

Treating Fairly to the Migrant and Immigrant Worker

Generally, the conversation by employers and recruiters on accessing migrant and immigrant workers, somehow tends to concentrate on the attractiveness of the offer. This is in an effort to capture the attention of job seekers. It would appear that the conversation is not widened to give consideration to the rights of the migrant and immigrant worker. There is a genuine concern about the treatment of these categories of workers who are often attracted to fill low paying jobs.

It can be argued that with changes occurring in the global market where there is a demand for skilled professionals, the traditional view that migrant and immigrant workers are recruited to fill low paying jobs can no longer be the accepted norm. As a migrant or immigrant worker, individuals migrate from their homeland to another country to pursue seasonal or contractual work. Both migrants and immigrants find themselves in a position where they do not enjoy resident or citizenship status. This raises some question as to how the laws of the land, in which they are recruited to work, apply to them.

It has been established that in some jurisdictions such as North America, the law offers some important protections. However, it is in the main restrictive. For example, the law does not grant farm workers the right to join labor unions or access to collective bargaining, it does contain some important protections. It is expected that the provisions of the United Nations Human Rights Charter will be observed. To be specific, all persons, regardless of their nationality, race, legal or other status, are entitled to their fundamental human rights and basic labour protections. This includes migrant workers and their families. Individuals are expected to enjoy basic human rights such as the right to life, liberty, and security of person; freedom from slavery or torture; the right to equal protection of the law and freedom from discrimination; freedom from arbitrary arrest and detention; and the presumption of innocence. With the International Labour Organization (ILO) remaining in the forefront of advocacy for Social Justice and Decent Work, it means that countries which have ratified the eight core labour conventions would be expected to promote human rights and protections.

Those who may wish to ignore that the core labour standards which exist, can none the less not be exonerated from any acts of indiscretion and discrimination which they commit; and particularly so, if the law of the land gives support to social protection. The core labour standards which consists of five standards, are laid out in eight (8) Conventions. They are: Freedom of association and the effective recognition of the right to collective bargaining Convention No. 87 & No. 98; The elimination of all forms of forced and compulsory labour. Convention No. 29 & No. 105; The effective abolition of child labour. Convention No. 138 & No. 182; The elimination of discrimination in respect of employment and occupation. Convention No. 100 & No. 111.

DENNIS DE PEIZA Labour Relations & Employee Relations Consultant, Regional Management Services Inc., 23 August 2019

There is a school of thought that migrant and immigrant labour is a key pillar of a country's economic strength and vitality. Every country has the need for unskilled, skilled and professional labour and therefore have a responsibility to treat fairly to workers. It is yet to be understood why migrant and immigrant workers should be denied collective bargaining rights. It is for the unions of the day to test this a transgression of the law, given that the ILO Conventions No. 87 & No. 98 provides for freedom of association and the effective recognition of the right to collective bargaining. There seems to be no logical reason why this category of workers cannot be organized.

It is clear that the use of migrant and immigrant labour will continue to be a part the economic development of both developed and developing societies across the world. It is a way of life and a means to an end for persons to emerge out of poverty. It is estimated that at present there are approximately 244 million migrants around the world, representing 3.3 per cent of the global population. Women make up almost half of migrants. Migrant workers contribute to the economies of their host countries, and the remittances they send home to help boost the economies of their countries of origin. Yet, migrant workers often benefit from inadequate social protection and are vulnerable to exploitation and human trafficking. Skilled migrant workers are less vulnerable to exploitation but their departure deprives some developing countries of the valuable labour needed for their own economies. (ILO 2017) Report IV, International Labour Conference, 106th Session, Geneva, 2017.

Barbados has been living up to its obligation to promote human rights and protections. Its intentions to ensure that the promotion of social justice and decent work is respected and are reflected through the expression that "All employers and prospective employers must be cognizant that as long as the migrant worker is residing in Barbados, he or she is entitled to the same rights and privileges granted under the Laws of Barbados, and also entitled to be treated equitably like any other worker on site."(Protocol to address Migrant Labour Conditions -Ministry of Labour, Social Security and Human Resource Development)