



BWI • Building and Wood Workers' International
BHI • Bau- und Holzarbeiter Internationale
BTI • Byggnads- och Träarbetar-Internationalen
IBB • Internationale des Travailleurs du Bâtiment et du Bois
ICM • Internacional de Trabajadores de la Construcción y la Madera

54, route des Acacias Tel.: + 41 22 827 37 77
CH-1227 Carouge / GE Fax: + 41 22 827 37 70
Switzerland www.bwint.org

**International Organization for Migration (IOM)
International Dialogue on Migration in 2018
Towards effective migration governance: partnerships for capacity development
8-9 October, Conference Room XVIII, Palais des Nations, Geneva
Remarks of Ambet Yuson,
General Secretary, Building and Wood Workers' International (BWI)**

Excellencies

Delegates, Trade Union and Civil Society Colleagues,

I very much welcome the opportunity provided today for a dialogue on the critical dimensions of partnerships and capacity development, in the context of the global governance of migration. I thank the IOM for their kind invitation, and I welcome the new Director General, Mr Antonio Vitorino who takes the helm of the organization when UN Member States are preparing to adopt the Global Compact on Safe, Orderly and Regular Migration in Marrakesh in December.

The Building and Wood Workers International is the Global Union Federation representing 12 million workers in over 132 countries in the Building, Building Materials, Wood, Forestry and Allied sectors. A significant portion of our membership and workers in our sectors are migrant workers. Promoting the fundamental human and labour rights of these workers lies at the heart of what we do.


We are pleased that the human and labour rights framework is firmly in place in the Global Compact, but ensuring compliance requires vigilance, clear monitoring mechanisms, and sustained actions at the national, regional and international levels, as well as in the private and public sectors. And yes, there are innumerable capacity development needs that must be backed up with adequate resources.

Let me frame my remarks on capacity development by referring to the significant deficits in current human rights regimes which need to be addressed at the outset. Contrary to some popularly held notions, there does not exist a set of human rights that exclude people without papers from their application, whether they are refugees seeking asylum or migrants. Human rights are universal and indivisible.

Migrants should not be mistreated, nor should parents be separated from their children, nor should their children be deprived of the right to education, nor should they be deprived of access to health care. They should benefit from rule of law, due process, and independent courts, and be protected from arbitrary, extra-legal treatment.

If migrant workers are to benefit from protections under the important International Labour Conventions referenced in paragraph 2 of the Global Compact, these should be ratified by all Member States, and systematically applied. Of special importance are enabling rights which allow migrant workers to protect themselves from abuses, to acquire other rights and to assume agency in ensuring that their rights are being respected.

For migrant workers, their principal enabling rights are the rights to form and join trade unions and to engage in collective bargaining to improve their conditions of work. Many migrant workers enjoy those rights, most of them as members of trade unions that also



represent host country workers. They have the same democratic rights as all other union members and are covered by the same collective agreements. In many cases, their unions are the only places where they can exercise their full democratic rights.

However, there are many other situations where migrant construction workers are deprived of the rights to organise and bargain collectively, either because they work in countries which deny those rights to workers across the board, or because migrants are excluded from the rights that protect nationals of the country. Or they may be excluded from the effective exercise of those rights because of precarious and/or temporary work, or because of their engagement in circular migration schemes.

Another significant attribute of enabling rights is that they confer dignity to workers who can then defend their own interests, and who are actors in determining their own future. They can define their own priorities, rather than being dependent on the goodwill of others, or having others decide what is important for their lives.

Unfortunately, the human and labour rights of migrant workers are routinely violated in many countries. However, we do have examples of good practice in the promotion of labour rights and good working conditions in some parts of the construction industry. In this regard, I would like to speak about Qatar, where progress is being made.

In 2016, BWI negotiated a memorandum of understanding with the Supreme Committee for Delivery and Legacy of Qatar, the body that is responsible for organizing the FIFA 2022 World Cup Qatar. The aim is to ensure that rigorous health and safety standards are maintained for the benefit of workers on the construction sites of Qatar's World Cup Stadiums, and that accommodation facilities for workers on World Cup projects meet acceptable standards. This agreement followed years of engagement with Qatari authorities in addressing the rights and treatment of construction workers in the country.


More recently, we have reached an agreement with QDV/VINCI, the first agreement with a Qatari company.

The agreements are different, but they have some important overlaps. Both place a priority on occupational health and safety. Both provide for election and training of worker committees that, serves as a grievance mechanism for workers to address their concerns.

We are doing joint inspections on occupational health and safety with the Supreme Committee. We are trying to eliminate deaths and injuries on constructions sites. We have not yet fully succeeded, but safety has improved considerably.

The reason that I am mentioning these examples is that they demonstrate that the good normative principles on human and labour rights espoused by the Global Compact for Migration **can** be upheld, contrary to the reservations expressed by some Member States during the recent negotiations on the Global Compact. They serve to benefit the economy, the companies involved, and the workers. They are serving to move workers closer to the achievement of those enabling rights I mentioned earlier.

We have discovered, in all the sectors that we represent, and on all continents, that independent representation of workers in trade unions which they control is a key factor in



achieving proper health and safety and other conditions on the job. Trade unions make work safer.

Workers are on the job all the time. Given the autonomy and the authority combined with training, they are the best agents when it comes to protecting their rights and conditions on the job.

Clearly, there are capacity development questions to be addressed in all of this work. In this regard, we welcome the establishment of a Capacity Building Mechanism (CBM) as a component of implementation of the Global Compact. However, implementation of the CBM must be grounded in the sustainable development goals, and in human rights principles that promote the wellbeing of migrants and their families.


There is the need for capacity development among governments, to align their laws and institutions, including labour inspectorates, with international standards. And they must enforce their laws systematically, even in face of push-back from powerful companies or other interests. This requires political will and effective governance, to make sure that enforcement is not derailed.

Another important area for capacity development, and in some cases resource allocations, is the regulation of recruitment agencies, or support for the creation of non-commercial recruitment agencies. These agencies play an important role in supplying workers to destination countries. There are outrageous abuses by recruitment agencies taking place every day. There is a need for bilateral and regional agreements to regulate the recruitment industry.

However, good governance is key. If elected politicians or government officials are getting their cut from exploitative recruitment practices, the best capacity in the world will change nothing. The ILO has developed a fair recruitment programme with recommendations and a web platform to assist workers through the recruitment process, but much more needs to be done by governments to make fair recruitment a reality. In this regard the action items in Objective.6 of the Global Compact on ethical recruitment and decent work should be fully adhered to, including full use of the ILO General Principles and Operational Guidelines for Fair Recruitment.

Regional and bilateral agreements covering labour migration and recruitment must operate according to the principles of fair migration as enshrined in the ILO Conventions on Migration (C97 and C143), as well as the ILO General Principles for fair recruitment mentioned above. And the principles of equal treatment and non-discrimination in remuneration and conditions of work must be applied. If one worker has different wages from another doing the same work, simply because they are from different countries and covered by different bi-lateral agreements, rational systems and efficient, workable industrial relations will never develop. It is not fair and workers, rightfully, resent these differences.

If we can move towards fair labour standards in the countries where migrant workers are employed and achieve enabling rights to join trade unions and bargain collectively, we'll be well on our way to fulfilling key commitments of the Global Compact.



In conclusion, let me reiterate that that if capacity development initiatives are to bear fruit and help make change possible, they must operate in a framework of rights and political will.

We are ready, willing, and able to work closely with IOM, the ILO, Governments and all stakeholders to give life to the Global Compact for Safe, Orderly and Regular Migration, and hope to migrant workers and their families for dignity and decent work.

I THANK YOU,
