Module 3: Coherence between Labour Migration and Employment Policies

Learning objectives
1. Introduction
2. Defining Coherence, Coordination and Cooperation
3. Absence of Coherence - Causes and Consequences
4. Stakeholder Analysis and Engagement
5. Labour Migration and Employment Policies – Challenges and Obstacles
6. Social Dialogue as a mechanism for consultation and engagement

Key learning points
- Knowledge Assessment
- Individual/Group Exercise
Learning Objectives

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

- 1. The importance of achieving coherence between labour migration and employment policies
- 2. Factors that contribute to a lack of coherence
- 3. The negative impact of a lack of coherence
- 4. The need to be responsive to the interest and concerns of all stakeholders, while maintaining a coherent approach and achieving a coherent outcome
- 5. The importance of establishing an institutional framework to maintain coherence
1. Introduction

As discussed in Module 1, the management and governance of labour migration requires clear and comprehensive goals and outcomes that are reflected in a labour migration policy document that not only sets out these goals and outcomes, but also includes measures to achieve them, including an action plan and an institutional framework.

During the process of policy development and subsequent attempts at implementing the policy, challenges often persist mainly because of the inconsistencies and/or direct contradictions between the concerns and interest of, and the role played and actions undertaken by different stakeholders.

We sometimes refer to this phenomenon as the “Dilemma of Jurisdiction”, which means the absence of clearly defined roles, responsibilities, authority and accountability, which is particularly prevalent during the post-policy development or implementation phase. In 2005, the Global Commission on International Migration (GCIM) published a report titled *Migration in an Inter-connected World: New Directions for Action* in which they identified the need to achieve and sustain Coherence, Coordination and Cooperation (referred to as the 3 C’s) as the most critical element in the development of policies and the subsequent management and governance of migration.

In this module, we discuss the importance of the 3 C’s broadly, but specifically in relation to achieving coherence between labour migration policy and employment policy.

2. Defining Coherence, Coordination and Cooperation

Coherence, Coordination and Cooperation are three words that we use on a regular basis when we discuss policy development and implementation. It is important that we understand that while the words are inter-related, they do in fact have different meanings.

Here is a formal (dictionary) definition of the three C’s:

**COHERENCE**: The quality of being logical and consistent – forming a unified whole; to stick together.

**COORDINATION**: The organisation of the different elements of a complex body or activity to enable them to work together effectively.

**COOPERATION**: The action or process of working together towards the same end.

Now we provide a simplified definition of the 3 C’s. Note that it helps to change the order of the words so that it is easier to understand the inter-relatedness of the three words:

**Organising ourselves** (COORDINATION) in a manner that helps us to **work together effectively** (COOPERATION) to achieve our **agreed goals and objectives** (COHERENCE).

When we look at these definitions, it should be apparent that the key element is the need to achieve coherence, which means that we have reached agreement on
goals and objectives;
- an action/implementation plan; and,
- an institutional framework

and flowing from this, we have clearly defined the roles, responsibilities and authority of the different stakeholders (Co-ordination) and on the basis of this, all the stakeholders are able to work together effectively (Cooperation).

At a national (country level), it is important to work towards the achievement of coherence, coordination and cooperation within and between different categories of stakeholders for. This is often referred to as Internal Coherence, which has two dimensions:

1. 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.

2. 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.

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 and frameworks
- 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.

This is referred to as Cross-Border Coherence, which requires high levels of coordination and cooperation between national governments, as well as between non-governmental entities in different countries.

The graphic below demonstrates the concepts of vertical and horizontal coherence, incorporating local, national, regional and international dimensions:
3. Absence of Coherence – Causes and Consequences

The lack of coordination, cooperation and coherence between the different stakeholders usually has the effect of creating a sense of confusion among, and in some cases, competition between the different stakeholders. Even though they are meant to be working together, we see stakeholders pursuing their own programmes and projects without knowing what others are doing or how their activities are related.

In many cases,

- the common objectives of stakeholders are unclear;
- activities are duplicated;
- the projects and activities of the different stakeholders put them in conflict with each other;
- resources are not used effectively;
- goals and objectives are not achieved; and,
- the impact or outcome of their activities is minimal.

Here is an example:
In South Africa, the Ministry of Home Affairs (responsible for immigration) had concerns about increased cases of children being kidnapped and/or trafficked across the border into South Africa. In response, the Ministry introduced regulations that provided for stricter measures and required additional documentation for entry into South Africa that affected people traveling with children. Those who were unable to produce the required documentation were denied entry into the country. This was of course a legitimate concern and the Ministry should be applauded for taking steps to prevent and reduce trafficking in children.

However, the Ministry responsible for tourism, while appreciating the reasons why the Ministry of Home Affairs introduced the new regulations, noted that this had a negative impact on the tourism industry because it also meant that legitimate leisure travellers who had children with them, and who were either unaware of the new regulations or were unable to produce the required documentation, were also denied entry.

In this example, there was clearly a need for the two ministries to engage with each other to find a solution that would address the needs and concerns of both parties, before any new measures were introduced.
We see similar situations between stakeholders directly involved in the management and governance of labour migration. For example – many countries have a policy approach that prioritises the access of citizens to the labour market (often referred to as ‘citizens first’). However, particular economic sectors such as agriculture and mining often employ significant numbers of migrant workers from other countries and in many cases, these migrant workers are accused of ‘taking jobs away from locals.’

In summary, for the effective development and implementation of a labour migration policy and governance framework, there is a need to ensure:

- The synchronisation of objectives, strategies, goals and outcomes (COHERENCE);
- The collaborative design and implementation of complementary strategies, programmes and projects, while taking into account specific organizational mandates and interests (COOPERATION);
- That mechanisms and structures for reporting, monitoring, evaluation, review and ongoing planning, as well as clearly defined levels of autonomy, authority and accountability are agreed to (COORDINATION).

4. Stakeholder Analysis and Engagement

The key to achieving and maintaining ongoing coherence, coordination and cooperation is to focus on getting the right organisations, institutions and individuals involved at the right time. We refer to these organisations, institutions and individuals as stakeholders. Stakeholders are defined as those entities that have an interest in and will be affected (impacted on) by a specific policy decision or the implementation of a specific project or programme, whether directly or indirectly. The interest of, and impact on a stakeholder can be either negative or positive. It is a mistake to think of stakeholders as only those entities that support a specific policy direction or project. It is equally important to include those who may be opposed or resistant to a specific policy direction or project as part of the group of stakeholders.

One of the first steps towards achieving coherence during the process of developing and implementing a labour migration policy and governance framework, is to do a stakeholder analysis, as follows:

(a) Who are the relevant stakeholders?

As explained above, stakeholders are defined as those entities that have an interest in and will be affected (impacted on) by a specific policy decision or the implementation of a specific project or programme, whether directly or indirectly. For the purpose of achieving coherence between labour migration and employment policies, we begin by identifying the following categories of stakeholders:

- Government Ministries and Departments (Labour/Employment and Immigration, in particular)
- Employer Organisations (Organised Business)
- Trade Unions (Organised Labour)
- Migrant Workers Associations

Reflection

Is it possible to find a compromise in this situation?

What would you do to try and resolve what seems to be completely contradictory approaches to labour market access by migrant workers?
Local NGO’s – particularly those that engage in activities involving migrant workers

International Organisations

It is important to note that while we group stakeholders together in a specific category, this does not necessarily mean that there is agreement between them. For example, while the Ministries and Labour and Immigration are both government stakeholders, they do not necessarily have the same interests and objectives.

We also need to be aware that not all stakeholders need to be part of the entire process of policy development and implementation. It is helpful to differentiate between ‘key stakeholders’ and other stakeholders or interest groups. Key stakeholders are those entities that can provide significant input and who have a substantive interest in the outcome of the policy process and subsequent implementation. As a guide, key stakeholders are involved in the entire process, whereas other interest groups may be consulted for their input on specific issues, but may not be involved in the entire process.

(b) What are the competing objectives/interest?

Once we have identified the different stakeholders by category and specific entities, it is helpful to identify and assess whether there are any actual or perceived conflicts of interest between them. These conflicts could include:

- Competition for resources
- Individual behavioural styles/personalities
- Perceived differences
- Different organisational goals, objectives and mandates
- Organisational pressures
- Personal values

These actual or perceived conflicts may not be directly related to labour migration issues, but may impact on the relationships between the stakeholders and could influence the extent to which they are willing to work together.

(c) What are the common objectives/interests?

It is equally important to assess whether there are already common/overlapping interests between the stakeholders and have an understanding of the issues about which they are already in agreement. It is helpful to focus on what the stakeholders have in common, rather than be derailed by conflicting interests. This does not mean that any (potential) conflicts should be ignored, but conflicts are often more easily resolved when there is already coherence and cooperation on specific issues.

(d) Is it possible to develop and agree on common goals and objectives, while also responding to divergent/competing interests and objectives? How can this be done?

One of the most common difficulties in achieving coherence is the fact that stakeholders tend to focus on their specific institutional mandates. It is advisable to encourage all stakeholders to look beyond their specific institutional mandates and to focus on broader goals and objectives. By definition, achieving this will require a high degree of compromise. However, care must be taken that in working towards a compromise, we do not produce a policy and governance framework that is weak and contradictory because we attempted to equally accommodate the interests of all the stakeholders.

Here is an example:

The Ministry of Labour may be committed to facilitating access to, and encouraging migrant workers to participate in the national labour market. However, the Ministry of Internal Security may be concerned that if migrant workers have easier access to the national labour market,
Test your negotiation skills

Using the example above, can you think of and propose a suitable compromise that addresses the security concerns raised by the Ministry of Internal Security while at the same time facilitating the access of migrant workers to the national labour market as advocated for by the Ministry of Labour? Make sure that your proposal does not result in a compromise that is incoherent and contradictory.

this may create opportunities for criminal syndicates to access the country and engage in criminal activities.

The Ministry of Labour has drafted a position paper in which they strongly advocate for a relaxation of the entry requirements and immigration regulations in order to facilitate migrant workers’ access to the labour market. At the same time, the Ministry of Internal Security has also drafted a position paper in which they strongly advocate for increased security and enforcement measures to combat illegal/criminal cross-border activities.

If we simply include the positions proposed by both the Ministry of Labour and the Ministry of Internal Security in a labour migration policy, the policy is likely to fail because it will be incoherent and contradictory.

However, both Ministries argue that what they are proposing is in the ‘national interest’, and if we explore and define this concept of ‘national interest’, it may be possible to develop a position that incorporates, but goes beyond the specific institutional mandates. This will require ongoing dialogue and interaction between the two ministries (and possibly other stakeholders) to find a workable compromise.

Tools for doing a stakeholder analysis

We propose doing a stakeholder analysis at two levels, using the following tools:

(i) The ‘Stakeholder Cooperation Matrix’

This is a visual tool to evaluate the common and competing interests of stakeholders.

<table>
<thead>
<tr>
<th>Stakeholders</th>
<th>Facilitating migrant workers’ access to the national labour market</th>
<th>Equality in the workplace between nationals and migrant workers</th>
<th>Freedom of movement for migrant workers and their families</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Labour</td>
<td>✓</td>
<td>✓</td>
<td>×</td>
</tr>
<tr>
<td>Ministry of Internal Security</td>
<td>×</td>
<td>×</td>
<td>×</td>
</tr>
<tr>
<td>Employer Organisation</td>
<td>✓</td>
<td>×</td>
<td>✓</td>
</tr>
<tr>
<td>Trade Union</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

In the example above, we can see that there is already significant common interest, but also differences between the different stakeholders, as follows:
(a) The Ministry of Labour, the Employers’ Organisation and the Trade Unions all support facilitating migrant workers’ access to the national labour market, but the Ministry of Internal Security does not.

(b) The Ministry of Labour and the Trade Unions support equality in the workplace between nationals and migrant workers, but this is opposed by the Employers’ Organisation and the Ministry of Internal Security.

(c) The Employers’ Organisation and the Trade Unions support freedom of movement for migrant workers and their families, but the Ministries of Labour and Internal Security are opposed to this.

(Note: the examples above do not necessarily reflect the positions of the identified stakeholders. It is for the purpose of demonstration only)

(ii) The Stakeholder Balance of Power Analysis

This is a tool to visually represent the extent of influence (positive or negative) that a particular stakeholder has with regard to a specific issue and demonstrates the balance of power between the different stakeholders. In using this tool, we ask the following questions:

OWNERSHIP
Who initiates, drives and ‘owns’ the overall process and outcome or a specific process and outcome?

BALANCE OF POWER
Do all stakeholders/actors have the same degree of authority/power/influence/interest in a specific process/issue or the overall process?

In this example, the issue being looked at is the protection of migrant workers in a destination country. The graphic shows that migrant workers and trade unions both have a positive influence on achieving full protection for migrant workers, but that the trade unions have more influence. It also shows that employers and the government of the country of destination have a negative influence, with the COD government having more influence. The red arrows indicate the extent of influence – the closer the arrow is to the issue in the centre of the graphic, the more influence a particular stakeholder has.
5. Labour Migration and Employment Policies

In this section, we briefly look at some of the related to achieving coherence between labour migration and national employment policies. In many countries, labour migration remains a contentious issue. It is not uncommon to hear concerns being expressed about migrant workers taking jobs away from locals, undercutting wages and contributing to less than desirable working conditions. On the other hand, there are also many who hold the view that migrant workers make a positive contribution to the economies of destination and origin countries and they argue that migrant workers can

- help to fill critical labour market gaps,
- expand job opportunities for citizens by contributing to an increase in productivity,
- stimulate an increase in the demand for goods and services, which contributes to employment creation, and,
- support development in countries of origin through remittance transfers.

In relation to these debates, it is important to recognise the context within which labour migration takes place. Indeed, it may be true that migrant workers take away jobs from citizens, but it may equally be true that migrant workers contribute to the creation of jobs for citizens. Assessing and evaluating the impact of labour migration must be done in context and based on evidence (not opinion and speculation). The answer to the same questions might be very different, depending on the context. It is also important to recognise that the impact of labour migration (negative or positive) can be shaped by specific policy choices or in many cases, the lack of clear policy choices.

In terms of coherence between labour migration and national employment policies, the following need to be considered:

- Policies should be based on a labour market assessment that helps to identify labour market needs, skills gaps, sectoral requirements, the impact of migration (negative or positive) and other factors
- Employers’ organisations, Workers’ organisations and other sectoral ministries should be consulted through processes of dialogue to enable the development of policy options and implementation plans that are based on, and responsive to the needs of all stakeholders
- The national employment strategy and labour migration strategy should be complementary, comprehensive and address short and long-term labour market needs
- Policies should include mechanisms and processes for the mutual recognition of skills and qualifications
- The roles of Public Employment Agencies and Private Employment Agencies need to be clarified and partnerships/coordination should be encouraged.
In a publication titled *General practical guidance on promoting coherence among employment, education/training and labour migration policies*, the ILO provides the following principles and guidelines in relation to achieving coherence between labour migration policy and education and training and employment policies:

**Principle 1**

The labour migration policy design process is clearly and timely organized by the designated institution/line ministry, in close consultation with other relevant institutions such as ministries of labour and other stakeholders, including employers’ and workers’ organizations.

**Guidelines**

1.1. Have a clear understanding of the roles of the different actors, and encourage multistakeholder participation for enhancing the policy design.

1.2. Prepare a strategy for the active engagement of all relevant institutions and key actors that need to be involved and consulted during the policy design phase, including employers’ and workers’ organizations, civil society, etc.

1.3. Consider the role of the different levels of government in labour migration: national, regional and local.

1.4. Make sure that key stakeholders are aware of labour migration issues at stake, including gender aspects, and are in a position to actively contribute to the policy-drafting process.

**Principle 2**

Labour migration policies are evidence-based, gender-sensitive, and reflect real labour market needs.

**Guidelines**

2.1. Improve the collection and production of gender-disaggregated, labour migration statistics at national and regional levels, in particular on the number of migrant workers, their distribution by sector, and employment patterns.

2.2. Carry out labour market needs assessments at all skill levels, not just for high-skilled occupations, and share results with relevant institutions, policy-makers and other stakeholders. Public employment services (PES) are well-suited, where mandated to work with migrant workers, to carry out skills assessments and forecasting.

2.3. Analyse potential unintended policy effects (positive or negative) in the short, medium and long term. In case of negative developments, consider mitigation scenarios.

2.4. Consider economic, social and environmental repercussions and costs of policy options, including gender aspects.

**Principle 3**

Labour migration policy contains clear commitments, is budgeted and time-bound.

**Guidelines**

3.1. Include a well-articulated national policy statement on labour migration, making clear the government’s commitment.

3.2. Include in the policy document: strategic objectives, baselines and targets, as well as performance indicators.

3.3. Map all potential sources of financing (public, private, domestic, international), as well as complementarities with funding granted to other policy areas such as employment and education/training to reflect the growing cross-cutting nature of policy-making.
3.4. Ensure that labour migration policy and its respective budget allocations will reinforce each other.

3.5. Where appropriate, consider the creation of enabling conditions for diversification of funding sources, and attract contributions from private sources and the international donor community.

**Principle 4**

Labour migration, employment and education/training policy *interlinkages* (synergies and trade-offs) should be carefully considered during the policy drafting process. Other national policies, where relevant (security, trade, etc.) and gender-related aspects should also be taken into account, as appropriate.

**Guidelines**

4.1. Give due consideration to all relevant policy interlinkages and their potential impacts, as well as incorporating a gender perspective in all policy aspects.

4.2. Align labour migration policy with employment, education/training and other national or sector policies/strategies. Propose integrated approaches, where relevant, to policy outputs in order to achieve more coherent policy responses and promote a whole-of-government approach.

4.3. Carry out analyses on contextual factors (governance, transparency, knowledge, etc.) that might impede or facilitate the policy coherence process, and having a strategy on how to address impeding/negative aspects.

4.4. Assess the impact of labour migration on the domestic labour market, with particular reference to the risk of brain drain and brain waste, and their impact on the development prospects of origin countries. Labour migration policy should therefore be combined with employment measures, facilitating job creation and training/retraining opportunities for both national and migrant workers.

**Principle 5**

Labour migration policy reflects a country's international obligations such as international labour standards, fundamental principles and rights at work, and other ratified treaties and Conventions as well as signed bilateral and multi-lateral labour migration arrangements.

**Guidelines**

5.1. Be guided in the policy design process by relevant international norms (such as UN and ILO migrant-related Conventions), including the ILO Declaration on Fundamental Principles and Rights at Work, in order to protect the basic human rights of migrant workers, including those in irregular status.

5.2. Recognize the needs of different migrant groups on the labour market: potential, current, return and transit migrant workers, and apply a gender-sensitive approach.

**Principle 6**

Labour migration policy encompasses cooperation efforts at all levels (bilateral, regional and multilateral).

**Guidelines**

6.1. Duly reflect efforts at all levels (bilateral, regional and multilateral) among governments, social partners and other stakeholders as an essential pillar for enhancing labour migration governance, including in the frameworks of regional economic communities.

6.2. Include measures for securing improved development outcomes of labour migration for migrant workers and their families, as well as for countries of origin and destination.
6. Social Dialogue as a mechanism for consultation and engagement

The following is an extract from the ILO website, that defines and explains the importance and value of Social Dialogue as a mechanism for achieving coherence:

Social dialogue is defined by the ILO to include all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. It can exist as a tripartite process, with the government as an official party to the dialogue or it may consist of bipartite relations only between labour and management (or trade unions and employers’ organizations), with or without indirect government involvement. Social dialogue processes can be informal or institutionalised, and often it is a combination of the two. It can take place at the national, regional or at enterprise level. It can be inter-professional, sectoral or a combination of these.

The main goal of social dialogue itself is to promote consensus building and democratic involvement among the main stakeholders in the world of work.

Successful social dialogue structures and processes have the potential to resolve important economic and social issues, encourage good governance, advance social and industrial peace and stability and boost economic progress.

In order for social dialogue to take place, the following must exist:

- Strong, independent workers’ and employers’ organizations with the technical capacity and the access to relevant information to participate in social dialogue;
- Political will and commitment to engage in social dialogue on the part of all the parties;
- Respect for the fundamental rights of freedom of association and collective bargaining;
- and appropriate institutional support.

For social dialogue to work, the State cannot be passive even if it is not a direct actor in the process. It is responsible for creating a stable political and civil climate which enables autonomous employers’ and workers’ organizations to operate freely, without fear of reprisal. Even when the
dominant relationships are formally bipartite, the State has a role in providing essential support for the process through the establishment of the legal, institutional and other frameworks which enable the parties to engage effectively.

Do you want to know more?

To find out more about social dialogue, take a look at these resources:


Key Learning Points

1. Coherence means that stakeholders have reached agreement on the goals and objectives of a specific policy, an action/implementation plan and an institutional framework.

2. It may not be possible to achieve one hundred percent agreement on everything. However, it is possible to achieve ‘sufficient consensus’. This means that even if there are matters that are not fully agreed to by all the stakeholders, there is little risk that the policy will fail.

3. Coherence has to be achieved within a specific country (internal coherence) and between countries (cross-border coherence). It is also important to achieve horizontal and vertical coherence (at and between different levels – local, national, regional and global).

4. It is necessary to make a distinction between key stakeholders (who should be involved in the entire process of policymaking) and other stakeholders (who will only participate in specific parts of the process).

5. While ongoing consultation with stakeholders is important to achieve coherence, difficulties in reaching one hundred percent agreement should not cause the process to stall or fail. It is important to make and proceed with decisions, even while consultations are ongoing.
6. To achieve coherence, all stakeholders need to be persuaded of the need to compromise. However, compromises should not result in policy outcomes that are incoherent and contradictory.

7. Social Dialogue is a key mechanism to achieve coherence and should be promoted and strengthened. The notion of ‘tripartite plus’ social dialogue should be encouraged. This means that consultation should be extended beyond government, employers and workers, but also include civil society groups and other stakeholders.
Knowledge Assessment Test

Question 1
The 3 C’s stand for:
(a) Conflict, Competition and Confrontation
(b) Country, Community and City
(c) Coherence, Coordination and Cooperation

Question 2
The three elements that provide a simple definition of Coordination, Coherence and Cooperation are organizing ourselves to work together towards achieving agreed goals and objectives.
(a) True
(b) False

Question 3
The following are symptoms of a lack of coordination, coherence and cooperation:
(a) Unclear objectives and the duplication of activities and efforts
(b) A sense of confusion among, and competition between actors
(c) Development and implementation of uncoordinated strategies that are less than optimal and often counter-productive
(d) All of the above
(e) Only (a) and (b)
(f) Only (b) and (c)
(g) Only (a) and (c)

Question 4
For a labour migration policy to be effective, all the actors and stakeholders must wholeheartedly agree to everything.
(a) False
(b) True

Question 5
In the development of a labour migration policy and the implementation thereof, Coordination, Coherence and Cooperation is required:
(a) Only at local level
(b) Only at national level
(c) At all levels e.g. local, district (provincial), national, regional and global
(d) Only at national and local levels

Question 6
Vertical Coherence refers to:
(a) Complementary policies and programme implementation between 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 between 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
In our definition of tripartite plus consultations, the stakeholders involved in the design and implementation of a national labour migration policy 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
Consultations with stakeholders must continue until all stakeholders agree wholeheartedly with every proposal.
   (a) False
   (b) True

Correct answers: 1c, 2a, 3d, 4a, 5c, 6a, 7b, 8b, 9e, 10a.
CASE STUDY

The country of Ayikho is a small middle-income country that historically has attracted significant numbers of migrant workers from its neighbouring countries. A large percentage of these migrant workers are low or semi-skilled and work in the agricultural sector (on a seasonal basis), the construction sector, the services sector (hotels, restaurants). Some establish their own informal businesses as hairdressers, car mechanics, local shops and so on, but these businesses are not registered with the appropriate authorities. It is known that many of these migrant workers, particularly in the domestic service, agricultural and construction sectors do not have the relevant documentation to be in and/or to work in Ayikho.

Additionally, Ayikho also attracts high-skilled migrants from its neighbouring countries who work as health care professionals (doctors and nurses), teachers, engineers, artisans and in the financial sector. While Ayikho has been in the process of developing its education and training capacity, it has always relied on attracting migrants from its neighbouring countries to fulfill the demands for highly-skilled professionals in these sectors.

In recent years, Ayikho has experienced significant economic decline and rising unemployment levels, which coincided with a significant number of professionals (health workers, engineers, artisans, teachers and so on) migrating to other countries.

In its recently adopted National Development Plan, the following have been identified as critical development priorities:

1. Employment Creation (the unemployment level is at 22%)
   Human Resources Development, Education and Training
   (particularly in the sectors where there is significant shortages of skilled professionals)
2. Health Care
3. Infrastructure Development
4. Tourism
5. Agriculture (to reduce dependencies on, and the costs associated with the importation of basic foods)

The National Development Plan has a chapter on migration in which the importance of labour migration to support the achievement of the national development priorities is acknowledged. However, there is also substantial reflection on some of the challenges associated with labour migration. Amongst others, these include the following:

(a) That labour migration is not sufficiently managed and regulated to support the achievement of the national development priorities;
(b) That general migration policy and practice is restrictive, making it difficult to attract and facilitate the movement of persons for the purpose of employment;
(c) Concerns about the exploitation and abuse of migrant workers, particularly in the agricultural, construction and services sector;
(d) Fears that unscrupulous employers may not support and apply labour/employment policies and regulations related to wages,
working conditions and benefits to migrant workers because of the anticipated high costs;

(e) The potential for conflict between organized labour and organized business with regard to the protection and rights of migrant workers;

(f) The potential that local workers might be displaced and for conflict between the citizens of Ayikho and migrant workers, particularly given the high unemployment rate;

(g) The extent to which migrant workers should have the right to access basic social services, such as health care, education and housing; and,

(h) Fears that if Ayikho is seen to have a more ‘liberal’ approach to facilitating migration for employment, that it will see a significant influx of migrants that will eventually become unmanageable.

While reflecting on these and other challenges and opportunities, there is also reference in the National Development Plan to the lack of substantive information about the state of the labour market in Ayikho.

In the light of all of this, the Minister of Labour was given the mandate to initiate a process to develop a comprehensive Labour Migration Policy that responds to and addresses these challenges and opportunities. It was emphasized that the proposed labour migration policy should not undermine government’s approach of providing preferential access to citizens to employment opportunities in the country.

Task:

You/your group must put together a proposal for the establishment of a process and a coordinating structure/mechanism to successfully develop and implement a labour migration policy to respond to the opportunities and challenges as described in the case study above.

Be specific about:

- How you would go about this process,
- Who will be involved in it,
- How you will prevent/reduce conflict and disruption, and
- Ensure that both the process of policy design and the implementation plan has the support of all the stakeholders.

You do not need to provide substantial information about the contents of the proposed policy – we are more interested in the steps you would take and the mechanisms you would establish to achieve coordination, cooperation and coherence during the policymaking process and the implementation of the policy.