

ETUC mid-term strategy on migration, asylum and inclusion

Adopted at the meeting of the Executive Committee on 8-9 June 2016

Summary

The EU is the destination for 2 million long-term migrants a year. But inflows are more heterogeneous than in the past and migration and asylum policies should be more integrated to adapt to a new reality. The EU needs social policies based on solidarity, integration and inclusiveness for the benefit of all. In order to effectively integrate migrants into the labour market and society, and to prevent exploitation, dumping and unfair competition in the labour market, migrants and local workers must have access to jobs that match their levels of skills, equal rights at work and equal access to social security systems. The legitimate concerns of people, who observe the substantial inability of their governments to provide humanitarian and sustainable solutions for refugees, need immediate answers. The trade union movement has to be more influential in the decision-making of the EU, winning the challenge of including refugees in the labour market, and unblocking the political standstill within the EU institutions. Trade unions stand for tolerance and respect for human dignity and will encourage trade union recruitment of migrants as factor of integration. The ETUC will cooperate with the ITUC for socio-economic development and consolidation of democratic institutions in the regions of origin and transit of migration flows. UnionMigrantNet will be further developed to increase the capacity of trade unions to organise migrant workers and support them in claiming their rights at work.

The EU - a destination for 2 million people a year – fundamental principles for an EU migration policy

The EU is a destination for a growing number of migrants, more of whom are seeking international protection than in the past. In 2015 there was a significant increase in the number of refugees arriving in the EU, exceeding 1 million. Nevertheless, countries in the Middle East have received a far larger proportion of refugees with over 4.5 million currently in Turkey, Lebanon, Jordan, Iraq and Egypt. European policies have to reflect this new reality.

Europe needs to establish legal and safe channels for economic migration, family reunification, students, and people seeking international protection, to avoid further deaths at sea and inland borders, and to curb the human trafficking industry and irregular migration. A comprehensive strategy on migration and asylum, and stronger consistency between the internal and external agendas of migration and asylum, will enable the 28 Member States to receive, protect and accommodate at least 2 million people per year as the EU successfully did in the past. Challenges linked to demography may lead to greater openness thanks to well-managed flows and an equal treatment- and rights-based approach to integration.

International standards are intended to protect all migrants throughout the world but, as is the case in Europe, they are either not ratified or poorly enforced. International conventions setting protection standards for migrants have to be transposed and enforced, including ILO Convention 97 (Migration for Employment, 1949 revised), ILO Convention 143 (Migrant Workers, Supplementary Provisions, 1975), and the Council of Europe's Convention 144 on the Participation of Foreigners in Public Life at Local Level. The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is yet to be ratified by any EU Member State. Countries must also honour the 1951 Geneva Convention to protect and provide humanitarian assistance to refugees.

The European migration strategy, based on selectivity and circularity, has collapsed as a result of being manifestly incompatible with the actual composition of migration flows worldwide. Moreover, flaws in the management of the refugee crisis and migration policies will lead to an increasing number of people and workers with uncertain status or without appropriate residence status.

Policies are needed that meet the new reality of migration flows

The ETUC asks the EU and the Member States to follow the holistic approach to migration policies as proposed by the European Parliament. The EU's future strategy should pay greater attention to the situation of the migrant population already residing in the EU, prioritising a rights-based approach which ensures a legal right to stay to all those who are working but forced into an irregular status by their employers, and full equal treatment with local workers.

The ETUC is convinced that well-managed immigration can help to address the societal challenges that Europe has to cope with in the coming years. Maintaining a positive net migration rate should be a medium-term objective of the EU. But newcomers should be enabled quickly and fully to contribute to the socio-economic development of the hosting societies, in common with all other members of the hosting communities.

The labour movement fights for the protection of all workers, for universal and quality welfare systems, and solidarity and equality within high-performing economies. The EU social model has been subject to many attacks, whilst we see a strong resurgence of xenophobic rhetoric that puts the blame on migrants instead of bad political and economic choices, which generate high levels of unemployment and social exclusion. Increasingly, EU leaders exploit the fears of some workers, including trade union members, stating that accepting more migrants will lead to reduced welfare standards, fewer jobs and will undermine working conditions.

We need to address these fears with facts, and promote solutions. Trade unions are in the forefront of the fight against exploitation, trafficking and undeclared work. Cases of irregular employment of third-country nationals raised by trade unions should facilitate their regularisation. The EU legislation, starting from the Employer Sanctions Directive, should be revisited to create more favourable conditions for migrants to escape from a situation of forced irregularity and of exploitation.

Trade unions stand against exploitation of and unfair competition between migrants and local workers, and fight for full equal treatment in the labour market, in workplaces and in access to social protection systems and benefits. In this regard, specific measures have to be undertaken to remove all forms of discrimination related to the migration background. Trade unions are committed to build up a different narrative on migration and refugees, through lobbying and negotiation, but also communication and educational strategies.

A migration policy based on solidarity, integration and inclusiveness for the benefit of all

Evidence shows that in countries with more effective integration policies, migrants are net contributors to global solidarity as they pay in tax and contributions more than they take out in terms of assistance or services.

On the other hand, a migration background can lead to social and economic underperformance when migrants are exposed to many types of discrimination. Equal treatment is the glue of a cohesive society and equal opportunities are the engine of dynamic societies. All EU policies should consistently promote investment in universal and quality public services and goods. It is a task of the migration policy to put migrants in the solidarity cycle, preserving social cohesion.

For that to happen it is necessary that both migrants and local workers have access to employment and benefit from equal opportunities on the labour market and equal treatment in the workplace.

Unions in Europe are concerned about the growth of precarious employment conditions and the use of migrants - and other vulnerable workers - by bad employers to undercut local workers. These insecure and exploitative labour market conditions, combined with cuts to public services carried out by a number of governments pursuing misguided austerity policies, have fuelled concerns about migration and refugees amongst local workers and communities.

Widespread precarious forms of employment are weakening workers' position in the labour market. Migrants and migrant women, in particular, are more likely to find themselves in precarious situations and in unemployment. More stable and reliable working contracts for all remains a principle demand of the trade union movement. It is the only way to remove unfairness on the labour market and stop the downward spiral of labour protections and rights which is affecting all EU workers.

All workers must have employment rights that are effectively enforced and employers must negotiate with trade unions to ensure all workers have stable contracts and fair wages. Creating a floor of rights for all workers is also essential to stop unfair competition in the labour market. Meanwhile, governments must monitor population changes and provide adequate investment to meet changes in need.

Committing to a more influential position for trade unions in the decision-making and legal frameworks of the EU

The ETUC will ensure that trade union demands on the integration and working conditions of migrants will be put forward and heard in all the main decision-making processes of the EU, including the European Semester and the Social Pillar, when appropriate. Social rights are universal and should cover the entire population regardless of their nationality or immigration status. Exceptions based on nationality or immigration status are unacceptable. Gaps between workers with different employment or immigration statuses have to be removed.

The ETUC will continue to monitor the future development of current and new EU legislation to ensure a correct enforcement of the Long-Term Residence Status Directive and of the Family Reunification Directive, monitoring the correct implementation of the Seasonal Migrant Directive. It will endeavour to remove flaws in the equal treatment principle in the ITC Directive.

The ETUC will support the revision of the Blue Card Directive if it will be able to open legal channels, extending access to the blue card to a greater number of migrants, without undermining standards of protection. The ETUC will continue to advocate for a framework directive that introduces a single equal treatment standard for all third-country nationals working in Europe.

The ETUC will oppose any form of visa liberalisation and other provisions stemming from the conclusion of trade agreements that aim at opening the service markets to third-country companies, derogating or deviating from the principle according to which the law of the country in which the work is actually performed applies.

Winning the challenge of welcoming, integrating and bringing refugees to the workplace

The European Union, and its Member States, have international obligations to welcome and integrate asylum-seekers and people in need of humanitarian protection. At the moment we have to recognise that the EU, despite the efforts put in place by the European Commission and a few governments, is not complying with such obligations. On the contrary, a more responsible and shared policy for refugees would allow Europe to get full benefit from the potentially positive contribution that refugees can bring to the European economy, labour market and society.

Labour market inclusion of refugees is a challenge that countries hosting refugees can transform into an opportunity. It is estimated that a rapid integration of refugees can have swift positive effects on GDP for growth of public expenditure to finance new infrastructures and jobs. Even more remarkable effects may be seen in the long term due to the dynamism that refugees may bring to the hosting communities.

This is a reason for active labour market policies which include migrants and refugees in the labour market. Only a handful of countries have showed confidence in their own potential and decided to tackle the challenge. It is clear that this can happen only if refugees are properly relocated to all EU countries, according to the needs and capacities of each and every national economy and labour market to include them. Putting the burden of an EU asylum policy on only a few countries, as has happened in recent years and months, creates political and social unrest, as well as hostile sentiments among local populations, destroying European solidarity and capacity to face this emergency properly.

The impact that a sudden and exceptional number of refugees may have on local labour markets should not be underestimated. Their working capacity may be affected by the hard conditions of their journey, physical and psychological suffering, and not least the stress linked to the payment of people-traffickers. Many women are found to have been subject to violence and harassment during their journey. They need specific attention and tailor-made support programmes.

A successful integration of refugees depends on the fulfilment of basic human needs and rights such as fair and efficient processing of asylum claims (including appeal procedures), housing, health, food, education for children, access to other public services and sufficient financial allowances to cover basic needs. Access to employment needs greater investment in skills assessment, skills upgrading, recognition of skills and qualifications and skills-matching. In addition, only one in three refugees has a reasonable hope of settling permanently. It may discourage people to invest in their permanence, preferring small but immediate earnings, and it makes it difficult for all, private and public actors, to plan the best use of the limited resources available. The “skills guarantee” introduced in the Skills Agenda should be an opportunity for all migrants and refugees, if necessary with specific programmes adapted to their specific individual needs.

The ETUC wants to underline that countries which received refugees in 2015 already recorded benefits in GDP growth (between +0.3 and 0.5%) mostly due to additional public expenditure in infrastructure and new jobs for doctors, civil servants, psychologists, teachers, trainers, etc. Effects on jobs and growth will remain positive in the coming years if we take the right decisions today.

The refugees with the greatest potential are children. Children have to be given immediate access to school and opportunities to establish relationships with the host population. For adult refugees, the European social partners have identified clear priorities. The sooner refugees are employed the greater the benefits will be for the hosting societies. For that to happen, public authorities have to invest in skills assessment, skills upgrading and skills-matching. Social partners can do their part to mitigate the impact of a sudden arrival of refugees on local labour markets.

Social dialogue is an answer to the need to mobilise all social and economic actors to create a conducive environment for inclusive labour market policies. The Joint Statement on Refugees by the European economic and social partners, signed in March 2016, should encourage national social partners, together with institutions, to combine their efforts to implement concrete measures for integration of migrants and refugees, according to national situations. The recent tripartite agreement concluded in Denmark is an example of real and far-sighting cooperation to obtain a fast and fair inclusion of refugees in the labour market. Tripartite agreements and multi-stakeholder programmes have been already concluded in other European Countries. Such good practices have to be disseminated and multiplied.

The ETUC will continue to support the Migration and Skills Dialogue launched by the European Commission DG Home Affairs in January 2016. The engagement of business and unions should be better exploited to identify labour market shortages and create conditions for the opening of legal channels. Coordinating the trade union participation in the Dialogue, the ETUC calls for an equal treatment- and rights-based approach for labour inclusion of migrants and refugees.

Unblocking the political standstill within the EU institutions

For the migration potential to be unlocked, Europe needs a common policy on asylum and a new policy on migration. The political standstill within the EU institutions has to be unblocked. The ETUC has already denounced the lack of implementation of common decisions and in particular the relocation and resettlement schemes. It criticised recent Council decisions, and especially called to put an end to the agreement between Turkey and the EU.

It is time to call on national governments to commit themselves to a European Common Asylum System while also accepting binding common European standards for reception and settlement of asylum-seekers. Respecting the letter and spirit of international obligations for protection of refugees, the Common Asylum System should have the interests of international protection-seekers at its core. Member States are called upon to exercise their duties of solidarity and responsibility within a Common Asylum System and thus increase EU reception capacities. This would set an example for the entire world.

The Common Asylum System will contribute to the smooth functioning of the Schengen area, which constitutes one of the main achievements of the EU and a symbol of freedom for 500 million European citizens.

On 4 April 2016, the European Commission launched a Communication: Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe. The Commission followed up by launching a first legislative package which includes a proposal to recast the Dublin III Regulation. A second package of measures will be proposed in June and a plan on integration and regular migration is expected in July.

In this context, the ETUC will mobilise to:

- a. Counter falsehoods about migrants and refugees, while raising awareness of international obligations towards international protection-seekers.
- b. Press for permanent European mechanisms for relocation of international protection-seekers and oppose any form of monetisation of refugees' fundamental right to protection.
- c. Support proposals aimed at introducing more binding standards for reception structures and assistance to refugees in order to make the entire EU territory a safe place for international protection-seekers.
- d. Call for legal safe avenues for international protection-seekers and economic migrants in order to fight more effectively against smuggling and trafficking of human beings.

Trade unions for tolerance and respect for human dignity

There is spreading mistrust of the capacity of the EU and national institutions to manage asylum and migration policies. If this is not addressed, people may be taken in by falsehoods and shift toward intolerant attitudes. People tend to overreact also because many other factors, including the economic crisis and unemployment, have undermined social cohesion in Europe. To fight populism and xenophobia the trade union movement has to oppose these falsehoods and advance its own narrative. Trade unions will address their members and the entire population, as well as public authorities at all levels, with value-based messages that do not overlook the challenges that migration implies but explain with facts and evidence the advantages that well-managed migration flows can generate for all.

The ETUC denounces limitations imposed on freedom of press. In refugee camps, in reception and detention centres, journalists are not always allowed to witness and report on the actual situation of guest-refugees. At the same time the ETUC calls on the media and press operators to abide by their ethical values, commit to the truth and refrain from feeding false representations of the reality that may generate misplaced sentiments in the public opinion in Europe and worldwide and from encouraging hate speech.

The trade union movement is convinced that Europe thrives thanks to its inclusive societies and trust-based human relationships. Xenophobia and intolerance close minds and obstruct cultural development in European societies. Irresponsible political forces play with people's fears, spreading myths and falsehoods not only about migrants but also all people who represent diversity. Reality shows that societies which are entrenched in their fears experience slower economic growth and less social progress for all.

The ETUC will continue to propose migration and asylum policies based on facts and evidence, founding its message on respect for rights, equality and opportunities for all.

Trade union membership itself has been shown to be a vehicle of integration. As 7% of trade union membership Europe-wide is made of migrants, there is no room for racism, xenophobia or any form of intolerance within the trade union movement. The trade union movement stands for the rights of all workers. ETUC members have a commitment to combat any xenophobic influence found in their constituencies.

UnionMigrantNet shows to the outside world that the trade union movement represents migrants and provides them with concrete support, freely and regardless of their status. It also shows that trade unions are not ready to allow anybody to exploit workers to stop social progress in Europe. It is time to put forward proposals to make the voices of workers with a migration background permanently heard within the policy-making of the trade unions.

The ETUC will work for a two-way path to integration, investing in trade union membership of migrants and increasing their visibility in the ETUC bodies. The ETUC will encourage its affiliates to do the same.

UnionMigrantNet shows the work ETUC affiliates are doing to help migrants to claim their rights at work and be treated equally with other workers. UnionMigrantNet also serves as an example of trade union cross-border cooperation to support and organise workers. The European trade union movement is ready to exchange know-how developed in the field of assistance and integration of migrants and serving of free movement areas. UnionMigrantNet gathers, in a unique cross-border network, the best experiences at European level and is better placed to perform project activities to increase cooperation with trade unions especially in origin and transit countries.

The ETUC will reinforce UnionMigrantNet to increase attractiveness and visibility of trade union assistance to migrants. An ad-hoc group will be established to identify pilot proposals for cross-border cooperation and mutual recognition of membership among UnionMigrantNet members.

Migration in development cooperation policies

The ETUC mid-term strategy includes a revamped engagement to enhance the nexus between migration and development cooperation, also coordinating the European members of the Trade Union Development Cooperation Network.

Following up the ITUC-ETUC Statement addressed to the EU-Africa Summit in 2015, the ETUC will explore the interdependency of internal and global dimensions of migration, raising awareness of positive and negative effects that labour mobility may have on the least and less developed regions. The ETUC will support international cooperation strategies that create socio-economic development and consolidation of democratic institutions. The ETUC will strengthen its cooperation with the ITUC and trade unions in other continents in the field of migration, asylum, and more generally in fighting against populism and xenophobia.

Of key importance will be the need to monitor implementation of the Sustainable Development goals and the UN 2030 agenda in Europe and worldwide, in particular including protection of migrant workers in the decent work objectives in private and public sectors.

Particular attention will be paid to ethical recruiting of well-informed workers and to risks linked to brain drain. The EPSU-HOSPEEM Code of Conduct on Ethical Cross-border Recruitment remains a good practice.

Social dialogue should be mainstreamed in the EU cooperation paradigm with the aim of engaging multinational companies in supporting the decent work agenda in countries of origin of massive migration flows.

To this end, EU trade policy should require companies to uphold the UN Guiding Principles in its supply chains. EU development policy should also reflect goals on climate justice, promoting gender equality and equal opportunities for all, fighting modern slavery and forced labour, and developing education at school.

The ETUC calls on Member States to pursue and adequately fund development policies that promote these goals and work with the ETUC and ITUC as partners in this work. The ETUC will support the ITUC in its fight to keep financial resources allocated to development cooperation funds well anchored in Official Development Assistance (ODA).