

EMN Slovakia's National Conference

Sustainable Labour Mobility in Action: Bilateral Pathways for a Prosperous Slovakia

Ways to build strong (bilateral) labour mobility pathways

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Introduction

- To look at the variety of mechanisms supporting bilateral labour mobility
- BLMAs as tools for safe, orderly, and regular migration
- Challenges, issues to consider and take into account

Definitions, Typology and Formats

- BLMAs encompass BLAs, MOUs, and other cooperation agreements.
 - BLAs: Legally binding, structured, require ratification.
 - MOUs: Non-binding, flexible, faster to negotiate.
 - Bilateral labour arrangements
 - Bilateral labour mobility agreements
- Comprehensive migration agreements.
- Free Trade Agreements: may include labour provisions.
- Social Security Agreements
- Anti-trafficking Agreements
- Economic cooperation agreements
- Agreements in the area of migration: readmission, visa facilitation, rights of nationals of one country on the territory of another

Global context

- Demographics: developed countries will lose 200 million workers. Retiring population is 400 million. Developing regions are gaining 600 million.
- In 2024, 17 EU states were actively working on the bilateral labour migration agreements.
- WB 2024: signing an agreement increases labour migration by 76% in just the first decade.
- Total number of migrants 304 million (2024).
- The number of migrant workers globally 167 million (2022).
- The effects of the BLMAs last for about 3 decades.

State policies

- No national BLMAs
 - Set up national labour migration policy, institutions, infrastructure and procedures
- Framework Agreements
 - Memoranda of Understanding
- Sectoral Agreements
 - Construction
 - Agriculture
 - Health
- Various types of agreements: comprehensive, BLMAs, MOUs, skills development, visa, etc.

Sustainable Development Goals



TARGET 5-4



**VALUE UNPAID CARE
AND PROMOTE SHARED
DOMESTIC
RESPONSIBILITIES**

TARGET 8-8



**PROTECT LABOUR
RIGHTS AND PROMOTE
SAFE WORKING
ENVIRONMENTS**

TARGET 10-7



**RESPONSIBLE AND
WELL-MANAGED
MIGRATION POLICIES**



Global Compact on Migration and migrant workers' rights



BLMAs and the EU Pact

Complementary tool:

The EU Pact views BLMAs as a complementary tool to the EU policies on legal migration, such as the EU Blue Card Directive. A way to manage migration through direct cooperation with non-EU states.

Part of larger partnerships:

The Pact aims to embed migration within comprehensive, mutually beneficial partnerships with countries of origin and transit. BLMAs are a key component of these partnerships.

Promoting legal pathways:

By establishing legal channels for migration, BLMAs can help prevent irregular departures and migrant smuggling.

Incentivizing cooperation: The EU and Member States have used incentives like visa facilitation, capacity-building, and other forms of support to encourage cooperation through bilateral agreements.

Focus on implementation: The Pact requires Member States to take action to ensure that migrants are available to authorities during screening and border procedures. BLMAs can help to streamline these processes.

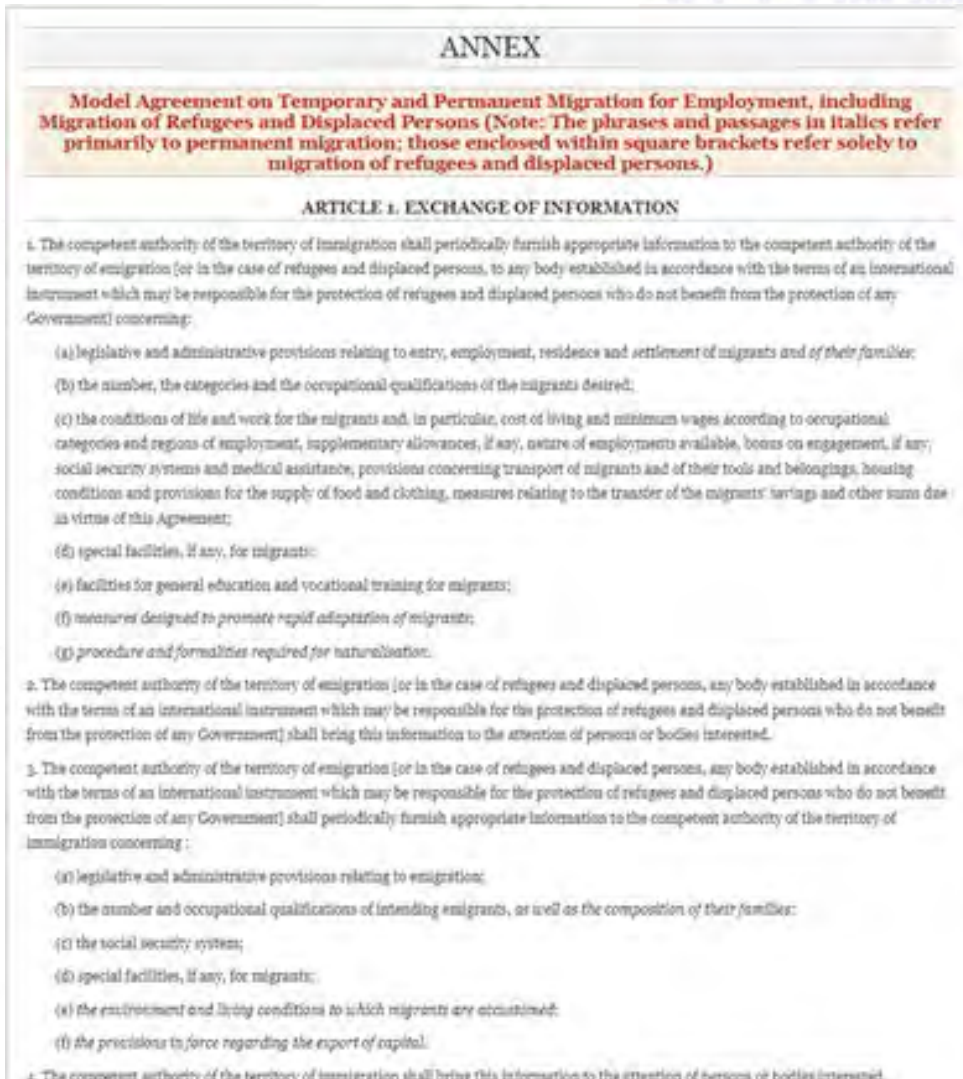
Why BLMAs?

- Address and regulate labour market imbalances
- Transfer of skills, knowledge and innovation
- Stem irregular migration
- Fight crime (trafficking and smuggling)
- Regulate / control migration
- Contribute to the development at origin and destination
- Support private sector
- Protect the rights of migrants and national workers
- Integrate migrants and ensure their inclusion

Good practices scores of BLMAs by region (Absolute number and percentage of total agreements)

Examples of good practice	Africa No. of agreements	% of total (n= 32)	Asia No. of agreements	% of total (n=65)	Europe & Americas No. of agreements	% of total (n=47)	Total No. of agreements	% of total (n= 147)
Gender and vulnerable migrant workers concerns	0	0	3	5	0	0	3	2
Social dialogue	0	0	1	2	1	2	2	1
Wage protection measures	8	25	27	41	8	17	43	30
Prohibition of confiscation of travel and identity documents	0	0	5	8	3	6	8	6
Recognition of skills and qualifications	0	0	6	9	4	9	10	7
Social security and health care benefits	9	28	2	3	33	70	44	30
Mechanisms for complaints and dispute resolution procedures	1	3	33	50	2	4	36	25

Model Agreement



- Exchange of information
- Action against misleading propaganda
- Administrative formalities
- Validity of documents
- Conditions and criteria of migration
- Organization of recruitment, introduction and placement
- Selection testing
- Information and assistance to migrants
- Education and vocational training
- Exchange of trainees
- Condition of transport
- Travel and maintenance expenses
- Transfer of funds
- Adaptation and naturalization
- Supervision of living and working conditions
- Settlement of disputes
- Equality of treatment
- Access to trades and occupations and the right to acquire property
- Supply of food
- Housing conditions
- Social security
- Employment contracts
- Change of employment, stability
- Compulsory return
- Return journey
- Double taxation

Common Content of a BLMA I

Preamble. This includes the legal and political context, the main scope of the BLMA and the competent authorities in each country that are responsible for Implementation;

Description of the labour migration aspects to be addressed. This includes governance, protection and development aspects, as well as the organization of the recruitment of workers - usually through public employment services or private recruitment agencies;

Duration. This can be established for an indefinite or for a defined period of time (e.g. 5 years). It can be automatically renewed for another term, unless the parties involved (or at least one of them) decide to end the BLMA, notifying the other party in writing through the relevant diplomatic channels. The parties may also terminate the BLMA by mutual consent in writing;

Common Content of a BLMA II

Amendments. Procedures for the amendments might be detailed in the agreement. When necessary, the parties may agree, in writing, to amend the BLMA. Usually, an amendment comes into force following an exchange of written notifications by the parties, certifying the completion of their respective internal ratification procedures;

Methods for cooperation and monitoring. To follow up the execution of the BLMA, the parties can decide to establish a Joint Coordination or Monitoring Committee. The composition, functions and operational modalities can be detailed in the text of the BLMA;

Disputes settlement. Usually BLMAs make provisions so that in case of difficulties in their interpretation or application, the solution may be found through mutual consultations via diplomatic channels. If no solution is found, the parties involved may wish to terminate the BLMA.

Content of a BLMA

Preamble

Subject

Duration

Definitions

Rights

Recruitment Process

Migration and employment status

Occupational health and safety

Employment contract

Wages

Social protection

Qualifications and skills

Saving and remittances

Access to services (general health, housing, documentation, education, etc.)

Integration

Return of migrant workers

Governance structure for the BLMA

Monitoring

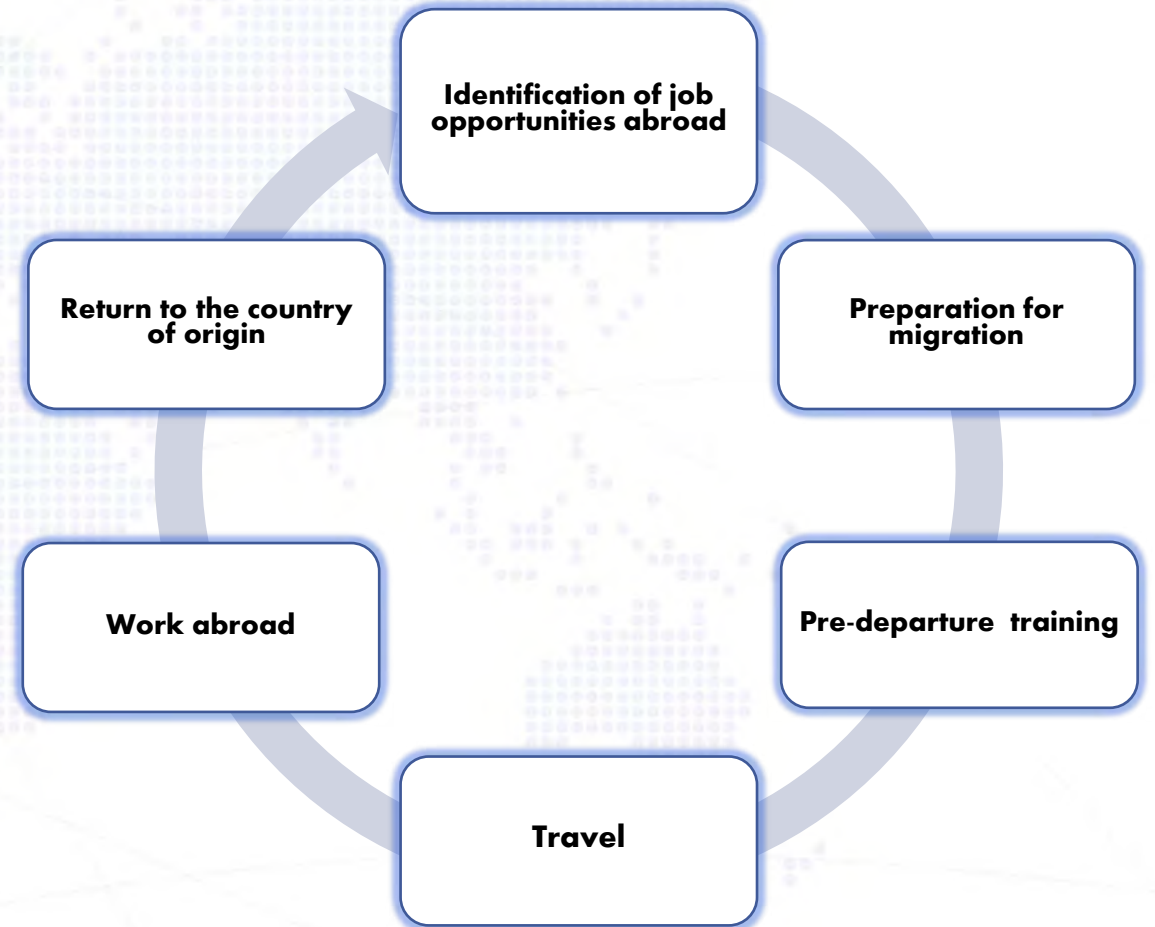
Evaluation

Dispute resolution

BLMA cycle

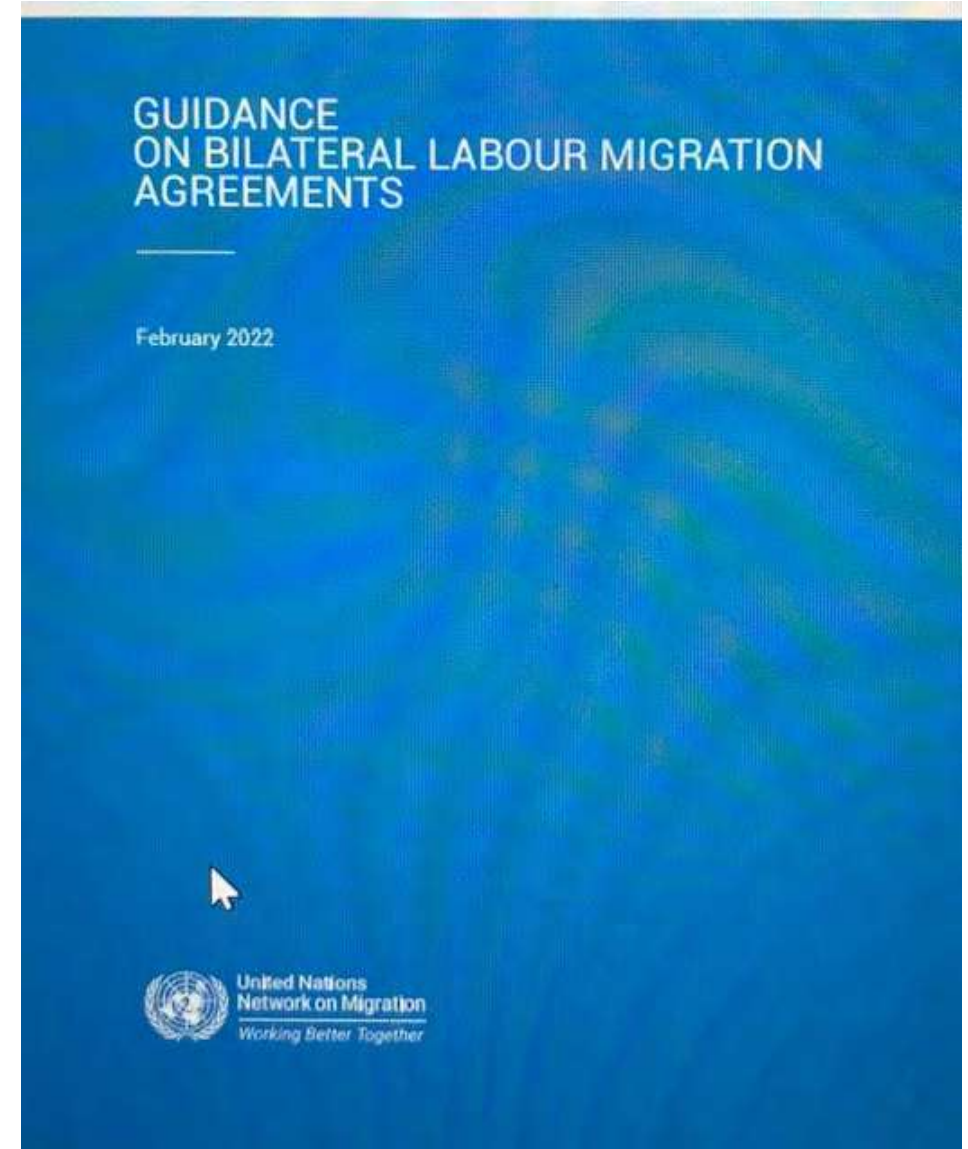


MIGRATION CYCLE



► GCM Objective 5 (a)

- Develop human rights-based and gender-responsive bilateral, regional and multilateral labour mobility agreements with sector-specific standard terms of employment in cooperation with relevant stakeholders, drawing on relevant International Labour Organization (ILO) standards, guidelines and principles, in compliance with international human rights and labour law...



- ▶ Scope and Definitions
- ▶ General principles of human and labour rights
- ▶ Operational guidelines
- ▶ Sector-specific issues
- ▶ Annexes

Contents

Acknowledgements	2
Abbreviations	6
I. Scope	7
II. Definitions	8
III. General principles of human and labour rights	9
A. Human rights, including labour rights	9
B. Recruitment	13
C. Access to information	14
D. Migration status	15
E. Occupational safety and health	15
F. Social protection	16
G. Employment contract and wage protection	16
H. Governance structure	17
I. Qualifications and skills	18
J. Savings and remittances	21
K. Return and labour market reintegration	21
IV. Operational guidelines	23
A. Preparatory phase – roles and responsibilities	24
B. Negotiation	36
C. Implementation	37
D. Monitoring	48
V. Sector-specific issues	55
A. Seasonal workers	55
B. Migrant health workers	57
C. Migrant domestic workers	62
Bibliography and Other References	65

General principles

The following principles are discussed as components of the Guidance:

A. Human rights, including labour rights

- A.1 Safeguard human rights and international labour standards for the protection of migrant workers
- A.2 Guarantee equality of treatment and non-discrimination
- A.3 Provide access to justice and effective, independent and accessible rights protection mechanisms
- A.4 Ensure prevention and elimination of violence and harassment, exploitation or abuse, including gender-based, against migrant workers
- A.5 Allow freedom of movement of migrant workers
- A.6 Facilitate admission of family members of migrant workers, and family reunification
- A.7 Ensure protection of migrant workers and their families in case of loss or change of employment
- A.8 Duty of care and protection of migrant workers in case of force majeure or emergency situations (e.g. floods, pandemics, conflicts, etc).

B. Recruitment

- B.1 Ensure fair and ethical recruitment of migrant workers

C. Access to information

- C.1 Promote effective information sharing
- C.2 Migrant workers and their families have access to free, comprehensive, understandable and accurate information

D. Migration Status

- D.1 Ensure clear guidelines regarding procedures and processes documenting migrant status on the territory of the country of destination in terms of the entry, exit, stay, employment and residence of migrant workers and their families
- D.2 Ensure clear and transparent procedures for the renewal and extension of work and stay permits
- D.3 Ensure respect for the human and labour rights of migrants in irregular situations

General principles

The following principles are discussed as components of the Guidance:

E. Occupational safety and health

E.1 Ensure occupational safety and health (OSH) for migrant workers

F. Social protection

F.1 Provide access to social protection including healthcare on a par with nationals and facilitate

the portability of social security benefits for migrant workers and members of their families

G. Employment contract and wage protection

G.1 Provide mechanisms for wage protection

H. Governance structure

B.1 Ensure fair and ethical recruitment of migrant workers

I. Qualifications and skills

I.1 Ensure qualifications and skills recognition, matching and development before and after departure in line with labour market demands

J. Savings and remittances

J.1 Facilitate low or no cost transfer of migrants' savings and remittances

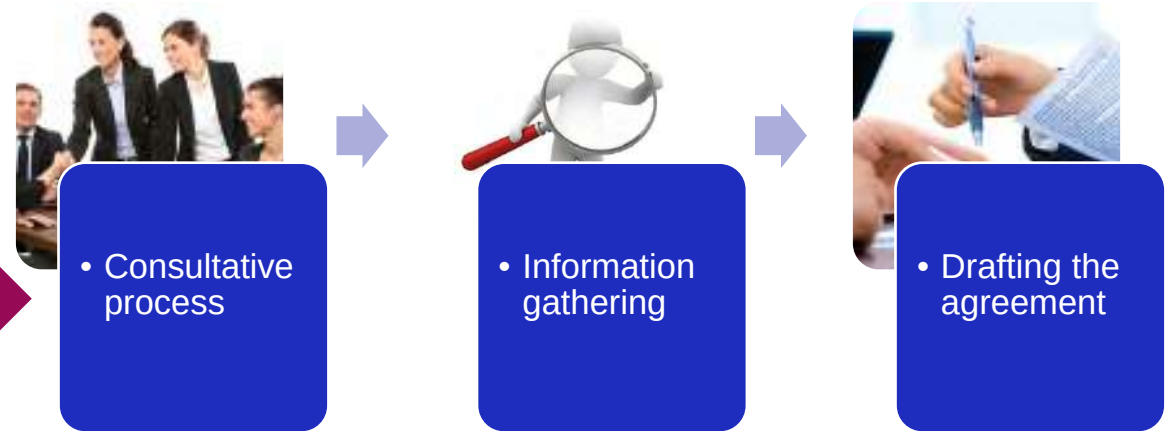
K. Return and labour market reintegration

K.1 Define the modalities to support migrant workers that wish to return to do so in a way that facilitates gender-responsive labour market reintegration



Operational Guidelines --practices provided for the BLMA development cycle

20



- ▶ Gender-sensitive approaches provided
- ▶ For each phase of the process, roles and responsibilities of governments, social partners, other stakeholders from origin and destination countries are included, as appropriate

Sector-specific issues



Seasonal workers



Migrant health
workers

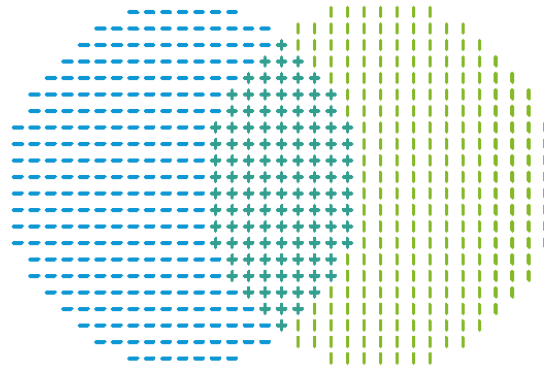


Migrant domestic
workers

Additional BLMA Resources

Bilateral agreements on health worker migration and mobility

Maximizing health system benefits and safeguarding health workforce rights and welfare through fair and ethical international recruitment



Tool for the Assessment of Bilateral Labour Migration Agreements Pilot-tested in the African region

ILG/IOM Project Towards Comprehensive
Global Guidance on Developing and Implementing
Bilateral Labour Migration Arrangements (BLMAs):
Unpacking Key Obstacles to Implementation in the African Region



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Regional Cooperation

Colombo process

What's Colombo Process

The Colombo Process is a Regional Consultative Process on the management of overseas employment and contractual labour for countries of origins in Asia. According to best estimates, over 2.5 million Asian workers leave their countries every year under contract to work abroad. A large proportion of workers from South and Southeast Asia head for the Gulf States to perform various types of service, trade and construction jobs, while others move to North America, Europe and Asian countries. As the Asian overseas worker populations grow in numbers and diversify in terms of destination and source, their impact is increasingly felt.

[READ MORE](#)

Upcoming Meetings...

PDOE TAWG(Tentative)

23 March 2022

*Skills and Qualification
TAWG(Tentative)*

30 May 2022

Remittances TAWG (Tentative)

31 May 2022

Recruitment TAWG(Tentative)

04 August 2022

Colombo Process Members



Latest News



Thematic Area Working Group On Skills And Qualifications Recognition Processes Gather To Review Its Priorities And The Way Forward

25 May 2021

Chair of the Thematic Area Working Group (TAWG) on Skills and Qualifications Recognition Processes, the Democratic Socialist Republic of Sri Lanka, convened the TAWG's Sixth Meeting on 20 May 2021 virtually. The objectives of the meeting were to: (a) review and update the Terms of Reference.

Regional Ministerial Forum on Migration

Type: regional consultative process on migration (Region: Africa)

Formal association with regional or multi-stakeholder organization: East African Community (EAC) and Intergovernmental Authority on Development (IGAD)

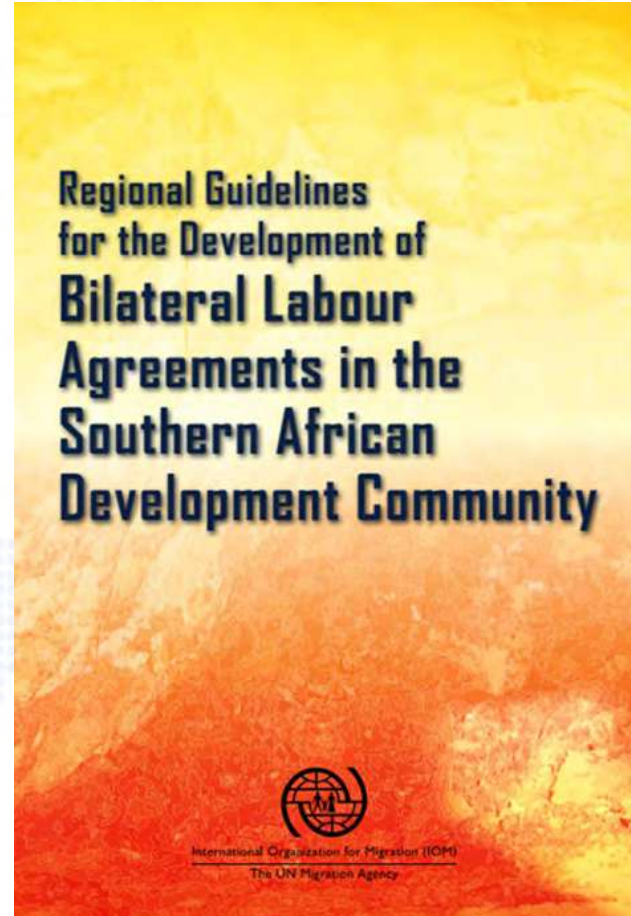
Established 2020



Objectives

The Regional Ministerial Forum on Migration for East and Horn of Africa is an ISCM bringing together 11 States from East and Horn of Africa Region to jointly address labour migration policies, foster labour mobility and protect the fundamental human, labour, and social rights of migrant workers migrating within the continent and from Africa to EU, GCC Member States and other countries.

Regional Guidelines



BLMAs and wider national policies and stakeholders

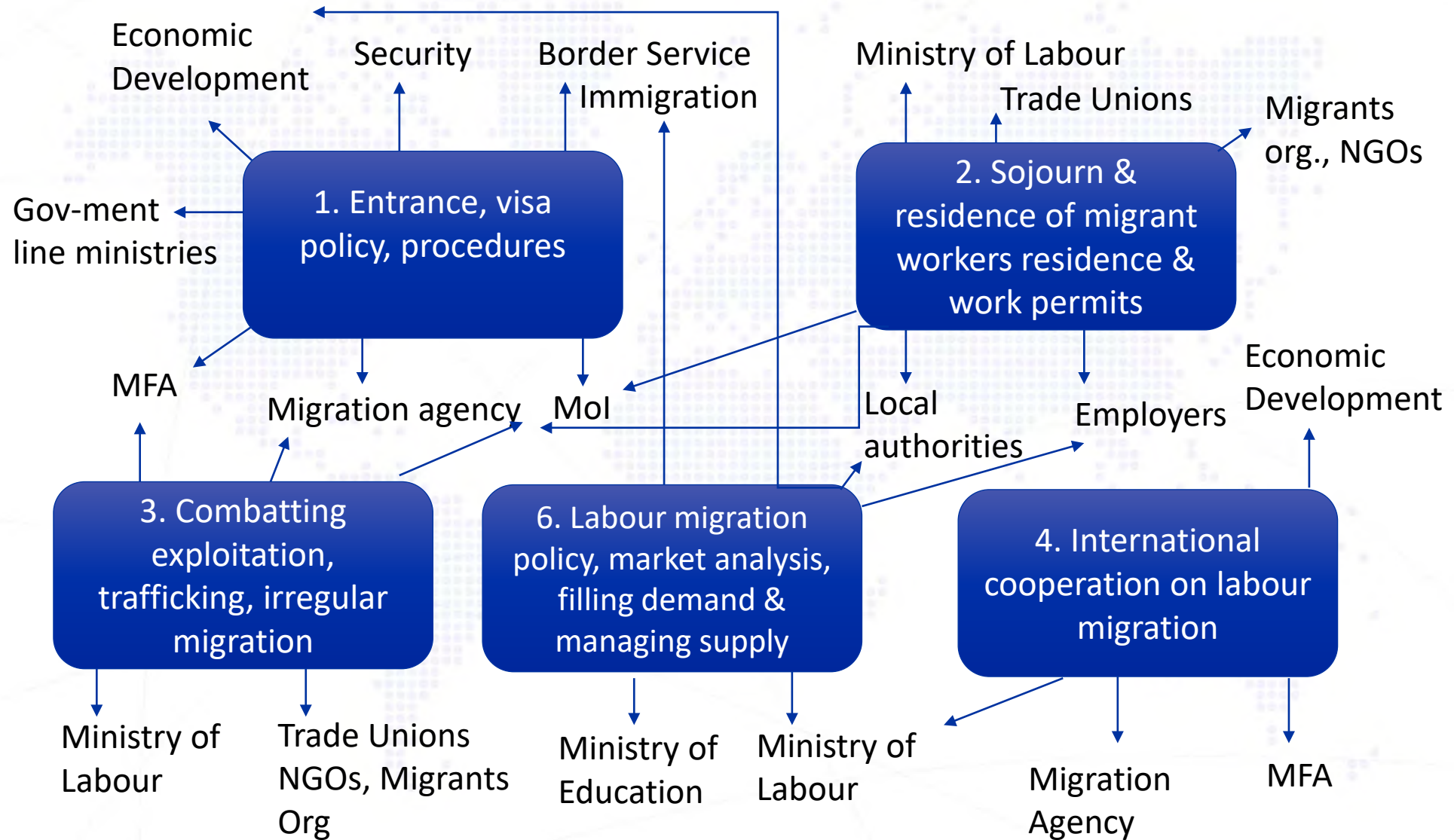
Areas:

- Employment
- Integration
- Education
- SMEs development
- Training
- Health
- Local development

Stakeholders:

- Government
 - MFA, MOL, Interior, Border, Education, Health, Social Insurance, Economy, Migration,
- Civil society
- Academia
- Private sector
- Local municipalities

Labour Migration Management Agencies



Questions