Economic and Social Council

The role of labour rights in the integration of refugees in host nations

Research Report

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"Out of this world"

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Introduction

Imagine fleeing your home, arriving in a new country with hopes of rebuilding your life, only to encounter numerous obstacles that prevent you from finding work and supporting your family. This out of this world's scenario is a harsh reality for many refugees worldwide. However, the integration of refugees into host countries is a complex and multifaceted challenge. A crucial part of this integration process is ensuring that refugees have protection and access to their labour rights. These rights include the freedom to organise, the right to collective bargaining, the right of a living wage, occupational safety and health, a labour contract, and the right of no forced labour or slavery, no child labour, no discrimination, and no excessive overtime.[1] These rights are secured by a specialised agency of the United Nations, the International Labour Organisation (ILO). Currently, 187 out of the 193 United Nations member states are members of the ILO[2]. This signifies a strong global commitment to upholding labour standards and protecting workers' rights. Membership in the ILO means that these countries have agreed to adhere to international conventions and standards designed to ensure fair and safe working conditions. For refugees, this membership is particularly significant because it provides a framework of rights and protections that host countries are obligated to respect and implement, making their integration better. By being able to work, refugees can contribute economically to their host societies, support their families, and build a stable life.[3]

Because the number of refugees has more than tripled compared to ten years ago and still continues to grow[4]. It is of utmost importance to speak up. This research report will further explore the pivotal role of labour rights in the integration of refugees in host nations, highlighting the challenges, key stakeholders, and potential solutions to enhance this integration process.

Definition of Key Terms

Immigrant:

Means, from the perspective of the country of arrival, a person who moves into a country other than that of his or her nationality or usual residence, so that the country of destination effectively becomes his or her new country of usual residence.

Integration:

The two-way process of mutual adaptation between migrants and the societies in which they live, whereby migrants are incorporated into the social, economic, cultural, and political life of the receiving community. It entails a set of joint responsibilities for migrants and communities and incorporates other related notions such as social inclusion and social cohesion. In the refugee context, however, local integration as a durable solution would imply permanent residence, as it refers to refugees' "permanent settlement in a country of first asylum, and eventually being granted nationality of that country."[5]

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[1] (*Labour Rights*, n.d.)
[2] ("Regions and Countries," 2024)
[3] ("Integration in the Labour Market," n.d.)
[4] (UNHCR - The UN Refugee Agency, n.d.)
[5] UNHCR, Master Glossary of Terms (2006) p. 14

Integration Strategies:
Means comprehensive integration strategies that encompass various aspects of life, including education, employment, housing, and social inclusion, aiming to help refugees and migrants become self-sufficient and engaged members of society.

FACB Rights:
Rights of an employee to freedom of association and the right to collective bargaining.

Host Countries:
The country that hosts refugees and asylum-seekers, usually for a prolonged time period, where refugees receive support and are protected.

Refugee:
A person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it[6].

Asylum seeker:
"A person who is seeking international protection but whose claim for refugee status has not yet been determined."[7]

Forcibly displaced people:
"Those who are forced to move, within or across borders, due to armed conflict, persecution, terrorism, human rights violations and abuses, violence, the adverse effects of climate change, natural disasters, development projects, or a combination of these factors."[8]

Internally displaced people:
"Those who have been forced to flee their homes because of war, violence, human rights violations, or disasters but that remain in their own country."[9]

General Overview

In our ever-changing world, the number of refugees keeps rising. Currently, there are 43.3 million refugees worldwide; 87% of the 43.3 million refugees came from just 10 countries. These are all part of "110 million individuals that were forcibly displaced from their homes due to persecution, conflict, violence, human rights violations, and events seriously disturbing public order."[10] This is almost twice as much as the 51.2 million from 2013[11]. In 2020, only 1% of refugees were able to return to their home countries. 99% has to build a new life elsewhere[12].

When having to build a life elsewhere, the goal is to achieve economic stability, social inclusion, and a sense of belonging in the host community. This is called successful integration. Having a successful, fulfilling job plays a huge part in integration. Not only is it necessary to sustain a living, it can also help with social inclusion. There are 4 areas in which employment plays a key factor.

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[6] Adapted from Convention relating to the Status of Refugees ((adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137) Art. 1A(2).
[7] (Davis, 2024)
[8] (Winchester, 2021)
[9] (Winchester, 2021)
[10](United Nations, 2021)
[11] (Refugee Action, 2014)
[12] (United Nations, 2021)

1. Economic stability.

Working a safe job provides a steady income; this reduces the reliance on social systems and gives means to sustain one's own and family's needs without having to work in the informal sector. This makes them less vulnerable to economic shocks that can cause sudden job losses or poor working conditions. A safe job makes sure refugees will not be exploited, be economically set back suddenly, or set the host country back. In fact, by participating in the labour market, refugees can boost and grow the host country's economy, fill labour shortages, while mitigating negative stereotypes, and live life with dignity as customers and employers[13].

2. Social inclusion

Secondly, emotional well-being is of utmost importance. Not only can integration in the labour market provide a sense of belonging, it can also contribute to new skills and connections. With the many coworkers in most companies, there are many different cultures[14]. By working together, these cultures can be shared. Refugees could learn more of the host country's culture and social norms, making it easier to be included, learn new skills, and bond with coworkers. On average, 76.13 percent of employees have at least one strong friend at work[15]. Having friends can relieve stress, provide loneliness and practical advice[16]. Having these friends explain social norms will also prevent that these social norms are negatively forced upon someone in the form of insults, decreasing someone's self worth.[17]

3. Personal development

Thirdly, skills can grow while working. Not just skills needed within the working field but also skills that are necessary in day-to-day life. For example, language skills. When speaking to a customer, there will be many cases in which the customer only knows the host nation's national language. This forces employees to learn the host nation's national language and provides them with people to practise with, ultimately growing skills needed in ordinary life.[18] Having these skills gives more confidence and could advance someone to a higher level of employment. Ultimately increasing job satisfaction and bettering lives.

4. Recognition

Many countries link employment to residency and citizenship. Having a safe job can make it easier to obtain a permanent residence permit in many countries and, as a consequence, be legally recognised. An example is Sweden. In Sweden, you are able to obtain a work permit even after your asylum application is refused, provided that you meet the conditions[19]. These requirements are mostly about legal identification and employment. One of the requirements is that the employment must be on par with collective agreements, such as health insurance on top of salary. Since salary is not the only thing companies must offer employees, employees need to be recognised socially as well. This is done in the form of receiving employee benefits. These can range from health insurance to dental coverage, depending on the company and employer. But there are some benefits that all employees are legally required to receive; these are called statutory benefits and can differ between countries[20]. Yet, in most member states, it is required to provide medical insurance, a pension, and time off[21]. This stabilises employees and thus working refugees' lives.

Occurring barriers

The journey to travel to a different place to build a new life elsewhere is very dangerous; at least 8565 people died on migration routes across the world in 2023[22]. However, horrifyingly, this is not the reason

[13] (UNCHR, n.d.)
[14] (UNCHR, n.d.-a)
[15] (Noori, 2023)
[16] (Robinson, 2019)
[17] (Ortlieb & Knappert, 2023)
[18] (Ortlieb & Knappert, 2023)
[19] (Migrationsverket, 2023)
[20] (Paychex, 2018)
[21] (Velocity Globbal, 2022)
[22] (Oxford, 2024)

most refugees do not survive. The biggest problem arises once refugees arrive in the new countries they are planning to live in, the host nations. In total, 2.78 million people die every year from work-related accidents and diseases. "In 73 percent of countries in which relevant data were available, the incidence rate of fatal occupational injuries was higher among migrant populations than natives"[23]. This is often the consequence of discrimination that leads to the abuse of their labour and human rights. This abuse shows itself in many ways, such as but not limited to:

- "Unfair recruitment practices, such as charging fees, requiring migrants to put up a bond, or giving misleading or incorrect information about a promised job;
- Trafficking or smuggling workers across borders for work, and/or entering the worker into forced labour in the new destination;
- Unequal access to employment rights, remuneration, social security, trade union rights, employment taxes, or access to legal proceedings and remediation; and
- Workplace racism or discrimination."[24]

A problem of this exploitation is the fact that there is no clear definition of what exploitation in the workplace is. Many countries use different definitions, making it difficult to prosecute abusers. Another problem is that many exploited refugees do not report their employer.[25] On numerous occasions, people have nowhere to go if they are exploited. Refugees cannot return to their home country and often know very few people in their host countries; as a consequence, they have no safety net to fall back on. Most of the time these refugees find themselves in difficult situations because of legal reasons, and without a safety net, it is very difficult to keep these legal struggles above. Refugees have an insecure residence status, have to wait a long time to get asylum, and have legal restrictions to access the labour market.[26] The steps that have to be taken to gain access to residence status and to be able to work vary in many different countries. What is the same in all member states are labour rights that are part of the declaration of human rights and therefore apply to all people, in all places, at all times[27]. These labour rights include that

1. "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration, ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests."[28]

Once someone has a job in which their labour rights are secured.

Next to labour rights, refugee rights are also established. These are protected in the 1951 convention related to the status of refugees.

Although the legal framework is thus in place, its effectiveness is often reduced by national laws, policies, and practices, in particular on FACB rights. In some countries, there may be specific restrictions on foreign workers' FACB rights, while in many countries, these rights may be denied explicitly to:

- Some or all migrant workers based on their nationality, residence, work permits, or reciprocity;
- Undocumented workers;
- Sectors where migrant workers constitute a high proportion of workers, such as domestic work, agriculture, and export processing zones, and where labour law may not apply at all;
- Types of informal working arrangements and insecure contracts[29].

[23] (Brian, 2021)
[24] (Business & Human Rights Navigator, 2024)
[25] (Global migration group, 2013)
[26] (Orav & European Parliamentary Research Service, 2022)
[27] (Ministerie van Buitenlandse Zaken, 2024)
[28] (United Nations, 1948)
[29] (International Labour Organization, 2023)

Refugee and labour rights on specific continents

The extent to which these rights are followed, the integration processes, and the pace of integration differ in all member states and continents.

Africa

Currently, one-third of the world's refugee population lives in Africa. This could be explained by the fact that low- and middle-income countries all together host 75% of all individuals in need of refuge[30]. Out of the 132 countries that were classified as low- or middle-income countries by the World Bank, 52 were located on the continent of Africa. In comparison to some other continents, Africa has doubled or even tripled the number of low- or middle-income countries.

The most refugees in Africa were hosted by the regions East and Horn of Africa and Great Lakes. In this region, 4.9 million refugees and asylum seekers found homes. Most refugees settle in this region because their neighbouring countries suffer immensely from drought or incredibly high food prices, making it impossible to keep living in their homeland. This is also why this region has 10.7 million IDPs; even within borders, the climate can be wildly different. [31] During these travels, within and outside of borders, almost all migrants faced exploitation and trafficking. This modern slavery is especially present in North Africa; in a recent survey, "100 percent of workers had their passports withheld; 87 percent were confined to their workplace; 76 percent had wages withheld; 73 percent suffered psychological abuse; and 61 percent endured physical abuse"[32].

Asia-Pacific

The main reason for the huge amount of refugees (8.1 million in 2024) that Asian countries host are natural disasters. 29% of global natural disasters occurred in the Asia-Pacific region in the last 30 years.[33] This[34] raises the need for stable, well-known, and used labour laws because, with the extraordinary number of migrants and refugees, the demand for jobs and misuse by job-givers also rises. Right now most workers are denied or severely restricted in the exercise of the right to organise and bargain collectively and the freedom of association. Making them victims of abuse and harassment. Most of the refugees in Asia are domestic workers; this makes it even more difficult to monitor compliance with the labour laws. Domestic work is often seen as low-effort work, and this reflects itself in the pay rate and working conditions. Globally, "an estimated 21.5 million domestic workers have no minimum wage that is applicable to them"[35].

Europe

Refugees are 22.1 percent more likely to be unemployed in Europe than migrants. Besides that, their pay rate, economic participation, and occupational quality are lower until about 10 years after immigration.[36] In the period from May 2023 to May 2024, 1.14 million refugees applied for asylum in Europe; 53% of these decisions were positive. Additionally, there were 4.4 million people that received temporary protection because they were forcefully displaced from Ukraine[37]. The displacement from Ukraine grew the number of asylum applicants from Europe gigantism, but this is still not the place that most first-time asylum applicants in Europe come from. 23% are from Africa; 23% come from Asia; 22% are from the Middle East; 17% originate from Latin America; 1% are unknown; and only 14% are from Europe itself.

Most of these first-time applications were lodged in: Germany (329,000), Spain (160,500), France

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[30] (UNHCR, 2023)
[31] (UNHCR, 2023a)
[32] (International Organization for Migration, 2015)
[33] (dlewis, 2021)
[34] (UNHCR, 2023a)
[35] (International Labour Organization, 2023b)
[36](Fasani et al., 2018)
[37] (European Union Agency for Asylum , 2023)

(145,100), Italy (130,600), and Greece (57,900).[38]

Northern America and the Northern Caribbean

In 2022, Canada and the United States of America hosted 1.9 million asylum seekers; of these, 1.8 million sought asylum in the USA. Both countries are developing a system in which these asylum seekers can help with their labour shortages without having too much influence on their economies. Even though this causes both countries to adopt a new, more comprehensive immigration policy, the USA still remains, with 2.6 million, the member state with the largest number of pending applications.

On the contrary, Canada, with 47600 refugees, received the largest number of resettled refugees in the world. Both countries work closely together with UNHCR[39]. This is different for islands in the Northern Caribbean. While some countries did accede to the 1951 convention, most do not have policies or regulations for asylum and refugee protection. A consequence of the lack of these regulations is the growing number of stateless individuals.[40]

South America

Out of the 169 million migrant workers, 5.9 million live in Latin America and the Caribbean. However, in 2023, 507.916 were merely refugees. Relatively, with 656 million inhabitants, this is a small percentage. A much larger group within Latin America and the Caribbean are internally displaced individuals; this group adds up to 21 million people[41]. The major reason is 'gang-related violence and insecurity, political persecution, as well as deteriorating economic conditions'.[42] Gang-perpetuated homicides numbered in 2021 21,865. These are the known incidents, but the real number of casualties is likely to be much higher.

Oceania

Oceania, a region consisting of 14 countries, is a region with the least amount of refugees, both coming in and leaving their countries. There is almost no migration within Oceania, and few migrants form Oceania. The minute group that does leave are mostly work migrants, deciding to live in Northern America or Europe. The exchange of knowledge between Europe and Oceania, is also the explanation for the numbers stated by the IOM[43]. It is shown that, apart from Asia, Europe is the largest region where migrants come from to Oceania. However, again, this does not describe the number of refugees and their situation. Oceania does have good legal barriers for the general workplace. Almost all jobs do not discriminate in wages or treatment when a job is being done by a (former) refugee. It is, sadly, incredibly hard to get into this workplace. Not only is it extremely difficult to get a residence and a work permit, but landing a high-paying job is tough as well. When trying to get a visa, the highest probability is ending up with a temporary visa without a clear path towards a permanent one, in other words, being left permanently in a temporary state[44]. And even if you overcome this battle and get that work permit and visa, numerous employers still do not value qualifications or experience that was gained overseas, making even entry-level jobs difficult to get. On top of that is that if one decides to study to get an intern qualification, their income support is cut short, making it impossible to climb up the social ladder and resuscitate their former lifestyles.[45]

[38] (European Commission, 2024)
[39] (International Organizaton of Migration, 2024)
[40] (UNHCR, n.d.)
[41] (Goldberg, 2023)
[42] (International Organization of Migration, 2024)
[43] (International Organization of Migration, 2024b)
[44] (International Organization of Migration, 2024b)
[45] (Australian Red Cross, 2024)

Major Parties Involved

Five biggest source countries

73% of refugees derive from 5 countries. This means that these people are the majority of people needing to start a new life, in a new labour market and with new connections. For them, it is of utmost importance that labour rights are being followed and safeguarded, so that they can start their new lives. The 5 countries where the most refugees come from include Afghanistan, the Syrian Arab Republic, Venezuela, Ukraine, and South Sudan. Together, they make up 27.2 million individuals in need of international protection.[46]
When talking about labour rights and these five countries, it is important to keep in mind that Ukraine has received notably more supportive measures compared to other conflict-affected countries. As a consequence, they have fewer barriers regarding their place in the host country's workplace.[47] The European Union has implemented the Temporary Protection Directive, allowing Ukrainian refugees to live, work, and study across EU member states for up to three years without the need for official asylum status.

Five biggest host countries

35% of all refugees are hosted in five countries. It is therefore of utmost importance that while these countries have issues receiving the enormous amount of refugees, life standards stay up to par. These countries include the Islamic Republic of Iran, Turkey, Colombia, Germany, and Pakistan.[48]

ILO

The International Labour Organization (ILO) is a United Nations agency that focuses on promoting decent work and safeguarding labour rights worldwide. It was founded in 1919 and has since worked to set international labour standards, develop policies, and create programs to ensure fairness, equality, and safety in the workplace.
When it comes to refugee integration, the ILO is heavily involved in ensuring that refugees have access to safe and legal employment in their host countries. By advocating for the protection of their labour rights, the ILO helps refugees avoid exploitation, supports fair working conditions, and promotes equal opportunities in the labour market. This involvement is crucial, as employment is a key factor in helping refugees rebuild their lives and integrate into their new communities. The ILO's work also benefits host countries by encouraging the inclusion of refugees in the formal economy, contributing to both economic growth and social cohesion[49].

Morocco

Morocco plays a complex role in migration issues, particularly involving Sub-Saharan African migrants attempting to reach Europe. While the country has introduced reforms such as new established legal residency rights for recognised refugees and regularisation procedures for undocumented migrants, many migrants continue to face violence and mistreatment. Moroccan security forces have been reported to engage in abusive practices, including beatings and theft, particularly near the Spanish enclave of Melilla. Despite reforms, Human Rights Watch has documented instances where migrants are expelled without due process, often forced towards Algeria, where the border remains closed, subjecting them to further abuse by Algerian authorities. Morocco's involvement in migration management, has raised concerns about human rights violations against migrants.[50]

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[46] (UNHCR, 2023d)
[47] (Esposito, 2022)
[48] (UNHCR, 2023h)
[49] (International Labour Organization, 2024)
[50] (Human Rights Watch, 2014)

UNHCR

The United Nations High Commissioner for Refugees (UNHCR) is a global organisation established in 1950 to protect and support refugees, asylum seekers, and stateless individuals. Its mission is to ensure that people forced to flee their homes due to conflict, persecution, or disaster have access to basic rights, such as shelter, safety, and legal protection. UNHCR plays a crucial role in helping refugees build new lives in their host countries. This includes advocating for access to work opportunities, education, and essential services that allow refugees to become self-reliant. UNHCR works with host governments, NGOs, and other international organisations to develop programs that assist refugees in finding employment and integrating into local communities. By helping refugees become economically active, UNHCR not only supports their independence but also fosters social cohesion and mutual benefits for both refugees and host nations.

Timeline of Events

[***1948***] The United Nations adopts the Universal Declaration of Human Rights (UDHR), establishing the right to work and ensuring equal access to employment for everyone, including refugees.[51]

[***1951***] The UN Convention on Refugees is adopted, outlining refugee rights, including limited rights to work, with host countries given the responsibility to decide the extent of labour market access.[52]

[***1969***] The Organisation of African Unity (OAU) adopts the African Refugee Convention, broadening the definition of refugees and obligating African nations to integrate refugees, including through employment.[53]

[***1984***] Latin American countries adopt the Cartagena Declaration, broadening the definition of "refugee" and emphasising the need for host countries to integrate refugees into society, including through labour market inclusion.[54]

[***2000***] The European Union adopts the Employment Equality Framework Directive, prohibiting discrimination on the grounds of race, religion, or belief, age, disability, and sexual orientation in the labour market.[55]

[***2016***] The UN General Assembly adopts the New York Declaration, recognizing the need for greater protection and integration of refugees, including their right to work and participate in the labour market of host countries.[56]

[***2018***] The United Nations adopts the Global Compact on Refugees, which emphasises the importance of economic inclusion, including labour market access, as key to refugee integration.[57]

[***2020***] The ILO and UNHCR launch a joint initiative to improve employment outcomes for refugees in host countries, focusing on creating decent work opportunities.[58]

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[51] (United Nations, 1948)
[52] (UNHCR, 2019)
[53] (United Nations, 1969)
[54] (The Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 1984)
[55] (European Commission, 2000)
[56] (UNHCR, n.d.-a)
[57](UNHCR, n.d.-b)
[58] (International Labour Organization, 2023a)

[***2021***] The World Bank introduces a framework to review refugee policies in host countries, including labour market access and protections.[59]

[***2022***] The EU adopts an action plan focusing on labour market integration and rights for refugees and migrants, providing funding and resources to member states to promote refugee employment.[60]

Possible Solutions

Integration Strategies aiming to

1. Match migrant skills with job opportunities: provide access to the labour market and make good use of migrants' skills and address labour shortages in specific sectors in host countries. This can be done by introducing tiered work permits, which would allow refugees to work in industries with labour shortages while offering training opportunities for more skilled professions.
2. Take away the legal barriers impeding the integration process in areas of residency and work permits, recognition of qualifications, or access to education.
3. Mentoring migrants: through intercultural dialogue, and social cohesion, migrants can be made to understand about their rights and responsibilities in their host countries.
4. Increase supervision on the exploitation and abuse of migrant workers in host countries.
5. Facilitate regional labour mobility: countries reluctant to host refugees could participate in regional labour mobility agreements, where refugees are temporarily housed in nearby host countries but have the opportunity to work across borders in sectors experiencing labour shortages.

Appendix

I. https://www.unhcr.org/sites/default/files/legacy-pdf/5df9f0bc7.pdf
II. https://www.unhcr.org/refugees
III. https://www.globalrefuge.org/news/what-are-the-economic-benefits-of-refugees-lirs/
IV. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-integration/integration/action-plan-integration-and-inclusion_en#:~:text=The%20Action%20plan%20on%20Integration
V. https://www.ilo.org/international-labour-standards

[59] (World Bank Group, n.d.)
[60] (European Comission, n.d.)

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