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▶ **Locked down and in limbo:
The global impact of COVID-19
on migrant worker rights
and recruitment**

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Katharine Jones, Sanushka Mudaliar and Nicola Piper

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Locked down and in limbo: The global impact of COVID-19 on migrant worker rights and recruitment

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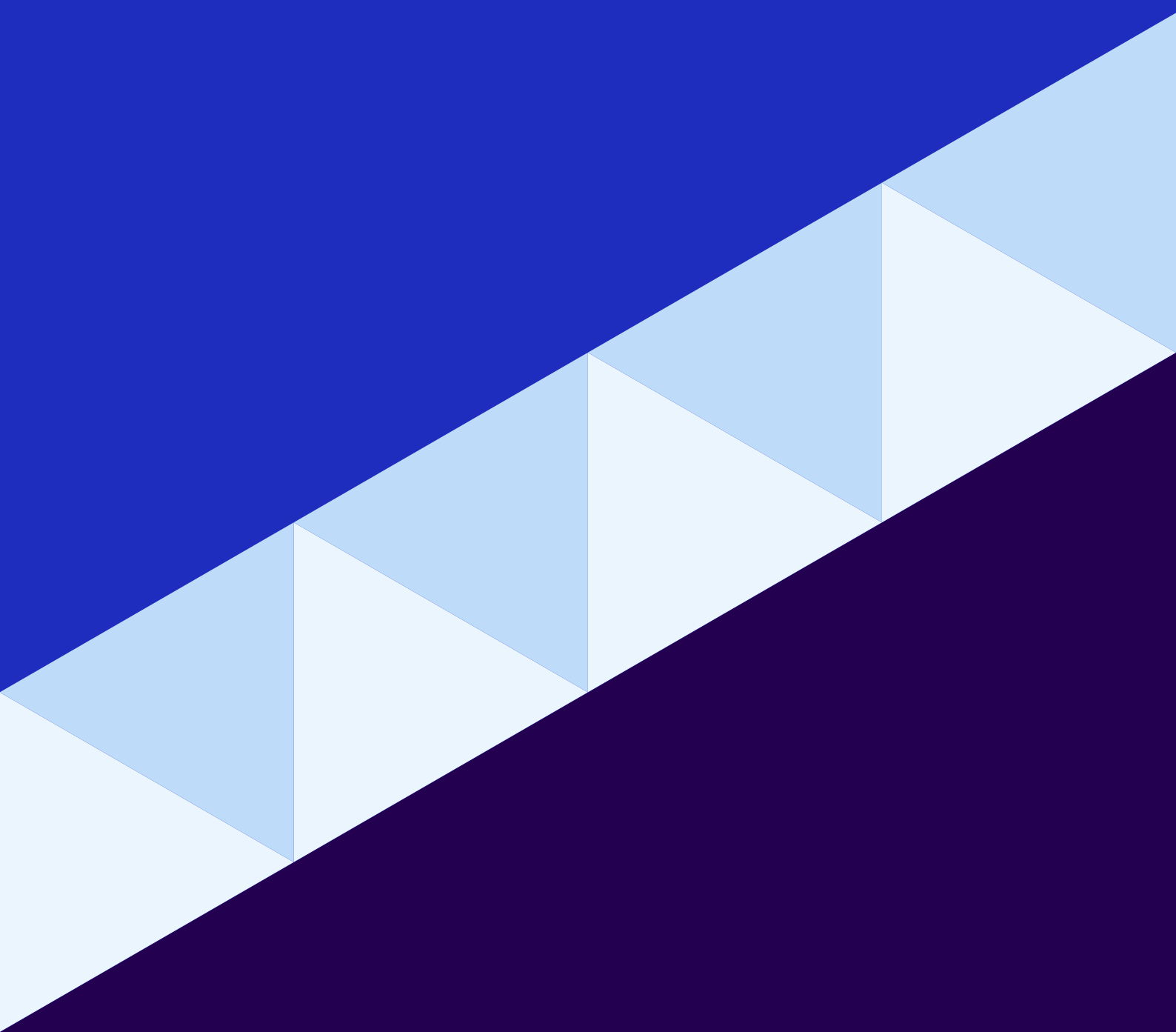
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► Abbreviations and acronyms

ASEAN	Association of Southeast Asian Nations
ECOWAS	Economic Community of West African States
GCM	Global Compact on Safe, Orderly and Regular Migration
GDP	gross domestic product
IGAD	Intergovernmental Authority on Development
MERCOSUR	Mercado Común del Sur (Southern Common Market)
NAFEA	Nepal Association of Foreign Employment Agencies
OSH	occupational safety and health
PPE	personal protective equipment
SADC	Southern African Development Community

▶ Executive summary



► Executive summary

The COVID-19 pandemic has had a devastating impact on migrant workers and their access to decent work. Beyond the immediate public health crisis, response measures including lockdowns and border closures had specific implications for the hiring and employment conditions of migrant workers. These measures have increased the vulnerability of migrant workers at the same time as the economic and social dependence on migrant workers who deliver essential services such as healthcare and sanitation has deepened.

To chart and understand this impact in detail, the ILO commissioned a series of rapid assessments in some of the world's most significant corridors for low-wage migrant workers.^{1,2} Completed in the initial months of the crisis (early to mid-2020), these assessments gathered primary data in the form of interviews and surveys from the perspective of migrant workers and key stakeholders (including governments, civil society, the recruitment sector, employers' organizations, unions and workers' organizations) engaged in migration governance, migrant worker deployment and the protection of the rights of migrant workers. These rapid assessments provide valuable snapshots of the immediate impact of the pandemic and early responses to the pandemic on migrant workers in various parts of the world. Common themes emerging from the research also illustrate the ways in which the pandemic exacerbated existing inequalities and vulnerabilities experienced by migrant workers globally. These themes demonstrate the clear linkages between the impact of the pandemic on migrant workers and the structural causes of the inequalities and vulnerabilities embedded in many current labour migration processes and practices.

For example, many migrant workers interviewed by the ILO had their employment in countries of destination summarily suspended or terminated as the pandemic spread, leaving them without a source of income. These workers often found themselves stranded due to travel restrictions and border closures as well as directly or indirectly excluded from COVID-19 related social security packages made available to national workers. The pandemic also exacerbated debt burdens carried by migrant workers. Despite growing commitment to the principle that workers should not pay recruitment fees or costs, workers in many parts of the world continue to incur debt to fund their cross-border movement for work. Because of COVID-19, many prospective labour migrants who had taken on debt to travel were unable to depart, obtain refunds, or earn income to repay their debts. Migrant workers stranded without employment incurred additional debt and lost savings covering basic living costs for themselves and their families or in the process of attempting to return home.

While the COVID-19 pandemic undoubtedly had a sudden and dramatic impact on people in every country of the world, its impact on migrant workers is a stark reminder of the urgent need to reform labour migration governance processes and practices in pursuit of a fairer system that is free of exploitation and that facilitates decent work for all.

Jobs and income lost due to COVID-19

Migrant workers were structurally vulnerable to the economic shock caused by the pandemic because they are predominantly employed in precarious low-wage sectors, and they were often the first to experience job losses ahead of national workers.

1 Rapid assessments were also conducted in refugee-hosting countries. This report focuses on the situation in countries with low-wage migrant workers.

2 Please note, these rapid assessments were conducted during the period of early to mid-2020, and the drafting of this report took place during the period December 2020–May 2021. The COVID-19 situation and its impact upon migrant workers continues to evolve rapidly. The reader is advised to be mindful of these developments and consult new and emerging research and data.

Many migrant workers were stranded in countries of destination without employment. The low level of wages paid to migrant workers in various sectors prevented many migrants from accumulating enough savings to cover living expenses during the lockdown period. The resulting wage losses have had huge remittance implications, both with regard to family support and national development.

Labour rights violations in the form of discrimination against migrant workers were reportedly widespread globally, often expressed in the form of differential treatment on the basis of nationality (or a failure to extend equality of treatment with nationals).

Migration cost and recruitment

Migrants' debt burdens increased because large numbers of workers had lost their jobs and were unable to service their debt. When mobility restrictions were imposed, labour recruiters deferred migrants' deployment, which also added substantially to migrants' existing debts.

Labour recruiters' responsibility to their recruits abroad includes ensuring their safe return. At the start of the pandemic, labour recruiters in origin and destination countries were ideally placed to know where their recruits were, and what challenges these workers were facing. There is only limited evidence, however, that they assisted workers with healthcare, repatriation or employment.

The pandemic severely impacted the operations of recruitment industries in countries of origin – and continues to do so. In some of these countries, internal mobility restrictions affected recruitment practices. Recruitment businesses experienced substantial reductions in cashflow. Only those with significant operating reserves expected to be able to survive the pandemic. Labour recruiters laid off or reduced the hours of their own staff.

The businesses surveyed reported a dramatic reduction in demand in construction, hospitality, tourism, manufacturing, security and for domestic work. However, these reported downturns were place-specific, and across the world there was also evidence of health and some social care-related sectors experiencing increased demand.

Labour recruiters overwhelmingly had confidence that their businesses would recover with time. They reported lobbying their governments for support in diversifying their services and were considering shifting their business to domestic markets.

Border closures and restrictions contributed to irregular patterns of movement. For example, there were reports that both recruitment agencies and workers were utilizing tourist visas to access countries where work permits were not being processed.

COVID-19 brought additional logistical challenges for both migrant workers and labour recruiters, such as mandatory quarantine periods, testing and the need for PPE and vaccinations as a condition of entry. In some countries, flights and processing had resumed to a limited degree by the time labour recruiters were surveyed. However, labour recruiters predicted that logistical challenges would remain, slowing recruitment processes and adding significant costs – costs that will likely be transferred to migrants, thereby violating international labour standards.

Access to healthcare and social protection

COVID-19 has acutely demonstrated the importance of a universal approach to public health and the need to ensure universal access to basic guarantees of social protection, both to control the pandemic in the short run and to reduce inequalities and fight poverty and social exclusion in the long run.

The COVID-19 crisis has identified two forms of social protection that migrant workers are routinely excluded from: first, healthcare, highlighted by challenges migrants experienced obtaining basic care; and second, income security protecting against sudden job and wage losses. Even where formal inclusion exists, there is ample evidence of migrants facing numerous barriers to accessing social security. The role of non-governmental organizations and their initiatives were highlighted in the rapid assessments as being vital in this context. There were some notable exceptions where documented migrants were able to access cash pay-outs, but administrative barriers and lack of information remain a problem. A few countries provided cash support to returning migrants, often as part of broader COVID-19 related welfare schemes.

Many women migrant workers have even more limited income security and social protection than the average. This is due to the persistent gender wage gap and because women migrants disproportionately work in more precarious, insecure and informal employment. Women are also more likely to experience violence at the workplace, and women migrant workers face difficulties accessing sexual and reproductive healthcare and social protection, especially when engaged in live-in domestic work.

Compulsory enrolment in the national social security system for all migrant workers is one mechanism available in some countries of origin to provide coverage for sickness and unemployment faced by nationals working abroad. But given the size of the informal economy in Africa and Asia, a considerable percentage of nationals and migrants do not have access to social services.

The sudden repatriation of migrant workers has amplified the long-standing challenge to existing social security frameworks due to their territorial nature, the diversity of the systems in terms of conditions and management of entitlements, and the specific difficulties regarding portability of entitlements.

Return and reintegration

The pandemic resulted in the sudden return and repatriation of migrant workers, without operational systems and protocols in place to ensure safe repatriation or to share the cost burden of return trips and quarantine between countries of origin, countries of destination and employers. This caused a further loss in income for many migrant workers surveyed.

In some instances, expulsion of migrant workers was justified using public health law, subjecting the returnees to stigmatization because they were considered to be carriers of COVID-19, and to compulsory quarantine – often for long periods.

Although some countries of origin have offered support to returning migrants, such as accommodation and cash transfers, returnees typically lacked support mechanisms and adequate reintegration assistance.

There are two key concerns emerging from this: firstly, COVID-19 has amplified the issue of unpaid wages to a crisis of huge proportions in the absence of any opportunity to lodge claims upon return; and secondly, returned workers face uncertain employment prospects in a context characterized by a lack of local opportunities for decent work and a worldwide economic slowdown. Migrant workers who returned home have also experienced new forms of discrimination.

Remigration

The majority of migrant workers interviewed early in the pandemic intended to migrate again. In the short-term, returnees planned to stay put for fear of infection. To date, only limited remigration has in fact occurred. Many returnees prefer to work locally and remain closer to

their families. A follow-up survey found that the number planning to remigrate had dropped from 60 per cent in March/April 2020 to 23 per cent in early 2021.

The pandemic has highlighted the need – and provided an impetus – for the ongoing efforts to find alternative recruitment and employment options to absorb displaced workers. Returned migrant workers need to be fully included in national support packages for poverty alleviation. In some countries, returnees were offered cash subsidies available to vulnerable populations around the country, including family members of migrant workers. There were also reports of some governments offering specific support to provinces that have experienced high levels of returned migrant workers.



1

Introduction

▶ 1. Introduction

The world of work has been profoundly affected by the global coronavirus pandemic. COVID-19 has amplified existing inequalities, including those associated with migration (Crawley 2020). The pandemic has severely disrupted access to employment opportunities and generated challenges for international initiatives aimed at improving rights, protections and outcomes for migrant workers and their employers.

In addition to the threat to public health, economic and social disruption threatens the long-term livelihoods and wellbeing of millions. According to the latest ILO (2021a) estimates, the number of international migrant workers is 169 million (a rise of 3 per cent since 2017), 70 million of whom are women. In many countries, migrant workers represent a majority share of the workforce in general or within specific labour market sectors, making important contributions to country of destination societies and economies. They serve on the front lines, carrying out essential jobs in healthcare, transport, services, construction, and agriculture and agro-food processing.

Yet most migrant workers are concentrated in sectors of the economy with high levels of temporary, informal or unprotected work, characterized by low wages and a lack of social protection, as well as various forms of social and economic discrimination. In addition to the significant impact of pandemic-related health risks and border closures on refugee and humanitarian protection globally, COVID-19 has had a dramatic impact on the recruitment of migrant workers and on their living and working conditions. Workers have reported delays in recruitment due to travel restrictions; a lack of financial security and indebtedness due to job losses and payments made towards recruitment fees and related costs; further erosion of labour rights and working conditions; and enhanced risk of abuse linked to recruitment.

These impacts, combined with changes to international travel that have increased the costs of migration, are likely to outlast the pandemic itself. In this context, it is vital that States implement agreed international labour standards, in particular the:

- ▶ ILO Employment Service Convention, 1948 (No. 88);
- ▶ Private Employment Agencies Convention, 1997 (No. 181); and
- ▶ Violence and Harassment Convention, 2019 (No. 190).

In addition, it is important that States apply international standards developed to address the specific employment conditions of migrant workers, such as the:

- ▶ Migration for Employment Convention (Revised) (No. 97) and Recommendation (No. 86), 1949;
- ▶ Migrant Workers (Supplementary Provisions) Convention (No. 143) and Recommendation (No. 151), 1975;
- ▶ Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011; and
- ▶ Work in Fishing Convention, 2007 (No. 188).³

Efforts must also be made to operationalize the guidance provided in the ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs, and the ILO Multilateral Framework on Labour Migration. In general, a clear commitment to the agenda for decent work for migrant workers is urgently needed along with the institution of a socially fair, rights-based regulatory framework concerning migration and workplace conditions.

³ A list of other relevant ILO Conventions and Recommendations is presented in Appendix C.

With a view to developing a global picture of the impact of COVID-19 on labour migration governance, recruitment practices and migrant workers, the ILO conducted a series of national and regional rapid assessments over the course of 2020.⁴ The teams conducting each assessment adapted a generic methodology to the national context in order to ensure its appropriateness while still enabling comparability. The generic methodology included a secondary literature review combined with the collection of primary data through surveys and/or interviews with a selection of stakeholders such as government officials, employers, private recruitment agencies, workers' organizations, civil society organizations and migrant workers. A list of the assessments on which this brief is based can be found in Appendix A. Please note that **all references to countries and regions contained in this brief that are not cited to a specific source are from the relevant ILO rapid national assessments.** Further data for this brief was gathered from primary interviews conducted with ILO Labour Migration Specialists focused on West, Southern and Eastern Africa; Asia and the Pacific; and Latin American and the Caribbean. Details of these interviews are contained in Appendix B.

The challenge for the authors of this brief has been to arrive at *globally* relevant findings and recommendations when migration patterns and modes of regulation differ greatly in each of these regions. In parts of Asia (including India, Nepal, Pakistan, Sri Lanka and Association of Southeast Asian Nations (ASEAN) countries) labour migration is highly formalized by way of bilateral labour arrangements and is primarily facilitated by private sector labour recruiters. This is also the predominant model of migration between Mexico and Guatemala and the United States of America and Canada, and between Kenya, Uganda, Nigeria and destination countries in the Middle East. This global brief also covers regions with agreements regarding the movement of labour that allow the majority of people to migrate without engaging in recruitment systems or navigating border processes. This is the case within the Economic Community of West African States (ECOWAS) and Latin America's Mercado Común del Sur (Southern Common Market, or MERCOSUR) region. Moreover, informal migration reflects long-standing migration patterns within South and South-East Asia and within East and West Africa, where workers are able to cross borders and find jobs by themselves. Undoubtedly, COVID-19 has had an overarching effect on all forms of migration and severe implications for migrants, even though these might be experienced differently in each region. Where the findings in this brief are regionally or even nationally specific, this is indicated in the text.

1.1. The ILO's Fair Recruitment Initiative

For the past decade, the ILO has been at the forefront of global efforts to address exploitative recruitment practices. As the only international organization with a mandate to set labour standards as well as the only tripartite organization, the ILO has facilitated major advances in how "fair recruitment" is now understood. The Fair Recruitment Initiative was launched in 2014 as part of the ILO Director-General's call for a Fair Migration Agenda, and in 2021 the second phase of the strategy was launched. Its vision is to ensure that recruitment practices nationally and across borders are grounded in labour standards, developed through social dialogue, and ensure gender equality. Specifically, that such recruitment practices:

- ▶ are transparent and effectively regulated, monitored, and enforced;
- ▶ protect all workers' rights, including fundamental principles and rights at work, and prevent human trafficking and forced labour; and
- ▶ efficiently inform and respond to employment policies and labour market needs, including for recovery and resilience.

⁴ Please note: This series of rapid assessments was conducted during the period of early to mid-2020, and the drafting of this report took place during the period December 2020–May 2021. The COVID-19 situation and impact upon migrant workers continues to evolve rapidly. The reader is advised to be mindful of these developments and consult new and emerging research and data.

In 2016, the ILO negotiated and approved the General Principles and Operational Guidelines for Fair Recruitment, derived primarily from international labour standards and related ILO instruments. The General Principles and Operational Guidelines aim to inform the current and future work of the ILO and of other international organizations, national legislatures, and social partners on promoting and ensuring fair recruitment. The ILO's Definition of Recruitment Fees and Related Costs is to be read with the General Principles and Operational Guidelines. The Definition recognizes the principle that workers shall not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment.

The General Principles and Operational Guidelines, however, go beyond the issue of recruitment fees and related costs. This guidance forms a comprehensive approach to realizing fair recruitment through the development, implementation and enforcement of laws, policies and other measures aimed at regulating the recruitment industry and protecting workers' rights. These rights include respect for, and protection of, the right to freedom of association and collective bargaining, and prevention and elimination of forced labour, child labour and discrimination in respect of employment and occupation. In recognition of this, Objective 6 of the 2018 Global Compact on Safe, Orderly and Regular Migration (GCM) aims to "facilitate fair and ethical recruitment" set in the context of "safeguarding the conditions that ensure decent work". The findings and recommendations within this brief are set within a decent work context.

1.2. Definitions and terms

Drawing on the definitions presented in the General Principles and Operational Guidelines for Fair Recruitment, for the purposes of this brief:

employer refers to a person or an entity that engages employees or workers, either directly or indirectly;


labour recruiter refers to both public employment services and to private employment agencies and all other intermediaries or sub-agents that offer labour recruitment and placement services. Labour recruiters can take many forms, whether for profit or non-profit, or operating within or outside legal and regulatory frameworks;

migrant worker means a person who migrates or has migrated to a country of which he or she is not a national with a view to being employed otherwise than on his or her own account;

recruitment includes the advertising, information dissemination, selection, transport, placement into employment and – for migrant workers – return to the country of origin where applicable. This applies to both jobseekers and those in an employment relationship;

recruitment fees or related costs refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection;

refugee is defined by the United Nations High Commissioner for Refugees as someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.



2

Impact of COVID-19 on employment and workplaces

► 2. Impact of COVID-19 on employment and workplaces

When COVID-19 spread beyond Wuhan, China, in early 2020, most governments reacted by closing national borders to some extent. The ILO reports that, in general, the share of workers (including migrant workers) living in countries with COVID-19-related restrictions has remained high, with 93 per cent of the world's workers residing in countries with some form of workplace closure measures in place in early January 2021. Within countries, more geographically targeted and sector-specific measures have gradually become the norm over the course of the pandemic, and these were still affecting over three-quarters of workers at the start of the year (close to the peak of 85 per cent reached in late July 2020) (ILO 2021b).

- In 2020, almost a tenth of global working hours were lost relative to the fourth quarter of 2019, equivalent to 255 million full-time jobs – four times greater than during the global financial crisis in 2009. Working-hour losses were particularly high in Latin America and the Caribbean, Southern Europe and Southern Asia.
- In total, there were unprecedented global employment losses in 2020 of 114 million jobs relative to 2019. The global labour force participation rate reduced by 2.2 percentage points in 2020 and global unemployment increased by 33 million.
- Global labour income in 2020 is estimated to have declined by almost a tenth, amounting to US\$3.7 trillion, or 4.4 per cent of global gross domestic product (GDP). The largest labour income loss was experienced by workers in the Americas.
- In relative terms, for all workers, employment losses were higher for women than for men (women experienced 5.0 per cent employment loss), and for young workers (8.7 per cent) than for older workers (ILO 2021b).

Migrant workers have been particularly structurally vulnerable to the economic shocks caused by the pandemic because they are predominantly employed in precarious low-wage sectors and were often the first to experience job losses. The latest ILO labour force survey data (up to the third quarter of 2020) revealed the contrast between massive job losses in hard-hit sectors (such as accommodation and food services, hospitality, tourism, arts and culture, retail, and construction) and the positive job growth evident in a number of higher-skilled services sectors (such as information and communication, and financial and insurance activities). At the same time, there is considerable variation across countries with regard to the severity of the crisis' impact on jobs in the hardest-hit sectors (ILO 2021b).

Many migrant workers were stranded in their countries of destination and found themselves without work, barred from the social protection support available to nationals, and with no assistance from the recruitment agencies or employers who had facilitated their travel and employment. While some countries eased restrictions and launched amnesties for those without documentation to encourage migrant workers in an irregular situation to leave, many borders remained closed for months, preventing foreign nationals from returning home to their families. Many workers who had reached land border crossings found themselves forced to stay in border towns or camp at crossings.

Regardless of whether they are in a regular or irregular situation, migrant workers the world over were summarily fired or stood down, often without pay and in violation of contractual agreements where these existed (see national examples below). This created a number of immediate problems, from workers' inability to pay for living costs, challenges for families relying on remittances to meet basic needs, inability to pay back migration costs, and workers incurring costs to try to get home. In April 2020, the ILO released a policy brief entitled "Protecting Migrant Workers during the COVID-19 Pandemic: Recommendations for Policy-

makers and Constituents". This brief contains information on the immediate impact of the pandemic and early responses from key stakeholders (ILO 2020a).

2.1. Job losses due to COVID-19

COVID-19 and the border closures and recession that followed led to extensive job losses globally. It is not possible to ascertain the extent of these losses with the data available. However, it is clear that migrant workers suffered immense job losses across every region surveyed. In Thailand, the Migrant Working Group estimated in June 2020 that 700,000 migrant workers had lost their jobs since COVID-related restrictions began (Thanthong-Knight 2020), and in Malaysia, several garment and apparel companies that employed migrants as more than 50 per cent of their workforce were closed, leaving thousands out of work (Loone 2020a; 2020b). The job losses for Sri Lankan migrant workers were described as unprecedented – 39 per cent of those surveyed had been forced to return home after their contracts were terminated prematurely, generally because of the closure of the business or employers being unable to pay their wages.

▶▶ My employer ended my contract.
There is no work for me.

► Indonesian woman domestic worker in Malaysia

Thousands of Pakistani and Indian temporary migrant workers were stranded in destination countries without employment when businesses were closed. This problem was particularly severe in countries in the Persian Gulf region, where workers had limited options to return home. Among returnees surveyed in India, the premature termination of their contracts was identified as the major reason for returning – and it is estimated that more than 2 million Indian migrant workers returned home during 2020. Twenty-four per cent of unemployed workers surveyed in Latin American countries had lost their job due to COVID-19, while 18 per cent said the company or workplace was temporarily closed. A survey of stakeholders in Mexico and Guatemala also identified significant job losses for migrant workers due to COVID-19 – 70 per cent of those surveyed said that workers' contracts had ended early.

In Africa, the slowing down of economic activity also led to extensive job losses for temporary migrant workers in the Southern African Development Community (SADC) region. The Intergovernmental Authority on Development (IGAD) region in the north-east also saw job losses for many migrant workers both in and from the region, with migrant workers reportedly targeted for job losses ahead of nationals in some countries. Other migrant workers from that region reported being left homeless in their destination countries – Sudanese workers in Cairo were living in the streets, while Kenyan workers in the United Arab Emirates had become destitute. The same pattern was visible across the continent – the majority of government officials interviewed in Madagascar said that migrant workers had lost their jobs for COVID-associated reasons; while in Tunisia, 45 per cent of migrant workers surveyed said they had lost their jobs due to the pandemic.

In Nepal, as of September 2020, the number of workers returning or waiting to return home had soared, with some estimates putting the figure at over 400,000. The Nepal Association of Foreign Employment Agencies (NAFEA) estimated that 20 to 25 per cent of about 2.5 to 3 million Nepalese workers, or between 500,000 to 600,000 workers, would have to be repatriated from countries (excluding India) due to employment loss.

In Mexico, two-thirds of labour recruiters surveyed reported that migrants in the United States had lost their jobs due to COVID-19, either because their work permit had been revoked, the company had closed, or the worker was unable to return to work.

2.2. Income lost due to COVID-19

Wage losses were also widely reported during the pandemic, as employers sought ways to reduce their cost bases. Some employees were stood down without pay, while others had their hours or rate of pay reduced or were required to go on leave. Others were not paid for the work that they had done, in violation of the terms of their contract.

▀▀ I didn't receive my full wage from my employer.
When I asked about it, no explanation was given

► **Myanmar woman** returned from work
in the service sector in Thailand

Ninety-one per cent of the migrant workers from Tunisia surveyed said that they had lost income due to COVID-19; while 71 per cent reported that the pandemic had reduced the amount of work they were able to do. In Pakistan, half those surveyed said they were facing delays and cuts in wages, salaries or other benefits, and migrant workers from Sri Lanka also reported substantial salary cuts. In the Latin American countries surveyed, 13 per cent of workers reported that their payments were suspended or not transferred. Some domestic workers from Central American countries working in Mexico and the United States said they had continued to work despite not being paid; while domestic workers in Thailand reported losing their day off and having their hours extended without extra pay. A third of the recruitment agencies surveyed in Nepal said their workers had experienced cuts in wages or had not been paid, and there were also reports of wage loss from migrant workers originating from Madagascar and India who were working in Malaysia and Thailand.

In many Caribbean countries and some SADC countries (such as Namibia), migrant employees were required to accept losses of hours or income, ostensibly in the interest of job protection. In Malawi, for example, the Government required employers to find ways of keeping employees on their books with fewer hours or less pay as a condition for receiving subsidies, rather than simply dismissing the unneeded members of their workforce.

Some migrant workers from the IGAD region in north-eastern Africa who were working in Gulf States reported that they had not been paid, or felt they had been forced to sign new contracts that were more exploitative or contained fewer protections. There were also reports of employers keeping the whole of their migrant employees' salaries on the basis that they were paid annually and had not completed the whole of the year as a result of COVID-19.

The extent of wage loss was so great in some regions that governments intervened on behalf of their workers – for instance, in Pakistan, the Ministry of Overseas Pakistanis and Human Resource Development liaised with destination country governments to try to get payment for returned Pakistani workers. Governments in several Caribbean countries reminded employers that they could not force employees to take leave.

2.3. Impact of COVID-19 on remittances

The income and job losses experienced by migrant workers during the COVID-19 pandemic had flow-on effects to the remittances they were able to send home. Many of the stakeholders

interviewed for this project during the first few months of the pandemic predicted this outcome, and most of the stakeholders interviewed in Sri Lanka, for instance, said that they had seen remittances stop entirely, and that some employers had not allowed domestic workers to go to the banks to remit money. A World Bank/KNOMAD (2020) survey found that overall remittance flows experienced a “sharp decline in April and May followed by a slow but partial recovery”, starting in June 2020. Other projections suggest that remittances will remain low across developing-country regions into 2021⁵ – in October 2020, the World Bank, estimated that the overall flow of remittances would continue to decline into 2021, projecting a 14.9 per cent decline overall (World Bank and KNOMAD 2020).⁶

The surveys conducted also highlighted the devastating impact of the mass returns that took place in response to COVID-19 – in Myanmar, for instance, returned migrants and their families had to contend with an extra person to feed and no remittances with which to do so.

Remittances have been the lifeline of Nepal's economy for a number of decades ... with the country consistently receiving remittances equivalent to above a quarter of its GDP since 2012. With the pandemic, remittance inflows to Nepal have already declined by 3.3 per cent (in USD value) in the FY 2019/2020, and are further forecast to decline by 14 per cent in 2020, from USD8.1 billion in 2019. The sharp decline in remittances is likely to have a multiplier effect on the country's economy, including a reduction in foreign currency reserves as well as an economic and psychosocial impact on migrant workers arising from their job losses and subsequent livelihood challenges.

Nepal rapid assessment

2.4. Return due to COVID-19

Alongside the migrant workers who involuntarily lost their jobs due to termination on account of the COVID-19 pandemic, many of those surveyed returned home and gave up their jobs due to concerns related to the pandemic. This decision reflects the precarious nature of temporary migrant and informal sector employment; without access to workplace rights, healthcare or social protection, workers feared becoming destitute while unable to return home. It also reflects the reality that temporary labour contracts and informal work do not provide migrant workers with financial stability, or even the capacity to save money to cover any interruptions to income.

This is illustrated by a survey of migrant workers in ASEAN – 47 per cent of respondents left their jobs voluntarily, but when asked about the reasons in detail, cited concerns about documentation renewal and border closures along with concern for their families in the face of the pandemic. The same survey found that only 3 per cent of migrant workers received social security in their destination country – this lack of protection may also have been related to the decision to return home. Within ASEAN, there was a mass return of migrant workers from Thailand to its neighbours Myanmar, Cambodia and the Lao People's Democratic Republic – the official tally by the end of June was at least 310,000, with more presumed to have crossed through unofficial border points. The exodus began with tens of thousands crossing home

⁵ Per a presentation by Dilip Ratha at the Global Forum for International Development, 25 January 2021.

⁶ It should be noted, however, there have been a few exceptions, notably Pakistan, Mexico and Nepal, which are major recipients of remittances. In each of these three countries remittance rates recovered quickly, with the amounts received in Pakistan in July 2020 being the highest ever recorded, and Mexico and Nepal recorded remittance rates from the second quarter of 2020 to the end of the year that were higher than each of the same quarters in 2019 (IOM, n.d.).

in the week of 22 March 2020 following the announcement of lockdowns. Many of those surveyed returned because they feared losing their jobs, and also their work permits.

Twenty per cent of Sri Lankan migrant workers surveyed returned home for reasons including fear of COVID-19 and concern about family members falling ill. The same proportion of migrant worker interviewees in Madagascar reported choosing to end their employment. While most assessments conducted for this project did not ask migrant workers the reason for their return, it seems likely that between concern for workers' families back home, the impact of the recession that the pandemic caused, and the risk of becoming trapped without work and potentially without paperwork in a country of destination, COVID-19 is the root cause of most of the vast number of returns to countries of origin during the survey period.

2.5. Unpaid leave due to COVID-19

Many other workers kept their jobs but were required to take unpaid leave. This was commonly reported by migrant workers from ASEAN countries, and 20 per cent of migrant workers interviewed in Pakistan reported being sent on forced leave by their employers, while another 24 per cent returned to the country on annual leave and then could not return to their employment due to lockdowns. Dismissals during periods of forced leave were also reported in Pakistan.



3

Border regulation



▶ 3. Border regulation

Border closures were some of the most frequently used strategies adopted by national governments to combat COVID-19. Though they were often an effective method of controlling the spread of the disease, this approach created a number of major problems for migrant workers – exacerbating the usual situation, in which workers from relatively impoverished regions generally face more barriers to labour migration than those from wealthier countries. Nearly all countries surveyed reported that border closures left migrant workers stranded, sometimes with visas and permits that expired during the closures. Many were ultimately unable to work and/or significantly out of pocket in both countries of origin and destination.

In the context of the pandemic, it appears that few, if any, governments of countries of origin and destination referred to or utilized mechanisms set out in bilateral labour agreements. This highlights the urgent need for improvements in migration governance, since it demonstrates documented weaknesses in the design of many of these agreements and the limits on the extent to which they promote inter-government cooperation and the protection of migrant workers' rights. For example, Wickramasekara (2015) found that fewer than 20 per cent of reviewed BLAs contained provisions (as recommended by ILO Migration for Employment Recommendation (Revised), 1949 (No. 86)⁷ concerning management of the return journey of migrants who are "obliged to leave [their] employment for reasons for which [they are] not responsible".

Whereas nationals were able to respond to the crisis by going with their families into lockdown, very little consideration was given by governments to the implications of closing borders and imposing restrictions on the movement of migrant workers. These workers were left to fend for themselves. In places where border crossing to return home was possible (such as from Thailand to Cambodia, Myanmar and the Lao People's Democratic Republic), hundreds of thousands tried to cross borders. In other cases, workers were placed in compulsory lockdowns enforced by police and security services (Singapore, Qatar). Governments of destination countries allowed, and in some cases encouraged, migrant workers, especially those in an irregular situation, to travel back to countries of origin without providing support to the governments of these origin countries. Some countries of origin responded with border closures and restrictions on nationals returning home on an unprecedented scale, in clear violation of Article 13(2) of the Universal Declaration on Human Rights (ILO 2020b).

There was also little sharing of responsibility between governments regarding the health implications of mass movement as the pandemic spread. Borders closures often took place unilaterally, instead of the consequences for migrant workers being negotiated between origin and destination countries using procedures outlined in bilateral labour agreements. Closures tended to take place with little to no notice and, and by their nature, deprived migrant workers of their human rights, as well as the rights that had been negotiated in migration instruments.

It was observed in a number of ILO rapid assessments that unilateral action to close borders by a significant number of countries tended to push migrant workers towards irregular pathways, especially where land borders were involved, thereby undermining the ongoing global effort to contain migration flows within pathways that are safe, orderly and regular. Not only were some regular pathways rendered more complex and expensive by COVID-19, with new requirements for quarantine and testing, the costs of which were most commonly shouldered by migrants, but in many cases regular pathways were closed for months on end and remain closed for temporary labour migration.

⁷ Specifically Article 26 of the Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons, which is contained in the Annex to Recommendation No. 86.

Though rapid, comprehensive border closures proved to be an asset in public health terms, few destination countries took responsibility for remediating the problems that these policies caused to the migrant workers within their borders. The surveys of migrant workers and other stakeholders reveal some of the detriments that these strategies placed upon migrant worker communities.

In some countries, trade unions and worker organizations (in addition to CSOs) were the first to respond to the impact that border closures were having on migrant workers in countries of destination and upon return to countries of origin. There were many instances globally of trade unions and workers' organizations, employers' and business membership organizations, CSOs and governments engaging in various forms of social dialogue related to the COVID-19 pandemic. Among other effects, these dialogues played a role in informing government responses and assisting with direct negotiation between workers and employers regarding lockdown-related closures of places of employment (ILO 2021c; 2021d).

3.1. Border closures halted labour migration

In Sri Lanka, 1.5 million migrant workers were reported to have been stranded in their countries of destination. Thousands of Pakistani workers were also stranded in destination countries, with their position being described as "double jeopardy", as they could neither work due to widespread business closures (as mentioned above) nor return home.

In the IGAD region of north-eastern Africa, tens of thousands of migrant workers were reported to have been stranded in countries of destination, many of whom lost their jobs and faced the expiry of their visas and permits. Widespread border closures made these workers more dependent on smugglers who increased prices, chose more perilous routes in order to evade detection, and in some cases abandoned workers when difficulties arose. Even after borders reopened later in 2020, some migrant workers were unable to cross them either because they could not afford the required COVID-19 test certificate or because of their irregular status.

COVID-19-related border closures have resulted in tens of thousands of migrants being stranded across Africa (Mbiyozo 2020). Many of these migrants have lost their income due to the economic impact of COVID-19 containment measures and are struggling to pay their rent and cover their cost of living, while also unable to return home.

IGAD rapid assessment

Similarly, in the SADC region in Southern Africa, border closures were reported to have left migrant workers stranded and impoverished. The application of five-year bans on entry for those overstaying their visas, which applied after a period of more than 30 days in South Africa, for example, have resulted in some prospective migrant workers being stuck at home, unable to return to their previous jobs. Cross-border workers from Mexico and Guatemala also cited the detrimental impact of border closures; while in the Latin American countries surveyed, quarantine requirements were cited as the major reason for job losses among those surveyed.

However, national borders in some regions are quite porous, as was mentioned in the assessments from Latin America, South-East Asia and Africa. In some instances, the ease with which migrants were able to traverse borders despite lockdowns created different problems – for example, the movement of 5 million Venezuelans in 2020.

3.2. Border closures prevented prospective migrant workers from travelling

Labour migration through regular pathways is often a slow process involving multiple stages of paperwork and clearances to be obtained ahead of departure. The sudden and widespread closure of borders interfered with recruitment processes for many prospective migrants, leaving them in debt with no job in the short term. In some cases, recruitment agencies attempted to obtain them alternative employment abroad or to find work for them within the country of origin, but this process was made more difficult by the concurrent recession.


To illustrate the extent of the problem, recruitment agencies surveyed in India, Pakistan, Sri Lanka, Nepal, Pakistan, the Philippines, Hong Kong (China) and the IGAD region in Africa in the middle of 2020 all reported that their placement services had either completely or very largely come to a halt as a result of the pandemic.

3.3. Migrant workers pushed towards irregular pathways in certain regions

Lack of decent work at home is a key driver of low-wage labour migration. In some regions it is more time-consuming and expensive to embark on regular migration pathways, and there are steadily reported flows of irregular migration. Border closures that were implemented unilaterally created pressure on irregular migration routes. In some cases the recruitment industry began promoting the use of irregular pathways (see above). In Thailand, the sudden imposition of lockdowns led to more than 300,000 migrant workers returning to neighbouring countries over the next few months. Later in 2020, migrant workers returned in similarly large numbers, and by early 2021, following amnesties that saw 600,000 undocumented workers registered, the overall number of documented migrant workers in Thailand was back to the 2.8 million figure reported in the country before the crisis.

Migration continued in and from the IGAD region despite border closures. Migrants who chose to move through the region's porous borders reportedly paid higher prices to smugglers who took them on more perilous journeys.

IGAD rapid assessment



4

Migration costs and debt in the pandemic

► 4. Migration costs and debt in the pandemic

Principle 7 of the ILO General Principles and Operational Guidelines for Fair Recruitment states, “No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.” The ILO Private Employment Agencies Convention, 1997 (No. 181) notes that “[p]rivate employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers” (Article 7). This right has yet to be fully realized in many geographical contexts, and in many countries migrant workers commonly pay upfront costs associated with migration for work, such as travel, accommodation en route, visas, work permits, medical certificates, and training. Fees may also be paid directly to labour recruiters or other forms of migration intermediaries who facilitate journeys and/or jobs.⁸ As migrants do not always have access to sufficient savings or assets which can be used to pay these costs, many obtain loans and embark on the migration journey with significant amounts of debt in the expectation that future earnings will exceed the amount borrowed.

When migrants are not able to freely enter a country of their own accord or to find jobs by themselves, the costs are substantially higher than when they can move without restrictions. Lacking access to mainstream forms of credit, migrants raise loans from moneylenders (who may also be recruiters). The ILO has previously identified that such fees – and therefore the debt taken on to pay them – vary considerably (ILO 2020c).

In contrast, in other regions in the world – for instance, the MERCOSUR region in Latin America and ECOWAS in West Africa – migrants can travel freely and find jobs through social networks without paying recruitment fees (ILO 2017a). Nevertheless, even where this is the case, studies show that loans are still used to facilitate migration journeys (IOM 2021a).⁹ In these contexts, migrants are more likely to raise loans informally through friends and families than through moneylenders. COVID-19-related job losses are therefore very likely to increase the amount of debt incurred by migrant workers globally, thus reducing the potential contribution of remittances to alleviating poverty and achieving national development outcomes.

The ILO’s rapid assessment surveys did not collect data on individual debt; therefore, it is not possible to elaborate the extent to which migrant debt has increased through the pandemic. Yet, it is possible to draw three conclusions from the available data:

1. Migrants’ debt burdens are highly likely to have increased because large numbers lost their jobs, with many returning home due to the pandemic, meaning individuals (and families) are unable to service their debt (see Section 2 above).
2. When global mobility restrictions were imposed, the most common response to the pandemic by labour recruiters in Asia was to defer migrants’ deployments. Indeed, three-quarters of labour recruiters surveyed in the Philippines and Nepal had done so. The deferring of deployments would have added substantially to migrants’ existing debts, as it meant that those who had already paid their recruitment fee to the labour recruiter (having most likely raised a loan for this purpose), in effect, lost this money. For the most part, labour recruiters did not refund fees so they could preserve their own cash-flow and bank balances. The only exception identified by the research was in Myanmar, where the Government required agencies to refund fees. However, these were only issued for the official, receipted amounts, whereas it is well documented that the actual amounts charged are often much greater.


⁸ The ILO and World Bank are the joint custodian agencies for SDG Indicator 10.7.1, expressed as “recruitment costs borne by an employee as a proportion of monthly income earned in country of destination”.

⁹ A further study found that in the region people incurred debts of approximately US\$272, equivalent to more than a quarter of the average annual salary in Burkina Faso.

3. Debt has financial, social and psychological implications for the re-integration of returnees. Where migrants return home after a “failed” migration, studies show that they can face threats, abuse or violence by moneylenders. In contexts where the money has been loaned by families or local communities, returning home without any contribution and in a more precarious financial state than prior to departing can bring shame. Debt is also moral and symbolic.

Box 1. Financial impact on migrant workers of deferred deployment

In Nepal, the recruitment association NAFEA (interviewed in mid-2020) reported that a total of 115,000 workers with labour permits could not be deployed, along with a further 328,681 workers who had received pre-approval. No workers should pay fees, but this practice remains common in Nepal. In Uganda, the Recruitment Association (interviewed in mid-2020) reported that around 2,000 prospective Ugandan migrant workers whose deployment had been paid for could not be deployed. Furthermore, workers who had already left Uganda and reached Dubai and Cairo when borders were still open were turned back. Others who had not yet completed their overseas probation period in the destination country were returned to Uganda. Similarly, in Kenya, the Association of Skilled Migrant Agencies of Kenya (ASMAK) (interviewed in summer 2020) indicated that numerous technicians and labourers were still waiting to be deployed. Therefore, the global financial loss to migrants just through recruitment fees and deferred deployments, before lost income and remittances are taken into account, is potentially huge.



5

Country-based recruitment industry responses

► 5. Country-based recruitment industry responses

As noted above, national recruitment industries are the primary mode of migration in formalized labour migration channels, especially in Asia, and where migrants are precluded from migrating of their own accord. They are not, therefore, globally relevant to all labour migration, but only in specific migration corridors. The ILO conducted specific assessments of the impact on recruitment in Nepal, the Philippines, Hong Kong (China) and the Philippines. Interviews were also conducted with labour recruiters and industry associations in Sri Lanka, Pakistan and India. Stakeholders interviewed in Kenya, Uganda, Tunisia, South Africa, and in the ILO Regional Office for Latin America also commented on the impacts on recruitment (see Appendix A¹⁰).

5.1. Assistance to recruits during the pandemic

Labour recruiters have a responsibility to their recruits while working overseas. This includes ensuring that migrants can return home safely (ILO 2019, part IV, para. 25). In Nepal, after the outbreak of the pandemic, the Government issued a Directive on Repatriation that required labour recruiters to ensure that their recruits' employers paid the full salary, return ticket and other benefits due. The Directive also made the labour recruiters responsible for verifying and sending workers' details to the authorities so that they could be repatriated.

At the start of the pandemic, labour recruiters in both countries of origin and countries of destination were ideally placed to know the location of migrant workers. They also had a firm awareness of the challenges that workers were facing. For instance, a third of Nepal labour recruiters surveyed in mid-2020 had received grievances from their deployed recruits, most of which concerned deductions from their wages, loss of employment, non-payment of wages, and violations of other rights. Similarly, recruiters and recruitment associations in India reported hearing that the workers they had placed were experiencing employment loss, pay cuts and reduction in working hours. To a more limited degree, labour recruiters also referred to receiving information about recruits who had become sick with COVID-19.

However, there is only limited evidence that labour recruiters did, in general, assist workers with healthcare, repatriation or employment assistance. Examples of such assistance included:

- Labour recruiters in the Philippines, Mexico, Guatemala and Sri Lanka reported that they had sent information about COVID-19 to their recruits.
- Labour recruiters in the Philippines indicated that in instances where they knew their workers had COVID-19, they reported these cases to the Philippines Consulate and the Health Department. Labour recruiters in Nepal reported that they coordinated with Nepalese diplomatic missions abroad to bring workers home.
- Labour recruiters in Nepal who responded to the survey reported that they remained in regular contact with workers in foreign countries and provided them with the necessary support (such as the arrangement of food and shelter, searching for another employer and support in repatriation). They also claimed to have provided emotional support to the workers and their families in Nepal.
- Labour recruiters who spoke to the researchers in Sri Lanka reported they had informed the Sri Lanka Bureau of Foreign Employment to seek assistance for recruits, advocated with the destination country agents to try recover unpaid wages, and tried to help newly unemployed workers find new placements.

¹⁰ See also IOM 2020.

In Nepal, labour recruiters surveyed in the ILO rapid assessments also noted that they believed that workers' employers were taking good care of their recruits. A third of those surveyed acknowledged not doing anything to assist their recruits, even though they were aware their recruits were facing problems; while other recruiters indicated that they could not do anything. Recruiters and associations in India reported that, to their knowledge, most employers of their recruits provided accommodation and food during the lockdown. In the IGAD region, interviews with stakeholders and with migrants suggested that labour recruiters in those countries had done little to nothing to assist migrants who were stranded or who remained in countries of destination.

5.2. Mobility restrictions impacted severely on recruitment industries

As international flights were paused and governments stopped issuing labour permits, the pandemic impacted – and continues to severely impact – the operations of recruitment industries in migrants' origin countries. Consequently, labour recruiters and stakeholders in Nepal, the Philippines, Sri Lanka, India, Uganda, Kenya, Nigeria, Pakistan and Mexico reported dramatic losses in business. In Nepal, at the time the survey was conducted (August and September 2020), 85 per cent of respondents reported that they had completely stopped any new recruitment as well as the deployment of workers that were already in process. In Mexico and Guatemala, labour recruiters surveyed estimated a drop of placement rates between 10 and 30 per cent.

Labour recruiter respondents reported that the primary impact on their business was an immediate and critical lack of cashflow. Globally, most labour recruiters in countries of origin are small- and medium-sized businesses. Though many recruitment agencies are extremely profitable, many are also highly dependent on retaining a steady cashflow for operational reasons – to pay staff and maintain offices, to secure deposits and bank guarantees, and to service bank loans. Ordinarily, labour recruiters maintain their cashflow through generating a continuous recruitment pipeline.

Only those recruitment companies with significant operating reserves as well as an expectation of forthcoming large-scale "job orders of bulk recruitment" (as they are referred to within the industry) were able to remain partially open and expected to be able to survive the pandemic. Consequently, labour recruiters responded like businesses in other sectors, and reported having to "lay off" their own staff and reduce working hours for those who remained.

In some migrant origin countries, internal mobility restrictions also had an impact on recruitment operations. Most notably, in India, the strict lockdown meant that neither staff nor workers could reach recruitment offices. Labour recruiters responded by moving interviews online where they could. While this proved to be cost-effective – as it enabled multiple workers to be interviewed at the same time – it was not feasible where tests of skills were required.

There is evidence to suggest that COVID-19 had a disproportionate impact on recruitment businesses in countries of origin in comparison to those in countries of destination. For instance, almost all of the surveyed agencies in the Philippines who deployed workers to Hong Kong (China) had to partially or completely cease their operations; whereas fewer agencies based in Hong Kong (China) had to do so. In the case of the Hong Kong (China) agencies, migrant workers with contracts that ended or were prematurely terminated due to the COVID-19 crisis could renew or find new employers through a labour recruiter. For employers in sectors that still required workers, this was a popular mitigation strategy, as these workers could be placed quickly. Recruiters in Hong Kong (China) therefore maintained a flow of business, albeit one more limited than before the pandemic.

5.3. Labour demand collapsed in many low-wage sectors but increased in others

Section 2 above highlighted the impact of economic shutdowns on migrant workers. Labour recruiters in countries of origin also reported a dramatic reduction in demand for labour in construction, hospitality, tourism, manufacturing, security and to a lesser degree, for domestic work. For instance, in Nepal, at the time the survey was concluded (August and September 2020), over two-thirds of the labour recruiters had experienced a significant decrease in demand from all major destination countries: Japan, Malaysia, the United Arab Emirates, Qatar, Saudi Arabia and other Gulf Cooperation Council countries.

However, as also indicated in Section 2, economic impacts were not felt evenly across all sectors or countries. For instance, Kenyan labour recruiters that mainly supplied women for domestic work positions in Lebanon reported a complete collapse in demand (Randhawa 2020). In contrast, other recruiters experienced ongoing or even increased labour demand, as the following examples from the surveys of labour recruiters show:

- Labour recruiters in the Philippines, India, Nepal and Hong Kong (China) reported an increase in demand for all types of healthcare and social care workers, including household domestic workers.
- State-run labour recruiters in India also saw an increase in job orders from the United Arab Emirates and Saudi Arabia for nurses.
- In Nepal, a third of labour recruiters (n=42) reported an increase in demand for workers, including for factories in Malaysia producing medical-related equipment, such as masks and rubber gloves.
- Others in Nepal had received new requests for construction workers in Qatar, for the agricultural and fishing sector in Malaysia, and for domestic workers in Jordan and Cyprus. None of these labour recruiters, however, had at that point been able to deploy workers due to mobility restrictions.
- Labour recruiters in India reported an increase in demand for maintenance and facilities management workers.
- In Pakistan, labour recruiters reported an increase in demand for all skilled specialist sectors, including in education.
- Labour recruiters in Guatemala (recruiting for Canada) and Mexico (recruiting for the United States) reported that labour demand had reduced by between 10 and 30 per cent.

In general, surveyed labour recruiters overwhelmingly had confidence that their businesses would recover within time, albeit contingent on mobility restrictions being lifted. Flexibility, facilitated by global subcontracting – which precludes the need for fixed sunk costs in countries of destination – has always been a feature of national recruitment industries. Consequently, while the recruitment industry waits for a return to “normality”, labour recruiters in countries of origin have sought to diversify their markets. Over the past year, labour recruiters have searched for markets (that is, both sectors and countries) that have the fewest mobility restrictions and the most demand, including those listed above. This is likely to drive the industry for some time. Labour recruiters reported lobbying their governments for support in diversifying, noting the role of labour attachés and consulates in opening new markets for their recruits, including through new bilateral labour agreements.

In response to a specific question in the ILO survey, some labour recruiters also reported that they were considering shifting their business to domestic markets. For instance, half the labour recruiters sampled in Nepal reported that they were considering diversifying their business to include the domestic labour market, or would consider doing so if the environment were favourable. The majority, however, also reported that the domestic market

for their services was very small. Given most labour recruiters in the Global South operate in the context of highly informal – and highly flexible – domestic labour markets, it is extremely unlikely that they will find sufficient demand for their services. Put simply, if domestic markets were financially viable for labour recruiters in countries of origin, they would already have diversified, considering that localized recruitment is considerably less complex to manage.

More worryingly, labour recruiters and their associations who responded to the surveys reported that in response to mobility restrictions the industry (in origin countries in Asia) was utilizing tourist visas to deploy workers to countries where work permits were not being processed. This is an obvious response for the industry, as informality and irregularity (including widespread non-compliance with national regulations) are commonplace. This damages progress made over the past decade towards formalizing and regularizing both recruitment industries as well as migration. For workers who travel on tourist visas and work irregularly, the situation is especially grave. In addition to lacking any employment protections in destination countries, such workers will risk detention and deportation.

5.4. Ongoing logistical challenges for recruitment

In addition to border closures, COVID-19 created additional logistical challenges for labour recruiters as well as migrants. For instance, in the United States, regulations on transportation and lodging changed as a result of new health protocols, which impacted migration from Mexico. Despite pre-existing job offers and visas being already issued, local restrictions prevented the recruitment from proceeding. In some countries, flights and processing had resumed to a limited degree by the time labour recruiters were surveyed. However, labour recruiters foresaw that even with full resumption of flights and the issuing of migration paperwork, several logistical challenges would remain. They envisaged that these would continue to impact their industry for some time, slowing recruitment processes and adding significant costs.

Box 2. Logistical challenges identified by the industry

- ▶ Mandatory quarantine periods in countries of destination for all arriving workers.
- ▶ Mandatory negative COVID-19 tests as a condition of entry.¹
- ▶ Workers testing positive for COVID-19 prior to departure and having to “replace” them at the last minute.
- ▶ The possibility that in the longer term, vaccinations may be a condition for entry and for employment.
- ▶ Variations in health-related regulations between countries and sectors adding to complexity, and the additional resources required to ascertain rules and resolve issues.
- ▶ Increased airfares and difficulties in finding flights for migrants.
- ▶ Fear of COVID-19 among workers may deter supply.
- ▶ Lack of certainty over which party in the recruitment chain would be responsible for paying any additional costs, including for quarantine and when workers become sick during the recruitment process.

¹ PCR (polymerase chain reaction) tests were specifically mentioned.

The governments of Nepal and Indonesia have, over the past year, issued directives requiring foreign employers (or placement agencies) to pay any additional costs deriving from the above. However, these governments have no legal jurisdiction to enforce these directives, and previous efforts by the Government of Nepal to require employers in Malaysia to pay the full costs of recruitment were unsuccessful.

It is therefore highly likely that most, if not all, additional costs will be transferred to migrants. This was a sentiment expressed by the labour recruiters surveyed. For instance, in Nepal, labour recruiters used the opportunity presented by the survey to report their dissatisfaction with the “Free Visa, Free Ticket” scheme, which restricted them to charging 10,000 Nepalese rupees in fees to workers. Labour recruiters surveyed complained that this fee did not cover all the pre-pandemic costs of recruitment and would certainly not cover any additional costs incurred now. Employers were, they argued, reluctant to cover all the costs of recruiting migrant workers from Nepal, as they could easily find workers from other source countries without having to bear such costs. This policy made the Nepalese industry less competitive among the labour suppliers in the global market, and recruiters argued that this meant fees would have to be transferred to migrants. In an early recognition of this, the Nepalese recruiters association, NAFEA, issued 12 demands to the Government in June 2020. One of their leading demands was that they be allowed to charge higher fees to migrants, another that migrants should pay their own airfares.


Labour recruiters reported additional challenges. In particular, they reported a significant degree of uncertainty about current health protocols in destination countries and how these might change in the future. These protocols have added to the resources needed to manage recruitment processes. With a business model highly contingent on being able to “deliver” workers quickly and easily, labour recruiters reported that logistical uncertainty and logistical barriers would impact on future revenue and long-term business opportunities, since they may not be able to deliver or guarantee fulfilment of job orders, resulting in employers seeking candidates elsewhere.

5.5. National policy responses to mitigate the impact of COVID-19 on recruitment industries

Globally, governments have provided businesses with financial support packages to mitigate the worst impacts of the pandemic. Most of the labour recruiters that responded to the national ILO surveys had not received any financial support from their government, with two exceptions:

- In Sri Lanka and Thailand, labour recruiters were entitled to access small business support funds.
- In Sri Lanka, the recruitment industry also benefited from a halving of the annual licence renewal fee.

Individual labour recruiters and industry associations lobbied their governments for multiple types of support to mitigate the worse impacts of the pandemic. In addition to the points listed above, NAFEA (Nepal) also called on the Government to provide the industry with a “bail out” and to return security deposits temporarily to resolve cashflow issues. The Government of Nepal did not, however, implement these industry demands, instead waiving the (recently introduced) requirement to deploy at least 100 workers annually in two consecutive years as a condition of license renewal for 2021/22. However, respondents noted that recruiters were still required to have sent a total of 200 workers in the previous two fiscal years prior to the pandemic to be eligible for license renewal. Consequently, almost all respondents to the Nepal survey (88 per cent) felt that the Government had not fully taken their industry's problems into account.



6

**Discrimination
and xenophobia
experienced
by migrant workers**

► 6. Discrimination and xenophobia experienced by migrant workers

Discrimination against migrant workers on the basis of their nationality and race takes the form of both differential treatment and a failure to ensure equality of treatment with nationals. These labour rights violations are widespread globally.

Similarly, migrant workers around the world have historically been subject to xenophobic discrimination and prejudice in violation of fundamental human rights. Anti-immigrant and anti-foreigner sentiment is also a feature of domestic political discourse in many countries.

The COVID-19 pandemic revealed the deep roots of discrimination and xenophobia targeting migrants. In April 2020, the UN Migration Network was compelled to issue a statement entitled “COVID-19 Does Not Discriminate; Nor Should Our Response”, which urged “all authorities [to] make every effort to confront xenophobia, including where migrants and others are subject to discrimination or violence linked to the origin and spreading of the pandemic” (OHCHR 2020). In May, the UN Secretary-General called for coordinated global action to address the “tsunami of hate and xenophobia, scapegoating and scare-mongering” that had been unleashed by the pandemic, with migrant workers being among the most vulnerable (United Nations 2020).

6.1. Discrimination towards migrant workers in countries of destination

There were reports in several countries of migrant workers explicitly being targeted for dismissal. Malaysia’s Ministry of Human Resources advised that where layoffs were inevitable, foreign employees should be targeted first; while undocumented migrants were detained and movement orders were applied to specific buildings that were largely occupied by migrant workers. Mass arrests of more than 2,000 undocumented migrants and deportations also occurred (Ding 2020). In Thailand, ILO implementing partners reported that migrant workers had been among the first to lose their jobs during downsizing. Sri Lankan migrant workers in Gulf States, including Oman and Kuwait, reported that due to nationalistic sentiments, layoffs of migrant workers were encouraged while dismissing locals was barred. Migrant workers from Mexico and Guatemala also reported that some migrant workers from their countries had been laid off ahead of nationals.

In Singapore, a rapid response in public health terms exposed the underlying discrimination inherent in the treatment of migrant workers, who overwhelmingly live in isolated dormitories. A study by Hennebry and KC (2020, 4) “highlight[ed] the awful living conditions (with as many as 20 people sleeping in the same room) endured by the city’s hundreds of thousands of migrant workers”. As a result, the city’s cases overwhelmingly affected these communities – by December 2020, 55,000 of the city’s 58,000 cases were in migrant worker dorms, while 47 per cent of the city’s 323,000 migrant workers tested positive for COVID-19 antibodies, indicating they had caught the virus at some point (Singapore 2020). The men who lived in these dormitories were isolated from the rest of the city for eight months, a policy which was both inherently discriminatory and a substantial violation of these workers’ rights to freedom of movement, as the measure was only directed at migrant workers. It was also an illustration of how COVID-19 both revealed and exacerbated the inequalities that previously existed.

There were multiple reports of xenophobia and violence in South Africa, a major destination country for labour migration within Africa. Migrant workers from both the IGAD and SADC regions attested to this, and migrant shop owners in South Africa also reported that they had

been extorted by police. Those who did not comply were subjected to violence. The South African Minister of Health declared in January 2021 that undocumented migrants would be excluded from the vaccine roll out, though this was swiftly contradicted by President Cyril Ramaphosa, who said it was in the country's best interests for as many people as possible to receive the vaccine and that the Government would be "putting in place measures to deal with the challenge of undocumented migrants" (South Africa 2021).

Fear of COVID-19 reportedly resulted in the Houthi militias who control parts of northern Yemen forcibly evicting thousands of migrants from their territory and into the desert without food or water. Others were pushed towards Saudi Arabia, where they were fired at by border guards, detained without adequate sanitation or food, and beaten; while other migrants were moved to southern Yemen. In mid-2020, at least 14,500 East Africans were trapped in Yemen amid reported xenophobia, arrest and detention. These migrants faced stigma and discrimination, were refused medical care and were restricted in their movements by internal checkpoints within cities. Mass arrests of migrants were also reported in the country.

6.2. Discrimination towards returnees in countries of origin

Just as migrant workers were often seen as vectors for COVID-19 in countries of destination, those who returned home frequently found themselves being feared by their former neighbours and subject to discrimination. This often occurred despite returnees going through testing and quarantine procedures.

This situation was reported extensively in South Asia. In Sri Lanka, returnees reported experiencing discrimination, name-calling and frequent unjustified complaints to police. Indian returnees also said they had been subjected to stigma and discrimination from their relatives and neighbours; while in Pakistan, the majority of migrant workers surveyed said that they had experienced stigmatization on return, though they noted that this decreased gradually.

In Myanmar, there were reports that local communities feared returned workers. Some returnees welcomed quarantine procedures as a means of reassuring their neighbours; while others felt that this singled them out as a possible source of infection. Other migrant workers who had left Thailand for neighbouring countries also reported facing stigmatization and discrimination on return; while returnees to Mexico and Guatemala also reported facing rejection and even violence. There was a view that the protocols to which returnees were subjected were not designed to allow adequate reintegration. Most government authorities surveyed in Madagascar expressed concern that returnees had experienced stigmatization and discrimination.



7

**Access to healthcare
and social protection**

► 7. Access to healthcare and social protection

COVID-19 has acutely demonstrated the importance of a universal approach to public health and the basic reality that no one is protected unless everyone is. Hence, ensuring universal access to basic guarantees of social protection has proven vital to controlling the pandemic, in addition to being a direct and efficient way to reduce inequalities and fight poverty and social exclusion. However, even in non-crisis times, access to social protection has been a problem for migrant workers, especially those without regular status.

Box 3. Social security

Social protection, or social security, is a human right and is defined as the set of policies and programmes designed to reduce and prevent poverty, vulnerability and social exclusion throughout the life cycle. Social protection includes nine main areas: child and family benefits, maternity protection, unemployment support, employment injury benefits, sickness benefits, health protection (medical care), old age benefits, invalidity/disability benefits, and survivors' benefits. Social protection systems address all these policy areas by a mix of contributory schemes (social insurance) and non-contributory tax-financed benefits (including social assistance).

Source: ILO 2017b, 194.

The COVID-19 crisis has exposed two social protection issues as being particularly acute: (1) challenges in accessing healthcare, and (2) income insecurity due to sudden job and wage loss (ILO 2020d). During the pandemic, sudden repatriation of migrant workers has amplified long-standing challenges faced by existing social security frameworks due to their territorial nature. Such challenges include navigating the diversity of the systems in terms of conditions and the management of entitlements, and the specific difficulties that arise in the context of cross-border mobility and access from remote workplaces.

But even when migrant workers remain in countries of destination – as part of the essential workforce or otherwise – they typically face barriers to effectively accessing social security despite their formal inclusion, leaving the majority of migrant workers without any assistance. There have, however, been notable exceptions where cash pay-outs in countries of destination have included documented migrants, such as in South Africa, but often administrative barriers or a lack of information prevented migrants from actually accessing the funds (this was found to be the case in Singapore, for example).

In this context, the rapid assessments often highlighted the role of non-governmental organizations and initiatives, such as Migrant Worker Resource Centres in Asia which are assisting migrants with social security and wage claims (as noted in the interview with the ILO Regional Office for Asia and the Pacific). In addition, some countries of origin were able to offer cash support to returning migrants; with one example being the Philippines, which provided funds to returning workers through the Overseas Worker Welfare Administration calamity assistance or business loans.

In 2018, the Philippines also made enrolment in the national social security system compulsory for all overseas Filipino workers, who pay a monthly contribution from their bank account in the Philippines. Their benefits are the same as for persons residing in the Philippines

and include coverage for sickness, maternity, disability, retirement, death, funeral expenses, unemployment and worker's compensation for work-related sickness or injury.

The pandemic has amplified the longstanding concern about migrant worker access to a minimum level of social protection, the establishment and maintenance of social protection floors for nationals and migrants, and the portability of entitlements and earned benefits across borders (as per the GCM, Objective 22), highlighting the need for greater international cooperation to ensure migrant workers' ability to exercise their right to social protection and to access social rights. The Government of Myanmar, for example, has displayed an increased interest in the portability of social security benefits by requesting information, training and workshops on this through the ILO.¹¹

Furthermore, the pandemic has also demonstrated that social protection does not merely involve safety nets provided to people in the times of crisis, nor is social protection a network of privatized service providers accessible only to the better-off. Given the size of the informal economy in Africa and Asia, many people (both nationals and migrants) do not have access to social services.

In addition, as a result of the persistent gender wage gap and women disproportionately working in more precarious, insecure and informal employment that often earns them even lower pay than male migrants, many women migrants have even more limited income security and even more limited access to any forms of social protection that offer protection in the event of job loss and economic recession. This issue is particularly important to consider given the feminization of migration in many contexts, with women migrant workers often being the only income earner for entire families.

Within workplaces women are more likely to experience violence than men, and women migrant workers, especially those working informally, frequently face difficulties in accessing sexual and reproductive healthcare and social protection. As a result of the pandemic, many live-in migrant domestic workers were, if not retrenched, prevented by their employers from leaving the household due to fears of infection. Being trapped at home all day with their employers increases their exposure to threats of violence and overwork.

Part-time or live-out migrant domestic workers have faced different but equally grave concerns stemming from the pandemic. Part-time and live-out migrant domestic workers often work for multiple families, so their movement between workplaces increases their risk of exposure to COVID-19. Without access to social security schemes and barred from returning home due to border closures, some migrant domestic workers who lost their jobs during the pandemic have been forced into even more precarious and risk-laden work, such as sex work.¹²

7.1. Examples from ILO surveys and rapid assessment reports

- In Tunisia, 48 per cent of migrant workers surveyed said they were worried about not having access to healthcare or medical testing.
- 73 per cent of surveyed migrant workers in Latin America were concerned about not having access to medical care or adequate testing.
- 97 per cent of workers from ASEAN countries who were unemployed in destination countries had not accessed social security. Thirty-three per cent of those surveyed said

11 Per an interview with the ILO Regional Office for Asian and the Pacific.


12 Per an interview with ILO Pretoria Office.

they were not provided with personal protective equipment (PPE) – in Thailand, the number was 57 per cent.

- ▶ Migrant workers in Thailand were also excluded from the monthly cash payment (5,000 Thai baht) that the Government extended to nationals during the crisis (however, they were de facto eligible for other benefits).¹³
- ▶ In Malaysia, migrant workers working in essential services reported that they were made to work in unhealthy, unsafe workplaces. Some mentioned that their housing was crowded and unsanitary.
- ▶ Sri Lankan migrant workers in the Gulf States did not have access to benefits, and more broadly, there were reports of migrant workers being excluded from healthcare in destination countries.

In sum, to ensure access to social protection and essential services for all, without discrimination, important policy steps should be adequately communicated and essential health information shared. Occupational safety and health (OSH) measures are urgently needed – including in “essential” sectors and sectors dominated by a migrant workforce – and must be provided in a gender-responsive manner to prevent gender-based violence and harassment at work, especially in cases where migrant workers are living with employers during COVID-19 movement restrictions.

13 See IOM 2021b.



8

Return to and reintegration in countries of origin

► 8. Return to and reintegration in countries of origin

The pandemic has highlighted key policy gaps relating to sudden return, as there were difficulties repatriating workers who lost their jobs overseas, and disagreements arose over who should bear the cost of return trips and quarantine. In Pakistan, for instance, the majority of migrant workers surveyed by the ILO felt quarantine had caused them significant financial loss. As migrants began to lose their jobs, many destination countries began to demand that countries of origin repatriate their nationals. Some origin countries, such as India, initially refused to cooperate, stating that it would be a logistical and safety nightmare (AFP 2020), but repatriation missions have since been implemented to return Indian workers from around the world. Furthermore, COVID-19 repatriation programmes are complex and difficult to organize due to the suddenness of lay-offs and the involvement of many countries of origin and destination, further hindered by multiple factors including the reduced availability of flights, the existence of border closures, and the limited (and resource constrained) quarantine facilities available upon arrival.

In some destination countries and territories, expulsions were justified under the cloak of public health law (as in the case of Haitians in the United States) (Borger 2020), resulting in returnees being subject to stigmatization because they are considered to be carriers of COVID-19, as detailed by the Movement of Peasant Workers in San Marcos, Guatemala. There are contrasting cases where migrants were offered shelter during the lockdown period, such as the seafarers from Kiribati stranded in Germany who were provided assistance while waiting to return to their virus-free home island (Hoffman 2021). Upon return, migrants were typically faced with a lack of support mechanisms – for example, returned and deported Mexicans experienced numerous problems, including a complete lack of any reintegration programmes.

There were other situations faced by migrant workers during the pandemic which were perceived as “important”, “very important” or “extremely important” by interviewees in the rapid assessments, although they did not reach the level of a consensus. These were:

- the sudden and large-scale return of migrant workers due to COVID;
- migrant workers’ need to undergo quarantine after their return and the consequent inability to generate income;
- the lack of safe assistance for the internal transfer of workers;
- the long wait for persons repatriated at borders or repatriation points to return to their places of origin; and
- the lack of protocols for the safe repatriation of people.

Some interviewees, such as AC Formation and Training and the Asociación Coordinadora Comunitaria de Health Services in Guatemala, mentioned that workers were facing rejection and even violence in their communities, and deportation processes were not conforming with health protocols that guarantee adequate reintegration in communities of origin.

The sudden retrenchment due to economic shutdowns and public health safety concerns also had the effect (intentionally or unintentionally) of non-payment of outstanding wages. However, prior to the COVID-19 outbreak, wage loss due to non-payment or under-payment was already a particularly grave issue for migrant workers in many countries and contexts (Amnesty International 2019), worsened by pervasive power dynamics that have hampered precarious workers’ ability to challenge labour issues. When workers have challenged unpaid wages, they have often faced deportation as a result (Human Rights Watch 2006).

8.1. Challenges concerning return

There are two key concerns emerging from the context of migrant workers' sudden retrenchment and repatriation: firstly, COVID-19 has amplified the issue of wages to a crisis of huge proportions in the absence of any opportunity to lodge claims for unpaid wages upon return; and secondly, returned workers face uncertain employment prospects in the context of lack of opportunities for decent work and a worldwide economic slowdown. Women reported more difficulties finding work upon return than men, and were at greater risk of workplace, family and domestic violence.

Furthermore, migrant workers who have returned home have also experienced new forms of discrimination, compounding existing stigma associated with migration. Indian workers returning to their home villages reported facing these issues at a community level, and returned migrant workers interviewed in Sri Lanka said they had been treated poorly by recruitment agencies and brokers, as well as by government officers. Incidences of maltreatment faced by returnees were also mentioned in interviews with regional ILO offices.

Some countries of origin have offered support to returning migrants. According to two interviews with ILO regional offices in Africa, returning migrants from the Middle East were supported in Madagascar with accommodation provided by the Government with support from the International Organization for Migration (IOM) and ILO, and also cash transfers were made available to them. This cash transfer programme was developed on a very short-term and ad hoc basis. Kenya and Ethiopia also offered or developed support programmes for migrants returning from the Middle East. In Botswana, the ILO was involved in a pilot cash transfer scheme targeting migrant domestic workers, who were particularly vulnerable as they lost their jobs due to their employers losing their jobs.

8.2. Examples from ILO surveys and rapid assessment reports

- ▶ Returnees from the IGAD region in north-eastern Africa needed psychosocial support, and were experiencing hostility from local communities, who viewed them as having failed if they returned empty-handed. Reintegration was proving challenging as the economy was weighed down by the pandemic.
- ▶ In Latin America, 85 per cent of migrant workers, refugees and asylum-seekers surveyed reported not having the means to sustain themselves in the medium term; while 75 per cent feared being unable to find long-term work in either their home country or a destination country.
- ▶ In Pakistan, returned migrant workers experienced difficulty finding jobs back home due to a lack of demand and the closure of businesses. The overwhelming majority of those surveyed thought it would be very hard for returnees to find work back home.
- ▶ In Sri Lanka, low-skilled workers expected high unemployment rates after returnees went home.

8.3. Remigration

The vast majority of a small sample of migrants who were interviewed in late March and early April of 2020 in the ASEAN region indicated that they would migrate again. Though only limited remigration has occurred to date, there are already some examples of the costs associated with COVID-19 restrictions being disproportionately borne by workers themselves. For instance, Fijians employed on a casual basis had to forfeit two weeks of wages while in mandatory quarantine in Australia following their arrival from Fiji.

A distinction has to be made between short-term and long-term remigration plans. The ILO survey in the ASEAN subregion, for example, found that in the short-term, returnees intend to stay put. One key reason seems to be that, as recruiters surveyed in Nepal mentioned, returnees did not wish to remigrate right away because they feared infection. However, many who were questioned soon after their return expressed a desire to remigrate in the longer term. A follow-up survey carried out in early 2021, by contrast, indicates a reduction in the percentage of those planning to remigrate. In March and April last year, 60 per cent of respondents wanted to remigrate, but that figure had dropped to 23 per cent by this year. Many returnees seem to prefer taking care of the family business and being closer with their families.

Countries of origin with paltry employment opportunities are going to need to consider ways to absorb workers who were originally displaced by the lack of opportunities at home. In India, NGOs have been assisting returned fishers to rebuild their livelihoods domestically, and some recruitment agencies who have traditionally sent workers overseas reported that they have refocused their efforts on finding opportunities in the country's growing domestic economy, albeit without clear indications as to the success of such an endeavour. The pandemic has also provided new impetus to the ongoing effort to find alternative deployment options for Indian labour migrants by shifting away from low-paid work in the Gulf States to exploring new markets for these kinds of services, and promoting more highly-skilled labour migration to other markets such as the European Union, the United States, the United Kingdom of Great Britain and Northern Ireland, and Australia.

While countries are taking specific measures, there is a need to ensure that returned migrant workers are fully included in national support packages for poverty alleviation. The Cambodian Government, for example, has offered cash subsidies to vulnerable populations around the country, including family members of migrant workers. It has also reported providing specific support – in conjunction with United Nations agencies – to provinces that have experienced high levels of returned migrant workers. International agencies did manage to mobilize resources using existing mechanisms to provide for the inflow of returning workers. For example, incoming workers in Cambodia's Stung Treng Province were provided with food supplies, hand sanitizer and other materials. And through the ILO's TRIANGLE in ASEAN programme, humanitarian emergency support has been offered using existing programmes and networks in partnership with ASEAN governments.

In sum, Objective 21 of the Global Compact on Migration addresses the process of return, which States are committed to facilitate in a safe and dignified manner. Collective expulsions are prohibited, but in a crisis situation, such as the COVID-19 pandemic, repatriation efforts due to sudden retrenchment or for safety reasons may be carried out on a grand scale. In international human rights law, migrants have the right to return to their country of origin, and this right is upheld in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.



9

Recommendations



▶ 9. Recommendations

1. Inclusion of migrant workers in all COVID-related welfare, health and recovery packages and services

- ▶ Current migrant workers should be provided with access to COVID-related welfare packages and health services on the basis of equality of treatment with nationals.
- ▶ Returned migrant workers should be fully included in national support packages for poverty alleviation.

2. OSH and protection from violence

- ▶ Occupational safety and health (OSH) measures are urgently needed, including in “essential” sectors and all those dominated by a migrant workforce to ensure equality of treatment with nationals.
- ▶ These OSH measures should be provided in a gender-responsive manner to prevent gender-based violence and harassment at work, especially in cases where migrant workers are living with employers during COVID-19 movement restrictions.

3. Access to justice, including action to recover lost wages

- ▶ Country of origin governments should hold bilateral discussion with their counterparts in countries of destination and adopt national measures to ensure that all migrant workers, including those in irregular situations, have access to free or affordable grievance and other dispute resolution mechanisms as well as access to an effective and expedient system to recoup lost wages or compensation (as per ILO Recommendation No. 151 and General Principle No. 13 of the General Principles and Operational Guidelines for Fair Recruitment).

4. Review and enhance bilateral labour agreements

- ▶ Bilateral labour agreements should contain effective mechanisms to protect migrant workers affected by sudden economic shocks and to facilitate their safe return in accordance with international labour standards (as per ILO Recommendation No. 86¹⁴ and GCM Objective 21). These agreements should contain “force majeure” clauses to ensure that situations such as a pandemic are covered.

5. Equality of treatment with nationals and non-discrimination

- ▶ There are only a few examples globally of countries of destination extending equality of treatment to migrant workers with respect to all aspects of employment. Discrimination in employment contributes to anti-immigration racism and xenophobia. The pandemic has highlighted a number of areas where more needs to be done to ensure equality of treatment and non-discrimination, including with regard to:
 - ▶ access to healthcare and essential services;
 - ▶ access to social protection; and
 - ▶ access to employment protections, unemployment benefits, and opportunities to retrain and obtain alternative work.
- ▶ Tripartite partners should be enabled to work together to strengthen social dialogue mechanisms and institutions, and to build infrastructure to ensure the effective and enhanced operation of these mechanisms and institutions during periods of crisis and beyond.

¹⁴ Specifically as per Article 26 of the Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons, contained in the Annex of Recommendation No. 86.

6. In line with the General Principles and Operational Guidelines for Fair Recruitment and Convention No. 181, governments should ensure that migrant workers do not pay recruitment fees or related costs

- ▶ There are risks that migrants will pay for increased costs associated with migrating both during the pandemic and in its aftermath; this should be monitored.
- ▶ Through social dialogue, countries of origin and destination should identify the responsible party to cover such costs (as per General Principle 7 and Operational Guidelines 1, 3 and 5 of the General Principles and Operational Guidelines for Fair Recruitment).
- ▶ Governments should establish a mechanism for the restitution of any recruitment-related costs and fees paid by migrant workers who have been unable to be deployed, relieving these workers of the debts they may have incurred during their recruitment and migration, at least in the short or medium term.

7. Introduce guidelines for/with recruitment associations on monitoring, supporting and coordinating migrant workers during a pandemic (or a similar crisis)

- ▶ Recruitment agency associations and governments should work together on developing guidelines for recruitment agencies to support and provide information on relief assistance and support services to workers. Guidelines should firmly delineate responsibilities as well as who will financially support any actions.
- ▶ Both origin and destination country governments should consider holding orientation and information sessions, or publishing relevant guidelines targeting recruitment agencies. These information sessions could be offered online and aim for agencies to better assist migrant workers who are about to depart, be repatriated, or be processed as new applicants. They may also include sessions on how to enhance the recruitment agencies' operational health and safety compliance for both their staff and any applicants who visit their offices.
- ▶ Recruitment agencies should coordinate with their counterparts and/or employers in destination countries to ensure that workers' contracts are fulfilled and that they are safe, especially with respect to personal protective equipment (PPE), wages, social security, rest periods and grievance redress.

8. Increase inspection and government oversight of recruitment practices

- ▶ Social partners' initiatives in this area – such as the International Trade Union Confederation (ITUC) Recruitment Advisor – can facilitate the monitoring of recruitment practices and promote compliance among recruitment agencies, including through adoption or adaptation of voluntary codes of conducts (including codes implemented by recruitment agency associations).
- ▶ Uphold coordination and communication between tripartite partners, diplomatic missions, and recruitment intermediaries in countries of origin and destination to monitor the recruitment of migrant workers, particularly those recruited rapidly to meet labour shortages during the crisis (such as in the agriculture, health or manufacturing ¹⁵ sectors).

9. Engage recruitment associations to disseminate information about health and safety protocols

- ▶ By providing access to reliable and accurate information, recruitment agency associations can better inform their members on how to sustain their operations and how to plan better for when they re-enter the market, once the situation normalizes.

¹⁵ For example, in relation to the manufacturing of medical supplies or PPE.

Associations can also provide member recruitment agencies with a channel through which they may negotiate with governments.

- ▶ The delivery of the training and capacity-building to private recruitment agencies on international labour standards and the General Principles and Operational Guidelines for Fair Recruitment should be continued, to ensure the smooth resumption of fair recruitment practices.

▶ References

► References

- AFP (Agence France Presse). 2020. "Sick, Stranded and Broke: Crisis Hits Gulf's Migrant Workers." 23 April.
- Amnesty International. 2019. *All Work, No Pay: The Struggle of Qatar's Migrant Workers for Justice*.
- Borger, Julian. 2020. "US Steps Up Deportation of Haitians Ahead of Election, Raising Covid Fears." *The Guardian*, 29 October.
- Crawley, Heaven. 2020. "Understanding Migration and Inequality in the Context of COVID-19", *MIDEQ Blog*.
- Ding, Emily. 2020. "Malaysia's Coronavirus Scapegoats." *Foreign Policy*, 19 June.
- Hennebry, Jenna, and Hari KC. 2020. *Quarantined! Xenophobia and Migrant Workers during the COVID-19 Pandemic*. International Organization for Migration.
- Hoffman, Axel. 2021. "Kiribati Seafarers in Germany Can Go Home." *The West Australian*, 25 February.
- Human Rights Watch. 2006. *Building Towers, Cheating Workers: Exploitation of Migrant Construction Workers in the United Arab Emirates*.
- ILO. 2017a. *The Migrant Recruitment Industry: Profitability and Unethical Business Practices in Nepal, Paraguay and Kenya*.
- . 2017b. *World Social Protection Report: 2017–19*.
- . 2018. *Global Estimates on International Migrant Workers – Results and Methodology*.
- ILO. 2019. *General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs*.
- . 2020a. "Protecting Migrant Workers during the COVID-19 Pandemic: Recommendations for Policy-makers and Constituents", ILO Policy Brief.
- . 2020b. *Impact of COVID-19 on Bangladesh Overseas Migrant Workers: Responses and Recommendations – National Online Meeting with Trade Unions and Civil Society*.
- . 2020c. *A Global Comparative Study on Defining Recruitment Fees and Related Costs Interregional Research on Law, Policy and Practice*.
- . 2020d. "Social Protection for Migrant Workers: A Necessary Response to the Covid19 Crisis", Social Protection Spotlight Brief.
- . 2021a. *ILO Global Estimates on International Migrant Workers: Results and Methodology*, 3rd ed.
- . 2021b. *ILO Monitor: COVID-19 and the World of Work – Updated Estimates and Analysis*, 7th ed.
- . 2021c. *A Global Trend Analysis on the Role of Trade Unions in Times of COVID-19: A Summary of Key Findings*.
- . 2021d. *Leading Business in Times of Covid Crisis: Analysis of the Activities of Employer and Business Membership Organizations in the COVID-19 Pandemic and What Comes Next*.
- IOM (International Organization for Migration). 2020. "Executive Summary of Labour Recruiter Rapid Assessment: Upholding the Rights of Migrant Workers during COVID-19".
- . 2021a. *Sub-Regional Study on the Debt of Migrants Assisted with Voluntary Return and Its Impact on the Sustainability of Reintegration in Countries of Origin*.

- . 2021b. "COVID-19 Flash Update: Government Guidance Affecting Migrant Workers and Their Employers in Thailand and Neighbouring Countries", Vol. 30, 20 May.
- . n.d. "Migration Data Relevant for the COVID-10 Pandemic", IOM Migration Data Portal. Available at: <https://migrationdataportal.org/themes/migration-data-relevant-covid-19-pandemic>.
- Loone, Susan. 2020a. "Dwindling Orders Force Designer Clothes Maker to Shut Down after 5 Decades." *Malaysiakini*, 16 April.
- . 2020b. "Pen Apparel, Imperial Garments Factories Face Closure." *Malaysiakini*, 18 April.
- OHCHR (Office of the High Commissioner for Human Rights). 2020. "COVID-19 Does Not Discriminate; Nor Should Our Response", available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25730&LangID=E>.
- Randhawa, Michelle. 2020. "Hardships for Lebanon's Migrant Domestic Workers Rise." Human Rights Watch News, 14 September.
- Singapore, Ministry of Health. 2020. "Measures to Contain the COVID-19 Outbreak in Migrant Dormitories", available at: <https://www.moh.gov.sg/news-highlights/details/measures-to-contain-the-covid-19-outbreak-in-migrant-worker-dormitories>.
- South Africa, The Presidency. 2021. "Statement by President Cyril Ramaphosa on Progress in the National Effort to Contain the Covid-19 Pandemic", 1 February 2021.
- Thanthong-Knight, Randy. 2020. "Migrant Workers on Virus Front Line as Asia Returns to Work." *BloombergQuint*, 15 May.
- United Nations. 2020. "Press Release on Secretary-General Denounces 'Tsunami' of Xenophobia Unleashed amid COVID-19, Calling for All-Out Effort against Hate Speech", 8 May 2020.
- Wickramasekara, Piyasiri. 2015. *Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers: A Review*. ILO.
- World Bank and KNOMAD (Global Knowledge Partnership on Migration and Development). 2020. "Phase II: COVID-19 Crisis through a Migration Lens", World Bank/KNOMAD Migration and Development Brief No. 33.



▶ Appendices

► Appendix A. Methodological note

This report is based primarily on a series of rapid assessments coordinated by the ILO in significant countries of origin and destination around the world. Low-wage temporary migrant workers were interviewed, along with others involved in the recruitment process, although it should be noted that the timing of these interviews varied across regions. Due to the speed required and the changing nature of the pandemic, the documents vary significantly in length, focus and methodology. Some involved extensive primary stakeholder interviews; some have extensive detail on the policy responses of various States across a region; while others primarily offer a narrative.

Nevertheless, across these varied snapshots of how the COVID-19 pandemic affected the world of work, many common themes have emerged. Governments overwhelmingly reacted to the crisis in a similar way – imposing sudden lockdowns which sparked a worldwide recession – and migrant workers tended to be affected in similar ways in the vast majority of the locations surveyed.

Note: During the writing of this report the following rapid assessment reports were consulted in draft form. Where the reports have been finalized and published, links to access them online have been provided.

Area/Country	Rapid assessment full title	Stakeholders interviewed
ASEAN	ILO, " Experiences of ASEAN Migrant Workers during COVID-19: Rights at Work, Migration and Quarantine during the Pandemic, and Re-migration Plans ". ILO Brief, 2020.	309 migrant workers in countries of origin and destination.
Cambodia	ILO, " COVID-19: Impact on Cambodian Migrant Workers ". ILO Cambodia Country Note, 2020.	No primary interviews – refers to ASEAN assessment.
Caribbean	ILO, " COVID-19 and the English- and Dutch-Speaking Caribbean Labour Market: A Rapid Assessment of Impact and Policy Responses at the End of Q3, 2020 ". 2020.	No stakeholders (though this report is extremely thorough regarding impacts and policy responses).
IGAD	Emmerentia Erasmus, <i>Assessment on the Impact of COVID-19 on Migrant Workers in and from the IGAD Region</i> , 2020. An executive summary of the report is available here .	77 stakeholder interviews (breakdown pending) and 77 online survey respondents. No workers.
India	Centre for Indian Migrant Studies and India Migration Now, <i>Rapid Assessment of the Impact of COVID-19 on International Migration in India</i> , 2020 (forthcoming).	7 government, 17 employers' organizations, CSOs and trade unions, 16 PRAs, no workers.
Latin America	ILO, " Informe sobre la evaluación rápida del impacto de la pandemia COVID-19 en la migración laboral, la movilidad, las prácticas de reclutamiento y la situación laboral de las personas refugiadas, solicitantes de asilo y trabajadoras migrantes en Latinoamérica " (unpublished).	98 government, employers' organizations, trade unions and CSOs, 239 refugees, asylum-seekers and returnee migrant workers.
Madagascar	ILO, <i>Madagascar – Questionnaire d'analyse de l'impact de la pandémie du COVID-19 sur les migrations de main-d'œuvre et les pratiques de recrutement</i> , forthcoming.	93 migrant workers, largely returnees. Also government and workers' organizations. Limited details about methodology, timing, etc.
Malaysia	ILO, " COVID-19: Impact on Migrant Workers and Country Response in Malaysia ". 2020.	No stakeholder interviews – summary of issues faced and government response.

Area/Country	Rapid assessment full title	Stakeholders interviewed
Mexico and Guatemala	ILO, Evaluación preliminar sobre el impacto de la pandemia de COVID-19 en la migración laboral y las prácticas de contratación: corredor migratorio Guatemala-México , 2020.	39 government, 8 CSOs, 32 workers' organizations; 6 private recruitment agencies (PRAs), 25 migrant workers (returnee and in United States).
Myanmar	ILO, " COVID-19: Impact on Migrant Workers and Country Response in Myanmar ", ILO Briefing Note, 2020.	No primary interviews – refers to the ASEAN assessment.
Nepal	ILO, Rapid Assessment of the Impact of COVID-19 on Private Recruitment Agencies in Nepal , 2020.	Interviews with 6 government officials, 6 CSOs and 30 PRAs. Survey of 78 PRAs. No workers.
Pakistan	ILO, Rapid Assessment: The Impact of COVID-19 on Labour Migration Governance, Recruitment Practices and Migrant Workers in Pakistan , 2021.	26 stakeholder interviews (breakdown not available), 54 migrant workers.
The Philippines	ILO, Impact of COVID-19 on Private Recruitment Agencies in the Philippines , 2020.	54 PRAs (in Hong Kong (China) and the Philippines); 5 follow-up phone interviews.
Southern Africa	ILO, Rapid Impact Assessment of COVID-19 on Migrant Workers in SADC – September 2020 , 2020. An executive summary of the report is available here .	5 recruitment agencies, 26 migrant workers, 8 workers organizations, 10 CSOs, 10 employers' organizations, and 12 government.
Sri Lanka	Ramanie Jayatilaka, Asha Abeyasekera, Girty Gamage, and Namal Weerasena, " Impact Assessment of COVID-19 on Labour Migration in Sri Lanka ", Centre for Women's Research (unpublished)	72 returnee migrant workers, 28 prospective workers, and 56 stakeholders (mostly government).
Thailand	ILO, " COVID-19: Impact on migrant workers and country response in Thailand ", ILO Country Brief, 2020.	No primary interviews – refers to the ASEAN assessment.
Tunisia	ILO, Enquête rapide sur l'impact de la COVID 19 sur les travailleurs migrants en Tunisie , 2020.	607 migrant workers.

► Appendix B. Interviews conducted with regional ILO staff

1. Dino Corell, ILO Country Office for Nigeria, Ghana, Liberia and Sierra Leone (Abuja), 26 February 2021

Dino Corell is Employment and Migration Officer, Abuja, Regional West Africa Office (Nigeria, Ghana, Sierra Leone, Liberia, ECOWAS more generally).

2. Theodoor Sparreboom, ILO Pretoria, 2 March 2021

Theo Sparreboom is the Labour Migration Specialist based in Pretoria. His remit covers Southern and parts of Eastern Africa (so beyond the SADC).

3. Anna Engblom, Jacqueline Pollock and Andreas Schmidt, ILO Regional Office for Asia and the Pacific (Bangkok), 3 March 2021

Anna Engblom is the Senior Programme Manager; Andreas Schmidt is the M&E and Knowledge Management Officer; and Jackie Pollock is the Chief Technical Advisor with the project in Myanmar.

4. Francesco Carella and Adriana Hidalgo, ILO Regional Office for Latin America and the Caribbean (Lima), 5 March 2021

Francesco Carella is the Regional Migration Specialist for Latin America, and Adriana Hidalgo is a consultant researcher with the ILO.

▶ Appendix C. Relevant ILO Conventions, Protocols and Recommendations

Conventions, Protocols and Recommendations

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

Forced Labour Convention, 1930 (No. 29) and Protocol of 2014

- ▶ Labour Inspection Convention, 1947 (No. 81);
- ▶ Labour Inspection Recommendation, 1947 (No. 81); and
- ▶ Protocol of 1995 to the Labour Inspection Convention, 1947

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Protection of Wages Convention (No. 95) and Recommendation (No. 85), 1949

Migration for Employment Convention (Revised) (No. 97) and Recommendation (No. 86), 1949

- ▶ Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
- ▶ Migrant Workers Recommendation, 1975 (No. 151)

- ▶ Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

- ▶ Collective Agreements Recommendation, 1951 (No. 91); and

- ▶ Collective Bargaining Recommendation, 1981 (No. 163)

Equal Remuneration Convention, 1951 (No. 100)

Social Security (Minimum Standards) Convention, 1952 (No. 102)

Abolition of Forced Labour Convention, 1957 (No. 105)

Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958

Equality of Treatment (Social Security) Convention, 1962 (No. 118)

Employment Injury Benefits Convention (No. 121) and Recommendation (No. 121), 1964

Employment Policy Convention (No. 122) and Recommendation (No. 122), 1964

Medical Care and Sickness Benefits Convention, 1969 (No. 130)

Workers' Representatives Convention, 1971 (No. 135)

Minimum Age Convention, 1973 (No. 138)

- ▶ Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);

- ▶ Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152)

- ▶ Occupational Safety and Health Convention, 1981 (No. 155);

- ▶ Protection of Workers' Health Recommendation, 1953 (No. 97);

- ▶ Occupational Safety and Health Recommendation, 1981 (No. 164); and

- ▶ Protocol of 2002 to the Occupational Safety and Health Convention, 1981

Maintenance of Social Security Rights Convention (No. 157) and Recommendation (No. 167), 1982

Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)

Private Employment Agencies Convention (No. 181) and Recommendation (No. 188), 1997

Worst Forms of Child Labour Convention, 1999 (No. 182)

Maternity Protection Convention, 2000 (No. 183)

Conventions, Protocols and Recommendations

Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011

Violence and Harassment Convention, 2019 (No. 190)

Labour Inspection (Agriculture) Convention (No. 129) and Recommendation (No. 133), 1969

Employment Service Convention, 1948 (No. 88)

Labour Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84), 1949

Plantations Convention (No. 110) and Recommendation (No. 110), 1958

Minimum Wage Fixing Convention (No. 131) and Recommendation (No. 135), 1970

Nursing Personnel Convention (No. 149) and Recommendation (No. 157), 1977

Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985

Safety and Health in Construction Convention (No. 167) and Recommendation (No. 175), 1988

Working Conditions (Hotels and Restaurants) Convention (No. 172) and Recommendation (No. 179), 1991

Safety and Health in Mines Convention (No. 176) and Recommendation (No. 183), 1995

Maternity Protection Convention (No. 183) and Recommendation (No. 191), 2000

Safety and Health in Agriculture Convention (No. 184) and Recommendation (No. 192), 2001

Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)

Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)

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- ▶ ilo.org/REFRAME
- ▶ ilo.org/fairrecruitment