



International Organization for Migration (IOM)

EU-China Dialogue on Migration and Mobility Support Project

支持中欧人员往来和移民领域对话项目



International Labour Organization

## Workshop on China-EU Labour Migration: Scope and potential of China-EU two way labour mobility, recruitment cost and complaint mechanism 14-16 November 2016, Nanjing

### Summary Report



The Workshop on China-EU Labour Migration: Scope and potential of China-EU two way labour mobility, recruitment costs and complaint mechanism was organized from 14-16 November 2016 in Nanjing by the ILO Country Office for China and Mongolia in cooperation with the China International Contractors Association (CHINCA). This workshop was organized within the framework of the Support to EU-China Dialogue on Migration and Mobility Project, funded by the EU and jointly implemented by the ILO and IOM. The workshop aimed to enhance the understanding of the participants of the scope, opportunities and challenges for a two-way labour migration between China and the EU, provide an international exchange platform for government officials, practitioners and other professionals working on migration issues in China to promote sound national policies and practices, and to discuss the findings of relevant studies conducted



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under the project and exchange ideas for recommendations to reduce the vulnerability of migrants and increase the benefits from international labour migration.

Mr. Stéphane Bauguil, Programme Manager, EU Service for Foreign Policy Instruments of the Delegation of the European Union to China, noted in his opening remark that: “China's migration flows to EU countries are significant, both concerning highly educated migrants but also low-skilled workers. There are nevertheless significant issues at stake on both the European and Chinese sides for managing these potential migrants' flows, especially in terms of recruitment costs, or access to justice and protection. Tackling all these issues is needed in fact in order to enhance the impact of migration on development, and at the same time for reducing irregular migration flows.”

Mr. Tim De Meyer, Director of ILO Country Office for China and Mongolia, pointed to the 2030 Sustainable Development Agenda which “sets out to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment... We need to look together how we can build on the improvements already made in the protection of overseas Chinese workers and the development of complaint mechanism to better protect their interests and rights.”

The opening session was also marked by Mr. Fang Qiuchen, Chairman of CHINCA, and Mr. Zhu Yimin, Deputy Director General, Jiangsu Provincial Department of Commerce, who made opening remarks and welcomed the participants from both China and abroad.

The workshop presented the following highlights:

- **Rights protection of international migrant workers**

Mr. Zhang Xiangru, Director of the Department of Labour Service Cooperation of CHINCA introduced in details the management framework and policies, current status as well as development trends of national policies and practices on international labour migration management in China. Mr. Tim De Meyer introduced the international labour standards on migration for employment and migrant workers including ILO conventions, recommendations and ILO multilateral framework on labour migration. He presented four categories of international labour standards including international labour standards generally, fundamental standards, governance standards and standards specifically on the protection of migrant workers. He emphasized that in addition to the specific





standards related to labour migration and the protection of migrant workers, all international labour standards apply to national and non-national workers alike.

- **Labour migration in the context of China-EU two-way mobility--EU**

Supported by comprehensive data analysis, Mr. Piotr Plewa, Senior Expert, Ministry of Labor and Social Affairs of Poland and ILO Consultant of MMSP Project, and Mr. Marko Stermšek, ILO Consultant of MMSP Project and ASEAN TRIANGLE Project, presented the China-EU labour migration profile and statistics illustrating labour and skills gaps in the EU labour market and the opportunities for Chinese migrant workers. The presentations aroused remarkable interests among labour service companies and relevant government officials. Good practices were presented from the World Employment Corporation (WEC) code of practice and IOM Pre-departure Orientation Programme. Mr. Pär Liljert, DG Special Envoy & Head of Office for IOM China & Mongolia, particularly emphasized the role that governments play in overseas employment programmes. To improve the effectiveness of pre-departure orientation programmes, he suggested that government should seek cooperation of receiving countries, build technical knowledge and provide support to consular services.

- **Labour migration in the context of China-EU two-way mobility--China**

From the perspective of immigration, Ms. Gao Lin, Deputy Director General, Department for Policy and Regulations, State Administration of Foreign Experts Affairs (SAFEA), made a detailed presentation on the policies and regulations on the management and service of foreigner's employment in China. She particularly referred to the pilot programme of combining the “foreign expert’s work permit in China” with the “foreigner employment permit” into “foreigner’s work permit in China”. As introduced by Ms. Gao, the government has decided to simplify the procedures, shorten the approval duration, open green channels and apply “inform plus promise” system in order to draw more high-level talents to work in China. Mr. Wang Xin, Vice President of the Center for China and Globalization (CCG), pointed out in his presentation that by 2030 China will be in dire need of high level talents especially in the third industry. He listed a series of good practices conducted by provincial governments such as Shanghai’s Ten Thousand Overseas Returnees Plan, Beijing’s Zhongguancun Science and Technology Park and Guangdong’s Pearl River Plan. He also presented findings from comparative studies with countries such as Germany, Singapore and Japan which apply different immigration systems, and analyzed their respective strengths and disadvantages regarding foreign talents attraction and management.





Mr. Wang Yiwu reviewed the administrative framework and approaches to protect lawful rights and interests of overseas Chinese workers including the assistance and compensation mechanisms, contract protection and the use of deposit funds as well as bad credit record to regulate labour migration.

- **Regional and sectorial labour cooperation between China and EU**

One of the highlights of the workshop was the regional and sectorial approach to promote labour migration, in particular in the China-EU context. Mr. Zeng Gaofeng from the Jiangsu Provincial Department of Commerce introduced the provincial policies and practices of international labour cooperation, including best practices such as providing government subsidies to cover commercial insurance for all overseas migrant workers from Jiangsu and establishing an online platform for the recruitment of job seekers to work overseas. An in-depth exchange was conducted between CHINCA, foreign labour cooperation companies represented by Weihai International Manpower Services Co., Ltd, and Ms. Isabell Halletz, CEO of German Employers' Association of Private Care Providers to discuss on-going cooperation and identify existing issues and challenges in recruiting and providing services for Chinese nurses to work in Germany. In the discussion, it has been recognized by both parties that one of the most important factors constraining China-German Care Workers Program is cost. Efforts should be made to strengthen the communication with German employers and explore possible solutions to reduce the costs incurred for introducing and training Chinese nurses for the German market.

- **Complaint mechanism assessment and reducing recruitment costs**

Prof. Liu Guofu from Law School of Beijing University of Technology reviewed the complaint mechanism for overseas Chinese workers. He analyzed the different avenues for complaints by Chinese migrant workers, initiated and undertaken at different stages of the migration process. Factors affecting effective complaint mechanism were examined in details. Arguing that there are many different types of labor migration, Prof. Liu advocated for a coordinated approach to resolving the complaints arising from these different types of labor migration.

Mr. Cao Cangdou, Deputy Director of the Labour Service Cooperation Department of CHINCA, introduced the policies and regulations, mechanisms and practices of handling complaints by overseas Chinese workers. He further analyzed the characteristics and major issues of disputes concerning overseas labour dispatch and addressed their reasons.







International good practices were introduced by Mr. Manuel Imson, Senior ILO Consultant, with the example of Philippine's experience in recruitment and complaint mechanism management for migrant workers from Philippines. He emphasized that "The (Philippine) State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental rights and freedoms of the Filipino citizen shall not, at any time, be compromised or violated." He also pointed out that skills are the most reliable protection for workers. The designation of specific government agencies to take charge of international labour migration also ensures the effective protection of migrant workers' rights.

Mr. Nilim Baruah, Senior Migration Specialist of ILO Regional Office for Asia and the Pacific, addressed the recruitment cost issue. He introduced the principles and practices to promote labour mobility and the fundamental rights of workers and to reduce the vulnerability of migrants as set forth in the ILO Fair Recruitment Principles and Operational Guidelines. He further informed the participants that the Guidelines have recently been adopted and will be translated into Chinese and made available to relevant stakeholders.

50 participants from China International Contractors Association (CHINCA), State Administration of Foreign Experts Affairs (SAFEA), All-China Federation of Trade Unions (ACFTU), Department of Commerce of Jiangsu Province, Departments of Commerce of Nanjing Municipality and Suzhou Municipality, Centre for China and Globalization (CCG), German Employers' Association of Private Care Providers, recruitment agencies and associations actively engaged themselves in the discussions.

As commented by Mr. Zhang Xiangru, Director of the Department of Labour Service Cooperation of CHINCA, "this workshop was not only a well organized and elaborated seminar supported by professional speakers and disciplined participants, it was indeed an exchange that covered a wide variety of subjects and presented a complete picture of labour migration industry. More importantly, the topic of China-EU two way labour migration was for the first time clearly illustrated in this workshop with most cutting-edge issues and highly efficient communication." Moreover, the workshop also raised profound questions for further improvement and better communication and collaboration between China and EU as well as between government, enterprises and workers to expand regular labour migration, protect migrant workers' rights and maximize the development outcome of international labour migration for all parties concerned.





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