

# PRO-WORKER CLIMATE MIGRATION POLICY FRAMEWORK



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# EXECUTIVE SUMMARY

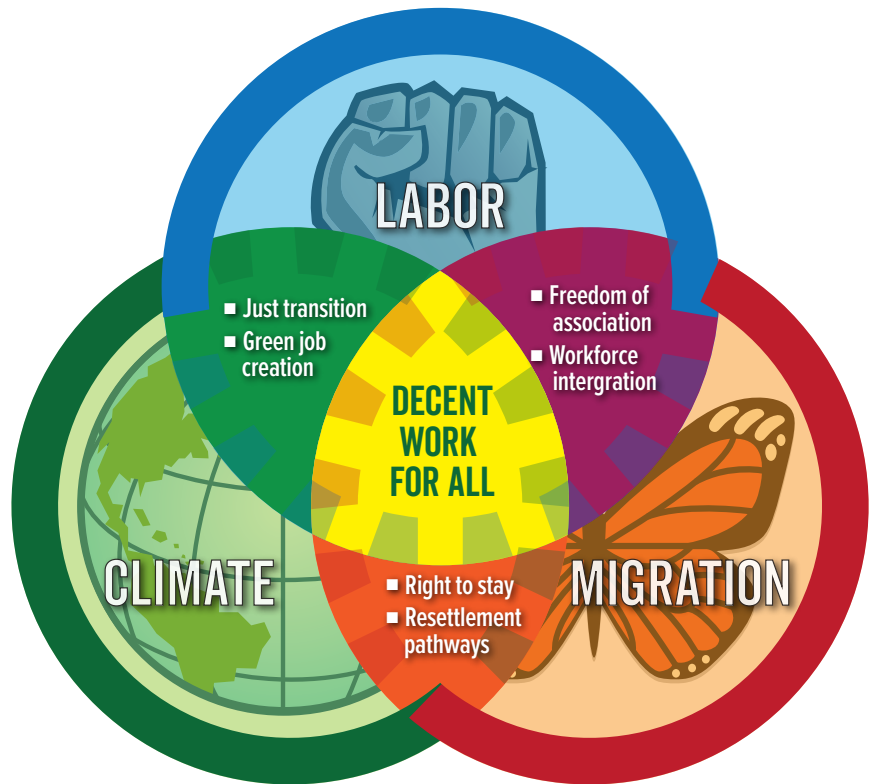
Globally, climate change already is driving large-scale human displacement within and across borders, and projections suggest that by 2050 there may be 1.2 billion climate migrants.<sup>1</sup> How the world responds will be a defining issue of this century. After long experience with the devastating impact of corporate-driven climate, migration and labor policies, unions are calling for a new, coherent approach that centers on the rights and needs of workers and their families.

This report outlines solutions at the intersection of climate, migration and labor policy that will help mitigate potentially dire human consequences of escalating climate-driven displacement. Unions amplify our call for policies that expand access to good clean energy jobs, enable more people to stay in their home countries, protect the lives and rights of people who are forced to move across borders, and prevent employers from pitting workers against one another to drive down standards for all.

Governments must work with and through the International Labor Organization (ILO) to address climate migration in ways that promote decent work for all in countries of origin, transit and destination. Defining elements of a pro-worker policy framework include:

- Equal and enforceable rights for all workers, regardless of immigration status, including the enabling right to freedom of association and collective bargaining.
- A true just transition to a clean energy economy, with workers and their unions at the table to help shape it.
- Investment in high-quality, green job creation that expands opportunity in countries of origin, transit and destination.
- Promotion of climate mitigation and decent work strategies that support the right to stay for populations at risk of displacement.
- The expansion of permanent, rights-based, humanitarian pathways that allow displaced migrants to permanently resettle with their families.
- Inclusive workforce development and integration strategies that help empower migrants and promote economic growth with equity.

**THIS IS A BLUEPRINT FOR CLIMATE JUSTICE, MIGRANT JUSTICE AND WORKER JUSTICE.**



*To begin to bring its policies into alignment with this framework, unions call on the U.S. government to:*

**STRENGTHEN LABOR LAWS AND HOLD EMPLOYERS ACCOUNTABLE.** The transition to a clean energy economy must produce good, safe union jobs that pay a family-sustaining wage. To achieve this, we must ensure adequate funding for labor standards oversight; protect workers who are organizing and speaking up to enforce our labor laws; and shift enforcement priorities to protect workers, rather than punish migrants.

**REGULARIZE THE STATUS OF OUR CURRENT IMMIGRANT WORKFORCE.** As part of a just transition, we must utilize all available legislative and administrative tools to address the pressing needs and acute exploitation of millions of migrant workers who help fuel our economy but lack formal status. As we keep up the long-term fight for a broad path to citizenship, expansive use of Temporary Protected Status and Deferred Action will help to lift wages and working conditions, remove barriers to freedom of association and reunite families.

**EXPAND AND ENHANCE HUMANITARIAN PATHWAYS AND PROTECTIONS.** In the context of escalating mass human displacement, it is imperative to increase resettlement commitment and capacity. By welcoming more refugees, asylum seekers and climate migrants and effectively integrating them into the workforce, we also can promote economic growth and support the transition to a clean energy economy.

**REFORM EXISTING WORK VISA PROGRAMS, AND DON'T CREATE NEW ONES.** After decades of experience with the abusive model of guestworker programs that degrade labor standards and constrain the rights of migrant and U.S. workers alike, we must reduce rather than deepen our nation's reliance on this exploitative model. Unions oppose efforts to use new or existing work visa pathways to fill positions created by federal investment in the clean energy economy, and instead call for inclusive workforce development strategies that intentionally include and support immigrant workers.

**SUPPORT A ROBUST ROLE FOR UNIONS AT HOME AND ABROAD.** President Biden has shown a strong commitment to worker organizing and empowerment, and migration policies must align with and support this key priority. The administration should work with the ILO to remove barriers to freedom of association and collective bargaining and engage with workers and unions in the development of climate adaptation and mitigation policies, as well as in workforce integration strategies for migrants.

Workers and their unions are ready to help shape and drive climate action that advances shared prosperity, and we understand that responses to escalating climate displacement must be part of the just transition agenda. However, when migration policies are structured to serve corporate interests, workers of all backgrounds lose, and the task to build support for welcoming policies becomes harder. In order to meet the humanitarian imperatives of our time, we must reject low-wage labor and migration policy, and chart a course forward that truly does respect and protect all working families.

## THE STAKES ARE HIGH

Establishing a coherent, pro-worker climate migration framework will help all of us—and failure to do so puts us all at risk. The proven reality is that without adequate guardrails, employers take advantage of migrant workers' precarious status to cut wages and lower standards. Escalating levels of climate displacement only will exacerbate such vulnerabilities.

Decades of allowing corporations to dictate the terms of labor, migration and environmental policy have resulted in destabilizing levels of inequality, record corporate profits, and rampant exploitation of land and labor. Failure to reverse these trends will lead to mounting human consequences and increasingly dangerous and unfair conditions for *all* workers.

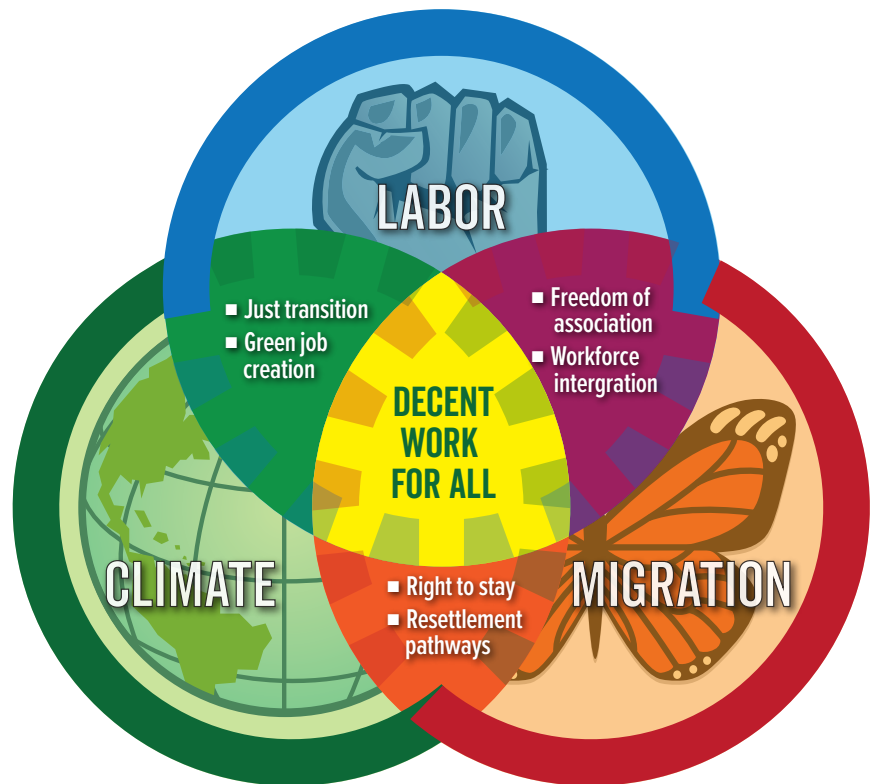
The impact of failed policies is evident around the world, including in the United States, where an increase in regional climate displacement coupled with inadequate humanitarian pathways and underfunded labor agencies have coalesced to enable the unthinkable—the resurgence of child labor exploitation in the 21st century.

# OUR GLOBAL FRAMEWORK

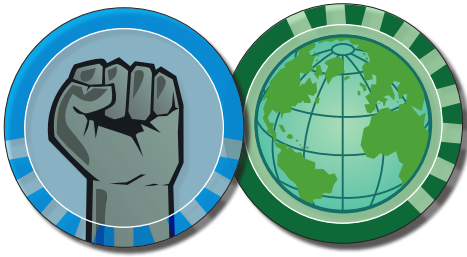
Unions advocate on the premise that we can build a migration system that meets pressing human needs and strengthens rights and standards for all, rather than increasing the vulnerabilities workers face in a corporate-driven global economy on a rapidly warming planet. To do that, climate migration policy must be embedded in a broader economic and social justice agenda. Meaningful migration reform is an essential part of the larger structural change we need to create an economy that respects and protects working people and promotes democracy in the workplace and the community.

The Venn diagram at right illustrates the policy spheres that must come into alignment to generate pro-worker outcomes in the context of escalating climate-driven displacement. Unions stand ready to work with lawmakers to advance real solutions that will help slow the pace of climate change, build resilience for climate-impacted communities, ensure adequate humanitarian protections and lift labor standards across our industries. Now is the time to finally put a check on corporate power and prioritize access to decent work for all. In doing so, we can advance a new social contract that ensures equality, inclusion, climate-friendly jobs, living wages, rights for all workers and universal social protection.<sup>2</sup>

This is a blueprint for climate justice, migrant justice and worker justice. Our policy framework outlines an approach that would, on the one hand, address adverse impacts of climate change to enable more people to stay in their home countries, and on the other hand, protect the rights and dignity of people who are forced or compelled to move across borders. We detail our recommendations across key policy spheres below.







*At the Intersection of **Labor**  
and **Climate Policy**, We Call for:*

## JUST TRANSITION

Just transition requires policymakers to work with unions to ensure emerging technologies and new green industries will provide enough good jobs to replace those lost, and that workers will have effective pathways into those new careers. A true just transition approach uses the process of social dialogue to plan for a future in which everyone has social protection, all jobs are decent, greenhouse gas emissions are net neutral, poverty is eliminated, and communities are thriving and resilient.<sup>3</sup>

To achieve the political support necessary to advance clean energy strategies, governments must lead equitable and inclusive industry transition to prove to affected communities that no one will be left behind as we transform our industries. Engaging with trade unions and other civil society groups to help shape transition strategies is necessary to make good on those promises and hold governments and corporations accountable. Efforts to promote resilience and mitigate the adverse impacts of climate change also must deliberately listen and respond to the voices of those disproportionately impacted by climate change, including workers, migrants, women, indigenous people and Afro-descendant populations.

Just transition strategy must be firmly based in international human rights, as well as humanitarian and labor law. Governments should commit, explicitly, to aligning their policy frameworks with the relevant global instruments, including International Labor Organization (ILO) core conventions, the ILO Just Transition Guidelines and the migration-specific conventions.<sup>4</sup> The ILO should be seen as an anchor global institution in this work, and governments must effectively integrate decent work priorities into any just transition policy framework in order to promote equity, resilience and adaptation. Moreover, policy development models should integrate the ILO's tripartite structure of consultations (between governments, workers and employers) as a necessary vehicle for safeguarding the rights and interests of all workers, including refugees and migrants.

## GREEN JOB CREATION

The creation of decent, climate-friendly work must be an animating priority in climate mitigation and adaptation strategies. The decent work agenda is comprehensive, with four key components: standards and rights at work, employment opportunities, social protection and social dialogue.<sup>5</sup>

A constructive approach to climate migration requires an economic agenda that is expanding opportunity and lifting the floor on wages and working conditions for all. We can generate broadly shared benefits in our communities by creating stable, family-sustaining, climate-friendly jobs that also lower emissions and increase resilience. Focusing on the intersection of climate and labor policy means that governments, industry and labor must work together to promote cleaner technologies and meet climate goals—without leaving workers to bear the cost of transition and adaptation.

**JUST TRANSITION** is a process that results in a sustainable and equitable future for all working people. In a true just transition, workers and unions have a seat at the table and work with governments to shape policies that ensure no one is left behind as economies shift toward new technologies.

**DECENT WORK** means access to safe, meaningful and dignified work with fair wages, equal treatment, access to social protection and rights for all workers. Freedom of association and collective bargaining rights are key components of decent work.

Climate change already has displaced untold millions around the world, and will continue to drive more and more workers from their homes and across borders. To prevent those who have been and will be displaced from being pitted against one another, we must commit to expanding access to dignified and meaningful work for all. Creating more precarious, low-wage jobs is not going to cut it. We must find innovative ways to revitalize communities that have lost their economic base, strengthen our public services and safety net, and bring more workers into the formal economy. The pandemic helped raise awareness of the essential nature of many service, care and seasonal jobs that historically have been undervalued. These jobs also will be key to climate-resilient and thriving economies, so we must see substantial elevation in wages and working conditions in these sectors as well.

Similarly, we must insist on enforceable environmental and labor standards in trade deals and investment strategies so corporations no longer can operate in ways that speed environmental degradation, rights erosion and other factors driving workers to migrate. U.S. policy in Central America, for instance, long has pushed countries to open themselves up to low-quality investment that has at best created insecure, low-wage jobs in export-oriented industries. Closer attention to the needs and rights of workers could help lift the floor on labor standards<sup>6</sup> and create, for example, better work in more sustainable forms of agriculture, feeding local communities and not just buyers abroad.

Furthermore, as governments make overdue investments in the green transition, we must condition industry incentives on high labor standards. Growth must never come at the expense of worker rights or safety. When structured properly, economic subsidies can—and must—promote both climate change mitigation and grassroots economic development goals. Requiring clear commitments on labor standards and workers’ rights will ensure that companies sit down with unions and community organizations to promote fair and equitable workplaces, high-quality, family-supporting jobs, and the ability for employers to attract and retain a skilled, stable 21st century workforce.

Now is the time to connect good union jobs to climate solutions. We need more job creation strategies designed to build resilience and foster regenerative economies. This requires more direct government action—not just allowing companies to drive the agenda. State investment and leadership must aim to reduce destabilizing and deeply racist power and wealth imbalances by prioritizing policies that promote equity and shared prosperity.

**As governments make overdue investments in the green transition, we must condition industry incentives on **HIGH LABOR STANDARDS**. Growth must never come at the expense of worker rights or safety.**



*At the Intersection of **Climate**  
and **Migration Policy**, We Call for:*

## RIGHT TO STAY

There are many factors that force desperate people around the world to leave their homes and families. They are rarely asked what would enable them to stay. Some of the most important answers include the ability to exercise their fundamental rights, to recover from climate disasters, to rely on more resilient systems and social protections, and to access decent work that provides stable, family-sustaining jobs.

We call for meaningful strategies to address the root causes that force families to migrate as a means of survival, and for climate adaptation planning and implementation that centers on sustainable, decent work options to promote greater resilience for communities and help them prepare for future shocks. Decent work for all is both a means and an end to reduce the factors driving climate displacement. Decent work policies enshrine universal rights, generate economic growth, promote public health and social cohesion, and reduce racial, gender and status inequities that undermine our democratic institutions. These must be cornerstones of climate resilient development.

To promote the right to stay, we must focus not just on reactive short-term solutions, but on long-term planning and priority shifts that emphasize rights and resilience. This will require respect for fundamental worker rights and an end to impunity for violence against trade unionists and other civil society activists. Freedom of association, including the right to organize and collectively bargain, is crucial to enabling a just transition and greater resilience in the face of worsening climate impacts.

Governments must directly support trade unions, civil society and indigenous communities in their efforts to address the structural and societal issues driving forced migration, including climate change, rights abuses, violence and poverty. Development aid budgets must not be used as a means to compel governments to tighten borders and accept forced returns while disregarding the human rights of workers, migrants and refugees. And states and international financial institutions must reverse past practices of conditioning aid on austerity, privatization and other regressive economic policies that make it harder for workers to bargain for a just transition.

## RESETTLEMENT PATHWAYS

Globally, climate change already is driving large-scale human displacement within and across borders, and projections suggest that by 2050 there may be 1.2 billion climate migrants.<sup>7</sup> In the context of this mass human displacement, the imperative to increase resettlement commitment and capacity is real. Now is the time to radically center and scale up humanitarian pathways and adapt our protection frameworks to keep up with current global realities.

Climate-driven displacement was not included in the 1951 Refugee Convention, and this omission has resulted in states shirking their responsibility to provide refuge to those who have been driven from their homes by the life-threatening effects of climate change. Whether country by country, regionally or globally, we must develop new frameworks that acknowledge the reality of climate refugees and ensure they will have equal and just access to permanent resettlement pathways.

The vast majority of those who have been and will be displaced by the climate crisis hail from countries that did little to cause it. Given the disproportionate role of the Global North in creating the conditions displacing

Freedom of association, including the **RIGHT TO ORGANIZE AND COLLECTIVELY BARGAIN**, is crucial to enabling a just transition and greater resilience in the face of worsening climate impacts.



people from their homes, opening humanitarian and resettlement pathways should be considered a necessary component of negotiations around loss and damage.

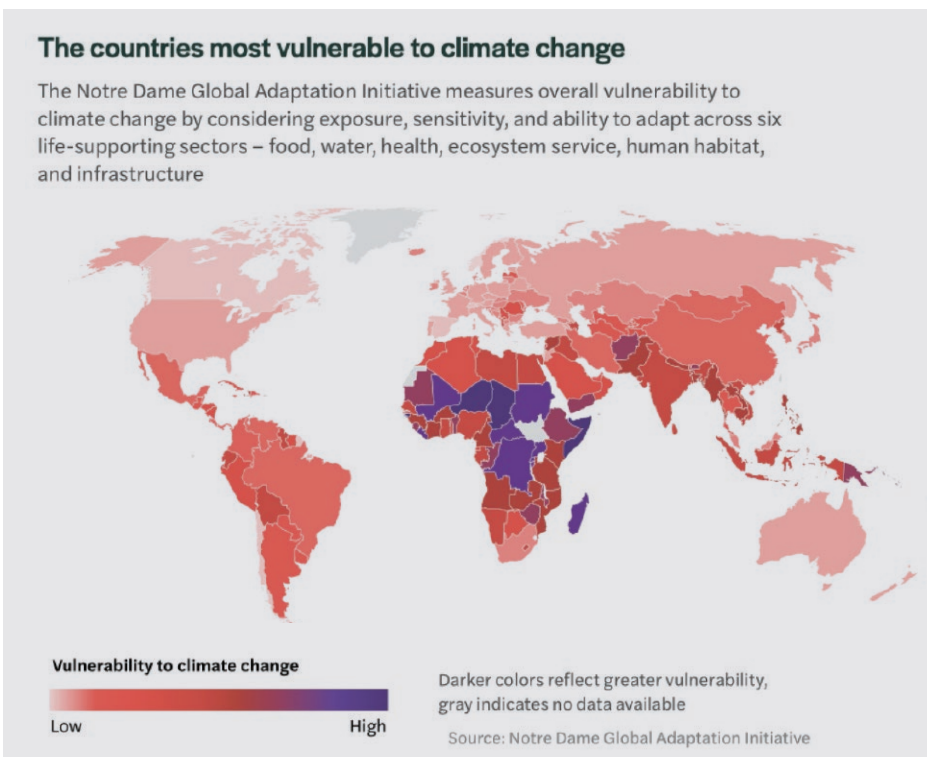
By welcoming more refugees, asylum seekers and climate migrants—and effectively integrating them into the workforce—destination countries can promote economic growth. But workers need the right kind of growth and a new paradigm—we need inclusive growth<sup>8</sup> that generates shared prosperity and closes racialized and gendered gaps in income and opportunity, rather than growth in the concentration of wealth and power in the hands of few.

That is why a more just migration system must be designed to meet the real needs of people, rather than the purported needs of employers or markets.

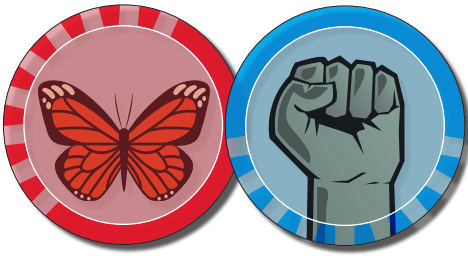
Calls for approaches that emphasize green jobs skills mobility fundamentally distort the priorities that should shape both just transition and migration policy development. Preparing the local workforce to access the new jobs created in the clean energy economy is central to a just transition. In the origin country context, such job training will help address the push factors forcing people to migrate. In destination countries, workforce development strategies must be inclusive of all workers, including migrants—but temporary migration pathways must in no way be allowed to undermine the investment needed to prepare workers for new green career opportunities.

Efforts to misdirect forced migrants, many of them climate migrants, into work visa programs rife with abuse<sup>9</sup> are bad policy and bad politics. This approach delivers an on-demand, disposable workforce that is separated from families and without political rights—in other words, totally disenfranchised. This is not a future of work we can or should accept. Temporary work visas are not what vulnerable migrants need or deserve, and they legally empower employers to pit workers against one another to drive down standards. These kinds of policies also exacerbate climate vulnerabilities and reduce resilience for workers, their families and their communities.

Now is the time to shift course. Offering displaced people temporary work visas instead of permanent humanitarian protection is inhumane and misguided. Policymakers must reject the low-wage migration models that have fueled discrimination, exploitation and excess corporate profits for long enough. Instead, we need approaches that protect human lives and treat all workers equally and with dignity.



**Calls for approaches that emphasize GREEN JOBS SKILLS mobility fundamentally distort the priorities that should shape both just transition and migration policy. TEMPORARY WORK VISAS legally empower employers to pit workers against one another to drive down standards, exacerbate climate vulnerabilities and reduce resilience.**



*At the Intersection of **Migration** and **Labor Policy**, We Call for:*

## FREEDOM OF ASSOCIATION

All workers, regardless of immigration status, need equal and enforceable rights on the job, including the right to form or join a union and engage in collective bargaining and collective action in workplaces that are free of discrimination. Freedom of association is an enabling right that shifts power dynamics, enabling workers to protect and advance their interests through collective action and negotiations with employers. Removing barriers to organizing is critical to defending workers, reducing the push factors forcing people to migrate and enabling just transition. Unions provide concrete mechanisms to enforce labor standards, remedy disputes and advocate for the needs of all workers.

Every worker benefits from union representation, but because collective bargaining agreements close gender and racial gaps in pay conditions, a union job disproportionately helps those who need it most. Therefore, removing the barriers to organizing is particularly important for those—like immigrants—who have been marginalized and structurally excluded in our economy. In addition to improving and equalizing wages, collective bargaining rights help promote workplace safety and health, which will become ever more important in the context of climate change. Migrant workers are overrepresented in “dirty, difficult, dangerous”<sup>10</sup> jobs that, without adequate protections, will become increasingly deadly as the planet heats up.

In order to effectively enforce our labor laws, workers must be able to report violations without fear and speak up when they see problems. However, employers often use immigration-related threats or retaliation to scare workers into silence, thus allowing wage theft, sexual harassment and other egregious abuses to go unchecked. To break these patterns, governments must extend concrete status protections to migrant workers when they find the courage to take action that helps enforce our labor laws.

**The ILO** should be seen as an anchor global institution in this work. Policy development models should integrate the ILO’s tripartite structure of consultations between governments, workers and employers as a necessary vehicle for safeguarding the rights and interests of all workers, including refugees and migrants.

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Any policy that creates tiered rights in our labor market is unjust and bad for all workers. That is why unions fight for regularization of undocumented workers, and it also is why we oppose expansion of employer-controlled temporary labor migration pathways that severely constrain worker rights. Given the proven track record of egregious violations in temporary labor migration programs, governments must work with the ILO to promote reforms that center decent work and adhere to the UN’s normative framework.

Extending status protections, work authorization and a path to permanence and citizenship to irregular workers will help bring millions of people out of the informal economy and remove barriers to onboarding them into good union jobs and skilled training pathways, including growing opportunities in clean energy industries.

## WORKFORCE INTEGRATION

Cautionary tales from around the world<sup>11</sup> make clear that failure to plan effectively for workforce integration of newly arriving migrants can result in expansion of the informal economy and other serious consequences. The potential for increased levels of immigration and refugee resettlement to fuel right-wing populist backlash is real and foreseeable, so destination countries must think not just about how many people will come, but also where they will live, what they will do, and how to foster authentic social bonds that help to bridge divides in workplaces and communities.

The labor movement is the natural home for immigrants and refugees struggling to achieve economic security and social justice. We are committed to welcoming more refugees, asylum seekers and other forced migrants and helping them to integrate into the workforce with good union jobs. That is how we use immigration policy to expand the workforce while also ensuring full rights and protections, and not allowing groups of workers to be pitted against one another.

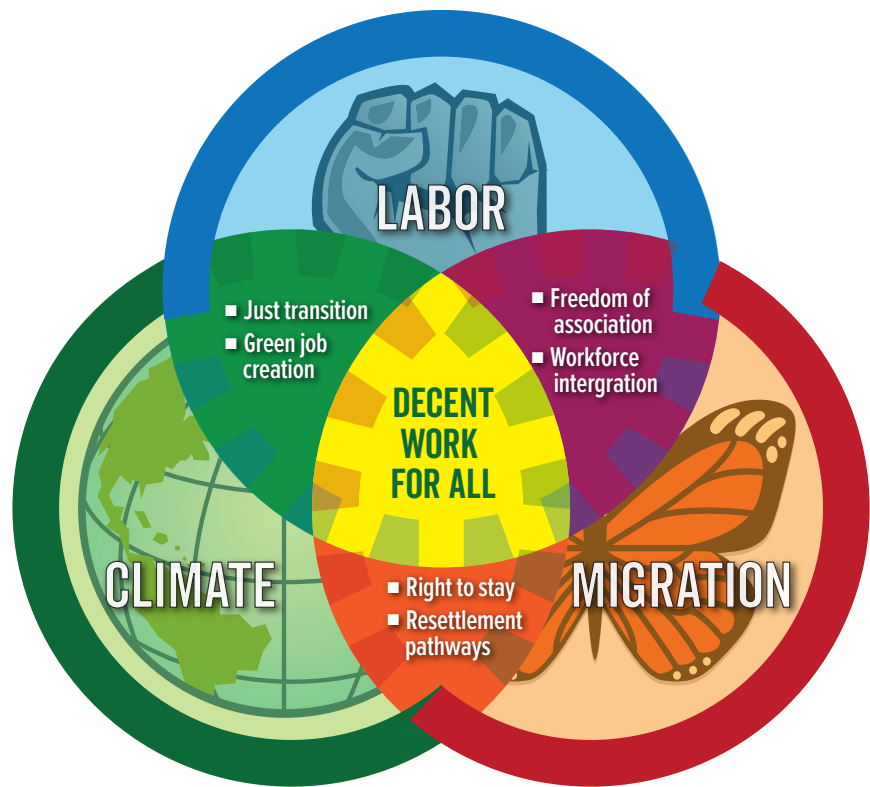
Governments should view unions as key players in workforce integration, and actively work with us to shape and implement those strategies. Everyone who has a job should have the chance to join a union, particularly those who are at the greatest risk of abuse when seeking to navigate workplace issues on their own. With union membership comes representation at work, the added protection of a collective bargaining agreement, increased training opportunities and a means to promote social cohesion with the existing workforce. Unions also have apprenticeship and other training mechanisms to help prepare a skilled workforce for clean energy jobs.

Working with labor, governments must consider how resettlement policies will align with, rather than undermine, climate-friendly industrial policy and job strategies. This is a crucial time to invest in pilot projects that can help point the way forward. Unions in the United States have, for example, successfully experimented with a digital hiring hall<sup>12</sup> that allows newly arriving migrants and refugees to find, prepare and apply for good jobs where they will have union rights and representation.

Everyone who has a job should have the chance to **JOIN A UNION**, particularly those, like migrants, who are at the greatest risk of abuse when seeking to navigate workplace issues on their own.

## SUMMARY

By aligning our climate migration policy agenda around decent work, we can build greater resilience to climate-related impacts, and protect and empower workers in countries of origin, transit and destination. This will produce positive labor market outcomes for all working people, regardless of race, gender or immigration status. To effectively integrate a worker rights lens into this policy framework, workers and their unions need and expect a seat at the table as policies are developed and implemented. The strategy must adhere to human and labor rights standards, encourage pathways out of irregularity and address the root causes that compel people to migrate—and it must flatly reject approaches that further criminalize and exploit migrants, or allow the private sector to dictate terms.



Corporations benefited while worsening the climate crisis, and now they seek to profit further by underpaying and exploiting the desperate people whose displacement they helped to drive. We must see this as a continuum of the same fight, with the same parties standing to gain—and lose—if we allow our migration system to serve as an extension of our corporate-driven economic policy. Sharan Burrow, former general secretary of the International Trade Union Confederation, frames the choice before world leaders in stark terms: “either heed the call of workers and civil society to reform the economic model and help create a just and sustainable future or maintain business as usual and see a model of corporate greed entrench inequality, exclusion and despair perpetuating instability for our communities and our planet.”<sup>13</sup>

A progressive migration framework requires labor rights that are available to all workers precisely for the task of building worker solidarity and worker power. Workers and their unions are a critical axis of social democracy and when we are weakened, it imperils other core democratic institutions. Our rights to a ballot, a union, a livable planet and a just path to migrate are linked, and we must purposefully advance them together.

Workers are ready to help shape and drive climate action that advances shared prosperity, and we understand that responses to escalating climate displacement must be part of the just transition agenda. However, when migration policies are structured to serve corporate interests, workers of all backgrounds lose, and the task to build support for welcoming policies becomes harder. To meet the humanitarian imperatives of our time, we must reject low-wage labor and migration policy—and chart a course forward that truly does respect and protect all working families.

# CASE STUDY: CHILD LABOR IN THE 21ST CENTURY

U.S. unions are outraged at the recent rise in corporate exploitation of children, most often immigrants, in dangerous workplaces around the country. Media coverage has exposed severe child labor violations in meatpacking, manufacturing, agriculture and other industries.<sup>14</sup> Stories have profiled indigenous immigrants as young as 12 working on the shop floor of auto plants instead of going to school, or cleaning bloody, dangerous slaughtering equipment during overnight shifts.

The alarming resurgence of child labor abuse in the United States demonstrates the acute and escalating risks workers and families face at the intersection of migration, labor and climate policies. Existing policies have failed to adequately protect young people and created an environment in which child labor can thrive because employers operate with a sense of impunity.

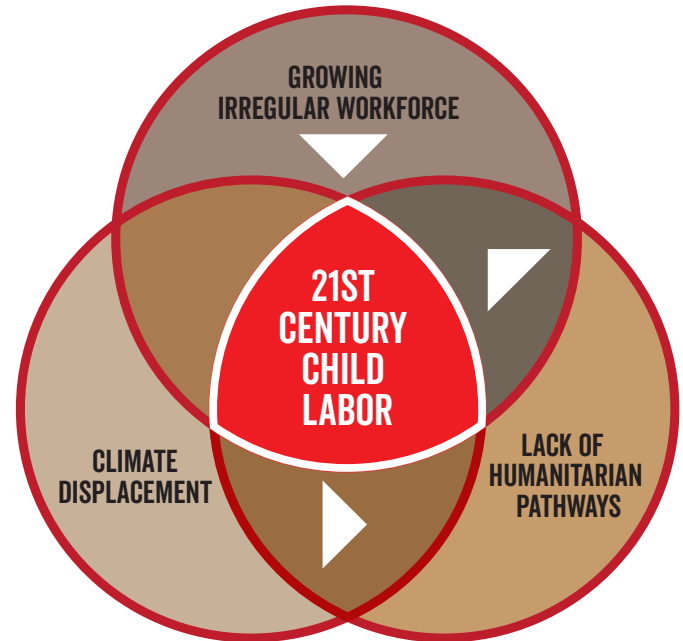
As it is globally, climate displacement is now an unavoidable reality in the Western Hemisphere, and has particularly affected Central American countries like Guatemala. Many of the victims of U.S. child labor abuses are Guatemalan migrants, often indigenous, who have been displaced by a combination of egregious human rights issues and an acute vulnerability to the negative effects of climate change.<sup>15</sup> Data from the World Bank ranks Guatemala in the top five countries in the world most affected by floods, hurricanes and earthquakes.<sup>16</sup> Recent natural disasters have had devastating consequences on the lives and livelihoods of millions of Guatemalans, especially in rural areas.<sup>17</sup> The resulting damage to crops and homes has led to severe socioeconomic impacts, including persistent loss of livelihoods, food insecurity and lack of safe drinking water.

Serious promotion of freedom of association and collective bargaining rights would help to build resilience and lift standards, reducing the push factors compelling Guatemalan families to migrate. However, states and companies pay too little attention to these proven<sup>18</sup> strategies, preferring to focus on expanding abusive temporary labor migration pathways.

As more and more desperate families are forced to migrate as a means of survival, the lack of accessible humanitarian pathways leaves them with no choice but to pursue dangerous migration alternatives. Entire communities are reeling from desertification, crop failure, lack of jobs and lack of infrastructure—none of which would qualify them for refugee or asylum protections, despite the urgency of their situation. So many make the heart-wrenching choice to send their children on the dangerous journey to the United States, often paying exorbitant amounts to smugglers to get them there.<sup>19</sup>

As a result, growing numbers of migrant children find themselves alone in an unknown country, forced into the impossible situation of providing for themselves and their families. Shamefully, employers have preyed upon these vulnerable populations, putting them to work in dangerous jobs with little to no protection.

Resurgent child labor in the 21st century must serve as a wake-up call, clearly demonstrating the need for a coherent climate migration framework to promote decent work for all. The notion that corporations themselves will drive a just climate transition is a dangerous fallacy. While promoting and investing in industrial transition, states must insist upon living wages, worker rights, and safe and fair working conditions in the new jobs created. To live up to our most basic obligations to defend the rights of workers and children, we must hold corporations accountable for high labor standards, and address current policy failures holistically and urgently.





# POLICY RECOMMENDATIONS FOR THE U.S. GOVERNMENT

The AFL-CIO has consistently urged the Biden administration to advance a coherent policy agenda that works for workers in the United States and globally. Unions applaud Congress for passing historic legislation to advance federal industrial investments and are committed to ensuring that these taxpayer resources build 21st century infrastructure, protect our environment, promote domestic resiliency and return family-sustaining union jobs to our communities. To achieve these goals, companies seeking public resources and subsidies must be required to engage in hiring practices and workforce development strategies that empower workers, lift standards, promote equity and align with just transition principles.

The exploitation of immigrant labor is an undeniable part of the playbook to drive down standards and bust union organizing. Preventing such abuse is necessary to ensure high-road, equitable and inclusive implementation of projects supported by the Infrastructure Investment and Jobs Act, the Inflation Reduction Act and the CHIPS and Science Act. As vitally important new clean energy investments roll out, it is essential that we harness those resources to create good, safe, union jobs. We call on the administration to:

- Strengthen labor laws and hold employers accountable.
- Regularize the status of our current immigrant workforce.
- Expand and enhance humanitarian pathways and protections.
- Reform existing work visa programs, and don't create new ones.
- Support a robust role for unions at home and abroad.

## STRENGTHEN LABOR LAWS AND HOLD EMPLOYERS ACCOUNTABLE

**Simply put, as we transition to a clean energy economy, we need better, safer jobs that pay a family-sustaining wage. To support this, the administration must actively push back against state-led efforts to roll back labor standards, including child labor laws, and:**

- ***Protect workers who are organizing and speaking up to enforce our labor laws.*** It is striking—and tragic—that decades of enforcement-only immigration approaches have prioritized the detention and deportation of migrant families over the protection of workers. Now is the time to strengthen protections for all working people, regardless of immigration status. If we want to combat rampant wage theft, discrimination, death and injury on the job, and the resurgent abuse of child labor in the 21st century, we need workers to be willing to report violations and speak up when they see problems. The U.S. government must continue to strengthen important new tools to provide concrete status protections and work permits to immigrants who exercise their rights on the job, and take action to help enforce our labor laws. To prevent retaliation, those protections must be renewable.
- ***Shift enforcement priorities to protect workers, rather than punish migrants.*** We call for a shift of emphasis away from viewing migrants as criminals, and toward holding employers accountable for criminal violations of worker rights. The United States currently spends 12 times as much on immigration enforcement as it does on labor standards enforcement, with similarly disproportionate staffing.<sup>20</sup> Lawmakers should rebalance this investment to protect all workers on the job and ensure employer accountability.
- ***Strengthen occupational safety and health protections.*** The U.S. government must enhance regulations to protect workers in industries and workplaces affected by climate and environmental degradation issues. Laws and regulations must keep up with the realities of climate change that are making work more dangerous, including improved protections for extreme heat and extreme weather events.

## REGULARIZE THE STATUS OF OUR CURRENT IMMIGRANT WORKFORCE

We cannot move forward with a responsible migration strategy without first addressing the pressing needs and acute exploitation of millions of immigrant workers who currently lack status and rights. By utilizing all available legislative and executive options to grant status protections, we will stabilize precarious working conditions, remove barriers to freedom of association and open up important new avenues to reunite families. The right way to use immigration policy to lift wages and standards is by expanding rights and protections to as many workers as possible. Here's how we lift the floor:

- **Support a path to citizenship.** The labor movement calls for a broad and inclusive pathway to citizenship for all those whose labor helps our country to prosper.
- **Maximize the use of Temporary Protected Status (TPS).** TPS is a pro-worker tool with a proven track record of broad benefit to working families both at home and abroad. The administration should assertively use TPS to protect as many workers by designating or redesignating every country that meets the statutory definition. TPS is a particularly important tool to address the escalating climate crisis, as natural disasters already are a criterion for country eligibility.
- **Ensure all immigrants have equal access to public benefits.** Many of the policy changes we need to support our current immigrant workforce are not directly about immigration reform. If we want people to be able to live and work safely, that means they need access to quality health care and education, including higher education. They need driver's licenses and the safety net of unemployment insurance for rough times.

## EXPAND AND ENHANCE HUMANITARIAN PATHWAYS AND PROTECTIONS

In the context of escalating mass human displacement, the imperative to increase resettlement commitment and capacity is real. By welcoming more refugees, asylum seekers and climate migrants and effectively integrating them into the workforce, we also will promote economic growth. We urge lawmakers to:

- **Expand U.S. refugee commitments and enhance the asylum process.** The United States should strengthen our role as a world leader in resettlement. To do so, we must reject any proposed changes that would limit due process for vulnerable populations at the border or run counter to established U.S. and international norms regarding the detainment of children and refugees. Rather than limiting access, policymakers should explore possibilities to expand criteria for asylum to include victims of gender-based violence, gang violence and climate change.
- **Create new permanent pathways for climate migrants.** To keep up with the reality of climate-driven displacement, the United States should create a permanent resettlement pathway for those who have been displaced by climate events. The Climate Displaced Persons Act (S. 3340) provides a helpful illustration of the size and type of new pathway that is needed. Failure to address this issue with purpose-built policy solutions will result in further efforts to misdirect displaced persons into abusive temporary work visa programs, and further increases in irregularity and vulnerability for migrant workers and all those who work alongside them.
- **Ensure the rights of child migrants are respected and protected.** All unaccompanied children should receive access to lawyers to ensure their rights are respected and they are able to clearly present their claims for protection. Unaccompanied children have unique vulnerabilities that require special care and attention, as too often they arrive in our country scared, exploited or otherwise in need of assistance.

## REFORM EXISTING WORK VISA PROGRAMS, AND DON'T CREATE NEW ONES

**When workers come to our country with their status under the control of employers, this constrains their rights and agency, and makes them vulnerable to exploitation in much the same way as when they lack status entirely. We urge the administration to:**

- **Reduce dependency on exploitative temporary labor migration pathways.** After decades of experience with the abusive model of guestworker programs that degrade labor standards and constrain the rights of migrant and U.S. workers alike, change is long overdue. Not only are workers in temporary labor programs separated from their families, but under the current system, most are treated as disposable workers with no option to earn a path to permanence. Continued expansion of temporary work visa programs instead of expanding permanent immigration and resettlement pathways risks turning temporary shortages into structural shortages, and creates downward pressures on wages and standards across industries.
- **Don't use temporary labor migration programs as a solution for climate displacement or climate jobs.** Given the escalating levels of displacement around the world, new migration pathways must be designed to meet the real and growing needs of people. Unions oppose efforts to use temporary labor migration pathways to meet purported staffing needs created by hard-won investment in the clean energy transition. When shaping migration pathways in response to climate change, we urge the administration to expand opportunities for permanent, rights-based resettlement of displaced working families. And when promoting pathways into clean energy jobs, let's keep the focus on inclusive, grow-your-own strategies that deliver on the administration's promise of a true just transition.
- **Condition access to work visa programs.** Similar to conditions placed on government subsidies or tax incentives, the administration should ensure that any company that wishes to take advantage of a work visa program must prove high levels of job quality, including having clean labor records and respecting core labor rights like freedom of association and collective bargaining.
- **Regulate foreign labor recruiters.** The international labor recruitment industry is rife with abuse and should be regulated through mandatory, enforceable mechanisms. The U.S. government should adhere to the ILO's General Principles and Operational Guidelines on Fair Recruitment. In particular, unions are calling for an employer and recruiter registry system, and an enforceable ban on charging workers recruitment fees that, whether paid up front or through deductions, can lead to debt bondage and forced labor.

## SUPPORT A ROBUST ROLE FOR UNIONS AT HOME AND ABROAD

**President Biden has shown historic commitment to worker organizing and empowerment, and migration policies must align with and support this key priority. We urge the administration to:**

- **Ensure unions have a seat at the table.** In keeping with President Biden's Memorandum on Advancing Worker Empowerment, Rights, and High Labor Standards Globally,<sup>21</sup> all U.S. agencies should ensure that workers and their unions are represented in initiatives related to labor migration pathways at the national, regional and global levels. The administration should support trade unions and civil society in countries of origin and address the structural and societal issues driving forced migration, including climate change. This requires the inclusion of workers and unions in the development of climate adaptation and mitigation policies that align with the ILO Guidelines for a Just Transition. Importantly, to guarantee a rights-based approach to migration strategies, the U.S. government must ensure the ILO, rather than the International Organization for Migration, is an active partner in the development and implantation of any and all international labor migration programs.

- **Engage with unions on migrant workforce integration.** As it was for generations before, the labor movement is the natural home for immigrants and refugees struggling to achieve economic security and social justice. Yet, without effective planning for workforce integration, increased levels of immigration can fuel exploitation and populist backlash. Unions want to be at the table to help craft responses that build worker solidarity and worker power.
- **Recognize and elevate union apprenticeship programs.** The federal government should recognize that registered apprenticeship and other union-management training programs are the largest and most effective vehicles we have to prepare a skilled workforce for the future. Migration policies can support these training programs and make them more inclusive by extending work authorization to our current immigrant workforce and not creating migration pathways that reduce incentives to skill up U.S. workers for key industries.
- **Require project labor and community benefits agreements on federally funded projects.** As vitally important new federal investments roll out, it is essential we harness those resources to create good, safe jobs. However, new revelations continue to unfold regarding the extent of worker abuses in key industries. For example, the auto-manufacturing sector in the South profits from a business model based on exploitation of guestworkers, incarcerated workers, undocumented workers and child migrants.<sup>22</sup> Absent interventions to change these deplorable practices, critical federal investments in domestic electric vehicle production could perpetuate child labor and other egregious violations. Requiring community benefits agreements that include clear commitments on labor standards and workers' rights on such projects will ensure companies that seek to access federal incentives sit down with unions and community organizations to promote fair and equitable workplaces, high-quality, family-supporting jobs, and the ability for employers to attract and retain a skilled, stable 21st century workforce.
- **Advance pro-worker foreign aid and trade policies.** For too long, failed U.S. foreign and trade policies have prioritized the needs of corporations and low-wage, export-oriented growth while actively undermining democracy and accountability, contributing to the push factors driving people to migrate. Development assistance and broader foreign economic interventions must support the emergence of resilient domestic markets that meet the needs of workers and communities so migration can become a choice rather than a means of survival. Development aid budgets must not be used as a means to compel governments to tighten borders and accept forced returns while disregarding the human rights of workers, migrants and refugees. Instead, investment should promote climate adaptation strategies that center on decent work and social protection.

# GLOSSARY

**Adaptation:** Adapting to life in a changing climate by adjusting to current or expected future climate to reduce the risks from the negative effects of climate change. This includes altering human behavior to protect people and the environment.

**Collective Bargaining:** Negotiations that take place between employers and workers or workers' organizations, including unions, to bargain over working conditions and the terms of employment.

**Decent Work:** Access to safe, meaningful and dignified work with fair wages, equal treatment, access to social protection and rights for all workers. Freedom of association and collective bargaining rights are key components of decent work. According to the ILO, the four pillars of decent work are employment creation, social protection, rights at work and social dialogue.

**Displacement:** The forced movement of persons who have been made to leave their homes as a result of armed conflict, situations of generalized violence, violations of human rights, or natural or human-made disasters.

**Forced Migration:** A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes. It includes situations where people have fled as well as situations where people have been forcibly removed from their homes.

**Freedom of Association:** The right of workers and employers to form and join organizations of their own choosing. Freedom of association is one of the five ILO fundamental principles.

**ILO:** The International Labor Organization is a tripartite UN agency that brings together governments, employers and workers of 187 member states to set labor standards, develop policies and devise programs promoting decent work for all.

**IOM:** The International Organization for Migration is an intergovernmental organization in the field of migration that provides services and advice to governments and migrants regarding humane and orderly migration.

**ITUC:** The International Trade Union Confederation is a worldwide union network that represents 191 million workers in 169 countries and territories. ITUC's primary mission is to promote and defend workers' rights through international cooperation between trade unions, global campaigning and advocacy within major global institutions.

**Just Transition:** Just transition is a process that results in a sustainable and equitable future for all working people. In a true just transition, workers and unions have a seat at the table and work with governments to shape policies that ensure no one is left behind as economies shift toward new technologies.

**Loss and Damage:** Loss and damage refers to the negative effects of climate change that occur despite mitigation and adaptation efforts. A true just transition includes conversations about how countries and people will be compensated for loss and damage.

**Mitigation:** Actions taken to limit or prevent increases in global temperature and climate change by reducing the flow of heat-trapping greenhouse gases into the atmosphere. The goal of climate mitigation is to avoid significant human interference with Earth's climate.

**Resilience:** The ability to anticipate, cope and recover from the impacts of climate change or adverse climate events.

**Social Dialogue:** All types of negotiation, consultation or simply exchange of information between or among representatives of governments, employers and workers on issues of common interest relating to economic and social policy.

**Tripartitism:** Dialogue and cooperation between governments, employers and workers in the formulation of standards and policies. International labor standards are created and supervised through a tripartite structure within the ILO.



# ENDNOTES

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