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Workshop Name LABOUR MIGRATION, REGIONAL INTEGRATION: KEY ARENAS FOR REDRESSING LABOUR AND EMPLOYMENT RELATIONS IN AFRICA
Chair : OLIVIER, Marius, Adjunct-Professor, Faculty of Law, University of Western Australia; Extraordinary Professor, Faculty of Law, North-West University, South Africa

Presenter/s :

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Convenor :

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PROPOSAL

WORKSHOP PROPOSAL, OVERVIEW:

The AU Migration Policy Framework approved by African Heads of State rightly recognized that "migration will be a major topic in the 21st Century". Increasing cross-border labour and skills mobility has made migration an ever more urgent challenge for governance - and in particular for upholding decent labour and employment relations across Africa.

The ILO estimated the number of migrant workers on the continent at 8.4 million in 2010, out of a total of 19.3 million migrants (persons living outside their country of origin) in Africa that year. While the World Bank estimated that 31 million African people were living in countries other than their birth place, with 77% of the 31 million from Sub Saharan Africa². These figures do not account for large numbers of mobile workers and traders across Africa who retain residence in country of citizenship. Demand for cross-border mobility will increase in Africa in the foreseeable future.

Much of this mobility in Africa as elsewhere takes place within Regional Economic Communities (RECs): 80% of migrants originating in West Africa go to other ECOWAS member states, estimates are 50 to 60% in Central, Eastern and Southern Africa (similar to about 60% for the EU). Lack of application of labour standards for labour migration and unprotected migrant workers provide fertile grounds for informalized, irregular, and often exploitative employment relations. Nonetheless, the evolution and integration of regionalized labour markets in RECs offers context and opportunity for promoting regularization of employment relations to sustain decent work conditions for workers while also enhancing conditions for improving productivity.

This workshop examines inter-related challenges of promoting decent labour and employment relations for migrant workers, regional governance, and labour and skills mobility as pillars of regional integration and development in Africa. Particular reference is made to the regional-wide AU-ILO-IOM-ECA labour migration governance for development programme being implemented in 2015.

Key labour and employment issues include generalized absence or non-application of regulatory standards and measures, migrant workers subject to informal and/or exploitative employment relations, and prevalence of irregular, informal and/or substandard labour and employment relations for migrant workers, as well as weak or non-functional labour and social partner institutions meaning absent capacity for developing and implementing effective governance of labour relations and

of labour migration.

1ILO, 2010. International Labour Migration A rights-based approach. International Labour Office, Geneva.

P. 17 2Bilateral Migration Matrix, World Bank, 2010

PAPERS, ABSTRACTS:

1. Africa issues and challenges on labour relations for migrant workers

Patrick Taran, President, Global Migration Policy Associates **Preliminary Abstract**

Growing labour and skills mobility is also a feature of contemporary African regional integration and development; large proportions of international labour mobility/migration take place within the region's Regional Economic Communities (RECs), most prominently in ECOWAS as well as EAC, and ECCAS, with formally established free movement regimes, while COMESA, IGAD and SADC are currently establishing such arrangements. Maghreb and Indian Ocean countries also experience significant mobility, today as destination countries.

However, serious, widespread lacuna in decent work and in informal, sub-standard, and all too often abusive employment and labour relations characterise the region as a whole. The widespread absence or non-application of regulatory standards and measures results in significant risks for migrant workers, often subject to informal and/or exploitative employment relations and unprotected conditions of work. This paper summarizes characteristics of labour mobility and migrant employment in Africa, identifies key labour and employment issues facing migrant workers and their employers, discusses the governance challenges and implications, and suggests initiatives to promote definition and implementation of 'decent work' employment and labour relations across the region.

As elsewhere in the world, non-application of standards and/or de-regulatory approaches under-gird tolerance and frequently, increasing prevalence of irregular, informal and/or substandard labour and employment relations for migrant workers.

The consolidation of REC free movement regimes carries challenges and opportunities as larger integrated economic spaces become larger labour markets - thus larger areas requiring coherent governance to support decent work and labour relations as well as to ensure viable, functioning economic and labour markets and ultimately, social cohesion.

The papers identifies several governance areas requiring particular attention in context of a comprehensive, holistic approach to regulation of international migration; it refers to the Africa regional labour migration governance initiative described in another paper presented in the workshop.

2. Africa application and implementation of international standards and practices on labour and employment relations

ILO specialist on labour/employment relations

Preliminary Abstract

This paper summarizes the main international labour standards, (ILO Conventions), policy frameworks and good practice examples applying to labour and employment relations with particular reference to labour mobility and migrant workers and their employers in Africa.

It reviews the state of play of application and implementation of relevant standards to migrant employment in the region -where data and assessments are available. It identifies where specific attention has been given to this dimension, and what innovative approaches have emerged and are being undertaken. The paper will reflect initial topical assessment studies on labour migration with reference to employment relations being conducted in 2015 as initial activities of the new Africa Labour Migration Governance programme in specific REC sub-regions.

3. The Africa labour migration governance initiative: a comprehensive approach to shaping the context for achieving decent work and employment relations for migrants.

Cynthia Samuel-Olonjuwon, Chief, Regional Programming Unit, ILO Africa Regional Office

Preliminary Abstract

This paper describes the background, justification and content of the «bold new initiative" by the African Union Commission together with the International Labour Organization, the International Organization for Migration and the Economic Commission for Africa to conduct a major, region-wide Migration Governance for Development and Integration in Africa, in cooperation with Africa's Regional Economic Communities (RECs).

The paper summarizes the main features of migration in Africa that also shape the context for addressing the impact of mobility on labour and employment relations: absence of regulation and protection for migrant workers, feminization of migration, lethargic implementation of free movement regimes, absence of capacity of labour institutions, weakness of labour market legislation, institutions and data; and other factors.

The overall programme objective is to: strengthen the effective governance and regulation of labour migration and mobility in Africa, under the rule of law and with the involvement of key stakeholders across government, legislatures, social partners, migrants, international organizations, NGOs and civil society organizations. Its long term expectations are to: extend decent work and social protection to migrant workers and their families; strengthen regional integration and inclusive development; encourage productivity, productive investment, and business success; and enable better social and economic integration of migrants, effective labour and social protection mechanisms, and sustainable labour market systems.

The paper describes the main governance content of the programme, increasing domestication of key international standards on labour migration. Achieving wider elaboration, adoption and implementation of harmonized free circulation regimes, building capacity of Labour Institutions and establishing regional mechanisms for tripartite policy consultation and coordination on labour migration. It details the operational elements of programme activity: supporting Decent Work for migrants with effective application of labour standards to migrant workers.; extending Social Security to migrants, addressing skills shortages and skills-education mismatches while increasing recognition of qualifications, and enhancing collection, exchange and utilization of gender and age disaggregated data on migrants' economic activity, employment, skills, education, working conditions, and social protection. Specific reference is made in all these areas to employment and labour relations dimensions and issues. The paper identifies specific programme components and activities in which labour and employment

relations are being, should be or could be addressed.

4. Africa REC approaches on employment relations for migrants: advances and challenges: an REC case study: ECOWAS

Fernando Jorge Alves d'Almada, Head of Division, Labour and Social Affairs, ECOWAS (proposed)

Preliminary Abstract

This paper will summarize issues and concerns of employment and labour relations for migrant and mobile workers in the Economic Community of West African States that have emerged and/or been identified in the experience of implementation of the ECOWAS Protocols on free movement, residence and establishment.

It will identify whether, where and how labour and employment relations issues were taken up in the legal instruments of free movement, what concerns have arisen in practice, what issues not addressed in applicable normative and regulatory instruments have been identified, and how labour and employment questions for migrant workers and their employers are currently being addressed.

The paper will identify and analyze good practices in member countries and at the ECOWAS regional level, including on successful implementation of international standards and good practice as well as innovative experiences emerging in the region. It will draw lessons from the West African experience to enhance further progress in the sub-region as well as to inspire efforts in other RECs and their member countries in Africa.