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▶ **Training manual on the ILO
Guidelines for skills modules
in bilateral labour migration
agreements**



Training manual on the ILO Guidelines for skills modules in bilateral labour migration agreements

Facilitator/Trainer's manual

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► Preface

With the scope of enhancing the protection of migrant workers, the ILO has analysed the mechanisms that can facilitate skills development, matching and recognition through cooperation between origin and destination countries using the instrument of the Bilateral Labour Migration Agreements (BLMAs). Accordingly, *Guidelines for skills modules in BLMAs* were designed. That is why, the present training manual should be used in conjunction with these guidelines.

This facilitator/trainer's manual has been conceived to improve the capacity of stakeholders involved in the negotiation of BLMAs to address skills and qualifications challenges faced by migrant workers. The manual also reflects the new training approach adapted by the ILO to address the movement restrictions brought by the COVID-19 pandemic which have had an impact on the traditional face-to-face training delivery.

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¹ More information on this project can be found at: https://www.ilo.org/global/topics/labour-migration/projects/WCMS_350339/lang--en/index.htm.

► Abbreviations

ANAPEC	Agence nationale de promotion de l'emploi et des compétences, Morocco [Federal Employment Agency]
AQRF	ASEAN Qualifications Reference Framework
ASEAN	Association of Southeast Asian Nations
BIBB	Federal Institute for Vocational Education and Training, Germany
BLMA	Bilateral Labour Migration Agreement
CARICOM	Caribbean Community
CEDEFOP	European Centre for the Development of Vocational Training
CMI	Center for Mediterranean Integration
EAC	East African Community
EQF	European Qualification Framework
ETF	European Training Foundation
GIZ	German Society for International Cooperation
GWS	Gesellschaft Für Wirtschaftliche Strukturforschung [Institute of Economic Structures Research]
ISCO	International Standard Classification of Occupations
IOM	International Organization for Migration
ISCED	International Standard Classification of Education
MoU	Memorandum of Understanding
MRA	Mutual Recognition Agreement
NQF	National Qualification Framework
PES	Public Employment Service
PQF	Pacific Qualification Framework
RPL	Recognition of prior learning
TVET	Technical Vocational Education and Training
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNEVOC	International Centre for Technical Education and Training
ZAV	German Federal Employment Agency – Central Foreign and Specialized Placement Service

► Introduction

Objective

The main purpose of this handbook is to offer an effective learning package that can be used for training education and training experts and policy makers involved in design, negotiation, implementation and monitoring of Bilateral Labour Migration Agreements (BLMAs). In particular, the training will help to:

- identify key challenges met by migrant workers on skills development, matching and recognition;
- identify options to improve skills of migrant workers based on international standards and good practices; and
- understand how to support skills development, matching and recognition through BLMAs.

Who is it for?

The training activities are designed for stakeholders involved in the BLMA cycle allowing them to learn more about skills development, matching and recognition for migrant workers and refugees. In particular:

- officials, policymakers or practitioners from public institutions and ministries dealing with migration and/or international relations;
- representatives of employers' organizations;
- representatives of workers' organizations;
- representatives of public employment services or private recruitment agencies;
- experts from regional or international organizations managing migration programmes; and
- members or staff of civil society organizations and NGOs engaged in migrant workers' issues.

Participants will benefit from a better understanding of the impact of BLMAs, in regard to skills matching, development and recognition, including the recognition of skills and competencies of migrant workers and refugees, acquired formally, non-formally or informally.

Facilitator's Notes

The manual can also be useful for training facilitators who tailor workshops adapting the training modules according to the needs of participants.

Methodology

The manual takes on board the increasing recourse to virtual delivery of training, due to the COVID-19 restrictions, as well as processes of digitalization, both of which limit the possibilities for conducting face-to-face training. Therefore, the present manual will consider the two different, but integrated, delivery approaches: face-to-face and online delivery. Accordingly, a number of mixed methods will be suggested for each session, including:

- presentations – e.g. PowerPoint (PPT);
- audio-visual – videos, documentaries or images used as a basis for reflection, discussion and/or analysis;
- group discussions – through small groups, brainstorming ideas, existing knowledge and opinion;
- group work – cases to be analysed based on specific and simple questions/assignments including group presentations or role-playing;
- case studies;
- self-assessment questionnaires to measure the impact of the training; and
- quizzes and question and answer sessions (Q&A).

Structure and content

The manual is organized around five training modules that can be delivered in approximately 13 training hours over 2.5 days,² when delivered in an interactive way. The manual will highlight which components can be implemented through self-learning and the modules will be ready for transfer to an electronic platform. The self-learning approach can also be used as preparation for the modules

² This estimate is valid only if following the suggested activities; facilitators may adjust training hours according to the needs of the participants.

delivered face-to-face. Facilitators and self-learners are encouraged to refer to the *Guidelines for skills modules in bilateral labour migration agreements*.³

The manual starts with an introduction to the workshop and covers key concepts on labour migration and skills (Module 1). Module 2 deals with bilateral and multilateral labour migration agreements (BLMAs and MRAs) and their qualifications and skills dimensions. Module 3 refers to the relevant international labour standards on labour migration and skills development. Module 4 focuses on how skills matching, development and recognition can be financed (also through BLMAs). The last module is dedicated to the identification of mechanisms to operationalize the BLMA provisions on qualifications and skills.

To tailor the training according to participants' needs, one or more training sessions may be expanded, shortened, or even skipped. The indicative duration refers to the interactive modules only.

Modules and Units

Welcome Session

- Welcome: Setting the ground and introducing the participants
- Expectations and overview of the training

This session is primarily for the face-to-face approach. For online delivery, a questionnaire will be prepared to be filled in online, concerning level of awareness of the subject and expectations from the training.

Module 1: Understanding the key concepts

- 1.1 Terminology
- 1.2 Occupational standards
- 1.3 Relevant statistical classifications
- 1.4 Qualification and skills recognition

³ For more information on BLMAs, see http://www.oit.org/global/topics/labour-migration/policy-areas/WCMS_746146/lang--en/index.htm. The Guidelines are available at: http://www.oit.org/wcm5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_748723.pdf.

This session can be entirely delivered online. The formulation will consider the option of using the module also for face-to-face delivery. It also contains a section on suggested reading and references, as well as a self-assessment questionnaire.

Module 2: Bilateral and multilateral labour migration agreements

2.1 Bilateral labour migration agreements and the inclusion of qualifications and skills

2.2 Multilateral agreements and skills portability at regional level

This session can be entirely delivered online. The formulation will consider the option of using the module also for face-to-face delivery. It also contains a section on suggested reading and references, as well as a self-assessment questionnaire.

Module 3: International labour standards and guidance

This module presents core elements and principles related to qualifications and skills in international labour standards and other relevant instruments.

This module will be developed mainly for interactive approaches, taking on board the peculiarities of the face-to-face delivery and those of virtual delivery. Each sub-session will be illustrated with appropriate examples derived from existing BLMAs.

Module 4: Financing skills through bilateral labour migration agreements

4.1 Skills funding mechanisms at country level

4.2 Financing mechanisms in BLMAs

This module is mainly for face-to-face delivery but taking on board the peculiarity of online delivery. Each sub-session will be illustrated with appropriate examples. It also contains a section on suggested reading and references, as well as a self-assessment questionnaire.

Module 5: Operationalization of the BLMAs

5.1 Skills module and the BLMA cycle

5.2 Good practices in the field of qualifications and skills

This module is mainly for face-to-face delivery but taking on board the peculiarities of the online delivery. Each sub-session will be illustrated with appropriate examples derived from existing BLMAs.

Assessment of the training

This session will be developed for both interactive and self-study approaches.

► Welcome Module: Setting the ground and introducing participants

Objectives of the module

The purpose of this introductory module is to establish a positive learning environment and agree on common ground rules for the training. It provides indications on the contents of the workshop and how it can match with the expectations that the participants bring with them.

Learning outcomes

After this session, participants should:

- Know each other and the trainer/facilitator.
- Have shared their expectations and needs.
- Understand workshop structure and methodology and the expected outputs.

Outline of the Welcome Module Session		
Topic	Activities	Duration (minutes)
Welcome	Short welcome address by the trainer/facilitator who will shortly introduces him/herself.	10
Introductions	Roundtable to briefly introduce participants.	20
Expectations from the participants	Each group of participants will discuss their expectations for the training. The representative of each group will illustrate the outcomes from the group's discussion and write down the items on a flipchart. The trainer/facilitator will cluster them by themes and highlight the most relevant for the training.	30
Structure and methodology of the training course	The facilitator presents the agenda for the training, the expected learning outcomes and the methodology that will be used. The facilitator underlines the expectations that can be met and those that will not and explains why.	15

Ground rules	The facilitator indicates the ground rules that should be respected during the workshop.	5
Questions	Participants can present questions for clarification related to the training sessions.	10
Total duration of the session		90

► Module 1: Learning the key concepts

Learning objectives

By the end of the session, participants will be able to have a common understanding of key concepts in the fields of skills and qualifications.

Outline of Module 1 Sessions: Learning the key concepts		
Topic	Activities	Duration (minutes)
Job, occupation and skills	<ul style="list-style-type: none">• Short lecture• Discussion in plenary	30
Different aspects of skills	<ul style="list-style-type: none">• Short lecture• Case study on German Moroccan cooperation in skills development in the hospitality sector• Discussion in plenary	30
Qualification and skills recognition	<ul style="list-style-type: none">• Short lecture• Case study on the placement of qualified nurses• Discussion in plenary	30
Self-assessment questionnaire	<ul style="list-style-type: none">• Participants will fill in the handout Q/A, to measure the level of knowledge acquired at the end of the module.• The facilitator provides the right answers and address the eventual weaknesses emerging from the questionnaires.	30
Total duration		120

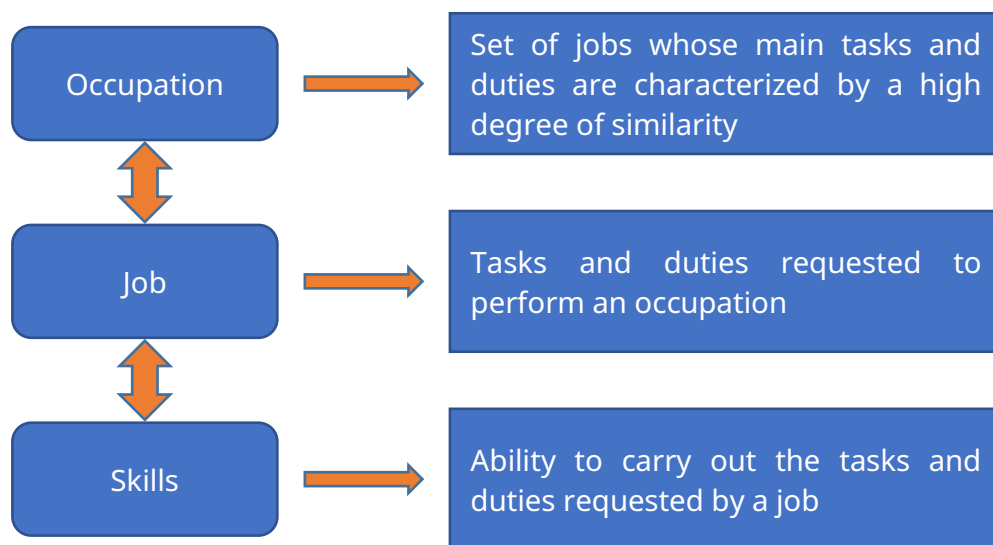
Content of the session

The session will provide participants with internationally agreed key concepts and terminology related to skills and qualifications.

1.1 Terminology

Figure 1.1 summarizes the relationship among the key terms used in relation with skills and employment, and thus relevant for labour migration.

Figure 1.1: Main concepts in the field of employment



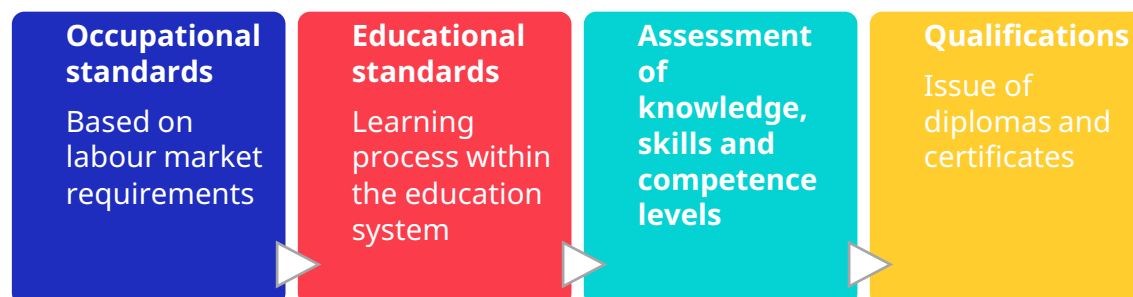
Source: Authors' elaboration based on definitions from the International Standard Classification of Occupations (ILO ISCO, ISCO-08 2012) definitions.

1.2 Occupational standards

What an individual should be able to do to perform a certain occupation is detailed in the occupational standards, that indicate the requirements for an effective performance at workplace. The requirements established in the occupational standards are transferred to the education systems where the correspondent educational standards what an individual must learn to be able to perform a specific occupation. Usually, the results of the learning process are certified by a formal assessment. Passing the assessment, the student will receive a certificate, degree or diploma indicating the acquired qualification.⁴

⁴ It is a formal expression of the vocational or professional abilities of a worker which is recognized at international, national or sectoral levels (ISCO08 2012, Art. 2 (c)).

Figure 1.2: The qualification process



Source: Guidelines for skills modules in bilateral labour migration agreements (ILO 2020).

1.3 Relevant statistical classifications

To make possible the statistical comparison of occupations and skills, there are two classifications: The International Standard Classification of Occupations (ISCO) managed by the ILO; and the International Standard Classification of Education (ISCED), managed by UNESCO.

1.4 Different aspects of skills

Skills can be considered from the perspective of anticipation, development, matching and recognition.

1.4.1 Skills anticipation⁵: The future needs of the labour market need to be addressed in advance for preventing skills mismatch in the future, especially for addressing skills shortages in emergency situations. There are many methods and tools for skills anticipation, including: enterprise/establishment skill surveys, quantitative forecasting, models, sector studies and tracer studies⁶. As the

⁵ There is not a unique definition. It usually stands for any forward-looking diagnostics of skill needs expected on future labour markets performed by means of any type of method, be it quantitative or qualitative, including interaction, exchange and signalling between labour market actors. (ILO Skills and Employability network - Glossary).

⁶ The methods most used in skills anticipation are the Delphi method, expert panels, scenarios, literature and statistics reviews, brainstorming and SWOT analyses (ETF, CEDEFOP and ILO, 2016). The European Training Foundation (ETF), CEDEFOP (European Centre for the Development of Vocation Training) and the ILO have produced six guides for the practical implementation of the methods proposed, including market Intelligence, skills foresights, scenarios and forecasts,

education systems need enough time to design and deliver profiles on demand, skills anticipation should consider the longest possible projection. Long-term forecasts (5–10 years) are those provided by CEDEFOP with skill supply and demand projections for EU countries up to 2030.⁷ There is also the QuBe system used by Germany and USA for skills forecasting (see box 1.1).

Box 1.1: Skills forecast system in Germany and in USA

The QuBe system⁸ provides a long-term overview of the likely development of labour demand and supply in terms of qualifications and occupations. The forecast is updated every two years and is integrated by sector research and employment/establishment surveys. Based upon a scenario analysis, possible alternative developments are presented. In the United States, the Bureau of Labour Statistics carries out a national Employment Projections (EP) programme providing information about the labour market with a ten-year time span. It includes occupational projections and labour demand.

Sources: See www.QuBe-Projekt.de and <https://www.bls.gov/emp/>.

ILO STED analyses: In contexts of data and information scarcity on skills-related issues, the ILO has designed the STED tool. It provides strategic guidance for the integration of skills anticipation and development in sectoral policies. It is designed to support growth and decent employment creation, with a focus on facilitating exports and promoting economic diversification. It assists policymakers to ensure that training policies are closely linked to labour market demands.⁹

sectoral approaches, establishment skills surveys and tracer studies. See: https://www.ilo.org/employment/Whatwedo/Projects/WCMS_534345/lang--en/index.htm.

⁷ The *E3ME* is a computer-based model that covers the world's economic, energy systems and the environment (developed by Cambridge Econometrica). The model has been used for several recent high-profile assessments, including the contribution of employment projections to CEDEFOP's annual skills forecasts.

⁸ Managed by the Federal Institute for Vocational Education and Training (BIBB) and the Institute for Labour Market and Career Research (IAB) in collaboration with the Institute of Economic Structures Research (GWS). See: www.QuBe-Projekt.de.

⁹ See: www.ilo.org/sted.

Short- to medium-term projections can be used to influence the service delivery of employment agencies and the preparation of short training courses. An example of short-term forecasts (1–2 years) is offered by the Excelsior Information System in Italy.¹⁰ Medium-term forecasting (2–5 years) is used in Australia (see the Labour Market Information portal).¹¹

1.4.2 Skills development: The term “skills development” refers to the full range of formal and non-formal vocational, technical and skills-based education and training for employment or self-employment, including pre-employment and livelihood education and training; TVET and apprenticeships in both secondary and tertiary education; training for employed workers, including in the workplace; and employment-oriented and labour market-oriented short courses for those seeking employment (ILO, 2020).

At international level, skills development can be the focus of partnership initiatives aimed at equipping potential migrant workers in countries of origin with the skills on demand in both labour markets. Partnership can be established through different instruments (see table 1).

Table 1: Main partnership instruments for skills development

Instrument	Description	Examples
BLMA	The agreement can include pre-departure and post-arrival training aimed at enhancing the skills of migrant workers	Memorandum of Understanding on the Indonesia–Australia Skills Development Exchange Pilot Project, 4 March 2019 https://www.dfat.gov.au/trade/agreements/not-yet-in-force/iacepa/iacepa-text/Pages/iacepa-mou-indonesia-aus-skills-development-exchange-pilot-project
Development cooperation initiatives	Specific projects can promote skills development in general or at sector level	Mubarak-Kohl initiative in Egypt. Running from 1996 to 2007, it introduced a Dual Training System aimed at addressing the unemployment among young

¹⁰ See: http://excelsior.unioncamere.net/en/index.php?option=com_content&view=article&id=63&Itemid=65.

¹¹ See: <http://lmip.gov.au/default.aspx?LMIP/GainInsights/EmploymentProjections>.

		<p>Egyptians and facilitating the transition from school to work.</p> <p>https://www.academia.edu/9807946/Mubarak Kohl Initiative Report</p> <p>Skills for Employability Project in Vietnam. Implemented by the <i>Westminster Kingsway College</i>. Funded by the British Council Skills for Employability project. It established a national Vocational Teacher Training centre equipped to deliver internationally recognised qualifications awarded by City & Guilds (UK Awarding body).</p> <p>https://www.westking.ac.uk/international/international-projects-and-partnerships/</p> <p>German-Moroccan cooperation in skills development in the hospitality sector (see Box 1.2)</p>
Global Skills Partnership on Migration (GSP)	It aims at mobilizing technical expertise of the organizations involved towards supporting governments, employers, workers and their organizations, educational institutions and training providers, and other stakeholders to develop and recognize the skills of migrant workers with a particular focus on women and youth.	<p>Launched initially as an initiative among the ILO, IOM, UNESCO, IOE and ITUC</p> <p>https://www.skillsforemployment.org/KSP/en/Details/?dn=EDMSP1_230224</p>

Box 1.2: Bridging access to overseas employment opportunities

Case Study on German-Moroccan cooperation in skills development in the hospitality sector

The World Bank, the Centre for Mediterranean Integration (CMI), the GIZ and the Moroccan Federal Employment Agency (ANAPEC) are supporting Morocco in its efforts to equip the workforce with the right soft and technical skills needed for stable employment in an international labour market. Hospitality was identified as a possible win-win sector. Tourism, which faced labour shortages in Germany, was identified as one of the sectors with the highest potential. A pool of 110 young Moroccans looking to work in tourism were identified with the support of Morocco's ANAPEC. The project included pre-departure training, including six months German language training, as well as

receiving cultural orientation to prepare them for living and working in Germany. The selected participants were placed into apprenticeship in 48 establishments in Bavaria and Thuringia, splitting their time between vocational schools and on-the-job training in their assigned company. After completing the apprenticeship, trainees could either continue to work in their company or benefit from other training in Germany for career development in the hospitality sector in Morocco.

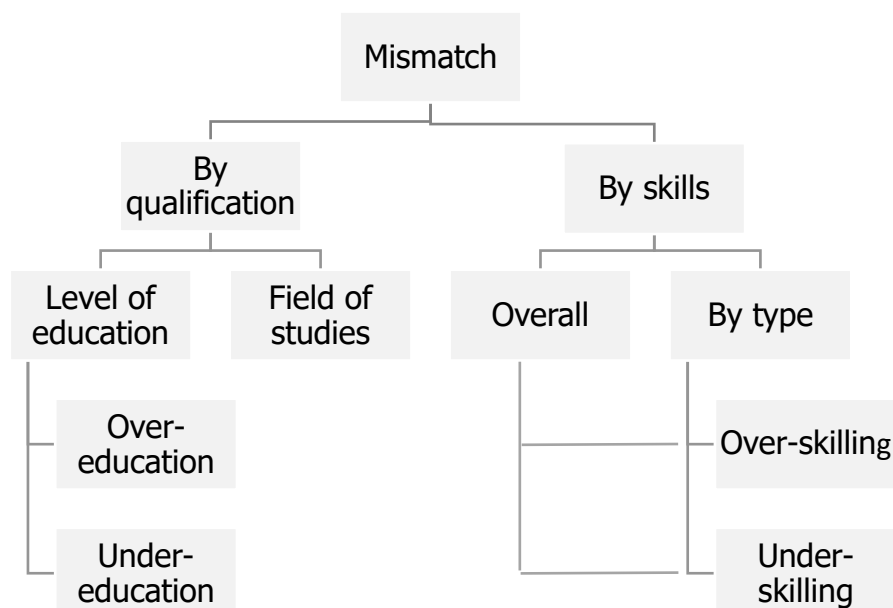
Source: <https://www.giz.de/en/mediacenter/68745.html>; <https://blogs.worldbank.org/arabvoices/young-moroccan-german-tourism-job-market>.

Origin countries often face challenges in offering training that leads to migration for employment, given that this could potentially contribute to skills gaps in the origin country's labour market. At the same time, many origin countries face rapid demographic growth and limited job creation, resulting in high-level migration outflows.

1.4.3 Skills matching and skills mismatch: There are several mechanisms that allow matching skills supply and demand in the labour market (e.g. platforms, employment services, sectoral bodies, etc.). While skills matching is expected to be a normal situation there might be a lack of correspondence between the skills demand and those possessed by the worker (skills mismatch). Mismatch is an overarching term (see figure 1.3) which describes imbalances between qualifications and skills offered and those demanded. There can be a vertical skills mismatch, where the level of education or qualification is above or below the skill required. There can also be a horizontal skills mismatch when the type or field of education does not correspond to the requirements of the job¹².

¹² See for more details: Skills and jobs mismatches in low- and middle-income countries. ILO 2019. https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_726816.pdf.

Figure 1.3: Mismatch by qualification and skills



Source: Adapted from ILO, 2018a.

1.5 Qualification and skills recognition

Migrant workers are frequently exposed to skills underutilization, a situation where their skills, qualifications and job experience are not properly utilized in the labour market. One of the main reasons for this is the lack of recognition of foreign qualifications by countries of destination. Recognition of qualifications comprises two main areas: *academic* and *professional*. Recognition of academic qualifications permits the continuation of studies and access to education and training at the appropriate level, while in the case of professional qualifications, recognition gives the opportunity to practice the acquired professional skills.

To facilitate the recognition process, UNESCO has promoted many regional Conventions aimed to facilitate the recognition of qualifications in higher education. Recognition is usually not automatic and requires either the authorization of the national skills recognition body or of the concerned university.

Professional recognition includes regulated and non-regulated professions. Regulated professions are ruled by legal acts, laws and regulations can range from registration, to certification, to licensing by professional bodies, or to governmental authorities. Some professions – such as those in health care, engineering, and education, among others – are subject to registration, licencing or the issue of a certificate from the regulatory body that governs that occupation as a pre-condition for opening a practice or engaging in that profession. This is particularly relevant for regulated professions for which recognition could be facilitated by existing mutual recognition agreements or prepared in advance through BLMAs (see case study in box 1.3).

Non-regulated professions do not require any specific process for professional recognition, as the employer is responsible for assessing professional competencies during recruitment.

The skills possessed by a migrant worker may have been gained through a formal education system and the learning outcomes indicated in a formal qualification such as a diploma or degree. The skills could also have been acquired through non-formal (intentional learning as part of planned activities, but with no final examination) and informal ways (mainly unintentional learning resulting from daily activities at work, family or leisure), and in this case, there is neither certificate nor qualification.

Informal and non-formal learning can lead to formal qualifications through programmes for the recognition of prior learning (RPL). When this possibility exists in the host country it is usually based on the following main criteria (UNESCO and ILO 2018a):

- Assessment of competencies and identification of existing gaps;
- Undertaking training aimed at filling the gaps; and
- Assessment of competencies and issue of a formal certificate.¹³

¹³ For more details, see: Recognition of Prior Learning (RPL): Learning Package. ILO 2018. https://www.ilo.org/skills/pubs/WCMS_626246/lang--en/index.htm, and Skills for Employment

Box 1.3: Case study on the placement of qualified nurses

Germany's nursing sector has a significant shortage that cannot be filled by the domestic labour market. Since 2012 there have been agreements pursued to alleviate the German nursing shortage and reduce unemployment in nurses' countries of origin in Bosnia and Herzegovina, Serbia and the Philippines. Through the GIZ and in collaboration with ZAV, BLMAs have been signed that offer Germany a supply of qualified nurses that cannot be absorbed by the local labour markets in the countries of origin. Integration is made easier as nurse training in these countries is nearly the same as in Germany.

The identification of suitable candidates is done through a screening implemented in collaboration with the employment agency of the origin countries. Preselected candidates are interviewed by the German employers selecting nurses for their own institutions.

Before leaving their country, the selected nurses undergo a language preparation up to B1 certificate in German and a four-day professional and orientation course, including information on processes and requirements for getting their qualifications recognized in Germany. They are individually supported in the preparation and submission of documents for recognition to the relevant German authorities before departure.

Nurses receive the labour market admission and entry visa before leaving their country of origin.

From the beginning of the project in 2012 up to November 2019, more than 3,000 nurses have been placed with German employers in clinics, geriatric care homes and out-patient services.

Source: <https://www.giz.de/en/worldwide/11666.html>.

Recognition of qualifications and skills is usually regulated at country level. For this reason, when there is a reference in a BLMA to qualifications and skills, no further details are usually provided because it is understood that the national legislation will apply. This is explained by the fact that the same rules apply to both migrant workers and nationals. Since modalities for recognition can vary, it is important that migrant workers be informed in advance on the procedures and conditions. This will allow them to prepare a skills portfolio (documentation on the skills an individual possesses) that could facilitate the identification of possible skill gaps and address them accordingly. The skills portfolio could be

requested by potential employers, training institutions, employment services, etc.

1.6 Q/A Self-assessment questionnaire – Module 1

Please control your answers against the correct ones in annex 1.

Statement	True	False
An occupation is a set of jobs with remarkably similar tasks and duties.		
What an individual should be able to do to perform a certain occupation is detailed in educational standards.		
A qualification is the learning process in the education system.		
Skills forecasts can be projected up to 20 years.		
Skills development can contribute to addressing skills shortages (a situation where demand for a particular type of skill exceeds the supply).		
Skill mismatch is a situation where there is a discrepancy between the qualifications and skills that individuals possess and those needed by the labour market.		
Qualifications and skills that a migrant worker possesses are automatically recognized in the destination country.		

1.7 Suggested reading and reference materials

Braňka, J. 2016. *Understanding the potential impact of skills recognition systems on labour markets*, Research Report. ILO. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_532417.pdf.

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► Module 2: Bilateral and multilateral labour migration agreements

Learning objectives

By the end of the session, participants will be able to:

- Understand how bilateral and multilateral international agreements can address skills and qualifications issues.
- Enhance the awareness of the regional mobility of skills.

Outline of Module 2 Sessions: Bilateral and multilateral labour migration		
Topic	Methodology	Duration (minutes)
2.1 Bilateral labour migration agreements and skills	<ul style="list-style-type: none">• Short lecture• Case studies• Discussion in plenary	60
2.2 Multilateral agreements and skills mobility at regional level		30
Self-assessment questionnaire	Participants will fill in the handout Q/A, to measure the level of knowledge acquired at the end of the module. The facilitator provides the right answers and address the eventual weaknesses emerging from the questionnaires.	30
Total duration of the session		120

Content of the session

The session will provide participants with internationally agreed terminology related to bilateral and multilateral agreements and their impact on development, matching and recognition of skills and qualifications.

2.1 Bilateral labour migration agreements and skills

BLMAs are instruments signed by two countries, to govern the terms of labour migration.¹⁴ They become operational when the signatory countries endorse them through the process of ratification, usually done by the national parliaments.

Two countries may decide to use the instrument of the Memorandum of Understanding (MoU), being normally a non-binding agreement, to express their will to address common concerns in the field of labour migration. Sometimes, an MoU contains implementing rules for an already signed BLMA. See figure 2.1 for details on the BLMA cycle.

An important step in the negotiation of a BLMA is its preparation, with the identification of issues, including skills, and how they are to be managed in the origin and destination countries. Relevant questions are presented in tables 2.2 and 2.3. The needed information changes according to the perspectives of the origin or destination countries.

Figure 2.1. BLMA cycle



Source: Tool for the Assessment of Bilateral Labour Migration Agreements, ILO/IOM 2019, p. 15.

¹⁴ As defined in ILO, 2017, Chapter 3, para 68. It includes legally binding agreements (BLMAs and other agreements) and MoUs.

Table 2.1: Bilateral labour migration agreements: Questions to consider and sources of information concerning skills and qualifications – Countries of destination

	Country of destination questions	Sources of information
<input type="checkbox"/>	Is there a system of skills and qualifications recognition existing in the country of origin that can inform the movement of migrant workers to the country of destination in terms of the bilateral agreement?	Ministry of Education, Ministry of Labour, social partners and other relevant actors
<input type="checkbox"/>	Which are the skills gaps per each economic sector?	Ministry of Labour, PES, Social Partners,
<input type="checkbox"/>	How is the qualification system in the country of origin structured? Is there a quality-assured qualification system and how is it structured?	Ministry of Labour, Ministry of Education (and Higher Education, as appropriate), social partners
<input type="checkbox"/>	Are there post arrival orientation training for migrant workers? If yes, who organize them?	Ministry of Labour, PES, Social Partners, NGOs
<input type="checkbox"/>	Are there other bilateral or multilateral labour agreements covering skills aspects. If yes, how are skills issues regulated?	Ministry of Labour, Ministry of Education (and Higher Education, as appropriate), Ministry of Foreign Affairs
<input type="checkbox"/>	What gender-responsive analyses have been undertaken of skills supply and demand in the domestic labour market, identifying skills oversupply and unfilled vacancies in order to assess the potential impact of the BLMA? If available, what are the results?	Ministry of Labour, public employment services/private employment agencies, social partners, Institutions or organizations concerned with gender equality
<input type="checkbox"/>	Have specific skills shortages and gaps been identified? Are they gender-specific?	Ministries of Labour and Education, public employment services/private employment agencies, social partners
<input type="checkbox"/>	Which institutions/agencies are in charge of skills matching of migrant workers before departure? How is the process organized? Is there pre-departure orientation?	Ministry of Labour, public employment services/private employment agencies, social partners
<input type="checkbox"/>	Are workers' and employers' organizations involved in governance of skills systems? If yes, how?	Ministry of Labour, workers' and employers' organizations

<input type="checkbox"/>	Are there procedures for the recognition of prior learning for migrant workers? If yes, which are the institutions and procedures, and for which occupations/qualifications?	Government, workers' and employers' organizations
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Table 2.2: Bilateral labour migration agreements: Questions to consider and sources of information concerning skills and qualifications – Countries of origin

	Country of origin questions	Sources of information
<input type="checkbox"/>	Is there a system of skills and qualifications recognition existing in the country of origin that can inform the movement of migrant workers to the country of destination in terms of the bilateral agreement?	Ministry of Education, Ministry of Labour, social partners and other relevant actors
<input type="checkbox"/>	What is the skills surplus in the country of origin?	Ministry of Education, Ministry of Labour, social partners
<input type="checkbox"/>	What gender-responsive analyses have been undertaken of skills supply and demand in the domestic labour market, identifying skills oversupply and unfilled vacancies?	Ministry of Labour, public employment services/private employment agencies, social partners, institutions and agencies concerned with gender equality
<input type="checkbox"/>	Are there pre-departure orientation training available for potential migrant workers? If yes, who organize them?	Ministry of Labour, PES, Social Partners, NGOs
<input type="checkbox"/>	Are there other bilateral agreements on skills issues? If yes, how are skills issues regulated?	Ministry of Labour, Ministry of Education (and Higher Education, as appropriate), Ministry of Foreign Affairs
<input type="checkbox"/>	Which institutions and which procedures are in place for the recognition of foreign qualifications by migrant workers?	Ministry of Labour, Ministry of Education and Higher Education, as appropriate), social partners
<input type="checkbox"/>	Are workers' and employers' organizations involved in governance of skills systems? If yes, how?	Ministry of Labour, workers' and employers' organizations
<input type="checkbox"/>	Are there procedures for the recognition of prior learning for migrant workers? If yes, which are the institutions and procedures?	Government, workers' and employers' organizations
<input type="checkbox"/>	Can the public employment service (PES) provide assistance to migrant workers in skills matching and recognition processes?	Government, PES, workers' and employers' organizations

<input type="checkbox"/>	Are there active labour market policies on skills that migrant workers can access?	Government, PES, workers' and employers' organizations
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Once the basic information on qualification and skills systems and their governance has been collected, the countries can decide which aspects will be included in the negotiation process. An indicative list of the above subjects is summarized in table 2.3.

Table 2.3: Skills related issues that can be included in a BLMA

Items to consider in a BLMA	Content	Modalities
Pre-departure orientation training (country of origin)	Provide migrant workers with accurate information about rights and obligations, including safe and legal recruitment options, complaint mechanisms, labour laws, cultural diversity, etc. These programs may be delivered by governments, workers' organizations, employers, civil society organization, or a combination of these key stakeholders.	Content, duration, implementing agency, indication if it will be free of charge, voluntary or compulsory.
Post-arrival orientation training (country of destination)	Post-arrival orientations reinforce and contextualize pre-departure orientation training.	Content, duration, implementing agency, indication if it will be free of charge, voluntary or compulsory.
Recruitment procedures	The recruitment procedures should be guided by the ILO General principles and operational guidelines for fair recruitment (ILO, 2019b). In particular, General principle 4 indicates that "recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications".	Modality of selection and institutions responsible; recruitment fees and related costs (costs for skills and qualification tests are considered related costs).

Skills development	The BLMA may include clauses for training migrant workers in skills on demand in the destination countries. It may also contain provisions for training delivery, while abroad, in order to facilitate labour market re-integration upon return.	BLMAs can include provisions on adapting the skills of the potential migrant workers to the needs of the destination countries.
Skills matching	The BLMA will establish the skills matching process to be followed within the specific migration corridor covered.	Institution or agency in the destination country which can assist in skill matching, helping migrant workers in finding a job and identifying possible skills gaps. It is also important to define procedures and financial responsibilities between the two countries.
Skills recognition	BLMAs should make a reference to existing recognition of prior learning mechanisms, if available. In case, such mechanisms do not exist, the BLMA will indicate a process to be followed.	The BLMA can include indications on the modalities for the recognition of qualifications and skills, indicating procedures and financial responsibilities.

Some of the topics in the above table can be complemented by some examples derived from existing international agreements, as presented in the following boxes.

Pre-departure training: The MoU between Albania and Italy offers an example of how potential migrant workers can be prepared for entering the Italian labour market (see box 2.1).

Box 2.1: Memorandum of Understanding between Albania and Italy

(excerpts - CHAPTER III Linguistic and vocational training, internship)

The Ministry of Labour and Social Policies of the Italian Republic and the Ministry of Labour, Social Policies and Equal Opportunities of the Republic of Albania concerning the implementation of the Agreement on Labor Migration, signed on 2nd December 2008

Article 6 (Training courses)

The Contracting Parties, in compliance with their national legislation, will foster the linguistic and vocational training of the candidate migrant workers, in order to meet the requests of the labour market for qualified professional profiles.

The linguistic training will be organized in Albania by Italian officially authorized centres to ensure the validation of linguistic competences of candidates according to European standards.

The bodies referred to under the previous paragraph include Authorized Bodies as per Article 1 of the present Memorandum.

Linguistic and vocational training programmes started abroad can be completed in Italy.

Article 7 (Right to preference)

Albanian workers who attend training courses in Albania are given preference to enter Italy for work reasons in compliance with the domestic law in force. Candidate Albanian migrants will not bear any cost for training courses.

Source: http://sitiarcheologici.lavoro.gov.it/AreaSociale/Immigrazione/flussi_migratori/Pages/default.aspx.

Skills development: The MoU Korea and Philippines indicates modalities of collaboration aimed at upskilling workers (see box 2.2).

Box 2.2: Memorandum of Understanding between Republic of Korea and the Philippines (excerpts)

The Ministry of Labor, Republic of Korea and the Department of Labor and Employment, Republic of Philippines in the Field of Labor and Manpower Development, 30 May 2009

II – Programmes and activities. In pursuance the objective of this MoU, the Parties may, among others. Implement the following programs and activities:

1. Sharing of information on existing policies and programs concerning labor and manpower development, including technical and vocational training.
2. Joint development of new and innovative technical and vocational courses and curricula toward developing more labor market-responsive and competitive workforce:
3. Education, training and upskilling of vocational teachers, managers and officials as well as assessors of national skill assessment and certification.
4. Exchange of visits of vocational training instructors, experts and managers.
5. Support for initiatives aimed at enhancing national skills standard and competitiveness towards international recognition, such as continuing studies and research, conduct of seminars and conferences, and participation in regional and global skills competition.
6. Cooperation between and among related training organizations in both countries.
7. Provision and/or exchange of training materials and equipment.
8. Support for Filipino workers in Korea to better prepare them for their eventual return and effective re-integration into their home country.

Source: <https://www.poea.gov.ph/laborinfo/bLB.html>.

Recognition of qualifications: The Agreement between France and India indicates the modalities for the recognition of higher education qualifications (see box 2.3).

Box 2.3 Agreement between the Government of the Republic of India and the Government of the French Republic

(To facilitate mutual recognition of academic qualifications, signed 10th March 2018)

(excerpts)

Article 1 - Purpose of the Agreement

With this Agreement, the Parties agree to work towards and facilitate the mutual recognition of educational qualifications and periods of study undertaken by students within duly approved, recognized and/or accredited educational institutions within the two countries, in view of continuing their studies in the partner country.

Article 2 – Scope and implementation

(1) This Agreement shall apply:

- in India, to all institutions that are members of the Association of Indian Universities (AIU) and all institutions duly approved, recognized or accredited by the competent authorities of the Republic of India to award degrees;
- in France, to all higher education institutions under the Conference des Présidents d'Université (CPU), the Conference des Directeurs des Ecoles Françaises d'Ingénieurs (CDEFI) and to degrees recognized by the French Ministry in charge of Higher Education.

(2) Both Parties shall facilitate regular exchanges between the above mentioned Indian and French bodies (AIU and CPU/CDEFI), for the implementation of this Agreement.

(3) This Agreement shall not apply to such disciplines and qualifications which also entitle their holders the right to practice a profession in the respective countries.

(4) This Agreement is based on respect for the principle of institutional autonomy which applies to both the Indian and French higher education systems. The programme in which students may enroll shall be determined by the competent higher education authorities of each party.

(5) Information on the organization and structure of the higher education systems of the two countries shall be exchanged on a regular basis.

(6) The Parties undertake to mutually recognize the qualifications of the end of secondary education and of higher education institutions of the Republic of India and the qualifications of the higher education institutions of the French Republic which fall within the scope of this Agreement as comparable with the corresponding qualifications provided that the qualifications are awarded in accordance with the laws and regulations of both countries.

(7) The Indian Party shall recognize the certificate issued for the completion of secondary school education by the French Ministry of National Education, known as the baccalaureate, as comparable to the Certificates issued, in respect of senior school certificate Examination, by the central Board of Secondary Education (CBSE) or by the other secondary, intermediate or pre-university education establishments recognized by the Governments of India.

(8) The French Party shall recognize the Certificates issued, in respect of Senior School Certificate Examination, by the Central Board of secondary Education (CBSE) or by the other secondary, intermediate or pre-university education establishments recognized by the Republic of India as comparable with the baccalaureate qualification awarded for the completion of secondary school education by the French Ministry of National Education.

(9) The Indian Party shall recognize the license degrees awarded by French universities and higher education institutions duly approved, recognized or accredited by the French Ministry for Higher Education as comparable to the Bachelor's degrees awarded by the universities and higher education institutions duly approved, recognized or accredited by the competent authorities or bodies in the Republic of India.

(10) The French Party shall recognize the Bachelor's degrees awarded by universities and higher education institutions duly approved, recognized or accredited by the competent authorities or bodies in the Republic of India as comparable to the license degrees awarded by French universities and higher education institutions duly approved, recognized or accredited by the French Ministry for Higher Education.

(11) The Indian Party shall recognize the Master's and Master's-level degrees awarded by French universities and higher education institutions duly approved, recognized or accredited by the French Ministry for Higher Education as comparable to the Master's degrees awarded by the universities and higher education institutions duly approved, recognized or accredited by the competent authorities or bodies in the Republic of India.

(12) The French party shall recognize the Master's degrees awarded by universities and higher education institutions duly approved, recognized or accredited by the competent authorities or bodies in the Republic of India as comparable to the Master's and Master's-level degrees awarded by French universities and higher education institutions duly approved, recognized or accredited by the French Ministry for Higher Education.

(13) The Indian party shall recognize the doctoral degree awarded by universities and higher education institutions duly approved, recognized or accredited by the French Ministry for Higher Education as comparable to the Doctor of Philosophy (PhD) degree in the corresponding discipline(s) awarded by the universities and higher education institutions duly approved, recognized or accredited by the competent authorities or bodies in the Republic of India.

(14) The French party shall recognize the Doctor of Philosophy (PhD) degree awarded by universities and higher education institutions duly approved, recognized or accredited by the competent authorities or bodies in the Republic of India as comparable

to the doctoral degree awarded by universities and higher education institutions duly approved, recognized or accredited by the French Ministry for Higher Education.

Source: https://www.iitr.ac.in/sric/mou/Research/Govt_of_French_Republic.pdf.

2.2 Multilateral agreements and skills portability

A multilateral agreement involves more than three negotiating parties. Multilateral agreements are most often used at regional level to provide member states with common positions on different issues of relevance, such as qualifications and skills. They usually indicate the objectives to be achieved, leaving the signatory countries to decide timing and modalities of implementation. Examples of such agreements include that of the African Union on Protocol to the Treaty on Free Movement of Persons, Residence and Establishment (2018)¹⁵ and the Ouagadougou Declaration on Poverty Eradication (African Union 2015).

Concerning qualifications and skills, multilateral agreements can be used for establishing mechanisms for the effective free circulation of persons within the region, including the mobility of qualifications and skills. Qualifications are portable if they relate to a regional qualification standard (as in the case in the Caribbean with regional vocational qualifications), or if other countries recognize the qualification. This recognition can be unilateral (only the country of destination recognizes) or multilateral (all countries involved mutually recognize qualifications).

One of the most advanced systems has been established by the European Union. The European Qualifications Framework (EQF) was adopted in 2008,¹⁶ permitting the comparison of qualifications across countries and sectors. This comparison, however, does not automatically mean mutual recognition. Fostered by the EQF,

¹⁵ Available at: <https://au.int/en/treaties/protocol-treaty-establishing-african-economic-community-relating-free-movement-persons>.

¹⁶ Recommendation of the European Parliament and of the Council of the European Union of 23 April 2008 (*Official Journal of the European Union*, 2008/C 111).

national qualifications frameworks (NQFs) have been developed and implemented across Europe (CEDEFOP 2018).

Similarly, other regions have developed reference qualifications frameworks, which can help compare the levels of qualifications within member States; these include the ASEAN Qualifications Reference Framework (AQRf), created by the Association of Southeast Asian Nations, (ASEAN)¹⁷ and the Pacific Qualifications Framework (PQF) adopted by the Pacific Island Forum.¹⁸ These reference frameworks provide a measurement tool that helps compare at which level qualifications are situated. This comparison, however, only works if all countries involved use the same measurement criterion (level descriptors) within their national qualification systems. The way recognition authorities currently assess the equivalency of qualifications is by comparing the content of occupational standards, training programs, their duration and entry level. Level descriptors in qualification reference frameworks can help determine the level at which a qualification is situated within a qualification system, however, provide no information about the content of a program (e.g. if a plumber only deals with water or also with gas), hence reference qualification frameworks do not replace the need to conduct additional equivalence assessments of qualifications.

In order for this to lead to recognition of skills and qualifications, national authorities need to have the capacity to assess prior learning or the quality of foreign qualifications based on the agreed regional standards or reference levels and recognize them.

For facilitating the mobility of professionals or high-skilled workers within a region or between two countries, mutual recognition agreements (MRAs) can be signed. There are three different approaches linked to MRAs (see table 2.4).

¹⁷ Established on 8 August 1967. The Member States are: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam.

¹⁸ Pacific Island Forum countries are: the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, the Marshall Islands, Palau, Papua New Guinea, Samoa, the Solomon Islands, Tonga, Tuvalu and Vanuatu, and Tokelau.

Table 2.4: Approaches to MRAs

Approach	Description	MRA Examples
Framework Agreement	It contains detailed guidelines for future MRAs	<p>France-Quebec Accord 2010 https://www.quebec.ca/emploi/reconnaissance-des-etudes-et-de-l'experience/faire-reconnaitre-son-experience/entente-quebec-france/</p> <p>Asia-Pacific Economic Cooperation (APEC) Architect Project https://lam.gov.my/apec/purpose.php</p>
Horizontal	General mechanism covering almost all occupations	<p>European Union Professional Qualifications Directive https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32013L0055</p> <p>Trans-Tasman Mutual Recognition Arrangement between New Zealand and Australia https://www.coag.gov.au/about-coag/agreements/trans-tasman-mutual-recognition-arrangement-arrangement-between-australian</p>
Vertical	Limited to specific occupations or Sector	<p>Use exactly the same standard across countries:</p> <p>Caribbean Community Skills Certificate Scheme https://www.ucj.org.jm/credential-assessment-recognition/caricom-skills-certificate/</p> <p>MRA, which provides a mechanism to recognize – based on mutual trust and national bodies that quality-assure, and the standard does not need to be exactly the same:</p> <p>Mutual Recognition Arrangement on Architecture between the United States and Canada https://oaa.on.ca/registration-licensing/becoming-an-architect/internationally-trained-professionals/mutual-recognition-agreement-between-canada-and-the-united-states</p> <p>Washington Accord on Engineering, 1989 https://www.ieagreements.org/accords/washington/</p> <p>ASEAN MRA for architectural services, MRA in the East African Community (EAC) on engineers.</p>

Source: Authors' elaboration from Asian Development Bank 2017.

An example of broad range MRAs is offered by the Trans-Tasman Mutual Recognition Arrangement between New Zealand and Australia¹⁹ (see box 2.4).

Box 2.4: Mutual recognition agreement between New Zealand and Australia

The Trans-Tasman Mutual Recognition Arrangement (TTMRA) envisages that professionals registered in either Australia or New Zealand can quickly register in the other country without compensatory measures.

Anyone in a registered occupation need only notify the registration authority of the country in which they wish to work. After one month from the notification, without any indication from the authority in charge, the applicant is automatically registered.

The registration authorities may delay the registration in case of incomplete or inaccurate information, or if the applicant's occupation is not equivalent in the countries. In 2014, more than 15,000 made use of mutual recognition: more than half were health professionals, while trades like electricians and plumbers made a share of near 15 per cent of the registrations in that year.

Source: Asian Development Bank 2017. Reinventing Mutual Recognition Arrangements. Lessons from International. Experiences and Insights for the ASEAN Region.

¹⁹ Available at : <https://www.mfat.govt.nz/assets/Countries-and-Regions/South-East-Asia/ASEAN/ASEAN-CER-Integration-Partnership-Forum/IPF-Seminars-2011-2014/IPF2-TTMRA-Dr-Peter-Mumford.pdf>.

2.3 Q/A Self-assessment questionnaire – Module 2

Please control your answers against the correct ones in annex 1.

Statement	True	False
A BLMA can contribute to address bilaterally specific aspects of labour migration, including skills.		
BLMAs are negotiated only between countries of the same region.		
BLMA and an MoU have the same value in the international context		
The BLMA cycle includes three steps: preparation, implementation, and monitoring.		
Pre-departure training in the country of origin, foreseen by a BLMA, does not allow for the organization of post-arrival orientation training in the destination country.		
Skills development is possible only in the presence of a BLMA.		
Through BLMAs skills matching is only a duty of the origin country.		
BLMAs allow only the recognition of higher education qualifications and exclude other qualifications.		
BLMAs can envisage the recognition of informal and non-formal learning through RPL procedures.		
A Multilateral Recognition Agreement can be stipulated between two neighbouring countries.		
A Mutual Recognition Agreement is applicable only to the mobility of regulated professions.		

2.4 Suggested reading and reference materials

Asian Development Bank. 2017. *Reinventing Mutual Recognition Arrangements. Lessons from International. Experiences and Insights for the ASEAN Region*. Mandaluyong, Philippines. Available at: <https://www.adb.org/publications/mutual-recognition-arrangements-asean>.

CEDEFOP. 2018. *Analysis and overview of NQF level descriptors in European countries*, Research paper. Luxembourg. Available at: <https://www.cedefop.europa.eu/en/publications-and-resources/publications/5566>.

—; ETF (European Training Foundation); UNESCO (United Nations Educational, Scientific and Cultural Organization); UNESCO Institute for Lifelong Learning. 2019. *Global inventory of regional and national qualifications frameworks 2019. Volume I: Thematic Chapters*. Luxembourg. Available at: <https://uil.unesco.org/lifelong-learning/recognition-validation-accreditation/global-inventory-regional-and-national>.

Cholewinski, R. 2015. "Evaluating bilateral labour migration agreements in the light of human and labour rights", in M. Panizzon, G. Zürcher and E. Fornalé (eds): *The Palgrave Handbook of International Labour Migration*. London: Palgrave Macmillan.

Global Forum on Migration and Development (GFMD). n.d. *Compendium of good practice policy elements in bilateral temporary labour arrangements*. Geneva. Available at: <https://www.gfmd.org/compendium-good-practice-policy-elements-bilateral-temporary-labour-arrangements>.

International Organization for Migration (IOM). 2016. *Regional Guidelines for the Development of Bilateral Labour Agreements in the Southern African Development Community*. Maputo. Available at: https://publications.iom.int/system/files/pdf/regional_guide_bilateral_labour_agreements.pdf.

Popova, N.; Panzica, F. 2017. *General practical guidance on promoting coherence among employment, education/training and labour migration policies*. Geneva: ILO. Available at: http://www.ilo.org/global/topics/labour-migration/publications/WCMS_614314/lang--en/index.htm.

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__. 2018c. *Good practices and provisions in multilateral and bilateral labour agreements and memoranda of understanding*. Dhaka: ILO. Available at: https://www.ilo.org/dhaka/Whatwedo/Publications/WCMS_683740/lang--en/index.htm<https://unevoc.unesco.org/home/TVETipedia+Glossary/lang=en/filt=all/id=308>.

► Module 3: International standards and guidance

Learning objectives

By the end of the session, participants will be able to:

- Increase the awareness of core elements and principles related to skills from the international standards
- Identify core elements and principles related to skills that can be applied to BLMAs.

Outline of Module 3 Sessions: International standards and guidance		
Topic	Methodology	Duration (minutes)
Core elements and principles related to skills in international labour standards and other instruments	<ul style="list-style-type: none">• Short lectures• Discussion in plenary	60
Self-assessment questionnaire	Participants will fill in the handout Q/A, to measure the level of knowledge acquired at the end of the module. The facilitator provides the right answers and address the eventual weaknesses emerging from the questionnaires	30
Total duration of the session		90

Content of the session

The module will provide participants with international agreed principles that can help countries of origin and destination to design, negotiate, implement, monitor and evaluate rights-based and gender-responsive BLMAs.

The following table indicates the main core elements related to qualification and skills, principles and sources (see table 3.1).²⁰

Table 3.1: International principles and guidelines related to qualifications and skills

Core elements	Sources	Principles and guidelines
In general	ILO Multilateral Framework on Labour Migration (ILO, 2006)	<p>Guideline 12.6: “promoting the recognition and accreditation of migrant workers’ skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized;”</p> <p>Guideline 15.7: “adopting measures to mitigate the loss of workers with critical skills, including by establishing guidelines for ethical recruitment;”</p> <p>Guideline 15.9: “facilitating the transfer of capital, skills and technology by migrant workers, including through providing incentives to them; ...”</p>
Skills development	ILO Human Resources Development Convention, 1975 (No. 142)	Article 1(1) the design and implementation of comprehensive and coordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services.
	ILO Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)	Para. 42 developing emigration countries, in order to facilitate the voluntary return of their nationals who possess scarce skills, should (a) provide the necessary incentives; and (b) enlist the co-operation of the countries employing their nationals as well as of the International Labour Office and other international or regional bodies concerned with the matter.
Skills development	Maritime Labour Convention, 2006, as amended (MLC, 2006)	Regulation 2.8 includes provisions to promote career and skill development and employment opportunities for seafarers, which could usefully serve as an example for the development of BLMAS.

²⁰ More information on labour standards can be found at ILO’s website: <https://www.ilo.org/global/standards/lang--en/index.htm>.

	The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), in Part IV	<p>Para. 15 (e): “labour migration policies that take into account labour market needs and promote decent work and the rights of migrant workers;”</p> <p>Para. 15 (f): education and skills development policies that support lifelong learning, respond to the evolving needs of the labour market and to new technologies, and recognize prior learning such as through informal apprenticeship systems, thereby broadening options for formal employment</p>
Skills recognition	The ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	Article 14(b) specifies that a country may, following previous consultation with employers’ and workers’ organizations, adopt regulations for the recognition of occupational qualifications held by migrant workers and acquired abroad, including certificates and diplomas
	ILO Human Resources Development Recommendation, 2004 (No. 195)	Part VI, para. 12 “Special provisions should be designed to ensure recognition and certification of skills and qualifications for migrant workers.” The same Recommendation at para. 21 (f) pledges that international cooperation should “promote recognition and portability of skills, competencies and qualifications nationally and internationally”.
	ILO Nursing Personnel Recommendation, 1977 (No. 157)	Para. 66 Foreign nursing personnel should have qualifications recognized by the competent authority as appropriate for the posts to be filled and satisfy all other conditions for the practice of the profession in the country of employment; foreign personnel participating in organized exchange programmes may be exempted from the latter requirement” and that “Foreign nursing personnel with equivalent qualifications should have conditions of employment which are as favourable as those of national personnel in posts involving the same duties and responsibilities
Skills recognition	Domestic Workers Recommendation, 2011 (No. 201)	Para. 25 Members should, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, establish policies and programmes, so as to ... encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate, in order to enhance their professional development and employment opportunities.

	ILO General principles and operational guidelines for fair recruitment (ILO, 2016)	<p>General Principle 4</p> <p>Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications;</p> <p>Operational Principle 4.4</p> <p>Governments should also consider adopting mutual recognition agreements to facilitate recognition of foreign qualifications in order to address brain waste and de-skilling.</p>
	GATT: General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO GATS Mode 4)	<p>Point 5 in Article VII</p> <p>Wherever appropriate, recognition should be based on multilaterally agreed criteria. In appropriate cases, Members shall work in cooperation with relevant intergovernmental and non-governmental organizations towards the establishment and adoption of common international standards and criteria for recognition and common international standards for the practice of relevant services trades and professions.</p>
Pre-departure training	Model Agreement annexed to the Migration for Employment Recommendation (Revised), 1949, No. 86	<p>Article 9</p> <p>the parties shall co-ordinate their activities concerning the organization of educational courses for migrants, which shall include general information on the country of immigration, instruction in the language of that country, and vocational training.</p>
Skills gaps in the origin countries	ILO Recommendation No. 195	<p>Para. 21(a)</p> <p>International and technical cooperation should:</p> <p>develop mechanisms ... including strategies to strengthen the human resources development systems in the countries of origin, recognizing that creating enabling conditions for economic growth, investment, creation of decent jobs and human development will have a positive effect on retaining skilled labour</p>
Skills matching	ILO Recommendation No. 86	<p>Para 10(b) suggests the adoption of measures that can facilitate migration, including:</p> <p>to ensure, where necessary, vocational training so as to enable the migrants for employment to acquire the qualifications required in the country of immigration</p>

Equal treatment and access to education by migrants	Model Agreement annexed to Recommendation No. 86	Article 17(2): equality of treatment shall apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within the territory of immigration ... in so far as such matters are regulated by laws or regulations or are subject to the control of administrative authorities ... admission to schools, to apprenticeship and to courses or schools for vocational or technical training, provided that this does not prejudice nationals of the country of immigration
	The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	Article 43: Migrant workers shall enjoy <ol style="list-style-type: none"> 1. equality of treatment with nationals of the State of employment in relation to: <ol style="list-style-type: none"> a) Access to educational institutions and services subject to the admission requirements and other regulations of the institutions and services concerned; b) Access to vocational guidance and placement services; c) Access to vocational training and retraining facilities and institutions
Bilateral and multilateral negotiation on skills	To facilitate the mobility of nurses, respectful of the professional characteristics of these workers, ILO Recommendation No. 157 suggests	Para. 62: In order to promote exchanges of personnel, ideas and knowledge, and thereby improve nursing care, Members should endeavour, in particular by multilateral or bilateral arrangements, to <ol style="list-style-type: none"> a) harmonise education and training for the nursing profession without lowering standards; b) lay down the conditions of mutual recognition of qualifications acquired abroad; c) harmonise the requirements for authorisation to practice Para. 64: Nursing personnel undergoing education or training abroad should be able to obtain appropriate financial aid, on conditions to be determined by multilateral or bilateral agreements or national laws or regulations

	ILO Migration for Employment Convention (Revised), 1949, No. 97	<p>Article 1</p> <p>Each Member of the International Labour Organization for which this Convention is in force undertakes to make available on request to the International Labour Office and to other Members</p> <ul style="list-style-type: none"> a) information on national policies, laws and regulations relating to emigration and immigration; b) information on special provisions concerning migration for employment and the conditions of work and livelihood of migrants for employment; c) information concerning general agreements and special arrangements on these questions concluded by the Member
Fair recruitment	ILO General principles and operational guidelines for fair recruitment (ILO, 2016)	<p>General Principle 7</p> <p>No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers</p> <p>Part IIB, para. 12 (p. 26):</p> <p>When initiated by an employer, labour recruiter or an agent acting on behalf of those parties; required to secure access to employment or placement; or imposed during the recruitment process, the following costs should be considered related to the recruitment process:</p> <ul style="list-style-type: none"> iii. Costs for skills and qualification tests: costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing; iv. Costs for training and orientation: expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers.

3.1 Q/A Self-assessment questionnaire – Module 3

Please control your answers against the correct ones in annex 1.

Statement	True	False
Countries of origin must promote the migration of workers holding critical skills.		
Developing origin countries should facilitate the voluntary return of their nationals who possess scarce skills through incentives.		
A country may, following previous consultation with employers' organizations, adopt regulations for the recognition of occupational qualifications held by migrant workers and acquired abroad, including certificates and diplomas.		
Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications.		
Pre-departure training shall include general information on the country of immigration, instruction in the language of that country, excluding specific vocational training.		
No obligation for the country of destination is foreseen in providing migrant workers with vocational training to upgrade their skills.		
No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.		
A BLMA can foresee that the recruitment costs, including those related to skills, are charged to migrant workers.		
When initiated by an employer, labour recruiter or an agent acting on behalf of those parties, the following costs could be charged to migrant workers: Costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing.		

3.2 Suggested reading and reference materials

African Union. 2015. *Report on the Follow-up on the Ouagadougou 2004 Summit: Employment, Poverty Eradication and Inclusive Development in Africa*, adopted by the 24th Ordinary session of the Assembly of the Union, Addis Ababa, Ethiopia, 30–31 January 2015. Available at: https://au.int/sites/default/files/pages/32899-file-assembly_au_20_xxiv_e.pdf.

International Labour Office. 2006. ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_178672.pdf.

—. 2016. *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs*. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf.

—. 2017. *Addressing governance challenges in a changing labour migration landscape*, Report IV, International Labour Conference, 206th Session. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_550269.pdf.

—. n.d. *NORMLEX: Information system on International Labour Standards*. Available at: <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0::NO>.

Panizzon, M. 2010. *Standing together apart: Bilateral migration agreements and the temporary movement of persons under "mode 4" of GATS*, Centre on Migration, Policy and Society (COMPAS), Working Paper No. 77. Oxford. Available at: https://www.wti.org/media/filer_public/6b/e7/6be710fa-b343-447a-998e-c90aeac5ea83/wp1077_marion_panizzon_2.pdf.

—; Zurcher, G.; Fornalé, E. (eds.) 2015. *The Palgrave Handbook of International Labour Migration: Law and Policy Perspectives*. London: Palgrave Macmillan.

Popova, N.; Panzica, F. 2017. *General practical guidance on promoting coherence among employment, education/training and labour migration policies*. Geneva: ILO. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_614314.pdf.

UNESCO. 2013. *Contribution to the development of National and Regional Qualifications Frameworks (NQFs/RQF) in ECOWAS Subregion*. Dakar. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000228242>.

United Nations. 2012. *Treaty Handbook*. New York. Available at: <https://treaties.un.org/doc/source/publications/thb/english.pdf>.

Urso, G.; Hakami, A. 2018. *Regional migration governance in Africa: AU and RECs*, European Commission, JRC Technical Reports. Luxembourg. Available at: <https://ec.europa.eu/jrc/en/publication/regional-migration-governance-africa-au-and-recsu>.

► Module 4: Financing skills through bilateral labour migration agreements

Learning objectives

By the end of the session, participants will be able to:

- Have a common understanding on the key concept and elements in the field of financing for skills and qualifications.

Outline of Module 4 Sessions: Financing skills through BLMAs		
Topic	Methodology	Duration (minutes)
4.1 Skills funding mechanisms at country level	<ul style="list-style-type: none"> • Short lecture • Case studies • Discussion in plenary 	30
4.2 Skills funding mechanisms in bilateral labour migration agreements	<ul style="list-style-type: none"> • Short lecture • Case studies • Discussion in plenary 	30
Working groups	<p>Participants will be divided in groups of five. Each group will analyse the issue of skills development from the perspective of their financing by a) national-based mechanisms, and b) BLMA.</p> <p>A rapporteur, chosen by each group, will present the conclusions of the discussion and opened to the comments from the other groups' members.</p> <p>The facilitator sums up the debate, underlining the most interesting ideas.</p>	60
Total duration of the session		120

Content of the session

Targeting skills development, the focus will be to identify financing mechanisms that can be considered as replicable good practices both at national or international level, through BLMAs.

4.1 Skills funding mechanisms at country level

In many countries, skills development can be financed by a levy system such as in Singapore and Malawi (see box 4.1).

Box 4.1: Skills Development Levy in Singapore and TEVET Fund in Malawi

Skills Development Levy in Singapore

The Skills Development Levy (SDL) is a compulsory levy that should be paid by employers for all employees working in Singapore. The levy is collected by the Central Provident Fund on behalf of the Skills Future Singapore Agency (SSG). Funds are channeled to the Skills Development Fund (SDF), which is used to support workforce upgrading programmes. It is also used to provide training grants to the enterprises for sending their employees for training under the National Continuing Education Training system. Employers have to contribute to Skills Development Levy (SDL) with a contribution of 0.25 per cent of the employee's total monthly remuneration

Source: [https://www.cpf.gov.sg/Employers/EmployerGuides/employer-guides/hiring-employees/skills-development-levy-\(sdl\)](https://www.cpf.gov.sg/Employers/EmployerGuides/employer-guides/hiring-employees/skills-development-levy-(sdl))

TEVET Fund in Malawi

Since the year 2000 TEVET Fund has been established in Malawi aimed at financing skills development through programmes approved by the board of the TEVET Authority" (TEVETA). The Fund is financed by a levy of 1 per cent on the basic payroll for both public and private employers. The levy is collected by the Malawi Revenue Authority and transferred to TEVETA.

According to the Malawi TEVET Act, 1999, the fund can finance:

- (a) Technical education and training programmes approved by the Board
- (b) Scholarships, grants, and loans in accordance with priorities determined by the Board
- (d) Incentives to employers to directly implement technical education and training initiatives
- (e) Equipment to support TVET, and
- (f) Governance and management structures of the TVET system.

Source: ILO, 2020. *A Review of Skills Levy Systems in Countries of the Southern African Development Community*.

The skills development levies are collected through taxation or social contribution systems and transferred to public agencies in charge for skills development. In other countries, such as Italy, the levies are defined in the sector collective agreements and funds are directly managed by bilateral bodies made up of representatives from employers' and workers' organizations (see box 4.2).

Box 4.2: Bilateral entities in Italy

The Italian legislations allows the organizations of entrepreneurs and workers in a production sector to jointly set up, through provisions in the collective bargaining agreements, no-profit Bilateral Entities that can manage some important functions such as supplementary welfare (e.g. paying specific subsidies (integrated with unemployment benefit) to workers in the event of a reduction or suspension in their working hours, supplementary health care, income support, professional training, up to health and safety at work. Some bilateral entities act as labour market observatory for the specific sector. Some, such as the Bilateral Entity on Construction, manages directly vocational training centers. Currently there are hundreds of Bilateral Entities in Italy, including at national and regional levels. Some details of one of these entities are reported below.

National Bilateral Entity in Agriculture (EBAN): Established further to the collective agreement of 2010 (article 7), the Entity does not receive any financial support from the State. Services are ensured through a specific contribution established in the collective agreement at a level of 0.30 per cent of the taxable salary for social security purposes per permanent worker and 0.60 per cent of the taxable salary for social security purposes per temporary workers. The Entity is managed by a Board of 12 members, half appointed by employers' organizations and half from workers' organizations. The EBAN coordinates a network of bilateral entities in the sector operating at local level.

Source: <https://www.enteeban.it/>.

4.2 Financing mechanisms in BLMAs

4.2.1 Shared costs for skills development between origin and destination countries

The costs for the implementation of the BLMA are normally shared by the two countries involved. Accordingly, the origin country bears the costs for the activities implemented before the departure of the migrant workers, and the destination country takes on board the costs after their arrival. An example of partition of financial responsibilities is shown in the agreement between Jordan and Nepal (see box 4.3).

4.2.2 Financing by employers in the destination countries

When the BLMA addresses skill needs in the destination countries, employers that will recruit migrant workers should cover the related costs. As in the example of

the Placement of nurses in Germany (see box 1.3 in section 1.5), the employers cover all costs linked to recruitment, pre-departure training (language, cultural orientation and technical training), as well as the costs of recognition of the qualifications and for further language skills training.

Another example of bilateral cooperation in the areas of skills with shared financial responsibility is the MoU between Australia and Indonesia on a Skills Development Exchange Pilot Project (see box 4.4). In this case, all costs deriving from the pilot project are borne by the companies concerned.

Box 4.3: General Agreement in the field of manpower between the Government of the Hashemite Kingdom of Jordan (First Party) and the Government of Nepal (Second Party)

(18 October 2017) (excerpts)

Article 4. Responsibilities of the First Party — The First Party shall:

- i. Ensure that the recruitment, hiring and placement of workers under this agreement shall be in accordance with the legal and administrative provisions;
- ii. Ensure that the costs to be incurred for visa, travel expenses, insurance, medical expenses, and other processes related to the recruitment of the workers in Jordan shall be borne by the employer.

Article 5. Responsibilities of the Second Party — The Second Party shall:

- i. Ensure that prospective workers have received appropriate orientation on the Jordan culture, custom and tradition as well as nature of terms and contracts.

Article 9. Training and Orientation

- i. Workers selected for employment in Jordan shall receive basic training in Nepal. Training shall be provided by an authorized institution in Nepal under the supervision of the Ministry of Labour of Nepal.
- ii. The Nepali workers will be provided with additional training and orientation after arrival in the destination country, including briefing on national labour laws and other laws related to migrant workers, cultural and religious practices, general introduction to the workplace, working and living conditions and training on occupational safety and health, before starting their work in Jordan.

Source: https://www.ceslam.org/uploads/backup/Jordan_English.pdf.

Box 4.4. Memorandum of Understanding on the Indonesia–Australia Skills Development Exchange Pilot Project (4 March 2019) (excerpts)

3.1 The primary objective of the Pilot Project is to enable appropriately skilled individuals to travel between Indonesia and Australia to undertake short-term Workplace Placements for the purpose of skills training with businesses or other organizations in specified sectors.

3.3 The cooperative intent outlined in this MOU reflects Australia and Indonesia's shared desire to: (i) facilitate exchanges to share skills and practical work experience between Indonesia and Australia; (ii) strengthen understanding of business, government and cultural practices in Indonesia and Australia; (iii) strengthen cooperation between Indonesian and Australian government agencies on collaborative skills development; and (iv) enable business to provide targeted workplace-based training and experience to employees in both Indonesia and Australia to improve skills competencies.

4.12 Exchangees taking part in the Pilot Project may obtain relevant qualifications or certification through participation in relevant courses while on the exchange (e.g. formal training for licensing or regulatory purposes). The Host Organization should encourage Exchangees to take an examination for certification during the program, where feasible. While formal training may be undertaken this is not be the primary purpose of the exchange.

4.19 To avoid any doubt, the Sending Organization and Host Organization will be responsible for any costs associated with an Exchange's training under the Pilot Project, including the Exchange's participation in any formal training.

Source: <https://www.dfat.gov.au/trade/agreements/not-yet-in-force/iacepa/iacepa-text/Pages/iacepa-mou-indonesia-aus-skills-development-exchange-pilot-project>.

4.2.3 International cooperation funds

Donors can play a relevant role in skills development by financing specific programmes and projects. At a large scale, an interesting example is offered by the SIFA initiative covering several African countries and providing funds for employment-oriented skills development for young people (see box 4.5).

Box 4.5: The Skills Initiative for Africa (SIFA)

Financing Facilities in Africa

Growing youth unemployment is a big challenge for the African continent with around 60 per cent of unemployed people being under the age of 25. The lack of educational opportunities and occupational prospects are among the pushing factors for migration of many young people. To contribute to address this issue, the African Union

Commission (AUC) supported by the EU and German Government has launched an ambitious skills development programme, through grants allocated on a competitive basis through three different windows:

Window 1 is for large skills development investment projects. The grant amount per project is up to EUR 3 million. The applicants must contribute with at least 10 per cent of total project cost/investment.

Window II is for skills development investment projects. The grant amount per project is between EUR 1 and EUR 1.5 million. The applicants must contribute with at least 30 per cent of total project cost/investment.

Window III is for innovative skills (pilot) projects. The grant amount per project is between EUR 0.2 and 1 million. The applicants must contribute with at least 10 per cent of total project cost/investment. The programme currently target eight pilot countries: Cameroon, Ethiopia, Ghana, Kenya, Nigeria, South Africa, Togo and Tunisia.

Source: <https://www.niras.com/development-consulting/projects/skills-for-africa-initiative-sifa/>.

4.3 Suggested reading and reference materials

ILO, 2019. Guidelines for skills modules in bilateral labour migration agreements. Available at: http://www.oit.org/global/topics/labour-migration/publications/WCMS_748723/lang--en/index.htm.

—, 2020. A Review of Skills Levy Systems in Countries of the Southern African Development Community. https://www.ilo.org/skills/areas/skills-policies-and-systems/WCMS_753306/lang--en/index.htm

—; IOM, ITC/ILO. 2020. Training toolkit on Developing and Implementing Bilateral Labour Migration Agreements in Africa: A self-paced interactive training toolkit. Available at: http://www.oit.org/global/topics/labour-migration/publications/WCMS_757561/lang--en/index.htm.

Popova, N. and F. Panzica. 2017. *General practical guidance on promoting coherence among employment, education/training and labour migration policies*. Geneva: ILO. Available at: https://www.ilo.org/global/topics/labour-migration/publications/WCMS_614314/lang--en/index.htm.

Rakkee T. 2016. *Labour migration structures and financing in Asia*. Geneva: ILO. Available at: https://www.ilo.org/asia/publications/WCMS_452666/lang--en/index.htm.

► Module 5: Operationalization of the skills module

Learning objectives

By the end of the training, participants will be able to:

- Have a full understanding of the BLMA cycle;
- Select major issues to be addressed in a BLMA;
- Formulate clauses in BLMAs that regulate the identified issues;
- Understand the BLMA negotiation process.

Outline of the Module 5 Sessions: Operationalization of the skills module		
Topic	Methodology	Duration (minutes)
5.1 Skills module and BLMA cycle	<ul style="list-style-type: none"> • Short lectures • Discussions in plenary 	90
5.2 Good practices in the field of qualifications and skills	<ul style="list-style-type: none"> • Short lectures • Discussions in plenary 	60
Working groups and role playing	<p>Participants will be divided in four groups. Two groups will analyse and elaborate a draft BLMA from the perspective of the country of origin and the other two groups will consider the perspective of the country of destination.</p> <p>The indicative outline is:</p> <ol style="list-style-type: none"> Identification of challenges linked to qualifications and skills of migrant workers; Country to negotiate with; Negotiation strategy; Clauses to be proposed for the BLMA. <p>Two sessions of negotiation will be carried out, made of a group representing the country of origin and the other of destination.</p> <p>At the end of the simulations, the facilitator will provide participants with a detailed feedback and suggestions, as appropriate.</p> <p>A short session will allow participants to comment upon their learning experience and ask for further clarifications, as necessary.</p>	120
Total duration of the session		270

Content of the session

The operationalization of the skills module focuses on the cycles of the BLMA, covering the preparatory phase and then goes into detail of qualification recognition, skills recognition, negotiation, implementation and concludes with monitoring.

5.1 Skills module and BLMA cycle

The presence of challenges related to qualifications and skills in the labour migration is the reason for looking for addressing them through a BLMA. Skills anticipation, development, matching and recognition of qualifications and skills can be included among the BLMA's clauses, depending on the specific country needs (see table 5.1).

5.2 BLMA preparatory phase

The preparatory phase can include the following steps:

- a. Identification of the migration corridor presenting challenges from the perspective of qualifications and skills that might be addressed through a BLMA. This analysis can be based upon monitoring reports or other evidence on the issues affecting qualifications and skills of migrant workers.
- b. Establishment of a consultative working group including: social partners; civil society organizations; and skills and qualifications experts to help in fine tuning solutions addressed through BLMA's.
- c. Information gathering on the education and training systems in the other country. An indicative list of information to be collected are already included in table 2.1 and 2.2 of Module 2. In general terms, it is necessary to collect information on: i) current and future labour market needs, including by sector, and related qualifications and skills gaps; ii) existing mechanisms for recognition of qualifications and skills; iii) skills development opportunities available for migrant workers; and iv) skills matching services including for migrant workers.

- d. Special attention should be devoted to the legal environment concerning labour migration and skills as usually bilateral agreements are designed and implemented within the existing legal framework not requesting any modification of laws and regulations.
- e. Assessing the existence of regional policies on qualifications and skills to be taken on board in the preparation of the draft agreement. This is particularly relevant when the other country involved in BLMA is part of the same region. The analysis should include the existence of Mutual Recognition Agreements with details on the occupational profiles involved and the practical mobility modalities.
- f. Assessing the ratification of multilateral agreements in the field of qualifications and skills signed by the country and that should be considered in the draft agreement. The list of relevant sources of principles is detailed in Module 4. The principles are binding for the countries that have ratified the related multilateral agreements but can also offer a valid reference for negotiating parties.
- g. Preparing a draft agreement that can guide the negotiation team during the negotiation process, by taking on board the challenges and possible solutions. While aiming at having the best results, the draft should consider, based upon the information collected from the other country, a possible compromise that could be accepted by both parties. The formulation of the clauses can vary according to the negotiation style of the Parties. Possible suggestions can derive from the examples derived by existing worldwide BLMAs (see table 5.1).²¹
- h. Definition of the negotiation strategy by the leading institution and allotment of the financial resources necessary for the negotiations.

²¹ The examples are based on textual sources and not on good practices, based on implementation.

Table 5.1: Examples of clauses addressing specific qualifications issues extracted from BLMAs/MoUs

Intervention	Activities	Examples of clauses
Skills matching	Pre-departure orientation training	<p>Ensure that prospective workers have received appropriate orientation on the Jordan on culture, custom and tradition as well as nature of terms and contracts</p> <p>(General Agreement in the field of manpower between the Government of the Hashemite Kingdom of Jordan and the Government of Nepal (18 October 2017). Article 5)</p>
	Post-arrival orientation training	<p>The Nepali workers will be provided with additional training and orientation after arrival in the destination country, including briefing on national labour laws and other laws related to migrant workers, cultural and religious practices, general introduction to the workplace, working and living conditions and training on occupational safety and health, before starting their work in Jordan.</p> <p>(General Agreement in the field of manpower between the Government of the Hashemite Kingdom of Jordan and the Government of Nepal (18 October 2017) Article 9)</p>
	Pre-departure vocational training on profiles agreed with the destination countries	<p>Workers selected for employment in Jordan shall receive basic training in Nepal regarding in Jordan. Training shall be provided by an authorized institution in Nepal under the supervision of the Ministry of Labour of Nepal.</p> <p>(General Agreement in the field of manpower between the Government of the Hashemite Kingdom of Jordan and the Government of Nepal (18 October 2017). Article 9)</p> <p>The Contracting Parties, in compliance with their national legislation, will foster the linguistic and vocational training of the candidate migrant workers, in order to meet the requests of the labour market for qualified professional profiles. Training programmes will be organized and the Italian certified training bodies, accredited by the Italian side and sent to the Egyptian side on a regular basis. Bodies referred to under the previous paragraph include Authorized Bodies. Linguistic and vocational training programmes started abroad can be completed in Italy. Candidate Egyptian migrants will not bear any cost.</p> <p>(MoU 17 May 2011 Egypt-Italy, Article 6)</p>

Skills development	Implementation of skills mobility partnerships, if existing, and joint investment in skills anticipation, development	<p>1. The Ministry of Labour and Employment Promotion of Peru, through the REVALORA PERU Programme, within the framework of its competences, will provide training services and certification of acquired labour competencies for Colombian nationals who are employed or self-employed in Peru.</p> <p>2. The Colombian Ministry of Labour, through the National Apprenticeship Service (SENA), within the framework of its competences, will provide professional training actions and certification of acquired labour competencies for Peruvian nationals who work for others or their own account in Colombia.</p> <p>(Framework Agreement for Assistance and Cooperation in immigration matters between Colombia and Peru, 6 March 2012. Article 2)</p> <p>3.3 The cooperative intent outlined in this MOU reflects Australia and Indonesia's shared desire to:</p> <ul style="list-style-type: none"> i. facilitate exchanges to share skills and practical work experience between Indonesia and Australia; ii. strengthen understanding of business, government and cultural practices in Indonesia and Australia; iii. strengthen cooperation between Indonesian and Australian government agencies on collaborative skills development; and iv. and enable business to provide targeted workplace-based training and experience to employees in both Indonesia and Australia to improve skills competencies. <p>(Memorandum of Understanding on the Indonesia–Australia Skills Development Exchange Pilot Project, 4 March 2019)</p>
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Qualification recognition	Mutual recognition or harmonization of skills standards and/or qualifications	<p>The Parties undertake to promote the mutual recognition of diplomas and transcripts. The institutions of the Parties shall consider the possibility of drafting a convention on the recognition of diplomas and certificates of study at all levels.</p> <p>(Migration Agreement between the Republic of Argentina and Ukraine, 29 April 1999, Article 15)</p> <p>The Parties will implement coordination mechanisms in order to progressively develop processes that allow the certification of labour competencies of their compatriots and the possibility of certifying the technical studies obtained by the beneficiaries in the countries of origin</p> <p>(Framework Agreement for Assistance and Cooperation in immigration matters between Colombia and Peru, 6 March 2012. Article 4)</p> <p>E&I (Ministry of Employment and Immigration), in cooperation with the Alberta Ministry of Advanced Education and Technology (AET), the Alberta Ministry of Health and Wellness (AHW), the College and Association of Registered Nurses of Alberta and other nursing associations, will explore the potential of 1) Alberta institutions partnering and/or training with Philippine post-secondary institutions to deliver Alberta-recognized nursing and related education programs in the Philippines; and 2) developing mutually acceptable assessment and credential recognition systems.</p> <p>MoU Philippines-Alberta 2007, Annex</p>
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Qualification recognition	Skills mobility	<ul style="list-style-type: none"> • To improve their employability, beneficiaries admitted for residence and employment in France or Quebec as part of this Agreement have access to host systems and support existing on the territory of the receiving Party. • The Parties shall endeavour to support them in their efforts closer to their needs in accordance with established procedures and to those provided in Application Protocol in regard to: • the reception and settlement in the territory of the other Party; • access to devices recognition of degrees, diplomas, skills and qualifications, including in the context of arrangements on mutual recognition of professional qualifications; • access to public services, employment, internships or employment opportunities that meet the profile of the beneficiaries; • access to appropriate measures of learning the French language, including professional aim. <p>Agreement between the Government of the French Republic and the Government of Quebec on Occupational Mobility and the Integration of Migrants, 26 November 2010, Article 7</p>
Qualification recognition	Procedures for the recognition of qualifications in the destination countries	<p>The Parties undertake to promote the mutual recognition of diplomas and transcripts. The institutions of the Parties shall consider the possibility of drafting a convention on the recognition of diplomas and certificates of study at all levels</p> <p>Migration Agreement between the Republic of Argentina and Ukraine, 29 April 1999, Article 15</p> <p>The Parties will implement coordination mechanisms in order to progressively develop processes that allow the certification of labour competencies of their compatriots and the possibility of certifying the technical studies obtained by the beneficiaries in the countries of origin.</p> <p>Framework Agreement for Assistance and Cooperation in Immigration Matters between Colombia and Peru, 6 March 2012, Article 4</p>

	Procedures for the recognition of prior learning for migrant workers in the destination countries	<p>1. The Ministry of Labour and Employment Promotion of Peru, through the REVALORA PERU Programme, within the framework of its competences, will provide training services and certification of acquired labour competencies for Colombian nationals who are employed or self-employed in Peru.</p> <p>2. The Colombian Ministry of Labour, through the National Apprenticeship Service (SENA), within the framework of its competences, will provide professional training actions and certification of acquired labour competencies for Peruvian nationals who work for others or their own account in Colombia.</p> <p>Framework Agreement for Assistance and Cooperation in Immigration Matters between Colombia and Peru, 6 March 2012, Article 2</p>
Skills recognition	Profiling of return migrants and recognition of skills acquired abroad	<p>E&I (Ministry of Employment and Immigration) will encourage support and Assistance to the Philippines to improve the education and training of Philippine youth and to enhance the reintegration of returning overseas Filipino Workers.</p> <p>MoU Philippines-Alberta 2007, Article 18</p>

5.3 Negotiation

The negotiations of BLMAs should aim at finding the best possible compromise in the achievement of good solutions for migrant workers. Results are conditioned by the interest of the parties and their negotiation ability. The two countries could decide to negotiate in the presence of the two delegations at a meeting in either of the two countries.

When the agreement is reached, the document is signed and sent to the legislative bodies for ratification, as appropriate. In fact, if the agreement has the form of a BLMA, the document usually needs to be ratified by the Parliament and published in the Official Journal of the countries involved. If the Parties agree to sign a Memorandum of Understanding (MoU), normally there is no need for a formal ratification, the implementation relying upon the good will of the Parties.

5.4 Implementation

The implementation of the BLMA will require the active involvement of many stakeholders in both origin and destination countries, depending on the activities agreed (see table 5.2).

Table 5.2: Actions and responsibilities in the implementation of BLMAs

Intervention	Activities	Country of Origin	Activities	Country of Destination
	Pre-departure orientation training	<ul style="list-style-type: none"> Ministry of Labour Public Employment Services Civil society organizations 	Post-arrival orientation training	<ul style="list-style-type: none"> Ministry of Labour Public Employment Services Civil society organizations
Skills matching	Pre-departure vocational training on profiles agreed with the destination countries	<ul style="list-style-type: none"> Ministry of Labour Public Employment Services TVET Centres 	Pre-employment training	<ul style="list-style-type: none"> Ministry of Labour Public Employment Services TVET Centres
Skills matching			Assistance, training and access to skills recognition for migrant workers to facilitate skills matching	<ul style="list-style-type: none"> Ministry of Labour Ministry of Education Public Employment Services
Skills development	Implementation of skills mobility partnerships, if existing, and joint investment in skills anticipation, development	<ul style="list-style-type: none"> Ministry of Labour Ministry of Education Public Employment Services Sector Committees (if existing) Other line Ministries in charge of skills development Labour Market Information Services (if existing) Employers Organizations Workers' Organizations 	Implementation of skills mobility partnerships, if existing, and joint investment in skills anticipation, development	<ul style="list-style-type: none"> Ministry of Labour Ministry of Education Public Employment Services Sector Committees (if existing) Other line Ministries in charge of skills development Labour Market Information Services (if existing) Employers Organizations Workers' Organizations

Qualification recognition	Mutual recognition or harmonization of skills standards and/or qualifications	<ul style="list-style-type: none"> • Ministry of Labour • Ministry of Education • Public Employment Services • Sector Committees • Other line Ministries in charge of skills development • Labour Market Information Services • Employers' Organizations • Workers' Organizations 	Mutual recognition or harmonization of skills standards and/or qualifications	<ul style="list-style-type: none"> • Ministry of Labour • Ministry of Education • Public Employment Services • Sector Committees (if existing) • Other line Ministries in charge of skills development • Labour Market Information Services (if existing) • Employers' Organizations • Workers' Organizations
Qualification recognition	Issuance of qualifications and skills documents, necessary for recognition	<ul style="list-style-type: none"> • Ministry of Education 	Procedures for the recognition of skills and qualifications	<ul style="list-style-type: none"> • Ministry of Education
Skills recognition	Profiling of return migrants and recognition of skills acquired abroad	<ul style="list-style-type: none"> • Ministry of Labour • Ministry of Education • Public Employment Services 	Mechanisms for the recognition of prior learning	<ul style="list-style-type: none"> • Ministry of Labour • Ministry of Education • Public Employment Services

5.5 Monitoring

The implementation of the BLMAs should be monitored constantly in order to measure the effectiveness of the agreed clauses and make early identification of challenges that might require a revision of the agreement. Monitoring is usually conducted by the leading institution in charge for the BLMA, but the contribution from social partners, private employment agencies, civil society organizations could make the assessment more rapid and complete. A set of indicators for the monitoring is presented in table 5.3.

Table 5.3: Suggested monitoring indicators per each activity foreseen in the BLMAs

Activities	Country of Origin	Activities	Country of Destination
	Indicators		Indicators
Pre-departure orientation training	How many pre-departure orientation trainings have been organized and by which organization? How many migrant workers took part to the pre-departure orientation training (by age and sex)?	Post-arrival orientation training	How many post-arrival orientation trainings have been organized and by which organization? How many migrant workers took part to the post-arrival orientation training (by age and sex)?
Pre-departure vocational training on profiles agreed with the destination countries	How many pre-departure vocational trainings have been organized, by sector and occupational profile and organizing entities? How many migrant workers took part to the vocational training (by age, sex and occupational profile)?	Pre-employment training	How many pre-departure vocational trainings have been organized, by sector and occupational profile and organizing entities?
		Assistance, training and access to skills recognition for migrant workers to facilitate skills matching	How many migrant workers took part to the vocational training (by age, sex and occupational profile)?
Mutual recognition or harmonization of skills standards and/or qualifications	How many migrant workers have obtained a qualification following a skills recognition process? (by age, sex and occupational profile)?	Mutual recognition or harmonization of skills standards and/or qualifications	How many migrant workers have benefitted from the mutual recognition or harmonization of qualifications and skills (by age, sex and occupational profile)?
Recognition of skills acquired abroad by returnees	How many return migrants obtained the recognition of skills acquired abroad (by age, sex and type of skills)?	Mechanisms for the recognition of prior learning	How many migrant workers obtained the recognition of skills acquired in the country of origin (by age, sex and type of skills)?

5.6 Good practices in the field of qualifications and skills

The experiences of other countries could offer inspiration to policy makers and stakeholders involved in BLMA's cycle when they have to design proposals during the negotiation phase or when they look for the best implementation options. Not all the experiences are good practices and what function in a specific context is not necessarily working well everywhere. Therefore, it is important to analyse the practices to choose those more appropriate. The criteria in table 5.4 might be considered when making the assessment.

Table 5.4: Suggested criteria for the identification of good practices

Indicators	Details to be checked
Kind of experience	Description of the practice and methodological approach
Stakeholders and partners	Beneficiaries, implementing agencies, and donors involved in the practice
Duration	How long the practice has been active? Is it still operational?
Relevance	How does the practice succeed in achieving the targeted results?
Innovation	In which aspects is this practice innovative compared to other similar ones?
Validation	Was the practice validated? If yes, how?
Replicability	Can this practice be applicable to different geographical areas, target groups, and contexts?
Sustainability	What makes this practice sustainable?
Participatory approach	Have migrant workers been involved? And how?
Gender sensitivity	Have gender aspects been addressed?
Non-discrimination	Is non-discrimination in the experience, with attention to the most vulnerable migrant workers?

Source: Authors' adaptation from General Practical Guidance on Promoting Coherence among Employment, Education/Training and Labour Migration Policies (ILO 2017a).

5.7 Suggested reading and reference materials

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Annex 1. Assessment of the training

The questionnaire can be used for both interactive and self-study approaches.

Training Self-assessment Questionnaire	1 Strongly Agree	2 Agree	3 Neutral	4 Disagree	5 Strongly disagree
A. The objectives of the training were clearly defined.					
B. Participation and interaction were encouraged.					
C. The topics covered were relevant to me.					
D. The content was organized and easy to follow.					
E. The handouts were helpful.					
F. The self-training modules increased my knowledge on the topics concerned.					
G. This training experience will be useful in my work.					
H. The facilitators/trainers were knowledgeable about the training topics.					
I. The case studies were relevant and useful.					
J. The training objectives were met.					
K. The time allotted for the training was sufficient.					
L. The logistics were set in adequate ways.					

Annex 2. Glossary of Terms

Accreditation	A process of quality assurance through which an education or training provider is officially recognized and approved by the relevant legislative or professional authorities following assessment against predetermined standards. (CEDEFOP 2014, adapted from Canadian information centre for international credentials.)
Bilateral labour migration agreement (BLMA)	<p>Bilateral labour migration agreements are arrangements between two States. They describe in detail the specific responsibilities of each of the parties and the actions to be taken by them with a view to accomplishing their goals.</p> <p>The ILO Migration for Employment Recommendation (Revised), 1949 (No. 86) contains in its Annex a Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons.</p>
Certificate	An official document, issued by an awarding body, which records achievements of an individual following assessment against a predefined standard.
Competency	Knowledge, skills and know-how applied and mastered in a specific context. (ILO Human Resources Development Recommendation, 2004 (No. 195), Art 2.c)
Country of destination	<p>"A migrant's country of destination is that to which they have changed their country of usual residence." (UNDESA 1998)</p> <p>The term "State of employment" means a State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be. (ICMW, Art. 6)</p>
Country of origin	<p>"A person's country of origin is that from which they originate, i.e. the country of his or her citizenship (or, in the case of stateless persons, the country of usual residence)." (UNDESA 1998)</p> <p>The term "State of origin" means the State of which the person concerned is a national. (ICMW, Art. 6)</p>
Educational or training pathways	Set of related education or training programmes provided by schools, training centres, higher education institutions or VET providers, which ease the progression of individuals within or between activity sectors.

Educational standards	Educational standards define the knowledge and skills students should possess at critical points in their educational career (e.g. at the time they leave school).
Formal learning	<p>Learning that occurs in an organized and structured environment (such as in an education or training institution or on the job) and is explicitly designated as learning (in terms of objectives, time or resources). Formal learning is intentional from the learner's point of view. It typically leads to certification. (CEDEFOP 2014)</p> <p>Instruction given in education and training institutions or specially designed training areas, including within enterprises in formal apprenticeship systems. Training is structured and has precise learning objectives. (Rosas 2006)</p>
Informal learning	Learning resulting from activities undertaken daily at work, in the family or in leisure activities. (Rosas 2006)
Knowledge	The body of facts, principles, theories and practices related to a field of study or work.
Job	A set of tasks and duties to be executed by one person. (ILO ISCO-08)
Learning outcomes	The set of knowledge, skills and/or competencies an individual has acquired and/or is able to demonstrate after completion of a learning process.
Level descriptor	A statement, using learning outcomes, that describes learning achievement at a particular level of a qualifications framework and that provides a broad indication of the types of learning that are appropriate to a qualification at that level. (UNEVOC)
Memorandum of Understanding (MoU)	The term is often used to denote a less formal international instrument than a typical treaty or international agreement. It often sets out operational arrangements under a framework international agreement. It is also used for the regulation of technical or detailed matters. An MoU typically consists of a single instrument and is entered into among States and/or international organizations. For example, the United Nations usually concludes MoUs with Member States in order to organize its peacekeeping operations or to arrange United Nations conferences.

Multilateral agreement	An agreement signed by three or more countries that becomes compulsory once ratified by the signatory parties, including treaties, Conventions and compacts. Often the treaty itself specifies how many countries need to ratify it before it can enter into force. In the ILO context, Conventions enter into force after ratification by at least two parties.
Non-formal learning	Learning taking place in activities not exclusively designated as learning activities, but which contain an important learning element. (Rosas 2006)
Occupation	Set of jobs whose main tasks and duties are characterized by a high degree of similarity. (ILO ISCO-08)
Occupational standard	A measure of what an individual should be able to do to perform a certain occupation.
Prior learning	Knowledge or skills acquired in earlier study and work or through experience.
Qualification	Certification awarded to an individual in recognition of having achieved particular knowledge, skills or competencies. It is also the formal expression of the vocational and professional abilities of a worker that are recognized at international, national or sector levels. (Rosas 2006) A formal expression of the vocational or professional abilities of a worker which is recognized at international, national or sectoral levels. (ILO Human Resources Development Recommendation, 2004 (No. 195), Art. 2.c)
Qualifications framework	The hierarchical classification of the levels of formal learning programmes and their associated qualifications and certificates. (UNEVOC)
Skills	The ability to apply knowledge and use know-how to complete tasks and solve problems.
Skill gap	Type or level of skill different from that required to adequately perform the job. (Říhová 2015) — Situation where an individual does not have the level of skills required to perform his or her job adequately. (CEDEFOP 2014)
Skill level	A function of the complexity and range of tasks and duties to be performed in an occupation.

Skill recognition	The evaluation and recognition of credentials and skills earned outside the country of employment (in the case of migrants), or country of origin (in the case of returning migrants). Recognition of qualifications covers both academic and professional titles, while professional recognition covers regulated and non-regulated professions. (Říhová 2015)
Validation of prior learning	Process of identifying, documenting, assessing and certifying formal, non-formal and/or informal learning against standards used in formal education and training. Thus, RPL provides an opportunity to people to acquire qualification or credits for a qualification or exemptions (of all or part of the curriculum, or even exemption of academic pre-requisite to enter a formal study programme) without going through a formal education or training programme. (ILO 2018)

Glossary citations

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Annex 3. Q/A Self-assessment questionnaires: Answers

Module 1

Statement	True	False
An occupation is a set of jobs with remarkably similar tasks and duties.	✓	
What an individual should be able to do to perform a certain occupation is detailed in educational standards. <i>The correct response is: occupational standards</i>		✓
A qualification is the learning process in the education system. <i>The correct response is: a qualification is the result of the learning process</i>		✓
Skills forecasts can be projected up to 20 years. <i>The correct response is: maximum 10 year</i>		✓
Skills development can contribute to addressing skills shortages (a situation where demand for a particular type of skill exceeds the supply).	✓	
Skill mismatch is a situation where there is a discrepancy between the qualifications and skills that individuals possess and those needed by the labour market.	✓	
Qualifications and skills that a migrant worker possesses are automatically recognized in the destination country. <i>The correct response is: the recognition of qualifications and skills is not automatic</i>		✓

Module 2

Statement	True	False
A BLMA can contribute to address bilaterally specific aspects of labour migration, including skills.	✓	
BLMAs are negotiated only between countries of the same region. <i>The correct response is: it can be negotiated with other countries not necessarily of the same region</i>		✓
BLMA and an MoU have the same value in the international context <i>The correct response is: BLMA is binding, while MoU is not</i>		✓
The BLMA cycle includes three steps: preparation, implementation, and monitoring. <i>The correct response is: it includes also negotiation</i>		✓
Pre-departure training in the country of origin, foreseen by a BLMA, does not allow for the organization of post-arrival orientation training in the destination country. <i>The correct response is: pre-departure and post-arrival training are not mutually excluding</i>		✓
Skills development is possible only in the presence of a BLMA. <i>The correct response is: skills development can be the result of both: skills partnership initiatives and international cooperation support</i>		✓
Through BLMAs skills matching is only a duty of the origin country. <i>The correct response is: of both origin and destination countries</i>		✓
BLMAs allow only the recognition of higher education qualifications and exclude other qualifications. <i>The correct response is: all kind of qualifications could be included in a BLMA for their recognition</i>		✓

BLMAs can envisage the recognition of informal and non-formal learning through RPL procedures.	✓	
A Multilateral Recognition Agreement can be stipulated between two neighbouring countries. <i>The correct response is: to be multilateral the signatory countries should be more than two</i>		✓
A Mutual Recognition Agreement is applicable only to the mobility of regulated professions. <i>The correct response is: Mutual Recognition agreement may be applicable to regulated and non-regulated professions</i>		✓

Module 3

Statement	True	False
Countries of origin must promote the migration of workers holding critical skills. <i>The correct response is: the departure of workers with critical skills could be problematic for the country of origin due to the creation of skills shortages, which could not be addressed in the short-run</i>		✓
Developing origin countries should facilitate the voluntary return of their nationals who possess scarce skills through incentives.	✓	
A country may, following previous consultation with employers' organizations, adopt regulations for the recognition of occupational qualifications held by migrant workers and acquired abroad, including certificates and diplomas.	✓	
Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications.	✓	
Pre-departure training shall include general information on the country of immigration, instruction in the language of that country, excluding specific vocational training.		✓

<i>The correct answer is: Pre-departure training could include also vocational training</i>		
No obligation for the country of destination is foreseen in providing migrant workers with vocational training to upgrade their skills. <i>The correct response is: destination countries should support skills development of migrant workers to respond to labour market demands</i>		✓
No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.	✓	
A BLMA can foresee that the recruitment costs, including those related to skills, are charged to migrant workers. <i>The correct response is: No fees should be charged to migrant worker for the recruitment process</i>		✓
When initiated by an employer, labour recruiter or an agent acting on behalf of those parties, the following costs could be charged to migrant workers: Costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing. <i>The correct response is: No fees at all should be charged to migrant worker for the recruitment process</i>		✓

