



A FORTNIGHTLY BULLETIN OF CURRENT NTS ISSUES CONFRONTING ASIA

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S. Rajaratnam School of International
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THE MANY FACES OF MIGRANTS.

LABOUR MIGRANTS: DIMINISHED DEMAND, DIMISHED RIGHTS?

Abstract: *The economic crisis has had heavy exposure in international news, but its range of victims has extended beyond the subprime debtors and financial analysts of the developed world. Ignored by most developed world governments, migrant workers are bearing the brunt of an economic crisis, despite their contributions to the world economy. Will the human security of labour migrants be compromised by the economic crisis? This edition of the Alert attempts to highlight this issue.*

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The Effects of the Economic Crisis on Migrants

The contraction of the export-based economy

One of the first casualties of the economic crisis was the consumer market of the United States. The growth of an export-led economy in Asia was largely driven by the flow of capital from the West to Asia, and goods from Asia to the United States. When the subprime crisis torpedoed consumer spending, exporters in East Asia's 'dragon economies' (such as Singapore, Taiwan and Hong Kong) were the first to feel the crunch.

Importers based in the West not only re-

duced orders for high-tech electronic consumer goods, but even halted new orders to manage their idle inventories.

The real estate and financial bubble in Dubai also burst after the flood of Western capital slowed to a trickle, which has threatened the construction of massive infrastructure projects in the emirate.

As export-oriented electronics and manufacturing industries in East Asia began to reduce output, one of the immediate steps taken to control overhead costs was to re-trench their labour forces.

Labour migration and remittances

Labour forces around the world are no longer composed of local blue-collar workers. In order to meet the immense demand for labour in the boom years, many countries recruited foreign labour from developing countries such as Bangladesh, Indonesia, India, the Philippines, and Sri Lanka.

Without the influx of foreign workers, the industrial expansion of many countries would not have been sustained.

The forces of globalisation enabled many of these workers to earn much higher salaries abroad as engineers, industrial workers, construction workers, service-industry workers and domestic helpers.

Much of the money these workers earn returns to their countries of origin as remittances. These remittances act as a form of direct



NTS Alert Team

Mely Caballero-
Anthony
&
Kevin Punzalan

Please click here to visit
our websites

- (1) Consortium of NTS
Studies in Asia
- (2) Centre for NTS
Studies

Contact us at
NTS_Centre@ntu.edu.sg

investment in their origin-country economies, with substantial benefits. Philippe Legrain, in his book *Immigrants: Your Country Needs Them*, cited some of the statistics on remittances and their effects around the world.

According to Legrain, migrant workers officially send home US\$ 160 billion a year. Informally, they are estimated to send home a further US\$ 320 billion a year. That makes US\$ 480 billion, or six times the official government aid of about US\$ 79 billion a year from rich countries to poor ones.

As of 2006, Mexico received a total of US\$ 54.1 billion from both official and informal remittances in 2004, which accounts for 8 per cent of its economy. The Philippines receives US\$ 11.6 billion of-

ficially, and about US\$ 34.8 billion both officially and informally, accounting for 40 per cent of the country's economy.

The money earned by labour migrants acts both as a cushion for domestic economies during economic crises, and as a targeted form of foreign direct investment, which directly benefits the poorer members of developing societies. The importance of labour migration is now well-recognised by most developing countries. However, it is under threat.

The victims of the economic crisis

The United Nations has warned that as economies around the world continue to contract, many governments have begun to initiate protectionist

UN Convention on Migrant Rights Status

Present status (18.03.2009):

41 ratifications and 15 signatures

Ratifications:

Albania, 05.06.07 - Europe
Algeria, 21.04.05 - Africa
Argentina, 23.02.07 - Latin America
Azerbaijan, 11.01.99 - Asia
Belize 14.11.01 - Latin America
Bolivia 12.10.00 - Latin America
Bosnia & Herzegovina 13.12.96 - Europe
Burkina Faso 26.11.03 - Africa
Cape Verde 16.09.97 - Africa
Chile 21.03.05 - Latin America
Colombia 24.05.95 - Latin America
Ecuador 05.02.02 - Latin America
Egypte 19.02.93 - Africa
El Salvador 14.03.03 - Latin America
Ghana 08.09.00 - Africa
Guatemala 14.03.03 - Latin America
Guinea 08.09.00 - Africa
Honduras 11.08.05 - Latin America
Jamaica 25.09.08 - Africa
Kyrgyzstan 29.09.03 - Asia
Lesotho 16.09.05 - Africa
Libyan Arab Jamahiriya 18.06.04 - Africa
Mali 05.06.03 - Africa
Mauritania 22.01.2007 - Africa
Mexico 08.03.99 - Latin America
Morocco 21.06.93 - Africa
Nicaragua 26.10.05 - Latin America
Niger 18.03.09 - Africa
Paraguay 23.09.08 - Latin America
Philippines 05.07.95 - Asia

Signatures:

Bangladesh 07.10.98 - Asia
Benin 15/09/05 - Africa
Cambodia 27.09.04 - Asia
Comoros 22.09.00 - Africa
Congo 29.09.08 - Africa
Gabon 15.12.04 - Africa
Guinea-Bissau 12.09.00 - Africa
Guyana 15.09.05
Indonesia 22.09.04 - Asia
Liberia 22.09.04 - Africa
Montenegro 26.10.06 - Europe
Sao Tome and Principe 06.09.00 - Africa
Serbia 11.11.04 - Europe
Sierra Leone 15.09.00 - Africa
Togo 15.11.01 - Africa

Rwanda 15.12.08 - Africa
Senegal 09.06.99 - Africa
Seychelles 15.12.94 - Africa
Sri Lanka 16.03.96 - Asia
Syria 02.06.05 - Asia
Peru 14.09.05 - Latin America
Tajikistan 08.01.02 - Asia
Timor Leste 30.01.04 - Asia
Turkey 27.09.04 - Europe
Uganda 14.11.95 - Africa
Uruguay 15.02.01 - Latin America

economic policies, including the deportation of foreign workers, the cancelling of work permits, instituting the exclusion of foreigners from the labour market, and other measures.

Along with restrictive migration and employment policies, migrants may also encounter greater discrimination and stigmatisation from locals as a result of their securitisation as 'risks' by host governments. In turn, this drives many potential migrants to immigrate illegally and to risk danger just to find employment abroad.

This has dire consequences for migrants themselves, as those who lose their jobs because of the crisis thus lose economic security. Those who remain face increased discrimination and hostility from certain interest groups. Without substantial legal rights in receiving countries, migrants have little recourse to legal action when their rights are violated.

The families of migrant workers are also jeopardised by the economic crisis, as the funds for living expenses, the education of children, and for private enterprise dry up. Without money for these needs, the future becomes uncertain for the families of migrants.

Sending countries are affected as a whole because they depend on remittances for a large share of their GDP, and will be harder pressed to provide goods and services both to resident citizens and to repatriated overseas workers.

A global consulting firm, Oxford Analytica, has said that the economic slowdown has significantly reduced the flow of remittances to developing countries for the first time in a decade. Increasing unemployment as a result of the return of unemployed workers could also degrade the standard of living that developing countries have worked hard to improve, and could possibly lead to increased domestic unrest if governments fail to meet basic expectations of support.

Human security and the rights of migrants

In the 1994 Human Development Report, produced by the United Nations Development Pro-

gramme, human security is defined as, 'first, safety from such chronic threats as hunger, disease and repression. Second, it means protection from sudden and hurtful disruptions in the patterns of daily life - whether in homes, in jobs or in communities.'

This kind of security, in contrast to the traditional concept, is more holistic because it encompasses "how people live and breathe in a society, how freely they exercise their many choices, how much access they have to market and social opportunities and whether they live in conflict or in peace." This concept combines both the political and economic definitions of security, and is of great relevance to migrant workers.

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The economic crisis has begun to constrain the finances of employers, leading them to consider the repatriation of migrant workers, or to delay or even withhold wages for their workers. This directly threatens the human security of migrants by depriving them of their economic security. Due to their limited rights as migrant workers, they are unable to redress these conditions, they are deprived of their political se-

curity as well.

In order to illustrate how serious the effects of the economic crisis will be for migrants, this Alert will discuss cases of how several sending and receiving countries are reacting to the economic crisis, developments in their policies regarding migrant labour, and the human security of migrants in these countries.

Migrant Welfare in Sending and Receiving Countries

Receiving countries:

Malaysia

Malaysia has been a labour-receiving country since the 1960s. Officially, it is estimated that there are over 2.5 million migrant workers in Malaysia, with over 300,000 to 400,000 working without legal papers. In the aftermath of the 1997 Asian economic crisis, and again in 2002, Malaysia deported thousands of illegal Indonesian and

UN CONVENTION ON MIGRANT RIGHTS PROVISIONS:

The Convention does not create new rights for migrants but aims at guaranteeing equality of treatment and the same working conditions for migrants and nationals. This implies:

- Preventing inhumane living and working conditions, physical and sexual abuse and degrading treatments (articles 10-11, 25, 54),
- guaranteeing migrants' rights to freedom of thought, expression and religion (articles 12-13),
- Guaranteeing migrants' access to information on their rights (articles 33, 37),
- Ensuring their right to legal equality, which implies that migrant workers are subject to correct procedures, have access to interpreting services and are not sentenced to disproportionate penalties such as expulsion (articles 16-20, 22),
- Guaranteeing migrants' equal access to educational and social services (articles 27-28, 30, 43-45, 54),
- Ensuring that migrants have the right to participate in trade unions (articles 26, 40).

Migrants should also have the right to remain connected to their country of origin, says the Convention. This implies:

- Ensuring that migrants can return to their country of origin if they wish to and that they are allowed to pay occasional visits and are encouraged to maintain cultural links (articles 8, 31, 38),
- Guaranteeing migrants' political participation in the country of origin (articles 41-42),
- Ensuring migrants' right to transfer their earnings to their home country (articles 32, 46-48).

Filipino migrants, in conditions that the Indonesian and Filipino governments described as unsanitary and inhumane.

Last year, the Malaysian government announced that it would initiate a massive deportation of immigrants from its eastern Sabah state bordering Indonesia and the Philippines, where it an estimated 130,000 immigrants reside. Over 300,000 migrants have been deported from Sabah since the 1990s.

Migration has become a politicised issue in Malaysia. When the Councillor of the Bangladeshi Embassy in Malaysia announced on 10 March that 70,000 workers had been granted work permits, this was immediately denounced by the Malaysian Trade Unions Congress (MTUC), which is the largest union in the private sector. The Trade Unions Congress asked the government to revoke all the visas, in the face of economic problems and the fact that thousands of Malaysians were supposedly facing retrenchment, layoffs, and shorter working weeks.

The Human Resources Ministry clarified that the working visas were granted before a blanket freeze on hiring of foreign workers had been implemented in January. The Home Ministry eventually decided to revoke all visas, with grave consequences for the Bangladeshi workers that had already paid their recruiters large amounts of money to be able to work in Malaysia.

Recruitment companies make large amounts of money in Malaysia, charging from RM 9,000—10,000 (S\$ 4,057—4,508) per worker, which requires the latter to work without pay until the debt is cancelled. This allows employers to reduce labour costs, by subcontracting their hiring to recruitment companies. In turn, the companies recoup their expenses from the workers by charging exorbitant commissions, artificially depressing wages and subjecting labourers to indebtedness.

The job security of legal migrant workers is also under threat. Many workers found their work permit validity shortened from six to three years, rendering those who had stayed longer than three years as overstayers. Labour migrants who were arrested were allegedly subjected to housing in crowded conditions, deficient food supplies, and abuses by guards and police, according to Suar-am, a Malaysian NGO.

This has been disputed by the Malaysian government, however. Those who returned, on the other hand, face the risk of human trafficking, unemploy-

ment, and were not provided with livelihood support from the Philippine government. At present, foreign workers have few legal injunctions to address abuses in Malaysia, which compromises their political and economic security. Even the Malaysian Trades Union Congress called for a review of labour laws that unfairly discriminate against migrant workers, and for a standardised form of labour contract to prevent abuses.

Singapore

Singapore has long maintained a two-tier migration policy for workers: skilled workers and those in demand by certain industries could enter openly, and had the opportunity of applying for permanent residency. On the other hand, low-skilled workers and domestic helpers were subject to a work permit system that limited them to a specific employer, and required them to return to their home countries upon the termination of their contracts. Domestic helpers are not entitled to the same labour laws as other sectors as well.

However, the government has been keen to ensure that employers pay the salaries of migrant workers, and to minimise the incidences of physical abuse by bringing to court employers accused of the said crime. Recently, the economic slowdown has hit employers hard, as many of them either belong to the financial industry, or had substantial investments in the stock market. Domestic helpers have already reported fears that their contracts could be terminated prematurely, due to the financial losses of their employers, according to a report by the Agence France-Presse in the Business Times of Malaysia.

Other industries have been hit as well: foreign visitor arrivals to Singapore have been falling since August of last year, which could lead to retrenchments of many Filipino- and mainland Chinese workers, while a further slowdown of the construction industry could lead to the retrenchments of labourers from Bangladesh, India, Myanmar, Thailand and China.

There are also signs that the crisis has strained the both the local community's acceptance of mi-

grant workers, and induced some unscrupulous employers to withhold wages. The proposed dormitory for migrant workers in the Serangoon Gardens estate was opposed by local residents due to fears of escalated crime and urban decay, and was only settled after it was agreed that access to the neighbourhood from the dormitory would be restricted.

The Singaporean government also recently charged four employers for not paying wages or providing proper accommodation for migrant workers in March, the penalty for which is a heavy fine and imprisonment for up to one year. Some recruitment companies were once able to make S\$ 20,000-30,000 in 'clean profits' a year through subcontracting work. One such firm, attached to a shipyard, was blacklisted by the Ministry of Manpower for not being able to provide jobs for the workers who had already paid to work legally in Singapore.

Saudi Arabia

While migrant workers have limited rights in Saudi Arabia, their economic security has recently been jeopardised by protectionist measures. Muhammad al-Hamdan, head of the Labour Office of the Eastern Province, has told companies in Saudi Arabia to lay off foreign workers first before

laying off locals, and announced that companies that have fired Saudi staff will be investigated, as the government has discouraged employers from letting go of Saudi employees. Companies have been expected to retrain Saudi staff or to replace foreign workers with locals. Government data has estimated that the unemployment rate for Saudis has reached 11 per cent.

The tolerance for migrant workers has also been eroding, as Saudi employees have begun to complain against employers who hire illegal foreign workers, or choose foreign workers over local ones. Official and unofficial discrimination against foreign workers has rendered a secure livelihood an uncertainty.

Thailand

The worsening economic crisis has hit the flow of migrant labour into Thailand hard. The number

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of workers entering Thailand from Cambodia dropped 10 per cent, according to an official in the Cambodian Labour Ministry. Cambodian workers in Thailand earn about US\$ 150 a month, compared to Cambodian agricultural workers in South Korea, who can earn as much as US\$ 900 a month.

According to Sok Chanpheakdey, the director of a government-approved migrant worker agent, the reduction in the flow of workers to relatively low wage countries such as Thailand reflects a shift towards better paying positions. Workers have thus tended towards jobs with more rewarding compensation, despite the distance and difficulties entailed by these destinations.

The fall in migrant earnings could also adversely affect poverty alleviation and worker livelihood. Cambodia earns US\$ 300 million a year from migrant remittances. A fall in remittances could curtail government spending in public services.

United Arab Emirates

Six years of continuous growth in Dubai, one of the wealthiest cities in the Middle East, drew hundreds of thousands of workers to build and man the many skyscrapers and infrastructure projects that now line the city. However, due to the economic slowdown, over US\$ 582 billion worth of projects have been put on hold, which represents 45 per cent of all the construction projects in Dubai.

According to a member of the Abu Dhabi Chamber of Commerce, over 45 per cent of construction workers could be laid off this year if private sector projects are further delayed or cancelled. Even now, many workers have either lost their jobs or been forced to accept unpaid vacations.

'Christopher', a barista from the Philippines, has been working illegally for nine months in the hope that he would find an employer who would grant him a work permit. He and his wife used to be able to send US\$ 136 home each month. Now, he is searching for any job available. An Indian worker reported that 200 gardeners were recently sacked from his company, which employs over 10,000 workers.

Some employers have resorted to unpaid vacations as a way of avoiding to pay compensation to fired workers. Under UAE law, workers laid off must be paid 21 days salary for each of the first five years they have worked and a month's salary for every year after that, as reported by Monir al-Zaman, a labour attaché at the Bangladeshi Embassy but many workers have chosen to stay in labour camps, in the hope of finding work.

However, time is running out for some of them, who cannot afford to linger as living expenses pile up, even for those who live in tent cities on the outskirts of the city.

Sending Countries: Bangladesh

Remittances play a major role in the Bangladeshi economy, where they account for 10 per cent of the gross domestic product. Over US\$ 10.7 billion was remitted to Bangladesh from 2007—2008. However, many migrant labourers are being forced to return home as a result of the economic slowdown, which could potentially plunge the country into a social and economic crisis.

Layoffs and repatriations from the Middle East and Malaysia are becoming more common. According to the Bureau of Manpower, Employment and Training of Bangladesh, over 13,000 repatriations occurred in the first two months of 2009. Malaysia alone revoked the visas of 55,000 workers recently.

Many deportees worry that the debts they incurred from working in foreign countries cannot be repaid. One worker, Abdul Mansur, reported that he paid more than US\$ 3,500 to a job recruiter to work in the UAE. He was repatriated before he could pay back the debt, and is now even more economically desperate than before he left. Other warning signs abound. The annual outflow of migrant workers fell by nearly half from 2009 to 2008 – from 875,000 to below 500,000.

Worldwide, there are 6.2 million Bangladeshi migrant workers mostly employed in the Middle East, according to the UN Office for the Coordination of Humanitarian Affairs, as published in

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their Integrated Regional Information Networks News (IRINNews). The government is attempting to secure access to new labour markets such as Libya and Romania to make up for repatriations from the Middle East, but these efforts have not yielded enough jobs to replace those lost due to the crisis.

Indonesia

The economic crisis could pull down annual remittances to Indonesia by as much as US\$ 3 billion, according to a report commissioned by Standard Chartered plc, Indonesia. Nearly 400,000 Indonesian migrant workers could lose their jobs as well due to the crisis.

In 2007, Indonesian migrant workers sent home an estimated US\$ 6 billion, with over 5 million working abroad. The loss of over 8 per cent of that working population could lead to a rise in unemployment in Indonesia, due to the return of migrant workers from abroad.

Currently, over 9.4 million people are unemployed nationwide. During the 1997 crisis, the collapse of living standards triggered political upheavals that unseated the Suharto government. This has made proper management of the crisis all the more important for the Indonesian government.

The Philippines

One of the largest migrant-sending nations in Asia, the Philippines is the third largest recipient of remittances in the world, after India and Mexico. In 2008, migrant workers sent home US\$ 16.4 billion, an increase of 13.7 per cent over 2007. The US, Europe, the Middle East and East Asia account for 90 per cent of all remittances. However, a reduction in the flow of remittances may soon occur, given the economic slowdown in all of those areas.

Seafarers, who account for a fifth of all remittances, are beginning to become affected by the drop in international trade and tourism.

In December 2008, a 5.8 per cent drop in over-

all deployments signalled that less overseas jobs were available compared to 2007. According to the Trade Union Congress of the Philippines, this figure is actually underreported, as the tally of migrants returning due to non-renewal of expired work contracts were not included in the estimate.

According to TUCP Secretary-General Ernesto Herrera, workers employed by semiconductor firms in Taiwan are particularly vulnerable. The Taiwan Semiconductor Manufacturing Company has already ordered its employees to take five days of unpaid leave every month. The TUCP has already lowered its estimate of the growth of remittances from 15 per cent to 10 per cent for 2010.

The government has been urged to match the returning migrant workers to the local firms that are still expanding, to be referred to retraining at the Technical Education and Skills Development Authority, or to advertise jobs in public service. The government has also announced that it will participate in the second Annual Transatlantic Forum on Migration in Washington, to complement efforts to ensure that the effects of the economic crisis on migrant workers is minimised.

The long history of migration in the Philippines also has long-term social consequences. The growing 'feminisation' of migration from the Philippines has led to a radical change in the structure of migrant families. Single parent and female-headed households are becoming more common as more women are deployed abroad. Female migrants compose 72 per cent of the total deployment of labour abroad, and are mostly composed of mothers as well.

The absence of one or both parents has led to a lack of psychological support and guidance for many Filipino children, which could result in a generation without the formation and guidance parenting provides. In addition, the long-term absence of skilled workers and professionals as a result of migration leaves less people available to contribute to nation-building in the Philippines.

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Sri Lanka

Aside from economic problems as a result of the financial crisis, Sri Lankan migrant workers are also at risk of exposure to infectious diseases, like HIV-AIDS, especially women. Like the Philippines, Sri Lanka has a highly feminised outward migration flow. Over 70—80 per cent of migrants to the Middle East were women. Some of these migrants, as a result of desperation, have fallen prey to human traffickers, and subject to harsh and unsafe conditions.

The increased risk of sexual exploitation could lead to vulnerability to HIV infections, according to United Nations Development Programme country representative in Sri Lanka, Renaud Meyer. Illegal female migrant workers were identified as especially at risk, given that they have no recourse to legal employment and are less likely to find opportunities for decent work.

High recruitment fees and poor wages also push migrant workers into the debt traps of unscrupulous recruiters. Many migrants also remain uneducated as to the risks of AIDS, including 96 per cent of Bangladeshi migrants.

Migrants are also vulnerable in the event of civil conflicts and war. During the 2006 war in Lebanon, over 55,000 Sri Lankan migrant workers were stranded in the country. Some women, working as domestic helpers, became victims of the bombings. Some employers refused the requests of those who attempted to ask them for the return fare to Sri Lanka, which they were entitled to.

The Lebanese authorities also refused to assume responsibility for gathering the migrant workers out of the war zone. The government of Sri Lanka was not blameless, as it failed to provide compensation for migrant workers who chose to return to their country, and offered only US\$ 50 when they returned. There was no plan for government action on an emergency evacuation, except for an International Organization for Migration initiative for evacuating Filipino and Sri Lankan workers from Lebanon.

Guaranteeing labour migrant rights: The UN Convention on Migrant Rights

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which entered into force in July 2003, is designed to provide a comprehensive framework for the protection of the rights of migrant workers. However, as of March 2009, none of the 41 countries that have ratified the Convention are traditional or recent migrant-receiving countries.

The Convention does not create any new rights, but aims to guarantee equality of treatment of all migrants. Among the rights enshrined is to guarantee the ability of migrants to enjoy equal access to educational and social services, which is politically unacceptable to many receiving countries that wish to reserve social services for their own citizens.

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However, positive signals of acceptance include the support of the European Parliament and the Organization of American States for the ratification of the convention, and the incorporation by Italy of some provisions of the convention in its immigration law. As a legal tool, the Convention is a concrete gesture of respect for the human security of migrants globally.

Human Security: A secondary priority?

Given the discussion of cases, it is clear that migrants are in imminent danger due to the economic crisis for a variety of reasons, ranging from the loss of their livelihood to vulnerabilities in health.

While sending countries are also experiencing the difficulties of a contracting world economy, it will be important to ensure, at the very least, the orderly repatriation of migrant workers and just compensation for the work that they have done. While this does not guarantee the human security of migrant workers, it goes a long way in protecting their right to economic security.

Sending countries should also ensure that returning migrants have the means to undertake an alternative livelihood, and whether this requires

job matching or skills training. Doing so will ensure that returnees are assured of dignified work, and will boost the domestic economy by ensuring that capital continues to be generated. A decent standard of living will also help migrant families remain strong and capable in facing further challenges.

Receiving countries should also protect the fundamental human rights of their migrant workers, whether or not they have signed the UN Convention on Migrants Rights.

As many of these workers made considerable contributions to their economies, ensuring that they are compensated and treated fairly, repatriated in a humane manner, and respected as human beings would benefit receiving countries as well. When the global economic crisis ends, these workers will return to working abroad, and will pay attention to receptive host countries. Migrant workers will be more attracted to work in countries that provide adequate, or improved, working conditions - in the hope that their human security will be guaranteed.

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