

**Trade Union Position Statement and Substantive Proposals for the Global Compact for
Safe Orderly and Regular Migration
Intergovernmental Negotiations, 4 - 8 June, 2018
(Based on Draft Rev2, released on 28 May, 2018)**

We are now more than half way through the intergovernmental negotiations for a Global Compact on Safe, Orderly and Regular Migration. This is indeed a historic time, and an opportunity to negotiate a Compact that will make a real difference in the lives of migrants and their families and all workers around the world. However, the Compact will only be constructive if it empowers all migrant workers, regardless of their status, with a voice at work by ensuring labour rights protections and sustainable livelihoods through decent work.

As we review the current Draft Rev 2 prepared for the Intergovernmental negotiations of 4-8 June, 2018, we in the global labour movement continue to commend the efforts of the co-facilitators and the Like-Minded Group of governments for their efforts to maintain the spirit and reflect the substantive focus of the New York Declaration of 2016, and the Zero Draft of February, 2018. However, in the current draft we also see some worrying signs of pushback on aspects of the text that are of critical importance for fair labour migration and the decent work agenda. Notably, the call to consolidate the core labor migration objectives into a decent work objective was not taken up and there is not yet a commitment to ensure social dialogue in Compact implementation or to clarify that the ILO will be a core implementing agency. New language that limits key provisions on rights at work to regular migrants is extremely troubling, as is the removal of firewall protections for migrants engaged with labour inspectorates or labor law enforcement.

Trade unions intend to engage in intensive advocacy efforts in New York during the negotiations, in Geneva during the International Labour Conference, and in capitals around the world. We must ensure that our voices are heard, on the need to maintain clear commitments that uphold full labour protections, expand safe and regular pathways for migrants, promote decent work as an objective in the Global Compact, and accord a lead role for the ILO in the implementation, follow-up and review of the Compact. The proposed substantive changes to Draft Rev 2 of the Compact which follow, with commentaries, will form the basis for our advocacy efforts during the fifth round of negotiations in June 2018, focused on these core labour issues.

PROPOSALS ON LANGUAGE	COMMENTARY
<p><u>Preamble, paragraph 2:</u></p> <p>It also rests on the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, core international human rights treaties¹, the United Nations Convention against Transnational Organized Crime including the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, the Slavery Convention and the Supplementary Convention on the Abolition of Slavery, the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification, the Paris Agreement², the International Labour Organization core conventions on-promoting decent work and the labour migration-specific conventions- mobility³, as well as on the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda, the Sendai Framework for Disaster Risk Reduction, and the New Urban Agenda.</p>	<p>The ILO's Decent Work Agenda rests on <u>the eight ILO core conventions</u> which safeguard the labour rights of all workers, regardless of their migratory status. These are organized according to four main principles: These comprise: 1) Freedom of Association: C87 on Freedom of Association and Protection of the Right to Organize, C98 on the Right to Organize and Collective Bargaining; 2) The Abolition of Forced Labour: C29, the Forced Labour Convention and C105, Abolition of Forced Labour Convention; 3) Equality: C111, the Discrimination (Employment and Occupation) Convention, and C100, the Equal Remuneration Convention, 4) Elimination of Child Labour C138, the Minimum Age Convention, and C 182, the Worst Forms of Child Labour Convention. In addition, the fair migration agenda includes the labour migration specific conventions: C97, the Migration for Employment Convention, (Revised), and C143, the Migrant Workers (Supplementary Provisions) Convention. This package of Conventions should underpin the text "the International Labour Organization core conventions on promoting decent work and the labour migration-specific conventions," and should feature in footnote 3. Convention 118 on equality of treatment in social security, and Convention 157 on maintenance of social security rights, could be referenced in a footnote to Objective 22 on social security.</p>
<p><u>Preamble, paragraph 3, last 3 sentences:</u></p> <p>We recognize that migrants and refugees may face many common challenges and similar vulnerabilities. They are all entitled to the same human rights and fundamental freedoms, which must be respected, protected and fulfilled at all times. While both may be particularly vulnerable to the risk of violations and abuses of their rights, only refugees are entitled to additional protections under international refugee law. Efforts must be made to apply international human rights protections to migrants in vulnerable situations.</p>	<p>With this proposed addition, the text aims at maintaining human rights protections across the board to persons on the move, including in the context of mixed flows, in order to ensure that no migrants fall into an ambiguous category where they are denied human rights protections and due process.</p>

PROPOSALS ON LANGUAGE	COMMENTARY
<p>Paragraph 14, Guiding Principles. After the Human Rights Principle, add a new Principle on Decent Work and Labour Rights:</p> <p><u>"Decent Work and Labour Rights The Global Compact promotes decent work for all migrants and upholds the fundamental principles and rights at work. We recognize that migrant workers must be empowered as agents of change to improve their conditions of work, and exercise freedom of association and the right to bargain collectively".</u></p>	<p>This new principle supports and is consistent with the proposals of a group of "Like-Minded" Member States to strengthen references to the promotion of decent work and fundamental principles and rights at work throughout relevant objectives, and eventually to consolidate or cluster provisions on decent work around Objective 18 (skills), regrouped with objective 5 (pathways for regular migration) and followed by Objective 6 on ethical recruitment linked to decent work. Coupled with the principle on Human Rights, the new principle upholds the indivisibility of human rights and fundamental labour rights, and ensures the full range of relevant protections to all migrants and their families, irrespective of status. The proposals for new language in this submission aim, among others, to strengthen the provisions on decent work in relevant sections of the text. Decent work is understood, according to the ILO, to rest on four interrelated and mutually supporting objectives: (i) respecting, promoting and realizing the fundamental principles and rights at work; [refer to Commentary at Preamble, paragraph 2, above] (ii) promoting employment by creating a sustainable institutional and economic environment; (iii) developing and enhancing social protection measures; and (iv) promoting social dialogue and tripartism¹ We recommend that the above definition of Decent Work, drawn from the ILO Discussion Paper cited in the footnote below, be placed, in turn in a footnote.</p>

¹ ILO 2015, Discussion Paper, *Promoting Decent Work for Migrant Workers*

PROPOSALS ON LANGUAGE	COMMENTARY
<p>Objective 2, paragraph 17 chapeau) We commit to create conducive political, economic, social and environmental conditions for people to lead peaceful, productive and sustainable lives in their own country and to fulfil their personal aspirations, while ensuring that desperation and deteriorating environments do not compel them to seek a livelihood elsewhere through irregular migration. We further commit to ensure timely and full implementation of the 2030 Agenda for Sustainable Development, as well as to build upon and invest in the implementation of other existing frameworks, in order to enhance the overall impact of the Global Compact to facilitate safe, orderly and regular migration.</p>	<p>The intent of this objective is to address the multiple causes of lack of sustainable development in origin countries which motivate migration by dire necessity. The focus is not on the status of these migrants, which is dealt with elsewhere. We therefore propose deleting the phrase "through irregular migration". Even regular migration may be precarious for migrants when rights are denied within some institutionalised programs.</p>
<p>Objective 2, paragraph 17 h) Invest in human capital development by promoting entrepreneurship, education, vocational training and skills development programmes and partnerships, productive employment creation <u>and decent work</u>, in line with labour market needs and in cooperation with the private sector, <u>and through social dialogue</u>, with a view to reducing youth unemployment, avoiding brain drain and optimizing brain gain in countries of origin, and harnessing the demographic dividend</p>	<p>Employment creation and decent work are important drivers of sustainable development in origin countries. Inserting "decent work" in the text aligns it more closely with SDG 8A/RES/70/1; The 2030 Agenda for Sustainable Development). Inserting "and through social dialogue" brings this paragraph in line with the goals of the decent work agenda.</p>

PROPOSALS ON LANGUAGE	COMMENTARY
<p>Objective 5: Enhance availability and flexibility of pathways for regular migration <u>and regularization of status while promoting decent work and fundamental principles and rights at work for all workers</u></p>	<p>We support the proposals made by a number of Member States to maintain a focus on decent work as a core principle underpinning the governance of labour migration, with relevant provisions consolidated in Objective 18 (skills) regrouped with objective 5 (pathways for regular migration) and followed by Objective 6 on ethical recruitment linked to decent work. The modified title of Objective 5 reflects this focus on the promotion of decent work. As flexibility has many meanings, some of which can directly undermine decent work, we urge its removal from the framing of this important objective.</p>
<p>OBJECTIVE 5, paragraph 20 chapeau</p> <p>We commit to adapt options and pathways for regular migration in a manner that reflects demographic and labour market realities, facilitates labour mobility <u>and opportunities for decent work</u> at all skills levels, optimizes education and training opportunities, reunites families, <u>protects human and labour rights</u>, and provides safety to migrants in -situations of vulnerability, with a view to expanding and diversifying availability of pathways for safe, orderly and regular migration.</p>	<p>These insertions aim to establish the Decent Work Agenda and protection of human and labour rights as the important framework in connection with pathways for regular migration, including regularization of status. They also align the text with Objective 18 which promotes skills training to improve employment prospects and opportunities for migrant workers.</p>
<p>OBJECTIVE 5, paragraph 20 a).</p> <p>Develop 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, <u>utilizing social dialogue</u>, drawing on relevant ILO standards, guidelines and principles, in compliance with international human rights and labour law</p>	<p>In keeping with the decent work objective of social dialogue, trade unions should be part of the consultative process for developing bilateral, regional and multilateral labour mobility agreements.</p>

PROPOSALS ON LANGUAGE	COMMENTARY
<p>OBJECTIVE 5, paragraph 20 c).</p> <p>Review and revise <u>and expand develop better existing</u> options and pathways for regular migration, with a view to optimize skills matching in labour markets, address demographic realities and development challenges and opportunities, in accordance with local and national labour market demands and skills supply, in consultation with the private sector, <u>trade unions</u> and other relevant stakeholders.</p>	<p>It is important to reiterate here, the commitment made in the chapeau of Objective 5, to enhance pathways for "safe, orderly and regular migration". Developing fairer enhanced pathways for regularization of status provides a means of significantly reducing irregular migratory status and the resulting risks of exploitation of migrants, and violation of their rights. Also, in keeping with the decent work objective of social dialogue, trade unions should be part of the consultative process on labour market analysis and skills matching, along with employers.</p>
<p>OBJECTIVE 5, paragraph 20 d).</p> <p>Develop flexible rights-based and gender-responsive labour mobility schemes for migrants at all skills levels, including <u>permanent or long-term</u>, temporary, seasonal, circular, and fast-track programmes in areas of labour shortages, in accordance with local and national labour market needs and skills supply, by providing flexible and non-discriminatory visa options, such as permanent and temporary work visa, multiple-entry visa, student visa, business visa, visitor visa, as well as visas for investors and entrepreneurs, allowing flexible visa status conversions, <u>and establishing pathways to permanent residency, and citizenship, and family unification, while ensuring that such schemes respect, in law and in practice, migrants' human and labour rights.</u></p>	<p>It is important that these labour market schemes respect migrants' human and labour rights in law and in practice, while pro-actively incorporating measures to remove decent work deficits in the programmes and the sectors where they are applied.</p> <p>Also, pathways to permanent residency and citizenship, with fair criteria for eligibility should be established. All too often, migrants fall into irregular status, despite a long and productive history of work and contributions to the economy, via jobs that are in fact permanent, though treated as temporary in visa regimes. The option of permanent residency based on permanent work visas and a pathway to citizenship and family unification should be open to them.</p>

PROPOSALS ON LANGUAGE	COMMENTARY
<p>OBJECTIVE 5, paragraph 20 e). Promote effective skills matching in the national economy by involving local authorities and other relevant stakeholders, particularly the private sector and trade unions, in the analysis of the local labour market, identification of skills gaps, definition of required skills profiles, and evaluation of the efficacy of labour migration policies <u>founded on decent work</u>, in order to ensure market- responsive contractual labour mobility through regular pathways, <u>while preventing erosion of labour standards and ensuring fair labour practices for all workers at all skills levels</u>.</p>	<p>As mentioned above, the Decent Work Agenda and protection of human and labour rights constitute the important framework in connection with pathways for regular migration, including regularization of status, through labour market analysis and skills-matching. This approach prevents misuse of migration pathways to erode wages and working conditions.</p>
<p>OBJECTIVE 6, paragraph 21 c). Build upon the work of existing bilateral, subregional and regional platforms that have overcome obstacles and identified best practices in labour mobility, by facilitating cross- regional dialogue to share this knowledge, and to promote the full respect for the human and labour rights of migrant workers at all skills levels, including migrant domestic workers, <u>in keeping with ILO Convention No. 189 and Recommendation No. 201 concerning decent work for domestic workers</u>.</p>	<p>We welcome the call for identification of best practice in bi-lateral and sub-regional agreements on labour mobility with respect for human and labour rights, including those of migrant domestic workers. The relevant international normative guidelines for this aspect of the said agreements should be mentioned explicitly, namely, the Domestic Workers Convention and Recommendation, (C.189, R.201).</p>
<p>OBJECTIVE 6, paragraph 21 d). Improve regulations on public and private recruitment agencies, in order to align them with international guidelines and best practices, and prohibit recruiters from charging disproportionate or hidden fees as well as related costs to the migrant worker in order to avoid debt bondage, exploitation and forced labour, including by establishing mandatory, enforceable mechanisms for effective regulation and monitoring of the recruitment industry</p>	<p>In keeping with the ILO Convention 181, the ILO General Principles and Operational guidelines for Fair Recruitment, and other international and regional agreements, recruiters should not charge ANY fees to migrant workers. We propose reverting to the text of Draft Rev 1 on this issue.</p>

PROPOSALS ON LANGUAGE	COMMENTARY
<p>OBJECTIVE 6, paragraph 21 f). Cooperate with employers, recruiters, their subcontractors and suppliers to build partnerships that enable them to meet their responsibility to respect human and labour rights, prevent abuse and exploitation, including forced and child labour, promote decent work conditions, and enhance supply chain transparency, <u>with a view to promoting accountability and ensuring due process, effective complaint mechanisms and remedies for human and labour rights violations in recruitment procedures.</u></p>	<p>It is important to maintain the reference to accountability from Draft Rev 1, and also ensure that victims of exploitation or abuse have recourse to judicial procedures for redress. These proposed changes also align the text with other sections that emphasize accountability and due process, such as Objective 10 which addresses trafficking in persons</p>
<p>OBJECTIVE 6, paragraph 21 h). Develop and strengthen <u>fair</u> migration and recruitment processes, <u>including portable and modifiable visas, that</u>-allow migrants to change employers and modify the conditions or length of their stay <u>without coercive conditions and</u> with minimal administrative burden, while promoting greater opportunities for decent work and respect for international human rights and labour law</p>	<p>There is a need to promote alternatives to employer sponsorship systems with inflexible visas that tie workers to a single employer. There is clear evidence that these systems allow employers to exert a coercive influence on their workers, placing them in vulnerable situations, with no recourse to justice for human and worker rights violations, for fear of retaliation. Evidence of exploitative employer practices such as withholding wages, confiscating passports, preventing migrant domestic workers from leaving the house on a day off is well documented². Ability to change employers and visa portability also reduce the costs of migration as workers do not have to return home to change employers or workplaces. The reference to portable and modifiable visas from Draft Rev 1 should be maintained.</p>

² ILO 2017, 106th ILC, Report IV- Addressing Governance Challenges in a changing labour migration landscape.

PROPOSALS ON LANGUAGE	COMMENTARY
<p>OBJECTIVE 6, paragraph 21 i).</p> <p>Take measures that prohibit the confiscation or non-consensual retention of work contracts, and travel or identity documents from migrants, in order to prevent abuse, exploitation, extortion and other situations of dependency, and to allow migrants to fully exercise their human rights.</p>	<p>Retention of the migrant workers' personal documents necessarily sets up a dependent relationship with the employer, which may result in coercion or exploitation, and may result in violation of fundamental rights to freedom of movement. There is no need for the qualifier "non-consensual", and we propose its deletion.</p>
<p>OBJECTIVE 6, paragraph 21 j).</p> <p>Provide migrant workers engaged in remunerated and contractual labour with the same labour rights and protections extended to all workers in the respective sector, particularly by ensuring that migrants can exercise their rights to just and favourable conditions of work, to equal pay for work of equal value, to freedom of peaceful assembly and association, <u>to membership in trade unions</u>, and to the highest attainable standard of physical and mental health, including through wage protection mechanisms and membership in trade unions strengthened protections for migrants who engage with labour inspectorates or other labour law enforcement <u>to remedy cases of exploitation</u>.</p>	<p>This is a key paragraph for migrant worker protections in the workplace, regardless of status, and we therefore strongly urge Member States to delete the word "contractual" which would in practice exclude many irregular migrants from the protections under the fundamental principles and rights at work provisions of the paragraph, whereas these apply to all workers. We further propose shifting "membership in trade unions" to the list of fundamental principles and rights at work, (a logical shift); and we strongly urge Member States to retain the reference to labour inspectorates from Draft Rev 1, while clarifying their important function, of ensuring that access to due process is safeguarded in cases of exploitation. In order to ensure that unscrupulous employers cannot undermine labor markets, wages and working conditions by exploiting migrant workers with impunity, there must be a clear distinction between labor inspection, enforcement and access to justice for labor violations for migrant workers regardless of status. It is well documented that when fear of immigration enforcement blocks migrant workers from coming forward to report violations of wage, health and safety, sexual harassment, labor laws, and other workplace standards, then labor standards for those workers fall below the legal standard. This also leads to a decline in conditions for all workers in these sectors. Irregular migrants must be able to report complaints or seek justice for workplace abuses without fear of deportation, and workers in temporary labor migration programs must not be forced to risk their status when they act to enforce labor rights or standards.</p>

PROPOSALS ON LANGUAGE	COMMENTARY
<p>OBJECTIVE 10, paragraph 25 h) Provide migrants that have become victims of trafficking in persons or who are involved in good faith labour disputes with measures for physical, psychological and social recovery, as well as measures that permit them to remain in the country of destination, temporarily or permanently, in appropriate cases, especially for the purpose of allowing victims access to justice, including redress and compensation</p>	<p>Remediation for victims of trafficking and for migrants in vulnerable situations (both irregular and temporary workers) must include the possibility to remain in the country while issues of abuse, rights violations, labour disputes or unfair labour practices are being resolved.</p>
<p>OBJECTIVE 15, paragraph 30 c) Ensure that cooperation between service providers and immigration authorities does not exacerbate vulnerabilities of irregular migrants by compromising their safe access to these services or infringements to privacy rights, and that they are not apprehended at places of service delivery, including hospitals, schools labour dispute institutions and courts</p>	<p>Many institutions or procedures for labour enforcement may come into play before a migrant worker gets to a court. It is important that migrant workers feel safe when there are workplace raids for OSH³ for example, or Wage and Hour violations, and not just in labour courts.</p>
<p>OBJECTIVE 15, paragraph 30 g) Provide inclusive and equitable quality education and lifelong learning opportunities for all migrant children and youth, by strengthening the capacities of education systems and by facilitating non-discriminatory access to early childhood development, formal schooling, non-formal education programmes for children for whom the formal system is inaccessible, while making every effort to avoid non-formal education programmes as an alternative to formal education. Facilitate access to on-the-job and vocational training, technical education, and language training, as well as by and fostering partnerships with all stakeholders that can support this endeavour</p>	<p>It is important that all children and young people learn together. We would therefore caution against establishing separate non-formal education programmes for migrants (and refugees) as an alternative to formal school programmes.</p>

³ Occupational Safety and Health

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<p>OBJECTIVE 17, paragraph 32 e) Provide migrants, especially migrant women, with access to national and regional complaint and redress mechanisms for labour, civil, and other rights violations, with a view to promoting accountability and addressing private and governmental actions related to discriminatory acts and manifestations carried out against migrants and their families</p>	<p>Redress mechanisms should be available for a range of violations human and labour rights violations in the public and private spheres.</p>
<p>OBJECTIVE 18, paragraph 33 chapeau. We commit to invest in innovative solutions that facilitate mutual recognition of skills, qualifications and competences of migrant workers at all skills levels, regardless of status, and promote demand-driven skills development to optimize the employability of migrants in labour markets in countries of destination and in countries of origin upon return, as well as to ensure decent work in labour migration.</p>	<p>We welcome the commitment to promoting decent work in the context of skills recognition and development. This requires a commitment to recognize skills and qualifications of existing stocks of migrants, regardless of status, as well as those sought in the future. Such recognition of skills may be a channel to promote regularization schemes.</p>
<p>OBJECTIVE 18, paragraph 33 e). Build global skills partnerships amongst countries that strengthen training capacities of national authorities and relevant stakeholders, and foster skills development and upskilling of workers in countries of origin and migrants in countries of destination with a view to enhancing preparing trainees for the employability of trainees, and preparing them for in the labour markets of all participating countries paragraph 33 e-1). Adopt the principle of cost-sharing among countries that benefit from skills-training programmes in the context of these partnerships. Utilize multi-stakeholder approaches and the mechanism of tripartite social dialogue involving governments, trade unions and employers' representatives.</p>	<p>A slight editorial change is introduced in para 33 e), as well as the notion of "upskilling", enabling migrants to upgrade their skills and improve employability.</p> <p>The additional paragraph 33e-1) serves to introduce an important guideline on shared responsibility for training, and aligns this actionable item on global skills partnerships with the social dialogue component of the decent work agenda.</p>

<p><u>in the building of these partnerships.</u></p>	
PROPOSALS ON LANGUAGE	COMMENTARY
<p>OBJECTIVE 18, paragraph 33 f). Promote inter-institutional networks and collaborative programmes for partnerships between the private sector and educational institutions in countries of origin and destination to enable mutually beneficial skills development opportunities for migrants, communities and participating partners, including <u>in the context of the Global Forum on Migration and Development</u>, by building on the best practices of the Business Mechanism, developed— <u>and associating trade unions in the operations of this mechanism.</u> in the context of the Global Forum on Migration and Development</p>	<p>These partnerships should involve trade unions who bring the voice of their migrant-worker membership, and experience from their representative roles in support of that membership, on labour-market integration, skills development, and promotion of decent work.</p>
<p>OBJECTIVE 18, paragraph 33 g). Engage in bilateral partnerships and programmes in cooperation with relevant stakeholders that promote skills development, mobility and circulation <u>portability</u>, such as student exchange programmes, scholarships, professional exchange programmes and trainee — <u>programmes</u> or apprenticeships that include options for beneficiaries, after successful completion of these programmes, to seek employment and engage in entrepreneurship, <u>and avail themselves of pathways to residency and citizenship.</u></p>	<p>It is important to expand work-related pathways through skills portability, and to expand options for residency and citizenship.</p>
<p>OBJECTIVE 18, paragraph 33 I). Develop and promote documentation and information tools, recognized across multiple jurisdictions, industries and sectors—, providing <u>migrant workers with an overview of their credentials, skills and qualifications, allowing them to independently assess the validity and requirements of potential postings</u>, in order to— <u>and enabling</u> employers to evaluate the suitability of migrant workers in job application processes</p>	<p>These proposed inserts are important, as they address the need to enhance skills portability across industries and sectors, in addition to national jurisdictions, and to assist migrants in making informed choices about potential job opportunities. In addition, we propose a slight editorial change.</p>

PROPOSALS ON LANGUAGE	COMMENTARY
<p>OBJECTIVE 19, paragraph 34 i). Cooperate with other States, the private sector and employers' organizations and trade unions to enable migrants and diasporas, especially those in highly technical fields and in high demand, to carry out some of their professional activities and engage in knowledge transfer in their home countries, without necessarily losing employment, residence status, or earned social benefits</p>	<p>Trade unions have acquired best practice in supporting their migrant worker membership on a range of dimensions including portability of social security benefits, and local community partnerships for sustainable livelihoods development.</p>
<p>OBJECTIVE 19, paragraph 34 j). Build partnerships between local authorities, local communities, the private sector, trade unions, diasporas and hometown associations to promote knowledge and skills transfer between their countries of origin and countries of destination, including by mapping the diasporas and their skills, as a means to maintain the link between diasporas and their country of origin</p>	<p>Refer to comment at paragraph 34 i) above</p>
<p>OBJECTIVE 22: Ensure the extension of social protection coverage and earned benefits in social security to migrant workers, and establish mechanisms for the portability of social security entitlements and earned benefits</p>	<p>Ensuring social protection coverage to all workers within national jurisdictions where social protection systems exist, is part of the decent work agenda as referenced in the Comment on the proposed new Guiding Principle on <i>Decent Work and Labour Rights</i> at paragraph 14. Social protection includes basic income guarantees, and social services that ensure minimum coverage to workers lacking entitlements from earned, social security benefits in the formal economy, such as workers in the informal economy, or non-covered sectors such as domestic work. ILO Recommendation 202 is the relevant standard for such coverage.</p>

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<p>OBJECTIVE 22, paragraph 37, chapeau</p> <p>We commit to assist migrant workers at all skills levels to have access to social protection in countries of destination, and profit from the portability of corresponding social security entitlements and benefits earned benefits in their countries of origin or when they decide to take up work and in another <u>country</u> of destination.</p>	<p>As regards the portability of social security entitlements, agreements and mechanisms should aim to ensure that earned benefits in social security are not lost, and are cumulated across the migration cycle from country of origin to country of destination⁴. The proposed modifications aim to promote this approach.</p>
<p>OBJECTIVE 22, paragraph 37 a)</p> <p>Establish or maintain non-discriminatory national social protection systems, including social protection floors for nationals and migrants, in line with the ILO Recommendation 202 on Social Protection Floors</p>	<p>We strongly support Draft Rev 2 in its restoration of the language of the Zero Draft which references ILO Recommendation 202 on Social Protection Floors. Facilitating access of migrants and their families to national social protection systems and floors is in keeping with R202, which aims to ensure access to [services including] essential health care⁵. R202 is the relevant standard for social protection provisioning for nationals and migrant workers alike.</p>
<p>OBJECTIVE 22, paragraph 37 b)</p> <p>Develop bilateral, regional or multilateral agreements on the portability of earned benefits for migrant workers at all skills levels <u>such as pensions and healthcare, specifying the social security entitlements and provisions.</u> <u>Develop bilateral, regional or multilateral agreements on social protection,</u></p>	<p>It follows from the Commentaries at Objective 22 title, and paragraph 37, chapeau, that "portability" arrangements apply to earned benefits in social security schemes, while social protection benefits and services are received in each national jurisdiction in accordance with that jurisdiction's national</p>

⁴ The relevant principles and guidelines, including those on the maintenance of acquired rights and rights in course of acquisition are contained in the Annex of the Maintenance of Social Security Rights Recommendation, R167 (1983), which is a model Agreement for the coordination of bi-lateral or multilateral social security instruments. Reference: ILO 2018- Social Protection for Migrant Workers: <http://www.ilo.org/global/topics/labour-migration/policy-areas/social-protection/lang-en/index.htm> accessed 05/29/18. The other relevant standards for maintenance of rights in social security are ILO Conventions 118 on Equality of Treatment [in Social Security] and 157 on Maintenance of Social Security Rights

⁵ ILO 2017, 106th ILC - Conclusions on Labour Migration.

<p>which—specifying the applicable social protection floor <u>coverage</u>, corresponding social security entitlements and provisions, such as pensions and healthcare, and include measures <u>in social security and social protection agreements</u> to address the difficulties women face in accessing social protection <u>the applicable benefits and services</u></p>	<p>social protection system, and following the principle of equality of treatment between nationals and non-nationals in access to services and nationally defined benefits. To avoid ambiguity, the two types of coverage should be addressed separately. The proposed modifications to paragraph 37 aim to do this.</p>
<p>IMPLEMENTATION, paragraph 43 We will implement the Global Compact in cooperation and partnership with migrants, civil society, migrant and diaspora organizations, faith-based organizations, cities and local communities, the private sector, trade unions, parliamentarians, National Human Rights Institutions, the Red Cross and Red Crescent Movement, academia, the media and other relevant stakeholders.</p>	<p>We welcome the recognition of trade unions as partners in the implementation of the Global Compact. This partnership can be better operationalized by explicitly integrating the ILO's tripartite structure of consultations (between the government and workers' and employers' representatives) as a central governance mechanism for global labour migration policy. We have strong evidence to show how tripartism and social dialogue lead to sound labour migration governance, with the protection of migrants' human and labour rights at the core.</p>
<p>IMPLEMENTATION, paragraph 44 b) ...the network will fully draw from the technical expertise and experience of relevant entities within the United Nations system, <u>in particular the core specialized agencies: the ILO, UNHCR, OHCHR, UNICEF, and UN Women.</u></p>	<p>We welcome the fact that the proposed UN network on migration will "draw from the technical expertise and experience of relevant entities within the UN". In this regard, we believe that the core specialized agencies with competencies related to migration should be referenced explicitly. We also wish to draw attention to the critical importance of labour migration within the Global Compact. The ILO's core competencies and expertise in this field should be fully recognized, both at the normative and operational levels. We believe that the ILO should be given a lead role in the global governance of labour migration, and that this role should be made explicit in this section of the text.</p>
<p>IMPLEMENTATION, paragraph 46-1) [new] <u>Recognizing the importance of the Whole-of-Society approach for the implementation of the Global Compact, foster multi-stakeholder partnerships, ensuring a strong role for civil society in consultations on migration policy formulation and implementation at global, regional, and</u></p>	

national levels.	
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FOLLOW-UP AND REVIEW paragraph 47 We will review the progress made in implementing the Global Compact in the framework of the United Nations through a State-led approach and with the participation of all relevant stakeholders, including through formal social dialogue . For follow-up and review, we agree on intergovernmental measures that will assist us in fulfilling our objectives and commitments.	The important roles played by stakeholders including trade unions and civil society organizations in the formulation and implementation of migration policies and programmes should be recognized. Rather than a vague reference to "relevant stakeholders," provision should also be made for their full participation in follow-up and review of the Global Compact.
FOLLOW-UP AND REVIEW paragraph 48 d) The International Migration Review Forum shall discuss the implementation of the Global Compact at the national, regional and global levels, as well as allow for social dialogue and interaction with other relevant stakeholders with a view to building upon accomplishments and identifying opportunities for further cooperation	Recognizing the crucial contribution of the ILO in relation to labour migration policy, including through its tripartite processes of social dialogue at national, regional and global levels, we call for the strengthening of the role of that organization with regard to the monitoring, implementation and review of labour migration policy at all of these levels.
FOLLOW-UP AND REVIEW paragraph 50 We invite the Global Forum on Migration and Development to provide a space for exchange among States, and enhanced consultation with civil society on the implementation of some or the entirety of the objectives and commitments included in the Global Compact, and report the findings, best practices and innovative approaches to the International Migration Review Forum.	

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