

# *Migration, Human Rights & Sustainable Economies: Challenges, Responses and Lines of Action for Unions*

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## **Introduction**

Migration is international labour and skills mobility in a globalized world. That mobility sustains the *world of work* in the 21<sup>st</sup> Century. It is key to employment and labour markets and to obtaining return on capital in a globalized economy.

Sustaining development depends on migration in every region. Migration has become a key factor in maintaining the viability and productivity of agriculture, construction, health care, hotel, restaurant and tourism and other sectors. International migration meets growing demand for skills; it dynamizes workforces and productivity. Remittances, transfer of skills, investments by migrants, and trade growth spurred by migration enhance development and well-being in many countries.

In a globalized world dominated by the capitalist mode of ownership and economic relations, governance of migration is about ensuring *protection of people, decent work for all, social protection, and justice and human development* for all people, whether they are working or not.

## **Setting the Record Straight**

In 2020 an estimated 281 million foreign-born people resided (for one year or more) in countries other than where they were born, as reported by UN Population Division (UNDESA). 73 per cent of international migrants worldwide were between the ages of 20 and 64 years, compared to 57 per cent for the total world population.

That *international migrant stock* figure is an under-count; many other *foreign* persons in temporary, short-term, or seasonal employment and/or residence situations are not counted in UN statistics on *international migrants* when their sojourn is less than a year or if they retain residency in their home country. However, many shorter term migrants fit the definition of international *migrant worker*.

Refugees and stateless persons comprise 12 percent of the global international migrant population. UN High Commissioner for Refugees (UNHCR) figures counted 20.7 million refugees and 5.7 million Palestinians registered by the UN Relief and Works Agency (UNRWA), plus 4.1 million asylum-seekers at the end of 2020 (a total of 30.5 million persons). UNHCR also counted 10 million Stateless Persons.

## **Migration, Economic Activity and Development**

Over 90 percent of migration today –whether for reasons of employment, family reunification, immigration, education, or due to refugee flight or evacuation from war zones—is bound up in **employment and economic activity outcomes**. Nearly all of the total migrant stock population of 15+ age, 245 million in 2019, including refugees, are *migrant workers* by Convention definition: “***intending to be engaged, engaged, or having been engaged in remunerative activity***”, ***including self-employment***<sup>1</sup>.

International migrants comprised 14 per cent of the population in 2019 across all high-income countries; higher in several countries. Foreign-born people comprise 30% of the

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1 Definition, Article 2, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

population in Switzerland, 29% in Australia; 21% Canada and Israel; 19.5% in Sweden; 19% in Austria; 18% in Ireland; 17% Belgium; 16% Germany; 14% both Spain and the UK; **13.6%** in USA. The percent of workforce of foreigners is usually higher than their percentage in the population. For example, for the USA, **17.6%** percent of the workforce is foreign born.

Turkiye has over 6 million international migrants as of 2020 by UN figures. However, that number is more than 7 million by own assessment of multiple data sources, and I heard estimates of 7 to 8 million at this conference. That's 9% or more of total population; extrapolating from other industrialized countries, foreign born workers likely comprise between 12% to 14% of the workforce.

**The global dichotomy is fivefold:**

1. Technological evolution creates new technologies and requires new skills not available locally or in the country.
2. Education and training in all countries lag behind evolving skills as well as economic and labour market needs, both in numbers and in the content of training.
3. In recent decades, many workers have been left with obsolete skills or without the skills needed today by employers.
4. A significant proportion of unemployment is structural, jobless growth by finance and industrial capital –North and South –including in Turkiye.
5. Then there is **population** and workforce decline, discussed below.

Key is to remember that economic activity and development require bringing together **capital, labour, skills, resources, and technology**. Development is not sustainable without the labour and skills to run economies and provide for human welfare.

Today, development will not advance nor be sustainable without integrating material and human resources, capital, technological capacities and larger markets across groups of states that only combined can obtain: the breadth of resources, scale of production, and size of markets that underpin viability in a highly competitive globalized world economy.

Legally regulated regional regimes of migration and mobility emerged in the 1960s as a pillar of building what became the European Union. In the 1970s, regional free movement systems were established in regional economic communities in Central, East and West Africa and in part of South America.

70 per cent of migrants in Europe today were born in another European country and 63 per cent of migrants originating in sub-Saharan Africa remain in that region. 80 per cent of migration originating in West Africa goes to other member countries of ECOWAS.

Turkiye is in a similar situation; freer movement is de facto established among countries with Turkic populations, certainly towards Turkiye, from:

6 countries where Turkic language is an official language and there are recognized Turkic populations. Azerbaijan, Kazakstan, Kyrghiz Republic, Tajikistan, and Uzbekistan (plus Turkiye), and there is one specific autonomous department in Moldova.

In 5 Russian Federation Republics, Turkic populations are a majority.

Plus there are 6 Russian republics where Turkic populations are substantial minorities.

Turkic peoples are a majority in one autonomous region of China plus in one county of a province, and substantial minorities in two counties of other provinces.

As noted in various accounts in Turkiye, people in cross-border communities along parts of the border are often registered as born in Turkiye, regardless of on which side of border they actually saw the light of day.

However, bear in mind that the population of Turkish origin people resident outside Turkiye remains considerably larger than the number of foreign born resident in the country. Just in Germany, there are an estimated 7 million people of Turkish origin, some born in Turkiye and

others with parents and grandparents from Turkiye. There may be a million Turkish origin people in the USA. And hundreds of thousands in each of European countries such as Austria, Belgium, and France.

### **The Economic Importance of Migration**

The annual flow of remittances to low-and middle-income countries was 540 billion US dollars in 2020 –a drop of only 1.6 per cent from 2019, despite the COVID-19 pandemic.

Personal remittances to low- and middle- income countries in 2020 were more than **three times** larger than total official development assistance (ODA) by OECD member countries that amounted to USD 161.2 billion.

Total global remittances including to developed countries were 706 billion US dollars in 2020, remittances to high-income countries totalled 157 billion, nearly a quarter of the total.

The 27 member countries of the European Union received 110 billion euros equivalent in 2020 in personal remittances, while 110.7 billion euros were remitted from EU member countries. 58 billion euros to other EU countries, more than the 52.6 billion remitted outside the EU including to other non-EU European countries. In 2020, France received 22 billion euros, Germany 15.7 billion and Italy 8.5 billion in remittances.

In contrast, Turkiye received \$ 795 million (dollar equivalent).

### **Remittances are an indirect indicator of the far larger economic value generated by the labour and economic activity of migrants/immigrants in countries of employment.**

“Migrant workers typically send home about 15 per cent of their earnings as remittances. The remaining 85 per cent [...] stays in host countries, and is mostly spent on housing, food, transportation, taxes and other necessities” (UN-IFAD). Extrapolating from remittance figures, that total value was about **4.7 trillion** dollars worth generated by migrants economic activity globally in 2020. For comparison, that amount was greater than the total annual value of international trade in petroleum, gas and derivatives.

Those figures do not indicate the further *value added* by migrants’ labour not returned to workers in remuneration or benefits but that adds to the worth of employers, private and public, in formal and informal sectors.

Remaining un-measured is the value of training and social reproduction cost transferred by migrants, mainly from less to more developed countries.

### **Greater Mobility Anticipated**

Over the next decade, the majority of the world's countries and populations face significant work-force decline. More than 110 of 224 countries and political territories are at or well below *zero population growth* fertility rates Most countries face increasing departures from their work-forces, uncompensated by decreasing numbers of youth entrants. The German labour market will lack 6 million people in 2040 compared to 2018; even with relatively high immigration, the decline amounts to 4.5 million (9%) by 2024. The number of working-age Poles falls by 28% between 2015 and 2050, the population will decline by “only” 10% but half of Poland’s population will be aged 50 or more by mid-century. The Japanese labour force will have shrunk by 20 per cent in 2040 from what it was in 2017, a projected workforce reduction of more than **12** million persons. The Swiss employers organisation estimated that Switzerland may need 700,000 additional workers by 2030. China's work-force declined by **40 million** in the decade 2000 to 2010 and is projected to decline by another **35** million in just the next five years.

Turkiye's fertility rate is 1.9, well below replacement of 2.2, and declining. The decline of the native work force will be in the millions over the next 20 years. But that decline of the native work force is not and will be visible because it is already being compensated by immigration, including of Turkic peoples who are not even perceived as migrants/immigrants.

## **Deregulatory regime change**

**The challenge** is nothing less than *regime change* to redefine class and social relations – with migrants and migration as vectors-- and the entire working class subject to declining real wages, worsened working conditions, more precarious employment, less social protection and fewer social services.

It is a sophisticated game of legitimizing exploitation, putting a growing portion of workforce outside the law –and protection-- making them highly exploitable, cheap, unprotected labour, that de facto pressures for lowering of remuneration and protection standards across already low-wage economies.

And at the same time conveniently characterising those “foreign” workers as scapegoats to blame for all ills. especially unemployment, lower pay and diminishing social protection as well as increasing crime and insecurity.

Migrants including refugees are especially attractive workers, compelled to take what offered, and prevented from organizing as well as obtaining fair treatment and decent work. The overhanging fact of a simple call to police or immigration removes any 'motivation' for complaining or joining a union.

Objective structural factors, technological change, and population dynamics are accelerating demand for foreign workers worldwide. Highly unregulated economies and widespread deregulation encourage recruiting migrant workers giving them little protection nor economic return. That allows exploitative businesses to be “competitive” but with conditions of abuse and exploitation that objectively deny human and labour rights. It also foments divisions among workers, both between native-born and immigrant workers and between different groupings of foreign migrant workers.

Global competition, free trade, and the economic *race to the bottom* push against costs of labour and provision of social services and encourage deregulatory approaches by States. For many enterprises in many countries and for some entire economic sectors, low cost foreign labour is the only ticket to survival. Labour dependent agriculture would not be viable in Europe nor in North America nor in the Maghreb --nor could a part of the population afford to eat-- without cheap immigrant labour. Health, home-care and schooling as well as care for populations of ageing people depend on migrants in all regions, as do hotel, restaurant and tourism sectors now again.

Keeping some migrants cheap, docile, flexible and removable without social costs is imperative to keep jobs at home and economies afloat. Despite rhetoric about controlling migration, migrant workers falling into or remaining in irregular situations are tolerated because they provide that cheap, flexible labour needed to sustain enterprises and competitiveness. At the same time, labour standards are little applied in migrant-dependent sectors and industries, while labour inspection is left with little or no capacity or competence to reach the workplaces where migrant workers are prevalent.

Security and control institutions of States now predominate in managing migration and controlling migrants in many countries. Home affairs/interior ministries hegemony on migration management and control is concurrent with broad redefinition and deregulation of conditions for labour. That treatment imposed on what are growing migrant components of workforces in turn influences treatment of the workforce broadly.

Administration of foreign components of work forces by control institutions has consequences in shifting emphasis of law enforcement at work from labour standards to immigration enforcement and imposing repressive policing to subdue labour conflicts at the expense of social dialogue.

## Normative framework for protection and governance on migration

The World of Work is a universal domain of power relations between people, requiring regulation and, in particular, legal protections for the rights and dignity of those at risk of abuse and exploitation. Conversely, the absence of rights means exclusion, abuse and exploitation for foreigners with minimal or non-existent protections in laws of countries of employment.

The comprehensive international legal and institutional framework for governance of migration has been elaborated over a century. It is designed to support governance and administration at national and local levels, where most responsibilities lie.

The legal framework is provided by complementary legal standards in 3 areas of international law: 1) the nine core Human Rights Conventions; 2) all up-to-date International Labour Standards; and 3) the 1951 Convention and 1967 Protocol on the Status of Refugees.

The international binding instruments establish both general and specific principles that provide a foundation for national legal and policy frameworks to regulate migration, provide for protection including social protection, and promote inclusion of and integration with migrants and refugees.

International conventions guide national legislation and policy through their ratification by States and domestication in national legislation. They provide legal principles and standards and specific model text that serve as models and benchmarks for national and local legislation and regulations.

### **Box 1: Normative foundations for protection of migrants and rights-based governance**

**9 Universal human rights Conventions** which apply to all persons including migrant workers.

- International Convention on the Elimination of all Form of Racial Discrimination (1965)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- Convention on the Elimination of all Forms of Discrimination against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Convention on the Rights of the Child (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- Convention on the Rights of Persons with Disabilities (2006)
- International Convention for the Protection of All Persons from Enforced Disappearance (2006)

**Fundamental ILO Core Conventions** enshrined in the 1999 ILO Declaration on Fundamental Principles and Rights at Work – are applicable to all workers including migrant workers, without distinction of nationality and regardless of migration status.

- **3 international Conventions on migration for employment and rights of Migrant Workers and their families:** The two ILO Conventions on migrant workers –Migration for Employment (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143) – and the International (UN) Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), 1990;
- The **4 ILO Governance (priority) Conventions** crucial to the functioning of the international labour standards system and the most important instruments for governance: Labour Inspection Convention, 1947 (No. 81); Labour Inspection (Agriculture) Convention, 1969 (No. 129); Tripartite

Consultation (International Labour Standards) Convention, 1976 (No. 144); and Employment Policy Convention, 1964 (No. 122).

- **All other labour standards** apply (with a few specific exceptions in specific conventions) to all workers in the workplace including migrant workers. Notably relevant are the Private Employment Agencies Convention, 1997 (No. 181), Domestic Workers Convention, 2011 (No. 189), Social Security (Minimum Standards) Convention, 1952 (No. 102), Equality of Treatment (Social Security) Convention, 1962 (No. 118), and Maintenance of Social Security Rights Convention, 1982 (No. 157), and Conventions in the array of conditions of work, including wages, and occupational safety and health standards as well as violence and harassment.

Since 1919, the UN International Labour Organization (ILO) has elaborated, and supervised a comprehensive set of international labour standards. These provide for regulating decent and productive work in conditions of freedom, equity, security and dignity. They cover all aspects of the employment relationship and conditions of work, including occupational safety and health, social security, non-discrimination, labour inspections, and maternity protection as well as specific sectors such as agriculture, construction, mining, chemicals, maritime seafaring and other areas. Several standards address specifically migrant workers.

All international labour standards are applicable to all workers, including migrants and refugees, regardless of status. The 1998 ILO Declaration on Fundamental Principles and Rights at Work commits all Member States to respect, implement and promote principles and rights in 5 broad categories, whether or not they have ratified the relevant Conventions. These are: freedom of association and the right to collective bargaining, elimination of discrimination in employment and occupation, abolition of child labour, elimination of forced labour, and Occupational Safety and Health.

(The ILO webpage *International labour standards on labour migration* provides an extensive list of the most relevant ILO Conventions.)

### **Clear and Present Danger of Xenophobia**

A burning concern is the generalized rise of discriminatory practices and of racist and xenophobic behaviour against migrants. Reported incidents in all regions include: shootings of migrant workers at or near workplaces; individual or mob attacks on and killings of migrants; and targeting of foreigners with deadly hostility in conflict situations.

The concern is aggravated by the absence of vigorous responses by governments to discourage and prevent xenophobic hostility against foreigners and to prosecute perpetrators. Instead, anti-foreigner hostility is aggravated by discourse of some political leaders and actions by some governments that encourage and engage in public brutality and repression against migrants, including police round-ups, detention and mass deportation.

### **Gender Specificity**

The feminization of migration is the fact that today, most women migrants are economically active; they often migrate on their own rather than as dependents.

In a global context of stratification of employment and segmentation of labour markets, women migrants hold particular appeal for employers as they are sought after for 'women's work' that is usually low paid and unprotected: domestic work, healthcare, agriculture, hotel and restaurant, and semi-skilled manufacturing in export processing zones. Common across these sectors is that while workplaces may be highly socialized, they are not organized, meaning no unions or associations for mutual defence and solidarity, nor any bargaining power to press for decent work conditions.

Women and girl migrants are at high risk of sexual and gender-based abuse, exploitation and violence to a greater or lesser degree in all countries. ILO Convention 189 on Decent

Work for Domestic Workers brought attention to a sector almost entirely comprised of women workers, while ILO Convention 190 on harassment at work is especially pertinent to the high risk and unreported rates of harassment and abuse faced by women migrants.

### **So what's the agenda for unions, and for KESK in particular?**

*Rights-recognition, legal and social protection, decent work, and organizing, plus advocacy and public education.*

The starting point is a union framework in a regulatory, rule of law context, on

1. human rights –including/included for all migrants and refugees
2. fundamental rights at work and all international labour standards
3. organizing for protection and solidarity to obtain above
4. engaging in social dialogue on the subject and issues
5. dialogue and advocacy with wider society.

This is a **whole of union** agenda, one that requires:

- Mainstreaming –taken up across the institutions and movement.
- Making and taking official public positions with union declarations, member assembly resolutions, public statements, etc.
- Articulating a union strategy and programme of action.
- Engaging in organizing and recruitment focused on the unorganized. (organize, organize, organize)
- Advocacy, including with national parliament and with cities

### **Content: ten key points**

The content of the union agenda and programme of action must include at least ten basic thematic points. These represent the content of discourse. action and advocacy for a core rights-based, decent work and social justice trade union agenda on migration, indeed relevant for all workers and members of their families. These ten elements comprise a coherent, inter/related and interdependent package which needs to be pursued in full.

#### **1. Full recognition and legal protection of all migrants & refugees**

- a) Promote full implementation of the **ICRMW** (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) ratified by Turkiye and whose standards are thus enforceable in the country.
- b) Promote and assist in regularization of migrants.

#### **2. Engage only in Rights- and people-based narrative and discourse**

#### **3. Implement Freedom of association and collective bargaining rights:**

Organize migrants and refugees in worker unions, ensuring their full participation.

#### **4. Decent Work for all migrants: enforcement of labour standards**

- a) Ensure application of International Labour Standards in Turkiye for all workers
- b) Extend labour inspection to workplaces where migrants are concentrated.

## 5. Stop discrimination, xenophobia, and *racism*

- Reinforce non-discrimination/equality of treatment in practice;
- Denounce and repudiate any and all acts of xenophobic violence.
- Advocate for national action plan against discrimination, xenophobia, and *racism*;

## 6. Gender-specific migration legislation and policy

Ensure equality of rights, opportunities and protection for all migrant women and girls;

Obtain gender specific policy, measures and practices recognizing gender-based risks and ensuring equality in outcomes—including in unions.

## 7. Health for all migrants (health is a right for all).

Ensure full access by migrants to health prevention and care services and facilities and

Uphold and monitor OSH protection for migrants in workplaces

## 8. Social Security for migrants:

Advocate –and provide union services-- to extend social security coverage and portability to migrants

## 9. Consolidate migration policy and administrative responsibility and coordination by and among labour institutions, including unions.

10. Do your homework on **data and knowledge on migration and migrants in and from Turkiye** and on applicable international standards and union experience elsewhere in advancing protection and decent work for migrants, engaging social dialogue on migration and effective advocacy with national and local government including in difficult situations.

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For more detailed data and analysis, see:

- Taran, P. (2022). ***Migration, Human Rights & Sustainable Economies: A Century 21 Agenda***. Revista Tecnológica - Espol, 34(1), Guayaquil, Ecuador. <http://www.rte.espol.edu.ec/index.php/tecnologica/article/view/917>
- Taran, P. & Kadyshva, O. (2022). ***COVID-19, Migrants, Refugees, Mobile Workers: Global Assessment and Action Agenda***. Revista Tecnológica - Espol, 34(1), Guayaquil, Ecuador. <http://www.rte.espol.edu.ec/index.php/tecnologica/article/view/889>

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