

Forum: Special Conference on Migration: A Movement for Change
Issue: Exploitation of migrant workers
Student Officer: Zoe Kyrkou
Position: Deputy President

PERSONAL INTRODUCTION

Dear delegates,

My name is Zoe Kyrkou and it will be an honour to serve as the deputy president of the Special Conference on Migration: A Movement for Change at this year's 6th Platon School MUN. This will be my first time serving as a student officer and I am more than looking forward to meeting you all! I am sure that you will all prove to be very successful delegates and that you will be productive with the resolution and debate process.

The issue of migrant workers exploitation is one that has taken vast dimensions in the recent years due to the ever-increasing influx of refugees in numerous countries around the world. Thus, I hope that you understand the necessity of it and research the topic thoroughly. I believe that my study guide will prove a useful tool to start your research, yet I would advise you to not rely solely on it if you want to be well-prepared. I also urge you all to look carefully into your country's policy on the issue so that you come to the conference ready for lobbying and debate! If you have any questions concerning the topic or you generally need my support, do not hesitate to contact me (zoe999zk@gmail.com)!

I am looking forward to meeting you at the conference.

Regards,

Zoe Kyrkou

INTRODUCING THE TOPIC

As the pace of economic globalization continues growing, migrant workers are created at a faster rate than ever before. Many workers in less economically developed countries have been forced to leave their country and seek employment elsewhere due to the ever increasing levels of unemployment and poverty. At the same time businesses and employers in MEDCs keep increasing their demands for labour and especially unskilled or low-skilled workforce. This results in millions of workers and their families migrating to countries other than that of their origin to find work.

The ongoing enlargements of the European Union have re-stimulated the interest in migration in Europe and the movement of workers across national boundaries has increased. The EU law guarantees freedom of movement, which is enshrined in the fundamental principles of the Lisbon strategy that seeks to create “more and better jobs, by reducing obstacles to mobility” within the EU (European Commission, 2005).



<http://www.dailymail.co.uk/news/article-3067650/What-young-migrants-forced-endure-Australian-farms-factories.html>

Data from the International Labour Organisation confirm that, as of 2014, there were an estimated 232 million migrants in the world and approximately more than half of them are economically active, employed or seeking employment.

The segmented labour market analysis suggests that it is in the secondary sector of the labour market that most migrant workers are employed. The secondary sector is characterised by monotonous and physically demanding jobs which have in their majority very low wages and limited opportunities of progression; thus it is not unusual that migrant workers are actually overqualified in terms of education and experience for these jobs. The most common explanation for this outcome occurring is that there is a need in receiving countries for migrant workers to “fill” jobs that most indigenous workers reject.

Migrant workers, however, can and do contribute to the economies of their host countries and any remittances they may send back to their home countries help boost their economies as well. Yet at the same time, migrant workers face little or no social protection in their host countries and thus are vulnerable to exploitation.

DEFINITION OF KEY TERMS

Human migration

Human migration takes place when individuals, family units or larger groups of people move from one place to another with the intention of temporary or permanent settling in the new location. This movement is often long-distance and from one country to the other. Internal migration –the movement of people within a country- is the most dominant form of migration globally.

Expatriate

The term expatriate refers to a person who is temporarily or permanently residing, as an immigrant, in a country other than the one of their citizenship. The term is often used in the context of professionals or skilled workers sent to work abroad by large multinational companies, while other, usually unskilled workers, are controversially termed immigrants. Expatriates in general enjoy and qualify for a variety of advantages, compared to other forms of workers, such as offshore investing opportunities and tax benefits.

Migrant worker

The term migrant worker has a plethora of official meanings and connotations depending on the part of the world it refers to. The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families broadly defines migrant workers as “people who are engaged in remunerated activity in a State of which they are not a national citizen”. This term can also be used to describe someone who migrates within their own, usually, country in order to pursue work opportunities; in the United States for example, a migrant worker is a worker moving from place to place, often to perform seasonal agricultural work.

Exploitation

Meriam- Webster dictionary defines exploitation as the act of making use or unfairly taking advantage of others for one’s own advantage, because there is an asymmetrical power distribution between among the different actors.

BACKGROUND INFORMATION

To begin with, it is essential to note that the migrant workforce has always played a critical role both nationally and across local communities over recent times. It is known that the ever-increasing rate of globalization has created more migrant workers than ever in the past. In LEDCs, the increasing rates of unemployment and poverty are the key factors promoting many workers to migrate, while at the same time, MEDCs have increased their demands for unskilled labour. Thus, more and more workers and their families to leave their country of origin and seek employment elsewhere.

The dual market theory asserts that migration is caused by “pull factors”, as they are referred to, in countries that are more economically developed. It is assumed by this theory that the labour market in these countries consist of two sectors: tertiary, which requires high-skilled employees and primary, which is labour-intensive yet requires low-skilled

workers. Hence, migration from LEDCS to MEDCS is a result of a “pull” created by the need of the latter to cover the labour needs of the secondary sector, since the jobs in this market are not desired by



the native workforce as they present a lack of mobility.

<http://www.dailymail.co.uk/news/article-3067650/What-young-migrants-forced-endure-Australian-farms-factories.html>

Moreover, the recent economic conditions in LEDCS have created a new wave of young migrant workers, female in their majority. Data from the International Labour Organization, reveals that 48 per cent of all international migrants are women, while Europe alone has more than three million female migrant workers. The overwhelming majority of female migrant workers find employment in domestic occupations that are considered part of the informal sector and therefore government regulation and protection lacks or is even absent. Minimum wages and work hour requirements are also ignored and not enforced and piece-rate systems of payment are often implemented. Women’s wages are kept considerably lower than men’s employed in the domestic sector as they are not regarded as the main source of income for families.

There are multiple reasons why migrant workers face the most cases of exploitation compared to other groups of workers. Firstly, migrants are perceived as being hard workers, more loyal and reliable for their employers. In addition, they are usually prepared to work longer hours due to their lack of job choices and the large volume of available labour at the lower end of the labour market. So, migrant workers are seen as valuable resources for employers, more than the local alternative workforce, as they are perceived to have “work ethic”. However, their lack of language and communication skills also makes them an easy target for employers, especially of large corporations, to exploit, since they do not know their rights and therefore cannot exercise them. Finally, they are often willing to accept low-paid and low-status work, something that diminishes them as individuals, even though migrant communities become even more settled in the receiving country and their aspirations start to converge with those of the native workers.

Therefore numerous cases have arisen over the years of migrant workers being heavily exploited or mistreated. For instance, reports from the Middle East and North Africa (MENA) region, have subsequently arisen, stating that migrant workers are trafficked and exploited in the region. Surveys in the region, which included data from interviews of victims, show that all of the workers participating had their passports withheld, while the majority of them were confined to their workplace, had their wages regularly withheld and suffered psychological or physical abuse by their employers. Reports from the multiple conflict zones in the area, stated that migrant workers were trapped between exchanging fire and they were captured by

fighting groups to be used as human shields.



<http://static.guim.co.uk/sys-images/Environment/Pix/columnists/2014/1/15/1389799935544/MDG--Migrants-in-Qatar--F-008.jpg>

Large multinational companies have not escaped criticism and reports of exploiting either. Nike and Gap Inc. are just two of the companies that allegedly make use of child labour and sweatshop-like conditions in their factories in LEDCS. The fact that these workers are being paid far below the minimum

wages means that they have insufficient means to attain the local subsistence standard of living. It is also argued that the work conditions in these factories are

tragic and inappropriate, unsafe and unhealthy to say the least. There have been cases where employees were unable to escape factories burning down because the doors were locked and thus died while being trapped in their own workplace.

Finally, firms, especially large multinational ones, are exploiting their labour force, especially those who are migrants, by applying lower standards to these groups of workers than they do to native workers or expatriates from MEDCs. To conclude, migrant workers have no real free choice for their employment, if they have to choose between working for low wages and in unsafe conditions and scavenging from garbage dumps in order to send a pigment of an income to their families so that they do not starve.

COUNTRIES INVOLVED IN THE ISSUE

CANADA

A common practice since the 1960s has been for farmers in Ontario and other provinces to hire temporary workers from Caribbean countries and Mexico, under the Canadian Seasonal Agricultural Workers Program, in order to meet their seasonal labour needs. This is a federal initiative that allows low-to-mid-level skilled farm workers to enter Canada in order to fill labour shortages on Canadian farms during peak production periods. The governments of Mexico, the participating Caribbean states run the programme jointly with the government of Canada.

INDIA

People from Bangladesh and Nepal have been substantially migrating to India in the recent decades in search of better work opportunities. These migrant workers are often subject to harassment, violence and discrimination during their journey, at their destinations and when they return back home, as reported by the Overseas Development Institute.

INDONESIA

Since the population of Indonesia is the world's 4th largest, the country has a large surplus of work forces and deficiency of jobs, so around 4.5 million Indonesians have left the country to seek employment abroad. 70% of Indonesians abroad are women, the majority of them working in the manufacture sector and the domestic sector as maid. Male Indonesian migrants are mostly employed in plantation, construction, transportation and service sector. The countries with the largest numbers of Indonesian migrant workers are Malaysia, Taiwan, Saudi Arabia, Hong Kong and Singapore. However, these are only the official numbers and there is a great number of unrecorded illegal entry of Indonesian workers to foreign countries. Multiple cases

have been reported of Indonesian workers being exploited, extorted, physically and sexually abused.

UNITED ARAB EMIRATES

According to Human Rights Watch, the treatment of migrant workers in the UAE is inhumane and is linked to modern-day slavery. Migrant workers are excluded from UAE's collective labour rights, are not allowed to join or form trade unions and are banned from going on strike. Those who do not abide and protest may face prison and deportation. Passport confiscation is also a widely occurring practice, although illegal, mostly in the cases of unskilled or semi-skilled employees.

LATIN AMERICA

Latin American workers, after having lost their cultural identity, they try to find a way to provide income for their families, so they usually end up being employed and exploited in hard manual labour jobs of unfair payment. A study by William Triplett has reported that the average annual income of a Latin American farm worker is about 7,500 \$; even though there have been multiple tries to increase wages, researches show that they have actually decreased. Migrants face, apart from economic exploitation, physical and verbal abuses in their work place.

EUROPEAN UNION

New opportunities have been provided with the recent expansions of the European Union for many people to migrate from other countries to the EU and in between the member states. The enlargements of 2004 and 2007, gave the existing states the rights to impose various transitional arrangements in order to limit access to their labour markets.

INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)

The International Organisation for Migration (IOM) is an inter-governmental organisation in the field of migration, which works closely with governmental, intergovernmental and non-governmental partners, and its commitment is to the principle that humane and orderly migration presents benefits both for migrants themselves and the society. IOM provides humane responses to the growing migration challenges of today by providing assistance in the search for practical solutions and humanitarian aid to people in need, including migrants, refugees and internally displaced people. The activities of the organisation include among others the promotion of international migration law, policy debate and guidance and protection of migrants' rights and health.

INTERNATIONAL LABOUR ORGANISATION

The International Labour Organisation (ILO) is a specialized agency of the United Nations with its main aim being to serve the needs of working women and men by promoting social justice and internationally recognised human and labour rights and encouraging decent employment opportunities. It does so by enhancing negotiations between governments, employers and workers to set labour standards, develop policies and devise programmes.

By July 2011, the ILO has adopted 189 conventions concerning rights of migrant workers, including the “United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families” adopted in 1990. These



<http://static.guim.co.uk/sys-images/Guardian/Pix/pictures/2012/3/6/1331054180736/Migrant-workers-pick-stra-005.jpg>

conventions are considered as international labour standards and when they come to force, legal obligations for ratifying nations to apply its provisions are created.

TIMELINE OF EVENTS

<u>Document adopted</u>	<u>Date of adoption</u>	<u>General statements</u>
Migration for Employment Convention (Revised)	1949	It required that the ratifying states facilitated international migration for employment by establishing and maintaining a free assistance service for migrant workers.
Migrant Workers Convention (Supplementary Provisions)	1975	It provided for measures to combat illegal migration while stressing the general obligation to respect the basic human rights of all migrant

		workers.
ILO Declaration on Fundamental Principles and Rights at Work	1998	Called upon member states to respect and promote principles and rights in the categories of: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation.
The International Convention on Migrant Workers and its Committee.	2005	The convention is a comprehensive international treaty focusing on the protection of migrant workers' rights, while emphasizing the link between migration and human rights.
ILO Declaration on Social Justice for a Fair Globalization	2008	It expressed the contemporary vision of the ILO's mandate in the era of globalization, while emphasizing the key role of the tripartite Organization in helping to achieve progress and social justice.
Resolution on equal treatment and non-discrimination for migrant workers	2010	European Trade Union Confederation adopted this resolution in order to guarantee posted workers the application of employment and working conditions in the country where the activity takes place.
Resolution 65/170, adopted by the General Assembly, on	2011	The resolution requested that all Member States, among other

International migration and development.		responsibilities, should aim to promote cooperation when addressing the challenge of undocumented migration and take appropriate measures to facilitate the contribution of migrant workers to the development of their countries of origin.
Resolution 67/185, adopted by the General Assembly, on Promoting efforts to eliminate violence against migrants, migrant workers and their families.	2012	The resolution urged Member States to adopt measures for preventing and effectively addressing cases of violence against migrant workers and their families, regardless of their immigration status.
Resolution 68/137, adopted by the General Assembly, on Violence against women migrant workers.	2013	The resolution called upon the Governments of member states to incorporate a human rights and gender-sensitive perspective in their legislation and policies on international migration, on labour and employment so as to ensure the protection of migrant women against violence and discrimination, exploitation and abuse.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Throughout the years there have been multiple tries to solve the issue, however few have actually been successful, while recent data show that exploitation of migrant workers is only increasing. Some of resolutions relevant to the issue have been outlined above, while previous attempts to solve it are outlined below, however not all have been ratified or enforced successfully.

A major campaign that will force horticultural companies to employ workers on a more permanent basis, phase out casualised labour and will allow unions to have greater access to workplaces, was recently launched by Unite Union.

Moreover, many Middle Eastern and Asian countries have negotiated bilateral agreements that regulate migration between the sending and destination countries. The Philippines has been one of the countries taking major steps towards becoming



http://static3.demotix.com/sites/default/files/imagecache/a_scale_large/1381600-5/photos/1381646438-rally-outside-qatar-embassy-against-exploitation-of-migrant-workers_2942022.png

an advocate for its overseas workers and has negotiated 12 bilateral labour agreements with receiving countries, with the majority of them including strict regulations of private recruitment practices and fees.

Burma, a country known for its multiple cases of internal labour abuses, has taken initiative as well by suspending the migration of domestic workers to

Hong Kong and Singapore after a case of abuse against an Indonesian maid was widely reported to have surfaced in the former. This restriction followed the law allowing nationals to work in domestic jobs overseas that was passed only a year ago.

In United Kingdom, for example, multiple actions have been taken as well. Firstly, a Labour Government will set up a Home Office investigating unit that will target the illegal exploitation of migrant workers. Previous announcements from the party were, among others, to make it illegal for employers to undercut wages by exploiting workers, to ban recruitment agencies from hiring solely workers from overseas, the minimum wage to be raised to £8 an hour by 2019 and for the fines paid by those failing to pay the national minimum wage to be increased to £50,000.

Another way of action proposed by the British shadow home secretariat, was for the employers exploiting illegal migrant workers, most notably sweatshop owners and gang masters, to face automatic jail terms under a Labour government, while revising the external criminal offence of forced labour so as to increase prosecutions.

Finally, in an attempt to urge all workers to seek and exercise their rights, the 1st of March has been declared the international symbolic day for transnational migrants'

rights and strike. This day unites all migrants, by giving them a common voice to speak up against racism, discrimination and exclusion on all levels of social and personal life.

POSSIBLE SOLUTIONS

Any possible solutions for the issue of migrant workers exploitation should take all the involved stakeholder groups; not just the workers themselves. Do not forget that many employers prefer to acquire migrants for their business's workforce since it less costly; thus any solutions must also be proposed for employers and governments as well.

Some possible solutions are proposed below:

- Measures to ensure the humane treatment of all migrants- regardless of their immigration status-, their safety and personal dignity;
- Measures that will prevent and if needed address cases of violence towards migrants, migrant workers and their families;

The governments of member states should also be addressed when trying to tackle the issue and could be called upon to:

- To create an international legal framework declaring the legal equality of all worker groups and will confer legal capacity on workers whose socioeconomic dependence incapacitates them from taking advantage of their legal rights to exercise their rights;
- Introduce legal reforms that will ensure the most vulnerable agricultural and domestic migrant workers are covered by labour law protection;
- Urgently address the issue of withholding passports of migrant employees;
- Hold employers and recruiters accountable for their role in exploitation of migrant workers.

These are only a few proposed measures that could be taken, but I highly advise you to research yourself and come up with your own operative clauses and try to address every stakeholder group involved in the problem.



<http://asiancorrespondent.com/wp-content/uploads/2016/01/Thailand-Fishing-Industry-940x580.jpg>

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