



Regional Mesoamerica Programme

For regular, orderly and safe migration



PROGRAMA MESOAMÉRICA:
FORTALECIENDO LAS CAPACIDADES
DE PROTECCIÓN Y ASISTENCIA A
MIGRANTES
EN SITUACIÓN DE
VULNERABILIDAD



Organización Internacional para las Migraciones (OIM)
El Organismo de las Naciones Unidas para la Migración



WORKSHOP ON CONSULAR PROTECTION FOR MIGRANT WORKERS

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Organización
Internacional
Del Trabajo



Organización Internacional para las Migraciones (OIM)
El Organismo de las Naciones Unidas para la Migración

Background

- **2012:** Seminar/Workshop in Managua, Nicaragua;
- **2013:** Second Seminar/Workshop in Tegucigalpa, Honduras (a work plan for the promotion and protection of the labour rights of migrant workers);
- **June 2017 – Regional Consultation Group on Migration:** “In regard to the workshop on consular protection for migrant workers, to reiterate the **interest of the countries** to conduct the workshop, with **support from the International Labour Organisation (ILO) and the International Organization for Migration (IOM)**, which will disseminate a **concept note** through the Technical Secretariat to confirm the needs of each country concerning this topic and the possible contributions to **co-finance** the face-to-face workshop. To take note of the offer by ILO and IOM to develop an online training module on this subject.”

Objective

To help improve the roles of defence, promotion and protection of the rights of migrant workers and members of their families performed by consular offices in the region through strengthening **the technical and cross-cutting competencies** of consular staff.

Participants

- Consular staff working in offices abroad, particularly labour attachés who address the topic of consular protection in each country.
- Consular staff involved in labour migration management.
- Officers from Ministries of Labour who are experts on labour rights and protection of migrant workers.
- Representatives from diplomatic schools.

Methodology:

Three phases

- ✓ **Before the workshop:** Collecting input and data on the expectations and training needs of the participants.
 - ✓ Concept note
 - ✓ Online questionnaire
- ✓ **A face-to-face workshop**
- ✓ **After the workshop:** Systematizing the collected information and the developed methodology to facilitate incorporating the training course into the **curricula of diplomatic schools**.
 - ✓ Teaching material
 - ✓ Information brochure

Introductory Session: The global and regional context of labour migration

- Concepts and trends of labour migration;
- The migration experience with a gender approach;
- International regulatory framework on protection of migrant workers.

Section II: Regulatory framework and instruments on protection of migrant workers

- Regulatory framework of consular offices in the region – responsibilities and restrictions;
- Regulatory framework on employment in the various countries in the region – differences and coincidences.

Section III: Protection of the rights of migrant workers by consular officers – roles and challenges

Section IV: Strengthening the cross-cutting competencies of consular officers:

- » Communication techniques;
- » Coordination techniques;
- » Dynamics and management of conflicts; negotiation and mediation.

Section V: Best practices in the consular management of the rights of migrant workers

Expected Results

- Participants **are familiar with the current migration context** in the region and the situation concerning the labour rights of migrants;
- Participants know and **understand the main concepts** and tools concerning consular protection for migrant workers and members of their families;
- Participants acquire, strengthen and **develop some of the skills and competencies required** to successfully perform the roles of defending, promoting and protecting the labour rights of migrant workers and members of their families;
- The methodology used during the workshop will be systematized in order to facilitate the potential **replication** of the activity by State institutions in charge of the training of consular staff;
- **A network for coordination/work between Ministries of Labour and consular offices**, agreed on by the participants.

Next Steps

- Approving the Concept Note
- Selecting the Host Country
- Setting a date (first quarter of 2018?)

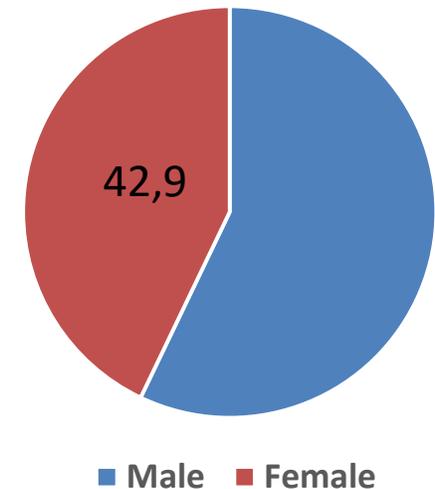
Annex: Results from the Questionnaire

Countries that completed the questionnaire: 7 (out of 11)

- United States
- Nicaragua
- El Salvador
- Mexico
- Guatemala
- Costa Rica
- Honduras

100% of the persons who completed the questionnaire work at the Ministry of Foreign Affairs.

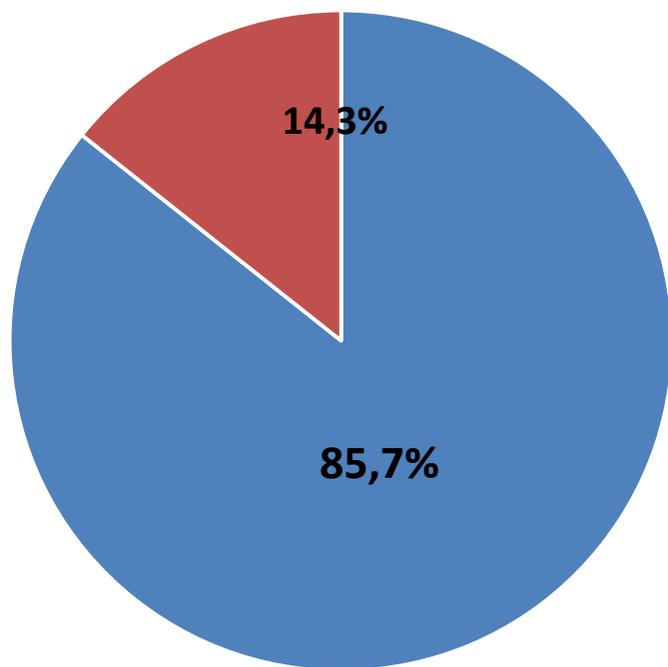
Gender



Gender of the persons who completed the questionnaire:

Previous Training

Existence of a school providing training for consular staff



■ Yes ■ No

| COUNTRY | TOPICS THAT ARE ADDRESSED |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------|
| USA | Trafficking in persons, seasonal work, temporary worker programmes for students, work visas for skilled workers. |
| Spain | Human rights in general, consular legislation, international instruments. |
| Mexico | Labour rights of migrants in the United States (hours and wages, safety and security in the workplace and equal opportunities). |
| Guatemala | Labour migration (induction for foreign service officers by the Ministry of Foreign Affairs and not by the Diplomatic School). |
| Costa Rica | Job permanency schemes, the crime of trafficking in persons and general aspects relating to labour migration. |

Most relevant knowledge areas for consular staff relating to labour migration

| TOPICS (In Order of Priority) | IN THE ILO/IOM COURSE |
|--------------------------------------------------------------|--------------------------------------|
| 1. Differences between the various types of migration | Yes |
| 2. Gender-related aspects | Yes |
| 3. The roles of consular staff | Yes |
| 4. International conventions | Yes |

Identified knowledge gaps of consular staff relating to labour migration

KNOWLEDGE GAPS

International conventions;

Institutional procedures concerning migration-related rights;

Topics relating to labour legislation outside the US;

Labour rights in the host country;

Regional conventions and integration between consulates and Ministries of Labour;

The rights of individuals with irregular migration status.

Most frequent requests and reports addressed by consular staff

MOST FREQUENT REQUESTS AND REPORTS

Incomplete wages, payment of wages below the minimum wage;

Not receiving payment for the hours worked;

Health care, wage deductions and occupational health;

Unjustified dismissal;

Not receiving wages due to irregular migration status.

Protection of Rights

Visits to workplaces

Addressing emergencies (repatriation due to death, etc.)

Legal aid for workers with irregular migration status in return processes

Requesting fair treatment for workers

Ensuring access to health care

Dissemination of Rights

Informational events (Rights Week)

Mobile Consulates

Negotiation

Employment agreements with authorities from other countries

Coordination with labour authorities and other local authorities

Legal Aid

Agreements with law firms

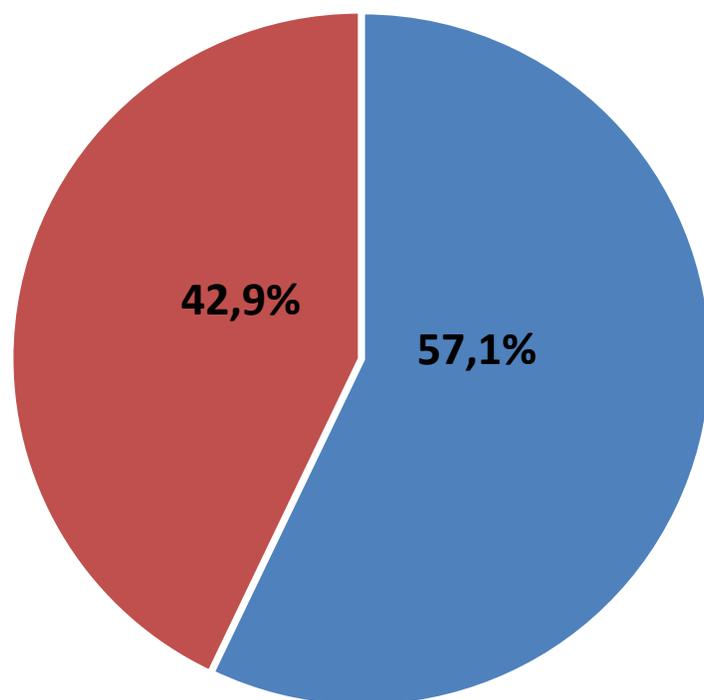
Disseminating a list of law firms

Referral of cases to the law firms

Actions carried out by consulates to protect migrant workers

Coordination between Consulates and Ministries of Labour

Existing Coordination



■ Yes ■ No ■

TYPE OF COLLABORATION

Related to general information.

The consular network of Mexico in the US has signed Memos of Understanding with employment agencies of the US: Department of Labor – DOL (Wage and Hour Division); Occupational Safety and Health Administration – OSHA; Equal Employment Opportunity Commission – EEOC; and National Labour Relations Board – NLRB.

The consular network contacts relevant institutions to the extent possible or addresses specific cases through legal aid (Honduras).

Contents that should be included in the workshop to strengthen competencies and skills

SUGGESTED CONTENTS

Specific processes in countries of transit and destination;

Labour rights outside the US in non-occidental legal systems;

Developing referral routes to gain access to labour protection systems in host countries; consular assistance relating to labour migration; labour legislation for migrants;

Regional conventions on labour migration;

Best practices in consular actions to protect migrant workers.

Expectations regarding the training workshop for consular staff

EXPECTATIONS

Strengthening consular capacities concerning legal protection of migrant workers;

Getting familiarized with the contents of relevant international conventions;

Defining the scopes and limits of the general implementation of consular protection;

Learning about the existing labour protection programmes in the RCM Member Countries;

Aspects relating to the work of persons with irregular migration status and resources to resolve these issues;

Generating an interactive platform to enable improving the installed capacity.

- The topics highlighted as priorities are addressed at the workshop (concepts, gender-related issues, consular roles and international conventions).
- The following were mentioned as significant gaps and topics that need to be addressed at the workshop:
 - Knowledge of labour and immigration legislation of each country;
 - Regional conventions signed by each country;
 - Agreements signed with Ministries of Labour.
- Since these topics need to be addressed but are quite broad, they will be addressed through presentations by each delegation during group work sessions and will be based on a previously developed guide.
- The need for a rapprochement and agreements with the Ministries of Labour will be highlighted at the workshop, since these ministries are key actors in the sphere of labour migration.

- The input provided through the questionnaire will be used for the brochure for consular staff that is currently being developed.
- Some elements of the actions carried out by consulates will be addressed in the PowerPoint presentations.
- Countries will be asked to expand the presentations on best practices or to add new experiences.
- The initiative of an online course was welcomed by all the individuals who completed the questionnaire.



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THANK YOU

QUESTIONS OR COMMENTS?

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