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# **Progress of the implementation of recommendations adopted at the 3rd – 8th ASEAN Forums on Migrant Labour**

**Background paper to the 9th AFML**

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Laws, Catherine; Lautenschlager, Heike; Baruah, Nilim

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- ASEAN Secretariat
- ASEAN Confederation of Employers
- ASEAN Trade Union Council
- Task Force on ASEAN Migrant Workers
- International Organization for Migration
- UN Women, and
- The participants to the 9th ASEAN Forum on Migrant Labour (AFML) and various national preparatory meetings for the AFML representing the governments, employers' and workers' organizations, civil society organizations, international organizations and other migration stakeholders.

The authors hope that the report will be a valuable resource to all involved in the AFML process.

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## Acronyms and abbreviations

<b>ACC</b>	AFML Coordination Committee
<b>ACE</b>	ASEAN Confederation of Employers
<b>ACMW</b>	ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers
<b>ACRA</b>	Association of Cambodian Recruitment Agencies
<b>AFML</b>	ASEAN Forum on Migrant Labour
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>ATUC</b>	ASEAN Trade Union Council
<b>BNP2TKI</b>	National Authority for the Placement and Protection of Indonesian Overseas Workers
<b>BWC</b>	Bureau of Working Conditions (Philippines)
<b>COC-VN</b>	Code of Conduct (Vietnam Association of Manpower Supply)
<b>CSO</b>	civil society organization
<b>CTUM</b>	Confederation of Trade Unions in Myanmar
<b>DFA-OUMWA</b>	Department of Foreign Affairs - Office of the Undersecretary of Migrant Workers Affairs
<b>DJSN</b>	National Social Protection Board (Indonesia)
<b>DLPW</b>	Department of Labour Protection and Welfare (Thailand)
<b>DOE</b>	Department of Employment (Thailand)
<b>DOH</b>	Department of Health (Philippines)
<b>DOLAB</b>	Department of Overseas Labour (Viet Nam)
<b>DOLE</b>	Department of Labor and Employment (Philippines)
<b>DOLISA</b>	Department of Labour, Invalids and Social Affairs (Viet Nam)
<b>DOSH</b>	Department of Occupational Safety and Health (Malaysia)
<b>ECOP</b>	Employers' Confederation of the Philippines
<b>FSPTKILN</b>	Migrant Workers Trade Union (Indonesia)
<b>HOME</b>	Humanitarian Organization for Migration Economics
<b>ILMS</b>	International Labour Migration Statistics Database in ASEAN
<b>ILO</b>	International Labour Organization
<b>IOM</b>	International Organization for Migration
<b>KSBI</b>	Indonesian Confederation of Trade Unions
<b>KSBSI</b>	Confederation of Indonesian Prosperity Trade Unions
<b>KSPSI</b>	All Indonesian Workers' Union Confederation



<b>LCT</b>	Labour Congress of Thailand
<b>LEO</b>	Labour Exchange Office
<b>LFS</b>	labour force survey
<b>LFTU</b>	Lao Federation of Trade Unions
<b>LLCO</b>	Labour Law Compliance Officers
<b>MEF</b>	Malaysian Employers' Federation
<b>MOEAF</b>	Myanmar Overseas Employment Agencies Federation
<b>MOFAIC</b>	Ministry of Foreign Affairs and International Cooperation (Cambodia)
<b>MOH</b>	Ministry of Health (Malaysia)
<b>MOHR</b>	Ministry of Human Resources (Malaysia)
<b>MOL</b>	Ministry of Labour (Thailand)
<b>MOLIP</b>	Ministry of Labour, Immigration and Population (Myanmar), <i>formerly the Ministry of Labour, Employment and Social Security</i>
<b>MOLISA</b>	Ministry of Labour, Invalids and Social Affairs (Viet Nam)
<b>MOLSW</b>	Ministry of Labour and Social Welfare (Lao People's Democratic Republic)
<b>MOLVT</b>	Ministry of Labour and Vocational Training (Cambodia)
<b>MOM</b>	Ministry of Manpower (Singapore)
<b>MOMT</b>	Ministry of Manpower (Indonesia), <i>formerly the Ministry of Manpower and Transmigration</i>
<b>MOU</b>	memorandum of understanding
<b>MRC</b>	Migrant Resource Centre / Migrant Worker Resource Centre
<b>MTLMUF</b>	Myanmar Transport and Logistics Trade Union Federation
<b>MTUC</b>	Malaysian Trades Union Congress
<b>MWC</b>	Migrant Workers' Centre
<b>MWG</b>	Migration Working Group (Cambodia)
<b>MYR</b>	Malaysian ringgit (currency)
<b>NCCT</b>	National Committee for Counter Trafficking (Cambodia)
<b>NCPE</b>	National Congress of Private Industrial Employees (Thailand)
<b>NIOSH</b>	National Institute of Occupational Safety and Health (Malaysia)
<b>NRCO</b>	National Reintegration Centre for OFWs (Philippines)
<b>NTUC</b>	National Trades Union Congress (Singapore)
<b>OEC</b>	Overseas Employment Certificate
<b>OFW</b>	Overseas Filipino Workers
<b>OSH</b>	occupational safety and health
<b>OSHD</b>	Occupational Safety and Health Division (Singapore)

<b>OSPP</b>	Office of the Supreme People's Prosecutor (Lao People's Democratic Republic)
<b>OWWA</b>	Overseas Workers Welfare Administration (Philippines)
<b>PAOS</b>	Post-Arrival Orientation Seminar
<b>PDOS</b>	Pre-departure Orientation Seminar
<b>PEOS</b>	pre-employment orientation seminars
<b>POEA</b>	Philippine Overseas Employment Administration
<b>SBMI</b>	Indonesian Migrant Workers Union
<b>SGD</b>	Singapore dollar (currency)
<b>SLOM</b>	Senior Labour Officials Meeting
<b>SNEF</b>	Singapore National Employers Federation
<b>TFAMW</b>	Task Force on ASEAN Migrant Workers
<b>TTUC</b>	Thailand Trade Union Congress
<b>TUCP</b>	Trade Union Congress of the Philippines
<b>UN</b>	United Nations
<b>UNDESA</b>	United Nations Department of Economic and Social Affairs
<b>UNESCAP</b>	United Nations Economic and Social Commission for Asia and the Pacific
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women
<b>VAMAS</b>	Vietnam Association of Manpower Supply
<b>VGCL</b>	Vietnam General Confederation of Labour
<b>WSH</b>	workplace safety and health
<b>WSM</b>	Workers Solidarity Movement (Indonesia)

# Introduction

## A. Labour migration in the ASEAN

1. Migration from and within the Association of Southeast Asian Nations (ASEAN) has significantly increased over the past decades. In 2015, there were 244 million international migrants globally. From this figure, the total stock of international migrants in ASEAN is currently above 9.7 million. About 18.8 million ASEAN nationals are estimated to be living outside of their country of birth. Intra-ASEAN migration is also rising, with 6.5 million intra-regional migrants accounting for two-thirds of the region's total international migrant stock. Women account for 47.8 per cent of all migrants aged 20–64 (UNDESA, 2015).
2. It is important to distinguish migrant workers from the total stocks of international migrants. In 2015, seven ASEAN Member States<sup>1</sup> deployed over 2.1 million migrant workers. Six of these countries collect sex-disaggregated data and collectively deployed over 350,000 women migrant workers (ILO, 2015a). Much of intra-ASEAN labour migration is temporary, and includes irregular migrants who may not be captured in these migration statistics.
3. Labour mobility is caused by several factors, including: uneven socio-economic development and wage disparities among countries; labour and skills shortages in destination countries; and demographic factors. Labour migration data compiled by the ILO from among ASEAN Member States (ILO, 2015a) show that:
  - ASEAN has four net labour-receiving countries: Brunei Darussalam, Malaysia, Singapore, and Thailand:
    - Malaysia hosts the largest number of migrant workers. It hosted 2,250,322 migrant workers in 2013, 56.4 per cent (1,269,272) of whom were from ASEAN countries.
    - Thailand hosted 1,183,835 migrant workers in 2013, 88.2 per cent (1,044,323) of whom were from ASEAN countries.
    - Singapore hosted 1,321,600 migrant workers in 2013. Disaggregation according to country of origin is currently unavailable. Migrant workers make up one-third of the workforce in Singapore
    - In 2014, there were 52,161 migrant workers in Brunei Darussalam who make up a quarter of the country's labour force. Among these migrant workers were 31,784 Indonesians and Filipinos who compose 61 per cent of the total migrant worker population. Moreover, a substantial share of migrant workers are domestic workers. In 2015, there were 9,884 domestic workers in Brunei Darussalam, out of which 9,851 were migrant workers and 9,656 were female.
  - ASEAN has six net labour-sending countries: Cambodia, Indonesia, the Lao People's Democratic Republic, Myanmar, the Philippines, and Viet Nam:
    - Intra-regional labour migration is especially significant for Myanmar and Cambodia, for whom 93.4 and 66.8 percent of workers respectively are deployed to other ASEAN Member States (table 1).

---

1 Cambodia, Lao People's Democratic Republic, Indonesia, Myanmar, Philippines, Thailand and Viet Nam

- While Indonesia, the Philippines, and Viet Nam have high deployments of migrant workers abroad, they have lower deployments within ASEAN: 6.37 per cent for Viet Nam, 14.2 per cent for the Philippines, and 46.7 per cent for Indonesia.
- In 2015, 88.3 per cent of migrant workers deployed by Indonesia were women, the highest share of all ASEAN Member States. Myanmar deployed the lowest share – only 13.1 per cent of deployed migrant workers were women (table 1).

**Table 1. Deployment of migrant workers from ASEAN Member States – Global deployment and deployment within ASEAN**

ASEAN Member State	Global Deployment (2015)	Deployment to ASEAN		Deployment of women migrant workers (2015)	Deployment of women %
		Total	%		
Cambodia	25 541	17 069	66.8	9 901	38.8
Indonesia	275 736	128 646	46.7	243 600	88.3
Myanmar	95 274	89 031	93.4	12 600*	13.2
Philippines	1 430 842*	203 249*	14.2	--	--
Thailand	117 291	18 571	15.8	22 859	19.5
Viet Nam	115 980	7 385	6.37	38 640	33.3
Lao PDR	50 712	--	--	27 176	53.5

Note: \*2014 data

Source: International Labour Migration Statistics (ILMS) Database for ASEAN

4. In 2015, inward remittance flows amounted to a total of US\$581.6 billion. From this figure, the ASEAN region received \$62 billion in remittances (World Bank, 2015). Four ASEAN Member States were ranked among the top 30 remittance-receiving countries in the world: the Philippines (No. 3 with \$29.7 billion), Viet Nam (No. 11 with \$12.3 billion), Indonesia (No. 14 with \$10.5 billion), and Thailand (No. 26 with \$5.7 billion) (KNOMAD, 2015).
5. As the ASEAN region transforms into a labour migration hub, with major countries of origin and destination, it becomes increasingly necessary to ensure that the ASEAN community is able to maximize the benefits of labour mobility. ASEAN stakeholders are obliged to enhance governance mechanisms and provide relevant services in order to effectively protect migrant workers and enable migration benefits to be channelled toward personal and socio-economic development.

## B. ASEAN Forum on Migrant Labour

6. In January 2007, ASEAN Member States adopted the ASEAN Declaration on the Protection and Promotion of Rights of Migrant Workers, also known as the “Cebu Declaration”. The Cebu Declaration confirms ASEAN’s “shared responsibility to realize a common vision for a secure and prosperous ASEAN Community by improving the quality of life of its people and strengthening its cultural identity towards a people-centred ASEAN through, among others, measures on the protection and promotion of the rights of migrant workers” and recognizes “the contributions of migrant workers to the society and economy of both receiving states and sending states of ASEAN”. The Declaration stipulates the obligations of labour-sending and -receiving States to collaborate and promote “the full potential and dignity of migrant workers in a climate of freedom, equality and stability”.

7. At the 40th ASEAN Ministerial Meeting in July 2007, the ASEAN Ministers of Foreign Affairs called for the establishment of an ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW), which would report to the Senior Labour Officials Meeting (SLOM). The first meeting of the ACMW in September 2008 marked the formal establishment of the Committee and the adoption of its Terms of Reference and first Work Plan. The first ACMW Work Plan had four thrusts: 1) step up protection and promotion of the rights of migrant workers against exploitation and mistreatment; 2) strengthen protection and promotion of the rights of migrant workers by enhancing labour migration governance in ASEAN countries; 3) increase regional cooperation to fight human trafficking in ASEAN; and 4) develop an ASEAN instrument on the Protection and Promotion of the Rights of Migrant Workers. Thrust 2 included the regular conduct of the ASEAN Forum on Migrant Labour (AFML), which was first held five months earlier in April 2008. The institutionalization of the AFML as a regular activity under the ACMW Work Plan was approved in March 2009 during the 1st Senior Labour Officials Meeting – Working Group on Progressive Labour Practices to Enhance Competitiveness of ASEAN. The new ACMW Work Plan for 2016–2020 reaffirms the Committee’s commitment to the annual AFML and also proposes the creation of a review mechanisms to monitor implementation of past AFML recommendations (ASEAN, 2016b).
8. The AFML annually convenes key migration stakeholders from among ASEAN governments, workers’ and employers’ organizations, and civil society. The AFML aims to examine the Articles of the Cebu Declaration that pertains to that year’s chosen theme; agree on a set of recommendations arising from the discussion at the thematic sessions; and share stakeholder experiences, challenges, and good practices in the implementation of previous AFML recommendations.
9. Each AFML focuses on a theme that is selected from the obligations of labour-sending and -receiving countries in ASEAN. AFML participants discuss and adopt a set of action points aimed at enhancing labour migration governance in the region. To date, eight AFMLs have been conducted and the thematic discussions across these conventions have provided comprehensive guidelines for ASEAN stakeholders on how to implement the Cebu Declaration. Previous AFML themes are as follows:
  - 1st AFML – Institutionalization of the ASEAN Forum on Migrant Labour (April 2008, Manila, Philippines).
  - 2nd AFML – ASEAN declaration on migrant workers: Achieving its commitments (July 2009, Bangkok, Thailand).
  - 3rd AFML – Enhancing awareness and information services to protect the rights of migrant workers (July 2010, Hanoi, Viet Nam).
  - 4th AFML – Development of a public campaign to promote understanding, and the rights and dignity of migrant workers in countries of destination; and return and reintegration and developing sustainable alternatives in countries of origin (October 2011, Bali, Indonesia):
    - Promotion of a positive image, and the rights and dignity of migrant workers;
    - Promotion of strategies for effective return and reintegration, as well as sustainable alternatives for migrant workers.
  - 5th AFML – The protection and promotion of the rights of migrant workers: Towards effective recruitment practices and regulations (October 2012, Siem Reap, Cambodia).

- 6th AFML – Enhancing policy and the protection of migrant workers through data sharing and adequate access to the legal and judicial system during employment, including effective complaints mechanisms (November 2013, Bandar Seri Bagawan, Brunei Darussalam):
    - Enhancing policy and the protection of migrant workers through data collection and sharing;
    - Enhancing policy and the protection of migrant workers through data sharing, and adequate access to the legal and judicial system during employment, including effective complaints mechanisms.
  - 7th AFML – Towards the ASEAN Community by 2015 with enhanced measures to protect and promote the rights of migrant workers (November 2014, Naypyidaw, Myanmar):
    - Promotion of fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers;
    - Coordination among and role of key stakeholders to set up and implement policies and procedures to facilitate aspects of migration, including recruitment, preparation, protection abroad, and return and reintegration.
  - 8th AFML – Empowering the ASEAN Community through the protection and promotion of the rights of migrant workers (October 2015, Kuala Lumpur, Malaysia)
    - Occupational safety and health to foster a safe and healthy working environment;
    - Labour inspection to ensure workplaces provide minimum employment rights.
10. The 9th AFML was held on November 2016 in Vientiane, Lao People’s Democratic Republic. It addressed a theme high on the priority for the ASEAN Labour Ministers’ Meeting (ALMM), SLOM and ACMW, namely the extension of social protection to migrant workers. The selected themes and sub-themes were:
- Better Quality of Life for ASEAN Migrant Workers through Strengthened Social Protection
    - Current situation of social protection for migrant workers in ASEAN
    - Working towards the portability of social security of migrant workers in ASEAN.

### **C. Reviewing the progress of implementing the 3rd–8th AFML recommendations: Objectives, scope, and methodology**

11. To serve as an input to the discussions at the 9th ASEAN Forum on Migrant Labour, the International Labour Office (ILO) has prepared this report, which maps out the progress of ASEAN stakeholders in implementing the AFML recommendations. This document is the third in a series of reviews conducted biannually by the ILO (the first in 2012 and the second in 2014), in coordination with the AFML Coordination Committee (ACC). It covers the 3rd to the 8th AFMLs, from which there are a total of 99 recommendations. The scope of the report is limited to new initiatives that have been implemented from 2014 onward.

12. The recommendations are grouped into eight clusters:
  - a. Information dissemination targeting migrant workers and employers on regulations and requirements, migration costs, rights and standards, working and living conditions, occupational safety and health, labour inspection, and migration realities;
  - b. Effectively regulating the recruitment of migrant workers;
  - c. Providing decent working conditions;
  - d. Facilitating access to legal and judicial systems, and redress mechanisms;
  - e. Effective return and reintegration strategies;
  - f. Public education campaigns to improve perceptions of migrant workers;
  - g. Collecting, sharing and analysing labour migration data; and
  - h. Multi-lateral and multi-stakeholder cooperation, collaboration, information exchange: regional, subregional, and national cross-sectoral interventions.
13. The purpose of the report is to provide a snapshot of progress against AFML recommendations since 2014. The report seeks to document the progress made in ASEAN Member States in implementing the AFML recommendations, particularly in the period 2014–16. This by no means an exhaustive description of all the initiatives that have been undertaken by ASEAN stakeholders, but rather reflects information collected by the authors as a result of a questionnaire survey, literature review, and national preparatory meetings for the 9th AFML. Data for the report was gathered from:
  - a. publications and internal reports provided by the South-East Asian offices of the ILO, the International Organization for Migration (IOM), and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women);
  - b. outcome documents and presentations from labour migration-related events, particularly those from national AFML preparatory meetings and ASEAN conferences;
  - c. official documents and news reports available online, as well as information taken from the websites of ASEAN stakeholders; and
  - d. responses to a survey questionnaire distributed to all ASEAN Member States, the ASEAN Confederation of Employers (ACE), the ASEAN Trade Union Council (ATUC), the Task Force on ASEAN Migrant Workers (TFAMW), and the regional offices of IOM and UN Women.<sup>2</sup>

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2. Survey responses were provided by: the governments of Cambodia, Indonesia, the Lao People's Democratic Republic, Myanmar, the Philippines, Thailand, and Viet Nam; as well as ACE, ATUC, and IOM.



## Progress of the ASEAN Member States in implementing the 3rd – 8th AFML recommendations

### **A. Information dissemination targeting migrant workers and employers on regulations and requirements, migration costs, rights and standards, working and living conditions, occupational safety and health, labour inspection, and migration realities**

14. There are 15 recommendations grouped into this cluster. They emphasize the need to make information more accessible to migrant workers and employers through the conduct of comprehensive orientation seminars and information campaigns, both at the countries of origin and destination, using a variety of delivery channels. The recommendations stress that preparatory briefings should involve the relatives of migrant workers to help their families cope with the costs and challenges of overseas employment. They highlight the need to raise awareness about the importance of complying with occupational safety and health (OSH) standards, and the purpose of labour inspection. The recommendations also emphasize the need to disseminate information about the proper emigration procedures, recruitment and employment options, and migration costs in order to provide potential migrants and their families with an informed choice and promote safe and legal migration. The recommendations further highlight that all stakeholders – government, workers' and employers' organizations, recruitment agencies, and civil society – have a role in disseminating information at the different stages of the migration cycle.

### **Information dissemination in countries of origin**

15. Information dissemination initiatives in countries of origin generally take two forms. The first involves raising awareness among potential migrants and their families about the realities of labour migration in order to guide their decisions and provide them with an informed choice about whether or not to migrate for work (sometimes called pre-employment orientation seminars, or PEOS). The second involves providing those who have decided to migrate with pre-departure orientation seminars (PDOS) in order to better prepare them to live and work in another country.

### **Cambodia**

16. Legislation was developed to standardize and regulate the delivery of pre-departure orientation. A standard curriculum was developed for specific destination countries. The delivery of the orientation rests with the recruitment agencies, in particular the Association of Recruitment Agencies (ACRA). For the Employment Permit System (EPS) of the Republic of Korea, pre-departure orientation is delivered by the Ministry of Labour and Vocational Training (MOLVT).
17. Pre-employment information and advice is provided through a limited number of Migrant Resource Centres (MRCs) that are operated by the government, trade unions, and civil society organizations (CSOs), and supported by the ILO.<sup>3</sup> MRC operations have been standardized through the development of an Operations Manual. Specifically, four MRCs were established that disseminate information on safe and legal migration and provide employment counselling.

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3 Refer to Appendix II for more details about ILO-supported MRCs in ASEAN.



Eight job centres in the country also provide employment counselling.

## Indonesia

18. Pre-employment counselling, education, and training, as well as pre-departure orientation have been mandated by Indonesian law since 2004. The former is carried out by recruitment agencies, and the latter by the National Agency for Placement and protection of Indonesian Migrant Worker (BNP2TKI). A 2013 study (Farbenblum, et al.) indicates that the pre-employment orientation was not quite effective or comprehensive, while the pre-departure orientation was seen as more consistent and useful.
19. Between 2015 and 2016, the Confederation of Indonesian Prosperity Trade Unions (KSBSI) held workshops in West Kalimantan, East Nusa Tenggara, East Java, West Java, and North Sumatra targeting prospective and current migrant workers and their families. The training included information about the realities of labour migration, recruitment regulations, placement process, and how the situations of migrant workers are monitored.
20. In August and September 2015, the All-Indonesian Workers' Union Confederation (KSPSI) conducted seminars in Cianjur, West Java, for KSPSI local union officers and prospective migrant workers. The seminars discussed the Indonesian migration process, working competence, insurance for migrant workers, and human trafficking.

## Lao People's Democratic Republic

21. The Government of the Lao People's Democratic Republic collaborated with the ILO to develop a pre-departure training curriculum for Lao workers migrating to Thailand. In 2015, the Ministry of Labour and Social Welfare (MOLSW) held several training of trainers programmes using the curriculum. These training programmes were attended by recruitment agencies, government officials, and trade union representatives. Training modules include information about documents required for safe migration, Thai culture, and the rights and responsibilities of migrant workers in the workplace.
22. The Government has approved the establishment of 16 recruitment agencies that deploy Lao workers overseas. The duly licensed agencies are monitored by MOLSW and are expected to provide pre-departure orientation seminars to all migrant workers that they deploy.
23. Three MRCs (two run by the MOLSW in Champasack and Xaiyaboury, and one by the Lao Federation of Trade Unions (LFTU) in Savannakhet)<sup>4</sup> provide information about safe migration and procedures for working abroad. They also coordinate with government agencies and other stakeholders to look into pressing concerns raised by migrant workers.
24. The MOLSW and Lao Youth Union, in partnership with IOM, deliver regular trainings to national, provincial, and district government officials about migration processes. Target implementation areas vary each year, with 2015–16 activities focused on the provinces of Luang Prabang and Khammuone.
25. In 2015, the Lao Women's Union actively disseminated information on safe migration for women and girls. Over 1,500 copies of the ILO-supported Safe Migration Booklet for Women have been distributed across Savannakhet, Khammouane, and Champassak provinces. The booklet provides information on the rights of women of women migrating from the Lao

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4 Refer to Appendix II for more details about ILO-supported MRCs in ASEAN.

People's Democratic Republic to Thailand for work, including specific information on the rights of domestic workers.

## Myanmar

26. Pre-departure training curricula for Malaysia- and Thailand-bound migrant workers were finalized by the Ministry of Labour, Immigration and Population (MOLIP) in March 2015. Copies have been distributed to government training centres, Myanmar Overseas Employers Agency Federation training centres, MRCs, and trade unions and civil society organizations that run pre-departure trainings. These curricula have also been used to train staff from the four Labour Exchange Offices in the Mandalay region. The curricula provide information about the culture of the destination countries, employment conditions, use of valid contracts, occupational safety health, as well as the rights and obligations of both migrant workers and employers.
27. With support from the ILO, the MOLIP has established five MRCs at the Labour Exchange Offices in Dawei, Mandalay, Myingyan, Kyaukse, and Meiktila. In addition, the civil society organization Mawk Kon has set up another MRC in Kyaing Tung. These MRCs reach out and provide relevant information on safe migration to potential migrants and their families.<sup>5</sup>
28. The MOLIP is also working with the IOM to establish additional MRCs under the Labour Exchange Offices (LEOs) of currently underserved areas (such as Ayeyarwady, Rakhine, and the Chin regions) in order to provide potential migrants with essential information about the labour migration process, pre-departure procedures, and remittance channels. Under this partnership, four MRCs have already been set up at the LEOs in Kayin, Mon, and Yangon. MOLIP and IOM are also working towards physically upgrading one existing LEO. The intervention also includes training workshops for MRC staff and other relevant government officials on labour migration policies, MRC operations, and multi-stakeholder networking and collaboration.
29. The Confederation of Trade Unions of Myanmar (CTUM) and the Myanmar Transport and Logistics Trade Union Federation (MTLMUF) has been holding pre-departure trainings for migrants and their families in Daikoo, Bago Region, Myawaddy, and Karen State, with support of the ILO. During April–June 2016, they conducted 12 safe migration trainings for 513 potential migrants (composed of 144 women and 369 men) in different regions of Myanmar. These trainings were used to inform migrants of the official migration processes and costs, and to prepare migrants for a safer and more beneficial migration experience.
30. The Rakhine Women's Union has organized several trainings and information sessions on women and migration that have been attended by women community leaders, return migrants, and youth activists in Sittwe, Rakhine State. The goal is to develop women leaders who are empowered and knowledgeable about migrants' rights and women's rights. Topics include laws on labour migration and trafficking, violence against women and related national protection laws for women, women's rights, safe migration, and labour rights.

## Philippines

31. The Philippine Overseas Employment Administration (POEA) conducts pre-employment orientation seminars for all Filipino workers who are considering overseas employment. The Overseas Workers' Welfare Administration (OWWA), likewise, conducts pre-departure orientation seminars for all overseas Filipino workers prior to their leaving the country to work abroad. In both seminars, topics on OSH are incorporated. However, for the pre-departure

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<sup>5</sup> Refer to Appendix II for more details about ILO-supported MRCs in ASEAN.

orientation seminar, there are additional modules that are incorporated as required by the destination countries and/or depending on the job applied for.

32. In 2014, POEA introduced an online portal (<http://peos.poea.gov.ph/index.html>) where potential migrant workers can access pre-employment orientation seminars (PEOS). After completing the modules provided in the online seminar, POEA issues a POEA Certificate that can be used in pre-employment processing with POEA. In 2016, POEA Governing Board Resolution No. 6 made it mandatory for first time migrant workers and seafarers to undergo the online PEOS. The seminars may be accessed through the website for free.

## **Viet Nam**

33. Decree No 18/2007/QĐ-BLĐTBXH on 18/7/2007 stipulates a compulsory 72-hour pre-departure training programme for workers. The legislation requires the pre-departure training to be delivered by recruitment agencies. Adherence to this requirement is also written into the Vietnam Association of Manpower Supply's (VAMAS) Code of Conduct (COC-VN). Provisions include how private recruitment agencies can collaborate with employers to conduct OSH trainings among migrant workers. To implement the decree, the Department of Overseas Labour (DOLAB), with support from the ILO, has developed a pre-departure training curricula for migrant workers going to Malaysia. Trainings of trainers for recruitment agencies mandated to deliver the PDOS were held in 2014 and 2016. DOLAB is monitoring the delivery of pre-departure training by recruitment agencies.
34. DOLAB, with ILO support, has also adapted and introduced the MRC Operations Manual to 63 provincial Employment Service Centres in Viet Nam. Between January and October 2014, over 2,000 migrant workers and their families received counselling on safe migration.
35. Five MRCS operate in Bac Ninh, Ha Tinh, Phu Tho, Quang Ngai, and Thanh Hoa through the Provincial Department of Labour, Invalids and Social Affairs (DOLISA), with technical support from DOLAB.<sup>6</sup> Another MRC was set up in Nghe An through the Viet Nam Women's Union. These provincial MRCs are linked with local employment service centres to promote better integration of safe migration counselling into employment services. The MRCs also provide migrant workers with information on proper migration procedures, licensed recruitment agencies, migration costs and risks, and how to protect themselves.
36. DOLAB, DOLISA, and VAMAS also provide regularly updated information about the labour market conditions in top destination countries for Vietnamese migrant workers. These are published on their websites and are also disseminated through newsletters and country-specific manuals that are distributed to migrant workers before they depart. In addition, DOLAB coordinates with mass media agencies in order to disseminate information on labour migration. Live panel discussions are shown on national and local television networks and special programmes are broadcast on radio.
37. VAMAS has been advocating for private recruitment agencies to organize PDOS among the families of migrant workers in order to discuss the conditions of the employment contract, the recruitment processes, and the realities of having a family member working abroad. VAMAS monitors the PDOS being conducted by private recruitment agencies and evaluations have been carried out through: (i) observing PDOS sessions; (ii) interviewing workers attending the seminars; and (iii) requesting participants to fill in questionnaires that evaluate the quality

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6 Refer to Appendix II for more details about ILO-supported MRCs in ASEAN.

of training and services. This monitoring activity has also provided VAMAS with information regarding how migrant workers choose recruitment agencies; how familiar they are with what fees they are required to pay; and how they source funds to pay for recruitment costs.

38. VAMAS has collaborated with the Vietnam Bank for Agricultural and Rural Development to produce destination country-specific handbooks that guide migrant workers on how to apply for loans and remit money back home. These handbooks are distributed to workers before they depart.

### **Information dissemination in countries of destination**

39. Information dissemination initiatives reported under this subsection generally take three forms: (1) post-arrival orientation seminars (PAOS) for migrant workers; (2) workplace education for migrant workers; and (3) education among employers to encourage compliance with ethical recruitment and decent work standards.

### **Brunei Darussalam**

40. The Department of Labor intends to establish a pool of trainers to deliver post-arrival training to newly arrived migrant domestic workers and is discussing collaboration with the ILO.

### **Malaysia**

41. The Department of Occupational Safety and Health (DOSH) organizes outreach programmes with employers' associations in order to disseminate OSH information and educate their employees (both local and migrant workers) on OSH issues through communication materials such as posters and flyers. Furthermore, the National Institute of Occupational Safety and Health (NIOSH) trains employers on relevant legislation and standards on fall prevention, as well as hazard identification, risk assessment, and risk control for workers' safety (ILO, 2015c).
42. NIOSH partners with different industries to promote OSH compliance and information dissemination through seminars, road shows, and exhibitions (ILO, 2015c). One initiative developed and implemented by NIOSH is the Safety Passport System, a series of training and assessment programmes for a specific target group within a specific industry and focused on a specific OSH subject. Depending on the course taken, the training duration ranges between four to eight hours, and the cost also varies depending on the course. By the end of the training, participants must take a test administered by the NIOSH. Successful candidates receive a "Safety Passport" that permits them to enter and work in their project sites or workplace. In 2014, there were 5,266 migrant workers who received Safety Passports.<sup>7</sup> Migrant workers can enrol in the Awareness of Malaysian Laws for Foreign Workers Working in Malaysia course conducted by the National Vocational Training Council. The 20-hour curriculum includes information on OSH regulations, immigration regulations, relevant national laws, and complaints procedures.
43. The Malaysian Trades Union Congress (MTUC) and civil society organization Tenaganita, in collaboration with the ILO, have established Migrant Resource Centres (MRCs) in Johor, Kuala

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7 These 5,266 total migrant workers received one of the following Safety Passports under the programme: Contractor Safety Passport (CSPS), Oil & Gas Safety Passport (OGSP), NIOSH-TNB Safety Passport (NTSP), NIOSH-TM Safety Passport (NTMSP). A full list of courses is available at <http://www.niosh.com.my/course-programmes#induction-and-safety-passport-programmes>

Lumpur–Selangor, and Penang.<sup>8</sup> MRC staff organize workshops to raise awareness among migrant workers about their labour rights and rights related to arrest and detention; as well as how to organize themselves and/or join trade unions. Selected migrant workers have been trained to be peer counsellors and are expected to reach out to coworkers in distress.

## Singapore

44. The Workplace Safety and Health Council (WSH Council) produces guidelines for both employers and workers on OSH issues. Work safety literature and posters in Singapore are produced in languages most commonly spoken by migrant workers, such as Bengali, Mandarin, and Tamil. Publications include a newsletter called iWSH that provides workers with OSH-related news.
45. Since 2013, the WSH Council has been organizing road shows in migrant worker dormitories and in public areas where migrants often congregate (ILO, 2015c). These roadshows include a series of educational exhibits about OSH and the rights of migrant workers under the Work Injury Compensation Act. In 2015, the WSH Council conducted 12 road shows, wherein over 30,000 migrant workers participated.
46. The National Trades Union Congress (NTUC) has introduced a basic conversational English course for migrant workers. The initiative aims to provide migrant workers with the means to adapt to and communicate in Singaporean society. The course also helps workers to better understand OSH directives.

## Thailand

47. Ongoing practices on raising awareness about OSH among employers and associations are conducted through various government-led programmes (ILO, 2015c). The Ministry of Labour declared 2015 as the year to build safety awareness at work. In this regard, the Safety Mind programme was launched, and it reiterated the importance of OSH. Additionally, the Department of Labour Protection and Welfare also initiated the Safe Workplaces Project, with over 7,000 workplaces participating. The project used exhibitions to raise OSH awareness and encouraged workplaces to follow OSH guidelines. Another important programme for OSH awareness is National Safety Week. This is an annual event organized across five regions in Thailand (North, North-East, East, West, and South). This event provides exposure to OSH issues through OSH seminars; dissemination of information on OSH; promotional campaigns; and activities to raise OSH awareness among workers, employers, and other parties.
48. The Labour Congress of Thailand (LCT), the National Congress of Private Industrial Employees (NCPE), and the Thai Trade Union Congress (TTUC) – through ILO-supported MRCs – provide trainings to Cambodian, Lao, and Myanmar migrant workers in the Samutprakan Province of Thailand. These trainings cover:
  - a. the labour rights of a worker in Thailand;
  - b. the benefits of participating in a social security scheme;
  - c. the Occupational Safety and Health and Hazardous Materials Handling Act;
  - d. paralegal sessions on migration laws, basic criminal laws, and Thailand's Labour Act;
  - e. how to organize migrants to join Thai labour unions;
  - f. the benefits of participating in the welfare committees of companies; and
  - g. financial planning.

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8 Refer to Appendix II for more details about ILO-supported MRCs in ASEAN.

49. Thai MRCs also conduct seminars for employers. Topics include:
- a. benefits of including migrants in Company Welfare Committees;
  - b. good practices in employing migrant workers;
  - c. improving OSH by teaching basic Thai language skills to migrants; and
  - d. negotiation skills for employers related to CBA negotiations and labour disputes.

## **B. Effectively regulating the recruitment of migrant workers**

50. There are 13 recommendations grouped into this cluster. They stress the need to enhance the efficiency of recruitment processes by developing transparent, streamlined, and simplified procedures; by forging multilateral and bilateral agreements among labour-sending and labour-receiving countries; and by using standard employment contracts. There should be increased efforts to detect contract substitution and the issuance of sub-standard contracts. The recommendations call for the active promotion of the use of regular channels of migration, and the implementation and monitoring of licensing systems for recruitment agencies and accreditation systems for employers. The recommendations also highlight the need to reduce recruitment costs borne by workers and the need to introduce (or strengthen, as appropriate) labour attachés and consular officials whose functions would include verifying job orders and employment contracts and providing relevant services to migrant workers.

### **Cambodia**

51. Upon the request from the Ministry of Labour and Vocational Training (MoLVT) at the Annual Meeting to Review the Implementation Status of the National Labour Migration Policy (2015–2018) in September 2016, IOM developed a draft self-assessment tool for private recruitment agencies in Cambodia. In cooperation with the Association of Cambodian Recruitment Agencies, the tool has been tested during two official inspections of private recruitment agencies in Phnom Penh.

### **Indonesia**

52. The third National Medium Term Development Plan (2015–2019) has identified several targets for migration.<sup>9</sup> A major target is to reduce the share of low-skilled and informal workers who face legal problems at home and abroad. Other relevant targets include: enhanced recruitment and deployment mechanisms that protect migrant workers; increased share of migrant workers who have skills and expertise appropriate to the needs of the labour market; increased role of local communities in providing labour market information services to prospective migrant workers; and enhanced regulations that provide protection for migrant workers.
53. The Indonesian Government has sought to strengthen the policy framework for the placement and protection of Indonesian migrant workers by amending National Law No. 39/2004 on the Placement and Protection of Indonesian Migrant Workers Abroad (ILO, 2013). The revision of the current law on the placement and protection of Indonesian Overseas Workers is underway. Trade unions and CSOs in Indonesia have raised concern over the draft revisions, which according to them, contain very little change compared to the existing law. The groups have criticized the law for omitting reference to relevant international Conventions such as the 1990 UN Convention on the Protection of the Rights of Migrant Workers and Their Families, the ILO

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<sup>9</sup> Bahasa version available at <http://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=50077> [accessed 5 Nov. 2016]



Migration for Employment Convention (Revised), 1949 (No. 97), and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

54. The Government also plans to review the current migration fee structure, which currently differs for each worker depending on their country of destination. This plan is supported by Indonesian trade unions and CSOs, who claim that the existing fee structure is too complex and layered, leading to a large sum that needs to be paid by prospective migrant workers. The trade unions and CSOs have also pointed out to inconsistencies between what is officially regulated by the Government and the actual price paid by prospective migrant workers during the migration process.

### **Lao People's Democratic Republic**

55. The Lao People's Democratic Republic adopted its new Labour Law (2013, No. 43/NA) in early 2014, replacing the Labour Law of 2006. New and revised regulations pertaining to incoming migrant workers are outlined in Section III, Chapter 5. Along with outlining the basic rules of employment in the Lao People's Democratic Republic, it also covers the regulation of overseas employment, and the employment of foreign workers in the Lao People's Democratic Republic. Regulation of overseas recruitment services are provided for under Section III, Chapter 4, and remain unchanged from the previous law. Decree 68/2002 on Export of Lao Workers Working Abroad and its Implementing Guidelines give further details on the regulation for administration of recruitment; the services for sending Lao workers abroad; and the rights and responsibilities of Lao migrant workers. The Decree allows for the charging of fees to migrant workers, but not in excess of 15 per cent of salary or wage of each worker each month. The Department of Skills Development and Employment, MOLSW, is responsible for implementation of the Decree. As of 2016, there are 16 recruitment agencies legally allowed to operate in the Lao People's Democratic Republic (increased from 12 in 2013), with several of these wholly or partially state-owned. While some regulations on the operation of these agencies exist, the legislative framework requires further amendment and specificity to effectively manage this sector.

### **Malaysia**

56. The Eleventh Malaysia Plan (2016–2020) states that a comprehensive immigration and employment policy for foreign workers will be developed, with the Ministry of Human Resources (MOHR) assuming the lead role in policy-making. The Plan places productivity and innovation at its heart and aims to improve management of migrant workers by reducing national reliance on low-skilled migrant workers and streamlining recruitment as well as immigration processes. The Plan intends to place a cap on the amount of low-skilled foreign workers in the country at 15 per cent of the total workforce by 2020. There will be greater emphasis on the recruitment of high-skilled labour, and greater automation and knowledge-intensive activities in all sectors.
57. A policy decision was made in 2013 to phase out the system of outsourcing agencies by 2021 (ILO, 2016c). The Eleventh Malaysia Plan further confirms the change in policy, stating that the MOHR will assume full responsibility for regulating the recruitment of migrant workers and that the role of outsourcing companies and other intermediaries will be eliminated. It has not been made clear when this policy will be fully implemented as the existing outsourcing firms have been granted licenses that are valid through 2021. The Private Employment Agency Act 1981 is expected to be subsumed by the Private Employment Agencies Bill 2014, which will include regulating the recruitment of migrant workers (including migrant domestic workers) within its scope.

58. Malaysia imposes a levy for recruiting migrant workers. In principle the levy is a policy tool to impact the price of foreign labour, and hence its demand. This levy was originally borne by the employer; however, with the implementation of the national minimum wage (itself a progressive measure) in 2013, the levy has been passed on to the migrant worker. At the beginning of 2016, the Ministry of Home Affairs announced an increase in the levy rates, effective on March 2016. In February 2016, two groups (the first group involving a coalition of 55 employers' and workers' organizations, and the second group involving a coalition of 101 civil society and workers' organizations) released joint press statements that urged the Government to reconsider the levy increases. The first group argued that the move would be detrimental to the costs of doing business; proposed a review of the entire migrant worker recruitment process; and called for a comprehensive action towards legalizing the 4 million undocumented migrant workers in Malaysia, which would result in a levy collection of 5 billion Malaysian ringgit (MYR) for the Government (Nee, 2016). The second group urged the Government to transfer the levy back to employers (Aliran, 2016).
59. In June 2014, the Immigration Department of Malaysia started implementing the Foreign Workers Centralized Management System (FWCMS), an online integrated system that links Malaysian government agencies, the embassies of labour-sending countries, employers, recruitment agencies, and migrant workers. Prospective workers bound for Malaysia must undertake a mandatory bio-medical health examination through accredited medical centres established in their respective countries of origin. Employers must use the system to submit their Visa with Reference<sup>10</sup> (Visa Dengan Rujukan) application and buy insurance online for recruiting migrant workers.
60. The Malaysian Ministry of Home Affairs has introduced the Malaysian E-Governance System ([www.MyEG.com.my](http://www.MyEG.com.my)) – an online service to renew Foreign Workers Permits PL(KS) and temporary visit passes. It aims to increasing convenience, transparency and efficiency of the process. Employers were initially liable to cover a fee of MYR38 per application, but after objections by the Malaysian Employers Federation (MEF), the fee was abolished in May 2015 and absorbed by Government. MEF had cited that increased costs to employers would hurt business and noted that the sudden introduction of PL(KS) renewal through online MyEG services without prior consultation or sufficient advance notice had caused inconveniences to the employers. MEF proposed that the policy be reviewed and that the manual application for PL(KS) renewal should be allowed to run in parallel with the online MyEG application to allow employers time to become familiar with the online system.

## Myanmar

61. Myanmar Overseas Employment Agencies Federation (MOEAF) is an association established in 2013 composed of private recruitment agencies that have been licenced by MOLIP to recruit and deploy Myanmar workers overseas. The MOEAF launched its Code of Conduct for recruitment agencies on August 2016 with support of the ILO. Ninety-four overseas employment agencies (out of the 224 licensed agencies in Myanmar) have signed the Code of Conduct, which promotes fair and ethical recruitment practices. In addition, MOEAF runs pre-departure trainings for migrant workers going to Malaysia, and coordinates with recruitment agencies to establish new labour markets for Myanmar workers.

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10 Visa with Reference (VDR) is a visa issued by the Malaysian Representative Office abroad to non-Malaysian citizens to enable them to enter Malaysia; more details available at <http://www.imi.gov.my/index.php/en/main-services/visa/visa-with-reference> [accessed 26 Oct. 2016]



## Philippines

62. The POEA Governing Board releases a number of Resolutions every year that concern the recruitment and deployment of Overseas Filipino Workers. The most recent Resolutions include the following:
  - a. No. 6, Series of 2016: Requiring first time Overseas Filipino Workers (OFWs) and seafarers to undergo mandatory PEOS using PEOS online;
  - b. No. 7, Series of 2016: 2016 Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Workers;
  - c. No. 13, Series of 2016: Development of Online Registration System and Universal ID System for Seafarers; and
  - d. No. 14, Series of 2016: Revised POEA Rules and Regulations Governing the Recruitment and Employment of Filipino Seafarers.
63. The POEA has imposed a rule that penalizes the charging and/or collection of placement fees from workers seeking employment in countries that have laws that disallow the same. The violation of the “no placement fee” policy is a serious administrative offense that leads to the cancellation of the licenses of offending recruitment agencies. The same administrative rule penalizes the charging of excessive placement fees. In addition, Philippine policy bans private recruitment agencies from collecting placement fees from migrant domestic workers and seafarers.

## Thailand

64. The Royal Ordinance on Importation of Migrant Workers to Thailand was adopted on July 2016 and took force on August 2016. The ordinance seeks to regulate recruitment agencies bringing workers to Thailand; curb exploitative working conditions; and prevent trafficking in persons. A significant development in the law is the adoption of the zero fee principle following the ILO Private Employment Agencies Convention, 1997 (No. 181), which stipulates that job placement agencies are not permitted to charge recruitment fees to migrant workers.
65. A new round of registration was opened for migrant workers in 2016. As of July 2016, over 965,203 migrant workers from Cambodia, the Lao People’s Democratic Republic, and Myanmar have registered since April 1 until July 27. Of these, 570,893 are migrant workers from Myanmar, 338,141 are Cambodians and 56,169 are Lao. There are also 20,627 dependants (Thai PBS, 2016).
66. Thailand has established four One Stop Service Centres (also referred to as “Checkpoints for applications and work permit issuance for Myanmar migrant workers”) in Chiang Rai, Tak, and Ranong, Samut Sakhon. One Stop Service Centre services include facilitating the renewal of work visas and the issuance of identity cards for migrant workers.

## Viet Nam

67. The Ministry of Labour, Invalids and Social Affairs (MOLISA) released Circular No. 22/2013/TT-BLĐTBXH in October 2013, which stipulates the content of standard labour supply and service contracts for migrant workers (ILO, 2016b). The circular states that contracts must include details about the contracting parties, conditions for employment, salary and other benefits, the rights and obligations of the contracting parties, what costs are charges to workers, how disputes may be settled, and the duration of the contract. Templates of standard contracts are attached to the Circular.

68. The VAMAS Code of Conduct (COC-VN) was adopted in 2010, and 108 recruitment agencies signed up to commit to its principles and guidelines relating to various aspects of the recruitment process (e.g., use of contracts, pre-departure training, dispute settlement). During 2014–2015, assessments on the COC-VN implementation were conducted among 66 agencies, which comprise one-third of all recruitment agencies in Viet Nam and are responsible for 60 per cent of the total number of Vietnamese migrant workers deployed annually. In 2015–2016, 90 recruitment agencies (24 new, 66 existing) were to be monitored and assessed; and VAMAS has started to involve DOLAB and the Vietnam General Confederation of Labour (VGCL) to be part of their Evaluation Board, which will increase the credibility of the rankings.
69. As part of the expansion of COC-VN, in 2014, VAMAS organized two trainings in Hanoi and in Ho Chi Minh City for representatives of 30 licensed recruitment agencies; and 16 provincial and city offices of the Department of Labour, Invalids and Social Affairs from which high numbers of migrant workers come from. The trainings focused on issues related to international Conventions and national regulations on labour migration, forced labour, and human trafficking; the provisions of the COC-VN; the assessment system on the implementation of the Code; and the roles of the different government offices involved in monitoring the recruitment operations of licensed agencies.

### **C. Providing decent working conditions for migrant workers**

70. There are 23 recommendations grouped into this cluster. They stipulate that an employment contract should be written in a language understood by the migrant worker, and should specify clear terms and conditions of employment, the rights and responsibilities of workers and employers, and information on grievance mechanisms. They call for developing one-stop service centres for migrant workers; improving the mechanisms for claiming and paying compensation benefits to workers so they may be received in a timely manner; and promoting non-discrimination in access to health care and social protection irrespective of the migrant workers' occupation, nationality, and status. The recommendations urge for sector-specific occupational safety and health guidelines to be developed and the promotion of a positive OSH culture in the workplace; for the regular conduct of labour inspection; and for the recognition of skills acquired by workers through employer certifications. They also highlight the role of labour attachés and consular officials, and specify the responsibilities of labour-sending and labour-receiving countries in protecting migrant workers.

### **Indonesia**

71. On August 2015, the Government of Indonesia ratified the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). Indonesia had previously issued Government Regulation No. 50 on OSH management systems, directing workplaces employing 100 or more workers to set up an OSH management system to safeguard the safety and health of workers.
72. There have been a number of high profile cases of forced labour and human trafficking in Indonesian and international waters. For the last decade, there have been accounts of Cambodian and Myanmar nationals fleeing Thai-owned fishing vessels in the Indonesian Maluku islands and in Ambon because of the exploitative conditions on board. In 2014, the full extent of these abuses was revealed when the Indonesian authorities began imposing tighter restrictions on fishing in their waters – from prohibition of foreign flagged vessels to fish in Indonesian waters, to requiring a greater proportion of Indonesian crew on board, putting a ban on trawling, and finally issuing a moratorium on foreign vessels fishing in Indonesia, forcing several vessels to

the ports in Ambon. While the numbers vary by different sources, the Associated Press reported repatriation of over 2,000 fishermen in 2015 (Mason, et al., 2015). IOM has assisted 1,080 fishermen to return home to Myanmar and Cambodia in the period of April 2015 to September 2016. The Cambodian and Myanmar fishermen have been identified as victims of trafficking, while several perpetrators have been detained and prosecuted by Indonesia pursuant to anti-trafficking law.

73. The Government has established a Task Force on Prevention and Eradication of Illegal, Unreported and Unregulated (IUU) Fishing. The Task Force has tried to ensure payment of due wages by employers and coordinated with labour-sending countries on repatriation of workers.

### **Lao People's Democratic Republic**

74. The Lao People's Democratic Republic has revised its labour law through the adoption of Labour Law 2013 (No. 43/NA). The national labour law applies to Lao and foreign nationals working in the Lao People's Democratic Republic, as well as Lao migrants working overseas. New additions to the labour law include sections on social security protection, OSH, and labour inspection.

### **Malaysia**

75. On August 2014, the ILO Maritime Labour Convention, 2006, entered into force in Malaysia. The Government had ratified the Convention one year prior.
76. Since 2014, every migrant worker is provided with a Foreign Workers Colour Coded Identity Card. These cards are issued when the worker receives their Visit Pass for Temporary Employment in Malaysia.
77. The OSH Master Plan is an action plan that supports and strengthens OSH-related legislative frameworks through 29 designated programmes. The DOSH implements the Master Plan to achieve Malaysia's long-term vision of safety culture. The 2010–2015 Master Plan emphasized enforcement by nurturing a culture of self-regulation in all workplaces. It aims to achieve self-regulation by engaging the business community, industry leaders, and workers to build strong partnerships. The Government has been working on the 2016–2020 Master Plan as well as on a national OSH policy that supports the OSH framework (ILO, 2015c).
78. In addition to having the OSH Master Plan, Malaysia has developed a Guideline on Occupational Safety and Health Management System that outlines a comprehensive risk identification, assessment, and control process. The Government has also introduced new laws and regulations to safeguard OSH for all workers (ILO, 2015c).
79. Malaysia has also introduced the Construction Industry Development Board (CIDB) Green Card System, an integrated programme that provides safety induction and accreditation for construction workers. All personnel working in construction sites, including migrant workers, must attend the one-day Safety and Health Induction Course and demonstrate their competency on safe work practices (ILO, 2015c).
80. All OSH guidelines, posters, and pamphlets in Malaysia are published in English and the Malay language. OSH guidelines are also published in Mandarin and Tamil to cater to migrant worker populations from China and India, respectively (ILO, 2015c).

81. The Ministry of Health (MOH) implements the Foreign Workers Health Insurance Protection Scheme. Every migrant worker is required to enroll into the private medical coverage scheme in order to use the services of public hospitals. The scheme includes a hospitalization and surgery insurance policy with health insurance protection for a total coverage of MYR10,000 per year. The premium of MYR120 per year is borne by the workers themselves (ILO, 2015c).
82. A minimum wage law has been enacted that applies to migrant workers (with the exception of domestic workers), setting a basic monthly wage of MYR900 in Peninsular Malaysia and MYR800 for Sabah, Sarawak, and Labuan. A rise in the minimum wage has been announced for the 2016 budget. In its 2016 budget, the Government has announced that the minimum wage for workers in the private sector will be further increased in July to MYR1,000 per month in the Peninsula and MYR920 in Sabah, Sarawak, and Labuan. One of the stated intentions for the rise is to reduce reliance on migrant workers.
83. MEF incorporated the ILO's Essentials of OSH (EOSH) training modules into its regular training package after attending an ILO training on setting up OSH services in February 2014. The EOSH package is a 25-module training tool that covers the essential aspects of occupational safety and health and can be used to meet workers', supervisors', and line-managers' training needs. It is designed to be easily used by employers' organizations to set up new training services on the Essentials of Occupational Safety and Health for their member companies. In the same way it can be easily used by companies aiming to introduce, or upgrade an existing, internal OSH training system.
84. In 2014, MEF, with the support of the ILO, carried out a survey on the recruitment, employment, and repatriation of migrant workers. The findings were incorporated into MEF's tool *Practical Guidelines for Employers*, which draws together information about policies, procedures, and best practices related to the recruitment of migrant workers; and incorporates MEF's policy proposals to the Government on how to enhance the management of foreign labour. A report on the *Practical Guidelines* was launched on December 2014 and generated interest from Malaysian authorities.
85. In March 2015, MEF and ILO conducted a series of workshops in Penang, Johor, and Kuala Lumpur-Selangor to enhance understanding about labour migration laws and policies and their implementation. The event provided MEF the opportunity to disseminate its *Practical Guidelines for Employers*; discuss the application of labour migration laws and policies; consult employers about their views on the regulations; and share good practices related to the employment of migrant workers. Over 200 company representatives attended the workshops, which included presentations on: a) managing foreign workers in Malaysia – highlights and latest developments; b) international standards and good practices in the management of migrant workers, and c) key findings of enterprise-level case studies: recruiting, placing, and protecting foreign workers.
86. In 2016, MEF conducted further surveys with the objective of providing employers with practical guidance on how manage their foreign workforce and promoting best practices. The survey examined current issues and challenges faced by the employers in the management of foreign workers including recruitment, placement, employment, and repatriation. Implemented solely by MEF, the survey takes off from an ILO-supported initiative in 2014 and includes additional questions about admissions and management policies. Analysis of the survey findings are ongoing.
87. Since 2012, the ILO and the Malaysian Bar Council have supported a series of consultations with labour attachés and consular officials from 12 countries sending workers to Malaysia.

The objectives of the consultations are to provide attachés with a better understanding of Malaysia's laws and procedures, and to improve cooperation with the Government and social partners. The trainings and consultations cover recruitment regulation, complaint channels, trafficking in persons, and the Comprehensive Settlement of Foreign Workers programme. The gathering of labour attachés also allows for the sharing of information on case management and other issues. Because of the demonstrated value of the initiative in Malaysia, the projects have replicated the consultations with labour attachés in Thailand.

## Myanmar

88. On December 2014, the ILO Worst Forms of Child Labour Convention, 1999 (No 182) entered into force in Myanmar. The Government had ratified the Convention one year prior. On May 2016, Myanmar ratified the ILO Maritime Labour Convention, 2006.
89. MOLIP has issued Ministerial Order No (560/2014), under which systems are being put into place to offer migrants greater diversity in remittance channels. In April, Myanmar's Central Bank released additional rules on mobile financial services. Wave Money, a mobile transfer system, expanded during this period, and Western Union launched Myanmar's first outbound money-transfer service, three years after launching inbound services.
90. MOLIP, in collaboration with the inter-ministerial members of the Overseas Employment Supervisory Committee, private recruitment agencies, and UN organizations, is strengthening Myanmar's migration management through national policy reforms. This includes support to develop Myanmar's five-year National Plan of Action on the Management of International Labour Migration and a Migrant Health Policy.
91. In 2014, a Migrant Workers Reporting Counter was set up at Yangon International Airport. Both out-bound and in-bound Myanmar migrant workers are required to pass through the reporting counter. Its purpose is to inspect the documentation of migrant workers, provide relevant information materials, and collect labour migration data in order to promote safe and legal migration practices
92. In March 2014, MOLIP, in collaboration with IOM, conducted trainings for labour attachés on labour migration management and migrant workers' protection. Myanmar's labour attachés have cooperated with migrants' associations and CSOs in host countries in providing legal services to migrant workers and pursuing legal claims on their behalf.

## Philippines

93. In May 2016, Republic Act No 10801 on the Overseas Workers Welfare Administration (OWWA) Charter was passed. It provides guidelines on OWWA's mandate, objectives, membership, collection of contribution, and provision of benefits and services. The Act mandates the reintegration programme as a core programme of OWWA, and places National Reintegration Centre for OFWs (NRCO) under OWWA management. In addition, OWWA would now receive government funding instead of relying solely from the contributions of its OFW members.
94. OSH Protection Tips for Domestic Workers and Employers (2014). Following the Philippine ratification of ILO Domestic Workers Convention, 2011 (No 189) in 2012 and the passage of the national Domestic Workers Act (Republic Act No 10361) in 2013, the Department of Labor and Employment's Bureau for Workers Concerns and OSH Centre in 2014 developed the *OSH Protection Tips for Domestic Workers and Employers*. The guideline considers the peculiar working conditions and occupational hazards in domestic work. The issuance was termed "tips" considering that these workplaces are not open to inspection.



95. The Bureau for Workers Concerns (BWC) accepts applications of OFWs for accreditation as OSH practitioners. Experience derived from work overseas are recognized and considered in accrediting the OFW.
96. The Philippine OSH Centre has developed a health programme for migrants with the goal of creating the necessary conditions, both within the health system and the broader society, for the promotion and protection of the health of migrants. The Migrants Health Program aims to increase the quality of health care and services and improve the health-seeking behaviour of OFWs; institute migrant health policy and management support systems, as well as establish a monitoring system on migrant health; and strengthen regulatory measures to ensure quality health services for migrant workers.
97. In March 2016, the Department of Health (DOH) Administrative Order 2016-007 on the National Policy on the Health of Migrants and Overseas Filipinos was signed. It set the national policy framework for addressing the health of migrants and overseas Filipinos, and defined the national guiding principles and strategies to advance migrant health. It also initiated the establishment of a national programme for migrant health within the Department of Health (DOH, 2016).
98. These include establishing a migrant health unit under its Bureau of International Health Cooperation; overseeing the operations of OFW clinics that certify the physical and mental well being of departing workers and ensuring that they are healthy prior to departure; deploying rapid response health mission teams during emergency situations; and providing medical repatriation coordination and assistance to distressed migrants (DOH, 2016).
99. In 2016, DOLE amended the rules of its Labor Law Compliance System (LLCS). Although the Philippines does not implement an inspection mechanism overseas, LLCS activities cover inbound migrant workers through the use of an assessment checklist that requires labour inspectors to indicate the presence of foreign workers and whether they have been issued with Alien Employment Permits. Furthermore, the LLCS incorporates strategies (such as the conduct of joint assessments where labour inspectors are accompanied by employers' and workers' representatives, and the recognition of voluntary compliance through an incentives programme) in order to secure higher-level compliance with labour policies and occupational safety and health standards, as well as to inculcate a culture of voluntary compliance. With support from the ILO, the Government has also introduced the Labor Laws Compliance System-Management Information System (LLCS-MIS) which is a web-based application that allows labour inspectors to use electronic devices for the real-time transmission and processing of data collected from the field (DOLE, 2016).

## Singapore

100. To complement the Workplace Safety and Health Act 2006, the Ministry of Manpower (MOM) and WSH Council developed a national plan called the Workplace Safety and Health 2015, which was thereafter updated to WSH 2018. The WSH 2018 aims to reduce WSH incident rates; make safety and health an integral part of business; make Singapore a centre of excellence for WSH; and create progressive and pervasive safety and health culture in Singapore (ILO, 2015c).
101. Under the WSH 2018 strategies, the number of WSH officers and auditors rose to over 14,000 by the end of 2014. Safety Orientation Courses that provide basic OSH guidelines for higher risk sectors were developed (ILO, 2015c).

102. In line with the WSH reforms being introduced by the Singaporean Government, existing regulations were amended and new regulations were enacted. The most recent include the:
- a. WSH (Asbestos) Regulation 2014, which replaces the Factories (Asbestos) Regulations 1980;
  - b. WSH (Construction) (Amendment) Regulation 2014;
  - c. WSH (General Provisions) (Amendment) Regulations 2014;
  - d. WSH (Incident Reporting) (Amendment) Regulation 2014;
  - e. WSH (Shipbuilding and Ship-Repairing) Regulations 2014;
  - f. WSH (Work at Heights) (Amendment) Regulation 2014;
  - g. WSH (Design for Safety) Regulation 2015; and
  - h. WSH (Operation of Cranes) (Amendment) Regulations 2016 (ILO, 2015c).
103. The Occupational Safety and Health Division (OSHD) conducts joint inspection with other divisions within the Ministry of Manpower, as well as with external agencies. The OSHD also implements the Cluster Operations (COPS) inspection programme where specific clusters of workplaces are selected based on ground intelligence and inspected over a specified period of time. It is based on a new approach where the media is leveraged to achieve a multiplier effect on the Government's enforcement efforts. Under this approach, information on the selected sector, nature of work, or geographical location targeted for inspections are announced prior to the actual inspections. The media may be invited to participate in some of these inspections. After the inspection operations, findings from the operations would be publicized and shared with the industry, as well as other stakeholders, such as developers or industry associations (ILO, 2015c).
104. Accident investigations are another key pillar in OSHD's regulatory framework. The investigations aim to uncover the root causes of workplace incidents so as to guide the development and implementation of effective control measures and systemic interventions to prevent recurrence. OSHD then disseminates critical findings and lessons learnt from accident investigations to various industry stakeholders. This is done through the *WSH Bulletin* (a free electronic newsletter featuring incident alerts, case studies, WSH articles, and announcements) as well as through publications and videos (ILO, 2015c).
105. Under the Employment of Foreign Manpower Act (EFMA) 2009, migrant workers with work permits are able to access medical check-ups, chest x-rays, and tests for HIV/AIDS. Employers are required to post a 5,000 Singapore dollar (SGD) security bond for each migrant worker holding a work permit. Although migrant domestic workers are not covered by Singapore's Work Insurance Compensation Act, they are protected under EFMA. Employers are required to provide medical insurance coverage of SGD15,000 and personal accident insurance coverage of SGD40,000 for each migrant domestic worker (ILO, 2015c).
106. The Philippine Embassy in Singapore, with support from the ILO, has launched a series of consultations with labour attachés and embassy officials from Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, and Viet Nam to strengthen dialogue between labour attachés and consular officials posted in Singapore. The main objectives of the consultations are to familiarize labour attachés and consular officials with the functions and services of various ASEAN embassies in Singapore provided to protect their migrant workers, and to update the officials on recent developments on labour migration in the region. The initiative intends to enhance the capacity of ASEAN labour attachés to provide services and protection to their migrant workers.

107. NTUC and the Singapore National Employers Federation (SNEF), through their Migrant Workers Centre (MWC) and in partnership with labour inspectors, conduct inspections of purpose-built worker dormitories to assess the living environments of migrant workers in Singapore and prevent sub-standard conditions.
108. In February 2016, NTUC set up Help Kiosks at five migrant worker recreational centres located in Penjuru, Woodlands, Soon Lee, and Kaki Bukit, which complements the NTUC–SNEF Migrant Workers Centre’s 24-hour helpline. It makes the MWC’s services more accessible to its target beneficiaries.
109. NTUC members can claim subsidies for skills training under the NTUC Education Trust Fund.
110. The Humanitarian Organization for Migration Economics (HOME) provides a number of programmes to develop the capacity of migrant workers in Singapore, this includes:
  - a. Skills training on Sundays for migrant domestic workers conducted in English and Mandarin, including basic computer skills, cooking, baking, care giving, cosmetology, dressmaking;
  - b. Financial education seminars that were started in collaboration with the ILO and the CSO Atikha Overseas Workers and Communities Initiative;
  - c. A Women’s Health Centre that runs HIV and sexual health education workshops, call-in radio shows, and monthly HIV screenings;
  - d. Once a week dental services provided at highly subsidized rates for migrant workers on work permit passes, and for free for migrant workers who are jobless and are required to remain behind in relation to pending complaints and investigations; and
  - e. Organizing migrant domestic workers who volunteer and participate in a number of HOME programmes and services, as well as producing regular online newsletters.

## Thailand

111. Thailand ratified two international instruments in 2016: the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), ratified in March; and the Maritime Labour Convention, 2006, ratified in June.
112. The Government has adopted regulations allowing registered migrants equal access to healthcare services under the Worker Compensation Scheme and the Social Security Scheme. The Ministerial Regulation on the Prescribing of Criteria and Method of Conducting Health Check Up of Employees and Forwarding the Results of Health Check Up to Labour Inspector (B.E. 2547, 2004) directs employers to keep the records of their employees’ health check-ups, up to two years after the termination of each employee’s contract, for inspection purposes. Migrant workers, both documented and undocumented, can register under the Compulsory Migrant Health Insurance Scheme, enforced directly by the Ministry of Public Health. There are projects administered in provincial hospitals that involve volunteer migrant health workers acting as interpreters between migrant workers and healthcare service providers
113. As per the Ministerial Regulation on the Prescribing of Standard for Administration and Management of Occupational Safety, Health and Environment Act (B.E. 2549, 2006), in the situation of an occupational or work-related accident resulting in injury or death of an employee, the employer must report the incident to the Director-General (or a designated person) of the Labour Protection and Welfare Department within 15 days of the accident. The OSH Act authorizes safety inspectors to enquire, examine, and inspect workplaces during working hours or when an incident is reported.



114. Migrant workers are included in the definition of employee and will be protected under the OSH Act if they are legally employed. However, a number of migrant workers in the informal economy may not be considered to have legal employee status and, hence, may not fall within the scope of application of the OSH Act (ILO, 2015c).
115. The Department of Labour Protection and Welfare has issued several OSH Master Plans that address various OSH topics and adopt strategies for the development of OSH frameworks in Thailand. The OSH Master Plan 2012–2016 includes strategies for promoting labour protection with effective OSH standards; promoting and strengthening the capacity of OSH networks; developing and managing OSH knowledge; developing OSH information systems; and developing effective mechanisms for OSH administration (ILO, 2015c).
116. In 2015, the Ministry of Labour's (MOL) Department of Labour Protection and Welfare increased the number of its Labour Inspectors to 710. They report to the 77 Provincial Labour Protection and Welfare Offices (PLPWOs) and 10 District Labour Protection and Welfare Offices (DLPWOs) which are under the administrative supervision of the provincial and district administrations. Although there is currently no training curriculum on labour inspection, on-the-job training is provided as well as basic training on labour migration, child labour, forced labour, and trafficking in persons. Training on OSH is provided only to MOL's 632 Safety Inspectors (IOM, 2015).
117. The Department of Labour Protection and Welfare (DWLP) and the ILO developed a handbook on labour inspection that establishes the main aspects of a visit, including preparation, the forms to use, reporting, and issuing sanctions. Training for labour inspectors is carried out on-the-job, through pairing with more experienced inspectors and through ad hoc training courses on the laws and specific themes. Each labour inspector is entitled to ten days of professional development each year, though this may not be in a specific technical area related to labour inspection. (IOM, 2015).
118. The DLPW and the ILO developed a set of training materials and tools to enable labour inspectors and other authorized officers to carry out their duties more effectively, particularly with regard to the protection provided to children and young workers, migrant workers, and those in child labour and forced labour in hard to reach sectors. The materials draw on existing DLPW and ILO materials, as well as a new series of case studies from Thailand. In addition to a set of training modules to ensure conceptual clarity on forced labour, trafficking, and child labour, the materials developed also include a set of guidelines for conducting inspection in the fishing sector, as well as a protocol for officers to follow in the event that they uncover cases of forced labour and child labour (IOM, 2015).
119. In 2014, DLPW and the ILO used the newly developed training materials and organized a series of four workshops for 120 labour inspectors (accounting for approximately 20 per cent of all Thai inspectors) based in the 22 coastal provinces. The training programme runs for five days, and includes field inspections in seafood processing plants and fishing vessels (IOM, 2015).
120. The Thai Government has established a multi-disciplinary inspection team that conducts joint inspection of fishing vessels in Thai waters. The team includes the DLPW, Marine Police, Royal Thai Navy, the Department of Special Investigations, and the Department of Fisheries, among others. The formation of this team was inspired by a visit, organized by the ILO, of a delegation of Brazilian labour officers who shared their experiences in the conduct of inspections and raids of workplaces suspected of forced labour and child labour activities. Training tools and support will be provided to the inspection team (IOM, 2015).

121. Ministerial Regulation on the Protection of Fishers in Thailand was adopted in December 2014 after several years of advocacy. The new Regulation affects all commercial fishers, regardless of the crew size and the time spent outside Thai waters. It raised the minimum age, introduced a minimum wage, requires a written contract, and requires minimum rest hours to be set in the contract, drawing text from the Work in Fishing Convention, 2007 (No. 188). Since early 2015, the use of the Vessel Monitoring System (VMS) has been piloted in Thailand. Although originally intended to help fight illegal, unreported, and unregulated fishing practices, VMS tracking has facilitated the conduct of labour inspections. The enhanced vessel registration and data monitoring system enables authorities to track the whereabouts of workers and match them to specific boats. This helps the Government conduct targeted inspections instead of random ones (IOM, 2015).
122. The Thai Ministry of Labour has hosted four dialogues amongst labour attachés from ASEAN Member States now posted in Thailand. These dialogues were aimed at building the capacity of labour attachés; facilitating dialogue with the host governments; and building coherent labour migration policies among ASEAN member countries. The roundtables have addressed the role of labour attachés, complaints mechanisms, and ethical recruitment, and worked to validate the CLM labour attaché manual, including strategies for its operationalization.
123. Thai trade unions have set up migrant resource centres that are open to all migrant workers. In order to facilitate access to the MRCs, hotline numbers and the address of the centres are printed on MRC materials that are distributed in migrant communities and in places of worship that are frequented by migrant workers.

## **Viet Nam**

124. On May 2014, the ILO Maritime Labour Convention, 2006, entered into force in Viet Nam. The Government had ratified the Convention one year prior. On May 2014, Viet Nam ratified the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
125. Labour inspections are carried out jointly by trade union representatives and public labour inspectors. An annual work plan is jointly prepared and signed by VGCL and MOLISA. A joint national team is responsible for implementing the work plan, which includes dispatching monitoring teams throughout the country to carry out compliance visits. These visits are typically conducted by four or five officials representing MOLISA and local DOLISA (including a labour inspector) in addition to worker representatives. While the worker representatives present during the visits assist in identifying infractions in the workplace concerned, the capacity and decision to sanction remains an exclusive prerogative of the public labour inspector.

## **D. Facilitating access to legal and judicial systems, redress mechanisms, and complaints processes**

126. There are 16 recommendations grouped into this cluster. These are concerned with ensuring that migrant workers are aware of available grievance mechanisms and are able to report and seek redress for violations of their rights, the terms and conditions of their employment, as well as the OSH standards at their workplace. They stress that alternative dispute settlement mechanisms should be explored before formal litigation processes; and that the procedures must be user-friendly, gender-responsive, efficient, and respectful of confidential information. They highlight that one-stop service centres can facilitate access to complaints mechanisms, and that these centres should be established where large populations of migrants work. The

recommendations emphasize that labour attachés and consular officials must have close engagement with migrant communities, employers, and authorities of the host country to more effectively respond to grievances; and that inter-trade union collaborations could be forged to support migrant workers from both sides of the migration corridor. They also call for the joint accountability of employers and recruitment agencies and highlight that support should be given to migrant workers while their complaints are being processed.

127. The regulatory frameworks implemented by ASEAN Member States to facilitate the collection and processing of complaints were extensively outlined in the 2014 AFML background paper (ILO, 2014c). This section reports on new developments.

## Cambodia

128. *Prakas* No. 249 on Complaint Receiving Mechanism for Migrant Workers, adopted in 2013, provides the legal framework for developing a complaints mechanism for Cambodian migrant workers. It outlines the complaints process and the rights and responsibilities of the MOLVT, the Provincial Departments of Labor and Vocational Training (PDOLVTs), the complainant, and the respondent. MOLVT and the PDOLVTs in Kampong Cham, Prey Veng, and Battambang began receiving complaints from migrant workers in 2014. An assessment of the process was undertaken by the MOLVT, with support from the ILO, 18 months after the complaints mechanism was put in place. The assessment revealed that there has been a notable increase in migrant workers' use of the complaints mechanism. From the time of the evaluation, 501 complaints cases were resolved for 1,524 workers (968 of whom were men and 556 were women) and migrant workers were awarded a total of US\$218,638 in compensation. Although some cases have faced delays, the majority of cases are being handled in a timely manner, with 78 per cent of complaints being resolved in under three months. Some of the remaining gaps include deviations from official complaints processes; few sanctions being imposed on private recruitment agencies that violate the law; and difficulty in maintaining the complaints database.
129. Civil society organizations have also been involved in the complaints process. The Cambodian MRCs have partnered with the CSO Legal Support for Children and Women (LSCW) in order to provide legal assistance to victims of exploitation or abuse. LSCW also delivers paralegal training to MRC staff on migrant worker rights, employment contracts, case management, and roles and responsibilities of private recruitment agencies in protecting the rights of migrant workers.

## Indonesia

130. Indonesia has a regulatory framework to address complaints and provide services to migrant workers, including through Presidential Instruction No.6/2006 and Ministerial Regulation No.4/2008. Support services are provided through 24 Indonesian missions in countries that host large numbers of Indonesian migrant workers. The National Authority for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) administers a dispute resolution service through a Crisis Centre that operates hotlines for migrants to report complaints (ILO, 2014c).
131. Limited data on complaints by Indonesian migrant workers is available. As shown in table 2, the BNP2TKI provides some data on returnees and those who have returned with complaints. In 2014, the most recent year such data is available, 15.2 per cent of migrant workers raised complaints. Table 3 provides information about these nature of complaints – throughout 2008 to 2014, “unilateral termination” was the biggest cause of migrant worker complaints.

**Table 2. Information on Indonesian return migrant workers, 2008–14**

Year	Returnees	Returnees with problems	As % total
2008	447 016	50 765	11.4
2009	492 073	53 168	10.8
2010	539 169	95 060	17.6
2011	494 266	72 194	14.6
2012	393 720	47 620	12.1
2013	260 093	44 087	17.0
2014	201 779	30 661	15.2

Source: BNP2TKI website<sup>11</sup>

**Table 3. Types of complaints by Indonesian migrant workers, 2008–14 (per cent of total complaints)**

Nature of complaint	2008	2009	2010	2011	2012	2013	2014 (up to September)
Unilateral termination	41.2	31.4	36.6	26.6	28.8	41.2	32.6
Problem with employer	2.7	4.3	7.2	21.8	22.9	16.4	24.4
Illness due to work	19.2	22.8	21.1	16.3	15.7	10.7	12.6
Unpaid wages	8.3	4.3	4.8	3.9	6.8	6.3	4.4
Persecution	0.8	10.9	7.2	4.8	5.2	4.9	3.5
Sexual harassment	4.1	5.7	4.9	4.9	3.8	2.4	1.1
Actual job different from contract job	0.2	1.8	1.6	1.7	2.8	3.5	3.3
Incomplete documents	3.4	3.0	3.1	3.3	2.2	5.8	5.9
Chronic pain	3.1	6.7	2.9	5.2	1.8	1.9	3.5
Death of employer	1.3	0.8	1.1	1.4	1.7	0.6	0.6
Work accident	1.4	2.3	1.4	1.6	1.4	0.7	0.4
Pregnancy	0.8	0.9	0.8	1.2	1.0	0.7	0.8
Bringing children	0.2	0.1	0.3	0.9	0.7	0.8	1.2
Unable to work	0.5	0.5	1.4	0.7	0.7	1.0	1.2
Communication problem	0.7	0.7	0.9	0.9	0.6	0.2	0.2
Other	3.2	4.0	4.5	4.7	4.0	2.8	4.4
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

11 <http://www.bnp2tki.go.id/read/9097/Rekapitulasi-Kepulauan-TKI-2006---2014.html>

Nature of complaint	2008	2009	2010	2011	2012	2013	2014 (up to September)
Total number of complaints	45,626	44,438	60,399	44,432	31,528	19,772	8,728
Total outflow of workers	644,731	632,172	575,804	586,802	494,609	512,168	429,872
Per cent of complaints to total workers	7.1	7.0	10.5	7.6	6.4	3.9	2.0

Source: BNP2TKI website

### Lao People's Democratic Republic

132. The Office of the Supreme People's Prosecutor (OSPP), in partnership with IOM, conducts trainings for OSPP prosecutors that aim to enhance the prosecutors' understanding of human trafficking and build their capacity in investigating cases and prosecuting perpetrators. The trainings include sessions on investigation techniques, the legal basis and mechanisms for prosecution, and actual case studies. The initiative also aims to develop the capacity of the OSPP to provide on-the-job training for law enforcement officials on how to handle human trafficking cases.

### Malaysia

133. The regulatory frameworks for receiving and processing migrant worker complaints are provided in the 2014 AFML background paper (ILO, 2014c). In summary, the Industrial Relations Act of 1967 provides parameters for regulating labour relations between employers and employees and their trade unions. For breaches of the terms and conditions of employment, workers can lodge a complaint with the Labour Department; and for cases of unlawful dismissal, objections can be registered with the Industrial Relations Department. OSH-related complaints are also channelled through DOSH by employers' associations and trade unions. The Government has established a 24-hour SMS helpline for labour disputes.
134. An ILO (2016c) review of Malaysian labour migration policies highlighted the difficulties in registering grievances. Cases may take up to six months to resolve, by which time many migrants have returned home. Because the legal process often does not function effectively for migrant workers, service providers report that most migrant complainants rely on direct negotiation with employers to attempt to resolve their grievance. To address this matter, MOHR has recently issued a directive that requires all cases to be resolved within three months.
135. MTUC and Tenaganita conduct case management and referral services through ILO-supported MRCs.<sup>12</sup> They counsel and represent migrant workers at dispute settlement processes and provide legal aid. The MRC staff work with law enforcement officials to conduct rescues and investigations. They also work with shelters that house distressed workers, with hospitals to address healthcare concerns, as well as with relevant embassies and Malaysian labour and immigration officials to address employment and immigration-related grievances. Since their establishment, much of the assistance provided by the MRCs has been to migrant workers who have raised labour disputes surrounding unlawful salary deductions, unpaid wages, and withholding of personal documents.

12 Refer to Appendix II for a list of ILO-supported MRCs in ASEAN

136. Data on complaints compiled from 1,584 migrant workers accessing legal assistance services at ILO-supported MRCs in Malaysia reveal that non-payment of wages comprised the majority. Over 300 complaints (22 per cent) showed forced labour indicators (figure 1).

**Figure 1. Subject of complaints received from migrant workers from 2011–15 (%)**



Source: ILO, 2016c

137. OSH-related complaints are also channelled through NIOSH by employers' associations and trade unions. The Malaysian Trade Union Congress has been speaking out about the concerns of migrant workers and has been demanding stricter punishments for employers who do not secure the safety of their workers

## Myanmar

138. In addition to the two complaint mechanisms centres set up by MOLIP in Nai Pyi Taw and Yangon in mid-2013, migrant reporting centres were set up in the departure and arrival lounge of the international airport in Yangon in 2015. Complaints may also be made at 97 LEOs. MRCs set up in 10 LEOs across the country are currently equipped with the information and knowledge to provide effective services. Complaints received at the LEOs are then processed at the Nay Pyi Taw complaints mechanism centre. On a daily, rotating basis, female staff from the Department of Labour provide 24-hour service through a phone hotline. Complaints can also be filed at overseas missions.
139. Between December 2013 and March 2016, a total of 302 cases were addressed. The nature of the complaints included death or injury; missing persons; arrest; issues related to the employment contract (including different nature of work or not receiving agreed upon benefits); financial problems related to fees charged by recruiters; and delayed job placement upon arrival at the destination country. Of the 260 employment agencies identified in the complaints, seven agencies had their licenses temporarily suspended and 13 had their licenses revoked.



140. The Myanmar Overseas Employment Agencies Federation's Code of Conduct sets out the responsibilities of employment agencies with regard to facilitating avenues for complaint or redress for overseas migrants. Regular migrants, whose recruitment was facilitated by a MOEAF member agency, may submit complaints related to their overseas employment to any MOEAF office in person, by letter or by calling a 24-hour hotline. The majority of cases received occur in Thailand, as well as in Malaysia, Singapore, Japan and countries in the Middle East. MOEAF estimates that 12 to 15 cases are received per month in Thailand. MOEAF maintains a blacklist of Thai and Malaysian companies. MOEAF-member employment agencies are not permitted to accept recruitment demand letters from blacklisted companies.
141. Complaints may also be filed with the Anti-Trafficking in Persons Division and the ILO forced labour complaints mechanism. Between 2013 and March 2016, the ILO received 29 complaints from overseas migrants. These complaints were from migrants in Thailand (10), Malaysia (7), Singapore (4), China (4), Indonesia, Japan, Republic of Korea, and Egypt. The cases relate mostly to human trafficking for forced labour, as well as to missing persons; unpaid wages and other labour law violations; and issues related to illegal migration. The complainants are typically the relatives of the migrants.
142. Overseas and internal migrants also report complaints to several CSOs and labour organizations in Myanmar. Among others, these include the Confederation of Trade Unions Myanmar (CTUM) and its members – the Myanmar Maritime Trade Union (MMTU), the Agriculture and Farmers' Federation of Myanmar (AFFM-CTUM), Agriculture and Farmers' Federation of Myanmar (IUF), as well as members of the CSO and LO Network for Migrants, Yangon and other CSOs such as the Mawk Kon Local Development Organization in Shan State.

## Philippines

143. The regulatory framework for addressing migrant workers' complaints in the Philippines was elaborated in the 2014 AFML background paper (ILO, 2014c). A recent update is the creation of a special unit for criminal cases within the Philippines Embassy in Malaysia. The unit assists OFWs in court proceedings with interpretation services and a legal assistance fund. The Embassy cooperates with the Malaysian Bar Association to provide workers with free legal aid. The Embassy also collaborates with Philippine regular missions in Sabah, Sarawak, and other provincial areas, as well as the leaders of 37 Philippine migrant community networks in Malaysia.

## Singapore

144. The Singaporean regulatory framework for addressing complaints of migrant workers was also described in the 2014 AFML background paper and consists of the Work Injury Compensation Act and the Employment Act. Recent developments include:
- Under the WSH (Incident Reporting) (Amendment) Regulation 2014, an employer is required to report all work-related accidents that result in employees being unfit for work for more than three days.
  - In January 2015, the Ministry of Manpower implemented WicSubmit, an electronic submission of documents for injury cases to streamline documentation and enhance efficiency. Migrant workers who are awaiting the settlement of their injury claim are issued a special pass allowing them to stay in Singapore until the conclusion of their claims. Workers are prohibited from soliciting any employment and the employer is responsible for the overall upkeep of the worker during their wait.

145. In January 2016, NTUC set up the Centre for Domestic Employees (CDE) to provide assistance to domestic workers in Singapore and their employers. The CDE provides a 24-hour toll free helpline, mediation and counselling services, and free legal clinics.
146. HOME provides a variety of services for distressed migrant workers in Singapore. These include counselling and employment advice; medical aid; bi-monthly legal clinics and pro bono services of lawyers who can provide legal advice and litigation services; case management and referral services to relevant government authorities such as the Ministry of Manpower and police; assistance in arranging mediation sessions among aggrieved migrant workers, their employers, and other relevant parties; and a shelter for abused, exploited, and/or injured women migrant workers and victims of human trafficking who are part of ongoing investigations.

## Thailand

147. Consultations on the complaints mechanisms in Thailand revealed several challenges that migrant workers face in accessing complaints, but several areas of good practice and progress were highlighted:
- a. DLPW has communicated to all of its officials that migrant workers must receive equal treatment regardless of their legal status to work in Thailand;
  - b. The Social Security Fund has allocated budget to hire a Burmese-speaking interpreter at its office in Samut Sakhon, which greatly increased migrant registrations for social security;
  - c. The provincial office in the DLPW in Rayong has begun hosting a Cambodian-speaking programme officer from a local NGO to provide greater access for complaints;
  - d. The SSO established a technical working group on migrant workers that proposed a set of recommendations to the central ministry;
  - e. A consolidated database of complaints is being developed to support greater information sharing and coordination between MOL departments; and
  - f. Departmental hotlines have been set up so that migrant workers can file complaints anonymously.
148. The DLPW handles complaints from workers regarding OSH and enforces mechanisms for OSH compliance. The OSH Act prohibits termination of an employee or the restructuring of work duties on account of an OSH complaint registered against the employer. All workers, including migrant workers, have equal right to receive compensation or assistance from the Social Security Office in the event of an OSH-related incident. Denial of compensation or renunciation of the Act results in penalty, either imprisonment or fine, or both (ILO, 2015c).
149. Through the ILO-supported Migrant Resource Centres, LCT, NCPE and TTUC provide direct assistance to distressed migrants. Services include assistance in claiming benefits from the Thai Social Security Organization; collecting evidence to support the filing of complaints; referral to relevant authorities such as the DLPW and Royal Thai Police; and arbitration, mediation, translation, and collective bargaining agreement-based assistance to migrants to settle their cases.

## Viet Nam

150. In 2014, the Decree Stipulating Details of Articles of the Labor Code, the Law on Vocational Training and the Law on Vietnamese Workers Working Abroad Under Contract (No. 119 /2014/ NĐ-CP) was passed with the aim of improving complaint and denunciation mechanisms for workers, especially overseas migrant workers. Under the Decree, migrant workers and/or



other individuals and organizations involved in the deployment of workers may file a complaint against a private recruitment agency or an individual recruiter; a denunciation may be filed by any citizen. Decree No. 119 has also introduced the concept of “first-time” and “second-time” complaints for migrant workers covered by the legislation, with first-time complaints to be directed to recruitment agencies, and second-time complaints to be directed to DOLAB.

151. DOLAB developed a complaints database, established with the support of UN Women, which is designed to capture details of complaints and track their progress (ILO, 2015b).
152. MOLISA, the Department of Legal Affairs, the Vietnam Association of Judicial Support for the Poor, and the ILO conducted a study called *Complaint mechanisms for Vietnamese migrant workers: An overview of law and practice*. The report documents both the laws governing migrant worker complaints and the practical experiences of migrant workers and authorities in navigating the complaints system. A small (not representative) survey of 44 migrant workers indicated that the workers were not satisfied with the outcomes.

## E. Effective return and reintegration strategies

153. There are 11 recommendations grouped into this cluster. They advocate for return and reintegration policies and programmes that are efficient, sustainable, informed by evidence and market demand, rights-based, gender-sensitive, and incentive-driven. There should be multi-stakeholder efforts to provide referral systems between labour-sending and labour-receiving countries that ensure returning migrant workers receive all compensation due to them; as well as support programmes that would inform them of employment, livelihood and investment opportunities back home. The recommendations highlight the need of distressed migrants for legal aid, psychosocial counselling, and repatriation assistance. They also stress that quick response systems and contingency funds should be established in case of emergency repatriation.

## Philippines

154. In 2016, the Government had released a number of administrative orders and other issuances, guidelines for effective implementation of reintegration programmes and services. These include:
  - a. AO No. 120-16 for effective implementation of BPBH, *Balik Pinay! Balik Hanapbuhay!*;
  - b. AO No. 253-16 for the conduct of Byaheng Agripreneur;
  - c. AO No. 263-16 to strengthen Regional Reintegration Networks; and
  - d. Memoranda on the Implementation of the Assist-WELL Program for Repatriated and other OFW-returnees.
155. In relation to the government issuances above, the National Reintegration Centre for OFWs (NRCO) has been implementing the following reintegration programmes and services:
  - a. *Balik Pinay! Balik Hanapbuhay!* – helps provide skills training. NRCO’s BPBH initiative caters to distressed women worker returnees who will undergo training-cum-production and receive livelihood starter kits.
  - b. *Byaheng Agri-preneur* – an agriculture and business development project implemented by NRCO with the Department of Agriculture’s Agricultural Training Institute and accredited farms that provides opportunities for exposure visits, experiential learning, and skill enhancement training specifically in agricultural business.

- c. Establishment of the Regional Reintegration Network – one-region, one network partnership of multi-sectoral stakeholders that serve as a group of organizations in the public and the private sector working together to enhance and facilitate equitable access to reintegration services for returning OFWs and their families. The network is being implemented in all 16 DOLE Regional Offices with all regions having distinct network partners.
  - d. Assist WELL Program – a programme for returning OFWs who wish to avail themselves of welfare, employment, livelihood, and legal assistance offered by DOLE agencies. It is being implemented through the 20 Assist WELL Processing Centres in the regional offices and at POEA, OWWA, and NRCO Central Offices. As of 8 September 2016, a total of 12,486 returning OFWs have participated.
  - e. Livelihood Development Assistance Program – accredits trainers from TESDA, private sector partners, and OFW organizations in order to provide qualified undocumented and distressed migrant workers who have been repatriated with small business management training and livelihood starter kits. Since 2011, 13,754 OFW returnees have been provided with training and livelihood starter kits.
  - f. Seafarers Entrepreneurship Program, Business Plan Competition – a project for seafarers and their families to encourage and help seafarers to venture into social entrepreneurship, thereby supporting job growth in their hometowns.
156. The NRCO shares success stories of OFWs who took advantage of reintegration assistance. These stories are shared through social media, print media, and radio broadcast interviews. Inter-agency meetings with public and private sector stakeholders also serve as avenues to share good practices and updates on the implementation of programmes. Additionally, the Department of Labor and Employment's (DOLE) Central and Regional Offices, through the Reintegration Services Coordinator, publish information bulletins to disseminate information about the challenges and problems encountered by OFWs as well as the strategies they employed to successfully overcome these challenges and reintegrate back into their home communities. The last page of the bulletin is dedicated to a directory of network partners for reintegration services, including the focal person/s and contact details.

## **F. Public education campaigns to improve perceptions of migrant workers**

157. There are two recommendations in this cluster. These are mainly concerned with raising the general public's awareness about the contributions of migrant workers to the socio-economic conditions of both countries of origin and destination. They also call for collaborative efforts to improve perceptions of migrant workers.

### **Malaysia**

158. "Migration Works" is a campaign launched in 2012 to promote positive attitudes and behavioural change towards migrants in Malaysia. It is a product of a collaboration among the ILO, UN Women, MTUC, and various civil society organizations. Between 2014 and 2016, the campaign displayed the "Journey of Hope" art exhibition at several events (including the ASEAN Peoples' Forum, ASEAN Trade Union Council's (ATUC) Youth Rally, and AICHR Forum on Human Rights in ASEAN), which reached over 3,000 people with messages that contribute to building a positive image of migrant workers. Events targeting youths in schools enabled a more in-depth discussion of issues facing migrant workers.

## Singapore

159. The Migrant Workers' Centre (MWC), implemented in partnership by the NTUC and the Singapore National Employers Federation (SNEF), conducts student outreach and service learning projects that aim to equip students with a broader perspective of migrant workers and to inculcate a greater understanding of the experiences of migrants working and living in Singapore. Through an immersive and interactive programme lasting two to three days, students get different opportunities to learn about and interact with migrant workers. They learn about real cases handled by MWC, how these were addressed through a case-management model, and the services required by and provided to migrant workers.
160. The Humanitarian Organization for Migration Economics (HOME), a civil society organization working towards capacitating and empowering migrant workers, conducts awareness-raising activities among the Singaporean public about the rights of migrant workers through public talks and disseminating information through mass media. The organization has developed campaigns around key issues, such as a weekly day of rest for domestic workers, the creation of an anti-trafficking law, and the promotion of a victim-centric approach to combating human trafficking. The organization connects to the public and to migrant workers via social media and conducts capacity-building workshops and educational seminars for migrant workers.

## Thailand

161. IOM (2016b), in partnership with the Asian Research Centre for Migration of Chulalongkorn University, has published the results of a survey conducted among Lao migrant workers living in Thailand. The study explores the contributions of migrant workers to the economies of Thailand and the Lao People's Democratic Republic.

**Box 1**  
***Saphan Siang* campaign in Thailand**

“Chan-ma-jak-prathet-Myanmar” (“I am from Myanmar”)

Voices reverberated loud and clear in a classroom 20 kilometres outside central Chiang Mai. Standing in front of a group of students, a young woman pronounced each word slowly and carefully, and her students repeated what she said.

But unlike many other Thai language classes the students here are migrant workers from Myanmar and other neighbouring countries. Pongnapa Kidha, their teacher, is a first-year Political Science student from Chiang Mai University. She travels to the Migrant Learning and Development Centre three days a week to meet her students and teach them how to speak and understand the Thai language.

“Knowing the local language is vital for these migrants as they can gain better access to information that is not available in their mother tongue and know better about their rights,” Pongnapa said. “They are so happy knowing we are here to help and ready to learn all the time.”

Migrant workers in Thailand often face discrimination and suffer from biased public attitudes. In an effort to change public attitudes towards migrant workers, Pongnapa and other university students have been selected as Youth Ambassadors for the *Saphan Siang* (Bridge of Voices) campaign that aims to foster greater understanding and create a positive image of migrant workers by highlighting their social and economic contribution and increasing interaction between Thais and migrant workers.

The Youth Ambassadors began their six-month journeys earlier this year. They take part in a range of volunteer programmes. Teaching Thai language is one of many placements, others include assisting in education and training events, outreach activities, providing paralegal services and organizational support.

Half way through their journey the Youth Ambassadors began to view migrant workers in a more positive light. Many now want to initiate social outreach activities in their universities and communities, to help change attitudes towards migrants.

Source: ILO, 2014d

162. The multi-stakeholder *Saphan Siang* campaign continues to operate in Thailand. In an effort to create closer ties between Thais and migrant workers, the campaign launched a Youth Ambassador Program that has placed 32 Thai university students into professional volunteer positions with organizations working to assist migrant workers (see box 1). In addition, “Journey of Voices”, an interactive art exhibition, was held at the Bangkok Art and Cultural Centre on International Migrants Day in 2014 and reached approximately 5,000 people. The *Saphan Siang* campaign is a joint initiative of the ILO, IOM, the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), World Vision International, as well as Thai academic institutions.
163. The Thai Government has engaged the IOM in developing an information campaign to raise awareness on safe migration in Bangladesh, Indonesia, Malaysia, and Myanmar. Using the tagline “Start Smart. End with Success”, the project involves a multimedia campaign to engage beneficiaries and partners in an interactive manner. The campaign is also being supplemented by grassroots activities designed in close consultation and coordination with various government

ministries of Bangladesh, Indonesia, Malaysia, Myanmar, and Thailand.

164. In 2015, young leaders across ASEAN attended the IOM X Youth Forum in Bangkok. To better understand the types of support young jobseekers need in order to make informed decisions, participants engaged in role-play with different stakeholders. Further, young people photographed key resources migrants rely on during their journeys (such as buses, internet cafes, and embassies) and uploaded them on social media platforms. In 2016, IOM started working on related initiatives in various ASEAN countries, such as:
- a. Happy Home – a campaign, implemented in collaboration with the ACMW, encouraging employers of domestic workers to ensure that their homes uphold the rights of domestic workers across the region.
  - b. Open Doors: an IOM X Production – a movie that premiered in Jakarta, Indonesia, which discusses the plight of migrant domestic workers.
  - c. Summary assessment on the level of knowledge, attitude, and presence (KAP) with regard to supporting the labour rights of domestic workers (Indonesia and Thailand).

### **Viet Nam**

165. MOLISA, VAMAS, and VGCL, with the support of the ILO, have educated 200 trade unionists at the community-level about laws and policies covering migrant workers. The trainings aim at enhancing the participants' understanding about how to protect the rights of migrant workers, provide an opportunity to discuss how to promote safe migration; and capacitate them to raise public awareness about labour migration issues. In the conduct of the trainings, it has been observed that the role of trade unions in protecting migrant workers is currently not reflected in these policies.
166. VGCL also disseminates information about the risks and benefits of labour migration, including the contributions of migrant workers in socio-economic development, on their official website.

## **G. Collecting, sharing, and analysing labour migration data**

167. There are 11 recommendations grouped into this cluster. These promote the regular collection, sharing, and analysis of labour migration data to facilitate the effective management of labour mobility within the ASEAN region.

### **Regional initiatives**

168. ASEAN Member States now have access to a regional sex-disaggregated database on labour migration statistics, which can be used to formulate evidence-based and gender-responsive labour migration policies. In collaboration with ASEAN Member States and the ASEAN Secretariat, the ILO has developed the International Labour Migration Statistics (ILMS) database in ASEAN. The ILMS was launched by the Government of Malaysia before the Members of the ACMW at the 8th AFML. The ACMW has committed continuous support to future rounds of data collection for the ILMS. Phase IV of the ILMS initiative will be completed in 2016. The database consists of 18 statistical tables, in three separate modules (International Migrants Stocks; Flows; Nationals Abroad). Technical focal points are in place in all ASEAN Member States for data collection.<sup>13</sup>

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13 Refer to Appendix V for details about the ILMS statistical tables

169. In support of the Sustainable Development Goals Target 10.7 to facilitate orderly, safe, and responsible migration and mobility of people through implementation of well-managed migration policies, IOM has drawn on its Migration Governance Framework<sup>14</sup> and partnered with the Economist Intelligence Unit to pilot the Migration Governance Index – an innovative policy-benchmarking framework.
170. The ATUC is in the process of operationalizing its ATUC Information System on Migrant Workers. The database aims to be an online repository of migrant worker complaints that are being handled by ATUC affiliates. It documents and tracks the progress of resolving migrant worker complaints through three standard forms (Standard Inquiry Form, Standard Complaint Form, and Standard Case Monitoring Form) that have been approved by ATUC leaders.

### **National-level initiatives**

171. Labour migration data among ASEAN Member States are primarily collected through labour force surveys, population censuses, and administrative data.<sup>15</sup>

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14 A brief on IOM's Migration Governance Framework is available at [https://www.iom.int/sites/default/files/about-iom/migof\\_brochure\\_a4\\_en.pdf](https://www.iom.int/sites/default/files/about-iom/migof_brochure_a4_en.pdf) [accessed 6 Nov. 2016]

15 Refer to Appendices VI–IX for details about labour migration data sources in ASEAN

**Box 2**  
**Labour force survey and population census in Myanmar**

The first labour force survey (LFS) in Myanmar in 25 years was concluded in 2015. It covered 24,000 households in Myanmar and surveyed respondents on a range of topics on labour statistics such as the labour force, child labour, the school-to-work transition, disability and migration, as well as work accidents and hazards. In terms of international migration, the LFS showed:

- The national average age of the persons living abroad is 26 years old. Almost all the people living abroad went mainly for employment.
- 85 per cent of migrant workers remit money or goods to their former household members.
- The average number of years living abroad is four years. Urban people are living abroad for a marginally longer time than rural people.
- At the national level about 6 per cent of households had at least one member currently living abroad. The percentage from rural areas (6.9 per cent) is almost double that in urban areas (3.6).
- 98 per cent of persons living abroad went for employment, either to search for a job or to take up a job or to transfer to a job.
- 74.3 per cent of persons living abroad went to Thailand, followed by Malaysia (14.5 per cent) and Singapore (2.4 per cent).

Myanmar is also the most recent ASEAN Member State to conduct a census. The 2014 census data provides detailed information on international migration from Myanmar, and enables an analysis by region, by gender, and by country of destination. According to the 2014 findings, there are 2 million Myanmar nationals living and working abroad, 61 per cent of whom are men and 39 per cent are women. The majority of the Myanmar migrant population are in Thailand (70.2 per cent), followed by Malaysia (15 per cent). Smaller numbers are in China (4.6 per cent), Singapore (3.9 per cent) and the USA (1.9%). There are also 4.8 million internal migrants in Myanmar, of which 53 per cent are female.

Source: MOLES and Central Statistical Organization, 2015

## **H. Multilateral and multi-stakeholder cooperation, collaboration, and information exchange: Regional, subregional, and national cross-sectoral initiatives**

172. There are 14 recommendations grouped into this cluster. These emphasize the importance of local, national and international multi-stakeholder engagement, cooperation, and collaboration in labour migration governance, policy-making, service provision, and information exchange at all stages of the migration cycle. They promote the adoption of an ASEAN Instrument on Migrant Workers.

### **National-level initiatives**

#### **Cambodia**

173. In December 2014, the Labour Migration Policy and Action Plan 2015–2018 was launched to coincide with International Migrants Day. The Policy and Action Plan was drafted through



several tripartite plus consultations that were supported by the ILO. In 2016, MOLVT formed an inter-ministerial working group to oversee the implementation of the trafficking and labour migration MOUs with the Government of Thailand.

174. Labour migration has also been integrated into the National Employment Policy 2015–2025. The Policy identifies employment generation as being at the heart of economic and social policy-making, and calls for enhancing Cambodia's labour market governance in order to protect migrant workers and to ensure they have decent work. The National Employment Policy also stipulates developing a skills recognition system; strengthening of service delivery in order to channel the benefits of labour migration to socio-economic development and support the successful return and reintegration of migrants; and improving Cambodia's labour migration data management system.

## **Philippines**

175. NRCO has been holding the following multi-sectoral dialogues:
  - a. round table discussions with partners and stakeholders in relation to the 2016 Overseas Workers Welfare Administration (OWWA) Charter (R.A. 10801)
  - b. consultations both at the central office and regional office level in relation to the crafting of a National Reintegration Framework
  - c. island-wide consultations (Luzon, Visayas, and Mindanao) to improve the development and implementation of NRCO programmes and services and to establish Regional Reintegration Networks

## **Singapore**

176. Tripartism among the Singapore Government, employers, and trade unions, as represented by the Ministry of Manpower, the Singapore National Employers Federation, and the National Trades Union Congress has greatly contributed to the advancement of OSH-related laws, policies, and practices in Singapore. Tripartite representation in the WSH Council and the programmes it has developed has helped in realizing the goals outlined in the WSH Framework of Singapore. Singapore has organized various activities and outreach programmes involving all the relevant partners and stakeholders working for ensuring OSH in workplaces.
177. The WSH Council is led by leaders from major industries, government, unions, as well as professionals from the legal, insurance, and academic fields. It works closely with the Ministry of Manpower, workers' and employers' federations, as well as professional associations in order to develop strategies to raise WSH standards in Singapore.

## **Thailand**

178. The tripartite National Committee on Occupational Safety, Health and Environment has been formed according to the OSH Act. This Committee is tasked to meet on a regular basis to formulate recommendations concerning OSH policies and work plans; the issuance of OSH regulations and enforcement mechanisms; as well as relevant OSH promotional measures. These recommendations are submitted to the Minister of Labour.

## **Bilateral initiatives**

179. Cambodia–Malaysia: In 2015, the governments of Cambodia and Malaysia signed two MOUs on sending general workers and domestic workers to Malaysia, which lifts the suspension for deploying Cambodian domestic workers to Malaysia that had been in place since 2011.

180. Cambodia-Thailand: In August 2016, the governments of Cambodia and Thailand signed an MOU on the Establishment of Transit and Reception Centre for Victims of Trafficking and Other Vulnerable Groups. The MOU was signed after the 10th Meeting of the Joint Commission for Bilateral Cooperation between Thailand and Cambodia. The Joint Commission Meeting is a platform for the two sides to follow up the outcomes of the discussion between the prime ministers of the two countries.
181. Lao People's Democratic Republic-Thailand: A new MOU on Labour Cooperation was signed between the Lao People's Democratic Republic and Thailand in July 2016. The MOU includes provisions on skills development and social security for workers, as well as the establishment of labour management councils.
182. Malaysia trade union-Viet Nam trade union: In March 2015, the VGCL and MTUC signed an MOU that covers a range of important issues such as the establishment of an official bilateral cooperation and awareness raising on labour migration. They also include engaging in dialogues to promote the ratification of relevant ILO Conventions; raising concerns of migrant workers to the authorities and policy-makers; and addressing occupational safety and health issues, particularly in hazardous sectors. The forging of the agreement was preceded by missions and meetings in the two countries, and dialogue at the regional level.
183. Myanmar-Thailand. In June 2016, the governments of Myanmar and Thailand signed an MOU on the Labor Cooperation Agreement on Employment of Workers and Agreement on Border Crossing. Information provided so far suggests the agreement reduces the current contract break period of Myanmar migrant workers from three years to one month, so that workers will not have to return and spend three years in Myanmar before they can return to work in Thailand. Another provision specifies that Thailand will issue a certificate of identity for migrant workers at designated nationality verification centres in Myanmar to allow unimpeded travel within Thailand and between Thailand and Myanmar.

### **Inter-sectorial and tripartite dialogues**

184. 4th ASEAN Labour Inspection Conference, July 2014, Philippines – DOLE, in collaboration with the ILO, brought together the labour ministries of ASEAN Member States to discuss new methods and tools for improving labour inspection systems; and exchange views on how to promote safe, healthy, and productive workplace conditions for both local and migrant workers in ASEAN. The participants adopted a set of recommendations that included the need to develop regional guidelines for inspecting migrant-reliant sectors.
185. ASEAN Regional Conference on the Protection and Empowerment of Female Migrant Workers, November 2014, Philippines – Organized in collaboration with the ACW and ACWC, participants adopted recommendations on mainstreaming gender in labour migration issues. These recommendations were submitted to the Philippine ACMW representative for consideration while drafting the ASEAN Instrument on Protection and Promotion of the Rights of Migrant Workers.
186. ASEAN Conference on the Labour Dimensions of Human Trafficking, January 2015, Philippines – Organized by the ACMW, the Senior Officials Meeting on Transnational Crime (SOMTC), and the ILO, the conference brought together ASEAN labour and justice sector stakeholders for the first time in order to discuss the nexus between irregular recruitment, labour exploitation, and trafficking in persons, as well as to facilitate coordination and cooperation between the ACMW and SOMTC. The participants produced recommendations on cross-sectoral interventions in order to combat human trafficking for labour exploitation.

187. 2nd Regional Meeting on the Protection of Migrant Fishers: ASEAN Review of the Guidelines on Flag State Inspection of Working and Living Conditions on Board Fishing Vessels, April 2015, Indonesia – At this conference, ASEAN Member States agreed on regional measures to improve protection of migrant fishers. The Guidelines will assist States and others to effectively exercise their jurisdiction and control over vessels that fly their flag by establishing a system for ensuring compliance with the requirements of Convention 188.
188. Regional Meeting of Skills Focal Points, August 2015, Thailand – Skills Focal Points and members of Task Force on the ASEAN Qualifications Reference Framework (AQRf) of the 10 ASEAN Member States were invited to the event to discuss on the implementation of Mutual Recognition of Skills and plan strategically on way forward. This meeting concluded with an agreement to create the regional skills focal point working group.
189. Tripartite seminar on strengthening social protection in ASEAN, November 2015, Indonesia – The event brought together the ASEAN Ministries of Labour and Social Welfare and ASEAN social partners. Strategic recommendations on how to extend social protection to all workers, including migrant workers, were adopted by the participants. The recommendations were submitted to the ASEAN sectoral bodies for review and inclusion in the ASEAN Plan of Action on Social Protection.
190. 1st Joint Meeting of the ACE and ATUC, March 2016, Thailand – Organized by the ILO in order to strengthen bipartite dialogue in the ASEAN, the meeting addressed current and emerging issues of common concern on labour migration among ACE and ATUC members. The ACE and ATUC identified the following priorities for future collaboration: mutual recognition of skills for medium- and low-skilled workers, portable social protection for migrant workers, and the promotion of fair recruitment and protection of migrant workers throughout the migration cycle.

## Regional-level initiatives

191. In partnership with the ILO, ACE adopted a three-year Action Plan to fully engage employers' organizations towards a sustainable labour migration regime in the ASEAN region. Five key areas were identified and ACE developed position papers on:
  - a. skills matching and regional labour mobility (November 2013);
  - b. increasing productivity through enhancing migrant workers' safety and health at the workplace (April 2014);
  - c. effective recruitment procedures to facilitate labour migration (November 2014);
  - d. addressing forced labour and human trafficking (April 2014); and
  - e. enhancing competitiveness through diversity (May 2016).
192. In October 2014, ASEAN trade union leaders signed the ATUC Inter-Union Cooperation Agreement among ASEAN Unions as a Strategy to Promote Decent Work<sup>16</sup>. The agreement articulates the ATUC's framework for decent work in labour migration. It contains 23 action points for promoting and protecting the rights of migrant workers, including collaborating to promote the ratification of ILO's Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and Domestic Workers Convention, 2011 (No. 189); organizing migrant workers

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16 Refer to Appendix X for a copy of the ATUC agreement.

and including migrant concerns in collective bargaining agreements; establishing migrant information centres; providing legal services to migrant workers; establishing an ATUC Information System on Migrant Workers; and building the capacity of ATUC labour migration focal points in providing services to migrant workers.

193. In September 2015, ASEAN Trade Union Council, in collaboration with the ITUC-AP, MTUC, and ILO, organized an ASEAN Youth Rally in Kuala Lumpur, Malaysia. It brought together 200 youth delegates and trade union leaders from ASEAN Member States in order to discuss labour migration and trade union issues in the light of the ASEAN Integration. The meeting concluded with ATUC leaders signing the ATUC Kuala Lumpur Declaration on Youth, Migration and Decent Work. The Declaration recognizes the importance of involving the youth to address labour migration issues in ASEAN.
194. The IOM and ILO have supported the formation of the Alliance of Asian Associations of Overseas Employment Service Providers (OESP-AAA), which signed a Code of Conduct on Ethical Recruitment in 2014. Five ASEAN countries (Cambodia, Indonesia, the Philippines, Thailand, and Viet Nam) are among its members. The alliance has led continuous good will missions to select countries of destination to educate recruitment agencies on emerging laws governing overseas employment. In a 2016 meeting, members agreed to work toward a more structured membership organization and signed the OESP-AAA Operating Modality. They also defined three concrete outcomes to be achieved by 2018, namely: a) stronger collective voice in policy at national level; b) increased capacity for self-regulation and self-policing; and c) decent overseas employment and improved welfare and safety of migrants.
195. A significant development during the reporting period was the formation of a coalition of ASEAN Bar Associations on Migration (ABACOM) at a meeting convened by the Malaysian Bar Association and Migrant Forum in Asia on 30–31 July 2016 in Kuala Lumpur.

## Regional knowledge production and dissemination

196. The ILO has developed the following regional studies and tools:
  - a. *Toolkit for gender equality in labour migration laws, policies, and programmes*<sup>17</sup> – a tool to assist in the evaluation of whether national labour migration laws, policies, and programmes are gender-responsive, and in identifying necessary actions to implement changes;
  - b. *Guide on measuring migration policy impacts in ASEAN*<sup>18</sup> – a tool to assist policy-makers and administrators evaluate how labour migration policies work in practice, based on documented experiences in ASEAN and other parts of the world;
  - c. *ASEAN Community 2015: Managing integration for better jobs and prosperity*<sup>19</sup> – a study analysing the impact of the ASEAN Economic Community (AEC) on labour markets and highlights key priorities to address challenges and opportunities.

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17 Available at [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms\\_524144.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_524144.pdf) [accessed 6 Nov. 2016]

18 Available at [http://www.ilo.org/asia/whatwedo/publications/WCMS\\_461880/lang--en/index.htm](http://www.ilo.org/asia/whatwedo/publications/WCMS_461880/lang--en/index.htm) [accessed 6 Nov. 2016]

19 Available at <https://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf> [accessed 6 Nov. 2016]

197. The IOM has recently completed the following knowledge products, which are being prepared for publication:
- a. A subregional review of existing laws, policies and legal frameworks covering both health and non-health sectors that impact migrant populations' access to health services and health insurance; and ensure OSH for migrant workers. It covers Cambodia, the Lao People's Democratic Republic, Myanmar, Thailand, and Viet Nam.
  - b. The report *Preparing for increased labour mobility in ASEAN: Labour markers, immigration policies and migrant rights*<sup>20</sup> maps out the national migration policy and rights frameworks for skilled labour mobility among ASEAN Member States, and provides a tool for analysing how these align with international standards and principles. The report also offers a number of recommendations to increase coordination between ASEAN Member States in the collection and sharing of data on labour migration.
198. UN Women has produced the following various publications
- a. *Factsheet: International human rights framework protecting women migrant workers throughout the migration cycle*<sup>21</sup> – The document looks into common labour migration concerns and highlights the recommendations of select international Conventions and human rights standards on these issues.
  - b. *Managing labour migration in ASEAN*<sup>22</sup> – The study looks into the labour migration governance of ASEAN Member States and presents gender-responsive recommendations for developing an ASEAN policy and instrument on labour migration, with an emphasis on the plight of female migrant domestic workers.
  - c. *Projected gender impact of the ASEAN Economic Community*<sup>23</sup> – This report examines how an expansion in regional trade and economic integration impacts women in the ASEAN Economic Community (AEC). Through a rigorous analysis of trade and labour market data relating to women's economic participation, the report concludes that the impact of the formation of AEC on women in the ASEAN is going to be significant in terms of the volume of jobs that are created. However, in terms of changing the gender pattern of employment and wages, the impact will be small due to inequalities in women's labour force participation in the ASEAN Member States that inhibits their ability to take advantage of the opportunities created by the AEC or other demand side shocks in the job market.

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20 Available at <http://th.iom.int/images/report/IOMaseanReportFinalLow.pdf> [accessed 19 Dec. 2016]

21 Available at <http://www2.unwomen.org/~media/field%20office%20eseasia/docs/publications/2012/international%20human%20rights%20framework%20protecting%20women%20migrant%20workers%20throughout%20the%20migration%20cycle.pdf?v=1&d=20141202T120216> [accessed 6 Nov. 2016]

22 [http://unwomen-eseasia.org/docs/publication/sitecore/managing\\_labour\\_migration\\_asean.pdf](http://unwomen-eseasia.org/docs/publication/sitecore/managing_labour_migration_asean.pdf) [accessed 6 Nov. 2016]

23 Available at [http://www.asean.org/storage/images/2015/November/27th-summit/ASCC\\_documents/Projected%20Gender%20Impact%20of%20the%20ASEAN%20Economic%20Community.pdf](http://www.asean.org/storage/images/2015/November/27th-summit/ASCC_documents/Projected%20Gender%20Impact%20of%20the%20ASEAN%20Economic%20Community.pdf) [accessed 6 Nov. 2016]

## Preliminary observations and conclusions

199. This report, as mentioned in the Introduction, seeks to document the progress made by ASEAN stakeholders in implementing the AFML Recommendations within the period of 2014–16. This is by no means an exhaustive description of all the initiatives that have been undertaken, but rather reflects the information collected by the authors as a result of a questionnaire survey, literature review, and national preparatory meetings for the 9th AFML. Some initial findings are:

### In the area of information dissemination

200. Most governments in countries of origin have a mechanism to provide pre-departure orientation. A good practice is to have a standard curriculum that is geared to specific occupations and destination countries. This is the practice in the Philippines as well as Cambodia, the Lao People's Democratic Republic, and Viet Nam. The delivery of pre-departure orientation varies. The delivery is left to recruitment agencies in Cambodia, Indonesia (partly), and Viet Nam. This approach is problematic if quality control is not exercised. The Philippines has accredited civil society organizations, recruiter associations, and training institutions to deliver training. The cost of orientation and who pays is an important consideration. In the Philippines, apart from domestic workers, the costs of orientation are borne by the worker. In other countries that make orientation mandatory, the costs of orientation are generally borne by the worker. This adds to the migration cost.
201. Other critical forms of information dissemination involve generating awareness of the risks, benefits, and procedures for foreign employment so that job-seekers are well informed before deciding to migrate. In addition to campaigns, such information and advice can be built into the work of government employment services and centres run by civil society organizations and trade unions. The ILO assists trade unions, government job centres, and civil society organizations operate 27 migrant worker resource centres in the Greater Mekong Subregion and Malaysia. The IOM also assists government ministries and civil society organizations operate 22 migrant resource centres in Cambodia, Indonesia, Myanmar, the Philippines, and Viet Nam.
202. Post-arrival orientation of workers by employers or the state is much less common, but is just as important as pre-departure orientation. The orientation of employers (on rights of migrant workers) was undertaken by the Malaysian Employers Federation but still needs more attention in the region. OSH-related awareness raising among employers and workers is being undertaken in Malaysia, Singapore, and Thailand.

### In the area of recruitment

203. Given that the supply of workers in low-wage countries far outstrips the demand in wealthier destination countries and that there are far more workers intending to work abroad than there are jobs, migrant workers are highly vulnerable to abuses during recruitment. High economic costs and fees during recruitment are common and are well documented.
204. In addition to better regulation and enforcement, employers and jobseekers can be provided with greater recruitment options that reduce the layers of intermediation, and potentially costs



and time. In this regard screened, e-based job matching; use of public placement agencies; and direct recruitment by accredited employers is still limited in the region.

205. In the area of legislation, zero recruitment fees to workers has been introduced for the first time in the region in law across all sectors in Thailand, which is notable progress.
206. Private recruitment agencies continue to play a primary role in matching jobseekers and employers. VAMAS in Viet Nam continues to make progress on self-regulation. Recruitment agencies in Myanmar have developed a comprehensive code of conduct.
207. In the area of enforcement, the Philippines is the most active in the number of recruitment violation cases filed (nearly 12,000 in 2010–14). This perhaps reflects better awareness and support services. Regulators in the Philippines cancelled as many as 96 licenses and suspended 52 others in 2014 (Baruah, 2016).
208. With the engagement of tripartite experts, the ILO has drafted global principles and guidelines on Fair Recruitment. The IOM is piloting an accreditation framework on fair recruitment (International Recruitment Integrity System) in the Philippines and other countries.

### **In the area of decent work**

209. During employment many migrants are concentrated in sectors with inadequate labour legislation and enforcement. Female domestic workers in private households and male migrants working in the fishing industry, men and women in agriculture and construction – filling jobs unattractive to nationals – are among the least protected and lowest paid. Stringent restrictions on job changes for admitted migrants result in an imbalanced employer–employee relationship.
210. At the same time improvements have taken place. Countries such as Thailand have strengthened their legal frameworks and/or enforcement mechanisms to protect migrant workers. The Thai Government passed a revised Ministerial Regulation on Sea Fisheries Work, which came into effect in December 2014. Migrants have benefited from a regularization process and better support services. Also as the report has illustrated, Malaysia and Singapore have revamped their OSH policies and initiated a number of programmes to educate employers and workers and instil an OSH culture. Minimum wage legislation in Thailand and Malaysia have benefited migrant workers. However domestic workers, who are mainly women, remain outside the scope of minimum wage law and are among the lowest paid.
211. Challenges remain with regards to labour inspection for hard to reach sectors. Improvements have taken place with regards to the fishing sector in Thailand.
212. The Malaysian Employers Federation has developed and disseminated a tool for its members, called *Practical Guidelines for Employers*, which draws together information on legislation, procedures, and best practices to enable employers to comply with national laws and regulations.
213. During the reporting period, a number of ASEAN Member States ratified the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and the ILO Maritime Labour Convention, 2006 (MLC, 2006). Convention No. 187 was ratified by Indonesia (2015), Thailand (2016), and Viet Nam (2014); while MLC, 2006, was ratified by Malaysia (2013), Myanmar (2016), Thailand (2016), and Viet Nam (2013). All ASEAN Member States have now ratified the ILO Worst Forms of Child Labour Convention, 1999 (No 182), after Myanmar ratified the Convention in 2013.
214. However, the Philippines is still the only country in ASEAN to have ratified the ILO Domestic Workers Convention, 2011 (No. 189); while Indonesia and the Philippines are the only ASEAN



Member States to have ratified the UN Convention on the Rights of All Migrants and Members of Their Families, 1990.

215. The ASEAN regional instrument on the protection of migrant workers is expected to be concluded by April 2017 (ASEAN, 2016a).

### **In the area of access to legal and judicial systems, redress mechanisms, and complaints processes**

216. With ILO technical assistance, Cambodia introduced legislation and set up a complaint mechanism in 2013. Concurrently, migrant worker resource centres were opened. This was followed by a high uptake of the complaint mechanism by migrant workers.
217. Trade unions and CSOs have been providing assistance in this area to migrant workers in all ASEAN Member States. Bar Associations have also been active in some countries, in particular Malaysia, the Philippines, and Singapore.

### **In the area of return and reintegration**

218. This continues to be an area where most ASEAN Member States – apart from the Philippines – are not allocating resources. Much of the AFML recommendations concerning return and reintegration remain to be addressed. The Viet Nam Government, with support from the IOM, has developed recommendations on how to enhance the return and reintegration of Vietnamese migrant workers. Some work on teaching financial literacy to migrant workers has been done in Malaysia, Singapore, and Thailand, through the work of CSOs and trade unions, with support from the ILO.

### **In the area of public education and promoting a positive image of migrant workers**

219. Although efforts to educate direct migration stakeholders have increased, much work remains when it comes to public education on the contribution of migrant workers. While innovative campaigns have been carried out in Malaysia and Thailand, with the support of the ILO and IOM, these can be further reinforced.

### **In the area of data collection and sharing**

220. While good progress has been made in establishing the ILMS, data gaps remain – particularly on return migration and disaggregating OSH (accidents, injuries, illnesses, and fatalities). There is also a need to further revise national data definitions to conform with international standards in order to ensure data comparability.
221. Monitoring of progress against SDG targets and indicators will require break down by gender as well as migratory status.

### **In the area of multi-sectorial collaboration**

222. Important bilateral agreements and development of national plans concerning labour migration in the region were undertaken in the period. A number of inter-sectorial meetings at the ASEAN level took place with the support of the ILO. There is still scope for more collaboration in this regard. Employers' organizations and workers' organizations (ACE and ATUC) continue to increase their capacity with regard to the protection of migrant workers. ASEAN Bar Associations have come together to form a coalition for improved legal aid and access to justice.



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## Appendix I. Ratification of selected international instruments in the ASEAN region

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Viet Nam
<b>ILO C19</b>			1950		1957	1927	1994	1965	1968	
<b>ILO C29</b>		1969	1950	1964	1957	1955	2005	1965	1969	2007
<b>ILO P29</b>										
<b>ILO C81</b>			2004		1963			1965		1994
<b>ILO C87</b>		1999	1998			1955	1953			
<b>ILO C97</b>					1964*		2009			
<b>ILO C98</b>		1999	1957		1961		1953	1965		
<b>ILO C100</b>		1999	1958	2008	1997		1953	2002	1999	1997
<b>ILO C105</b>		1999	1999		1958(d)		1960	1965(d)	1969	
<b>ILO C111</b>		1999	1999	2008			1960			1997
<b>ILO C118</b>							1994			
<b>ILO C138</b>	2011	1999	1999	2005	1997		1998	2005	2004	2003
<b>ILO C143</b>							2006			
<b>ILO C181</b>										
<b>ILO C182</b>	2008	2006	2000	2005	2000	2013	2000	2001	2001	2000
<b>ILO C187</b>			2015		2012			2012	2016	2014
<b>ILO C189</b>							2012			
<b>CEDAW</b>	2006 (a)	1992 (a)	1984	1981	1995 (a)	1997 (a)	1981	1995 (a)	1985 (a)	1982
<b>CRC</b>	1995 (a)	1992 (a)	1990	1991 (a)	1995 (a)	1991 (a)	1990	1995 (a)	1992 (a)	1990
<b>MLC 2006</b>					2013	2016	2012	2011	2016	2013
<b>Palermo</b>	2007		2009	2003 (a)	2009(a)	2004(a)	2002	2015 (a)	2013	2012(a)
<b>UNMWC</b>		2004(s)	2012				1995			

*Note:*

C19 - ILO Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)  
C29 - ILO Forced Labour Convention, 1930 (No. 29)  
P29 - Protocol of 2014 to the Forced Labour Convention, 1930  
C81 - ILO Labour Inspection Convention, 1947 (No. 81)  
C87 - ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)  
C 97 - ILO Migration for Employment Convention (Revised), 1949 (No. 97); \* denotes ratification by Sabah  
C98 - ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98)  
C100 - ILO Equal Remuneration Convention, 1951 (No. 100)  
C111 - ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)  
C105 - ILO Abolition of Forced Labour Convention, 1957 / d=denounced (No. 105)  
C118 - ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118)  
C138 - ILO Minimum Age Convention, 1973 (No. 138)  
C143 - ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)  
C181 - ILO Private Employment Agencies Convention, 1997 (No. 181)  
C182 - ILO Worst Forms of Child Labour Convention, 1999 (No. 182)  
C187 - Promotional Framework for Occupational Safety and Health Convention, 2006  
C189 - ILO Domestic Workers Convention, 2011 (No. 189)  
CEDAW - Convention on the Elimination of all forms of Discrimination against Women, 1979; s= signed, a = ratified/  
accession  
CRC - Convention on the Rights of the Child, 1989; a = ratified/accession  
MLC 2006 - Maritime Labour Convention, 2006  
Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons, 2000; s=signed, a=ratified  
UNMWC - UN Convention on the Rights of All Migrants and Members of Their Families, 1990; s=signed, a=ratified/  
accession

Sources: ILO. *NORMLEX: Ratifications by country*. Available at <http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO:::> [accessed 5 Nov. 2016]; UN. *Treaty collections*. Available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en) [accessed 5 Nov. 2016];



## Appendix II. Matrix of ILO-supported Migrant Resource Centres

Country	Number	Location – Implementing Agency
Cambodia	4	<ol style="list-style-type: none"> <li>1. <b>Battambang</b> - National Employment Agency Job Centre (Government), and Provincial Department of labour and Vocational Training (Government)</li> <li>2. <b>Kampong Cham</b> - Phnom Srey Organisation for Development (CSO) and Provincial Department of labour and Vocational Training (Government)</li> <li>3. <b>Phnom Penh</b> - Department of Employment and Manpower (Government)</li> <li>4. <b>Prey Veng</b> - Cambodian Labour Confederation (TU), and Provincial Department of Labour and Vocational Training (Government)</li> </ol>
Lao PDR	3	<ol style="list-style-type: none"> <li>1. <b>Champassak</b> - Provincial Department of Labour and Social Welfare (Government)</li> <li>2. <b>Savannakhet</b> - Lao Federation of Trade Unions (TU)</li> <li>3. <b>Xaiyaboury</b> - Provincial Department of Labour and Social Welfare (Government)</li> </ol>
Malaysia	3	<ol style="list-style-type: none"> <li>1. <b>Kuala Lumpur-Selangor</b> - Malaysian Trades Union Congress (TU), and Tenaganita (CSO)</li> <li>2. <b>Johor</b> – Tenaganita (CSO)</li> <li>3. <b>Penang</b> - Malaysian Trades Union Congress (TU)</li> </ol>
Myanmar	7	<ol style="list-style-type: none"> <li>1. <b>Dawei</b> - Labour Exchange Office (Government)</li> <li>2. <b>Dawei</b> - Tavoyan Women's Union (CSO)</li> <li>3. <b>Mandalay (4)</b> - Labour Exchange Offices (Government)</li> <li>4. <b>Kyaing Tung</b> - Maw Kon (CSO)</li> </ol>
Thailand	5	<ol style="list-style-type: none"> <li>1. <b>Bangkok</b> - Thai Allied Committee with Desegregated Burma Foundation, (CSO)</li> <li>2. <b>Chiang Mai</b> - Migrant Assistance Programme (CSO)</li> <li>3. <b>Rayong</b> - Foundation for AIDS Rights, (CSO)</li> <li>4. <b>Mae Sot</b> - Human Rights and Development Foundation (CSO), and Migrant Assistance Programme (CSO)</li> <li>5. <b>Samut Prakan</b> - Thai Trade Union Congress (TU)</li> </ol>
Viet Nam	5	<ol style="list-style-type: none"> <li>1. <b>Bac Ninh</b> - Department of Labour, Invalids and Social Affairs (Government)</li> <li>2. <b>Ha Tinh</b> - Department of Labour, Invalids and Social Affairs (Government)</li> <li>3. <b>Phu Tho</b> - Department of Labour, Invalids and Social Affairs (Government)</li> <li>4. <b>Quang Ngai</b> - Department of Labour, Invalids and Social Affairs (Government)</li> <li>5. <b>Thanh Hoa</b> - Department of Labour, Invalids and Social Affairs (Government)</li> </ol>
<b>TOTAL</b>	<b>27</b>	Government (14), Trade Union (5), CSO (10)

Country	Total Beneficiaries	Male	Male %	Female	Female %	N/A
<b>Cambodia</b>	12 861	7 165	56%	5 602	44%	94
<b>Lao PDR</b>	1 751	1 329	76%	422	24%	0
<b>Malaysia</b>	5 300	2 967	58%	2 117	42%	216
<b>Myanmar</b>	2 039	1 158	57%	879	43%	2
<b>Thailand</b>	17 096	7 703	46%	9 080	54%	313
<b>Viet Nam</b>	22 944	14 892	70%	6 346	30%	1 706
<b>Total</b>	<b>61 991</b>	<b>35 214</b>	<b>59%</b>	<b>24 446</b>	<b>41%</b>	<b>2 331</b>

### Appendix III. ASEAN countries with labour attachés\*

Country	Number of labour attachés	Countries/Territories of assignment
<b>Indonesia</b>	<b>11</b>	Brunei Darussalam, Hong Kong (China), Jordan , Republic of Korea, Kuwait, Malaysia, Qatar, Saudi Arabia (Riyadh, Jeddah), Singapore, Syrian Arab Republic, United Arab Emirates
<b>Lao PDR</b>	<b>1</b>	Thailand
<b>Malaysia</b>	<b>4</b>	India, Indonesia, Singapore; Switzerland
<b>Myanmar</b>	<b>5</b>	Malaysia (2), Republic of Korea, Thailand (2)
<b>Philippines</b>	<b>39</b>	<ul style="list-style-type: none"> <li>• <u>Asia Pacific (13)</u>: Australia, Brunei Darussalam, Hong Kong (2), Japan, Macau, Malaysia, Republic of Korea, Taiwan (3), Singapore (2).</li> <li>• <u>Middle East and Africa (15)</u>: Bahrain, Israel, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia (4); Syrian Arab Republic; United Arab Emirates (2)</li> <li>• <u>Europe, Americas &amp; Trust Territories (11)</u>: Canada (2), Cyprus, Italy (2), Greece, Spain, Switzerland, United Kingdom and Ireland, United States, Saipan</li> </ul>
<b>Thailand</b>	<b>13</b>	Brunei Darussalam, Germany, Hong Kong, Israel, Japan, Malaysia, Philippines, Republic of Korea, Saudi Arabia (2), Singapore, Switzerland, Taiwan (2), United Arab Emirates
<b>Viet Nam</b>	<b>9</b>	Czech Republic, Japan, Republic of Korea, Libya, Malaysia, Qatar, Kingdom of Saudi Arabia, Taiwan (China), United Arab Emirates

\*As of July 2015

Source: ILO. 2015. *The role of ASEAN labour attaches in the protection of migrant workers*. Available at: [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/projectdocumentation/wcms\\_417372.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/projectdocumentation/wcms_417372.pdf)



## Appendix IV. List of tables included in the ILMS Database in ASEAN

MODULE A. International migrant stock	
<b>Table 1.</b> Resident population	by sex, age and labour market status, total and migrants
<b>Table 2.</b> Working-age population	by sex and education, total and migrants
<b>Table 3.</b> Migrants	by country of origin
<b>Table 4.</b> Employed migrants	by country of origin
<b>Table 5.</b> Employed persons	by economic activity, total and migrants
<b>Table 6.</b> Employed persons	by occupation, total and migrants
<b>Table 7.</b> Employed persons	by sex and status in employment, total and migrants
<b>Table 8.</b> Mean and median monthly employment-related income of employed persons	by sex, total and migrants.
MODULE B. International migrant flow	
<b>Table 9.</b> Inflows of working age migrants	by sex and by country of origin
<b>Table 10.</b> Inflows of migrants	by sex and education
<b>Table 11.</b> Inflows of employed migrants	by economic activity
<b>Table 12.</b> Inflows of employed migrants	by occupation
MODULE C. Nationals abroad	
<b>Table 13.</b> Stock of nationals abroad	by sex and country of residence
<b>Table 14.</b> Outflows of nationals	by sex and country of destination
<b>Table 15.</b> Outflows of nationals for employment	by sex and country of destination
<b>Table 16.</b> Outflows of nationals for employment	by economic activity
<b>Table 17.</b> Outflows of nationals for employment	by occupation

## Appendix V. Examples of questions on migration used in labour force surveys implemented by ASEAN Member States

### Examples of questions about respondents' nationality, citizenship or birthplace:

Brunei Darussalam, Labour Force Survey 2014

**A10. Nationality** [Country code]

**A12. Country of birth** [Country code]

Cambodia, Labour Force and Child Labour Survey 2011/12

**A13. Where was (NAME) born?** [1=This village; 2=Another village in this province; 3=Another province; 4= Another country]  
  
(If 3, write province code; if 4, write country code)

Malaysia, Labour Force Survey (various years)

**(9) Citizenship** [Country code]

Myanmar, Myanmar Labour Force, Child Labour and School to Work Transition Survey 2015

**Q22. Where was (NAME) born?** [1=This village/ward; 2=Another village/ward in the township; 3=Another township; 4=Another country]

**Q22.1. What is the name of township and district/ country where (NAME) was born?** [Name or township code or country code]

### Examples of questions about respondents' previous place of residence:

Cambodia, Labour Force and Child Labour Survey 2011/12

**A14. In what year did (NAME) move to live in this province?** (If Don't Know, write 0000)

**A15. Where did (NAME) last live before moving to this province?** (If in Cambodia, write province code; if abroad, write country code)

Malaysia, Labour Force Survey (various)

**M1. Was this house/address your usual place of residence [one year ago]?** [Yes/No]

**M2. If no, where was your usual place of residence [one year ago]?**  
a. Name of province [Province code]  
b. Name of town [Town code] ...  
c. Name of country [Country code]

Myanmar, Myanmar Labour Force, Child Labour and School to Work Transition Survey 2015

- Q23.** Has (NAME) ever lived anywhere other than this village/ward continuously for six months or more? [Yes/No]
- Q24.** Where did (NAME) live before moving to this village/ward? [Name of township and district/country; country code]
- Q25.** In what year did (NAME) move to this village/ward? [YYYY]

Thailand, Population and Housing Census 2010

- 20.** How long have you lived in this municipality/sub-district?
- 21.** Where did you previously live? [District, province or country code]  
(Specify District/Province/Country; if you have never moved, write "NEVER MOVED")

Examples of questions about household members currently residing abroad:

Cambodia, General Population Census of Cambodia 2008

Statement 1.3. Usual members absent on Census night

- 4.** Sex [1=Male; 2=Female]
- 5.** Age [Number]
- 6-7.** Location on Census night (If outside Cambodia, give name of country)
- 8.** How long absent (in completed months) (Write 0 for less than one month)

Lao People's Democratic Republic, Census of Population and Housing 2005

G. Last 12 months any member of household moved in or moved out

- 23.** Moved out of household [Yes/No]
- Sex [1=Male; 2=Female]
- Age [Number]
- Moved out of this household? [1=Same province; 2=Other province; 3=Capital; 4=Other country]

Myanmar, Myanmar Labour Force, Child Labour and School to Work Transition Survey 2015

- Q20. Are there any members of this household who have left to live abroad for more than six months?** [Yes/No]
- Q21. How many of those members are currently living abroad?** [Number]  
(Please give me the following information in respect of those family members...)
- C3. What is his/her sex?** [1=Male; 2=Female]
- C4. How old was he/she at last birthday?** (Record the age in completed years)
- C5-6. In which year and month did he/she leave the country?** [YYYY; MM]
- C7-8. In which country is he/she currently living?** [Name and country code]
- C9. What was the main reason for going abroad?** [1=In search of employment / business; 2=To take up a job; 3=Job transfer; 4=Study; 5=Marriage; 6=Family moved; 7=Health; 8=Armed conflict; 9=Other (specify)]

Myanmar, Population and Housing Census 2014

**List of former household members living abroad**

- 40. Number of former household members living abroad**
- Completed age (current)** [Number]
- Sex** [1=Male; 2=Female]
- Year of departure** [YYYY]
- Country of residence** [1=Thailand; 2=Malaysia; 3=Singapore; 4=China; 5=Japan; 6=Korea; 7=India; 8=United States; 9=Other]

Philippines, Labour Force Survey (various)

- (11) Overseas Filipino indicator** (enter code)
- [1=Overseas contract worker (OCW); 2=Worker other than OCW; 3=Employee in a Philippine embassy, consulate or other mission; 4=Student abroad / tourist; 5=Other]



**For absentee members** (This section should be filled up for persons whose location of employment or course of study is overseas. The duration of overseas job or course should be 12 months or more. It also includes persons who are not working or studying but have been staying or intend to stay abroad for at least 12 months.)

- |            |  |   |
|------------|--|---|
| <b>34.</b> | <b>Where is this person currently residing?</b>                              | [1=Australia; 2=Malaysia; 3=India; 4=United States; 5=United Kingdom; 6=Canada; 7=China; 8=Indonesia; 9=Other (please specify)] |
| <b>35.</b> | <b>What is this person's reason for living abroad?</b>                       | [1=Studying; 2=Working; 3=Others (e.g. staying with related person overseas)]   |
| <b>36.</b> | <b>What is this person's highest grade passed or qualification attained?</b> |   |
- 

Source: ILO, 2015a

## Appendix VI. Labour force survey data on international labour migration, ASEAN Member States

Member State	Frequency of data collection	Key questions on migration				Key labour market variables					
		Nationality / Citizenship	Birthplace	Previous residence*	Household members abroad	Labour force status	Education	Economic activity	Occupation	Status in employment	Monthly wages
Brunei Darussalam	Irregular, latest 2014	●	●	-	-	●	●	●	●	●	●
Cambodia	Irregular, latest 2012	-	●	Previous	-	●	●	●	●	●	●
Indonesia	Quarterly	-	-	-	-	●	●	●	●	●	●
Lao PDR	Irregular, latest 2010	-	-	-	●^	●	●	●	●	●	-
Malaysia	Monthly	●	-	One year	-	●	●	●	●	●	●
Myanmar	2015	-	●	Previous	●	●	●	●	●	●	●
Philippines	Quarterly	-	-	-	●^^	●	●	●	●	●	●
Singapore	Annual	●	-	-	-	●	●	●	●	●	●
Thailand	Monthly	-	-	One year	-	●	●	●	●	●	●
Viet Nam	Quarterly	-	-	Previous	-	●	●	●	●	●	●

### Notes:

● indicates the variable is collected.

○ indicates the variable is collected but *not* based on a common standard.

- indicates the variable is not included.

\* Text indicates the length of time implied in the question (e.g., “Previous” indicates the survey inquires where respondents’ last previous place of residence was; “One year” indicates the survey inquires where respondents’ were living one year ago); ^ Included under a special “Trafficking module” only for those aged 25 or below; ^^ Only includes nationals abroad for employment (“overseas workers”) and only those who left within the past five years.

Sources: **Brunei Darussalam**, *Labour Force Survey 2014*, Department of Economic Planning and Development (JPKE), Prime Minister’s Office; **Cambodia**, *Labour Force and Child Labour Survey 2011-12*, National Institute of Statistics, Ministry of Planning; **Indonesia**, *National Labour Force Survey* (SAKERNAS, various years), Statistics Indonesia (BPS); **Lao People’s Democratic Republic**, *Labour Force Survey 2010*, Laos Statistics Bureau, Ministry of Labour and Social Welfare; **Malaysia**, *Labour Force Survey* (various years) and *Migration Survey* (various years), Department of Statistics Malaysia; **Myanmar**, *Myanmar Labour Force, Child Labour and School to Work Transition Survey 2015*, Central Statistical Organization, Ministry of National Planning and Economic Development; **Philippines**, *Labour Force Survey* (various years), Philippine Statistics Authority; **Singapore**, *Comprehensive Labour Force Survey* (various years), Ministry of Manpower; **Thailand**, *Labour Force Survey* (various years) and *Migration Survey* (various years), National Statistical Office (NSO), Ministry of Information and Communication Technology; **Viet Nam**, *Labour Force Survey* (various years), General Statistics Office (GSO), Ministry of Planning and Investment.

Reproduced from ILO, 2015a (updated by author)



## Appendix VII. Population census data on international labour migration, labour force survey data on international labour migration, ASEAN Member States

Member State	Latest year	Key questions on migration				Key labour market variables				
		Nationality / Citizenship	Birthplace	Previous residence*	Household members abroad	Labour force status	Education	Economic activity	Occupation	Status in employment
<b>Brunei Darussalam</b>	2011	●	●	Five years	●	●	●	●	●	●
<b>Cambodia</b>	2008	-	●	Previous	●	○	●	●	●	●
<b>Indonesia</b>	2010	●	-	Five years	-	●	●	●	-	●
<b>Lao PDR</b>	2005**	●	●	Ten years	●	○	●	○	○	●
<b>Malaysia</b>	2010	●	●	Five years	-	●	●	●	●	●
<b>Myanmar</b>	2014	-	●	Previous	●	○	●	●	●	●
<b>Philippines</b>	2010	●	-	Five years	● <sup>^</sup>	○	●	●	●	●
<b>Singapore</b>	2010	●	●	-	●	●	●	●	●	●
<b>Thailand</b>	2010	●	●	Previous	-	-	●	○	●	●
<b>Viet Nam</b>	2009	-	-	Five years	-	●	●	●	-	○

Notes:

- indicates the variable is collected;
- indicates the variable is collected but not based on a common standard.
- indicates the variable is not collected.

\* Text indicates the length of time implied in the question (e.g., "Previous" indicates the survey inquires where respondents' last previous place of residence was; "One year" indicates the survey inquires where respondents' were living one year ago, etc.); \*\* A new population census was launched in the Lao People's Democratic Republic in March 2015, but the results are not yet ready; <sup>^</sup> Only includes nationals abroad for employment ("overseas workers") and only those who left within the past five years.

Sources: **Brunei Darussalam**, *Population and Housing Census 2011*, Department of Statistics, Department of Economic Planning and Development (JPKE); **Cambodia**, *General Population Census 2008*, National Institute of Statistics, Ministry of Planning; **Indonesia**, *Indonesia Population Census 2010*, Statistics Indonesia (BPS); **Lao People's Democratic Republic**, *Population Census 2005*, Laos Statistics Bureau, Ministry of Labour and Social Welfare; **Malaysia**, *Population and Housing Census 2010*, Department of Statistics Malaysia; **Myanmar**, *Population and Housing Census of Myanmar 2014*, Department of Population, Ministry of Immigration and Population; **Philippines**, *Census of Population and Housing 2010*, Philippine Statistics Authority; **Singapore**, *Census of Population 2010*, Singapore Department of Statistics; **Thailand**, *Population and Housing Census 2010*, National Statistical Office (NSO), Ministry of Information and Communication Technology; **Viet Nam**, *Population and Housing Census 2009*, General Statistics Office (GSO), Ministry of Planning and Investment

(GSO), Ministry of Planning and Investment.

Reproduce from ILO, 2015a

## Appendix VIII. Administrative data on international labour migration, ASEAN Member States

Member State	Agency responsible	Available since*	Published	Type of registration			Scope	Key labour market variables					
				One-time only	Regularly renewed	Register and de-register		Education	Economic activity	Occupation	Status in employment	Wages	
Administrative records on incoming international migrants													
Brunei Darussalam	Department of Statistics, Department of Economic Planning and Development	2006	Statistical Yearbook	-	-	●	All non-nationals	-	-	-	-	-	-
	Department of Immigration and National Registration, Ministry of Home Affairs	2009	Unpublished	-	●	-	...	-	-	-	-	-	-
Cambodia	n/a	n/a	n/a	-	-	-	None	-	-	-	-	-	-
Indonesia	Directorate of Controlling of Foreign Employment, Ministry of Manpower and Transmigration	2009	Unpublished	-	●	-	Workers	-	○	○	-	-	-
Lao PDR	Laos Statistics Bureau, Ministry of Labour and Social Welfare	2000	Statistical Yearbook	-	●	-	Workers	-	○	-	-	-	-
Malaysia	Immigration Bureau, Ministry of Home Affairs	2000	Unpublished	-	-	●	Workers	-	○	-	-	-	-
Myanmar	Immigration and National Registration Department	2001	Statistical Yearbook	-	-	●	All non-nationals	-	-	-	-	-	-
Philippines	Bureau of Immigration, Department of Justice	2006	Unpublished	-	-	●	Workers	-	-	-	-	-	-
	Bureau of Local Employment, Department of Labour and Employment	1978	Unpublished	●	-	-	Workers	●	●	●	-	-	-
Singapore	Department of Statistics Singapore and Ministry of Manpower	1991	Statistical Yearbook	-	●	-	Temporary residents	-	●	-	-	-	-
Thailand	Department of Employment, Ministry of Labour	2002	Unpublished	-	-	●	All non-nationals	-	●	●	-	-	-
Viet Nam	Ministry of Labour, Invalids and Social Affairs	2008	Online	●	-	-	Workers	-	-	-	-	-	-

Member State	Agency responsible	Available since*	Published	Type of registration			Scope	Key labour market variables				
				One-time only	Regularly renewed	Register and de-register		Education	Economic activity	Occupation	Status in employment	Wages
Administrative records on outgoing nationals abroad												
Brunei Darussalam	n/a	n/a	n/a	-	-	-	None	-	-	-	-	-
Cambodia	Department of Employment and Manpower, Ministry of Labour and Vocational Training	1998	Unpublished	●	-	-	Workers	-	-	-	-	-
Indonesia	National Board on the Placement and Protection of Indonesian Overseas Workers	1996	Online	-	●	-	Workers and return workers	○	○	○	○	●
Lao PDR	Laos Statistics Bureau, Ministry of Labour and Social Welfare	2000	Statistical Yearbook	●	-	-	Workers	-	○	-	-	-
Malaysia	n/a	n/a	n/a	-	-	-	None	-	-	-	-	-
Myanmar	Ministry of Labour, Employment and Social Security	2000	Statistical Yearbook	●	-	-	Workers	-	-	-	-	-
Philippines	Philippine Overseas Employment Administration	1999	Online	●	-	-	Employees (including seafarers)	●	-	●	●^	●
Singapore	National Population and Talent Division, Prime Minister's Office	2006	'Population in Brief'	-	-	●	All nationals	-	-	-	-	-
Thailand	Department of Employment, Ministry of Labour	1997	Online	●	-	-	Workers	-	-	●	-	-
Viet Nam	Department of Overseas Labour, Ministry of Labour, Invalids and Social Affairs	1999	Unpublished	●	-	-	Workers under contract and return workers	-	-	-	-	-

Notes:

● indicates the variable is collected.

○ indicates the variable is collected but not based on a common standard.

- indicates the variable is not collected.

\* The column "Available since" indicates the earliest date the data are known to start on, though earlier data might exist in some cases. ^ Not applicable (all are regular employees).

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## **Appendix IX. ATUC Inter-union cooperation agreement among ASEAN unions as a strategy to promote decent work 2014**

Workers move to find decent employment for a better future for their families. 1 In ASEAN, almost 13 million people are working outside the region, and another 4 million migrated within ASEAN. Cross border migration is likely to increase all over the world. Better terms and treatment of migrant workers contribute to improvement of wages and working conditions for all workers. Ensuring the protection of migrants' rights is essential to achieve Decent Work for all men and women.

By and large, migrant workers are on their own; they remain outside the trade union movement. They are exploited by the recruiting agents and employers. They do not have a voice in their working places and have to endure poor working and living conditions.

**ATUC and its affiliates subscribe to the key principles in addressing issues related to the rights and welfare of migrant workers, including mutual cooperation in the ASEAN region:**

**PROCEEDING** from the ILO Constitution and the Philadelphia Declaration, as well as the ILO Multilateral Framework on Labour Migration affirming that all ILO Conventions apply equally to migrant workers, regardless of their status;

**APPRECIATING** that ILO Conventions No.97 on Migration for Employment, 1949, and No.143 on Migrant Workers 14 (Supplementary Provisions), 1975, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990, represent a charter for the rights of migrant workers;

**RECOGNIZING** that trade unions are founded to defend workers' interests, all workers, including migrant workers, should enjoy the full labour rights included in internationally-recognized standards, the countries' labour laws and collective agreements in receiving countries.

**MINDFUL** of the potential impact of ASEAN Integration 2015 on conditions of work and life of labour, including 20 migrant workers,

ATUC and its affiliates agree to carry out joint trade union campaigns to advance trade union solidarity and to strengthen cooperation among ATUC and its affiliates for protection of both migrant and local workers, including harmonization of their working and living conditions.

To inform the workers and others on the positive contributions migrant labour make towards the development of both receiving and sending countries, and to inform migrant workers about their rights and the general situation of sending and receiving countries in the languages of migrant workers.

To work for the ratification of International Labour Conventions No. 97 and No. 143 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) as well as ILO Conventions dealing with public and private employment agencies; as well as to work for the ratification of ILO Convention No. 189 to promote decent work for domestic workers.

To continue engagement in advocacy and campaigns at home and elsewhere for more sustainable measures for employment in place of migration.

To organize migrant workers, to ensure they join the trade union in receiving and sending countries, participate in union activities and obtain trade union protection in case of abuses and violations of their rights.

To encourage affiliated unions to integrate migrant concerns in collective bargaining with 35 employers; and ensure that labour legislation and collective agreements fully protect all migrant workers.

To address occupational health and safety and housing concerns of migrant workers, as well as to promote special protection for particularly vulnerable workers, such as domestic workers, and those in construction, transportation, agriculture, fishery, and informal sector, including advocacy for priority mutual recognition arrangements (MRA) for these vulnerable sectors.

To establish information centres for migrant workers to provide both potential migrants, and migrants, with information materials in their native languages (1) on migrant workers' employment and living conditions and social benefits entitlement; and (2) on legal migration, employers' obligations, the national security system, and national laws.

To develop joint measures, including legal support, to denounce abusive practices and to provide legal remedies, and for broadened services to migrant workers.

To develop networking through regular seminars, pre-departure union training, and orientation programmes for migrant workers to acquaint themselves with their new environment, as well as to organize conferences on issues related to labour migration and workers' rights.

To push cooperation between the governments of sending and receiving countries to enhance governance of migration, in the fields of establishing legal avenues for labour migration, the strengthening of labour inspection, legal cooperation in the case of trafficking, forced labour and other abusive situations, and issues of maintenance of social security entitlements and regulation of activities of recruitment and employment agencies and subcontractors.

To develop a model employment contract for migrant workers, based on compliance with provisions of international labour standards and enforced through national legislation, regulations and labour inspection. Tripartite consultation and decision-making mechanisms to address situations related to the status of migrant workers, social protection aspects, measures facilitating the regularization of the status of migrant workers in irregular situations; and to secure the involvement of trade unions in the development of bilateral agreements between governments of sending and receiving countries.

### **Immediate follow-up activities**

For leaders of contracting unions to visit their respective countries to discuss details of the implementation of this ATUC Inter-Union Agreement, and acquaint themselves with labour markets and the situation of migrant workers;

for exchange of knowledge, experience and experts between trade unions at all levels

multi-union discussion and consultations on current issues involving migrant workers, including practical actions to address these issues;

improving the participation and consultation of social partners in consultations at all levels – regional, national and local levels, in order to better protect migrant workers and trade union members by way of establishing better cooperation with employers organizations of both countries;

To designate and build capacities of focal points in affiliates, to support implementation of work for protection of migrant workers, including in the ASEAN TRIANGLE Project and similar ILO Projects;

To encourage affiliates to qualify migrant workers for membership in the unions or the national centre itself;



To build mechanisms for the protection of migrant workers, including providing information, 73 direct services by unions or associated Migrant Resource Centres (MRC), or referrals to other national centres and parties engaged in migrant work;

To cooperate in activities towards the building of the ATUC Information System on Migrant Workers (ATIS) to monitor migrant workers' cases and to serve as basis for policy and for interventions; and securing resources for these facilities;

To organize regular cross-border meetings and joint evaluation of progress made in the implementation of this Agreement and bilateral agreements in order to effect possible improvements as appropriate;

To strengthen engagement with ASEAN Confederation of Employers (ACE) and recruitment and employment agencies in their respective countries so as to secure ethical recruitment and better working and living conditions for migrant workers and non-migrant workers alike;

To intensify regional and national efforts for ATUC accreditation as ASEAN's labour dialogue partner, through contacts with ASEAN and ASEAN members' focal points;

To continue working with ITUC AP, ILO and other international institutions for promotion of rights and protection of migrant workers;

To strengthen engagement with other subregional and regional union groupings, as well as those from the ASEAN plus-plus clusters, for broadening coverage of migrant worker protection.

## Appendix X. Clustering the 3rd – 8th AFML Recommendations

AFML #	Recommendation #	Narrative
<b>A. Information dissemination targeting migrant workers, and employers on regulations and requirements, migration costs, rights and standards, working and living condition, occupational safety and health, labour inspection and migration realities</b>		
3 <sup>rd</sup>	1	Strengthen information and services to better protect women and men migrant workers and ensure decent and productive work in conditions of freedom, equity, security and human dignity. Provide opportunities for migrants to realize their labour rights in line with legislation of the ASEAN Member States, the ILO Fundamental Principles and Rights at Work, and their basic human rights protected by the UN and international Conventions, particularly CEDAW and CRC, and in the spirit of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.
3 <sup>rd</sup>	2	Ensure that information services are more accessible to women and men migrants and reflect their specific and diverse needs. Pursue the use of varied delivery channels for pre-employment, pre-departure and on-site information, including schools and training institutions, migrant community representatives, the media and public information campaigns. Continually assess the quality and reach of information services for migrant workers and the capacity of service providers to meet these needs.
3 <sup>rd</sup>	5	Actively engage and consult stakeholders from government, employers' and workers' organizations, and civil society organizations in developing and implementing information campaigns and services for women and men migrant workers at all stages of the migration cycle.
4 <sup>th</sup>	1	Deliver comprehensive pre-departure education in sending countries, not only about culture and social norms, but also working and living conditions, reality of migration including financial implication, laws and procedures, rights of migrant workers, among others;
4 <sup>th</sup>	2	Conduct post-arrival orientation programmes in receiving countries, performed by the government, employers, trade unions, civil society, that adopts a rights based approach in orientating both migrant workers, employers and government – to understand what their rights and responsibilities are;
5 <sup>th</sup>	8	Ensure availability of information to the public on recruitment and emigration procedures and costs (such as fees, visa, passport, work permit, health examination, and pre-departure and post-arrival trainings/ orientation) as well as the costs that should be shouldered by migrant workers and recruitment agencies in order to raise the awareness of potential migrant workers and communities, especially those in the rural areas and among women;
5 <sup>th</sup>	9	Ensure that information of recruitment and emigration procedures and costs is regularly updated and widely disseminated to and accessible by the public through the appropriate media (such as TV, radio, newspapers, mobile phones, and internet) and with the involvement of returned migrant workers, tripartite partners and civil society;
5 <sup>th</sup>	10	Develop affordable “one-stop-centre” services, such as online portal, in sending countries that are widely informed to and accessible by migrant workers;
5 <sup>th</sup>	19	Optimize the potential and role of returning migrant workers in information sharing with the communities on gender differential migration experiences, recruitment costs, agencies and practices, and emigration procedures;

6 <sup>th</sup>	12	Ensure that information of the availability of such service centres and complaint mechanisms is disseminated to migrant workers and their families through appropriate communication channels, such as, electronic and print media, migrant workers resource centres, information outreach programmes, pre-departure trainings, pre-employment orientation seminar, and diplomatic missions;
7 <sup>th</sup>	14	National legislations, policies, rules and regulations concerning employment and labour migration should be accessible and well informed to men and women migrant workers, workers' organizations, employers' organizations, and other stakeholders. In particular, immigration information and visa application procedure should be widely disseminated to migrant workers with the support of Labour Attachés and Embassies
7 <sup>th</sup>	16	The pre-employment, pre-departure and post-arrival orientation programmes should be conducted, mandatory and free of charge for all men and women migrant workers, involve stakeholders, and the quality of curriculum should continuously be improved and include cultural orientation and rights and obligations of men and women migrant workers and employers
7 <sup>th</sup>	17	Briefings for and assistance to the families of migrant workers should be provided to enable them in coping with the challenges of overseas employment
8 <sup>th</sup>	1	Integrate and/or strengthen OSH training and materials in pre-employment, pre-departure and post-arrival orientation programmes which should be contextual to occupational areas, compulsory, comprehensive, available in languages understandable to employers and migrant workers, free of charge for migrant workers as far as possible, and provided in a timely manner
8 <sup>th</sup>	7	Raise awareness of migrant workers on the role and purpose of labour inspection through information in languages understandable to migrant workers to ease their fear of reporting or making complaints, and provide contact information in relevant government departments and embassies

#### B. Effectively regulating the recruitment of migrant workers

4 <sup>th</sup>	3	Raise awareness and build capacity of public and private recruitment agencies, local authorities and all stakeholders in sending and receiving countries in the delivery and monitoring of recruitment and placement services, and different forms of direct hiring of migrant workers to ensure greater protection of migrant workers' rights;
5 <sup>th</sup>	2	Develop transparent, standardized and simplified recruitment procedures and set ceiling costs, including those that should be covered by employers and jobseekers, with regard to recruitment and emigration costs in ASEAN Member States that should be widely disseminated to the public, especially those in the rural areas, with the participation of recruitment agencies and other stakeholders, which would promote the use of regular channels by migrant workers;
5 <sup>th</sup>	3	Promote close coordination and dialogues of the Ministry of Labour/ Manpower with other relevant line agencies towards coherent procedures, clearances and processes with the view to simplifying and streamlining these to reduce time and costs to migrant workers;
5 <sup>th</sup>	4	Regulation of recruitment procedures and costs and streamlining of emigration procedures should be considered as part of bilateral agreements between sending and receiving countries which should be publicized to and accessible by the public, recruitment agencies and other stakeholders;
5 <sup>th</sup>	11	Abolish intermediaries in recruitment practices other than registered/ licensed recruitment agencies in ASEAN Member States which would contribute to the affordability of recruitment costs and elimination of malpractices

5 <sup>th</sup>	12	Disseminate information to the public on various recruitment options that are available in the country (such as private and public recruitment agencies, direct recruitment where applicable, and list of registered/licensed recruitment agencies
5 <sup>th</sup>	13	Regulate recruitment agencies and practices by laws, regulations and policies that clearly define the migration cost structures in ASEAN Member States;
5 <sup>th</sup>	14	Effectively monitor recruitment agencies and practices in ASEAN Member States with clear mechanisms, heavy penalties for infringements and positive ratings for ethical recruitment agencies. In this regard, communities, tripartite partners, civil society and other stakeholders should be involved towards effective monitoring;
5 <sup>th</sup>	15	Develop and implement a licensing system of recruitment agencies and, where applicable, an accreditation system of foreign employers of direct recruitment agencies to effectively monitor their practices in ASEAN Member States;
5 <sup>th</sup>	16	Enhance the functions of labour attachés and consular officials in ASEAN Member States to verify information of job offers and employment contracts, as feasible, in receiving countries;
7 <sup>th</sup>	4	Substitution of employment contracts and issuance of sub-standard employment contracts should be eliminated. Non-compliance by employers should be duly penalized and recorded in the databases of ASEAN Member States in accordance with the national laws and regulations. Where employment contracts are issued by a third party, as permitted by laws, they should be closely monitored to ensure meeting the required standards
7 <sup>th</sup>	10	Recruitment agencies should be capacitated, where relevant, in securing better package of remunerations and benefits of migrant workers including minimizing or eliminating fees to be charged to migrant workers
7 <sup>th</sup>	15	Recruitment policies and procedures should be streamlined and well informed to migrant workers and stakeholders, including through one-stop services and migrants resource centres at national and local levels

### C. Providing decent working conditions

3 <sup>rd</sup>	4	Strengthen and raise the visibility of labour attachés and consular staff in collecting and providing information, and responding to rights violations against women and men migrant workers. This should be achieved through close engagement with the migrant community and employers, and in cooperation with authorities of the host countries.
5 <sup>th</sup>	5	Encourage the ratification of the ILO Private Employment Agencies Convention, 1997 (No.181) and ILO Domestic Work Convention, 2011 (No. 189) and alignment of national labour laws and legislations with international instruments by all ASEAN Member States;
5 <sup>th</sup>	20	Encourage the recognition of the skills of migrant workers through certification / testimonial of employment, including employment history, experiences, skills and language, by employers and other entities where applicable;
7 <sup>th</sup>	1	Employment contracts should be standardized by the national labour laws, based on core labour standards and in line with Article 22 of the ILO's Migration for Employment Recommendation (Revised). 1949 (No. 86)
7 <sup>th</sup>	2	Standard employment contracts should stipulate clear terms and conditions of employment, rights and responsibilities of men and women workers and employers, including in vulnerable and hard-to-reach sectors such as fishing, domestic work and construction work, and grievance mechanisms including contact information and legal systems to file complaints. Employment contracts should be written in language understood by migrant workers, and signed by employers and workers prior to departure. Copies of employment contracts should be provided to migrant workers;

7 <sup>th</sup>	3	ASEAN guidelines/framework of standard employment contracts should be developed with inputs from the countries of origin and destination, social partners, CSOs and migrant workers associations and by taking into account the prevailing national labour laws of ASEAN Member States
7 <sup>th</sup>	4	Substitution of employment contracts and issuance of sub-standard employment contracts should be eliminated. Non-compliance by employers should be duly penalized and recorded in the databases of ASEAN Member States in accordance with the national laws and regulations. Where employment contracts are issued by a third party, as permitted by laws, they should be closely monitored to ensure meeting the required standards
7 <sup>th</sup>	5	Governments should take and enhance measures and allocate resources to protect and promote the rights of migrant workers including regularly conduct labour inspection, including in vulnerable and hard-to-reach sectors and workplaces (e.g. fishing, mining, forestry, agriculture, and domestic work), training for labour inspectors and set up multi-sectoral joint task forces for labour inspection. The ILO Convention No. 189 and its accompanying Recommendation No. 201 provide guidance on labour inspection for domestic workers
7 <sup>th</sup>	6	Occupational safety and health (OSH) should be improved through OSH trainings and provision of personal protective equipment, where applicable, by employers at the worksite upon arrival of migrant workers and on a regular basis thereafter, as well as availability of disaggregated OSH data and analysis
7 <sup>th</sup>	7	One-stop services and migrants resource centres should be set up in all ASEAN Member States and integrated at local, national and regional levels to ensure better protection mechanisms for men and women migrant workers. In this regard, hotline numbers should be attended 24 hours, available in languages understood by migrant workers, and should provide referral systems to other services required by migrant workers. Migrants resource centres operated by the governments, employers' organizations, workers' organizations and civil society organizations should provide support services and on-site protection for migrant workers and be well coordinated among all stakeholders
7 <sup>th</sup>	8	Referral systems between countries of origin and destination should be set up and function well and assistance of the embassies should be provided to ensure compensations and benefits are duly paid to migrant workers in a timely manner, even after returning to their countries of origin, including health care and treatment for long-term effects of occupational injuries and diseases. A regional study be undertaken with all stakeholders to explore challenges and policy gaps of reintegrating migrant workers with disabilities upon their return to their countries of origin
7 <sup>th</sup>	9	Labour attachés should be well trained and adequately supported to provide effective on-site protection. Gender balance amongst labour attachés should be by and large proportionate to the composition of male and female migrant workers
7 <sup>th</sup>	11	Measures should be taken to facilitate access of men and women migrant workers into trade unions and associations, particularly those in sectors where workers are not organized
7 <sup>th</sup>	14	National legislations, policies, rules and regulations concerning employment and labour migration should be accessible and well informed to men and women migrant workers, workers' organizations, employers' organizations, and other stakeholders. In particular, immigration information and visa application procedure should be widely disseminated to migrant workers with the support of Labour Attachés and Embassies
8 <sup>th</sup>	1	Integrate and/or strengthen OSH training and materials in pre-employment, pre-departure and post-arrival orientation programmes which should be contextual to occupational areas, compulsory, comprehensive, available in languages understandable to employers and migrant workers, free of charge for migrant workers as far as possible, and provided in a timely manner

8 <sup>th</sup>	2	Develop OSH guidelines, including on access to employment injury benefits, which should be available in languages understandable to employers and migrant workers, and ensure implementation by employers
8 <sup>th</sup>	3	Promote OSH prevention culture in the workplace through continuous improvement on OSH trainings and equipment, provision of OSH guidelines; information materials and instructions in languages understandable to employers and migrant workers; sensitivity to women workers' needs; positive encouragement through awards to employers with inclusive OSH programmes; awareness raising through conventional and social media and other means by civil society, trade unions, and employers' organizations; and promotion of hotline number to migrant workers;
8 <sup>th</sup>	4	Strengthen OSH policy implementation through awareness-raising on OSH among stakeholders, including governments, employers and workers, and clear actions taken for non-compliance by employers including on the provision of OSH training and measures to minimize OSH risks, statutory working hours, working environment and employment conditions and, where applicable, accommodation for migrant workers
8 <sup>th</sup>	5	Encourage the formation of an OSH committee and/or management system at enterprise level with the involvement of migrant workers or trade union;
8 <sup>th</sup>	8	Strengthen labour inspection for decent employment and working conditions and OSH through capacity building and enhanced number of labour inspectors including women labour inspectors, setting up gender responsive and multidisciplinary teams for labour inspection, adequate resources for periodic inspections to vulnerable and hard-to-reach sectors and workplaces (e.g. fishing, mining, forestry, agriculture, and domestic work); and cooperation with employers' organizations, trade unions, civil society organizations and other relevant entities in hard-to-reach sectors
8 <sup>th</sup>	9	Strengthen the role of labour attaché by providing them with OSH trainings, and promoting their gender responsiveness, access to information, referral systems with the labour inspection and relevant authorities of the Receiving States, and regular dialogue platforms with migrant workers
8 <sup>th</sup>	14	Encourage non-discrimination on access to health care and provision of workers' compensation for occupational injuries, diseases, disabilities and casualties irrespective of occupational areas, nationality and status of migrant workers;
8 <sup>th</sup>	15	Improve mechanisms of claiming and payment of workers' compensation benefits in a timely manner, even after returning to their countries of origin, through effective procedure to verify the beneficiaries; assistance of embassies/ labour attaché, trade unions and civil society organizations; and provision of clear information on OSH protection, workers' compensation, and the beneficiaries, for example through an employment contract.

#### D. Facilitating access to legal and judicial systems, and redress mechanisms

3 <sup>rd</sup>	3	Provide accessible channels for women and men migrant workers to report and seek redress for violations of rights and terms and conditions of employment, and promote the implementation of the national legislation and international commitments.
3 <sup>rd</sup>	4	Strengthen and raise the visibility of labour attachés and consular staff in collecting and providing information, and responding to rights violations against women and men migrant workers. This should be achieved through close engagement with the migrant community and employers, and in cooperation with authorities of the host countries.
4 <sup>th</sup>	16	Provide access to legal support and essential services, including consular services, for migrant workers and members of their families;
5 <sup>th</sup>	17	Establish effective complaint mechanisms in ASEAN Member States that should be widely disseminated to and accessible by migrant workers with legal aid and assistance;



6 <sup>th</sup>	9	Develop and strengthen the existing complaint mechanisms for migrant workers in ASEAN Member States that are transparent, accessible and simplified during recruitment, employment and in case of termination and deportation. In this regard, it is important to ensure that the integrity of complaints be carefully examined
6 <sup>th</sup>	10	Ensure that complaint mechanisms are gender sensitive and responsive to the vulnerability of migrant workers
6 <sup>th</sup>	11	Support the development of “one-stop” service centre for migrant workers that among others, facilitate access to complaint mechanisms and assistance, including interpretation and free legal counselling/referral, in collaboration with all stakeholders including migrant communities, workers’ and employers’ organizations, and CSOs to ensure that the service are accessible to migrant workers
6 <sup>th</sup>	12	Ensure that information of the availability of such service centres and complaint mechanisms is disseminated to migrant workers and their families through appropriate communication channels, such as, electronic and print media, migrant workers resource centres, information outreach programmes, pre-departure trainings, pre-employment orientation seminar, and diplomatic missions;
6 <sup>th</sup>	13	Ensure and strengthen the roles of labour attachés, embassies, and consular officials to include support services on availing of complaint mechanisms for migrant workers;
6 <sup>th</sup>	14	Dispute resolutions, mediation, and other alternative dispute settlement mechanisms should be fully explored before administrative or judicial litigation processes
6 <sup>th</sup>	15	Ensure timely notification and communication between the countries of destination and origin on judicial cases of migrant workers and extend cooperation to provide access to migrant workers to file cases for violation of rights in the country that the violation took place
6 <sup>th</sup>	16	Promote inter-country trade unions collaboration to support migrant workers in case of complaints
6 <sup>th</sup>	17	Ensure, where possible, the joint accountability of employers and recruitment agencies in case of migrant workers’ complaints when the recruitment agencies are responsible for recruiting and placing workers abroad;
6 <sup>th</sup>	20	Consider developing regional guidelines and tools on the establishment of key aspects and standards of complaint mechanisms for migrant workers
7 <sup>th</sup>	12	Workers filing complaints should be given support to stay within the country of destination while complaints are being processed. In this regard, migrant workers and migrant workers’ representatives should be provided with appropriate and timely assistance including protection from employers’ reprisal while filing complaints.
8 <sup>th</sup>	10	Strengthen complaint mechanisms on OSH and employment conditions violation to include improved accessibility of the mechanisms, speedy settlement process, confidentiality of the source of information, protection from employers’ reprisal, support to stay and, where applicable, work in the Receiving States while complaints are being processed, and investigation without the presence of employers, in language understandable to migrant workers, and preferably by women labour inspectors in cases of women migrant workers;



## E. Effective return and reintegration strategies

4 <sup>th</sup>	7	Improve the availability of employment services to the returned migrant workers, including voluntary psychosocial counselling (before and upon return), gender sensitive reintegration, access to resources, and legal aid. Such services should also include information, advice, training, loans, placement, health, and interpretation/ translation service. These services should be made available/extended to the family members of migrant workers left behind;
4 <sup>th</sup>	8	Provide incentives to the returned migrant workers, e.g. the absence of penalty for the irregular migrants, tax exemption of import duties for tools and equipment to be used by migrant workers;
4 <sup>th</sup>	9	Ensure as much as possible that mass/group deportation will not take place
4 <sup>th</sup>	10	In case of mass returns of migrant workers in emergencies, contingency plans should be prepared at company and embassy levels with the participation of migrant workers. For this purpose, assistance/ contingency funds which cover repatriation costs need to be set up at national level. Formulation of national disaster preparedness plans shall be in consultation with and with the participation of migrant workers and migrant organizations;
4 <sup>th</sup>	11	Ensure that sustainable economic reintegration policies and strategies are evidence-based, market-demanded, need-based and gender sensitive;
4 <sup>th</sup>	12	Ensure that return and repatriation programmes are effective, sustainable, and rights based, and with the involvement of tripartite partners and civil society organizations
4 <sup>th</sup>	14	Set up of ASEAN Guidelines on Effective Return and Reintegration;
4 <sup>th</sup>	17	<p>Recommend the following specific responsibilities and roles with respect to return and reintegration and sustainable alternatives for migrant workers:</p> <p><u>(a) Responsibilities of sending countries:</u></p> <ul style="list-style-type: none"> <li>• Policies and strategies should be established to look after the return of migrant workers, e.g. "State Policy on the Reintegration of Migrant Workers";</li> <li>• Provide comprehensive training to migrant workers for preparation before return as a part of pre-departure orientation; and</li> <li>• Follow up / monitoring system of the returnees, particularly on their livelihood and reintegration.</li> </ul> <p><u>(b) Responsibilities of receiving countries:</u></p> <ul style="list-style-type: none"> <li>• Prior to the return of migrant workers, receiving countries should have specific programmes for the returnee, e.g. training and introduction of entrepreneurship to migrant workers who are interested, counselling, among others;</li> <li>• Provision of proof of employment by the employers; and</li> <li>• Ensure that migrant workers receive decent wage and no unlawful wage deduction, decent and safe working condition and workplace environment, and compliance with international human rights and labour standards</li> </ul>
6 <sup>th</sup>	18	Ensure adequate arrangements in case of return and repatriation to be shouldered by the employers;

7 <sup>th</sup>	8	Referral systems between countries of origin and destination should be set up and function well and assistance of the embassies should be provided to ensure compensations and benefits are duly paid to migrant workers in a timely manner, even after returning to their countries of origin, including health care and treatment for long-term effects of occupational injuries and diseases. A regional study be undertaken with all stakeholders to explore challenges and policy gaps of reintegrating migrant workers with disabilities upon their return to their countries of origin
7 <sup>th</sup>	18	Support programmes, including job counselling, market-oriented skills development and/or entrepreneurship training, should be provided for returning migrant workers, and documentation of acquired competencies and experiences provided by employers should be introduced where feasible to support better career opportunities of men and women migrant workers in their countries of origin

#### **F. Public education campaigns to improve perceptions of migration workers**

4 <sup>th</sup>	4	Collect and disseminate factual information through the media and other channels on the contributions of migrant workers to the economy and society in host countries
4 <sup>th</sup>	5	Carry out joint efforts in ASEAN Member States to present a positive image of migrant workers with various stakeholders e.g. migrant workers and their associations, academia, youth and student groups, tripartite parties, by using various means such as TV, commercials, exhibitions, radio talk shows, cultural performances, and the commemoration of International Migrants Day;

#### **G. Collecting, sharing and analysing labour migration data**

5 <sup>th</sup>	7	Sharing existing sex-desegregated data and information on labour migration, job availabilities and employment conditions in accordance with the labour laws of ASEAN Member States that are useful to facilitate effective deployment of migrant workers;
6 <sup>th</sup>	1	Encourage development and strengthening of inter-agency collaboration efforts, including the designation of a lead agency, to collect, analyse, share and harmonize labour migration data at the national level;
6 <sup>th</sup>	2	A regional and updated database on labour migration is called for ASEAN Member States, social partners and CSOs recognize the importance of sharing labour migration data and support the development of a labour migration database to be piloted in ASEAN with the technical and financial assistance, including capacity building, of international and other organizations;
6 <sup>th</sup>	3	Consider developing an ASEAN Framework on Labour Migration Statistics with common definitions to ensure the comparability of data within ASEAN;
6 <sup>th</sup>	4	Promote regular exchange and updating of labour market information, analysis of trends and patterns;
6 <sup>th</sup>	5	With reference to the Technical Meeting on ASEAN International Labour Migration Statistics Database organized by the ILO on 4 November 2013 in Bangkok, Thailand, the Forum supports the initiative for setting up a Working Group on International Labour Migration Statistics, which should meet on a regular basis;
6 <sup>th</sup>	6	Endeavour to have a regular exchange of labour migration data between countries of destination and origin to ensure coherence of such data

6 <sup>th</sup>	7	<p>Consider the following data sets, among others, for the collection, analysis, and sharing to include:</p> <ul style="list-style-type: none"> <li>• Inflows, outflows and stocks of migrant workers, disaggregated, where possible, by sex, country of origin, age, level of qualification, industry, occupation</li> <li>• Data on remittances</li> <li>• Information on recruitment channels, licensed agencies, fees and costs</li> <li>• Labour market information, including available and in-demand jobs and skills</li> <li>• Data on occupational safety and health</li> <li>• Data on salaries and benefits of migrant workers</li> <li>• Data on returning migrants</li> <li>• Bilateral labour migration flows in ASEAN (to monitor implementation of AEC)</li> <li>• Data on the families of migrant workers in the countries of origin and destination</li> <li>• Nature and incidence of complaints filed</li> <li>• Data on irregular migrants and trafficking of persons, where possible;</li> </ul>
6 <sup>th</sup>	8	Develop guidelines and a compendium of good practices on data collection, analysis and sharing
8 <sup>th</sup>	12	Improve collection and sharing, where available, on disaggregated statistical data on OSH related injuries, diseases and casualties (e.g. occupational areas, types of injury, country of origin, age and gender), share best practices, and undertake research on causes of injuries and casualties for improved OSH policies, training, and enforcement
8 <sup>th</sup>	13	Improve data collection on reported cases on non-compliance with employment standards such as contract substitution and non-payment of salaries. Efforts should be made for timely access to information on the progress of complaints filed
<b>H. Multi-lateral and multi-stakeholder cooperation, collaboration, information exchange: <i>regional, subregional, and cross-sectoral interventions</i></b>		
3 <sup>rd</sup>	5	Actively engage and consult stakeholders from government, employers' and workers' organizations, and civil society organizations in developing and implementing information campaigns and services for women and men migrant workers at all stages of the migration cycle.
3 <sup>rd</sup>	6	The ASEAN Secretariat, national and regional stakeholders and international organizations should facilitate the sharing of good practices in the provision of information and services, promote the development and use of user-friendly information materials between and among ASEAN states and increase migrant workers' ease of access to and understanding of publicly available information on laws, guidelines and other information materials produced by governments of sending and receiving states. The ASEAN Member States, the ASEAN Secretariat, stakeholders, the UN and international organizations should continue to cooperate in providing opportunities for capacity building and confidence building of stakeholders at national and regional levels.
4 <sup>th</sup>	6	Undertake a regional study on the programmes of skills trainings, pre-departure and post-arrival orientations, and return and/or reintegration support offered by ASEAN Member States
4 <sup>th</sup>	13	Encourage a speedy development of an ASEAN instrument on the protection and promotion of the rights of migrant workers that includes the family members of all migrant workers in its coverage. The instrument shall comply with the international human rights and labour standards and be legally binding;

4 <sup>th</sup>	15	Develop bilateral and multilateral agreements for portability of the social security benefits and better implementation of existing schemes;
5 <sup>th</sup>	6	Initiate a regional compendium of existing good practices of measures among ASEAN Member States to reduce recruitment costs and implement effective recruitment and emigration procedures and monitoring;
5 <sup>th</sup>	18	Promote meaningful involvement of and partnerships with tripartite partners, the private sector (such as transport companies medical clinics, and commercial banks), civil society and communities at national and regional levels towards reducing recruitment costs and in monitoring recruitment agencies and practices
5 <sup>th</sup>	21	Encourage continuous discussions on specific issues of reducing recruitment costs and streamlining emigration procedures at all levels where possible with the involvement of governments, tripartite partners and civil society and with the ASEAN Inter-Parliamentary Assembly (AIPA).
6 <sup>th</sup>	19	Promote sharing of experiences and information among ASEAN Member States in implementing their respective complaint mechanisms through stock taking of the processes in handling grievances of migrant workers
7 <sup>th</sup>	13	Employers' and workers' organizations in close cooperation with civil society organizations should be engaged through institutionalized dialogues in the development, implementation, amendment, and/or monitoring of gender responsive labour migration policies and programmes in ASEAN Member States
7 <sup>th</sup>	19	Cooperation between the countries of origin and destination in providing assistance to migrant workers with health concerns should be strengthened in order to ensure access to treatment and relevant social welfare services
7 <sup>th</sup>	20	Workers' organizations in ASEAN Member States should strengthen their cooperation for effective protection mechanisms for migrant workers
8 <sup>th</sup>	6	Strengthen OSH policy implementation by the labour department in coordination with other relevant government agencies (health and foreign affairs) and stakeholders (embassies/labour attaché, trade unions, employers' organizations, overseas placement agencies, civil society organizations) within and across ASEAN Member States
8 <sup>th</sup>	11	Ensure the inclusion of OSH, employment conditions and, where possible, roles of labour inspection and labour attaché in bilateral and multilateral memorandum of understanding (MOU) concerning migrant workers to promote OSH preventive measures and to ensure legal protection of migrant workers in time of OSH and employment conditions violation



## **Progress of the implementation of recommendations adopted at the 3rd-8th ASEAN Forums on Migrant Labour: Background paper to the 9th AFML**

The ASEAN Forum on Migrant Labour (AFML) is an open platform for the review, discussion and exchange of ideas and best practices among governments, workers' and employers' organizations, and civil society actors on key issues facing migrant workers in Southeast Asia. Participants of the AFML develop recommendations to advance the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

This document is the third in a series of background papers, biennially prepared by the ILO, that track the progress of ASEAN stakeholders in implementing recommendations adopted at previous AFMLs. The paper was presented at the 9th AFML held from 9 to 10 November 2016 in Vientiane, Lao People's Democratic Republic. The first and second background papers were presented respectively at the 5th and 7th AFMLs.

**Canada** 

**Australian  
Aid** 

### **ILO Regional Office for Asia and the Pacific**

United Nations Building Rajadamnern Nok Avenue

Bangkok 10200, Thailand

Tel.: +662 288 1234

Fax: +662 280 1735

Email: [BANGKOK@ilo.org](mailto:BANGKOK@ilo.org)

[www.ilo.org/asia](http://www.ilo.org/asia)

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