



**Trade Union Position Statement on the Global Compact for Safe,
Orderly and Regular Migration
Intergovernmental negotiations 12-15 March, 2018**

Trade unions are encouraged by the promising start of the second round of discussions on the zero draft plus of the Global Compact for Safe, Orderly and Regular Migration. The open dialogue and clear engagement of governments in their quest to reach common understandings on challenging issues arising out of the first round of negotiations is welcome. We put forward a number of relevant points that should be taken into account in relation to the issues for discussion as outlined in the Co-Facilitators' letter of March 5, 2018.

All migrant workers are entitled to exercise their full labor rights, regardless of status:

- Member States have emphasized the importance of clarifying the distinction between regular and irregular migration.
- Trade unions recall the universality and indivisibility of human rights, as enshrined in international instruments including, amongst others, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the core international labour standards of the International Labour Organization (ILO). Governments have a legal and moral obligation to ensure that all human beings within their territories enjoy the exercise of those rights. This obligation by States to human rights apply regardless of status and without discrimination to migrants and refugees.
- An artificial and arbitrary distinction between regular and irregular migrants in the compact would damage the recognized international commitments to uphold the human and labour rights of all migrant workers, regardless of their migratory status, so that migrants do not find themselves in vulnerable situations, falling prey to trafficking or exploitation along migration routes, or in countries of destination. This should be accompanied by provisions to address the factors which lead migrants to irregular pathways, or cause migrants to fall into situations of irregularity in countries of transit or destination.
- A good starting point for addressing irregular migration is ensuring that policies are put in place that promote sustainable development and decent work for all, in countries of origin, transit and destination.
- Trade unions recall that the ILO's definition of decent work involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.
- In order to reduce irregularity, countries must open up more and better regular channels, including opportunities for permanent residency, settlement and citizenship status, family

re-unification, and as noted in the zero draft plus, allowing migrants to change employers and providing for visa portability.

- To combat irregularity effectively, states must also open up pathways for regularization. There exists many examples of countries using such programmes, to the benefit of all and we urge that those practices will be exchanged in the course of the negotiations.

Access to Services, Justice and Exercising Labor Rights

- Observing fundamental human rights means ensuring access to gender-responsive and child-focused quality public services for all migrants, regardless of migratory status, in keeping with ILO Recommendation 202 on Social Protection Floors; and ensuring access to justice and due process. In this regard, firewalls are understood as the safeguards needed to ensure meaningful access to justice and allow service providers and officials such as labor inspectorates to meet their confidentiality obligations without being pulled into duties of immigration enforcement. These safeguards reduce vulnerabilities of migrants while improving overall public safety, labor standards, health and social inclusion.
- In response to expressed concerns by some Member States about national sovereignty, we affirm the view that this is a question of fulfilling legal obligations under human rights treaties and international labour conventions. Far from undermining sovereignty, this rights-based approach maintains security by promoting peaceful, inclusive, and diverse societies.

Fair Labor Migration Agenda

- The Global Compact should promote the ILO's fair labour migration agenda, essential components of which are decent work, and fundamental principles and rights at work. This means empowering migrant workers, regardless of status, to have voice, agency, participation and representation at work, through freedom of association, including the right to form and join a union and to collectively bargain for fair compensation and treatment.

Follow Up and Implementation

- On the question of implementation, an effective coordinating mechanism is needed, incorporating the normative framework of the UN and specialized agencies, on human and labour rights, and making full use of the relevant competencies of the specialized agencies in the area of migration.
- Indeed, given the strong focus in the Global Compact on the governance of labour migration and the ILO's core competencies and expertise in this field, both at the normative and operational levels, we affirm the view that the ILO be given the lead role in the global governance of labour migration within the UN system.
- Fully recognizing its standard-setting and supervisory mechanisms, the ILO must play a key role in relation to follow-up and review of labour migration policy, including through its tripartite processes at national, regional and global levels, involving governments, employers' associations, and trade unions.
- 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. Provision should be made for their full participation in follow-up and review of the Global Compact.