

Labor Migration in the Post-COVID World: Imagining ‘Just Transition’ using Decent Work Agenda*

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Abstract

This article examines how COVID-19 impacts migrant workers and what can be done for their equitable transition after the pandemic is subdued. The immediate policy response to the pandemic was closing of national borders that resulted in a state of emergency on a global scale. The need for continuous and safe passage of goods, services, and workers was acknowledged by laws and policies that were an ‘exception’ to the rule, and deemed ‘essential’. This approach resulted in five distinct types of impact on the migrant worker in the spheres of employment, health, movement, social protection, and opportunities. This study uses the framework of ‘just’ transition from sustainability discourse to imagine a labor-centered long-term policy for the migrant worker.

Keywords: Labor, Migration, COVID-19, Social justice, Human rights, International law

Introduction

There are 164 million migrant workers in the world (Department of Statistics, ILO, 2018). Globally, the foremost driver of migration is search for employment, given the fact that 72.4 per cent of migrants participate in the labor force as opposed to the 63.9 per cent of the non-migrant population (ILO, 2016). A migrant worker is defined as ‘anyone who is employed, or unemployed but seeking active employment in their present country of residence’ (ILO, 2016). Nearly three-quarters of all labor migration is to a high-income country where 1 in 6 workers is an immigrant (ILO, 2016). Conversely, the highest rate of emigration is from those regions that have high incidence of working poverty and lack of social safety nets. More than 70 per cent of all migrant workers are in service or related occupations (ILO, 2016). In 2018, the estimated total of remittances moving between countries was \$68.3 billion (World Bank, 2020).

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When COVID-19 led to the rapid closure of national borders, a vast majority of migrant workers were rendered incomeless, stranded, and invisible, prompting the International Labour Organization (ILO) to term their predicament a potential ‘crisis within a crisis’ (ILO, 2020b). COVID-19 adversely affected migrant workers irrespective of their legal, job or skill status. Whilst those workers who were engaged in sectors such as hospitality and retail lost their jobs, others working in sectors such as healthcare and agriculture were deemed ‘essential’ and subjected to increasing threat of exposure (ILO, 2020c). Furthermore, the work performed by migrant workers were often not taken up by native populations either because of skill mismatch or negative social perception of such tasks. Thus, the pandemic brought into stark relief, the dimensions and degree of risk, uncertainty, and vulnerability that characterizes migrant workers, sets them apart from others, and exacerbates their marginality in times of crises.

The projection for labor after the pandemic is grim with global working hours in the latter half of 2020 set to decrease by 10.5 per cent, which equals 305 million full time jobs (ILO, 2020d). In this context, this article situates migrant worker in the context of COVID-19 crisis, critically examines the short-term policy response, and provides a framework for long-term sustainable labor-centered framework for their transition in the post-COVID world.

Border Closure and State of Exception

The immediate response to COVID-19 was closing of national borders and entering a state of health emergency on a global scale. In the state of emergency, the need for continuous and safe passage of goods, services, and workers was acknowledged by laws and policies that were an ‘exception’ to the rule, and deemed ‘essential’. For example, Germany allowed 80,000 seasonal agricultural workers from Eastern Europe with options for short term employment with an extended stay period of 115 days without social security (ILO, 2020d). Austria recruited Romanian workers in its care economy (Crețan and Light, 2020). United Kingdom welcomed East European seasonal workers both to harvest and train domestically hired workers (Doward, 2020). Italy opened a green corridor through a special bilateral agreement with Romania to invite seasonal agricultural workers (ILO, 2020d). Australia extended visa for seasonal workers and working holiday makers, whilst New Zealand encouraged seasonal workers to stay for an extended period with health care benefits and wage subsidies in agriculture and viticulture (ILO, 2020d). Portugal and Spain extended work and residency permits easing regularization of migrant workers, whilst Canada waived off recruitment requirement criteria for agricultural seasonal workers for a short period (ILO,2020d).

Other countries provided social security measures to migrant workers. In countries such as India where internal migration was unprecedented, a combination of cash and benefit transfers and rural employment guarantee schemes were announced targeting migrant workers returning to their native regions (Ramani, 2020). Ireland extended COVID-19-related unemployment benefits to students and non- EU residents as part of stimulus package (ILO,2020c). Columbia, Qatar, and Thailand offered free and non-discriminatory health services including testing and treatment to migrants (ILO,2020c).

Beyond the short-term policy response, the labels of ‘exceptionality’ and ‘essentiality’ carried with them notions of suspended normalcy, presence of discretionary powers to circumspect ordinary laws, and absence of due process. The totalizing narratives of collective survival of the pandemic erased the inequalities that social groups such as migrant workers had in access to capabilities, resources and information (Della Rosa and Goldstein, 2020). The presence of internal and external borders with the perspective of viewing ‘others’ as contagion, racialization of the pandemic as ‘Asian’, and the absence of solidarity in denouncing violence at the frontiers exposed our social distancing from the suffering of groups that were vulnerable in times of crises (Della Rosa and Goldstein, 2020).

The closure of national borders had at least five distinct types of impact on the migrant worker (Appendix 1). The first was work-related impact resulting in job loss, cancellation of valid work permits, and threats of deportation that in turn led to the migrant worker accepting poorer terms of conditions at work, paying increased cost of application and recruitment, and relying on unregulated intermediaries. In the sectors that remained opened, the impact for the migrant worker was health-related with threat of exposure, concerns regarding occupational safety and health regulation, and absence of sustained reliable information. For the migrant worker who lost job or was asked to leave the country of residence, the impact was movement-related with little assistance at repatriation, and being stranded in third-party countries in conditions of encampment where basic health, sanitation and food security could not be assured. The fourth impact that migrant workers who lost jobs faced was the absence of social protection of their host country with no wage subsidies, unemployment benefits, cash or benefit transfers. Finally, migrant workers also imbibed the cost of lost opportunities of overseas work after paying document related costs in full.

The distress of migrant workers was evident from many instances of protest such as that of Romanian workers against working conditions in abattoirs and unpaid salaries for work in Germany (Crețan and Light, 2020). From the employers' side, the unprecedented crisis of labor shortage resulted in rethinking options such as changing crop patterns, training domestic labor, setting up farms overseas, and use of robots for manual agricultural work (Mitaritonna and Ragot 2020). The clamor for deglobalization and the increasing incidence of hate crimes against immigrants is the fallout of the short termism of policy response (Sułkowski, 2020). In this scenario, the need for sustainable and equitable transitioning into the post-COVID world with a labor centered perspective is compelling.

Labor and Globalization

Beyond the current pandemic, any long-term view of labor has to take into account four main effects on work situated in structures of neoliberal globalization, if sustainable development is the main objective (Rosenberg, 2010). The first of these effects is job elimination through processes such as job-polarization that replaces middle-skilled routine worker with machines (Kuriakose & Iyer, 2020). The second effect is job substitution where labor intensive work is reconstituted into capital-intensive work due to disruptive structural changes such as platformization (Kuriakose & Iyer, 2021). The third effect is job replacement where job loss in one geography or sector is replaced by job creation in another through processes such as offshoring. The fourth effect is job redefinition by which tasks are redefined within a job and requires new workers to upgrade their skills and training.

The existing labor problems of neoliberal globalization has been exacerbated by the COVID-19 crisis due to the extended lockdown, loss in productivity, and the impending recessionary tendencies. Redesigning the future of work requires policy coherence from multiple sectors, and sustained support to workers through employment-related upgrading, migration, training, and social protection. The case of migrant workers is a subset of this larger processes of transition and transformation.

The Concept of Just Transition

'Just transition' is a concept described by Canadian trade union leader D.B. Kohler in the article 'Just Transition - A Labour View of Sustainable Development' in 1998, widely adapted thereafter in international labor policy (Rosenberg, 2010). Originally, this principle-based policy approach pertained to the transition from high-carbon to low-carbon economies in high

income countries and the consequent job losses. The foundational arguments of this concept are equally valid in the scenario of post-COVID transition for the future of work, and can be modified to the case of migrant worker.

As advocated by Kohler, ‘just transition’ has five principles. The first principle is sound investment in the local economy, respecting the tenets of human and labor rights as well as decent work agenda. The second principle is social dialogue based on democratic consultation with partners as well as wider stakeholders such as communities that are affected by the transition. The third principle is the implementation of social impact studies of technology deployment, and skill upgrading for workers. The fourth principle is the provision for social protection and active labor market policies for workers. The fifth principle is local economic diversification with due consultation with the communities for fair distribution of costs and benefits of transition.

The principles of just transition has many advantages. First, it is a framework that is embedded in international law and policy goals (Appendix 2 and 3) such as sustainable development goals (SDGs), and decent work agenda. Second, it takes a multi-dimensional view of economic transition with solutions comprising policies for employment, welfare, education, investment, monitoring and evaluation. Third, it gives regard to due process and democratic consultation. The tri-partite structure of consultation with partners includes representatives from worker, employer and the government. Similarly, there is provision for the involvement of interest groups and civil society actors representing communities. Furthermore, it gives long-term perspective of the problem taking into consideration the full cycle of production, investment, and multiple transitions of labor. Finally, it empowers communities to own their transition into another warp of globalization, and makes them active partners and independent critiques of the structures that govern them.

Agenda for Migrant Workers

The ‘just transition’ principles adapted for migrant workers is aligned with two existing international principles of understanding work - SDGs and decent work agenda (Appendix 4). SDG 8.8 declares its objective to ‘protect labor rights and promote safe and secure working environment for all workers including migrant workers, in particular women migrants, and those in precarious employment’ (United Nations Development Program, 2015). The decent

work agenda is composed of four components - international labor standards and rights at work, social protection, social dialogue and job creation (ILO, 2013)

For the migrant worker, 'just transition' after COVID-19 begins with fair recruitment practices that comes under the international labor standards and rights at work. Online modalities of work and recruitment should respect rights of workers using equality of treatment, while catering to the needs of the employers, and the communities of host countries (ILO, 2020a). Rights at work begins with new and improved standards of occupational safety. Access to affordable health includes free-of-charge quarantine facilities. Reliable and accessible information to migrant workers could be delivered through support groups including diasporic communities and trade unions. Regular and transparent labor inspection could ensure monitoring and evaluation. Accreditation of relevant skills and training levels of migrant workers would also ensure labor mobility and transition. Additionally, some arrangement for repatriation assistance has to be made with the help of support groups and host countries.

Second, social protection floor for migrant workers could be included in labor agreements involving contributing and non-contributory schemes, income and benefit transfers (ILO, 2020c). Third, social dialogue and democratic consultation could involve the tri-partite structure of engagement involving representatives from employer, employee and government which has been successful especially in the case of informal workers (ILO, 2020a). Tri-partite structure along with community interest groups could perform impact evaluation studies and collect data first-hand on the problems of labor and needs of communities through social impact assessment. Such studies could be the foundation of local economic diversification program, that takes into account, entrepreneurial lines of credit for migrant workers, and migration policy regarding the full labor cycle into consideration which results in fulfilling the final criterion of job creation.

Conclusion

This article presented the case for labor-centered perspective for migrant workers to enable their fair and equitable transition into the post-COVID world using the principles of ILO's decent work agenda. A principle-based policy agenda takes long-term view of labor migration and the perspective of all stakeholders towards its resolution. Such an approach should replace short term, piece-meal, localized, and ad-hoc solutions to the migrant worker's problem already exacerbated by the COVID-19 crisis. This type of process-based perspective is also necessary

to eschew leaving entire geographies and its peoples behind to fend for themselves as the wheel of globalization churns to find new pastures for capital to flourish. A mega-event like COVID-19 that brought a large part of the current global order to an abrupt stop could be a new beginning for a different type of institutional framework that is prosperous yet participatory, competitive yet convivial, challenging yet compassionate. This crisis gives us an opportunity to imagine the heart of migrant labor once again - the human quest for survival, adventure, achievement, creativity, and meaning through work.

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APPENDIX

1. Impact of COVID-19 on Migrant Labor

Employment-related	<ul style="list-style-type: none">• job loss• cancellation of valid work permits• threats of deportation
Health-related	<ul style="list-style-type: none">• threat of exposure• occupational safety standards• access to reliable information
Movement-related	<ul style="list-style-type: none">• absence of repatriation assistance• encampment and related crises
Social Protection-related	<ul style="list-style-type: none">• absence of wage subsidies• absence of unemployment benefits• inadequate cash or benefit transfers
Opportunity Cost-related	<ul style="list-style-type: none">• loss of job offers overseas• increased cost of fresh application

Source: Authors' Compilation

2. International Bodies and Policy Instruments for Migrant Workers

Year	International Groups/ Instruments
1990 (enforced 2003)	The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
1999	UN Special Rapporteur on Human Rights of Migrants
2000	UN Convention against Transnational Organized Crime
2001	Declaration against Racial Discrimination of Migrant Workers
2001	Berne Initiative
2003	Global Commission on International Migration
2003	Report: International Migration and Development
2006	UNGA First High-Level Dialogue on International Migration and Development
2006	Global Migration Group
2007	UN Global Forum on Migration and Development
2013	UNGA Second High Level Dialogue on International Migration and Development
2013	Working Group on Migration, Human Rights and Gender
2019	ILO Centenary Declaration on the Future of Work
2013	Taskforce on Migration and Decent Work
2018	UN Network on Migration

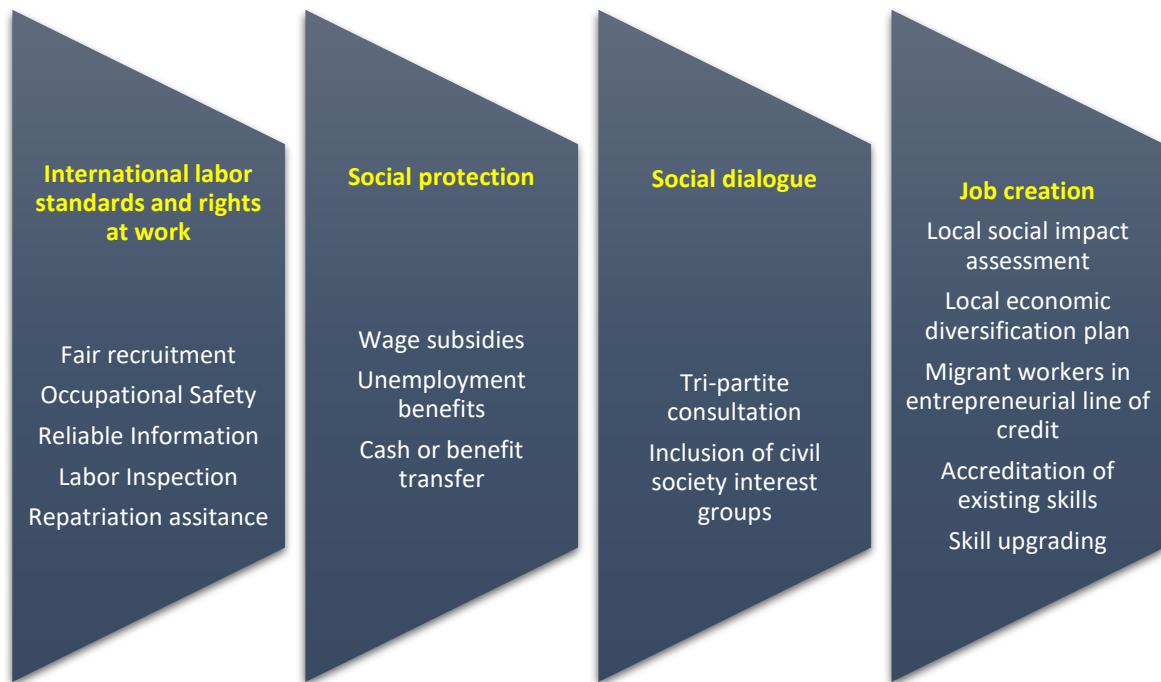
Source: Authors' Compilation based on various sources.

3. Regional Policy Instruments for Migrant Workers

Year	Region	Regional Instrument
1999	European Union	Amsterdam Treaty
2015		European Agenda for Migration
2006	African Union	The Migration Policy Framework for Africa
2008		ECOWAS Common Approach on Migration
2013		Youth and Women Employment Pact for Africa
1997	South and South-East Asia	ASEAN Non-binding Declaration on Protection and Promotion of Rights of Migrant Workers
2008		Colombo Process and Abu Dhabi Dialogue
2008		ASEAN Forum on Migrant Labor
2014		SAARC Kathmandu Declaration
2009	Caribbean Region	CARICOM Heads of Government Agreement
2002/ (enf.)2009	Latin American Region	MERCOSUR Agreement on Residency for Citizens
2013		Plan to facilitate free movement of workers
2013		Strategic Regional Agenda for Promotion of Productive Employment and Decent Work

Source: Authors' Compilation based on ILO (2016) report *Promoting Fair Globalization*

4. Decent Work Principles and its Corresponding Policies for Migrant Workers



Source: Authors' Compilation