policies, but rather other related policies (e.g. education, training, employment) should also take labour migration into consideration moving forward. As such, it is important to ensure that migration is mainstreamed into the national policy framework.¹⁹

► Further guidance: Policy coherence

General Practical Guidance on Promoting Coherence among Employment, Education/Training and Labour Migration Policies (ILO, 2018).

This practical guidance is part of a broader ILO effort to foster coherence among employment, education/training and migration policies and to address constituents' demands in this area. It is based on the existing volume of literature on this subject in public policy and draws on ILO experience and lessons learned globally. It is a building block towards further country analyses and development of a specific guide and training manual.

ILO, *Coherence of Labour Migration, Employment, Education and Training Policies in the ECOWAS Subregion*, 2020.

This report summarizes the main findings and recommendations from piloting ILO guidance on policy coherence in the Economic Community of West African States (ECOWAS). It provides ECOWAS Member States with up-to-date analyses and recommendations on how policy coherence can be enhanced in the subregion.

ILO, *Manual on participatory assessment of policy coherence*, ILO, 2021. This manual presents a participatory assessment of policy coherence to allow countries to be able to assess and strengthen national policy coherence.

4.5. Taking into consideration labour market needs

Labour migration should take place under conditions that, in addition to guaranteeing protection of rights of the workers, ensure proper jobs and skills matching to better meet labour market needs and enhance economic productivity. As noted above, Paragraph 1 of ILO Recommendation No. 151 states that policies on migration “should be based upon the economic and social needs of both countries of origin and countries of employment; [and] ... should take account not only of short-term labour needs and resources but also of the long-term social and economic consequences of migration both for migrants as well as for the communities concerned”. Article 1(b) of the Model Agreement appended to Recommendation No. 86 also mentions the need for immigration countries to furnish appropriate information to emigration countries, including “the number, the categories and the occupational qualifications of the migrants desired”.

¹⁹ For examples of good practices in mainstreaming migration into development planning, see GFMD 2017.

Labour market demand is linked to the primary economic activities; whereas labour market supply depends on population and education characteristics. Labour market needs can be determined and forecast by drawing on data from a labour market information system (LMIS). The objective of an LMIS is to generate, analyse and disseminate information on current and future skills needs. Ideally, an LMIS will have the capacity to provide data on labour shortages; the demand and supply of skills; skills needs; and skills training, development and recognition processes for migrant workers. See **box 10** for more detail on the type of indicators and data sources to measure skills supply and demand. LMIS are therefore an essential basis for employment and labour policies, as they can provide data to inform the design, implementation, monitoring and evaluation of policies that are focused and targeted (ILO 2017d). For labour migration policies, data generated through LMIS is particularly important to determine migrant worker admission policies (for example, via quota or points-based admission systems). Unfortunately, LMIS may be constrained by data limitations, particularly on complex issues such as informality, employment protection and labour migration, but also employment and unemployment indicators where these are not collected regularly.



► **Box 10. Examples of skills supply and demand measurements**

Data sources that are useful for analysis of skills supply, demand and mismatch include:

- labour force (and other) household surveys;
- public employment service statistics on vacancies and jobseekers;
- enterprise statistics;
- education statistics;
- censuses;
- other administrative data (tax, social security);
- establishment skills surveys;
- tracer studies;
- qualitative data on skills;
- projections of labour supply and demand; and
- international databases.

Indicators on skills supply describe what skills are or will be available in the labour market in terms of the number and structure of the labour force. They focus on stocks (total labour force) and flows (new labour force – such as graduates). Skills supply indicators and their sources include:

- Structure of graduates/population/labour force by field and level of education (source: administrative data (education statistics)).
- The Beveridge curve, which describes the relation between unemployment and vacancies (source: public employment service statistics on vacancies; labour force survey data on unemployment).

Indicators on skills demand describe which skills are needed, or are likely to be needed in the future, in the labour market. They focus on the demand caused by economic trends or on demand caused by people leaving the labour force. Indicators and their sources include:

- Employment structure by sector/occupation (source: labour force surveys; establishment surveys).
- Age structure of employment by sector/occupation (source: labour force surveys; censuses).
- Models of replacement demand.
- Skill gaps (opinion surveys – such as, national establishment surveys, manpower talent shortage surveys, and employer surveys).
- Share of hard-to-fill and skill-shortage vacancies (source: national employer/establishment surveys, manpower talent surveys, enterprise surveys).

Source: Řihova 2016; Řihova and Strietska-Ilina 2015.

A further aspect of ensuring that migration meets labour market needs is to introduce a system that enables recognition of qualifications across borders. Poor skills matching or the non-recognition of qualifications may result in deskilling or “brain waste”, which is a specific cost of labour migration (ILO 2017). Furthermore, as low- to medium-skilled workers often lack formal qualifications, there is a need for systems that allow their skills and prior learning to be recognized and readily assessed.

See **case study 9** on the Seychelles for an example of how labour migration policies can inform decisions on which skills are needed, the development of skills transfer programmes, and incentives to support the retention of skilled nationals. **Table 8** provides a checklist that can be used to help ensure that labour market needs are taken into account during policy development.

► Case study 9. Seychelles: Skills needs and the National Labour Migration Policy

In the Seychelles, a small island nation facing structural labour shortages in parallel to rising local unemployment, an estimated one-third of the workforce is comprised of migrant workers. Migrant workers occupy jobs at all skill levels across a range of sectors, including in construction, tourism, manufacturing, financial services, health and education.

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 that bring together industry professionals; members of economic planning and education ministries; sector ministries; small, medium 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”).

Source: Seychelles 2019.

► **Table 8. Policy development checklist to ensure labour market needs are taken into account**

Specific areas the labour migration policy could take into consideration	Check
Establishing systems and structures for labour market analysis that take into account gender and that consider labour needs, skills shortages (in origin and destination) and can project long term demographic and economic effects of migration strategies. (MLFM 5.1; PGFR 10, 16)	
Promote the recognition and accreditation of migrant workers qualifications and skills. (MLFM 12.6)	
Provide vocational training and education opportunities to migrant workers that improve their labour market position. (MLFM 12.3)	
Recognize and addressing the impacts and contributions that labour migration has on social and economic development, in particular by mainstreaming migration into development policies, and identifying and responding to detrimental outcomes. (MLFM 15)	
Establishing transparent approaches to the admission, employment and residence of migrant workers (points-based systems, labour market tests, quotas, access to temporary/permanent residence). (R086, Para. 4; MLFM 5.2)	
Establish and coordinate an admission system through work permits, visas or authorizations. (MLFLM 5.2)	
Providing equal treatment with nations regarding training opportunities. (MLFW 9.4)	
MLFM = ILO Multilateral Framework for Labour Migration PGFR = ILO General Principles and Operation Guidelines for Fair Recruitment R086 = Migration for Employment Recommendation (Revised), 1949 (No. 86)	

► Further guidance: Taking into account labour market needs

1. Labour market need analysis, skills anticipation, and matching

Using Labour Market Information – Guide to Anticipating and Matching Skills and Jobs, Volume 1 (Řihova 2016) is an introductory tool for everyone who wants to understand how labour market information can be used for better anticipation and matching of skills demand and supply. It provides advice and recommendations for policymakers and decision-makers on how to respond to market signals and how to react to early warning messages driven by international labour migration statistics.

The *Guidelines for Inclusion of Skills Aspects into Employment-Related Analyses and Policy Formulation* (Řihova and Strietska-Ilina 2015) provides readers with practical steps, checklists and country cases for enhancing aspects on skills development in national employment policies as well as broader pro-employment policy formulation, including sectoral approaches.

The guide on *How to Facilitate the Recognition of Skills of Migrant Workers: Guide for Employment Service Providers* (ILO 2017a) demonstrates ways employment service providers can make better use of recognition of prior learning (RPL) systems in their countries to the benefit of migrant workers and refugees. It provides concrete information, examples, checklists and other tools to assist service providers to better understand, raise awareness and facilitate use of RPL.

The ILO (2015e) guidance note *Anticipating and Matching Skills and Jobs* explains the key components of skills anticipation systems, including data, methodologies, tools and institutions.

2. Admission policies and labour market tests

See section V1.4 on “Admission Policies: Temporary Labour Migration” in OSCE, IOM and ILO, *Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination*, 2005.

See “Module 4: Employing foreign workers” in ILO, *Labour Migration Policy and Management: Training Modules*, 2005

3. Migrants’ economic contributions

See OECD and ILO, *How Immigrants Contribute to Developing Countries’ Economies*, 2018.

4.6. International, regional and bilateral cooperation

Labour migration policies can be a vehicle through which to promote bilateral, regional and international cooperation, ensuring broader policy coherence at the vertical level. The 2030 Agenda for Sustainable Development and the negotiation and implementation process of the 2018 Global Compact for Safe, Orderly and Regular Migration (GCM) demonstrate the global significance of improving international migration governance and the call for enhanced international, regional and bilateral cooperation on the matter. This issue is also comprehensively covered by both ILO standards on migration for employment – that is, Convention Nos 97 and 143 – and was re-emphasized by the ILO Multilateral Framework on Labour Migration and the 2017 International Labour Conference resolution concerning fair and effective labour migration governance.

The purpose of the GCM is to set out a range of principles, commitments and understandings among UN Member States regarding international migration in all its dimensions, and to address all aspects of international migration, including the humanitarian, developmental, human rights-related and other aspects of migration. The GCM is also to be guided by the 2030 Agenda, and includes actionable commitments, means of implementation and a framework for follow-up and review of implementation.²⁰ The objectives and action points of the GCM, particularly those under Objective 6, should be taken into consideration during the drafting of the labour migration policy priorities.

The Sustainable Development Goals (SDGs) provide a comprehensive framework towards achieving sustainable development for all (UN 2015). Many of the goals and indicators are applicable to labour migration and should be considered in the course of framing labour migration policies, as set out in **table 9** below.

²⁰ The most up-to-date information on the implementation of the GCM can be found at: www.refugeesmigrants.un.org.

► Table 9. Sustainable Development Goals, targets and indicators

Goal 1. End poverty in all its forms everywhere	
1.1	By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day
1.3	Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable
Goal 3. Ensure healthy lives and promote well-being for all at all ages	
3.7	By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes
3.8	Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all
3.C	Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries and small island developing States
Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all	
4.3	By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university
Goal 5. Achieve gender equality and empower all women and girls	
5.2	Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
5.4	Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate
Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all	
8.5	By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value
8.7	Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms
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
Goal 10. Reduce inequality within and among countries	
10.7	Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies
10.7.1	[Indicator:] Recruitment cost borne by employee as a proportion of yearly income earned in country of destination
10.C	By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent.
Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels	
16.2	End abuse, exploitation, trafficking and all forms of violence against and torture of children
16.3	Promote the rule of law at the national and international levels and ensure equal access to justice for all
16.7	Ensure responsive, inclusive, participatory and representative decision-making at all levels
Goal 17. Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development	
17.18	By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts.

4.6.1. The role of regional economic communities

Regional governance frameworks can provide guidance or even be a lever through which to achieve and promote change at the national level (ILO 2017c). Labour migration policies should take into account commitments made at the regional level and include efforts to domesticate these commitments. At the same time, labour migration policies should facilitate and foresee active participation in regional dialogues pertaining to migration and labour migration governance structures. See [case study 10](#) on Nigeria for an idea of how this has been done in practice.

► Case study 10. Nigeria: Integrating regional policy commitments into national level action

Nigeria's 2014 National Policy and Labour Migration specifies, "The ECOWAS protocols on free movement of persons, right of residence and right of establishment are relevant regional legal instruments requiring domestication within Nigerian legislation." Under its governance objective, Nigeria's policy contains a specific objective to "cooperate with ECOWAS towards full implementation of relevant protocols". A section on international cooperation further highlights Nigeria's intention to cooperate with ECOWAS, to forge bilateral labour agreements, and to engage in international advocacy to "encourage other countries to respect and adhere to relevant international agreements and instruments on migrant workers".

Source: Nigeria 2014.

4.6.2. Government-to-government bilateral labour agreements

Bilateral labour agreements between countries of origin and destination can be a useful governance tool to facilitate safe, orderly and regular labour migration when they:

- address labour market needs and the protection of migrant workers;
- are developed in consultation with social partners; and
- are accompanied by a functioning implementation monitoring mechanisms.

They should also include measures to address situation of crisis, such as health- or security related crises.

As noted above, ILO Recommendation No. 86 contains a Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons in its Annex, which can serve as a benchmarking tool for regional guidelines (ILO 2017c, para. 139). The Model Agreement includes clauses on the regulation of migratory flows, working and living conditions, and social security for all. The CEACR's 2016 General Survey found that ILO Member States generally concluded a variety of bilateral agreements with varying degrees of formality (ILO 2016a). Findings from the most recent ILO research and mapping on bilateral labour agreements is found in [box 11](#) below. See also [case study 11](#) on Spain for an example of how bilateral and regional cooperation can be taken into account for policy development.

Objective 5 of the GCM also calls for enhancing the availability and flexibility of regular pathways for migration, and for action to be taken to realize that commitment, including through developing "human rights-based and gender-responsive bilateral, regional and multilateral labour mobility agreements with sector-specific standard terms of employment in cooperation with relevant stakeholders".

► Further resources: Developing bilateral labour agreements

UN Network on Migration, *Guidance on Bilateral Labour Migration Agreements (BLMAs)*, 2022.

The purpose of the BLMA global guidance is to help countries of origin and destination to design, negotiate, implement, monitor and evaluate rights-based and gender-responsive BLMAs, based on a cooperative and multi-stakeholder approach. The guidance has been developed by the UN Network's Thematic Working Group (TWG) on Bilateral Labour Migration Agreements (BLMAs). Co-led by the ILO and IOM, the TWG on BLMAs is comprised of representatives of UN agencies, employers' and workers' organizations, academia and civil society organizations.

ILO, *ILO Guidelines for skills modules in bilateral labour migration agreements*, 2020.

Skills shortages and gaps are often among the main reasons for entering into such negotiations, and at the same time, among the most overlooked aspects. This document focuses, on one hand, on extending the knowledge base on BLMAs, systematizing key concepts, and presenting the relevant international normative framework as well as examples of different approaches towards skills in existing agreements. On the other hand, it sheds light on funding mechanisms and arrangements for skills in BLMAs, which are vital for ensuring their effective implementation.

► Case study 11. Spain's Global Programme

As part of its migration policy, in 2001, Spain adopted a "Global Programme" to regulate and coordinate foreign residents' affairs and immigration (the GRECO programme). The programme comprises five measures:

- (i) approval of criteria for the admission of immigrants;
- (ii) calculation of the need for temporary or permanent workers;
- (iii) determination of the countries with which to negotiate agreements;
- (iv) management of all aspects of migration; and
- (v) establishment of mechanisms to select and, as necessary, train foreign workers in the source countries, with the contribution of the social agents and NGOs.

Spain has subsequently concluded agreements with a number of countries. Some of these countries, such as Argentina and Mexico, have a large number of Spaniards living in their territories. The agreement concluded with Ecuador, for example, is intended to cover the whole of the migration process: the pre-selection of workers; the system of communicating job offers; the selection and recruitment of workers in the sending country; special provisions for temporary workers; the organization of travel; guarantees of labour conditions and rights at the destination; the possibility of family reunification; and provisions for return. In order to coordinate requests by its nationals who wish to work in Spain, the Ecuadorian authorities, in collaboration with the IOM, have set up the Technical Unit for the Selection of Migrant Workers.

Source: ILO 2004.

► **Box 11. Bilateral agreements and memoranda of understanding (MOUs) on migration of low-skilled workers: Outcomes of ILO research (2014–15)**

An ILO mapping exercise assessed 144 labour migration agreements concluded in Asia, Africa, Europe, the Arab States, and the Americas against the Model Agreement set out in the Annex to Recommendation No. 86 and considered good practices on good governance of labour migration and protection of migrant workers. Notably, this significant piece of research found:

Concerning good practices by region

- More than 70 per cent of agreements contain concrete implementation, monitoring and evaluation procedures.
- In Africa, Europe and the Americas, all agreements contained transparency and publicity provisions; compared to only 26 per cent of such agreements in Asia.
- Around one-third of the agreements concluded in Asia, Europe and the Americas contained evidence of normative foundations and respect for the rights of migrant workers; compared to half of all agreements in Africa.
- 77 per cent of agreements in Europe and the Americas contained specific reference to equal treatment of migrant workers, non-discrimination or protection of migrant workers' rights; compared to 53 per cent of agreements in Africa and 21 per cent of agreements in Asia.
- 94 per cent of the agreements in Africa contained provisions to protect migrant workers from recruitment malpractices at both origin and destination; compared to 67 per cent of the agreements in Asia and 34 per cent of the agreements in Europe and the Americas.

Concerning coverage of Recommendation No. 86 Model Agreement topics by region

- Over 60 per cent of the agreements contained provisions on recruitment, introduction and placement, and over 90 per cent contained provisions on methods of cooperation.
- More than 75 per cent of agreements in Asia and Europe and the Americas contained provisions on either exchange of information, administrative formalities, or conditions and criteria of migration.
- More than half of the agreements concluded in Asia and Europe and the Americas contained provisions on settlement of disputes.
- More than half of the agreements concluded in Africa and Europe and the Americas contained provisions on equality of treatment (although almost no agreements address gender issues or migrant workers particularly at risk, nor do they include provisions on social dialogue).

Source: ILO, *Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers: A Review*, 2015, as cited in ILO 2016a.

4.6.3. Bilateral or multilateral agreements, among trade unions

Labour migration policies can also consider means to promote transnational networking between workers' and migrants' organizations to ensure that migrant workers are informed and able to access services throughout the migration cycle. Workers' organizations in countries of destination and origin may establish bilateral agreements, mostly in the form of MOUs, to formalize partnerships and processes of exchanging information, defend the interests and rights of migrant workers, provide services, or run information campaigns. The International Trade Union Confederation, with support from the ILO's Bureau of Workers' Activities (ACTRAV), has elaborated the text of a model agreement between trade unions in countries of origin and destination, which is available at: <http://www.ilo.org/dyn/migpractice/docs/208/Model.pdf>.

► Table 10. Checklist: Specific areas the labour migration policy could take into consideration

Specific areas the labour migration policy could take into consideration	Check
Strengthening bilateral and regional cooperation through systematic contact and exchange on migration, and formal agreements (such as BLAs or MOUs). (C143, Art. 4; GR26, Para. 27; R086, Annex; MLFM 2; PGFR 13)	
Engagement in regional, inter-regional and global dialogues on labour migration. (MLFLM 2.1, 2.2, 2.5)	
Establishing or renegotiating bilateral labour migration agreements, taking into account emerging needs (for example, due to a crisis situation). (MLFLM 2.3, 2.6)	
Establishing or renegotiating bilateral, multilateral and regional agreements on provision of social security coverage and benefits, as well as portability of benefits and entitlements for all workers regardless of status. (MLFM 9.9)	
Promote the transnational networking between workers' and migrants' organizations to ensure that migrant workers are informed and able to access services. (MLFM 7, 12.4, 12.5)	
C143 = Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) GR26 = CEDAW General Recommendation No. 26 on Women Migrant Workers MLFM = ILO Multilateral Framework for Labour Migration PGFR = ILO General Principles and Operation Guidelines for Fair Recruitment R086 = Migration for Employment Recommendation (Revised), 1949 (No. 86)	

4.7. Finalizing Step 4: Policy development checklist

Step 4 should result in an elaborated labour migration policy with the impact, outcomes and outputs identified and an action plan drafted. Before moving to Step 5, refer to the checklist in **table 11** to ensure the labour migration policy draft is complete and comprehensive.

► **Table 11. Checklist: Specific questions to answer to finalize Step 4 of policy development**

Specific questions to finalize step 4		Check
Developing policy and action plan wording in line with national priorities, regional obligations and international Conventions	Are the objectives of the policy – at the individual, community and government levels – clearly identified?	
	Are strategies in place to ensure that the policy will be able to reach its objectives?	
	Have the specifics of what will happen, who will implement (and resource), and by when (the action plan) been identified?	
	Have the international and regional commitments been incorporated into the wording?	
	Does the draft policy address labour market needs at all skill levels?	
	Does the draft policy acknowledge and address issues related to irregular migration?	
	Does the draft policy address discrimination, in particular equality of opportunity and treatment?	
	Is the draft policy gender-responsive, and does it pay due regard to the specific realities and needs of women?	
	Does the policy address the protection gaps identified in the situation analysis?	
	Is there a lead implementing agency or department for each of the key actions from the action plan?	
Have funding needs, resource gaps and potential donors been identified?		
Consulting on the draft policy and action plan	Have tripartite-plus stakeholders had the opportunity to review and input into the draft policy and action plan?	
	Have the partners identified in the action plan, confirmed that they will incorporate the output in their own plans and have secured (or have a plan to secure) the requisite commitment and resources to deliver?	
	Are the processes for providing feedback on the policy and action plan, and its further development, transparent to all stakeholders?	
Ensuring policy coherence	Have relevant policies been consulted, and is the labour migration policy aligned with employment, education/training and other national or sector policies/strategies?	
	Does the draft policy refer, where necessary, to other national policies, and is it in line with the policy framework, in particular the national agendas on employment, immigration and development?	
	Have integrated strategies been proposed, where relevant, to achieve a more coherent policy response and promote a whole-of-government approach?	

Step 5. Obtain political validation

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. It is also advisable to conduct an official launch and to develop a communications campaign to ensure immediate publicity and the sensitization of those affected by the policy.

5.1. Finalizing Step 5: Policy development checklist

► Table 12. Checklist: Specific questions to answer to finalize Step 5 of policy development

Specific questions to answer to finalize step 5		Check
Finalize policy and action plan	Have you tabled the policy and action plan for review by the government?	
	Has the policy been approved and signed into effect?	
	Is a communication plan in place to disseminate the policy?	





Step 6. Implement, monitor and evaluate policy

6.1. Implementation

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**. These terms are further unpacked in this section of the guide.

Effective administration

As mentioned in Step 1, governments need to ensure at the outset that the responsibility for administration of labour migration is clearly allocated (usually to the ministry in charge of labour or overseas employment). This may involve establishing a separate bureau/department within the ministry to manage foreign employment (see **case study 12** for an example from Afghanistan). Consider whether it would be beneficial to allocate responsibilities to separate entities or task teams to address different elements of the policy (for example, by following the structure of governance, protection and development). The scope of work covered by labour migration administration might include:

- social security;
- vocational training;
- public employment services;
- regulation of private employment services;
- national and subnational resource and information centres;
- labour market observatories;
- labour inspection services;
- complaints procedures; and
- safety and health services.

Coordination and consultation

Establish mechanisms for coordination and consultation on implementation, including:

- inter-governmental (both national and subnational) cooperation mechanisms (see **box 12** for more information); and
- inter-institutional cooperation mechanisms (including social partners and civil society).

Commitment

Implementation will succeed or fail dependent on the commitment of stakeholders. As such, it is critical to ensure that partners understand the policy and their role in it, and have expressed their commitment to it (this commitment should be sought at a senior level). As mentioned in Step 3's emphasis on

consultation, having partners be involved in the design of the policy (and action plan) from the start, validating it and devoting resources to it can also reinforce this commitment.

Capacity development

As mentioned in Step 2, a stakeholder analysis and capacity assessment should have been undertaken at the evidence gathering stage of the policy process. Using this information as a baseline, governments should continuously assess the capacity requirements of the policy and action plan, and develop and conduct a capacity needs assessment on a regular basis. This needs assessment can then be converted into a capacity development plan, which can be made specific to each implementing partner. It is important that the capacity development plan is properly resourced and managed, to ensure that the implementation of the policy and action plan can stay on course.

Resources

Ensure that the relevant ministries and implementing partners have agreed to commit adequate financial and other resources (including human resources) to implement their commitments under the labour migration policies. In order to maximize the effectiveness of the policy, it is advisable to only commit to actions that are fully resourced. While core funding for the policy from the public purse is key, alternative methods of funding are often sought. These include establishing migrant worker membership schemes to fund information and welfare programmes, as well as funding services through foreign language testing, or recruitment and placement fees collected from foreign employers (ILO 2016d).

► Box 12. Inter-ministerial coordination: “A whole-of-government approach”

Inter-ministerial coordination is the link that will ensure more or less efficient implementation of the whole policy as well as coherence across other policy areas. Three dimensions need to be clearly addressed in dealing with inter-ministerial coordination – **governance structure, technical division of labour, and communication**:

- **A transparent, functional tripartite governance structure** is key to ensuring that there are clear decision-making and monitoring and evaluation processes. Government entities need to establish which ministry has the lead, what the consultation and decision-making processes are, and which unit is the main operational mechanism.
- Implementation then requires **a clear division of labour between government technical units**. Migration matters will – almost by definition – be scattered across a range of technical divisions. Coordination of this technical work from Labour Market Information System (LMIS) to selection, recruitment, placement, and admission procedures; issuance of migration permits; labour inspection; pre-departure training and induction upon arrival; etc. should be located within one operational unit. It may be useful to start with an **exhaustive mapping of labour migration functions across government** entities and to envisage how best to rationalize these processes without creating gaps or losing experience while also gaining in efficiency.
- Lastly, **communication** between these different entities by means of regular meetings, mailing lists or a web intranet guarantees that no division feels left out or starts operating in isolation from the others.

Source: FMM West Africa, 2016.

► Case study 12. Afghanistan: National Labour Migration Strategy (2016-2018)

The General Directorate of Policy and Planning within the Ministry of Labour, Social Affairs, Martyrs and Disabled established a National Labour Migration Strategy 2016–2018 that highlighted “**Improved Labour Migration Administration**” as a key policy area. This policy area had three key strategies:

1. **Institutional framework:** To develop and establish a coherent institutional framework to implement and monitor the policies, enhance inter-ministerial coordination, and to establish inter-ministerial strategies to improve data and information collection.
2. **Regional and international cooperation:** Specific activities related to strengthening regional and international cooperation through increased presence at international dialogues, participation in regional forums and stronger partnerships through bilateral agreements and MOUs.
3. **Technical cooperation:** Addressing the need for support from international partners in relation to increasing technical cooperation on research, policy development and implementation.

Source: Afghanistan 2016.

6.2. Monitoring on a continuous basis and evaluating policy impacts

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.

Monitoring and evaluating the implementation of the policy and action plan and evaluating its impacts are crucial to understanding whether the policy is being effective and achieving its objectives. However, monitoring and evaluation (M&E) is commonly forgotten at the policy development stage, and/or reduced to a box-ticking exercise undertaken at the end of the policy period.

Establishing an M&E framework at the outset (see Annex F for a template), and incorporating regular monitoring into the implementation of the action plan can ensure that M&E is integrated throughout the delivery of the policy (UNEG 2014). M&E should go beyond only assessing the extent to which the policy is implemented, but also consider its longer-term impact. Data gathered during regular monitoring or the evaluation can be used to revise or adjust the policy as needed.

Key elements in establishing an M&E framework and system include:

Ensuring migrants are central

At all stages of policy development, it is important to ensure that the realities and needs of the women and men migrants themselves are central, and this is no less important for the M&E system. Establishing mechanisms to collect data directly from migrants, incorporating migrants into coordination and consultation mechanisms, and setting indicators that measure migration outcomes (both positive and negative) at the individual/gender-specific level, are all approaches that can be taken in this regard.

Resourcing M&E

Establish an M&E coordination group and invite focal points from key partners to join (see **case study 13** for an example from Cambodia). Develop the capacity of these focal points to monitor and measure the implementation and progress towards objectives under their specific area of implementation, including the analysis of data and the application of these analyses for results-based management.

Setting realistic indicators

Indicators are used to identify what will be tracked and measured in order to assess the progress of the policy (see **box 13** for further discussion on indicators). Indicators should be SMART: Specific, Measurable, Achievable, Relevant and Time-Bound. The sources of information to measure the units against the indicator should be agreed at the outset. In addition, the indicators in the M&E framework as a whole must be realistic. Constant collection and analysis of data is costly and time consuming. It is, therefore, important to identify a limited number of indicators that will be central to measuring the progress of the policy. It may be that one indicator per output is manageable. Where this is not manageable, it may also be an opportunity to consider whether the policy has too many outputs.

Baselines and targets

For each of the specific indicators, identify what target will be reached. In order to measure whether the target has been achieved, a baseline will need to be established. Data collected during the initial situational analysis can contribute to baselines.

► **Box 13. Building your policy – From economic development to sustainable development**

The common approach to policymaking and evaluation has been to frame it around the contributions made to economic growth, in particular in relation to financial remittances. This approach has, however, been criticized for ignoring the social and economic costs of migration, human rights issues and the causes of migration. In response to this, models of evaluation have been established that measure migration outcomes across social and economic indicators, from the micro (individual) to the macro (state) level. The following table highlights indicators that can be used to evaluate migration outcomes across social and financial indicators, focused particularly on the migration outcomes for the migrant themselves. Alternative country-level migration outcomes might, however, be framed around skills – whether returning workers are bringing recognized skills or having their skills developed, and whether countries of destination are having their skills shortages met, with employers able to recruit the required workers/skills in a timely and efficient manner.

Social indicators	Financial indicators
Life skills development (for example, leadership skills, foreign language, financial literacy)	Income
Unemployed	Tangible assets
Skill level of employment	Savings
Psychological, social or health problems	Debt

Source: Harkins and Lindgren 2017.

Assumptions

Identifying assumptions is a way of framing the context of the data collection and measurement. It might be an assumption that a particular political environment will remain stable in order for the goals to be achieved, or that stakeholders will remain engaged. Assumptions help to clarify how realistic a logical model is, and to actively manage the risks involved.

Data collection

Through capacity development and technical interventions, standardize and improve the production and analysis of accurate, gender-disaggregated quantitative and qualitative data on labour and migration. The following are methods of data collection:

Quantitative data expresses a certain quantity, amount or range. Methods for collecting qualitative data include the use of:

- surveys/questionnaires (including labour migration questions included in labour force or household surveys);
- pre/post tests;
- existing databases; and
- statistical analysis.

Qualitative data describes the attributes or properties that an object possesses. Qualitative data collection techniques include:

- desk reviews concerning the adherence of policy and legislation to international standards;
- observations;
- interviews;
- focus group discussions; and
- narrative analyses of outcomes of project observations, interviews and focus group discussions.

Meeting national, regional and international commitments

Having developed the policy based on national, regional and international commitments, reciprocal consideration should be given to ensuring that contributions to those commitments are accurately attributed to the policy. This can be done by ensuring that the policy's M&E framework sets targets and measures data towards achieving broader national, regional and international commitments. When setting the indicators, identify the key international or regional provision that the policy is seeking to contribute to, and incorporate this into the language and target(s) of the indicator accordingly.

► Case study 13. Cambodia: Monitoring and evaluation of the Policy on Labour Migration

The Ministry of Labour and Vocational Training (MOLTV) established a Policy on Labour Migration for Cambodia in December 2014. While a mid-term review of the Policy was undertaken, it was decided that the limited methodology of the review presented a challenge for comprehensive evaluation. In response to this, the MOLTV formulated an approach that included establishing a Monitoring and Evaluation Committee, to be constituted of tripartite-plus organizations. The Committee would report on a six-monthly basis and benefit from a national monitoring and evaluation focal point (which would either be a new position or draw upon existing staffing among implementing agencies), who would aggregate and analyse the data.

Source: Cambodia 2014.

6.3. Finalize Step 6: Policy development checklist

► Table 13. Checklist: Specific questions to answer to finalize Step 6 of policy development

Specific questions to answer to finalize step 6		Check
Implementation	Have clear mechanisms for regularly consulting stakeholders on implementation progress been established?	
	Is there agreement to regularly monitor progress against the activities outlined in the action plan?	
	Will the action plan be updated on a regular basis (for example, yearly)?	
	Has a timeframe been decided after which the impact of the labour migration policy will be evaluated (for example, 3–5 years?)	
Monitoring and evaluation	Is the policy and action plan supported by a monitoring and evaluation framework, which includes baselines and timelines?	
	Are the indicators SMART (Specific, Measurable, Attainable, Relevant and Time-bound)?	
	Have the mechanisms for collection, recording and analysis of relevant data been established?	

► Further guidance: Monitoring and evaluating the impact of labour migration policy

ILO, *Guide on Measuring Migration Policy Impacts in ASEAN*, 2016.

This Guide offers policymakers and administrators a guide for evaluating how labour migration policies work in practice, based on documented experiences in ASEAN and other parts of the world.

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► Annexes

Annex A. Glossary of terms

Bilateral labour migration agreements: Agreements between two entities that create legally binding rights and obligations governed by international law and are usually more specific and action-oriented than non-binding memoranda of understanding (MOUs), which set out a broad framework of cooperation to address common concerns, as well as other arrangements, including between specific government ministries or agencies in destination and origin countries (ILO 2017c, para. 69). The ILO Migration for Employment Recommendation (Revised), 1949 (No. 86), contains a Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons in its Annex as a benchmarking tool for regional guidelines (ILO 2017c, para. 139).

Domestic work/worker: Domestic work is considered to be “work performed in or for a household or households” (ILO Domestic Workers Convention, 2011 (No. 189), Art. 1(a)). A domestic worker is “any person engaged in domestic work within an employment relationship. A person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker” (ILO Convention No. 189, Art. 1(b), (c)).

Equality of opportunity and treatment for migrant workers with nationals:

- Article 6(1) of the ILO Migration for Employment Convention (Revised), 1949 (No. 97), provides:

Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters:

- (a) in so far as such matters are regulated by law or regulations, or are subject to the control of administrative authorities;
 - (i) remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women’s work and the work of young persons;
 - (ii) membership of trade unions and enjoyment of the benefits of collective bargaining;
 - (iii) accommodation;
- (b) social security (that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:
 - (i) there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;
 - (ii) national laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension;
- (c) employment taxes, dues or contributions payable in respect of the person employed; and
- (d) legal proceedings relating to the matters referred to in this Convention.

- Article 10 of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), (in Part II on Equality of Opportunity and Treatment) provides:

Each Member for which the Convention is in force undertakes to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory.

- Article 8(1) of Convention No. 143 stipulates: “On condition that he has resided legally in the territory for the purpose of employment, the migrant worker shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of his employment, which shall not in itself imply the withdrawal of his authorization of residence or, as the case may be, work permit.” Paragraph 2 of Article 8 further states that, “he [the migrant worker] shall enjoy equality of treatment with nationals in respect in particular of guarantees of security of employment, the provision of alternative employment, relief work and retraining”.
- Article 9(1) of Convention No. 143 provides:
Without prejudice to measures designed to control movements of migrants for employment by ensuring that migrant workers enter national territory and are admitted to employment in conformity with the relevant laws and regulations, the migrant worker shall, in cases in which these laws and regulations have not been respected and in which his position cannot be regularized, enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits.
- Article 9(2) further states, “In case of dispute about the rights referred to in the preceding paragraph, the worker shall have the possibility of presenting his case to a competent body, either himself or through a representative.”

Forced or compulsory labour: All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (ILO Forced Labour Convention, 1930 (No. 29), Art. 2(1)). Measures to be taken for the prevention of forced or compulsory labour shall include “protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process” (ILO Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), Art. 2(d)).

Gender: Gender refers to the social differences and relations between men and women that are learned, changeable over time, and have wide variations both within and between societies and cultures. These differences and relationships are socially constructed and are learned through the socialization process. They determine what is considered appropriate for members of each sex. They are context-specific and can be modified. Other variables, such as ethnicity, caste, class, age and ability intersect with gender differences (ILO 2012b).

Gender equality: Gender equality, or equality between men and women, entails the concept that all human beings, both men and women, are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles and prejudices. Gender equality means that the different behaviour, aspirations and needs of women and men are considered, valued and favoured equally. It does not mean that women and men have to become the same, but that their rights, responsibilities and opportunities will not depend on whether they are born male or female (ILO 2012b). Gender roles and responsibilities are affected by age, race, class, ethnicity and religion, and by the geographical, economic and political environment.

Gender-responsive labour migration policies: Gender-responsive labour migration policies have been defined in the OSCE (2009) *Guide on Gender-Sensitive Labour Migration Policies* as policies recognizing that both men and women migrate for economic reasons and better employment opportunities, and that the migration experience of men and women may differ significantly. They also recognize that female migrant workers may experience more disadvantages and discrimination at all stages of the migration process due to employment categories/sectors offered, educational requirements and stereotyping, which is often further magnified by the intersectional marginalization of age, class and

ethnicity. Furthermore, gender-sensitive labour migration policies acknowledge the significant economic and social contributions made by female migrant workers to their countries of origin and destination. Therefore, such policies seek to:

- ▶ 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.

Gender-specific policies: These policies use the knowledge of gender differences in a given context to respond to the practical gender needs of a specific gender working with the existing division of resources and responsibilities (ILO 2012b).

Global Compact for Safe, Orderly and Regular Migration: The purpose of the Global Compact for Migration is to set out a range of principles, commitments and understandings among UN Member States regarding international migration in all its dimensions, and to address all aspects of international migration, including the humanitarian, developmental, human rights-related and other aspects of migration. The Compact is to be guided also by the 2030 Agenda, and may include actionable commitments, means of implementation and a framework for follow-up and review of implementation (UN General Assembly 2016; 2017b; ILO 2017c, para. 4).

Highly skilled migrant worker: ILO Statistics classifies two levels of highly skilled workers (levels 3 and 4), in accordance with International Standard Classification of Occupation (ISCO) Broad Occupations Groups. These workers include managers (skill levels 3 and 4) and professionals (skill level 4), and they are broadly employed as legislators, senior officials, managers, professionals, technicians and associate professionals. “Professionals” are understood to increase the existing stock of knowledge; apply scientific or artistic concepts and theories; teach about the foregoing in a systematic manner; or engage in any combination of these activities (ILO, n.d.-a).

ILO Multilateral Framework for Labour Migration: A set of non-binding principles and guidelines for a rights-based approach to labour migration that were discussed and adopted at a 2005 ILO Tripartite Meeting of Experts and approved for publication and dissemination by the ILO Governing Body in March 2006 (ILO 2006a).

Informal economy: All economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements (ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), Para. 2(a)).

Labour force: The economically active population which comprises all persons (above the stated minimum age) who are either employed or unemployed (UNDESA, Statistics Division 2008, para. 2.247; ILO 2015d).

Labour inspection: The functions of the system of labour inspection are:

- (a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
- (b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
- (c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions (ILO Labour Inspection Convention, 1947 (No. 81), Art. 3(1)).

Labour market information systems inform the design, implementation, monitoring and evaluation of policies. The main purpose of an LMIS is the production of information and analysis for policymakers and other labour market stakeholders. The three main functions of labour market information systems are: (i) facilitate labour market analysis; (ii) provide the basis for monitoring and reporting on employment and

labour policies; and (iii) constitute a mechanism to exchange information or coordinate different actors and institutions that produce and utilize labour market information and analysis (ILO 2017d).

Labour market institutions: The “rules, practices and policies—whether formal or informal, written or unwritten – all of which affect how the labour market works. They are as explicit and long-standing as certain labour laws that we have come to consider as universal rights, but also span the scope of informal practices that reflect the views of society, as well as short-term policies that fade and resurge depending on the policy mood” (Berg, J. and Kucera, D. 2008)

Labour recruiter: The term labour recruiter refers to both public employment services and private employment agencies and all other intermediaries or subagents that offer labour recruitment and placement services. Labour recruiters can take many forms, whether for profit or non-profit, or operating within or outside legal and regulatory frameworks (ILO 2019).

Migrant for employment: A person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment (ILO Migration for Employment Convention (Revised), 1949 (No. 97), Article 11(1)).

Migrant worker: A person who migrates or who has migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker (ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Article 11(1)).

Migrant in an irregular situation:

- The ILO Resolution concerning a fair deal for migrant workers in a global economy, adopted by the ILO in 2004, states, “People who enter or work in countries without legal authorization have been labelled illegal, clandestine, undocumented or irregular. ‘Illegal migrants’ were once a residual category, but illegal has a normative connotation and conveys the idea of criminality” (ILO 2004, para. 36).
- The UN Committee on Migrant Workers issued a General Comment No. 2 on the rights of migrant workers in irregular situations and members of their families (2013), which states their view that the terms “in an irregular situation” or “non-documented” are the proper terminology when referring to their status. The use of the term “illegal” to describe migrant workers in an irregular situation is inappropriate and should be avoided, as it tends to stigmatize them by associating them with criminality (para. 4). See also ILO 2016a, para. 119, footnote 69.
- Migrants are considered to be in an irregular situation or non-documented situation if they are unauthorized “to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreement to which that State is a party” (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Art 5).
- In 1975, the UN General Assembly requested that all UN organs and specialized agencies concerned utilize in all official documents the terms “non-documented or “irregular migrant workers” (General Assembly, Measures to ensure the human rights of all migrant workers, 3449, 2433rd plenary meeting, 9 December 1975).

Occupational safety and health: Occupational safety and health (OSH) is a discipline with a broad scope involving many specialized fields. In its broadest sense, it aims at:

- The promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations;
- The preparation and preservation of conditions in the workplace that reduce or prevent the likelihood of persons being injured while performing their work;
- The prevention among workers of departures from health caused by their working conditions;
- The protection of workers in their places of employment from risks resulting from factors adverse to their health; and
- The placing and maintenance of workers in an occupational environment adapted to their physical and mental capacities (ILO 2011).

A national system for occupational safety and health refers to the infrastructure that provides the main framework for implementing national policy and national programmes on occupational safety and health. A national programme on occupational safety and health refers to any national programme that includes objectives to be achieved in a predetermined time frame, priorities and means of action formulated to improve occupational safety and health, and means to assess progress (ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), Art. 1).

Portability of social security and portability of earned benefits:

- ILO Conventions and Recommendations recognize and address the specific disadvantages faced by migrant workers in accessing social security. Consequently, these documents call, among others, for increased social security coordination between countries through bilateral and multi-lateral agreements providing for the equality of treatment with the nationals of the host country, as well as embodying appropriate arrangements for the maintenance of migrants' acquired rights and rights in course of acquisition (also commonly referred to as "portability").
- It should be noted that there is no internationally agreed definition of "portability". ILO Conventions and Recommendation relevant to migrants' social protection – such as the Equality of Treatment (Social Security) Convention, 1962 (No. 118); Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128); Maintenance of Social Security Rights Convention, 1982 (No. 157); Social Security (Seafarers) Convention (Revised), 1987 (No. 165); Migration for Employment Recommendation (Revised), 1949 (No. 86); and Maintenance of Social Security Rights Recommendation, 1983 (No. 167) – do not refer to portability. The only international labour standard that uses the term portability is the Domestic Workers Recommendation, 2011 (No. 201), in Paragraph 20(2). Furthermore, the Guiding Principles on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market of 2016 (para. 19) as well as the Multilateral Framework on Labour Migration of 2006 (para. 9.9) also refer to portability without clarifying or defining its meaning.
- In literature, authors often use the term portability to refer to measures aimed at the maintenance of acquired rights and rights in the course of acquisition, as well as to payments of benefits abroad (Holzman. et al 2016, 1; Taha, Siegmann, and Messkoub 2015). Others, however, use the term more broadly to refer collectively to all coordination principles (including equality of treatment and administrative assistance) (Hirose, Nikač, and Tamagno 2011, footnote 28).
- Portability of earned benefits differs from portability of social security, as it can be understood to refer only to measures aimed at the maintenance of acquired rights as well as payments of benefits abroad. Whereas portability of social security has a broader meaning, as it also refers to maintenance of rights (or benefits) in the course of acquisition, and depending on the authors, it may refer to the whole range of coordination principles.
- Furthermore, it is important to distinguish "portability" from "exportability" of social security rights or benefits. Similar to portability, there is no internationally agreed definition of exportability. Authors usually use exportability of social security rights/benefits to refer to maintenance of acquired rights and rights in the course of acquisition and the payments of benefits abroad (Taha, Siegmann, and Messkoub 2015; Sabates-Wheeler and Koettl 2010). The difference with portability lies in the understanding that portability requires cooperation between the host and origin countries, and exportability requires action only on the part of one country. In the latter case, eligibility for, and the level of, the benefits to be paid is determined by the social security institution of one country alone.

Recognition of prior learning: The acknowledgement of the knowledge and skills that an individual has acquired in previous training and work or through experience. Such acknowledgement may qualify him/her for credits in a learning subject or for a job (ILO 2006b).

Recruitment:

The term **recruitment** means:

- (i) the engagement of a person in one territory on behalf of an employer in another territory, or
- (ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants (ILO Migration for Employment Convention (Revised), 1949 (No. 97), Annex I, Art. 2(a)).

A similar provision in Annex II of Convention No. 97 applies to government-sponsored arrangements for group transfer.

"[T]he term **recruitment** includes the advertising, information dissemination, selection, transport, placement into employment and – for migrant workers – return to the country of origin where applicable. This applies to both jobseekers and those in an employment relationship" (ILO 2019, 12)

Recruitment fees or related costs: The ILO definition of recruitment fees and related costs consists of three components:

1. Recruitment fees, which include:

- payments for recruitment services offered by labour recruiters (public or private);
- payments made in the case of recruitment of workers with a view to employing them to perform work for a third party;
- payments made in the case of direct recruitment by the employer; and
- payments required to recover recruitment fees from workers.

These fees may be one-time or recurring and cover recruiting, referral and placement services.

2. Related costs, which are expenses integral to recruitment and placement within or across national borders. Depending on the recruitment process and the context, these cost categories could be further developed by the governments and the social partners at the national level. When initiated by an employer, labour recruiter or an agent acting on behalf of those parties; required to secure access to employment or placement; or imposed during the recruitment process, the following costs should be considered related to the recruitment process:

- Medical costs
- Insurance costs
- Costs for skills and qualification tests
- Costs for training and orientation
- Equipment costs
- Travel and lodging costs
- Administrative costs.

3. Illegitimate, unreasonable, and undisclosed costs: Extra-contractual, undisclosed, inflated or illicit costs are never legitimate. Anti-bribery and anti-corruption regulation should be complied with at all times and at any stage of the recruitment process. Examples of such illegitimate costs include: bribes, tributes, extortion or kickback payments, bonds, illicit cost-recovery fees and collaterals required by any actor in the recruitment chain. (ILO 2019, 12; see also ILO Private Employment Agencies Convention, 1997 (No. 181), Art. 7).

Refugee: A refugee is someone who has been forced to flee their country because of persecution, war or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. A person is an "asylum-seeker" until they are determined to be a refugee in accordance with national and international law (UN Convention Relating to the Status of Refugees, 1951; ILO 2016b).

Skills: Skill is defined as the ability to carry out the tasks and duties of a given job. For the purposes of ISCO-08, two dimensions of skill are used to arrange occupations into groups. These are skill level and skill specialization. Skill level is defined as a function of the complexity and range of tasks and duties to be performed in an occupation. Skill level is measured operationally by considering one or more of:

- the nature of the work performed in an occupation in relation to the characteristic tasks and duties defined for each ISCO-08 skill level;

- the level of formal education defined in terms of the International Standard Classification of Education (ISCED-97) (UNESCO, 1997) required for competent performance of the tasks and duties involved; and
- the amount of informal on-the-job training and/or previous experience in a related occupation required for competent performance of these tasks and duties.

Skills development: The full range of formal and non-formal vocational, technical and skills-based education and training for employment and/or self-employment, including: pre-employment and livelihood skills training; vocational education and training and apprenticeships; education and training for employed workers, including workplace training; and employment-oriented and job-related short courses.

Skills recognition: The evaluation and recognition of credentials earned and/or skills learned, with such evaluation and recognition occurring either outside the country of employment (in the case of migrants) or in the country of origin (in the case of returning migrants). Recognition of qualifications covers both academic and professional titles; while professional recognition covers regulated and non-regulated professions (ILO 2013a). Skill recognition comes as the result of formal assessment of a portfolio of evidence and confirmation that skills acquired internationally correspond fully to specified Regional Model Competency Standards (RMCS) units or national units of competency (ILO 2010b). Article 14(b) of Convention No. 143 also provides that a Member may “after appropriate consultation with the representative organisations of employers and workers, make regulations concerning recognition of occupational qualifications acquired outside its territory, including certificates and diplomas”.

Skills matching: Matching denotes approaches and actions that aim to increase the employability of the workforce and reduce skills shortages, including filling jobs with qualified jobseekers. This term is broader than job referral or placement (Řihova 2016).

Skills mismatch: An encompassing term referring to different types of skill gaps and imbalances, such as over-education, under-education, overqualification, underqualification, over-skilling, skills shortages and surpluses, skills obsolescence and so forth. Skills mismatch can be both qualitative and quantitative, referring both to situations where a person does not meet the job requirements and where there is a shortage or surplus of persons with a specific skill. Skills mismatch can be identified at the individual, employer, sector or economy level (Andersen et al. 2010, as cited in Řihova 2016).

Skills needs assessment/skills forecasting: Skills needs anticipation refers to activities to assess future skills needs in the labour market in a strategic way, using consistent and systematic methods. It aims to provide information to all labour market actors about potential future skills needs and imbalances, so that they can make decisions, develop measures and take actions with a view to meeting the needs and avoiding the imbalances. Skills needs anticipation is a process involving the production or collection of data, expert interpretation and validation of these data, and the translation of findings into the development of practical policies. These steps require agreed and coordinated responses by a range of stakeholders (ILO 2015e).

Smuggling of migrants: The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime (Palermo Convention), Art. 3(a)).

Social dialogue: All types of negotiation, consultation and exchange of information among representatives of workers, employers and governments on common interests in economic, labour and social policy. Social dialogue is both a means to achieve social and economic progress and an objective in itself, as it gives people a voice and stake in their societies and workplaces. Social dialogue can be bipartite, between workers and employers or tripartite, including government (ILO 2013c, paras 15–16).

Social protection floors: Nationally defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion.

[S]ocial protection floors... should comprise at least the following basic social security guarantees:

- (a) access to a nationally defined set of goods and services, constituting essential health care, including maternity care, that meets the criteria of availability, accessibility, acceptability and quality;

- (b) basic income security for children, at least at a nationally defined minimum level, providing access to nutrition, education, care and any other necessary goods and services;
- (c) basic income security, at least at a nationally defined minimum level, for persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; and
- (d) basic income security, at least at a nationally defined minimum level, for older persons (ILO Social Protection Floors Recommendation, 2012 (No. 202), Para. 5).

Such guarantees should be provided to at least all residents and children, as defined in national laws and regulations and subject to a country's existing international obligations (Recommendation No. 202, Para. 6). As such, migrants should have access to these basic social security guarantees in the State where they reside, as well as in their home country.

Social security/protection: Social protection is often interpreted as having a broader character than social security, including, in particular, protection provided between members of a family or members of a local community. It is also used in some contexts with a narrower meaning than social security, understood as comprising only measures addressed to the poorest, most vulnerable or excluded members of society. In many contexts, including in most ILO documents, the terms "social security" and "social protection" are used interchangeably and encompass a broad variety of policy instruments, including social insurance, social assistance, universal benefits and other forms of cash transfers, as well as measures to ensure effective access to healthcare and other benefits in kind aiming at securing social protection (ILO Guide to Social Protection, forthcoming; ILO 2014b; ILO Social Protection Floors Recommendation, 2012 (No. 202); Social Security (Minimum Standards) Convention, 1952 (No. 102); Income Security Recommendation, 1944 (No. 67).

Stock of international migrants: The set of persons who have ever changed their country of usual residence; that is to say, persons who have spent at least one year of their lives in a country other than the one in which they live at the time the data are gathered (UNDESA, Statistics Division 1998, para. 185). Stock of migrant workers abroad can be defined as those citizens of the country who at a particular date or during a specific reference period would be counted as economically active in another country, as employed or unemployed, according to the ILO guidelines on the measurement of the economically active population. Stock of foreign workers in a country can be defined as those foreign citizens who at a particular date or a during specific reference period would be counted as being economically active in the country, as employed or unemployed, according to the ILO guidelines for the measurement of the economically active population (Hussmanns, Mehran and Verma 1990).

Trafficking in persons: Trafficking in persons is defined as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." (Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Art 3(a)). The ILO Protocol of 2014 to the ILO Forced Labour Convention, 1930, makes special note of the connection between trafficking in persons and forced or compulsory labour, stating, "The definition of forced or compulsory labour contained in the [ILO Forced Labour] Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour" (Art.1(3)).

Annex B.

Key international Conventions, Protocols and Recommendations and key articles on labour migration governance

Convention	Key articles
1. International labour standards specific to migrant workers	
Migration for Employment Convention (Revised), 1949 (No. 097)	<p>2–4: Maintain adequate and free service to assist migrants, including provision of accurate information.</p> <p>5: Access to medical attention and good hygienic conditions.</p> <p>6: Equality of treatment in relation to labour rights (remuneration, trade union rights, collective bargaining, accommodation), social security, taxes and access to justice.</p> <p>7: If employment services are rendered to migrants, this should be done in cooperation with corresponding services of other Members and be free of charge.</p> <p>9: Permit transfer of remittances and savings.</p> <p>10: Bilateral and multilateral agreements where there large numbers of migrants.</p> <p>11. Definition of “migrant for employment” as a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment.</p> <p>Annex I, Art. 5, and Annex II, Art. 6: Issuance of an employment contract.</p>
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	<p>1: Respect basic human rights of all migrant workers, including those in an irregular situation.</p> <p>2–4: Identify, address and share information on illegal movements of migrants for labour and on abusive conditions.</p> <p>10–14: Equality of opportunity and treatment in respect of employment, social security, trade union and cultural rights for migrant workers and their families.</p> <p>9. Migrant workers in an irregular situation should enjoy equality of treatment for themselves and their family with respect to rights arising out of past employment as regards remuneration, social security and other benefits.</p> <p>13. Member States are encouraged to facilitate family reunification.</p> <p>14b. Regulations concerning recognition of occupational qualifications.</p>
Migration for Employment Recommendation (Revised), 1949 (No. 86)	<p>4: States should facilitate the international distribution of manpower in particular where there is a surplus.</p> <p>5: Provision for free public information service.</p> <p>10–12: Facilitation of migration and settlement.</p> <p>13–14: Selection and recruitment practices.</p> <p>15: Movement of members of the family.</p> <p>16: Ensuring the same employment rights as nationals.</p> <p>18: Removal and return of migrants and families.</p> <p>20: Access to social security on return.</p> <p>Annex: Model agreement on temporary and permanent migration for employment, including migration of refugees and displaced persons.</p>
Migrant Workers Recommendation, 1975 (No. 151)	<p>2: Equality of opportunity and treatment in vocational training and employment, advancement, pay, social security, trade union membership, conditions of life.</p> <p>7: Provide information on rights under national law and promote adaption of migrants to society.</p> <p>9: Formulate and adopt social policy so migrant workers and families can benefit from all advantages of nationals.</p> <p>13–19: Reunification of families.</p> <p>21–22: Protection of the health of migrant workers.</p> <p>23–29: Access to social services for migrants and families.</p> <p>30–34: Residence and removal in destination country.</p>

Convention	Key articles
2. International labour standards concerning fundamental principles and rights at work	
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) AND Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	Freedom of association and the right to bargain collectively
Forced Labour Convention, 1930 (No. 29)	1-2: Suppress the use of forced or compulsory labour – labour which is exacted from any person under the menace of any penalty.
Protocol of 2014 to the Forced Labour Convention, 1930	1: Protect victims of forced labour, provide access to appropriate and effective remedies, with sanctions against perpetrators. Establish national policy and plan of action to sustain suppression of forced or compulsory labour. 2: Take measures to prevent forced labour, including education and enhanced legislation/ labour inspection.
Minimum Age Convention, 1930 (No. 138) AND Worst Forms of Child Labour Convention, 1999 (No. 182)	Effective abolition of child labour
Equal Remuneration Convention, 1951 (No. 100) AND Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	Elimination of discrimination in employment and occupation
3. Related standards relevant to migrant workers	
Private Employment Agencies Convention, 1997 (No. 181)	4: Private recruitment agencies should not deny the right to freedom of association and the right to bargain collectively. 5: Private recruitment agencies should promote equality of opportunity and treatment in access to employment and treat workers without discrimination. 6: Private recruitment agencies should protect workers' data. 7: Private recruitment agencies should not charge directly or indirectly, in whole or in part, any fees or costs to workers. 8: Measures should be adopted to provide adequate protection and prevent abuses of migrant workers recruited or placed by private recruitment agencies.
Domestic Workers Convention, 2011 (No. 189) AND Domestic Workers Recommendation, 2011 (No.201)	3: Ensure the effective promotion of human rights of domestic workers; realizing the fundamental principles and rights at work; and ensuring domestic workers enjoy freedom of association. 5: Protection from violence. 6-7: Fair terms of employment and decent working conditions. 8: Migrant domestic workers to get written offer and contract pre-departure. 9. Live-in domestic workers have freedom of movement and the right to maintain possession of travel and identity documents. 10: Equality of treatment between domestic workers and other workers. 13: Equal conditions in relation to social security. 15: Addressing exploitative recruitment and employment. 16-17: Access to justice and complaints mechanisms.

Convention	Key articles
Social Security (Minimum Standards) Convention, 1952 (No. 102) AND Equality of Treatment (Social Security) Convention, 1962 (No. 118) AND Maintenance of Social Security Rights Convention, 1982 (No. 157) AND Social Protection Floors Recommendation, 2012 (No. 202)	Convention No. 102, Art. 68: Equality of treatment of non-national residents: Non-national residents shall have the same rights as national residents. Convention No. 118: Sets forth the equality of treatment principles between national and non-national workers and their families. Convention No. 157: Calls for the maintenance of rights in the course of acquisition by providing for the totalization of qualifying periods completed in different countries. Convention No. 167: Sets out in its Annex a Model Agreement for the Coordination of Bilateral or Multilateral Social Security Instruments. Recommendation No. 202: Sets four basic social security guarantees to all residents and children. Migrants and their families should have access to these basic social security guarantees in the State where they reside, as well as in their home country.
Employment Service Convention, 1948 (No. 88)	1: Member States should maintain or ensure the maintenance of a free public employment service. 6: The employment service should ensure efficient recruitment and placement of workers. 11: Competent authorities should ensure effective cooperation between the public employment services and private employment agencies (not conducted with a view to profit).
4. Related International Standards	
Convention on the Rights of Migrant Workers and Members of Their Families, 1990	8–35: Human rights of all migrant workers and members of their families (including freedom of movement, thought and expression; right to fair trial; equality of treatment in relation to remuneration; right to participate in unions; same treatment re: social security; right to receive emergency medical care; right to transfer money). 36–56: Other rights of migrant workers and members of their families who are documented or in a regular situation (including, right to information before departure; right to form associations and unions; right to participate in public affairs and elections; rights to equality of treatment in relation to social and economic rights; protection of the unity of the family; right to transfer money; equality of treatment in relation to employment and unemployment).
Convention on the Elimination of Discrimination Against Women, General Recommendation 26	23: Common responsibilities of countries of origin and destination (including a comprehensive gender sensitive and rights-based policy; active involvement of women migrant workers and relevant NGOs; and research, data collection and analysis). 24: Responsibilities specific to countries of origin (including education, awareness-raising and training; regulation of recruitment; health services; safeguarding remittances; facilitating the right to return; and consular protection). 26: Responsibilities specific to countries of destination (including legal protections for the rights of women migrant workers; access to remedies; family reunification; training and awareness raising; access to services). 27: Bilateral and regional cooperation.
Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)	5: Legislative and other measures to establish criminal offences for trafficking in persons. 6: Assistance to and protection of victims of trafficking in persons. 8: Repatriation of victims of trafficking in persons. 9: Prevention of trafficking in persons. 10: Information exchange and training. 11: Border measures.

Annex E.

Model terms of reference for the engagement of international and/or national experts

1. Background

What is the current labour migration and policy situation. What has led to the decision to develop these guidelines. Which institutions are leading and/or involved in the process?

2. Assignment and outputs

Working under the supervision of [Name of supervisor] the consultant will:

- ▶ Draft the format and guidelines for development of a National Labour Migration Policy and Action Plan. The guidelines will take into account the formats of national labour migration policies from other countries and ILO guidance. The policy plan will have a short (one to two years) to medium (three to five years) perspective.
- ▶ Undertake research and consultations to draft a National Labour Migration Policy and Action Plan on the basis of the above format and guidelines.
- ▶ Research will include a literature review of labour migration papers/research; outcomes of international conferences on economic development, migration/refugees, resource mobilization; national development and employment plans and strategies; labour migration policy plans from other countries; and existing legislation and structures on labour migration. A list of papers/documents to be reviewed will be made by the consultant at the outset of the assignment.
- ▶ Consultations on the basis of a check-list (semi-structured interviews) will take place with key stakeholders. The consultant will develop the check-list and list of stakeholders in consultation with ...
- ▶ Prepare and make a power-point presentation on the draft plan and participate in the national consultations.
- ▶ Finalization of the policy plan and action plan following review by ...

3. Timeframe

- ▶ Week 1: Drafting of format and guidelines for the policy paper and implementation framework;
- ▶ Week 2-4: Drafting of policy paper and implementation framework including individual consultations;
- ▶ Week 5-6: Review of draft policy paper and implementation framework by ...
- ▶ Week 7: Second draft of policy paper and implementation framework;
- ▶ Week 8: National consultation on draft;
- ▶ Week 10: Completion of policy paper and implementation framework.

4. Terms of payment

The consultant will be paid [Total Fee] for [No. work days] work days at [daily rate] per day in two equal instalments: 50 per cent of the amount on satisfactory completion of the first draft of the report and the balance on finalization of the report.

Annex F.

Indicators to measure social and economic impacts of labour migration

Factor/Impact	Indicators
A. Causes of migration	
1. Economic	<ul style="list-style-type: none"> a) Relative economic productivity between sending and receiving countries b) Differences in economic growth c) Wage differentials d) Labour precariousness in sending and receiving countries e) Deficit or surplus in labour force f) Gaps in research and development investments
2. Social inequalities	<ul style="list-style-type: none"> a) Human Development Index (HDI) b) GINI coefficient c) Gender inequalities
3. Other factors	<ul style="list-style-type: none"> a) Historical and geopolitical contexts b) Internal inequalities and size of countries c) Environmental degradation d) Forced migration caused by violence, conflict, human trafficking, etc. e) Policy initiatives of the countries involved
B. Impacts on sending countries	
1. Economic	<ul style="list-style-type: none"> a) Contribution to economic growth b) Contributions to poverty reduction c) Impacts on socioeconomic inequalities d) Impacts on inflation e) Contributions to macroeconomic stability f) Fiscal contributions g) Dependency h) Productive impacts i) Investments in infrastructure
2. Social costs	<ul style="list-style-type: none"> a) Health investments b) Education investments c) Costs of upbringing to families
3. Demographic impacts	<ul style="list-style-type: none"> a) Transfer of demographic dividend b) Population decline
4. Impacts of return migration	<ul style="list-style-type: none"> a) Financial contributions to the economy b) Contribution of human capital c) Technology transfer d) Organization and entrepreneurial capacity
5. Social and cultural impacts	<ul style="list-style-type: none"> a) Health impacts b) Behavioural impacts
6. Political impacts	Diasporas; migrants' organizations

Factor/Impact	Indicators
C. Impacts on receiving countries	
1. Economic impacts	<ul style="list-style-type: none"> a) Contributions to the GDP and its growth b) Salary transfer c) Fiscal contributions d) Savings in costs of preparation and training of the labour force e) Contributions to innovations systems and technology development f) Impacts on labour – displacement/replacement g) Impacts on poverty
2. Demographic impacts	<ul style="list-style-type: none"> a) Contributions to demographic growth b) Impacts on the age structure c) Transfer of the demographic dividend
3. Social and cultural impacts	<ul style="list-style-type: none"> a) Migration irregularity b) Criminality c) Health impacts
4. Impacts on national security	Migration policies as part of the security agenda; connection between migration and organized crime
D. Impacts on migrants and their families	
1. Economic impacts	<ul style="list-style-type: none"> a) Impacts on poverty b) Impacts on families' wellbeing c) Impacts on social mobility
2. Impacts on labour conditions	<ul style="list-style-type: none"> a) Salary discrimination b) Labour precariousness in the receiving country c) Occupational segregation
3. Impacts on human rights	<ul style="list-style-type: none"> a) Right to safe mobility b) Labour rights c) Discrimination d) Access to residence and citizenship e) Right to family reunification f) Access to social and health services
4. Social and cultural impacts	<ul style="list-style-type: none"> a) Family disintegration and new family relationships b) Uprooting and identity loss c) Impacts of social networks d) Health impacts

Source: Puentes et al. 2010.

Annex G. List of tools and resources

Key reference materials

General

UNDESA (United Nations Department of Economic and Social Affairs). 2016. [International Migration Report 2015: Highlights](#), ST/ESA/SER.A/375.

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ILO. 2018. “Guidelines Concerning Statistics of International Labour Migration”, 20th International Conference of Labour Statisticians, ICLS/20/2018/Guidelines.

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ILO Migration for Employment Convention (Revised), 1949 (No. 97)

ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118)

ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

ILO Safety and Health in Construction Convention, 1988 (No. 167)

ILO Work in Fishing Convention, 2007 (No. 188)

ILO Domestic Workers Convention, 2011 (No. 189)

ILO Migration for Employment Recommendation (Revised), 1949 (No. 86)

ILO Labour Relations (Public Service) Convention, 1978 (No. 151)

ILO Employment Policy Convention, 1964 (No. 122)

ILO Maintenance of Social Security Rights Recommendation, 1983 (No. 167)

ILO Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)

ILO Social Protection Floors Recommendation, 2012 (No. 202)

ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)

ILO Violence and Harassment Convention, 2019 (No. 190)

Other relevant instruments or resources

ILO. 2006. [Multilateral Framework on Labour Migration](#).

ILO. 2016. [Guiding Principles: Access of Refugees and Other Forcibly Displaced Persons to the Labour Market](#).

ILO. 2019. [ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs](#).

UN (United Nations). 2015. [Transforming Our World: The 2030 Agenda for Sustainable Development](#).

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Good practices and examples of national labour migration policies and action plans

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Nigeria, Federal Ministry of Labour and Productivity. 2010. [Labour Migration Policy for Nigeria](#).

Cambodia, Ministry of Labour and Vocational Training. 2014. [Policy on Labour Migration for Cambodia](#).

SADC (Southern African Development Community). 2013. [SADC Labour Migration Policy](#).

Practical guide on developing labour migration policies

This Guide is intended to provide practical and succinct guidance on the process to be undertaken by ILO constituents governments, workers' organizations, employers' organizations, in consultation with civil society organizations and other relevant partners, during the course of developing or revising a national labour migration strategy, policy and/or action plan. The guide will inform users of the ILO approach, standards and tools already developed and relevant for informing each stage of labour migration policy development and implementation. The Guide will also provide information on how labour migration issues may interact with other national policy priorities, including employment, education, vocational training, social protection and gender equality/non-discrimination.