



ITUC CSI IGB

DECENT WORK AT THE NEXUS BETWEEN CLIMATE CHANGE AND MIGRATION

ITUC POLICY BRIEF

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FOREWORD BY LUC TRIANGLE

Migration has always been an integral part of human history. It represents our natural response to evolving circumstances, whether driven by economic opportunities, social changes, or environmental factors. Nowadays, climate change is an undeniable force driving migration as rising sea levels, extreme weather events, and changing agricultural patterns make certain areas uninhabitable. It is our collective responsibility to provide rights-based routes for people displaced by climate change to relocate.

Migration can come with significant challenges, both for the migrants themselves and the communities in their origin and destination countries. Migrants often face arduous journeys, legal uncertainties, and barriers to accessing basic rights and services. Their integration into new communities can be fraught with difficulties, including discrimination, exploitation, and inadequate or no labour protections at all. At the same time, communities in origin countries suffer from a loss of workforce, experience and expertise as well as difficulties arising from changes in the social and cultural fabric.

The International Trade Union Confederation (ITUC) recognises these complexities and is committed to addressing the multifaceted nature of migration, including migration driven by climate-change, which is the focus of this publication.

For those who are compelled to move due to the adverse impacts of climate change there must be humanitarian pathways that allow them to seek refuge and rebuild their lives with dignity. These pathways should not only ensure that people displaced due to climate change have access to basic needs such as

shelter, healthcare, and education in their new environments, but also access to the labour market with full labour protections including the ability to effectively exercise their right to organise and collectively bargain.

Addressing the causes of climate-driven migration is equally fundamental. This means investing in the sustainable development goals (SDGs), building resilient communities that can withstand environmental changes and creating decent climate-friendly jobs for workers and their families. By addressing the root causes of climate-driven migration through investments in a Just Transition, we can reduce the pressure on individuals to leave their homes and support their right to stay in familiar environments where they have established social networks.

Our global call for a New Social Contract is key to achieving these objectives with decent work and social dialogue at its core. It is through social dialogue that we can develop comprehensive policies that address the needs and rights of migrants, promote social cohesion, and build resilient communities capable of adapting to change.

The ITUC is committed to promoting these principles and working collaboratively with all stakeholders to create a world where migration is a choice, not a necessity; where the rights of all workers, regardless of their migration status, are respected; and where those displaced by climate change can find refuge with dignity. As we navigate the complexities of migration in the 21st century, it is crucial that we centre our efforts on the principles of justice, equality, and human dignity. By doing so, we can build a more inclusive and sustainable future for all.

GLOSSARY

Adaptation: Adapting to life in a changing climate by adjusting to current or expected future climate conditions to reduce the risks from the negative effects of climate change. This includes altering human behaviour and implementing measures such as building flood defences, creating drought-resistant crops, and improving water management to protect people and the environment.

Asylum-seekers: persons seeking refugee status but not yet legally recognised as refugees. They must apply for asylum and demonstrate that they have a well-founded fear of persecution in their home country to be granted refugee status.

Climate refugee: Although ‘climate refugee’ as a concept does not exist in international law, the term refers to a person who is displaced due to climate-related loss of livelihood or home due to climate change, such as sea-level rise, extreme weather events, and prolonged droughts. There is ongoing debate about the need to formally recognise climate refugees and provide legal protection.

Collective bargaining: Negotiations that take place between employers and workers or workers’ organisations, including unions, to discuss working conditions and the terms of employment.

Decent work: Access to safe, meaningful and dignified work with fair wages, equal treatment, access to social protection and rights for all workers. Freedom of association and collective bargaining rights are key components of decent

work. According to the ILO, the four pillars of decent work are employment creation, social protection, rights at work, and social dialogue.

Displacement: The forced movement of persons who have been made to leave their homes because of armed conflict, situations of generalised violence, violations of human rights, or natural or human-made disasters.

Emigrants: From the perspective of the country of departure, people who move from their country of nationality or usual residence to another country.

Forced migration: A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or human-caused causes. This includes situations where people flee due to conflict, persecution, natural disasters, or environmental degradation, as well as situations where people are forcibly removed from their homes.

Freedom of association: The right of workers and employers to form and join organisations of their own choosing. Freedom of association is one of the ILO fundamental principles.

Human mobility: This term is increasingly used to encompass the multitude of ways people move from one place to another, including migration – both internal and international – displacement, and relocation.

Humanitarian pathways: Humanitarian pathways refer to schemes that offer a route for admission and stay to individuals who flee their country or are unable to return there due to a humanitarian cause, such as natural disasters, earthquakes, health reasons, and others.

ILO: The International Labour Organization is a tripartite UN agency that brings together governments, employers and workers of 187 member states to set labour standards, develop policies and devise programs promoting decent work for all.

Immigrants: From the perspective of the country of arrival, people who move into a country other than that of his or her nationality or usual residence.

Just Transition: A Just Transition secures the future and livelihoods of workers and their communities during the transition to a low-carbon economy. It is based on social dialogue between workers and their unions, employers, and government, and consultation with communities and civil society. A plan for Just Transition provides and guarantees better and decent jobs, social protection, more training opportunities, and greater job security for all workers affected by global warming and climate change policies. Examples include retraining programs for workers in fossil fuel industries, investments in sustainable agriculture and measures to protect construction workers from extreme heat.

Loss and damage: Loss and damage refers to the negative effects of climate change that occur despite mitigation and adaptation efforts. This includes loss of lives, biodiversity, and cultural heritage, as well as economic losses from damaged infrastructure and reduced agricultural productivity.

Migrant: An umbrella term referring to any person who is moving or has moved across an international border or within a State away from their habitual place of residence. This includes both voluntary and involuntary movements, regardless of the person's legal status. This paper focuses on migrants who have moved across international borders.

Mitigation: Actions taken to limit or prevent increases in global temperature and climate change by reducing the flow of heat-trapping greenhouse gases into the atmosphere. This includes measures such as switching to renewable energy sources, enhancing energy efficiency, reforestation, and promoting sustainable agricultural practices.

Planned relocation: A planned process in which persons or groups of persons are assisted to move away from locations that have become or are becoming uninhabitable due to disasters or environmental degradation and are being settled in a new location.

Refugees: Persons who, due to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside their country of nationality or habitual residence (in case of stateless persons) and are unable to return there due to such fear.

Regular/irregular migration: Regular migration indicates situations where people travel through regular border crossing points with documents necessary for entry into or exit from the country of origin, transit, or destination. Irregular migration is when people cross international borders without the necessary documentation.

Regularisation mechanisms/programmes: The procedures migrants with an irregular residence status must go through to secure a residence permit for the country they already live in. (see, [PICUM](#))

Resettlement: Resettlement is the transfer of refugees from an asylum country to another State, that has agreed to admit them with a legal status ensuring international protection and permanent residence. (see, [UNHCR](#))

Resilience: The ability to anticipate, cope and recover from the impacts of climate change or adverse climate events.

Social dialogue: All types of negotiation, consultation or simply exchange of information between or among representatives of governments, employers, and workers on issues of common interest relating to economic and social policy.

Tripartism: Dialogue and cooperation between governments, employers, and workers in the formulation of standards and policies. International labour standards are created and supervised through a tripartite structure within the ILO.

Undocumented migrant: A migrant who is in a country without the necessary documents to travel or remain there. Also referred to as “migrant in an irregular situation”.

INTRODUCTION

Climate change is one of the most pressing issues of our time, affecting ecosystems, economies, communities and workers across the globe. The adverse effects of climate change, such as rising sea levels, extreme weather events, floods, prolonged droughts, and other environmental stresses are increasingly forcing people to move from their homes and communities in search of a stable environment to rebuild their lives. These movements, whether within or across borders are often referred to as climate-driven migration or displacement.

The scale of climate-driven migration is substantial and projected to increase in the coming decades. The majority of this movement is expected to take place within countries rather than across international borders.

According to the World Bank, by 2050, climate change could force more than

216m people across six world regions to migrate within their countries.¹ In 2023 alone, the Internal Displacement Monitoring Centre (IDMC) reported that over 20m people were displaced by weather-related disasters.²

Such estimates underscore the urgent need to develop policies that can adequately respond to the needs of people who are either forced to migrate or consider it an option due to climate impacts in their region. Policies must ensure people can choose to stay safely and with dignity, and that their rights are protected if they should choose to or are forced to move.

This document outlines solutions offered by trade unions in response to these challenges, placing human and labour rights at the centre of all policies concerning climate, migration and labour. The proposed solutions aim to break the silos between these policy areas and highlight the importance of social dialogue between governments, employers and workers to achieve lasting results that leave no one behind.

¹ The World Bank (2021), *Groundswell Report*

² IDMC (2024), *Global Report on Internal Displacement 2024*. IDMC notes that “[n]ot all weather-related disasters are the result of climate change, but it is making some hazards more frequent and intense.”

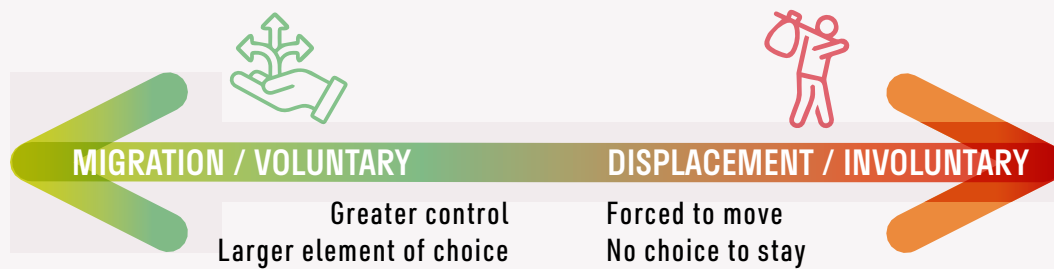
A WORD ON TERMINOLOGY

According to the International Federation of Red Cross and Red Crescent Societies (IFRC) “**climate migration** is most commonly used to describe voluntary movement across international borders in response to the anticipated impacts of climate change”:

However, this term has also been used by some organisations to include involuntary movement (otherwise known as “climate-related displacement”) and has also been applied to situations of internal movement as well. As such, it could be considered a general term describing the movement of people as a result of climate change.³

Recognising that people move for a range of reasons and trying to isolate one among them as the main driver is rarely possible, ITUC uses the term **climate-driven migration**⁴ in this policy brief to refer to situations where people are leaving locations where climate change is adversely impacting their lives. While using the term migration, ITUC also recognises that these movements occur along a choice continuum between voluntary migration to involuntary/forced displacement. One end of the spectrum entails more control and choice for those migrating, while the other end finds choice and control severely curtailed by environment and economic realities.

FIGURE 1:



HOW DOES CLIMATE CHANGE DRIVE MIGRATION?

Climate change causes weather extremes and hazards, ocean acidification and sea-level rise, loss of biodiversity, food and water insecurity, health risks, economic disruption, and even violent conflict. More than 3bn

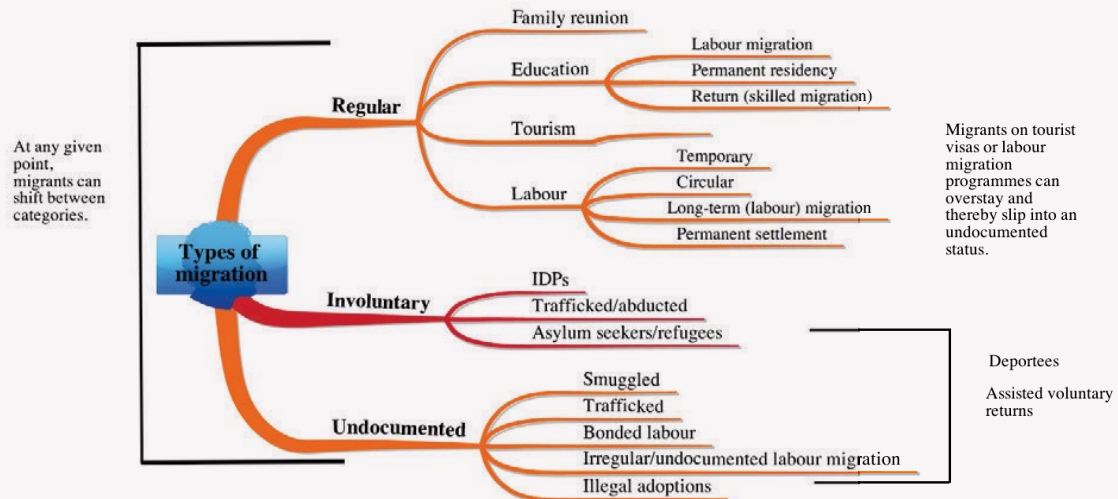
people live in places that are very vulnerable to the climate crisis, with lower-income countries being disproportionately affected⁵ and 130m people could move into extreme poverty by 2030 due to climate change impacts.⁶

³ IFRC, Danish Red Cross and Climate Centre, Fact Sheet 2 - *Displacement and Climate: Key Terms*

⁴ Increasingly climate mobility is used to describe all types of movements of people

⁵ World Health Organization (2023), *Climate Change: Key Facts*

⁶ The World Bank (2023), *Feature Stories: For the Poorest Countries, Climate Action is Development in Action*

FIGURE 2: Types of migration⁷

These consequences of climate change either contribute to reasons to migrate or leave people with no option to stay. In some cases, people may leave on a seasonal basis without having to fully give up on their homes when weather events do not allow them to work on their farms for part of the year, for example. In others, return may no longer be possible with complete destruction leaving nowhere to return to.

Slow onset events, which refer to “environmental degradation processes such as droughts and desertification, increased salinisation, rising sea levels or the thawing of permafrost”⁸ may allow people to plan and prepare for migration or to migrate temporarily to access means that enable them to stay in changing environments. As a last resort, some governments carry out planned relocations of groups of people, when it is projected that certain locations will eventually become uninhabitable.⁹

On the other hand, sudden onset events such as cyclones and floods, if not adequately

predicted and planned, can force people to leave without any chance of preparation. And there are also cases where people who need to flee or may benefit from migration could be trapped, because of discriminatory gender roles or because they lack resources to be able to move.

Workers and their families are affected in multiple ways: In their jobs, where they work in extreme temperatures and in environments that are not adapted to a changing climate. And in their livelihoods, where they are vulnerable to business closures because of climate-related disruption. Many workers migrate when they are displaced from their traditional livelihoods or when decent work opportunities at home vanish because of climate disruption.

When workers **migrate across borders**, they face significant barriers in securing decent work that ensures a fair income, safety and security in the workplace, and social protection. Without adequate policies and interventions, climate-driven migrants are at an elevated risk of exploitation, poverty, and social exclusion.

⁷ Wolf Scott - Consultant, George Tarkhan-Mourave (Caucasian Institute for Peace), Nicholas Kavalashvili (2009) *Mobility and Migration: Thematic Guidance Note*

⁸ Platform on Disaster Displacement, *Key Definitions*

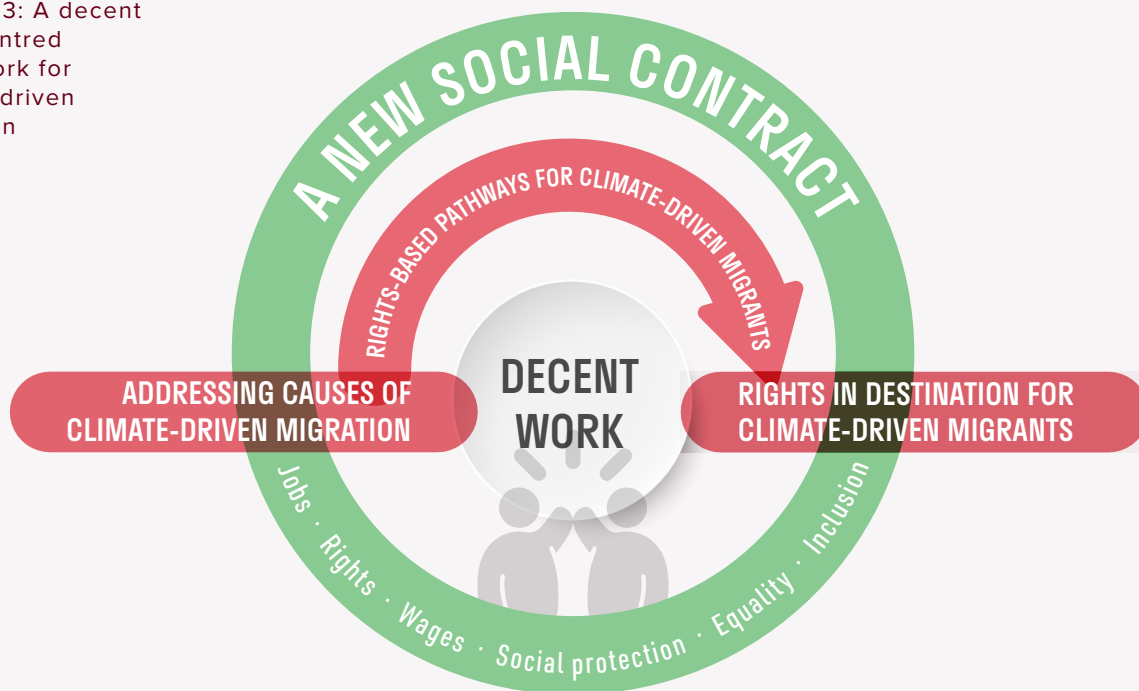
⁹ For example, in some of the small island States in the Pacific that are severely impacted by the rising sea levels

TRADE UNION RESPONSE: A DECENT WORK CENTRED FRAMEWORK FOR CLIMATE-DRIVEN MIGRATION

Policies concerning climate-driven migration should revolve around three key premises. These are:

- Addressing the causes of climate-driven migration: creating conditions in countries of origin to ensure that migration is out of choice rather than out of coercion for survival.
- Ensuring rights-based pathways for climate-driven migrants: Ensuring people have rights-based pathways if they need to seek shelter in another country due to adverse impacts of climate change.
- Rights in destination for climate-driven migrants: Guaranteeing labour rights and social inclusion of climate-driven migrants in destination countries.

FIGURE 3: A decent work-centred framework for climate-driven migration



Decent work should be the central tenet as it addresses adverse drivers of migration, giving people the option to stay, while allowing people to lead dignified lives regardless of their migration status and wherever they may be.

Decent Work for all is also the key feature of the “Pro-Worker Climate Migration Policy Framework” developed by AFL-CIO in cooperation with the ITUC, highlighting the need to break silos between policies concerning climate, labour and migration.¹⁰

¹⁰ The following section draws from AFL-CIO’s “Pro-Worker Climate Migration Policy Framework” developed in consultation with ITUC including. AFL-CIO, Pro-Worker Climate Migration Policy Framework, 2024: <https://drive.google.com/file/d/1mjJTTKeWpudUwp7Zh6kVwl02Pqoqsa5p/view>

FIGURE 4: AFL-CIO Pro-Worker Climate Migration Policy Framework



All policies and plans must be underpinned by the fundamental labour rights of freedom of association and collective bargaining and facilitated through tripartite social dialogue between workers and their unions, employers and governments, as established by the ILO to safeguard the rights and interests of all workers while promoting resilience and adaptation. Policies must be fully aligned with international human rights law and international labour standards, including the ILO Just Transition Guidelines.¹¹

The New Social Contract, founded on six workers' demands of (1) climate friendly jobs; (2) rights for all workers; (3) living wages; (4)

universal social protection; (5) equality; and (6) inclusion,¹² provides the framework for such policies.

THE NEW SOCIAL CONTRACT

1. Creation of decent and climate-friendly jobs with a Just Transition: This involves industrial transformation to achieve net-zero carbon emissions, along with investments in strategic economic sectors such as the care economy, the green economy and sustainable infrastructure, and formalising the informal sector.

2. Rights for all workers: Regardless of their employment arrangements or migration status, rights must be extended to all workers to fulfil the promise of the ILO Centenary Declaration with its labour protection floor that includes rights, maximum working hours, living wages and health and safety at work.

3. Living wages: Statutory or negotiated living wages that guarantee dignity for all workers and their families.

4. Universal social protection: Universal protection must include the creation of a Social Protection Fund for the least wealthy countries.

5. Equality: equal pay for work of equal value and ending all discrimination, whether based on gender, gender identity and sexual orientation, ethnicity, migration status, ideology, religion, social status, or any other grounds in the workplace and in society.

6. Inclusion: A peaceful world, a rights-based development model, and a truly inclusive multilateral system engaged in redressing existing imbalances of power and wealth using tripartism and social dialogue as a key means of implementing the 2030 Agenda.

¹¹ ILO (2016), *Guidelines for a just transition towards environmentally sustainable economies and societies for all*

¹² ITUC (2022), *Congress Statement: A New Social Contract*

ADDRESSING CAUSES OF CLIMATE-DRIVEN MIGRATION

There are many factors, including adverse effects of climate change, that push people to leave their homes and families in search of stability. Research shows that despite many adversities, the majority of people do not consider moving while others simply cannot see migration as an option.¹³ For many, migration means family separation and the breaking of social ties and imposes risks and burdens of differing degrees (depending on one's age and gender) on those who migrate as well as those who stay. Additionally, migration may result in loss of traditions, indigenous knowledge, a brain drain of the young labour force that exacerbates the barriers communities face in tackling climate change. As such, efforts to strengthen and support individual and community resilience and the "ability to adapt in place [are] fundamentally about respect for and protection of human rights, including collective rights."¹⁴

Some of the crucial factors which allow people to stay include community safety, the ability to recover from climate disasters, more resilient systems, the rule of law, social protection, and decent work that provides stable, family-sustaining jobs.

Trade unions call for meaningful strategies to address the root causes that force people to migrate as a means

of survival, and for climate adaptation planning and implementation that centres decent work to promote greater resilience for communities.

Meaningful strategies require national governments, private corporations and International Financial Institutions to prevent environmental degradation and to support sustainable investments.

JUST TRANSITION¹⁵

Increased investments in green infrastructure, sustainable agriculture and renewables for example are crucial responses to climate change impact. A Just Transition agenda is the basis to underpin industrial transformations shaped by linking climate change policies to employment and decent work. Just Transition secures the future and livelihoods of workers and their communities in the transition to a low-carbon economy as it is based on social dialogue between workers and their unions, employers, and government, and consultation with communities. A plan for Just Transition provides and guarantees decent jobs, social protection, and skills training and redeployment services for greater job security for all workers affected by global warming and climate-change policies.

ITUC is calling for 575m new jobs and the formalisation of at least half of all two billion informal jobs by 2030.¹⁶ Policy makers must work with trade unions to ensure that climate

¹³ See, for example, Amakrane et al (2023) "African Shifts: The Africa Climate Mobility Report, Addressing Climate-Forced Migration & Displacement" available at: <https://climatemobility.org/initiatives/africa/>

¹⁴ CMDP and FES Global Summary from 2023 regional consultations, available at: [2023_06_CMDP_Global_Summary_Note.pdf \(fes.de\)](https://www.fes.de/fileadmin/user_upload/2023_06_CMDP_Global_Summary_Note.pdf)

¹⁵ ITUC (2023) *#COP28 Frontlines Briefing: Trade unions demand a labour inclusive Just Transition Work Programme at COP28*

¹⁶ ITUC (2022), *Congress Statement: A New Social Contract*, para 50(iii). Furthermore, the care economy, where women – in particular women migrant workers – are overrepresented, represents a key sector that requires solid public investments. According to ILO projections, increased investments in the care economy would create 280m jobs by 2030 and boost the employment rate of women by 78 per cent with 84 per cent of the jobs being formal. See ILO (2022), *Greater investment in care could create almost 300 million jobs*

friendly decent jobs are created to replace those lost and that workers have effective pathways into new careers, while being supported during the transition. Just Transition must be negotiated with workers, their trade unions and impacted communities to ensure they can harness the public support needed to implement them. Moreover, climate change affects many sectors in the labour market in which women are particularly active. As such, Just Transition entails the equitable participation and representation of women workers in decision-making at all levels.¹⁷

Equal access to skills training opportunities and life-long learning is crucial for those who will lose their livelihoods and traditional subsistence due to climate change in two ways. First, it will ensure they can stay in their home communities and secondly it will make sure they can access decent jobs when they move both internally and across borders.

Social protection, a key to Just Transition plans, is crucial to protect people from the economic

and social distress caused by a severe reduction in work income resulting from the adverse impacts of climate change.¹⁸ However, more than four billion people in the world lack any kind of social protection. The Global Accelerator on Jobs and Social Protection for Just Transitions, launched in September 2021 by the UN Secretary-General and ILO with the objective of creating 400m jobs and extending social protection to four billion people who currently have no coverage, is a high-impact initiative that must be supported.¹⁹

Moreover, States must substantially scale up their climate finance commitments and fulfil them through grants or low-interest loans to low-income countries to support their decarbonisation efforts. To this end, the Loss and Damage Fund created at COP28 must be financed adequately to support less wealthy countries in investing in mitigation projects to reduce the impacts of global warming and address the damage done to lives, livelihoods, infrastructure and the biosphere.

RIGHTS-BASED PATHWAYS FOR CLIMATE-DRIVEN MIGRANTS:

In the context of escalating human displacement, the imperative to create pathways for people who need to flee the adverse impacts of climate change is real. The routes currently available to those displaced by climate are both limited in number and fail to prioritise the rights and humanitarian needs of the people impacted.

It is not possible for people displaced by the adverse impacts of climate to benefit from **refugee resettlement schemes** unless they can establish that their reasons for leaving their country of origin or not being able to return there, are linked to persecution, conflict, or war. In any case, the resettlement places available are insufficient. According to the UNHCR, less than 5 per cent of the two million refugees

¹⁷ TUC (2022), *4th ITUC World Women's Conference: outcome document*

¹⁸ ILO, *Social Protection: topic portal*

¹⁹ ILO News (2021), *UN Secretary-General calls for accelerated action on jobs and social protection*

estimated to need resettlement were able to benefit from this solution in 2023.²⁰

There are also a limited number of **humanitarian visas or humanitarian residence permits**, which consider environmental disasters, such as:²¹

- The "Temporary Protected Status" in the United States that protects individuals from forced return to countries affected by environmental disasters.²²
- "The temporary humanitarian visa" Brazil grants to nationals of countries in situations of calamity or environmental disaster.²³
- Italian legislation,²⁴ which states that "a residence permit for calamity" is to be issued "when a country to which a foreigner must return is in a situation of serious and circumstantial calamity that does not allow for safe return and stay".²⁵
- In Argentina, the "Special Humanitarian Visa Program for Nationals and Residents in the United Mexican States, Central America and the Caribbean displaced by Socio-Natural Disasters",²⁶ which allows an entry permit and an environmental humanitarian visa for people displaced due to sudden hydro-meteorological and geophysical phenomena such as hurricanes, tornadoes, extreme rainfall and flooding, earthquakes, tsunamis, landslides/rockslides, and volcanic eruptions.²⁷

There are also **regional initiatives**, such as the Pacific Regional Framework on Climate Mobility endorsed by the leaders of the Pacific Islands Forum in November 2023, which aims "to guide Pacific Islands Forum governments, communities, non-state actors, and partners in ensuring rights-based and people-centred movement in the context of climate change, including staying in place, planned relocation, migration, and displacement through a proactive, inclusive, and collaborative regional approach that reflects common Pacific interests in a culturally appropriate manner, while respecting national sovereignty and diversity."²⁸ Similarly, the Protocol on Free Movement of Persons in the IGAD Region "for the progressive realization of free movement of persons, rights of establishment and residence in IGAD Member States"²⁹ provides for entry into the territory of a Member State of citizens from another one "in anticipation of, during or in the aftermath of disaster" as well as the extension of their stay and other rights if their country is affected by disaster.³⁰

The recent **bilateral agreement** between Australia and Tuvalu, which is recognised internationally as one of the most climate-vulnerable states with many of its low-lying islands expected to become uninhabitable within this century,³¹ commits Australia to "arrange for a special human mobility pathway for citizens of Tuvalu to access Australia which shall enable citizens of Tuvalu to [...] live, study and work in Australia [and] access Australian education, health, and key income and family support on arrival."³²

²⁰ UNHCR (2023) *Resettlement Fact Sheet 2023*

²¹ Amnesty International (2023), *Americas: Amicus curiae submitted by Amnesty International to the Inter-American Court of Human Rights on climate emergency and human rights*

²² Amnesty International USA (2021), *Policy Recommendations on Climate Displacement*

²³ Lei n. 13.445, 24 May 2017 "sobre os direitos e os deveres do migrante e do visitante", (Brazil), available at: <https://www.refworld.org/es/pdfid/592c6f744.pdf>

²⁴ Article 20 bis of Legislative Decree 286/1998

²⁵ European Migration Network (2023), *Displacement and migration related to disasters, climate change and environmental degradation*

²⁶ Argentina, Dirección Nacional de Migraciones, Disposición 891/2022, <https://www.argentina.gob.ar/normativa/nacional/disposici%C3%B3n-891-2022-364999/texto>

²⁷ Annex I, Article 2 of Argentina, Dirección Nacional de Migraciones, Disposición 891/2022, <https://www.argentina.gob.ar/sites/default/files/infoleg/disp891-364999.pdf>

²⁸ *Pacific Regional Framework on Climate Mobility.pdf (forumsec.org)* (Para. 9)

²⁹ Article 2, *Final IGAD PROTOCOL ENDORSED BY IGAD Ambassadors and Ministers of Interior and Labour Khartoum 26 Feb 2020.pdf (iom.int)*

³⁰ Article 16, *Final IGAD PROTOCOL ENDORSED BY IGAD Ambassadors and Ministers of Interior and Labour Khartoum 26 Feb 2020.pdf (iom.int)*

³¹ *15824-WB_Tuvalu Country Profile-WEB.pdf (worldbank.org)*

³² Article 3, *Australia-Tuvalu Falepili Union treaty | Australian Government Department of Foreign Affairs and Trade (dfat.gov.au)*

In addition to climate or natural disaster-specific initiatives as above, existing, and new **labour migration pathways** are also being proposed as a response to the needs of communities impacted by climate change. However, many existing labour migration pathways are temporary and employer-tied, rendering migrant workers participating in them vulnerable to abuse and exploitation, including to forced labour.³³ Some of the labour rights violations migrant workers experience in these schemes, such as wage theft and the collection of recruitment fees, also prevent migrant workers and their communities back in their countries of origin from reaping any of the purported benefits of such schemes in the form of remittances. Some end up in worst conditions, exposed to even more dangerous impacts of climate change, having to live in areas prone to climate disasters in the destination countries.

Labour migration cannot be an appropriate solution to humanitarian crisis situations, such as climate-related disasters, conflict, war or persecution that force people to flee. Humanitarian crises require humanitarian responses where pathways are designed based on the humanitarian needs of displaced

people rather than purported “skills shortages” in destination countries. However, even when based on humanitarian grounds, all pathways must ensure access to the labour market with full labour protections.

Due to gendered roles, care responsibilities put upon women limit their migration options, while those who are left behind must care for the elderly, children, and others with care needs in increasingly hostile environments. Pathways must also be gender-sensitive, considering these gendered workforce dynamics and gendered impacts of climate change.

With climate change impacting different communities in diverse ways, there is no one-size-fits-all solution. Therefore, pathways need to be designed with the communities impacted, as well as with workers and their unions both in origin and destination countries, to ensure they respond to the actual needs of those impacted, and that human and workers’ rights are not undermined. As in other areas, social dialogue must be the basis of developing and implementing rights-based and gender-sensitive pathways that lead to decent work with full human and labour rights protections.

RIGHTS IN DESTINATION FOR CLIMATE-DRIVEN MIGRANTS

Governments should actively work with trade unions to shape and implement labour market integration strategies for climate-driven migrants. Failure to plan effectively for labour market integration of newly arriving migrants can result in expansion of the informal economy and other profound consequences, including the potential to fuel right-wing populist backlash.

All workers, regardless of their migration status, need equal and enforceable rights on the job, including the right to form or join a union and engage in collective bargaining and collective action in workplaces that are free of discrimination. With union membership comes representation at work, the added protection of collective bargaining agreements, increased training opportunities, and a means of promoting social cohesion with the existing

³³ For human rights violations and decent work deficits stemming from temporary labour migration programmes, see OHCHR (2023), *We wanted workers, but human beings came*, 2023. Also see, ILO (2022) *Seasonal worker schemes in the Pacific through the lens of international human rights and labour standards: Technical report*, in particular section 6.2.on working conditions

workforce. Unions also have apprenticeship and other training mechanisms to help prepare a workforce for clean energy jobs.

Freedom of association is an enabling right that shifts power dynamics, allowing workers to protect and advance their interests through collective action and negotiations with employers. Removing barriers to organising is critical not only to reduce push factors forcing people to migrate, but also to the protection of migrant workers' rights and their socio-economic integration. Unions provide concrete mechanisms to enforce labour standards, remedy disputes and advocate for the needs of all workers.

Collective bargaining rights help promote workplace safety and health,³⁴ which has become ever more important in the context of climate change.³⁵ Migrant workers are overrepresented in "dirty, difficult, dangerous" jobs that, without adequate protections, will become increasingly deadly as the planet heats up.

Access to social protection is also crucial for migrant workers, who are disproportionately excluded from related schemes. Extending the contributory social protection schemes to cover migrants, can also "help in increasing the financing base for these schemes, as well as enlarge the pool of contributors and beneficiaries for greater collective risk-sharing."³⁶

Migrant workers must have effective access to justice mechanisms. If they are unable to report violations without fear of retaliation, such as risk of losing their migration status, detention

and deportation, it will not be possible to hold abusive employers to account. Mechanisms to monitor observance of labour standards must be adequately funded and must prioritise protection of workers' rights regardless of their migration status, rather than identifying migrants in an irregular situation and punishing them.

Governments must move away from employer-tied labour migration schemes that grant the employer control over the employment, compensation, working conditions, and migration status. Such schemes deter migrant workers from reporting labour exploitation and other abuses, joining a union and advocating for better conditions. Instead, governments must extend concrete status protections to migrant workers when they take action to report and seek justice against violations of labour laws. This includes setting up firewalls between labour enforcement and justice and immigration enforcement mechanisms.

Just Transition plans also must consider the contributions migrant workers do and can make, ensuring those at risk of losing jobs have access to new ones, including through the recognition of their skills and access to skills development opportunities. Workers' demands for job creation and formalisation go together with the call on governments to prioritise regularisation schemes for migrants in irregular situations.³⁷ Regularising the status of undocumented migrants³⁸ would help bring millions of people out of the informal economy and remove barriers to onboarding them into decent jobs and training pathways, including growing opportunities in the clean energy industries.

³⁴ See, for example, ILO (2022), *Enhancing Social Dialogue towards a Culture of Safety and Health*

³⁵ ILO (22 April 2024) Ensuring safety and health in a changing climate, *Ensuring safety and health at work in a changing climate | International Labour Organization (ilo.org)*

³⁶ ITUC (2021), *Ensuring Migrants' Access to Social Protection*

³⁷ While it is difficult to measure the number of migrants in an irregular situation, according to ILO "a cautious estimate points to about 58m migrants who are in an irregular situation." ILO (2022), *Protecting the rights of migrant workers in irregular situations and addressing irregular labour migration: A compendium*

³⁸ *Regularisation-mechanisms-and-programmes_Why-they-matter-and-how-to-design-them_EN.pdf (picum.org)*

TRADE UNION DEMANDS

- ▶ Ensure coherence between climate, labour, and migration policies with genuine social dialogue with workers and their unions as the foundational governance tool for policy design and implementation.
- ▶ Enhance the role of ILO in designing and implementing climate and migration policies, and promote the ratification and implementation of ILO standards.
- ▶ Implement a New Social Contract across the board, from origin to destination countries, including pathways, that protect and promote international labour standards for all workers.
- ▶ Address causes of climate-driven migration: Create conditions for people to stay, including Just Transition plans for sustainable societies with sustainable investments for climate-friendly job creation; protection of labour rights, including freedom of association and collective bargaining for all workers; gender equality; minimum living wages to allow workers a floor of dignity; and universal, rights-based and gender-responsive social protection systems with strengthened financing at national and international levels.
- ▶ Ensure rights-based pathways to climate-driven migrants:
 - » Scale up humanitarian pathways for those fleeing the adverse impacts of climate change that ensure access to the labour market with full workers' rights and non-discrimination, including meaningful opportunities for acquiring permanent status.
 - » Move away from temporary and employer-tied labour migration schemes to fill labour shortages, and instead allow inclusive labour market strategies that intentionally include and support migrant workers; including through accessible regularisation schemes for migrants in an irregular situation.
- ▶ Guarantee labour rights and social inclusion of climate-driven migrants in destination countries:³⁹
 - » Actively work with trade unions to shape and implement labour market integration strategies for migrants.
 - » Effectively protect the right to freedom of association, to organise and collectively bargain for all workers.
 - » Ensure effective access to justice for migrant workers and accountability for abusive employers.

³⁹ For trade union demands concerning rights of migrant workers in destination countries, see ITUC (2023), *A New Social Contract for Migrant Workers*

RELEVANT STANDARDS AND FRAMEWORKS:

- » Protocol of 2014 to the Forced Labour Convention, 1930 (P029) – ILO
- » Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – (Palermo Protocol)
- » Employment Service Convention – C088 (ILO) Migration for Employment Convention (Revised) – C097 (ILO)
- » Equality of Treatment (Social Security) Convention, 1962 - C118 (ILO)
- » Migration for Employment Convention (Supplementary Provisions) – C143 (ILO)
- » Private Employment Agencies Convention – C181 (ILO)
- » Maritime Labour Convention (MLC) – no.186 (ILO)
- » Domestic Workers’ Convention – C189 (ILO)
- » Violence and Harassment Convention – C190 (ILO)
- » General Recommendation on Women Migrant Workers – R026 (CEDAW)
- » International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) (UN General Assembly)
- » Employment and Decent Work for Peace and Resilience Recommendation, 2017 - R205 (ILO)
- » ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs (2018)
- » ILO’s Declaration on Fundamental Principles and Rights at Work (adopted in 1998, amended in 2022)
- » Global Compact for Safe, Orderly and Regular Migration (GCM) (2018)
- » ILO Guidelines for a just transition towards environmentally sustainable economies and societies for all (2015)

ITUC
International Trade Union Confederation

info@ituc-csi.org

www.ituc-csi.org

Phone: +32 (0)2 224 0211

Boulevard du Jardin Botanique, 20
1000 Brussels, Belgium

Publisher responsible in law:
Luc Triangle, General Secretary

