ORGANIZATION OF TRADE UNIONS OF WEST AFRICA (OTUWA)
In Collaboration With SOLIDARITY CENTRE-AFL-CIO

SUB-REGIONAL MEETING

On The Theme:
ECOWAS PROTOCOLS FOR WEST AFRICAN TRADE UNIONS.

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Migrant Workers Rights and Trade Unions in Africa
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Introduction

- Migration is a historic and natural human phenomenon. It is not a security issue and so the current dominant securitisation arrangement of migration is counter-productive.
- Migration has and will continue to benefit humanity; economies of sending, transit and host countries; migrants and their families
- Migration is a human right ... But the context of irregular and desperate journeys, the notion of promoting this right is perceive as “aiding and encouraging” migration rush
- The structural defects of the global economy (unemployment, poverty, inequality) are at the heart of forced movement. INSECURITY.
- political persecution, climate change effect and demographic changes also contribute. The 4th Industrial (digital) revolution may exacerbate it
- Therefore, migration is not a crisis but the governance of migration has presented deficits that have snowballed into a crisis – the need to embrace multilateralism is key
- Important to note and know that a thin line exist between migration and labour migration
- For trade unions, labour migration is gaining more of their attention and actions
Migration trends – global & Africa

- International migrants around - estimated at 272 million in 2019 – UN Department of Economic and Social Affairs (DESA).
- The increase of 51 million since 2010 the number of migrants is growing at a faster rate than the world’s population.
- Migrants make up 3.5 per cent of the global population, compared to 2.8 per cent in the year 2000.
- Forced displacements across international borders are rising, with the number of refugees and asylum seekers increasing by around 13 million between 2010 and 2017.
- At 82 million, Europe hosts the largest number of international migrants, followed by North America.
- At country level, nearly 20 per cent of global migrants are hosted in the U.S. at 51 million. Germany and Saudi Arabia house the second and third largest numbers of migrants.
- In terms of origin countries, around 18 million people born in India live abroad. Migrants from Mexico constitute the second largest diaspora, followed by China and Russia.
- The UN’s report also said that most international migrants move between countries located within the same region and that three out of every four migrants are of working age.
Migration trends – Africa

• Most Africans move within the continent – from 2015 to 2017 Africans moving within Africa moved from 16 million to 19 million

• Within the same period, there was only a marginal increase from 16 million to 17 million of Africans living outside Africa

• the surge in international migration within Africa is due, in part, to efforts by African states to enhance regional integration.

• Regional Economic Communities such as the Economic Community of West African States (ECOWAS) and the East African Community (EAC) have made the free movement of persons a key tenet of their drive towards greater integration. EAC & ECOWAS no visa regime; ECOWAS no residence permit
Definition of [migrant] worker

• An employee - An individual who works part-time or full-time under a contract of employment, whether oral or written, express or implied, and has recognized rights and duties. Also called a worker.

• Someone who adds value to production inputs but itself not an “input” as labour is not a commodity – labour at the “wealth creator”.

• A migrant worker - is a person who either migrates within their home country or outside it to pursue work. Migrant workers usually do not have an intention to stay permanently in the country or region in which they work.

• Under the discourse of labour migration – “external or international labour migration – border crossing employment pursuit (survival) is dominant and the main issue... this again, accentuates the primacy of job (employment) being at the heart of human dignity.
The rights of a migrant worker: context

• **The universal human right creed as a base**: All persons, regardless of their nationality, race, legal or other status, are entitled to fundamental human rights and basic labor protections, including migrant workers and their families. Migrants are also entitled to certain human rights and protections specifically linked to their vulnerable status.

• **The human rights of migrant workers and their families include the following universal, indivisible, interconnected and interdependent human rights**:
  - The human right to work and receive wages that contribute to an adequate standard of living.
  - The human right to freedom from discrimination based on race, national or ethnic origin, sex, religion or any other status, in all aspects of work, including in hiring, conditions of work, and promotion, and in access to housing, health care and basic services.
Migrant rights -Continuation

- The human right to equality before the law and equal protection of the law, particularly in regard to human rights and labor legislation, regardless of a migrant's legal status.
- The human right to equal pay for equal work.
- The human right to freedom from forced labor.
- The human right to protection against arbitrary expulsion from the State of employment.
- The human right to return home if the migrant wishes.
- The human right to a standard of living adequate for the health and well-being of the migrant worker and his or her family.
- The human right to safe working conditions and a clean and safe working environment.
Migrant rights -Continuation

- The human right to reasonable limitation of working hours, rest and leisure.
- The human right to freedom of association and to join a trade union.
- The human right to freedom from sexual harassment in the workplace.
- The human right to protection during pregnancy from work proven to be harmful.
- The human right to protection for the child from economic exploitation and from any work that may be hazardous to his or her well-being and development.
- The human right of children of migrant workers to education.
- The human right of migrants and their families to reunification.
Standards and instruments: migrants’ rights protection mechanisms

- Legal framework are necessary and indispensable instruments - sources of rights and means of extracting compliance, accountability and remedies
- Different levels of instruments – national, sub-regional, continental and international levels
National level -

- The national site is "the theatre of actual engagement and change" especially as the sovereignty argument still dominate migration governance arrangement
- Inter-agencies weak coordination – but we are now seeing gradually improvement
- National – migration and labour migration laws and policies, as well as programmes
- adopting existing practices to improve [labour] migration in West Africa. For instance, Nigeria has migration and labour migration policies and now operating skills development and information exchange programme for returnees) – these instruments can be studied and adapted with relevant adjustment to other countries’ situation.
Sub-regional

- ECOWAS Protocol relating to Free Movement of Person, Residence and Establishment (Part II, Article 2 (1, 2, 3; Part III, Article 3...) very progressive protocol – interestingly, 9 of the 16 countries (Mauritania still part of it) that signed the Protocol on the 29th of May 1979 (sic!), were under military rule. The Protocol will still benefit from better implementation for the civilian – citizens populace!

- ECOWAS – FMM Programme – useful tool to advance effective implementation of the 3 thrusts of the protocol – Free movement, Residency and Establishment – Land travel is still a pain for the poor and women suffer more

- MIDWA – Migration Dialogue for West Africa – another good tool underpinned by tripartism + – but needs more trade union engagement – develop clear issues and lobby for their adoption and implementation
Continental level

- Integration as a tool for accelerating Africa’s development – one of the aspirations (2) of the AU Agenda 2063 African Union – Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Rights of Residence and Right of Establishment (simply known as AU Free Movement Protocol) adopted in January 2018 in Kigali, Rwanda

- The protocol contains 11 labour migration mobility related provisions (The ILO has helped to identify these ...) such as skills development, employment, education and skills measurement, work permits, social protection portability, etc.

- African passport arrangement

- Visa on arrival and eventual elimination of visa

- AU-ILO-IOM-ECA Joint Labour Migration Programme (JLMP) – LMAC as a product
International

- Multilateralism – Universal Human Rights Declaration (70 years old the day the ...) UN GCM (was signed on the 10th December 2018 in Marrakech, Morocco); UN Climate Change engagement
- Bilateralism – MoUs, bilateral labour migration agreements, bilateral skill development agreement
- Unilateralism – US/SA approach to migration governance
- ILO Conventions (C.97, 143, 189, 190, 181, P.29)
Other [labour] migration related issues of concern

- Minor on the move and child labour issues
- Forced labour and Human trafficking
- Xenophobia
- Domestic workers’ (home care work) issues as “special issues” – the nature of their employment and the gender dominant role
- Brain drain effects
- Data and statistics
- Diaspora understanding
Trade union roles in promoting fair [labour] migration governance

• Remain clear and vocal on the need to defeat “push factors” – advocacy and policy and alternative programmes prescription – push for Minimum Wage to defeat working poverty; social protection provisions access and coverage expansion to reduce inequality; be active in the climate justice movement by demanding for green jobs strategies and programmes; anti-corruption activism so that resources can be secured to finance social spending.

• Give migrants voice and representation – organise and collective bargain and consider roles for migrant workers in trade union structures

• Actively engage in the [labour] migration governance process – visibility and positions on issues are necessary

• Monitor and report on [labour] migration issues – the ITUC Rights Index, ACHPR sessions and the ILO CEACR are reporting spaces

• education and advocacy – relevant to promote understanding and tolerance and also for the promotion of the rights of migrants

• Ratification – AU Free Movement Protocol, ILO C. 97, C.143, C.189, C.190 as well as C.181
Practical actions to be considered further

- Structure and alliance development – a Non-State Migration Platform as alliance is key given the broad nature of migration and labour migration issues – *African Trade Union Migration Network (ATUMENT)*
- To consider the development of a trade *union manual on how to organise migrant workers*
- Consider a *research on migrants contributions* to sending and host economies as a way of slipping the unfortunate and untrue narrative about migrants as “evil”, especially to host communities...
- Capacity building on how trade unions can best deal with and counter xenophobia
- Consider taking *migration awareness and education* to secondary schools and universities as ways of improving migration and reducing desperate journeys
- Need to sharpen and strengthen *trade union communication (campaign) skills* – instruments ratification campaign
Conclusion

• Migration will remain a burning issue for another decade as long as the structural crisis and insecurity persist
• The narratives about migrants and migration are still largely negative and African migration not getting fair reportage – politicians taking cheap and lazy advantage
• Migration governance multilateral and multi-stakeholder approach and players – trade unions and CSOs have roles to play
• Necessary to engage from national-subregional-continental-international stages in that order
• Focused and pragmatic Action Plan necessary
• Alliance is key – so many players must be considered, including Business, especially as tripartism could be needed as against the situation where the IOM (an organisation without tripartism experience) is getting more traction as a leading agency.

Migration is a cross-cutting issue and so it is critical that it must be consciously and carefully mainstreamed
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• Thank you for your attention