

Council of Global Unions (CGU) Statement to the Closing Session of the Intergovernmental
Negotiations on the Global Compact for Safe, Orderly and Regular Migration
Friday 13 July, 2018

The Council of Global Unions, representing millions of workers including migrant workers worldwide, has welcomed the opportunity to engage in a historic process to forge a multilateral framework of cooperation to address the complex issues of international migration, and to ensure that international human and labour rights protections are guaranteed to all migrants. We weigh the outcomes of the process as reflected in the Final Document adopted today, against our initial vision for the Global Compact.

We envisioned a Global Compact that

- promotes decent work, and guarantees ILO fundamental principles and rights at work to all migrant workers, regardless of status;
- guides policies aimed at overcoming protection gaps in access to quality public services, justice and due process for irregular migrants and those in vulnerable situations.

On the positive side, we welcome the promotion of the ILO's Decent Work Agenda and Conventions addressing labour migration. We appreciate the recognition of the role of trade unions in advancing decent work for migrant workers. We salute the efforts of the co-facilitators and Member States to forge a consensus around a comprehensive migration policy agenda that includes such critical issues as enhancing pathways for regular migration, ethical recruitment practices, reducing vulnerabilities of migrants, addressing gender-based violence, and climate-induced displacements.

However, in fundamental ways, the Global Compact falls far short of our expectations. Notably, paragraph 22 i) which enumerates the ILO fundamental principles and rights at work, limits their application to workers with contracts. Thus, millions of undocumented workers and at will employees who have no contracts, are excluded from their provisions. The application of this paragraph would deny undocumented workers their basic rights, including freedom of association, the right to membership in unions and to bargain collectively for better wages and conditions of work. This is in total contradiction of the decent work goal outlined in the Preamble and enshrined in well-established international labour standards with which states have an obligation to comply.

In addition, over the course of the negotiations, we have seen Objective 15 strengthened to include a list of basic services that must be available to all migrants. Yet the list was dropped. Furthermore, separation between access to public services, including labor law enforcement mechanisms, and immigration control has been diluted and weakened.

We have seen the principle of non-criminalization of irregular status weakened. This will be to the detriment of migrant workers. They often find themselves prey to unscrupulous employers who take advantage of their precarious status to suppress worker voice and exercise of labour rights.

Co-facilitators and member States, we share a common humanity, and the dignity of all workers

must be upheld. The Global Compact is founded on the universality of human rights and fundamental principles and rights at work. By insisting on clear distinctions between regular and irregular migrants, and enumerating differential regimes for access to services, due process and coverage under human and labour rights provisions, the Global Compact has adopted an approach which contradicts protections in international human rights treaties and labour standards. This is a step backward from decades of well-established ILO doctrine and human rights protections for all migrants.

We recognize these serious flaws but we shall overcome. All the more reason that trade unions must remain engaged in the process of Implementation, Follow-up and Review, working as a social partner within the tripartite consultative framework of the ILO. Our goal is to ensure that migration policies at national, regional and global levels remain firmly rooted in the principles of decent work and core labour standards for all migrants, regardless of status, which Member States have an obligation to uphold.

THANK YOU.