

“Labor Migration: Who Benefits?”

Opening Presentation

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Good morning, and welcome colleagues and friends, brothers and sisters. And thank you:

- Anis Hidayah, Executive Director Migrant Care, and the staff of Migrant Care, for the opportunity to sponsor this conference with you and for your years of work promoting the migrant rights of Indonesians
- The Honorable Muhammad Hanif Dhakiri, Minister of Manpower and Transmigration, Republic of Indonesia
- The leadership of the great labor movement of Indonesia. What a privilege it is to share this next few days with you, and the union members who are the staff of this beautiful hotel
- Michelle Leighton, Director, ILO MIGRANT
- USAID, NED and the many other foundations and funders who had the openness to dedicate resources to this event
- Migrant Forum in Asia, the International Domestic Workers Federation and the more than 200 union and migrant rights and labor rights organizations in the room, from 25 countries across four continents

It’s so exciting to be with everyone here today, in this powerfully diverse crowd. Welcome all!

And for my organization, the Solidarity Center, I’m proud to say we have a deep commitment here, shown by the presence of so many of our staff from around the world. If you work for the

Solidarity Center, will you please stand up for a minute and be recognized?

So many different important issues arise with labor migration. First, the obvious point is that labor migration fuels the world economy. Global remittances are now more than double official development assistance, and generate untold billions in other economic activity. Conflict, persecution or abuse, and the critical lack of decent work at home—or often those three issues operating together—push so many people to migrate abroad for work. There are “pull” factors as well. We also know that individuals, families and communities are driven by their own hopes and dreams for a better life. A job in another country, under the right circumstances, provides the hope for a career path, reunites someone with family and friends, and even can save someone’s life.

It’s hard to diminish the sheer will and optimism of so many women and men who migrate for work, and who risk so much to do it.

On the plane ride here I read the story of a man, 22 years old, who said he had been working seven days a week without pay, since December. He endured weeks confined in a camp while guards extorted a ransom from his parents back home. He said he saw fellow migrant workers die from exhaustion, disease or beatings. He was a Bangladeshi man working on a palm oil plantation in Malaysia, but this man could have come from anywhere. From El Salvador or from Zimbabwe. And he could be a woman.

Women comprise about half the global migrant workforce, and have since 1960.

Women in Asia who migrate abroad for work rely more heavily on illegal and underground intermediaries and recruiters, than men do, which puts them at disproportionate risk. Already excluded from many legal rights because they are in a new country where they are not citizens, women labor migrants are often just trading one patriarchy for another. A study of female labor migrants in Canada showed that almost one-third migrated to work and to escape an abusive male partner. One study in the United States found that a full 80 percent of female migrant agricultural workers on legal guest-worker programs experienced sexual harassment and violence, but felt they had no access to justice. And the sexual division of labor means that woman's employability is limited to or dictated by her gender. We hear of labor recruiters who will only recruit men for construction jobs and women for nursing jobs, even though the employers have not asked them to use gender in their recruitment strategy.

So that means that Bangladeshi man I read about on the plane could have been a Kyrgyz home health worker in Russia toiling months without pay, or a Mexican shrimp processor in the U.S. locked onsite, her passport confiscated. That story is repeated endlessly and tragically around the globe, another permanent feature of labor migration.

For the thousands of people who cross borders seeking work without proper permits—the undocumented—the risks are extreme. They work in the shadows and their situation is precarious.

Most migrant workers, though, travel through legal, temporary migration structures that are called guest worker programs in the U.S., kefala sponsorship systems in the Gulf, circular migration and seasonal work around the world. An entire

legitimate economy relies on them, and what happens to those hundreds of millions of people plays a big role in shaping the path of economic growth in all of our societies. So, yes, migration contributes to development—but what kind of development are we pursuing? Who benefits?

Labor migration takes place in an economic context of massive and growing global economic inequality. The systems that regulate labor migration do so to the detriment of equitable development and shared prosperity and even *contribute* to rising inequality—rather than relieve it.

How?

First, global migration management schemes are designed to control labor migration—yes—but they are also set up to control migrant workers and limit their agency. Most migrant workers are barred by law from forming or joining organizations that empower average people and workers—like informal economy associations or trade unions or political parties or other civic advocacy groups in the destination countries. They may or may not be covered by anti-discrimination laws or laws that protect women from sexual harassment. Often they are legally excluded from social protections like maternity leave and occupational health benefits. They are barred from participating in collective action, and their access to courts is limited.

When migrant workers are excluded by the labor code—especially from the right to organize and collectively bargain to improve wages and working conditions—or are overly represented in sectors where unions and bargaining are restricted—like agriculture or domestic work or small businesses—they are forced to rely on the good will of

employers to improve things, which has never been how wages rise.

Second, it's a hard, cold fact that the global economic architecture is skewed to the wealthy. Human rights regimes are secondary to economic regimes in this set up; and the rights (or lack thereof) of migrant workers need to be seen in that context. We have set up the global economy on the belief that the free movement of capital across borders in order to earn profit is desirable and basically sacrosanct; and that lack of regulation is what we need to make this happen. The system is fine and good for investors and global business, whose "rights" have expanded over the past few decades. But, there has been no commensurate systemic expansion of the rights of the working people to go along with the incredible expansion of the rights of business, especially not for the migrant workforce these more open markets need. The labor that creates all this wealth is, conversely, HIGHLY regulated and restricted.

And this is all increasingly being codified by new precedents in global trade law. Expansive multilateral free-trade agreements are becoming the new global economic architecture. Since we're here in Asia, take the Trans-Pacific Partnership (TPP). The "Investor-State Dispute Settlement {ISDS} provisions in this massive trade deal bind 12 of our governments across North and South America and Asia to a convoluted logic that allows multinational corporations to sue governments for potential loss of future profits if a government passes a law or regulation that protects its people to the possible detriment of sales (like banning or regulating cigarettes). In essence, corporate rights are treated as portable, binding and protected by enforceable laws in these global trade agreements, but not so human rights. Human rights are enforceable under national

laws at best, but are not portable across borders as investor rights are increasingly are. Instead, human rights are relegated to unenforceable side agreements, aspirational multilateral protocols, spotty national laws and no accountability.

Sitting here in Southeast Asia, you cannot help but think of slavery on ships. Mass graves. The U.S. government's disastrous "upgrade" of Malaysia in its Trafficking in Persons Report. Enormous desperation fueling enormous wealth.

Third, the global migration management system relegates the lowest-wage workers to a permanent underclass, and one that is fully segregated by level of income and by gender. The International Labor Organization has looked at this and determined that lower-wage workers are concentrated in the most highly restrictive temporary migration programs, and that higher-wage workers have easier access to permanent status and even paths to citizenship. Now, why does THAT make any sense? For example, why does a construction worker in Singapore, where per capita GDP is nearly \$50,000 (very similar to that in the United States) need to make only \$400 a month and live in a labor camp, far from his family? And the hard working woman cleaning homes, cooking meals and raising other peoples' children—is the assumption that she will be working too many hours for too little pay to be able to afford to bring her children with her on kefala or guest worker programs? Why does being "low wage" and "migrant" mean you are sentenced to a life being separated from your family?

The limitations on the rights of migrant and all non-citizen workers are described as practical and objective by states, in terms of controlling borders, protecting domestic employment, securing the nation. Of course these are reasonable policy agendas for states to pursue. But if multinational corporations

can sue democratically elected governments to keep them from enacting laws that regulate business and protect citizens—then at least *some* issues clearly trump national sovereignty.

The truth is, we are actually living with temporary migration system perfectly designed to reflect the economic value of profit over people, and the political CHOICE to create a hierarchy of rights—in this case, worker rights—that serves that economic interest. It's a system in which low-wage men's labor is expendable and deeply undervalues women's work. And I would go one step further and say there is nothing at all market driven about this phenomenon. It is interest based—*elite* interest based, and deeply political

The Gulf and North America are two regions that command a very large percentage of global labor migration as destination regions. With relative wealth yet very small populations of citizens, the Gulf has relied on a steady stream of migrants for 100 years to help build their economies. Fifty years ago migration from poorer Arab states like Egypt or Syria dominated—but when these workers began to join forces with citizens for rights and voice, they were systematically replaced with a far more “foreign” workforce with no claims on common cultural identity or common national heritage. Asians replaced Arabs in many categories of work—and that was a political choice on labor migration, made by Gulf governments

And we've seen clearly orchestrated politicization of labor migration in my own country. Politically conservative American states like Alabama and Arizona instituted extreme and draconian state laws in recent years targeting migrants from Mexico and Central America who came to the United States to work. The purveyors of these laws made spurious claims that migrant workers bring disease and criminality, that

they undermine jobs for American workers and are a drain on the social safety net. Attacks on migrant workers in my country are very transparently aimed at stifling their political voice and the political voice of their allies. Conservative forces in America have always gone after the “immigrant other.” Migrant workers are chronic scapegoats for all manner of problems countries may face—targets of racism, misogyny and xenophobia. The result is that some of the people who need access to enforceable and protected human rights the most are the most excluded from them. Even a decent legal regime for migrant workers in democracies, like South Africa and the United States, ultimately goes unenforced and erodes over time if the broader cultural dynamic screams, “These people are *lesser* than us.” The notion of “lesser” is dangerous.

After all, isn't that is the concept slavery was built on?

So that is our enormous challenge. Let's dream bigger. This is a huge global crisis that calls for global civil rights movement, and the people gathered here can and should lead it.

And here is why I am so inspired about the next three days. Right here in this room, we have the architects of a brand-new global collaboration between labor movements across Asia and the Middle East to create safe migration for migrant workers, created just last week. We have leading voices in the global fight to end gender-based violence at work, which is a particular vulnerability of female migrant workers—will you join us in that fight, right here? We have representatives of labor movements in the Dominican Republic, Bahrain, Kuwait, South Asia, several countries in Africa, the United States and beyond, who will talk about work they are trying to do to use their power and voice to make common cause with migrant workers and stand with them against injustice. And we have

migrant led NGOs that have risked their own safety to push their governments to do more. This is the kind of room where we can ask ourselves to dream bigger! Like:

- What if core labor rights were portable, and binding, and reflected the specific hopes and vulnerabilities of women?
- What if every migrant worker was met in their country of destination by the human, women and labor rights movements, with open arms?
- What if migrant workers then LED ALL of those movements?
- What if your gender didn't dictate your overseas job conditions, or opportunities at the time of recruitment?
- What if we remade the labor migration system from the perspective of the migrant worker, and her hopes and dreams for herself, her family, her community?

We can do these things over time. That is the power in this room, if we dream bigger. The system is global and we have to push back together in a global way. Let's commit to that. In all our plenaries and workshops, let's organize to:

- Be bolder in our analysis of the push factors. The lack of decent work doesn't come about magically, it is the result of failed national and global economic policies that don't put people first. Let's hold our governments accountable to the creation of decent work at home so migration is truly a choice.
- Build national and global coalitions to advance human rights in trade agreements specifically, and let's work harder together to end the double standard of investor rights over worker rights.
- Immediately ensure migrant workers, whether undocumented or in a legal guest worker program, have

equal human rights at work: rights to form unions and to speak out without fear of retaliation, to OSH protections, to gender pay equity, to visa portability. And to the right to be free from gender-based violence at work.

- Work relentlessly to push our governments, the private sector and multilateral agencies to adopt portable worker rights standards and social protections for migrant workers.

Of course, in so many of our countries, no one's labor or human rights are secure. That is why we need to make common cause among the broad array of organizations represented here, especially trade unions and NGOs and academics and allies. Let's recommit to building those alliances, right here.

Let's take a page out of Indonesia where we are right now. Nearly 20 years ago the Indonesian people, led by students and workers, took a risk and dreamt of something bigger and something better, and they changed the face of their nation.

Everyone we need to dream up a global civil rights movement for shared prosperity is right here in this room—let's make it happen.

Thank you again.