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Skills and labour migration: The role of social partners in promoting policy coherence in Myanmar

International Labour Organization
Liaison Office in Myanmar

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Abbreviations

APEC	Asia Pacific Economic Cooperation
AQRF	ASEAN Qualifications Reference Framework
ASEAN	Association of Southeast Asian Nations
CoC	Code of Conduct
CSO	Civil society organization
CTUM	Confederation of Trade Unions Myanmar
DIILM	Developing International and Internal Labour Migration Governance (ILO)
DTVET	Department of Technical and Vocational Education and Training
ECOT	Employers' Confederation of Thailand
GPOG	General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs
ILO	International Labour Organization
IOs	International organizations
LEO	Labour Exchange Office, Department of Labour, Ministry of Labour, Immigration and Population, Myanmar
LFS	Labour force survey
LIFT	Livelihoods and Food Security Fund, Myanmar
LROE	Law Relating to Overseas Employment
MERRP	Myanmar Economic Recovery and Reform Plan
MIMU	Myanmar Information Management Unit
MNQF	Myanmar National Qualification Framework
MOEAF	Myanmar Overseas Employment Agencies Federation
MOLIP	Ministry of Labour, Immigration and Population
MOU	Memorandum of Understanding
MRS	Mutual Recognition of Skills
NGO	Non-governmental organization
NPA	Second Five-Year National Plan of Action on the Management of International Labour Migration (2018-2022)

NSDA	National Skills Development Authority, Myanmar
NSSA	National Skills Standards Authority, Myanmar
PES	Public Employment Services
PrEAs	Private Employment Agencies
RMCS	Regional Model Competency Standards
SDG	Sustainable Development Goal
TVET	Technical and vocational education and training
UDHR	Universal Declaration of Human Rights
UMFCCI	Union of Myanmar Federation of Chambers of Commerce and Industry
UN	United Nations
US\$	US dollars

Foreword

In his report to the 109th International Labour Conference in June 2021, ILO Director-General Guy Ryder noted that the Covid-19 pandemic had “wedged open still further the fracture lines of structural inequality and injustice which disfigure our labour markets and societies.” Inequality, already unacceptably high, has increased, and “the low paid, the unskilled, the least protected, women, the young, and migrants have borne the brunt of the economic and social crisis”.

The Conference adopted an urgent global call to action to ensure a human-centred recovery from the Covid-19 crisis through accelerated implementation of the ILO Centenary Declaration. Among the measures adopted to support national recovery strategies, the Conference committed to strengthen public and private investment in lifelong learning, including through more equitable and effective access to high-quality education and training as well as apprenticeships, upskilling and reskilling, and through other active labour market policies and partnerships that reduce skills mismatches, gaps and shortages.

Skills are key to building back better. Skills acquisition and recognition are key components in maximizing the benefits of migration. This paper on skills and labour migration is hence timely. It takes stock of policy coherence and of Myanmar migration trends, and explores the roles social partners can play in enhancing policy coherence for better migratory outcomes.

I would like to thank Ms Imogen Howells, the consultant who prepared this paper. Thanks are due also to ILO experts who provided advice and knowledge, including Ms Piyamal Pichaiwongse, Deputy Liaison Officer, ILO Yangon; Mr Nilim Baruah, ILO Regional Migration Specialist for Asia and the Pacific; and Mr Julien Magnat, ILO Specialist on Skills and Employability. This paper was developed under the ILO Developing International and Internal Labour Migration Governance (DIILM) project which has been supported by the Livelihoods and Food Security Fund (LIFT) since 2016.



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Skills and labour migration: The role of social partners in promoting policy coherence in Myanmar

1. Introduction

The ILO's [Developing International and Internal Labour Migration Governance \(DIILM\) project](#)¹ has published three reports on policy coherence for development in Myanmar: Building Labour Migration Policy Coherence (2017); Gender Equality and Women's Empowerment in Labour Migration Governance (2020); and Closing the Migration-Trafficking Protection Gap: Policy Coherence in Myanmar (2021), as well as an Assessment Study on the Skills of Returned Myanmar Migrants (2020). This paper complements these papers and builds on findings from the assessment study to explore links and synergies between employment, skills education, and labour migration policies and practice. National and regional employers' organizations, including the Myanmar Overseas Employment Agencies Federation (MOEAF), workers' organizations, and civil society organizations (CSOs) play important roles in the labour migration and skills policy cycles.

In line with the other papers in the series, this paper takes stock of Myanmar's international migration trends; examines horizontal and vertical policy coherence; maps relevant policies related to migration and skills; and provides recommendations for the social partners to promote policy coherence in order to enhance the benefits of migration. Unlike previous papers, which focused on the role of government in policy coherence, this paper focuses on the role of the social partners – trade unions and employers' organizations, as well as CSOs.

Education and training are key to equitable and just development, and access to education is a human right. Educational achievement is correlated with better job prospects, improved health outcomes, and higher incomes, meaning that increasing access to quality education for all can reduce social inequalities. The landmark [report](#) by the ILO [Global Commission on the Future of Work](#) (2019)² underscored the significance of skills and access to lifelong learning opportunities in the rapidly changing global environment, noting “today's skills will not match the jobs of tomorrow, and newly acquired skills may quickly become obsolete”.³ The Future of Work Report suggests three pillars of action to drive growth, equity and sustainability, the first of which is to increase investment in people's capabilities, ensuring –

- a universal entitlement to lifelong learning that enables people to acquire skills and to reskill and upskill
- stepping up investments in the institutions, policies and strategies to support people through future of work transitions
- implementing a transformative and measurable agenda for gender equality.

Labour migration is driven by labour market demands in countries of origin and destination, with many migrants seeking employment abroad due to perceived better prospects. At its best, labour migration can enable migrants to access better jobs and higher wages and to improve their skills, enabling career progression. If migrants return to their countries of origin, they can bring back skills and improve productivity in enterprises at home. However, gaps in policy, for example in recognition

¹ https://www.ilo.org/yangon/projects/WCMS_563486/lang--en/index.htm

² https://www.ilo.org/global/topics/future-of-work/WCMS_569528/lang--en/index.htm

³ ILO. 2019b.

of skills and qualifications earned in foreign countries, as well as demand for low-skilled workers in destination countries, can lead to the de-skilling of workers, who take jobs below their skill levels, and limited skills circulation.

The vast majority of Myanmar migrant workers go abroad to work as service workers or labourers. While there are Myanmar nationals working overseas in highly skilled job categories, such as medical professionals, engineers, and business management, this paper is focusing on work sectors that are generally considered to require fewer skills. Developing skills training and certification needs to be linked to bilateral agreements that open channels for workers to build on these skills and be employed in work that requires those skills. If managed well, through dialogue between employers and workers, the process of cataloguing skills requirements can enable workers and employers to take stock of the many technical and soft competencies needed for often underpaid and under-respected jobs. Adding pre-departure skills and certification requirements should not add another step to the migration process, potentially increasing the financial burden on migrant workers without leading to more decent work opportunities.

Policy coherence in the area of skills and migration can promote better migratory outcomes by meeting labour market (and skills) demand to reduce deskilling, the upskilling of migrant workers during their time abroad, and mutual recognition of skills and certification to enable higher productivity, upward mobility, and the development of portable skills portfolios recognized across borders. A [2019 ILO survey of returned Myanmar migrants](#) found workers acquired a range of skills while abroad, but almost all lacked supporting documentation, and had no proof of the skills when applying for jobs back in Myanmar. Overall, just 20 per cent of those interviewed were working on return in the same sector as they had while abroad, while 31 per cent of returnees had started their own business due to a lack of suitable jobs.⁴ All of these challenges faced by migrants highlight clear mismatches between migration and skills policy and real world outcomes.

The objective of this paper is to inform employers' and workers' organizations of their potential roles in policy coherence and the spaces available to them to align international and regional standards on labour migration, education, and skills with practice. Empowering the social partners to better align practice with policy standards can promote access to decent work and better employment outcomes for migrant workers.

2. Methodology

This briefing paper was produced following a desk review of the legal and policy framework governing labour migration, skills and education in Myanmar (see Appendix 2), as well as relevant regional and international standards and processes.

Where other papers in the series on Policy Coherence for Development in Myanmar placed particular focus on horizontal policy coherence between the selected policy areas at the national level, this paper focuses on the role of the social partners and CSOs, as well as potential areas needing attention to strengthen or enhance policy coherence in practice within the sphere of influence of these actors. This paper draws on the ILO's *General practical guidance on promoting coherence among employment, education/training and labour migration policies (2017)*, developed as a tool to evaluate and enhance policy coherence.

⁴ ILO. 2020a.

3. Myanmar migration trends

Myanmar has a long history of migration. Some 4.25 million Myanmar people live abroad;⁵ with 70 per cent in Thailand, 15 per cent in Malaysia, 5 per cent in China, 4 per cent in Singapore, and smaller numbers in other countries, including Japan and the Republic of Korea. Overall, similar proportions of men and women migrate for work, with women accounting for 47 per cent of labour migrants,⁶ but there are differences in the proportion of men and women migrating to different countries. Demand for labour is highly segregated along gender lines in some destination countries: almost equal proportions of men and women migrate to Thailand;⁷ regular migration to Malaysia and the Republic of Korea is predominantly male; in Singapore most Myanmar migrants are women.

The people of Myanmar have long used migration as a survival strategy, for safe refuge and as a source of income for themselves and their families. In the decade from 2010, as migration management improved and confidence in the rule of law grew, the benefits of migration for home communities also grew. Official remittance flows to Myanmar increased steadily, reaching US\$ 2.8 billion in 2019, or 4.3 per cent of GDP,⁸ and unofficial flows were estimated to reach \$8 billion, or 13 per cent of GDP.⁹

Reforms to migration policy had increased the number of migrants moving through regular channels. Nevertheless, the cost and complexity of these channels remains a deterrent, and prior to the Covid-19 pandemic and closure of land borders, most migrants continued to use irregular routes, especially for cross-border migration. At the end of 2019 there were 518,321 Myanmar migrants in Thailand under the Memorandum of Understanding on Employment (MOU) system (209,450 women: 308,871 men). Nationality verification made it possible to regularize the status in Thailand of migrants who had previously entered the country irregularly, and by December 2019 some 1,276,413 Myanmar migrants had undergone the process and received temporary ID cards (“pink cards”) and work permits enabling them to be recognized as workers in Thailand.¹⁰

Migration management has been characterized by efforts to protect, rather than empower female migrants. In 2014, following a series of high-profile cases of abuse against migrant domestic workers abroad, the Myanmar Government banned Myanmar workers from migrating as domestic workers. The ban, which mainly affected women, was lifted on 5 March 2019, but by the end of 2020 the Ministry of Labour, Immigration and Population (MOLIP) had not put in place procedures to permit the regular migration of domestic workers. With jobs available abroad and the availability in some countries like Singapore of official channels to register as domestic workers once in the country, many women left Myanmar without going through official labour migration processes.

Covid-19 significantly complicated the lived experiences of migrants while also compounding existing vulnerabilities. Remittance flows were severely affected by the Covid-19 pandemic in 2020, as international migrant workers lost their jobs abroad or had to find work in other sectors, usually less secure, with fewer protections and much lower wages. Nearly 200,000 migrants were reported as

⁵ [2014 Myanmar Population Census](#).

⁶ DESA. 2014.

⁷ Sijapati. 2015.

⁸ World Bank, 2020

⁹ R. Akee, D. Kapur. 2017

¹⁰ Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, Thailand (December 2019)

returning to a contracted labour market in Myanmar. Although this is a significant number, it is only a small proportion of all migrants overseas. To reduce the possible spread of Covid 19, Thailand quickly closed all borders, greatly reduced incoming flights, and laid down stringent measures for anyone entering the country from overseas, including two weeks' quarantine with Covid tests. However, a study by the ILO found that many of the migrants (58 per cent) returning from Thailand intended to re-migrate, expecting the Covid pandemic situation to be resolved within a couple of months.¹¹

For people in Myanmar, suffering from the negative impacts of the pandemic and the deteriorating economic, social and humanitarian situation as a result of the military coup, the border closures also cut off a lifeline. Myanmar's GDP was estimated to have grown by only 1.7 per cent in the financial year 2019-2020, compared to 6.8 per cent the previous year.¹² Industrial production slowed, hit by disruptions to the supply chain and falling local demand. Job losses in Myanmar have been devastating. The garment sector, for example, had been a growing industry, employing some 700,000 workers, mostly female. An estimated 200,000 garment workers lost their jobs due to the Covid-19 pandemic, and at the time of writing a further 200,000 had lost their jobs due to the ongoing political crisis, with withdrawals by global retailers such as H&M and Next.¹³ The banking systems in Myanmar have come to a near standstill since a general strike started in early February in protest against the ousting of the newly elected government by the military. For migrants, sending remittances home has become increasingly difficult: even the traditional underground money transfer systems (known as *hundi*) have been paralysed due to the difficulty of the agents' accessing cash within Myanmar to give to the recipients. Latest data suggests that this will directly affect some 8 per cent of all households in Myanmar, for whom remittances make up on average 53 per cent of household income.¹⁴ The pandemic was unequal in its impact, with poor households worst affected as they have limited or no savings. Survival mechanisms included families reducing their food intake, increasing debt, and withdrawing children from school.¹⁵ Since the military takeover basic commodity price increases and banking sector disruptions, combined with a fall in remittances and a widespread shortage of cash, are further reducing welfare across Myanmar, with again the worst impact on those already in vulnerable situations, particularly those in conflict-affected areas.¹⁶

4. Policy mapping: the labour migration framework

The ILO's *General practical guidance on promoting coherence among employment, education/training and labour migration policies (2017)* provides a framework for measuring policy coherence in order to optimize policy outcomes. It notes the vertical levels of policy coherence, which can be substantive (written into legislation and policy) and procedural (practical) in nature. It divides labour migration policy coherence into four levels:

1. international standards on labour migration

¹¹ ILO. 2020b.

¹² World Bank. 2020.

¹³ Myanmar Now. 2021.

¹⁴ World Bank, 2020.

¹⁵ World Bank. 2020.

¹⁶ Office for the Coordination of Humanitarian Affairs (OCHA). 2021.

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2. regional mobility frameworks covering labour migration
 3. national labour migration policy
 4. local level implementation of labour migration policies.

The first two levels function as a reference, or in the case of ratification, a compulsory framework for legislation at the national and local levels.¹⁷ As a Member of the United Nations, the International Labour Organization, and the Association of Southeast Asian Nations (ASEAN), Myanmar is bound to apply a range of core and fundamental human and labour rights principles, as well as regional commitments related to migration, employment and skills at the national and local levels. This section maps relevant international, regional and national policies. Migration policy is highly centralized in Myanmar, so analysis does not go beyond national level in this paper.

4.1 International migration policy

A number of core labour and human rights are universally applicable to all people, irrespective of States' ratification status. The Universal Declaration of Human Rights (UDHR) sets out basic human rights that States should respect, protect and promote "without distinction of any kind, such as race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status" (Article 2). Of particular relevance to migration, the UDHR upholds the right to freedom of movement within States and the right to leave any country and return to one's country of origin (Article 13). It also stipulates the right to work, to just and favourable conditions of work and pay, to equal pay for equal work, and to form and join trade unions (Article 23). In addition, everyone has the right to education, and technical and professional education is to be made generally available (Article 26).

The ILO Declaration on Fundamental Principles and Rights at Work was adopted by ILO Member States in 1998. Under the Declaration all Member States committed to uphold the principles and rights of eight fundamental Conventions, whether or not they have ratified those Conventions. The fundamental Conventions provide for universal rights, and as such cover migrant workers. They are the following:

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labour Convention, 1930 (No. 29) and its 2014 Protocol
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Key international Conventions and tools on migration and skills

Several additional standards and tools specifically aim to improve migration outcomes. The following refer to skills in relation to migration

¹⁷ ILO. 2017a.

- [*UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Family, 1990 \(IMWC\)*](#) provides comprehensively for respect of the human and labour rights of all migrant workers and their families, including equal treatment in respect of conditions of work and employment. For regular migrant workers, the IMWC provides for equality of treatment with nationals in access to educational institutions and services, vocational guidance, and training.
- ILO [*Migration for Employment Convention \(Revised\), \(No. 97\) and Recommendation \(No. 86\), 1949*](#): Ratifying States commit to facilitate labour migration, including through the provision of free information services. States are to treat regular migrant workers no less favourably than nationals, including in terms of remuneration, apprenticeship and training. The Convention also stipulates that employment services between signatory States will cooperate, and that public employment services will be provided at no cost to migrants.
- ILO [*Migrant Workers \(Supplementary Provisions\) Convention, \(No. 143\) and Recommendation \(No. 151\), 1975*](#) provide for respect of the basic human rights of all migrants and sets out measures for States to combat irregular migration. It extends rights to equality of opportunity and treatment in respect of employment and occupation, of social security, unionization, and cultural rights for regular migrant workers and members of their families. In addition, the Convention provides that Members may enact regulations on the recognition of occupational qualifications earned outside their territories following consultations with employers' and workers' organizations.
- [*ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration, 2006*](#). Provides a collection of guidelines and best-practices on labour migration policy addressing decent work for all to maximize the benefits of labour migration for all parties, including those relating to skills (see table 1 below).
- [*The ILO's General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs \(GPOG\)*](#).¹⁸ The principles and guidelines were developed in 2016, and the definition of recruitment fees adopted in 2018, both by tripartite meetings of experts. The guidance, developed under the ILO's Fair Recruitment Initiative,¹⁹ is a comprehensive approach to fair recruitment, protection of workers' rights, and regulation of the recruitment industry, including through training and skills recognition.

Table 1. Key principles and guidelines from the ILO Multilateral Framework on Labour Migration related to skills and migration

Principles and guidelines to give effect to them	
Principle 12	An orderly and equitable process of labour migration should be promoted in both origin and destination countries to guide men and women migrant workers through all stages of migration, in particular, planning and preparing for labour migration, transit, arrival and reception, return and reintegration.
Guideline 12.6	Promoting the recognition and accreditation of migrant workers' skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized.
Principle 15	The contribution of labour migration to employment, economic growth, development and the alleviation of poverty should be recognized and maximized for the benefit of both origin and

¹⁸ ILO. 2016. *General principles and operational guidelines for fair recruitment* (Geneva). Available at: http://www.ilo.org/global/topics/fair-recruitment/WCMS_536755/lang--en/index.htm

¹⁹ <https://www.ilo.org/global/topics/fair-recruitment/lang--en/index.htm>

	destination countries.
Guideline 15.7	Adopting measures to mitigate the loss of workers with critical skills, including by establishing guidelines for ethical recruitment.
Guideline 15.9	Facilitating the transfer of capital, skills and technology by migrant workers, including through providing incentives to them.

4.2 Regional migration policy

The *ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, 2007 (Cebu Declaration)*²⁰ and the *ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, 2017*²¹ form the basis of regional cooperation on labour migration. The Declaration lays out obligations of receiving and sending States, as well as commitments by ASEAN; it notes that receiving States are to facilitate access to training and education for migrant workers; and that ASEAN will implement human resource development programmes to facilitate the reintegration of returning migrants. The Consensus expands on migrant workers’ rights and on the obligations of receiving and sending States. Sending States are required to “develop a comprehensive reintegration programme for returned migrant workers and their families as well as an employment programme [...] taking into account their skills obtained overseas” (Article 26). All ASEAN Member States are to “collaborate in promoting human resources and skills development of migrant workers” (Article 47).

Regional stakeholders involved in labour migration governance include the ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), and the Task Force on ASEAN Migrant Workers (TFAMW).

4.3 National migration legislation and policy

The central instruments of migration management in Myanmar are the Law Relating to Overseas Employment (1999, LROE) and the Second Five Year Plan of Action on the Management of International Labour Migration (2018-2022, NPA).²² The LROE details the institutional framework for its implementation, and establishes procedures for the registration of overseas employment seekers and employment agencies. It states that overseas employment agencies are to “undertake responsibility for obtaining in full the rights and privileges” of workers (Chapter X). Skills development and transfer are not mentioned. The LROE had been under review, and technical comments were provided by the ILO in 2018. While progress on amendments had stalled, MOLIP, under the elected government, agreed in 2020 to engage in a National Consultation on the draft Bill once face-to-face meetings were possible and the Covid-19 pandemic had eased.

The NPA on migration states the aims of “providing migrant workers with increased opportunities to migrate with dignity by accessing decent work opportunities abroad, both within South-East Asia and beyond” and to assist Myanmar in achieving “national economic development goals, reduce poverty

²⁰ https://asean.org/?static_post=asean-declaration-on-the-protection-and-promotion-of-the-rights-of-migrant-workers

²¹ https://asean.org/?static_post=asean-consensus-protection-promotion-rights-migrant-workers

²² For further discussion of Myanmar’s legislative and policy framework, see: Myint, G. (2017), *Building Labour Migration Policy Coherence in Myanmar* (ILO). Available at: https://www.ilo.org/yangon/publications/WCMS_566066/lang--en/index.htm and Rogovin, K. 2020, *Gender equality and women’s empowerment in labour migration governance in Myanmar*. Available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/publication/wcms_760739.pdf

and relieve pressure on the domestic labour market.” It has three strategic objectives: (1) the empowerment and protection of migrant workers; (2) increasing the development benefits of labour migration; and (3) improving the governance and administration of labour migration. The NPA aims to disseminate information on safe migration (B4.2.2); to establish a skills recognition system (B5.2); strengthen a labour market information system to better target technical vocational education and training (TVET, B5.2.2); and to negotiate with labour-receiving countries on skills accreditation (B5.2.3). A technical working group established to design implementation plans had met once in October 2019, following which no further meetings were held. At the time of writing the plan has not been activated.

In addition to these instruments, Myanmar has a number of bilateral labour migration agreements (BLAs) relating to labour migration, as follows. Outside the technical internship programmes with the Republic of Korea and Japan (see section 7.2), skills are not mentioned in existing BLAs –

- 2016 MOU with Thailand on cooperation in the employment of workers and the accompanying Agreement on the Employment of Workers outline the principles and procedures for labour migration, updating the 2003 bilateral MOU
- MOU with Malaysia on the employment of workers
- 2010 MOU with the Republic of Korea on migration through Korea’s Employment Permit System (EPS)
- MOU with Thailand regulating border crossing arrangements on the Myanmar-Thailand border
- MOU with the People’s Republic of China on cooperation for the administration of border areas between Myanmar and China
- MOU with Japan on the technical intern training programme
- MOU with Japan on a basic framework for information partnership for proper operation of the system pertaining to foreign human resources with the status of residence of “specified skilled worker”.

The [Myanmar Sustainable Development Plan \(MSDP, 2018-2030\)](#) is an overarching policy document to promote sustainable development. It recognizes the role of migration in contributing to rural development and poverty reduction. In the MSDP, the elected government committed to developing “legal, convenient, affordable and secure channels of migration from which not only migrants themselves, but also their left behind families and communities, will benefit.” Direct goals related to migration entail protection of rights and harnessing the productivity of all, including migrant workers (Strategy 4.5); and the protection of labour rights and promotion of safe and secure working environments for all workers, including migrant workers (4.5.5).

Two development strategies were developed by the elected government in response to the Covid-19 crisis. The [Coordinated Economic Response Plan to Covid-19 \(CERP\)](#) consolidated plans for short-term response, and returning migrant workers are mentioned under Goal 3: Easing the Impact on Labourers and Workers. Action 3.1.2 tasks the Ministry of Planning, Finance and Industry with implementing labour-intensive community infrastructure projects for those laid off, or returning migrants, by the end of 2020. The Myanmar Economic Recovery and Reform Plan (MERRP), adopted following a review of the CERP, set out medium to longer-term response, including a strategy to ameliorate “Myanmar’s chronic talent drain and [create] a system that better matches the skills of our people with the opportunities available at home”. International migration is addressed in Goal 5 to facilitate reverse migration; through job matching for returning migrants (Strategy 15), including by developing a job-matching platform (15.2) and retraining programmes for returnees (15.5).

5. Policy mapping: the framework on skills

5.1 International skills policy

Access to inclusive and equitable quality education is upheld in the Sustainable Development Goals (SDGs), which include targets to ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education (4.3); and to substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills for employment, decent jobs and entrepreneurship (4.4).

The ILO has also established tools to promote skills development: the *Human Resources Development Convention, 1975 (No. 142) and Recommendation, (No. 195), 2004* emphasize the role of tripartite partners and of social dialogue in training policies and programmes, as well as the need to link training with employment (C.142, Article 1, Article 5). The Recommendation upholds the importance of skills in development, and addresses challenges including the “brain drain” and the funding of training programmes. The Recommendation proposes that countries should “recognise that education and training are a right for all and, in cooperation with the social partners, work towards ensuring access for all to lifelong learning” (Article 4(a)) and “promote equal opportunities for women and men in education, training and lifelong learning” (Article 5(g)).

5.2 Regional skills policy

In 2015 the Association of Southeast Asian Nations (ASEAN) launched its [Economic Community Blueprint 2025](#), under which its Member States²³ committed to continue and expand work under the 2015 Blueprint, including by promotion of free movement of goods, services and skilled labour, although the majority of intra-ASEAN migrant workers are not high skilled.

The [ASEAN Qualifications Reference Framework \(AQR\)](#), endorsed by ASEAN Economic Ministers in 2014, has been established for voluntary participation to enhance lifelong learning and recognition. The AQR provides guidelines enabling Member States to compare qualifications. Mutual Recognition Arrangements (MRAs) are in place for eight professions,²⁴ and their skills are benchmarked by the higher levels of the AQR; levels 1 to 4 focus on technical and vocational skills. The [MRA on tourism Professionals](#) covers 32 job titles, including hotel services such as front office, housekeeping, food production and food and beverage services, areas of work where Myanmar migrants with National Verification or who travelled under MOUs have been working. Of the MRAs, only the MRA on Tourism Professionals includes an automatic recognition process, where tourism certificates are mutually recognized by ASEAN Member States. The other seven MRAs require the recognition of qualifications.²⁵ While the MRAs represent a step towards free movement of skills and labour, they are not connected to labour admission policies in ASEAN, or to mobility policies.²⁶

[Mutual Recognition of Skills \(MRS\)](#). ILO started to work with ASEAN Member States on MRS in 2014 in preparation for a region with a free flow of skilled labour. The work had four objectives: (1) assist with policy reform; (2) address just labour mobility and improve employability for decent

²³ Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam.

²⁴ Engineering, nursing, architecture, medicine, dentistry, tourism, surveying, and accountancy.

²⁵ Asian Development Bank (ADB). 2016.

²⁶ ILO. 2020d.

jobs; (3) increase investment in education and training; and (4) complement MRAs developed under the AQRF. Like the MRAs, the MRS work targets middle- to low-skilled categories of workers. Through the MRS processes, workers with particular skill sets can have their skills recognized within the AQRF in selected occupations. In Myanmar the competency standards, curricula and assessment packages and methodologies have been benchmarked to Thailand's standards to facilitate recognition of the skill levels of Myanmar migrants in Thailand.

5.3 National skills and education legislation and policy

Myanmar's Employment and Skill Development Law, 2013²⁷ provides for the establishment of a union-level central body for employment and skill development to establish relevant policy, and set up institutional actors. The law also provides for the establishment of Labour Exchange Offices (LEOs) to promote job matching, and sets regulations for the registration of training schools and skill assessment centres. The law does not mention migration. A technical and vocational education and training (TVET) sub-law was drafted from 2014 to 2016, but it has not yet been passed. It aims to make possible the expansion and improvement of the TVET system to respond better to demand for skills in the economy, and provide education and training that is compatible with international standards. The draft sub-law also provides for reform of TVET governance so that (i) ministries are better coordinated, (ii) the private sector is involved, and (iii) TVET institutions and providers are better managed.

A Myanmar National Qualifications Framework (MNQF) has been under development for some years. The framework will be consistent with the AQRF. Moreover, the National Skills Standards Authority (NSSA) has developed standards for some 175 occupations, at four levels of the AQRF, which had been partly approved by the 2015-2020 administration. Due to the fragmentation of its TVET system Myanmar does not have a systemic mechanism for quality assurance. The Ministry of Education is responsible for developing and updating the formal TVET curriculum. The TVET sub-law should result in the creation of a Board of National Accreditation and Quality Assurance and a National Curriculum Committee, under a National Education Policy Committee. Quality assurance for non-formal TVET is conducted by the NSSA, which designs curricula and training materials, conducts skills assessments, and develops occupational competency standards. The system is also fragmented, with poor quality and limited labour market relevance, and focuses on multi-year programmes at advanced levels of education, despite the large numbers of out-of-school adolescents in the country. With such challenges, skills development programmes are not always agile to adapt or respond to changing labour market needs and technological innovations.²⁸

The NPA notes the need to promote skills recognition and labour market reintegration of returning migrants (B5.2). Supporting this, the [Myanmar National Social Protection Strategic Plan, 2014 \(MNSPSP\)](#) notes that Myanmar made education reform a key priority, as articulated in its 30-year Education Development Plan. The MNSPSP foresees eight flagship programmes, including a public employment and vocational education programme, neither of which had been activated by the end of 2020. The more recent MSDP was aligned with international goals on lifelong learning. It includes goals on "human resources and social development for a 21st century society" (Goal 4) to be achieved

²⁷ An unofficial ILO translation is available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90699/118441/F135623278/MMR90699%202.pdf>

²⁸ See: UNESCO-UNEVOC. 2018. *TVET Country Profile: Myanmar* (Bonn), available at https://unevoc.unesco.org/wtdb/worldtvtdatabase_mmr_en.pdf; and Kirkpatrick, C. T. T. 2017. "Myanmar technical and vocational education training Available at: http://link-springer-com.443.webvpn.fjmu.edu.cn/chapter/10.1007%2F978-981-10-5134-0_8

by improving equitable access to high quality lifelong educational opportunities (Strategy 4.1); development of a TVET curricula that meets current and future private sector needs (Strategy 4.1.5); and greater access to TVET, including for disadvantaged population groups and people living with disabilities (Strategy 4.1.6). The MERRP also includes goals related to skills. It aims to incentivize vocational training centres with more transparent business processes and tax deductions (Strategy 8.2); it also tasks the NSSA with the development of equal access training courses and training centres to promote recovery (Strategy 8.6).

6. Policy coherence: theory and practice

6.1. Policy coherence throughout the policy cycle

The ILO's *General practical guidance on promoting coherence among employment, education/training and labour migration policies* (2017) provides a comprehensive framework to assess and ensure policy coherence between migration and skills policies. It notes that to achieve full policy coherence, it is necessary to monitor all stages of the policy cycle, typically through a two-step process involving the following: (1) analysis of the theoretical capacity to achieve coherence in policies, strategies, and action plans; and (2) an assessment of whether policy implementation aligns with the policy objectives.²⁹ Monitoring and evaluation of the policy cycle should make continuous improvement possible and promote closer coherence between goals established in the policy design phase and the actual results of implementation (figure 1).

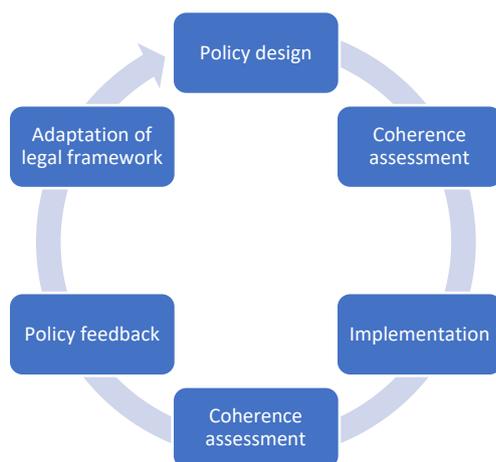
The existing normative base of international standards governing migration and skills can be used to guide policy development by governments and employers' and workers' organizations; more challenging is the need to ensure that implementation is coherent with policy. To enable continuous alignment, measurement is key at all stages, and involves examining –³⁰

- the migration, labour market and skills challenges that must be identified in order to inform policy design
- the need to ratify international Conventions on migration and skills
- membership of regional organizations and their labour mobility policies
- the process of designing policy, including identifying the stakeholders to be consulted
- horizontal links between policy subsets
- the extent to which national policies are consistent with international commitments
- the appropriateness of policy coordination bodies
- the adequacy of the evaluation mechanisms in place.

²⁹ ILO. 2017a.

³⁰ For a comprehensive list of indicators to measure coherence see ILO. 2017a.

Figure 1. Policy coherence throughout the policy cycle



Source: ILO. 2017

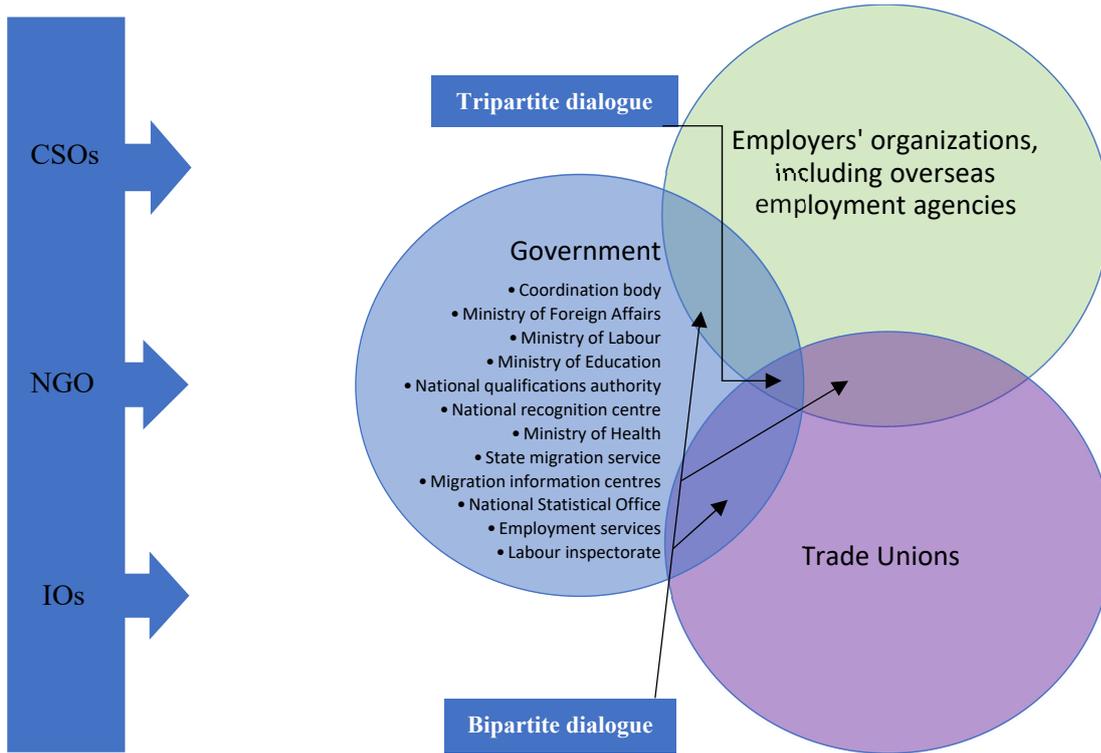
6.2 Stakeholders in labour migration and skills

Many actors are involved in the labour migration, education and training ecosystem, including the migrants themselves, partners from government and from employers and workers' organizations, as well as CSOs, non-governmental organizations (NGOs), and international organizations (IOs) and communities in origin and destination countries. IO's, NGOs and CSOs can work to increase the capacity of the social partners and of migrant workers, for example by providing information, technical advice, and physical and financial resources, as well as developing and providing training to develop skills.

Social dialogue and collective bargaining can work to enhance policy coherence throughout the policy cycle, within and between countries of origin and destination. Social dialogue can take place on a tripartite basis, between the three social partners – government, employers' organizations and trade unions. It can also take place on a bipartite basis between two partners, for example between employers' and workers' organizations who might agree to share information and negotiate. Collective bargaining is defined in the [Collective Bargaining Convention, 1981 \(No. 154\)](#) as “all negotiations which take place between an employer, a group of employers or one or more employers' organizations, and one or more workers' organizations.” Figure 2 shows the spaces for interaction between social partners, and lists the typical government authorities involved in migration, education, and skills,³¹ and avenues for interaction with other actors. Overlap between the three partners denotes the sphere of tripartite social dialogue; overlap between any two partners denotes bipartite dialogue.

³¹ ILO. 2017a.

Figure 2: Stakeholders in labour migration, education and skills



Key roles of the social partners		
Government	Employers' organizations and employment agencies	Workers' organizations
<p>Macro level data collection on employment and skills</p> <p>Consultations with social partners on skill needs</p> <p>Regulating training and education</p> <p>Providing TVET</p> <p>Providing pre-departure and return training and advice services</p> <p>Engaging at regional and international levels to negotiate and implement NQRFs and MRAs</p>	<p>Industry and firm level data collection on employment and skills</p> <p>Skills anticipation in country of origin and of destination;</p> <p>Consultations with the social partners on the skills needs of members</p> <p>Providing pre-departure and return training and advice services to migrant workers</p> <p>Negotiate and include clauses on skills and recognition development in standard contracts</p> <p>Engage in fair recruitment practices</p> <p>Disseminate and uphold the CoC among Myanmar EAs</p>	<p>Consultations with social partners on skills needs of members</p> <p>Providing pre-departure and return training and advice services to migrant workers</p> <p>Engage in collective bargaining to establish training funds</p> <p>Engage in collective bargaining to enable paid time for training</p> <p>Engage with trade union partners internationally to develop training programmes and exchanges</p> <p>Promote the inclusion of skills development and recognition within standard employment contracts</p>

Source: Authors

While governments are ultimately responsible for migration and skills policy, the potential roles of the social partners and of social dialogue are laid out in the following ILO instruments:

- the [Migrant Workers \(Supplementary Provisions\) Convention, 1975 \(No. 143\)](#)
- the [Migration for Employment Recommendation, 1949 \(No. 86\)](#)
- the [Human Resources Development Convention \(No. 142\)](#) and [Recommendation \(No. 195\), 1975](#)
- the [ILO Multilateral Framework on Labour Migration](#).

In countries of origin and destination employers' and workers' organizations can provide information on skills gaps and labour demand; facilitate the design and provision of training programmes; and contribute to establishing skills recognition systems. Employers are key in providing opportunities for apprenticeships and traineeships, and in allowing time off for workers to attend for training courses.

As regards labour shortages, "flexible mechanisms for identifying and meeting labour demand that are close to economic realities and that involve social partners in decision making on migration planning are often the most effective."³² Governments can address labour and skills shortages using a variety of tools, which are often employer-led, including the use of certification systems requiring employers to first attempt to employ local workers; the use of quota systems for selected occupations; and levies on employers hiring migrant workers.³³ These approaches all depend on reliable, accessible data, and as such information asymmetry is considered a key driver of skills mismatches.³⁴ No multilateral data collection is currently being made on an ongoing basis across APEC Member States. The information required would include demand-side data; macro-economic and labour force data provided by government agencies; industry-level data on employment and skill needs; and firm-level data on skill needs. From the supply side, data would include macro-level data on educational trends;

³² ILO. 2019a.

³³ Ibid.

³⁴ Ibid.

industry-level data on graduates from technical and vocational or higher educational programmes; as well as micro-level information from specific institutions.³⁵

Data assessments can help government effectively respond to employers' requests for migrant workers. Awareness of skills shortages can facilitate the recruitment of international migrants, the commonly used indicators being unfilled vacancies (suggesting a shortage of relevant skills); and skills gaps (reflecting a lack of on-the-job skills).³⁶ Again, much of this data is obtained by governments, through administrative sources such as public employment services (PES); employer surveys; household surveys (such as labour force surveys – LFS) and censuses; and model-based projections, typically run by national statistical offices.³⁷ Some governments, such as Malaysia and the United States, have opted to use big data for labour market analytics, which can offer real-time analysis, including on vacancies and skills needs.³⁸

Given the significant role of the social partners in labour mobility, consultation mechanisms are in place in a number of APEC countries. The Republic of Korea, for example, convenes an annual working group including employers' organizations and trade unions under the Foreign Workforce Policy Committee to gather feedback ahead of setting its annual quota on foreign workers. The Government of Malaysia holds periodic focus groups with trade unions and employers' organizations to share information on the needs and expectations of the social partners; and in Thailand the Department of Employment holds regular consultations with employers on labour and skills shortages.³⁹

Overseas employment agencies (OEAs) are also key to preparing migrants to migrate and running job-related training courses. Some OEAs in Myanmar provide comprehensive training developed in coordination with the employers in countries of destination to prepare workers for work in the seafood processing industry and in the care industry. Such comprehensive training could be delivered to workers in other sectors, particularly those industries with higher occupational health and safety risks such as construction, fishing, and domestic work. At the same time, employment agencies can work with their counterparts abroad to include skills development and recognition within standard contracts.⁴⁰

At the same time, workers' organizations are key in promoting respect for labour standards at the workplace, and often provide pre-departure safe migration training, on subjects including rights at the workplace, how to understand employment contracts, and how to access consular and health services abroad. International networks or union-to-union agreements can go further to promote respect for labour standards and skills recognition. At the workplace, workers' organizations can support the provision of training and can work with employers' organizations to ensure that workers are allowed paid time off for training purposes.⁴¹

Japan introduced its Technical Intern Training Programme in 1993 “to develop human resources who can contribute to the industrial development of foreign countries through the transfer of Japanese

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ ILO. 2010 (unpublished).

⁴¹ ILO. 2020d.

technology”.⁴² Since 2010 interns have been classified as “workers”, meaning labour law covers them, and since 2017 technical interns are permitted to stay for up to five years.

The Republic of Korea introduced its Industrial and Technical Training Programme in 1991. This was replaced in 2004 by the Employment Permit System (EPS), another guest worker system which was intended to counter problems associated with the intern scheme, involving the expansion of labour rights, including the minimum wage, the right to join and form trade unions and to collective bargaining, and improved access to social protection on a reciprocal basis. Both programmes have been criticized as opening a side door to low-skilled labour migration, operating as a guest worker system rather than a professional development scheme. “Interns” and workers in both countries have been exposed to labour abuses, as restrictions on moving companies in some cases have resulted in situations of forced labour.⁴³

7. Role of the social partners in implementing coherent policy

7.1 Skills recognition and matching

Skills recognition is an important tool to maximize the benefits of migration. Data availability is one aspect of addressing skills mismatches, but without a skills-sensitive mobility framework, it is insufficient. Skills recognition supports job matching, circular migration, and the upward mobility of individual migrants, and promotes the achievement of decent work goals. Without formal (or any) acknowledgement of their skills, migrant workers’ employability is reduced, and businesses lose out on workers with relevant skills, affecting their productivity levels.

Skills recognition covers formal academic and professional skills, as well as prior learning gained in non-formal educational settings, and informally, for example at the workplace. The latter would be of relevance to most Myanmar migrants, who migrate in low-skilled categories of work, and who could benefit from certification of on-the-job learning either when returning home or re-migrating.⁴⁴ Mutual Recognition Arrangements (MRAs) in ASEAN, as well as the AQRF, are agreements on skills recognition to which Myanmar is party. Bilateral labour migration agreements that Myanmar has signed with the Republic of Korea and Japan also contain components relating to training and skills.

In terms of skills recognition, the ILO worked with employers’ groups in both Thailand (Employers’ Confederation of Thailand – ECOT) and Myanmar (Union of Myanmar Federation of Chambers of Commerce and Industry – UMFCCI) to identify skills in demand in those countries. Following that, assessment programmes for two occupations in the two countries – masonry and sewing training – were benchmarked with a view to future MRS standards.

Employers’ organizations and trade unions are important in skills recognition, in policy design and implementation. Training by trade unions or overseas employment agencies, either before departure or during time abroad, can enable migrant workers to understand the importance of documenting

⁴² JITCO. Technical Intern Training Guidebook for Technical Intern Trainees. Available at: https://www.jitco.or.jp/download/data/guidebook_english.pdf

⁴³ Institute for Human Rights and Business. 2017.

⁴⁴ ILO. 2020d.

skills acquired while abroad.⁴⁵ Migrant centres in Myanmar provide advice to migrants and potential migrants, including some pre-departure training on subjects including salary calculation and remittance services, but cataloguing skills does not appear to receive significant attention.⁴⁶

The ILO has published a guide on recognition of prior learning for employment services providers which is also useful to private employment agencies, including the MOEAF.⁴⁷ The guide notes the importance of working with migrant workers and employers to increase understanding on the benefits of recognizing prior learning. For migrant workers, pre-departure training can include advice on putting together a portfolio of evidence of skills and qualifications gained at work; and on return identifying skills or certification gaps, and developing a learning plan to gain relevant certifications (see box below).

Migrant workers' skills portfolios

To promote skills recognition on return, migrant workers can receive advice and training on developing a skills portfolio. The training could be given by a national agency or by other organizations working with migrant workers, such as CSOs (including in Migrant Resource Centres), trade unions, employers' organizations, and employment agencies.

Pre-departure training can include advice on collecting evidence of skills development while abroad. Ideally these skills could be aligned with Regional Model Competency Standards (RMCS) to enable employers to more easily identify workers with the skills required for their business.

A portfolio would include official documents, such as job descriptions; work and training history; and any certificates. Supporting documents would include details of any on-the-job training; written attestations or recommendations from employers; photographs of worksites, or products made by the worker. The portfolios can also document soft skills acquired by migrants, including leadership, teamwork, customer services etc., for example, through client testimonials.

On return, advisors, whether in the government body tasked with migrant worker reintegration, or a CSO, trade union or employment agency can assist in mapping skills to a standard competency measure, and potentially either enable certification of skills, or direct the worker to appropriate bridging courses.

Source: ILO. 2010 (unpublished). "Guidelines for recognizing the skills of returning migrant workers."

7.2 Partnerships between employment agencies and trade unions

PES and private employment agencies (PrEAs) are primary actors in the implementation of migration and employment policies. In Myanmar, Labour Exchange Offices under MOLIP act as PES, and the MOEAF are both key actors. Relevant ILO Conventions setting standards on both actors are: the Employment Service Convention, 1948 (No. 88); and the Private Employment Agencies Convention, 1997 (No. 181). The MOEAF, officially registered as an NGO, acts as an industry body representing the interests of its member employment agencies, including in policy discussions. It also works to ensure their compliance with national and international laws and standards on recruitment and employment, as well as its own Code of Conduct.

International cooperation between trade unions can be key to promote skills development and recognition, and there are a number of examples of international union-to-union cooperation. The Building and Wood Workers' International (BWI) and DGB-Bezirk Baden-Württemberg implemented a project on Skills Development and Employment Generation for Women Workers in the Construction Industry in India, including training in masonry and painting skills.⁴⁸ In Switzerland UNIA, the largest trade union, worked with an insurance company, ECAP, to provide training for

⁴⁵ ILO. 2020d.

⁴⁶ ILO. 2020a.

⁴⁷ ILO. 2017b.

⁴⁸ ILO. 2020d.

migrant women in the service sector, including in the cleaning, sales and restaurant sectors. Swiss vocational certificates are provided on successful completion of the training.⁴⁹

7.3 Fair recruitment

Fair recruitment is a key component of safe migration, and the role of employment agencies in recruitment is integral to the implementation of coherent migration and skills policy throughout the migratory cycle. Good recruitment practices help to ensure effective job matching, to implement migration, skills and education policies, and to prevent exploitation, trafficking and forced labour.⁵⁰ To best serve employers and workers, and attract more of both sets of clients, it is in their interests that workers document their skills, and employers provide and recognize documentation. Dialogue between these actors is thus essential.

The ILO produced its [General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs \(GPOG\) in 2019](#)⁵¹ and has launched a [Fair Recruitment Initiative](#) (ILO-FAIR) in collaboration with the social partners and other stakeholders. It also released a brief on [“Ensuring fair recruitment during the COVID-19 pandemic,”](#) underscoring the importance of ongoing cooperation between stakeholders – “tripartite partners, diplomatic missions and recruitment intermediaries in countries of origin and destination should be involved in monitoring recruitment of migrant workers and maintain coordination and communication during and after the Covid-19 pandemic.”⁵² The GPOG includes general principles for all actors involved in the migration process, as well as targeted operational guidelines. In relation to recruitment, General Principle No. 4 holds that “recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications.” As regards the costs of migration, the GPOG suggests that when initiated by an employer, labour recruiter or agent, the costs for skills and qualification tests be considered part of the recruitment process and therefore not charged to the migrant worker (Operational Guideline 12(iii)).

In 2016 the MOEAF launched a Code of Conduct (CoC) for its members, developed with technical support of the ILO. The CoC aims to promote the ethical conduct and professionalism of employment agencies in Myanmar; to standardize the quality of services offered by employment agencies; and ensure protection of workers’ rights throughout the migration cycle. It takes into account the national laws of Myanmar and countries of destination, as well as bilateral agreements; and international standards including the [ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers 2007](#); the [Private Employment Agencies Convention, 1997 \(No. 181\)](#); and the [ILO Multilateral Framework on Labour Migration](#). By December 2020 a total of 272 members of MOEAF had signed the Code of Conduct.

Signatories commit to uphold minimum standards in terms of legal compliance and to follow the recruitment process; to handle migrants’ documents appropriately; to provide training; to cover deployment and transportation; to protect workers overseas and in emergencies; and to ensure repatriation and reintegration as required. Regarding training, signatories are to ensure all migrants receive pre-departure training, including on their employment contracts and wages; labour rights,

⁴⁹ Ibid.

⁵⁰ ILO. 2017a.

⁵¹ ILO. 2016.

⁵² ILO. 2020c.

health and social security coverage; access to complaints mechanisms; and banking and remittances. Migrants are also to receive training to carry out their jobs safely and efficiently

7.4 Funding

Beyond state-funded public education and technical and vocational training, there are a wide variety of funding options for skills and training, including fund raising or funding by trade unions and employers' organizations, as well as the donor community. Trade unions and employers' organizations in the Netherlands have come together through collective bargaining to establish training and development funds for 5.9 million workers, representing 85 per cent of Dutch employees. In Italy, training funds managed by employers' and workers' organizations, which are accessible to regular migrant workers, have been established through collective bargaining in a number of areas, including agriculture, construction and tourism.⁵³

8. Conclusions and recommendations for strengthened policy coherence in skills and migration

At the time of writing the current context makes full policy coherence in Myanmar impossible. Nonetheless, pragmatic steps can be taken to improve the working and living conditions of migrants, all of which are well practiced by stakeholders during the previous phase of military rule in Myanmar.

Recommendations to the donor community

- Support Migrant Centres managed by migrant communities, trade unions and CSOs in Myanmar and top countries of destination, including career counselling services and advice on skills recognition, including the development of skills portfolios. Training for service providers will need to be built in.
- Support fora for social dialogue between workers' and employers' organizations, including employment agencies, to promote awareness of migration and skills policy coherence and of the importance of skills in generating better migration outcomes as well as awareness of pitfalls, including by generating understanding of the range of competencies in "low-skilled" jobs, and respect for their role in business productivity.

Recommendations to employers' organizations and trade unions

- At the policy design, monitoring and evaluation phases, engage in international and regional fora, contributing to shadow international report mechanisms produced by civil society operators, in migration and education, to promote the empowerment of migrant workers through the respect and effective observance of their human and labour rights.
- Engage in context-specific internal capacity development in order to make it possible to direct members to relevant training opportunities and services, and to recognize the use and importance of migrant workers' skills portfolios.

⁵³ ILO. 2020d.

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- Engage with counterparts in employers' and workers' organizations and employment agencies to share information, enhance mutual understanding, and promote the implementation of regional and international standards on skills and migration.
 - Engage in collective bargaining to enable workers to gain access to paid time for training opportunities.

Recommendations to trade unions

- Work to expand membership and the affiliation of migrant workers, including irregular migrants, in both countries of origin and destination.
- Provide pre-departure and in-situ training for migrant workers, including on developing and documenting a skills portfolio.
- Strengthen cross-border relations with trade unions in countries of destination, to provide services to Myanmar migrant workers abroad.

Recommendations to employers' organizations

- Engage with members to raise awareness of existing job-based competency guidelines and relevant training opportunities for employees.
- Engage with members to generate understanding of the mutual benefits of providing workers with letters of reference or job-related certificates on departure.
- Consider bilateral engagement with sectoral counterparts in countries of destination to implement mutual recognition tools.
- Consider establishing workplace-based learning programmes, including apprenticeships and lifelong learning plans.

Recommendations to MOEAF

- Promote good practices of member agencies providing comprehensive skills training for migrants.
- Work with counterparts abroad to insert clauses on skills development and recognition in standard contracts.
- Use the lull in outward migration to replicate good practices and encourage member organizations to provide training for migrants in preparation for future migration.
- Invest in the development of standard modules on soft skills to be included in all agencies pre-departure processes.

23 June, 2020.

Appendix 1: Guidelines on promoting coherence between employment, education/training and labour migration policies⁵⁴

1. Guidelines for policy design

The following indications may prove valuable in giving practical effect to the principles listed below. A specific guide would be needed in order to operationalize these general principles.

Principle 1

The labour migration policy design process is clearly and timely organized by the designated institution/line ministry, in close consultation with other relevant institutions such as ministries of labour and other stakeholders, including employers' and workers' organizations.

Guidelines

- 1.1. Have a clear understanding of the roles of the different actors, and encourage multi-stakeholder participation for enhancing the policy design.
- 1.2. Prepare a strategy for the active engagement of all relevant institutions and key actors that need to be involved and consulted during the policy design phase, including employers' and workers' organizations, civil society, etc.
- 1.3. Consider the role of the different levels of government in labour migration: national, regional, and local.
- 1.4. Make sure that key stakeholders are aware of the labour migration issues at stake, including gender aspects, and are in a position to actively contribute to the policy-drafting process.

Principle 2

Labour migration policies are evidence-based, gender-sensitive, and reflect real labour market needs.

Guidelines

- 2.1. Improve the collection and production of gender-disaggregated labour migration statistics at national and regional levels, in particular on the number of migrant workers, their distribution by sector, and employment patterns.
- 2.2. Carry out labour market needs assessments at all skill levels, not just for high-skilled occupations, and share results with relevant institutions, policy-makers and other stakeholders. Public employment services (PES) are well-suited, where mandated to work with migrant workers, to carry out skills assessments and forecasting.
- 2.3. Analyse potential unintended policy effects (positive or negative) in the short, medium and long term. In case of negative developments, consider mitigation scenarios.
- 2.4. Consider economic, social and environmental repercussions and costs of policy options, including gender aspects.

Principle 3

Labour migration policy contains clear commitments, is budgeted and time-bound.

Guidelines

- 3.1. Include a well-articulated national policy statement on labour migration, making clear the government's commitment.
- 3.2. Include in the policy document: strategic objectives, baselines and targets, as well as performance indicators.

⁵⁴ ILO. 2017a.

3.3. Map all potential sources of financing (public, private, domestic, international), as well as complementarities with funding granted to other policy areas such as employment and education/training to reflect the growing cross-cutting nature of policy-making.

3.4. Ensure that labour migration policy and its respective budget allocations reinforce each other.

3.5. Where appropriate, consider the creation of enabling conditions for diversification of funding sources, and attract contributions from private sources and the international donor community.

Principle 4

Labour migration, employment and education/training policy interlinkages (synergies and trade-offs) should be carefully considered during the policy drafting process. Other national policies, where relevant (security, trade, etc.) and gender-related aspects should also be taken into account, as appropriate.

Guidelines

4.1. Give due consideration to all relevant policy interlinkages and their potential impacts, as well as incorporating a gender perspective in all policy aspects.

4.2. Align labour migration policy with employment, education/training and other national or sectoral policies/strategies. Propose integrated approaches, where relevant, to policy outputs in order to achieve more coherent policy responses and promote a whole-of-government approach.

4.3. Carry out analyses of contextual factors (governance, transparency, knowledge, etc.) that might impede or facilitate the policy coherence process, and have a strategy on how to address impeding/negative aspects.

4.4. Assess the impact of labour migration on the domestic labour market, with particular reference to the risk of brain drain and brain waste, and their impact on the development prospects of origin countries. Labour migration policy should therefore be combined with employment measures, facilitating job creation and training/retraining opportunities for both national and migrant workers.

Principle 5

Labour migration policy reflects a country's international obligations such as international labour standards, fundamental principles and rights at work, and other ratified treaties and Conventions as well as signed bilateral and multilateral labour migration arrangements.

Guidelines

5.1. Be guided in the policy design process by relevant international norms (such as UN and ILO migration-related Conventions), including the ILO Declaration on Fundamental Principles and Rights at Work, in order to protect the basic human rights of migrant workers, including those in irregular status.

5.2. Recognize the needs of different migrant groups on the labour market: potential, current, return, and transit migrant workers, and apply a gender-sensitive approach.

Principle 6

Labour migration policy encompasses cooperation efforts at all levels (bilateral, regional and multilateral).

Guidelines

6.1. Duly reflect efforts at all levels (bilateral, regional and multilateral) by governments, the social partners and other stakeholders as an essential pillar for enhancing labour migration governance, including in the frameworks of regional economic communities.

6.2. Include measures for securing improved development outcomes of labour migration for migrant workers and their families, as well as for countries of origin and destination.

7.2 Guidelines for implementation and monitoring

Principle 7

There are formal mechanisms to guarantee effective feedback between different levels of government involved in the implementation of the labour migration policy.

Guidelines

7.1. Make sure that there are well-established, functioning mechanisms for collaboration and coordination between different levels of government – local, regional and national – in charge of labour migration policy, as well as other relevant key stakeholders such as employers’ and workers’ organizations.

7.2. Strategically locate coordination mechanisms within government structures in order to be able to address policy tensions in a timely manner and ensure coherence throughout the implementation process, including due consideration for gender equality and mainstreaming.

7.3. Ensure that coordination mechanisms are able to provide feedback into the next cycle of policy drafting, building on lessons learned and good practices.

Principle 8

There are monitoring mechanisms and tools in place to assess labour migration policy implementation.

Guidelines

8.1. Put in place transparent monitoring and reporting systems to collect up-to-date and reliable evidence to assess progress in implementation. The system should ideally cover the entire policy cycle (identification, design, adoption, implementation and assessment).

8.2. Use the indicators of success identified in the labour migration policy effectively, including those that capture policy interlinkages across sectors (e.g. number of migrant workers having jobs abroad corresponding to their skill levels).

8.3. Dedicate sufficient financial resources for monitoring to take place continuously, and be in a position to assess implementation at any given point in time, and, if required, take adequate measures of redress.

8.4. Create mechanisms and tools for labour migration policy to be able to adjust to new policy developments, needs and priorities in a timely manner, and/or as negative feedback emerges in the course of implementation.

8.5. Maintain active dialogue on appropriate governance mechanisms between origin and destination countries, so as to be able to include findings in the implementation process of the national labour migration policy.

8.6. Actively engage the social partners in the periodic review process to ensure that adjustments to policy coherence are effectively carried out.

Appendix 2: Myanmar laws, policies and national plans of action reviewed for this paper

- The National Education Law, 2014 (41/2014)
- The Law Relating to Overseas Employment (1999) (LROE)
- The Employment and Skills Development Law, 2013(29/2013)
- National Plan of Action on Labour Migration (2018-2022)
- Myanmar National Social Protection Strategic Plan. December 2014 (MNSPSP)
- The Myanmar Sustainable Development Plan (2018-2030) (MSDP)
- The Myanmar Economic Recovery and Reform Plan (MERRP)

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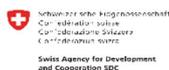
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This paper, *Skills and labour migration: The role of social partners in promoting policy coherence in Myanmar*, takes stock of Myanmar's international migration trends; examines horizontal and vertical policy coherence; maps relevant policies related to migration and skills; and provides recommendations for the social partners to promote policy coherence in order to enhance the benefits of migration. It is part of a series of papers on policy coherence published by the ILO's [Developing International and Internal Labour Migration Governance \(DIILM\) project](#), and different to the others, moves the focus from the role of government in policy coherence, to the role of the social partners – trade unions and employers' organizations, as well as CSOs.

The paper includes a set of policy recommendations to support skills recognition and development for migrant workers. Including continued support for Migrant Centres and social dialogue between workers' and employers' organizations; to expand representation of migrant workers in trade unions, provide quality pre-departure training for migrant workers, and promote cross-border dialogue to enable better skills recognition, as well as understanding of how skills and migration policy coherence increase business productivity as well as enhancing migratory outcomes for migrant workers, their families and communities of residence.

This paper, was supported by Livelihoods and Food Security Fund (LIFT). It aims to support evidence-based policy making to strengthen social protection and realization of fundamental rights in Myanmar.

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