Training Package on Labour Migration
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Module 1: Introduction to Labour Migration Governance

Learning objectives
1. Introduction
2. Defining and understanding Labour Migration Governance
3. Components of a Labour Migration Governance System
4. Developing a Labour Migration Governance Framework – a step by step approach

Key learning points
Learning objectives

At the end of this module, participants will have an understanding of the following:

1. The conceptual definition of labour migration governance
2. The various components that make up a labour migration governance system and how they all fit together
3. Why it is important and necessary to have a well-functioning labour migration governance system
4. The importance of making sure that a labour migration governance system is responsive to a specific national and regional context

This introductory module provides the basis for the other modules in this course and specific components will be addressed in more detail in each of the subsequent modules.
1. Introduction

International labour migration - migration from one country to another for employment purposes - is a feature of contemporary labour markets and of the future of work. The ILO estimates that more than 63 per cent of international migrants today are migrant workers in search of employment and better income opportunities - while there were 258 million international migrants in the world in 2017, the majority (164 million), were migrant workers. There are few countries in the world that are not affected by international labour migration flows, whether as countries of origin, transit or destination, and often in several of these categories at the same time. Of great importance is the consolidation of South-South migration corridors that are increasingly more important than South-North migration flows through time.

The growing impact of migration on the world of work is testing current migration management systems. There is an emerging concern for the need to better coordinate migration and labour migration policies with those of employment, social protection, education, training among others. This requires cooperation between national education and labour ministries and with other ministries that have responsibility for migration policy, as well as their counterparts across borders.

Labour Migration in the African Context

Labour migration in Africa is largely intra-regional (80%) and mainly characterized by the migration of low-skilled workers. Of great importance in the region is the consolidation of significant South-South migration corridors to neighbouring labour markets in the search for a job and better wages. Indeed, today, there are few African countries not participating in migration flows, whether as countries of origin, transit or destination. Demand in economic sectors such as agriculture, fishing, mining and construction as well as services such as domestic work, health care, cleaning, restaurants and hotels, and retail trade are significant drivers within the continent.

The AU/ILO/IOM/ECA Joint Labour Migration Governance Programme (JLMP) for Regional Integration and Development in Africa describes labour migration in Africa as follows:

Important features characterizing African labour migration include: the predominance of intra-regional labour and skills migration in Africa, particularly the prevalence of labour and skills mobility within Regional Economic Community (REC) spaces; increasing feminization of labour mobility; inadequate protection for migrant workers and their families from exploitation and hostility; lethargic implementation of regional free movement schemes; weaknesses of pertinent labour market legislation, institutions and data; lack of or limited attention to governance and regulation of labour and skills mobility; inadequate or absent recognition of qualifications and competencies; emigration of skilled Africans in a way that contributes to ‘brain drain’ and ‘brain waste’; limited or non-access to and portability of social security; the increasing economic importance of migrant remittances for many African countries as well as the more prominent incidences of trafficking and smuggling of migrants.

A regional consultation on December 16, 2013, in Addis Ababa identified priority challenges and set the direction for Africa-wide cooperation on governance of labour migration. The AUC, ECCAS, ECOWAS, IGAD, SADC, ILO, IOM,ECA, UNAIDS, UNESCO as well as Business Africa and ITUC Africa were represented. The Consultation agreed on seven main findings common across all RECs:

1. Paucity of data on characteristics and conditions of labour migrants, data required for economic, labour, enterprise development, investment, education, and social protection policies.
2. Lack of implementation of free circulation regimes; and generalized absence of coherent national labour migration policy.
3. Growing gaps between skills needs versus numbers and types produced in Africa
4. Absence of social protection and social security for many migrants
5. Prevalence of sub-standard, abusive employment relations and conditions of work
6. Absence of capacity, coordination and policy involvement on migration by labour institutions
7. Lack of dialogue and coordination on labour migration among labour actors and institutions.

Based on these seven main findings, the key result areas of the JLMP include:

1. Strengthen effective governance of labour migration in Africa
   1.1 Increased domestication of key international standards on labour migration
   1.2 Free circulation regimes in coherent labour migration policies are elaborated and adopted by the RECs
   1.3 Strengthened capacities of labour institutions and social partners in RECs and national governments for labour migration governance, policy and administrative responsibilities
   1.4 Regional mechanisms for tripartite policy consultation and coordination on labour migration issues established, and consultation and technical cooperation with other regions strengthened.

Labour Migration in Southern Africa

The Southern Africa region has a long history of intra-regional migration. All Member States of the Southern Africa Development Community (SADC) are involved in labour migration flows as countries of origin, transit, or destination and often they play the three roles at the same time. In the past ten years, a significant spike has been recorded with 3 million more migrants in the region. Data from UNDESA shows that Angola, DRC, South Africa, and Tanzania have accounted for 96% of this increase and count with 81% of the total migrant stock in the region. UN DESA data also indicates that there has been a significant increase in the migration of women attaining a level of 47% in the SADC region.

In this context, a Draft SADC Labour Migration Policy (LMP) was published in 2013 “to reflect, contribute to, and refine existing legal frameworks at regional, bilateral and national level, and international and regional legal instruments and obligations relating to migration and labour.” The key principle of the Policy is “to align with regional and international frameworks on labour migration, harmonise respective national, and bilateral policies, and work towards an inclusive labour migration regime balancing international frameworks with the specificities of Southern African economies and labour market dynamics.” Its overall objective is to “develop a harmonised regional policy framework to regulate labour migration within SADC that benefits sending and receiving countries, protects the rights of migrant workers, contributes to equitable and just development in the region, and builds on principles of mutual respect and cooperation.”

Furthermore, Article 19 of the 2014 SADC Protocol on Employment and Labour commits State Parties to endeavour to achieve the following:

- improve migration management and control, and strengthen mechanisms to combat smuggling and human trafficking;
- create a favourable climate to facilitate and encourage the return to and/or participation of emigrants in the development of the country of origin;
- ensure that fundamental rights are afforded to non-citizens, in particular labour/employment and social protection rights;
Do you want to know more?
Module 2 provides more information about Legal, Institutional and Policy Frameworks on Labour Migration and Module 4 provides more information on International Cooperation in the context of Labour Migration.

- adopt measures to provide for the special needs of migrant women, children and youth;
- harmonise national migration legislation and policies; and adopt a regional migration policy in accordance with international conventions to ensure the protection of the rights of migrants;
- adopt measures to ensure the coordination and portability of social security benefits, especially through the adoption of appropriate bilateral and multilateral agreements providing for equality of treatment of non-citizens, aggregation of insurance periods, maintenance of acquired rights and benefits, exportability of benefits and institutional cooperation;
- develop mechanisms, services and effective financial products to facilitate the transfer of remittances by migrants.

2. Defining and understanding Labour Migration Governance

As is apparent from the above, labour migration is a complex policy challenge for governments whereby a multitude of different issues and interests need to be balanced – from economic, to social, to political. When properly governed, labour migration can contribute to sustainable development for countries of origin, transit and destination, and can provide benefits and opportunities for migrant workers and their families. It may balance labour supply and demand, help develop and transfer skills at all levels, contribute to social protection systems, foster innovation and enrich communities both culturally and socially. On the other hand, poorly governed labour migration can bring risks and challenges, including for sustainable development and decent work, in countries of origin, transit and destination, especially for workers in low-wage jobs. These risks can include dependency, underdevelopment, and informality, brain drain, displacement, child labour, debt bondage, forced labour, trafficking in persons, safety and health hazards – including inter-generational burdens of occupational disease - and other decent work deficits. In some cases, some of these risks have lethal consequences. Racism, xenophobia and discrimination, misperceptions and misinformation add to the overall challenges of labour migration.
Let’s explore some concepts:

**Governance**

Broadly, the term governance is usually defined as the combination of laws, policies, institutions, structures and processes, as well as the norms, values and traditions that regulate the participation of, and interaction between different stakeholders in order to achieve a specific set of goals and outcomes. This includes the processes and mechanisms that are used to make decisions, formulate high-level policies and to allocate resources.

**Management**

Management is about planning and taking action to implement processes, structures and arrangements, and the most effective use of resources to achieve agreed objectives and outcomes. In other words, management is about working towards achieving the agreed objectives and outcomes, within prescribed limits of authority.

Based on these brief definitions, it should be apparent that governance is not the same as management.

Governance is about strategic vision, high-level decision-making, the formulation of policies and facilitating and maintaining well-functioning relationships between different stakeholders, as well as the ethics, norms and values that management and administrative systems have to comply with. It is of course correct that management forms an integral part of the system of governance, but it is only one component thereof and management style, decisions and actions have to be synchronised with the overall governance framework.

**Labour Migration Governance**

In defining a labour migration governance system, we are basically applying the broad concept of governance to the specific field of labour migration. In other words, labour migration governance refers to the combination of laws, policies, institutions, structures and processes, as well as the norms, values and traditions that:

(a) Determine the orientation/approach towards labour migration and formulate intended goals and outcomes;

(b) Guide the relationship and interaction between the different institutions and organisations (stakeholders) interested in, and affected by labour migration dynamics and policies; and,

(c) Establishes and oversees the processes of formulating policies, making decisions and allocating resources to regulate the participation of migrants in the labour market.

**Labour Migration Management**

We also apply the broad concept of management to the specific field of labour migration – it is about planning and taking action to implement actions and processes, establishing structures and arrangements, and the most effective use of resources to achieve agreed goals and outcomes. The labour migration management system functions within, and as part of the overall labour migration governance framework.

In many public entities, we see this distinction between governance and management reflected in the institutional arrangements. For example, you may have a *Ministry of Labour* (headed by a Minister) that has the political authority and responsibility to develop a labour migration policy. You then have a *Department of Labour* (headed by a Permanent Secretary or Director-General) that has the responsibility to develop the plans, create the necessary infrastructure, allocate resources appropriately and manage day to day operations to ensure that the long-terms goals and objectives are achieved. In this example, the Permanent Secretary or Director-General is accountable to, and reports to the Minister with regards to the plans that they have developed, and the progress made in implementing those plans towards achieving the defined goals and objectives.

Given that labour migration is by definition an issue that involves more than one country, a labour migration governance system also has to
take into account regional and in some cases, global dynamics and bilateral/multilateral relationships and frameworks. So while technically, labour migration governance is a national competency (within the jurisdiction of a particular State), it is unlikely that it can be successfully developed and implemented without the input and participation of other countries whose citizens will be affected by specific policy decisions and administrative requirements that will have an impact on their participation in a particular national labour market.

Reflection

It is important to ensure that labour migration management systems, regulations and procedures are an integral part of the labour migration governance system and that they reflect the norms, values and ethos of the strategic vision and policy. For example, if the strategic vision and policy objective of the labour migration governance framework is to facilitate the access of migrant workers to the national labour market, the management systems, regulations and procedures need to be designed accordingly, otherwise the desired policy outcomes will not be achieved.

Can you think of an example from your own country/context that demonstrates this distinction between governance and management?

3. Components of a Labour Migration Governance System

In the definition of governance above, we have already referred to some of the elements or components that a labour migration governance system should consist of. In this section, we explore each of these in more detail.

Component 1: Labour Migration Policy

In short, a policy is defined as a statement of intent. It specifies what we want/hope to achieve (goals, objectives and outcomes) through the implementation of specific interventions and actions. It is also a set of principles that guide our decisions and actions. Policies are generally based on a long-term (3-5 years) vision and specify what the outcomes are that have to be achieved within a specific period of time – for example, it may specify what should have been achieved after one year (short-term), after three years (medium-term) and after five years (long-term).
What is a labour migration policy?
A national labour migration policy for countries of destination usually sets out:

- the extent to which States intend to manage and regulate the impact of migration in their national context, by defining clear objectives and outcomes, priorities and action plans for implementation;
- to ensure that labour migration has a positive impact on the national labour market, particularly in sectors where there is a shortage of skilled people, as well as in sectors where the need for workers exceed the number of workers available in the country;
- to address the challenges (as well as opportunities) that emerge, not only in the workplace, but also more broadly in terms of social and cultural dynamics; and,
- in the longer-term, to be responsive to changing dynamics in the national labour market.

A national labour migration policy for countries of origin may be more explicitly focused on the following:

- Safeguarding the human rights of their citizens who are employed as migrant workers in another country;
- Promoting ethical recruitment and decent work;
- Ensuring access to social security for migrant workers; and,
- Ensuring that outward labour migration contributes to the development of the country of origin through the leveraging of remittances and diaspora networks.

Reflection
A comprehensive labour migration policy document constitutes the most important aspect of a labour migration governance framework. While a key element of the policy document is to set out the intended goals, objectives and outcomes (statement of intent) specifically in relation to the management and regulation of labour migration, the policy document effectively establishes the overall governance framework. This means that most (if not all) of the components discussed below will be defined in the policy document.

It should be noted, however, that a policy in and of itself does not create any legal obligations on the part of the authorities. It is a statement of intent and as such may create a ‘moral’ obligation, but it is not legally binding until it is accompanied by the relevant legislation (law). In component 3 below, we discuss this in a little more detail.
Here is the contents page of a National Labour Migration Policy document. Note how it sets out all the components that make up the Labour Migration Governance Framework:

**PART ONE**
(This section of the policy document provides information about labour market dynamics and labour migration)
- SITUATIONAL ANALYSIS
- HISTORICAL BACKGROUND
- SOCIO-ECONOMIC CONTEXT
- MIGRATION PROFILE
- LABOUR MARKET AND LABOUR MIGRATION PROFILE

**PART TWO**
(This section is about the legal frameworks that the policy will be aligned to)
- ALIGNMENT WITH INTERNATIONAL, REGIONAL AND NATIONAL LEGAL CONTEXT
- INTERNATIONAL FRAMEWORKS
- REGIONAL AND SUB-REGIONAL FRAMEWORKS
- NATIONAL LEGISLATION, AND POLICY

**PART THREE**
(This section sets out the principles that the policy will adhere to, as well as the overall purpose (vision and mission) and specific aims and objectives of the policy)
- GUIDING PRINCIPLES
- VISION, MISSION, AIMS AND OBJECTIVES

**PART FOUR**
(These are the priority policy areas in which interventions are required)
- POLICY AREA ONE: GOVERNANCE
- POLICY AREA TWO: LABOUR MARKET INFORMATION SYSTEM
- POLICY AREA THREE: PROTECTION OF RIGHTS OF MIGRANT WORKERS AND THEIR FAMILIES
- POLICY AREA FOUR: OPTIMIZING MIGRATION FOR NATIONAL DEVELOPMENT

**PART FIVE**
(This part specifies how the policy will be implemented)
- INSTITUTIONAL ARRANGEMENTS
- RESOURCE MOBILISATION
- MONITORING AND EVALUATION FRAMEWORK AND REPORTING
- ADVOCACY AND DISSEMINATION
- IMPLEMENTATION ACTION PLAN
Component 2: Principles, Values and Ethos

Policy documents usually include a set of principles that are indicative of the values and ethos that will guide decisions and actions taken to achieve the intended goals and outcomes. These principles are important because they provide a basis on which to evaluate specific policy decisions, procedural and administrative action and the relationship between stakeholders.

Here is an edited example of such principles from a country in the SADC region:

- **Migration and Development**: It is recognised that migration, if managed well can hold developmental benefits on household, community and economic development;

- **Equality of treatment and opportunity**: all workers including migrants have equal access to equal rights and recourse within the law. All migrants regardless of status benefit from labour and social protection;

- **Rights-based framework**: ensuring that all directives and implementation strategies centralize the protection of the rights of migrant workers and their dependents;

- **Decent work**: Increasing decent work indicators and outcomes for all workers including non-nationals and migrants in recognizing that labour migration is not a commodity and that all workers should benefit from decent working conditions;

- **Skills development, transfer and database**: Ensuring the development of a market-driven skills inventory; The development of a skills programme to improve capacity within the domestic workforce and to send skilled labour abroad;

- **Gender sensitive and inclusive policy and implementation**: recognizing the gendered nature of employment and migration at local, national and sub-regional level, and its associated impacts on rights;

- **Child sensitive**: recognising that children are impacted by migration at various levels, and are a vulnerable category that require specific protection. Rule of law and due process need to be adopted as key principles of all policy;

- **Regional integration and global cooperation**: Establishment of mechanisms which can contribute to regional integration and international cooperation vis-à-vis labour migration;

- **Social security portability**: ensuring that migrant workers and their dependents enjoy the possibility of registering in social security systems, accessing social security benefits and having them transferred to their countries of origin, as well as enjoying minimum floor social security benefits regardless of their migratory status or place of residence; and,

- **Multi-sectorial involvement**: an effective Labour Migration Policy requires the expertise of actors across various ministries, with the private sector and social partners. In this regard coordination and cooperation are guiding principles of this policy.
Component 3: Legislation and Regulations

In order for a policy to become legally binding, it has to be accompanied by legislation (law). The legislation provides the legal authority the implement what is provided for in the policy document. The legislation also provides for accountability. Let’s look at this example:

In the policy document, it is specified that as part of the institutional framework for implementation of the policy provisions, a Labour Migration Advisory Panel will be established. In the accompanying legislation, it is specified that the Minister of Labour, as the designated authority, will establish a Labour Migration Advisory Panel within one year of the legislation coming into effect. This means that the Minister of Labour is given the **legal authority**, as well as the **legal obligation** to establish a Labour Migration Advisory Panel within one year. If this is not done, the courts can be approached to compel the Minister to establish such a panel, according to the prescribed procedures, that are often contained in administrative regulations that accompany the legislation.

Here is how it works together:
Policy -- we intend to establish a Labour Migration Advisory Panel
Legislation – designates a specific entity and provides the legal authority
to establish a Labour Migration Advisory Panel

Component 4: International and Regional Frameworks

As indicated above, the development and implementation of a national labour migration governance framework is essentially a national competency. However, individual States have ratified and have committed to implement a variety of international and regional instruments, many that are directly related to labour migration. There are also several international and regional frameworks that provide guidelines and indicators pertaining to labour migration governance. It is important that the national labour migration governance framework is explicitly aligned to these international and regional instruments.

Here is an example:

One of the objectives of the labour migration policy is to ‘facilitate the access of migrant workers to the national labour market’. The legislation confirms this policy objective by specifying that the Minister of Labour ‘may implement measures to facilitate the access of migrant workers to the national labour market’ and regulations are then formulated to specify how this should be done. However, in order to comply with the administrative regulations, prospective migrant workers are required to travel long distances to apply for work permits, pay large amounts in processing fees and wait for lengthy periods before permits are approved and most work permits are not approved. In practice, this means that the policy objective to facilitate the access of migrant workers to the national labour market will not be achieved, because the administrative regulations and procedures are inconsistent with this objective.
Component 5: Institutional Arrangements

For the effective functioning of a labour migration governance system, it is important to identify the different stakeholders that will be involved and to specify the role that each stakeholder will play. At a minimum, this requires that a specific institution be designated as the lead institution responsible for overall implementation. In most cases, in relation to labour migration, this would be the Ministry of Labour/Employment. To ensure a specific focus on issues related to labour migration, many countries create a specialised entity within the Ministry of Labour/Employment.

Institutional arrangements are usually agreed to by stakeholders during consultative processes and ideally should be decided on when there is clarity about goals, objectives and outcomes, and when an implementation (action) plan has been agreed to. These are some key factors to take into account in the establishment of institutional arrangements and in particular, in the designation of the lead institution and/or implementing structure. It should:

- have the support of all the stakeholders in particular workers and employers’ organisation – this is usually achieved through processes of consultation and agreement.
- have the necessary legal and regulatory authority and status to provide advice on policy and programme decisions and to implement such decisions;
- ideally be located at the very highest levels of government – President or Prime Minister’s office or a specific authority within the Ministry of Labour/Employment;
- be composed of, or have regular interaction with representatives of all the key stakeholders, specifically government, organised business (employers) and organised labour (trade unions). As appropriate, migrant organisations and other civil society organisations, as well as technical experts may also be included;
- have an allocated budget for its operations and activities; and,
- function with a high degree of autonomy, in line with its mandate as derived from the policy and legislative instruments.

and frameworks and that the labour migration policy and legislation are designed to give effect to (domesticate and implement) these international and regional obligations.
Here is an edited example of institutional arrangements extracted from an actual national labour migration policy document.

The Ministry of Labour and Social Security as custodian of labour issues will take the principal role in leading and coordinating activities, this can be done through the establishment of working committees and the technical task groups. It will be responsible for steering the policy through to adoption, monitoring its enforcement, reviewing periodically and making recommendations for amendments.

Below is a description of key stakeholders and their roles:

- The Ministry of Labour will be the Secretariat of the National Labour Migration Policy and take responsibility for its administrative function
- Ministry of Foreign Affairs and International Cooperation: Deals with political dimensions of labour migration and with social assistance to nationals abroad
- Ministry of Home Affairs: Deals with issuance of work visas to immigrants
- Ministry of Health: Regulation of recruitment and qualifications recognition of foreign medical practitioners
- Ministry of Education and Training: Coordination of national qualifications framework, including technical and vocational education as it relates to labour migration
- Ministry of Public Service: Human resources development plan.

Component 6: Monitoring and Evaluation Framework

A key aspect of developing a labour migration governance framework is to ensure that it includes a framework and mechanisms for conducting ongoing monitoring and regular evaluations. Let’s quickly define what this means:

**Monitoring:** This assumes that there is an agreed action plan, with clearly defined activities that have to be implemented and outputs that have to be achieved. Monitoring is an ongoing activity in relation to this action plan and basically asks and answers the question – “Are we doing, or have we done what we agreed to do and are we achieving the specified outputs?”

Action plans usually include a set of indicators and monitoring usually takes the form of regular progress reports that provide information about the status of these indicators.

**Evaluation:** Unlike monitoring that is focused on what we are doing (specific activities and indicators), evaluation is focused on whether we are achieving our objectives and outcomes. The typical kind of evaluation question is – “Now that we have successfully completed all these activities, have we achieved what we intended to achieve?”
As an example of something we might have in an action plan:

<table>
<thead>
<tr>
<th>Activities</th>
<th>Indicators</th>
<th>Objective/Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address labour migration data shortcomings through enhanced data collection, analysis and availability</td>
<td>Labour migration data collection, analysis and availability has been enhanced through the training of officials involved in these activities</td>
<td>Up to date information about labour migration is available to enable assessment and decision-making about the impact of labour migration on the national labour market</td>
</tr>
<tr>
<td>Create central repository for migration data</td>
<td>A functioning central repository for migration data has been established</td>
<td></td>
</tr>
</tbody>
</table>

In a monitoring exercise, we will focus on the activities and indicators. In an evaluation we will focus on the objective/outcome. It should be apparent that if we do not successfully complete the activities, we will not achieve the intended outcome/objective. We may, however, also find that even after successfully completing the activities, we may not have achieved the intended outcome. This is why we need mechanisms and processes to do ongoing monitoring and to engage in periodic evaluations as an integral part of our labour migration governance framework.

Component 7: Resource Mobilisation

It is important to remember that the successful functioning and implementation of a labour migration governance framework requires significant resources in terms of funding, expertise (human resources) and technical capacity (technology and equipment). It will also require ongoing innovation and amendments (based on changes to the context and to address shortcomings). This must all be planned and provided for in the governance framework and at a minimum, must include a realistic assessment of implementation requirements, a budget and resource mobilisation strategy. Key questions in this regard are:

- What resources are required to ensure the successful implementation and functioning of the labour migration governance system?
- Where and how will these resources be acquired?
- Who will take overall responsibility for ongoing resource needs assessments and resource mobilisation?

Component 8: Partnerships – Coherence, Coordination and Cooperation

Developing and implementing a successful labour migration governance system requires the participation of several actors/stakeholders at international, national, regional (district) and local levels, with all of them working in partnership. In many countries, the lack of coordination, cooperation and coherence between the different actors/stakeholders usually has the unintended effect of creating a sense of confusion among, and competition between actors, with everyone pursuing their own programmes and projects without knowing what others are doing or how their activities are related. In many cases, the objectives of stakeholders are unclear, activities are duplicated, counter-productive or in conflict, resources are not used effectively, outcomes are not achieved and impact is minimal.

For labour migration governance to be effective, it requires:

- The synchronisation of objectives, strategies, goals and outcomes (COHERENCE). It is important to avoid simply including what could be contradictory objectives to accommodate all the stakeholders. This does not mean that everyone has to whole heraldry agree with everything, but coherence has to be based on the willingness to compromise for the ‘greater good’.
The collaborative design and implementation of complementary strategies, programmes and projects, while taking into account specific organizational mandates and interests (COOPERATION)

Agreed mechanisms and structures for reporting, monitoring, evaluation, review and ongoing planning, as well as clearly defined levels of autonomy, authority and accountability (COORDINATION)

The above is often referred to as the 3 C’s – this was first used in the 2005 report of the Global Commission on International Migration (GCIM), titled Migration in an Inter-connected World: New Directions for Action and is simply defined as organizing ourselves to work together towards achieving agreed goals and objectives.

It is equally important to achieve high levels of partnership and coherence, coordination and cooperation within specific categories of stakeholders for e.g. all government ministries or all trade union organisations. This is often referred to as Internal Coherence, which has two dimensions:

**VERTICAL COHERENCE**
Complementary policies and programme implementation at different levels (local, provincial, national), responsive to the specific regional and local contexts, while not in conflict with the overall agreed objectives, outcomes and priorities pertaining to the governance of labour migration.

**HORIZONTAL COHERENCE**
Complementary policies and programme implementation between line ministries (or other actors) at the same level (local, provincial, national), responsive to specific institutional mandates, while not in conflict with overall agreed objectives, outcomes and priorities pertaining to the governance of labour migration.

Do you want to know more?

For further information and details on international cooperation (BLAs, MOUs and Regional/Global Frameworks on Labour Migration, refer to Module 2 on Legal, institutional and Policy Frameworks on Labour Migration and Module 4 on international cooperation in the context of labour migration.

For further information and details on achieving coherence, refer to Module 3 on Coherence between labour migration and employment policies.
In addition to internal coherence, there is a need to ensure that while the labour migration governance system is responsive to national realities and specificities, that it

- takes into account regional and global dynamics
- contributes towards the achievement of a ‘regional’ labour market i.e. various countries in a specific region or between regions co-operating to manage labour migration between countries.

In this regard, Bilateral Labour Agreements (BLAs), Memoranda of Understanding (MOUs) and Regional/Global Frameworks on Labour Migration are useful and important instruments to help achieve this level of coherence, coordination and cooperation.

4. Developing a Labour Migration Governance Framework – a step by step approach

At the core of a labour migration governance framework is the labour migration policy document, which sets out the intended goals, objectives and outcomes (statement of intent) specifically in relation to the management and regulation of labour migration. The scope of the policy document, however, should not merely be to set out the intended goal, objectives and outcomes, but it must also establish the overall governance framework.

Reminder
When we speak of a labour migration governance framework, we mean the following:

The combination of laws, policies, institutions, structures and processes, as well as the norms, values and traditions that:

(a) Determine the orientation/approach towards labour migration and formulate intended goals and outcomes;

(b) Guide the relationship and interaction between the different institutions and organisations (stakeholders) interested in, and affected by labour migration dynamics and policies; and,

(c) Establishes and oversees the processes of formulating policies, making decisions and allocating resources to regulate and manage labour migration.

But how do we go about establishing such a framework?

We propose that there are four main steps in the process of developing a labour migration governance framework. However, before we discuss the four steps, some general comments:

- The steps proposed here are not prescriptive – they are intended to serve as guidelines for a process to develop a labour migration policy/governance framework.
- These steps are generic guidelines. It is important that the steps take into account, and that they are modified to be implemented within a specific context.
- The steps are numbered from 1 – 4. However, this is not a linear process. In other words, it may be necessary to repeat or come back to particular steps in the process. Think about it as a circle, as opposed to a straight line.
- The steps do not represent a magical formula and will not guarantee a successful outcome. However, if the steps are applied in the design of the process to establish a labour migration governance framework, it will make it easier to achieve a successful outcome.

Step 1: Initiating the Process

A process to design and establish a labour migration governance framework is usually initiated in response to specific needs, problems or opportunities (or a combination of needs, problems and opportunities) that have been identified. These could be:
Significant changes to the volumes and characteristics of labour migration

The absence or failure of an existing policy and governance framework

The need to align labour migration policy and the implementation thereof with other sectoral policies (such as employment and social security) and/or national development priorities

From the outset, the rationale/motivation for designing (or amending) a labour migration governance framework needs to be clearly stated. For this purpose, it is helpful to have a policy brief/discussion document that provides a preliminary analysis of the key issues and challenges pertaining to labour migration and a broad indication of policy direction. This discussion document/policy brief is produced by the appropriate governmental authority (usually the Ministry of Labour, in the case of labour migration) and serves two purposes:

1. It is an ‘announcement’ of the intention to undertake a process of policy development/review, and,
2. It broadly ‘names and frames’ the issues that will be addressed during the policy development/review process.

The discussion document/policy brief provides the basis on which to convene an initial consultative meeting (or multiple consultative meetings) during which stakeholders, including experts and technical advisors agree on the

(a) need for a process of policy development/review
(b) key themes/issues/challenges that need to be addressed
(c) the process and timeline that will be followed to undertake the policy development/review, and,
(d) the establishment of a coordinating structure/mechanism to facilitate the policy development process

Step 2: Situation Analysis, Scenario Planning and Policy Options

The second step provides the basis for evidence-based policymaking and involves the following:

Situation Analysis: this is to gain a more in-depth understanding of labour market dynamics, the impact of migration on the labour market and specific challenges and opportunities that need to be addressed during, and as outcomes of the policymaking process. This usually involves a combination of research and consultation during which stakeholders provide input into identifying the key issues and challenges with regard to labour migration. In brief, the situation analysis provides the context within which the policy and governance framework is intended to be implemented and the specific challenges that need to be addressed in the short to medium term.

Scenario Planning: this involves thinking about the future and how labour migration patterns and dynamics might be influenced by and change as a consequence of evolving labour market needs and broader economic and social dynamics. Scenario planning is a creative process during which we ‘imagine’ different possibilities for the future, based on information collected and analysis undertaken during the research and consultation (situation analysis) that was conducted. An important aspect of doing scenario planning is that it provides an opportunity to do an assessment of medium to long-term challenges and opportunities that need to be taken into account to ensure the longevity of specific policy choices.

Generating Policy Options: it is always helpful to think about different policy options and to consider the impact and outcome of specific policy choices. Given that a policy is a statement of intent, each policy option will have a different outcome and looking at different options provides an opportunity to assess which option (or combination of options) is more desirable. At this point, it is about weighing up the pros and cons of each of the different policy options, which will provide a more rational basis for making specific policy choices.
Step 3: Agreement on strategic objectives, policy choices and priorities

The next step involves the publication of a draft policy document that incorporates the following:

1. The research and analysis, scenario-planning and policy options that were generated during Step 2;
2. Specific proposals regarding short, medium and long-term strategic objectives;
3. Preferred policy options;
4. The proposed governance framework (principles and values, structures and processes);
5. An Implementation/Action Plan that specifies what needs to be done, by whom and by when; and,
6. A Resource Plan that provides an indication of the financial, human and technological resources required and how it will be obtained, to ensure the successful implementation of the Action Plan.

The draft policy document provides the basis for further consultations with all the stakeholders, with the aim of reaching agreement and making decisions regarding strategic objectives, policy options and the overall governance framework, as well as the proposed Action Plan.

Note that during Step 3, it may be necessary to repeat/revisit some of the activities conducted during Step 2 if there is still significant disagreement between stakeholders about the present and future challenges, opportunities and priorities and how to respond to these. While we can anticipate that we may not reach one hundred percent agreement on all the issues, we should work towards ‘sufficient consensus’. This means that we want to achieve a situation where the disagreements are not so substantive that it will lead to a failure of the policy and governance framework, and that it can be managed with ongoing interactions with the different stakeholders.

The final outcome of Step 3 is the adoption and validation of the policy document through the appropriate processes, so that it becomes official policy that will guide all future decisions, actions and the relationship and interactions between stakeholders.

Reflection

In many ways, Step 2 is the most critical part of the policy-making process and requires significant and ongoing engagement with all the stakeholders. It is during this process that efforts should be made to achieve coherence between all the stakeholders. The logic is that if there is substantive agreement between the stakeholders about the present and future challenges, opportunities and priorities, it will be easier to reach agreement on how to respond to these challenges, opportunities and priorities and to agree on a specific policy choice and governance framework.

Think about a situation in your own context where the different stakeholders did not agree on what the problems, challenges, opportunities and priorities were, and how difficult it was to reach agreement on the most appropriate policy response and governance framework.
Reflection

It is important that the entire process of developing a labour migration governance framework is conducted in a consultative manner. This means that an effort should be made to identify and include all stakeholders in either the entire process, or in specific parts of the process and to reach agreement. It should be noted, however, that it is not likely that stakeholders will wholeheartedly agree on everything. When this happens, apply the principle of 'sufficient consensus', which means that even if there are still disagreements, but they are not substantial enough to lead to the failure of the labour migration policy and governance framework, a decision can be made to proceed.

Step 4: Achieving Legislative Authority and Accountability

As indicated previously, even when adopted and validated, the labour migration policy and governance framework remains a statement of intent and is not legally enforceable. Thus, the next step in the process is to draft and adopt legislation that grants legal powers to the designated authorities to implement the provisions of the policy and governance framework. This includes the powers/authority and obligation to:

- Establish the appropriate institutional structures/mechanisms that will facilitate, manage and coordinate the implementation of the provisions of the policy and governance framework;
- Obtain and allocate the necessary resources (financial, human, technological) to achieve implementation of the action plan;
- Review and amend the policy, governance framework and action plan (on the basis of consultations with stakeholders); and,
- Report on and be accountable for the progress made with the implementation of the provisions of the policy and governance framework.

As with the drafting of the policy and governance framework document, the legislation should also be finalised on the basis of consultation with all the stakeholders. It is also important to ensure that the legislation does not contradict the provisions of the labour migration policy and governance framework. For this reason, it might be appropriate to prepare draft legislation at the same time that Step 3 is being undertaken, so that, as and when agreement is reached at the level of policy, it can be reflected in draft legislation for stakeholders to consider.
Key learning points

In summary, these are the key messages to be remembered:

1. Labour migration governance refers to the combination of laws, policies, institutions, structures and processes, as well as the norms, values and traditions that establish and guide the processes and institutional mechanisms for formulating policies, making decisions, allocating resources and implementing agreed actions within the sphere of labour migration.

2. At the core of labour migration governance, is labour migration policy, which sets out an agreed set of goals, objectives and outcomes (statement of intent) and all the mechanisms for achieving such goals, objectives and outcomes.

3. A labour migration policy, even after being adopted and validated, does not create any legal authority, obligation and accountability. For this purpose, the policy needs to be accompanied by legislation, which is the instrument that provides the legal authority to implement the policy decisions and directives.

4. The principles and values contained in the policy document provide an important indication of the spirit/intent and orientation of the policy. This may include the need to align the policy/labour migration governance framework with
5. As part of the governance framework, the policy document should
   - have an accompanying action/implementation plan, that provides details in terms of how the agreed goals, objectives and outcomes will be achieved;
   - include a monitoring and evaluation framework to enable regular assessments of progress being made and if necessary, to reformulate goals, objectives and outcomes and/or amend the action/implementation plan;
   - provide clear processes and mechanisms for resource mobilisation to ensure successful implementation.

6. Key to the success of both the process of developing and implementing a labour migration governance framework, is the need to establish partnerships and achieve high levels of coherence, coordination and cooperation between all the stakeholders.

7. We have identified 4 steps to be followed in developing a labour migration policy and governance framework. These are generic steps and it is important to apply them within your specific context. It is also important to be responsive to the needs and interests of the different stakeholders and to remain flexible in the implementation of the 4-steps process.
Knowledge Assessment Test

Question 1
Labour Migration Governance refers to:
(a) A government that is made up of migrant workers
(b) The executive committee of a Migrant Workers’ Association
(c) The combination of laws, policies, institutions, structures and processes, as well as the norms, values and traditions that regulate labour migration within and between countries

Question 2
Labour migration management is part of, but does not have the same meaning as labour migration governance.
(a) True
(b) False

Question 3
A labour migration policy is:
(a) A statement of intent that reflects the goals, objectives and outcomes of a labour migration governance system
(b) The document that gives the Minister of Labour the legal authority to manage labour migration
(c) A set of rules that all migration officials have to abide by

Question 4
A Labour Migration Governance Framework does not have to consider cross-border (regional and international) cooperation. It is strictly about managing migration in a specific country.
(a) False
(b) True

Question 5
A Labour Migration Governance Framework does not have to take International Labour Standards and other global instruments into account. It must only concern itself with domestic/national laws and regulations.
(a) True
(b) False

Question 6
Vertical Coherence refers to:
(a) Complementary policies and programme implementation at different levels (local, district, national, international)
(b) Complementary policies and programme implementation at the same level (local, district, national, international)

Question 7
Horizontal Coherence refers to:
(a) Complementary policies and programme implementation at different levels (local, district, national, international)
(b) Complementary policies and programme implementation at the same level (local, district, national, international)

Question 8
In designing and implementing a labour migration policy, we should focus on the short-term results and not be too concerned about potential long-term consequences.
(a) True
(b) False
Question 9
Which one is most correct - the actors/stakeholders involved in the design and implementation of a national labour migration policy and governance framework should be:
(a) The Ministry of Labour
(b) All the affected government ministries
(c) The Ministry of Labour and representatives of the private sector
(d) Government, Employers and Labour (Trade Unions)
(e) Government, Employers, Labour (Trade Unions), Civil Society Organizations, including Migrant Workers Associations and International Organizations

Question 10
The governance of labour migration within a specific region can be enhanced through bilateral and multilateral labour agreements and the development of a ‘regional labour market’.
(a) False
(b) True

Correct answers: 1c, 2a, 3a, 4a, 5b, 6a, 7b, 8b, 9e, 10b.
## 1 Training activity 1

- **Type:** Individual or Group Exercise
- **Time:** 45 min
- **Modality:** Residential or online
- **Level of difficulty for the Trainer:** level 1 beginner
- **Objective:** Evaluate your labour migration policy and reflect on its components

Review the 8 components that make up a Labour Migration Governance Framework as discussed above. Can you identify elements of these components in your own country/context, even if you don’t have a specific labour migration policy?

Use the following matrix to evaluate each component in your own context on a scale of 1 to 5, where 1 means non-existent or poor and 5 means excellent.

<table>
<thead>
<tr>
<th>Component</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labour Migration Policy document with clear goals, objectives and outcomes</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Clearly defined principles, values and ethos</td>
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<tr>
<td>Legislation and Regulations</td>
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<tr>
<td>Alignment with international and regional frameworks</td>
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<tr>
<td>Institutional Arrangements</td>
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<tr>
<td>Monitoring and Evaluation Framework</td>
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<tr>
<td>Resource Mobilisation</td>
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<tr>
<td>Partnerships – Coherence, Coordination and Cooperation</td>
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</tbody>
</table>

What do the result of the exercise tell you about the strengths and shortcomings of your labour migration policy and governance framework? What steps would you take to initiate a process to develop a more robust and successful labour migration policy and governance framework?
2 Training activity 2

- **Type:** Group Exercise: World Café
- **Time:** 1 hour
- **Modality:** Residential
- **Level of difficulty for the Trainer:** level 2 – intermediate
- **Objective:** Discussing and reflecting on the specific challenges and opportunities

The aim of the exercise is for participants to discuss the different challenges inherent in each step of the development of a labour migration governance framework and identify potential solutions to overcome these challenges.

Divide participants in four groups and assign each of them to a table. Each group will have 15 minutes to discuss the step at their table, then will move to the next until each group has covered each of the four steps.

It should be organised as follow:

<table>
<thead>
<tr>
<th>Group</th>
<th>Round 1</th>
<th>Round 2</th>
<th>Round 3</th>
<th>Round 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>Table 1</td>
<td>Table 2</td>
<td>Table 3</td>
<td>Table 4</td>
</tr>
<tr>
<td>Group 2</td>
<td>Table 2</td>
<td>Table 3</td>
<td>Table 4</td>
<td>Table 1</td>
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<td>Group 3</td>
<td>Table 3</td>
<td>Table 4</td>
<td>Table 1</td>
<td>Table 2</td>
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<tr>
<td>Group 4</td>
<td>Table 4</td>
<td>Table 1</td>
<td>Table 2</td>
<td>Table 3</td>
</tr>
</tbody>
</table>

Participants should capture the main points of their discussion on sticky notes that they will leave on the table. The following groups can add, change or move the sticky notes around; complementing with additional thoughts and comments.

At the end of the four rounds, the last group present at each table will summarize the outcomes captured on the sticky notes and present them in plenary.

The trainer should allow some time at the end for feedback, comments and questions.
3 Training activity 3

- **Type:** Online collaborative Exercise: Creating an interactive digital Map (on Miro or Mural)
- **Time:** online from 2 hours to 2 days
- **Modality:** online (using online interactive whiteboard)
- **Level of difficulty for the Trainer:** level 3 – advanced
- **Objective:** Mapping the different actors involved in the labour migration policy

On an interactive white board (Miro or Mural for instance), participants should map the different actors involved at all levels. The Trainer needs to create on the interactive whiteboard a template participants can fill in.

Ask participants to highlight the vertical and horizontal coherence needed to ensure a good governance of labour migration.

Leave from 2 hours until 2 days (in particular if participants are working asynchronously) to provide inputs on the map and to complement the inputs from the different participants.

**Example 1 of template**

```
[Text]
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**Example 2 of template**

```
[Text] [Text] [Text]
```

```
[Text] [Text] [Text]
```

```
[Text] [Text] [Text]
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