THE IMPACT OF SOCIAL DIALOGUE
ON THE OPTIMIZATION
OF LABOUR MIGRATION
in Moldova, Belarus and Ukraine

ВЛИЯНИЕ СОЦИАЛЬНОГО ДИАЛОГА
НА ОПТИМИЗАЦИЮ
ТРУДОВОЙ МИГРАЦИИ
в Молдове, Беларуси и Украине

Analytical report / Аналитический отчет

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Executive summary

The Analytical Report “The impact of social dialogue on the optimization of labour migration in Moldova, Belarus, and Ukraine” was developed within the framework of the SEC003/2017/WG5/01 Grant Agreement signed between the Secretariat of the Steering Committee of the Eastern Partnership Civil Society Forum, the Labour Institute of the National Trade Union Confederation of Moldova and other project partners - the Byelorussian Congress of Democratic Trade Unions, the Construction and Building Materials Industry Workers’ Union of Ukraine, and the Center for Social and Economic Research CASE Belarus (Poland).

The Report aims at assessing the impact of the social dialogue on the optimization of labour emigration in Moldova, Belarus and Ukraine, from the point of view of the trade union organizations of the countries concerned. The social dialogue represents an important mechanism to ensure a balanced, complex, multilateral, and multi-dimensional approach needed to manage migration processes, based on respect of decent work principles.

The Working Group 5 of the Eastern Partnership Civil Society Forum (CSF) “Social and Labour Policy and Social Dialogue” was established in November 2012 during the fourth CSF meeting in Stockholm.

Резюме

Аналитический отчет «Влияние социального диалога на оптимизацию трудовой миграции в Молдове, Беларуси и Украине» разработан в рамках Грантового контракта SEC003/2017/WG5/01 между Секретариатом Руководящего комитета Форума гражданского общества Восточного партнерства и Институтом труда Конференции профсоюзов республики Молдова и партнерами по проекту - Белорусским конгрессом демократических профсоюзов, Профессиональным союзом работников строительства и промышленности строительных материалов Украины и Центром CASE Belarus (Польша).

В отчете анализируются существующие практики социального диалога в области трудовой миграции в Молдове, Беларуси и Украине, с точки зрения профсоюзных организаций соответствующих стран. Социальный диалог выступает одним из механизмов сбалансированного, комплексного, многоуровневого и многостороннего подхода к управлению миграционными процессами, основанного на соблюдении принципов достойного труда.

Рабочая группа 5 Форума гражданского общества (ФГО) Восточного Партнерства «Социально-трудовая политика и социальный диалог» была создана в ноябре 2012 года в ходе четвертой встречи ФГО в Стокгольме.
Глоссарий

Трудовой мигрант - лицо, которое будет заниматься, занимается или занималось оплачиваемой деятельностью в государстве, гражданином которого он или она не является; лицо, которое с целью найма на работу мигрирует из одной страны в другую иначе, чем за свой собственный счет (МОТ); гражданин Договаривающейся Стороны, которому другой Договаривающейся Стороной разрешено проживать на ее территории для выполнения оплачиваемой работы.

Социальный диалог - термин, определяющий участие работников, работодателей и правительств в процессе принятия решений в сфере занятости и в отношении проблем, возникающих на рабочих местах; включает все виды переговоров, консультаций и обмена информацией между представителями этих групп относительно общих интересов в области социально-экономической политики и политики в сфере труда; средство обеспечения социально-экономического прогресса, и цель сама по себе, поскольку социальный диалог позволяет людям выражать свои мнения и отстаивать их в своих обществах и на рабочих местах.

Оптимизация трудовой миграции - стратегии в области оптимизации преимуществ организованной трудовой миграции, включая поощрение и распространение, повышение развивающего значения денежных переводов, развитие навыков, смягчение воздействия эмиграции квалифицированных человеческих ресурсов (ОБСЕ, МОМ, МОТ); выбор и применение лучшего или самого лучшего решения; процесс максимизации выгодных характеристик.

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1. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by General Assembly resolution 45/158 of 18 December 1990
2. Migration for Employment Recommendation (ILO) No. 86 Recommendation concerning Migration for Employment
3. European Convention on the Legal Status of Migrant Workers No 93
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>BKDP</td>
<td>Byelorussian Congress of Democratic Trade Unions</td>
</tr>
<tr>
<td>BPAD</td>
<td>Belarusian Trade Union of Air Traffic Controllers</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>EaP</td>
<td>Eastern Partnership</td>
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<tr>
<td>SMS</td>
<td>State Migration Service</td>
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<td>EU</td>
<td>European Union</td>
</tr>
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<td>KVPU</td>
<td>Confederation of Free Trade Unions of Ukraine</td>
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<td>AICESIS</td>
<td>The International Association of Economic and Social Councils and Similar Institutions</td>
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<td>MIA</td>
<td>Ministry of Internal Affairs</td>
</tr>
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<td>IOM</td>
<td>International Organization for Migration</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>ITUC</td>
<td>International Trade Union Confederation</td>
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<td>NTUCM</td>
<td>National Trade Union Confederation of Moldova (CNSM)</td>
</tr>
<tr>
<td>NSPP</td>
<td>National Service for Mediation and Reconciliation</td>
</tr>
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<td>NTSEC</td>
<td>National Tripartite Social and Economic Council</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>PR</td>
<td>Permanent residence</td>
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<td>UNDP</td>
<td>United Nations Development Program</td>
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<tr>
<td>JRB</td>
<td>Joint Representative Body of the Representative All-Ukrainian Trade Unions at the National Level</td>
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<td>FPB</td>
<td>Federation of Trade Unions of Belarus</td>
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<td>FPU</td>
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<td>CIM</td>
<td>Center for International Migration and Development</td>
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<td>БКДП</td>
<td>Белорусский Конгресс демократических профсоюзов</td>
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<td>БПАД</td>
<td>Белорусский профсоюз авиационных диспетчеров</td>
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<tr>
<td>ВВП</td>
<td>Валовый внутренний продукт</td>
</tr>
<tr>
<td>ВП</td>
<td>Восточное Партнерство</td>
</tr>
<tr>
<td>ГТС</td>
<td>Государственная миграционная служба</td>
</tr>
<tr>
<td>ЕАЭС</td>
<td>Евразийский экономический союз</td>
</tr>
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<td>ЕС</td>
<td>Евросоюз</td>
</tr>
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<td>КСПУ</td>
<td>Конфедерация свободных профсоюзов Украины</td>
</tr>
<tr>
<td>МАСЭСПИ</td>
<td>Международная ассоциация социально-экономических советов и подобных институтов</td>
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<td>МВД</td>
<td>Министерство внутренних дел</td>
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<td>МОМ</td>
<td>Международная организация по миграции</td>
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<td>Международная организация труда</td>
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<td>Национальная конфедерация профсоюзов Молдовы</td>
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<tr>
<td>НСПП</td>
<td>Национальная служба посредничества и примирения</td>
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<td>НТСЭС</td>
<td>Национальный трехсторонний социально-экономический совет</td>
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<td>ОБСЕ</td>
<td>Организация по безопасности и сотрудничеству в Европе</td>
</tr>
<tr>
<td>ООН</td>
<td>Организация объединенных наций</td>
</tr>
<tr>
<td>ПМЖ</td>
<td>Постоянное место жительства</td>
</tr>
<tr>
<td>СПО</td>
<td>Совместный представительский орган [всеукраинских профсоюзов и профсоюзных объединений]</td>
</tr>
<tr>
<td>ФПБ</td>
<td>Федерация профсоюзов Беларуси</td>
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<td>ФПУ</td>
<td>Федерация профсоюзов Украины</td>
</tr>
<tr>
<td>СИММ</td>
<td>Центр по информированию трудовых мигрантов</td>
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**Introduction**

International migration, in the modern world, has become an increasingly common phenomenon. However, in frames of the discussions of migration issues, both at the national and international levels, opinions, concerns and wishes of the social partners are not taken into account to the proper degree. In this regard, more attention in recent years has been paid to social dialogue as an instrument for achieving social progress and optimal solutions in the field of labour market policies.

Social dialogue is the term that describes the involvement of workers, employers and governments in decision-making on employment and workplace issues.

At the 97th Session, in 2008, the International Labor Conference adopted the Declaration on Social Justice for a Fair Globalization. The Declaration emphasizes that social dialogue and tripartism should be promoted as the most appropriate methods for:

1. adapting the implementation of each of the four strategic objectives to the needs and circumstances of each country;
2. translating economic development into social progress, and social progress into economic development;
3. facilitating consensus building on relevant national and international policies that impact on employment and decent work strategies and programmes; and
4. making labour law and institutions effective, including in respect of the recognition of the employment relationship, the promotion of good industrial relations and the building of effective labour inspection systems.5

Social dialogue includes all types of negotiation, consultation and exchange of information among representatives of these groups on common interests in economic, labour and social policy. Social dialogue is both a means to achieve social and economic progress.

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**Введение**

Международная миграция, в современном мире, становится все более распространенным феноменом. Однако, в обсуждениях миграционных вопросов на национальном и международном уровнях, до сих пор, мнения, опасения и пожелания социальных партнеров не учитываются в должной степени. В этом свете, в последние годы, все больше внимания уделяется социальному диалогу, как инструменту достижения социального прогресса и оптимальных решений в области регулирования рынка труда.

Социальный диалог - это термин, который означает участие работников, работодателей и правительств в процессе принятия решений в сфере занятости и в отношении возникающих, на рабочих местах, проблем.

На 97-ой сессии, в 2008 году, Международная конференция труда приняла Декларацию о социальной справедливости в целях справедливой глобализации. В документе подчеркивается необходимость содействия социальному диалогу и трипартизму, как наиболее целесообразным методам:

1. адаптации хода реализации стратегических задач к потребностям и особенностям каждой страны;
2. перевода экономического развития в плоскость социального прогресса, и наоборот;
3. достижения консенсуса по надлежащим мерам национальной и международной политики, влияющей на стратегии и программы в сфере занятости и достойного труда;
4. придания трудовому законодательству и соответствующим учреждениям большей эффективности, в том числе с точки зрения признания правовых трудовых отношений, содействия нормальным трудовым отношениям и формирования действенных систем инспекции труда.5

Социальный диалог включает все виды переговоров, консультаций и обмена информацией между представителями профсоюзных организаций, представителями работодателей и правительств относительно общих интересов в области социально-экономической политики и политики в сфере труда. Как отмечает Международная организация труда, социальный диалог - это и средство обеспечения социально-экономического прогресса.

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and an objective in itself, as it gives people a voice and stake in their societies and workplaces.

Within the framework of this report, social dialogue is being addressed in the context of external labour migration, and foreign labour markets.

The aim of the study is to analyse the existing mechanisms of social dialogue in the field of labour migration in Belarus, Moldova and Ukraine and ways to improve them, from the perspective of trade union organizations of countries concerned. The report describes common features and peculiarities of social dialogue in the field of labour migration in three states, assesses its impact on the labour market and social policy.

The term of labour migration in this report means temporary labour migration, or moving to another country with working purposes, which does not mean obtaining a residence permit and immigration for permanent residence. As part of the description of the migration profile of the countries concerned, information on different types of migrant workers is presented, but in terms of the migration policy analysis the focus is on optimizing temporary labour migration.

The first part of this report is devoted to the migration profiles of Belarus, Moldova and Ukraine. The main tendencies and characteristics of external migration are presented here, including statistical data on the number of temporary labour migrants, as well as those who hold temporary and permanent residence abroad, principal host countries, the main determinants of international migration, and survey data on migration.

The benefits, problems and challenges in relation to external migration, in general, are similar for all three countries. Migration brings both socio-economic benefits (lower unemployment rate, remittances can boost the national balance of payments and reduce the level of poverty in the country, valuable working experience by returning migrants), and problems (the deficit of certain professions in the local labour market, social aspects such as separation of families and insufficient parenting of children, brain drain, aggravation of the demographic situation, etc.).

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и цель сама по себе, поскольку социальный диалог позволяет людям выражать свои мнения и отстаивать их на рабочих местах и в своих сообществах. В рамках данного отчета социальный диалог рассматривается в контексте регулирования внешней трудовой миграции, то есть сопряжен с иностранными рынками труда.

Цель исследования состоит в анализе существующих практик социального диалога в области трудовой миграции в Беларуси, Молдове и Украине и путей их совершенствования, с точки зрения профсоюзных организаций соответствующих стран. В рамках отчета, описываются общие черты и особенности социального диалога в области трудовой миграции в трех государствах, дается оценка их воздействия на рынок труда и социальную политику в странах.

Под трудовой миграцией, в рамках отчета, имеется в виду временная трудовая миграция, то есть переезд в другую страну с рабочими целями, не предполагающий получение вида на жительства и иммиграции на ПМЖ. В рамках описания миграционного профиля стран представлена информация о разных типах мигрантов, но в части исследования миграционной политики акцент делается на оптимизации временной трудовой миграции.

Первый раздел отчета посвящен миграционным профилям Беларуси, Молдовы и Украины. Здесь приведены основные тенденции и характеристики внешней миграции, в том числе, представлены статистические данные по количеству временных трудовых мигрантов, а также имеющихся временные и постоянные виды на жительства за рубежом, важнейшие принимающие страны, основные факторы, определяющие процессы внешней миграции из страны происхождения, а также данные страновых опросов касательно миграции.

Выгоды, проблемы и вызовы, связанные с внешней миграцией, в целом схожи для всех трех стран. Миграция сопряжена как с социально-экономическими выгодами (меньшая безработица, денежные переводы улучшают национальный баланс выплат и уменьшают уровень бедности в стране, использование рабочего опыта возвращавшимся мигрантами), так и проблемами, присущими миграционным процессам (дефицит отдельных специальностей на местном рынке труда, социальные аспекты вроде разлуки семей и недостаточного воспитания детей родителями, утечка мозгов, усугубление демографической ситуации и др.).
The second part briefly describes the situation, main achievements and problems faced by trade union organizations within the countries concerned. A successful social dialogue is possible when independent, well-developed trade union organizations activate without encountering obstacles. Otherwise, social dialogue will be a fake one. Moreover, the second part describes existing forms and institutional structures of social dialogue in mentioned above countries.

The third part tracks the status of implementation of international acts in the field of protection of migrant workers, and namely the main conventions of the United Nations (UN) and the International Labour Organization (ILO) related to the rights of migrant workers, additional ILO conventions, and regional migration agreements. In the same part of the analysis, bilateral regulations of labour migration flows between origin and destination countries are given.

In the following sections, the report focuses special attention on three main aspects that determine migration policy in countries of origin, which are as follows:

- developing measures to protect migrant workers against exploitation and providing the necessary support;
- optimization of organized labour migration, development of new labour markets and the increase of remittances through legal channels, as well as mitigating the negative consequences of the emigration of highly skilled manpower;
- Institutional regulation of labour migration, through cooperation and partnership between state bodies, local government bodies, organizations, social partners in addressing labour migration problems;

The categorization of these aspects of social dialogue is based on the Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination developed under the auspices of the OSCE, ILO and IOM. Each of these sections, separately, addresses the involvement and fulfilment of the mentioned above aspects by local trade union organizations.

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1. Migration Profile of Belarus, Moldova and Ukraine

1.1. Belarus

In the first half of the 1990s, migration flows from Belarus and into Belarus were quite intense, but since the mid-1990s, they have decreased significantly. However, despite the rather low migration propensity of Belarusians, even moderate volumes of permanent out-migration (a few thousand people per year), coupled with a constant natural population loss and an increase in the demographic pressure since 2008, pose a significant challenge for the country. External migration aggravates age distortions and contributes to the loss of human capital, since emigrants from Belarus are, on average, younger and better educated, while immigrants are older, with a larger proportion of people past working age and less-skilled. Starting from 2015, the economic recession in Russia and the crisis in Belarus will cause the continuing outflow of migrant workers to Western countries in the coming years.

Although the United States and Germany retained the status of important destination countries for the Belarusians, since the country gained its independence, the migration attractiveness of other countries, including neighbouring Russia and Poland, has increased significantly over the past decade. Both Poland and Russia have simplified procedures for obtaining citizenship for certain categories of Belarusians.8

In the case of Poland, holders of the Pole’s card have the opportunity to obtain a permanent residence permit and Polish citizenship within a year. Belarusians, whose ancestors lived on the territory of modern Russia, during the Soviet period, and even in the period of tsarism can claim Russian citizenship and receive it within a few months.9 Since a part of the Belarusian

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7 The population of Belarus has decreased from 10.2 million in 1993 to 9.5 million in 2013.
9 According to the amended in 2014 version of the Russian Law on Citizenship.
population has a rather weak national identity, and Belarus goes through a deep economic crisis and, in the coming years, unable to generate even an average economic growth. Belarus risks losing its valuable human capital faster and faster in favour of larger and more successful neighbours.

During the last decade, Belarus has had negative net migration with the Western European countries, USA and Canada but positive external migration balance with the post-Soviet states. Temporary labour migration of Belarusians to the European Union has remained rather limited, while labour migration flows towards Russia have increased, that was prior to the economic recession in Russia in 2015 that reduced the outflow of Belarusian migrants.

Official statistics dramatically underestimate the figures for temporary labour migration. The Ministry of Internal Affairs count only those migrants who sign agreements with foreign employers via the official employment agencies. The number of Belarus nationals who undertook this procedure in 2016 reached just 7.4 thousand people.

In fact, an outright majority of Belarusians seeking employment abroad do so without addressing official employment agencies and therefore they are not included in these statistics. Belarusian officials themselves have repeatedly recognized that the actual figure of Belarus’ labour migrants in Russia stands at between 100,000 and 300,000. Some experts give even larger assessments of migrants – up to 500,000-700,000. However, the analysis of the population age and employment structure in Belarus indicates that this is an exaggeration.

According to the Main Directorate for Migration of the Ministry of Internal Affairs of the Russian Federation, in 2016, 98 thousand Belarusian citizens have entered Russia for purposes of work. In total, during 2016, 346 thousand people.

The Ministry of Internal Affairs does not include in these statistics the Belarusian officials who have repeatedly recognized that the real number of Belarusian labour migrants in Russia is much higher. Some experts give even larger assessments of migrants – up to 500,000-700,000. However, the analysis of the population age and employment structure in Belarus indicates that this is an exaggeration.

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Recognized Russian speaking foreigners residing in the Russian Federation could acquire Russian citizenship under a simplified procedure, over a period of three months, on condition they renounce the citizenship of their country of origin. Status of Russian native speaker (one who speaks language fluently within family, social, economic and cultural spheres) must be confirmed in the course of the interview with the commission formed under the auspices of the FMS. At the same time, the law is valid if “these persons or their relatives in the ascendant line have permanent residence or previously permanently resided in the territory of the Russian Federation or on the territory belonging to the Russian Empire or the USSR, within the State Border of the Russian Federation”. https://rg.ru/2014/04/23/grazhdanstvo-dok.html

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Thousand Belarusians were registered on the migration account of Russia. However, Russian statistics in this respect are also incomplete due to the fact that some of the Belarusian migrants work without a work permit.

The results of the quarterly labour force surveys launched in Belarus in 2012 also underestimate the number of migrant workers - 56,000 in 2012 and 64,000 in 2013. The survey results show that half of the labour migrants are people between the ages of 20 and 34, who have secondary, special or vocational education, while the share of migrants with higher education was 9.5% in 2012 and 13% in 2013.11

The specifics of the migration accounting likewise results in underestimation of the volume of permanent out-migration. The National Statistics Committee only accounts for those individuals who report their intended departure (i.e. with the intention of staying abroad for a period longer than one year) and subsequently register at Belarusian consulates abroad. As long as many migrants are reluctant to communicate their intention of moving abroad to relevant official bodies, these individuals are not included in the statistics.

As can be seen in the chart below, officially, Belarus has allegedly enjoyed the positive net migration since its independence in 1991. Studies that are based on the analysis of statistical data on migration of major host countries and the analysis of vital registration system and the results of the population censuses in 1989, 1999 and 2009 indicate that in reality the balance was negative. In addition, after gaining its independence, until 2010, this number could be about 130 thousand people.

Doubtful conclusions about a supposedly positive net of external migration also fall into the state documents that determine the demographic policy, and thereby reproduce the erroneous official discourse about the migration attractiveness of Belarus.

Thus, the National Demographic Security Programme of the Republic of Belarus (2011-2015) aims to "to increase the balance of external migration to 60,000", which was initially completely unrealistic. Even, taking into account an unpredictable resettlement of 20-30 thousand of mi-

dophysical activity amounted to 98 thousand Belarusians. The total of migrants in Russia in 2016 was 346,000 Belarusians. In fact, the Russian statistics in this respect are also incomplete due to the fact that some of the Belarusian migrants work without a work permit.

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10 "Every tenth Belarusian is looking for a work abroad. What are the threats facing the country?" https://finance.tut.by/news554527.html
11 Andrei Yeliseyeu, op.cit., p.198.

довой деятельности въехало 98 тыс. граждан Беларуси. Всего в течение 2016 года, на миграционный учет России поставлено 346 тыс. белорусов.10 Впрочем, российская статистика в этом отношении, также, неполная в связи с тем, что часть белорусских мигрантов работают без про-хождения должных процедур.

Результаты квартальных опросов рабочей сил, запущенных в стране в 2012 году, также занижают число трудо-вых мигрантов - 56 тысяч в 2012 и 64 тысячи в 2013. Со-гласно данным опросов, половина трудовых мигрантов - это люди в возрасте 20-34 лет, большинство со средним, средне-специальным или профессионально-техниче-ским образованием, в то время, как доля мигрантов с высшим образованием составляла 9.5% в 2012 и 13% в 2013 г.11

В связи с особенностями учета постоянной миграции, показатели эмиграции белорусов за границу с целью по-стоянного проживания тоже занижаются. Национальный статистический комитет учитывает лишь тех, кто сообща-ет о своем планируемом отъезде за рубеж, на срок год и более, в местный отдел по гражданству и миграции Мини-стерства внутренних дел и впоследствии становится на учет в белорусских консульских учреждениях за гра-ницей. Поскольку многие мигранты не сообщают такую информацию в соответствующие органы, то они и не отво-бражаются в официальной статистике.

Как видно на Диаграмме 1, официально, Беларусь якобы из года в год имеет положительное сальдо внешней ми-грации. Исследования, которые базируются на анализе статистических данных по миграции основных прини-мающих стран, а также на анализе естественного дви-жения населения и результатов переписей населения в 1989, 1999 и 2009 годах указывают на то, что в реальности сальдо было отрицательное. По всей видимости, с нача-ла независимости к настоящему времени отрицательное сальдо внешней миграции составляет около 150 тысяч человек.

Сомнительные выводы о якобы положительном сальдо внешней миграции содержатся в государственных доку-ментах, определяющих демографическую политику, ко-торые тем самым распространяют ошибочное представ-ление о миграционной привлекательности Беларуси.

10 "Каждый десятый белорус ищет работу за границей. Чем это грозит стране?", Портал ТУТ.by, https://finance.tut.by/news554527.html
11 Andrei Yeliseyeu, op.cit., p.198.
grants from Ukraine to Belarus, in connection with the war in the Donbass, in reality, the balance of external migration, in the indicated period for Belarus was about 10 thousands of people (in the best case).

In 2014, experts in the field of migration assessed the main host countries for Belarusian migrants as follows: Russia, Poland, the USA, Germany, Ukraine, the Baltic countries. Previous national surveys have established that Germany, Russia, the United States and Poland are indeed the most preferred countries for temporary labour migration or permanent emigration.12

According to EUROSTAT, in 2015 about 140 thousand Belarusians had residence permits in the EU countries. However, one needs to keep in mind that according to the current methodology, this figure also includes national visas valid one to more years. In the figure for Poland, (about 80 thousand people), the majority made up national visas, mostly received by the owners of the Pole’s card. In addition to Poland, Belarusians preferred for emigration the other EU countries as Germany (about 20,000 residence permits), Italy (9,000), Lithuania (6,000) and the Czech Republic (5,000).

показателе по Польше, составившем около 80 тысяч, большую часть составили именно национальные визы, в основном полученные обладателями карты поляка. Кроме Польши, другими крупнейшими странами белорусской эмиграции в ЕС являются Германия (около 20 тысяч видов на жительство), Италия (9 тысяч), Литва (6 тысяч) и Чехия (5 тысяч).

Среди экспертов по миграции существует консенсус по поводу того, что большинство белорусов (более 80%) проживают в ЕС легально и трудоустроены в соответствии с законодательством страны пребывания. Что касается профиля белорусских резидентов в ЕС, то чаще всего это относительно молодые люди до 35 лет, занимающиеся в сфере услуг, строительстве, домашнем хозяйстве, реже - это высококвалифицированные специалисты (информационные технологии, инженерные специальности и др.).

Россия, как основная принимающая страна белорусских трудовых мигрантов - естественное следствие целого ряда причин, включая правовые договоренности в трудовой сфере между странами, географическую близость, отсутствие языковых барьеров, транспортную доступность, а также более высокие зарплаты в России во многих секторах экономики, в сравнении с белорусскими.

Пограничный контроль между Беларусью и Россией был устранен в 1996 году, а соглашение 1998 года предоставило равные права гражданам двух стран в трудовых отношениях. Наконец, Договор о Евразийском экономическом союзе (ЕАЭС) позволил белорусам работать в странах ЕАЭС (Армения, Беларусь, Казахстан, Кыргызстан, Россия) без специальных разрешений на работу.

Основные факторы, влияющие на эмиграцию белорусов, - это более высокий уровень зарплат и в целом более высокий уровень жизни в принимающих странах, а также наличие миграционных сетей, то есть родственников или друзей либо как минимум групп соотечественников, проживающих или работающих за рубежом. Ассоциации бе-
According to the nationwide opinion poll (conducted in December 2012 – January 2013) commissioned by the Belarusian Institute for Strategic Studies, a desire to improve financial status appeared to be the main motivation for leaving Belarus permanently. An opportunity to upgrade qualification/facilitate career growth as a motivation factor was chosen by 35% of respondents. Better welfare systems were selected by 24.3%, while access to high quality medical services received 14.1% and the opportunity of obtaining a good education was chosen by 13.1%.

Obviously, the number of Belarusian migrants to the EU countries is lesser than the number of Moldovan and Ukrainian migrants. Thus, the number of residence permits emitted by the EU authorities in 2015 for Belarusian citizens made up 140 thousand, to Moldovans - 217 thousand and respectively for Ukrainians– 1 million 26 thousand. In the case of Moldovan citizens, it should also be borne in mind that about 500,000 people have Romanian citizenship.

Differences in the economic well-being of the population seem to be an important explanatory factor for why labour migration to the EU has been less popular among Belarusians, in comparison to Ukrainians and Moldovans. In terms of GDP per capita based on purchasing power parity (PPP), which reflects differences in incomes among the countries, Belarus apparently ranks higher than Ukraine or Moldova. According to the World Bank, the GDP per capita in Belarus in 2012 was 15,300 international dollars, while the equivalent indicator for Ukraine and Moldova stood at 7,300 international dollars and 3,400 international dollars respectively. However, due to the economic crisis in Belarus, during the last three years, the well-being of the Belarusians has significantly worsened. In this regard, it is possible to forecast an increase of migration of Belarusians to the EU, especially to Poland, which conducts a fairly liberal migration policy and increasingly uses the Pole’s card as a mechanism for attracting long-term migrants from Belarus and Ukraine.

Some peculiarities of Belarusian labour market rigidity which influence migration trends bear mentioning. Firstly, it has been state policy to ensure the highest level of employment possible (the share of employ-

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14 Andrei Yeliseyeu, op.cit, pp.202-203.
ment in the public or semi-public sector is almost 70%, comparable to the share of GDP produced by the public sector). Sometimes it results in the preservation of outdated and economically unjustified jobs. Labour migration is to some extent reduced by the availability of employment at home. However, such redistributive economic policy contributes to the replacement of highly-qualified workers by the less qualified. As a result, it enhances the out-migration of highly-skilled workers.15

Secondly, Belarus operates a mandatory placement scheme for graduates. This means that students who graduate from state universities where the tuition for their study was paid by the state have to work for an employer assigned by the state for two years following graduation. Those who refuse to take an assigned job, have to repay a large sum of money for having had their studies subsidized by the state. Often graduates are assigned to unsatisfactory low-paid jobs in rural areas and small towns. This mechanism, which limits labour mobility for young people, discourages some graduates from seeking work abroad, since the compensation to the state in this case is too high.16

On the other hand, Belarus has a weakly functional social security system. The amount of the unemployment benefit in the country is less than a fifth of the poverty line. In this regard, for many unemployed citizens it is senseless to register in state employment centres. Using this fact, state bodies skilfully manipulate unemployment statistics, taking into account only those who are registered on the labour exchange. In this regard, officially, unemployment in the country, for many years, rarely exceeded 1%, although in reality, according to experts, this figure constitutes 6-10%.

The diasporal policy in Belarus is very poorly developed. Only in 2014, the draft law on the diaspora was adopted (“On Belarusians living abroad”). Although the draft law sets a legal framework for cooperation with the diaspora, it does not contain specific commitments of the state in this area and does not take into account views expressed by diaspora organizations (e.g. on cheaper or free Belarusian visas for the diaspora representatives).

15 Ibid., p. 205.
16 Ibid.

не, иметь постоянную, пусть часто и не высоко оплачиваемую работу. С другой стороны, перераспределительная экономическая политика в Беларуси привела ко все более частому замещению высококвалифицированных работников менее квалифицированными. Это также способствовало эмиграции более квалифицированных кадров за границу.15

Еще один механизм, который сдерживает эмиграцию белорусов - это обязательное распределение выпускников высших учебных заведений на определяемое государством рабочее место. Это означает, что студенты, окончившие государственные ВУЗы за счет бюджета, должны отработать (обычно в течение двух лет) на конкретном рабочем месте, а в ином случае заплатить высокую сумму за обучение. Зачастую выпускники распределяются на низкооплачиваемые рабочие места в малые города и сельскую местность, что позволяет государству патать кадровые дыры в регионах. Поскольку компенсация за обучение в случае отказа от обязательного распределения высока, тем самым предотвращается отъезд части молодых специалистов за рубеж непосредственно после окончания университета.

С другой стороны, в Беларуси действует слабо функциональная система социальной поддержки. Размер пособия по безработице в стране составляет менее пятой части показателя черты бедности. В связи с этим, для многих безработных граждан бессмысленно регистрироваться в государственных центрах занятости. Используя эту особенность, государственные органы Беларуси умело манипулируют статистикой безработицы, учитывая лишь тех, кто зарегистрирован на бирже труда. Как следствие, официально безработица в стране в течение многих лет редко превышала 1%, хотя в действительности, по оценкам экспертов, составляла 6-10%.

Диаспоральная политика в Беларуси развита очень слабо. Лишь в 2014 году был принят закон о диаспоре (“О белорусах, проживающих за границей”), который не содержит ни каких-либо серьезных инновационных предложений об усиении и активизации работы с диаспорой, ни ожидаемых подвижек вроде выдачи бесплатных белорусских виз либо безвизового въезда для представителей диаспоры.
1.2. Moldova

Moldova is among the top countries affected by the process of migration. According to various estimates, which will be discussed further in this chapter, around 15-20% of its population (circa 3.5 million) are currently staying abroad. One of three families in Moldova declares that one or more of its members are working abroad. The number of citizens who are labour migrants or whose family members labour migrants is approaching 930 thousand people, that is more than a quarter of the country’s population.

Due to the difficulties of the transition period, in Moldova, by the end of the 1990s, the phenomenon of large-scale external migration became more than obvious. In order to avoid poverty, tens of thousands of residents left illegally abroad, often leaving their underage children in the care of the older generation, or alone. On the other hand, successful migrant workers could earn money and support their relatives who remained in Moldova.

According to experts, the intensity of external migration faced by Moldova is so great that it is “one of the main national security challenges in terms of further development of demographic processes, stability of social systems (education, health and social sphere), and the availability of human resources for long-term development of the country.”17

On the one hand, labour migration makes it possible to keep the unemployment rate low and to reduce social tension. It is estimated that if labour migrants were to search for a job in Moldova, the unemployment rate would reach 26%, higher than the present 7%, as at present, but would reach 26% (and in rural areas up to 30% instead of 5%).18

For many Moldovans, remittances from their relatives working abroad are the foundation of their home budgets. The household budget of two-thirds of all Moldovan households, whose family members are migrants, is formed mainly by remittances. The remit-

tances make up the bulk of the household budget (85% or more). Due to remittances, the poverty level in the country decreased from 73% of the population in 1999 to 33% in 2007. At the same time, Moldova registers one of the highest poverty rates in the region.

The annual inflow of remittances is about 30% of GDP, which has a positive impact on consumption and macroeconomic stabilization. According to the World Bank experts, migrants’ remittances contributed to cover the trade deficit, consolidate banking system, strengthen and stabilize the national currency. Moreover, remittances have been and remain the main foreign exchange investments in the country and exceed the share of foreign direct investments and international assistance to Moldova that are about 7 per cent of GDP. Money transfers also contributed to the increase in the revenue side of the budget, through the collection of VAT and customs duties.

On the other hand, external migration generates serious social and demographic problems, including problems with bringing up children in separated families and increasing demographic burden. About 135 thousand couples are separated because of the migration of one of the partners. 146 thousand children grow up (about 14% of children) with one or both parents working abroad. 94% of family couples (19,000) - both spouses work abroad, usually in the same country (61% of such couples, children remain in Moldova, either under the supervision of relatives, or alone. On average, 2,5 thousand children of preschool age leave the Republic of Moldova during a year.

In 2035, the proportion of older people in the Republic of Moldova will increase by 25%, and in 2050, every third person will be more than 60 years old. The aging rate is more pronounced for women (19.3 in 2015 compared with 15.9 in 2001). This situation is exacerbated by the decline in the quality of life of the elderly population. According to the Global Age Watch Index, Moldova ranks the 77th among the last places in Europe, after Belarus, Russia, Ukraine, and Romania.

22 Ibid.

Основой их семейного бюджета. В 2/3 всех молдавских домохозяйств, в которых имеются трудовые мигранты, материальное благосостояние формируется в основном денежными переводами мигрантов. При этом, в трети таких домохозяйств вклад трудового мигранта составляет более 85% в материальное благосостояние его семьи. Благодаря денежным переводам, уровень бедности в стране снизился с 73% населения в 1999 году до 33% в 2007 г. Это один из самых высоких показателей бедности в европейском регионе.

Объем денежных переводов мигрантов составляет около 30% ВВП Молдовы, способствуя росту потребления и макроэкономической стабилизации. По мнению экспертов Всемирного банка, переводы мигрантов способствовали уменьшению торгового дефицита, консолидации банковской системы, укреплению и стабилизации национальной валюты. Денежные переводы, также, были и остаются основными валютными инвестициями в страну и превышают долю прямых иностранных валютных инвестиций в страну и оказываемой Молдове международной помощи, которые составляют порядка 7% по отношению к ВВП. Переводы также способствовали повышению доходной части бюджета через взывание НДС и таможенных пошлин.

С другой стороны, внешняя миграция порождает серьезные социальные и демографические проблемы, включая проблему воспитания детей в разделенных семьях и увеличение демографической нагрузки. Около 135 тысяч супружеских пар, большую часть времени, разобьены по причине миграции одного из партнеров. У 146 тысяч детей (около 14% детей) один либо оба родителя работают за границей. В случае 19 тысяч семейных пар оба супруга работают за границей, обычно в той же стране (9%). У 61% таких семейных пар дети остаются в Молдове, либо под присмотром родственников, либо одни. Вместе с этим, в среднем в течение года, республику покидает около 2,5 тысяч детей дошкольного возраста.

Согласно оценкам, к 2035 году доля пожилых людей в Республике Молдова возрастет на 25%, а в 2050 году каждому третьему лицу исполнится более 60 лет. Коэффициент старения более выражен у женщин (19,3 в 2015 году по сравнению с 15,9 в 2001 году). Это положение усугу-

19 Там же, с. 8.
20 Поалелунжь, ор.сит., сс. 2-3.
21 Там же.
In the first quarter of 2017, the proportion of young people aged 15-29, who were not employed and did not receive education, except for those leaving to work or study abroad was estimated at 30.9%. The large scale of the emigration of young people is further revealed by the fact that according to the results of admission to the universities of Moldova in 2017, there remained unclaimed 5293 places including 1,168 with budgetary financing.24

Long-term migration leads to heavy dependence on remittances. This will entail a number of economic and social risks for the population, with a decrease the decrease of remittances or loss of this source of income, but also for the national economy as a whole.25 Money transfers, mainly from parents, have affected the reduction of labour motivation in the country, in particular among young people. Labour migration, as well, has triggered an economic slowdown. Thus, in 2017, 526.2 thousand people, or 31.5% of the total number of inactive people aged 15 and older, participate or plan to find a job in other countries. In the second quarter of 2008, this indicator was 22.1%.26

Already, in 1999 (for comparison, in Belarus only in 2012), the National Bureau of Statistics of Moldova started regular workforce surveys. Over time, this allowed us to have, more or less, reliable statistics on labour migration and the main trends in this area. In 2008, in the Republic of Moldova a special survey on labour migration was conducted, and in 2012, there was carried another one aimed at determining the level of skills of Moldovan migrant workers.

According to the National Bureau of Statistics, the number of Moldovans living abroad in 2014 was about 430 thousand people. At the same time, in 2013-2014 the experts on migration stated that this figure constituted 550 thousand people. Meanwhile, as Russia remains the main destination country for Moldovan migrants, Italy, Spain, France, Turkey and Portugal are the next most preferred countries.27 According to EURO-

and-methodology/24
http://www.edu.gov.md/ro/content/admiterea-2017-la-studii-superoare-de-licenta-si-de-master-rezultatele-sesunii-de-baza-
25 Poalelungi, op.cit., p.4
STAT, 130 thousand out of 202 thousand of residence permits emitted in the EU countries to Moldovan citizens were accounted for Italy.28

On 28 April 2014 Moldovan citizens were granted visa-free entry to 26 Schengen Area countries. The regime of visa liberalization does not grant the right to long-term labour migration, but create the conditions for the development of temporary / circular labour migration.

One of the political aspects of civilized labour migration is a large proportion of the population who have the right to vote abroad (about 11%, aged 18 and older). In this regard, an important task is to ensure the fair legal conditions for participation in elections in the country’s diplomatic institutions abroad,29 138720 of Moldovans living abroad took part in frames of presidential election conducted in 2016. In comparison, just 16914 Moldovans living abroad have voted in parliamentary elections in 2009.29 Moldovan diaspora has actively participated in presidential elections in 2016, thus calling the attention of the authorities to pay attention to Moldovan citizens living and working abroad and to include the migration issues into national development strategies.31

Currently, the Diaspora of the Republic of Moldova is structured into approximately 250 associations in more than 30 countries, including various initiative groups and professional skills groups. The most numerous associations are registered in Italy, Romania, Ukraine, the Russian Federation, Portugal, France, the USA and Canada.

In 2008, about 33% of migrant workers from Moldova in the EU countries worked illegally and only 47% had a residence permit and a work permit. Thus, tens of thousands of Moldovans do not have the opportunity to visit their relatives in Moldova, thus risking sanctions (including a ban on entry into the Schengen area) crossing the border.

27 Tam же.
28 Например, на президентских выборах 28 ноября 2010 года за границей проголосовало около 64 тысяч граждан Молдовы, а на президентских выборах 2016 года – почти 139 тысяч.
29 Отчет о результатах выборов на должность Президента Республики Молдова 30 октября 2016 года.
30 Постановление Правительства республики Молдова о механике координации государственной политики в отношении диаспоры, миграции и развития (№ 725 от 8 сентября 2017 года).
The available data showed that 56% of migrant workers are married, 39% are single, and 5% of migrants are divorced or widowed. The share of divorced women (12%) far exceeds this category of migrants among men (2%). Either this can be a result of migration, or a factor that encourages migration.32

The main driver for labour migration is unemployment (55%) and low salaries (43%). Only 2% decided to immigrate due to family reasons. Thus, 98% of labour migrants went abroad because they wanted to find a better-paid job in order to provide a decent standard of living for workers and their families.33

Analysis of the population (who went to work abroad) distribution, disaggregated by sex, age and level of education shows that the migration flows consist mostly of people aged 25 to 34 - 33.9%, 63.6% are men, as well as persons with secondary, vocational and gymnasium education - 75.6%. Most often, they perform unskilled jobs that do not require large investments in the development of human capital.34

With the exception of Transdniestria and Gagauzia, which focus on international labour migration mainly on Russia and Turkey, respectively, in other regions of Moldova, the ethnic / linguistic component does not determine the migration preferences of the Moldovan population. A more important role in choosing the country of destination represent social networks, presence of successful relatives, fellow villagers and acquaintances.35

Labour migration to Russia and the EU differ in a variety of ways. Moldovan migrant workers plan to work in Russia on average 5.5 months; in fact, the average length of stay in Russia is just over 7 months. Migrants from Moldova represent a temporary, even mostly seasonal, workforce flaw to Russia. An average length of stay in the EU countries is more than a year (14-16 months).36

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31 Vladimir Ganta, op. cit., p. 5.
32 Ganta, op.cit., p. 13.
33 Моснеага, op.cit., p. 18.
34 Моснеага, op.cit., p. 7.
35 Моснеага, op.cit., p. 18.
The determining factor of the international labour migration from Moldova is unfavourable processes in the labour market, and namely the constant reduction of the basic indicators of employment. According to official figures, both the number of economically active population and regular workers is declining. The level of migration remains approximately at the same level, accounting for about 26% of the economically active population. Diversifying migration options, including successful integration experiences in the destination countries, will further encourage migration. This will continue the upward trend until stabilization phase, driven by factors such as cumulative national economic growth (partly dependent on migrant remittances). According to current trends, the stabilization phase could last for at least a decade.37

1.3. Ukraine

After gaining its independence, Ukraine was influenced by substantial emigration flows. In the beginning of the 1990s, Ukrainians left the country primarily due to ethnic reasons. In particular, according to the 2001 population census data, the number of Russians, Moldovans, Belarusians and Poles declined over the previous decade by more than 20%. The most dramatic decline occurred for the Jewish minority, whose number dropped by nearly 80%.38

By the mid-1990s, following a period of rapid decline in real GDP and hyperinflation, migration became a strategy for coping with poverty for many Ukrainians during times of scarce employment opportunities and wage arrears. Still, economic reasons remained the major factor for migration as individuals attempted to ensure higher earnings. In particular, the income disparities between Ukraine and the major migration destination countries remain substantial. In 2000-2008, Ukraine saw an increase in GDP; however, there was no increase in the demand for labor, nor a significant improvement of living conditions for the population.39

38 Oleksandra Bertyš, Migration between the EU, V4 and Eastern Europe: The present situation and the possible future. The perspective of Ukraine, in Forecasting migration between the EU, V4 and Eastern Europe. Impact of visa abolition, ed. by Marta Jaroszewicz and Magdalena Lesinska. OSW Report, Warsaw, 2014, p. 166.
of 2010, the welfare level of the Ukrainian household was three times lower than that of Russia, the Czech Republic and Poland, and more than ten times lower in comparison with Italian and Spanish indicators.\textsuperscript{40} Due to the fall of GDP and the repeated devaluation of hryvnia, after 2014, the level of population’s welfare continued to fall.

Since 2002, one of the chapters of a regular national wide survey conducted by the Institute of Sociology National Academy of Sciences of Ukraine, in the framework of the study “Ukrainian Society: Monitoring of Social Changes” is devoted to labor migration. According to its data, from 2002 to 2010, the share of Ukrainian households with at least one family member working abroad, ranged from 10% to 13.5%. About 9% of respondents in 2005-2010 left abroad for working reasons, 2 to 3% traveled more than three times.\textsuperscript{41}

The Population Survey on Labour Migration Issues, conducted in 2008 by State Statistics Service of Ukraine in cooperation with the Ukrainian Centre for Social Reforms, the Open Ukraine Foundation, IOM, and the World Bank aimed at determining the extent of labour migration and socio-demographic characteristics of its stakeholders. The specifics of the migration accounting results in underestimation of the volume of permanent out-migration. The last national census was conducted only in 2001. Therefore, surveys of the workforce and statistical information of the main host countries provide an important source of statistical data.\textsuperscript{42}

According to the World Bank, 6.5 million individuals who were born in Ukraine lived abroad in 2010. However, many of these individuals already have citizenship in other countries and so cannot be counted as Ukrainian migrants. According to official data reported by the National Statistical Service in the period 1992-2004, around 2.5 million Ukrainians left the country on a permanent basis.

\textsuperscript{40} Oleksandra Betliy, op.cit., pp. 166-167.
\textsuperscript{41} Екатерина Иващенко, Социально-политические последствия трудовой миграции в Украине в зеркале социологического анализа, CARIM-East RR 2012/18, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (F): European University Institute, 2012, p. 16.
\textsuperscript{42} For example, a sample survey of households on labor migration in 2010-2012, conducted by the World Bank, the ILO and the Institute of Demography and Social Sciences. This survey showed that during the period under review, 1.2 million Ukrainians worked abroad or were looking for work there.
According to the expert survey of 2014, the average estimate of Ukrainian nationals residing in the EU amounted to 1.1 million, and in Russia this number amounted to 1.3 million. Expert assessments approximated the data of the host countries. According to EUROSTAT, at the end of 2015 in the EU countries 1,025 million Ukrainians had residence permits. According to the statistics of the Federal Migration Service of Russia, as of March 2017, the total number of citizens of Ukraine in the territory of Russia was 2.3 million people; more than 1 million of them are immigrants from Donetsk and Lugansk regions.

Although in absolute terms the emigration rate is high, in 2013 it was about 5% of the country’s working-age population. In relative terms, the phenomenon of migration in the country is much less common than in Moldova. Opinion polls also show that despite a significant migration flow from Ukraine, 77% of Ukrainians have never been abroad, 36% of them have never travelled outside of their region, about 5% of the population annually travel abroad, including for purposes employment.

According to the number of high skilled specialists, who left country in search for better working and living conditions over the past 20 years, Ukraine is in the top ten of the most important brain donor countries in Europe. From 1991 to 2004, more than 6 thousand candidates and doctors of science left abroad, one third of them - under the age of 40. Furthermore, 17 out of 18 migration exports reported that depletion of labour force and ‘brain drain’ are among the most important negative consequences of migration for Ukraine.

According to one of the Ukrainian experts in the field of migration, young people can be included into the category of vulnerable groups, while they are experiencing difficulties in finding employment, especially those living in small towns and rural areas, and employed citizens with a low level of wages. A third of migrant workers are rural residents and about a quarter are from inhabitants of small towns. Among those who would like to work abroad, more than a third

примерно соответствовали данным принимающих стран. Так, по данным Евростата, на конец 2015 года в странах ЕС 1,025 млн украинцев имели виды на жительство. Согласно статистике Федеральной миграционной службы России, по состоянию на март 2017 года общее число граждан Украины, находящихся на территории России составляло 2,3 млн человек, из них более 1 миллиона - это переселенцы из Донецкой и Луганской областей.

Впрочем, хотя в абсолютном выражении показатель эмиграции высокий, он в 2013 году составлял около 5% от населения страны в трудоспособном возрасте. То есть, в относительном выражении, феномен миграции в стране распространен намного реже, чем в Молдове. Социологические опросы также показывают, что несмотря на значительный миграционный поток из Украины, 77% украинцев ни разу не были за рубежом, 36% из них никогда не выезжали за пределы своего региона, около 5% населения ежегодно бывают за рубежом, в том числе в целях трудоустройства.

По численности специалистов, выехавших из страны в поисках лучших условий трудоустройства за последние 20 лет, Украина находится в десятке наиболее значительных стран-доноров рабочей силы в Европе. С 1991 по 2004 гг. за границу выехали более 6 тысяч кандидатов и докторов наук, треть из которых – в возрасте до 40 лет. В ходе опроса экспертов в сфере миграции 2014 г., 17 из 18 опрошенных специалистов отнесли утечку мозгов к категории наиболее отрицательных следствий миграции для страны.

По мнению одного из украинских экспертов в сфере миграции, можно говорить о том, что к уязвимым категориям населения в стране оправданно относить, среди прочих, в том числе молодежь, испытывающую трудности с трудоустройством, особенно проживающую в малых городах и сельской местности, и трудоустроенных граждан с низким уровнем заработной платы. Треть трудовых мигрантов - жители сельской местности и около четверти - из жителей небольших городов. Среди тех, кто хотел бы поработать за границей, более трети охарактеризовали свой доход как средний, «позволяющий сводить концы с концами».
described their income as average, “which allows to make ends meet”.49

Prior to the military operations in the Donbas, Ukrainian migrants were almost equally divided among the EU countries (Poland, Italy, and the Czech Republic) and Russia. According to survey, the major destination countries are Russia, Poland, Italy, Czechia, and Spain. Construction is the major employment sector for migrants in four major destination countries, apart from Poland where agriculture prevails. In particular, about a half of Ukrainian migrants do not had either a work permit or residence permit or both. Nearly 17% of migrants worked without any official status.50

The education profile of labour migrants also differs by country. In particular, an overwhelming majority of migrants working in Germany had completed higher education (as the majority of males were employed in engineering and other technical activities), while only 10% of migrants had such a level of education in Czechia (where the most popular sectors for the employment of Ukrainians was construction).51

Previous studies have shown that the number of migrants in neighbouring countries (Russia, Poland, Czech Republic, Hungary) decreases with the duration of the trip, while the number of migrants in more distant countries (Italy, Spain, Portugal) increases with the length of stay.52 Introduction of the visa-free regime with the EU in 2016, which does not give the right to legal employment, will also possibly increase in the migrants outflow.53

A nationwide survey on labour migration (2012) revealed, that two thirds of labour migrants were men. However, female migration in general seems to be on the rise. Men become more active in migration from 25, while women go for migration after 30. Women migrate more actively than men do after 50, which may be explained by differences in the employment sector.

In particular, men are more often employed in sectors that demand physical strength (e.g. construction). Ad-

50 Oleksandra Betliy, op.cit., p. 164.
51 Ibid., p. 165.
52 Alexey Pozdnyak, op.cit., p.7.
53 Oleksandra Betliy, op.cit., p. 172.
ditionally, this might also be explained by family status as women usually migrate after their children grow up.\textsuperscript{54}

Remittances make a positive impact on the domestic economy. They are estimated to reach USD 6-7 billion a year, which contributes to a lower current account deficit. They also result in higher private final consumption, which is a typical driver of economic growth in Ukraine, and thus, improved welfare of migrants’ families. Additionally, remittances are also invested in the maintenance of existing housing or the acquisition of new housing.\textsuperscript{55}

Remittances indirectly, contribute to emergence of social dependency, weakening the motivation of migrant’s household members to seek additional sources of income and employment in the domestic market.\textsuperscript{56}

2. The situation and activities of trade union organizations and forums for social dialogue in Moldova, Belarus and Ukraine

The right of citizens to join trade unions is guaranteed by the Universal Declaration of Human Rights (1948), the International Covenants on Economic, Social and Cultural, Civil and Political Rights, ILO Convention No. 87 “Freedom of Association and Protection of the Right to Organise Convention”, Constitutions of the countries concerned.

Genuinely independent and strong trade union organization is the essential condition for efficient social dialogue. Belarus, unlike Moldova and Ukraine is facing the issue of “pocket” trade unions, which are part of the system of State government bodies. For this reason, the international trade union movement for more

\textsuperscript{54} Ibid, p. 163.  
\textsuperscript{55} Ibid, pp. 176-177.  
\textsuperscript{56} Ekaterina Ivashchenko, op.cit., p.14.
than 15 years does not recognize Federation of Trade Unions of Belarus.

National Trade Union Confederation of Moldova consists of 25 branch federations, comprising over 400,000 trade union members. Among them, there are employees from education and science, agriculture and food, social services and production of goods, communications, constructions, light industry, consumer cooperatives, trade and business, chemical industry and energy resources, culture, employees of the Ministry of Internal Affairs, state bodies and other branches. The National Trade Union Confederation of Moldova (NTUCM) is a national interbranch trade union centre of confederal type, which meets on voluntary basis national-branch trade union centres. NTUCM was established on the 7th of June 2007 by the merger of two national-interbranch trade union centres: Confederation of Trade Unions of the Republic of Moldova and Confederation of Free Trade Unions of the Republic of Moldova “Solidaritate”. The NTUCM is a member of the International Trade Union Confederation (ITUC).

Among the five largest trade union organizations in Moldova, four unite workers in the budgetary sphere and public services, namely trade union organizations of education and science, health care, public sector, and public services. The trade union of agriculture and food industry remains traditionally the largest one, but over the past decade the number of union members has decreased by about a half.

In accordance with Art. 5 (1) of the Law on Trade Unions in the Republic of Moldova (2000), the activity of trade unions is independent of public authorities at all levels, political parties, public associations, employers and their associations, and cannot be subjected to control and subordination. The employers have no right to hinder natural persons from belonging to trade unions.

The strategic priorities of Moldovan trade union organizations include - protection of wages and incomes of the population, employment and labour market, fighting shadow economy, social security, social dialogue, ensuring respect for labour and trade union rights, occupational safety and health, youth and women in the official Federation of Trade Unions of Belarus.

В Молдове зарегистрировано 25 национально-отраслевых профсоюзных федераций, представляющие интересы около 400 тысяч работников самых разных секторов национальной экономики. Отраслевые профсоюзные федерации, на добровольной основе, объединены в единый профсоюзный национальный центр – Национальную конфедерацию профсоюзов Молдовы (НКПМ, или CNSM). Конфедерация была создана в июне 2007 года путем слияния двух национальных профсоюзных центров (Конфедерация профсоюзов Республики Молдова, Конфедерация свободных профсоюзов Республики Молдова «SOLIDARITATE»). Национальная конфедерация профсоюзов Молдовы является членом Международной конфедерации профсоюзов (ITUC).

Как видно на Диаграмме 2, среди пяти крупнейших, с точки зрения членства, профсоюзных организаций в Молдове, четыре объединяют работников бюджетной сферы и коммунального обслуживания, а именно, профсоюзные организации образования и науки, здравоохранения, государственного сектора, коммунального обслуживания. Профсоюз работников сельского хозяйства и пищевой промышленности остался многочисленной организацией, хотя, за последнее десятилетие, число его членов уменьшилось примерно вдвое.

В соответствии со ст. 5 (1) Закона о профсоюзах Республики Молдова (2000 г.), профсоюзы независимы в своей деятельности от властей всех уровней, политических партий, общественных объединений, работодателей и их объединений, им не подконтрольны и не подотчетны. Запрещается любое вмешательство, направленное на ограничение прав профсоюзов или препятствование их осуществлению.

Среди регламентированных стратегических приоритетов молдавских профсоюзных организаций - защита заработной платы и доходов населения, занятость и защита на рынке труда, борьба с теневой экономикой, социальное обеспечение, социальный диалог, соблюдение трудовых и профсоюзных прав, здоровье и безопасность.
labour market, vocational training and raising awareness of workers.58

Trade union organizations of Moldova are involved in the development of social dialogue as a determining factor in achieving socio-economic justice. Moreover, they motivate participation of workers in labour, economic and social processes. An important achievement of the trade union movement in Moldova was the maintaining unity and organizational development of trade unions at the territorial and territorial-sectoral levels.

It should be noted the signing of the eighth National Collective Agreements59, which regulate labour relations (7) and define social responsibility of social partners. Also they recommend continuous negotiations with social partners on raising the minimum wage, which in the first half of 2017 was only 19.7% of the average salary in the previous year. The NTUCM insists on the implementation of the EU recommendations on the setting a minimum wage of 50-60% of the national average wage.

58 http://sindicate.md/dokumenty/reglamentiruyushhie-akty/
59 http://sindicate.md/documente/?cp_toate=10

Diagram 2. The largest trade unions of Moldova, 2016

Diagramма 2. Крупнейшие профсоюзы Молдовы, 2016

Source: National Trade Union Confederation of Moldova (CNSM)
Источник: Национальная конфедерация профсоюзов Молдовы
As a part of social dialogue, Moldovan trade unions are involved in the development of employment policies, in particular the National Employment Strategy 2017-2021. The most important trade union proposals take into consideration the following aspects: improving the legal and regulatory framework for developing mechanisms to stimulate investment in entrepreneurship, create new jobs, promote employment policy, create the link between labour market and system of vocational and higher education according to professional standards, amend national legislation in accordance with ILO Recommendations No. 204/2015 concerning the Transition from the Informal to the Formal Economy. With the participation of trade unions, a draft law on sectoral training committees, which is designed to improve the functionality of the labour market, was submitted to the legislative authorities for consideration.

In general, social dialogue in the Republic of Moldova has an experience of more than 10 years. In 2006, the country adopted the Law on the Organization and Functioning of the National Commission for Consultations and Collective Negotiations. So far it has not been achieved a necessary consensus and interaction between social partners for the optimal regulation of labour relations. Moldovan trade unions consider it necessary to introduce changes and amendments to the legislative base in the field of social dialogue. First of all, we are talking about the adoption of the clause according to which the decisions taken by the National Commission for Consultations and Collective Negotiations would be mandatory (and not recommendatory) for the parties that accepted them by mutual agreement.60

Often, the government makes decisions, disregarding the recommendations of social partners, in particular, of trade unions. For example, the experience of the social partners in amending and completing the Labour Code based on a compromise between the parties was not taken into account when drafting the Law on amending and completing Labour Code.61

60 http://sindicate.md/sostoyalos-novoe-zasedanie-natsionalnoj-komissii-po-konsultatsiyam-i-kollektivnym-peregovoram/

In conclusion, the social dialogue in Moldova is an important mechanism for the development of employment policies. The Moldovan trade unions are actively participating in the development of the National Employment Strategy 2017-2021 and提出 important proposals to improve the legal and regulatory framework, stimulate investment, create jobs, and link the labour market with vocational and higher education.

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The participation of trade unions in the drafting of laws and regulations is crucial for ensuring a balanced approach to social dialogue. The Moldovan trade unions have a long history of advocating for changes in the legislative framework to address the needs of the workforce and promote sustainable development.
Signing of the Association Agreement between the European Union and Moldova in 2014 expands the practice of social dialogue by creating a broader platform, with the participation of civil society. In the same year, with the support of the EU, within the framework of the project “Strengthening Migration Management Capabilities in Moldova”, the Social Dialogue Platform was created with the aim of bringing the social dialogue in the country closer to European standards.

The National Confederation of Employers of the Republic of Moldova strongly believes that, despite the existence of an adequate legal framework, social dialogue is not yet sufficiently developed. Experience of interaction between social partners concerning optimal regulation of labour relations remains rather limited.

According to the Register of Trade Unions and their Associations (Department of State Registration and Notary of Ukraine), 161 all-Ukrainian trade unions and 16 all-Ukrainian unions of trade unions were registered in Ukraine (177 organizations in total). There are also regional and local level trade union organization.

The Federation of Trade Unions of Ukraine (FPU) is an all-Ukrainian voluntary association of trade unions. It is the largest trade union confederation in Ukraine, with more than 8,0 million members. 42 national trade unions and 27 regional trade unions are affiliated to the FPU.

In August 2014, 71 trade union organizations were assessed for compliance with the criteria of representativeness and were certified by the National Mediation and Conciliation Service (NSPP). This a state body, founded by the president of Ukraine in November 1998 with the aim to improve labour relations by preventing, mediating, facilitating and resolving collective labour disputes.

There are several trade union organizations in Ukraine. Among them, there is the Confederation of Free Trade Unions of Ukraine (KVPU), which was the successor of the Federation of Independent Trade Unions of 62 Policy proposals for a better social dialogue perspective of the National confederation of employers of the Republic of Moldova, Position Paper, October, 2015/ http://www.cnpm.md/lib.php?l=ro&idc=58&titl=Publicatii
63 Реєстр торговельних організацій, http://ddr.minjust.gov.ua/uk/

Ukraine, created at the constituent assembly of the Free trade unions of Ukraine in 1997. A year later the organization was renamed the KVPU.

The KVPU consists of various branch organizations including the Independent Union of Miners of Ukraine, All-Ukrainian Union “Protection of justice”, The Free Trade Union of Railway Workers of Ukraine (VPZU), The Free Trade Union of Education and Science of Ukraine (VPONU), Trade Union of Medical Workers of Ukraine and others. Territorial organizations of KVPU activate in 15 regions of Ukraine.65

In 2012, all-Ukrainian associations of employers’ organizations, and all-Ukrainian trade unions, as well as number of trade union organizations created the Joint Representative Body of the Representative All-Ukrainian Trade Unions at the National Level (JRB) with the aim to tackle social, economic and labour problems, negotiate and conclude the General Agreement between the Cabinet of Ministers of Ukraine.

The JRB is trade unions’ representative body governing their relations with the executive authorities and employers. The main purpose of creating JRB is to represent and protect the rights, legitimate interests of trade union members in the economic, social, labour and other spheres, including relations with other parties of social dialogue.

In addition, National Tripartite Social and Economic Council operates in Ukraine. It was established on proposal of All-Ukrainian trade unions, employer associations, and the Cabinet of Ministers of Ukraine as an advisory and consultative body at the President of Ukraine consisting of representatives of the Cabinet of Ministers of Ukraine, All-Ukrainian trade unions and their associations, and All-Ukrainian associations of employer organizations in accordance with the Decree of the President of Ukraine dated December 29, 2005, No. 1871 On the Development of Social Dialog in Ukraine.

Since 2008 the National Tripartite Social and Economic Council of Ukraine became the member of the International Association of Economic and Social Councils and Similar Institutions (AICESIS). The Association’s ob-

65 http://kvpu.org.ua/uk/about
jective is, with full respect towards the independence of each of its members, to encourage and promote dialogue and an exchange of views between its members and, at a wider level, to encourage dialogue between economic and social partners around the world. The Association has set itself the task of encouraging the creation of ESCs in countries that do not yet possess them. Through the AICESIS, newly set up ESCs can find a wealth of experience, good practices and assistance that they can adapt to their own economic, political, social and cultural situation and significantly improve civil society involvement in their national political decision-making process, thus strengthening social dialogue in their country.

In order to promote social dialogue, under the coordination of Ukraine’s president, for the second time, NTSEC was established as a permanent body under the coverage of the law on “Social dialogue in Ukraine” and the Decree of the President of Ukraine “On the National Tripartite Social and Economic Council” No. 347 of April 2, 2011.

The main task of the National Council is to develop a consolidated position of social dialogue on the strategy of economic and social development of Ukraine and ways of solving existing problems in this area. It is authorized to submit the proposals on the regulation of relations in economic, social and labour sphere, approved its decisions, the President of Ukraine, Verkhovna Rada of Ukraine, Cabinet of Ministers of Ukraine on issues of development and implementation of the state social and economic policies.

Since 2010, the adoption of the law “On the Cabinet of Ministers of Ukraine” (according to Article 20, the CMU acts as a participant of social dialogue at the national level), the law “On Social Dialogue in Ukraine” (December 2010), and the law “On amendments to several legislative acts concerning the Parties to Collective Agreements” (August 2012) was an important steps towards the development of social dialogue.

One of the key events in the sphere of the trade union movement and the development of social dialogue to date, is the signing on August 23 2016 of the General Agreement between the Cabinet of Ministers of comparable institutes (MACESP) from 2008. The main activity of MACESP is seen as an exchange of experience, good practices and assistance that they can adapt to their own economic, political, social and cultural situation and significantly improve civil society involvement in their national political decision-making process, thus strengthening social dialogue in their country.

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Ukraine, the Federation of Trade Unions of Ukraine and the Federation of Employers of Ukraine signed, regulating the basic principles and norms for the implementation of socio-economic policies and labour relations in Ukraine for 2016-2017.

The General Agreement is concluded on a tripartite basis, between the representatives of trade unions, employer organizations and bodies of executive power, which are represented by the Cabinet of Ministers. The negotiation process on this matter lasted more than four years. The General Agreement is concluded on a tripartite basis, and 95 all-Ukrainian trade unions represented by five trade unions, 93 employers’ organizations and their associations (28 sectoral and 65 territorial organizations as well as executive bodies, which are represented by the Cabinet of Ministers. The negotiation process on this matter lasted more than four years.

Two associations of trade unions are registered in Belarus - The Federation of Trade Unions of Belarus (FPB) and the Belarusian Congress of Democratic Trade Unions (BCDTU). The FPB consists of 28 branch trade unions, 6 regional and Minsk city associations, 137 district and city organizations, comprising 4 million members, who are more than 96 per cent of the total working population.

The BCDTU brings together about 10 thousand members and consists of four affiliated organizations. The largest one is the Belarusian Independent Union (BNP), which has about 6.5 thousand members. The BCDTU is a voluntary association of democratic, free and independent trade unions, established to coordinate their activities, implement the statutory goals and objectives of the Congress. In fact, today the BCDTU is the only independent trade union centre in the country. High expectations and trade union movement development prospects are focused on the BCDTU for a number of reasons.

First, the socio-economic situation in Belarus has been steadily deteriorating since 2014. The country’s GDP contracted by more than 7%, real incomes of the population decreased substantially, while housing and communal payments increased and inflation remained rather high. In this situation, trust in democratic trade
unions, in case they are working effectively, may increase in the coming years. Mass protests of Belarusians in March-April 2017, provoked by the adoption of Decree No. 3 on the prevention of social parasitism, were possible due to the raising awareness campaigns carried out by democratic trade unions.

Secondly, the actual governmentalization of the Federation of Trade Unions of Belarus leads to strengthening of the independent trade union movement and Congress. This a good chance to become the only powerful and genuinely independent trade union capable to defend and promote the rights and interests of workers.

Thirdly, the Congress took serious steps to be recognized by international trade union movement. Since December 2003, the BCDTU has been a member of the International Trade Union Confederation (ITUC), the most powerful and influential international association representing 176 million workers from 156 countries. There was no question of affiliation of FPB to the ITUC.

The manifestations of discrimination in relation to independent trade union movement have a variety of forms. One of the most common is the ignoring of trade union organizations and the Congress itself as social partners. They are often refused to take part in collective bargaining. Members of independent trade unions are under constant psychological pressure exerted by employer, and under threat to be fired from work they are forced to leave trade organization. Under the odious Presidential Decree No. 29, BKDP falls under the system of compulsory conclusion of contracts (fixed-term employment contract), which is a legitimate opportunity to control independent trade union organizations.

One of the best examples of discrimination against democratic trade unions in Belarus is the massacre of the Belarusian Trade Union of Air Traffic Controllers (BTU), which, after joining the BKDP in early 2003, did not activate very long. Thus, since the mid-1990s, democratic trade unions in Belarus have been under growing pressure from the executive branch.

real income of the population, at the same time increased housing and communal payments and inflation remains stubbornly high. In such a situation, the trust in democratic trade unions, in case they are working effectively, may increase in the coming years. Mass protests of Belarusians in March-April 2017, provoked by the adoption of Decree No. 3 on the prevention of social parasitism, were possible due to the raising awareness campaigns carried out by democratic trade unions.

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3. Implementation of international obligations in the field of protection of labour migrants

At the forefront of the protection of the rights of migrant workers is their potential vulnerability to discrimination, exploitation and violence, especially in marginal, low-status and under-regulated employment sectors. In addition, illegally staying or working migrant workers often do not have access to the health care system, minimum wages and other human rights standards. In this regard, in addition to effective measures to prevent illegal migration and employment, it is necessary to ensure minimum standards of migrant workers protection, regardless of their status.

This section of the report includes information on the joined by Belarus, Moldova, and Ukraine important agreements in the field of international human rights law, United Nations (UN) and International Labour Organization (ILO) conventions relating to labour migrants. In addition to the international human rights and freedoms under the auspices of the United Nations and ILO, there are regional standards for the protection of labour migrants developed by the Council of Europe. They, like the situation with bilateral cross-country agreements in the field of labour migration, are also described in this section.

3.1. Key UN and ILO Conventions Relating to migrant workers

While each of the three countries has assumed the obligations to implement the key UN conventions on migrant workers, one of the main ILO Conventions concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers has not been ratified by any of the countries, and the Convention on Migrant Workers has been ratified only by Moldova.

3. Исполнение международных обязательств в сфере защиты трудовых мигрантов

Во главе угла защиты прав трудовых мигрантов лежит их потенциальная уязвимость к дискриминации, эксплуатации и насилию, особенно в маргинальных, низкостатусных и недостаточно урегулированных секторах трудоустройства. Кроме этого, нелегально пребывающие либо работающие трудовые мигранты зачастую не имеют доступа к системе здравоохранения, минимальной зарплате и прочим стандартам прав человека. В связи с этим необходимо, чтобы в дополнение к эффективным мерам по пресечению нелегальной миграции и трудоустройства государства обеспечивали минимальные стандарты защиты для всех трудовых мигрантов вне зависимости от их статуса.

Данный раздел содержит информацию о том, к каким важным соглашениям в сфере международного права прав человека, конвенциям Организации объединенных наций (ООН) и Международной организации труда (МОТ), касающимся трудовых мигрантов, присоединились Беларусь, Молдова и Украина. В дополнение к правам и свободам международного права прав человека под эгидой ООН и МОТ, существуют и региональные стандарты защиты трудовых мигрантов, разработанные в рамках Совета Европы. Они, как ситуация с двусторонними межстрановыми соглашениями в области трудовой миграции, также описаны в данном разделе.

3.1. Ключевые конвенции ООН и МОТ, касающиеся трудовых мигрантов

В то время, как каждая из трех стран, взяла на себя обязательства по исполнению ключевых конвенций ООН, касающихся трудовых мигрантов, одна из основных конвенций МОТ в области трудовой миграции (Конвенция о злоупотреблениях в области миграции и об обеспечении трудящимся-мигрантам равенства возможностей и обращения) не ратифицирована ни одной из стран, а другая
Participants in periodic international conferences on trade unions and migration focused on the need to adopt international agreements to better migration policies. For instance, within the framework of the round table organized in Chisinau in March 2015 by the Information Center for International Migration (CIM), the International Union of Food Workers (IUF), the American Federation of Labour and Congress of Industrial Organizations (AFL–CIO) and the Labour Institute of the National Trade Union Confederation of Moldova, there was mentioned the importance of ratifying the ILO Convention 143 on Migrant Workers, as well as the Convention 189 on Domestic Workers and, finally, Protocol 2014 (R203) on the Forced Labour, an annex to the MOT 29.

Table 1. Implementation of key UN and ILO Conventions in the field of labour migration

<table>
<thead>
<tr>
<th>Convention No.</th>
<th>Belarus</th>
<th>Moldova</th>
<th>Ukraine</th>
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<tbody>
<tr>
<td>No. 97</td>
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<tr>
<td>No. 143</td>
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<td>-</td>
<td>-</td>
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<tr>
<td>Convention concerning Migration for Employment (Revised 1949)</td>
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<tr>
<td>Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity</td>
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<tr>
<td>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990</td>
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<td>+</td>
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<tr>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<td>+</td>
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<tr>
<td>International Convention on the elimination of all forms of racial discrimination</td>
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<tr>
<td>The Convention on the Elimination of all Forms of Discrimination against Women, 1979</td>
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<td>+</td>
<td>+</td>
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<tr>
<td>The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984</td>
<td>+</td>
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<tr>
<td>Convention on the Rights of the Child, 1989</td>
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</table>

(Конвенция о работниках-мигрантах) ратифицирована лишь Молдовой.

Участники периодических международных конференций, посвященных профсоюзам и миграции, говорят о необходимости стран принимать международные соглашения для проведения более ответственной миграционной политики. К примеру, в рамках круглого стола, организованного в Кишиневе в марте 2015 года Информационным центром для работников-мигрантов (CIMM), Международным союзом пищевиков IUF, «Центром Солидарности» Американской федерации труда – Конгресса производственных профсоюзов (АФТ-КПП) и Институтом Труда Национальной Конфедерации Профсоюзов Молдовы, отмечалась важность ратификации 143 Конвенции МОТ о трудящихся-мигрантах, а также 189 Конвенции о домашних работниках и, наконец, Протокола 2014 (R203) о принудительном труде, являющегося приложением к Конвенции МОТ 29.

Таблица 1. Исполнение ключевых конвенций ООН и МОТ в сфере трудовой миграции

<table>
<thead>
<tr>
<th>Конвенция 97</th>
<th>Конвенция о работниках-мигрантах (пересмотренная в 1949 году)</th>
<th>Беларусь</th>
<th>Молдова</th>
<th>Украина</th>
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<table>
<thead>
<tr>
<th>Конвенция 143</th>
<th>Конвенция о злоупотреблениях в области миграции и об обеспечении трудящимися-мигрантам равенства возможностей и обращения</th>
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</table>

| Международная конвенция о защите прав всех трудящихся-мигрантов и членов их семей, 1990 | - | - | - |
| Женевская конвенция о статусе беженцев и Протокол к ней 1967 года (ООН,1951, 1967) | + | + | + |

| Международный пакт об экономических, социальных и культурных правах | + | + | + |
### 3.2. Дополнительные конвенции МОТ о трудовых мигрантах

Текущее состояние ратификации дополнительных конвенций МОТ о трудовых мигрантах Беларусью, Молдовой и Украиной представлены в Таблице 2.

#### Таблица 2. Исполнение дополнительных конвенций МОТ в сфере трудовой миграции

<table>
<thead>
<tr>
<th>Конвенция</th>
<th>Беларусь</th>
<th>Молдова</th>
<th>Украина</th>
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<tbody>
<tr>
<td>Конвенция 19</td>
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<td>Конвенция 29</td>
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<td>Конвенция 81</td>
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<td>Конвенция 87</td>
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<td>Конвенция 95</td>
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<tr>
<td>Конвенция 129</td>
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</table>

### 3.2. Additional ILO Conventions on migrant workers

The current state of ratification by Belarus, Moldova and Ukraine of the ILO additional conventions on migrant workers is presented in the table below.

#### Table 2. Implementation of the ILO additional conventions in the field of labour migration

<table>
<thead>
<tr>
<th>Convention</th>
<th>Belarus</th>
<th>Moldova</th>
<th>Ukraine</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 19</td>
<td>Convention concerning Equality of Treatment for National and Foreign Workers as regards Workmen’s Compensation for Accidents</td>
<td>-</td>
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<tr>
<td>No. 29</td>
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<td>Convention concerning Labour Inspection in Industry and Commerce</td>
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<td>Convention concerning Freedom of Association and Protection of the Right to Organise</td>
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<td>Convention concerning Organisation of the Employment Service</td>
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<td>No. 95</td>
<td>Convention on the protection of wages</td>
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<td>No. 97</td>
<td>Convention on migrant workers</td>
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<td>Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively</td>
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<td>- Employment Policy Convention</td>
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<td>No. 129</td>
<td>Labour Inspection (Agriculture) Convention</td>
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### 3.3. Other regional and bilateral agreements


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### 3.3. Иные региональные и двусторонние соглашения

With few exceptions, all existing bilateral agreements regulating labour migration between countries, only several bilateral agreements regulating labour migration between countries were signed by Belarus with some of the post-soviet union countries, such as Russia, Kazakhstan, Armenia and Kyrgyzstan, the states of the Eurasian Economic Union.

There is also the Agreement on Labour Activities and Social Security of the Nationals Working outside between Belarus on the one hand and Moldova (on May 5, 1994), Ukraine (signed on July 17, 1995), Azerbaijan (signed on May 2, 2007), Serbia (signed on 31 March 2009), Tajikistan (signed on October 28, 2011), Vietnam (signed on November 29, 2011), on the other.

In addition, Belarus signed the Convention on the Legal Status of Migrant Workers and Members of their Families of the Commonwealth of Independent States (signed on November 14, 2008) and the Agreement on Mutual Employment with Poland (signed on September 27, 1995).

Ukraine and Moldova signed bilateral interstate agreements on regulating relations in the field of labour and social sphere with a much larger number of countries. In the case of Ukraine, the partial list includes the following countries: Bulgaria, Estonia, Israel, Spain, Latvia, Lithuania, Russia, Portugal, Poland, Germany, Slovakia, Serbia, Montenegro, Hungary, Czech Republic, Georgia, Switzerland, Luxembourg, and Brazil.

Currently Moldova has signed 16 bilateral agreements in the field of social security. We can differentiate these agreements into two categories: the first category would be agreements based on the principle of territoriality, and the second category - on the principle of proportionality. The first category of agreements includes agreements with the Russian Federation, Ukraine, Belarus, Azerbaijan and Uzbekistan, and in the second category - Romania, Portugal, Bulgaria, Luxemb-
4. Development of mechanisms to protect labour migrants

One of the priority tasks of migration origin countries is to provide favourable living conditions, basic services, and decent salaries for migrant workers. There are two main lines of action: development of necessary regulatory measures and the delivery of the support package.

Trade unions can be involved in the regulation of hiring, development of minimum standards in working contracts, raising awareness of migrants, assistance in the country of destination, and development of inter-country cooperation. They can also provide trainings and pre-departure orientation programmes, negotiate labour contracts in accordance with international standards, participate in programs to protect migrant women from discrimination and prevent human trafficking.

In Belarus, democratic trade union organizations are not involved in the organization of orientation measures and do not conduct information campaigns to raise awareness of labour migrants. BKDP, from 2004 to 2012, participating in the project of the Interregional Trade Union Council of Euroregion “Neman” together with Poland, Lithuania, Kaliningrad area of Russia, defined labour migration issues as one of the top priorities. There have been made efforts to implement a joint project on employment assistance. However, this idea was not put into effect, largely due to the licensing of this type of activity in Belarus and high costs of conducting it.

Although Ukrainian trade unions are not involved in the governmental Pre-departure orientation programs, they periodically participate in relevant projects and programs. For example, Construction and Building Materials Industry Workers’ Union of Ukraine has been participating in raising awareness campaigns for construction workers on rights, guarantees and working conditions in the EU countries in frames of the Project on European Information Network for Migration Builders.

In 2014, Moldova completed a 2.5-year EU-funded project “Strengthening the capacity in the field of migration management in Moldova”. Strengthening social dialogue is one of the achievements of the project. In 2014 the document “Social Dialogue Platform for Moldova” was signed. Within the project implementation, there were two major informational campaigns on legal residence and employment in the EU countries. In addition, diaspora portal (www.din.md) was launched, which provides Moldovans living abroad and wishing to return home, with the necessary information related to the health care, education, business start-up.

Trade union representatives of all three countries believe that it would be appropriate to involve trade union organizations in orientation measures for labour migrants to a larger scale. At the initial stage, this would allow to provide labour migrants with protection instruments and guide them how to deal with various life situations.

Ukrainian and Moldovan trade unions are actively involved in reforming the legislation and existing procedures related to the protection of migrant workers’ rights. Thus, the experts of the Construction and Building Materials Industry Workers’ Union of Ukraine took an active part in drafting laws “On employment of the population,” “On external labour migration,” and other legislative acts. In addition, trade union experts were involved in the development of the Plan of measures to ensure the reintegration of migrant workers and their families into society.68

In accordance with Art. 14 of the Trade Unions Law, the trade unions of Moldova have the right to participate

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68 Cabinet of Ministers of Ukraine, Order No. 257-r - “On approval of the plan of measures to ensure the reintegration of migrant workers and their families into the society” April 12, 2017

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in drafting social, economic, and legal acts. Taking advantage of this right, trade unions of the Republic of Moldova took an active part in the examination and approval of Law No. 180 of 10.07.2008 “On labour migration”. The National Trade Unions Confederation of Moldova submitted a draft law to the ILO for examination. Several proposals of trade unions were included in the law. Trade unions insisted on the introduction of the term and on regulating circular migration, but did not find partners’ support.

With the participation of Moldovan trade unions a new “Regulation on Temporary Employment of Migrant Worker” was established, which is the main normative legal act in the relevant field. Meanwhile in Belarus, although the BKDP is a member of the National Council for Labour and Social Affairs, the government of Belarus does not coordinate its legislative acts (both new and amendments to the existing ones) with democratic trade union organizations.

Another direction for trade union activities would be developing/monitoring of measures to improve labour market integration of migrants, who are especially vulnerable to abuse and violence by their employer, such as stay-at-home women, and low-skilled workers.

As for Belarus, the BCDTU does not participate in such activities. Episodic work in this area occurs only when individuals address the trade union.

Ukrainian trade union organizations are actively involved in this type of activity. Various events are held on this issue - trainings, seminars, round tables, etc. For example, Construction and Building Materials Industry Workers’ Union of Ukraine negotiates with both the State Employment Service of Ukraine and the Construction and Wood Workers Union of Israel regarding the mechanisms for protection in emergency situations of Ukrainian workers in the Israeli labour market and the advantages of trade union membership in the construction sector in Ukraine and Israel. In 2017 a joint Declaration between the Cabinet of Ministers of Ukraine and the Government of the State of Israel on cooperation in preventing emergency situations and eliminating their consequences, as well as Implementation Protocol to the Agreement between the Government of the State of Israel and the Cabinet of

интеграции в общество трудовых мигрантов и членов их семей.68

В соответствии со ст. 14 Закона о Профсоюзах, профсоюзы Молдовы имеют право на участие в разработке проектов социально-экономических программ и правовых актов. Пользуясь таким правом, профсоюзы Республики Молдова активно участвовали в рассмотрении и утверждении закона № 180 от 10.07.2008 «О трудовой миграции». Национальная конфедерация профсоюзов Молдовы представила проект закона в МОТ на экспертизу. Несколько предложений профсоюзов были включены в закон. Профсоюзы настаивали на внедрение термина и на регламентировании циркулярной миграции, но не нашли поддержку партнеров.

При участии молдавских профсоюзов был учрежден новый “Регламент о временном трудоустройстве трудовых мигрантов”, который является основным нормативно-правовым актом в соответствующей сфере. В Беларуси же, хотя БКДП является членом Национального Совета по трудовым и социальным вопросам, правительство не согласовывает законодательные акты (как новые, так и изменения в действующие) с демократическими профсоюзными организациями.

Еще одним направлением деятельности профсоюзов в рассматриваемой сфере является мониторинг/разработка мер по трудоустройству трудовых мигрантов, особенно уязвимых к злоупотреблениям и насилию со стороны работодателя, таких как женщины, занятые в домашнем хозяйстве, и низкоквалифицированные работники. Что касается Беларуси, то БКДП не участвует в такой деятельности. Эпизодическая работа в данном сфере происходит лишь при обращении отдельных граждан в профсоюз.

Украинские профсоюзные организации по данному вопросу проводят различные мероприятия – тренинги, семинары, круглые столы и т.д. Так, Профессиональный союз работников строительства и промышленности строительных материалов Украины ведет переговоры как с Государственной службой занятости Украины, так и с Профсоюзом работников строительства и деревообрабатывающей промышленности Израиля относительно формирования механизмов защиты украинских работ-
Ministers of Ukraine on the temporary employment of Ukrainian workers in specific labour market sectors in the State of Israel were signed.

Regarding the cooperation of Ukrainian trade unions with trade union organizations of countries of destination, this work is conducted at the level of the Federation of Trade Unions of Ukraine. Jointly with foreign colleagues, Federation of Trade Unions of Ukraine met to address the issue related to labour migration. Currently, there signed agreements with trade unions of Poland, the Czech Republic, and some other EU countries related to the protection of migrant workers. For example, in June 2017 there was held a meeting with a representative of the Swedish trade unions. On June 14 2017, there was a meeting in Kiev with Kristina Henschen, Director of Campaigns of International Trade Union Programs of the Confederation of Trade Unions of Sweden.

Signing of the cooperation agreement between trade unions of Moldova, Ukraine and Italy in May 2013 is considered an important event, because Italy is a major host country for Ukrainian and Moldovan labour migrants. Signing of bilateral agreement took place in frames of the regional project “Managing Effective Labour Migration and Skills”, which was funded by the European Union and implemented in partnership with the International Organization for Migration. The Belarusian democratic trade unions do not have such agreements with trade union organizations of other countries.

For the purpose of active involvement of trade unions in preventing and combatting human trafficking and illegal migration, National Trade Union Confederation of Moldova from 2010 to 2012, with the support of the International Labour Organization, organized a series of seminars on “The role of trade unions in preventing and combating human trafficking and illegal migration”, where took part representatives of national trade union centres. The aim of the activities was strengthening trade unions’ efforts to promote and protect migrant workers rights of and prevent illegal migration from Moldova.

A number of specific proposals on issues related to migration were developed at the seminars. These proposals were systematized and included in the Trade Union Action Plan on Monitoring Labour Migration of workers on Israeli market of labor, channels of information on trade union representation in construction sectors in both countries, in extraordinary situations. Such negotiations became possible as a result of the signing of the Executive Protocol to the Agreement between the Cabinet of Ukraine and the Government of Israel on temporary employment of Ukrainian workers in specific labor market sectors in the State of Israel in 2017. Regarding the cooperation of Ukrainian trade unions with trade union organizations of countries of destination, this work is conducted at the level of the Federation of Trade Unions of Ukraine. Jointly with foreign colleagues, Federation of Trade Unions of Ukraine met to address the issue related to labor migration. Currently, there are signed agreements with trade unions of Poland, Czech Republic, and some other EU countries related to the protection of migrant workers. For example, in June 2017 there was held a meeting with a representative of the Swedish trade unions. June 14, 2017, there was a meeting in Kiev with Kristina Henschen, Director of Campaigns of International Trade Union Programs of the Confederation of Trade Unions of Sweden.

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Что касается сотрудничества украинских профсоюзов с профсоюзными организациями стран назначения, то такая работа ведется на уровне Федерации профсоюзов Украины. На данный момент подписаны соглашения и имеются договоренности по защите трудовых мигрантов с профсоюзами Польши, Чехии и некоторых других стран ЕС. Работу в этой сфере проводит Профессиональный союз работников строительства и промышленности строительных материалов Украины. Например, в июне 2017 года состоялась рабочая встреча с представителем профсоюзов Швеции. 14 июня 2017 в Киеве прошла встреча с директором кампаний программ международной профсоюзной помощи Конфедерации профсоюзов Швеции Кристиной Хеншен (Kristina Henschen).

Важным событием можно считать подписание соглашения о сотрудничестве между профсоюзами Молдовы, Украины и Италии в мае 2013 года, поскольку Италия является крупной принимающей страной для украинских и молдавских трудовых мигрантов. Подписание двустороннего соглашения произошло как часть регионального проекта “Управление эффективной трудовой миграцией и навыками”, который финансировался Евросоюзом и реализовался в партнерстве с Международной организацией по миграции. У белорусских демократических профсоюзов подобных соглашений с профсоюзными организациями других стран нет.

Для того, чтобы активизировать усилия профсоюзов по содействию соблюдению прав рабочих-мигрантов и предотвращению нелегальной миграции из Молдовы, Национальная конфедeração профсоюзов Молдовы в период с 2010 по 2012 год, при поддержке МОТ организовала серию семинаров на тему «Роль профсоюзов в предупреждении и борьбе с торговлей людьми и нелегальной миграции» с участием представителей национальных профсоюзных центров.
and Prevention of Human Trafficking for 2008-2012. In order to raise the awareness of migrant workers, the National Trade Union Confederation of Moldova has developed and distributed information manuals on: “Legislation on migration for all” and “Migration guide for trade union members”.

From 2012 to 2015, the Centre for International Migration and Development (CIM) operated in Moldova. CIMM was opened on the initiative of the union in partnership with the American Center for International Workers’ Solidarity and the International Union of Food Workers in Geneva. CIMM provided free legal advice and informed interested migrants about the rights of workers in the country of origin and residence. The Center ceased its activities after the end of the project.

According to the evaluation of CIMM, more than 90% of Moldovan citizens who migrate to work abroad do not have an employment contract; they have only a certain offer from a foreign firm. Another risk is that invitations and employment contracts abroad are not translated. Thus, migrants agree with an intermediary from Moldova - a firm or a person who promises an employment abroad - about a certain job, but on arrival at the destination they often have to perform other, more complex work.
Optimizing the benefits of organized labour migration

Migrant-sending countries seek to adapt their migration policies, legislation and structures in order to facilitate the employment of their labour force and to increase remittances while protecting migrant workers. While generating employment is the most advantageous option, countries are increasingly considering the employment opportunities abroad as part of their national development strategy to generate foreign currency and employment.

The policy in the field of labour migration should not be limited only to the functions of regulating and protecting migrants’ rights but also should increase the manageable volume of the workforce. It can include measures to optimize the benefits of organized labour migration, including marketing and expanding the channels of labour migration, increasing the benefits of remittances, developing skills and mitigating the negative consequences of high-skilled emigration.

The model “remittances to boost the development” defines money transfers as the most important component in the field of migration in connection with the development of the country. It offers the promotion of inclusive financial democracy, as the main tool for strengthening the positive impact of remittances. It can be achieved by channelling the remittances in a formal way, reducing the costs of transferring migrant remittances and banking services, helping the poor in opening bank accounts, creating new financial services and facilitating access to them, promoting entrepreneurial projects among those who send and those receiving remittances for savings and investments.

In none of the countries, trade unions do not participate directly in the development of measures related to the simplification of remittance system, but at least partly monitor this issue and try to find solutions to these problems. In some regions of Ukraine, migrants have become the main investors. For example, Ternopil Region in 2013 received only 4 million USD of foreign direct investment, and remittances to the region,
according to the NBU, amounted to about 612 million USD, that is, about 150 times more.69

The Strategy on Migration and Asylum Management of the Republic of Moldova (2011-2020)70 notes that remittances are one of the positive effects of migration. According to the National Bank of Moldova money transfers from abroad in the last decade have maintained a positive trend, reaching the maximum share in 2006 related to the GDP - 38%, which is one of the highest rates in the world.

Earlier the bulk of remittances were transferred by migrant workers to their family members and friends informally, by couriers, generally bus drivers or through regular mail. Participating in various councils and commissions, including within the framework of the National Commission for Collective Consultation and Negotiations, trade unions drew attention to the socio-economic aspects of remittances, including the need to reduce the cost of transfers, enhancing the financial literacy of the population, the introduction of card unified payment system.

In 2010, the Government of the Republic of Moldova adopted a resolution on the development of a pilot program for attracting remittances into the economy “PARE 1 + 1”. The pilot program aims to mobilize the human and financial resources of migrant workers for the sustainable economic development of the Republic of Moldova. The program PARE 1 + 1 is designed for migrant workers or their first-degree relatives, who want to invest in starting or expanding a business in Moldova. The program is carried under the rule 1 + 1, which states that every invested leu from remittances will be substituted with a leu from the program.

Unfortunately, trade union organizations unlike their financial partners do not participate in The Migration and Local Development Project (2015 – 2017), aimed at engaging migrants for sustainable local development and their reintegrating into the home labour market through granting qualitative consulting services.

Trade unions in all three countries contribute to the development, consulting and conducting educational

and training programs for migrant workers. In the case of Belarus, the BCDTU participates in various educational projects - labour protection, leadership, legal protection, gender and youth policy, but there are no specially designed programs for migrant workers. Being trade union members, migrant workers have the right take part in educational programs.

Ukrainian trade unions regularly conduct various activities, as well as participate in international exchange programs. For example, the FPA is implementing the “Aeneas” program under the auspices of the EU “Safe bridges for migrant workers” aimed at creating legitimate migration channels, preventing women trafficking and exploiting migrant workers from Ukraine. Trade unions of Ukraine through this and similar projects focus their efforts on eliminating the main causes of illegal migration, increasing the level of wages, settling arrears in the payment of the salaries and raising social standards.

Ukrainian unions are also exploring national and international legislation to find opportunities to protect migrant workers, and further prepare proposals for the government and parliament to bring domestic labour law into line with international standards. Federation of Trade Unions of Ukrainian shortly intends to create a centre on labour migration and effective reintegration of those going home who need to protect their legitimate rights and interests.

In the opinion of Ukrainian migrant workers, such issues as legalization, security, employment and integration of Ukrainian migrant workers, in the destination countries, are not fully resolved. The main problem related to the legalization of stay of Ukrainians in the destination country is the lack of necessary information. Therefore, it makes sense to create jointly with trade unions an information centre for migrant workers in order to apply for relevant information in migrants’ native language. Brochures, leaflets and media campaigns can serve as a tool for raising awareness of migrant workers as well.

Trade unions consider it appropriate to establish information centres not only in the EU but also in Ukraine,  

"Migraция и местное развитие" (2015 – 2017), целью которого является мобилизация мигрантов для устойчивого местного развития, в том числе через предо- 
ставление качественных услуг для реинтеграции трудо- 
вых мигрантов на рынок труда при возвращении домой. 

Профсоюзы во всех трех странах с разной степенью ак- 
тивности участвуют в разработке, консультировании, про- 
ведении образовательных и тренинговых программ для 
трудовых мигрантов. В случае Беларуси, БКДП участвует в образовательных проектах по многим направлениям – охрана труда, лидерство, правовая защита, гендерная и молодежная политика, однако специальных отдельных программ для трудовых мигрантов нет. Как члены профсо- 
юза трудовые мигранты имеют возможность участвовать в различных образовательных программах.

Украинские профсоюзы регулярно проводят различные мероприятия в этой сфере, а также участвуют в междуна- 
родных программах для обмена опытом. Так, ФПУ реали- 
зуеет программу “Эней” проекта ЕС «Безопасные мосты для 
рабочих-мигрантов», направленную на создание закон- 
ных каналов миграции, недопущение торговли женщина- 
ми и экспорта мигрантов из Украины. Профсоюзы Украины путем этого и подобных проектов фокусируют свои усилия по устранению основных причин нелегальной миграции, конкретных шагов организации по повышению уровня заработной платы, минимальной оплаты труда, ликвидации задолженности по выплате за- 
работной платы и повышению социальных стандартов.

Украинские профсоюзы также изучают национальное и 
международное законодательство для поиска возмож- 
ностей для защиты трудовых мигрантов, и далее готовят 
предложения для правительства и парламента по при- 
ведению законов о труде в соответствие с международ- 
ными стандартами. В скором времени Федерация про- 
фсоюзов Украины намерена создать Центр по вопросам трудовой миграции и адаптации тех, кто возвращается с заработков за границей и нуждается в защите своих за- 
конных прав и интересов.

По мнению украинских трудовых мигрантов, остаются не до конца регулированными такие вопросы, как ле- 
gалізація, безпека, трудове створення та інтеграція українських трудових мігрантів в країнах, в яких
to raise the awareness of migrant worker about the overseas working environment, employers and administrative procedures. These centres can disseminate printed out or virtual thematic glossaries on migration issues.

EU information centres shall provide information on the rules governing temporary and permanent residence, samples of necessary documents for staying abroad, information on reliable employment agencies. Moreover, they may provide vocational training courses with the possibility of subsequent employment, thus motivating Ukrainians to legalize their stay based on an employment agreement.

A good example in this sense could be the project “Safe bridges for migrant workers” implemented by the unions of Italy, Moldova and Ukraine with the financial support of the EU. As a result, 20 information centres were established in Ukraine and 10 in Moldova to inform employees wishing to work in Italy.

Trade unions of Moldova have effective resources for organizing and providing trainings, seminars and lifelong learning resources. Seminars on labour law, occupational safety and health, trade union organizing, the rights of youth and women, combating child labour exploitation, informing trade union members, trade union trainers and leaders indirectly raise awareness of workers on migration issues and have a positive impact on labour motivation in the country.

In order to promote respect for migrants' rights and prevent illegal migration in Moldova, from 2010 to 2012, and National Trade Union Confederation of Moldova with the support of the International Labour Organization, organized a series of seminars on “The role of trade unions in preventing and combating human trafficking and illegal migration”.

A number of specific proposals on issues related to migration were developed at the seminars. These proposals were systematized and included in the Trade Union Action Plan on Monitoring Labour Migration and Prevention of Human Trafficking for 2008-2012. In order to raise the awareness of migrant workers, the National Trade Union Confederation of Moldova has developed and distributed information manuals on:

Информационные пункты в странах ЕС кроме информации для иностранцев о правилах пребывания в стране, образцов необходимых документов для пребывания за границей, информации о надежных агентствах-посредниках по трудоустройству, могли бы также предоставлять бесплатные профессиональные курсы с возможностью дальнейшего трудоустройства, проводить акции, которые могли бы мотивировать украинцев легализировать свое пребывание на основе рабочего контракта.

Хорошим примером может служить проект, реализованный профсоюзами Италии, Молдовы и Украины при финансовой поддержке ЕС «Safe bridges for migrant workers. The engagement of trade unions in labour migration governance» (2008-2011), в результате которого были созданы 20 информационных пунктов в Украине и 10 в Молдове для информирования работников, желающих работать в Италии.

Профсоюзы Молдовы обладают ресурсами по организации профсоюзного обучения и участия в непрерывном профессиональном образовании и обучения взрослых. Проводя семинары по трудовому праву, здоровью и безопасности труда, профсоюзному организованию, правам работающих женщин и молодежи, по предотвращению трудовой эксплуатации, в том числе детей, а также в процессе информирования и консультирования членов профсоюза, профсоюзные преподаватели и профсоюзные
“Legislation on migration for all” and “Migration guide for trade union members”.

Since the beginning of 2000, the Moldovan trade unions supported various initiatives and projects aimed at informing, training and protecting migrant workers. Despite trade unions supported different initiatives related to labour migration, it was not possible to achieve significant participation of social partners in optimizing labour migration. According to the opinion of migrant workers, trade unions should be more active in promoting social policy, seek and monitor effective implementation and application of all procedures and tools for social protection of employees and their families.
6. **Регулирование трудовой миграции**

Для того, чтобы обеспечить защиту работающих за границей граждан и оптимизировать выгоды трудовой миграции, государству необходимо иметь адекватную институциональную структуру и межведомственную координацию. Эффективное управление миграцией требует не только должного сотрудничества и координации практически всего министерского кабинета, а также кооперации госорганов с профсоюзами и работодателями в рамках социального диалога. Деятельность структур, занимающихся регулированием трудовой миграции, должна подвергаться мониторингу.

Беларусь - очень централизованное государство, и местные власти играют незначительную роль в разработке государственной политики в сфере миграции. При этом, шесть региональных исполнительных комитетов, как и Минский исполнительный комитет, вовлечены в реализацию соответствующих государственных программ. Основное государственное учреждение, ответственное за разработку и проведение миграционной политики - Министерство внутренних дел. Его структурные подразделения отвечают за мониторинг миграции, меры по предотвращению нелегальной миграции, борьбе с торговлей людьми, а также сотрудничество с иностранными коллегами в области реадмиссии и других вопросов. Департамент по гражданству и миграции МВД Республики Беларусь является основным структурным органом, осуществляющим работу с трудовыми мигрантами.

Государственный пограничный комитет отвечает за пограничный контроль, Министерство иностранных дел - за визовую политику, а в компетенции Министерства труда и социальной защиты входит социальная защита белорусов за рубежом и иностранцев в Беларуси. Работа этих и других менее важных государственных органов в сфере миграции координируется правительством.

Данная структура является логичной с точки зрения государствования, но недостаточной для эффективной работы в сфере трудовой миграции, т. к. Департамент по гражданству и миграции МВД не имеет возможности в полной мере влиять на сферу трудовых отношений и скорее вы-
is the National Council for Labour and Social Affairs, territorial and sectoral councils. Representatives of the BCDTU were not invited to the state level meetings related to the issues of labour migration. According to the experts of the BCDTU, the issue of “pocket” trade unions (FPB) for Belarus is hot one. The FPB is fully integrated into the system of governmental institutions, which is not regular for a real trade union. For this reason, the FPB remains unrecognized for more than 15 years by the international trade union movement.

Due to the small size of the BCDTU membership (about 10 thousand members), trade unions’ expertise in the field of labour migration is insufficiently developed. Nevertheless, BCDTU experts participate in all the activities carried out on this subject by ILO and ITUC.

Legislative changes have led to repeated changes in the institutional structure of the regulation of labour migration in the Republic of Moldova, according to which at different times (1990-2002, 2002-2006, 2007-2011, 2011-2016), the functional structures in the field of migration management and asylum have been changed and divided in different ways.

Currently, the state authorities responsible for managing migration in the Republic of Moldova are:

- Ministry of Internal Affairs (development of policies in the field of immigration, combating illegal migration, asylum issues, issues related to readmission and return, etc.);
- Ministry of Foreign Affairs and European Integration (protection of the rights of Moldovan citizens abroad, development of visa policies, etc.);
- Border police (combating illegal migration and cross-border crime);
- Bureau for Migration and Asylum under the Ministry of Internal Affairs (www.bma.gov.md) (2006) is responsible for the development and implementation of state policy in the field of migration and asylum. In addition, on the basis of the Government Decision no. 634 of August 24, 2012, the Bureau was appointed as the state authorities responsible for managing migration in the Republic of Moldova are:

ступает в роли счетовода, а не органа, работа которого направлена на оптимизацию трудовой миграции, в том числе когда речь идет о самостоятельном выезде гражданина из страны.

Социальный диалог в Республике Беларусь носит скорее декоративный характер, хотя все формальные атрибуты его присутствуют. Существует Национальный Совет по трудовым и социальным вопросам, территориальные и отраслевые советы. Представители БКДП не приглашались на встречи госорганов по вопросам трудовой миграции. По мнению экспертов БКДП, для Беларуси как ни для одной страны Восточного Партнёрства актуален вопрос «карманных» профсоюзов. FPB полностью вмонтирована в систему государственной власти и органов госуправления, что лишает его независимости в отстаивании прав работников, учитывая преобладающий в стране госсектор экономики. В том числе и по этой причине, FPB остается уже на протяжении более чем 15 лет не признанной организацией со стороны международного профсоюзного движения.

В силу малочисленности профсоюзов, входящих в БКДП (около 10 тысяч членов) экспертиза профсоюзов в сфере трудовой миграции недостаточна развита. Тем не менее, эксперты БКДП участвуют во всех мероприятиях, проводимых по данной тематике по линии МОТ и МКП.


В настоящее время, государственными органами, ответственными за управление миграцией и убежищем в Республике Молдова являются:

- Министерство внутренних дел (разработка политики в области иммиграции, борьбы с нелегальной миграцией, вопросы убежища, вопросы связанные с реадмиссией и возвращением лиц и т.д.);
- Министерство здравоохранения, труда, социальной защиты - политика в отношении иммиграции / иммиграции, труда, социальной защиты трудящихся-мигрантов, (ре)интеграции мигрантов и т.д.;
the responsible agency for further development of the Migration Profile of the Republic of Moldova;\textsuperscript{72}

- Bureau for Diaspora Relations (BRD) (www.brd.gov.md) is engaged in providing a coherent and comprehensive policy for mobilizing Moldovan diaspora, including Moldovan citizens;

- In 2012, within the framework of the National Employment Agency (www.anofm.md), a unit for employment abroad was established, responsible for the implementation and coordination of activities under bilateral agreements between the Republic of Moldova and other countries, application and enforcement of labour migration legislation and monitoring the activities of private employment agencies;

- In 2012, within the framework of the National Employment Agency of Moldova (ANOFM) (www.anofm.md), a unit for employment abroad was established, responsible for the implementation and coordination of activities under bilateral agreements between the Republic of Moldova and other countries, application and enforcement of labour migration legislation and monitoring the activities of private employment agencies;

- The Ministry of Economy and Infrastructure (www.mec.gov.md) is responsible for creating a favourable investment climate in the Republic of Moldova to attract domestic and foreign investments, including remittances;

- Ministry of foreign affairs and European integration (protection of citizens of the Republic of Moldova, visa policy, and others);

- Border police (fight against illegal migration and transnational crime);

- Bureau for migration and asylum under the Ministry of Internal Affairs (www.bma.gov.md) (2006) is responsible for the development and implementation of state policy in the field of migration and provision of asylum;\textsuperscript{72};

- Department for migration and asylum within the Ministry of Internal Affairs (www.bma.gov.md) (2012) participates in ensuring a coherent and comprehensive policy for mobilizing Moldovan diaspora, including citizens of Moldova;

- In 2012, within the framework of the National Employment Agency (www.anofm.md), a unit for employment abroad was established, responsible for the implementation and coordination of activities under bilateral agreements between the Republic of Moldova and other countries, application and enforcement of labour migration legislation and monitoring the activities of private employment agencies;

- Ministry of Labour, Entrepreneurship, and Social Protection (www.mlesp.gov.md) is responsible for creating a favourable investment climate in the Republic of Moldova to attract domestic and foreign investments, including remittances;

- Ministry of Education and Science (www.mes.md) is responsible for the development and implementation of state policy in the field of education and science;\textsuperscript{72};

- The Ministry of Economy and Infrastructure (www.mec.gov.md) is responsible for creating a favourable investment climate in the Republic of Moldova to attract domestic and foreign investments, including remittances;

- In the consulates of the Republic of Moldova abroad, there is practically no attaché for social and labour problems; thus, there is a lack of monitoring of the compliance with the rights of Moldovan citizens working abroad. The Ministry of Economy, the Bureau of Interethnic Relations, and the Ministry of Education deal with different aspects of migration management. At the same time, the participation of social partners in the process of managing migration in the country is, so far, insignificant. In order to strengthen national and local institutional frameworks for continuous monitoring and adjustment of approaches to migration and development, in cooperation with all stakeholders, from 2014 to 2018, the Republic of Moldova, with the support of European partners, is implementing joint IOM-UNDP Global Programme “Mainstreaming Migration into National Development Strategies” (MOMID). The overall objective of the Joint IOM-UNDP Global Programme is to enable governments and their partners to better measure, and make more visible the human

\textsuperscript{72} In addition, based on the Government Decision no. 634 dated August 24, 2012, the Bureau was appointed as the responsible agency for the further development of the Migration Profile of the Republic of Moldova.

\textsuperscript{72} Кроме того, на основании Постановления Правительства №. 634 от 24 августа 2012 года Бюро было назначено в качестве ответственного учреждения для дальнейшей разработки Миграционного профиля Республики Молдова.
The Ministry of Social Policy of Ukraine is the central executive body that implements the state policy in the field of employment and labour migration. State Migration Service of Ukraine is a central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine. The main objectives of DMS Ukraine is the realization of the state policy in the field of migration (immigration and emigration), including combating illegal (illegal) migration, citizenship, registration of persons, refugees and other categories of workers defined by the legislation and propose public policy in these areas.

The European Union has launched the project “Support for Migration and Asylum Management in Ukraine” to foster migration management in the country in accordance with best international and European practices. The project is implemented by the IOM and was designed to support the State Migration Service (SMS) and the State Border Guard Service (SBGS) in increasing the efficiency and the effectiveness of service provision to the citizens of Ukraine and foreigners. The EU Project “Support for Migration and Asylum Management in Ukraine” was launched to foster migration management in the country in accordance with best international and European practices.

As a result of project implementation under the aegis of the IOM, the SMS and the State Border Guard Service of Ukraine will be able to provide relevant services to Ukrainian and foreign citizens more quickly and efficiently.

The SMS will benefit from a deep institutional review and new human resources setting that will improve the performance of the agency. It will also receive equipment and software to protect personal data of Ukrainians and foreigners. The SBGS will be better equipped to ensure fast but secure border control especially at the border with the EU. Over the course of the project, the SMS and the SBGS ongoing reforms will be supported by expertise on anti-corruption, legal affairs, IT and migration management.


Conclusions

International labour migration becomes an increasingly common phenomenon with its inherent positive and negative consequences for both countries of origin and destination countries. According to the modern approaches to the external migration management, social dialogue is one of the important mechanisms that provides balanced solutions, taking into account the views and interests of stakeholders whose interests are affected by migration processes: government agencies, employers' associations and trade union organizations.

Analysis of the migration profiles of Belarus, Moldova and Ukraine shows that the benefits, problems and challenges associated with external migration are broadly similar for all three countries. Migration is associated with both socio-economic benefits (lower unemployment, remittances improve the national balance of payments and reduce the poverty level in the country, return migrants apply their knowledge and skills at home), and problems (deficit of individual specialties in the local labour market, unfavourable social aspects such as separation of families, brain drain, aggravation of the demographic situation, etc.).

Comparing the situation and figures for Belarus, Moldova and Ukraine, the processes of external labour migration are less pronounced in Belarus. Thus, the number of residence permits emitted by the EU authorities in 2015 for Belarusian citizens made up 140 thousand, to Moldovans - 217 thousand and respectively for Ukrainians - 1 million 26 thousand. However, one needs to keep in mind that according to the EUROSTAT methodology, this figure also includes Polish national visas, which overstates the statistics. In the case of Moldovan and Ukrainian citizens, these data do not reflect the scale of external migration; it should also be borne in mind that hundreds of thousands of citizens of both countries have EU citizenship (Romanian and Hungarian). In Moldova, the process of external migration is one of the main national security challenges in terms of further development of demographic processes, stability of social systems, and the availability

Заключение

Международная трудовая миграция становится все более распространенным феноменом, с присущими ему положительными и отрицательными следствиями как для стран происхождения, так и для стран назначения. В современных подходах управления внешней миграцией, социальный диалог выступает одним из важных механизмов, который обеспечивает сбалансированные решения с учетом мнений и интересов различных сторон, чьи интересы затронуты процессами миграции: государственные органы, ассоциации работодателей и профсоюзные организации.

Анализ миграционных профилей Беларуси, Молдовы и Украины показывает, что выгоды, проблемы и вызовы, связанные с внешней миграцией, в целом, схожи для всех трех стран. Миграция сопряжена как с социально-экономическими выгодами (меньшая безработица, денежные переводы улучшают национальный баланс выплат и уменьшают уровень бедности в стране, возвратные мигранты применяют на родине полученные знания и навыки), так и проблемами, приступающими из миграционных процессов, в том числе дефицит отдельных специальностей на местном рынке труда, неблагоприятные социальные аспекты вроде разлучения семей, утечка мозгов, усугубление демографической ситуации и др.

Среди трех стран, процессы внешней трудовой миграции менее выражены в Беларуси. Так, число видов на жительство в странах ЕС у граждан Беларуси, Молдовы и Украины в 2015 году составляло, соответственно, 140 тысяч, 217 тысяч и 1 миллион 26 тысяч. Причем в число 140 тысяч видов для жительства у белорусов, согласно методологии Евростата, зачтены десятки тысяч польских национальных виз, что несколько завышает статистику. И напротив, эти данные в случае молдаван и украинцев не отображают масштаба внешней миграции, учитывая, что сотни тысяч граждан обеих стран одновременно имеют гражданство ЕС (в основном Румынии и Венгрии, соответственно). В Молдове, процессы внешней миграции наивысшей степени сказываются на модели развития страны и являются одним из главных вызовов национальной безопасности страны с точки зрения дальнейшей демографической ситуации, стабильности социальной сферы и экономического развития в целом.
of human resources for long-term development of the country.

The strongest migration pull factors are higher wages and generally high living standards in destination countries and the presence of migration networks, i.e. residing/employed relatives or close friends, or at least the existence of a strong group of compatriots in a destination country.

However, in frames of the migration issues' discussions, opinions, concerns and wishes of the social partners are not taken into account to the proper degree, progress in this field is evident in comparison with the situation that existed in the early 2000s. At the same time, the situation of Ukrainian and Moldovan trade union organizations in terms of involvement in social dialogue is much better than that of Belarusian colleagues representing democratic trade unions.

A successful social dialogue is possible when independent, well-developed trade union organizations activate without encountering obstacles. Otherwise, the social dialogue will be a fake one. Since the activity of independent trade union organizations in Belarus is greatly hampered by undemocratic legislation and discriminatory practices. The FPB is a fake non-governmental organization actually implementing state policy. In this sense, the quality and essence of social dialogue in the country is being weakened. In Belarus, independent trade unions are ignored as partners, often they are being invited to take part in collective bargaining.

To date, both in Moldova and in Ukraine, social dialogue in the field of labour migration has evolved over the past 10 years. In 2006, the Law on the organization and functioning of the national commission for negotiations was adopted in Moldova. In Ukraine, according to the presidential decree of 2011, the National Tripartite Social and Economic Council was established, which determines legal fundamentals for the organisation and procedure of social dialogue, in accordance with the Law "On Social Dialogue in Ukraine".

Three main aspects that determine migration policy in countries of origin, which can be supported by trade union, are as follows:

- Higher wages and generally high living standards in destination countries.
- The presence of migration networks, i.e. residing/employed relatives or close friends, or at least the existence of a strong group of compatriots in a destination country.
- The opinion, concerns, and wishes of the social partners are not taken into account to the proper degree.
• Developing measures to protect migrant workers against exploitation and providing the necessary support;
• Optimization of organized labour migration, development of new labour markets and the increase of remittances through legal channels, as well as mitigating the negative consequences of the emigration of highly skilled manpower;
• Institutional regulation of labour migration, through cooperation and partnership between state bodies, local government bodies, social partners, civil society organizations, business community in addressing labour migration problems;

Trade union representatives of all three countries believe that it would be appropriate to involve trade union organizations in orientation measures for labour migrants to a larger scale. At the initial stage, this would allow to provide labour migrants with protection instruments and guide them how to deal with various life situations.

Ukrainian and Moldovan trade unions are involved in the work on reforming the legislation and existing procedures aimed at protecting labour migrants. With the participation of Moldovan trade unions a new “Regulation on Temporary Employment of Labour Migrants” was established, which is the main normative legal act in the relevant field. As a part of social dialogue, Moldovan trade unions are involved in the development of employment policies, in particular of the National Employment Strategy 2017-2021. Thus, the experts of the Construction and Building Materials Industry Workers’ Union of Ukraine took part in drafting laws “On employment of the population,” “On external labour migration,” and other legislative acts. In Belarus, the legislative acts in this field are not coordinated with democratic trade union organizations. However, in Moldova and Ukraine, trade unions are not always involved in the discussion of regulatory measures in the field of migration and their experience related to social dialogue is rather limited.

In none of the countries, trade unions do not participate directly in the development of measures related to the simplification of remittance system, but at least partly monitor this issue and try to find solutions to these problems. Trade unions in all three countries

Три основные области, определяющие миграционную политику в странах происхождения, в которых профсоюзы могли бы играть более активную роль, это:
• разработка мер защиты трудовых мигрантов от эксплуатации и обеспечение необходимой поддержки;
• оптимизация выгод организованной трудовой миграции, особенно что касается развития новых рынков труда и увеличения денежных переводов по легальным каналам, а также смягчение отрицательных последствий эмиграции трудовых ресурсов, в том числе высококвалифицированных;
• институциональное регулирование трудовой миграции, а именно эффективное сотрудничество между разными министерствами и государственными органами, организациями, социальными партнерами в решении проблем трудовой миграции.

Что касается разработки мер защиты трудовых мигрантов от эксплуатации, то представители профсоюзов всех трех стран считают, что было бы целесообразно в большей степени вовлекать профсоюзные организации в ориентационные мероприятия для трудовых мигрантов. Это позволило бы на начальном этапе предоставить трудовым мигрантам инструменты защиты и инструкции поведения в различных стандартизированных для мигрантов ситуациях.

Украинские и молдавские профсоюзы вовлечены в работу по реформированию законодательства и существующих процедур, направленных на защиту трудовых мигрантов. Так, при участии молдавских профсоюзов был учрежден новый “Регламент о временном трудоустройстве трудовых мигрантов”, который является основным нормативно-правовым актом в соответствующей сфере. В рамках социального диалога профсоюзы в Молдове участвуют в разработке политики в области занятости, в частности Национальной стратегии в области занятости на период 2017-2021. Эксперты Профессионального союза работников строительства и промышленности строительных материалов Украины принимали активное участие в подготовке законов “О занятости населения”, “О внешней трудовой миграции” и других законодательных актов. В Беларуси же законодательные акты в рассматриваемой области с демократическими профсоюзными организациями не согласовываются. Впрочем, и в Молдове и Украине профсоюзы не всегда привлекаются к обсуждению регулятивных мер в сфере миграции и опыт социального диалога пока довольно ограничен.
contribute to the development, consulting and conducting educational and training programs for migrant workers. Ukrainian Trade unions consider it appropriate to establish additional information centres in the EU, to raise the awareness of migrant worker about the overseas working environment, employers and administrative procedures.

State needs adequate institutional structures and inter-institutional coordination in order to protect nationals working abroad and optimize the benefits of international migration. Effective migration management requires not only adequate engagement and coordination of the ministerial committee, but also cooperation of state bodies with trade unions and employers within the framework of social dialogue. The signing of the Association Agreements between the EU and Moldova, the EU and Ukraine has encouraged rebuilding of state structures and active development of social dialogue in Moldova and Ukraine.

Recognizing the importance of ensuring minimum standards of protection for all migrant workers, regardless of their status, countries should continue its work to sign and ratify key UN and ILO conventions, as well as additional ILO conventions on labour migration.

While each of the three countries has assumed the obligations to implement the key UN conventions on migrant workers, one of the main ILO Conventions concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers has not been ratified by any of the countries, and the Convention on Migrant Workers has been ratified only by Moldova.

Belarus is the only European country that has not signed the European Convention on the Protection of Human Rights and Fundamental Freedoms and is not a part of the Council of Europe. Belarus also signed neither the European Social Charter and its Additional Protocol, nor the Revised European Social Charter nor the European Convention on the Legal Status of Labour Migrants. Only several bilateral agreements regulating labour migration between countries are signed by Belarus with some of the post-soviet union countries.

Ни в одной из стран, профсоюзы не принимают непосредственное участие в разработке мер, связанных с упрощением системы денежных переводов, но по крайней мере отчасти мониторят данный вопрос и выступали за решение этого вопроса. Профсоюзы во всех трех странах с разной степенью активности участвуют в разработке, консультировании, проведении образовательных и тренинговых программ для трудовых мигрантов. Украинские профсоюзные организации в особенности считают целесообразным создание в основных принимающих странах ЕС дополнительных информационных пунктов для ознакомления трудовых мигрантов с условиями работы за рубежом, с информацией о работодателях и административных процедурах.

Для того, чтобы обеспечить защиту работающих за границей граждан и оптимизировать выгоды трудовой миграции, государствам необходимо иметь адекватную институциональную структуру и межведомственную координацию. Эффективное управление миграцией требует не только должного сотрудничества и координации практически всего министерского кабинета, но также кооперации госорганов с профсоюзами и работодателями в рамках социального диалога. Подписание Соглашений об ассоциации между ЕС и Молдовой, ЕС и Украиной дало толчок реформированию государственных структур в этой области и более активному развитию социального диалога в Молдове и Украине.

Признавая важность обеспечения государствами минимальных стандартов защиты для всех трудовых мигрантов вне зависимости от их статуса, странам следует продолжить работу по подписанию и ратификации до сих пор не одобренных ключевых конвенций ООН и МОТ, а также дополнительных конвенций МОТ в области трудовой миграции.

В то время как каждая из трех стран взяла на себя обязательства по исполнению ключевых конвенций ООН, касающихся трудовых мигрантов, одна из основных конвенций МОТ в области трудовой миграции (Конвенция о злоупотреблениях в области миграции и об обеспечении трудящихся-мигрантам равенства возможностей и обращения) не ратифицирована ни одной из стран, а другая (Конвенция о работниках-мигрантах) ратифицирована лишь Молдовой.
Thus, noting a number of achievements in the field of social dialogue development - especially in Moldova and Ukraine - both national legislation and existing procedures and practices should further strengthen tripartism in order to comply with democratic norms and achieve socio-economic progress.

It is advisable for trade unions of Belarus, Moldova and Ukraine to develop communication networks involving unions and social partners of host countries to protect the rights and interests of migrant workers. Thus, in the interests of all parties, they could increase their influence for regulating labour migration.

Беларусь остается единственной европейской страной, не подписавшей Европейскую конвенцию о защите прав человека и основных свобод и не входящей в Совет Европы. Беларусь также не подписала ни Европейскую социальную хартию и ее Дополнительный протокол, ни Пересмотренную Европейскую социальную хартию, ни Европейскую конвенцию о легальном статусе трудовых мигрантов. За редким исключением все существующие двусторонние соглашения, регулирующие вопросы трудовой миграции между странами, у Беларуси действуют лишь с рядом постсоветских государств.

Таким образом, отмечая ряд достижений в области развития социального диалога - в особенности, в Молдове и Украине - следует и далее совершенствовать как национальное законодательство, так и существующие процедуры и практики с тем, чтобы обеспечить еще большее применение трипартизма во имя соблюдения демократических норм и достижения социально-экономического прогресса.

Профсоюзам Молдовы, Беларуси и Украины целесообразно развивать коммуникационные сети с привлечением профсоюзов принимающих стран и социальных партнеров для представления прав и интересов трудовых мигрантов в странах назначения. Тем самым они могли бы увеличить свое влияние на процессы регулирования трудовой миграции в интересах всех сторон.
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ВЛИЯНИЕ СОЦИАЛЬНОГО ДИАЛОГА НА ОПТИМИЗАЦИЮ ТРУДОВОЙ МИГРАЦИИ в Молдове, Беларуси и Украине

THE IMPACT OF SOCIAL DIALOGUE ON THE OPTIMIZATION OF LABOUR MIGRATION in Moldova, Belarus and Ukraine

Analytical report / Аналитический отчет
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