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► Guidelines for skills modules in bilateral labour migration agreements



Guidelines for skills modules in bilateral labour migration agreements

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Preface

Bilateral labour migration agreements (BLMAs) have become important tools for facilitating the governance of labour migration. In this area, the ILO has been conducting research and analysis, and developing manuals for capacity building aimed at protecting the human and labour rights of migrant workers, and reaping the development benefits of migration for all. The present guidelines are part of this effort and focus on the specific inclusion of skills in BLMAs.

Skills shortages and gaps are often among the main reasons for entering into such negotiations, and at the same time, among the most overlooked aspects. This document focuses, on one hand, on extending the knowledge base on BLMAs, systematizing key concepts, and presenting the relevant international normative framework as well as examples of different approaches towards skills in existing agreements. On the other hand, it sheds light on funding mechanisms and arrangements for skills in BLMAs, which are vital for ensuring their effective implementation.

The Support to Free Movement of Persons and Migration in West Africa project (FMM), funded by the EU and ECOWAS, implemented by the ILO in partnership with the International Organization for Migration (IOM) and the International Centre for Migration Policy Development (ICMPD), has been providing support for migration policy development. The present guidelines are a contribution to this support.

The ECOWAS Protocol on the Free Movement of People and Goods guarantees free mobility of the citizens of Member States. At the same time, since demographic and employment pressures remain high, there is a policy interest to consider BLMAs with countries outside of the ECOWAS subregion. These guidelines could be a useful reference when it comes to skills issues. They are also part of the overall ILO assistance and collaboration in promoting rights at work and decent employment opportunities, strengthening social protection and enhancing social dialogue on work-related issues in Africa.

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Abbreviations

ANAPEC	Agence nationale de promotion de l'emploi et des compétences (Morocco)
AQRF	ASEAN Qualifications Reference Framework
ASEAN	Association of Southeast Asian Nations
AU	African Union
BLMA	bilateral labour migration agreement
CAMES	African and Malagasy Council for Higher Education
CARICOM	Caribbean Community
CVQ	Caribbean Vocational Qualification
CEDEFOP	European Centre for the Development of Vocational Training
ECOWAS	Economic Community of West African States
ETF	European Training Foundation
EQF	European Qualifications Framework
EU	European Union
EURES	European Employment Services
EUROSTAT	European Statistical Office
FMM	Support to Free Movement of Persons and Migration in West Africa project, funded by the EU and ECOWAS
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Agency for International Cooperation)
ICLS	International Conference of Labour Statisticians
ICMPD	International Centre for Migration Policy Development
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ILO	International Labour Office/Organization

IOM	International Organization for Migration
ISCED-F 2013	International Standard Classification of Education
ISCO-08	International Standard Classification of Occupations
LMMIS	labour market and migration information system
MoU	memorandum of understanding
NBTE	National Board for Technical Education (Nigeria)
NQF	national qualification framework
NQS	national qualification system
NSQF	Nigerian Skills Qualification Framework
PES	public employment service
PQF	Pacific Qualifications Framework
PrEAs	private employment agencies
REC	Regional Economic Community
RPL	recognition of prior learning
SADC	South African Development Community
SSC	Sector Skills Council
UEMOA	<i>Union Economique et Monétaire Ouest Africaine</i>
UNESCO	United Nations Educational, Scientific and Cultural Organization
WTO GATS	World Trade Organization - General Agreement on Trade in Services

Introduction and orientation for the user

Bilateral labour migration agreements (BLMAs) are increasingly used as a tool for governing labour migration. Skills aspects are rarely considered in all phases of the design, negotiation, implementation, monitoring and evaluation of these agreements. This is despite the fact that addressing skill shortages is often a central motivation for entering into these agreements, particularly for destination countries.

These guidelines refer to the skills possessed by migrant workers that need to be recognized, matched and further developed with those in demand in the destination country's labour market. In a changing world of work, and even more now with the vast impact of COVID-19 on the labour markets, the opportunity for migrant workers to develop new skills should also be reflected in BLMAs.

The present document focuses on analyses of the different aspects of skills, and offers to policy-makers, social partners and development practitioners useful indications on how to tackle skills issues in BLMAs in all sectors, while at the same time enhancing the protection of migrant workers' rights. The ILO Centenary Declaration for the Future of Work (2019a) is clear on the promotion of a human-centred approach and this concept should also be considered in BLMAs, since the tension between labour market and workers' needs can be challenging. The gender perspective, the particular issues that woman migrant workers face regarding skills recognition and development, is of high importance, and is also captured in the document.

The guidelines take on board the heterogeneity of education and training systems, and provide different options, based upon existing multilateral and bilateral arrangements. It should be noted here that recognition of prior learning (RPL) is not specifically addressed, since BLMAs usually rely on existing national arrangements for RPL rather than defining specific provisions.

These guidelines promote the use of a "whole of government approach", in which policy-makers in the domain of skills are included in the design and negotiation of BLMAs. Further, they aim at addressing institutional coherence within countries, as well as tapping into the efforts that many education and other ministries are making in signing cooperation agreements internationally, but which might not be fully "invited" to the table in the design of BLMAs.

The first section defines key concepts and types of skills. Section 2 describes the bilateral and multilateral agreements related to skills. Section 3 presents an overview of the international regulatory framework dealing with skills and migrant workers. Section 4

touches on important aspects of financing skills development and recognition. The last section is specifically dedicated to how the guidelines could apply to the ECOWAS and its Member States, and represents a mini pilot-testing of the guide in a concrete subregional context

A glossary of relevant terms is included in Annex 1 in order to facilitate understanding and the use of common terminology.

1. Understanding key concepts

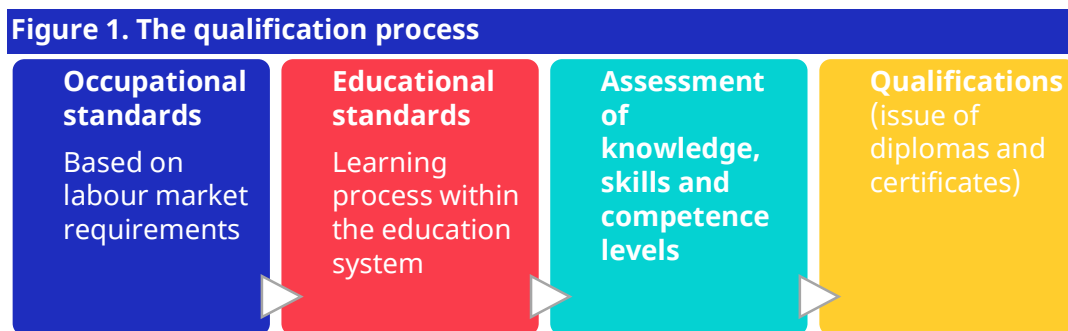
In order to benefit from these guidelines, a general understanding of key issues and concepts on skills of migrant workers is essential. This section provides an overview of the main terminology used and definitions.

1.1 Job, occupation and skills

According to the ILO, a distinction has to be made among job, occupation and skills. A set of tasks and duties to be executed by one person constitutes a job. The ability to carry out the tasks and duties of a given job is called “skill” (ISCO-08, Methodology, 2.1). An occupation is a set of jobs having a high level of similarity.

An analysis of the requirements of occupations leads to the definition of occupational standards that stipulates what an individual should be able to do to perform a certain occupation. These requirements allow the education systems to design those educational standards which indicate the knowledge,¹ skills² and competencies³ that an individual needs to learn in order to be able to perform the specific occupation.

The learning process is concluded by an assessment that leads to the issue of a certificate, degree or diploma indicating a qualification.⁴



Source: Authors.

¹ Defined as “the body of facts, principles, theories and practices related to a field of study or work” (CEDEFOP, 2014).

² Defined as “the ability to apply knowledge and use know-how to complete tasks and solve problems” (ibid.).

³ Covers the knowledge, skills and know-how applied and mastered in a specific context (ILO Human Resources Development Recommendation, 2004 (No. 195), Art. 2 (b)).

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

To make possible the statistical comparison of occupations and skills, there are two classifications: the International Standard Classification of Occupations (ISCO-08) managed by the ILO; and the International Standard Classification of Education (ISCED-F 2013), managed by UNESCO. Details of these classifications are included in Annex 3.

1.2 Different aspects of skills

Skills can be considered from the perspective of anticipation, development, matching and recognition. Due to their specificities, each skill aspect will be analysed separately, even if they are in fact interconnected.

1.2.1 Skills anticipation

Anticipating⁵ and delivering the skills that will be needed in the future is fundamental for preventing and mitigating skills mismatch in the labour market. This is also of particular relevance to the consequences of COVID-19 pandemic in the world of work, and the need for anticipating and addressing skills shortages in emergency situations. There are many methods and tools for skills anticipation.⁶ The most common methods for forecasting are: enterprise/ establishment skill surveys, quantitative forecasting, models, sector studies and tracer studies. Short-to-medium term projections can be used to influence the service delivery of employment agencies and the preparation of short training courses. An example of short-term forecasts (1–2 years) is offered by the Excelsior Information System in Italy. Every year, a survey is launched, covering a sample of over 100,000 private enterprises and providing detailed information on the country's labour demand and the number of employees that enterprises plan to recruit during the year.⁷

⁵ The terminology “skills anticipation” and “skills forecasting” are used interchangeably in this document.

⁶ The methods most used in skills anticipation are the Delphi method, expert panels, scenarios, literature and statistics reviews, brainstorming and SWOT analyses (ETF, CEDEFOP and ILO, 2016). The European Training Foundation (ETF), CEDEFOP (European Centre for the Development of Vocation Training) and the ILO have produced six guides for the practical implementation of the methods proposed, including market Intelligence, skills foresights, scenarios and forecasts, sectoral approaches, establishment skills surveys and tracer studies. See: https://www.ilo.org/employment/Whatwedo/Projects/WCMS_534345/lang--en/index.htm.

⁷ See: http://excelsior.unioncamere.net/en/index.php?option=com_content&view=article&id=63&Itemid=65.

The Excelsior survey also provides information on the potential demand for migrant workers.

Medium-term forecasting (two to five years) is exemplified by Australia's employment projections.⁸ Each year, the Department of Employment, Skills, Small and Family Business produces employment projections by industry, occupation, skill level and region for the following five-year period.

Long-term forecasts (five to ten years) are important for education systems that need a long period of time to adapt the delivery process for qualifications. An example is the CEDEFOP's skill supply and demand projections for the EU countries up to 2030. Based upon an E3ME type of model, the forecast shows employment and demographic trends by economic sector.⁹

In Germany, the QuBe project¹⁰ provides a long-term overview of the likely development of labour demand and supply in terms of qualifications and occupations. The forecast is updated every two years and is integrated by sector researches and employment/establishment surveys. Based upon a scenario analysis, possible alternative developments are presented. In the United States, the Bureau of Labour Statistics carries out a national Employment Projections (EP) programme¹¹ providing information about the labour market with a ten-year time span. It includes occupational projections and labour demand.

1.2.2 Skills development

Skills development is the training process through which the education and training system produces (i) the competencies on demand in the labour market; or (ii) interventions, once the skills gaps have been identified, to fill them and raise the abilities of the workers, matching the labour demand. Skills development is defined by UNESCO-

⁸ See: <http://lmip.gov.au/default.aspx?LMIP/GainInsights/EmploymentProjections>.

⁹ The E3ME is a computer-based model, developed by Cambridge Econometrica, of the world's economic and energy systems and the environment. The model has been used for several recent high-profile assessments, including the contribution of employment projections to CEDEFOP's annual skills forecasts.

¹⁰ Managed by the Federal Institute for Vocational Education and Training (BIBB) and the Institute for Labour Market and Career Research (IAB) in collaboration with the Institute of Economic Structures Research (GWS); see: www.QuBe-Projekt.de.

¹¹ See: <https://www.bls.gov/emp/>.

UNEVOC as “the development of skills or competencies which are relevant to the workforce”.¹²

In order for skills development to reflect labour market needs, learning pathways and outcomes should be coordinated. A learning outcome means what the education and training system delivers, which can then be compared with the occupational standard to identify eventual inconsistencies. A learning pathway describes the learning process that leads to learning outcomes, e.g. moving from secondary to higher education, or from one occupational profile such as “welder” to another such as “mason”.

At international level, skills development is the focus of initiatives from destination countries, aimed at equipping potential migrant workers in countries of origin with the skills on demand in both labour markets. One example is offered by a German project illustrated in box 1, which is a type of bilateral labour migration agreement.

Box 1. German-Moroccan cooperation in skills development in the hospitality sector

To address the difficulties met by the German hotel and catering industry in finding qualified staff, in 2016 the German Development Agency (GIZ) together with the World Bank launched a project aimed at training 110 young Moroccans in the hotel and catering sector through a three-year dual apprenticeship initiative. Participants were selected with the support of Morocco’s national employment agency (ANAPEC). They spent six months learning the German language in Morocco and received cultural orientation pre-departure training to prepare them for living and working in Germany. They then began their training in Bavaria and Thuringia, splitting their time between vocational schools and on-the-job training in their assigned company. After completing their apprenticeships, the trainees could either continue to work in their company or benefit from training in Germany for career development in the hospitality sector in Morocco.

Source: <https://www.giz.de/en/mediacenter/68745.html>.

The skills development initiatives can take the form of BLMAs, which can also take place in origin countries (see box 2). Origin countries often face challenges however in offering training which could lead to migration for employment, given that this could potentially contribute to depleting their human resources. At the same time, many origin countries face rapid demographic growth and limited job creation, resulting in high level of migration outflows.

¹² See: <https://unevoc.unesco.org/go.php?q=TVETipedia+Glossary+A-Z&id=427>.

Box 2. Safe bridges for migrant workers: Pilot initiatives in Moldova and Ukraine

This project, co-financed by the European Union, was promoted and maintained by the ISCOS-CISL, the Institute for International Cooperation of the Italian Trade Union Confederation (CSIL). Its aim was to improve regular migration channels between Moldova and Ukraine with Italy, by creating information points in the two migration countries to provide advice on legal migration opportunities. Vocational training courses were carried out on profiles highly in demand in the Italian labour market. No specific migration path was offered to the trainees. The project ended in 2011.

The initiative provided important methodological indications for offering pre-departure occupation-based training, corresponding to the actual labour demands in the destination country.

The project tested the creation of information desks on regular labour migration to prevent undocumented migration flows and human trafficking. In order to cover a large number of potential migrants, the desks were decentralized to the regions. There is a need to strengthen such approaches in future, since their function of awareness raising and provision of up-to-date information on migration could be key to ensuring the protection of migrant workers.

Source: Authors, based on project documents.

1.2.3 Skills matching and skills mismatch

The ILO defines skills matching as: “a complex and dynamic process involving multiple stakeholders making multiple decisions at different times: individuals and their families, as they make decisions regarding their own education and training; education, training and labour market policy-makers, as they decide on the configuration of education and training systems, employment policies and investments; training institutions, as they make decisions on the type and content of the training courses to be delivered; and employers, as they take decisions on how to train workers and use skills” (Rihova, 2016, p. 5).

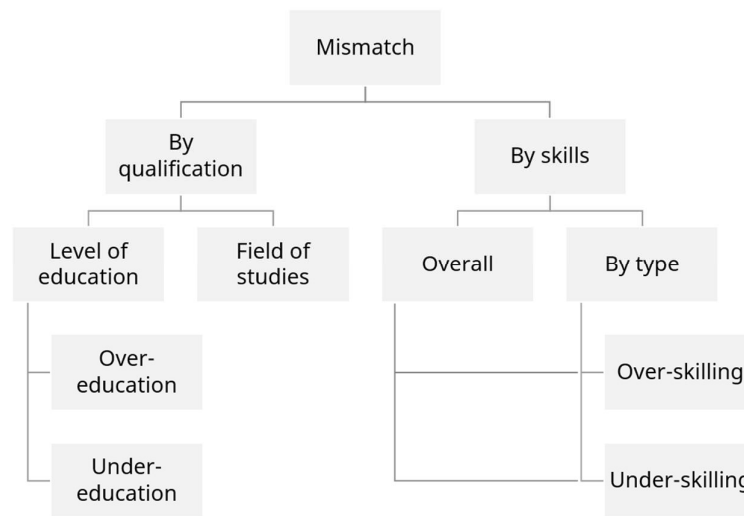
Since skills matching should be the normal condition, attention is usually focused on the lack of correspondence, or skills mismatch. Mismatch is an overarching term (see figure 2), which describes imbalances between qualifications and skills offered and those demanded. There can be a vertical skills mismatch, where the level of education or qualification is above or below the required one. There can also be a horizontal skills mismatch, which manifests itself when the type or field of education does not correspond to the requirements of the job (ILO, 2018a; ILO, 2019b).

It is important to note that migrant workers are frequently exposed to skills waste, a situation where their skills, qualifications and job experience are not properly utilized in the labour market. One of the main reasons for this is the lack of recognition of foreign qualifications by countries of destination.

In 2018 the 20th International Conference of Labour Statisticians defined the different aspects of mismatch in employment. An employed person can fulfil the requirements for the job or not; this type of mismatch is due to lack of appropriate qualifications or skills. Mismatch by qualification can be based on the level of educational attainment or by the type of studies possessed. Mismatch by level of education can result in over-education or in under-education for the job. Mismatch by field of study occurs when the study does not correspond to that required to perform the job (ILO, 2018, p. 130).

Skill mismatch is present when a worker holds skills which do not correspond to those required for performing his/her job. The mismatch can refer to the overall skills or to types of skills: job-specific/technical skills, basic skills,¹³ transferable skills.¹⁴ Skills mismatch can result in an over-skilling when the level and/or types of skills exceed the job requirements, and in an under-skilling when the level and/or types of skills are lower than those required to perform the job.

Figure 2. Mismatch by qualification and skills



Source: Adapted from ILO, 2018a.

¹³ Basic skills include: oral communication (speaking and listening); reading (especially understanding and following instructions; basic arithmetic; and writing (Brewer, 2013).

¹⁴ Skills which can be introduced in a different socio-cultural or technical environment, or which can be used in other occupations (Strietska-Ilina et al., 2011).

1.3 Qualification and skills recognition

Recognition of qualifications comprises two main areas: academic and professional. Recognition of academic qualifications permits the continuation of studies at the appropriate level, while in the case of professional qualifications, recognition gives the opportunity to practise the acquired professional skills.

Professional recognition includes regulated and non-regulated professions. Regulated professions are ruled by legal acts, and regulations can range from registration, to certification to licensing by professional bodies or governmental authorities. Non-regulated professions do not require any specific process for professional recognition, as the employer is responsible for assessing professional competencies during recruitment.

The skills possessed by a migrant worker may have been gained through a formal education system and the learning outcomes indicated in a formal qualification such as a diploma or degree. The skills could also have been acquired through non-formal (intentional learning as part of planned activities, but with no final examination) and informal (mainly unintentional learning resulting from daily activities at work, family or leisure) ways, and in this case there is neither certificate nor qualification. Informal and non-formal learning can lead to formal qualifications through programmes for the recognition of prior learning (RPL). According to the ILO, RPL is “the process of identifying, documenting, assessing and certifying formal, non-formal and informal learning outcomes against standards used in formal education and training” (ILO, 2018b, p. 9).

1.3.1 Recognition of academic qualifications

Diplomas, degrees and other academic and qualifications obtained in educational institutions can play an important role in finding adequate employment abroad, as well as allowing students to continue their studies in a different country. To facilitate the recognition process, UNESCO has promoted many regional Conventions aiming to facilitate the recognition of qualifications in higher education (see Annex 2). There are also specific regional recognition arrangements (see box 3). In practice, recognition is usually not automatic and requires either the authorization of the national skills recognition body, or of the concerned university.

Box 3. Recognition agreement among African French-speaking countries (CAMES)

Promoted by the African and Malagasy Council for Higher Education (CAMES), on 26 April 1972 in Lomé, Togo, 16 French-speaking countries of Africa and the Indian Ocean signed an agreement for the recognition of diplomas in higher education.

Accreditation of the validity or equivalence of degrees and diplomas is based on an assessment of the contents of studies, teaching methods, quality assurance standards and modalities. It can be requested by public or private higher education institutions. The assessment process is conducted by the competent commission in the following areas:

- a) Sciences, medicine
- b) Literature, human sciences
- c) Economic sciences, management

The accreditation is valid for five years and can be renewed.

The CAMES accredits Bachelor's, Master's and Doctoral degrees of higher education institutions and evaluates professors and researchers of the member countries.

Accreditation can also be requested by higher education institutions of non-member States, following the same conditions as for the CAMES institutions. This means that tertiary education entities can receive recognition of their diplomas/certificates within the CAMES countries, allowing for qualification recognition.

Source: <https://www.lecames.org/>.

A generic prescription on the recognition of qualifications for migrant workers was included in the BLMA between Argentina and Ukraine (see box 4).

Box 4. Migration Agreement between the Republic of Argentina and Ukraine, 29 April 1999 (extracts)

Article 5: Immigrants and members of their families shall enjoy in the territory of the receiving countries the same rights and freedoms as citizens of the host country, including the right to education, paid work, to travel freely in the host country, to have social security, legal aid, legal defence and have the same civil obligations as citizens of the host country according to the laws of that country.

Social insurance of immigrants and their family members shall be governed by specific agreements.

Article 8: Persons wishing to immigrate to the territory of a Party have the right to receive, at any time, accurate and free information that will be provided by the offices of the national migration and consular services of the host country on:

- a) the text and content of this Agreement;
- b) the rights and obligations that immigrants have in the receiving country, according to the laws of that country;
- c) the conditions for paid work, the possibility of study or vocational training, and housing conditions in the receiving country.

Chapter IV: Recognition of qualifications

Article 15: The Parties undertake to promote the mutual recognition of diplomas and transcripts. The institutions of the Parties shall consider the possibility of drafting a convention on the recognition of diplomas and certificates of study at all levels.

Chapter V: Integration

Article 16: The Parties shall facilitate immigrants receive basic training in language, history, geography and social conditions in the receiving country. The interview that made the respective consular authorities should be conducted in the official language of the receiving country. Mastery of the language is especially assessed by the head of the household.

Source: https://www.ilo.org/global/topics/labour-migration/policy-areas/measuring-impact/agreements/WCMS_382414/lang--en/index.htm.

1.3.2 Recognition of regulated professions.

Some professions such as those in health care, engineering and education, among others, are subject to registration, licencing or the issue of a certificate from the regulatory body that governs that occupation (e.g. the registration of lawyers in Italy to the Lawyers' Association (Ordine degli Avvocati) as a pre-condition for opening a practice).

The rules vary from one country to another, so when the mobility of professionals is allowed, as within the European Union (see box 5), it is important to know in advance what those interested in practising their professions in another country need to do. For that purpose, the EU has established a specific platform containing a complete database of regulated professions in all the Member States.

Box 5. Free movement of professionals in Europe

Professionals in the European Union can move across borders and practise their occupation or provide services in the other Member States.

The EU Directive 2005/36/EC on the recognition of professional qualifications¹ covers all regulated professions, except those for which there are specific legal stipulations (seafarers, air traffic controllers, etc.).

A further step toward the effective functioning of the single market was taken through the establishment of a new digital procedure for the recognition of professional qualifications: the European Professional Card (EPC), which allows a number of professional categories such as nurses responsible for general care, pharmacists and physiotherapists to receive qualification recognition online in EU countries other than their own. In the future, this system may cover other professions.²

On 4 June 2019, the regulation for a common training test for ski Instructors was published.

Notes: ¹ The Directive was amended by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013; see <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32013L0055>.

² See https://europa.eu/youreurope/citizens/work/professional-qualifications/european-professional-card/index_en.htm.

Source: EU regulated profession database: <https://ec.europa.eu/growth/tools-databases/regprof/>.

This is particularly relevant for regulated professions for which recognition could be facilitated by existing mutual recognition agreements or prepared in advance through BLMAs. A good practice on the issue is offered by the agreements stipulated by International Placement Services (ZAV), a division of the German Federal Employment Agency, with the employment agencies of identified partner countries on the mobility of nurses (see box 6).

Box 6. "Triple win project"

The German Employment Agency, in collaboration with GIZ, is implementing a project for the placement of qualified nurses from Bosnia and Herzegovina, the Philippines, and Serbia, with German companies.

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

Before leaving their country, the selected nurses undergo a language preparation up to B1 certificate in German language and a 4- day professional and orientation course, including information on processes and requirements for getting their qualifications recognized in Germany. They will be individually supported in the preparation and submission of documents for recognition to the relevant German authorities before departure.

Nurses will receive the labour market admission and entry visa in their country of origin.

The project is financially supported by the German employers who:

- a) Pays a lump sum of €5,550 for each nurse placed with them to GIZ that covers the cost of services provided by the project (coordination, language and specialist training in the home country, and advice on integration and recognition of qualifications for employers and nurses in Germany).
- b) Cover the nurses' travel costs and cost of the qualification recognition in Germany and language training to achieve the proficiency certificate in German at level B2.

Source: <https://www.giz.de/en/worldwide/41533.html>.

1.3.3 Recognition of skills

The recognition of forms of learning not included in formal certificates is done through specific systems for the validation of prior learning. When this possibility exists in the receiving country it is usually based on the following main steps (UNESCO and ILO, 2018):

1. Assessment of competencies and identification of existing gaps;
2. Undertaking training aimed at filling the gaps;
3. Assessment of the competencies and issue of a formal certificate.

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

2. Bilateral and multilateral labour migration agreements

Bilateral labour migration agreements (BLMAs) are instruments signed by two countries, to govern the terms of labour migration.¹⁵ They become operational when the signatory countries endorse them through the process of ratification, usually done by the national parliaments.

Another instrument frequently used at bilateral level is the Memorandum of Understanding (MoU), generally understood as non-binding BLMA, which can set out a broad framework of cooperation to address common concerns in the field of labour migration. It can also be used for facilitating the implementation of an already existing agreement. An example of the use of an MoU for general cooperation purposes can be seen in box 7.

ILO research has found that most of the BLMAs in Africa, Europe and the Americas were legally binding agreements, while almost 70 per cent of those in Asia were MoUs (Wickramsekara, 2015). This preference can probably be attributed to the fact that MoUs are easier to be negotiated and implemented, and do not require to be ratified, given their non-binding nature (Popova and Panzica, 2019).

The tendency to use MoUs for regulating labour migration issues is clearly established in the South African Development Community (SADC). As shown in the recent joint ILO–IOM research cited above (Popova and Panzica, 2019), examples include the MoU between South Africa and Lesotho, Mozambique and Zimbabwe, Mauritius and Seychelles, among others.

Box 7. Memorandum of Understanding between the Ministry of Education and Research, Kingdom of Norway and Ministry of Human Resource Development, Republic of India on Cooperation in the Field of Education, 18 June 2008 (extracts)

Article I

The Parties shall encourage, as appropriate, the development of contacts and cooperation between the educational institutions of the Parties, based on their

¹⁵ As defined in ILO, 2017a, Chapter 3, para 68. It includes legally binding agreements (BLMAs and other agreements) and MoUs.

respective academic and educational needs. These may include all or some of the following activities:

- i. exchange of research materials, publications, educational literature, teaching aids, demonstration material and information;
- ii. organization of joint conferences, exhibitions and seminars;
- iii. organization of joint research programmes and publications;
- iv. organization of training programmes for educational administrators and teachers;
- v. exchange of academic and other administrative staff;
- vi. exchange of scholars, teachers, experts and students;
- vii. twinning arrangements between institutions of higher learning;
- viii. to develop bilateral programmes between institutions of educational excellence in technical, vocational and higher education;
- ix. examine the possibility of mutual recognition of educational qualifications;
- x. setting up of chairs on contemporary studies;
- xi. providing mutual assistance in the fields of Information Technology, Computer Science, mathematics & science;
- xii. any other activity as agreed by both Parties.

Article II

Both Parties will make available to the other the necessary information concerning their education system, quality assurance, recognition and licensing requirements and assist in developing mutual understanding and appropriate procedures for facilitating evaluation and recognition of academic credentials.

Article III

The substance, scope and implementation of activities or cooperation within the terms of this MOU may be the subject of more specific arrangements to be concluded in the future between selected institutions in the two countries. The Parties may consider the development of a bilateral agreement in the field of education to replace this MoU in the future.

Source:

<https://www.regjeringen.no/globalassets/upload/kd/vedlegg/internasjonalt/memorandumunderstanding.pdf>.

Social dialogue at the national level of countries of origin and countries of destination as well as cross-border, when possible, is needed. Social partners should be part of the drafting, implementing and evaluating processes of the BLMAs. In the preparatory

phase, social partners can provide useful advice on the impact of labour migration on the labour market of both origin and destination countries and on workers' protection issues. In the implementation phase, social partners can contribute to the effective operationalisation of the labour agreements, including dissemination of relevant information, effective application of the related provisions, and monitoring the results. They could also draw attention of the authorities to issues arising during the implementation process. Social partners of origin and destination countries could also collaborate through bilateral agreements (see box 8).

Box 8. Tools for bilateral cooperation among workers' organizations

The ILO Bureau for Workers' Activities (ACTRAV) provides a model agreement (ILO, 2008), suitable for use in preparing cooperation agreements. The template makes a reference to pre-departure training and orientation programmes, which, among others, could potentially cover information on access to skills and qualification recognition issues:

"The signatories to the bilateral trade union agreements may wish to commit themselves to undertake the following actions:

To develop regular communication channels and networking at the highest level between organizations party to this agreement, through the holding of regular seminars, pre-departure union training, and orientation programmes on arrival in the destination countries to acquaint themselves with their new environment, as well as organizing conferences on issues related to labour migration and workers' rights, and to exchange information on the labour market situations of their respective countries."

Within the EU-funded project "Effective Governance of Labour Migration and its Skill Dimensions", implemented by the ILO, cooperation agreements were signed on 16 May 2013 in Chisinau between the Italian trade union organizations (CGIL, CISL, UIL) and their counterparts from the Republic of Moldova and Ukraine. The agreements commit the signatory organization to promote and protect the rights of migrant workers in line with UN and ILO Conventions. One of the planned follow up activities was cooperation in the area of skills development in the construction sector.

Source: Author, based on data from the project.

2.1 Bilateral labour migration agreements and skills

Two countries can negotiate a BLMA when it appears necessary to address bilaterally specific aspects of labour migration, including skills. This can happen (i) when the two countries are at the two sides of a migration corridor, one being the origin and the other the destination country; and/or (ii) when the two countries are part of the same region and need to make effective general prescriptions or adopt solutions in areas not yet addressed at regional level.

An important step in the negotiation of a BLMA is its preparation, with the identification of issues, including skills, addressed and how they are to be managed in the origin and destination countries. Relevant questions are presented in table 1.

Table 1. Bilateral labour migration agreements: Questions to consider and sources of information concerning skills and qualifications

	Questions	Sources of information
Country of destination		
<input type="checkbox"/>	Is there a system of skills and qualifications recognition existing in the country of origin that can inform the movement of migrant workers to the country of destination in terms of the bilateral agreement?	Ministry of Education, Ministry of Labour; social partners and other relevant actors
<input type="checkbox"/>	Is there a quality-assured qualification system and how is it structured?	Ministry of Labour, Ministry of Education (and Higher Education, as appropriate), social partners
<input type="checkbox"/>	Are there other bilateral or multilateral labour agreements covering skills aspects. If yes, how are skills issues regulated?	Ministry of Labour, Ministry of Education (and Higher Education, as appropriate), Ministry of Foreign Affairs
<input type="checkbox"/>	What gender-responsive analyses have been undertaken of skills supply and demand in the domestic labour market, identifying skills oversupply and unfilled vacancies in order to assess the potential impact of the BLMA?	Ministry of Labour, public employment services/private employment agencies, social partners, Institutions or organisations concerned with gender equality
	Have specific skills shortages and gaps been identified?	Ministries of Labour and Education, public

		employment services/private employment agencies, social partners
<input type="checkbox"/>	Which institutions/agencies are in charge of skills matching of migrant workers before departure?	Ministry of Labour, public employment services/private employment agencies, social partners
	Are there procedures for the recognition of prior learning for migrant workers? If yes, which are the institutions and procedures?	Government, workers' and employers' organizations

Country of origin

<input type="checkbox"/>	Is there a system of skills and qualifications recognition existing in the country of destination that can inform the movement of migrant workers to the country of destination in terms of the bilateral agreement?	Ministry of Education, Ministry of Labour, social partners and other relevant actors
<input type="checkbox"/>	What gender-responsive analyses have been undertaken of skills supply and demand in the domestic labour market, identifying skills oversupply and unfilled vacancies in order to assess the potential impact of the BLMA?	Ministry of Labour, public employment services/private employment agencies, social partners, institutions and agencies concerned with gender equality
<input type="checkbox"/>	Are there other bilateral agreements on skills issues? If yes, how are skills issues regulated?	Ministry of Labour, Ministry of Education (and Higher Education, as appropriate), Ministry of Foreign Affairs
<input type="checkbox"/>	Which institutions and which procedures are in place for the recognition of foreign qualifications by migrant workers?	Ministry of Labour, Ministry of Education and Higher Education, as appropriate), social partners
<input type="checkbox"/>	Are there procedures for the recognition of prior learning for migrant workers? If yes, which are the institutions and procedures?	Government, workers' and employers' organizations
<input type="checkbox"/>	Can the PES provide assistance to migrant workers in skills matching and recognition processes?	Government, PES, workers' and employers' organizations
<input type="checkbox"/>	Are there active labour market policies on skills that migrant workers can access?	Government, PES, workers' and employers' organizations

The questions in table 1 could find answers in labour market information systems (LMIS), which include gender-disaggregated data and analysis on employment and current and future skill needs. The systems may also include data on labour migration – labour market and migration information systems (LMMIS). Many countries are currently putting in place such systems. Annex 3 contains the relevant statistical methodologies for education and occupational classifications. It should however be noted that the establishment of a functioning LMMIS needs to deal with the following possible constraints:

- ensuring sustainability, when the information system has been originally designed with specific time-bound project resources;
- addressing data limitation due to large informality and lack of labour migration data;
- strengthening collaboration among data producers;
- allocating sufficient financial and human resources for data collection and analyses; and
- strengthening labour market institutions, including workers’ and employers’ organizations.

Once the basic information on skill systems and governance has been collected, the countries can decide which of the following aspects, listed below, should be considered in the negotiation process.

2.1.1 Pre-departure orientation and training

The BLMA may include provisions on the preparation of migrant workers through pre-departure orientation and technical training (see example in box 9). If this aspect will be included, there is a need to indicate if the pre-departure orientation and training will be free of charge, voluntary or compulsory, what will be the content and duration, and who will be responsible for the implementation.

Box 9. Pre-departure Italian language courses for Filipino migrant workers

Starting from May 2017, in the framework of the Bilateral Agreement on Labour Migration signed by the Governments of Italy and the Republic of the Philippines, Filipino nationals entering Italy for work or family reunification reasons have the opportunity to attend pre-departure Italian language and cultural orientation courses.

Implemented by the Technical Education and Skills Development Authority (TESDA) in the Philippines, the training courses are free and have a duration of 150 hours. This is an example of concrete implementation of relevant skills included in a BLMA.

Source: ANPAL. Available at: <http://www.integrazionemigranti.gov.it/en/latest-news/news/Pages/Italian-language-pre-departure-courses.aspx>.

2.1.2 Recruitment procedures

The modality of selection and the institutions responsible (e.g. the Ministry of Labour or the PES of the origin country) or employers from the destination country should be identified, as well as the financial implications (see example in box 10). The recruitment procedures should be guided by the ILO *General principles and operational guidelines for fair recruitment* (ILO, 2019c). In particular, General principle 4 indicates that “Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications.” When it comes to recruitment fees and related costs, costs for skills and qualification tests are considered related costs. Depending on the recruitment process and the context, this cost category could be further developed by the governments and the social partners at the national level. Detailed analyses of the international standards and guidance for the BLMA preparation are presented in section 3, with specific reference to skills and qualifications.

Box 10. Agreement between the Kingdom of Spain and the Republic of Ecuador for the Regulation and Control of Migratory Flows, 29 May 2001 (extracts)

Article 3

1. The Spanish authorities, through the Spanish Embassy in Quito, shall notify the Ecuadorian authorities of the number and type of needed workers, taking into account existing job offers.

The Ecuadorian authorities shall notify the Spanish authorities, through the Spanish Embassy in Quito, of the possibility of meeting this demand with Ecuadorian workers willing to go to Spain.

2. The job offer shall include at least:

- a. The sector and geographic zone of the activity.
- b. The number of workers to be hired.
- c. The deadline for their selection.
- d. Duration of the work.
- e. General information on working conditions, wages, housing, and in-kind benefits.

- f. Dates when the workers selected must arrive at their workplace in Spain.
3. The Ecuadorian authorities shall notify the Spanish authorities of job offers they may have received from Spanish employers.

Evaluation of qualifications, travel, and acceptance of migrant workers

Article 4

Evaluation of qualifications and travel of migrant workers shall be governed by the following rules:

1. Pre-screening of qualified candidates shall be done by a Hispano-Ecuadorian Selection Committee in Ecuador. Candidates meeting the skill requirements shall undergo a medical examination and if necessary a training period.

The Selection Committee shall be composed of representatives of the contracting parties' governments, and may include the employer or his agents, and shall be responsible for selecting the best qualified workers for the existing job offers, conducting any training courses that may be needed, and advising and assisting workers throughout the process.

If both parties so request, representatives of social actors, intergovernmental and nongovernmental organizations active in the field of migration and cooperation for development designated by the contracting parties may participate in the committee as advisors.

2. Workers who are selected shall sign a contract, generally within no more than 30 days, and shall receive travel documents upon request. A copy of the work contract shall be provided to the Ecuadorian authorities. The work contract may be replaced by a similar document depending on the nature of the work, as determined by the joint committee established in Article 21 of this agreement.

3. Requests for temporary or resident visas in the framework of this agreement shall be processed with high priority by the appropriate Spanish consular office. The visa stamped in the passport shall specify its type, purpose, and duration of authorized stay in Spain. When the duration is six months or less, the visa shall suffice to document that stay.

Article 5

1. Ecuadorian officials, together with those of Spain, within their respective areas of competence, shall provide all possible facilitative assistance to the work of the

Selection Committee. They shall contribute insofar as possible in the processes of training of the selected workers, if needed, and for their travel to Spain by the established deadlines.

Administrative procedures in connection with the journey from Ecuador to Spain shall be borne by the interested parties, or, if not, by the contracting companies.

2. Before travelling, the workers shall receive the information needed to reach their destination, and everything they need to know about the conditions of their stay, work, lodging and wages.

Source: Translated from the original Spanish in <https://www.boe.es/boe/dias/2001/07/10/pdfs/A24909-24912.pdf>.

2.1.3 Skills development

BLMAs can also include provisions on adapting the skills of the potential migrant workers to the needs of the destination countries (see box 11).

Box 11. Implementation Protocol of the Agreement between the Government of the Republic of Moldova and the Government of the Italian Republic in the Field of Labour Migration, 5 July 2011 (extracts)

CHAPTER II TRAINING PROGRAMMES

Article 3

Within the framework of a joint programme, the Contracting Parties undertake to develop an information system aimed at favouring the matching of the labour demand and supply, including through the involvement of agencies accredited by the two Governments.

Article 4

The Contracting Parties shall encourage the organization of vocational training and Italian language courses, organised by Italian institutions. The courses will be organized on the Moldovan territory in compliance with the conditions agreed by the two Parties and on the basis of the following provisions:

- i. The training programme will be communicated by the Ministry of Labour and Social Policies of Italy to the Moldovan Ministry of Labour, Social Protection and Family;

- ii. the training programmes shall be organized and implemented in compliance with the Moldovan legislation.

The above-mentioned programmes aim at:

- i. train workers to be placed in Italian companies located in Italy;
- ii. train workers to be placed in Italian productive sectors operating in Moldova.
- iii. train workers to develop self-employment and entrepreneurial activities in the Republic of Moldova.

Article 5

The Moldovan candidates, who will attend the above-mentioned courses could be included in a priority list and will acquire a preferential title to enter Italy for work reasons related to training activity. All the expenses shall be paid by the employers or by other actors promoting the training courses.

Source: https://www.ilo.org/global/topics/labour-migration/policy-areas/measuring-impact/agreements/WCMS_382449/lang--en/index.htm.

Depending on the context and the specific requirements of the BLMA, different scenarios could be envisaged, including the following aspects:

- Skills training should lead to qualifications recognized in the country of destination;
- Skills training should be relevant to both country of destination and country of origin;
- Skills training should consider the specific needs of women migrant workers in vulnerable situations to provide access to skills development opportunities;
- Design and implementation of skills training should be based on social dialogue, and should be free of charge for the migrant workers.

2.1.4 Skill matching

The BLMA can indicate an institution or agency in the destination country which can assist in skill matching, helping find a job for the migrant workers and identifying possible skills gaps. If possible, the BLMA should provide for migrant workers to participate in relevant training courses in order to address the identified skills gaps. It is also important to define procedures and financial responsibilities between the two countries.

An example of a BMLA covering both skill matching and development can be seen in box 12. One of the guiding elements is the fact that the BLMA requests job offers to “necessarily include: degree of educational instruction and work experience (expressed in days, months or years).”

Box 12. Framework Agreement for Assistance and Cooperation in Immigration Matters between Colombia and Peru, 6 March 2012 (extracts)

Article 2

1. The Ministry of Labour and Employment Promotion of Peru, through the REVALORA PERU Programme, within the framework of its competences, will provide training services and certification of acquired labour competencies for Colombian nationals who are employed or self-employed in Peru.

2. The Colombian Ministry of Labour, through the National Apprenticeship Service (SENA), within the framework of its competences, will provide professional training actions and certification of acquired labour competencies for Peruvian nationals who work for others or their own account in Colombia.

Article 4

The Parties will implement coordination mechanisms in order to progressively develop processes that allow the certification of labour competencies of their compatriots and the possibility of certifying the technical studies obtained by the beneficiaries in the countries of origin.

Article 5

1. The Ministry of Labour and Employment Promotion of Peru will communicate, through its Ministry of Foreign Affairs, to the Embassy of Colombia in Peru, the number and characteristics of the needs for qualified and unskilled human capital, taking into account the requirements of the labour market. The Colombian authorities, through their Embassy, will inform the Ministry of Labour and Employment Promotion of Peru of the possibilities of satisfying this demand for work with Colombian workers who wish to move to Peru.

2. The Ministry of Labour of Colombia (SENA) will communicate through its Ministry of Foreign Affairs, to the Embassy of Peru in Colombia, the number and characteristics of the needs for qualified and unskilled human capital, taking into account the requirements of the labour market. The Peruvian authorities, through their Embassy, will make known to the Colombian Ministry of Labour (SENA) the possibilities of satisfying this demand for work with Peruvian workers who wish to move to Colombia.

3. The job offer must indicate at least:

- a. The start date of the registration of applicants to the call.
- b. The job description.
- c. The profile of the workers required for said job must necessarily include: degree of educational instruction and work experience (expressed in days, months or years).
- d. The number of jobs and / or vacancies.
- e. The remuneration (daily, monthly or annual) and, if applicable, whether a percentage will be awarded in kind, in accordance with the specifications of the regulations in force in this regard.
- f. The working day or schedule (day, night or mixed hours).
- g. Rest days.
- h. The rate of overtime work (hours and days) in accordance with current regulations and collective agreements, if applicable.
- i. The type of social benefits in matters of health, pension and occupational risks (occupational diseases and accidents at work), in accordance with the regulations in force in each of the Parties.
- j. If applicable, food; living place; and / or transportation to the workplace, specifying whether it is the responsibility of the worker or employer.
- k. The modality and duration of the employment contract, in accordance with the current regulations of each of the Parties.
- l. The place where the selected workers will carry out their work.
- m. The average cost of living (lodging / housing, food, transportation and others) of the locality in which the selected worker will work.

Source: Unofficial translation from the original Spanish at https://www.ilo.org/global/topics/labour-migration/policy-areas/measuring-impact/agreements/WCMS_382453/lang--en/index.htm.

2.1.5 Skills recognition

The BLMA may include indications on the modalities for the recognition of qualifications and skills, indicating procedures and financial responsibilities (see box 13).

Box 13. Agreement between the Government of the French Republic and the Government of Quebec on Occupational Mobility and the Integration of Migrants, 26 November 2010 (extracts)

Article 1

Subject

This Agreement is in accordance with their respective laws and regulations, to create a space for professional mobility between France and Quebec and to promote the integration of beneficiaries of mobility and integration in employment within this space to reach their goal, both parties agree to cooperate in:

Information on the measures and devices promoting occupational mobility, on how to search for jobs and internships as well as services and actors acting in this regard;

- facilitation procedures required for the entry, residence and work permit in the territory of either Party;
- admission to the market of the employment
- access to home devices and integration, including improving access to employment and those facilitating the learning of French in the context of employability;
- manual workers experienced in their territory under existing arrangements;
- evaluation, study, research and reference job or internship opportunities in the territory of either Party;
- monitoring migration between the territories of the two Parties;
- improving existing systems or the implementation of new devices facilitate mobility and professional integration.

Article 7

Guidance and occupational integration

To improve their employability, beneficiaries admitted for residence and employment in France or Quebec as part of this Agreement have access to host systems and support existing on the territory of the receiving Party.

The Parties shall endeavour to support them in their efforts closer to their needs in accordance with established procedures and to those provided in Application Protocol in regard to:

- the reception and settlement in the territory of the other Party;
- access to devices recognition of degrees, diplomas, skills and qualifications, including in the context of arrangements on mutual recognition of professional qualifications;
- access to public services, employment, internships or employment opportunities that meet the profile of the beneficiaries;
- access to appropriate measures of learning the French language, including professional aim.

Source: <https://www.ilo.org/global/topics/labour-migration/policy-areas/measuring-impact/agreements/lang-en/index.htm>.

2.1.6 Mutual recognition agreements (MRA)

Another mechanism that can be used at bilateral level is the mutual recognition agreement (MRA), which allows two negotiating countries to consider the qualifications issued by one country as being valid in the other. This instrument will be most appropriate when the signatory countries have similar education and quality assurance systems. Lacking a common reference such as a regional qualification framework, the countries can create specific technical committees tasked with assessing the equivalence of those qualifications that are of interest.

It should be noted that MRAs are also used at multilateral level, especially for the recognition of professional qualifications among the signatory countries and thereby facilitating the mobility of professionals. Examples of multilateral and mutual recognition agreements include:

ASEAN mutual recognition arrangement frameworks. Since 2006, eight MRAs have been agreed by the ASEAN Member States, covering the following professionals: engineers, nurses, surveying service providers, architects, accounting service providers, medical practitioners, dental practitioners and tourism professionals. The agreements indicate the skills or experience that professionals need to have certified in order to work in another country of the region. The definition of these requirements is detailed by committees established for each profession. It should be noted, however, that work permits are still required for mobility.

East African Community (EAC). The five Member States of the EAC have so far signed MRAs for the following professionals: accountants, architects, engineers, veterinaries and lawyers. The agreements are based upon collaboration with the national

professional organizations that identify the requirements for effective recognition and mobility.

Once a national accreditation agency for the concerned profession assesses a qualification and accredits a professional, the accreditation is automatically considered equivalent to those issued in another country with a similar accreditation process. The list of accords below provides examples of such arrangements.

Washington Accord, 1989.¹⁶ This multinational agreement sets the accreditation terms for mutual recognition of engineering qualifications. As a result, these qualifications are recognized by all the signatory parties as equivalent to those accredited in their countries. There are currently 20 full members of the Accord, while others hold provisional signatory status.

Lima Accord, 2016.¹⁷ The Lima Accord is a multilateral agreement amongst Latin American and Caribbean accrediting agencies of undergraduate engineering programmes. The agreement allows for the mutual recognition of accredited engineering programmes that entitle graduates to professional practice.

EUR-ACE Accord, 2014.¹⁸ On 19 November 2014, in Brussels, Belgium, 13 accreditation agencies¹⁹ signed an MRA known as the EUR-ACE Accord, accepting each other's accreditation decisions in respect of Bachelor's and Master's degree programmes in engineering.

Seoul Accord, 2008.²⁰ The agreement was signed by the accreditation agencies of Australia, Canada, Japan, Republic of Korea, United Kingdom and the United States²¹ for the mutual recognition of equivalent professional preparation of graduates in the computing and IT-related disciplines, when accredited by the member agencies.

A similar approach, like the accords above, has been adopted on a bilateral basis between Australia and New Zealand, called the Joint Accreditation System of Australia and New

¹⁶ <https://www.ieagrements.org/accords/washington/>.

¹⁷ <http://accreditation.org/accords/lima-accord>.

¹⁸ <https://www.enaee.eu/eur-ace-system/>.

¹⁹ From Finland, France, Germany, Ireland, Italy, Poland, Portugal, Romania, Russian Federation, Spain, Switzerland, Turkey, and the United Kingdom.

²⁰ <http://accreditation.org/accords/seoul-accord-2008>.

²¹ In 2009, accreditation agencies from Hong Kong (China) and Taipei (China) joined the Agreement.

Zealand (JAS-ANZ).²² Both countries mutually recognize all registered trades – not just engineering – because of mutual trust.

2.2 Multilateral agreements and skills

Multilateral agreements are most often used at regional level to provide member states with common positions on different issues of relevance, such as skills. They usually indicate the objectives to be achieved, leaving the signatory countries to decide timing and modalities of implementation. Examples of such agreements include that of the African Union on the roadmap for the free circulation of persons, and the Ouagadougou Declaration on poverty eradication. The same approach is followed by the Regional Economic Communities (RECs) in Africa. When it is necessary to define common approaches with other countries in the same region, each State has to negotiate with its peer members so that complementary bilateral agreements or MoUs can be reached.

The International Convention on Standards of Training, Certification and Watchkeeping for seafarers²³ provides common rules to the signatory countries for the recognition of seafarers' certificates. The example in box 14 indicates how countries use the MoU to give concrete implementation to a multilateral agreement covering skills.

Box 14. Memorandum of Understanding between the Ministry of Oceans and Fisheries of the Republic of Korea and the State Maritime Administration of the Republic of Azerbaijan, for the implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, March 2016 (extracts)

Article 1. Objective

The objective of this Memorandum of Understanding is the mutual recognition of maritime education and training, certification of competency of seafarers between the Parties for the purpose of implementing the STCW Convention.

Article 2. Scope of Application

²² See: <https://www.jas-anz.org/about-us>.

²³ Issued by the International Maritime Organization in 1978; main revisions in 1995 and 2010.

[http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Standards-of-Training.-Certification-and-Watchkeeping-for-Seafarers-\(STCW\).aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Standards-of-Training.-Certification-and-Watchkeeping-for-Seafarers-(STCW).aspx).

This Memorandum of Understanding shall be applicable with respect to seafarers holding Certificates of Competency issued by the one Party in accordance with the relevant provisions of the STCW Convention and serving on board ships flying the flag of the state of other Party.

Article 5. Education, training and assessment of seafarers

The Parties shall, within the framework of their national legislations, ensure that the education, training and assessment of seafarers, as required by the STCW Convention, are administrated and monitored in accordance with the section A-I/6 of the STCW Code for each type and level of training assessment involved.

Article 6. Verification of authenticity and validity

The Parties shall verify the authenticity and validity of certificates issued by the other Party through a direct request via facsimile or electronic sent to that other Party. The request shall include personal details of the holder (name, surname, date of birth) and details of the certificate in question (type of certificate, serial number, place of issue and date of issue). The Party which issued the certificate shall communicate its response via facsimile or electronic mail within seven (7) working days from the date of receiving such a request.

Article 7. Visit to the training facilities and acquaintance with procedures

1. Representatives of the Parties may, in accordance with the provisions of regulation I/10 of the STCW Convention and with the consent of the Party which issued the certificate, visit each other's countries in order to become acquainted with the training facilities, as well as with procedures and regulations which have been approved or adopted by the Party which issued the certificate with regard to the issuance of certificates concerning the following:

- a. capacities of the Party in the field of implementation of the STCW Convention, as well as maritime education and training facilities;
- b. standards of issuing competency certificates;
- c. the issuance endorsement, revalidation and revocation of certificates;
- d. record-keeping;
- e. standards for medical fitness;
- f. communication and response process to request for verifications.

2. The Party having carried out the visit shall communicate the results of the evaluation carried out pursuant to the provisions of the paragraph 1 of Article 7 of this Memorandum of Understanding to the Party which issued certificate within three months from the completion of the visit.

Source: https://www.ardda.gov.az/uploads//images/qanunvericilik/Eng/Int_agr/Korea.pdf.

2.3 Skills mobility at regional level

Regional Economic Communities (RECs) usually envisage free circulation of persons, which implies the right to work in member states based upon the principles agreed in regional treaties. In order to allow for the effective circulation of persons, there is a need to adopt directives for implementation. These directives need to cover, among other issues, qualification and skills recognition based on common principles of equivalency.

Comparability within the same Regional Economic Community can be achieved through:

- tripartite sectoral regional-level working groups reviewing relevant qualifications across all concerned countries and agreeing on minimum standards; or
- a regional reference qualification framework, provided that all national qualifications are referenced against the regional framework, or are included in a national qualification framework that is referenced to the regional framework; or
- mutual trust in the skills development systems of other countries in the REC through a reliable quality assurance system.

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

One of the most advanced systems has been established by the European Union. The European Qualifications Framework (EQF) was adopted in 2008,²⁴ permitting the comparison of qualifications across countries and sectors. Fostered by the EQF, national qualifications frameworks (NQFs) have been developed and implemented across Europe (CEDEFOP, 2018).

²⁴ Recommendation of the European Parliament and of the Council of the European Union of 23 April 2008 (*Official Journal of the European Union*, 2008/C 111).

Similarly, other regions have developed reference qualifications frameworks, which can harmonize the qualifications within member States; these include the ASEAN Qualifications Reference Framework (AQRF), created by the Association of Southeast Asian Nations, (ASEAN)²⁵ and the Pacific Qualifications Framework (PQF) adopted by the Pacific Island Forum.²⁶

2.3.1 Job and skills matching

In the presence of effective free movement, there is the possibility to facilitate skills matching within the region by publishing in a centralized portal the job vacancies in each Member State, so that the citizens of other countries can apply (see box 15). There are also other ways in which job and skills matching could be organised, e.g. PES, PrEAs, etc.

Box 15. Facilitating job matching within the European Union

The mobility of workers within the EU can be facilitated by instruments put in place by the EU Commission, in particular:

EURES: The European Job Mobility Platform

EURES is a cooperation network among the public employment services of the EU Member States, plus Norway and Iceland. It aims at facilitating placement of jobseekers and providing matching services to European workers and employers.

The portal includes up-to-date information on living and working conditions and trends in the labour market of the EU Member States.

EURAXESS: Researchers in motion

The portal provides services to both researchers and companies or research institutes. The website presents up-to-dated information on vacancies, opportunities and fellowships throughout Europe.

Sources: <https://ec.europa.eu/social/main.jsp?catId=1160&langId=en>; <https://euraxess.ec.europa.eu/useful-information/about-euraxess>.

²⁵ Established on 8 August 1967. The Member States are: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam.

²⁶ Pacific Island Forum countries: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Marshall Islands, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu, plus Tokelau.

2.3.2 Reference systems for qualification and skills at national level in a life-long learning perspective

Training and skills strategies and policies consist of a number of building blocks. These include anticipating future skills needs; participation of social partners; sector approaches; labour market information and employment services; training quality and relevance; gender equality; broad access to training; financing training; and assessing policy performance (ILO, 2010). In recent years, national qualification frameworks (NQFs) have been seen as an instrument for harmonizing highly heterogeneous skills development systems, as well as a tool for developing lifelong learning approaches and facilitating educational mobility across the entire education and training system. More than 150 countries in the world have been developing and implementing national qualifications frameworks (CEDEFOP et al., 2019). The reasons for a country to establish a national qualifications system can be various; they include addressing the mismatch between qualifications and skills and labour market demands; building trust in the qualifications in a country to facilitate regional mobility or international labour migration; or facilitating the recognition of prior learning.

The fundamental pre-condition is that the education and TVET systems are based upon learning outcomes and that these correspond to the occupational standards requested by the labour market. This requires time, and both human and financial resources. Here, it would be important to note that skills development is also about inputs and processes, tacit knowledge, etc.

A second step is the identification of the priority sectors or levels of education to be covered, in order to decide eventually on a gradual approach in developing a qualification framework (e.g. secondary education, adult education, VET, higher education, specific economic sectors).

Another important factor is the involvement of the social partners in the qualifications and skills development process, and in the design, implementation and monitoring of the NQF. Without social dialogue, the implementation of an NQF meets substantial challenges in terms of addressing the effective labour market needs (Allais, 2010).

One possible way to involve the social partners in the qualification process is through Sector Skills Councils or Committees (SSC) (e.g. in Ghana, India, Nigeria, Senegal). These can provide the education system with the sector's occupational standards, based on which the curricula should be developed. They also monitor that the outcomes of the education systems (what is being delivered in terms of training) correspond to the standards.

It is possible to have more than one NQF in a country (e.g. for TVET (see box 16), for higher education, etc.). There is a certain tendency to establish one integrated NQF either encompassing all the qualifications or creating a reference for the different qualifications frameworks and systems. The latter is the solution chosen for the European Qualification Framework, which is an umbrella tool for the common reference of all frameworks and systems within the European Union.

Box 16. Nigerian Skills Qualification Framework (NSQF)

The Nigerian Skills Qualification Framework (NSQF) formerly National Vocational Qualification Framework (NVQF), is a system for the development, classification and recognition of skills, knowledge and competencies acquired by individuals, irrespective of where and how the training or skill was acquired. The framework allows for:

- a. promoting lifelong learning;
- b. ensuring quality assurance and recognition of non-formal and informal learning.

The framework is articulated in six levels and is based upon the National Occupational Standards, which set the competencies that a worker should demonstrate at the workplace. They are agreed by the employers and other stakeholders and approved by the National Board for Technical Education (NBTE). The occupational standards are developed by the Sector Skills Councils (in engineering, building, hospitality and tourism, automotive industry). Training complying with the occupational standards is delivered by 600 centres accredited by awarding bodies approved by the NBTE.

The Sector Skills Committees ensure that the qualifications correspond to the needs of the labour market in the specific economic sectors. In practice, most of the training centres use a theoretical approach rather than practical training, due to lack of equipment and the limited involvement of enterprises. An additional challenge is the large informal sector.

Source: <https://net.nbte.gov.ng/nsqf>.

When analysing the education system of a country, it is important also to collect in-depth information on the existing qualification systems, including governance, structures, quality assurance mechanisms, links with the labour markets, etc. (see box 17).

Box 17. Questionnaire on national qualification systems

Country:

- What does the country's national qualification system look like?

- At what level in the system are TVET qualifications delivered?
- If an NQF exists, for which sectors (national, TVET, higher education, sectors, etc.) and what are the levels and descriptors?
- How are social partners involved in the governance and implementation of the national education and training system(s)?
- In case a Regional Qualification Framework exists, are national qualifications aligned to it? If not, why?

2.3.3 Addressing skills shortages in crisis situations – lessons from COVID-19 pandemic

It is widely recognized that development and economic growth are closely linked to having healthy population – e.g. one additional year of life-expectancy could raise GDP per capita by around 4 per cent (WHO, 2016). Strengthening health systems has important multiplier effects towards fostering inclusive societies, including through creation of decent and productive jobs. In recent decades, the healthcare sector has been under increasing pressure of labour shortages in both developed and developing countries. The current COVID-19 pandemic has challenged even the health systems of countries that have health staff above the global average of 174 per 10,000 people (e.g. Austria, Germany, Italy, South Korea) (ILO, n.d.).

The COVID-19 has made clear that the globalisation also implies that countries are prepared to deal with similar situations in the future by reinforcing public health monitoring and fast intervention mechanisms. As a result, the already existing shortages for health personnel might grow even further. On the basis of 165 countries from the WHO Global Health Observatory, Liu et al. (2017) forecast that by 2030, global demand for health workers will go up to 80 million workers, while the supply is projected to reach 65 million over the same period, causing a gap of 15 million health workers.

This demand could be partially addressed by increasing the national supply of health workers. In addition, it is also possible to negotiate BLMAs for the fair recruitment of migrant health workers in order to contribute to addressing shortages in the health sector. If adequately designed, BLMAs could be used to protect the rights of migrant health workers, including through providing access to skills and qualification recognition process, thus preventing brain waste and brain drain.

On formulating BLMAs in the health sector, governments should be guided by the Nursing Personnel Convention, 1977 (No. 149), and its Recommendation, 1977 (No. 157), which outline key labour standards, taking into account the special nature of nursing

work. In this context, it is also important to mention the WHO Global Code of Practice on the International Recruitment of Health Personnel (2010), which indicates voluntary principles and practices for the ethical international recruitment of health personnel. It provides reference to qualifications and skills with regard to equality in treatment and access to training opportunities.

Many of the health professions are governed by legal acts, requiring registration and certification in order to practice the profession. The state may require an individual to register with a relevant national or sector-based body and may request a fee, thereby allowing for some general oversight of who is practising in a specific area. Certification also requires an individual to pass some form of examination in order to demonstrate that they have obtained a necessary level of competence. The most stringent form of regulation is licensing, which includes all of the above-mentioned prerequisites for those practising an occupation and specifically excludes anyone not licensed from practicing the occupation (Popova, 2019).

BLMAs could stipulate the recognition and training arrangements to be applied along the specific migration corridor covered by the agreement, including for regulated professions, e.g. medical doctors, nurses. The national procedures governing regulated professions in destination countries will not change, however the potential migrant health workers will receive support for preparing examination, certification and registration through the BLMAs

The timely conclusion of agreements in the health sector could ensure the possibility for rapid and effective action in situations such as COVID-19, without depriving countries of origin of their much needed health personnel.

3. International standards and guidance

The main sources of guiding principles on qualifications and skills at international level can be derived from international labour standards and other international guidelines. The UN Network on Migration Technical Working Group 4 on BLMAs is currently developing global guidance on BLMAs, where skills recognition and development should be part of the core elements.

3.1 At general level

The ILO Multilateral Framework on Labour Migration (ILO, 2006) contains non-binding principles and guidelines for a rights-based approach to labour migration. Its main scope is to assist governments, social partners and other stakeholders in their efforts to govern labour migration and protect migrant workers, and among others also makes a reference to skills-related issues. In particular:

Guideline 12.6: “promoting the recognition and accreditation of migrant workers’ skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized;”

Guideline 15.7: “adopting measures to mitigate the loss of workers with critical skills, including by establishing guidelines for ethical recruitment;”

Guideline 15.9: “facilitating the transfer of capital, skills and technology by migrant workers, including through providing incentives to them; ...”

The General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO GATS Mode 4) covers, among other topics, the temporary movement of service providers, especially highly skilled workers (managers, executives, specialists). These persons need to have access to the labour markets of other countries, and possibly to the recognition of their qualifications. The GATS Article VII encourages bilateral or multilateral agreements on qualification recognition and asks that the WTO be notified of such agreements in order for other Member States to negotiate similar arrangements.²⁷ Further, point 5 in Article VII states that:

²⁷ http://www.wto.org/english/tratop_e/serv_e/gatsintr_e.htm.

Wherever appropriate, recognition should be based on multilaterally agreed criteria. In appropriate cases, Members shall work in cooperation with relevant intergovernmental and non-governmental organizations towards the establishment and adoption of common international standards and criteria for recognition and common international standards for the practice of relevant services trades and professions.

3.2 Higher education

The recognition of higher education studies and qualifications is regulated at regional and inter-regional levels by Conventions promoted by UNESCO (see Annex 1). The regional approach might be replaced by the Global Convention on the Recognition of Higher Education Qualifications, adopted in November 2019 by the Assembly of UNESCO.²⁸ It aims at reducing the obstacles faced by students, teachers, researchers and jobseekers outside their countries of origin.

Information on academic mobility and recognition is provided by the ENIC-NARIC networks.²⁹

3.3 Skills development

The ILO Human Resources Development Convention, 1975 (No. 142) promotes in Article 1 (1) the design and implementation of

comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services.

The Employment Policy Convention, 1964 (No. 122) requires the adoption of an active policy designed to promote full, productive and freely chosen employment, which shall aim at ensuring, among others, that there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his or her skills and endowments in a job for which he or she is well suited, "*irrespective of race, colour, sex, religion, political opinion, national extraction or social origin*" (Article 1(2)(c)).

²⁸ <https://en.unesco.org/news/what-global-convention-higher-education>.

²⁹ <http://www.enic-naric.net/>.

The Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169) provides in para. 42 that:

developing emigration countries, in order to facilitate the voluntary return of their nationals who possess scarce skills, should (a) provide the necessary incentives; and (b) enlist the co-operation of the countries employing their nationals as well as of the International Labour Office and other international or regional bodies concerned with the matter.

The Maritime Labour Convention, 2006, as amended (MLC, 2006), includes in Regulation 2.8 provisions to promote career and skill development and employment opportunities for seafarers, which could usefully serve as an example for the development of BLMAs.

The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), in Part IV, para. 15 (e) indicates "*labour migration policies that take into account labour market needs and promote decent work and the rights of migrant workers;*" and in para. 15 (f):

education and skills development policies that support lifelong learning, respond to the evolving needs of the labour market and to new technologies, and recognize prior learning such as through informal apprenticeship systems, thereby broadening options for formal employment.

3.4 Skills recognition

The ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) specifies in Article 14(b) that a country may, following previous consultation with employers' and workers' organizations, adopt regulations for the recognition of occupational qualifications held by migrant workers and acquired abroad, including certificates and diplomas.

The ILO Human Resources Development Recommendation, 2004 (No. 195) indicates in Part VI, para. 12 that "*Special provisions should be designed to ensure recognition and certification of skills and qualifications for migrant workers.*" The same Recommendation at para. 21 (f) pledges that international cooperation should "*promote recognition and portability of skills, competencies and qualifications nationally and internationally*".

On the specific aspects linked to the mobility of nurses, the ILO Nursing Personnel Recommendation, 1977 (No. 157) foresees, in paragraph 66, that:

Foreign nursing personnel should have qualifications recognised by the competent authority as appropriate for the posts to be filled and satisfy all other conditions for the practice of the profession in the country of employment; foreign personnel participating in organised exchange programmes may be exempted from the latter requirement” and that “Foreign nursing personnel with equivalent qualifications should have conditions of employment which are as favourable as those of national personnel in posts involving the same duties and responsibilities.

The Domestic Workers Recommendation, 2011 (No. 201) requires in para. 25 that:

Members should, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, establish policies and programmes, so as to ... encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate, in order to enhance their professional development and employment opportunities.

The ILO *General principles and operational guidelines for fair recruitment* (ILO, 2019c) indicate in General Principle 4 that:

Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications;

and in Operational Principle 4.4 that:

Governments should also consider adopting mutual recognition agreements to facilitate recognition of foreign qualifications in order to address brain waste and de-skilling.

3.5 Pre-departure training

According to Article 9 of the Model Agreement annexed to the Migration for Employment Recommendation (Revised), 1949, No. 86:

the parties shall co-ordinate their activities concerning the organisation of educational courses for migrants, which shall include general information on the country of immigration, instruction in the language of that country, and vocational training.

3.6 Skills gaps in the origin countries

To reduce the negative impact of loss of skilled workers due to migration, ILO Recommendation No. 195 states in para. 21(a) that International and technical cooperation should:

develop mechanisms ... including strategies to strengthen the human resources development systems in the countries of origin, recognizing that creating enabling conditions for economic growth, investment, creation of decent jobs and human development will have a positive effect on retaining skilled labour.

3.7 Skills matching

ILO Recommendation No. 86, para 10(b) suggests the adoption of measures that can facilitate migration, including:

to ensure, where necessary, vocational training so as to enable the migrants for employment to acquire the qualifications required in the country of immigration.

3.8 Equal treatment and access to education by migrants

Article 17(2) of the Model Agreement annexed to Recommendation No. 86 provides:

equality of treatment shall apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within the territory of immigration ... in so far as such matters are regulated by laws or regulations or are subject to the control of administrative authorities ... admission to schools, to apprenticeship and to courses or schools for vocational or technical training, provided that this does not prejudice nationals of the country of immigration.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Article 43, states that:

1. *Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to:*
 - a) *Access to educational institutions and services subject to the admission requirements and other regulations of the institutions and services concerned,*

- b) *Access to vocational guidance and placement services,*
- c) *Access to vocational training and retraining facilities and institutions.*

3.9 Bilateral and multilateral negotiation on skills

To facilitate the mobility of nurses, respectful of the professional characteristics of these workers, ILO Recommendation No. 157 suggests in para. 62 that:

In order to promote exchanges of personnel, ideas and knowledge, and thereby improve nursing care, Members should endeavour, in particular by multilateral or bilateral arrangements, to

- a) *harmonise education and training for the nursing profession without lowering standards.*
- b) *lay down the conditions of mutual recognition of qualifications acquired abroad.*
- c) *harmonise the requirements for authorisation to practice.*

And in para. 64:

Nursing personnel undergoing education or training abroad should be able to obtain appropriate financial aid, on conditions to be determined by multilateral or bilateral agreements or national laws or regulations.

The Agreements need to be based upon reliable and detailed information on recruitment procedures, labour market, economic and sector needs. In this respect, the ILO Migration for Employment Convention (Revised), 1949, No. 97 prescribes in Article 1 that:

Each Member of the International Labour Organisation for which this Convention is in force undertakes to make available on request to the International Labour Office and to other Members:

- a) *information on national policies, laws and regulations relating to emigration and immigration;*
- b) *information on special provisions concerning migration for employment and the conditions of work and livelihood of migrants for employment;*
- c) *information concerning general agreements and special arrangements on these questions concluded by the Member.*

3.10 Fair recruitment

The ILO *General principles and operational guidelines for fair recruitment* (ILO, 2019c) indicates in General Principles 7 that:

No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.

According to the definition of recruitment fees and related costs in Part IIB, para. 12 (p. 26):

When initiated by an employer, labour recruiter or an agent acting on behalf of those parties; required to secure access to employment or placement; or imposed during the recruitment process, the following costs should be considered related to the recruitment process:

....

*iii. **Costs for skills and qualification tests:** costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing;*

*iv. **Costs for training and orientation:** expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers ...*

4. Financing skills through bilateral labour migration agreements

4.1 Skills funding mechanisms

In many countries, bilateral labour migration agreements can benefit from an existing levy system to finance skills development. For instance, financing skills development is ensured through a specific levy such as the Skills Development Levy in South Africa (see box 18). In other countries such as Italy, the levies are included in the sector collective bargaining agreements and the funds managed directly by bilateral bodies made up of employers' and workers' organizations representatives (see box 19).

Box 18. Skills Development Levy in South Africa

A levy of 1 per cent is applied on the total amount of salaries paid by employers. The funds are paid to the South African Revenue Services (SARS) and are used to develop and improve the skills of employees.

The levies paid to SARS are put in a special fund and are divided as follows:

- 80 per cent distributed to the different Sector Education and Training Authorities (SETAs);
- 20 per cent paid to the National Skills Fund.

SETAs finance the Work Skills Plans prepared by the employers, while the National Skills Fund supports skills development projects that do not fall under the SETAs, such as: training needs of the unemployed, non-levy-paying cooperatives, non-governmental organizations (NGOs), community structures and vulnerable groups, strategic partnerships and innovation in project delivery, etc. They contribute significantly to raising the education and training level in the country, and promoting equity.

Source: <https://www.westerncape.gov.za/service/sector-education-and-training-authorities-setas-and-skills-levy>.

Box 19. Bilateral entities in Italy

In line with the ILO Human Resources Development Recommendation, 2004 (No. 195), according to which skills development is a shared responsibility of government together with employers' and workers' organizations, Italy presents an interesting

practice of good cooperation based on sector bilateral bodies. According to the Italian labour legislation, employers' and workers' organizations can negotiate within the collective agreements in some economic sectors (e.g. tourism, construction, agriculture) that one part of the salary goes as contribution for workers' services, including training. This contribution is not managed by the public social insurance institutions, but delegated to specific joint bilateral agencies established by workers and employers' organizations.

Sources: <https://www.camera.it/parlam/leggi/030301.htm>;
<https://www.camera.it/parlam/leggi/deleghe/03276dl.htm>.

A good example in ECOWAS is offered by the Industrial Training Fund established in Nigeria and financed by a levy of 1 per cent of the total annual payroll of the employers (see box 20).

Box 20. The Industrial Training Fund in Nigeria

The Industrial Training Fund (ITF) was established by Decree No. 47 of 8 October 1971. Employers with five or more employees, as well as those having fewer than five employees but with a turnover of 50 million Naira (NGN) and above per annum, have the obligation to contribute to the Fund. The ITF sets training standards in all sectors of the economy, monitors adherence, evaluates and certifies vocational skills, and provides training.

Source: <https://www.itf.gov.ng/>.

It should be noted that the levy system is hardly applicable in countries where the economy is overwhelmingly informal and social partnership is not effective.

4.2 In bilateral labour migration agreements

4.2.1 Joint collaboration efforts between countries of origin and destination

Countries of origin and destination can include provisions to finance skills development within BLMAs, yet the exact modalities will be part of the negotiating process. The country of destination agrees to provide technical assistance and finance to train potential migrants for specific skills in the country of origin, *prior to migration*. The country of origin agrees to provide that training and receives support for increasing its human capital by also training nationals.

An example of bilateral cooperation in the areas of skills with shared financial responsibility is the MoU between Australia and Indonesia on a Skills Development Exchange Pilot Project (see box 21). In this case, all costs deriving from the pilot project are borne by the companies concerned.

Box 21. Memorandum of Understanding on the Indonesia–Australia Skills Development Exchange Pilot Project, 4 March 2019 (extracts)

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

3.3 The cooperative intent outlined in this MOU reflects Australia and Indonesia's shared desire to:

- i. facilitate exchanges to share skills and practical work experience between Indonesia and Australia;
- ii. strengthen understanding of business, government and cultural practices in Indonesia and Australia;
- iii. strengthen cooperation between Indonesian and Australian government agencies on collaborative skills development;
- iv. and enable business to provide targeted workplace-based training and experience to employees in both Indonesia and Australia to improve skills competencies.

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

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

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

4.2.2 Financing by employers in the destination countries

When the BLMA addresses skill needs in the destination countries, employers that will recruit migrant workers can be requested to cover the related costs. As in the example of the Triple Win Project (see box 6 in section 1 above), the employers cover all costs linked to recruitment, pre-departure training (language, cultural orientation and technical training), as well as the costs of recognition of the qualifications and for further language skills training.

4.2.3 Shared costs for skills development between origin and destination countries

The costs for the implementation of the BLMA, if not otherwise mentioned in the agreements, are usually shared by the two countries involved. Accordingly, the origin country is deemed to bear the costs for the activities to be implemented before departure of the migrant workers, and the destination country will take on board the costs from the moment of their arrival. This partition of financial responsibilities is clearly indicated in the general agreement between Jordan and Nepal (see box 22).

Box 22. General Agreement in the field of manpower between the Government of the Hashemite Kingdom of Jordan and the Government of Nepal (18 October 2017)

Article 4. Responsibilities of the First Party

The First Party shall:

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

Article 5. Responsibilities of the Second Party

The Second Party shall:

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

Article 9. Training and Orientation

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

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

5. Policy recommendations on how the guidelines for skills modules in BLMAs can apply to the ECOWAS

5.1 Recommendations for the potential implementation of skills modules in BLMAs in the Regional Economic Community

Regional Economic Communities operate mainly in designing, supporting and monitoring multilateral agreements that can guide the Member States in harmonized implementation of employment and education systems. While the role of RECs has already been illustrated in general terms in the present paper, this section focuses on the specific role of the ECOWAS and its Member States in the management of skills-related issues using BLMAs. Here, it is important to note that the ECOWAS region has a free movement regime in place, so would probably rather seek to enter into BLMAs with countries outside the subregion.

5.1.1 Skills portability, facilitated by multilateral agreements

It is necessary that the REC establish, according to the statutory procedures foreseen in its constitutive treaties, the following framework mechanisms:

1. Create a Regional Qualification Framework and Regional Quality Assurance rules that can allow the national qualifications produced in the Member States to establish a common reference.
2. Provide assistance to the Member States in the alignment of their quality assured qualifications included in the national qualifications systems.
3. Establish a roadmap for full alignment of the national qualifications systems with the Regional Qualification Framework. Due to the diverse stages of development of the national education and TVET systems, the solution proposed by SADC might be adopted with a two-speed approach: the reform starts with the countries that are ready to implement it and the others follow when ready.
4. Refresh and make operational the 2002 General Convention on the Recognition and Equivalence of Degrees, Diplomas, Certificates and other Qualifications in Member States.

5. Support the ratification and implementation of the Addis Ababa Convention 2014 modifying the Arusha Convention 1981 on the recognition of higher education diplomas.
6. Promote the recognition of higher education (HE) qualifications using the CAMES accreditation so that the HE institutions of the seven non-French-speaking countries of ECOWAS may benefit from the recognition of their diplomas, overcoming the language barriers.
7. Establish a common methodology for the formalization of informal learning. This is an important step, considering the very large percentage of informal work in the region.
8. Provide technical assistance and capacity-building training for the Member States to enhance the negotiating capacity among themselves for the effective implementation of the principles agreed at regional level, and also to use these for labour migration agreements with countries outside the region.
9. Involve social partners at all stages of policy design, implementation and monitoring.

5.1.2 Labour market and migration information systems in support of BLMAs

Anticipating the skills that will be needed in the future by the labour market, and therefore providing the necessary information so that the education and TVET systems can orient their skills delivery, require well-established and functioning labour market and migration information systems (LMMIS). Other users include policy-makers, who need such information in order to be able to adopt evidence-based decisions, and design and implement adequate BLMAs; workers, who can reorient their profiles toward those that are or will be on demand in the country and in the region, and subject to possible BLMAs with countries outside the ECOWAS subregion; and also families, in choosing education and training solutions appropriate for the future of their children.

In that respect, it is suggested that the REC should:

1. Establish a regional coordination LMMIS with the scope of collecting and analysing data that Member States will collect based upon agreed indicators.
2. Provide technical assistance to its Member States for the harmonization of data collection and analysis.
3. Coordinate efforts with UEMOA and its labour market and training observatories.

5.2 Recommendations to the ECOWAS Member States

The adoption of regional policies and tools will need to be harmonized with migration policies at the national level. Mirroring the recommendations for the ECOWAS, the following might be useful for all Member States:

1. Countries should enhance their National Qualification Systems, and quality-assure them, in the perspective of the development of the Regional Qualification Framework.
2. For those countries that have a qualification framework, such as Nigeria and Ghana, there is a need to adopt initiatives that facilitate skills mobility and thereby enhance the effective implementation of the Free Movement Protocol. To achieve this result, it is necessary that the two countries establish the equivalence of qualifications. They could sign a MoU in which will be indicated the sectors and qualifications to be compared, the methodology to be used, e.g. by appointing a joint working group. The MoU needs also to indicate how the equivalence will become operational within the territories of the two countries (legal and administrative rules).
3. Each country might need to negotiate labour migration agreements outside the ECOWAS region (see table 2).

Table 2. Skills aspects to be regulated throughout BLMAs: Selected examples

Skills-related aspects	Possible contents of the agreements	Examples
Pre-departure training	Language Cultural orientation	Box 1. German–Moroccan cooperation in hospitality sector Box 2. Safe bridges for migrant workers: Pilot initiatives in Moldova and Ukraine” Box 6. “Triple win project” Box 9. Pre-departure Italian language courses for Filipino migrant workers Box 22. MoU between Jordan and Nepal
Skills development	In the country of origin In the country of destination Mutual	Box 1. German–Moroccan cooperation in hospitality sector Box 8. Tools for bilateral cooperation among workers’ organizations Box 11. Implementation Protocol of the Agreement Between the Government of the Republic of Moldova and the Government of the

		Italian Republic on Labour Migration (2011)
Recognition of qualifications and skills	Mutual recognition Preparation of the recognition before the departure Modalities for the recognition in the destination countries	Box 3. Recognition Agreement of African French speaking countries (CAMES) Box 4. Migration Agreement Between the Republic of Argentina and Ukraine (29 April 1999) Box 6. "Triple win project" Box 13. Agreement between the Government of the French Republic and the Government of Quebec on occupational mobility and the integration of migrants, signed in Paris on November 26, 2010)
Skills matching	Before the departure (recruitment procedures) Pre-departure technical training Assessing the gaps in the destination countries Training provisions for recovering the gaps in the destination countries	Box 6. "Triple win project" Box 12. Agreement for Assistance and Cooperation in Migratory Matters between Colombia and Peru (6 March 2012)
Skills mobility	Assessment of the equivalence of qualifications Modalities for making effective the equivalence (legal and administrative settlements)	Box 5. Free movement of professionals in Europe Box 15. Facilitating job matching within the European Union
Financing	Skills development Qualification and skills recognition	Box 21. Memorandum of Understanding on the Indonesia-Australia Skills Development Exchange Pilot Project (4 March 2019) Box 22. MoU between Jordan and Nepal

4. Enhance monitoring and evaluation capacity by establishing national labour market and migration information systems in line with ECOWAS directives.
5. Countries which are not members of CAMES could use the recognition system for higher education through the assessment mechanisms available not only to the member countries but also to others.

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Annex 1. Glossary

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

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

operations or to arrange United Nations conferences. (UN, 2012, p. 68)

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

Situation where an individual does not have the level of skills required to perform his or her job adequately. (CEDEFOP, 2014)

Skill level	A function of the complexity and range of tasks and duties to be performed in an occupation.
Skill recognition	The evaluation and recognition of credentials and skills earned outside the country of employment (in the case of migrants), or country of origin (in the case of returning migrants). Recognition of qualifications covers both academic and professional titles, while professional recognition covers regulated and non-regulated professions. (ILO, 2014)
Validation of prior learning	Process of identifying, documenting, assessing and certifying formal, non-formal and/or informal learning against standards used in formal education and training. Thus, RPL provides an opportunity to people to acquire qualification or credits for a qualification or exemptions (of all or part of the curriculum, or even exemption of academic pre-requisite to enter a formal study programme) without going through a formal education or training programme. (ILO, 2018b)

Annex 2. Regional Conventions on the recognition of higher education qualifications

Region	Agreement	Place and date of issue
African States	Revised Regional Convention (2014) The revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States	Addis Ababa, 12 December 2014
	African States - Regional Recognition Convention (1981) The Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and others Academic Qualifications in Higher Education in the African States	Arusha, 5 December 1981
Arab States	Arab States - Regional Recognition Convention (1978) The Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the Arab States	Paris, 22 December 1978
Asia and the Pacific	Asia-Pacific Regional Convention (2011) Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education	Tokyo, 26 November 2011.
	Asia and the Pacific - Regional Recognition Convention (1983) The Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific	Bangkok, 16 December 1983
Europe	European Regional Convention - Lisbon Recognition Convention (1997) The Convention on the Recognition of Qualifications concerning Higher Education in the European Region	Lisbon, 11 April 1997
	Europe - Regional Recognition Convention (1979)	Paris, 21 December 1979

	The Convention on the Recognition of Studies, Diplomas, and Degrees concerning Higher Education in the States belonging to the Europe Region	
Latin America and the Caribbean	Latin America and the Caribbean - Regional Recognition Convention (1974) The Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean	Mexico City, 19 July 1974
Mediterranean Region	Mediterranean Region - Inter-Regional Recognition Convention (1976) The International Convention on the Recognition of Studies, Certificates, Diplomas and Degrees in Higher Education in the Arab and European States bordering on the Mediterranean	Nice, 17 December 1976

Source: UNESCO.

Annex 3. ISCO and ISCED classifications

The International Standard Classification of Occupations (ISCO)

Launched by the ILO in 1957, and maintained since that date, the most recent ISCO classification was published in 2008 (ISCO-08). Occupations are grouped according to the tasks and duties undertaken. The classification is organized in four levels, from the general (Major Groups as in table 1) to others more detailed: Sub-Major Groups – 2 digits; Minor Groups – 3 digits; and Unit Groups – 4 digits).³⁰

Based upon the complexity of the tasks, the occupations have been grouped in four skill levels (see table 1). These are then linked to the education levels according to ISCED (1997, updated 2013) (see table 2).

ISCO-08 Major Groups	Skill level
1 Managers	3 + 4
2 Professionals	4
3 Technicians and Associate Professionals	3
4 Clerical Support Workers 5 Services and Sales Workers 6 Skilled Agricultural, Forestry and Fishery Workers 7 Craft and Related Trades Workers 8 Plant and Machine Operators, and Assemblers	2
9 Elementary Occupations	1
0 Armed Forces Occupations	1 + 2 + 4

Source: ISCO-08: Conceptual framework, Annex 1, p. 5.

³⁰ <https://www.ilo.org/public/english/bureau/stat/isco/isco08/index.htm>.

The International Standard Classification of Education (ISCED)³¹

Developed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to facilitate comparisons of education statistics. The classification in the 1997 version, updated in 2013 (ISCED-F 2013), is organized in eight levels (see table 2). The ISCO and ISCED classification systems are interlinked (last column in table 2).

Table 2. Mapping of the ISCO-08 skill levels to ISCED levels of education

ISCED-97	ISCED-F 2013	ISCO-08 skill level
6 Second stage of tertiary education (leading to an advanced research qualification)	8 Doctoral	4
5a First stage of tertiary education, 1st degree (medium duration)	7 Master 6 Bachelor	
5b First stage of tertiary education (short or medium duration)	5 Short cycle tertiary education	3
4 Post-secondary, non-tertiary education	4 Post-secondary, non-tertiary education	2
3 Upper secondary level of education	3 Upper secondary level of education	
2 Lower secondary level of education	2 Lower secondary level of education	
1 Primary level of education	1 Primary level of education	1

Sources: ISCED-F 2013; ISCO-08.

³¹ <http://uis.unesco.org/en/topic/international-standard-classification-education-isced>.

