

Strengthening Evidence-Based Management of Labour Migration in Armenia
«Հայաստանում աշխատանքային միգրացիայի գիտավերլուծական կառավարման հզորացում»

Policy Brief

Համառոտագիր



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International Organization
for Migration

The Role of Bilateral Labor Agreements in Managing Migration and Ensuring Portability of Social Rights of Labour Migrants



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... there were three ships. One leaked, one sank, the third had no bottom in it...

To enhance migration management, the Republic of Armenia has signed four bilateral labor agreements with Belarus, Russia, Ukraine and Georgia. These agreements are meant to play a significant role in the regulation of relations between all the sides involved in migration processes, and the protection of the rights and legitimate interests of the migrants. Nevertheless, it is noteworthy that as comprehensive official documents, none of these agreements fully regulates all the specific aspects of the mentioned relations. The agreements merely outline generic approaches, whereas the main mechanisms for the regulation of employment and social protection of labour migrants and their family members are not stated. As any other agreement or contract, the bilateral labor agreements leave space for arbitrariness of both parties. Thus, specific shortcomings of each of the agreements, as well as the incomplete regulation of the relations and the absence of a universal approach might be the result of the positions of signatories and the peculiarities of their legislation.

At the same time, whether specific agreements exist to regulate employment related fields, for instance, pension, social security, and double taxation of revenues, is also very important in terms of actually exercising the rights gained in the result of employment. The efficiency of bilateral labor agreements for regulation of migration strongly depends on this. It is noteworthy that our country has agreements to exclude double taxation of revenues with the countries which have signed bilateral agreements with Armenia. On March 13, 1992 the "Agreement on guarantees for the pension rights of citizens of CIS member states" was signed. This agreement applies to all pension types either already defined or to be defined by the legislations of the signatories. Out of the four countries that have bilateral labor agreements with Armenia, it is only with Georgia that our country does not have an agreement on cooperation in the field of old age security.

Legal regulation, institutional cooperation, and infrastructures

From the perspective of the countries of origin of labour migration, bilateral labour agreements aim to ensure continuous access to the labor markets of receiving countries; reduction of unemployment rate; regulation of labour migration, and creation of institutional grounds; transparency of the labour migrants' rights; and growth of the volumes of remittances. Thus, in cases when Armenia stands as a country of origin, bilateral labour agreements should include legal grounds for protection of labour migrants' rights, regulation and cooperation between respective bodies of both countries, and prevention of illegal migration. Given the unwelcome high rates of illegal migration, while negotiating bilateral labour agreements, Armenia needs to project mechanisms for regulating migration, including distinct infrastructures for migrants' return and reintegration, as well as quotas.



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What, where, when...

Indeed, since concrete mechanisms are absent in bilateral labour agreements signed by Armenia, these documents have weak and limited application. The bilateral labour agreements would be more efficient if they were based on realistic demand and offer between countries. In this case, it might be more appropriate to develop agreements with clear sectorial demarcation, for instance, IT and healthcare. The bilateral labour agreements should include provisions attainable within the capacities of both parties and deriving, first of all, from the interests of the RA migrant workers. The creation of an active platform for information exchange in the frames of bilateral labour agreements is also very important, as it would give an opportunity to match the demand for and offer of vacancies in the two countries.

Armenia does not run a proactive policy for signing bilateral labour agreements, and the existing agreements are primarily with CIS countries where the demand in the labour markets is, in fact, low, as it is in Armenia (Ukraine, Georgia, Belarus), and the level of protection of workers' social rights is insufficient (Russia). It is obvious, that the existing agreements with CIS countries do not ensure complete mechanisms for the migrant's return and decent work abroad. Meanwhile, stimulation of signing bilateral labour agreements might also provide Armenia with preconditions for innovative development of its economy through returning migrants.

The negotiations on signing or improving bilateral labour agreements by Armenia should be directed to developed and economically active countries – EU member states, Asia, USA, and about two dozen countries that are particularly interesting to Armenia in the scope of labour migration (Decision of the Government of the Republic of Armenia N 1593-N November 10, 2011, "Action Plan for Implementation of the Concept for the Policy of State Regulation of Migration in the Republic of Armenia"; Report on the Measure 5.3.1). In addition, it is more efficient to sign bilateral labour agreements with countries that have innovative economies, rather than with industrial ones, as the labour demand in the first group is high primarily in information technologies, science and research, education, and other similar fields.

This paper is elaborated based on the opinions passed by the participants of the round table "Portability of Social Rights of Labour Migrants", which took place on November 8, 2013. The roundtable was attended by independent analysts, government officials, and representatives of the international organizations.

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