



Labour Migration and International Labour Standards: An Assessment in Terms of Labour Market

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Abstract: *Migration is a complex process and has many dimensions to deal with, such as governance, the protection of migrant workers, development linkages and international cooperation. Labour migration is also related to wage differentials, the relative ease or difficulty of relocating to another country and the absence of support networks. In the world millions of workers (labour) are travelling within and outside their countries in order to get jobs, better opportunities of employment and life. According to the ILO statistics its estimated that 232 million workers are international migrants in 2015. It's been foreseen by ILO that globalization, demographic shifts, conflicts and climate change will be increasing the number of workers who will be seeking employment and security outside their countries. The economic globalization has increased that number especially in the developing countries in where there is a huge problem of unemployment and poverty.*

Keywords: *Labour migration, Labour standards, Globalization.*

Introduction

Migration is a complex process and has many aspects to deal with, such as governance, the protection of migrant workers, development connections and international cooperation. Labour migration is also related to wage differentials, relative easiness/difficulty of moving to another country and absence of support networks.

In the world, millions of workers (labour) are travelling in their country or abroad in order to have jobs, better opportunities of employment and life. ILO statistics estimate that 232 million workers were international migrants in 2015. ILO predicts that globalization, demographic shifts, conflicts and climate change will increase the number of workers who seek employment and security outside their countries. The economic globalization has increased that number especially in the developing countries where there is a huge problem of unemployment and poverty.

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There are certain causes of the international labour migration. Being constructional issues, those are mainly follows: inequalities of developments of the countries, differentiation of production styles during the transformation process of information society and the increasing need for the skilled work force, homogeneous education systems among the countries, the trends of cultural and social likeness between the countries, political and vocational reasons, employment of youth, difficulties at matching the skills and jobs, the low level of incomes for the highly skilled workers, the lack of institutional infrastructure at the workplace, insufficiency for innovation and the internationalization of the vocational systems.

International standards are also an important issue for labour migration. Migration management and the necessity of regulating the labour market could be provided by a legal arrangement which complies with the international standards. If the economic and social conditions are rearranged according to the terms of globalization, labour migration and labour market could be more strengthened. But when it comes to national politics/practice and international refugee standards, a universal regulation has not been created yet. Existing international instruments function as a convenient guide to both of them (national and international migration policies). They are based on the ILO norms and the experiences derived from all those years.

The aim of this study is to explicate the standards of ILO, and other international organizations and the formation of labour standards at international level. The difficulties and obstacles of the creation of labour standards will also be analyzed in details at this study.

Globalization and International Labour Migration: Trends and Movements

One of the most distinctive features of the globalization process which has been experienced for the past two decades is the increasing mobility of the people between regions, countries and the continents. As there is more stringent regulations and prevention on workforce than the capital, goods and services, its mobility has not increased as much as the mobility of the capital, the goods and services, but its long and short term movements have increased. The employment abroad, which is called foreign worker stream, labour migration and brain drain indicate that a part of the country's workforce leaves the country in order work and to be employed there.

Concerning the amount of labour migration all over the world, it is important to understand its impact on social and economic development in the worker's homeland and the destination country. Sufficiency of the migrant worker's skill to fulfil the needs of the labour market at the destination country is also an important issue. The human and labour rights of migrant workers are fundamental issues to be dealt, because the migrant labours are active agents for the development of the home and destination countries.¹

¹ Marzia Rango and Frank Laczko, *Global Migration Trends: An Overview*, Geneva: IOM, 2014, p.18.

The migration of the highly skilled labour has also a big importance as a part of the labour migration and it should be handled both in respect of its means and ends. Labour migration has an impact on the economic conditions of the destination country at macro (gross national product, unemployment etc.) and micro levels (elasticities of wages, prices, taxes etc.). The economic system (liberalism, socialism etc.) of the country is also an important parameter which has a certain impact on labour migration.

Practical applications concerning the labour relation cause the states, social partners and the civil society to face a dilemma regarding the ways of managing a policy about labour migration. In many countries, the governments apply some legal obstacles to prevent labour migration. As the illegal labour migration reaches large figures, there seems to be no toleration in this matter. That means the migrant labours are not employed at the same working conditions and at such high wages as the native workers. The sectors, which employ the illegal workers generally provide irregular work, minimum wages and unhealthy working conditions. The presence of a labour force in a non-standard environment cause capital and employment to shift from a formal economy to an illegal one.

Regardless of intention, many governments introduce restrictive policies for the illegal workers as a result of the news against the foreign illegal workers on media and the bad images gained by the public opinion. The new development about immigration is the context of crime and migration relationship. In particular, the illegal migration of the people who have been in crime in their native countries causes the labour force to turn to a terrorist nature in terminology. It has been clearly seen that the increase in crime are highly correlated to the reports that entirely show violence.

Migration could also be described as the movements of the population with economic, social, cultural, political, religious reasons and as a result of natural disaster. In other words, migration is a decision of individuals and/or communities to leave their country with the expectation of better life conditions and moving to the new settlements temporarily or permanently.

In recent years, the ILO's study on migration indicates that the pressure of migration has negative effects at many parts of the world. The effects of international migration, in conjunction with the globalization process in the developed capitalist countries, is at the level of devastation. In many developing countries, especially in economic and social terms, as related to poverty, growing unemployment together with growing economic crisis and the of abandonment of traditional trade is littering the socio-economic structure. In addition, the lack of legal protection at the international level for migrant workers cause them to be considered a sustainable competitive tool.² It is because they are being forced to work in the unsuitable working conditions. Especially some of them, which migrated through illegal ways, have faced extremely hard conditions as a result of the fact that they are helpless against the risk of arrest, deportation and dangerous working conditions. Practices related to the

² Paul Krugman, "Competitiveness: A Dangerous Obsession", *Foreign Affairs*, 73/2 (1994), p.32.

labour migration have caused the states, social partners and civil society to face with a dilemma regarding the regulation of a policy about this subject.

In many states the legal obstacles are being applied about labour migration. As the illegal labour migration has reached a high quantity, there has not been yet any toleration about this matter. It means that the migrant workers are not being employed at the same working conditions with the native workers. For instance, they are paid less. The sectors which employ the illegal workers generally offer irregular works, minimum wages and unhealthy environments of work. Availability of workforce at the non-standard environment causes the capital and employment in the formal economy turning into underground economic activities.

In many countries, governments are introducing restrictive policies as a result of the news against foreign illegal workers in the media and their bad image in the public opinion. Crime-linked immigration and migration concept is now turning into a terrorist structure by using language and terminology of contentious illegal migration. Consequently, the increase in crime that occurred and the existence of the reports that entirely contain violence in all regions clearly show that the new impression arose for a reason.

As a result, more and more people migrate to other countries for a better life. Castles and Miles qualify the period that we are living in as “migrations period” considering the mobility of this globally intense migration.³

The Dimensions of International Labour Migration

Nowadays, it has been discussed that there is the inadequacy and uncertainty of the information supplied about the dimensions of international labour migration. However, according to the data of the United Nations and the other international organizations the international labour migration has become a global issue more than ever.

Each year, millions of people, who look for jobs, high fee possibilities, better educational opportunities for themselves and for their children and want to escape violence and restriction, are crossing the international borders. The countries which received large quantities of migrants in past, are, nowadays, exporting migrants to other countries gradually.⁴ According to the International Organization for Migration (IOM), approximately one in seven people today are migrants: 232 million people are international migrants, or 3.2% of the world population, and 740 million are internal migrants⁵

According to the “World Migration Report (2011)” which was prepared by IOM, international net migration rate on world-wide has not decreased in 2010 despite the global economic crisis impact. The migrants continue to migrate to the developed

³ Stephen Castles and Mark J. Miller, *The Age of Migration*, London: Palgrave, 3th Edition, 2008, p.14.

⁴ Ana Maria Iregui, “Efficiency Gains From the Elimination of Global Restrictions on Labour Mobility”, ed., George J. Borjas and Jeff Crisp, *Poverty, International Migration and Asylum*, London: Palgrave, 2005, p.36.

⁵ *World Migration in Figures (2013)*, OECD-UNDESA, October 2013.

countries which has the impact of the economic crisis such as the United States. Although it is a small amount, the amount of migrants who migrate to those countries have declined. For example, the amount of migration in 2009 in the United States has declined from 1.13 million to 1.04 million in 2010; In UK, from 505.000 to 470.000; in Spain from 692.000 to 469.000; in Sweden from 83.000 to 79.000 and in New Zealand from 63.000 to 57.000. According to the report, 214 million people worldwide in 2010 are estimated to be on international migration. According to the same report, the volume of the in-country migration was estimated at 740 million people.

According to the data of International Organization for Migration (IOM), country statistics indicate that international migration has reached a deplorable level. Since there isn't data available, the current statistics are only based on estimates. The best predictions on international labour migration and their families belong to the year of 2013. And these are presented below in Table 1.

Table 1. International Migrant Stock (in millions)

<i>Years</i>	<i>1990</i>	<i>2000</i>	<i>2010</i>	<i>2013</i>
<i>World</i>	154.2	174.5	220.7	231.5
<i>Developed regions</i>	82.3	103.4	129.7	135.5
<i>Developing regions</i>	71.9	71.1	91	95.9
<i>Africa</i>	15.6	15.6	17.1	18.6
<i>Asia</i>	49.9	50.4	67.8	70.8
<i>Europe</i>	49	56.2	69.2	72.4
<i>Latin America and the Caribbean</i>	7.1	6.5	8.1	8.5
<i>Northern America</i>	27.8	40.4	51.2	51.1
<i>Oceania</i>	4.7	5.4	7.3	7.9

Source: United Nations (2013), Trends in International Migrant Stock: The 2013 Revision.

During the period 2000-10, the global migrant stock grew twice as fast than during the previous decade. During the 1990s, the global migrant stock grew at an average of about 2 million migrants per year. During the decade 2000-10, the growth in the migrant stock accelerated to about 4.6 million migrants annually. However, since 2010, the increase in the migrant stock has slowed down. In the aftermath of the global economic crisis, the annual increase in the global migrant stock fell to about 3.6 million since 2010.⁶

Since 2000, the migrant stock in the South has increased more rapidly than in the North. Between 2000 and 2010, the average annual growth rate for the migrant stock in the South was 2.5% per annum. In the North, the annual growth rate was around 2.3%. Since 2010, the annual growth rate has fallen to 1.8% in the developing regions and 1.5% in the developed regions (see Table 2).

⁶ *World Migration in Figures (2013).*

Table 2. *The Distribution of International Labour Migration among the Regions*

<i>Region</i>	<i>Population</i>	<i>%Percentage in the Total Population</i>
<i>World</i>	231.522.2	3.2
<i>Africa</i>	18.644.5	1.7
<i>Asia</i>	70.846.8	1.6
<i>Europe</i>	72.499.9	1.4
<i>Latin Armerica and Caribbean</i>	8.548.1	1.4
<i>North America</i>	53.094.9	3.7
<i>Australia</i>	7.938.1	1.5
<i>Turkey</i>	1.864.9	2.5

Source: UN, Department of Economic and Social Affairs, Population Division, 09.12.2013.

The given data and the trends imply that the present sum of migrant workers and their families in the world is around 120 million. The number of migrant workers in the world is estimated to be around 180 million people by IOM and the United Nations. As these estimates are speculative in some aspects, it is also been estimated that international migration will double between the years 1975-2010. In particular, the number of people living outside their home country will reach from 75 million to 150 million people.

As the migration movements evaluated in light of the explanations hereabove, it will be observed that the international migration has been gaining momentum in over the past two decades. More and more countries begin to be affected by migration movements. As the number of the countries receiving migration have been increasing, also the number of the source countries have been multiplying and hence the target countries are faced with migrants coming from very different economic, social and cultural grounds.

The Effects of International Migration on Labour Market

The consequences related with its social, political, cultural and economic dimensions benefits and costs of international migration have been the subject of many scientific work. From the economic point of view, some of the studies addressing the migration fact consider the issue in an optimistic way and claim that the migration has positive effects on economic variables. On the other hand, some others with pessimistic thoughts claim that economic variables are negatively effected by migration. The relationship between economic development and migration could be given as example for those two different types of thoughts.⁷ The core of migration is the migration of labour; due to the existence of global economic inequalities workforce supply and demand is not just assessed within the national borders, but also across national borders.

⁷ Demetrios G. Papademetriou and Philip L. Martin, *The Unsettled Relationship: Labour Migration and Economic Development*, New York: Greenwood Press, 1991, p.3.

The labour globalization efforts through trade is a result of surrounding countries' work for a flexible employment market. In this context, as a result of the relatively cheaper labour in the surrounding countries, the production of central countries have been directed to the surrounding countries either with such methods like sub-contracting or via their multinational companies. The central countries are directing the production-employment-trade relationships at the neighbouring countries based on that approach. Along with the increase in international migration, one suggest that there should be a link between the trade and labour standards, believe that the developing countries with low wages or labour cost have an unfair competitive advantage in international trade.

Those worries are more of a "the impact of migration on labour market" or more specifically focuses on two questions: will the increase in labour supply due to migration reduce the wages of natives in the receiving countries? If the labour markets are not fully competitive, does it increase the unemployment? In the United States, political and academic debates are mostly focuses on the idea if the international migration will reduce the wages in the country, in Europe, as the labour market institutions are more solid and the unemployment rates are high, the employers are not willing to hire the migrant workers instead of locals.⁸ This claim is based on two motives.

One of them is that the attenuation of bargaining power of labour by the low standards of work, the other one is that the cost of labour of low work standards have been effected negatively by the payments other than the salary.⁹ Borjas and others (1997) studied the impact of migration and trade at the operation of the labour market in the United States and they observed that migration has an apparent opposite effect on the economic situation of the lowest qualified employee (at the 20% slice of the bottom of the wage distribution and for the people educated less than high school education) in the United States.¹⁰

The migrants which are employed in developed countries are getting the opportunity of generating revenue from 20–30 times more than they earn in their own country. In spite of their high level of life standards they are able to send some money in foreign currency to their families and home countries. This situation causes growing number of people legally or illegally enter the process of the foreign migration, too (IOM, 2003).

The existence of the demand for migrant workers is accelerating the flow of labour in terms of migrant workers. Despite high unemployment in developed countries, it would be possible to find jobs easily for foreign workers, including the ones illegally coming. For example, a Mexican illegal worker could find a job easily in two weeks

8 Herbert Brucker, "The Labour Market Challenge Does International Migration Challenge Labour Markets in Host Countries? A Critical Review of the Recent and Traditional Literature", *Research Report Background Paper, EU-US Immigration Systems 2011/21*, Washington DC: Migration Policy Institute, p.11.

9 Stephen S. Golub, "International Labour Standards and International Trade", *IMF Working Paper, WP/97/37*, 1997, p.14.

10 George J. Borjas, Richard. B. Freeman and Lawrence F. Katz, "How Much Do Immigration and Trade Affect Labour Market Outcomes", *Brookings Papers on Economic Activity*, 1 (1997), p.52.

after arrival to the United States. Similarly those examples could be applied in foreign illegal workers in Europe.

Small and medium-sized enterprises and labour-intensive sectors they don't shift their investments abroad. At these sectors, there are some applications particularly to reduce the cost of labour and employment. Those applications are such as the reduction of the impact of labour in the production process, deregulation and employment flexibility. The vast majority of countries are referring to those applications which are particularly applied for the low-skilled jobs.

Those kind of employment need low wages, dangerous working conditions are not accepted by the domestic workers. Because, the social welfare policies and unemployment insurance applications for the unemployed at those types of countries are generating an alternative for working people.¹¹

Globalization, International Labour Migration and Labour Standards

Efforts to develop labour laws at the international level go back to the first years of 19th century. The first efforts for the development of international labour standards are the result of the applications to provide laws that protect employees at the national level and increasing trade and competition among the countries.¹²

It's known that in many parts of the world, working conditions are far below a moral and socially acceptable level and there is an intense debate about it continuing without interruption. Regulation of social standards are regarded as a homogeneous process in terms of development of the global market and a higher standards of life. While a number of authors who deal with globalization insist that the last situation is an inevitable fate, some others emphasize the fact that the operations of creating a global market is a political task as prescribed by the logic of the economic system.¹³

It is possible to mention about two main effects of globalization on labour standards and the labour market. The first one is related with the effect of globalization onto labour markets in developed countries and its consequences. Debates on this topic, often within the framework of international trade liberalization and the increasing international competition are based on the opinions that the import from the countries with low working standards and low labour cost is threatening the employment of low-skilled workers and labour-intensive industries in developed countries.¹⁴

However, the second effect of globalization oriented towards the labour markets of developed countries take place through multinational companies and foreign capital investments. Globalization causes the trade liberalization and the transboundary mobility of the capital to the extent, which was not possible before. By contrast,

11 Peter Taylor-Gooby, "Postmodernism and Social Policy: A great Leap Backwards?", *Journal of Social Policy*, 23/3 (1994), p.386

12 Zeki Parlak, "Küreselleşme ve Çalışma Standartları", *Bilgi Sosyal Bilimler Dergisi*, 9/2, 2004, p.46.

13 Suzanne Berger, "Introduction", ed., Suzanne Berger and Ronald Dore, *National Diversity and Global Capitalism*, New York: Cornell University Press, 1996, p.45.

14 Parlak, "Küreselleşme ve Çalışma Standartları", p.45.

the same process makes the demand highly elastic oriented towards the workers' labour for which it's not possible to have the same mobility as the capital. In other words, while for the multinational companies the capacity of reaching and employing alternative labour sources is greatly increasing, the bargaining power of the local workforce which doesn't have global mobility is lessening dramatically against those companies. As well as this means more uncertainty and instability for the unskilled workers, this also means more unemployment and poverty.¹⁵

Many countries do not have the economic power to meet the costs of creating the social standards. In this context, it is not possible to create active and healthy policies for the countries abstracted from the developments in the other countries. In particular, it is a major problem that the differences between countries and social prosperity conflict with the realities of the social policy after the World War II. Those conflicts are the erosion of international labour standards, the decline on real wages, the increase in child employment, the increase in dismissals, the unemployment problem becoming structural, social disturbances and increase of violence.

By contrast, increasing international competition seems to be an important paradox. However, despite all these developments, the establishment of social standards in the international arena, which will cover all countries, is inevitable. It is because, all these developments is a negative development from the point of social policy and it does not only threaten the social peace, but it also decreases the social welfare. In particular starting in the 1980's the structural editing programs which have been applied in many developing countries are good examples that can be given for this effect.

Global organizations such as IMF and OECD have great effects about creation of migration and labour standards. However, these organizations give priority to the economic policies. Asking the governments to adopt the policies, the reduction of the national debts and deficits, anticipating an intensive social expansion and privatising the social welfare have caused the social policies to become neoliberal.¹⁶ Besides, the recommendations of the advanced countries oriented on commercial restrictions have a double plot standard. For example these countries complain that the import arising from the competition endangering the governments' ability to determine their own standards. But then, they mention that the solution is the trade policy compelling the other countries to implement their own standards. After all, the trade policy which is based on the claim of national sovereignty has a feature of dictating the conditions of the country's mandatory adjustment with its trade partners.

However, such condition might cause the isolation of that country from the world economy instead of the creation of its labour standards. This situation doesn't only create an economic disaster for that country, but also creates the social conflict. Therefore, a single dominant country or group of countries should be ineffective and

15 Andre Sapir, "The Interaction Between Labour Standards and International Trade Policy", *The World Economy*, 18/6, 1995, p.31.

16 Gøsta Esping-Andersen, "After the Golden Age? Welfare State Dilemmas in a Global Economy", ed., Gøsta Esping-Andersen, *Welfare States in Transition. National Adaptations in Global Economies*, London: Sage, 1996.

should not force others to follow and global trading system should not be based on a one way “*fair system*” concept; it should be based on a versatile “*fair system*” instead. However, this approach brings along serious objections. This is a claim of moral responsibilities at the implementations of labour standards.

There are two opinions about this issue. The first one is that there is an inexhaustible potential of the referencing for moral or natural law for the global movement. One-sided trade restrictions based on moral principles could create a slippery floor as each country may find moral defects in other countries policies. Secondly, it could be thought that those kind of measures would be damaging or ineffective. Therefore, there is a claim that applying the minimum fee together with commercial limitations in order to remove the poverty would cause more unemployment and poverty. If, under the terms of globalisation, the economic and social conditions are regulated, international labour migration and labour market could become more strengthened. But when it comes to international refugee issue, there has not yet been any universal regulation in practice and in national politics. Existing international instruments about migration and national and international migration policies serve as a convenient guide for both of them. These are depended on the ILO norms and long-term experiences. Especially ILO norms provide a key route for national policies.

Labour Standards, ILO and International Activities

The trade and labour standards is not new issue. The initial studies on this matter go back to the establishment of the International Labour organization (ILO) in 1919. The approaches used for the labour standards in the international arena face two main problems which prevent any development to this direction. First; accessibility of a lot of approaches such as voluntary corporate codes are limited with consumer goods industry in the international sector at the moment. The employees out of the non-consumer goods industry, the local sector employees (for example, most of the employees in the service sector) or the employees under the difficult circumstances at the large informal sector in developing countries could not benefit from those corporate codes. Unless a way is found to allow employees, who work in many different sectors, to benefit from those corporate codes and North American Study Cooperation Treaty arrangements or such, the effects of those approaches would be limited. Secondly, the approaches which aim improvement of the working standards encompassing are stucked with North-South discussions questioning if the working standards should have a privilege of trade.¹⁷

There are many approaches about dissemination of international labour standards. On one part of the approaches, there is the idea that the working standards are an internal matter concerning the national economy and the problems related to those standards should only be dealt by the appropriate national governments.¹⁸ There-

17 Anil Verma, “Global Labour Standards: Can We Get from Here to There?,” *International Journal of Comparative Labour Law and Industrial Relations*, 19/4, (2003), p.518.

18 Lee Eddy, “Globalization and Labour Standards: A Review of Issues”, *International Labour Review*, 136/2 (1997), p.178.

fore, any international forum should not do anything about it. This idea was a de-facto position in World Trade Organization existing until 2002. Although this policy may be changed in the future, “doing nothing” policy has been marked on the approach of World Trade Organization in the last two decades. The more specific policy of this spectrum is the ILO approach which is known as working standards and is the collection of treaties covering 5 main principles (ILO, 1999).

These treaties are not improved or adopted as an answer to the recent globalization process. These treaties have a long historical past with the ILO’s defencing of the working rights since 1920’s. Nevertheless, the occurrence of these treaties as working standards collection in 1990’s is a result of the need for the labour rights and the protection and the improvement of those rights.¹⁹ When setting up and improving these standards, ILO created a high spiritual atmosphere for the political movement and discussion which may arise in universal scale. But ILO’s this target has been ended with the adoption of those working agreements. The entry into force of these have been left to the each country’s national governments. ILO didn’t have the resources to enforce and to observe the standards at the universal level. To be effective, this approach should be supported by national governments around the world.²⁰

International labour standards should be a part of the international development agenda. The objections in front of the labour standards which are the recognition of freedom of trade unions and collective bargaining, the ban on child labour and removal of the worst forms of child work, the removal of the forced labour of all shapes, equal pay for equal work and the removal of the distinctions in the employment responsibility were discussed at the World Summit for social development in 1995. These were reported in the declaration of ILO’s principles and working rights in the Declaration in 1998.²¹ The ILO’s 8 basic agreements were approved by the majority of the ILO member countries, but often they could not be applied. It is mandatory to feel responsible for the above mentioned standards in order to implement those other labour standards such as occupational health and safety, social security, recreation time, working hours, wages, human resources development and full and productive employment.

A country’s acceptance of international labour standards doesn’t have a conflict with its development. On the contrary, the achievement of those standards should be seen as a major piece of its development. This emphasis is important since it has been often asserted that the countries before adopting the ILO standards in a reasonable manner, at first had to reach a high level of development²² The key factor underlying the ILO’s activities is studying on labour rights. The ILO’s activities is the provision

19 Tom Kenny, *Sosyal Hakları Avrupa’nın Her Yerinde Uygulatalım*, çev., Tekin Akıllıoğlu, Ankara: A.Ü. S.B.F. İnsan Hakları Merkezi Yayınları, 1997.

20 Verma, “Global Labour Standards: Can We Get from Here to There?”, p.519.

21 William F. Felice, “The Viability of the United Nations Approach to Economic and Social Human Rights in a Globalized Economy”, *International Affairs*, 75/3 (1999), p.568.

22 Abdulkadir Şenkal, *Küreselleşme Sürecinde Sosyal Politika*, İstanbul: Alfa Yayınları, 2011, p.318.

of the protection of working rights in a legal framework and the expansion of those rights.

International Activities Impact on Labour Standards

Although there are significant progresses for the development of labour standards at the supranational level, those progresses are realised in a very limited and irregular way. The impact of international non-governmental organizations, which directs the social policy at the ultimate stage, is much more powerful than the impact of the organisations, which try to establish the social rights. United Nations, ILO and the European Union, at their directions, all have had a progress of generating and formulating a social and labour standard which will be valid among the countries. In addition, the United Nations and its affiliates continue creating a global discussion form on social standards. At this point, there is a big duty for United nations for the management of the migration on the basis of human rights; however, the provision of cooperation and coordination among the developed and developing countries do not seem to be possible due to the asymmetry between the benefits.²³

The UN adopted The International Convention of the Protection of the Rights of the Migrant Workers and the Family Members in 1990. At this platform, certain efforts were made to draw attention to the issues of hunger, poverty, unemployment, social protection and social justice at the supranational perspective. Special conferences or summits have been realised on this subject, and on various subjects recently. Discussions on “children” held in 1990, “development” in 1992, “population” in 1994, “social development” in 1995 and “women’s Summits” in 1996 can be given as examples. In this regard, the ILO Convention of 1754 and the recommendation of 185 are available. Many of these standards overlap with the contracts of United Nations. However, according to the principle of voluntary participation and the lack of sanction at ILO, the number of members who signed the contracts vary widely. For example, the Convention of Basic Rights of Workers has been signed by more than half of the Member States. For this reason, there are only small number of contracts which can be seen as universally accepted working standard.²⁴

The ILO Contracts of 97 and 143 which ILO is trying to adopt to all countries and Protocol Palermo form the basis of fight against the human trafficking and the international migration. The contract no. 97 is related to migrant workers in regular status and covers the issues related to them leaving their countries, their travel, their admission and the transfer the revenues. There are three attachments to the contract. Two of those attachments are related with the recruitment of regular migrant workers, their placement in work and the working conditions. The third one is related to the importation of the personal materials and tools of the migrant workers. The contract,

23 James F. Hollifield, “World Migration 2003 Challenges and Responses for People on the Move”, *The Emerging Migration State, International Migration Review*, Geneva: IOM, 38/3 (2003), p.11.

24 Hans-Goran Myrdal, “The ILO in the Cross-Fire: Would It Survive the Social Clasue?”, *International Labour Standards and Economic Interdependence*, ed., Sengerberger, W. Sengerberger and D. Campell, Geneva: ILO, 1994, p.23.

on various issues regarding employment decrees that the migrant workers can not be treated with less rights than that country's own citizens.

In this topic, the main problem is how the social standards of the countries would be operated together with the economic capacities. Who will formulate these standards and to what extent there will be the validity of this capacity? Those are the important questions and the broad principles should be replaced by the social protection rules. The general opinion on this topic is that the appropriate standards should be shown by social compromise. However, the other factors such as countries' experiences and opinions of experts are also related to the subject. Developing countries, as compared with the more advanced countries have the advantage of learning both positive and negative lessons. Moreover, the subsidiaries of the UN, the ILO and the non-governmental organisations constitute a rich source related to social development.²⁵

A way of institutionalizing social welfare in the developing world is reflecting it depending on the capacities and the economic standards of the countries. For example, the standards that are calculated based on income per capital could become social conditions for countries that adopted the economic capacity. As the countries have economic developments, for living, their social standards will rise to the same extent. This will perform climbing up at the labour standards instead of the falling down with the witnessed unarranged globalization nowadays.

Labour standards would guarantee that the work would reduce the vulnerability of the employees rather than the increase. Copenhagen Declaration approves the commitment of the basic ILO work standards which are stating a fair and advantageous business situations. The ILO'S fundamental standards also define business rights specified in UDHR and ICESCR:

- ***The right of association:*** The right of collective bargaining and the regulation of working conditions.

The workers have the rights to set up and to join the organizations of their choice. They also have the rights of protection from the anti union movements of discrimination. They should be encouraged for voluntary collective bargaining and regulation of working conditions and their status.²⁶

- ***29 and 105: The removal of the compulsory work:*** The government should not apply the compulsory work.
- ***100: Equal rations:*** Equal work or work of equal value for women's right to equal pay with men.
- ***111: Discrimination:*** There should not be any discrimination on the work appli-

25 Bob Deacon and Michelle Hulse, "The Making of Post-Communist Social Policy: The Role of International Agencies", *Journal of Social Policy*, 26/1 (1997), p.46.

26 Clare Ferguson, *Global Social Policy Principles: Human Rights and Social Justice*. Social Development Division, London: DFID, 1999, p.10.

cations based on race, colour, sex, religion, political opinion, national extraction or social origin.

- **138: *The minimum age:*** The determination of national minimum age should be necessary for access to work.

Applicability of International Labour Standards and the Least Developed Countries

One of the most essential issues for creating labour standards at global level and encompassing the social protection of migrant workers is how they can apply these standards in the world. As it is known the world is made up of countries with different levels of economic development. Some countries are economically strong while others are weak. Although international labour migration towards developed countries to least developed countries, the implementation of labour standards is gaining significance all over the world. Therefore, it is the most important economic characteristics of international labour standards. In addition to connecting a wide range of social standards can create a level playing field for economic standard of economic competitiveness. Secondly, the 'social lift' can be created, for example, made for adaptation from bottom to top is as a mechanism of social standards. As the third, although industrialized countries despite the large population on a compromise between developed social programs, perhaps it can be done without much difficulty as a social imperative for rich countries. If this is accepted and applied labour rights of the less developed countries and other minimum standards (parallel with economic development) and could strengthen demand situation for both moral debate on a massive scale. In this regard needs to be done in advanced industrial countries is to stop the decline of social standards.

The World Bank compiled the countries' per capital income data in three main groups in terms of high, medium and low-income groups, to show a possible approach to the countries' labour standards formula. Middle income group is divided into upper and lower category. This classification is important in economic formula to labour standards. Industrialized countries take place in the last end of this classification. In these countries, the health, education, poverty reduction, adequate income programs and care for the elderly constitute some of the fundamental elements of the social standards.

In the classification of the World Bank, poor countries like Asia and sub-Saharan Africa are on the other end of the scale. The level of development may constitute basic social standards such as health care, clean drinking water, adequate food. Social standards of the progress countries are required to make measurable. Although reasonable pricing and institutionalize feasibility of social programs based on economic level of the nation, they show the basic standards of higher social standards in countries around the base that prefer variety. Moreover, the economic resources to reach basic standards of assistance made insufficient use of the country or can help to pass them. In all cases the aim is not to lock a certain formula, is to achieve a standard that

considers experts and the public opinion and also the level of economic development field. Obviously, everyone embraces the idea that creating an unfair advantage of low labour standards in developing countries.

On public welfare society in the Western industrial societies that disclosure is important to note that the social dimension and significance to both provide a basic social standard construction. The fact that one of the major Western industrialized countries is constantly on the rise in popularity with the strong support given to universal programs such as health care, social programs and pensions.²⁷ This is reflected in all Western countries. Here is an extremely solid case study for the formulation of clear thing in both labour standards. Indeed, part of the general program of interest groups and citizens who have been involved in the defense of the fact that they are standard. Some experts see its as defense of the interests of blocking needed reforms.

From the political point of view, the governments of large countries such as China and India, against others, have embraced the idea of working standards of regulatory work that their ultimate responsibility of each country. It is unacceptable for them to force people to remain outside the standard, particularly with standards based commercial rights of way. It is seen quite difficult to eliminate economic and social disparities between developed and less developed countries and to create global social standards. Common vision of many expert is that it may be possible in the territorial basis of universal labour standard; but it is seen almost impossible based on the ensuring of universal labour standards. On the other hand, a major obstacle to the provision of labour standards is the absence of political support and financial resources. In this respect, labour standards vary depending on the financial resources. As a result of the variability in standards, it is assumed that the absolute format will not be specified by law. If this approach does not necessarily perceive the sense of being universal nature of the rights, then labour standards, based on the policy will not go beyond the claims to be merit.

Conclusion

Today, millions of people especially in the less developed countries emigrate to developed countries to have better jobs and living conditions. But migration brings along certain problems. Millions of workers, migrating, live in difficult conditions and face challenges in the countries they arrive. The boundaries of the expansion of migration and the control of migration flows with irregular migration, making it difficult to monitor and eliminate problems. A large number of migrant workers in the country does not seem possible access to welfare services and employment. The international community mentioned the problems posed by labour migration, on the basis of human rights, equality and justice are issues that need to be resolved principle.

27 Mishra Ramseh, "Beyond the Nation State: Social Policy in an Age of Globalization", *Social Policy & Administration*, 32 (1998), p.486.

Although there are efforts to create labour standards at the international level on the international labour migration, they are ineffective. The most important reason of that is although the states may seem to have a significant autonomy in determining immigration policies because of the absence of international migration regime of the United Nations Organization for Migration, in terms of the implementation of the development of immigration policy at the national level they do not have the same autonomy. Therefore the states together with becoming increasingly complex approach of bilateral, regional and interregional cooperation and organization and with a selective approach are working to make the immigration policies applicable. Another obstacle to international labour standards is that the differences of the economic development of the countries. These differences are increasing the immigration and also preventing the creation of a common standard.

However, the lack of labour standards at the international level adversely affect all countries since the establishment of international labour standards will be possible by international cooperation and coordination. Therefore, the responsibility lies with the developed countries in this regard. They should take the lead in this regard and should be more effective. Otherwise, it will not be possible to resolve this problem that takes on a global character. In this respect, ILO has very significant tasks. It is important in this regard with the adoption of neoliberal policies all over the world during the globalization process. That is why the ILO's restructuring and the need to take on new roles emerge and because of the current structure is very serious criticisms directed. Together with international migration abuse of women and children, forced labour and the exploitation of cheap labour will continue unless working norms proceed to become a standard for all exporting economies.

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Emek Göçü ve Uluslararası Çalışma Standartları: Emek Piyasası Açısından Bir Değerlendirme

İLKNUR KARAASLAN / ABDULKADİR ŞENKAL

Öz: Göç karmaşık bir süreçtir ve yönetim, göçmen işçilerin korunması, kalkınma bağlantıları ve uluslararası işbirliği gibi başa çıkmak için pek çok boyutu vardır. İşgücü göçü aynı zamanda ücret farklılıkları, başka bir ülkeye yeniden yerleşmenin göreceli kolaylığı veya zorluğu ve destek ağlarının olmamasıyla da ilgilidir. Dünyada milyonlarca işçi (işgücü) iş bulmak, istihdam ve yaşam için daha iyi fırsatlar elde etmek amacıyla kendi ülkeleri içinde ve dışında seyahat etmektedir. ILO istatistiklerine göre, 2015 yılında 232 milyon işçinin uluslararası göçmen olduğu tahmin ediliyor. ILO tarafından, küreselleşme, demografik değişimler, çatışmalar ve iklim değişikliğinin, ülkeleri dışında istihdam ve güvenlik arayan işçilerin sayısını artıracığı öngörülmüyor. Ekonomik küreselleşme, özellikle gelişmekte olan ülkelerde büyük bir işsizlik ve yoksulluk sorununun söz konusu olduğu yerlerde bu sayıyı artırmıştır.

Anahtar kelimeler: Emek göçü, Emek standartları, Küreselleşme.