

**OVERSEAS PAKISTANIS FOUNDATION**  
**(Publicity & Marketing Cell)**

**LAUNCHING OF FOUR PUBLICATIONS ON MIGRATION BY ILO**

The International Labour Organisation (ILO) with the collaboration of European Union and other partners launched four Research Reports related to issues pertaining to Migrant Workers (MWs) as part of its European Union (EU) funded project “South Asia Labour Migration Governance.” The launching ceremony was held at a local hotel and was attended by representative of various stakeholders including Ministry of Overseas Pakistanis and Human Resource Development, Overseas Pakistanis Foundation, International Labour Organization and other relevant stakeholders.

The publications include:

- **Law and Practice: The recruitment of low-skilled Pakistani workers for overseas employment**
- **The cost of migration: what low-skilled migrant workers from Pakistan pay to work in Saudi Arabia and the United Arab Emirates**
- **Labour migration from Pakistan: 2015 status report**
- **Where to go for help: Pakistani workers’ access to justice at home and in Gulf Cooperation Council countries.**

The researches strive to develop in depth understanding of various thematic areas of labour migration, and the challenges and opportunities of the migration from Pakistan to Gulf Cooperation Council (GCC) countries.

The studies include Pakistani migrant workers’ access to justice at home and in GCC countries, the recruitment of low-skilled Pakistani workers for overseas employment, the cost of migration which studies what low-skilled migrant workers from Pakistan pay to work in Saudi Arabia and the United Arab Emirates and the 2015 status report on Labour Migration from Pakistan.

Setting the context of the discussion, Chief Technical Advisor on Migration from the ILO Regional Office in Bangkok, Ms Anna Engblom shared a brief presentation on the regional and global developments. She informed that the ILO is a UN specialized agency dealing with labour issues. Its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues.

Various key stakeholders were present at the event with active participation from the Pakistan Workers’ Federation (PWF), the Employers’ Federation of Pakistan and the

Ministry of Overseas Pakistanis & Human Resource Development and Overseas Pakistanis Foundation.

The first panel discussion focused on the regulation of the recruitment industry for overseas employment and was chaired by Ministry of Overseas Pakistanis and Human Resource Development Joint Secretary (Emig/OP) Mr. Manzoor Ahmad Kiyani and co-chaired by Ms Engblom.

Ms. Lubna Shahnaz, the lead researcher for “Law and Practice: The recruitment of low-skilled Pakistani workers” shared findings of the report which studies the prevailing recruitment practices in Pakistan, describing the current legal and policy frameworks, looks at actual practices and provides recommendations on how to make the enforcement of recruitment regulations more efficient and equitable.

Mr. Nasir Iqbal, gave a brief presentation on the first national report on the status of labour migration from Pakistan. The report captures trends in labour migration from Pakistan, identifies the structural gaps and proposes strategies and solutions for the main stakeholders.

Mr. Nasir Iqbal, who also led research for the “The cost of migration: What low -skilled migrant workers from Pakistan pay to work in Saudi Arabia and the United Arab Emirates” shared the findings of the report which highlight the crippling migration costs due to exploitative practices that some migrants face. To pay these costs, many workers sell assets or borrow money from the informal sector, work overtime or take on second jobs, while others overstay their visa duration thereby increasing their own vulnerability. Bringing clarity to the cost by studying what migrants are paying for which services will help to reduce the vulnerability of migrant workers and allow them to gain greater benefits.

The second panel discussion focussed on the access to justice for migrant workers and was chaired by General Secretary PWF, Dr. Saboor Ghayur and co-chaired by Mr. Habibur Rehman Gilani, Managing Director Overseas Pakistanis Foundation. Mr. Umer presented the findings of the “Where to go for help: Pakistani migrant workers’ access to justice”, a study that looks into the factors that prevent migrant workers from registering a complaint, the accessibility and effectiveness of the grievance-handling mechanisms and the bottlenecks in the processes.

Ms Anna Engblom, Project Manager, South Asia Labour Migration Governance Project, ILO/EU gave presentation on Regional and Global Developments, Labour Migration. She briefly introduced the four publications launched by ILO including Labour migration from Pakistan: 2015 status report, Law and practice: the recruitment of low-skilled Pakistani workers for overseas employment, The cost of migration: What low-skilled migrant workers from Pakistan pay to work in Saudi Arabia and UAE and Where to go for help: Pakistani migrant workers’ access to justice at home and in GCC countries. She threw light on global and regional migration trends. She informed that 232 million migrants (defined as persons residing outside their country of

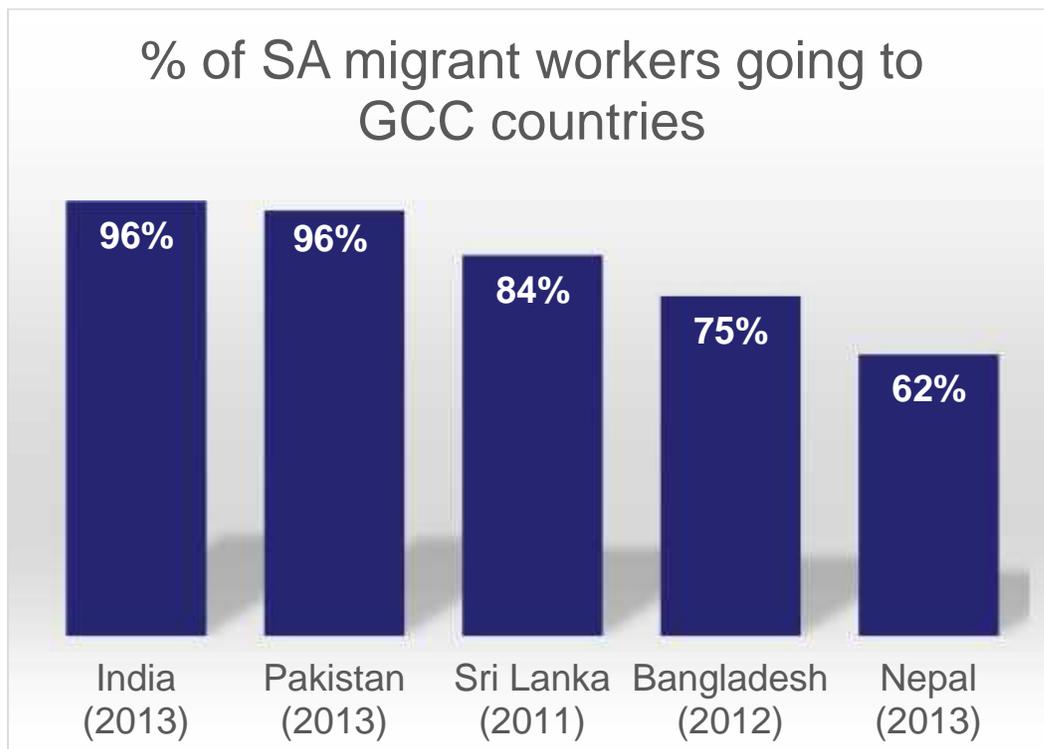
birth) in 2013, the number is expected to double to over 400 million by 2050 (UN). More than 48% of the world's migrants are female and more than half of the migrants (150.3 million in 2013) in the world are labour migrants. UN estimates that there are about 20 million irregular migrants whereas half of the international migrants live in 10 countries: US, Russia, Germany, Saudi Arabia, UAE, UK, France, Canada, Australia and Spain 30% of migrants (71 million) are in Asia and women comprise 42%.

Ms Engnlom apprised that there is an increasing number of highly skilled migrants from Asia (India, China) to the OECD countries. Still labour migration from Asia largely occurs under temporary migration regimes and for low-skilled work. The directions of labour migration flows in Asia are increasingly complex and intra-regional:

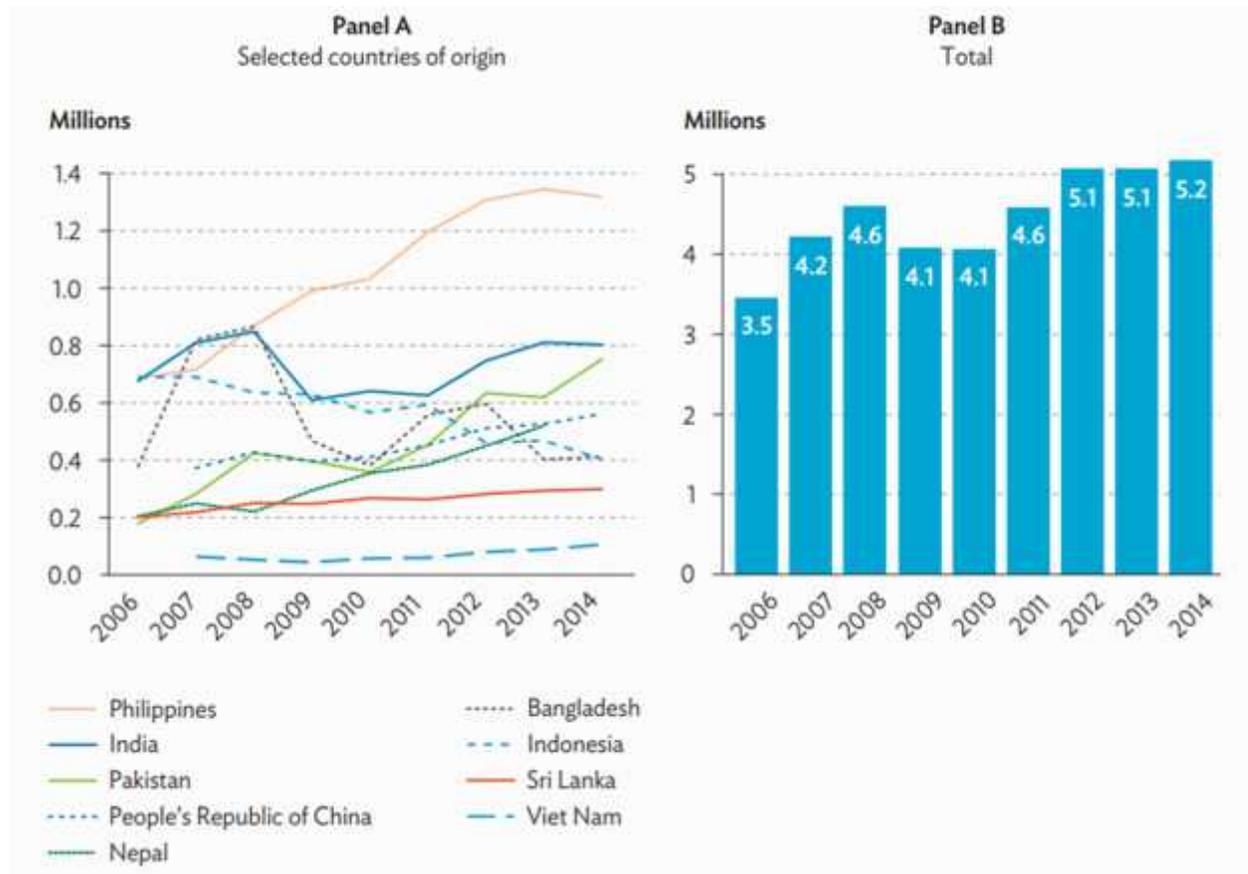
- Labour migration flows within the ASEAN region;
- Labour migration from South Asia to South East Asia (Malaysia, Korea);
- Significant movements within South Asia (India and Pakistan as key destination countries)
- The GCC countries continue to be the main destination for Asia MWs.

She further briefed that the key destination for MWs are the six GCC countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, UAE). Currently some 22 million MWs are in the GCC. GCC rely on foreign labour to fill over 90% of private sector jobs. Future demand likely to increase, Qatar World Cup 2022, UAE World Expo 2020 and massive infrastructure projects in KSA. The recent reduction in oil prices has drastically reduced demands particularly in Saudi Arabia.

A brief description of Ms Engnlom's presentation is as under:



## Outflows of workers from selected Asian countries 2006-2014



### The International Labour Migration Statistics database in ASEAN for evidence-based policies (launched 2015)

- ILMS gathered together official government data from a number of statistical sources on international migrant workers' stocks and flows.
- Published on the ILO STAT database portal, AP Migration, ASEAN Statistics
- Cited as a "good practice" by the Global Migration Group (GMG)
- Accompanied by a publication on "Guide", "Analytical Report", "Factsheets", "Statistical booklet" with extensive social media promotional campaign

### Recruitment – key challenges

- Migrant workers are highly vulnerable to abuses during recruitment. Including
- high fees and costs,
- contract substitution

- failure to meet placement obligations
- Recruitment options largely limited to private recruitment agencies. Private recruitment agencies account for a majority of workers placed abroad.
- Regulation of recruitment agencies is often ineffective, complaints mechanisms not effective, timely information on job opportunities not readily available.
- Big disparity between national laws and actual practice.

### **Recruitment – renewed global interest in ethical and fair recruitment**

Fair recruitment is a pillar under the ILO Fair Migration Agenda endorsed by the ILO GB in 2014 and is recognised as key for the protection of MWs.

Meeting of Experts on Fair Recruitment, September 2016 adopted General Principles and Operational Guidelines on Fair Recruitment (domestic and international recruitment).

IOM IRIS - an international voluntary “ethical recruitment” framework that will develop a voluntary accreditation system for its members

ILO Private Employment Agencies Convention, 1997 (No. 181) recognizes the important role of private employment agencies in job placement

### **Recruitment – legislation and enforcement gaps**

**Countries of origin:** Overall comprehensive legal frameworks on recruitment, but the main areas that require further attention are:

- Recruitment fees and costs
- Regulation of sub-agents
- Incentives for well-performing agencies (rating)
- Enforcement of legislation and monitoring

**Destination country:** Simplifications of immigration procedures linked with job vacancies and shortages (reform kafala system (no objection certificate to change job; employer granting exit permits; allowing change of employer within the GCC countries))

### **Migration costs – high international focus**

Low-skilled MWs pay most (reduces development impact, leads to forced labour)

**UN Secretary General’s Statement at the UN High Level Dialogue on Migration and Development (2013):** Reducing the costs of migration is one of the eight action points in Statement.

**Proposed indicator:** “recruitment cost borne by the employee as a proportion of yearly income earned at country of destination.” While targets still need to be agreed, a proposal is that recruitment costs should not be higher than the equivalent of one month salary.

**KNOMAD: ILO/WB studies:** Indonesia – Korea; India – Kuwait; Ecuador – Spain; India, Nepal, Philippines – Qatar; Ethiopia – KSA; Vietnam – Malaysia; Pakistan – UAE/KSA.

## **Migration costs – international instruments**

### **ILO Private Employment Agencies Convention, 1997 (No. 181) and accompanying Recommendation, 1997 (No.188)**

Provides international standards for fair and decent labour recruitment practices.

Key feature: Governments need to ensure that private employment agencies do not charge workers for their services. Convention allows for exceptions if the fees are

- (a) specified in the legislation or regulation;
- (b) discussed through tripartite consultation;
- (c) in the interest of the workers'
- (d) etc

**Migration for Employment Convention (Revised), 1949 (No. 97):** Reiterates that public employment services for migrant workers should be rendered free of charge to the worker.

## **Migration costs – how to reduce costs**

- Limiting or eliminating fees to workers by law (Nepal)
- Legislation on regulating recruitment and enforcement mechanisms (for example complaints linked to licensing)
- Information dissemination on legal costs such as visa fee, passport etc (MRC)
- Expanding recruitment options (aside from private recruitment agencies; direct recruitment of workers through accredited employers of destination countries as well as e-recruitment )
- Placement through public placement agencies (EPS-Korea has reduced migration cost from USD 3500 to USD 927 between 2002-2011)
- Rating of recruitment agencies: Self-regulation (Viet Nam) or rating by Gov (Sri Lanka) or third party

## **Access to justice – abuses during recruitment and employment**

- Absence of contracts or their substitution
- Confiscation of documents
- Non-payment or delayed payment of wages
- Sub-standard living conditions
- Lack of/weak freedom of association and collective bargaining (particularly GCC)
- Forced labour and trafficking
- MW in vulnerable occupations are either not covered by labour legislation (domestic work, fishing, agriculture) or enforcement is weak
- Lack of complaints mechanism and access to justice (few prosecutions and convictions in the area of labour exploitation, forced labour and trafficking)

**In 2012, the ILO estimated that there were some 600,000 forced labour victims in the Middle East**

## **Access to justice – international frameworks**

### **Principle of non-discrimination**

- **ILO Migration for Employment Convention** (No. 97): a ratifying country must provide the same treatment in terms of legal proceedings to migrant workers as are available to nationals.
- **ILO Domestic Workers Convention** (No. 189): governments must ensure that MDWs, have effective access to courts, tribunals or other dispute-resolution mechanisms in the same manner as other workers.
- **ILO Private Employment Agencies Convention** (No. 181): the competent authorities must ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies.
- All ILO conventions apply to MWs and domestic workers alike, unless explicitly stated.
- The principle of non-discrimination is fundamental in all international human rights treaties, and 80% of all countries have ratified four or more of the nine HR Conventions that guarantee these rights.

## **Access to justice – international focus**

### **Promote sustained, inclusive and sustainable economic growth, full and decent work for all**

- Target 8.8: Protect labour rights and safe and secure working environment for all workers, including migrant workers and in particular women migrants
- Suggested indicators:
- Frequency rates of fatal and non-fatal occupational injuries by gender and migrant status;
- ILO Conventions ratified by type of convention

## **Access to justice – international good practice**

- MOUs and bilateral agreements that outlines MWs access to complaint mechanisms in CoD
- Use of standard employment contracts that are enforceable
- Embassies and with sufficient capacity to address cases (labour attaches)
- Migrant workers welfare funds: ILO Multilateral Framework guidelines (2006) recommend: “considering the establishment of a welfare fund to assist migrant workers and their families, for example, in the case of illness, injury, repatriation, abuse or death.”

- Countries of origin (and destination) should allocate adequate budgetary resources to the protection of migrant workers and not rely overly on MWFs.
- A few clear, easily accessible channels for complaints
- Web-based complaints mechanisms (SMS function to follow-up on status)

**Recommendation/Suggestions:**

It is humbly suggested that we can conduct such researches at OPF by identifying areas related to overseas Pakistanis. We can also go for joint ventures or collaboration with other organizations such as ILO, EU and other relevant partners to conduct such researches.

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