



Center for European Studies



**30 YEARS OF  
JEAN MONNET  
ACTIVITIES**



# **TEXTBOOK ON EUROPEAN LABOR MIGRATION AND TRADE UNIONS**

*Edited by* ASHOT ALEKSANYAN

YEREVAN  
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2019

## **Jean Monnet Module: Migration Policy Challenges in the EU and the South Caucasus**

Jean Monnet Module on “Migration policy challenges in the EU and the South Caucasus” (MiPEC) is designed to address legal, political, cultural and social aspects of migration in the region and the European Union. It is compulsory part of the MA in European Studies curriculum and it is additionally offered as optional course for international relations, law and sociology students. A module on migration is taught for the first time in the frames of the MA in European Studies.

MiPEC is multidisciplinary in its structure and approach. In terms of teaching, it is divided into three parts where each is designed or modified to meet general objective of the module and the curriculum, syllabus structure, identification of learning outcomes, etc. The courses are taught by four professors from different departments (law, political science, linguistics, Centre for European Studies) of the Yerevan State University. The Module consists of the following courses:

*Course 1. Multiculturalism, identity and values (course was modified on the bases of “Introduction to European integration. Cultural perspective”( team teaching)),*

*Course 2. Legal regulation of the migration processes and asylum issues in the EU and the RA (new course),*

*Course 3. Labour migration policy: EU and the South Caucasus (new course).*

The module will be based on student-centred education that implies application of various teaching/learning activities (lectures, seminars, webinars, group and individual works, cases studies and simulations), etc.

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The textbook examines the processes of labor migration in the EU and their impact on the labor market and trade unions. The main attention is paid to internal and external labor migration. The textbook focuses on the social dialogue of labor migration at the EU level, triangular cooperation and social agreements in European countries, collective bargaining procedures and expansion. The textbook analyzes the activity of social partners (European Trade Union Confederation (ETUC) and employer associations at the European and national levels), mechanisms for informing, advising and participating workers in decision-making. The textbook is devoted to a wide range of issues related to European labor migration and trade unions in a globalizing world. The theoretical aspects of studying the impact of labor migration on various spheres of life in the European community, including on the demographic level, population, labor market, regional development, social policy and security, are comprehensively examined. Particular attention is paid to the protection of social rights and freedoms of labor migrants in the EU.

The textbook is designed for students, PhD-students, teachers, researchers and government officials. The study materials in the textbook were prepared as part of the course “Labor migration policy: EU and the South Caucasus”, implemented as part of the Jean Monnet Module program.

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**Readers:**

|                      |  |
|----------------------|--|
| Arthur Atanesyan     | Doctor of Sciences (Political Sciences),<br>Professor, Head of Chair of Applied Sociology<br>of Yerevan State Univerity  |
| Khachik Galstyan     | Doctor of Sciences (Political Sciences),<br>Associate Professor at Chair of Theory and<br>History of Political Science of Yerevan State<br>Univerity                                     |
| Vladimir Martirosyan | PhD in Political Sciences, Associate Professor<br>at Chair of Political Institutions and Processes,<br>Deputy Director of the Centre for European<br>Studies of Yerevan State University |

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## Introduction

In the modern world, the problem of European labor migration occupies a special place and requires constant attention of researchers. Scientists and specialists from various branches of the social and human sciences are actively developing an EU model for regulating migration processes, which includes the entire diverse spectrum of this global problem. The study of European labor migration is gradually acquiring the features of an independent science, reflects a new direction in the study of migration processes at the intersection of various sciences: economics, demography, geography, sociology, political science, psychology.

The theoretical aspect of this textbook is related to the analysis of labor migration and its impact on trade unions, employment and the labor market in the European space. Considerable attention is paid to assessing the social and economic consequences of labor migration and its relationship with ethnic processes, the policy of integration of immigrants in the EU, the creation of a single migration space and a common labor market for EU countries, and methods for forecasting labor migration.

European labor migration in modern conditions is acquiring a new function that is gradually coming to the forefront - the transition from spontaneous, chaotic labor migration to its civilized forms. In this context, it is important that many scientists urge the public structures of the EU member states, business communities, trade unions, various institutions, NGOs and social media, which position themselves as agents of the EU migration policy, to realize that civilized labor migration carries powerful positive charge, capable of accelerating economic and social progress, uniting European peoples, intensifying Europeanization and European integration processes.

The textbook gives an idea of practical tools for studying the problems of European labor migration and trade unions, thereby trying to convey to the reader the rich scientific and practical experience of the EU. An important feature of the textbook is its accessibility to users, given that the number of specialists in the field of European labor migration and trade unions is constantly growing. Therefore, the book will be of undoubted interest to a wide range of readers: scientists, specialists, employees of government in the field of migration; for the business community. The basic materials of the manual will help students, graduate students, teachers to better navigate the extensive material on this

issue. The textbook European labor migration and trade unions will be useful to anyone interested in migration issues.

At the present stage of the knowledge society, it is important to acquaint students with relevant and debatable problems of labor migration in the political system of the EU, European and regional demographic processes, as a complex social process, closely associated with changes in the economic structure and distribution of productive forces, with the growth of social and labor population mobility in the context of sustainable development.

Labor migration processes in Europe, as a result of regional integration, present a new challenge for both EU member states and the political system of the EU. Effective management of labor migration flows lies in the common interests of all member countries, as well as the EU as an association striving to become one of the most competitive economies in the world. The regulation of labor migration has become one of the most dynamically developing and at the same time controversial areas of the sphere of internal affairs and justice of the EU.

The EU paid the greatest attention to the harmonization of border control and the fight against illegal labor migration. Decisions on such an important and sensitive area of migration policy as legal migration, until recently, were taken unanimously by the Council of the EU, which impeded the development of supranational legislation in the field of regulation of legal labor migration in the EU.

Until 1999, in the EU countries, the reception of legal labor migrants was considered as an element of the purely national policy of each individual country. Only with the entry into force of the Amsterdam Treaty did migration issues gain European significance. Labor migration regulation has become a full-fledged part of European integration. The reform of labor migration policy under the Amsterdam Treaty ended ten years later with the adoption of the Lisbon Treaty, which for the first time clearly set the goal of creating a common labor migration policy for the EU and extended the communitarian method to all aspects of migration policy. With the transition of labor migration policy to the field of mixed competence, the role of the supranational component in its formation has increased. However, for EU member states seeking to protect their national interests, the regulation of legal, including labor migration, and the integration of third-country nationals, they remain a very sensitive area, which affects not only the process of adoption of supranational norms, but their implementation.

The formation of a supranational component of the EU's common labor migration policy, which was strengthened with the adoption of the Lisbon Treaty, needs scientific understanding as being of interest for further theorizing the

integration process and the development of the EU. A source study of the political and legal aspects of regulating legal migration and analysis of existing practices are no less important from the point of view of identifying both positive and negative experiences for use by individual countries, including Eastern Partnership countries. This is due to the fact that the essence of European integration lies in the interweaving of economics and politics, domestic and international processes. In addition, a characteristic feature of modern integration associations is their constant dynamics, the presence of various levels and aspects of politics, the multiplicity of participants in the integration process, the main of which are national states, as well as supranational institutions.

The attempt to divide the process of European integration into several research levels, which correspond to existing integration theories, was successful. In this context, we will primarily be interested in the supersystem and system levels of analysis. The first concerns those changes that occur in the general political environment of the EU integration association. The most suitable theories are the intergovernmental approach and neofunctionalism. At the system level, the subject of study is institutional change, and in this case, the application of the theory of neoinstitutionalism is appropriate. In the framework of the theory of institutionalism, the role and significance of institutions in the interaction of states and other actors in the integration process is conceptualized. Institutions in this case are understood as primarily formal and informal rules and practices, as well as legislative formations, which largely determine and structure the choice of actors. Therefore, the focus of this approach is the influence of the legal sphere on the integration process, as well as the decision-making process, which is extremely important for studying labor migration in the EU.

The intergovernmental approach also has significant cognitive value in the framework of this work, which is considered by the EU member states as a key player in the decision-making process during the integration process. They proceed primarily from their national interests, which are formed, for example, as a result of domestic political discourse. From the perspective of an intergovernmental approach, the presented textbook examines the positions of various member states in the Council of the EU, including when voting for certain decisions in the field of regulation of legal labor migration, and also explains the reluctance of the EU member states to transfer full authority to supranational institutions in particular significant areas, which include the reception of legal migrants. Noteworthy is also the thesis of supporters of the intergovernmental approach that the signing of the next agreement is not the result and a statement of the achieved level of integration, but rather indicates only a certain agreement



during the intergovernmental negotiations, agreement of the parties to further deepen the integration and gives impetus to the development of the integration process. It is in this vein that the analysis of the Amsterdam and Lisbon treaties, which determined the development of the space of freedom, security and justice, and, in particular, the EU migration policy, will be carried out.

The application of the theory of neofunctionalism is appropriate in the analysis of certain stages in the formation of the general migration labor policy of the EU. The effect of the spill over effect, one of the key concepts of neofunctionalism, manifested itself, among other things, at the stage when the implementation of the principles of a single domestic market: freedom of movement of people, services, goods and capital inevitably led to the need to communitarianize the sphere of internal affairs and justice. In addition, it can be said that the overflow effect was taken into account when preparing the Lisbon reform, which abolished the unanimity principle to address the issues of regulating legal migration. This made it possible to clearly state the need for a common migration policy, which could be due to a successful example of cooperation in such areas of freedom, security and justice as the asylum system and the fight against illegal migration. In addition to the classical theories of integration, this textbook will use the concept of multi-level management, which considers integration entities as systems different from both international organizations and states, which is true for the European Union. The concept of multi-level management considers the integration association as a system, which is characterized not only by various levels of management, but also by individual policies that are subject to different regulation rules. In addition, without underestimating the role of states in the integration process, adherents of the multilevel management model note the importance of the role of supranational actors and the existence of overlapping competencies between levels of government for understanding the decision-making process and patterns of interaction of political forces between these levels.

The methodological basis of the textbook was a combination of elements of the methods of political, historical, economic and statistical analysis. In particular, systems analysis methods are adopted in the study of the institutional system and the decision-making process in the EU. In addition, a method based on case studies was used, comparative analysis, as well as content analysis in the study of various documents, strategies, roadmaps, normative and legal acts.

The problems of international and European migration processes are widely reflected in the scientific literature. The first category of works includes studies on the historical and theoretical aspects of EU labor migration. The next group consists of publications that discuss various aspects of the EU migration

phenomenon: labor and highly skilled migration, the rights and status of immigrants in host states, etc.

The formation of the EU labor migration policy and its aspects is widely covered in the scientific and analytical literature. A significant part of the literature on the chosen topic was written by European experts involved in the study of the sphere of internal affairs and justice. For a long time, the bulk of the work on migration issues in the EU was comparative in nature and the object of study is the politics and national practices of EU member states. The entry into force of the Amsterdam Treaty, and later the Lisbon reform, paved the way for the formation of a common labor migration policy for the EU, and there is also a growing interest in the supranational aspects of regulating migration processes in the EU.

A separate group consists of works devoted to the problem of integration of labor migrants. The first category of works includes studies of European countries, as well as North America, Australia and other regions of the world. Since the 1990s among European scholars, there is a tendency to study both case-studies and comparisons of several countries and models of civility and related principles of citizenship and the integration of immigrants in particular. In addition, a number of works are devoted to the theoretical understanding of the problems of integration of labor migrants, nationalism and national identity, citizenship and multiculturalism.

In the context of the growing interest of Armenian researchers in the problems of labor migration and, in particular, the migration policy of European countries in domestic literature, there are practically no works comprehensively analyzing the legal framework, institutional structure, and the external dimension of the regulation of legal migration in the EU. Nevertheless, Armenian experts are actively developing almost all aspects of integration processes in Europe and the development of the EU, which, of course, serves as a basis for understanding the formation and development of EU immigration policy. Important for this study is a number of domestic works of a fundamental nature on the EU.

### Acknowledgements

The European studies of labor migration in Armenia and other countries of the Eastern Partnership of the EU are developing intensively, overcoming the difficulties of the authoritarian past, successfully implementing democratic transformations and integrating organically into a single space of European social sciences. Its subject, relations with political science, economics, philosophy, sociology, jurisprudence, and other social and human sciences are being clarified. European studies of labor migration as a science and academic discipline are combined, consolidating in their comparative analyzes the most valuable and significant conclusions and observations.

This textbook is aimed at students of universities and other higher educational institutions. In it, the author used the most common ideas and approaches used in constructing training courses at European universities, as well as at Yerevan State University. The preparation of the textbook was helped by a review of a number of specialists working in various fields of sociology and political science.

First of all, I express my deepest gratitude to the Jean Monnet project for the opportunity to develop a new course, teach and prepare this textbook for publication. Thank you for allowing me to share dreams, problems and successes with you. Many thanks to the Center for European Studies of Yerevan State University for their dedication to this project and for contributing to the completed textbook.

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Writing this textbook required the assistance of many people and the help of a talented team. It is a great honor for me to express my gratitude to the people who played an important role in the process of writing the textbook.

## **1. A comprehensive approach to the study of European labor migration**

At the present stage of European integration, the task of labor migration requires the constant attention of researchers. Scientists and experts are developing a model for regulating European migration processes, which includes the entire diverse spectrum of this global and regional problem. The study of European labor migration is gradually acquiring the features of a comparative analysis, reflecting a new direction in the study of labor migration processes at the intersection of various sciences: economics, demography, geography, sociology, political science, psychology, etc.

Labor migration is a process that is quite natural for the modern European community. This process makes it possible to balance the various spheres of the European community. At the same time, like any natural process, European labor migration has its own difficulties and is one of the most difficult problems of sustainable development.

Migration processes entail certain negative consequences that affect many member states of the European Union (EU). Examples of such consequences are the high level of illegal migration, the illegal employment of migrants, human trafficking, etc. These phenomena, along with many other consequences of migration, pose a threat to national security and negatively affect various spheres of society. First of all, the impact of migration processes is felt by the economy.

Various types of migration have a certain impact on the world community and the processes taking place in it, however, at the present stage, labor migration is the most significant in terms of the degree of impact. Labor migration is an important feature of economic development. And the greatest influence is directly exerted by external labor migration, since migration within the EU countries is incomparable in the scale of the introduced consequences with the migration of the population between the EU countries.

The growth of European integration processes in the global economy led to an intensive movement of labor. According to estimates by the International Labor Organization (ILO), out of the total number of international migrants, more than half were labor migrants and their families. And every year the number of labor migrants only increases, which cannot but affect the economic situation of the countries to which and from which the population migrates.

Labor migration as a political, economic, social and cultural phenomenon in the dynamically changing and developing system of the EU is of great interest for comparative and interdisciplinary study. Labor migration has become one of the most characteristic features of the European community, its integral feature, its necessary element; it performs public functions of tremendous importance: not only the redistribution of labor resources, but also the broadcasting of culture, overcoming the significant differences between city and village, rapprochement of peoples, etc. All the functions of labor migration in the EU are closely interconnected and indicate that labor migration for the countries of the Eastern Partnership (EaP) acts as a means of social integration and a factor in sustainable development.

The civilized and democratic importance of studying labor migration processes, in recent years, is associated with a sharp aggravation of political conflicts in the regions of the Middle East and North Africa, as well as in the EaP countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). The millions of forced migrants caused by the escalation of civil strife in Syria have put the EU in the face of global threats, one of which is uncontrolled labor migration to the regions of Western Europe and North America.

The multidimensional nature of European labor migration also determines various interpretations of the concept of labor migration. There are two approaches to the definition of migration in the broad and narrow sense of understanding.

In a broad sense, migration refers to any form of territorial mobility of a population, regardless of its regularity, purpose, or duration. Migration, or territorial mobility, is the movement of a person within a certain area or beyond.

In the narrow sense, the term “migration” is a change of place of residence outside a specific locality. Migration refers to a form of spatial mobility of a population that meets two conditions simultaneously: a population moves from one locality to another, and, secondly, movements are accompanied by a change of permanent place of residence. Sometimes population migration is the totality of such movements of people that are associated with their change of place of residence. At the same time, the change of place of residence within settlements is excluded from the term “migration”.

In general, the basic definitions of population migration can be divided into several groups. In the first group of definitions, two such different phenomena as the migration process and the migration result are mixed.

The second group includes definitions that do not separate such different concepts as movement and mobility. So, the definition of the essence of population migration should come from two interpretations, one of which

considers migration as a form of geographical mobility. This means that migration is a form of population mobility, that is, as part of migration mobility. Other migration researchers also do not distinguish between mobility and relocation. In particular, it defines migration as a geographical movement from one inhabited place to another, and considers it a new form of mobility. However, the terms “mobility” and “movement” are ambiguous. Different interpretations of the term “migration mobility” are distinguished. Mobility is considered as a general concept of various types of movement or as a synonym for relocation, a broad characteristic of complex and contradictory processes of changing people’s position in connection with their movement, promotion and movement. Mobility is also understood as the comprehensive mobility of workers. Some scientists point out that mobility is not only the spatial movements of an individual, but also a qualitative change, and labor mobility is the mobility of workers, their movement in jobs, others suggest associating mobility with any changes in a person’s position.

In the theory of labor migration, the term “mobility” is delimited into three definitions. In one case, it is seen as a synonym for displacement, in others it appears as a general concept of potential and real migration, in the third as a potential willingness of the population to change its territorial status. The term mobility refers to the potential ability or readiness of an individual to act rather than the action itself. With this approach, it is differentiated, on the one hand, psychological readiness for displacement, and on the other, the actual displacement of the population. Thus, migration cannot be fully identified with territorial mobility. Therefore, population migration should be understood as territorial displacement, and mobility is the ability to migrate, that is, potential migration activity.

The third group of definitions of migration, also widespread, includes the mixing of different types of population movement, in particular migration and social. Here, migration includes sectoral, territorial, professional and social movement. This approach to the definition of migration was called broad, unlike the previous group of definitions, where movement and mobility are mixed. Thus, in the first case, there is a mixture of readiness for migration with the realization of this readiness, that is, mobility with movement, and in the second, various forms of social movement are included in migration. In that sense, they tried to define migration as any form of social movement. For example, the transfer of human resources was presented as a type of migration. However, it is obvious that territorial migration does not exhaust the whole variety of types of population migration. Intersectoral and intrasectoral migration, which can be called industrial migration, refers to it. It is quite legitimate to talk about

educational and professional migration. Further, in the broad sense, population movements should include all types of population movements that have social significance.

Thus, in the third group of definitions, migration is equated with various types of movement. In essence, the territorial and social movements are mixed: people moving around the territory and people moving across educational groups, professions, industries, enterprises, etc. These are all movements, but movements of a different nature and with different consequences. Therefore, the most common and generally accepted definitions include only those definitions of migration that include only territorial movements of the population. They can be different both in the distance between the place of departure and the place of arrival, and in the status of those objects between which migrants move, and in the terms by which people move, and in the goals that they pursue.

Movements can occur both within a populated area, and between populated areas of different social and economic status, within and between territories of different levels. At the same time, movements can be made voluntarily, forcibly and involuntarily. They may be based on economic, environmental, social, political, religious and other factors. Migrations can differ not only depending on the factors that determine them and the methods of movement, but also on their directions, goals, etc. All this determines the variety of definitions of population migration.

Thus, migration is the movement of people across the borders of certain populated areas, with the goal of permanent or temporary placement in a new place. The main characteristic of population migration is the change in people's place of residence, which can be permanent, long-term or temporary.

### 2. The social dimension of labor market and migration

The EU entry into the international labor market laid the foundation for European social integration and the development of external labor migration processes, which is carried out in the form of civilized attraction and use of foreign citizens in the EU and EU citizens traveling abroad for the purpose of employment. In this context, the humanization of labor relations is important for the EU, therefore “free movement of workers is a fundamental principle of the Treaty enshrined in Article 45 of the Treaty on the Functioning of the European Union and developed by EU secondary legislation and the Case law of the Court of Justice. EU citizens are entitled to:

- look for a job in another EU country,
- work there without needing a work permit,
- reside there for that purpose,
- stay there even after employment has finished,
- enjoy equal treatment with nationals in access to employment, working conditions and all other social and tax advantages.” (*European Commission 2020*).

#### *Term “migrant worker”*

*“1. The term “migrant worker” 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.*

*2.*

*(a) The term “frontier worker” refers to a migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week;*

*(b) The term “seasonal worker” refers to a migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year;*

*(c) The term “seafarer”, which includes a fisherman, refers to a migrant worker employed on board a vessel registered in a State of which he or she is not a national;*

*(d) The term “worker on an offshore installation” refers to a migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national;*

*(e) The term “itinerant worker” refers to a migrant worker who, having his or her habitual residence in one State, has to travel to another State or States for short periods, owing to the nature of his or her occupation;*

*(f) The term “project-tied worker” refers to a migrant worker admitted to a State of employment for a defined period to work solely on a specific project being carried out in that State by his or her employer;*

*(g) The term “specified-employment worker” refers to a migrant worker:*

*(i) Who has been sent by his or her employer for a restricted and defined period of time to a State of employment to undertake a specific assignment or duty; or*



## 2. The social dimension of labor market and migration

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*(ii) Who engages for a restricted and defined period of time in work that requires professional, commercial, technical or other highly specialized skill; or*

*(iii) Who, upon the request of his or her employer in the State of employment, engages for a restricted and defined period of time in work whose nature is transitory or brief; and who is required to depart from the State of employment either at the expiration of his or her authorized period of stay, or earlier if he or she no longer undertakes that specific assignment or duty or engages in that work;*

*(h) The term “self-employed worker” refers to a migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity normally working alone or together with members of his or her family, and to any other migrant worker recognized as self-employed by applicable legislation of the State of employment or bilateral or multilateral agreements.” (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 2 (Adopted by General Assembly resolution 45/158 of 18 December 1990). <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>).*

The essential attribute of a migrant worker is that he or she moves to another country temporarily or goes there periodically, while the permanent place of residence of the migrant worker remains the same. A similar approach can be extended to internal migration, considering a labor migrant to be a person who is engaged in labor activity in a city or region where he constantly lives. Moreover, the so-called pendulum (circular) migrants making daily trips between the center and the periphery are not included in the number of labor migrants.

A migrant worker is a person who moves to another country for the purpose of hiring a job with a foreign individual or legal entity. The ILO identifies several categories of migrants:

- seasonal migrant workers are people who work in a state that is not their own state for some part of the year, because the work they perform depends on seasonal conditions;
- migrant workers associated with the implementation of the project are migrant workers admitted to the state of employment for a certain period to work exclusively on a specific project;
- migrant workers working under a contract that establishes restrictions on the duration of employment and the type of work performed by the migrant;
- temporary migrant workers these people who are admitted to a country that is not their own country for a limited period of time to carry out certain professional activities. They can change employers and renew work permits without the need to leave the country of employment;
- settled migrant workers are migrant workers who, after staying in a country of employment for several years, are granted a residence permit for an indefinite period and a work permit without special restrictions.

Settled migrant workers are not required to leave the country of employment when they have no work and are usually given the right to reunite with family members under certain conditions;

- highly skilled migrant workers are migrant workers who, due to their qualifications, are granted a preferential treatment regime for admission to a country that is not their own country, and they are subject to fewer restrictions regarding terms of stay, change of employment and family reunification.

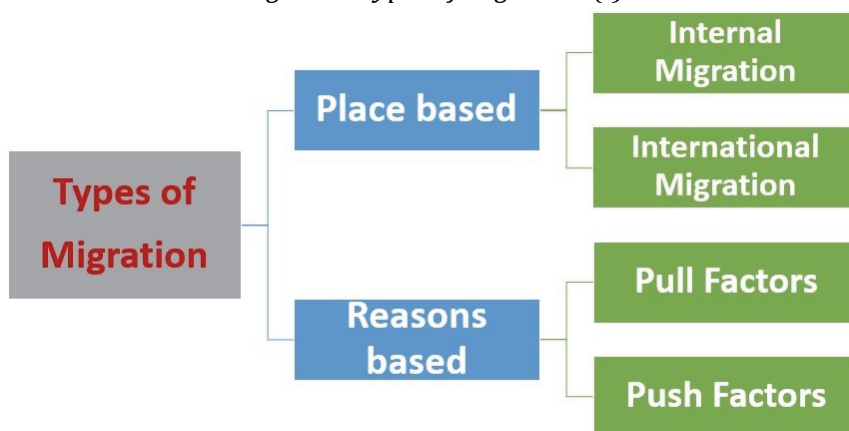
Thus, three main flows can be distinguished in the composition of labor migrants: 1) labor migration or the entry of foreign labor force; 2) labor emigration-departure for work or for commercial purposes by residents of a given country; 3) internal labor migration.

Obviously, the type of migration, representing the totality of territorial movements associated with employment and job searches, beyond their permanent place of residence for a period of more than a day and their subsequent return, is called labor migration. Labor migration can be caused by such factors as uneven economic development both at the global space level and in the context of the regions of the EU member states; inequality of income and opportunity in different countries and regions of the country; imbalance of the population, manifested in the excess of labor in developing countries and its lack in certain sectors in developed countries, etc.

### 3. Types of Migration

Migration of the population to the member states of the EU is one of the most complex social and economic processes, affected by the whole range of political, economic, social and other relations. In this regard, there is still no single classification of species and types of migration movement of the population. In various scientific works on migration problems, various approaches to the typology of the migration movement of the population can be found on the basis of various signs, characteristics, factors and causes. For example, indicators of migration movement are used, such as length of stay, place, geography, purpose of migration, profession, participants of migration movements (actors), their number, relations between them, political nature, legal status of migrants, cultural distance and historical nature (see Figure 1; Figure 2).

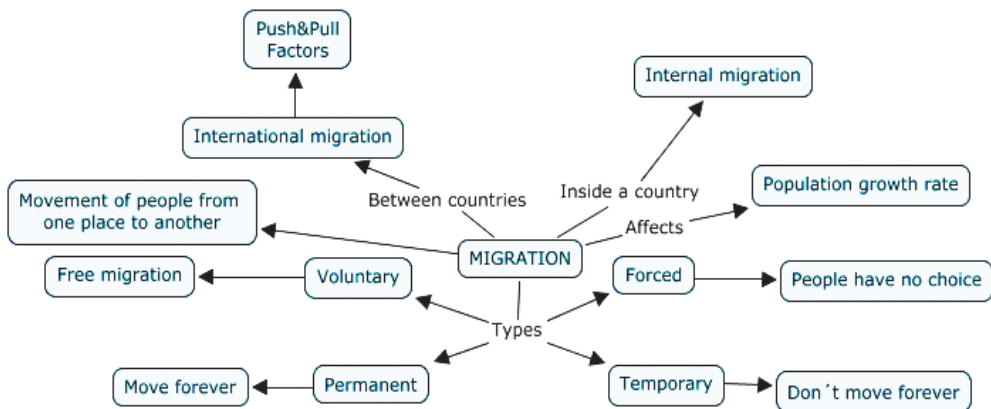
Figure 1. Types of Migration (I)



Source: <https://geteconhelp.com/migration-meaning-types-causes-effects>

However, based on the main criteria and signs of migration identification (distance, border crossing, time and causes), migration processes can be classified as follows. In accordance with the typology of migration processes, the ***first sign of migration is considered to be the time spent in the place of residence*** (new place of residence or employment). In accordance with this criterion, the main types of migration include permanent (irrevocable) and temporary (return) (see Figure 2).

Figure 2. Types of Migration (II)



Permanent migrations can be considered movements associated with a change in permanent residence. Temporary migration is also divided into two types: short-term migration (the migrant is up to 1 year outside his usual place of residence) and long-term migration (more than 1 year). Short-term migration can be divided into two types of migration: regular and irregular.

Regular migration types include daily pendulum (circular) migrations and cross-border migrations. Pendulum (circular) migrants are people whose place of residence and place of work are in different settlements, which forces them to come to work daily in the morning and return to their place of residence in the evening. Cross-border migrants (frontaliers) are the same pendulum migrants, only they cross the state border, that is, they live in one country and work in another.

Types of irregular migration include shuttle, shift, seasonal, and episodic migrations. Seasonal workers are migrants whose work depends on seasonal conditions and is carried out only during a certain part of the year. Shuttle migrations are periodic trips of varying lengths, for example, merchants for goods with a return to their place of residence. Rotational migrations are determined by the specifics of work and stay of workers in areas with extreme climate. Occasional migrations are irregular in time and not necessarily in the same directions of movement of people. These are business trips, tourist, etc. This type of migration is studied very poorly, although it has a number of patterns and affects the development of markets and the economy as a whole.

**The second sign of migration is considered geographical or spatial**, on the basis of which two types are divided: external and internal. The criterion is the crossing of any administrative or state borders. The resettlement of the

### 3. Types of Migration

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population between countries and continents is an external (international) migration. It is divided into two main varieties: intercontinental and intracontinental migration.

The migration flow coming from the country is called emigration, the influx of population into the country is immigration. Accordingly, persons arriving in the country are called immigrants, and those leaving it are emigrants. Reemigration (returning to the country) from which the emigrant had previously left, and repatriation (returning to the ethnic homeland), i.e., to the country with which the person associates his origin and where he or his ancestors migrated to another country, are also distinguished.

The movement of the population in the redistribution of one country between administrative regions and settlements is called internal or intra-state migration. As a rule, internal migration is associated with a change in the distribution of the population throughout the country.

Internal migration is subdivided into such flows as intra-regional (intra-regional), that is, within the boundaries of a certain administrative-territorial unit, inter-settlement (rural-urban), that is, population movements in the following directions: city-village, village-city, city-city, village-city, and inter-regional (inter-district), that is, moving from one region (district) to another. Intra-settlement migrations can be both inter-regional and intra-regional. Intra-settlement movements (for example, a change of place of residence in the redistribution of the same city) are not considered in this classification, since they do not relate specifically to population migration.

***The third sign is the goals of migration***, which divide migration flows into economic (labor, commercial migration), educational, recreational migration, as well as migration for the purpose of family reunification, in search of asylum, migration in connection with leisure and tourism, religious migration, migration in connection with traditional farming.

In modern European society, migrations associated with economic goals predominate, that is, moving to work or for business. However, it is sometimes difficult to distinguish goals from each other, as they are often combined family, economic and educational. In economic migration, two main types are distinguished: labor and commercial.

Labor migration is the movement of the employed population associated with a change in employment both within the country and between countries. Labor migration can be caused both by a desire to change the parameters of their own workplace, and by external conditions in relation to the place of work: social and cultures, housing and domestic, environmental, natural and climatic, etc.

Distinguish between internal labor migration for the movement of labor within one state and international (external labor) with the crossing of the state border. Internal labor migration is regulated by European and national legislation and the legal mechanism. So, the movement of labor resources across the EU and EU member states is carried out in accordance with labor law, EU institutions and national government decrees and instructions on resettlement, transfer of workers to another job, etc.

European and international labor migration can be permanent, that is, it is associated with moving to a permanent place of residence from one country to another. Temporary nature is labor migration under contracts limited in time, seasonal migration and migration of frontier workers (*frontaliers*).

External labor migration is regulated by The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW), adopted by General Assembly resolution 45/158 of 18 December 1990, which defines “the term “migrant worker” 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.” (*OHCHR 1990*).

Depending on the motives, qualifications, age, specialty or distance from the country of origin of migrant workers, the reasons for their departure to another country are distinguished: firstly, migration for permanent residence, which primarily covers highly skilled migrants (and here we are already talking about such a migration stream as “brain drain”), as well as people traveling for family reunification, and refugees; secondly, migration for a certain time for all types of employment, which is carried out as part of the invitation of workers to fill vacant jobs, for example, nurses; thirdly, temporary migration for employment for a certain period of time, which is the entry of migrants into the territory of another country with the permission of the authorities to fill seasonal jobs, to carry out work under a specific project until its completion, for example, in the construction sector, as well as service providers, students and learners.

Commercial migration is not related to the sale by a migrant of their labor, but to profit-making from the difference in the price of goods in different regions and EU countries. Educational migration means moving to the place of study. Migration for family reunification is, for example, moving parents to children, spouse to spouse, children to parents, etc. Sometimes it is difficult to separate family goals from economic or educational goals.

***The fourth sign of migration is the level of organization*** by which organized migration is distinguished (through the mediation of the state, trade unions and NGOs). They were carried out in the form of agricultural resettlement,

### 3. Types of Migration

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organized recruitment of labor, public appeals of youth, and the centralized distribution of young specialists.

***The fifth sign of migration is the structure of the migration flow***, which has an age, gender, ethnic, family, educational, qualification and other profile. As separate types of migration, one can consider migration flows united by some trait (age, gender, nationality, specialty, marital status). Moreover, the terms “family migration”, “migration of the working-age population”, “migration of highly qualified specialists”, “women’s migration”, “ethnic migration” and others are acceptable.

***The sixth sign of migration is the mode of involvement***. Three types of migration are distinguished: voluntary, forced, forced migration. The first type of migration is due to the voluntary adoption by an individual or group of people of a decision on migration. Forced migration is a set of territorial movements associated with a permanent or temporary change in the place of residence of people for reasons beyond their control, as a rule, contrary to their desire. The reasons for forced displacement may be military and political events, ethnic and religious persecution, and others. Forced migration can be considered forced displacement of people organized by the state (deportation), as well as migrations carried out in the penitentiary system. Another type of forced migrant is internally displaced persons, who are citizens of the country who do not cross borders and migrate within their state for forced reasons (similar in the case of refugees).

***The seventh sign of migration is the degree of legality***. Two types of migration are distinguished according to this criterion: legal and illegal.

Legal migrants cross the border and are in the country legally. Illegal migrants are people who illegally cross the border, as well as people who legally cross the border, but then become illegal migrants (for example, who do not have registration with authorized state bodies, violate the validity of a visa, or their purpose of stay and occupation does not correspond to those declared upon entry to country). The main ways to become an illegal migrant are: 1) illegal border crossing; 2) legal entry, but lack of registration or expired visa; 3) arrival for the purpose of study, but actually trading.

Recently, the term “migrant traffic” has been used in the framework of the concept of illegal migration, which means forced transportation or deception and violation of rights, mainly of women and children, after being transported to another country (for example, documents are selected, forced to work or prostitution). Typically, irregular migrants as persons of illegal migration are:

- foreign citizens who enter the EU member states legally, with valid travel documents, private invitations, guest and business visas, but for a different purpose (most often for the purpose of engaging in small business or illegal economic activities, including criminal);
- foreign citizens and stateless persons who arrived in the EU member states in search of asylum and did not receive refugee status;
- transit migrants with expired visas who have entered the EU member states legally with a specific purpose to proceed to other countries;
- foreign citizens who had previously studied at educational institutions and universities of the EU member states and who did not wish to return to their homeland after completing their studies due to various circumstances;
- foreign citizens who have not passed in the territory of the EU member states within the time period established by law for registration at the place of residence or stay;
- foreigners working in violation of the established EU legal framework and the laws of the EU member states on employment rules, including those working under international agreements and contracts whose validity has expired, but who are unable or unwilling to leave the EU member states.

The main reasons for illegal migration are, first of all, economic, such as the desire to find work abroad, higher earnings. Illegal immigrants are a cheaper and disempowered workforce for entrepreneurs in host countries of the EU. In addition, one can also identify political reasons, such as the granting of political asylum, and the geographical, as well as the cross-border location of the conjugate countries of the EU member states and the use of frontaliars.

The main sources of data on the size, structure of labor migrants, directions and other migration parameters are: 1) current accounting; 2) population censuses; 3) sociological surveys. Accordingly, according to data sources, two groups of methods are distinguished: direct and indirect. Direct methods are the current registration of migration processes. The current registration method consists in the direct registration of each case of movement, often both in the region of departure and in the region of arrival. Indirect methods are those that are calculated in nature and are based on census and sample surveys. Currently, there are two main groups of sources:

- Administrative (population registration, registration of foreigners, information received from the services of issuing visas, residence permits, work permits and the like; border statistics on international



### 3. Types of Migration

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migration - border control, immigration control, etc., as well as some other structures);

- Surveys (censuses and various other sociological surveys, for example, aimed at studying pendulum migration or identifying illegal immigration).

Selected sociological surveys are widely used, especially as the reliability of statistical accounting decreases. This is the only source for identifying migration attitudes, motivations, factors and causes of territorial mobility of various social and demographic groups of the population at the decision-making stage and during the survival period. Blocks of questions aimed at studying the level of mobility or stability of various groups of the population (for example, internal mobility through a survey of school graduates in settlements with high unemployment) occupy a central place in surveys of sample sociological surveys. The most well-established blocks of issues are: 1) general migration attitudes; 2) what type of settlement; 3) to leave temporarily or completely; 4) the motivation and purpose of the move.

Labor migration surveys are divided into three groups, allowing to obtain quantitative characteristics of labor migration:

- Surveys organized by national organizations, mainly statistical (national surveys), which periodically (often annually) collect data on labor migration using the same questions. The advantage of regular national surveys is the possibility of obtaining time series of labor migration, as well as the inclusion of additional questions for various groups of labor migrants, for example, for persons who have resettled over time;
- Surveys carried out on the initiative and with the participation of individual researchers or groups of researchers. As a rule, these are local surveys that are limited to a specific territory, for example, a city or region. Based on such surveys, one can assess the volume and direction of temporary labor migration, its causes, social and demographic differences between temporary and permanent labor migrants living in cities of various sizes;
- Comparative surveys of internal labor migration carried out according to a comparable program in a number of countries that have similar problems in studying labor migration (cross-country surveys). In a settlement of decades, the importance of such surveys is growing thanks to the financial assistance of various organizations, including international ones.

In contrast to population censuses and current accounting data, sample sociological surveys provide information not only about actual, but also about potential labor migration. However, both censuses of the countries of the EU member states and one-time sample surveys are rarely conducted, and labor migration is a very dynamic process. Therefore, to study labor migration, current accounting data is more often used. Often, a survey of experts (expert survey method) is used to study labor migration, which includes representatives of government bodies, labor migrant communities who have information about the number of labor migrants, the nature of labor migration and some other parameters of labor migration processes that are not available to official statistics. Most often, opinion polls are conducted in the form of questionnaires, personal interviews or telephone interviews. Some researchers use the methods of included observation when they work or live with labor migrants, thus figuring out the details of interest. Some types of labor migration (for example, commercial or shuttle) can be identified solely by sociological research methods or indirect statistical methods (taking data on the number of entrepreneurs without a legal entity). The source of information on pendulum and shift labor migration can be information from the departments of personnel and personnel services of enterprises, information from higher and secondary educational institutions, as well as transport statistics. To obtain reliable estimates of the labor migration situation and migration processes, a comprehensive study of all types of information that complement each other is necessary. So, the selective method can be used to verify, control, evaluate, process and supplement census data.

The scale, intensity and other parameters of labor migration of the population of the EU member states are characterized by a system of indicators that express absolute (amount or quantity) and relative (relation to another indicator, including the same, but basic) numerical characteristics of the migration process at different stages its course and allowing to determine the general level of mobility of the population of the territories, the scale, structure, direction and effectiveness of labor migration flows over a certain period of time. Migration indicators of EU member states are mainly calculated indicators (migration coefficients), which are based on a comparison of absolute indicators (arrivals, departures, growth (migration balance), migration turnover, etc.) with the average number of the studied population for a certain period. In order to be comparable with other coefficients, migration indicators are calculated, as a rule, per 1000 people of the corresponding territory or social and demographic group of the population of the EU member states (*OECD 2018*).

### 3. Types of Migration

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In addition to general indicators of migration, depending on the objectives of the study, the following indicators can be used:

- A general indicator of potential migration, which determines the proportion of potential migrants, that is, persons who have accepted but have not yet implemented the decision to leave this settlement, and the corresponding stable contingents in the composition of the entire population of the population and its constituent socio-demographic groups (by gender, age, nationality, profession, education, marital status, place of birth, etc.);
- An indicator of the level of migratory mobility, defined as the number of migrations for the entire lived period of life among people of a particular social and demographic group or the population as a whole.

In addition, in the practice of studying migration, special indicators are also used that characterize certain types of migration flows, such as forced and labor migration. So, forced migration processes can be studied using the following indicators (*OECD 2018*):

- Load factor of forced migration, defined as the ratio of the absolute number of refugees and forced migrants to the absolute number of the resident population of a region or country and multiplied by 10 thousand (or 100 thousand);
- The recognition rate as a refugee or forced migrant, calculated as the ratio of the absolute number of migrants who have received refugee and forced migrant status to the absolute number of applicants for status and multiplied by 100%;
- The territorial structure of internally displaced persons and refugees is the ratio of the absolute number of internally displaced persons and refugees from each country or region to the total number of internally displaced persons and refugees and is multiplied by 100%;
- The age structure of internally displaced persons and refugees, the ratio of the absolute number of internally displaced persons and refugees in each age group to the total number of internally displaced persons and refugees is multiplied by 100%;
- The sex structure of internally displaced persons and refugees is also defined as the age structure;
- The ethnic and national structure of internally displaced persons and refugees is defined as the ratio of the absolute number of internally displaced persons and refugees of each ethnic group to the total number of internally displaced persons and refugees and is multiplied by 100%;

- The educational structure of internally displaced persons and refugees, the ratio of the absolute number of internally displaced persons and refugees in each educational group to the total number of internally displaced persons and refugees is multiplied by 100%;
- The structure of refugees and persons applying for refugee status by the degree of proficiency in the language of the EU member states (fluent, at the household level, does not speak) is defined as the ratio of the absolute number of refugees and applicants for recognition by refugee of the language of the EU member states to the total number of refugees and applicants for refugee recognition and multiplied by 100%;
- The structure of internally displaced persons by sources of livelihood before moving (work, pension, allowance), scholarship, were dependent) the ratio of the absolute number of internally displaced persons with a specific source of livelihood to the total number of internally displaced persons is multiplied by 100%;
- The structure of low-income families of internally displaced persons (single pensioner, single disabled person, family of only invalids and / or pensioners, single parent (replacement person) with a child (children) under the age of 18 years, a large family with three or more children under the age of 18 years) the ratio of the absolute number of IDP families for each of the low-income categories to the total number of IDP families is multiplied by 100%.

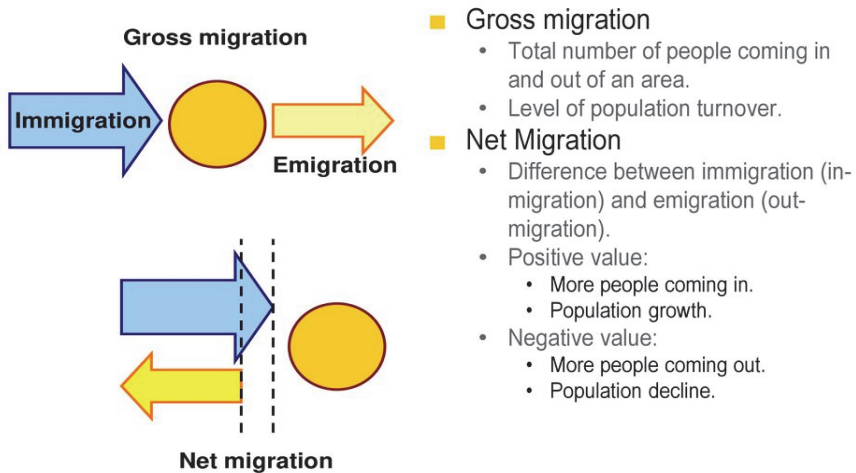
Ongoing research on migration issues contributes to the emergence of new indicators that reflect various aspects of the interaction of migration and various social and economic processes. Accounting for labor migration has always been more difficult and complicated compared with the natural movement in the EU member states. This is due to the fact that relocation events are subject to registration, and the result should be data on the population who changed their place of residence or stay in the EU member states. The second reason for the difficulty of accounting for labor migration is due to the complexity of the migration process itself and the diversity of classification types, types and categories of migrants. Questions arise which types of labor migration are important from the point of view of the functioning of the economy and society in the EU member states, and therefore should be taken into account and measured; which categories of migrants require support, help, and therefore should be identified and taken into account, and which are not. Modern theories of labor migration do not give exact answers to these questions, therefore, the process of

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accounting for migration and labor movement in the EU member states needs a comparative analysis methodologically (*see Figure 3*).

*Figure 3. Gross Migration and Net Migration*



### 4. Labor migration factors

In order to qualify labor migration as an object of management and the development of appropriate policies, it is necessary to identify the main factors affecting the motivation for resettlement and the motivating causes of labor migration. Despite the variety of approaches to the classification of migration factors, all experts are unanimous in that they stimulate resettlement the cumulative advantages in living conditions in the region of settlement compared with the region of departure. The concept of “living conditions” unites the entire human environment. Factors are understood as only part of the conditions that affect the process of labor migration. This is their secondary. Whether this or that component of the conditions surrounding a person becomes a factor of labor migration depends entirely on the nature of specific phenomena and processes. But not all factors are transformed into immediate causes that make the phenomenon of labor migration happen.

What is the hierarchy of factors affecting labor migration? What benefits are primarily taken into account by a person when deciding on a move?

At this stage of European integration, economic factors are of particular importance, based on the desire of migrants to improve living conditions. The main influence on labor migration is exerted by economic factors, the most important of which is the standard of living. The most important factors determining the standard of living of the population should include the level of income, wages, working conditions.

Generally, economic factors are understood as territorial differences in terms of employment, levels of wages and incomes, housing security levels of consumer services, etc. Thus, first of all, among economic factors, such as the availability of jobs, employment conditions, income level, prospects for solving the housing problem, and the advantages in satisfying social needs are highlighted. All other factors are subordinate to economic. Even constantly acting factors such as natural factors to a large extent determine economic conditions, which means that they can be included in a variety of economic factors. The cyclical nature of economic development in the EU member states coincides entirely with the cyclical migration flow and population growth. The dynamics of the processes of employment and migration taking place in the countries of the EU member states are indisputable evidence of this. Regional changes in the structure of employment and the unemployment rate very accurately correlate

#### 4. Labor migration factors

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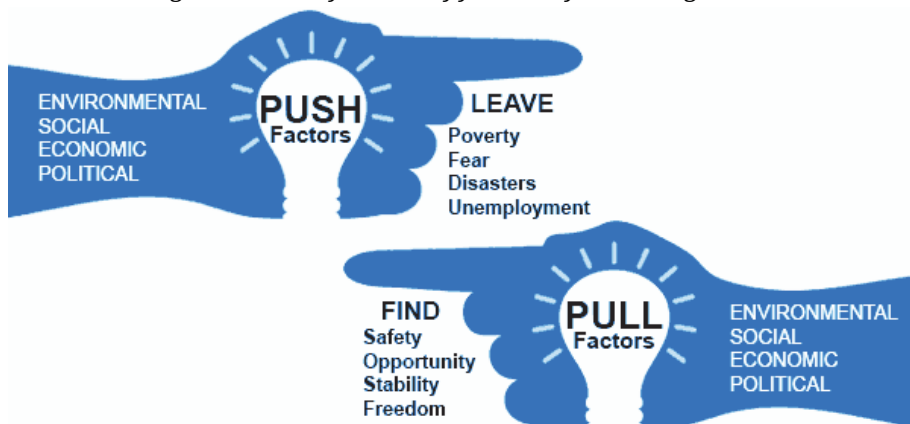
with the dynamics and directions of migration flows in the territory of the EU member states.

The most common classifications of factors of labor migration are those that are carried out with the aim of determining the possibilities of regulating their influence on migration processes: managed (factors regulators) and uncontrolled (factors of condition). There are also a third group of factors, that is, "uncontrollable factors", but indirectly regulated factors. All factors can be divided into two large groups (*see Figure 4*):

- The first group is the pull (attracting) factors, prompting the population to move to those regions where the quality of life, due to a set of natural and economic conditions, will be higher than in the region of the previous residence;
- The second group is the factors pushing out in the regions of permanent residence such circumstances (both natural and economic in nature), the impact of which makes it impossible to continue living in this region, regardless of whether there are conditions in the resettlement region for successful adaptation.

As a rule, both groups of factors act simultaneously, but the factors assigned to the first group of factors are still decisive. And only when the factors assigned to the second group become dominant and determining, labor migration becomes forced. In other words, based on the provisions of the three-stage theory, under the influence of the first group of factors, all three stages of the labor migration process systematically proceed, and when the second group of factors acts, the first stage as an independent process can be skipped or passed in an extremely short time, and therefore the third stage is unsuccessful.

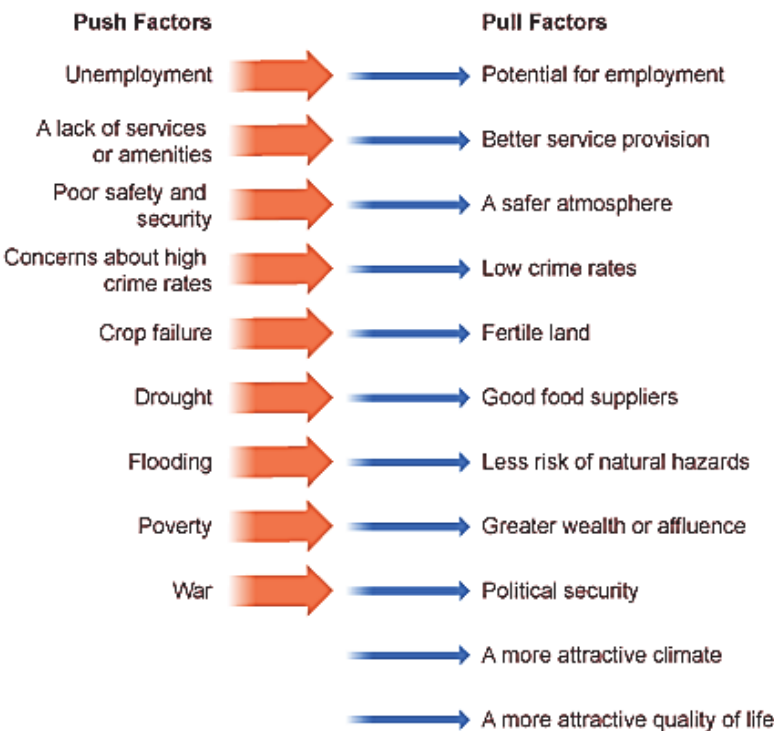
*Figure 4. Classification of factors of labor migration*



The first group of factors, in turn, can be subdivided into constantly acting and variables, that is, those whose parameters in time can be relatively often changed. Their changes can occur both directly in the decision-making process in order to manage the labor migration process, and act as a consequence of any decision that is not aimed at influencing labor migration processes, that is, indirectly, indirectly.

An important factor influencing the direct decision-making on labor migration is the existence of a living standard, which determines the attitude to assessing living conditions in a potential region of introduction. Culture, traditions of the population, susceptibility to their changes leave an imprint on the formation of a living standard, which is primarily associated with the ethnicity of a potential labor migrant or groups of labor migrants. Very often, the set of factors that make up the standard of living is called or equated with the ethnic factors of labor migration. Therefore, the following enlarged classification of labor migration factors is proposed (see Figure 5; Table 1).

Figure 5. The Pull and Push factors of migration





#### 4. Labor migration factors

*Table 1. Push and Pull Factors (Schmid 2011)*

| <b>Push-factors<br/>Countries of origin</b>  | <b>Migrants</b>                                      | <b>Pull-factors<br/>Countries of destination</b>  |
|--|--|---|
| ⇒ Population growth, young age structure<br>⇒ Inadequate educational institutions, medicare and social security  | <b>Demographic factors and social infrastructure</b> | ⇒ Stable population, population decline, demographic ageing<br>⇒ Welfare state benefits, educational institutions, medicare, social security                              |
| ⇒ Unemployment, low wages<br>⇒ Poverty, low consumption and living standard  | <b>Economic factors</b>                              | ⇒ Labour demand, high wages<br>⇒ Welfare, high consumption and living standard  |
| ⇒ Dictatorships, shadow democracy, bad governance, political upheaval<br>⇒ Conflict, (civil) war, terrorism, human rights violation, oppression of minorities                      | <b>Political factors</b>                             | ⇒ Democracy, rule of law, pluralism, political stability<br>⇒ Peace, security, protection of human and civil rights, protection of minorities                             |
| ⇒ Ecologic disaster, desertification, lack of natural resources, water shortage, soil erosion, lack of environmental policy  | <b>Ecological factors</b>                            | ⇒ Better environment, environmental policy, protection of natural resources and environmental protection  |
| ⇒ Decisions of the family or the clan<br>⇒ Information flows, media, transferred picture of country of origin<br>⇒ Possibilities of (ir)regular immigration, routes of trafficking | <b>Migrant flows and migrant stocks</b>              | ⇒ Diaspora, ethnic community<br>⇒ Information flows, media, transferred picture of destination country<br>⇒ Possibilities of (ir)regular immigration (right of residence) |

The population's reaction to changing living conditions in the form of relocations comes so quickly and adequately that, firstly, it is often not possible to adapt the social and economic structure and infrastructure of both the regions receiving and losing the population to the current reaction, and secondly, to maneuver with legal and economic instruments to mitigate the negative effects of such a reaction. This often turns migration processes from a positive component of social and economic development, which makes the internal nature of economic migration, into its opposite. Thus, the reaction of the population of the EU member states to changing living conditions, which takes the form of

territorial population movements, does not lead to negative consequences in various forms, and the inability of management structures to adequately respond to labor migration processes and use their potential in a positive direction (see Table 2).

Table 2. Advantages and Disadvantages of Immigration (Jaccob 2013)

| Advantages   | Factor    | Disadvantages  |
|--|-----------|--|
| ⇒ Reduced Labour Costs<br>⇒ Business Expansion<br>⇒ Workforce Diversity<br>⇒ Accelerated technological advancement<br>⇒ Economies of scale<br>⇒ Increased competitiveness<br>⇒ Slowing down of ageing of population<br>⇒ Lower rate of unemployment<br>⇒ Labour market flexibility increased<br>⇒ Work remittances are a form of development aid<br>⇒ Increased global networking<br>⇒ Increased tourism earnings<br>⇒ Assists in solving labour shortages<br>⇒ Brain gain to countries of destination | Economic  | ⇒ Short-run inflationary pressures<br>⇒ Lower affordability of housing in main cities<br>⇒ Short-run deterioration of the trade balance<br>⇒ Employee Resistance<br>⇒ Legal Issues<br>⇒ Brain-drain from developing countries<br>⇒ A rise in capital foreign ownership<br>⇒ The urban-rural gap widespread<br>⇒ Loss of some jobs of nationals to the immigrants and lower wages to increased supply in certain industries<br>⇒ Inequality due to uneven distribution of the income and economic gains<br>⇒ Brain drain to sending countries<br>⇒ Increasing skilled labour relative wages due to inflow of unskilled labour |
| ⇒ Immigration policy is a sensitive topic and accepting refugees improves the foreign relations and standing in the international community  | Political | ⇒ Immigration results in security issues and crime concern<br>⇒ Ineffectiveness of planning and policy enhancement due to illegal immigration  |
| ⇒ Cultural and linguistic diversity<br>⇒ Multiculturalism  | Cultural  | ⇒ Language Barriers<br>⇒ Racial conflict<br>⇒ Immigration could sometimes result in the social cohesion attrition and discrimination   |

A convincing example of a population's reaction to changes in living conditions is the dynamics of migration processes that have occurred in the EU member states. And the example of the crisis of labor migration in the EU illustrates the speed with which the reaction of the population to a changing situation is reflected in migration. The growth of labor migration in the EU member states has turned it into one of the global problems of mankind. And in the twenty-first century, the rapid increase in migration flows made us talk about the "migration crisis" in the EU member states. Such internal properties inherent in labor migration processes in the EU as the speed and sensitivity of the reaction to the whole range of social and economic changes make it possible to consider migration processes as their accurate indicator and judge the true content of the changes taking place without being mistaken in the statistics being reformed during the transition period. The analysis of factors, degrees and directions of interaction between migration and economic processes allows us to deduce the following objective pattern: the directions and volumes of migration processes indicate the presence in the region of relative advantages in the living conditions of the population, especially economic ones.

Member countries of the EU in the last century were one of the world centers of attraction for migrants. The use of labor from less developed countries for hard, prestigious, harmful, low-paid work, which was abandoned by the local population, was beneficial for a number of economies in European countries that experienced a boom in the 21<sup>st</sup> century. The economic need for migrants was reinforced by liberal internationalism, a multiculturalism policy that implied their gradual adaptation and integration into European society. However, in the twenty-first century, under the influence of a number of factors, migration processes took the form of a "great migration of peoples." In 2015, more than a million migrants and refugees crossed the borders of Europe, in 2016 their number increased even more, causing a crisis in a number of countries that were unable to cope with such an influx of people, as well as provoking a split in the EU over how to deal with immigrants. The main reason forcing people to migrate was and remains an armed conflict in Syria. But the ongoing violence in Libya and Iraq also force the inhabitants of these countries to leave their homeland and seek for themselves a better share in a foreign land. According to the Office of the UN High Commissioner for Refugees, the Syrian conflict forced more than 13 million people to leave their homes. About 6 million of them remained on the territory of the country, about 5.6 million are now located in the neighboring countries of Syria, and about 1 million are in Europe (*UNHCR 2019*). In 2016 alone, more than 180 thousand people came from Africa to Italy via Libya, about 500 thousand over the past three years (*UNHCR 2019*). Such a massive influx of

migrants, who differ too much from the indigenous population of Europe, is accompanied by a number of negative consequences. The content of refugees is a heavy burden on the budgets of countries of mass immigration, which causes just indignation of the local population. In the influx of migrants, Europeans see the danger of increasing the terrorist threat. The validity of these fears is confirmed by a series of terrorist acts in European cities. A major threat is the destabilization of public safety. The number of cases of theft, robbery, bodily harm, sexual harassment and violence has increased in countries with large numbers of refugees. The local population, not relying on the police, uses its own protective measures in the form of self-defense. In Germany, for example, there has been a significant increase in sales of self-defense equipment purchased by women, up to the production of underwear with a combination lock and an alarm as protection against sexual violence. In a massive influx of refugees from Muslim countries, Europeans also see the threat of "Islamization", a change in European identity. The adoption of the EU decision on the distribution of migrants and the establishment of appropriate quotas without taking into account the opinion of the population, many Europeans see as an excess of power by the leadership of the EU. The governments of several countries strongly oppose forced quotas for the reception of migrants, for example, the Visegrad Group, which includes the Czech Republic, Slovakia, Hungary and Poland. Britain's decision to withdraw from the European Union, as a result of which the EU loses a permanent member of the UN Security Council and a tenth of its economic strength, is also dictated by dissatisfaction with the migration policy of the Brussels leadership. In the old European democracies, the positions of right-wing populists and Euro-skeptics are strengthening, who, if they win the election, will seek to secede from the EU. On the whole, a renaissance of the traditional conservative ideology is observed throughout Europe as opposed to liberal democracy. At all times, states have tried to pursue a migration policy that includes measures to regulate both immigration and emigration. In the context of the migration crisis, European countries, in addition to traditional measures, have to use unprecedented ones. Across Europe, border controls are tightening to prevent illegal border crossings. Croatia imposed a ban on the transit of refugees through the territory of their country. More and more countries are erecting barrier walls, in places with barbed wire, and are attracting army units. In France, refugee camps in crowded places are limited. Germany announced its readiness to pay every refugee for returning to their homeland. The Federal Government of Germany has already allocated the appropriate monetary funds to pay these compensations, but so far there are few people wishing to leave. To curb the flow of refugees from Turkey, the EU is ready to allocate very significant amounts to this country to ensure

decent living conditions on its territory, as well as to control the flow of migrants to Europe. However, in general, all these measures do not solve the problem and demonstrate the inability of the ruling European elite to overcome the consequences of the migration crisis.

Unlike labor migration factors, a “cause” is what determines a consequence or action. The cause of labor migration is understood as a phenomenon that directly determines, generates another phenomenon, that is, a consequence. In the world, all phenomena and processes are in universal communication and interaction. The concept of “cause” involves the allocation of a certain group of phenomena or systems within which a causal relationship is established between certain phenomena and processes. Each phenomenon finds its foundation in some others and is defined by them as their own. Therefore, a cause is a phenomenon that faces an action.

In modern conditions, the most common classification, delimiting the factors of labor migration of the EU on the reasons of economic and non-economic nature. Economic reasons include: 1) differences in the levels of economic and industrial development of the EU member states and regions; 2) the presence of national differences in wages, overpopulation, high unemployment in the donor country; 3) European and international capital flows and the functioning of European and international corporations.

Among the non-economic reasons stand out: political, legal, moral approaches to the decision to migrate. The decision to migrate is influenced not only by the characteristics and prospects of the migrants themselves, but also by the conditions and stereotypes that exist in the community of origin and the possible community of destination. This view is related to the perceived usefulness of alternative residences. Community norms are part of the environment in which people live, and which determine the structural conditions and familiarity with everyday life. In addition, the decision to migrate from one EU member state to another EU member country may also be affected by social and living standards that characterize the community of origin, as well as the nature of local governance or conflicts in the communities of origin.

Thus, the personal reason for labor migration, as well as an assessment of its expediency, depends on the individual characteristics of migrants, on regional factors and, in general, on the national policy of the country of origin, the existing characteristics of the country of destination of the EU, comparing which a potential labor migrant makes a decision on migration, acting also influenced by the social environment (or community norms) in which he or she works and lives.

The relationship between the EU member states and market structures is currently going through a difficult stage of transformation. The EU member states in the conditions of the global crisis are trying to solve the problems of economic development, strengthening their influence in a number of market segments. The aim of the EU social policy is to ensure that all available resources (including labor) are involved in the production and, if possible, are built up, that is, the creation of conditions for the transition to stable economic growth. The processes of labor migration in this case become, on the one hand, an opportunity to improve the qualitative and quantitative characteristics of such a factor of production as labor within the national economic system, and, on the other hand, with an increasing outflow of qualified specialists to EU countries, they are able to create obstacles to the economic development of the countries of the Eastern Partnership. The movement of the most skilled labor force between different countries and regions of the EU takes place in the direction of improving the quality of life.

### 5. Theoretical aspects of labor migration

The modern process European labor migration is studied by political science, sociology, history, demography, geography. For several centuries, the development of scientific views on labor migration took place within the framework of various scientific approaches: economic, geographical, historical, demographic, systemic, political, etc. The choice of approach depends on the tasks facing the researcher and on the nature of the source material. Based on a comparative analysis, a classification of the main scientific approaches to the study of labor migration was developed, which, in turn, combined research areas, theories and concepts.

**The economic approach.** One of the main ones in the study of labor migration for centuries is an economic approach that combines several areas, theories, concepts.

**Mercantilism** is one of the first scientific areas to include international population migration in research. Considering the possession of money (gold) and population growth as a source of prosperity and strength of the nation-state, authors such as T. Mann, J.-B. Colbert and others gave priority to attracting foreign workers, especially artisans, emphasizing the prohibition of the emigration of their citizens (*Encyclopedia.com 2019*).

**The classic concept** examined international and domestic labor migrations. The authors of the concept (A. Smith and others) saw the main postulate as the mutual influence and complementarity of the export of capital and labor force. Thus, the representative of this approach advocated completely unhindered international movement of capital, goods and labor so that market forces could maximize economic development and reduce poverty (*Hollifield 1992*).

**Malthusianism** is a theory that primarily deals with the concept of “population optimum”, which has become the basis for many studies on migration. The founder of the theory was T. R. Malthus (*Felderer 1976; Pepper 1999; Schlosser 2009*).

**Neoclassical theory** is focused on the study of international and internal labor migration. At the macro level, international migration is explained by the difference in wage levels in different countries and the movement of labor to countries with high wages and reverse capital flows. At the micro level, territorial mobility is not considered as such, but acts only as a means of achieving certain goals. Moreover, the benefits (or costs) of migration are measured in terms of net

returns at the individual level (*Stahl 1995; Taylor 1999; Cohen 2006; De Haas 2010*).

**Keynesianism**, named after the founder of this theory, D. M. Keynes, also paid great attention to labor migration. This theory, one of the main differences from the classical and neoclassical directions, is the denial of self-regulation of a market economy, paid particular attention to imperfect labor mobility, while trying to remove unemployment from migration. Considering the world economy as a set of state-regulated farms struggling to ensure full employment, Keynesianism unequivocally recognizes that the world market, and first of all the world labor market, emerging as a result of international labor migration, is an arena of conflict of conflicting national interests (*Crotty 1980; Jahan, Mahmud and Papageorgiou 2014; World Economic Forum 2019*).

**The theory of “feedback” of business cycles** examined international labor migration at the macro level. Among the authors who worked in this direction B. Thomas and others. According to this theory, the direction of labor migration from one country to another will be determined by the reverse alternation of cyclical phases of economic development (*Kiyotaki 2011; Dobrescu, Badea and Paicu 2012*).

**The theory of human capital** investigated all types of labor migration, including forced migration, and at the micro level is an individual, a household. Authors and supporters of this theory (J. Becker and others) considered migration as an investment in human capital aimed at raising incomes, educational attainment, etc.

**The world labor market**, without clearly defined territorial boundaries, is formed and functions as a result of export and import of labor. Constantly reproducing them, it is determined not only by the demand and supply of foreign labor in various regions of the world and by differences in wage levels, but also by world dynamics in political, demographic and other processes.

**World economy, or the theory of world systems.** According to this theory, labor migration most often occurs between the former colonial powers and their colonies, which is facilitated by cultural, linguistic, administrative and other ties between them. The theory claims that, penetrating into developing regions (countries), an expanding world market acts as a catalyst for international labor migration.

**The demographic approach of labor migration** combines three scientific theories. The general theory of population, the founder of which was the French scientist A. Sauve (*Sauvy 1974*). The general theory of population, which is based on a comprehensive, interdisciplinary approach, defines the labor migration of the population, on the one hand, as a purely demographic process that directly



affects the reproduction of the population, its age-sex structure and other changes in demographic development, and on the other, as a multifaceted phenomenon having economic, political, geographical and other aspects that can have an indirect effect on demographic development, taking into account changes in European society.

The demographic transition is a scientific approach based on the **Demographic Transition Theory (DTT)** of A. Landry, F. W. Notstein and others, who considered not only fertility and mortality, but also organically including migration, since along with other demographic processes with which it is closely interconnected, migration also changes successively in the transition from a pre-industrial to a post-industrial economy (Diggs 2008; Frejka 2016). And, apparently, only in this case can this concept be considered as a theory of the demographic transition, which as a whole explains the evolution of demographic development in time and space (Kirk 1996; Abernethy 1995; Caldwell 2006). The development of this Demographic Transition Theory (DTT) was also carried out by N. Keyfitz and others (Smith and Keyfitz 2013; Fargues 2011).

**Zero migration balance** is a concept that considers labor migration as an important demographic process. It proceeds from the assumptions of the direct, indirect, aggregate and negative impact of labor migration on the demographic development of the EU member states. In particular, one of the approaches to international and European labor migration within the framework of this concept is the study of this phenomenon in the context of the theory of a stable and stationary population of the EU (Knauth and Wrona 2018; Migali et al. 2018).

**Mobility Transition Theory** includes four scientific concepts. The main idea of this theory, which can be considered as an element of the theory of demographic transition, is that there are clearly expressed patterns in increasing territorial mobility that occur in stages (there are 5 stages of transition), and these patterns represent an essential element of the modernization process. At the same time, territorial mobility is understood to mean the whole variety of territorial movements, regardless of distance and time.

Mobility Transition is a special case of mobile transition. The Mobility Transition theory focuses on international irrevocable migration, the changes that take place in it as social and economic development develops, and its role in demographic development at various stages of the transition from agrarian to industrial society. A variation of this theory is an attempt to explain changes in international labor migration, which, as a rule, temporarily expands when a country is rebuilt to accelerate economic growth, and in this sense it can be considered within the framework of the economic approach.

The main idea of migration studies of the direction is to develop a general theory of migration mobility of the population, based on an integrated approach to its study and the law of population mobility, according to which the migration movement as social progress more and more becomes a social and economic necessity and, in general, as a rule, amplified. Moreover, the *migration movement* is understood as the totality of all types of territorial movements caused by various factors and motives that underlie the *migration system*.

In contrast to the concept of migration systems, ***the concept of migration movement*** represents the following elements: 1) general migration mobility (or migration activity of the population); 2) territorial redistribution of the population; 3) migration behavior of the population; 4) the mechanism of action.

*The concept of the three stages of the labor migration process*, the essence of which is to distinguish three interrelated stages in the labor migration process (Rybakovskiy 2018): the first is the initial, preparatory stage, during which the formation of territorial mobility takes place and a decision is made on labor migration; the second is the main stage, during which the process of resettlement of labor migrants takes place; the third is the final stage, during which the process of adaptation of labor migrants to a new settlement or country of entry takes place.

***The pull and push theory of migration***, in which labor migration is considered as a function of the relative attractiveness of the countries of exit and entry, and the presence of obstacles that increase with increasing distance between these countries, as a restriction of labor migration processes (Ravenstein 1885; Velázquez 2000; Czaika 2011; de Haas 2011). At the same time, in the countries of emigration, as a rule, the role of pushing factors, which are considered as determining in the labor migration movement, in the countries of immigration, is distinguished, on the contrary, a similar role is assigned to attracting factors (European Communities 2000).

***The labor migration network theory***. It is based on the concept of a community of labor migrants, which includes interpersonal relationships linking migrants, former migrants, and other people in countries of exit and entry, and encompassing not only kinship, but also friendships and relations caused by this factor. As a result, after passing a certain critical threshold, the social migration structure autonomously supports the migration process (Fawcett 1989; van Meeteren and Pereira 2018; de Haas 2014; Zelinsky 1971; Taylor 1999; UNDP 2009).

### 6. The migration policy of the EU as a political process

The EU labor migration policy as an object of research differs from those traditionally considered within the framework of comparative political science. In view of this, any analysis of both the EU institutional structure and individual areas of the EU migration policy always requires an integrated approach. Thus, European studies are at the junction of the theory of international relations, since, on the one hand, they affect the cooperation of states in the course of integration, and comparative political science, when they relate to the process of political decision-making on various issues within the entire EU, as well as interaction its main institutions and other participants, such as EU member states, NGOs, trade unions and other interest groups.

In modern political science, the concept of a political system is understood to mean not only the state, but also other political entities, including international ones. Indeed, the political system of the EU, like any system, is a multitude of structurally and functionally interconnected elements that make up integrity. Such integrity has a new quality, which can no longer be reduced to the sum of the qualities of its individual elements. This understanding underpinned the creation of the European Communities, and subsequently the EU. The territorial, historical and civilizational community of Europe in the mid-twentieth century acquired institutional design. And before the creation of the European Coal and Steel Community (ECSC) (*EUR-Lex* 2020), European Economic Community (EEC) and the European Atomic Energy Community (Euratom)<sup>1</sup>, cooperation was inherent in European countries, but the creation of new supranational institutions brought with it a qualitatively new dimension to international relations and cooperation between states in Europe.

Migration management in the EU is an extremely complex process, involving many actors who operate at different levels and pursue different interests. The EU countries differ significantly in terms of migration rates: arrival, departure, growth, intensity of migration inflow. These differences reflect the inequality of economic development between Southern, Eastern and Northern Europe, they are also obvious when comparing asylum policies in prosperous economically developed countries: for example, Sweden or Germany accept the vast majority of labor migrants and asylum seekers, while Austria and Hungary

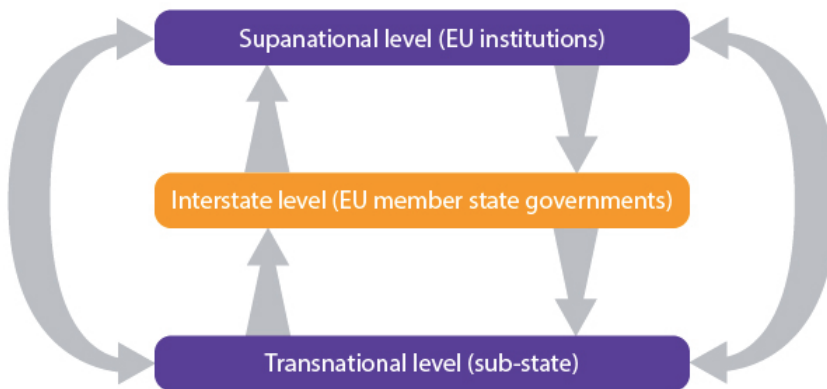
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<sup>1</sup> An official website of the European Union 2019. "The history of the European Union." Accessed August 29, 2019. [https://europa.eu/european-union/about-eu/history\\_en](https://europa.eu/european-union/about-eu/history_en).

prefer to limit the flow of those in need. in international protection. Along with the traditional interaction of national governments and EU institutions, the role of regional and municipal authorities is increasing, since it is about the social integration of migrants. Thus, it is advisable to apply the concept of “multilevel governance” (*Van Straalen and Witte 2018; Larrea, Estensoro and Pertoldi 2019*) developed in the early 1990s to the analysis of the migration policy of the EU. in the process of deepening European integration, especially after the entry into force of the Maastricht Treaty and the expansion of the competences of the EU supranational institutions.

Multilevel governance is a prime example of a new tradition. The current global and regional transformations caused by reforms within European politics are leading analysts to new concepts of governance. Innovative forms of governance are characterized by softer instrumentation replacing coercive practices, horizontal communication and a preference for binding agreements (*see Figure 6*).

*Figure 6. Multi-level governance<sup>2</sup>*



Migration is increasingly seen as the main means of solving a number of demographic and economic problems in the EU countries in the long term. But in recent years, the balance between attractive and push factors has changed. The growth of migration flows has changed not only quantitatively, but also qualitatively, and they are often not economic in nature, but represent a process of family reunification, forced and humanitarian migration due to armed and ethnic conflicts, which gives push factors a different meaning. Labor migration is

<sup>2</sup> University of Portsmouth 2013. “Multi-level governance.” Accessed August 29, 2019. <http://hum.port.ac.uk/europeanstudieshub/learning/module-4-theorising-the-european-union/multi-level-governance>.

no longer the most numerous component in the structure of migration; humanitarian and family reunification is taking the first place, which indicates qualitative changes in the inflow of migrants. The intensity of the impact of migration on the economy and social and cultural space in the EU grew gradually as the trends in migration flows changed. External challenges of migration in the EU are the growing influx of refugees, Muslim migrants and illegal migrants, associated with conflicts and wars, are turning into internal challenges. Difficulties arise in the integration and adaptation of migrants from third countries in a secular European society. The growth of the crime situation in the EU countries, as well as the threat of terrorism and extremism, are becoming new risks. Unlike integration processes, which are developing in a certain direction in an ascending direction and generally have a tendency to deepen and expand, to involve new countries in the European project, migration processes in the EU countries have been developing in recent years, characterized by uneven distribution across countries and are accompanied by significant changes. the structure of a stream that is becoming more and more ethnically diverse. They lead to the heterogeneity of European society itself and its confessional orientation. The causes and driving factors of migration flows, their interconnection against the background of growing social, political and economic interdependence between individual states have also changed.

The following factors can be identified that affect the intensification of challenges and risks and differ across the EU countries: 1) the qualitative and quantitative parameters of migrants, 2) the level of employment of migrants, 3) the degree of real integration of migrants in the host society, 4) the maximum volume of admission of foreign migrants, and refugees to preserve national identity, 5) the social system's ability to provide benefits to arriving migrants, refugees and their families, 6) the number of Muslims among foreign migrants and the strengthening of the Islamic factor in public life. The latter factor becomes very important, since the Muslim communities emerging in Europe are more and more parallel societies that preserve their social and cultural customs, do not integrate into the European society, and are unlikely to change under the influence of the host society.

Migration risks in the EU increased gradually and were associated with the specifics of the stages of migration to the EU. The first wave of labor migrants was associated with the recovery of the European economy after World War II and continued until the early 1970s. Labor resources moved from the countries of Southern Europe and Turkey, with which Germany signed an agreement on the employment of labor in 1961, as well as from the former colonies to the former metropolises, that is, the flow went from south to north. The second wave of

migrants was already ethnically diverse and continued until the late 1990s. and. But there has already been a tendency towards the predominance of Muslims due to the policy of family reunification, the “settling” of national minorities and the formation of ethnic Muslim diasporas in European countries. But this trend has not yet emerged as a challenge or seen as a long-term risk factor. After the collapse of the socialist system, migration from east to west appeared due to the flow of labor resources and refugees from the countries of Central and Eastern Europe. Internal migration within the Community after the signing of the Schengen Agreement in 1985, despite the liberalization of immigration legislation, remained insignificant in number. It did not affect the host countries culturally and confessionally, as did the post-war labor migration from southern European countries. New trends in the 2000s were associated with the enlargement of the EU, the need for skilled labor to build an innovative economy.

Traditional ethnic migration from third countries, mostly Muslim, is predominant and in recent years it has begun to influence the change in the identity of their population. The growing flow of immigrants from third countries who legally settle in the EU countries (labor migrants, members of their families, persons who have received asylum and refugee status, business migrants, etc.) have led to the emergence of new communities of non-European origin with their own cultural, religious customs and values, with a different quality of education and human capital.

The first generation of migrants managed to integrate to a certain extent into European society, preserving their traditions and customs, while religion at that time did not occupy a leading place in the life of migrants, who mostly came without families to work. Family reunification led to the growth of the Muslim presence in Europe and to the fact that compactly living Muslim communities, as a rule, did not assimilate and did not integrate into the social and cultural space of the countries of residence. Family migration contributed to the strengthening of the isolation of communities while maintaining their way of life, traditions, and Sharia law. In fact, Muslim communities in the EU are a “state within a state” where they live according to national traditions and norms. The last generations of Muslim migrants who speak European languages often have citizenship of EU countries, have received a secular education, do not seek to become familiar with European cultural values, but are reformatting their cultural and religious traditions and practices. Islamic communities, on the one hand, preserve the values of their historical homeland, form a special identity of European Muslims that is sufficiently resistant to external influences. On the other hand, the European society that has accepted migrants practically does not help them in this. Despite the development of new approaches to integration and assimilation,

the liberal legislation of European countries and the use of the concept of multiculturalism did not stimulate migrants to integrate into a secular society and adapt to its norms, but in fact encouraged the existence of cultural and ethnic diversity in society without assimilating new visitors.

It is unlikely that migration pressure on the EU countries will decrease in the coming years, if measures are not taken at all levels, the asylum system is reformed, the approach to the integration of migrants into the European society and the labor market does not change, border controls are not strengthened, and agreements with countries from which there is a flow of refugees and illegal immigrants. Growing unemployment, underemployment, especially among young people, unequal conditions in the labor market, massive illegal migration, low-prestige low-skilled labor, which is still in demand on the European labor market, lead to social tension. The collapse of the policy of multiculturalism, difficulties in adaptation and socio-cultural integration in the host society, problems of tolerance in relations between locals and visitors, the growing activity of Muslim migrants, the strengthening of the religious factor and the role of Islam are becoming the main challenges and social risks. Gradually, new contours of integration and assimilation of migrants are being formed under the influence of self-isolation and isolation of migrants within their communities and immigrant "ghettos" characterized by all manifestations of social disadvantage. The standard of living of the majority of migrants is much lower than that of native Europeans, and the risk of falling below the poverty line is more than twice that of the indigenous population, which is associated with low incomes, worse housing conditions, and a high birth rate. Against the background of the stabilization of the flow of citizens of new member countries and migrants from European countries bordering the EU during the crisis of 2008-2009, migration from third countries continued to grow.

The structure of the flow of migrants has changed due to an increase in the proportion of refugees and youth without education, including minors arriving from conflict zones, and the growth of family migration, a decrease in the inflow of labor migrants, a new trend towards social tourism lead to an increase in the burden on the social security system of the EU countries. An increase in the proportion of refugees requires significant financial resources for their accommodation and for the deportation of illegal immigrants. The emerging situation with migrants can lead to an imbalance between the indigenous and foreign populations, an increase in the proportion of the non-European population, mainly of Muslim origin, which becomes critical for the preservation of national identity and leads to an increase in social risks and conflicts in European society. Obviously, more than a quarter of migrants in Europe live in

unfavorable conditions, which poses a threat to society and forces the state to support them with various payments and benefits. This increases the burden on the social system of the host countries. Unlike the attraction of labor migrants due to the lack of labor in Europe and their positive impact on increasing the competitiveness of the economy, the growth in the number of refugees in the EU as a result of the migration crisis has a destructive effect on their social and economic development and can destabilize the social system that has developed there. Difficulties with employment and the inclusion of different generations of migrants in the economic life of European countries increase social risks, lead to stratification both between “new” and “old” migrants in the emerging multiethnic society in Europe, and between migrants, refugees and the indigenous population.

In April 2015, the European Commission proposed a “European Agenda for Migration”<sup>3</sup> containing the necessary actions based on more flexible solidarity and constructive flexibility. The EU in this agenda drew attention to the external dimension of migration policy, believing that the effectiveness of regulation of migration flows largely depends on the EU’s relations with the outside world. More massive labor migration was associated with the military conflict in Syria and the intensification of the ISIS terrorist organization in Iraq and Syria, which posed a real threat to the security of the EU countries. Terrorism and the return of militants from Syria have become a new challenge for the EU countries. Security problems are also associated with a tendency towards an increase in the influence of Islamic ideas and to the radicalization of Muslim youth living in Europe, which is associated with their asocialization, high unemployment, and living in closed ghettos. Despite the decline in the influx of refugees and illegal immigrants at the end of 2017, given the ongoing conflicts in Syria, Libya, Afghanistan and other countries, the growing inequality between the EU and developing countries, where the main flow of migrants comes from, it is unlikely that the pressure on the EU countries will noticeably decrease in the coming years, if measures are not taken at the pan-European level - reform of the reception system for asylum seekers and distribution of refugees, the use of new approaches to the integration of migrants, the fight against illegal migrants, including through border protection and cooperation with donor countries. But despite these challenges, the EU continued to look south and was not prepared for an influx of migrants from the Middle East. Hungary, Greece and Italy in 2015-2016 became the main trans-shipment bases for migrants heading to more

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<sup>3</sup> An official website of the European Union 2019. “European Agenda on Migration 2015-2020.” Accessed August 29, 2019. [https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration_en).



prosperous European countries, including Switzerland and Norway. During this period, the reaction of the EU countries was sharper, but multidirectional. Disagreements within the European Union intensified, and the national interests of individual countries came to the fore. The quotas proposed by the European Commission for the admission of refugees in the EU countries, depending on the total GDP, population, unemployment and the number of foreign migrants received, caused a negative attitude in the Visegrad countries and in the Baltic states.

Another problem of receiving refugees is the growing costs of their accommodation. Basically, EU member states use their own national rules for the admission of refugees, which differ in the nature and amount of support for asylum seekers and in how quickly they gain access to the labor market. All legal and illegal migrants in Europe receive social benefits before being granted refugee status, as a rule, they live in special camps or centers, receive hygiene items, clothes, shoes, money for personal expenses and enjoy free medical care. Illegal migration remains another risk factor in EU countries, it is a destabilizing trend and is intertwined with the flow of refugees. Weak border controls and the special geographic position of southern European countries have also affected its growth in recent years. According to some estimates, every third illegal arrives in the EU via the Balkan route and Greece. In 2018, the inflow of illegal migrants and refugees decreased several times, but not in all directions. The flow through the western Mediterranean route has increased, mainly to Spain.

An important point that stimulates illegal migration is the liberal migration legislation of the EU countries. In addition, there is an opinion of some experts about the interest of employers in some European countries in illegal labor migration, its economic benefits. In the EU, a market for illegal migrants has actually formed, which is not controlled by the state. It is replenished by issuing short-term and tourist visas, fictitious marriages, intermediary firms for sending illegal immigrants to Europe, etc. So, at certain periods, Germany encouraged the semi-legal entry of Kurds and Turks, France turned a blind eye to the illegal entry of Algerian workers, and Great Britain - to illegal employment of Indian and Pakistani workers. The consent of illegal immigrants to work for the minimum wage saves money on social guarantees. But the massive influx of illegal immigrants, including under the guise of refugees, has become a challenge to security in Europe in many ways, including the possibility of the spread of crime and terrorism. In the EU countries, in fact, illegal migrants are not legalized, and amnesty for illegal immigrants is periodically used.

The official communication of the European Commission "On immigration, integration and employment" in 2003, it was noted that "the economic and social

benefits of immigration can only be realised if a higher degree of successful integration of migrants can be achieved: the EU must address the challenge of integration in a comprehensive manner.”<sup>4</sup> In theory, in the process of integrating migrants, they should turn into an integral element of the host society. There is a link between integration, employment and migration policy, as successful integration into the host society contributes to maximizing the economic and social benefits from the influx of migrants to the EU countries. A particular role is played by the employment of migrants in the labor market, its job opportunities and salary levels, which are the main attraction factors. It is easier for labor migrants than for refugees to adapt to a host European society. Their integration and socialization are easier than those of other types of migrants. The use of an integration model of interaction between labor migrants and host states, including at the regional, territorial and local levels, is the most optimal option. Migrant families, on the contrary, live separately and mainly generate their own way of life, since Muslim women, as a rule, are not employed in the labor market. Refugees are also in special camps and other places of temporary detention and are generally isolated from the host society until they receive a status and further employment.

The traditional model of integration, which assumed the coincidence of cultural and political boundaries, was difficult to implement in the EU countries because of the liberal migration policy, on the one hand, and the reluctance of migrants from developing countries to be part of European society, on the other. The lack of a unified approach to the problems of the integration of migrants was reflected in the supranational attitudes. In 2004, the EU developed common basic principles for integration and integration programs. But a diversified approach to different types of migration and their respective integration has not been formulated, and integration institutions do not actually work.

The European Commission’s Action Plan on the Integration of Third-Country Nationals (2016)<sup>5</sup> was an important step in reforming the integration policies of the EU countries and represented a more voluminous and holistic

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<sup>4</sup> Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions “On immigration, integration and employment.” Brussels, 3.6.2003 COM (2003) 336 final. Accessed August 29, 2019. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0336:FIN:EN:PDF>.

<sup>5</sup> An official website of the European Union 2016. “Action Plan on the integration of third country nationals.” Accessed August 29, 2019. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication\\_action\\_plan\\_integration\\_third-country\\_nationals\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_action_plan_integration_third-country_nationals_en.pdf).

vision of the format, content and mechanisms of integration policy. This document has not become fundamentally new, containing innovative tools and mechanisms for the integration of migrants. Attempts to integrate migrants at different levels of interaction between supranational, national and regions have so far encountered many obstacles and barriers, such as the unwillingness of the majority of migrants to be part of European society and the attitude of this society towards them as a foreign element, cultural and confessional differences between the local and newcomers, economic and social inequality, the presence of closed communities that generate the lifestyle of migrants and others.

The situation on labor migration policy in the EU countries is described by the Migrant Integration Policy Index (MIPEX). EU member states that are in high positions, there is a systemic integration policy and corresponding legal and institutional support. For example, Turkey demonstrates the worst index values, where xenophobic sentiments of the local population and discriminatory practices on ethnic, religious and other issues are widespread.

### ***The Migrant Integration Policy Index (MIPEX)***

*“The Migrant Integration Policy Index (MIPEX) is a unique tool which measures policies to integrate migrants in countries across five continents, including all EU Member States (including the UK), other European countries (Albania, Iceland, North Macedonia, Moldova, Norway, Serbia, Switzerland, Russia, Turkey and Ukraine), Asian countries (China, India, Indonesia, Israel, Japan, and South Korea), North American countries (Canada, Mexico and US), South American countries (Argentina, Brazil, Chile), and Australia and New Zealand in Oceania.*

*Policy indicators have been developed to create a rich, multi-dimensional picture of migrants’ opportunities to participate in society. In the fifth edition (MIPEX 2020), we created a core set of indicators that have been updated for the period 2014-2019. MIPEX now covers the period 2007-2019. The index is a useful tool to evaluate and compare what governments are doing to promote the integration of migrants in all the countries analysed.*

*The project informs and engages key policy actors about how to use indicators to improve integration governance and policy effectiveness.”*

*Source: <https://www.mipex.eu/what-is-mipex>.*

The positions of labor migrants, as their residence in the host country lengthens, converge on the above key indicators with the positions of the indigenous population: the closer the positions, the deeper the integration. Note that this does not work for all labor migrants, but only for those who are determined to live in the country. But even with this approach, we also do not receive an answer to the question: who we consider integrated and who is not. Where is the border of integration, if such, in principle, can exist? Note that highly qualified foreign specialists adapt perfectly, not always knowing the local language, and at the same time earn significantly higher earnings than the local

population. If the working language is English, it is not necessary to know French, Italian or German. And in a supermarket, you can figure it out without a deep knowledge of the language. At the same time, different groups of migrants have unequal indicators of integration into certain spheres of society. In the EU, the position of natives of its member states and third countries differs significantly. Depending on the purpose of arrival, especially at the initial stage of stay in the host country, such indicator of the position of migrants in the labor market as the level of their employment varies significantly. In addition to objective criteria of the integration result, there are also personal assessments of the migrants themselves, which may not coincide with each other. It is quite possible that the objective indicators of integration are met, but the foreigner does not feel comfortable in the country.

The question arises, which criteria should be more guided by when assessing integration: personal feelings of visitors or objective parameters? Thus, although modern interpretations of integration are quite close in essence, this concept still has a different meaning, its individual aspects and mechanisms of implementation are emphasized in different ways. Disagreeing sets of indicators may be used to assess the results of this process. These differences are reflected in the specifics of the approaches of different states to integration policy. In fact, there are two main models of social and cultural integration of labor migrants: assimilation and multiculturalism. It is also known that these models do not exist in their pure form, but combine elements of each other and take on very specific national outlines. Therefore, it is more accurate to talk about the dominant paradigms of managing integration and intercultural relations.

In the developed regions of the EU, two approaches to integration policy are most widespread. First, it is a policy aimed at erasing the ethnic and cultural heterogeneity of the host society. And secondly, a strategy to recognize and create conditions for maintaining ethnic and cultural diversity. According to the conceptual rationale for the first paradigm, ethnic prejudice stems from an inadequate focus of public attention on group affiliations and, accordingly, can be mitigated by reducing the latter in relation to group membership. This should be facilitated by the accentuation of intergroup similarities, common features of representatives of different ethno-racial groups, their belonging to the same nation, or the need for the same acceptance by all groups of the dominant culture of the mainstream. It essentially means assimilation, and this type of integration has a one-sided focus on the social metamorphosis of only immigrants: it presupposes the assimilation of social norms of a relatively homogeneous host society, their gradual absorption by this society and the complete loss of their ethnic and cultural identity by representatives of minorities. At the same time,

the assimilation process can encounter obstacles in its path, both slowing it down (for example, the accumulation of low-skilled migrants in local labor markets and in ethnic enclaves, which negatively affects economic and social mobility), and blocking (in particular, discrimination).

In France, in accordance with the course for the civil integration of immigrants, the state is obliged to provide them with favorable conditions for the rapid acquisition of citizenship of the host country (*Joppke 2007, 243-273; Schain 2010, 205-236*). From the principle of equality of all French citizens before the law follows the requirement of political loyalty to the country and adherence to its cultural norms in the public sphere. According to this approach, the identity of new citizens of foreign origin should be determined by the national political order, and not by ethnocultural or religious roots. Ethnic, cultural and religious issues are strictly related to the private life of migrants. The state does not formally recognize that ethnic minorities may have special needs that need to be taken into account in practical policy, and believes that there should be no differences in the measures addressed to new and indigenous citizens (*Escafré-Dublet 2014; Collett and Petrovic 2014; Fine 2019*).

The so-called melting pot model for many years served as one of the main foundations of the nation-building of the USA, declared a nation of immigrants. Such a strategy assumed the “fusion”, cultural and biological mixing of the peoples inhabiting the country, the dissolution of their differences and the formation on this basis of American national identity, as well as, accordingly, the elimination of visible or psychological prerequisites for racism. This policy, which promoted cultural uniformity, commitment to national values and the American way of life, was considered more assimilative than any other. Linguistic assimilation played an important role in the process of Americanization. And in the long term, as it was believed, with the construction of a truly free democratic society, people will be comfortable living in communities with a mixed ethno-racial composition, and there will be no social or ethnic conflicts between their members. However, as historical experience shows, this type of integration, characteristic of the early stages of development of migration processes, “works”, as a rule, only in those cases when migrants are not numerous enough, ethnically relatively close to the indigenous population and territorially scattered across the country. Nowadays, the complete assimilation of ethnic minorities is unrealistic for a number of reasons. The main ones are:

- the formation of very large diasporas of representatives of non-Western civilizations;
- a constant massive influx of foreign cultural migrants, replenishing such communities with new non-integrated contingents;

- becoming critical territorial concentration of visitors and their descendants;
- their difference from the indigenous population;
- the foreign culture of the non-Western world for them, in particular the difficult compatibility of the norms and values of traditional Islam and the Christian foundation of Western civilization;
- the inertia of their appearance, a foreign cultural marker of collective identity;
- long duration of the assimilation process, stretching over several (usually at least three) generations;
- the spread of xenoracism<sup>6</sup> in host societies.

It is these factors that largely explain the problems of the assimilation approach to integration policy, which dominated until the 1970s in Western countries. Measures aimed at the forcible homogenization of society, such as the forced civil integration of ethnic minorities and the restriction of cultural and religious rights, have resulted in an increasing territorial segregation of the non-cultural population in ethnic enclaves and the marginalization of second and third generation migrants. In the context of massive foreign-cultural immigration and the growing diversity of the population and labor force, both European and American cities are divided into quarters where mainly representatives of the same ethnic and cultural group live, and isolated ethnic enclaves inhabited by stigmatized strata are growing. At the same time, in the USA, not only failed to prevent the expansion of Hispanic areas, but also the tendencies towards the segregation of African Americans in spatial ghettos and economic niches persisted. The discontent of representatives of ethnic minorities with their marginal position is manifested in social unrest that periodically flares up in various quarters of USA cities. Similar events in France became its expression.

Despite the value of the equality inherent in the assimilation approach, treating everyone as citizens, regardless of their cultural background, when race and ethnicity are considered insignificant, the existence of racism and discrimination is in fact denied and thereby justifying inaction in countering them. Moreover, forcing immigrants to assimilate, overwhelming the primordial components of the identity of ethnic minorities, provokes resistance to “reactive

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<sup>6</sup> “**Xenoracism** is a form of prejudice that resembles racism but is exhibited by members of a racial group towards other members of it, or it is exhibited towards members of an otherwise mostly indistinguishable racial group which may have no phenotypical differences but is perceived as being alien, foreign, other, or culturally inferior.” (McCoy 2018; Dickins 2014; Masocha and Simpson 2011).

ethnicity", contributing to the accentuation of the foreign cultural marker of the identity of such communities and their political self-organization along ethnic lines. This trend is fueled by the processes of demarcation within the diaspora. Assimilating compatriots are often subjected to group condemnation and rejection in migrant communities as violators of group norms, distinctiveness and integrity of the group identity of the latter.

The ineffectiveness of the assimilation strategy of the last century led to the search for new integration paradigms that would be based on the recognition of the coexistence and interaction in society of various representatives of different ethnic groups and cultures. The multiculturalist concept of integration, based on the pluralistic concept of democracy, is based on the recognition of the constantly existing cultural diversity in society and the regulation of this diversity on the basis of the principles of reciprocity, equality and cohesion. The multiculturalist integration policy, designed to ensure the realization of the rights of ethnic and cultural minorities in the field of culture and religion and their protection from discrimination, in theory did not imply the destruction of the boundaries of minority culture, as assimilation, and not strengthening the boundaries between the cultures of minorities and the majority, as segregation, but ensuring their greater permeability and the transformation of host societies into social organisms, functioning according to the principle "one of many".

There are two main types of multiculturalist politics. The first option is the so-called cultural mosaic, which is characteristic of

Canada, Australia and New Zealand. There multiculturalism has been elevated to the rank of national policy. At the same time, Canada went further than all countries in institutionalizing and promoting the diversity of its population, implementing large-scale programs for the integration of migrants. The principle of cultural pluralism, which provides for assistance in preserving the culture and language of the peoples inhabiting the country, combating discrimination and developing mutual understanding and interaction between representatives of different cultures, became the basis of the nation and the slogan of the national policy: "One nation, two languages, many peoples and cultures." (*Božić-Vrbančić 2003*). The implementation of such a policy at the city level was considered not only a moral imperative, but also an economic asset. A striking evidence of this is the Toronto motto: "Diversity is our strength." The Australian example of the implementation of an official policy of multiculturalism aimed at the social cohesion of the nation is also very convincing. Despite their diverse backgrounds and cultures, Australians are one nation in their diversity. The fairly successful integration of newcomers into the Australian society is achieved primarily due to the active policy of multiculturalism, within which all

newcomers receive access to free medical care, educational and family programs, in two years the right to obtain a new citizenship without renouncing the previous one, etc. However, as the aforementioned author shows, Australian culture is also important, in which male brotherhood and comradeship are considered distinctive features of the national character, personify solidarity and mutual assistance and form a tolerant integration environment.



### 7. Consequences of the migration crisis in the EU

Migration processes and migration policies differ in different EU member states. This is due to many factors, including historical experience in the field of migration, features of social and economic development, and the formation of migration policy in the new conditions. In this context, approaches to the problems of migration in individual EU countries are considered, which are differently adapting to the increased flows of migrants, to ethnic and cultural diversity in the receiving society and to the consequences of the migration crisis, which led to disagreements between the EU member states in solving migration problems.

An important place in discussions around the migration crisis is given to the issue of the impact of irregular migration on the economy of host countries. Among the arguments put forward by critics of the open door policy for migrants are the increase in government spending on refugees, increased competition between indigenous and newcomers for jobs, and the possible expansion of the shadow sector of the economy. Concerns are particularly high about the negative economic impact of the influx of refugees in southern European countries that have not fully recovered from the aftermath of the 2007-2009 global financial crisis. and continue to face serious employment and public finance problems. By contrast, proponents of a liberal migration policy see the emergence of a new workforce as a boon for an aging Europe, which suffers from low economic growth and high pressure on the pension system. The arguments on both sides are often speculative. This is partly due to the high politicization of the problem. Most publications on this topic are published at the request of stakeholders, for example, human rights organizations that tend to seek and find exclusively positive aspects of migration processes, or nationalist parties and movements, which, on the contrary, exaggerate in every possible way, focusing the attention of their audience exclusively on economic challenges. But there is another reason: assessing the consequences of migration processes for the economy and finance from a methodological point of view is a difficult task, and the calculations carried out by economists are very approximate.

At the scale of financial costs, there is a growing conviction among EU citizens that national and European authorities are channeling excess funds to help illegal migrants and solve related problems, instead of investing them in developing the economy and solving problems that have accumulated since the

European debt crisis. These sentiments are fueled by nationalist and right-wing populist parties, which are receiving more and more arguments in favor of toughening migration policy. However, a deeper analysis of the impact of the migration crisis on finances shows that this argumentation is only partially correct.

First, when comparing the costs of EU countries on migrants relative to their GDP, it becomes obvious that this indicator is the highest in countries that do not experience problems with budget deficits and have sufficient resources to finance the corresponding items of expenditure. States in which the situation with public finances is not so good are trying to keep financial losses to a minimum. The most striking example is Hungary: being one of the leaders in the number of applications for asylum (in 2015 it took the second place in this indicator), in terms of the share of spending on refugees it is in the second half of the list of EU countries. Greece stands apart, which, due to its transit position, bears considerable costs for the temporary accommodation of asylum seekers, but due to financial difficulties, a significant part of them is covered by emergency support from EU institutions.

Secondly, the financing of programs to overcome the migration crisis often occurred through the redistribution of expenditures that were originally intended for the Official development assistance (ODA)<sup>1</sup>, the volume of which in recent years has amounted to about 0.5% of the gross national income of the EU countries. According to the OECD regulations, a donor country has the right to spend part of the ODA budget on receiving refugees and paying them benefits during their first year in the respective country (for example, the cost of Syrian refugees in Germany can be counted as official German assistance to Syria). And the EU countries are actively using this opportunity. So, in 2016, Germany covered 25% of the costs of receiving refugees through the ODA, Italy and Sweden covered 34% and 17%, respectively. In addition, the migration crisis has led to a change in the geography of development assistance: an increasing part of it has begun to go to the countries of the Middle East and North Africa, which are either the largest suppliers of refugees or are located along the main migration routes.

Thirdly, many experts point out that the assessment of refugee costs as financial losses is fundamentally incorrect and it is more expedient to consider them as investments in the future of the EU, since as they integrate into the European labor market<sup>2</sup>, refugees will contribute to the development of the EU

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<sup>1</sup> OECD (2019), Net ODA. Accessed August 29, 2019. <https://data.oecd.org/oda/net-oda.htm>.

<sup>2</sup> European Commission (2019), Eurostat. Accessed August 29, 2019. <https://ec.europa.eu/eurostat/web/lfs/data/database>.

economy, which, with more than cover all costs. However, it should be noted that this thesis has raised questions in recent years.

Comparative studies of the impact of the influx of refugees on the economies of European countries were carried out long before the current migration crisis. The researchers focused their attention on the overall impact of migration on GDP dynamics, budget expenditures, employment, wages and other macroeconomic indicators. This was due to the fact that before the current crisis, the share of refugees in the total migration flow was relatively low (labor migration remained dominant), and for a long time immigrants from Eastern Europe prevailed among the refugees themselves, who successfully found work in the EU countries. The impact of immigration on GDP was expressed mainly in the growth of the working-age population, labor productivity, and consumption of goods and services. At the same time, highly skilled migration led to the rise of innovative sectors of the economy, while low-skilled migration led to an increase in productivity by filling empty niches in the labor market and more efficient use of the skills of the local labor force. At the same time, the experience of analyzing migration processes in other regions shows that the impact of migration processes on the economy of host countries largely depends on the nature of migration and from which countries the bulk of the labor force comes. The integration of labor migrants differs from the integration of other categories of migrants, which has several difficulties and which labor migrants face in employment. The first is the long processing period for asylum and work permit applications, during which refugees tend to be deprived of work opportunities and often lose their social and labor skills. The second difficulty is, on average, a lower level of vocational training than economic migrants and the presence of a language barrier, which also makes it difficult to find a job. This is especially true for refugees from the least developed countries, where the share of citizens with higher education is up from 3% to 4%. Finally, the third obstacle is the post-traumatic stress experienced by a significant part of the refugees who came to the EU from states engulfed in wars and civil conflicts. Refugees also found themselves in less advantageous conditions in terms of their professional status, income level, access to the healthcare system, etc. They managed to reach the average employment rates for all categories of migrants only 15 years after arriving in the host country. Moreover, in a number of countries, the situation is aggravated by the controversial policies of the authorities. For example, in Germany, to solve the housing problem of refugees, the authorities settle them in

areas with low housing prices, but in such regions, as a rule, high unemployment<sup>3</sup>.

At present, experts agree that the impact of the new wave of refugees on key economic indicators, the amount of taxes and social (including pension) contributions collected, etc., will strongly depend on the effectiveness of their integration programs into the European labor market. In this regard, when constructing models, a scenario approach is increasingly used, which makes it possible to take into account the factor of government spending on adaptation and vocational training of refugees to the maximum extent. In particular, a study commissioned by the European Commission on the long-term social, economic and fiscal consequences of immigration to the EU suggests three scenarios. The baseline scenario assumed maintaining the current level of per capita spending on refugees, the advanced scenario assumed a two-fold increase in spending, and the full integration scenario assumed an increase in spending to a level that would bring the professional and linguistic skills of refugees to the national average. The obvious conclusion from this and other similar reports is that, unlike previous waves of migration, the current refugee crisis will only stimulate economic growth if the already substantial public spending increases significantly. However, the likelihood of this scenario is low. On the contrary, under pressure from opposition parties, EU governments are forced to limit the growth of costs for refugee integration, although such a policy reduces the subsequent economic return from their participation in the European labor market. In addition, due to the threats associated with a change in the socio-cultural image of the country, the authorities are tightening up migration policy, as is done, for example, by the Swedish government, where, since 2016, newly arrived refugees, instead of a permanent residence permit, receive a temporary one, calculated for only three years (with the right of subsequent extension). From an economic point of view, this means that part of the cost of refugees will certainly not pay off. Insufficient stimulation of employment among refugees is explained not only by budgetary constraints, but also by the assumption that migrants take away jobs from indigenous people and, by agreeing to work for lower wages, put pressure on average wages. Scientific studies show that these

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<sup>3</sup> Federal Office for Migration and Refugees (2019) "An overview of migration and residence." Accessed August 29, 2019. <https://www.bamf.de/EN/Themen/Migration-Aufenthalt/migrationaufenthalt-node.html;jsessionid=BAC6F9FFEF736749B1452F7A40-C247C3.internet281>; UNHCR (2019) "About help in Germany: UNHCR Germany - Help for refugees and asylum-seekers." Accessed August 29, 2019. <https://help.unhcr.org/-germany>; The Asylum Information Database (AIDA) and the European Council on Refugees and Exiles (ECRE) (2019) "Statistics: Germany." Accessed August 29, 2019. <https://www.asylumineurope.org/reports/country/germany/statistics>.

fears are greatly exaggerated: the decrease in wages due to the influx of refugees, as a rule, is insignificant and is observed only in some industries and over a short time interval. Nevertheless, the opposite point of view prevails in the public consciousness, especially in the countries of Southern Europe (Greece, Italy and Spain), which are leading in terms of the share of unemployed among the economically active population. It may be recalled that the supporters of “Brexit”<sup>4</sup>, using the fear of British citizens about the dominance of migrants in the economy, in 2016 won a referendum on the withdrawal of the United Kingdom from the EU. In addition to the impact on the overall economic and financial performance, the refugee crisis is fraught with a number of other challenges that can have certain consequences at the sectoral and regional level. These challenges include structural changes in the labor market, which, without having a significant impact on the main macroeconomic indicators of recipient countries, directly affect the financial situation of certain groups of the indigenous population. Some benefit from the influx of refugees, while others, on the contrary, lose. Thus, the prevalence of low-skilled labor among migrants (the refugee crisis is just such a case) predictably leads to an increase in the gap in the level of pay for local residents with high and low qualifications. The beneficiaries are representatives of well-paid professions, while blue-collar workers, faced with competition from migrants, are forced to put up with stagnation of income (sometimes even with a decrease in their absolute level). It should be noted, however, that, as the previous experience of countries that are significant recipients of migrants shows, in the long term, the salaries of indigenous people with low incomes are recovering, since the pressure of migration forces them to get a better paid job. In addition, the average wage level of the indigenous population of recipient countries tends to increase due to migration.

The next challenge is the growth of the shadow sector of the economy. Due to the long processing times for asylum applications, many refugees are forced to seek unofficial work, which fully meets the interests of some employers who are interested in hiring cheap labor and avoiding taxes. This is also due to difficulties in obtaining official status and the reluctance of migrants to return to their homeland, where an unstable political and economic situation has developed or there are no conditions for employment. The risks associated with the shadow economy are especially high in the “old” EU countries, where high minimum wage

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<sup>4</sup> An official website of the European Union 2019. “Brexit in brief.” Accessed August 29, 2019. [https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/brexit-brief\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/brexit-brief_en); An official website of the European Union 2019. “EU Publications: Brexit.” Accessed August 29, 2019. <https://op.europa.eu/en/web/general-publications/brexit>.

standards have been established at the legislative level. According to German experts, in 2016 in Germany up to 300 thousand asylum seekers worked part-time in the informal sector, often earning extra money for a meager pay (1 euro per hour). Informal employment is particularly high in such sectors as agriculture, construction, nursing and care for the sick and elderly, catering, cleaning of industrial premises and the hotel business. As a result, entrepreneurs working in these industries, who legally hire personnel, cannot withstand competition and are forced to either close their business or violate labor laws, thereby reducing tax and salary costs. All of this in the long term may become a serious challenge for the economies of European countries that receive foreign labor.

Another issue discussed in tourism-oriented countries is the likely outflow of foreign tourists from the regions most affected by the migration crisis. In Greece, the influx of refugees has negatively affected the tourist attractiveness of the Aegean islands, where about 8 thousand asylum seekers are held in migration centers. These consequences were purely local in nature: most of the tourist flow was redirected to other Greek resorts, and the losses incurred by hoteliers and restaurateurs were partially offset by the expenses of numerous representatives of CSOs, non-profit organizations and volunteers who came to the islands to help refugees. However, tens of thousands of indigenous Greeks believe that refugees pose a significant threat to the industry. As a result, anti-immigration sentiments and electoral support for populist and nationalist parties are growing. Similar processes are typical for the Mediterranean island of Lampedusa, which, having become a migration gateway to Italy, has lost its popularity among tourists.

Another important aspect of the migration crisis is the impact of the influx of irregular migrants on the real estate market. On an intuitive level, it is clear that an increase in demand for rental housing should lead to higher prices, especially in areas of mass resettlement of refugees. In reality, however, the situation looks somewhat more complicated. As the experience of Turkey, a country that faced even greater migration pressure than the EU, has shown, prices did rise: in the regions neighboring Syria, their additional growth was from 2 to 5% annually. But this dynamic was driven almost exclusively by the increased demand from Turkish citizens themselves for housing in more prestigious neighborhoods. Thus, in Turkey, the refugee crisis has accelerated the process of urban segregation, that is, division into affluent areas for indigenous people and poor areas inhabited by migrants, with less comfortable housing and fewer job opportunities. In order to avoid a repetition of the Turkish scenario, the governments of European countries are taking measures aimed at smoothing out the negative aspects described above. So, in Germany, the authorities are trying

to prevent an excessive concentration of refugees in large cities, distributing them among federal states, taking into account a number of factors (population size, tax revenues, the share of land in financing national spending), equipping empty buildings for refugees, and in the future, perhaps will return to communal housing programs. In Sweden, the problem of housing for refugees is being solved by providing them with municipal apartments with minimal rental rates. The downside of this approach is the shortage of affordable apartments for low-income indigenous Swedes (60% of Swedish municipalities report a shortage of housing, which objectively leads to an increase in dissatisfaction with the country's migration policy).

Thus, in recent years, the EU countries have faced internal and external challenges related to the influx of migrants, the most serious of which was the migration crisis, which caused a lot of problems from the growth of crime and xenophobia to the threat of terrorism and the strengthening of the role of Islam in Europe. The clash between the two cultures of Christianity and Islam, between the two European and Muslim civilizations is becoming the main civilizational challenge in Europe. Ethnocultural and confessional heterogeneity is growing in the EU countries, which is already a given. The constantly growing family migration, the influx of refugees and illegal immigrants, which provoked the migration crisis in 2015, contributed to these processes. The uncontrolled migration flow of the past two years may lead to an increase in the share of "unnecessary migrants" at the expense of refugees who rely on social benefits and benefits, rather than employment. About 40% of refugees are minors, which requires additional expenses for their maintenance and accommodation. In addition, there are problems not only with the employment of refugees and migrants, but also with the legalization of their status, which takes quite a long time, and as a result, their disorder is associated with an increase in poverty and crime among unemployed migrants and an increase in social risks. The growth of the Muslim population, which does not accept European traditions, customs, and way of life, leads to discrimination, xenophobia and conflicts between the indigenous population and migrants of other cultures. The decisions of the EU countries in the field of migration policy have shown the inability to stop the flow of refugees, and the "open door" policy in most member states violates a number of provisions of the general migration legislation, destroys the cohesion and the very structure of European security, poses a threat on the territory of the EU, as evidenced by the terrorist attacks in Paris, Brussels, London and Germany. The popularity of right-wing and nationalist parties is growing, opposing the uncontrolled influx of migrants, often unnecessary for the economies of the EU countries. This was shown by the 2019 elections to the European Parliament,

with their atypically high electoral activity, compared to the previous elections, and a tendency to weaken the role of parties in power in the EU countries, and the strengthening of opposition parties. And here there is an undeniable connection between these results and the large-scale growth of migration flows and the influx of refugees, mainly from Muslim countries.

The migration wave of the mid-2010s affected the economies and finances of the EU countries. The refugee crisis that broke out in 2015 became a force majeure event for the EU countries, which required a variety of measures from the authorities, causing an ambiguous reaction in host societies. When developing approaches to solving the problem of receiving refugees, as well as their social and economic integration, the European authorities are forced to proceed from available resources, and not only economic (funds from national budgets and the general EU budget), but also political ones. Although econometric models clearly show a direct relationship between the level of government spending on the adaptation of refugees and the economic return on their participation in the labor market, decisions to increase the corresponding costs are met with criticism from opposition (primarily right-wing radical and nationalist) parties, which is increasingly difficult to ignore. In this regard, it can be predicted that the positive effects of the influx of refugees and the acceleration of GDP dynamics, an increase in tax revenues, and a decrease in the burden on the pension system will be insignificant. At the same time, the refugee crisis leads to the growth of the informal economy, local downturns in the tourism industry, negative changes in the real estate market, not to mention the widely discussed security problems in the European press, the solution of which is associated with an increase in the costs of law enforcement. Therefore, the cumulative impact of modern migration processes on the EU economy will depend, first of all, on whether the EU will be able to overcome internal differences and develop a common migration policy that suits all its member countries, taking into account long-term tasks of economic development.



### 8. Labor relations and trade unions in the EU

In order to compare labor migration, labor relations and the participation of trade unions in them in EU member states, one should take into account the background of their formation and development. In the countries of Western Europe, workers in the struggle with economic capital for their social rights and freedoms have created independent trade unions that are actively involved in the formation of the labor market, the development of labor legislation, and have a significant impact on labor relations. In this regard, the fundamental principle of the European model of labor relations is the combination of economic efficiency of enterprises and social protection of workers. This principle began to be implemented since the 1980s, after all trade unions of the EU member states that are members of the European Trade Union Confederation (ETUC) moved from a culture of social conflict to a culture of social dialogue. In the political system of the European Union, the role and influence of trade unions is heterogeneous. The countries that became EU members after 2004 have a slightly different social reality in contrast to other EU member states. Trade unions, the culture of labor relations, the level of social partnership and dialogue are rather weak there.

In the economically developed countries of Western Europe, trade unions have a key influence, as they have become social partners and the main actors in the political system. Despite the reduction in the number of trade union members in the European space among workers. The decline in the proportion of workers among members of trade unions is offset by an increase in the proportion of teachers, civil servants, scientists and others who are also employees and are aware that they need trade unions. European trade unions are strengthening their social base at the expense of retirees. By the beginning of the 21<sup>st</sup> century, the quality of life of Europeans is improving, so many after retirement remain active members of the trade union. The dues are paid, of course, less, but they actively participate in the activities of trade unions, in mass actions and demonstrations so that the other side of the social dialogue can hear them well.

Purposeful and constructive assistance in strengthening the European social model of labor relations is carried out by the leaders and structures of the EU. Since 1985, informal meetings have been held, and after 1993 formal meetings of leaders of European trade unions and business organizations. Working groups have been created on macroeconomic problems, the latest technologies and social dialogue.

The EU political system has created an effective mechanism for monitoring labor relations in all EU member states. In recent years, data on the evolution of labor relations has been collected and made available to EU institutions, experts and trade unionists.

### **ABOUT EURWORK**

*Established in 2014, the European Observatory of Working Life (EurWORK) brings together Eurofound's long-established observatories on industrial relations (EIRO) and working conditions (EWCO).*

#### **Role**

*EurWORK encompasses all of Eurofound's resources on working conditions and sustainable work and on industrial relations. It is supported by a Network of Eurofound Correspondents across all EU Member States and Norway which regularly reports on national working life developments. A further source of information is provided by Eurofound's two regular surveys on working life issues: the European Working Conditions Survey (EWCS) and the European Company Survey (ECS).*

#### **Key focus**

*EurWORK covers two strategic topic areas in Eurofound's 2017-2020 programming period:*

- *Working conditions and sustainable work*
- *Industrial relations*

***Within the industrial relations field, EurWORK covers two subtopics:***

- *Social dialogue*
- *Reporting on working life developments*

***In its reporting on working life developments, EurWORK provides regular updates in the following areas:***

- *Actors and institutions*
- *Collective employment relations*
- *Individual employment relations*
- *Pay*
- *Working time and work-life balance*
- *Health and well-being at work*
- *Skills, learning and employability*
- *Work organisation*

*Source: Eurofound 2019. "About EurWORK." Accessed August 29, 2019.*

*<https://www.eurofound.europa.eu/observatories/european-observatory-of-working-life-eurwork/about-eurwork>.*

Collective agreements, agreements are concluded in the EU member states between trade unions and business structures, mainly at the sectoral level, as well as at enterprises and large companies, along with labor legislation, are a way

of regulating labor relations. Collective agreements, unlike legislation, are much more flexible and convenient. Within the framework of collective agreements and agreements, promptly, taking into account the market conditions, change the parameters of relations (mode of operation, prices, payment from above, and others). The general rule observed in the EU is that the state determines only general market rules, leaving the content of labor relations in the sphere of competence of the social partners.

The development of labor and social rights in the EU is of undoubted interest in view of the generally recognized achievements of the EU in the field of legal regulation of social and labor relations, closely related to the whole range of human rights and freedoms, the growing role of labor law in ensuring the stability and sustainable development of society. The dynamism, constant development and change of EU legislation in this area explain the need to analyze the history of the formation of labor law norms, as well as to study the constantly changing legal realities in order to adequately understand its current state and predict the further evolution of EU labour law.

European social partnership in labor relations implies various practices of social interaction between workers or their associations and employers or their associations, aimed at mutual coordination of labor interests. The importance of social partnership is due to the fact that it helps to mitigate social inequality between owners and employees, improve the quality of working life of working citizens, meet their needs, improve the quality of their goods and services, timely resolve social contradictions, the escalation of which may threaten the full reproduction of the European community. The basis of social partnership in labor relations is the legal norms produced by the state institutions of the EU member states with the participation of CSOs, state and non-state organizations that ensure the implementation of these norms, as well as informal norms and patterns of labor behavior, and work culture.

In the modern political system of the EU, social partnership is proclaimed as a principle of the social policy of the EU member states in the field of labor, a regulatory and legal framework for social partnership has been developed, there are both state institutions and CSOs responsible for its implementation. Social partnership in labor relations is effectively implemented in various sectors of employment. However, in the public sector of the various EU member states, there is a large number of socially significant jobs with low wages. At the same time, there are many workers who are not ready to fulfill their labor duties at a high level, bear individual responsibility for the result of their work, and who focus on demonstrating the formal aspects of work to the detriment of its content. The established practices of labor relations, which do not correspond to

social partnership, are explained both by the nature of the functioning of formal social institutions and the influence of the informal institution of labor culture of migrants. However, both formal and informal social institutions are being transformed by the activities of migrants. Therefore, there are non-institutional practices of social partnership, conditioned by the active work of labor migrants. To ensure the possibility of institutionalizing these practices in the European community, it is necessary to identify their prerequisites and analyze the factors of implementation, depending on the employment sector.

The European Trade Union Federations perform the functions of a kind of intermediary between the employer (owner, entrepreneur) and the employee, however, accumulating internal corporate information, the trade unions use it, first of all, in the process of protecting the interests of workers, and this is its key role. European trade union federations are increasingly coordinating their activities in accordance with European, national and international practices. European federations of trade unions often resort to the tactics of uniting and creating large-scale trade union movements in order to increase the authority and expand the boundaries of the sphere of influence. In addition, as a result of historical development and economic transformations in European societies, the European Trade Union Federations today have a significant social and material base, which they use, first of all, for the effective implementation of their activities. Insurance companies, for example, focus their activities exclusively on the needs of members of the European Trade Union Federations, law firms align their activities strictly in accordance with the needs of industry unions, travel agencies provide preferential services for union members, etc.

The institutional feature of the European Trade Union Federations is, first of all, that they are built into the system of social and labor relations of the EU, therefore, trade unions can rather be considered an institution for regulating social and labor relations in the political system of the EU.

The fundamental goals of the functioning of the European Trade Union Federations as a representative institution of the EU labor market can be considered overcoming unemployment, maintaining a stable high level of employment, as well as guaranteeing the maintenance of the minimum wage level. In addition, a distinctive feature of the functioning of this institution is that it occupies an intermediate position among other basic EU institutions (political, economic, social), as a result of which they experience constant external and internal influence.

In a market economy, it is increasingly difficult for European trade union federations to defend their authority and maintain internal organizational unity, in addition, it becomes quite difficult to play the role of an intermediary between

workers and employers, since the latter are endowed with much broader organizational and labor powers and are able to dictate working conditions to all subordinate structures.

European trade union federations partly solve the problem of strengthening their role in the labor markets by increasing the level of membership through the structure of motivating existing representatives and involving new young professionals. Unlike the European Federation of Trade Unions, the Armenian trade unions cannot freely carry out their activities, since they are financially limited by funds from trade union fees and small injections from employers. In addition, it is possible to increase the level of authority of trade unions among employees of enterprises by expanding the functional structure: in addition to the main representative, organizational and protective functions, an economic one can be added, which could allow trade unions to switch to self-financing. Achievement of the most effective forms of activity of the European Trade Union Federations is facilitated by the formation of their own model of interaction of trade unions with workers, employers, various institutional structures of various levels, government bodies, developed taking into account industry and territorial affiliation. In the modern period, the following models are known:

- “Conciliation model”, which is characterized by active forms of interaction between trade union bodies and government agencies, a high level of centralization of collective bargaining processes (this model is typical for Nordic countries such as Norway, Finland, Denmark, the Netherlands);
- The “pluralistic model” does not provide for serious legally fixed interrelationships, it is regulated by collective and contractual processes, which are mainly concentrated not at regional and federal levels, but on the basic basis of individual enterprises (this model is adopted in countries such as Canada, USA, Great Britain );
- “paternalistic model”, formed in Japan on the basis of a life-long employment system, which presupposes the superiority of the employer's position in solving economies and social problems and the position of subordination on the part of the employee seeking to reimburse the costs of the employer, which provides guarantees of life employment;
- “model of social partnership”, which is based on trilateral cooperation, carried out at various levels and supported by the provisions of the labor code of the EU member states (this model is also developing in the EAEU countries and post-Soviet countries).

The formal version of the relationship between the trade union and workers is dictated, in most cases, by the unwillingness of employers to make concessions due to historical, social and civilizational preconditions. At the stage of formation, trade unions had a significant social and economic power, since in the event of confrontation between workers and employers, strikes and strikes could be a critical moment in resolving conflicts. Modern European trade unions have such real power, as a result of which there are strong levers of pressure on employers, and partnership and dialogue between employers and trade unions have been modernized, becoming dynamically constructive. One of the ways to solve this problem on the part of EU institutions is to strengthen the integration of European trade union organizations along vertical and horizontal hierarchical links.

Modern conditions of competition in the EU labor market presuppose a process of continuous professional self-improvement of workers. At the same time, the degree of responsibility for conducting training and retraining courses for employers is legally absent, and all problems are shifted to employees, which is one of the main problems in the general system of interaction between employees and employers. In the conditions of the formation of an innovative economy, it is important to take into account the fact that the model of maximizing profits and minimizing the employer's costs through labor is no longer relevant. Its place is taken by the model of social orientation of the employer, which assumes, as a priority, the provision of comfortable working conditions and social guarantees for employees as a guarantee of more efficient work and higher productivity. Over the recent period, there has been a slight increase in youth unemployment, and this factor is key in determining the strategy for choosing the priority areas of trade union activity for the next period, since young people form the promising dynamics of the labor market development (*Piasna and Myant 2017*).

In this regard, it should be noted that it is especially important to adjust the activities of trade unions in solving problems aimed at reducing the level of youth unemployment within the framework of effective mechanisms of social partnership:

- Increase in the share of costs for investment policy in the labor market of young specialists, for example, financial support for young specialists who are employed in non-profitable sectors of the economy (education, culture, healthcare, etc.), creation of social mechanisms for adaptation of young specialists in the market labor, etc.
- Strengthening the struggle at enterprises to eradicate age and gender discrimination by creating optimal conditions for employers (for

example, a slight reduction in tax payments for employers hiring young specialists without work experience);

- To provide conditions for organizing and spending leisure time with the assistance of a trade union organization, etc.

In addition, the issue of increasing the degree of efficiency of the work of trade unions within the enterprise is relevant. In this regard, it is necessary to comprehensively solve the problem of expanding the functional areas of activity involved in the system management system: 1) Consulting management involves the organization of work to provide information, legal, industrial, economic and social support to employees; 2) Expert management includes the functions of ensuring the social, economic, industrial and technological activities of employees at the enterprise, as well as monitoring the elimination of deficiencies; 3) Representative management and PR-management consists in the formation of strategies for delegation of authority and a system of presentation of the trade union in the internal and external production environment. This means that in order to ensure the effectiveness of systems management, it is necessary to provide professional representation, which must reflect humanistic and objective criteria. Humanistic criteria imply that the content of the activity corresponds to the personal characteristics of the employee, his value orientations and the degree of satisfaction from the work performed. Objective criteria reflect the employee's compliance with job requirements. Thus, it can be noted that the mission of trade union organizations should not be limited to the protection of labor rights of workers in enterprises (*Heyes and Lewis 2014*). As an institutional organization, the trade union should form a single social, economic, cultural and historical space of the national labor market, as well as contribute to an increase in the efficiency of interaction between its institutions, which will generally have a beneficial effect on increasing labor productivity, the level of income of the population and improving the quality of human capital.

### ***SOCIAL PARTNERS***

The social partner organisations represent the interests of European workers and employers. The main cross-industry organisations representing social partners at EU level are:

- the European Trade Union Confederation (ETUC);
- the Union of Industrial and Employers' Confederations of Europe (BUSINESSEUROPE);
- the European Association of Craft, Small and Medium-sized Enterprises (UEAPME)
- the European Centre of Enterprises with Public Participation (CEEP).

Alongside these cross-industry organisations are many other socio-professional

groups representing specific or sectoral interests.

Article 152 of the Treaty on the Functioning of the EU recognises the role of the social partners in labour relations and European social dialogue. They represent their members during consultations with the Commission and the negotiation of collective agreements.

They also sit with the European Economic and Social Committee, alongside other organisations representing civil society.

Source: [https://eur-lex.europa.eu/summary/glossary/social\\_partners.html](https://eur-lex.europa.eu/summary/glossary/social_partners.html).

The EU is currently experiencing a crisis in the trade union movement, accompanied by a difficult and tense social and economic situation. In many EU states, sovereign debt has reached the highest possible level. The ETUC, which brings together 10 European trade union federations, is taking to the streets hundreds of thousands of workers with demands to abandon the introduction of appropriate economic measures that entail cuts in spending on social programs, higher taxes, and cuts in wages and pensions. It is important to note that along with other trade union organizations: “Ten European trade union federations are affiliated to the ETUC. They represent workers in different industrial sectors, ranging from journalism and manufacturing to public services and the police. Trade union federations are responsible for European social dialogue at sectoral level.”<sup>1</sup>

The main challenge facing the European Federation of Trade Unions and the EU labor market is high unemployment. A particularly unfavorable situation is observed in the labor markets of Spain, Italy, Cyprus and Greece, where every fourth able-bodied citizen lost his job due to the crisis. In this situation, the EU institutions are forced to restrain access to the EU common labor market for citizens of the recently joined states. So, in December 2012, the European Commission<sup>2</sup> again introduced restrictions until 2014, which should have been lifted back in 2011, regarding access to the common labor market for workers from Romania and Bulgaria. Under these conditions, in order to relieve social tension in the EU, an active reform of European labor supranational legislation is being carried out, its positions are being strengthened, and the common labor market is strengthening. From the point of view of a number of researchers, it is important to note that “under these circumstances, fiscal policy tools became practically unavailable, especially to those EU member states that were most severely hit by the Great Recession and accumulated excessive public debt.

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<sup>1</sup> ETUC (2019) “Organisation and people.” Accessed August 29, 2019. <https://www.etuc.org/en/organisation-and-people>.

<sup>2</sup> An official website of the EU (2012) “Commission authorises Spain to extend existing temporary restrictions on Romanian workers.” Accessed August 29, 2019. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_12\\_1440](https://ec.europa.eu/commission/presscorner/detail/en/IP_12_1440).



Moreover, many of those countries were unable to wield their monetary policy tools, having forfeited them to the European Monetary Union. Consequently, mobility of labor and other factors of production remained one of few alternatives to sluggish internal depreciation accompanied by unemployment and other resource slacks.” (*Kahanec, Pytliková and Zimmermann 2014*).

Legal regulation of labor relations has reached a qualitatively new level. EU institutions adopt a large number of acts on the establishment of labor standards, regulation of employment, the status of the unemployed, equal protection of the rights of workers, including their most vulnerable groups, advanced training and training of workers throughout their lives, and encouragement of their mobility in the territory of the EU. In 2009, the Lisbon Treaty entered into force, on the basis of which powers were redistributed in the field of regulating labor relations between member states and EU institutions in favor of the latter. This speaks to the strengthening of integration in the labor sphere. A year later, the European Commission developed the Europe 2020 Strategy<sup>3</sup>, which defines the social and economic priorities of trade unions.

Trade unions and EU labor law have developed as an integral system of norms and constitutes an independent branch of EU law. This follows from the fact that it has its own subject of regulation, a qualitatively homogeneous type of labor relations of working citizens of the European Union, and its own method of legal regulation. The subject of EU labor law also includes the regulation of relations closely related to labor, namely pre-production relations, monitoring at the EU level over compliance with European supranational EU labor legislation, ensuring the participation of workers and trade unions as parties to labor legal relations in the establishment of working conditions. In June 2013, the European Parliament and the EU Council approved the EU Employment and Social Innovation Program 2014-2020<sup>4</sup>, aimed at improving the regulation of labor and social relations in the EU. All this requires an analysis of significant changes in labor regulation in recent years, determination of the further vector of EU development, which confirms the relevance of this work.

A distinctive feature of EU labor law is that its subject matter also covers the regulation of the freedom of movement within the EU of workers who are

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<sup>3</sup> An official website of the EU (2019) “Europe 2020 Strategy.” Accessed August 29, 2019. [https://ec.europa.eu/regional\\_policy/en/policy/what/glossary/e/europe-2020-strategy](https://ec.europa.eu/regional_policy/en/policy/what/glossary/e/europe-2020-strategy); Eurostat (2019) “Europe 2020 - Overview.” Accessed August 29, 2019. <https://ec.europa.eu/eurostat/web/europe-2020-indicators#:~:text=The%20Europe%-2020%20strategy%20is,a%20sustainable%20social%20market%20economy>.

<sup>4</sup> An official website of the EU (2019) “EU Programme for Employment and Social Innovation (EaSI).” Accessed August 29, 2019. <https://ec.europa.eu/social/main.jsp?catId=1081>.

citizens of EU member states for the purpose of employment. EU labor law regulates the formation and functioning of a single labor market for the entire integration association.

A distinctive feature of the EU labor law method is a combination of supranational (EU institutions) and national (member states) regulation of labor relations. At the same time, EU labor law incorporates the most advanced labor law norms of individual member states and independently develops new, advanced labor standards that are uniform for the entire integration community. The characteristic features of EU labor law also include a combination of peremptory (directives, regulations, decisions), dispositive (labor contracts) and recommendatory (recommendations, conclusions) methods of regulation.

The EU labor law system is determined by a set of legal norms that form a single whole, consisting of interrelated elements, and includes such institutions as employment, individual and collective labor relations, freedom of movement of workers, and labor protection. Labor law of the EU as an industry is based on a large array of legal norms contained in the sources of primary (founding agreements) and especially secondary (regulations of EU institutions) European law. At the same time, the main body of labor law norms are introduced by directives, which, given the peculiarity of these acts, predetermines in the present historical period the dominance of the processes of harmonization of the common European labor law over its unification. This testifies to the reluctance of the member states to completely transfer to the top, that is, to the EU level, the regulation of all labor relations. The form of the directive was chosen by the European legislator with the aim of achieving a more flexible mutual integration of the norms of the national legislation of the member states and supranational labor standards. EU labor law is a set of interrelated legal norms regulating an independent, qualitatively unique sphere of labor relations in the EU and requiring special legally autonomous regulation. This is an autonomous system of legal norms formed in connection with the establishment and functioning of the earlier European Communities, then the EU on the basis of and in accordance with the founding agreements and general principles of European law, possessing all the features of the EU law as a unified interstate integration association. In addition to secondary law, decisions of the Court of Justice of the EU (CJEU)<sup>5</sup> are of particular importance as a source of labor law. At the same time, the CJEU is taking an increasing number of decisions in favor of expanding

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<sup>5</sup> An official website of the EU (2019) "Court of Justice of the EU (CJEU)." Accessed August 29, 2019. [https://europa.eu/european-union/about-eu/institutions-bodies/court-justice\\_en](https://europa.eu/european-union/about-eu/institutions-bodies/court-justice_en); CJEU (2019) "General Presentation." Accessed August 29, 2019. [https://curia.europa.eu/jcms/jcms/\\_6/en](https://curia.europa.eu/jcms/jcms/_6/en).

the powers of EU institutions, obliging member states to more clearly and strictly follow the requirements of EU labor law. In particular, the CJEU played an important role in detailing the content of many key concepts of labor law of the European Union, clarifying the EU acts regulating labor relations, issues related to the international legal personality of the Union. With regard to Community and Union law, the CJEU formulated in a number of its decisions the need to apply such basic principles as the principle of protection of human rights, the rule of European law, direct action, subsidiarity, that is, the principles that played a key role in the formation of EU labor law. The number of appeals from the judicial institutions of the member states to the CJEU under the pre-judicial procedure on the freedom of movement of workers and the principle of non-discrimination in the labor sphere is steadily increasing.

A significant obstacle to the development of trade unions and the right to freedom of movement of workers within the EU is the issue of the recognition of professional qualifications. In considering violations by Member States of the norms related to the recognition of professional qualifications, the CJEU in its early decisions assessed this problem only in relation to the freedom of movement of legal entities (freedom of establishment). The practice of the CJEU has shown that the right to recognition of professional qualifications is inseparable from the freedom of movement of workers and, therefore, member states, when granting such a right, are obliged to be guided by both the principle of non-discrimination and the principle of proportionality. In the context of the current migration crisis, that is, the Open Method of Coordination (OMC) to achieve full employment and maximum social protection, as well as new strategies for the development of the social and labor sphere in the EU, did not meet expectations. There is no monitoring procedure in EU law that would allow tracking progress in the implementation of these strategies and providing a link between member states and EU institutions. For stability in the social and labor sphere in a crisis, it is necessary to detail and simplify the system of indicators, as well as to take measures to more effectively implement the method of coordination between EU institutions and member states, create the possibility of compulsory fulfillment of the obligations of states and the application of sanctions to the violating countries financial and budgetary discipline.

### **OPEN METHOD OF COORDINATION**

*The open method of coordination (OMC) in the European Union may be described as a form of 'soft' law. It is a form of intergovernmental policy-making that does not result in binding EU legislative measures and it does not require EU countries to introduce or amend their laws.*

*The OMC, originally created in the 1990s as part of employment policy and the Luxembourg process, was defined as an instrument of the Lisbon strategy (2000). This was a time when EU economic integration was advancing quickly but EU countries were reticent to give more powers to the European institutions.*

*The OMC has provided a new framework for cooperation between the EU countries, whose national policies can thus be directed towards certain common objectives. Under this intergovernmental method, the EU countries are evaluated by one another (peer pressure), with the Commission's role being limited to surveillance. The European Parliament and the Court of Justice play virtually no part in the OMC process.*

*The OMC takes place in areas which fall within the competence of EU countries, such as employment, social protection, education, youth and vocational training.*

*The OMC is principally based on:*

- *jointly identifying and defining objectives to be achieved (adopted by the Council);*
- *jointly established measuring instruments (statistics, indicators, guidelines);*
- *benchmarking, i.e. comparison of EU countries' performance and the exchange of best practices (monitored by the Commission).*

*Source: [https://eur-lex.europa.eu/summary/glossary/open\\_method\\_coordination.html#:~:text=The%20open%20method%20of%20coordination,introduce%20or%20amend%20their%20laws.](https://eur-lex.europa.eu/summary/glossary/open_method_coordination.html#:~:text=The%20open%20method%20of%20coordination,introduce%20or%20amend%20their%20laws.)*

An analysis of the state of affairs in the social and labor spheres of the EU showed that in the course of reforming labor legislation in Armenia, special attention should be paid to the regulation of issues such as the mechanism for resolving collective labor disputes, the implementation of social partnership and cohesion, reducing the difference in incomes of employees of enterprises, corporations, and also the ratio of the minimum wage and the subsistence level, protection of workers' rights in the event of an employer's bankruptcy. When comparing the collective labor law of Armenia and the EU, it becomes obvious that the domestic norms governing the rights of trade unions and the procedure for holding strikes need more detailed regulation.

### 9. Social partnership structure

Labor relations are usually defined as the social interaction between the employee and the employer that arises in the process of the employee's inclusion in the labor activity demanded by the employer, for which the employee receives a salary. The elements of labor relations are hiring and firing relations, working conditions, work and rest hours, the distribution of labor functions and duties between employees by the employer, remuneration, a system of additional remuneration for intensive work and disciplinary sanctions for non-fulfillment of official duties. At the same time, the analysis of labor relations should not be limited to a separate organization, since they are subject to legislative norms developed and controlled by the state together with public organizations. Moreover, in the public sector of employment, the state acts as the main employer and owner of organizations.

The public sector of employment includes two groups of organizations: budgetary institutions and state enterprises. Budgetary institutions are non-profit organizations financed from the state budget and fully owned by the state that perform certain socially significant functions, for example, institutions of social services, health care, science and culture, educational institutions, etc. states are profit-oriented commercial enterprises. The private sector of employment includes a variety of fully privately owned enterprises. In this case, the owner can also be a whole group of persons. A number of sources analyze the main differences between the state and non-state employment sectors.

Despite the differences, the state and non-state employment sectors are interconnected by the fact that they are guided by each other when determining the goods, services and working conditions in demand. Within the employment industry, sectors compete with each other, which also affects labor relations in the organizations of these sectors. Using the example of the social services industry, we note that the proliferation of commercial enterprises forces budgetary institutions to expand the list of offered types of social services and increase the demand for workers responsible for the quality of services provided. In turn, private enterprises are guided by the offer of unique types of services that are absent in the public sector. At the same time, they, being much more independent in determining working conditions, are interested in attracting talented specialists by offering decent wages, which are significantly higher in terms of salaries in the public sector.

### **SOCIAL DIALOGUE**

*'Social dialogue' describes the negotiations conducted by the social partners (i.e. employers' and workers' organisations) in order to defend the interests of their members. It is recognised as an EU objective under Article 151 of the Treaty on the Functioning of the European Union (TFEU).*

*Social dialogue contributes to the development of European social policy. The social partners are involved in discussions, consultations, negotiations and joint actions conducted at European level, in addition to those conducted at national level.*

*Prior to taking action in the social field, the European Commission must consult the social partners (Article 154 TFEU). Then, the partners can negotiate agreements that can be implemented independently according to their national practices, or request their implementation through a Council decision (Article 155 TFEU).*

*European social dialogue may be either:*

- *tripartite (social partners and EU institutions) or*
- *bipartite (employer organisations and trade unions).*

*Examples of agreements resulting from social dialogue include those on harassment and violence at work (2007) and on inclusive labour markets (2010).*

*See also:*

- *Charter of Fundamental Rights*
- *European Economic and Social Committee (EESC)*
- *Social partners*
- *Social policy*
- *European Commission's social dialogue website*

*Source: [https://eur-lex.europa.eu/summary/glossary/social\\_dialogue.html](https://eur-lex.europa.eu/summary/glossary/social_dialogue.html)*

Social partnership in labor relations in any organization has a legal basis, because it is regulated by the EU labor law and the labor legislation of the EU member states. An analysis of EU labor law shows that the forms, principles, functions of social partnership, the rights and obligations of its actors have been determined. Labor rights, social guarantees for workers and employers and the possibility of their social protection are spelled out in sufficient detail. The responsibility of the employer for obstructing workers in the creation of trade union organizations was established.

An analysis of possible shortcomings of the labor legislation of Armenia and other countries of the Eastern Partnership shows the following grounds for its criticism: 1) Equating the minimum wage to the subsistence minimum. In the EU member states, the minimum wage is set much higher than the subsistence minimum to ensure the ability to meet the needs of not only the worker himself, but also his family; 2) The assumption of many issues on which the personal consent of the employee is sufficient; 3) Insufficiently clear consolidation of the procedure for certification of workplaces for working conditions for all

enterprises; 4) Lack of guarantees for workers in non-standard forms of employment, for example, in outstaffing, outsourcing.

Based on a comparative analysis of the labor legislation of Armenia and the EU member states, a number of additions to the labor legislation of Armenia become relevant:

- Adding such forms of social partnership as participation of workers in labor protection measures; participation of representatives of employees and employers in the management of state extra-budgetary funds and participation of representatives of employees and employers in promoting employment of the population;
- Consolidation in labor legislation of clear powers of the labor collective, the Soviets created by it and empowering these Councils with the right to represent the interests of all employees. The example of Germany shows that labor and supervisory councils formed in labor collectives take part in the regulation of labor relations at enterprises;
- An institution based on the German model of the labor justice system, composed of representatives of trade unions, employers' associations and professional judges. Labor courts should be empowered to hear individual and collective labor disputes.

Despite criticism of certain aspects, the legal foundations of social partnership in our country are generally well developed. To ensure the effective implementation of legal norms in the structure of social institutions, there are organizational mechanisms, which are the system of social policy of the state and various public organizations. The practical implementation of the state's social policy should be analyzed by a combination of quantitative indicators and qualitative characteristics. As a quantitative method for analyzing the implementation of social policy, it is advisable to use the method of optimal intervals. It consists in comparing real trends with the optimal permissible values of specific indicators, the data of which are based on a comparison of various formal and informal statistical documents.

With the shortcomings of the state's social policy, an important role in protecting the labor rights and interests of workers and employers should be played by civil society organizations and trade unions, employers' associations, and other public organizations. In Armenia, the functions of traditional and independent trade unions differ. Traditional trade unions at the enterprise level are mainly aimed at dialogue with the employer, alternative trade unions are aimed at pressure and appeal to legal norms. There is a point of view that the main problem that hinders the effective functioning of the institution of traditional trade unions on the example of the Confederation of Trade Unions of

Armenia (CTUA) is its undemocratic nature. The members of such a trade union are often poorly aware of their rights, the content of the collective agreement and cannot influence the election of a trade union leader. Even that part of people who are familiar with the collective agreement do not have the opportunity to express criticism. Moreover, the election of trade union leaders is often agreed in advance with the administration. Also, members of the trade union are poorly informed about the activities of higher trade union structures.

The following optimal measures are suggested:

- The active participation of individual workers in the creation and operation of the trade union. It is largely ensured by the contact of management with all individual members of the union, and not with an elected part of it. This can be achieved by interacting with employees of different workshops or departments at their workplaces, admitting to the trade union on personal matters, holding open meetings.
- Comprehensive, open, collective discussion of all issues.
- Conducting free and democratic elections of trade union bodies with the direct participation of all trade union members. At the same time, each of the members of the trade union must be provided with the necessary information.
- Taking a clear position by trade unions in relation to employers, the state, parties and movements, which should not change depending on the government. Understanding by trade unions of the economic difficulties of the state and employers should not interfere with the protection of workers' interests.
- Development of own criteria for the effectiveness of collective agreements and agreements.
- A wide presentation to the society of ideology, goals, plans, programs, alternative solutions to social problems.
- Development of a system for informing, consulting and training trade union members.

Employers' associations perform two important functions: interaction with trade unions and the state on social partnership issues and protecting the rights and interests of business from pressure from various officials. Many employers of small and medium-sized enterprises are reluctant to join these associations due to additional obligations in the absence of social and economic incentives. This situation worsens the situation, on the one hand, for employers themselves, who are unable to defend their interests and, on the other hand, for trade unions, which often have no one to discuss with anyone on the regulation of labor



relations. Along with the formal social institutions and norms discussed above, informal norms and patterns of labor behavior produced by the institute of labor culture play a huge role in the implementation of social partnership. An urgent problem in our country, which has been noted and noted by many researchers, is non-compliance with legal norms, their inconsistency with the prevailing informal norms and patterns of labor behavior. Employers have the ability to circumvent formal regulations through authority or pressure. Employees, in turn, are guided by the informal norms promoted by the employer. The most stable in their jobs are those workers who know how to behave in accordance with prevailing informal norms and patterns of labor behavior.

Note that the successful struggle for the right not to join a trade union, manifested in the appeal to the court on this issue, indicates a high level of activity of workers. Activity and solidarity are important conditions for the fulfillment of the function of protecting labor interests by the work collective. A solidary labor collective can contact the employer, regional public organizations and government bodies that carry out social protection in the labor sphere. At the same time, the work collective can be dysfunctional: instead of a protective function, it can, on the contrary, act as an institutional mechanism that brings the behavior of all workers in line with the norms promoted by management. Thus, the formation of a labor collective as a subject of social partnership largely depends on the work culture of its employees. Informal norms and dominant attitudes of work behavior are part of work culture.

Armenia has developed its own specific type of labor culture, remote from both Western and Eastern countries. Based on this type, the researcher characterizes the model of labor relations, which seems to be suitable for all categories of workers. The organization should form a team oriented towards cooperation and mutual assistance to achieve the common goals of the organization, and not rivalry for personal gain. The leader of this team is the most competent employee who is a professional in his field, consulting with the team when making all decisions. In the work, all possible situations are thought out in advance and an algorithm of actions in each of them is developed, which must be followed in order to avoid risk.

There is a study of the difference in the work attitudes of workers in domestic and foreign organizations. According to its results, the authoritarian style of decision-making dominates in domestic organizations, employees are excluded from this process and consider it normal. In foreign organizations, employees are on a large scale and are more actively involved in the decision-making process; initiative employees are valued more. At the same time, three quarters of employees are excluded from the decision-making process on

strategically important issues. In foreign organizations, the factors of admission to participation are professional competence, creativity and the availability of communication skills. In domestic organizations, social and network advantages play a major role.

Thus, in modern Armenia there are legal foundations of European social partnership, at the same time, their practical implementation is hampered by both the insufficient formation of the organizational foundations and the specific culture of work. Many workers are not inclined to unite for the collective realization of labor interests; they are guided by informal practices of labor relations and adaptation to informal norms and patterns of labor behavior. Nevertheless, the high volume of social resources of workers improves their position in the system of informal labor relations, which is especially evident in the non-state sector. Based on the theoretical foundations of European social partnership, it is necessary to build a conceptual model of social partnership.

The prerequisites for social partnership will differ depending on the sector of employment to which the organization belongs, based on the differences in labor relations in the public and non-public sectors of employment. The identification of these prerequisites and the determination on their basis of the model of social partnership, which is most likely in the organization of a certain employment sector, are necessary for the further institutionalization of the practices of social partnership in labor relations in modern Armenia.

Social partnership in labor relations is understood as a special type of social interaction based on the mutual coordination of the labor interests of employees or their representatives and employers or their representatives. The institutional foundations of social partnership in labor relations are labor law norms adopted by state institutions with the participation of civil society institutions, organizational mechanisms in the form of social policy of the state and civil society organizations that ensure compliance with these norms, as well as informal norms and patterns of labor behavior produced by the institute of culture. labor, the observance of which is ensured by the labor collective. Institutional social partnership presupposes well-established practices of social partnership, which are regulated by labor law and are implemented with the participation of collective entities endowed with formal powers. It is also necessary to take into account non-institutional practices of social partnership, which are of a regular and conditional nature, combined into four main models: the model of corporate solidarity, the model of group solidarity, the model of individual business partnership and the model of conflict confrontation. Indicators that allow to determine the presence of institutional social partnership, or to identify a model of non-institutional social partnership in the

organization of any sector of employment, are: participation of workers in management decisions affecting the labor interests of workers; assessment by employees of the activities of the trade union in the protection of labor rights and interests (if there is a trade union); regulation of work, labor rights and obligations, including payment and compensation for any additional work that is not part of labor duties or takes non-working time; the nature of the employees' performance of their work duties; the ability of employees to perform their work duties without the help of an employer; lack of paternalism.

The optimal theoretical approaches to the study of the institutional foundations and practices of realizing social partnership in labor relations in the EU and Armenia are institutional, cultural, resource and activist approaches. The combination of these approaches makes it possible to take into account formal and informal social institutions, to reveal the role of human activity in the transformation of these institutions and the influence of social resources on the possibility of this activity. The structure of an employee's social resource includes three interconnected levels: social and cultural resources (level of education; knowledge of their labor rights, duties and the procedure for their protection; computer skills; knowledge of programs for processing and analyzing a large array of quantitative data; knowledge of a foreign language; organizational skills); resources of social connections (belonging to groups that provide more, in comparison with the main job, a source of income) and individual and personal resources (personal qualities that ensure readiness for social partnership, that is, communication skills with different people, including difficult ones; the ability to adapt to any situation; resistance to stress; the ability to work in a large volume of tasks or work functions; the ability to make quick decisions; attentiveness; learnability; punctuality).

Comparative analysis of social partnership shows the weak implementation of institutional social partnership in labor relations in modern Armenia. The legal norms of social partnership are well developed, at the same time, their practical implementation is hampered by both organizational problems associated with the imperfection of the social policy of the state and the low efficiency of public organizations of workers and employers, and the specific system of informal norms and patterns of labor behavior that make up the institution of labor culture. To institutionalize the practices of European social partnership identified in organizations of various sectors of employment, a number of measures are needed on the part of state institutions and civil society organizations. The social policy of the state should include such measures as the legislative establishment of the minimum wage limit above the subsistence level; endowing any independent trade union with the official right to act as an actor in

social partnership, without the consent of which no law or other normative document can be adopted; reinforcing, using the example of the German experience of social partnership, the official powers of the labor collective and the Councils created by it in representing the interests of employees at any level; introduction of requirements for a collective agreement based on the principles of complementarity and uniqueness in relation to the current labor legislation, as well as reporting on each of the provisions of this agreement; improving the mechanisms of control over the distribution of funds for remuneration of workers in the public sector of employment; reducing the political and ideological influence on these workers; creation of a developed system of informing and consulting entrepreneurs, improving mechanisms for supporting small and medium-sized businesses, protecting them from the excessive influence of various civil servants and pressure from large businesses. On the part of traditional trade unions, it is necessary to increase openness in interaction with all employees, in discussing any issues affecting the interests of the labor collective; improving the system of elections for trade union leaders; determination of a clear ideological position that does not change depending on the arrangement of power actors; presentation to various strata of society of their ideology, goals, plans, programs, alternative options for solving social problems; development of own criteria for the effectiveness of collective agreements; development of a system of information, consultation and training of trade union members. Alternative trade unions should complement their activities with such functions as conducting information and explanatory work about their activities among public sector employees, developing cooperation with heads of budgetary institutions, organizing and conducting free legal seminars. Associations of employers also need to carry out informational and explanatory work among employers, first of all, small and medium-sized businesses, to organize free legal seminars for these employers.

### Conclusion

The topic of labor migration in the EU is studied in the context of political factors, demographic trends, transformations in the European economy and the labor market, cultural and confessional changes and other relevant trends observed in the EU member states. This textbook reveals the characteristic features of the changing labor migration situation in the EU, especially after the critical situation related to refugees that arose in 2015, highlight the key trends of migration processes and their specifics in the EU member states.

A comparative political analysis of the evolution of migration flows has made it possible to identify the stages of migration and their features. Each stage was characterized by the reform of migration models and the modification of policies in relation to migrants and refugees, the determination of priorities in the regulation of migration processes. Particular attention is paid to the impact of the migration factor on the integration processes in Europe.

The constantly changing migration situation in the context of globalization and the development of European integration have led to a change in the theoretical approaches of European scientists to the problems of migration. New theories and models reflected specific stages in the development of the EU and its member countries. But in general, European studies of labor migration topics are still in their infancy in Armenia. They focus on the specifics of labor migration and the attraction of highly qualified specialists, the problems of refugees and illegal migrants, the growth of the Muslim population, the patterns of formation of Muslim communities and other, more private issues.

The first two stages of migration to the EU (three post-war decades and the period from the mid 1970s to the mid 1990s) were not characterized by serious problems with newcomers. The presence of foreign cultural migrants did not raise concerns among the indigenous population and the political establishment and did not affect the social systems of European countries. The third stage, which began in the mid-1990s, was associated with the accumulation of migration problems, the creation of prerequisites for a global migration turn, the intensification of contradictions between demographic processes, the needs of the labor market, the predominance of family migration, and increased internal mobility of the population after the significant expansion of the EU. During this period, a common European migration policy began to form.

The fourth stage, which began at the end of the first decade of the 21<sup>st</sup> century and continues to this day, is characterized by two oppositely directed

trends. On the one hand, such EU initiatives as the introduction of a “blue card” for qualified specialists and the development of principles for a common refugee reception system indicate the emerging convergence of approaches of the EU countries to solving migration problems. On the other hand, the rapidly growing migration has become a destabilizing factor affecting the integration processes in a united Europe and leading to the growth of nationalist sentiments in individual EU states and the formation of blocs of countries within the EU, which have different views on existing challenges. In addition, there is a split in the main areas of migration policy: interstate cooperation, social, confessional, etc.

The formation of a supranational format for European migration policy has encountered growing contradictions between individual member states and the erosion of the principle of solidarity in solving the problems of refugees and illegal migrants. Changes in the quantitative and qualitative composition of migration flows, the emergence of the Muslim factor led to an increase in risks and increased migration pressure on all EU countries, to a violation of the established balance between the indigenous and foreign populations, to a change in the ethnic, confessional and cultural configuration of the European society. A tendency has emerged to gradually replace the indigenous population in certain niches in the labor market. A “guest” model of stay and behavior began to form, when migrants get the most from the host countries, without integrating into their society, observe their traditions and maintain cultural ties with their homeland. This led to the emergence of “parallel societies” in many European countries. The growth of the Muslim population, the strengthening of the role of Islam, the establishment of large Muslim diasporas with their own way of life, continuing military conflicts near the EU borders, terrorist attacks in a number of countries pose a threat to security and stability in Europe.

The European “refugee crisis” has led to negative consequences for the economies of the EU countries, especially those where refugees and illegal immigrants originally arrived (Italy, Greece), as well as economically prosperous countries that became their final destination (Sweden, Germany, Austria, France and etc.). To a much lesser extent, the states of the Visegrad Group with restrictive migration policies, as well as Great Britain and Ireland, located far from the main migration routes, were affected. In contrast to regulated labor migration and the influx of qualified personnel and students, which in the short and long term make a positive contribution to economic development (growth of GDP, tax revenues, etc.), refugees create a load on the social system of the EU countries, government spending on their device and adaptation. A positive return on their employment can be predicted only in the long term.

The host countries of the EU have not yet been able to effectively adapt to the massive influx of refugees, illegal immigrants, the growth of family and humanitarian migration at the supranational level, develop an adequate migration policy that takes into account the specifics of all European countries, the refugee reception system and redistribute the migration burden. EU Member States use different approaches, mechanisms and tools. However, as the study of the experience of individual countries has shown, regardless of whether it is about the economy or migration, in crisis situations national interests come first, which upsets the delicate balance of the two-tier system of regulation of migration processes in the EU. The general supranational format is not able to take into account all the features of the migration interests of the member states, which differ in the level of social and economic development, cultural traditions, migration history and experience, and are also at different levels of integration due to different terms of accession to the EU.

The country analysis of the experience of solving migration problems showed that the two trends, migration and integration, often develop in different directions. This leads to the periodic emergence of disintegration and crisis tendencies within the EU, the coexistence of centrifugal and centripetal tendencies, which until recently was difficult to imagine. Although the processes of slowing down and accelerating European integration were observed throughout the entire period of existence of the EU, until recently this was not associated with the migration factor.

Studying the experience of adaptation and integration of labor migrants in the EU member states, the use of new models of inclusion of migrants in the society of host countries, alternative to multiculturalism, recognition of their values can be useful for the countries of the South Caucasus, which also faced ethnic, confessional and cultural diversity. However, in the EU countries, there is still a tendency towards the reluctance of migrants to integrate into society and insufficient attention of the receiving countries to the cultural adaptation of migrants and the establishment of links between newcomers and the indigenous population at the local level.

The comprehension of the European approaches to the harmonization of the rights of labor migrants with their obligations considered in the monograph is an important direction of the textbook, as well as the strategy of integration of migrants and refugees. The failed multiculturalism has been replaced by such methods as social and civic integration, interculturalism, using the micro-level and an individual approach in the adaptation of migrants and social integration.

The prospects for migration processes in the EU depend on what scenario they will develop (zero migration or high rates of its growth), on their qualitative

composition and the ability of the EU member states to accept, distribute migrant flows and gradually integrate them into European society. This process is rather complicated and long-term. Most likely, migration will be wavy in nature with periodic growth and decline. A common European migration policy will adjust to changing national approaches to the new migration situation and try to level them out. The irreversibility of migration processes and its transformation into a structural factor of the economy will require a more thorough study of methods for regulating migration and defining long-term goals and priorities at two levels - supranational and national.

Interstate regulation of migration processes with donor countries is no less important, since the EU will remain one of the most attractive destinations for migrants. The EU is now facing the problem of how to make the migration policy effective, more flexible and adequate in the new conditions, and the supranational regulatory institutions really correspond to functional integration, taking into account the constantly changing transition of powers from the national to the supranational level and vice versa, especially during crises.



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## Glossary on Labour Migration

- **Bilateral labour migration agreements** - “agreements concluded between two States, which are legally binding and are essentially concerned with inter-State cooperation on labour migration.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.14).
- **Candidate countries** - “At present there are five official candidate countries for membership of the European Union (EU): Accession negotiations with Turkey started on 3 October 2005. Accession negotiations with North Macedonia granted candidate country status by a European Council decision of December 2005, have not yet started. Montenegro was made a candidate country on 17 December 2010 and accession negotiations started on 29 June 2012. Serbia was granted candidate country status on 1 March 2012. Accession negotiations were launched through the first Intergovernmental Conference with Serbia on 21 January 2014. In addition, there are two potential candidates, both in the Western Balkans, who have applied for membership but have not yet been granted candidate country status: Bosnia and Herzegovina; Kosovo.” (Source: Eurostat. 2019. “Glossary: Candidate countries” [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Candidate\\_countries](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Candidate_countries)).
- **Circular migration** - “A form of migration in which people repeatedly move back and forth between two or more countries.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.27).
- **Climate migration** - “The movement of a person or groups of persons who, predominantly for reasons of sudden or progressive change in the environment due to climate change, are obliged to leave their habitual place of residence, or choose to do so, either temporarily or permanently, within a State or across an international border.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.29).
- **Documented migrant worker** - “migrant workers and members of their families are considered as documented or in a regular situation if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party.” (Source: *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted by General Assembly resolution 45/158 of 18 December 1990)*, Art. 5).
- **Emigration** - “From the perspective of the country of departure, the act of moving from one’s country of nationality or usual residence to another country,

so that the country of destination effectively becomes his or her new country of usual residence.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.62).

- **Environmental migrant** - “A person or group(s) of persons who, predominantly for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are forced to leave their places of habitual residence, or choose to do so, either temporarily or permanently, and who move within or outside their country of origin or habitual residence.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.62).
- **Facilitated migration** - “Regular migration that has been encouraged or supported by State policies and practices or by the direct assistance of international organizations to make the act of migration and residence easier, more transparent and more convenient.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.69).
- **Family migration** - “A general concept covering: 1) family reunification of spouse, parent, children or other relatives; 2) family formation or new marriage of a migrant with permanent residents or citizens; or 3) family accompanying a family member entering at the same time as primary migrant.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.69).
- **Feminization of migration** - “The changing nature of women’s migration, reflecting the fact that more women migrate independently rather than as members of a household, and are actively involved in employment.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.71).
- **Forced migration** - “A migratory movement which, although the drivers can be diverse, involves force, compulsion, or coercion.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.75).
- **Frontier worker** - “A migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.79).
- **Frontier worker** - “The term “frontier worker” refers to a migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week.” (Source: *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Adopted by General Assembly resolution 45/158 of 18 December 1990), Art. 2).
- **Global processes on migration** - “State-led international policy dialogues and decision-making processes on migration at the global level, often facilitated by an intergovernmental organization, and focusing either on overall migration governance at the global level (e.g. International Dialogue on Migration), on specific themes (targeted migration consultations and discussions in global bodies that have specific responsibilities over certain elements of migration through international conventions and protocols), or

on the interlinkages between migration and other areas, such as development (e.g. UN High-level Dialogue on International Migration and Development, the Global Forum on Migration and Development).” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.84).

- **Guest worker** - “Generally considered to be a migrant worker recruited for a restricted time of residence and employment.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.86).
- **Highly skilled migrant worker** - “A migrant worker who has earned, by higher level education or occupational experience, the level of skill or qualifications typically needed to practice a highly skilled occupation.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.89).
- **Human capital transfer** - “Competencies, skills, knowledge, practices and ideas transmitted by migrants both to their country of origin and to the country of destination.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.91).
- **Human mobility** - “A generic term covering all the different forms of movements of persons.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.91).
- **Human security** - “Concerns the right of people to live in freedom and dignity, free from poverty and despair and promotes the protection of their physical safety, economic and social well-being and human rights. It includes the right of all individuals, vulnerable people in particular, to live free from fear and free from want, with an equal opportunity to enjoy all their rights and fully develop their human potential.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.93).
- **Immigrant** - From the perspective of the country of arrival, a person who moves into a country other than that of his or her nationality or usual residence, so that the country of destination effectively becomes his or her new country of usual residence. (Source: IOM 2019. *Glossary on Migration*. Geneva, p.62).
- **Itinerant worker** - “The term “itinerant worker” refers to a migrant worker who, having his or her habitual residence in one State, has to travel to another State or States for short periods, owing to the nature of his or her occupation.” (Source: *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Adopted by General Assembly resolution 45/158 of 18 December 1990), Art. 2).
- **Migrant flow (international)** - “The number of international migrants arriving in a country (immigrants) or the number of international migrants departing from a country (emigrants) over the course of a specific period.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.133).
- **Migrant in a regular situation** - “A person who moves or has moved across an international border and is authorized to enter or to stay in a State



pursuant to the law of that State and to international agreements to which that State is a party.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.132).

- **Migrant in an irregular situation** - “A person who moves or has moved across an international border and is not authorized to enter or to stay in a State pursuant to the law of that State and to international agreements to which that State is a party.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.131).
- **Migrant stock (international)** - “For statistical purposes, the total number of international migrants present in a given country at a particular point in time who have ever changed their country of usual residence.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.134).
- **Migrant worker** - “The term “migrant worker” 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.” (Source: *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted by General Assembly resolution 45/158 of 18 December 1990)*, Art. 2).
- **Migrant-friendly health systems** - “Health systems that consciously and systematically incorporate the needs of migrants into health financing, policy, planning, implementation and evaluation, including such considerations as the epidemiological profiles of migrant populations, relevant cultural, language and socioeconomic factors and the impact of the migration process on the health of migrants.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.133).
- **Migrants in vulnerable situations** - “Migrants who are unable to effectively enjoy their human rights, are at increased risk of violations and abuse and who, accordingly, are entitled to call on a duty bearer’s heightened duty of care.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.132).
- **Migration** - “The movement of persons away from their place of usual residence, either across an international border or within a State.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.135). *The main types of migration:* circular migration, climate migration, economic migration, facilitated migration, family migration, forced migration, human mobility, internal migration, international migration, irregular migration, labour migration, mixed migration, safe, orderly and regular migration, resettlement, return migration.
- **Migration crisis** - “The complex and often large-scale migration flows and mobility patterns caused by a crisis which typically involve significant vulnerabilities for individuals and affected communities and generate acute and longer-term migration management challenges. A migration crisis may be sudden or slow in onset, can have natural or man-made causes, and can

take place internally or across borders.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.135*).

- **Migration cycle** - “Stages of the migration process encompassing departure from, in some cases transit through one or more States, immigration in the State of destination and return.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.136*).
- **Migration governance** - “The combined frameworks of legal norms, laws and regulations, policies and traditions as well as organizational structures (subnational, national, regional and international) and the relevant processes that shape and regulate States’ approaches with regard to migration in all its forms, addressing rights and responsibilities and promoting international cooperation.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.136*).
- **Migration management** - “The management and implementation of the whole set of activities primarily by States within national systems or through bilateral and multilateral cooperation, concerning all aspects of migration and the mainstreaming of migration considerations into public policies. The term refers to planned approaches to the implementation and operationalization of policy, legislative and administrative frameworks, developed by the institutions in charge of migration.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.137*).
- **Migration profile** - “An analysis of available accurate and disaggregated data on some or all migration-relevant aspects of a country’s national context, prepared in consultation with a broad range of stakeholders, which can be used to enhance policy coherence, evidence-based policymaking on migration and the mainstreaming of migration into development plans.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.138*).
- **Multiculturalism** - “A model of integration policies that welcomes the preservation, expression and sometimes even the celebration of cultural diversity. This approach encourages migrants to become full members of society while retaining their cultural identities. It combines the recognition of varied backgrounds, traditions and ways of seeing the world with certain universalist values, such as the rule of law or gender equality, that override cultural differences and guarantee the same rights for all. The integration relationship is then best captured in the image of a mosaic enabling minority ethnic groupings to live side by side with the majority constituency.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.140*).
- **Net migration** - “Net number of migrants in a given period, that is, the number of immigrants minus the number of emigrants.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.144*).

- **Non-documented migrant worker** - “migrant workers and members of their families are considered as non-documented or in an irregular situation if they do not comply with the conditions provided for in subparagraph (a) of the present article.” (Source: *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted by General Assembly resolution 45/158 of 18 December 1990), Art. 5*).
- **Open method of coordination (OMC)** – “The open method of coordination, abbreviated as OMC, was created as part of the European Union (EU) employment policy and the Luxembourg process, and it has been defined as an instrument of the Lisbon strategy (2000).  
The OMC provides a new framework for cooperation between the Member States, whose national policies can thus be directed towards certain common objectives. Under this intergovernmental method, the Member States are evaluated by one another (peer pressure), with the Commission's role being limited to surveillance. The European Parliament and the Court of Justice play virtually no part in the OMC process.  
The open method of coordination takes place in areas which fall within the competence of the Member States, such as employment, social protection, social inclusion, education, youth and training.  
It is based principally on:
  - jointly identifying and defining objectives to be achieved (adopted by the Council);
  - jointly established measuring instruments (statistics, indicators, guidelines);
  - benchmarking, i.e. comparison of the Member States' performance and exchange of best practices (monitored by the Commission).Depending on the areas concerned, the OMC involves so-called "soft law" measures which are binding on the Member States in varying degrees but which never take the form of directives, regulations or decisions. Thus, in the context of the Lisbon strategy, the OMC requires the Member States to draw up national reform plans and to forward them to the Commission. However, youth policy does not entail the setting of targets, and it is up to the Member States to decide on objectives without the need for any European-level coordination of national action plans.” (Source: Eurostat. [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Open\\_method\\_of\\_coordination\\_\(OMC\)](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Open_method_of_coordination_(OMC))).
- **Person with a migratory background** - “A person who has: (1) migrated into their present country of residence; (2) previously had a different nationality to that of his/her present country of residence; and/or (3) at least one of his/her parents previously entered the present country of residence as a migrant.” (Source: *IOM 2019. Glossary on Migration. Geneva, p.155*).
- **Project-tied worker** - “The term “project-tied worker” refers to a migrant worker admitted to a State of employment for a defined period to work

solely on a specific project being carried out in that State by his or her employer.” (Source: *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted by General Assembly resolution 45/158 of 18 December 1990)*, Art. 2).

- **Seafarer** - “The term “seafarer”, which includes a fisherman, refers to a migrant worker employed on board a vessel registered in a State of which he or she is not a national.” (Source: *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted by General Assembly resolution 45/158 of 18 December 1990)*, Art. 2).
- **Seasonal worker** - “The term “seasonal worker” refers to a migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year.” (Source: *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted by General Assembly resolution 45/158 of 18 December 1990)*, Art. 2).
- **Self-employed worker** - “The term “self-employed worker” refers to a migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity normally working alone or together with members of his or her family, and to any other migrant worker recognized as self-employed by applicable legislation of the State of employment or bilateral or multilateral agreements.” (Source: *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted by General Assembly resolution 45/158 of 18 December 1990)*, Art. 2).
- **Specified-employment worker** - “The term “specified-employment worker” refers to a migrant worker: (i) Who has been sent by his or her employer for a restricted and defined period of time to a State of employment to undertake a specific assignment or duty; or (ii) Who engages for a restricted and defined period of time in work that requires professional, commercial, technical or other highly specialized skill; or (iii) Who, upon the request of his or her employer in the State of employment, engages for a restricted and defined period of time in work whose nature is transitory or brief; and who is required to depart from the State of employment either at the expiration of his or her authorized period of stay, or earlier if he or she no longer undertakes that specific assignment or duty or engages in that work.” (Source: *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted by General Assembly resolution 45/158 of 18 December 1990)*, Art. 2).
- **Undocumented migrant** - “A non-national who enters or stays in a country without the appropriate documentation.” (Source: *IOM 2019. Glossary on Migration. Geneva, p.219*).
- **Undocumented migrant worker** - “A migrant who is not authorized to enter, to stay and to engage in a remunerated activity in the State of

employment pursuant to the law of that State and to international agreements to which that State is a party.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.220).

- **Urban-rural migration** - “The movement of people from an urban to a rural area for the purpose of establishing a new residence.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.220).
- **Worker on an offshore installation** - “The term “worker on an offshore installation” refers to a migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national.” (Source: *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Adopted by General Assembly resolution 45/158 of 18 December 1990), Art. 2).
- **Push-Pull factors** - “A model categorizing the drivers of migration into push and pull factors, whereby push factors are those which drive people to leave their country and pull factors are those attracting them into the country of destination.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.162).
- **Readmission** - “Act by a State accepting the re-entry of an individual (own national, national of another State – most commonly a person who had previously transited through the country or a permanent resident – or a stateless person).” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.167).
- **Readmission agreement** - “A bilateral or multilateral agreement between States that establishes, in a reciprocal manner, the basis and procedures, for one State to promptly and orderly return non-nationals, who do not or no longer fulfil the conditions for entry or stay on its territory, to their home State or a third State, most commonly a State through which they have transited or a State in which they had permanent residence.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.167).
- **Re-emigration** - “The movement of a person who, after having returned to his or her country of origin, emigrates again.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.168).
- **Regional Consultative Processes on migration (RCP)** - “State-led, ongoing, regional information-sharing and policy dialogues dedicated to discussing specific migration issue(s) in a cooperative manner among States from an agreed (usually geographical) region, and may either be officially associated with formal regional institutions, or be informal and non-binding.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.172).
- **Inter-State Consultation Mechanisms on Migration (ISCM)** - “State-led, ongoing information-sharing and policy dialogues on the regional, interregional or global level for States with an interest in promoting

cooperation in the field of migration.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.113*).

- **Interregional Forums on Migration (IRFs)** - “State-led, ongoing, information-sharing and policy dialogues on migration, usually connecting two or more regions, and may either be officially associated with formal interregional institutions, or be informal and non-binding.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.113*).
- **Regular migration** - “Migration that occurs in compliance with the laws of the country of origin, transit and destination.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.173*).
- **Regular migration pathways** - “Migration schemes, programmes or other migration options that allow eligible persons to migrate regularly for various purposes to a concerned country of destination based on conditions and for a duration defined by such country.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.173*).
- **Reintegration** - “A process which enables individuals to re-establish the economic, social and psychosocial relationships needed to maintain life, livelihood and dignity and inclusion in civic life.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.174*).
- **Reintegration (ex-combatants)** - “The process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open timeframe, primarily taking place in communities at the local level. It is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.175*).
- **Reintegration (social)** - “In the context of return migration, the reinsertion of a returning migrant into the social structures of his or her country of origin or country of nationality.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.175*).
- **Reintegration (political)** - “In the context of return migration, the ability of a returning migrant to take part in political processes of that country.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.175*).
- **Remittances (migrant)** - “Private international monetary transfers that migrants make, individually or collectively.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.175*).
- **Social remittances** - “The transfer of ideas, behaviours, identities and social capital from migrants to their communities of origin.” (Source: IOM 2019. *Glossary on Migration. Geneva, p.198*).

- **Soft law** - “A phenomenon in international relations covering all those social rules generated by State(s) or other subjects of international law which are not legally binding but which are nevertheless of special legal relevance.” *(Source: IOM 2019. Glossary on Migration. Geneva, p.199).*
- **Specified-employment worker** - “A migrant worker: (i) who has been sent by his or her employer for a restricted and defined period of time to a State of employment to undertake a specific assignment or duty; or (ii) who engages for a restricted and defined period of time in work that requires professional, commercial, technical or other highly specialized skill; or (iii) who, upon the request of his or her employer in the State of employment, engages for a restricted and defined period of time in work whose nature is transitory or brief; and who is required to depart from the State of employment either at the expiration of his or her authorized period of stay, or earlier if he or she no longer undertakes that specific assignment or duty or engages in that work.” *(Source: IOM 2019. Glossary on Migration. Geneva, p.200).*
- **Stranded migrant** - “Migrants who are unable to return to their country of origin, cannot regularize their status in the country where they reside, and do not have access to legal migration opportunities that would enable them to move on to another State. The term may also refer to migrants who are stranded because of humanitarian or security reasons in the country of destination, transit or origin preventing them to return home while they are also unable to go elsewhere.” *(Source: IOM 2019. Glossary on Migration. Geneva, p.205).*
- **Sustainable reintegration** - “In the context of international return migration, reintegration can be considered sustainable when returnees have reached levels of economic self-sufficiency, social stability within their communities, and psychosocial well-being that allow them to cope with possible (re)migration drivers.” *(Source: IOM 2019. Glossary on Migration. Geneva, p.207).*
- **Temporary migration** - “Migration for a specific motivation and purpose with the intention to return to the country of origin or habitual residence after a limited period of time or to undertake an onward movement.” *(Source: IOM 2019. Glossary on Migration. Geneva, p.209).*
- **Worker on an offshore installation** - “A migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national.” *(Source: IOM 2019. Glossary on Migration. Geneva, p.228).*
- **Work permit** - “A legal document issued by a competent authority of a State authorizing a migrant worker to be employed in the country of destination during the period of validity of the permit.” *(Source: IOM 2019. Glossary on Migration. Geneva, p.228).*

- **Worst forms of child labour** - “The term refers to (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.229).
- **Xenophobia** - “At the international level, no universally accepted definition of xenophobia exists, though it can be described as attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity.” (Source: IOM 2019. *Glossary on Migration*. Geneva, p.231).



## **SYLLABUS**

### **Labour migration policy: EU and the South Caucasus**

#### ***Learning course objectives***

The objectives of mastering the training course “**Labour migration policy: EU and the South Caucasus**” is to provide students with theoretical knowledge about current trends in European and international labor migration, its role in world economic relations and the social integration of the South Caucasus, the main labor markets and their features, as well as the development of practical skills analysis of modern problems of labor migration and their impact on the development prospects of the Armenian economy.

Social and labor law of the EU and EU member states is aimed at forming an understanding of the mechanism of regulation at the supranational level of labor relations, global trends in the labor market, assessing modern European labor legislation, prospects for the development of trade unions, social and labor legislation of the Eurasian Economic Union. In accordance with the purpose, the main goal is the formation of theoretical and practical knowledge, skills in the field of European and legal regulation of labor, legal regulation of labor relations in the EU and its member states, social policy pursued at the supranational and national levels, the evolution of the development of EU law and countries EAEU, as well as the countries of the South Caucasus in the labor and legal sphere.

This course focuses on the study of the difficulties that have arisen in the course of building a common social dialogue and space, the role of long-term EU strategies and their impact on the creation of a social Europe, the place of EU labor law in the system of international labor regulation. The aim of the course is also to assess the effectiveness of the norms adopted by the EU institutions in the labor sphere and the advanced legal mechanisms that are being created, the expediency of their perception, taking into account the development of the Eurasian Economic Union, determining the ways of interaction between Armenia and the EU member states in the labor sphere.

#### ***The competencies of the student, formed as a result of the development of this course***

As a result of mastering this course, the following competencies are formed:

- the ability to collect, analyze and process the data necessary to solve professional problems;

- the ability to find organizational and managerial decisions in professional activities and the willingness to bear responsibility for them;
- the ability to critically evaluate the proposed options for management decisions and develop and substantiate proposals for their improvement, taking into account the criteria of social and economic efficiency, risks and possible social and economic consequences;
- the ability to analyze and interpret financial and other information contained in the statements of trade unions, enterprises of various forms of ownership, organizations, departments, etc. and use the information to make management decisions;
- the ability, using domestic, regional, European and international sources of information, to collect the necessary data, analyze it and prepare an information review and/or analytical report;
- the ability to choose tools for processing social and economic data in accordance with the task, analyze the results of calculations and justify the conclusions.

***As a result of mastering this course, a student:***

**1. Must know:**

- ✓ the theoretical foundations of the functioning of European and international labor migration;
- ✓ the evolution of forms of labor migration;
- ✓ patterns and functioning of European, regional and world labor markets;
- ✓ social and economic consequences of labor migration;
- ✓ the main directions of regulation of European, regional and international labor migration.

**2. Must be able to:**

- ✓ competently operate on the acquired knowledge and apply them for a comparative study of European, regional and international labor migration;
- ✓ independently analyze the processes taking place in European and world labor markets and predict the dynamics of their development;
- ✓ determine the impact of labor migration on the dynamics of the world, European and regional economies.

**3. Must own:**

- ✓ the fundamentals of indices and methodology of comparative analysis of the main trends in the development of European, regional and international labor migration;
- ✓ methods of analyzing the consequences of labor migration for the global and national economies;

- ✓ skills for implementing forecasts of the development of migration processes.
4. Must demonstrate the ability and willingness: to put the acquired knowledge into practice to assess the impact of labor migration on the social and economic development of the South Caucasus region and the European and global economy.

***Achievement of the set goals is the solution of the following tasks:***

- ✓ to analyze the provisions of the founding agreements of the EU, acts of secondary law of the EU, decisions of the Court of Justice of the EU to define and detail the key concepts of social and labor law of an integration association;
- ✓ to determine the content of the EU social and labor law, the range of regulated relations in the studied area;
- ✓ to investigate the correlation of the EU labor law with the national labor law of the EU member states;
- ✓ to analyze the correlation of the EU labor law with the international labor law;
- ✓ to determine the applicability of the EU experience in the regulation of labor relations within the framework of the Eurasian Economic Union;
- ✓ to develop students' skills of independent analysis, assessment of norms and law enforcement practice of international labor law, labor law of the EU and the EAEU countries, Armenian labor legislation.

***To solve the set tasks, the following educational methods are used:***

- ✓ lectures using presentations (online) and a set of multimedia materials;
- ✓ classes within the framework of a scientific and practical seminar with students presenting the results of their own research on topical issues of labor migration, legal regulation of labor and social relations in the EU, its member states, Armenia, followed by analysis and discussion of the results obtained in a group;
- ✓ Conducting workshops and considering judgments on the ETUC, labor and legal issues.

**THEMATIC OUTLINE OF THE COURSE**

| TOPICS                                   | ACADEMIC HOURS |          |            |
|--|----------------|----------|------------|
|  | Total hours    | Lectures | Discussion |
| The essence and types of labor migration | 2              | 2        |            |
| Theories of European and International   | 4              | 4        |            |

| <b>Labor Migration</b>   |                  |                  |                  |
|--|------------------|------------------|------------------|
| <b>Labor Migration Indicators</b>  | 4                | 2                | 2                |
| <b>International and European characteristics of labor force markets</b>                       | 4                | 2                | 2                |
| <b>The Consequences of Labor Migration</b>   | 4                | 2                | 2                |
| <b>Demand and Supply of Skilled Labor in the EU: the brain drain problem</b>                   | 4                | 2                | 2                |
| <b>European and national regulation of labor migration</b>                                     | 2                | 2                |                  |
| <b>The role of the European Trade Union Confederation (ETUC) in regulating labor migration</b> | 4                | 2                | 2                |
| <b>Features of labor migration in the South Caucasus</b>                                       | 4                | 2                | 2                |
| <b><i>TOTAL</i></b>  | <b><i>32</i></b> | <b><i>20</i></b> | <b><i>12</i></b> |

### **Lecture 1. The essence and types of labor migration**

Current trends in the development of European and international labor migration. The influence of geopolitics and geoeconomics on labor migration and the direction of migration flows. The essence of labor migration. Reasons for labor migration. Forms and types of labor migration. Internal, external migration. By time of stay (permanent, temporary, seasonal, pendulum migration). On the basis of legality and legitimacy (legal, illegal). According to the degree of state regulation (regulated, unregulated). By territorial coverage (intercontinental; intracontinental).

#### *Discussion:*

- *What are the main risks of modern international and regional labor migration for the EU?*
- *What are the challenges of modern forms of European labor migration?*
- *How does labor migration affect the development of the EU economy?*
- *Does geopolitics and geoeconomics affect labor migration and the direction of migration flows in the EU?*
- *What social causes contribute to labor migration?*
- *What are the main types of regional labor migration?*
- *What are the main differences between external and internal labor migration?*

## **Lecture 2. Theories of European and International Labor Migration**

The evolution of theoretical views on migration. The laws of migration of E. G. Ravenstein. Push and Pull factors of migration of E. Lee. The neoclassical theory of migration (M. Friedman, P. Samuelson). The model of individual choice (M. Todaro, L. Maruzhko). Theory of the dual labor market of M. Piore. Theory of the world-system of I. Wallerstein. Synthetic theory of international migration of D. Massay. Theories of migration processes in the context of globalization. The history of the development of research on migration processes in the EU. Migration processes as an area of interdisciplinary research. Theories of causes and factors of migration processes in the EU.

### *Discussion:*

- *How to complement the evolution of theoretical views on labor migration policies?*
- *What is the social significance of migration laws?*
- *How do migration factors affect the effectiveness of social policy and social partnership of the European Union?*
- *How do social conflicts arise in the European and regional labor market?*

## **Lecture 3. Labor Migration Indicators**

Methods of studying migration processes. Population migration rates. Methods of demographic forecasting practical lesson. Classification of demographic forecasts. Population forecast for the EU and the South Caucasus. Immigration. Emigration. Re-emigration. Migration flows. Migrant population. Acquisitions of citizenship. The scale of departures and arrivals of labor migrants in the EU and the South Caucasus. Migration balance. Net Migration Rate. International migrant stock. Gross migration. Labor income. Movement of labor migrants. Transfers of labor migrants (estimated monetary equivalent of the value of the property of migrants). International Migration Database. Migration data in Europe.

### *Practical classes:*

- Calculate labor migration indicators using the example of EU member states.
- Compare labor data for South Caucasus countries.

## **Lecture 4. International and European characteristics of labor force markets**

European and regional structure of labor migration. Sectoral structure of labor migration. The labor market and its features in the countries of the South Caucasus. The labor market of the EU member states. Labor market and its peculiarities in the process of integration and enlargement of the EU. European and Eurasian dimensions of labor migration. Sustainable development of the EU as a civilized center of labor migration.

### *Discussion:*

- What social and economic features are characteristic for the European and regional labor market?
- What factors can be used to analyze the European labor market and its features?
- What factors characterize the quality of the workforce in the countries of the South Caucasus?
- How can labor migration levels be compared among European Union countries?

## **Lecture 5. The Consequences of Labor Migration**

Social, economic and multicultural consequences of labor migration for the EU political system. Consequences of labor migration for labor exporting countries: reduction of social expenses, reduction of unemployment, advanced training of the workforce, increase in the number of remittances to the country, foreign exchange earnings. Negative consequences of the outflow of qualified specialists, the problem of brain drain. The consequences of labor migration for labor importing countries: cost reduction, the development of non-prestigious sectors, increased consumer demand, savings in the training of highly qualified specialists, an improvement in the demographic situation, etc. The negative consequences of labor migration are: increased social tension, worsened crime situation, and increased crime.

### *Practical lesson:*

- What are the social, economic and multicultural consequences of labor migration affecting the EU?
- What are the implications of labor migration for exporting countries?
- What are the implications of labor migration for importing countries?
- How are the negative effects of labor migration and ways to reduce them in the EU countries?

- Why are the problems of labor migration exacerbated? What are the main reasons and possibilities for resolving labor migration in the EU?

### **Lecture 6. Demand and Supply of Skilled Labor in the EU: the brain drain problem**

The essence of the brain drain problem and its content in the EU. The history of the development of intellectual migration in the EU. The importance of intellectual migration for the economies of exporting countries and importers of highly skilled labor. The main causes of brain drain. Modern characteristics of the migration processes of qualified specialists and scientists. Ways to solve the brain drain problem. Experience of the EU member states in solving the problem of intellectual migration. Migration policy and its main trends. Diversification of the goals and objectives of migration policy. Labor migration policy of the EU. Components of the migration policy of the EU member states. Concepts of national migration policy of the EU member states.

### **Lecture 7. European and national regulation of labor migration**

The increasing importance of labor migration regulation. Migration control mechanisms. Immigration regulation. Professional restrictions. Social and political restrictions. Economic regulation of labor immigration. Stimulating re-emigration. Models of migration policy of the EU countries. Features of the conflictological approach to the study of migration processes. Conflict of migration processes. Personal and group approach to the study of conflicts in migration processes. The basic concepts of a conflictological approach to the study of migration processes. Actors of the main contradictions in migration processes. Social and psychological types of participants in migratory conflicts. Integration models of labor migrants: types of social integration and its elements. Theory of acculturation of J. W. Berry. Adaptation strategies of labor migrants. Causes of conflict interaction in labor migration processes. Labor migration conflicts and the theory of social conflict of L. Coser and R. Dahrendorf. Functions of the conflict according to L. Coser. The conflict model of society of R. Dahrendorf. Constructive and destructive components of migratory conflicts. The irrational component of labor migration conflicts. Social inequality as a factor in migration conflicts. The new social structure of the South Caucasus and labor migration conflicts. The inconsistency of labor migration processes as a conflict factor.

#### *Practical lesson:*

- What is the meaning of the conflict of labor migration processes in the EU?

- How can a personal and group approach be applied in the study of conflicts in migration processes?
- How can the main contradictions in the migration processes in the EU countries be identified?
- Is there a relationship of migration conflicts with ethnic, social, political?

### **Lecture 8. The role of the European Trade Union Confederation (ETUC) in regulating labor migration**

European trade union federations and European social dialogue at sectoral level. European Trade Union Federations: 1) European Arts and Entertainment Alliance (EAEA); 2) European Confederation of Police (EUROPOP); 3) European Federation of Building and Woodworkers (EFBBW/FETBB); 4) European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT); 5) European Federation of Journalists (EFJ/FEJ); 6) European Federation for Industry and Manufacturing workers (IndustriAll); 7) European Federation of Public Service Unions (EPSU); 8) European Transport Workers' Federation (ETF); 9) European Trade Union Committee for Education (ETUCE/CSEE); 10) European trade union federation for services and communication (UNI-EUROPA). Legal regulation of triangular cooperation in the Conventions of the International Labor Organization (ILO), promoting the application of international labor standards, as well as the Constitution and legislative acts of the countries of the European Union. The main areas of social partnership and social dialogue in the EU. Experience of the EU member states in the development of trilateral cooperation, relations between business representatives, trade unions and public authorities. Actors of the European social partnership in the field of labor migration and labor force. Civilized and humanistic mechanisms in the EU countries to harmonize the many interests of triangular cooperation. Social policy of the relationship between business, society and government in the European Union. The experience of the European Union in the field of corporate social responsibility. The influence of trade unions in the EU countries, as well as an alternative form of participation of workers in business management through "non-trade union" organizations. This form implies: 1) the complicity of workers in the boards of directors of companies; 2) direct participation of workers in the affairs of the enterprise at the level of the workplace; 3) the participation of workers in profits, incomes and in the joint ownership of enterprises.

The ETUC Interest Groups. Coordination committee of interregional trade union councils (IRTUCS). Women's Committee. Youth Committee. European federation of retired and older people (FERPA). The Council of European Managerial and Professional Staff (EUROCADRES). European works councils (EWCS). The European Trade Union Institute (ETUI).

The European social dialogue, European social model and ETUC. The EU social dialogue. Joint EU cross-industry Social Dialogue work: Agreements;



Frameworks of actions; Declarations and other joint initiatives. Joint work programmes of European social partners: Work programme 2003-2005; Work programme 2006-2008; Work programme 2009-2010; Work programme 2012-2014; Work programme 2015-2017. The Confederation of European Business (BusinessEurope). The European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP). The European Association of Craft Small and Medium-Sized Enterprises (UEAPME).

*Practical lesson:*

- How is ETUC the voice of workers?
- Through which mechanisms does the ETUC represent 45 million members?
- How does the ETUC ensure cooperation among 90 trade union organizations in 38 European countries and 10 European Trade Union Federations?
- What is the essence of European social dialogue?
- Is a European social model effective?
- How are discussions, consultations, negotiations and joint actions undertaken by organizations of social partners (workers and employers)?

### **Lecture 9. Features of labor migration from South Caucasus countries to the EU**

Tolerance and intolerance in EU migration processes. Factors of tolerant relations: personal and situational. The main signs of intolerance. Factors and functions of migrant phobia. Features of the interaction of migrants and the host European community. Social tension of labor migration processes. Indicators and stress factors. Psychology features of migrant workers and the host European community. The role of European and regional organizations in the regulation of labor migration. Regulation of labor migration by international organizations. International Organization for Migration (IOM). International Labor Organization (ILO). Features of labor migration in the South Caucasus. Historical features of labor migration processes in Armenia. The evolution of forms of participation of the countries of the South Caucasus in international labor migration. Indicators of Armenia's participation in labor migration. Labor migration from Armenia to the EU and EAEU countries. Reasons and scales of emigration of highly qualified specialists. Reasons for attracting foreign labor from the countries of the South Caucasus to the EU. The total number of migrants, their national, gender and age composition, distribution by industry and region. The problem of the uneven distribution of foreign labor across the EU. The main problems of labor migration in the EU. Illegal labor migration. Strengthening social tension in the EU and the

countries of the South Caucasus. Social and economic consequences of EU participation in labor migration. Features of the regulation of external migration in the EU.

*Practical lesson:*

- Is the EU policy on the formation and maintenance of tolerance in the field of labor migration effective?
- What are the characteristics of migrant phobia in the EU?
- What are the consequences of migrant phobia in labor relations?
- What is the place and role of the trade unions of the countries of the South Caucasus in social integration with the EU?
- How is cooperation and dialogue possible among regional and European trade unions in the South Caucasus?

***The list of educational support for independent work of students on the training course "Labor migration policy: EU and the South Caucasus"***

Along with lecturing and conducting seminars, the training course provides for the use in the educational process of active and interactive forms of practical training, business and role-playing games in combination with extracurricular work in order to form and develop professional skills students. As part of the training course, meetings with representatives of trade unions, partners of Armenian and international organizations involved in the regulation of labor migration, labor relations, social partnership and dialogue are envisaged.

Oral presentations in practical classes with reports, presentations. Participation in the discussion on oral reports of students. Written work. Teacher's comments on the presentation of projects, the quality of their analysis. Results of joint discussion in groups. Final exam.

As part of the training course, students are encouraged to conduct research in the appropriate direction in the form of individual written work. This work is one of the stages of studying the block of major disciplines of the chosen direction of study. The work should be independent and analytical, have an inner unity of meaning, where the meaning of the topic being revealed is explained. It is important that the student formulates a specific problem that is novel, substantiates the conclusions, and suggests possible ways to solve the problem. When presenting the work, theoretical materials on the selected topic should be generalized using the apparatus of justification.

The total volume of individual written work is 10 pages. The list of used literature is not included in the volume. The content of the individual work substantiates the relevance of the topic, its practical significance, determines the goals and objectives of the research. The author in the work outlines the main

conclusions to which the student came in the process of research, and gives his estimates of the prospects for the development of the studied problem.

The text of the individual written work should be printed at one and a half intervals on one side of a standard sheet of white single-grade A4 paper. The contours of letters and signs should be clear, without halo and blurry color. The size and type of font should be 14 (Times New Roman). When citing or citing various data, you should indicate in a footnote (at the end of the page) the source and literature from which the relevant materials were borrowed. At the end of the work, a list of used normative and legal acts, books, articles, Internet resources is indicated.

### ***List of topics for individual work***

1. Acts of social partnership at EU level and their impact on the development of European labor law.
2. Analysis of the European Arts and Entertainment Alliance (EAEA) mechanism for the protection of labor rights and fundamental freedoms.
3. Analysis of the European Social Charter and the specifics of its ratification by Armenia.
4. Analysis of the mechanism of the European Confederation of Police (EUROCCOP) for the protection of labor rights and fundamental freedoms.
5. Analysis of the mechanism of the European Federation for Industry and Manufacturing workers (IndustriAll) for the protection of labor rights and fundamental freedoms.
6. Analysis of the mechanism of the European Federation of Building and Woodworkers (EFBBW/FETBB) for the protection of labor rights and fundamental freedoms.
7. Analysis of the mechanism of the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) for the protection of labor rights and fundamental freedoms.
8. Analysis of the mechanism of the European Federation of Journalists (EFJ/FEJ) for the protection of labor rights and fundamental freedoms.
9. Analysis of the mechanism of the European Federation of Public Service Unions (EPSU) for the protection of labor rights and fundamental freedoms.
10. Analysis of the mechanism of the European Trade Union Committee for Education (ETUCE/CSEE) for the protection of labor rights and fundamental freedoms.

11. Analysis of the mechanism of the European trade union federation for services and communication (UNI-EUROPA) for the protection of labor rights and fundamental freedoms.
12. Analysis of the mechanism of the European Transport Workers' Federation (ETF) for the protection of labor rights and fundamental freedoms.
13. Artificial intelligence: the needs of legal regulation in the world of work (European experience).
14. Characteristics of the main conventions and other regulations adopted within the framework of the International Labor Organization.
15. Cooperation between Armenia and the International Labor Organization.
16. Correlation of European law and national labor legislation of the EU member states.
17. Determination of the social status of workers in EU law.
18. Development of European social dialogue.
19. Development of freedom of movement of workers under EU law.
20. Development of social dialogue and social partnership in EU law.
21. Ensuring the rights of workers in the event of a change in the owner of an enterprise in the EU.
22. Ensuring the rights of workers when concluding an employment contract in the EU.
23. Ensuring workers' rights in case of bankruptcy of an enterprise in the EU.
24. Ensuring workers' rights in case of collective layoffs in the EU.
25. EU Charter of Fundamental Rights: content and practice.
26. European and Armenian labor law: points of contact and contradictions.
27. European social idea: past, present and future.
28. Features in the labor legislation of Armenia and the EAEU countries.
29. Features of regulation of working hours and hours of rest in European law.
30. Features of social security in the EU.
31. Features of social security of workers in Armenia and the EAEU.
32. Features of the status of trade unions under Russian and European labor law.
33. Formation of EU social policy.
34. Freedom of movement of job seekers.
35. Freedom of movement of third-country nationals in the EU.
36. General characteristics of the state of the labor market in Armenia and the EAEU countries.
37. Impact of EU labor law on national labor law.

38. Interaction between Armenia and the EU countries in the field of regulation of labor relations.
39. Interethnic differentiation of labor law.
40. International and legal regulation of labor migration.
41. Legal framework for labor protection under EU law.
42. Legal regulation of labor migration in Armenia and the EAEU.
43. Legal regulation of occupational safety and health in the EU.
44. Legal regulation of the equality of men and women in the labor field.
45. Legal status of a migrant worker in the EU.
46. Maastricht Treaty, EU structure and EU citizenship.
47. Main trends in the development of European labor law.
48. Models of employee participation in enterprise management under EU law.
49. New (atypical) forms of employment and their regulation by European law.
50. Open method of coordination in the regulation of EU social policy.
51. Positive and negative features of labor law in Armenia and the EU (comparative analysis).
52. Practice of activity of trade unions of workers and employers in the EU.
53. Practice of the International Labor Organization.
54. Principles of legal regulation of labor under EU law.
55. Protection of certain categories of workers by European labor law
56. Regulation of the prohibition of discrimination in the norms of European labor law (analysis of the issue in relation to the prohibition of discrimination on one or more grounds).
57. Restrictions on the free movement of workers under EU law.
58. Rights of employers' organizations in EU Member States.
59. Robotization and the labor market: opportunities for European labor law.
60. Sources of EU labor law: regulations and legal acts of EU institutions.
61. Technology platforms and their impact on labor regulation in the EU.
62. The concept and features of European labor law.
63. The main institutions of labor law of the EU.
64. The main problems of the EU in the social sphere.
65. The principle of non-discrimination in labor relations under EU law.
66. The relationship of labor law with other branches of law: social, business, internal market law.
67. The system of sources of international labor law: general characteristics.
68. Unemployment in the EU.

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### **List of International Labor Organization (ILO) instruments by subject and status<sup>1</sup>**

#### ***Freedom of association, collective bargaining, and industrial relations***

##### ***Fundamental Conventions on Freedom of association and collective bargaining***

- C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

##### ***Freedom of association (agriculture, non-metropolitan territories)***

- C141 - Rural Workers' Organisations Convention, 1975 (No. 141)
- R149 - Rural Workers' Organisations Recommendation, 1975 (No. 149)
- Instrument with interim status
- C011 - Right of Association (Agriculture) Convention, 1921 (No. 11)
- C084 - Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)

##### ***Industrial relations***

- C135 - Workers' Representatives Convention, 1971 (No. 135)
- R143 - Workers' Representatives Recommendation, 1971 (No. 143)
- C151 - Labour Relations (Public Service) Convention, 1978 (No. 151)
- R159 - Labour Relations (Public Service) Recommendation, 1978 (No. 159)
- C154 - Collective Bargaining Convention, 1981 (No. 154)
- R163 - Collective Bargaining Recommendation, 1981 (No. 163)
- R091 - Collective Agreements Recommendation, 1951 (No. 91)

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<sup>1</sup> ILO (2019) "List of instruments by subject and status." Accessed November 20, 2019. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12030:0::NO:::Migrant\\_workers](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12030:0::NO:::Migrant_workers).

- R113 - Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)
- Request for information
- R092 - Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92)
- R094 - Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94)
- R129 - Communications within the Undertaking Recommendation, 1967 (No. 129)
- R130 - Examination of Grievances Recommendation, 1967 (No. 130)

### ***Forced labour***

#### ***Fundamental Conventions on forced labour (and related Recommendations)***

- C029 - Forced Labour Convention, 1930 (No. 29)
- P029 - Protocol of 2014 to the Forced Labour Convention, 1930
- C105 - Abolition of Forced Labour Convention, 1957 (No. 105)
- R035 - Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35)
- R203 - Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

### ***Tripartite consultation***

#### ***Governance Convention on tripartite consultation (and related Recommendation)***

- C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)
- R152 - Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152)

### ***Labour administration and inspection***

#### ***Governance Conventions on labour inspection (and related instruments)***

C081 - Labour Inspection Convention, 1947 (No. 81)  
P081 - Protocol of 1995 to the Labour Inspection Convention, 1947  
R081 - Labour Inspection Recommendation, 1947 (No. 81)  
R082 - Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)  
C129 - Labour Inspection (Agriculture) Convention, 1969 (No. 129)  
R133 - Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)

### ***Labour administration***

C150 - Labour Administration Convention, 1978 (No. 150)  
R158 - Labour Administration Recommendation, 1978 (No. 158)  
C160 - Labour Statistics Convention, 1985 (No. 160)  
R170 - Labour Statistics Recommendation, 1985 (No. 170)

### ***Employment policy and promotion***

#### ***Governance Convention on employment policy (and related Recommendations)***

- C122 - Employment Policy Convention, 1964 (No. 122)
- R122 - Employment Policy Recommendation, 1964 (No. 122)
- R169 - Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)

***Other instruments on employment policy and promotion***

- C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
- C088 - Employment Service Convention, 1948 (No. 88)
- R168 - Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168)
- R099 - Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99)
- R083 - Employment Service Recommendation, 1948 (No. 83)
- C181 - Private Employment Agencies Convention, 1997 (No. 181)
- R188 - Private Employment Agencies Recommendation, 1997 (No. 188)
- R189 - Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)
- R193 - Promotion of Cooperatives Recommendation, 2002 (No. 193)
- R198 - Employment Relationship Recommendation, 2006 (No. 198)
- R205 - Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)

***Wages***

- C095 - Protection of Wages Convention, 1949 (No. 95)
- R085 - Protection of Wages Recommendation, 1949 (No. 85)
- C131 - Minimum Wage Fixing Convention, 1970 (No. 131)
- R135 - Minimum Wage Fixing Recommendation, 1970 (No. 135)
- C173 - Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)
- R180 - Protection of Workers' Claims (Employer's Insolvency) Recommendation, 1992 (No. 180)

***Working time***

***Hours of work, weekly rest and paid leave***

- C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)
- C106 - Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
- R103 - Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103)
- C175 - Part-Time Work Convention, 1994 (No. 175)
- R182 - Part-Time Work Recommendation, 1994 (No. 182)
- R116 - Reduction of Hours of Work Recommendation, 1962 (No. 116)

***Night work***

- C171 - Night Work Convention, 1990 (No. 171)
- R178 - Night Work Recommendation, 1990 (No. 178)
- P089 - Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948

***Occupational safety and health***

***General provisions***

- C155 - Occupational Safety and Health Convention, 1981 (No. 155)
- P155 - Protocol of 2002 to the Occupational Safety and Health Convention, 1981
- R164 - Occupational Safety and Health Recommendation, 1981 (No. 164)
- C161 - Occupational Health Services Convention, 1985 (No. 161)

- R171 - Occupational Health Services Recommendation, 1985 (No. 171)
- C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)
- R197 - Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)
- R097 - Protection of Workers' Health Recommendation, 1953 (No. 97)
- R102 - Welfare Facilities Recommendation, 1956 (No. 102)
- R194 - List of Occupational Diseases Recommendation, 2002 (No. 194)

***Protection against specific risks***

- C115 - Radiation Protection Convention, 1960 (No. 115)
- R114 - Radiation Protection Recommendation, 1960 (No. 114)
- C139 - Occupational Cancer Convention, 1974 (No. 139)
- R147 - Occupational Cancer Recommendation, 1974 (No. 147)
- C148 - Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
- R156 - Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156)
- C162 - Asbestos Convention, 1986 (No. 162)
- R172 - Asbestos Recommendation, 1986 (No. 172)
- C170 - Chemicals Convention, 1990 (No. 170)
- R177 - Chemicals Recommendation, 1990 (No. 177)
- C174 - Prevention of Major Industrial Accidents Convention, 1993 (No. 174)
- R181 - Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181)

***Protection in specific branches of activity***

- C120 - Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
- R120 - Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120)
- C167 - Safety and Health in Construction Convention, 1988 (No. 167)
- R175 - Safety and Health in Construction Recommendation, 1988 (No. 175)
- C176 - Safety and Health in Mines Convention, 1995 (No. 176)
- R183 - Safety and Health in Mines Recommendation, 1995 (No. 183)
- C184 - Safety and Health in Agriculture Convention, 2001 (No. 184)
- R192 - Safety and Health in Agriculture Recommendation, 2001 (No. 192)

***Social security***

***Comprehensive standards***

- C102 - Social Security (Minimum Standards) Convention, 1952 (No. 102)
- R067 - Income Security Recommendation, 1944 (No. 67)
- R202 - Social Protection Floors Recommendation, 2012 (No. 202)

***Protection provided in the different branches of social security***

***Medical care and sickness benefit***

- C130 - Medical Care and Sickness Benefits Convention, 1969 (No. 130)
- R134 - Medical Care and Sickness Benefits Recommendation, 1969 (No. 134)
- 13.2.3. Employment injury benefit
- C121 - Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)
- R121 - Employment Injury Benefits Recommendation, 1964 (No. 121)

### ***Unemployment benefit***

- C168 - Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)
- R176 - Employment Promotion and Protection against Unemployment Recommendation, 1988 (No. 176)

### ***Social security for migrant workers***

- C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118)
- C157 - Maintenance of Social Security Rights Convention, 1982 (No. 157)
- R167 - Maintenance of Social Security Rights Recommendation, 1983 (No. 167)

### ***Social policy***

- C094 - Labour Clauses (Public Contracts) Convention, 1949 (No. 94)
- R115 - Workers' Housing Recommendation, 1961 (No. 115)
- R084 - Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84)

### ***Migrant workers***

- C097 - Migration for Employment Convention (Revised), 1949 (No. 97)
- R086 - Migration for Employment Recommendation (Revised), 1949 (No. 86)
- C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- R151 - Migrant Workers Recommendation, 1975 (No. 151)

### ***Safety, health and welfare***

- C163 - Seafarers' Welfare Convention, 1987 (No. 163)
- R173 - Seafarers' Welfare Recommendation, 1987 (No. 173)
- C164 - Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)

### ***Security of employment***

- C145 - Continuity of Employment (Seafarers) Convention, 1976 (No. 145)
- R154 - Continuity of Employment (Seafarers) Recommendation, 1976 (No. 154)
- 18.8. Social security
- C165 - Social Security (Seafarers) Convention (Revised), 1987 (No. 165)

### ***Inspections***

- C178 - Labour Inspection (Seafarers) Convention, 1996 (No. 178)
- R185 - Labour Inspection (Seafarers) Recommendation, 1996 (No. 185)

### ***Specific categories of workers***

- C110 - Plantations Convention, 1958 (No. 110)
- P110 - Protocol of 1982 to the Plantations Convention, 1958
- R110 - Plantations Recommendation, 1958 (No. 110)
- R132 - Tenants and Share-croppers Recommendation, 1968 (No. 132)
- C149 - Nursing Personnel Convention, 1977 (No. 149)
- R157 - Nursing Personnel Recommendation, 1977 (No. 157)
- C172 - Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)
- R179 - Working Conditions (Hotels and Restaurants) Recommendation, 1991 (No. 179)
- C177 - Home Work Convention, 1996 (No. 177)
- R184 - Home Work Recommendation, 1996 (No. 184)
- C189 - Domestic Workers Convention, 2011 (No. 189)
- R201 - Domestic Workers Recommendation, 2011 (No. 201)

## Appendix 2

*ETUC action programme 2019-2023**Chapter 6: A migration and global agenda based on solidarity, equality and inclusion**Migration**Setting the scene*

478. Migration remains a very divisive topic among Member States and is used by nationalist, far-right and xenophobic parties to fuel their rhetoric, undermining the fundamental values and principles of solidarity and respect for human rights enshrined in the EU Treaties, in the Charter of Fundamental Rights of the EU and in major international conventions.

479. There is a strongly biased narrative on migration. The economically and socially positive contribution migrants make – to our welfare, demographic profile and cultural diversity – is often misrepresented by the media and migrants are scapegoated for exploitative employment practices and inadequate public service provision, prompting feelings of fear and insecurity in society.

480. According to a Eurobarometer Survey (2018), only a minority (37%) of Europeans think they are well informed about immigration and integration. Respondents also tended to overestimate the number of non-EU immigrants residing in their countries.

481. The number of migrants and refugees entering the EU has been declining since 2017. However, this is mainly due to the very questionable agreements that the EU signed with transit countries such as Turkey, Libya and Niger. EU actions, such as the EU-funded migration policing and management in countries of origin and on the southern shore of the Mediterranean, are not bringing satisfactory results, and often work to the detriment of local populations and involve collaboration with regimes and non-state actors that do not respect human rights. The migration flows from the Middle East and Africa as well as growing migration from countries like Ukraine need to be addressed at EU level. Predominantly economic migrants are at risk of exploitation on the one hand and on the other of creating challenges in the labour markets of neighbouring EU countries.

482. International migration to Europe from countries in sub-Saharan Africa has grown over the past decade. The factors pushing people to leave include the deep economic and demographic divide between the two continents, wars and poverty affecting several African countries. Climate change is predicted to exacerbate further the pressure for increased migration in the future.

483. A solidarity-based and responsible reform of the EU asylum system based on international standards, to address the continuing arrival of migrants on EU territory (the Dublin III Regulation signed in 2013) has not been agreed by Member States despite the favourable vote in the European Parliament. Thousands of people still lose their lives trying to cross the Mediterranean Sea or on other migratory routes. 484. In 2015, the European Commission adopted the European Agenda on Migration, which was strongly

criticised by the ETUC for being based too much on selectivity and circularity and being incompatible with the actual composition of migration flows worldwide.

485. Relocation and resettlement mechanisms were introduced, to transfer some categories of asylum-seekers from Italy and Greece to other EU countries. Neither of these schemes worked satisfactorily. Some Member States have not taken in any asylum-seekers from either Italy or Greece, while some other countries welcomed only a very limited number. Similar breaches can be seen in the resettlement schemes. At the same time some Member States have adopted new laws seriously restricting the right to asylum and international protection.

486. The economic and social partners and the Commission signed a Partnership for Integration of Refugees in December 2017, laying down key principles and commitments to support and strengthen opportunities for refugees and migrants legally residing in the EU to integrate into the European labour market. Signatories are committed to translate the partnership into concrete actions at national level.

487. In addition to long term economic benefits demonstrated by several studies,<sup>10</sup> migration also has a positive demographic impact, not only by increasing the size of the population but also by changing the age pyramid of receiving countries. Migrants tend to be more concentrated in the younger and economically active age groups compared to local populations and thus help to reduce dependency ratios<sup>11</sup>. However, migrants should not be seen solely in terms of their use value but as workers with rights that must be promoted.

488. The characteristic of migration is changing towards increased feminisation. According to Eurostat, about 22 million nonEU migrants live in the EU, almost half of whom are women. Full access to education and lifelong learning that meet the needs and abilities of migrant and refugee women should be guaranteed, to obtain decent and productive working conditions of freedom, equity, security and human dignity.

489. The ETUC also engaged in determined advocacy work with EU institutions, civil society organisations and international governmental organisations (International Labour Organization, International Organization for Migration, Organization for Security and Cooperation in Europe, Organisation for Economic Cooperation and Development etc.) and is nowadays acknowledged as one of the main EU actors fighting to change the narrative on migration and to promote a more effective common European immigration policy that ensures equal treatment and social integration, by shifting the attention away from secure borders.

490. New initiatives on EU migration policy were put forward at the end of 2018. Beyond the title of 'Enhancing Legal Pathways to Europe' no other initiatives were proposed. Yet again the proposals concentrated on border controls and security, speeding up returns with the help of strengthened European Border and Coast Guard and Asylum Agencies, and new rules on return policy including common rules for detention. Instead, Member States should ensure that asylum procedures at borders comply with the UNHCR Guidelines on International Protection, in particular with regard to gender-related persecution.

491. The ETUC supports the Global Compact for safe, orderly and regular migration approved in Marrakech in December 2018 as the first-ever UN global agreement on a common approach to international migration in all its dimensions, based on state sovereignty, responsibility-sharing, non-discrimination, and human rights.

### *Priorities*

492. There should be no ambiguity at all on where unions stand: the ETUC and its members call on the EU to guarantee the rights of refugees, asylum-seekers and more broadly all migrants' rights, including undocumented migrants. It fights for the enforcement of EU fundamental values, such as respect for human rights, solidarity, democracy and tolerance. The ETUC stands up for an open Europe, with opportunities for new channels for legal migration based on the principle of equal treatment.

493. The Dublin Regulation needs urgent revision to make EU asylum policy effective and sustainable, harmonise protection standards in all Member States, establish clear and mandatory mechanisms to relocate refugees as well as asylum-seekers and reorganise the hotspots. The hotspots should be European hotspots from where migrants can be redirected to all Member States in accordance with commonly agreed relocation rules.

494. The lack of legal channels for migration leads to deteriorating conditions for migrants who are forced into irregularity, at the margins of society and are often victim to labour exploitation and modern forms of slavery. Having a decent job and joining a union are key for the successful integration of migrants and refugees in hosting communities. Effective integration of asylum-seekers, refugees and undocumented migrants in the labour market, protection against wage dumping and exploitation are top priorities. Educational institutions from kindergarten to higher education are also important arenas for integration.

495. Refugees and both documented and undocumented migrants should not be abused or exploited but should have the same rights, opportunities and wages as the local workforce. Forced labour and exploitation are still widespread in many economic sectors and more should be done to prevent and combat discrimination and abuse. Equality of treatment must be the rule to protect vulnerable workers and the 2014 ILO protocol on forced labour should be applied and enforced without delay. Trafficking of human beings, in which women trafficked for sexual exploitation are the main victims, has to be stopped.

496. There must be stronger links between the financial assistance provided by the EU and effectiveness of the results in terms of economic and social development in the countries receiving assistance to create proper living conditions and decent jobs so that workers are not forced to leave their countries.

### *Actions*

497. The refugee emergency remains a serious humanitarian crisis worldwide. The ETUC will continue to advocate an asylum policy built on solidarity and responsibility (e.g. a reform of the Dublin regulation), and based on the Geneva Convention, the



principle of non-refoulment and human rights, that engages all Member States equally (taking into account their capacity to respond to the crisis).

498. The ETUC will advocate for a comprehensive migration agenda, based on EU values and principles of human rights, equal treatment, solidarity, integration and inclusiveness for the benefit of all. We will also demand the urgent establishment of new safe and legal channels for migration.

499. The ETUC will continue to raise awareness of the benefits of migration, promote members' training and share studies and data on migration to help change the narrative and false perceptions.

500. People in Europe have to be reassured that the concern around exploitation and unfair treatment can be tackled effectively and skills brought by migration are an opportunity for our societies and economies. The ETUC will pursue the implementation of the Partnership for Integration at national level and undertake new initiatives with employers, including the project LABOUR-INT.

501. Undocumented workers and migrant workers continue to be victims of exploitation, abuse and even new forms of slavery. The ETUC will step up its action to protect these vulnerable people, advocate for improvements to the Employers' Sanctions Directive, including providing residence permits for workers reporting exploitation, and within the context of the new European Labour Authority.

502. The current EU legal framework governing legal migration channels (such as family reunification, long-term residency, seasonal workers, and single permit Directives) does not provide for homogeneous rights, lacks adequate enforcement and is incomplete. In both existing legislation and new initiatives, the ETUC will promote an exchange between legal experts and practitioners in order to earmark all shortcomings in the Directives.

503. The ETUC will continue to coordinate and support the work of UnionMigrantNet and seek funding opportunities to enhance the network's activities. Furthermore, UMN needs to be developed further and could look into new areas of cross-border cooperation in mutual recognition of membership based on protection of rights and a set of cross-border services for migrants and mobile workers.

504. All forms of discrimination, racism and xenophobia towards migrants, at work and in society, should be strongly condemned and combated. The ETUC will continue to put the principle of equal treatment for migrant workers at the forefront of any advocacy or technical work, and make a contribution to transnational projects aimed at promoting tolerance and equal opportunities. Furthermore, the ETUC will encourage all its affiliates to carry out awareness raising campaigns and actions in order to contribute to changing the general public's negative and ill-founded views about immigration.

505. The ETUC will support members' activities to organise asylum-seekers and refugees and collectively bargain to ensure all workers, no matter their immigration status or nationality, are treated equally and have their rights respected. 506. Together with the Pan European Trade Union Council (PERC) the ETUC will work with unions from neighbouring countries to support them in providing information for workers migrating to the EU.

507. The ETUC will continue to act together with its members to oppose the criminalisation of solidarity, support citizens and the safety of people fleeing persecution, and to seek justice for victims of exploitation and abuse.

508. The ETUC together with the ETUI will continue to develop training on migration issues including the exchange of national best practices. In this regard, communication will be set up to help members to combat racism and xenophobia.

10. See for instance *“Long-term Social, Economic and Fiscal Effects of Immigration into the EU: The Role of the Integration Policy”*

[https://ec.europa.eu/futurium/sites/futurium/files/jrc107441\\_wp\\_kancs\\_and\\_lecca\\_2017\\_4.pdf](https://ec.europa.eu/futurium/sites/futurium/files/jrc107441_wp_kancs_and_lecca_2017_4.pdf) and also IMF, 2016 <https://blogs.imf.org/2016/10/24/migrants-bring-economic-benefits-for-advanced-economies/>.

11. OECD 2014.

<https://www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf>.

Source: <https://www.etuc.org/sites/default/files/publication/file/2019-08/CES-14e%20Congre%CC%80s-Action%20Programme-UK-02.pdf>.

*The Treaty on the Functioning of the European Union (TFEU)*

*“Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union - Consolidated version of the Treaty on the Functioning of the European Union - Protocols - Annexes - Declarations annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, signed on 13 December 2007 - Tables of equivalences.” Official Journal C 326 , 26/10/2012 P. 0001 – 0390.*

**TITLE IV FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL**

**CHAPTER 1**

**WORKERS**

*Article 45*

*(ex Article 39 TEC)*

1. Freedom of movement for workers shall be secured within the Union.
2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.
3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
  - (a) to accept offers of employment actually made;
  - (b) to move freely within the territory of Member States for this purpose;
  - (c) to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;
  - (d) to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in regulations to be drawn up by the Commission.
4. The provisions of this Article shall not apply to employment in the public service.

*Article 46*

*(ex Article 40 TEC)*

The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, issue directives or make regulations setting out the measures required to bring about freedom of movement for workers, as defined in Article 45, in particular:

- (a) by ensuring close cooperation between national employment services;
- (b) by abolishing those administrative procedures and practices and those qualifying periods in respect of eligibility for available employment, whether resulting from national legislation or from agreements previously concluded between Member States, the maintenance of which would form an obstacle to liberalisation of the movement of workers;
- (c) by abolishing all such qualifying periods and other restrictions provided for either under national legislation or under agreements previously concluded between

Member States as imposed on workers of other Member States conditions regarding the free choice of employment other than those imposed on workers of the State concerned;

(d) by setting up appropriate machinery to bring offers of employment into touch with applications for employment and to facilitate the achievement of a balance between supply and demand in the employment market in such a way as to avoid serious threats to the standard of living and level of employment in the various regions and industries.

*Article 47*

*(ex Article 41 TEC)*

Member States shall, within the framework of a joint programme, encourage the exchange of young workers.

*Article 48*

*(ex Article 42 TEC)*

The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure, adopt such measures in the field of social security as are necessary to provide freedom of movement for workers; to this end, they shall make arrangements to secure for employed and self-employed migrant workers and their dependants:

(a) aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries;

(b) payment of benefits to persons resident in the territories of Member States.

Where a member of the Council declares that a draft legislative act referred to in the first subparagraph would affect important aspects of its social security system, including its scope, cost or financial structure, or would affect the financial balance of that system, it may request that the matter be referred to the European Council. In that case, the ordinary legislative procedure shall be suspended. After discussion, the European Council shall, within four months of this suspension, either:

(a) refer the draft back to the Council, which shall terminate the suspension of the ordinary legislative procedure; or

(b) take no action or request the Commission to submit a new proposal; in that case, the act originally proposed shall be deemed not to have been adopted.

**TITLE X SOCIAL POLICY**

*Article 151*

*(ex Article 136 TEC)*

The Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers, shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.

To this end the Union and the Member States shall implement measures which take account of the diverse forms of national practices, in particular in the field of contractual relations, and the need to maintain the competitiveness of the Union economy.

They believe that such a development will ensue not only from the functioning of the internal market, which will favour the harmonisation of social systems, but also from

the procedures provided for in the Treaties and from the approximation of provisions laid down by law, regulation or administrative action.

### *Article 152*

The Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy.

The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue.

### *Article 153*

#### *(ex Article 137 TEC)*

1. With a view to achieving the objectives of Article 151, the Union shall support and complement the activities of the Member States in the following fields:

(a) improvement in particular of the working environment to protect workers' health and safety;

(b) working conditions;

(c) social security and social protection of workers;

(d) protection of workers where their employment contract is terminated;

(e) the information and consultation of workers;

(f) representation and collective defence of the interests of workers and employers, including co-determination, subject to paragraph 5;

(g) conditions of employment for third-country nationals legally residing in Union territory;

(h) the integration of persons excluded from the labour market, without prejudice to Article 166;

(i) equality between men and women with regard to labour market opportunities and treatment at work;

(j) the combating of social exclusion;

(k) the modernisation of social protection systems without prejudice to point (c).

2. To this end, the European Parliament and the Council:

(a) may adopt measures designed to encourage cooperation between Member States through initiatives aimed at improving knowledge, developing exchanges of information and best practices, promoting innovative approaches and evaluating experiences, excluding any harmonisation of the laws and regulations of the Member States;

(b) may adopt, in the fields referred to in paragraph 1(a) to (i), by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States. Such directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

The European Parliament and the Council shall act in accordance with the ordinary legislative procedure after consulting the Economic and Social Committee and the Committee of the Regions.

In the fields referred to in paragraph 1(c), (d), (f) and (g), the Council shall act unanimously, in accordance with a special legislative procedure, after consulting the European Parliament and the said Committees.

The Council, acting unanimously on a proposal from the Commission, after consulting the European Parliament, may decide to render the ordinary legislative procedure applicable to paragraph 1(d), (f) and (g).

3. A Member State may entrust management and labour, at their joint request, with the implementation of directives adopted pursuant to paragraph 2, or, where appropriate, with the implementation of a Council decision adopted in accordance with Article 155.

In this case, it shall ensure that, no later than the date on which a directive or a decision must be transposed or implemented, management and labour have introduced the necessary measures by agreement, the Member State concerned being required to take any necessary measure enabling it at any time to be in a position to guarantee the results imposed by that directive or that decision.

4. The provisions adopted pursuant to this Article:

- shall not affect the right of Member States to define the fundamental principles of their social security systems and must not significantly affect the financial equilibrium thereof,

- shall not prevent any Member State from maintaining or introducing more stringent protective measures compatible with the Treaties.

5. The provisions of this Article shall not apply to pay, the right of association, the right to strike or the right to impose lock-outs.

#### *Article 154*

*(ex Article 138 TEC)*

1. The Commission shall have the task of promoting the consultation of management and labour at Union level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.

2. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Union action.

3. If, after such consultation, the Commission considers Union action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.

4. On the occasion of the consultation referred to in paragraphs 2 and 3, management and labour may inform the Commission of their wish to initiate the process provided for in Article 155. The duration of this process shall not exceed nine months, unless the management and labour concerned and the Commission decide jointly to extend it.

#### *Article 155*

*(ex Article 139 TEC)*

1. Should management and labour so desire, the dialogue between them at Union level may lead to contractual relations, including agreements.

2. Agreements concluded at Union level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by Article 153, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission. The European Parliament shall be informed.

The Council shall act unanimously where the agreement in question contains one or more provisions relating to one of the areas for which unanimity is required pursuant to Article 153(2).

### *Article 156* *(ex Article 140 TEC)*

With a view to achieving the objectives of Article 151 and without prejudice to the other provisions of the Treaties, the Commission shall encourage cooperation between the Member States and facilitate the coordination of their action in all social policy fields under this Chapter, particularly in matters relating to:

- employment,
- labour law and working conditions,
- basic and advanced vocational training,
- social security,
- prevention of occupational accidents and diseases,
- occupational hygiene,
- the right of association and collective bargaining between employers and workers.

To this end, the Commission shall act in close contact with Member States by making studies, delivering opinions and arranging consultations both on problems arising at national level and on those of concern to international organisations, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

Before delivering the opinions provided for in this Article, the Commission shall consult the Economic and Social Committee.

### *Article 157* *(ex Article 141 TEC)*

1. Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied.

2. For the purpose of this Article, "pay" means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his employment, from his employer.

Equal pay without discrimination based on sex means:

(a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;

(b) that pay for work at time rates shall be the same for the same job.

3. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, and after consulting the Economic and Social Committee, shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.

4. With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

### *Article 158* *(ex Article 142 TEC)*

Member States shall endeavour to maintain the existing equivalence between paid holiday schemes.

*Article 159*

*(ex Article 143 TEC)*

The Commission shall draw up a report each year on progress in achieving the objectives of Article 151, including the demographic situation in the Union. It shall forward the report to the European Parliament, the Council and the Economic and Social Committee.

*Article 160*

*(ex Article 144 TEC)*

The Council, acting by a simple majority after consulting the European Parliament, shall establish a Social Protection Committee with advisory status to promote cooperation on social protection policies between Member States and with the Commission. The tasks of the Committee shall be:

- to monitor the social situation and the development of social protection policies in the Member States and the Union,
- to promote exchanges of information, experience and good practice between Member States and with the Commission,
- without prejudice to Article 240, to prepare reports, formulate opinions or undertake other work within its fields of competence, at the request of either the Council or the Commission or on its own initiative.

In fulfilling its mandate, the Committee shall establish appropriate contacts with management and labour.

Each Member State and the Commission shall appoint two members of the Committee.

*Article 161*

*(ex Article 145 TEC)*

The Commission shall include a separate chapter on social developments within the Union in its annual report to the European Parliament.

The European Parliament may invite the Commission to draw up reports on any particular problems concerning social conditions.

*Source : <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>*



**C048 - Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)**

*Convention concerning the Establishment of an International Scheme for the Maintenance of Rights under Invalidity, Old-Age and Widows' and Orphans' Insurance*

*(Entry into force: 10 Aug 1938)*

*Adoption: Geneva, 19th ILC session (22 Jun 1935)*

*Status: Outdated instrument (Technical Convention).*

*Convention may be denounced: 10 Aug 2023 - 10 Aug 2024*

**Preamble**

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to the maintenance of rights in course of acquisition and acquired rights under invalidity, old-age and widows' and orphans' insurance on behalf of workers who transfer their residence from one country to another, which is the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-five the following Convention, which may be cited as the Maintenance of Migrants' Pension Rights Convention, 1935:

**PART I. ESTABLISHMENT OF INTERNATIONAL SCHEME**

*Article 1*

1. There is hereby established between Members of the International Labour Organisation a scheme for the maintenance of rights in course of acquisition with and of rights acquired with compulsory invalidity, old-age and widows' and orphans' insurance institutions (hereinafter called insurance institutions).

2. References to Members in Parts II, III, IV and V of this Convention shall be construed as including only Members of the International Labour Organisation bound by this Convention.

**PART II. MAINTENANCE OF RIGHTS IN COURSE OF ACQUISITION**

*Article 2*

1. The insurance periods spent by persons who have been affiliated to insurance institutions of two or more Members shall, irrespective of the nationality of such persons, be totalised by each such institution in accordance with the following rules.

2. For the maintenance of rights in course of acquisition the periods to be totalised shall be--

(a) contribution periods;

(b) periods in respect of which contributions were not payable but during which rights are maintained under the laws or regulations under which they were spent;

(c) periods during which a cash benefit has been paid under an invalidity or old-age insurance scheme of another Member; and

(d) periods during which a cash benefit has been paid under some other social insurance scheme of another Member, in so far as a corresponding benefit would, under the laws or regulations governing the institution which is totalising, maintain rights in course of acquisition.

3. For the purposes of--

(i) determining whether any conditions as to the qualifying period (minimum duration of liability to insurance) or the number of contributions prescribed for entitlement to special advantages (guaranteed minima) have been fulfilled; ii) the recovery of rights;

(iii) the right to enter voluntary insurance; and

(iv) the right to medical treatment and attendance;

the periods to be totalised shall be--

(a) contribution periods; and

(b) periods in respect of which contributions were not payable but which are counted for the purpose of the qualifying period both under the laws or regulations under which they were spent and under the laws or regulations governing the institution which is totalising.

4. Provided that, where under the laws or regulations of a Member periods spent in an occupation covered by a special scheme are alone to be taken into account for the purpose of determining whether a claimant is entitled to certain advantages, the periods to be totalised for the purpose set forth in paragraphs 2 and 3 shall be restricted to periods spent under the corresponding special insurance schemes of other Members or, in respect of a Member with no special insurance scheme for the occupation concerned, to periods spent in that occupation under the insurance scheme applicable thereto.

5. Contribution periods and assimilated periods spent simultaneously with institutions of two or more Members shall be reckoned once for the purpose of totalisation.

### *Article 3*

1. Each insurance institution from which on the basis of the totalised insurance periods the claimant is entitled to benefit shall calculate the amount of such benefit according to the laws and regulations governing the said institution.

2. Benefits or benefit components which vary with the time spent in insurance and are determined with sole regard to the periods spent under the laws and regulations governing the institution liable shall be payable without reduction.

3. Benefits or benefit components which are determined independently of the time spent in insurance and consist of a fixed sum, a percentage of the remuneration taken into account for insurance purpose, or a multiple of the average contribution, may be reduced in the ratio of the periods counted for the purpose of reckoning benefits according to the laws and regulations governing the institution liable to the total of the periods counted for the purpose of reckoning benefits according to the laws and regulations governing all the institutions concerned.

4. The provisions of paragraphs 2 and 3 shall apply to any subsidy or supplement to or fraction of a pension which is payable out of public funds.

5. The apportionment of the cost of medical treatment and attendance is not regulated by this Convention.

*Article 4*

In cases in which the total of the insurance periods spent with the insurance institutions of a Member does not amount to twenty-six contribution weeks, the institution or institutions with which they were spent may decline to recognise any liability for benefit. Periods in respect of which liability for benefit has been so declined shall not be taken into account by any of the other institutions concerned when making the reduction permitted by Article 3, paragraph 3.

*Article 5*

1. If a person who is entitled to benefit from the insurance institutions of at least two Members would but for this Convention be entitled to receive from any such institution in respect of periods spent with it a benefit greater than the total of the benefits to which he is entitled under Article 3, he shall be entitled to receive from that institution a complementary benefit equal to the difference.

2. Where such complementary benefits are due from more than one institution, the total amount due to the beneficiary shall be the highest such benefit due from any one of them and the liability for this amount shall be apportioned among them in proportion to the complementary benefit which would have been due from each individually.

*Article 6*

Provision may be made by agreement between the Members concerned for--

(a) the reckoning of benefits by a method which differs from that prescribed in Article 3 but gives a result which is at least equivalent on the whole to that given by applying the said Article, subject to the total of the benefits payable never being less than the highest benefit payable by any one insurance institution in respect of periods spent with it;

(b) enabling an insurance institution of one Member to discharge its liability to the insured person and his dependants by paying to the insurance institution of another Member to which he has become affiliated the capital representing the right in course of acquisition by him at the date at which he ceased to be affiliated to the institution, subject to the latter institution consenting thereto and undertaking to apply the capital for the purpose of crediting rights;

(c) limiting the total of the benefits granted by the insurance institutions of the Members to the amount due on the basis of the totalised insurance periods from the institution governed by the most favourable laws and regulations.

*Article 7*

A claimant shall not be required to submit his claim for benefit to more than one of the insurance institutions to which he has been affiliated. This institution shall then inform the other institutions mentioned in the claim.

*Article 8*

For the purpose of converting sums expressed in the currency of another Member, insurance institutions shall, when dealing with claims for benefit, adopt the relation between the two currencies which, on the first day of the quarter during which the claim was submitted, obtained on the principal foreign exchange market of the Member in the currency of which the sum is expressed: Provided that provision may be made for another method of conversion by agreement between the Members concerned.

*Article 9*

Any Member may decline to apply the provisions of this Part of this Convention in its relations with a Member the laws and regulations of which do not cover the risk in respect of which a benefit is claimed.

### PART III. MAINTENANCE OF ACQUIRED RIGHTS

#### Article 10

1. Persons who have been affiliated to an insurance institution of a Member and their dependants shall be entitled to the entirety of the benefits the right to which has been acquired in virtue of their insurance--

(a) if they are resident in the territory of a Member, irrespective of their nationality;

(b) if they are nationals of a Member, irrespective of their place of residence.

2. Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld from persons who are not nationals of a Member.

3. Provided also that, for a period of five years from the first coming into force of this Convention, a Member may reserve the payment of any subsidy or supplement to or fraction of a pension which is payable out of public funds to the nationals of Members with which it has concluded supplementary agreements to that effect.

#### Article 11

1. Pensions the right to which is maintained under Article 10 shall not be commuted for lump sums smaller than their capital value.

2. Provided that the insurance institution liable for benefit may commute pensions the monthly value of which is inconsiderable for lump sums calculated according to the laws and regulations governing the said institution, subject to the said sums not being reduced on the ground of residence abroad.

#### Article 12

1. The provisions of the laws or regulations of a Member permitting the reduction or suspension of benefit if the person concerned has concurrent rights to other social insurance benefits or is in employment involving compulsory insurance may be applied to beneficiaries under this Convention in respect of benefits payable under an insurance scheme of another Member or in respect of employment in the territory of another Member.

2. Provided that provisions permitting reduction or suspension in the case of concurrent benefits in respect of the same risk shall not apply to benefits the right to which is acquired under Part II of this Convention.

#### Article 13

An insurance institution liable for benefit in virtue of this Convention may discharge in the currency of its own country its liability to all persons entitled to such benefit.

### PART IV. MUTUAL ASSISTANCE IN ADMINISTRATION

#### Article 14

1. The authorities and insurance institutions of each Member shall afford assistance to those of other Members to the same extent as if they were applying their own laws and regulations relating to social insurance, and more particularly shall, at the request of an institution of any Member, carry out the investigations and medical examinations necessary to determine whether the persons in receipt of benefits for which the latter institution is liable satisfy the conditions for entitlement to such benefits.

2. In so far as the Members concerned do not otherwise agree, the expenses to be repaid for assistance so afforded shall be an amount determined according to the scale of

charges of the institution or authority which has afforded assistance or, in the absence of such a scale, the expenditure incurred.

### *Article 15*

Any exemption from fees granted by the laws or regulations of a Member in respect of documents furnished to its authorities or insurance institutions shall be extended to the corresponding documents furnished in connection with the application of this Convention to the authorities and insurance institutions of any other Member.

### *Article 16*

With the consent of the competent central authorities of the Members concerned, an insurance institution liable for benefit to a beneficiary resident in the territory of another Member may, on terms agreed between the two institutions, entrust the insurance institution of the place of residence of the beneficiary with the payment of such benefit on its behalf.

## **PART V. OPERATION OF INTERNATIONAL SCHEME**

### *Article 17*

Every Member which at the date of its ratification of this Convention has not established such a scheme undertakes to establish within twelve months from that date either--

(a) a compulsory insurance scheme under which pensions are payable at an age not later than sixty-five to the majority of persons employed in industrial and commercial undertakings; or

(b) a compulsory invalidity, old-age and widows' and orphans' insurance scheme covering a substantial proportion of the persons employed in industrial and commercial undertakings.

### *Article 18*

1. Each Member shall treat the nationals of other Members on the same footing as its own nationals for the purpose of liability to compulsory insurance and for the purpose of insurance benefits, including any subsidy or supplement to or fraction of a pension which is payable out of public funds.

2. Provided that any Member may restrict to its own nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

### *Article 19*

The provisions of this Convention may be derogated from by treaties between Members which do not affect the rights and duties of Members not parties to the treaty and which make definite provision for the maintenance of rights in course of acquisition and of acquired rights under conditions at least as favourable on the whole as those provided for in this Convention.

### *Article 20*

1. For the purpose of assisting Members in applying this Convention there is hereby established in connection with the International Labour Office a Commission consisting of one delegate for each Member together with three persons appointed respectively by the government, employers' and workers' representatives upon the Governing Body of the Office. The Commission shall regulate its own procedure.

2. At the request of one or more Members concerned, the Commission, which shall be guided by the principles and purposes of this Convention, shall make recommendations as to the manner in which it shall be applied.

*Article 21*

1. Where, prior to the coming into force of this Convention, a pension has not been awarded or the payment of a pension has been suspended on account of the residence abroad of the person concerned, the pension shall be awarded or the payment of the pension resumed in pursuance of the Convention as from the date of the coming into force thereof for the Member concerned.

2. In applying this Convention account shall be taken of insurance periods prior to its coming into force if account would have been taken of such periods if this Convention had been in force during these periods.

3. At the request of the person concerned claims settled before the coming into force of this Convention shall, unless they have been settled by the payment of a lump sum, be reviewed. Review shall not involve the payment of arrears of, or the refund of, benefits for the period prior to the coming into force of the Convention for the Member concerned.

*Article 22*

1. The denunciation of this Convention by a Member shall not affect the liabilities of its insurance institutions in respect of claims which matured before the denunciation took effect.

2. Rights in course of acquisition which are maintained in pursuance of this Convention shall not lapse by reason of the denunciation thereof: their further maintenance during the period subsequent to the date on which the Convention ceases to be in force shall be regulated by the laws and regulations governing the institution concerned.

**PART VI. FINAL PROVISIONS***Article 23*

The formal ratification of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

*Article 24*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

*Article 25*

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

*Article 26*

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of five years mentioned in the preceding

paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

### *Article 27*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

### *Article 28*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 26 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Source: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312193:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312193:NO)

## **C097 - Migration for Employment Convention (Revised), 1949 (No. 97)**

*Convention concerning Migration for Employment (Revised 1949)*

*(Entry into force: 22 Jan 1952)*

*Adoption: Geneva, 32nd ILC session (01 Jul 1949)*

*Status: Up-to-date instrument (Technical Convention).*

*Convention may be denounced: 22 Jan 2022 - 22 Jan 2023*

### **Preamble**

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals with regard to the revision of the Migration for Employment Convention, 1939, adopted by the Conference at its Twenty-fifth Session, which is included in the eleventh item on the agenda of the session, and Considering that these proposals must take the form of an international Convention, adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Migration for Employment Convention (Revised), 1949:

### *Article 1*

Each Member of the International Labour Organisation for which this Convention is in force undertakes to make available on request to the International Labour Office and to other Members--

(a) information on national policies, laws and regulations relating to emigration and immigration;

(b) information on special provisions concerning migration for employment and the conditions of work and livelihood of migrants for employment;

(c) information concerning general agreements and special arrangements on these questions concluded by the Member.

*Article 2*

Each Member for which this Convention is in force undertakes to maintain, or satisfy itself that there is maintained, an adequate and free service to assist migrants for employment, and in particular to provide them with accurate information.

*Article 3*

1. Each Member for which this Convention is in force undertakes that it will, so far as national laws and regulations permit, take all appropriate steps against misleading propaganda relating to emigration and immigration.

2. For this purpose, it will where appropriate act in co-operation with other Members concerned.

*Article 4*

Measures shall be taken as appropriate by each Member, within its jurisdiction, to facilitate the departure, journey and reception of migrants for employment.

*Article 5*

Each Member for which this Convention is in force undertakes to maintain, within its jurisdiction, appropriate medical services responsible for--

(a) ascertaining, where necessary, both at the time of departure and on arrival, that migrants for employment and the members of their families authorised to accompany or join them are in reasonable health;

(b) ensuring that migrants for employment and members of their families enjoy adequate medical attention and good hygienic conditions at the time of departure, during the journey and on arrival in the territory of destination.

*Article 6*

1. Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters:

(a) in so far as such matters are regulated by law or regulations, or are subject to the control of administrative authorities--

(i) remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women's work and the work of young persons;

(ii) membership of trade unions and enjoyment of the benefits of collective bargaining;

(iii) accommodation;

(b) social security (that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) national laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of



public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension;

(c) employment taxes, dues or contributions payable in respect of the person employed; and

(d) legal proceedings relating to the matters referred to in this Convention.

2. In the case of a federal State the provisions of this Article shall apply in so far as the matters dealt with are regulated by federal law or regulations or are subject to the control of federal administrative authorities. The extent to which and manner in which these provisions shall be applied in respect of matters regulated by the law or regulations of the constituent States, provinces or cantons, or subject to the control of the administrative authorities thereof, shall be determined by each Member. The Member shall indicate in its annual report upon the application of the Convention the extent to which the matters dealt with in this Article are regulated by federal law or regulations or are subject to the control of federal administrative authorities. In respect of matters which are regulated by the law or regulations of the constituent States, provinces or cantons, or are subject to the control of the administrative authorities thereof, the Member shall take the steps provided for in paragraph 7 (b) of Article 19 of the Constitution of the International Labour Organisation.

### *Article 7*

1. Each Member for which this Convention is in force undertakes that its employment service and other services connected with migration will co-operate in appropriate cases with the corresponding services of other Members.

2. Each Member for which this Convention is in force undertakes to ensure that the services rendered by its public employment service to migrants for employment are rendered free.

### *Article 8*

1. A migrant for employment who has been admitted on a permanent basis and the members of his family who have been authorised to accompany or join him shall not be returned to their territory of origin or the territory from which they emigrated because the migrant is unable to follow his occupation by reason of illness contracted or injury sustained subsequent to entry, unless the person concerned so desires or an international agreement to which the Member is a party so provides.

2. When migrants for employment are admitted on a permanent basis upon arrival in the country of immigration the competent authority of that country may determine that the provisions of paragraph 1 of this Article shall take effect only after a reasonable period which shall in no case exceed five years from the date of admission of such migrants.

### *Article 9*

Each Member for which this Convention is in force undertakes to permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of the migrant for employment as the migrant may desire.

### *Article 10*

In cases where the number of migrants going from the territory of one Member to that of another is sufficiently large, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

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*Article 11*

1. For the purpose of this Convention the term **migrant for employment** means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment.

2. This Convention does not apply to--

- (a) frontier workers;
- (b) short-term entry of members of the liberal professions and artistes; and
- (c) seamen.

*Article 12*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

*Article 13*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

*Article 14*

1. Each Member ratifying this Convention may, by a declaration appended to its ratification, exclude from its ratification any or all of the Annexes to the Convention.

2. Subject to the terms of any such declaration, the provisions of the Annexes shall have the same effect as the provisions of the Convention.

3. Any Member which makes such a declaration may subsequently by a new declaration notify the Director-General that it accepts any or all of the Annexes mentioned in the declaration; as from the date of the registration of such notification by the Director-General the provisions of such Annexes shall be applicable to the Member in question.

4. While a declaration made under paragraph 1 of this Article remains in force in respect of any Annex, the Member may declare its willingness to accept that Annex as having the force of a Recommendation.

*Article 15*

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organisation shall indicate --

(a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention and any or all of the Annexes shall be applied without modification;

(b) the territories in respect of which it undertakes that the provisions of the Convention and any or all of the Annexes shall be applied subject to modifications, together with details of the said modifications;

(c) the territories in respect of which the Convention and any or all of the Annexes are inapplicable and in such cases the grounds on which they are inapplicable;

(d) the territories in respect of which it reserves its decision pending further consideration of the position.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraph (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 17, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

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### *Article 16*

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 4 or 5 of Article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention and any or all of the Annexes will be applied in the territory concerned without modification or subject to modifications; and if the declaration indicates that the provisions of the Convention and any or all of the Annexes will be applied subject to modifications, it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which this Convention and any or all of the Annexes are subject to denunciation in accordance with the provisions of Article 17, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

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### *Article 17*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

3. At any time at which this Convention is subject to denunciation in accordance with the provisions of the preceding paragraphs any Member which does not so denounce it may communicate to the Director-General a declaration denouncing separately any Annex to the Convention which is in force for that Member.

4. The denunciation of this Convention or of any or all of the Annexes shall not affect the rights granted thereunder to a migrant or to the members of his family if he immigrated while the Convention or the relevant Annex was in force in respect of the territory where the question of the continued validity of these rights arises.

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### *Article 18*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications,

declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

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*Article 19*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

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*Article 20*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

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*Article 21*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

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*Article 22*

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority a revised text of any one or more of the Annexes to this Convention.

2. Each Member for which this Convention is in force shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, submit any such revised text to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Any such revised text shall become effective for each Member for which this Convention is in force on communication by that Member to the Director-General of the International Labour Office of a declaration notifying its acceptance of the revised text.

4. As from the date of the adoption of the revised text of the Annex by the Conference, only the revised text shall be open to acceptance by Members.

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ANNEX I

RECRUITMENT, PLACING AND CONDITIONS OF LABOUR OF MIGRANTS FOR  
EMPLOYMENT RECRUITED OTHERWISE THAN UNDER GOVERNMENT-SPONSORED  
ARRANGEMENTS FOR GROUP TRANSFER

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*Article 1*

This Annex applies to migrants for employment who are recruited otherwise than under Government-sponsored arrangements for group transfer.

*Article 2*

For the purpose of this Annex--

(a) the term **recruitment** means--

(i) the engagement of a person in one territory on behalf of an employer in another territory, or

(ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants;

(b) the term **introduction** means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of paragraph (a) of this Article; and

(c) the term **placing** means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced within the meaning of paragraph (b) of this Article.

*Article 3*

1. Each Member for which this Annex is in force, the laws and regulations of which permit the operations of recruitment, introduction and placing as defined in Article 2, shall regulate such of the said operations as are permitted by its laws and regulations in accordance with the provisions of this Article.

2. Subject to the provisions of the following paragraph, the right to engage in the operations of recruitment, introduction and placing shall be restricted to--

(a) public employment offices or other public bodies of the territory in which the operations take place;

(b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by agreement between the Governments concerned;

(c) any body established in accordance with the terms of an international instrument.

3. In so far as national laws and regulations or a bilateral arrangement permit, the operations of recruitment, introduction and placing may be undertaken by--

(a) the prospective employer or a person in his service acting on his behalf, subject, if necessary in the interest of the migrant, to the approval and supervision of the competent authority;

(b) a private agency, if given prior authorisation so to do by the competent authority of the territory where the said operations are to take place, in such cases and under such conditions as may be prescribed by--

(i) the laws and regulations of that territory, or

(ii) agreement between the competent authority of the territory of emigration or any body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration.

4. The competent authority of the territory where the operations take place shall supervise the activities of bodies and persons to whom authorisations have been issued in pursuance of paragraph 3 (b), other than any body established in accordance with the terms of an international instrument, the position of which shall continue to be governed by the terms of the said instrument or by any agreement made between the body and the competent authority concerned.

5. Nothing in this Article shall be deemed to permit the acceptance of a migrant for employment for admission to the territory of any Member by any person or body other than the competent authority of the territory of immigration.

#### *Article 4*

Each Member for which this Annex is in force undertakes to ensure that the services rendered by its public employment service in connection with the recruitment, introduction or placing of migrants for employment are rendered free.

#### *Article 5*

1. Each Member for which this Annex is in force which maintains a system of supervision of contracts of employment between an employer, or a person acting on his behalf, and a migrant for employment undertakes to require--

(a) that a copy of the contract of employment shall be delivered to the migrant before departure or, if the Governments concerned so agree, in a reception centre on arrival in the territory of immigration;

(b) that the contract shall contain provisions indicating the conditions of work and particularly the remuneration offered to the migrant;

(c) that the migrant shall receive in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, information concerning the general conditions of life and work applicable to him in the territory of immigration.

2. Where a copy of the contract is to be delivered to the migrant on arrival in the territory of immigration, he shall be informed in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category for which he is engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The competent authority shall ensure that the provisions of the preceding paragraphs are enforced and that appropriate penalties are applied in respect of violations thereof.

#### *Article 6*

The measures taken under Article 4 of the Convention shall, as appropriate, include--

(a) the simplification of administrative formalities;

(b) the provision of interpretation services;

(c) any necessary assistance during an initial period in the settlement of the migrants and members of their families authorised to accompany or join them; and

(d) the safeguarding of the welfare, during the journey and in particular on board ship, of migrants and members of their families authorised to accompany or join them.

*Article 7*

1. In cases where the number of migrants for employment going from the territory of one Member to that of another is sufficiently large, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Annex.

2. Where the members maintain a system of supervision over contracts of employment, such agreements shall indicate the methods by which the contractual obligations of the employers shall be enforced.

*Article 8*

Any person who promotes clandestine or illegal immigration shall be subject to appropriate penalties.

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**ANNEX II**

**RECRUITMENT, PLACING AND CONDITIONS OF LABOUR OF MIGRANTS FOR  
EMPLOYMENT RECRUITED UNDER GOVERNMENT-SPONSORED ARRANGEMENTS  
FOR GROUP TRANSFER**

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*Article 1*

This Annex applies to migrants for employment who are recruited under Government-sponsored arrangements for group transfer.

*Article 2*

For the purpose of this Annex--

(a) the term **recruitment** means--

(i) the engagement of a person in one territory on behalf of an employer in another territory under a Government-sponsored arrangement for group transfer, or

(ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory under a Government-sponsored arrangement for group transfer,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants;

(b) the term **introduction** means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited under a Government-sponsored arrangement for group transfer within the meaning of subparagraph (a) of this paragraph; and

(c) the term **placing** means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced under a Government-sponsored arrangement for group transfer within the meaning of subparagraph (b) of this paragraph.

*Article 3*

1. Each Member for which this Annex is in force, the laws and regulations of which permit the operations of recruitment, introduction and placing as defined in Article 2, shall regulate such of the said operations as are permitted by its laws and regulations in accordance with the provisions of this Article.

2. Subject to the provisions of the following paragraph, the right to engage in the operations of recruitment, introduction and placing shall be restricted to--

(a) public employment offices or other public bodies of the territory in which the operations take place;

(b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by agreement between the Governments concerned;

(c) any body established in accordance with the terms of an international instrument.

3. In so far as national laws and regulations or a bilateral arrangement permit, and subject, if necessary in the interest of the migrant, to the approval and supervision of the competent authority, the operations of recruitment, introduction and placing may be undertaken by--

(a) the prospective employer or a person in his service acting on his behalf;

(b) private agencies.

4. The right to engage in the operations of recruitment, introduction and placing shall be subject to the prior authorisation of the competent authority of the territory where the said operations are to take place in such cases and under such conditions as may be prescribed by--

(a) the laws and regulations of that territory, or

(b) agreement between the competent authority of the territory of emigration or any body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration.

5. The competent authority of the territory where the operations take place shall, in accordance with any agreements made between the competent authorities concerned, supervise the activities of bodies and persons to whom authorisations have been issued in pursuance of the preceding paragraph, other than any body established in accordance with the terms of an international instrument, the position of which shall continue to be governed by the terms of the said instrument or by any agreement made between the body and the competent authority concerned.

6. Before authorising the introduction of migrants for employment the competent authority of the territory of immigration shall ascertain whether there is not a sufficient number of persons already available capable of doing the work in question.

7. Nothing in this Article shall be deemed to permit the acceptance of a migrant for employment for admission to the territory of any Member by any person or body other than the competent authority of the territory of immigration.

#### *Article 4*

1. Each Member for which this Annex is in force undertakes to ensure that the services rendered by its public employment service in connection with the recruitment, introduction or placing of migrants for employment are rendered free.

2. The administrative costs of recruitment, introduction and placing shall not be borne by the migrants.

#### *Article 5*

In the case of collective transport of migrants from one country to another necessitating passage in transit through a third country, the competent authority of the territory of transit shall take measures for expediting the passage, to avoid delays and administrative difficulties.



*Article 6*

1. Each Member for which this Annex is in force which maintains a system of supervision of contracts of employment between an employer, or a person acting on his behalf, and a migrant for employment undertakes to require--

(a) that a copy of the contract of employment shall be delivered to the migrant before departure or, if the Governments concerned so agree, in a reception centre on arrival in the territory of immigration;

(b) that the contract shall contain provisions indicating the conditions of work and particularly the remuneration offered to the migrant;

(c) that the migrant shall receive in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, information concerning the general conditions of life and work applicable to him in the territory of immigration.

2. Where a copy of the contract is to be delivered to the migrant on arrival in the territory of immigration, he shall be informed in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category for which he is engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The competent authority shall ensure that the provisions of the preceding paragraphs are enforced and that appropriate penalties are applied in respect of violations thereof.

*Article 7*

1. The measures taken under Article 4 of this Convention shall, as appropriate, include--

(a) the simplification of administrative formalities;

(b) the provision of interpretation services;

(c) any necessary assistance, during an initial period in the settlement of the migrants and members of their families authorised to accompany or join them;

(d) the safeguarding of the welfare, during the journey and in particular on board ship, of migrants and members of their families authorised to accompany or join them; and

(e) permission for the liquidation and transfer of the property of migrants for employment admitted on a permanent basis.

*Article 8*

Appropriate measures shall be taken by the competent authority to assist migrants for employment, during an initial period, in regard to matters concerning their conditions of employment; where appropriate, such measures may be taken in co-operation with approved voluntary organisations.

*Article 9*

If a migrant for employment introduced into the territory of a Member in accordance with the provisions of Article 3 of this Annex fails, for a reason for which he is not responsible, to secure the employment for which he has been recruited or other suitable employment, the cost of his return and that of the members of his family who have been authorised to accompany or join him, including administrative fees, transport and maintenance charges to the final destination, and charges for the transport of household belongings, shall not fall upon the migrant.

*Article 10*

If the competent authority of the territory of immigration considers that the employment for which a migrant for employment was recruited under Article 3 of this Annex has been found to be unsuitable, it shall take appropriate measures to assist him in finding suitable employment which does not prejudice national workers and shall take such steps as will ensure his maintenance pending placing in such employment, or his return to the area of recruitment if the migrant is willing or agreed to such return at the time of his recruitment, or his resettlement elsewhere.

*Article 11*

If a migrant for employment who is a refugee or a displaced person and who has entered a territory of immigration in accordance with Article 3 of this Annex becomes redundant in any employment in that territory, the competent authority of that territory shall use its best endeavours to enable him to obtain suitable employment which does not prejudice national workers, and shall take such steps as will ensure his maintenance pending placing in suitable employment or his resettlement elsewhere.

*Article 12*

1. The competent authorities of the territories concerned shall enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Annex.

2. Where the Members maintain a system of supervision over contracts of employment, such agreements shall indicate the methods by which the contractual obligations of the employer shall be enforced.

3. Such agreements shall provide, where appropriate, for co-operation between the competent authority of the territory of emigration or a body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration, in respect of the assistance to be given to migrants concerning their conditions of employment in virtue of the provisions of Article 8.

*Article 13*

Any person who promotes clandestine or illegal immigration shall be subject to appropriate penalties.

**ANNEX III****IMPORTATION OF THE PERSONAL EFFECTS, TOOLS AND EQUIPMENT OF MIGRANTS FOR EMPLOYMENT***Article 1*

1. Personal effects belonging to recruited migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on arrival in the territory of immigration.

2. Portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades belonging to recruited migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on arrival in the territory of immigration if such tools and equipment can be shown at the time of importation to be in their actual ownership or possession, to have been in their possession and use for an appreciable time, and to be intended to be used by them in the course of their occupation.

Article 2

1. Personal effects belonging to migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on the return of the said persons to their country of origin if such persons have retained the nationality of that country at the time of their return there.

2. Portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades belonging to migrants for employment and members of their families who have been authorised to accompany or join them shall be exempt from customs duties on return of the said persons to their country of origin if such persons have retained the nationality of that country at the time of their return there and if such tools and equipment can be shown at the time of importation to be in their actual ownership or possession, to have been in their possession and use for an appreciable time, and to be intended to be used by them in the course of their occupation.

Source:[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312242:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312242:NO)

**C117 - Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)**

*Convention concerning Basic Aims and Standards of Social Policy*

*(Entry into force: 23 Apr 1964)*

*Adoption: Geneva, 46th ILC session (22 Jun 1962)*

*Status: Instrument with interim status (Technical Convention).*

*Convention may be denounced: 23 Apr 2024 - 23 Apr 2025*

**Preamble**

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-sixth Session on 6 June 1962, and

Having decided upon the adoption of certain proposals concerning the revision of the Social Policy (Non-Metropolitan Territories) Convention, 1947, which is the tenth item on the agenda of the Session, primarily with a view to making its continued application and ratification possible for independent States, and

Considering that these proposals must take the form of an international Convention, and

Considering that economic development must serve as a basis for social progress, and

Considering that every effort should be made, on an international, regional or national basis, to secure financial and technical assistance safeguarding the interests of the population, and

Considering that, in appropriate cases, international, regional or national action should be taken with a view to establishing conditions of trade which would encourage production at a high level of efficiency and make possible the maintenance of a reasonable standard of living, and

Considering that all possible steps should be taken by appropriate international, regional and national measures to promote improvement in such fields as public health,

housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, the protection of migrant workers, social security, standards of public services and general production, and

Considering that all possible steps should be taken effectively to interest and associate the population in the framing and execution of measures of social progress,

adopts this twenty-second day of June of the year one thousand nine hundred and sixty-two the following Convention, which may be cited as the Social Policy (Basic Aims and Standards) Convention, 1962:

## **PART I. GENERAL PRINCIPLES**

### *Article 1*

1. All policies shall be primarily directed to the well-being and development of the population and to the promotion of its desire for social progress.

2. All policies of more general application shall be formulated with due regard to their effect upon the well-being of the population.

## **PART II. IMPROVEMENT OF STANDARDS OF LIVING**

### *Article 2*

The improvement of standards of living shall be regarded as the principal objective in the planning of economic development.

### *Article 3*

1. All practicable measures shall be taken in the planning of economic development to harmonise such development with the healthy evolution of the communities concerned.

2. In particular, efforts shall be made to avoid the disruption of family life and of traditional social units, especially by--

(a) close study of the causes and effect of migratory movements and appropriate action where necessary;

(b) the promotion of town and village planning in areas where economic needs result in the concentration of population;

(c) the prevention and elimination of congestion in urban areas;

(d) the improvement of living conditions in rural areas and the establishment of suitable industries in rural areas where adequate manpower is available.

### *Article 4*

The measures to be considered by the competent authorities for the promotion of productive capacity and the improvement of standards of living of agricultural producers shall include--

(a) the elimination to the fullest practicable extent of the causes of chronic indebtedness;

(b) the control of the alienation of agricultural land to non-agriculturalists so as to ensure that such alienation takes place only when it is in the best interests of the country;

(c) the control, by the enforcement of adequate laws or regulations, of the ownership and use of land resources to ensure that they are used, with due regard to customary rights, in the best interests of the inhabitants of the country;

(d) the supervision of tenancy arrangements and of working conditions with a view to securing for tenants and labourers the highest practicable standards of living and an equitable share in any advantages which may result from improvements in productivity or in price levels;

(e) the reduction of production and distribution costs by all practicable means and in particular by forming, encouraging and assisting producers' and consumers co-operatives.

### *Article 5*

1. Measures shall be taken to secure for independent producers and wage earners conditions which will give them scope to improve living standards by their own efforts and will ensure the maintenance of minimum standards of living as ascertained by means of official inquiries into living conditions, conducted after consultation with the representative organisations of employers and workers.

2. In ascertaining the minimum standards of living, account shall be taken of such essential family needs of the workers as food and its nutritive value, housing, clothing, medical care and education.

## **PART III. PROVISIONS CONCERNING MIGRANT WORKERS**

### *Article 6*

Where the circumstances under which workers are employed involve their living away from their homes, the terms and conditions of their employment shall take account of their normal family needs.

### *Article 7*

Where the labour resources of one area are used on a temporary basis for the benefit of another area, measures shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilisation to the area of labour supply.

### *Article 8*

1. Where the labour resources of a country are used in an area under a different administration, the competent authorities of the countries concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

2. Such agreements shall provide that the worker shall enjoy protection and advantages not less than those enjoyed by workers resident in the area of labour utilisation.

3. Such agreements shall provide for facilities for enabling the worker to transfer part of his wages and savings to his home.

### *Article 9*

Where workers and their families move from low-cost to higher-cost areas, account shall be taken of the increased cost of living resulting from the change.

## **PART IV. REMUNERATION OF WORKERS AND RELATED QUESTIONS**

### *Article 10*

1. The fixing of minimum wages by collective agreements freely negotiated between trade unions which are representative of the workers concerned and employers or employers' organisations shall be encouraged.

2. Where no adequate arrangements exist for the fixing of minimum wages by collective agreement, the necessary arrangements shall be made whereby minimum rates of wages can be fixed in consultation with representatives of the employers and workers, including representatives of their respective organisations, where such exist.

3. The necessary measures shall be taken to ensure that the employers and workers concerned are informed of the minimum wage rates in force and that wages are not paid at less than these rates in cases where they are applicable.

4. A worker to whom minimum rates are applicable and who, since they became applicable, has been paid wages at less than these rates shall be entitled to recover, by judicial or other means authorised by law, the amount by which he has been underpaid, subject to such limitation of time as may be determined by law or regulation.

#### *Article 11*

1. The necessary measures shall be taken to ensure the proper payment of all wages earned and employers shall be required to keep registers of wage payments, to issue to workers statements of wage payments and to take other appropriate steps to facilitate the necessary supervision.

2. Wages shall normally be paid in legal tender only.

3. Wages shall normally be paid direct to the individual worker.

4. The substitution of alcohol or other spirituous beverages for all or any part of wages for services performed by the worker shall be prohibited.

5. Payment of wages shall not be made in taverns or stores, except in the case of workers employed therein.

6. Unless there is an established local custom to the contrary, and the competent authority is satisfied that the continuance of this custom is desired by the workers, wages shall be paid regularly at such intervals as will lessen the likelihood of indebtedness among the wage earners.

7. Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps shall be taken by the competent authority to ensure that they are adequate and their cash value properly assessed.

8. All practicable measures shall be taken--

(a) to inform the workers of their wage rights;

(b) to prevent any unauthorised deductions from wages; and

(c) to restrict the amounts deductible from wages in respect of supplies and services forming part of remuneration to the proper cash value thereof.

#### *Article 12*

1. The maximum amounts and manner of repayment of advances on wages shall be regulated by the competent authority.

2. The competent authority shall limit the amount of advances which may be made to a worker in consideration of his taking up employment; the amount of advances permitted shall be clearly explained to the worker.

3. Any advance in excess of the amount laid down by the competent authority shall be legally irrecoverable and may not be recovered by the withholding of amounts of pay due to the worker at a later date.

#### *Article 13*

1. Voluntary forms of thrift shall be encouraged among wage earners and independent producers.

2. All practicable measures shall be taken for the protection of wage earners and independent producers against usury, in particular by action aiming at the reduction of rates of interest on loans, by the control of the operations of money lenders, and by the encouragement of facilities for borrowing money for appropriate purposes through co-operative credit organisations or through institutions which are under the control of the competent authority.

**PART V. NON-DISCRIMINATION ON GROUNDS OF RACE, COLOUR, SEX, BELIEF,  
TRIBAL ASSOCIATION OR TRADE UNION AFFILIATION**

*Article 14*

1. It shall be an aim of policy to abolish all discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation in respect of--

- (a) labour legislation and agreements which shall afford equitable economic treatment to all those lawfully resident or working in the country;
- (b) admission to public or private employment;
- (c) conditions of engagement and promotion;
- (d) opportunities for vocational training;
- (e) conditions of work;
- (f) health, safety and welfare measures;
- (g) discipline;
- (h) participation in the negotiation of collective agreements;
- (i) wage rates, which shall be fixed according to the principle of equal pay for work of equal value in the same operation and undertaking.

2. All practicable measures shall be taken to lessen, by raising the rates applicable to the lower-paid workers, any existing differences in wage rates due to discrimination by reason of race, colour, sex, belief, tribal association or trade union affiliation.

3. Workers from one country engaged for employment in another country may be granted in addition to their wages benefits in cash or in kind to meet any reasonable personal or family expenses resulting from employment away from their homes.

4. The foregoing provisions of this Article shall be without prejudice to such measures as the competent authority may think it necessary or desirable to take for the safeguarding of motherhood and for ensuring the health, safety and welfare of women workers.

**PART VI. EDUCATION AND TRAINING**

*Article 15*

1. Adequate provision shall be made to the maximum extent possible under local conditions, for the progressive development of broad systems of education, vocational training and apprenticeship, with a view to the effective preparation of children and young persons of both sexes for a useful occupation.

2. National laws or regulations shall prescribe the school-leaving age and the minimum age for and conditions of employment.

3. In order that the child population may be able to profit by existing facilities for education and in order that the extension of such facilities may not be hindered by a demand for child labour, the employment of persons below the school-leaving age during the hours when the schools are in session shall be prohibited in areas where educational facilities are provided on a scale adequate for the majority of the children of school age.

*Article 16*

1. In order to secure high productivity through the development of skilled labour, training in new techniques of production shall be provided in suitable cases.

2. Such training shall be organised by or under the supervision of the competent authorities, in consultation with the employers' and workers' organisations of the country from which the trainees come and of the country of training.

## PART VII. FINAL PROVISIONS

### *Article 17*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### *Article 18*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratification have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

### *Article 19*

The coming into force of this Convention shall not involve the ipso jure denunciation of the Social Policy (Non-Metropolitan Territories) Convention, 1947, by any Member for which that Convention continues to remain in force, nor shall it close that Convention to further ratification.

### *Article 20*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### *Article 21*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

### *Article 22*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

### *Article 23*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.



*Article 24*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides--

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 20 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

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**C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)**

*Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Entry into force: 09 Dec 1978)*

*Adoption: Geneva, 60th ILC session (24 Jun 1975)*

*Status: Up-to-date instrument (Technical Convention).*

*Convention may be denounced: 09 Dec 2028 - 09 Dec 2029*

**Preamble**

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1975, and

Considering that the Preamble of the Constitution of the International Labour Organisation assigns to it the task of protecting “the interests of workers when employed in countries other than their own”, and

Considering that the Declaration of Philadelphia reaffirms, among the principles on which the Organisation is based, that “labour is not a commodity”, and that “poverty anywhere constitutes a danger to prosperity everywhere”, and recognises the solemn obligation of the ILO to further programmes which will achieve in particular full employment through “the transfer of labour, including for employment ...”,

Considering the ILO World Employment Programme and the Employment Policy Convention and Recommendation, 1964, and emphasising the need to avoid the excessive and uncontrolled or unassisted increase of migratory movements because of their negative social and human consequences, and

Considering that in order to overcome underdevelopment and structural and chronic unemployment, the governments of many countries increasingly stress the desirability of encouraging the transfer of capital and technology rather than the transfer of workers in accordance with the needs and requests of these countries in the reciprocal interest of the countries of origin and the countries of employment, and

Considering the right of everyone to leave any country, including his own, and to enter his own country, as set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and

Recalling the provisions contained in the Migration for Employment Convention and Recommendation (Revised), 1949, in the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955, in the Employment Policy Convention and Recommendation, 1964, in the Employment Service Convention and Recommendation, 1948, and in the Fee-Charging Employment Agencies Convention (Revised), 1949, which deal with such matters as the regulation of the recruitment, introduction and placing of migrant workers, the provision of accurate information relating to migration, the minimum conditions to be enjoyed by migrants in transit and on arrival, the adoption of an active employment policy and international collaboration in these matters, and

Considering that the migration of workers due to conditions in labour markets should take place under the responsibility of official agencies for employment or in accordance with the relevant bilateral or multilateral agreements, in particular those permitting free circulation of workers, and

Considering that evidence of the existence of illicit and clandestine trafficking in labour calls for further standards specifically aimed at eliminating these abuses, and

Recalling the provisions of the Migration for Employment Convention (Revised), 1949, which require ratifying Members to apply to immigrants lawfully within their territory treatment not less favourable than that which they apply to their nationals in respect of a variety of matters which it enumerates, in so far as these are regulated by laws or regulations or subject to the control of administrative authorities, and

Recalling that the definition of the term “discrimination” in the Discrimination (Employment and Occupation) Convention, 1958, does not mandatorily include distinctions on the basis of nationality, and

Considering that further standards, covering also social security, are desirable in order to promote equality of opportunity and treatment of migrant workers and, with regard to matters regulated by laws or regulations or subject to the control of administrative authorities, ensure treatment at least equal to that of nationals, and

Noting that, for the full success of action regarding the very varied problems of migrant workers, it is essential that there be close co-operation with the United Nations and other specialised agencies, and

Noting that, in the framing of the following standards, account has been taken of the work of the United Nations and of other specialised agencies and that, with a view to avoiding duplication and to ensuring appropriate co-ordination, there will be continuing co-operation in promoting and securing the application of the standards, and

Having decided upon the adoption of certain proposals with regard to migrant workers, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention supplementing the Migration for Employment Convention (Revised), 1949, and the Discrimination (Employment and Occupation) Convention, 1958,

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-five the following Convention, which may be cited as the Migrant Workers (Supplementary Provisions) Convention, 1975:

## **PART I. MIGRATIONS IN ABUSIVE CONDITIONS**

### *Article 1*

Each Member for which this Convention is in force undertakes to respect the basic human rights of all migrant workers.

*Article 2*

1. Each Member for which this Convention is in force shall systematically seek to determine whether there are illegally employed migrant workers on its territory and whether there depart from, pass through or arrive in its territory any movements of migrants for employment in which the migrants are subjected during their journey, on arrival or during their period of residence and employment to conditions contravening relevant international multilateral or bilateral instruments or agreements, or national laws or regulations.

2. The representative organisations of employers and workers shall be fully consulted and enabled to furnish any information in their possession on this subject.

*Article 3*

Each Member shall adopt all necessary and appropriate measures, both within its jurisdiction and in collaboration with other Members--

(a) to suppress clandestine movements of migrants for employment and illegal employment of migrants, and

(b) against the organisers of illicit or clandestine movements of migrants for employment departing from, passing through or arriving in its territory, and against those who employ workers who have immigrated in illegal conditions,

in order to prevent and to eliminate the abuses referred to in Article 2 of this Convention.

*Article 4*

In particular, Members shall take such measures as are necessary, at the national and the international level, for systematic contact and exchange of information on the subject with other States, in consultation with representative organisations of employers and workers.

*Article 5*

One of the purposes of the measures taken under Articles 3 and 4 of this Convention shall be that the authors of manpower trafficking can be prosecuted whatever the country from which they exercise their activities.

*Article 6*

1. Provision shall be made under national laws or regulations for the effective detection of the illegal employment of migrant workers and for the definition and the application of administrative, civil and penal sanctions, which include imprisonment in their range, in respect of the illegal employment of migrant workers, in respect of the organisation of movements of migrants for employment defined as involving the abuses referred to in Article 2 of this Convention, and in respect of knowing assistance to such movements, whether for profit or otherwise.

2. Where an employer is prosecuted by virtue of the provision made in pursuance of this Article, he shall have the right to furnish proof of his good faith.

*Article 7*

The representative organisations of employers and workers shall be consulted in regard to the laws and regulations and other measures provided for in this Convention and designed to prevent and eliminate the abuses referred to above, and the possibility of their taking initiatives for this purpose shall be recognised.

*Article 8*

1. On condition that he has resided legally in the territory for the purpose of employment, the migrant worker shall not be regarded as in an illegal or irregular

situation by the mere fact of the loss of his employment, which shall not in itself imply the withdrawal of his authorisation of residence or, as the case may be, work permit.

2. Accordingly, he shall enjoy equality of treatment with nationals in respect in particular of guarantees of security of employment, the provision of alternative employment, relief work and retraining.

#### *Article 9*

1. Without prejudice to measures designed to control movements of migrants for employment by ensuring that migrant workers enter national territory and are admitted to employment in conformity with the relevant laws and regulations, the migrant worker shall, in cases in which these laws and regulations have not been respected and in which his position cannot be regularised, enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits.

2. In case of dispute about the rights referred to in the preceding paragraph, the worker shall have the possibility of presenting his case to a competent body, either himself or through a representative.

3. In case of expulsion of the worker or his family, the cost shall not be borne by them.

4. Nothing in this Convention shall prevent Members from giving persons who are illegally residing or working within the country the right to stay and to take up legal employment.

## **PART II. EQUALITY OF OPPORTUNITY AND TREATMENT**

#### *Article 10*

Each Member for which the Convention is in force undertakes to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory.

#### *Article 11*

1. For the purpose of this Part of this Convention, the term **migrant worker** means a person who migrates or who has migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker.

2. This Part of this Convention does not apply to--

- (a) frontier workers;
- (b) artistes and members of the liberal professions who have entered the country on a short-term basis;
- (c) seamen;
- (d) persons coming specifically for purposes of training or education;
- (e) employees of organisations or undertakings operating within the territory of a country who have been admitted temporarily to that country at the request of their employer to undertake specific duties or assignments, for a limited and defined period of time, and who are required to leave that country on the completion of their duties or assignments.

#### *Article 12*

Each Member shall, by methods appropriate to national conditions and practice--

(a) seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of the policy provided for in Article 10 of this Convention;

(b) enact such legislation and promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;

(c) take measures, encourage educational programmes and develop other activities aimed at acquainting migrant workers as fully as possible with the policy, with their rights and obligations and with activities designed to give effective assistance to migrant workers in the exercise of their rights and for their protection;

(d) repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;

(e) in consultation with representative organisations of employers and workers, formulate and apply a social policy appropriate to national conditions and practice which enables migrant workers and their families to share in advantages enjoyed by its nationals while taking account, without adversely affecting the principle of equality of opportunity and treatment, of such special needs as they may have until they are adapted to the society of the country of employment;

(f) take all steps to assist and encourage the efforts of migrant workers and their families to preserve their national and ethnic identity and their cultural ties with their country of origin, including the possibility for children to be given some knowledge of their mother tongue;

(g) guarantee equality of treatment, with regard to working conditions, for all migrant workers who perform the same activity whatever might be the particular conditions of their employment.

### *Article 13*

1. A Member may take all necessary measures which fall within its competence and collaborate with other Members to facilitate the reunification of the families of all migrant workers legally residing in its territory.

2. The members of the family of the migrant worker to which this Article applies are the spouse and dependent children, father and mother.

### *Article 14*

A Member may--

(a) make the free choice of employment, while assuring migrant workers the right to geographical mobility, subject to the conditions that the migrant worker has resided lawfully in its territory for the purpose of employment for a prescribed period not exceeding two years or, if its laws or regulations provide for contracts for a fixed term of less than two years, that the worker has completed his first work contract;

(b) after appropriate consultation with the representative organisations of employers and workers, make regulations concerning recognition of occupational qualifications acquired outside its territory, including certificates and diplomas;

(c) restrict access to limited categories of employment or functions where this is necessary in the interests of the State.

## **PART III FINAL PROVISIONS**

### *Article 15*

This Convention does not prevent Members from concluding multilateral or bilateral agreements with a view to resolving problems arising from its application.

*Article 16*

1. Any Member which ratifies this Convention may, by a declaration appended to its ratification, exclude either Part I or Part II from its acceptance of the Convention.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate in its reports upon the application of this Convention the position of its law and practice in regard to the provisions of the Part excluded from its acceptance, the extent to which effect has been given, or is proposed to be given, to the said provision and the reasons for which it has not yet included them in its acceptance of the Convention.

*Article 17*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

*Article 18*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

*Article 19*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

*Article 20*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

*Article 21*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

*Article 22*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

*Article 23*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides--

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 19 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

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**C144 - Tripartite Consultation (International Labour Standards) Convention, 1976  
(No. 144)**

*Convention concerning Tripartite Consultations to Promote the Implementation of  
International Labour Standards (Entry into force: 16 May 1978)*

*Adoption: Geneva, 61st ILC session (21 Jun 1976)*

*Status: Up-to-date instrument (Governance (Priority) Convention).*

*Convention may be denounced: 16 May 2028 - 16 May 2029*

**Preamble**

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-first Session on 2 June 1976, and

Recalling the terms of existing international labour Conventions and Recommendations--in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Consultation (Industrial and National Levels) Recommendation, 1960--which affirm the right of employers and workers to establish free and independent organisations and call for measures to promote effective consultation at the national level between public authorities and employers' and workers' organisations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers' and workers' organisations on measures to give effect thereto, and

Having considered the fourth item on the agenda of the session which is entitled "Establishment of tripartite machinery to promote the implementation of international labour standards", and having decided upon the adoption of certain proposals concerning tripartite consultation to promote the implementation of international labour standards, and



Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Tripartite Consultation (International Labour Standards) Convention, 1976:

*Article 1*

In this Convention the term **representative organisations** means the most representative organisations of employers and workers enjoying the right of freedom of association.

*Article 2*

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the International Labour Organisation set out in Article 5, paragraph 1, below, between representatives of the government, of employers and of workers.

2. The nature and form of the procedures provided for in paragraph 1 of this Article shall be determined in each country in accordance with national practice, after consultation with the representative organisations, where such organisations exist and such procedures have not yet been established.

*Article 3*

1. The representatives of employers and workers for the purposes of the procedures provided for in this Convention shall be freely chosen by their representative organisations, where such organisations exist.

2. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken.

*Article 4*

1. The competent authority shall assume responsibility for the administrative support of the procedures provided for in this Convention.

2. Appropriate arrangements shall be made between the competent authority and the representative organisations, where such organisations exist, for the financing of any necessary training of participants in these procedures.

*Article 5*

1. The purpose of the procedures provided for in this Convention shall be consultations on--

(a) government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;

(b) the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;

(c) the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;

(d) questions arising out of reports to be made to the International Labour Office under Article 22 of the Constitution of the International Labour Organisation;

(e) proposals for the denunciation of ratified Conventions.



2. In order to ensure adequate consideration of the matters referred to in paragraph 1 of this Article, consultation shall be undertaken at appropriate intervals fixed by agreement, but at least once a year.

### *Article 6*

When this is considered appropriate after consultation with the representative organisations, where such organisations exist, the competent authority shall issue an annual report on the working of the procedures provided for in this Convention.

### *Article 7*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### *Article 8*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

### *Article 9*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### *Article 10*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

### *Article 11*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

### *Article 12*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

### Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

**Source:**[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C144](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C144)

## C150 - Labour Administration Convention, 1978 (No. 150)

*Convention concerning Labour Administration: Role, Functions and Organisation*  
(Entry into force: 11 Oct 1980)

*Adoption: Geneva, 64th ILC session (26 Jun 1978)*

*Status: Up-to-date instrument (Technical Convention).*

*Convention may be denounced: 11 Oct 2020 - 11 Oct 2021*

### Preamble

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fourth Session on 7 June 1978, and

Recalling the terms of existing international labour Conventions and Recommendations, including in particular the Labour Inspection Convention, 1947, the Labour Inspection (Agriculture) Convention, 1969, and the Employment Service Convention, 1948, which call for the exercise of particular labour administration activities, and

Considering it desirable to adopt instruments establishing guidelines regarding the over-all system of labour administration, and

Recalling the terms of the Employment Policy Convention, 1964, and of the Human Resources Development Convention, 1975; recalling also the goal of the creation of full and adequately remunerated employment and affirming the need for programmes of labour administration to work towards this goal and to give effect to the objectives of the said Conventions, and

Recognising the necessity of fully respecting the autonomy of employers' and workers' organisations, recalling in this connection the terms of existing international labour Conventions and Recommendations guaranteeing rights of association, organisation and collective bargaining--and particularly the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949--which forbid any interference by public authorities which would restrict these rights or impede the lawful exercise thereof, and

considering that employers' and workers' organisations have essential roles in attaining the objectives of economic, social and cultural progress, and

Having decided upon the adoption of certain proposals with regard to labour administration: role, functions and organisation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-eight the following Convention, which may be cited as the Labour Administration Convention, 1978:

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### *Article 1*

For the purpose of this Convention--

(a) the term **labour administration** means public administration activities in the field of national labour policy;

(b) the term **system of labour administration** covers all public administration bodies responsible for and/or engaged in labour administration--whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration --and any institutional framework for the co-ordination of the activities of such bodies and for consultation with and participation by employers and workers and their organisations.

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### *Article 2*

A Member which ratifies this Convention may, in accordance with national laws or regulations, or national practice, delegate or entrust certain activities of labour administration to non-governmental organisations, particularly employers' and workers' organisations, or--where appropriate--to employers' and workers' representatives.

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### *Article 3*

A Member which ratifies this Convention may regard particular activities in the field of its national labour policy as being matters which, in accordance with national laws or regulations, or national practice, are regulated by having recourse to direct negotiations between employers' and workers' organisations.

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### *Article 4*

Each Member which ratifies this Convention shall, in a manner appropriate to national conditions, ensure the organisation and effective operation in its territory of a system of labour administration, the functions and responsibilities of which are properly co-ordinated.

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### *Article 5*

1. Each Member which ratifies this Convention shall make arrangements appropriate to national conditions to secure, within the system of labour administration, consultation, co-operation and negotiation between the public authorities and the most representative organisations of employers and workers, or--where appropriate--employers' and workers' representatives.

2. To the extent compatible with national laws and regulations, and national practice, such arrangements shall be made at the national, regional and local levels as well as at the level of the different sectors of economic activity.

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### *Article 6*

1. The competent bodies within the system of labour administration shall, as appropriate, be responsible for or contribute to the preparation, administration, co-ordination, checking and review of national labour policy, and be the instrument within

the ambit of public administration for the preparation and implementation of laws and regulations giving effect thereto.

2. In particular, these bodies, taking into account international labour standards, shall--

(a) participate in the preparation, administration, co-ordination, checking and review of national employment policy, in accordance with national laws and regulations, and national practice;

(b) study and keep under review the situation of employed, unemployed and underemployed persons, taking into account national laws and regulations and national practice concerning conditions of work and working life and terms of employment, draw attention to defects and abuses in such conditions and terms and submit proposals on means to overcome them;

(c) make their services available to employers and workers, and their respective organisations, as may be appropriate under national laws or regulations, or national practice, with a view to the promotion--at national, regional and local levels as well as at the level of the different sectors of economic activity --of effective consultation and co-operation between public authorities and bodies and employers' and workers' organisations, as well as between such organisations;

(d) make technical advice available to employers and workers and their respective organisations on their request.

#### *Article 7*

When national conditions so require, with a view to meeting the needs of the largest possible number of workers, and in so far as such activities are not already covered, each Member which ratifies this Convention shall promote the extension, by gradual stages if necessary, of the functions of the system of labour administration to include activities, to be carried out in co-operation with other competent bodies, relating to the conditions of work and working life of appropriate categories of workers who are not, in law, employed persons, such as--

(a) tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers;

(b) self-employed workers who do not engage outside help, occupied in the informal sector as understood in national practice;

(c) members of co-operatives and worker-managed undertakings;

(d) persons working under systems established by communal customs or traditions.

#### *Article 8*

To the extent compatible with national laws and regulations and national practice, the competent bodies within the system of labour administration shall contribute to the preparation of national policy concerning international labour affairs, participate in the representation of the State with respect to such affairs and contribute to the preparation of measures to be taken at the national level with respect thereto.

#### *Article 9*

With a view to the proper co-ordination of the functions and responsibilities of the system of labour administration, in a manner determined by national laws or regulations, or national practice, a ministry of labour or another comparable body shall have the means to ascertain whether any parastatal agencies which may be responsible for particular labour administration activities, and any regional or local agencies to which particular labour administration activities may have been delegated, are operating in

accordance with national laws and regulations and are adhering to the objectives assigned to them.

### *Article 10*

1. The staff of the labour administration system shall be composed of persons who are suitably qualified for the activities to which they are assigned, who have access to training necessary for such activities and who are independent of improper external influences.

2. Such staff shall have the status, the material means and the financial resources necessary for the effective performance of their duties.

### *Article 11*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### *Article 12*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

### *Article 13*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### *Article 14*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

### *Article 15*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

### *Article 16*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this

Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

*Article 17*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

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### **C154 - Collective Bargaining Convention, 1981 (No. 154)**

*Convention concerning the Promotion of Collective Bargaining*

*(Entry into force: 11 Aug 1983)*

*Adoption: Geneva, 67th ILC session (03 Jun 1981)*

*Status: Up-to-date instrument (Technical Convention).*

*Convention may be denounced: 11 Aug 2023 - 11 Aug 2024*

#### **Preamble**

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981, and

Reaffirming the provision of the Declaration of Philadelphia recognising "the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve ... the effective recognition of the right of collective bargaining", and noting that this principle is "fully applicable to all people everywhere", and

Having regard to the key importance of existing international standards contained in the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Collective Agreements Recommendation, 1951, the Voluntary Conciliation and Arbitration Recommendation, 1951, the Labour Relations (Public Service) Convention and Recommendation, 1978, and the Labour Administration Convention and Recommendation, 1978, and

Considering that it is desirable to make greater efforts to achieve the objectives of these standards and, particularly, the general principles set out in Article 4 of the Right to Organise and Collective Bargaining Convention, 1949, and in Paragraph 1 of the Collective Agreements Recommendation, 1951, and

Considering accordingly that these standards should be complemented by appropriate measures based on them and aimed at promoting free and voluntary collective bargaining, and

Having decided upon the adoption of certain proposals with regard to the promotion of collective bargaining, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this nineteenth day of June of the year one thousand nine hundred and eighty-one the following Convention, which may be cited as the Collective Bargaining Convention, 1981:

## PART I. SCOPE AND DEFINITIONS

### Article 1

1. This Convention applies to all branches of economic activity.
2. The extent to which the guarantees provided for in this Convention apply to the armed forces and the police may be determined by national laws or regulations or national practice.
3. As regards the public service, special modalities of application of this Convention may be fixed by national laws or regulations or national practice.

### Article 2

For the purpose of this Convention the term **collective bargaining** extends to all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for--

- (a) determining working conditions and terms of employment; and/or
- (b) regulating relations between employers and workers; and/or
- (c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations.

### Article 3

1. Where national law or practice recognises the existence of workers' representatives as defined in Article 3, subparagraph (b), of the Workers' Representatives Convention, 1971, national law or practice may determine the extent to which the term **collective bargaining** shall also extend, for the purpose of this Convention, to negotiations with these representatives.

2. Where, in pursuance of paragraph 1 of this Article, the term **collective bargaining** also includes negotiations with the workers' representatives referred to in that paragraph, appropriate measures shall be taken, wherever necessary, to ensure that the existence of these representatives is not used to undermine the position of the workers' organisations concerned.

## PART II. METHODS OF APPLICATION

### Article 4

The provisions of this Convention shall, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards or in such other manner as may be consistent with national practice, be given effect by national laws or regulations.

## PART III. PROMOTION OF COLLECTIVE BARGAINING

### Article 5

1. Measures adapted to national conditions shall be taken to promote collective bargaining.

2. The aims of the measures referred to in paragraph 1 of this Article shall be the following:

(a) collective bargaining should be made possible for all employers and all groups of workers in the branches of activity covered by this Convention;

(b) collective bargaining should be progressively extended to all matters covered by subparagraphs (a), (b) and (c) of Article 2 of this Convention;

(c) the establishment of rules of procedure agreed between employers' and workers' organisations should be encouraged;

(d) collective bargaining should not be hampered by the absence of rules governing the procedure to be used or by the inadequacy or inappropriateness of such rules;

(e) bodies and procedures for the settlement of labour disputes should be so conceived as to contribute to the promotion of collective bargaining.

#### *Article 6*

The provisions of this Convention do not preclude the operation of industrial relations systems in which collective bargaining takes place within the framework of conciliation and/or arbitration machinery or institutions, in which machinery or institutions the parties to the collective bargaining process voluntarily participate.

#### *Article 7*

Measures taken by public authorities to encourage and promote the development of collective bargaining shall be the subject of prior consultation and, whenever possible, agreement between public authorities and employers' and workers' organisations.

#### *Article 8*

The measures taken with a view to promoting collective bargaining shall not be so conceived or applied as to hamper the freedom of collective bargaining.

### **PART IV. FINAL PROVISIONS**

#### *Article 9*

This Convention does not revise any existing Convention or Recommendation.

#### *Article 10*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 11*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### *Article 12*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound



for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### *Article 13*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

### *Article 14*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

### *Article 15*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

### *Article 16*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

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## **R086 - Migration for Employment Recommendation (Revised), 1949 (No. 86)**

*Recommendation concerning Migration for Employment (Revised 1949)*

*Adoption: Geneva, 32nd ILC session (01 Jul 1949)*

*Status: Up-to-date instrument.*

### **Preamble**

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met its Thirty-second Session on 8 June 1949, and  
Having decided upon the adoption of certain proposals with regard to the revision of the Migration for Employment Recommendation, 1939, and the Migration for

Employment (Co-operation between States) Recommendation, 1939, adopted by the Conference at its Twenty-fifth Session, which are included in the eleventh item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, adopts this first day of July of the year one thousand nine hundred and forty-nine, the following Recommendation, which may be cited as the Migration for Employment Recommendation (Revised), 1949:

The Conference,

Having adopted the Migration for Employment Convention (Revised), 1949, and

Desiring to supplement its provisions by a Recommendation;

Recommends as follows:

## I

1. For the purpose of this Recommendation--

(a) the term **migrant for employment** means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment;

(b) the term **recruitment** means--

(i) the engagement of a person in one territory on behalf of an employer in another territory, or

(ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory, together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants;

(c) the term **introduction** means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of subparagraph (b);

(d) the term **placing** means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced within the meaning of subparagraph (c).

2. For the purpose of this Recommendation, references to the Government or competent authority of a territory of emigration should be interpreted as referring, in the case of migrants who are refugees or displaced persons, to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government.

3. This Recommendation does not apply to--

(a) frontier workers;

(b) short-term entry of members of the liberal professions and artistes; and

(c) seamen.

## II

4.

(1) It should be the general policy of Members to develop and utilise all possibilities of employment and for this purpose to facilitate the international distribution of manpower and in particular the movement of manpower from countries which have a surplus of manpower to those countries that have a deficiency.

(2) The measures taken by each Member should have due regard to the manpower situation in the country and the Government should consult the appropriate

organisations of employers and workers on all general questions concerning migration for employment.

### III

5.

(1) The free service provided in each country to assist migrants and their families and in particular to provide them with accurate information should be conducted--

(a) by public authorities; or

(b) by one or more voluntary organisations not conducted with a view to profit, approved for the purpose by the public authorities, and subject to the supervision of the said authorities; or

(c) partly by the public authorities and partly by one or more voluntary organisations fulfilling the conditions stated in subparagraph (b) of this Paragraph.

(2) The service should advise migrants and their families, in their languages or dialects or at least in a language which they can understand, on matters relating to emigration, immigration, employment and living conditions, including health conditions in the place of destination, return to the country of origin or of emigration, and generally speaking any other question which may be of interest to them in their capacity as migrants.

(3) The service should provide facilities for migrants and their families with regard to the fulfilment of administrative formalities and other steps to be taken in connection with the return of the migrants to the country of origin or of emigration, should the case arise.

(4) With a view to facilitating the adaptation of migrants, preparatory courses should, where necessary, be organised to inform the migrants of the general conditions and the methods of work prevailing in the country of immigration, and to instruct them in the language of that country. The countries of emigration and immigration should mutually agree to organise such courses.

6. On request information should be made available by Members to the International Labour Office and to other Members concerning their emigration laws and regulations, including administrative provisions relating to restrictions on emigration and facilities granted to emigrants, and appropriate details concerning the categories of persons wishing to emigrate.

7. On request information should be made available by Members to the International Labour Office and to other Members concerning their immigration laws and regulations, including administrative provisions, entry permits where needed, number and occupational qualifications of immigrants desired, laws and regulations affecting admission of migrants to employment, and any special facilities granted to migrants and measures to facilitate their adaptation to the economic and social organisation of the country of immigration.

8. There should, as far as possible, be a reasonable interval between the publication and the coming into force of any measure altering the conditions on which emigration or immigration or the employment of migrants is permitted in order that these conditions may be notified in good time to persons who are preparing to emigrate.

9. Provision should be made for adequate publicity to be given at appropriate stages to the principal measures referred to in the preceding Paragraph, such publicity to be in the languages most commonly known to the migrants.

10. Migration should be facilitated by such measures as may be appropriate--

(a) to ensure that migrants for employment are provided in case of necessity with adequate accommodation, food and clothing on arrival in the country of immigration;

(b) to ensure, where necessary, vocational training so as to enable the migrants for employment to acquire the qualifications required in the country of immigration;

(c) to permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of migrants for employment as the migrants may desire;

(d) to arrange, in the case of permanent migration, for the transfer, where desired, to the country of immigration, of the capital of migrants for employment, within the limits allowed by national laws and regulations concerning export and import of currency;

(e) to provide access to schools for migrants and members of their families.

11. Migrants and the members of their families should be assisted in obtaining access to recreation and welfare facilities, and steps should be taken where necessary to ensure that special facilities are made available during the initial period of settlement in the country of immigration.

12. In the case of migrants under Government-sponsored arrangements for group transfer, medical assistance should be extended to such migrants in the same manner as provided for nationals.

#### IV

13.

(1) Where necessary in the interest of the migrant, Members should require that any intermediary who undertakes the recruitment, introduction or placing of migrants for employment on behalf of an employer must obtain a written warrant from the employer, or some other document proving that he is acting on the employer's behalf.

(2) This document should be drawn up in, or translated into, the official language of the country of emigration and should set forth all necessary particulars concerning the employer, concerning the nature and scope of the recruitment, introduction or placing which the intermediary is to undertake, and concerning the employment offered, including the remuneration.

14.

(1) The technical selection of migrants for employment should be carried out in such a way as to restrict migration as little as possible while ensuring that the migrants are qualified to perform the required work.

(2) Responsibility for such selection should be entrusted--

(a) to official bodies; or

(b) where appropriate, to private bodies of the territory of immigration duly authorised and, where necessary in the interest of the migrant, supervised by the competent authority of the territory of emigration.

(3) The right to engage in selection should be subject to the prior authorisation of the competent authority of the territory where the said operation takes place, in such cases under such conditions as may be prescribed by the laws and regulations of that territory, or by agreement between the Government of the territory of emigration and the Government of the territory of immigration.

(4) As far as possible, intending migrants for employment should, before their departure from the territory of emigration, be examined for purposes of occupational and medical selection by a representative of the competent authority of the territory of immigration.

(5) If recruitment takes place on a sufficiently large scale there should be arrangements for close liaison and consultation between the competent authorities of the territories of emigration and immigration concerned.

(6) The operations referred to in the preceding subparagraphs of this Paragraph should be carried out as near as possible to the place where the intending migrant is recruited.

15.

(1) Provision should be made by agreement for authorisation to be granted for a migrant for employment introduced on a permanent basis to be accompanied or joined by the members of his family.

(2) The movement of the members of the family of such a migrant authorised to accompany or join him should be specially facilitated by both the country of emigration and the country of immigration.

(3) For the purposes of this Paragraph, the members of the family of a migrant for employment should include his wife and minor children; favourable consideration should be given to requests for the inclusion of other members of the family dependent upon the migrant.

### V

16.

(1) Migrants for employment authorised to reside in a territory and the members of their families authorised to accompany or join them should as far as possible be admitted to employment in the same conditions as nationals.

(2) In countries in which the employment of migrants is subject to restrictions, these restrictions should as far as possible--

(a) cease to be applied to migrants who have regularly resided in the country for a period, the length of which should not, as a rule, exceed five years; and

(b) cease to be applied to the wife and children of an age to work who have been authorised to accompany or join the migrant, at the same time as they cease to be applied to the migrant.

17. In countries where the number of migrants for employment is sufficiently large, the conditions of employment of such workers should be specially supervised, such supervision being undertaken according to circumstances either by a special inspection service or by labour inspectors or other officials specialising in this work.

### VI

18.

(1) When a migrant for employment has been regularly admitted to the territory of a Member, the said Member should, as far as possible, refrain from removing such person or the members of his family from its territory on account of his lack of means or the state of the employment market, unless an agreement to this effect has been concluded between the competent authorities of the emigration and immigration territories concerned.

(2) Any such agreement should provide--

(a) that the length of time the said migrant has been in the territory of immigration shall be taken into account and that in principle no migrant shall be removed who has been there for more than five years;

(b) that the migrant must have exhausted his rights to unemployment insurance benefit;

(c) that the migrant must have been given reasonable notice so as to give him time, more particularly to dispose of his property;

(d) that suitable arrangements shall have been made for his transport and that of the members of his family;

(e) that the necessary arrangements shall have been made to ensure that he and the members of his family are treated in a humane manner; and

(f) that the costs of the return of the migrant and the members of his family and of the transport of their household belongings to their final destination shall not fall on him.

19. Appropriate steps should be taken by the authorities of the territories concerned to consult the employers' and workers' organisations concerning the operations of recruitment, introduction and placing of migrants for employment.

## VII

20. When migrants for employment or members of their families who have retained the nationality of their State of origin return there, that country should admit such persons to the benefit of any measures in force for the granting of poor relief and unemployment relief, and for promoting the re-employment of the unemployed, by exempting them from the obligation to comply with any condition as to previous residence or employment in the country or place.

## VIII

21.

(1) Members should in appropriate cases supplement the Migration for Employment Convention (Revised), 1949, and the preceding Paragraphs of the present Recommendation by bilateral agreements, which should specify the methods of applying the principles set forth in the Convention and in the Recommendation.

(2) In concluding such agreements, Members should take into account the provisions of the Model Agreement annexed to the present Recommendation in framing appropriate clauses for the organisation of migration for employment and the regulation of the conditions of transfer and employment of migrants, including refugees and displaced persons.

## ANNEX

**Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons (Note: The phrases and passages in italics refer primarily to permanent migration; those enclosed within square brackets refer solely to migration of refugees and displaced persons.)**

### ARTICLE 1. EXCHANGE OF INFORMATION

1. The competent authority of the territory of immigration shall periodically furnish appropriate information to the competent authority of the territory of emigration [or in the case of refugees and displaced persons, to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] concerning:

(a) legislative and administrative provisions relating to entry, employment, residence and *settlement* of migrants *and of their families*;

(b) the number, the categories and the occupational qualifications of the migrants desired;

(c) the conditions of life and work for the migrants and, in particular, cost of living and minimum wages according to occupational categories and regions of employment, supplementary allowances, if any, nature of employments available, bonus on engagement, if any, social security systems and medical assistance, provisions concerning transport of migrants and of their tools and belongings, housing conditions and provisions for the supply of food and clothing, measures relating to the transfer of the migrants' savings and other sums due in virtue of this Agreement;

(d) special facilities, if any, for migrants;

(e) facilities for general education and vocational training for migrants;

(f) *measures designed to promote rapid adaptation of migrants;*

(g) *procedure and formalities required for naturalisation.*

2. The competent authority of the territory of emigration or in the case of refugees and displaced persons, any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government shall bring this information to the attention of persons or bodies interested.

3. The competent authority of the territory of emigration or in the case of refugees and displaced persons, any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government shall periodically furnish appropriate information to the competent authority of the territory of immigration concerning:

(a) legislative and administrative provisions relating to emigration;

(b) the number and occupational qualifications of intending emigrants, *as well as the composition of their families;*

(c) the social security system;

(d) special facilities, if any, for migrants;

(e) *the environment and living conditions to which migrants are accustomed;*

(f) *the provisions in force regarding the export of capital.*

4. The competent authority of the territory of immigration shall bring this information to the attention of persons or bodies interested.

5. The information mentioned in paragraphs 1 to 4 above shall also be transmitted by the respective parties to the International Labour Office.

#### **ARTICLE 2. ACTION AGAINST MISLEADING PROPAGANDA**

1. The parties agree, with regard to their respective territories, to take all practical steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.

2. For this purpose the parties will, where appropriate, act in co-operation with the competent authorities of other countries concerned.

#### **ARTICLE 3. ADMINISTRATIVE FORMALITIES**

The parties agree to take measures with a view to accelerating and simplifying the carrying out of administrative formalities relating to departure, travel, entry, residence, and settlement of migrants and as far as possible for the members of their families. Such measures shall include the provision of an interpretation service, where necessary.

#### **ARTICLE 4. VALIDITY OF DOCUMENTS**

1. The parties shall determine the conditions to be met for purposes of recognition in the territory of immigration of any document issued by the competent authority of the

territory of emigration in respect of migrants *and members of their families* [or in the case of refugees and displaced persons, by any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] concerning--

- (a) civil status;
- (b) legal status;
- (c) occupational qualifications;
- (d) general education and vocational training; and
- (e) participation in social security systems.

2. The parties shall also determine the application of such recognition.

[ 3. In the case of refugees and displaced persons, the competent authority of the territory of immigration shall recognise the validity of any travel document issued in lieu of a national passport by the competent authority of the territory of emigration and, in particular, of travel documents issued in accordance with the terms of an international Agreement (e.g. the travel document established by the Agreement of 15 October 1946, and the Nansen passport).]

#### ARTICLE 5. CONDITIONS AND CRITERIA OF MIGRATION

1. The parties shall jointly determine:

(a) the requirements for migrants *and members of their families*, as to age, physical aptitude and health, as well as the occupational qualifications for the various branches of economic activity and for the various occupational categories;

(b) *the categories of the members of the migrants' families authorised to accompany or to join them.*

2. The parties shall also determine, in accordance with the provisions of Article 28 of this Agreement:

(a) the numbers and occupational categories of migrants to be recruited in the course of a stated period;

(b) the areas of recruitment and the areas of placing and settlement [except that in the case of refugees and displaced persons the determination of the areas of recruitment shall be reserved to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government].

3. In order to recruit migrants required to meet the technical needs of the territory of immigration and who can adapt themselves easily to the conditions in the territory of immigration, the parties shall determine criteria to govern technical selection of the migrants.

4. In drawing up these criteria, the two parties shall take into consideration:

(a) with respect to medical selection:

(i) the nature of the medical examination which migrants shall undergo (general medical examination, X-ray examination, laboratory examination, etc.);

(ii) the drawing up of lists of diseases and physical defects which clearly constitute a disability for employment in certain occupations;

(iii) minimum health provisions prescribed by international health conventions and relating to movement of population from one country to another;

(b) with respect to vocational selection:

(i) qualifications required of migrants with respect to each occupation or groups of occupations;



(ii) enumeration of alternative occupations requiring similar qualifications or capacities on the part of the workers in order to fulfil the needs of specified occupations for which it is difficult to recruit a sufficient number of qualified workers;

(iii) development of psycho-technical testing;

(c) with respect to selection based on the age of migrants, flexibility to be given to the application of age criteria in order to take into consideration on the one hand the requirements of various occupations and, on the other, the varying capacities of different individuals at a given age.

### **ARTICLE 6. ORGANISATION OF RECRUITMENT, INTRODUCTION AND PLACING**

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1. The bodies or persons which engage in the operations of recruitment, introduction and placing of migrants *and of members of their families* shall be named by the competent authorities of the respective territories or in the case of refugees and displaced persons, by any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government on the one hand and the competent authority of the territory of immigration on the other subject to the approval of both parties.

2. Subject to the provisions of the following paragraphs, the right to engage in the operations of recruitment, introduction and placing shall be restricted to:

(a) public employment offices or other public bodies of the territory in which the operations take place;

(b) public bodies of a territory other than that in which the operations take place which are authorised to operate in that territory by an agreement between the parties;

(c) any body established in accordance with the terms of an international instrument.

3. In addition, in so far as the national laws and regulations of the parties permit and subject to the approval and supervision of the competent authorities of the parties, the operations of recruitment, introduction and placing may be undertaken by:

(a) the prospective employer or a person in his service acting on his behalf; and

(b) private agencies.

4. The administrative costs of recruitment, introduction and placing shall not be borne by the migrants.

### **ARTICLE 7. SELECTION TESTING**

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1. An intending migrant shall undergo an appropriate examination in the territory of emigration; any such examination should inconvenience him as little as possible.

2. With respect to the organisation of the selection of migrants, the parties shall agree on :

(a) recognition and composition of official agencies or private bodies authorised by the competent authority of the territory of immigration to carry out selection operations in the territory of emigration;

(b) organisation of selection examinations, the centres where they are to be carried out, and allocation of expenses resulting from these examinations;

(c) co-operation of the competent authorities of the two parties and in particular of their employment services in organising selection.

### **ARTICLE 8. INFORMATION AND ASSISTANCE OF MIGRANTS**

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1. The migrant accepted after medical and occupational examination in the assembly or selection centre shall receive, in a language that he understands, all

information he may still require as to the nature of the work for which he has been engaged, the region of employment, the undertaking to which he is assigned, travel arrangements and the conditions of life and work including health and related matters in the country and region to which he is going.

2. On arrival in the country of destination, and at a reception centre if such exists, or at the place of residence, migrants *and the members of their families* shall receive all the documents which they need for their work, their residence and their settlement in the country, as well as information, instruction and advice regarding conditions of life and work, and any other assistance that they may need to adapt themselves to the conditions in the country of immigration.

#### **ARTICLE 9. EDUCATION AND VOCATIONAL TRAINING**

The parties shall co-ordinate their activities concerning the organisation of educational courses for migrants, which shall include general information on the country of immigration, instruction in the language of that country, and vocational training.

#### **ARTICLE 10. EXCHANGE OF TRAINEES**

The parties agree to further the exchange of trainees, and to determine in a separate agreement the conditions governing such exchanges.

#### **ARTICLE 11. CONDITIONS OF TRANSPORT**

1. During the journey from their place of residence to the assembly or selection centre, as well as during their stay in the said centre, migrants *and the members of their families* shall receive from the competent authority of the territory of immigration [or in the case of refugees and displaced persons, from any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] any assistance which they may require.

2. The competent authorities of the territories of emigration and immigration shall, each within its own jurisdiction, safeguard the health and welfare of, and render assistance to, migrants *and the members of their families* during the journey from the assembly or selection centre to the place of their employment, as well as during their stay in a reception centre if such exists.

3. Migrants *and members of their families* shall be transported in a manner appropriate for human beings and in conformity with the laws and regulations in force.

4. The parties shall agree upon the terms and conditions for the application of the provisions of this Article.

#### **ARTICLE 12. TRAVEL AND MAINTENANCE EXPENSES**

The parties shall agree upon the methods for meeting the cost of travel of the migrants *and the members of their families* from the place of their residence to the place of their destination, and the cost of their maintenance while travelling, sick or hospitalised, as well as the cost of transport of their personal belongings.

#### **ARTICLE 13. TRANSFER OF FUNDS**

1. The competent authority of the territory of emigration shall, as far as possible and in conformity with national laws and regulations concerning the import and export of foreign currency, authorise and provide facilities for migrants *and for members of their families* to withdraw from their country such sums as they may need for their initial settlement abroad.

2. The competent authority of the territory of immigration shall, as far as possible and in conformity with national laws and regulations concerning the import and export of

foreign currency, authorise and provide facilities for the periodical transfer to the territory of emigration of migrants' savings and of any other sums due in virtue of this Agreement.

3. The transfers of funds mentioned in paragraphs 1 and 2 above shall be made at the prevailing official rate of exchange.

4. The parties shall take all measures necessary for the simplification and acceleration of administrative formalities regarding the transfer of funds so that such funds may be available with the least possible delay to those entitled to them.

5. The parties shall determine if and under what conditions a migrant may be required to remit part of his wages for the maintenance of his family remaining in his country or in the territory from which he emigrated.

### **ARTICLE 14. ADAPTATION AND NATURALISATION**

*The competent authority of the territory of immigration shall take measures to facilitate adaptation to national climatic, economic and social conditions and facilitate the procedure of naturalisation of migrants and of members of their families.*

### **ARTICLE 15. SUPERVISION OF LIVING AND WORKING CONDITIONS**

1. Provision shall be made for the supervision by the competent authority or duly authorised bodies of the territory of immigration of the living and working conditions, including hygienic conditions, to which the migrants are subject.

2. With respect to temporary migrants, the parties shall provide, where appropriate, for authorised representatives of the territory of emigration or in the case of refugees and displaced persons, of any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government to co-operate with the competent authority or duly authorised bodies of the territory of immigration in carrying out this supervision.

3. During a fixed period, the duration of which shall be determined by the parties, migrants shall receive special assistance in regard to matters concerning their conditions of employment.

4. Assistance with respect to the employment and living conditions of the migrants may be given either through the regular labour inspection service of the territory of immigration or through a special service for migrants, in co-operation where appropriate with approved voluntary organisations.

5. Provision shall be made where appropriate for the co-operation of representatives of the territory of emigration or in the case of refugees and displaced persons, of any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government with such services.

### **ARTICLE 16. SETTLEMENT OF DISPUTES**

1. In case of a dispute between a migrant and his employer, the migrant shall have access to the appropriate courts or shall otherwise obtain redress for his grievances, in accordance with the laws and regulations of the territory of immigration.

2. The authorities shall establish such other machinery as is necessary to settle disputes arising out of the Agreement.

### **ARTICLE 17. EQUALITY OF TREATMENT**

1. The competent authority of the territory of immigration shall grant to migrants *and to members of their families* with respect to employment in which they are

eligible to engage treatment no less favourable than that applicable to its own nationals in virtue of legal or administrative provisions or collective labour agreements.

2. Such equality of treatment shall apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within the territory of immigration in respect of the following matters:

(a) in so far as such matters are regulated by laws or regulations or are subject to the control of administrative authorities,

(i) remuneration, including family allowances where these form part of remuneration, hours of work, weekly rest days, overtime arrangements, holidays with pay and other regulations concerning employment, including limitations on home work, minimum age provisions, women's work, and the work of young persons;

(ii) membership of trade unions and enjoyment of the benefits of collective bargaining;

(iii) admission to schools, to apprenticeship and to courses or schools for vocational or technical training, provided that this does not prejudice nationals of the country of immigration;

(iv) recreation and welfare measures;

(b) employment taxes, dues or contributions payable in respect of the persons employed;

(c) hygiene, safety and medical assistance;

(d) legal proceedings relating to the matters referred to in this Agreement.

#### **ARTICLE 18. ACCESS TO TRADES AND OCCUPATIONS AND THE RIGHT TO ACQUIRE PROPERTY**

*Equality of treatment shall also apply to:*

(a) access to trades and occupations to the extent permitted under national laws and regulations;

(b) acquisition, possession and transmission of urban or rural property.

#### **ARTICLE 19. SUPPLY OF FOOD**

The treatment applied to migrants *and the members of their families* shall be the same as that applied to national workers in the same occupation as regards the supply of food.

#### **ARTICLE 20. HOUSING CONDITIONS**

The competent authority of the territory of immigration shall ensure that migrants *and the members of their families* have hygienic and suitable housing, in so far as the necessary housing is available.

#### **ARTICLE 21. SOCIAL SECURITY**

1. The two parties shall determine in a separate agreement the methods of applying a system of social security to migrants and their dependants.

2. *Such agreement shall provide that the competent authority of the territory of immigration shall take measures to ensure to the migrants and their dependants treatment not less favourable than that afforded by it to its nationals, except where particular residence qualifications apply to nationals.*

3. *The agreement shall embody appropriate arrangements for the maintenance of migrants' acquired rights and rights in course of acquisition framed with due regard to the principles of the Maintenance of Migrants' Pension Rights Convention, 1935, or of any revision of that Convention.*

4. The agreement shall provide that the competent authority of the territory of immigration shall take measures to grant to temporary migrants and their dependants treatment not less favourable than that afforded by it to its nationals, subject in the case of compulsory pension schemes to appropriate arrangements being made for the maintenance of migrants' acquired rights and rights in course of acquisition.

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**ARTICLE 22. CONTRACTS OF EMPLOYMENT**

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1. In countries where a system of model contracts is used, the individual contract of employment for migrants shall be based on a model contract drawn up by the parties for the principal branches of economic activity.

2. The individual contract of employment shall set forth the general conditions of engagement and of employment provided in the relevant model contract and shall be translated into a language which the migrant understands. A copy of the contract shall be delivered to the migrant before departure from the territory of emigration or, if it is agreed between the two parties concerned, in a reception centre on arrival in the territory of immigration. In the latter case before departure the migrant shall be informed in writing by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category in which he is to be engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The individual contract of employment shall contain necessary information, such as :

- (a) the full name of the worker as well as the date and place of birth, his family status, his place of residence and of recruitment;
- (b) the nature of the work, and the place where it is to be performed;
- (c) the occupational category in which he is placed;
- (d) remuneration for ordinary hours of work, overtime, night work and holidays, and the medium for wage payment;
- (e) bonuses, indemnities and allowances, if any;
- (f) conditions under which and extent to which the employer may be authorised to make any deductions from remuneration;
- (g) conditions regarding food if food is to be provided by the employer;
- (h) the duration of the contract as well as the conditions of renewal and denunciation of the contract;
- (i) the conditions under which entry and residence in the territory of immigration are permitted;
- (j) the method of meeting the expenses of the journey of the migrant *and the members of his family*;
- (k) in case of temporary migration, the method of meeting the expenses of return to the home country or the territory of migration, as appropriate;
- (l) the grounds on which a contract may be prematurely terminated.

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**ARTICLE 23. CHANGE OF EMPLOYMENT**

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1. If the competent authority of the territory of immigration considers that the employment for which the migrant has been recruited does not correspond to his physical capacity or occupational qualifications, the said authority shall provide facilities for placing the said migrant in an employment corresponding to his capacity or qualifications, and in which he may be employed in accordance with national laws or regulations.

2. During periods of unemployment, if any, the method of maintaining the migrant *and the dependent members of his family authorised to accompany or join him* shall be determined by arrangements made under a separate agreement.

#### **ARTICLE 24. EMPLOYMENT STABILITY**

1. If before the expiration of the period of his contract the migrant for employment becomes redundant in the undertaking or branch of economic activity for which he was engaged, the competent authority of the territory of immigration shall, subject to the provisions of the contract, facilitate the placing of the said migrant in other suitable employment in which he may be employed in accordance with national laws or regulations.

2. If the migrant is not entitled to benefits under an unemployment insurance or assistance scheme, his maintenance, *as well as that of dependent members of his family* during any period in which he is unemployed shall be determined by a separate agreement in so far as this is not inconsistent with the terms of his contract.

3. The provisions of this Article shall not affect the right of the migrant to benefit from any provisions that may be included in his contract in case it is prematurely terminated by the employer.

#### **ARTICLE 25. PROVISIONS CONCERNING COMPULSORY RETURN**

1. The competent authority of the territory of immigration undertakes that a migrant *and the members of his family who have been authorised to accompany or join him* will not be returned to the territory from which he emigrated unless he so desires if, because of illness or injury, he is unable to follow his occupation.

2. The Government of the territory of immigration undertakes not to send refugees and displaced persons or migrants who do not wish to return to their country of origin for political reasons back to their territory of origin as distinct from the territory from which they were recruited, unless they formally express this desire by a request in writing addressed both to the competent authority of the territory of immigration and the representative of the body set up in accordance with the provisions of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government.

#### **ARTICLE 26. RETURN JOURNEY**

1. The cost of the return journey of a migrant introduced under a plan sponsored by the Government of the territory of immigration, who is obliged to leave his employment for reasons for which he is not responsible, and who cannot, in virtue of national laws and regulations, be placed in an employment for which he is eligible, shall be regulated as follows:

(a) the cost of the return journey of the migrant, and persons dependent upon him, shall in no case fall on the migrant himself;

(b) supplementary bilateral agreements shall specify the method of meeting the cost of this return journey;

(c) in any case, even if no provision to this effect is included in a bilateral agreement, the information given to migrants at the time of their recruitment shall specify what person or agency is responsible for defraying the cost of return in the circumstances mentioned in this Article.

2. In accordance with the methods of co-operation and consultation agreed upon under Article 28 of this Agreement, the two parties shall determine the measures necessary to organise the return home of the said persons and to assure to them in the

course of the journey the conditions of health and welfare and the assistance which they enjoyed during the outward journey.

3. The competent authority of the territory of emigration shall exempt from customs duties on their arrival:

- (a) personal effects; and
- (b) portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades, which have been in possession and use of the said persons for an appreciable time and which are intended to be used by them in the course of their occupation.

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#### **ARTICLE 27. DOUBLE TAXATION**

The two parties shall determine in a separate agreement the measures to be taken to avoid double taxation on the earnings of a migrant for employment.

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#### **ARTICLE 28. METHODS OF CO-OPERATION**

1. The two parties shall agree on the methods of consultation and co-operation necessary to carry out the terms of the Agreement.

2. When so requested by the representatives of the two parties the International Labour Office shall be associated with such consultation and co-operation.

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#### **ARTICLE 29. FINAL PROVISIONS**

1. The parties shall determine the duration of the Agreement as well as the period of notice for termination.

2. The parties shall determine those provisions of this Agreement which shall remain in operation after expiration of this Agreement.

Source: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312424:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312424:NO)

### **R152 - Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152)**

*Recommendation concerning Tripartite Consultations to Promote the Implementation of  
International Labour Standards and National Action relating to the Activities of the  
International Labour Organisation*

*Adoption: Geneva, 61st ILC session (21 Jun 1976)*

*Status: Up-to-date instrument.*

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#### **Preamble**

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office, and having met in its Sixty-first Session on 2 June 1976, and

Recalling the terms of existing international labour Conventions and  
Recommendations - in particular the Freedom of Association and Protection of the Right  
to Organise Convention, 1948, the Right to Organise and Collective Bargaining  
Convention, 1949, and the Consultation (Industrial and National Levels)

Recommendation, 1960 - which affirm the right of employers and workers to establish free and independent organisations and call for measures to promote effective consultation at the national level between public authorities and employers' and workers' organisations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers' and workers' organisations on measures to give effect thereto, and

Having considered the fourth item on the agenda of the session which is entitled "Establishment of tripartite machinery to promote the implementation of international labour standards, and having decided upon the adoption of certain proposals concerning tripartite consultations to promote the implementation of international labour standards and national action relating to the activities of the International Labour Organisation, and

Having determined that these proposals shall take the form of a Recommendation, adopts this twenty-first day of June of the year one thousand nine hundred seventy-six, the following Recommendation, which may be cited as the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976:

1. In this Recommendation the term **representative organisations** means the most representative organisations of employers and workers enjoying the right of freedom of association.

2.

(1) Each Member of the International Labour Organisation should operate procedures which ensure effective consultations with respect to matters concerning the activities of the International Labour Organisation, in accordance with Paragraphs 5 to 7 of this Recommendation, between representatives of the government, of employers and of workers.

(2) The nature and form of the procedures provided for in subparagraph (1) of this Paragraph should be determined in each country in accordance with national practice, after consultation with the representative organisations where such procedures have not yet been established.

(3) For instance, consultations may be undertaken--

(a) through a committee specifically constituted for questions concerning the activities of the International Labour Organisation;

(b) through a body with general competence in the economic, social or labour field;

(c) through a number of bodies with special responsibility for particular subject areas; or

(d) through written communications, where those involved in the consultative procedures are agreed that such communications are appropriate and sufficient.

3.

(1) The representatives of employers and workers for the purposes of the procedures provided for in this Recommendation should be freely chosen by their representative organisations.

(2) Employers and workers should be represented on an equal footing on any bodies through which consultations are undertaken.

(3) Measures should be taken, in co-operation with the employers' and workers' organisations concerned, to make available appropriate training to enable participants in the procedures to perform their functions effectively.



4. The competent authority should assume responsibility for the administrative support and financing of the procedures provided for in this Recommendation, including the financing of training programmes where necessary.

5. The purpose of the procedures provided for in this Recommendation should be consultations--

(a) on government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;

(b) on the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;

(c) subject to national practice, on the preparation and implementation of legislative or other measures to give effect to international labour Conventions and Recommendations, in particular to ratified Conventions (including measures for the implementation of provisions concerning the consultation or collaboration of employers' and workers' representatives);

(d) on the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;

(e) on questions arising out of reports to be made to the International Labour Office under articles 19 and 22 of the Constitution of the International Labour Organisation;

(f) on proposals for the denunciation of ratified Conventions.

6. The competent authority, after consultation with the representative organisations, should determine the extent to which these procedures should be used for the purpose of consultations on other matters of mutual concern, such as--

(a) the preparation, implementation and evaluation of technical co-operation activities in which the International Labour Organisation participates;

(b) the action to be taken in respect of resolutions and other conclusions adopted by the International Labour Conference, regional conferences, industrial committees and other meetings convened by the International Labour Organisation;

(c) the promotion of a better knowledge of the activities of the International Labour Organisation as an element for use in economic and social policies and programmes.

7. In order to ensure adequate consideration of the matters referred to in the preceding Paragraphs, consultations should be undertaken at appropriate intervals fixed by agreement, but at least once a year.

8. Measures appropriate to national conditions and practice should be taken to ensure co-ordination between the procedures provided for in this Recommendation and the activities of national bodies dealing with analogous questions.

9. When this is considered appropriate after consultation with the representative organisations, the competent authority should issue an annual report on the working of the procedures provided for in this Recommendation.

*Source:*[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R1](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R1)

# **TEXTBOOK ON EUROPEAN LABOR MIGRATION AND TRADE UNIONS**

*Edited by* ASHOT ALEKSANYAN

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