

**International Dialogue on Migration (IDM)
Intersessional Workshop on
“Making Global Labour Mobility a Catalyst for Development”**

Session 3

*“The Role of the Private Sector and other Stakeholders in
Making Labour Migration Work for Development”*

**The Role of the Trade Union Movement
in Migration and Development:
A Contribution from the Building and Wood Workers International
(BWI)**

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I. Introduction

It is an honor for the Building and Wood Workers' International to be part of this session that deals with the role of the private sector and other stakeholders in making labour migration work for development. The trade union movement is indeed a stakeholder in labour migration and development. I will provide you a snapshot of what BWI is doing within the frame of the global unions' mandate and standpoints.

Let me begin by putting into perspective what development is. The most important reference point is, of course, the United Nations which is actually the global family of nations. Thus, I visited the UNDP website and saw the following quote from the Human Development Index webpage:

"The basic purpose of development is to enlarge people's choices. In principle, these choices can be infinite and can change over time. People often value achievements that do not show up at all, or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and physical violence, satisfying leisure hours, political and cultural freedoms and sense of participation in community activities. The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives." (*Mahbub ul Haq - theoretician on development*)

The webpage also pointed out that "...human development shares a common vision with human rights. The goal is human freedom. And in pursuing capabilities and realizing rights, this freedom is vital. People must be free to exercise their choices and to participate in decision-making that affects their lives. Human development and human rights are mutually reinforcing, helping to secure the well-being and dignity of all people, building self-respect and the respect of others."

This somehow sums up my point of departure for the presentation: development is beyond growth figures and should go hand in hand with human rights.

II. The Trade Union Movement as a Stakeholder

For many years, migrant workers were not seen as traditional trade union constituency. As a collective bargaining agent, unions have focused on the regular local workers and have side stepped the few migrant workers in the workplaces, if there are any. Moreover, labour migration were not seen as a sphere of unionization as they are either in the Middle East with time-defined contracts, in plantations not reached by unions, in hotel bars playing music or in the houses serving families.

But this has changed now. The global labor market is characterized labour mobility and the workplaces are now composed of various nationalities. Exploitation abounds as a result of this transformation and in some cases migrants are used to dismantle the gains of the trade union movement. There are almost 200 million migrants now that forms part of the global community of workers - indeed a significant constituency of the trade union movement.

Trade Unions as representative organizations. As a membership-based organization, trade unions are mandated to represent its members, protect their rights and interests, and provide services from field of education to social security. It is based on the power of the collective and solidarity whose sphere of engagements range from the workplace to the industry and to the society. It is the voice of the working people and a facilitator of integration.

Trade Unions as a social partner. In the broad framework of labor relations, it is the counterpart of the employers and the State. It is an institution of collective bargaining and a partner in the various themes and processes of social dialogue.

Trade Union Movement as global, regional and national actor. As a global structure, trade unions are political-social-and economic actor which represents its members in the global, regional and national levels. An elaboration of the movement would show that there are 2 main groupings of unions based on membership. The International Trade Union Confederation or ITUC is an apex organization of national labor centres. It has 305 affiliates from 153 countries and territories covering 167-million workers. On the other hand, there is the Global Union Federations which count for its members the industry or sectoral unions. One of the GUFs is the Building and Wood Workers International which represents workers from building, building materials, and wood and forestry sectors.

These 3 characteristics of the trade union movement plus the changes in the labour markets that facilitated the integration of migrant workers in union structures underscores the important role that the trade union movement at various aspects of labour mobility.

Unfortunately, the trade unions were not mentioned in the GFMD 2007 Report except in the introduction. I hope we were lumped with the civil society in that report but this panel today clearly indicates that trade unions are clear stakeholders in migration.

III. Key Union Perspectives on the Migration

Decent Work for All and Everywhere. There are 5 elements in the notion of decent work agenda and this includes 1) employment and fair income; 2) security in the workplace and social protection; 3) personal development and social integration; 4) freedom for people to express their concerns, organize and participate in decision that affect their lives; and 5) equality of opportunity and treatment for all women and men. Stakeholders, we believe, should refer to these rights in defining policies and strategies.

Rights-based Approach to Migration. The trade union movement shares with the ILO standpoint of a rights-based approach to migration. We push for a framework of labour laws and regulations that ensure migrant workers benefit from equal treatment and opportunities in respect to wages, working conditions, and benefits of collective agreements, membership in trade unions, and social security. The “decent work deficits” associated to many workplaces and industries that take in migrant workers highlights the further need to put human and trade union rights in the center of the policy debates and initiatives.

Development at the Workplace and at Home Country. Trade unions operate in workplaces and functions to ensure fair terms and conditions of employment. On a broader plane, the

developmental issues in their home countries and communities must not be ignored. Decent work, living wage, job generation and peace and security are basic issues referred to on this standpoint.

Migration in the Context of Global Governance. The Council of Global Unions believes that the process on migration and development should be put back in the UN framework. They put premium that right-based framework that the UN provides through it conventions, covenants and declarations. Additionally, migration – as a manifestation of uneven development – is related to the global economic and trading system. Thus the linkage and the need to examine the impacts of WTO, GATS and International Financial Institutions should be considered. Especially due to the observation from the Global Unions that “migration and development policy actors largely operate in separate policy arenas”.

The Push and Pull of Migration underscore the Development Challenges. Migration also manifests the lack of opportunities in the home countries. This is therefore a developmental issue. The government of sending countries must look at the root causes of the Diaspora especially in cases of migration by necessity.

Social Dialogue. The Global Unions asserts that “social dialogue must be at the heart of migration policy”. The multiplicity of interest and groupings involved in migration as manifested in this IDM requires engagement and cooperation as various levels (global, regional, national, sectoral and thematic). The trade unions see the usefulness ILO Tripartite model as the cornerstone of partnership and social dialogue. I call it “**Tripartism Plus**” to indicate the inclusiveness that would include other civil society and private sector actors which are not traditional tripartite partners.

IV. BWI Migration Strategy and Programs

One of the industries with major labor mobility is construction. Thus for BWI, migrant workers have evolved into a central focus of our program of action. The strategy is composed of 3 inter-related actions: Organising, Negotiating as well as Campaigning and Networking.

Organizing

Organising and recruitment of migrant workers into trade union structures is the cornerstone of the BWI strategy. Ensuring decent terms and conditions of employment is the key goal of the union. Union membership (or at least networking/contact in case membership is not allowed) also facilitates the provision of services like legal support, language facilitation, and contract negotiations.

In Europe, many of our affiliates have migrant members. The labor mobility in EU has pushed many unions to extend their coverage to the new entrants. Case in point is our union here in Switzerland, UNIA which has 51% membership of foreign origin.

In Russia, the union has placed in its protective umbrella 3,625 migrants from Tajikistan, Uzbekistan and Kyrgyzstan. Almost 170,000 Euros of unpaid wages was retrieved by the union.

In Central Asia, Kazakhstan has seen massive influx due to the oil and gas induced construction and they affiliate there has so far recruited 200 members this year.

Our Asia Migration Project covers the Gulf States to Japan. In Bahrain, the enterprise unions are merging together to create the sectoral union. They have started recruiting the South Asian workers in their company facilities and one union has a 50% increase in membership. In Malaysia, Nepalese timber workers have been provided legal assistance and so far 231 workers have been integrated. The Hong Kong Union is working with the Nepalese Association to create a Construction Union while in South Korea some local branches have recruited migrants.

Negotiating

Collective Bargaining is the main institutional instrument for trade unions in regulating the terms and conditions of employment. In Europe where the legal framework provides negotiation, collective agreements cover migrant workers.

Agreement with Contractors is another element of the negotiating strategy. Our agreement with the Confederation of International Contractors Association signed in Dubai in 2006 stipulated the commitment to social requirements like workers transportation, health and safety as well as decent living facilities. In Taiwan, our affiliate signed a framework agreement with the Chinese National Association of General Contractors (CNAGC) and the Taiwan Regional Engineering Contractors (TREC) allowing the foreign workers in involved contractors to join the union. The union also has the possibility to assist in placement of workers from several Asian countries but it remains in planning stages at this point.

International Framework Agreements (IFAs) is another instrument which the BWI can maximize. IFAs are agreements between a GUF like BWI and a multinational company. This contains commitment on core labor standards and covers supply chain and subsidiaries. One example is the Royal Bam Company of Netherlands whose projects in Dubai was visited by BWI.

Agreements with Government were also concluded. In Russia, a cooperation agreement for creation of special department on slave labour was agreed with the police authorities. In Tajikistan, a pilot partnership with the technical school facilitated better job and working conditions for some 50 workers who went to Russia.

*Union to Union Agreements*¹ that provides for cooperation and coordination of various BWI affiliates in ensuring protection of migrants is another example of negotiated support from both the sending and receiving countries. The countries so far that have done this are Nepal and Malaysia, Jordan and Egypt, as well as Russia with Kazakhstan and Kyrgyzstan unions.

Let me also mention that BWI Africa was as key participant in the formulation Regional Guidelines on HIV and AIDS for the Construction Sector in the SADC Region. It aims to

¹ ITUC has 3 Partnership Agreements between affiliates in sending and receiving countries. These are Indonesia with Malaysia, Senegal with Mauritania, and Nicaragua with Costa Rica.

help curb HIV infection and the impact of HIV and AIDS among migrants and mobile populations working in the construction sector².

Campaigning and Networking

Awareness Building among Local Workers is a foundation that BWI has to work on to create a shared commitment to migrant workers organizing and representation. “Competition for jobs” was a prevalent issue before and the lack of union policy fanned the disregard for the plight of the migrant workers. This is a continuing work of BWI unions around the world.

Awareness Campaign for Migrants is a key to their protection. Knowing their rights and their recourse is a start of empowerment. This sparks their interest to join unions and work toward decent working conditions and even help their fellow workers.

Public/Media Campaign for Policy Reforms is part and parcel of the BWI representation work. BWI together with the ITUC and the GUFs articulates their policy proposals before the various multilateral bodies and processes on labor migration. The perspectives presented earlier are derived from the global unions’ statement during the meeting in Brussels last July. Our affiliates have also joined the campaign for the ASEAN declaration on labor migration.

Networking with NGOs and Migrants Associations is the recognition of the numerous stakeholders in migration. NGOs, academe, religious groups, migrants groups, community associations and business organizations are also working on the various aspects of migration. On a country level, our unions are working with the Migrants Working Group in Malaysia and the Far East Overseas Nepalese Association (FEONA) in Hong Kong. On the regional level, BWI cooperates with Migrants Forum Asia for policy advocacy.

Internally, BWI has also organized a Global Migration Network which is composed of 90 unions and this is being strengthened by the efforts to create an Asia Migration Network and more recently an idea to start-up a European Migrant Workers Network.

V. Perspectives for Partnership for Development

The guide questions of this panel include how to facilitate the involvement of non-governmental actors in different aspects of labour migration management and in needed human resource development. Let me share 4 points that I hope can contribute to the further discussions:

Utilization of Industrial Relations Mechanisms. As an industrial relations actor, trade unions are the counterpart of employers and government. They engage and negotiate with each others in a set of rules thereby providing regulations, procedures, and predictability. This framework offers a system of dispute settlement, setting of standards, inspection

² The Guidelines Highlight the magnitude and nature of the HIV and AIDS pandemic in the sector, and suggest areas for action; Provide stakeholders with an advocacy tool for facilitating the understanding of HIV and AIDS issues among migrant workers in the sector; Provide stakeholders with practical recommendations for action to address the HIV vulnerabilities among migrant workers in the construction sector; and Provide the basis and framework for the formulation of sector policies in Member States’ national HIV and AIDS strategic plans and SADC regional HIV and AIDS guidelines for migrant workers in the construction sector.

systems and negotiations. At the heart of this is collective bargaining as the mechanism to determine the terms of employment.

Social Dialogue. This is also the frame in which ILO operates (being a tripartite institution) as well as the locus of its multilateral framework on labour migration (being a rights-based approach). This International Dialogue on Migration of IOM is also a helpful process to generate policies and strategies towards a sustainable migration and development. We hope to see a fusion of the various policy spheres and arenas in charting a better management of labour migration. But we must take note that the outcome/result is as important as the process as millions of workers at this moment are toiling in difficult conditions and getting unfair compensation.

Value of Organizations and Self-Regulation. Organising and representing are the 2 key tasks of trade unions. This is also a pre-requisite for an effective social dialogue – when employers and other private sector stakeholders are organized. Such organizations also facilitate self-regulation among the various members and provide a constituency in promoting ethical recruitment and corporate social responsibility.

Skills Development. This year BWI embarked on a global initiative to be systematically engage in vocational or skills training. We have started to take stock of the various models and we have seen tripartite, bipartite or union-run approaches. One of our affiliates is even holding women only construction skills training program. Further to this initiative is that we shall cooperate with the employers, the government or the other private sector groups that can assist in developing the skills of the construction or wood worker and thereby provide him more power, value and options in the labor market – whether it is local or international.

In closing, we do understand that the migration phenomenon is a big issue that requires cooperation from the most possible number of actors. Our trade unions cannot reach all the workplaces and countries and some cases the legal framework does not provide for our existence. There are other actors – like NGOs and migrant associations - that can also provide protection and representation. The challenge now is to create the broad alliance in making the work of millions of migrant workers decent – getting their fair share of their labour in a context where they have rights and dignity.

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