

MIGRANT WORKERS' CHARTER OF THE INTERNATIONAL  
CONFEDERATION OF FREE TRADE UNIONS.

PREAMBLE.

Bearing in mind that its constitution proclaims the right of individuals to social justice, to work and to choice of employment and also calls for the elimination of any form of discrimination, the International Confederation of Free Trade Unions has frequently, since its inception in 1949, taken action in favour of workers.

Affirming that workers should not be forced by economic circumstances to migrate for the purpose of obtaining employment, the ICFTU pledges itself anew to the task of achieving full employment in all countries. It will promote common efforts by countries of immigration and emigration to bring jobs to workers, on the basis of active labour market policies and strong regional policies.

Large numbers of workers migrate from certain countries because of the unacceptability of political conditions there; the ICFTU will continue the struggle to bring about democratic systems in these countries, and success in the struggle will remove another reason for involuntary migration of workers.

At the same time as working to remove the causes of forced migration, the ICFTU must provide an international rallying point for the efforts of its affiliated national centres and associated International Trade Secretariats to prevent exploitation of migrant workers and to improve their conditions of work and life in general. It will accordingly pursue vigorously the aims contained in the following migrant workers' charter.

A. EQUALITY OF RIGHTS WITH NATIONALS.

1. Employment.

The employment rights of migrant workers should be equal to those of national workers. This principle should apply particularly in the following fields:

- (a) remuneration and related benefits;
- (b) conditions of work;
- (c) security of tenure of employment;
- (d) opportunities for seeking new employment;
- (e) access to employment and vocational guidance services;
- (f) access to vocational training and retraining;
- (g) opportunities for using skills acquired either in the country of origin or in the country of reception;
- (h) opportunities for promotion.

The ICFTU calls for concerted efforts by public authorities and other bodies concerned in countries of reception of migrant workers in order that theoretical employment rights may be enjoyed fully in practice.

## 2. Social Conditions.

Migrant workers should have access to the same social conditions as nationals.

In particular:

- (a) Migrant workers and their families should receive equal treatment with nationals in respect of social security, including medical assistance. Waiting periods for benefits - where these are not waived through reciprocal social security arrangements - should not be longer for migrant workers than for national workers. Family allowances should be payable on the same basis as for nationals. National legal retirement, invalidity and widows' pensions should be payable either in the country of reception or in the country of origin of the beneficiary at the same rate in both cases; if a migrant worker or his widow is able to benefit from a national retirement, invalidity or widows' pension scheme to which he has paid contributions, his own contributions should be returned to him. Migrant workers coming from countries not forming part of the European Economic Community and working in a Community country should, when they visit another Community country, have the same rights to social security benefits as nationals of the Community country where they work.
- (b) Tax allowances for dependents should be on the same basis as for nationals, irrespective of the place of residence of the dependents concerned.
- (c) Adequate housing should be provided for incoming migrant workers by the authorities of the country of reception or by employers before they begin work. Special efforts should be made to deal with overcrowding and insanitary conditions, whether these occur amongst migrant or national workers, and minimum standards of lodging should be enforced. Housing should be available to migrant workers on the same terms as nationals, and undue concentration of migrants' housing, segregating them from the national population should be avoided. The wishes of migrant workers to have their families to join them in the country of reception should be taken into account in planning for the provision of housing.

## 3. Participation in community activities of the country of reception.

- 1. Migrant workers should have the same right as national workers to join trade unions in the country of reception, to express their aspirations through them and to hold any office in them.
- 2. Migrant workers should have the same rights as national workers in respect of works councils, health and safety committees and similar bodies on which the personnel of the firm is represented. They should have the same rights

as national workers to participate in procedures for the settlement of industrial disputes.

3. Migrant workers should have freedom to express their social, political, cultural and religious opinions, in the same way as national workers.
4. Public authorities and other bodies concerned in countries of reception should make concerted efforts to bring migrant workers into community activities, so that they can play an appropriate part in these and seek solutions to problems of migrant workers at all levels.

## B. RESIDENCE AND FAMILY REUNION.

### 4. Residence.

1. Migrant workers who have been authorised to take up work in a country should be allowed to stay in that country and have a job there.
2. Formalities connected with the residence of migrant workers in the country of reception should be kept to a minimum.
3. Low-cost legal assistance should be provided to migrant workers involved in legal processes connected with their residence, as well as on other occasions on the same terms as nationals.

### 5. Expulsion.

1. Expulsion of migrant workers should be connected only with a limited number of offences against the law, and even in these cases expulsion should not be automatic. Minor offences against the law should not give rise to the expulsion of migrant workers.
2. The power of expulsion should be in the hands of a court, allowing for all due processes of law. If nevertheless expulsion can be decided on by an administrative authority the decision should be signified to the migrant worker concerned together with the precise motives for the decision; there should be a right of appeal to a court of law.
3. Decisions concerning expulsion should be suspended while an appeal procedure is in process. If the expulsion becomes effective, the migrant worker and his family should be allowed sufficient time to put their affairs in order and to try and obtain admission to another country than their country of origin if they so wish.
4. Migrant workers should not be forced to return to countries which they have left because of opposition to a dictatorial regime.

### 6. Family reunion.

1. Migrant workers should be allowed to bring their wife/husband and children normally living under the same roof as the head of the family, to join them in the country of reception. This right should take effect as soon as the

- migrant worker has suitable housing available for them.
2. In the case of migration of workers from certain countries, account should be taken of the fact that the concept of a family does not present the same characteristics as in Western countries. The family policy in the country of reception should respect these specific characteristics.
  3. Where the family of a migrant worker remains in the country of origin, the migrant workers should be entitled to visit them on the occasion of annual holidays without losing any rights as a result of absence from the country of reception. Alternatively, the migrant worker should be entitled to be visited by his family for a reasonable period each year. Public authorities and employers should facilitate such travel.

#### 7. Naturalisation.

Procedures for naturalisation in countries of reception should be simplified and costs should be reduced to a minimum.

#### C. OVERCOMING LINGUISTIC AND OTHER HANDICAPS OF MIGRANT WORKERS.

#### 8. Preparations before departure.

Migrant workers should receive in their country of origin an introduction to the language of the country of reception and instruction in the work organisation and social life of that country, as well as precise information about the job to which they are going. Such pre-departure training should be organised jointly by the authorities dealing with the labour market in countries of origin and reception, and they should ensure that only objective information is imparted. The courses should not affect in any way the authorisation given to individual workers to migrate.

#### 9. Reception and information.

1. On arrival in the reception country, migrant workers and their families should be given all appropriate information and advice in their own language, as well as assistance for their settlement and adaptation.
2. The authority or the employer concerned of the country of reception, with the collaboration of the trade union movement, should provide an introductory course for migrant workers, where these have not been able to attend such a course in the country of origin.
3. The trade union movement should receive every facility for meeting migrant workers on their arrival, in order to give them appropriate information and assistance.
4. Where the migrant worker is engaged through a written

work-contract, the employer should provide this in the migrant worker's own language.

10. Language problems.

1. The authorities of the country of reception should facilitate the teaching of the language of the area to migrant workers and their families. Migrant workers should be enabled to attend an appropriate number of lessons in the local languages during working hours without loss of pay. Language courses should be organised with the collaboration of the trade unions.
2. Where a plant employs substantial numbers of migrant workers who cannot speak the language of the country of reception, interpreters should be engaged, to assist and interpret for migrant workers. They should be appointed in consultation with the trade unions and should have the right to circulate freely in the plant. They should be present and interpret in the handling of grievance procedures.
3. Migrant workers should be allowed to communicate with public authorities in their own language on matters concerning their rights.

11. Vocational training.

1. The authorities of the country of reception, the employers and the trade unions should make special efforts to ensure that migrant workers are informed about their rights to vocational training and about the advantages to be obtained from attending such training.
2. Wherever practicable migrant workers should be allowed to develop vocational skills acquired in the country of origin, so as to be able to obtain appropriate qualifications and employment in the country of reception.
3. Wherever possible migrant workers should be encouraged to undertake vocational training which is not only relevant to their advancement in the country of reception but would also enable them to find suitable employment in their country of origin, in case of return there.
4. In view of the connection between vocational training and technical and general education, as well as for other reasons, the access of migrant workers to all fields of adult education should be facilitated.

12. Health and industrial safety.

1. Special attention should be paid to the health of migrant workers and their families during the period of adaptation to the environment of the country of reception. Doctors speaking the language of major groups of migrant workers should be encouraged to establish practices in the

areas concerned, or the services of interpreters should be available to migrant workers attending consultations. Firms employing migrant workers should ensure that their medical services are able to cope with the needs of these.

2. Migrant workers should be given training in industrial safety precautions, taking into account their language difficulties and possible unfamiliarity with industrial conditions. Employers should have responsibility for ensuring that safety instructions are understood by all migrant workers.

#### D. CULTURAL QUESTIONS, EDUCATION OF CHILDREN AND RETURN HOME.

##### 13. Cultural links with the country of origin.

The authorities of the country of reception should facilitate activities of migrant workers in connection with their native culture. These authorities should also stimulate the interest of the national population in the cultures of the major groups of migrant workers present in their country.

##### 14. Education of children of migrant workers in the country of reception.

1. The children of migrant workers resident in the country of reception must comply with regulations concerning compulsory schooling as soon as they are of school age. Taking into account differences of programming of education in different countries, courses for catching up and literacy courses should be instituted, to allow children of migrant workers to undertake studies in the country of reception in favourable conditions; teachers for such courses should receive special training and have knowledge of the culture and language of the country of origin of the children concerned. Migrant workers' children should have opportunities for further education equal to those of nationals. Special efforts should be made to make the parents aware of the educational choices open to their children.
2. Children of migrant workers receiving education in the language of the country of reception should be enabled to study the language of their country of origin through special lessons organised for them by the authorities of the country of reception.

##### 15. Return home and reintegration.

1. Where migrant workers wish to resettle in their country of origin, the authorities of the countries of reception and origin should collaborate in assisting them to find employment appropriate to their skills in the latter

country, through giving information about job vacancies, through employment creation programmes and in other ways. Occupational qualifications gained abroad by migrants should be recognised in the country of origin.

2. Every assistance should be given by the authority of the country of origin in connection with other problems of resettlement.
3. Educational qualifications gained abroad by migrant workers' children and periods of study abroad should be recognised in the country of origin. Special classes for improving knowledge of the language of the country to which the children have returned should be instituted.

E. TRADE UNION PARTICIPATION IN DECISIONS CONCERNING MIGRANT WORKERS.

16. Decisions concerning migrant workers at international, national, and local levels.

1. There should be multilateral agreements on migrant workers' conditions covering all countries of origin and of reception of a substantial number of migrant workers. Pending the extension of existing multilateral agreements, bilateral agreements should be concluded between governments, where these do not already exist. The objective should be to raise the conditions of all migrant workers up to the level of the best.
  2. The International Confederation of Free Trade Unions should play a full part in the formulation and execution of all multilateral agreements concerning migrant workers.
  3. Trade union movements of countries of origin and reception should participate in the formulation and execution of bilateral agreements between their respective countries. Trade union movements of the two groups of countries should conclude bilateral agreements on mutual co-operation on migrant workers' questions, where these do not already exist.
  4. Trade union movements at national and local levels should play a full part in the determination of overall policies concerning migrant workers and in all procedures of public institutions concerning these workers.
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