



PORG Model United Nations 2017

Research paper

Instituting humane working conditions for migrant workers

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Introduction

Throughout the history of modern civilization the working conditions for workers were always a sensitive issue that have caused many serious tumults (for example the 1984-85 strike of the Union of Miners in the United Kingdom). Perpetually the rights of the ordinary worker have been abused and exploited, the capitalist ruling elite stops at nothing when abnormal profits are in its eyes.

Today during the time of conflict and instability the world is facing a crisis, which it seems it is not ready to solve. Migrant workers are flooding the world in thousands, majority of them without a visa or any legal documentation, this makes it exceedingly easy to suppress their human rights and lower their working conditions beyond the bearable minimum, as they have no legal body they can safely turn to. The entire issue is very sensitive and was tackled numerous times by the United Nations, namely the International Labor organization. However as the endeavor was primarily legal so far, not a great progress is visible so far. It therefore rests on the shoulders of the delegates of the international community to cooperate fully in this matter and bring forth a decisive plan that will resolve the problem.

Definition of key terms

Migrant worker

According to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted in 1990 the term “refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”¹

Humane working conditions

Working conditions encompass a broad range of topics and issues, from the exact working time to enumeration, as well as the overall conditions (both mental and physical) on the working place.² The humane part is described in the articles 23 and 24 in the UN Universal Declaration of Human Rights, where it is stated that everyone has right to work under just and favorable conditions, has right to equal pay that will be enough to make the existence of him and his family worthy, the right to unionize and to leisure, limitations of working hours and holidays.³

State of origin

The state of origin is the state of which the concerned person is legally a citizen.

State of employment

The state of origin I the state where the migrant worker was, is or will be engaged in an activity considering enumeration.

¹ Ohchr.org. (2017). OHCHR | International Convention on the Protection of the Rights of All Migrant Workers . [online] Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx> [Accessed 30 Dec. 2017].

² Ilo.org. (2017). Working conditions . [online] Available at: <http://www.ilo.org/global/topics/working-conditions/lang--en/index.htm> [Accessed 30 Dec. 2017].

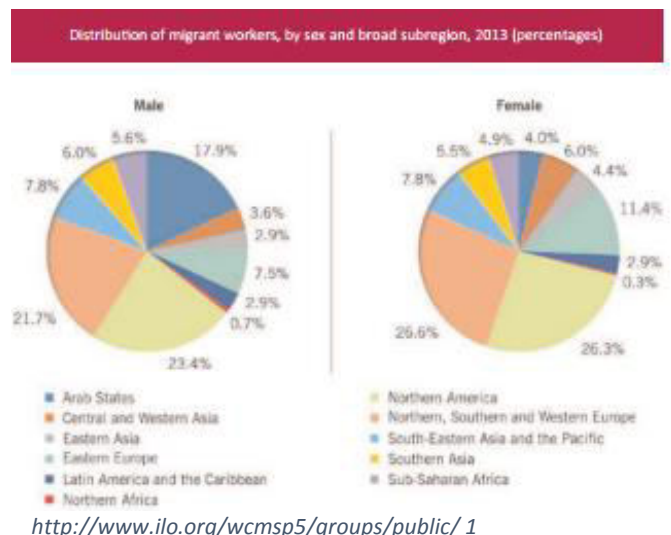
³ Un.org. (2015). Universal Declaration of Human Rights. [online] Available at: <http://www.un.org/en/universal-declaration-human-rights/index.html> [Accessed 30 Dec. 2017].

General overview

The phenomena of migrating after better paid employment was firstly registered in the colonial America, where tens of thousands of Europeans searched a better life, until the American Revolution in 1775. Many of the migrants from Eastern Europe and from other regions of Europe, namely Poles, Italians or the Irish, entered America with virtually no money or skills and thus were forced to accept the worst kind of jobs, just to survive. The newer citizens were looked down upon by the former migrants of the Anglo-Saxon origin and protestant religion, were generally abused in the working place, were placed into the worst working places (like mines) and received lower salaries. Thus, a strongly hierarchical society was formed, which forced the new migrant workers to form ghettos in which poverty and crime bloomed.⁴

Much of this attitude was kept to this day, when we have 150 million migrant workers according to the estimates of the ILO, as the citizens of each individual country, look down at the migrant workers from regions less fortunate. The chain continues, for example in Central Europe, the migrants from eastern Europe (mainly Ukraine) are treated to worst jobs and basically unprotected, while in Western Europe the same applies for Central Europeans. Furthermore what cannot be left out is the forced migration or “human trafficking”, as not only the migrant workers work in unbearable conditions they are forced to do it, virtually becoming slaves, which is strictly against both the UN Universal declaration of Human rights where in the Article 23 it is stated that “Everyone has... free choice of employment” and the International Covenant on Economic, Social and Cultural Rights where in Article 6 it is described the “right of everyone to the opportunity to gain his living by work which he freely chooses or accepts”. This issue is tackled in the Convention concerning Forced or Compulsory Labor of the International Labor organization from so far back as 1932, which gives guidance to the countries involved.

Today the issue remains constant as the major migrant receiving countries fail to act conclusively concerning the protection the humane working conditions. Namely being the Central and Western Asia, USA, Western Europe or countries of the Persian Gulf. Up to this point the International labor organization labored tirelessly to fight the problem, primarily by legal means as they signed number of conventions all concerning the migrant workers and their rights. In the past they have achieved numerous achievements, however according to them “the lack of labor protection for migrant workers undermines protection generally for all workers.”⁵ The issue of migration is recognized as vital for further sustainable development of the world, as “migrants sent \$US 601 billion in remittances to their countries of origin”, aiding both the state of origin and employment, by providing the needed work to “facilitate



⁴ Wittke, Carl (1939). *We Who Built America: The Saga of the Immigrant*. Cleveland: Press of Western Reserve University.

⁵ ILO.org. (2017). [online] Available at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_524995.pdf [Accessed 30 Dec. 2017].

orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.

Major parties involved:

The International Labor Organization (ILO)

The ILO is the major player, as the body of the United Nations concerned with workers and their protection. It recognized working migration as one of the vital points for human development and does everything in its power help the migrant workers in their states of employment (implemented into the ILO constitution from 1944), constructing number of legal instruments specifically focusing on the rights of migrant workers as well as other general instruments in which the rights of migrant workers are included. ILO's Decent Work Agenda and Fair Migration Agenda is the basis for protection and implementation of the migrant workers and is viewed as key to resolving the issues at hand.

Instruments on Migrant Workers

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migration for Employment Recommendation (Revised), 1949 (No. 86)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- Migrant Workers Recommendation, 1975 (No. 151)

Selected Instruments with Provisions on Migrant Workers

- Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
- Employment Service Convention, 1948 (No. 88)
- Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Equality of Treatment (Social Security) Convention, 1962 (No. 118)
- Maintenance of Social Security Rights Convention, 1982 (No. 157)
- Private Employment Agencies Convention, 1997 (No. 181)
- HIV and AIDS Recommendation, 2010 (No. 200)
- Domestic Workers Convention, 2011 (No. 189)
- Domestic Workers Recommendation, 2011 (No. 201)

<http://www.ilo.org/wcmsp5/groups/public/2>

The United States of America

The USA faces a large stream of illegal work migration streaming from South and Central America, namely Mexico. In total today there are some forty three million immigrants living in the USA, which is about thirteen percent of the total population. The total immigration is rising steadily from the 1970 when it was just about ten million. Large number of the immigrants in the USA are illegal and thus they cannot be properly controlled by the government, yet the stream is declining since the election of Donald Trump as a president and his new anti-immigration policies. Which reflects the overall approach of the Americans to the migrant working community, which is obviously very negative.⁶ It reflects in the fact that they did not ratify The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Countries of the Persian Gulf

Despite the recent drop in oil prices the countries of the Persian gulf, namely Saudi Arabia, United Arab Emirates (UAE), Kuwait, Oman, Qatar and Bahrain, attract large amounts of migrants especially from poorer areas in the Middle East (like Iran, Iraq, Syria). The Gulf countries are quite dependent on the working migrants, as they possess capital yet lack the domestic labor force. The migrant workers even outnumber the local workers in majority of the Persian Gulf countries, which lead to the so called “Gulfization” restricting of the migrant flow.⁷ As well as the USA the Gulf countries didn't ratify The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This is underlined by the construction of the World Cup Stadium in Qatar, where the migrant workers have got their passports confiscated, and were forced excessive hours in horrible conditions.

⁶ Council on Foreign Relations. (2017). The U.S. Immigration Debate. [online] Available at: <https://www.cfr.org/backgrounders/us-immigration-debate-0> [Accessed 30 Dec. 2017].

⁷ Repository.library.georgetown.edu. (2017). [online] Available at: <https://repository.library.georgetown.edu/bitstream/handle/10822/558543/CIRSSummaryReport2MigrantLaborintheGulf2011.pdf;sequence=5> [Accessed 30 Dec. 2017].

Europe

Europe, although still heavily affected by the Syrian refugee crisis, provides at large better law structure for the protection of the migrant working force. Yet that mainly applies to the members of the European Union between each other, as the organization makes it much easier to coordinate the rights of the migrants with the locals. This is not entirely the case with migrants from other regions, like Asia or Eastern Europe (like Ukraine which is not part of the EU). Due to internal disputes about immigration within the EU, Britain even decided in a referendum to leave it. Western Europe, the largest receiving body in Europe, likewise didn't ratify the Convention.

Timeline of key events

The first large historical migration after work into the USA:

1607 - The start of colonization by the European powers, followed by immigration

1776 - The American Revolution, which hindered the immigration

Important dates for policy making:

1919 - The ILO was formed under the League of Nations

1949 - C097 - Migration for Employment Convention by the ILO

1975 - Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers by the ILO

1990 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the General assembly of the UN, although ratified solely by 49 states

1998 - ILO Declaration on Fundamental Principles and Rights at Work, adopted by the International Labor Conference in Geneva

2015 - Recognizing migration workers as vital for the sustainable development in the SDG 2030

Previous attempts to solve the issue

As mentioned previously the International Labor Organization played absolutely vital role in protecting the migrant workers, mainly by passing numerous conventions upon their members, which, if followed, would ensure humane working conditions for them in the states of employment. Furthermore, the way to continue in protection of the rights of the Migrant workers was outlined in the ILO paper Protecting the Rights of Migrant Workers: A shared responsibility, in which the necessity for the international cooperation and shared efforts of both states of origin and states of employment, are highlighted.

The organization did manage to implement its visions into a few international conferences, which bind the members to act against the issue tackled. Particularly The Addis Ababa Action Agenda of the Third International Conference on Financing for Development which underlined the need for stronger governance of the working places by government and the New York Declaration for Refugees and Migrants, which recognizes the need to protect all migrant workers despite their skill level.

Yet despite these attempts, unfortunately nor was much progress made, as decisive action was failed to make. As the countries of employment failed to recognize the paramount importance of the issue, which reflects in the fact that they did not ratify the International Convention on the Protection of

the Rights of All Migrant Workers and Members of Their Families. Therefore it is upon you delegates to take a fresh view upon the issue and tackled it with vigor and cooperation to at last resolve it.

Appendix

Some documents mentioned in the research paper, which may be a good base for future actions in this area.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

Convention for migration employment:

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:CON,en,C097,/Document

ILO paper concerning shared responsibility in protection of migrant workers:

http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_180060.pdf

International Covenant on Economic, Social and Cultural Rights:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

The UN Universal Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/index.html>

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<https://www.cfr.org/backgrounder/us-immigration-debate->

<https://repository.library.georgetown.edu/bitstream/handle/10822/558543/CIRSSummaryReport2MigrantLaborintheGulf2011.pdf;sequence=5>

<https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/employment-and-working-conditions-of-migrant-workers>

<http://www.ilo.org/global/topics/labour-migration/fair-migration-agenda/lang-en/index.htm>

<https://sustainabledevelopment.un.org/post2015/transformingourworld>