

Labour Migration

The right to work is a human right, and pertains to migrants without discrimination. Labour migration may provide women workers with positive outcomes and may help to increase women's contributions to household incomes. However, discrimination, unequal working conditions, and abuse are common features of the migration experience, and there are significant costs to women workers that must be addressed if development is to fully contribute to their rights and autonomy.

Women migrant workers are often discriminated against in the migration process because they are normally relegated to gendered sectors (such as domestic work) or discriminated against in the types of work that they are allowed to perform. Moreover, the economic sectors and jobs that women migrants are allowed to migrate into are often under-regulated or part of the informal/undocumented economy, putting women outside the protection of labour law, with low wages, a lack of opportunities for skills development and the risk of exploitation. Migrant women often end up performing the most risky jobs and are in isolated situations with limited opportunities to build social networks. They have limited access to information, social support, and labour organizing.

Women migrant workers may have less ability than their male counterparts to access occupational hierarchies, along the so-called mobility chains, which link occupational and job clusters together. Compared to migrant men, women migrant workers tend to be concentrated in a more limited number of occupations with relatively little skill acquisition.

Women migrant workers are often in the unregulated informal economy limiting their options to access justice. Women migrant workers in temporary visa programs, where their visas are tied to their employers, may be unable to report abuse as they fear retaliation, blacklisting, and loss of a job after paying exorbitant recruitment fees.

The *Global Compact on Safe, Orderly and Regular Migration* Compact must ensure that core labour and human rights standards are embedded within it. The framing of the Compact must not be used to strengthen migration management approaches that advance profits over rights.

The Compact should not be used to further institutionalize, promote, or support the continuation or expansion of temporary work programs, or facilitate the further entrenchment of labour migration through exploitative recruitment practices. Because of the gendered care-giving role that women play in society, temporary migration programs have significant costs to migrant women workers and their families. Furthermore, temporary or circular migrants are being used to create precariousness in formerly stable, permanent jobs; workers in such programs are limited in their ability to exercise their right to freedom of association, including the right to organize and bargain collectively.

The very structures of labour migration often perpetuate these troubling trends and lead to an expansion of precarious work that undermines the decent work agenda, and is especially acute for women migrant workers in underregulated sectors or in the informal economy (such as domestic work and agriculture). Workers in these programs often have limited choices on many levels, including the nature of their work assignments, the inability to change employers, whether they can live with their families, the timing of their return, and indeed whether they should return at all.

No one should have to leave their family and community behind for lack of decent work at home, and no one should have to give up their workplace rights simply because they are a migrant worker.

The current international discourse on migration and development blatantly ignores the lack of worker rights and protections for migrant workers, and the other economic, social and political costs for workers and their families. Workers' voices are essential to ensure that the Compact promotes rights in development.

The Global Compact should:

- Recognize the crucial role of the International Labour Organization (ILO) and its members in reframing the debate around migration and development. As such, the ILO must be the lead UN agency on labour migration issues (as it has a rights-based mandate, tripartite structure, and expertise in labour), and in a leadership role in the compact negotiations and implementation.
- Ensure that new labour migration systems that are developed allow for visa and documentation portability; do not tie migrant workers' visas or employment to a particular employer; allow workers full freedom of association rights and full coverage of labour law equal to nationals; and do not allow discrimination or job segregation by gender;
- Recognize that in the context of development:
 - Workers should migrate by choice and not compulsion.
 - Any labour migration program that ignores or violates full labour rights protections for workers in and of itself cannot be considered to promote development.
 - Temporary or circular migration programs—which may lead to an expansion of precarious work and undermine the decent work agenda and human rights of all workers—should NOT be promoted as a development solution.
 - Portability of skills and qualification needs to be recognized to ensure that migrants are not limited to riskier, less protected and lower paid work because their skills and qualifications are not recognized.
- Promote state reaffirmation of the principle that “where there is long-term or permanent demand for a migrant worker in a given context, that worker should be entitled to permanent work and residence status as well.” Governments should not be using state policy to enable employers to secure a temporary, low-wage workforce in place of permanent workers.
- Place family [re]unification and access to citizenship central in global migration governance. Regularization programs with pathways to citizenship are crucial to empowering migrants in both the workplace and community.
- Address the root causes of forced migration—in particular, disastrous trade and economic policies, a lack of decent work, climate change, and conflict that are driving people from their homes.
- Respect the right to stay, recognizing the importance of paths to permanent and secure employment for migrant workers. In making migration a choice and not a necessity, states must place as much emphasis on creating jobs where people live, in the origin countries, as they do on an economic development model based on labour migration and remittances.