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INCREASED AVAILABILITY OF LABOUR MOBILITY PATHWAYS FOR

INCLUSIVE AND PROSPEROUS SOCIETIES

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Introduction: turning crises into opportunities

1.   Labour mobility pathways, defined as legal, policy and/or administrative mechanisms that provide for regular travel, work, admission and/or stay in the territory of a State, have been recognized as important solutions to facilitate regular migration and achieve the Sustainable Development Goals. Managing international labour mobility in ways that effectively balance the concerns of all parties involved (countries of origin, transit or destination, private employers, migrants themselves and their families) is challenging.

2.   According to the International Labour Organization (ILO), globally, migrant workers accounted for an estimated 5 per cent of the workforce in destination countries in 2021. The share of migrants in the labour force was much higher in high-income countries, with migrant men and women accounting for nearly 19 and 18 per cent of the male and female labour forces, respectively.[1] Labour migration is a critical policy tool for several countries across the globe, including Canada, Germany, Saudi Arabia, the United Arab Emirates, the United Kingdom and the United States of America, as they rely on migrant workers to meet production demands. It is predicted that the number and proportion of international migrants globally will continue to increase, while labour needs will continue to intensify, both in countries where pathways already exist, and in those where they do not, in the latter case requiring the establishment of new pathways.

3.   In many countries around the world, migrant workers make significant contributions to the labour market. According to the ILO, during 2021, across countries of all income groups, the labour participation rate of migrant workers was higher than that of non-migrants. In high-income countries, the labour participation rate of migrants was 11.5 percentage points higher than that of non-migrants.[2] The COVID-19 pandemic disrupted global supply chains, exacerbated labour shortages and changed the world of work and mobility. Preliminary estimates from the Organisation for Economic Co-operation and Development suggest that permanent migration to member countries during the pandemic fell by more than 30 per cent (from approximately 4.8 million in 2019 to 3.7 million in 2020).[3] Though labour migration has started to recover, available estimates show that numbers for 2021 are significantly below pre-pandemic levels in several countries, contributing to significant global labour shortages.

More effective, adaptable and inclusive labour mobility pathways

4.   Labour mobility pathways can be enhanced to contribute to more equitable and prosperous societies. To do so, a combination of approaches is needed in order to address demographic and labour market trends while responding to the needs of migrants, their families and their communities, namely a variable geographic approach; a prospective approach; and a rights-based approach.

5.   A variable geographic approach which creates and strengthens new labour pathways within and across regions and goes beyond arrangements between traditional origin and destination countries is needed to adequately respond to global, regional, bilateral and even local dynamics. Bilateral labour agreements are key tools to regulate labour mobility between countries. One such

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[1]   ILO, *ILO Global Estimates on International Migrant Workers: Results and Methodology – third edition* (Geneva, 2021).

[2]   *Ibid*.

[3]   OECD, *International Migration Outlook 2021* (Paris, 2021).

agreement has recently been signed by Libya and the Niger which opens and regulates labour mobility between two countries of the global South.

6.   According to a mapping of bilateral and other labour agreements between 1990 and 2014 by the ILO, the total number of bilateral labour agreements was highest in Europe and the Americas although several new agreements were signed in Africa and Asia after 2000.[4] A study undertaken by IOM in West Africa indicated that few countries in the region have bilateral labour agreements in place, often due to lack of experience in drafting and implementing bilateral and other labour migration-related agreements and policies.[5] Multilateral labour agreements, which bring together several countries of destination with one of origin, may be useful tools to facilitate labour mobility schemes between multiple countries. Flexible forms of circularity can go beyond mobility between countries of origin and destination and may include third countries, for example through the creation of digital nomad visas. As of June 2022, more than 25 countries and territories had remote work or digital nomad visas, including Brazil, Georgia, Italy and the United Arab Emirates. Moreover, consideration could also be given to expanding admission channels for young entrepreneurs through new visa mechanisms to support innovation. A variable geographical approach can also strengthen mobility across existing migration corridors by strengthening existing cultural and historical linkages between countries, such as in the case of Costa Rica and Panama outlined in Box 1.

Box 1. Labour migration traceability system in the coffee industry

The Governments of Costa Rica and Panama, with the support of IOM´s Western Hemisphere Program, work together to facilitate the movement of thousands of indigenous Ngäbe-Buglé to participate in the coffee harvest season thanks to a digitalized worker permit that was pioneered in 2020, which incorporates health data and a record of where a migrant picker has worked during the months-long harvest.

Source: IOM, Costa Rica's Coffee Crop Gives Traditional Villagers a Vital Boost (2022).

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7.   Understanding present and anticipating future trends of labour mobility require a more prospective approach which addresses the future of work and mobility in an increasingly complex world. States need to anticipate the skills needed in future economies shaped by increasing connectivity, technologies, and digitalization, and precarity in some areas of work, while adopting effective skills-matching measures to avoid future labour market shortages and transition to greener and more resilient economies. A prospective analysis goes beyond the use of traditional data sources to harness the potential of forecasting, scenario-planning and use of real time data from innovative sources. While several countries already use these approaches, it is not universal practice and can be mainstreamed as part of an evidence-based policy approach.

8.   As part of a prospective approach, skills mobility partnerships can support Member States to address both current and future labour market needs, increasing cooperation between governments and other stakeholders, and contributing to better labour market and development outcomes in both countries of origin and destination. When included as part of labour migration pathways, these partnerships provide effective skills-matching mechanisms, skills classification and recognition procedures, long- and mid-term planning mechanisms, cost reduction and sharing agreements between the parties involved, and formal coordination mechanisms between governments and private employers which support safe and ethical recruitment practices.

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[4]   Piyasiri Wickramasekara, *Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers: A Review* (Geneva, 2015).

[5]   IOM, *An Exploratory Study on Labour Recruitment and Migrant Worker Protection Mechanisms in West Africa: The Case of Côte d'Ivoire, the Gambia, Ghana, Nigeria and Senegal* (Geneva, 2020).

9.   Skills mobility partnerships, if developed effectively, can benefit all involved. Migrants who want to work abroad can pursue enormous opportunities for themselves and their families. Countries of destination benefit from migrants with the necessary skills. Countries of origin can benefit from skills and technology transfer to support the training of both migrants and non-migrants, which can in turn bolster finance and human capital creation, rather than contributing to brain drain. Such partnerships can also foster different forms of labour mobility including circular, seasonal and short-term mobility, and can harness the benefits of safe and regular mobility through free movement regimes, visa liberalization or multiple-country visas programmes, and multilateral labour migration agreements, in accordance with national priorities and local market needs. They can be supplemented by new technologies, digital applications and e-governance systems, such as common application centres (externally) or one-stop shops (internally), which can increase the transparency and efficiency of migrants' access to visas, avoiding intermediaries and associated transaction costs. Skills mobility partnerships also need to be complemented by forward-looking policies on inclusion and social cohesion to enable societies to attract talent while creating the conditions for migrants to remain.

10.   During the first International Migration Review Forum in May 2022, several Member States made pledges regarding implementation of the Global Compact for Safe, Orderly and Regular Migration, including on multi-stakeholder approaches to labour mobility schemes and skills partnerships, including making use of the European Union Skills and Talent package.

Box 2. Poverty reduction through safe migration, skills development and enhanced job placement (PROMISE)

Labour migration to Thailand is a pathway to socioeconomic empowerment and resilience for the estimated three million migrant workers and their families from Cambodia, the Lao People's Democratic Republic and Myanmar. Migrant workers contribute to economic growth and social development in Thailand, yet only a small fraction of migrant workers receive any form of skills development training or recognition of their qualifications. This presents a significant barrier which limits the full development potential of migration. IOM is implementing the second phase of the regional PROMISE programme (2021–2025) to support migrant workers in these countries to access skills development, leading to gainful employment, and to promote enhanced protection of migrant workers in collaboration with key stakeholders from the public and private sectors.

Source: IOM, PROMISE programme.

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11.   The COVID-19 pandemic has reinforced the fact that migrants make important contributions to societies and yet have unique protection needs. While focusing on the expansion and availability of labour mobility pathways, it is essential that a rights-based approach, which recognizes the contribution of migrants while protecting them, is employed. Supporting an increase in labour migration pathways can mitigate the effects of risky migration practices – including reliance on unscrupulous intermediaries and use of irregular channels – which have resulted in exploitation, abuse and even the deaths of migrants. However, such labour mobility pathways need to be embedded within rights-based policies and ethical recruitment practices that can support regular migration pathways.

12.   Some countries face significant barriers in ensuring ethical labour recruitment and migrant worker protection, which can include a lack of policy and regulatory frameworks (including for private recruiters), limitations in the public employment systems and informality in private labour recruitment. These constraints can limit the effectiveness of existing labour migration pathways and leave migrants open to further exploitation and abuse. Labour mobility schemes should incorporate sector-specific standard terms of employment drafted in cooperation with relevant stakeholders, drawing on

applicable labour guidelines and principles, and complying with international labour law. These schemes should also incorporate social security provisions that grant migrants non-discriminatory access to national social security mechanisms and the portability of their earned benefits to their country of origin or another country. The implementation of regional integration and free movement frameworks can support the creation of an enabling environment for such a comprehensive approach.

Box 3. Supporting regional integration as a means of ensuring a rights-based approach that facilitates labour mobility pathways

The full implementation of all three phases of the Economic Community of West African States (ECOWAS) Protocol on Free Movement, Right of Residence and Establishment would improve governments' ability to regulate the labour migration of citizens wishing to stay and work, including ensuring these persons apply for visas after the initial visa-free 90-day stay. It would be beneficial for governments to cooperate jointly with ECOWAS to ensure that national legislation and policies related to migration, migrant rights and labour recruitment align with regional frameworks and conventions.

Source: IOM, *An Exploratory Study on Labour Recruitment and Migrant Worker Protection Mechanisms in West Africa: The Case of Côte d'Ivoire, the Gambia, Ghana, Nigeria and Senegal* (2020).

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13.   Increasing the availability of labour mobility pathways – by improving their effectiveness and accessibility, diversifying their geographical scope and economic contribution and combining them with other policy tools – continues to be essential and would help Member States to address present and emerging crises and get back on track in terms of development goals, the achievement of which has been hampered by the COVID-19 pandemic. Specific recommendations for IOM and Member States in this regard are detailed below.

Recommendations for IOM

In order to adopt a variable geographic approach

14.   Engage with Member States, other United Nations agencies and relevant stakeholders to continue to develop, pilot and refine skills mobility partnerships and other labour mobility solutions that benefit countries along the migration continuum and integrate innovative mobility-related practices.

In order to adopt a prospective approach

15.   Work under the auspices of the United Nations Network on Migration and the Global Skills Partnership on Migration to increase the availability of labour mobility pathways and to address challenges derived from the uncertainties around the future of work, the changing world of education and climate-related challenges, as indicated in objective 5 of the Global Compact.

16.   Pilot a global initiative, in conjunction with partner agencies, which supports Member States to develop and incorporate prospective analysis tools into their labour market information systems, drawing on innovative data sources and methodologies.

In order to adopt a rights-based approach

17.   Support processes at national and regional levels that strengthen existing migration corridors and improve the link between regional integration processes, economic communities and labour mobility pathways to increase the predictability of cross-border mobility, while fully integrating social, economic and protection concerns as part of a rights-based approach.

18.   Continue the implementation of global, regional and national programmes that promote ethical recruitment practices, in coordination with government agencies and other stakeholders, as part of a multi-stakeholder approach.

Recommendations for Member States

In order to adopt a variable geographic approach

19.   Support the expansion of labour mobility pathways by implementing multilateral and bilateral labour migration agreements which are embedded within a rights-based approach.

In order to adopt a prospective approach

20.   Strengthen labour migration information systems by incorporating innovative data sources that help government agencies and other stakeholders to adopt a prospective approach which addresses the future of work, education and mobility in an increasingly complex world.

21.   Exchange experiences and information on the innovative use of new technologies and methodologies for scenario-planning, forecasting labour migration flows and estimating possible demand for migrant workers.

In order to adopt a rights-based approach

22.   Put in place safeguards to prevent further restrictions on mobility, especially for migrants in situations of vulnerability, and promote rights-based implementation of relevant provisions in the Global Compact (including those related to objectives 2, 5, 7 and 12), which should ultimately lead to more regular pathways, including for migrants in countries of origin and transit.