

REGIONAL ACTION PLAN IN LABOR MOBILITY

2023 – 2027



Conferencia Regional sobre Migración
Regional Conference on Migration

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CONTEXT

In today's globalized economy, it is common for people to seek to improve their livelihoods outside of their countries of origin. Estimates by the International Labor Organization (ILO) on labor migration indicate that 90% of all international migrants are of working age and 62% are already employed, of which only 48.1% are women¹ (ILO, 2021).

Decent work deficits in labor markets, such as low wages, precarious working conditions, and unemployment, are among the main drivers of international migration (Mathias Czaika, 2020). In addition, factors such as insecurity, poverty, political conflicts, economic crisis, violence, climate change, and natural disasters also impact lives and livelihoods, thereby directly and indirectly causing displacement and migration. The search for livelihoods and better economic opportunities, whether by choice or necessity, are decisive factors for many people, mostly from developing countries, making decisions about migration.

In the Regional Conference on Migration's (RCM)² Member Countries, migration and labor mobility phenomena have expanded in volume, dynamism, and complexity, and there has been an increase in asylum and refugee seekers due to crises of a different nature. In addition, labor migration is usually faced with regional challenges, including fragmented governance (where migration, labor, and international affairs authorities interact at local and regional levels) and limited use of social dialogue (whereby employers' and workers' organizations participate in the construction of labor migration policies).

Safe, orderly, and regular labor mobility: 1) contributes to the sustainable development of the countries of origin, transit, and destination; 2) brings benefits and opportunities to migrant workers and their families; 3) balances labor supply and demand; promotes the transfer of skills at all levels; 4) contributes to social protection systems; [sic] 4) promotes innovation; and 5) enriches communities, both culturally and socially. Labor mobility also positively impacts local economic development through the remittances that migrants send to their countries of origin, and through migrants' spending on local products and

1 The feminization of migration in the region is a trend that has seen a gradual increase in recent years. As a reference, in the United States of America, 50% of the Central American migrant population are women. Concerning intra-regional migration within the Central American Integration System (SICA), the figure reaches 53%.

2 The countries members of the RCM are Belize, Canada, Costa Rica, El Salvador, the United States of America, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the Dominican Republic

services and paying of taxes in transit and destination communities. In addition, the existence of economically active diasporas represents opportunities for creating international trade networks.

However, when labor migration is not well managed, it can have negative impacts on workers, such as the violation of fundamental principles and rights at the workplace and the lack of decent work opportunities. In addition, when there are cultural differences between migrants' countries of origin and the destination country, the lack of an adequate integration plan can result in experiences of xenophobia and discrimination.

Maximizing the previously described benefits and reducing potential challenges in the region depends on diverse factors such as the application of public policies on migration and labor matters, private sector engagement, social dialogue, and labor dynamics. Migration governance should facilitate adequate management of these migration flows through institutional mechanisms (national and international) with regard to the human rights of migrants and in adherence with the ILO Principles and Guidelines for Fair Recruitment.

The RCM Member Countries have contributed to the development of multiple legal and regulatory instruments at the international and regional level, such as the *Global Compact for Safe, Orderly, and Regular Migration*, the *Comprehensive Regional Protection and Solutions Framework for the Americas*, the *Declaration on Migration and Protection of Los Angeles* and the *Agenda 2030* (full description of these instruments can be found on Annex 1). These agreements have been made to implement and monitor labor migration mechanisms and, thus, create strong and sustainable migration governance. In addition to these instruments, there are other formal cooperation mechanisms in the field of labor mobility, such as bilateral/multilateral labor agreements, memoranda of understanding, temporary work schemes, and the inclusion of labor clauses in trade agreements.

Although extensive regional efforts are being made on the matter, they have not been integrated into a coordinated regional response, revealing a need to articulate standard action plans that allow for a joint regional approach to protecting migrant workers and their families.

In this framework, the RCM has proposed the development of this Regional Action Plan on Labor Mobility, in compliance with the mandate adopted in its Working Group on Labor Migration (to promote the benefits of safe, orderly, and regular labor migration and its link to development in the countries of origin,

transit, and destination), and following up on the recommendations derived from the Regional Consultation Group on Migration, held in July 2021 and approved at the XXVI Vice-Ministerial Meeting of the RCM, held in December 2021.

This plan has a regional focus, and its objective is to ***guide RCM member countries to strengthen the management and governance of labor mobility in the region, including the protection of the rights of migrant workers to promote safe, orderly, and regular migration.*** In addition, implementing these actions contemplated in this plan will help the RCM member countries move towards better interconnection and coordination between governments, international organizations, civil society actors, workers' organizations, and employers' organizations, among others.

This Action Plan is based on dialogue and technical exchange among experts from government institutions, international organizations, and civil society (the methodology is described in Annex 2). An initial assessment of the region's main challenges regarding labor mobility was carried out to prepare this plan. This assessment was transformed into specific actions developed through participatory exercises that brought together representatives of labor and migration agencies and other relevant institutions.

The nature of this Action Plan is not legally binding, and its implementation will always be carried out with due respect for the sovereignty of every RCM member country. For its execution, the member countries are encouraged to implement the proposed actions with a comprehensive, multidisciplinary approach and under a whole-of-society approach (including workers' and employers' organizations) and whole-of-government to achieve practical and effective solutions.

Its thematic structure, which is presented below, defines specific actions by areas of work in four lines of action:



CROSSCUTTING APPROACHES

This Action Plan has been developed based on the following crosscutting approaches. This promotes the coherence of the actions that will be developed through the lines of action and proposed actions.



INTERCONNECTION AND COMPLEMENTARITY

The strategies and actions proposed in this plan will be developed in an interconnected and complementary manner, among themselves and with other actions of the RCM and with national policies, plans, and programs, as well as with bilateral and multilateral agreements and forums on labor mobility.



GRADUALNESS

To align with the RCM strategic plan, the objectives defined within the framework of this plan are set out with an initial five-year horizon, but its goals and actions will be implemented gradually and progressively in the short, medium, and long-term depending on the needs of each country.



FLEXIBILITY

Due to the differences in circumstances, regulations, migration flows, and capacities that are present in the member countries of the RCM in terms of labor mobility, it is possible that, at the time of implementing the proposed actions, some adjustments and adaptations to the local context should be made, without deviating from the proposed objectives.



REGIONAL APPROACH

This plan acknowledges that migration affects the region, even if fundamental aspects and externalities of labor migration vary considerably from one country to another, whether due to migration flows, regulations, or even geography. As such, this plan also seeks to promote the implementation of actions that respond to regional priorities and needs.



GENDER MAINSTREAMING

This plan acknowledges gender as a variable that can differentially affect migration, labor markets, and public agendas. In this sense, the actions that derive from this plan must equitably incorporate the challenges, opportunities, and experiences of women, men, and non-binary people in their design, implementation, and evaluation.

ACTION PLAN

GENERAL OBJECTIVE

Guide RCM member countries to strengthen management and governance of labor mobility in the region, including the protection of the rights of migrant workers to promote safe, orderly, and regular migration.

LINES OF ACTION



LINE
1

**STRENGTHENING OF REGIONAL
CAPACITIES FOR THE MANAGEMENT
OF LABOR MIGRATION POLICIES**

This line of action refers to the authority and ability of regional institutions (migration, external affairs, and labor-related) and labor actors to develop, articulate, and monitor policies and arrangements on labor migration and protection for migrant workers, regardless of their immigration status and under applicable regulations.



Objective:

Increase the capacity of all actors (e.g., public institutions, civil society organizations, employers' organizations, and workers' organizations) to design, articulate and execute policies and arrangements on labor migration that include fair recruitment, decent work, the ability for workers to organize, voice complaints, and access remedy



Actions:

- 1. Promote** knowledge management mechanisms within the framework of the RCM and with the support of international observer organizations. Selected examples include training centers through which courses, diploma courses, and postgraduate courses³, both virtual and face-to-face (it is recommended that the courses cover topics such

³ Such training should be available in English and Spanish and be accessible to public institutions, civil society organizations, employers' organizations, and workers' organizations.

as fair recruitment, decent work, comprehension of basic international labor standards, and shared responsibility actions for migrant workers' dependent care), as well as dashboards and repositories of regulatory frameworks, good regional practices, relevant publications, operation manuals and other consultation documents for the strengthening of tools in the field of labor migration and the promotion of exchange of good practices and experiences in RCM Member Countries⁴.

2. **Institutionalize**, within the framework of the RCM, the Diploma on Labor Mobility to help guarantee the sustainability of capacity building for the public sector and other relevant actors, such as migrants, diasporas, local communities, civil society, academia, the private sector, parliamentarians, workers organizations, national human rights institutions, mass media, and any other stakeholder interested in migration governance.
3. **Develop**, within the framework of the RCM, a virtual mentoring process for people who have just entered the public service or have recently been appointed in areas related to labor mobility, through which they can receive specific advice and exchange knowledge with more experienced members of the RCM (previously identified as experts in some area) and functional experts.
4. **Prepare** a regional manual with guidelines that facilitate recruiters' actions (private employment agencies, state employment services, or social organizations) in their recruitment and selection tasks and compliance with international regulations in fair recruitment processes and selection of migrant workers.

⁴ All content distributed through these mechanisms must be curated and/or designed with a gender perspective, allowing the identification of differentiated impacts, based on non-discrimination and substantive equality.

5. **Develop**, in a centralized manner, a set of communication tools (including detailed planning processes and editable templates) and make them available to RCM member countries for use by implementing partners or local authorities to disseminate actions related to labor mobility, fair recruitment, decent work, fraud prevention, and combating xenophobia and discrimination⁵.
6. **Design**, within the framework of the RCM and with the support of observer organizations, a standardized methodology to estimate the potential for incorporating foreign workers in certain sectors, including their potential needs regarding protection and how those needs could be addressed. This methodology could be implemented in prioritized sectors within the RCM⁶. It would provide relevant information for analysis within the framework of existing and future bilateral agreements on labor mobility in accordance with the labor and migration regulations of the member countries.
7. **Strengthen** multi-stakeholder dialogue by promoting spaces with a whole society approach that includes the participation of private sector organizations and workers' representatives in the RCM's labor migration working group framework.
8. **Promote** mechanisms that enhance the interconnection between national forums for inter-institutional coordination on labor mobility and migrant workers' protection in the discussion and analysis of proposals or projects generated by the RCM. These should incorporate technical authorities in the areas of migration, labor, and social security, as well as key actors related to labor migration, including the private sector and worker representatives, among others.

5 It is suggested to include content that highlights the contributions of migrant workers to regional economic development, to combat discrimination and xenophobia in host communities.

6 The use of predictive models is suggested through system dynamics techniques that allow, with administrative records and the definition of proxy variables, to quantify the potential demand for foreign labor in a given sector.



LINE
2

APPROVAL, RECOGNITION, AND
DEVELOPMENT OF SKILLS

This line of action refers to formal and coordinated processes for developing skills for employment and mechanisms for mutual recognition between the countries of origin and destination.



Objective:

Identify, promote, and strengthen mechanisms for recognizing and evaluating skills and qualifications of migrant and returnee workers.



Actions:

1. **Develop** a virtual space where all the information on training options, certification of competencies, recognition, and evaluation of qualifications is consolidated, including procedures, durations, costs, and support mechanisms by country, so that it can be used by labor and migration authorities to provide employment counseling to migrants or returnees.
2. **Develop** a diagnosis of skills and occupations for which demand is estimated to increase in the coming years in the region⁷ (both in destination and origin countries). That diagnosis will identify, regionally, the requirements to be used as input for the construction and/or adherence to functional maps, occupational profiles, and skills standards at a local level.

⁷ It is recommended to explore occupations related to the installation and maintenance of eco-technologies, electric mobility, care for infants and the elderly, technological agriculture and sustainable construction.

3. **Develop** regional efforts to train trainers in the skills and occupations identified as having high potential for international mobility.
4. **Review** the potential for collaboration with existing international mechanisms and platforms, such as MIRPS or ILO/CINTEFOR, regarding the coordination of actions to evaluate competencies and recognize credentials.
5. **Carry out** a study that, based on a detailed review of local legislation, analyzes the feasibility, benefits, and limitations of member countries' adherence to existing international agreements on academic mobility and recognition of qualifications.
6. **Design** training programs aimed at training return migrants on employability and job application techniques (including, but not limited to, the analysis and promotion of skills, resume drafting, interviewing, and soft and psychosocial skills).
7. **Design** training programs for self-employment and start-up project development in the Social and Solidarity Economy aimed at migrants and returnees.



LINE

3

SOCIAL PROTECTION

This line refers to the existence of practices and regulations that guarantee the right to social protection in health (including medical care, occupational hazards, paternity, and maternity), care stays for dependent minors, pensions, and protection in case of retirement, illness, disability, or widowhood of migrant workers and their families.



Objective:

Promote access to social security for migrant workers and their families



Actions:

1. **Develop** a formal mechanism in the RCM, in coordination with the Labor Migration Working Group and the Protection Working Group, to discuss social protection mechanisms for migrant workers, with the participation of representatives of the institutions responsible for social security in the member countries.
2. Based on a detailed review of local legislation and social security incorporation mechanisms, **carry out** a study that analyzes the feasibility, benefits, and limitations of member countries' adherence to existing international cooperation agreements in social protection and social security portability.
3. **Create** a guide for including international mechanisms and rights in social protection in labor mobility programs.

4. **Develop** an offer for training and development programs for local capacities in the area of social protection for migrant workers, aimed at members of Social Security organizations in the region.
5. Centrally create a communication toolkit and **make it** available to RCM members to be used by implementing partners or local authorities to promote the voluntary affiliation of migrant workers⁸.

⁸ The emphasis of this campaign is the voluntary affiliation exclusively of independent workers and/or the voluntary affiliation of both them and their family members in the country of origin, in those cases where there are no portability agreements.



LINE
4

**GENDER AND DIVERSITY
MAINSTREAMING IN LABOR
MIGRATION**

This line refers to mechanisms that guarantee the protection of the rights and equitable participation of labor mobility agreements and programs for migrant women and other underrepresented genders, considering all their intersectionalities.



Objective:

Integrate gender diversity, intersectionality, and interculturality in labor migration policies and programs.



Actions:

- 1. Create** a training program for officials responsible for labor mobility (both for immigration and labor authorities) where knowledge of gender perspectives, prevention of discrimination, and equity in the development and management of labor migration agreements and programs is deepened.
- 2. Promote**, via a document, a summary of good practices, processes, and protocols for addressing vulnerabilities and gender and intercultural discrimination in migrant workers and return migrant workers.
- 3. Include** in the Labor Migration Working Group the participation of technical representatives in matters of gender and diversity. In specific cases that the working group deems appropriate, ad hoc subgroups specialized in the matter may be created⁹.

⁹ This includes the creation of a guide for mainstreaming gender and diversity in labor mobility programs.

4. **Develop** a training program that integrates elements of gender, ethical and equitable recruitment for sharing with key actors under the whole-of-society approach, with an emphasis on employers and beneficiary communities that are part of labor mobility mechanisms in countries member of the RCM.
5. **Generate** a standard communication campaign on gender and diversity inclusion in migration (including detailed planning processes and editable elements), which can be used by implementing partners and whole-of-society actors.
6. **Develop** a study that identifies good practices in gender mainstreaming in migration, inside and outside the region, and diagnose the current state of the availability and access to care services and/or mutual support networks for migrants and their families.

ANNEXES

ANNEX 1.

Regional Instruments on Migration

1. Global Compact for Safe, Orderly, and Regular Migration (2018)

The Global Compact for Safe, Orderly, and Regular Migration (“Global Compact”) is the first intergovernmental agreement drawn up under the auspices of the United Nations that holistically and comprehensively covers all dimensions of international migration. The Global Compact is based on international human rights law and reaffirms the commitment of States to respect, protect, and fulfill all human rights of all migrants. From the perspective of labor mobility, the pact incorporates the commitment to protect decent work and other labor rights of migrants.

In 2022, the RCM Member Countries made an Extraordinary Declaration that stated a regional position on the follow-up to the Global Compact for Safe, Orderly, and Regular Migration. Within the framework of this declaration, the countries that are part of this Conference and implement the Global Compact for Migration reiterate their commitment to promoting dialogue and cooperation and working with all relevant actors to address the opportunities and challenges related to migration governance. They also highlighted their commitment to exchanging experiences and good practices, and to promoting dignified, safe, orderly, and regular migration, under the international framework of human rights, international commitments, and national laws, as well as the principles and approaches established in the Statutory Charter of the RCM, especially the principles of shared responsibility, respect for the rule of law, human rights, and international cooperation.

2. Comprehensive Regional Protection and Solutions Framework for the Americas (2017)

In line with the New York Declaration for Refugees and Migrants and its Comprehensive Refugee Response Framework (CRRF), some States in the region are leading a regional application of the Global Compact on Refugees, known as the Comprehensive Regional Protection and Solutions Framework for the Americas (MIRPS, by its acronym in Spanish). MIRPS supports States in implementing their commitments to address forced displacement while identifying and addressing remaining gaps through integrated responses involving a wide range of stakeholders and mobilizing additional resources for implementation.

The MIRPS has a working group on access to the labor market and professional training, where work has been done on the recognition of studies, titles, diplomas, previous knowledge, and educational trajectories; transitions, flexibility, and strengthening of education; recognition of qualifications and skills for the creation of job profiles; the contribution of displaced persons to local development and partnerships with the private sector in promoting livelihoods.

3. Los Angeles Declaration on Migration and Protection (2022)

Within the framework of the Ninth Summit of the Americas, most of the member countries of the RCM endorsed the Los Angeles Declaration on Migration and Protection. This document recognizes the need to promote political, economic, security, social, and environmental conditions so that people lead a peaceful, productive, and dignified life in their countries of origin since migration should be a voluntary and informed choice and not a necessity. For this reason, they reiterate their will to strengthen national, regional, and hemispheric efforts to create the conditions for safe, orderly, humane, and regular migration and strengthen the necessary frameworks for international protection and cooperation (WH, 2022).

From a labor migration standpoint, the Los Angeles Declaration highlights the importance of regular migration pathways and international protection, including opportunities for circular and seasonal labor migration, temporary migration mechanisms, and normalization programs in promoting safe and orderly migration. In addition, this declaration reinforces the commitment among its signatories to strengthen opportunities for fair labor migration in the region by integrating solid safeguards that guarantee ethical hiring and employment without exploitation, violence, or discrimination, with respect for human rights and with a gender perspective.

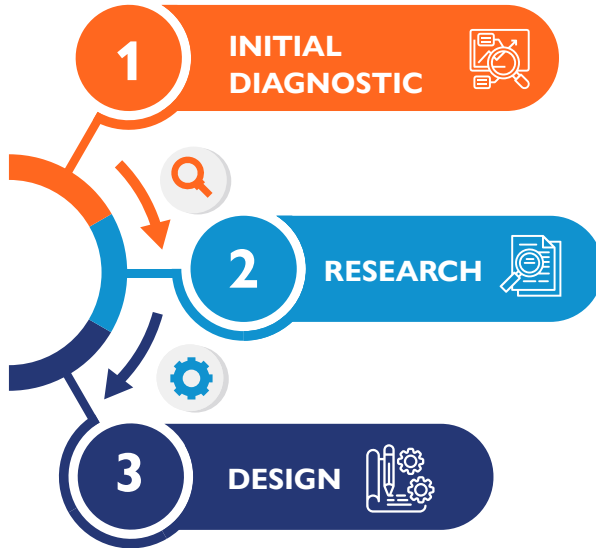
4. 2030 Agenda for Sustainable Development

In addition to these mechanisms, the development of actions and policies that improve the conditions of migrant workers supports the achievement of the 2030 Agenda, whose objectives and goals have been adopted by all the member countries of the RCM, particularly goals 8.8 (protect labor rights and promote a safe and secure working environment for all workers, including migrant workers, in particular, women migrants and those in precarious employment) and 10.7 (Facilitate a safe, regular, and orderly working environment, including via the implementation of planned and well-managed migration policies).

ANNEX 2.

Methodology

This plan was developed in 3 stages:



Initial diagnostic

1. During this stage, a virtual survey was carried out and distributed to the representatives of the RCM member countries, who were also invited to share it with other relevant stakeholders. The objective of this survey was to identify the main problems existing in the region in terms of labor mobility.
2. The dissemination of the results of this survey was done during the Labor Mobility Programs Forum. This activity included a workshop focused on prioritizing findings (which resulted in the four suggested lines of action), identifying correlations between findings, and recommending possible interventions.



Research

1. Based on the lines of action, a detailed desktop study was carried out; this exercise included a detailed analysis of the region's situation and specifically of the member countries concerning labor mobility.
2. RMC member countries' representatives were interviewed to strengthen the desk research.



Design

1. Based on the problems identified in the previous stages, a root cause analysis was carried out, which led to an initial proposal of activities.
2. This initial proposal went through a technical review by ILO and IOM specialists to obtain a preliminary version.
3. A preliminary version of the plan was analyzed in four working groups (one for each line of action), where representatives of the RCM member countries were convened; the invitation included migration authorities, ministries of labor, social security offices, gender institutes, employers' and workers' organizations.



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