

## **Task Force on ASEAN Migrant Workers**

### **Concept Note**

#### **Regional Consultation Workshop: Post 6th AFML Activities**

**27 - 28 May 2014, Bangkok**

### **Introduction**

The AFML is the primary platform for the ten ASEAN member states' labour ministries, employers' organizations, trade union and civil society representative to meet on an annual basis. The forum is conceived as part of the effort to implement the 2007 Declaration on the Protection and Promotion on the Rights of Migrant Workers made in Cebu, Philippines. The Cebu Declaration is described as serving to promote the potential and dignity of migrant workers in accordance with the respective laws, regulations, and policies of ASEAN states; it also defines the obligations of the sending and receiving states and the commitments of the entire ASEAN community in protecting and promoting the rights of migrant workers

The organization of the forum is supported by the ASEAN Secretariat, the presiding government head of the ASEAN (SLOM), ILO, IOM, the UN Women and the Taskforce for ASEAN Migrant Workers (TFAMW). Participants of the forum comprise the tripartite representative from the government, national trade unions and employers associations. The unique feature is that civil society representatives, organized via the TFAMW, actively participate in the Forum and plays a very important active role in the process.

Although the AFML has convened since 2009, it was not until 2010 when the AFML adopted an output document for each meeting referred to as "Recommendation" which contains conclusions arrived at during the each meeting and action-oriented proposals specific to the broadly worded aspirations in the Cebu Declaration. Every annual forum is organized around a specific theme adopted from the Cebu Declaration. The theme revolves around the issues arising in the entire migration process of pre-departure, in-employment and reintegration of migrant workers. These Recommendations are made through a consensual process and adopted in a plenary format whereby all representatives have to negotiate before agreeing to the wordings. Since then, there has been a trend of growing number of recommendations – Bali (2011) generated 17; Siem Reap (2012) generated 21 and most recently in Brunei (2013) generated 20 recommendations. Thus far there are a total of 64 recommendations.

### **The 6th ASEAN Forum on Migrant Labour**

The 6th ASEAN Forum on Migrant Labour was convened as an implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, ASEAN Labour Ministers' Work Programme 2010-2015 and ASEAN Socio-Cultural Community (ASCC) Blueprint (Action Line C.2.ii) which called for a regular ASEAN Forum on Migrant Labour as a platform for broad-based discussions on migrant labour issues under the auspices of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) which reports to the ASEAN Senior Labour Officials Meeting (SLOM).

The 6th AFML participants recommended concrete actions to promote and protect the rights of migrant workers in ASEAN Member States, that includes and adequate complaint mechanisms and grievance handling mechanisms. CSO Stakeholders have important role to ensure effective implementation and directly involve in the implementing recommendations of the various activities that covers all migrant workers including migrant domestic workers.

The 6th AFML recognised the importance of and access to effective complaint mechanisms by migrant workers in sending and receiving countries in order to promote and protect the rights of migrant workers in line with international human rights and labour standards. For better access to complaint mechanisms, where appropriate, family members may file a report or complaint on behalf of migrant workers.

Furthermore, the participants agreed that the progress and challenges of implementation of these and previous recommendations will be shared by ASEAN Member States at the 7th ASEAN Forum on

Migrant Labour in 2014. For this purpose, each ASEAN Member State should make preparation with the involvement of tripartite partners and civil society for the information sharing prior to the Forum.

The TFAMW National CSO and Trade Union Partners with the support of the ILO ATP will focus on activities on two key recommendation of the 6th AFML: 1. the promotion of effective complaint mechanisms and grievance handling mechanisms; and 2. Preparation of the sharing of the experience Report on progress and challenges of implementation of the 6th AFML and previous AFML recommendations (3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>) to be shared at the 7th AFML.

### **Implementing the recommendation of the 6th ASEAN Forum on Migrant Labour**

The Recommendations adopted during the 6th AFML among others call to ensure that complaint mechanisms are gender sensitive and responsive to the vulnerability of migrant workers like migrant domestic workers. Recommendation stemming from the AFML process is to realise the protection and promotion of the rights of migrant labour

The purpose of these recommendations are for the ASEAN member states to adopt and fulfil as obligations of either as sending countries and receiving countries or jointly.

### **Review**

There are initial steps to undertake a review on how can the stakeholders in this process enable the operationalization of the recommendations effectively across the region. In particular, the role of civil society would be a key focus since they are one of the stakeholders that played an influential role in formulating the recommendations.

In consultation with the key national civil society stakeholder, the TFAMW, the primary consideration is how to redirect the focus from policy generation to implementation. Given the limiting capacity of less economically developed states, it may require the involvement of national civil society to collaborate with other stakeholders and deliver the services stemming from the recommendations.

### **Develop a directory on CSO with their scope on their potential capacity**

The TFAMW interest is to develop a directory of civil society organizations and to gather information as to what the civil society has done or is doing to implement the Recommendations of the AFML. The TFAMW will develop a questionnaire for this purpose and implement the survey through electronic mail.

### **The TFAMW Civil Society Consultation Workshop will be held in Bangkok in 27-28 May 2014 will encourage the CSO stakeholders to develop strategic and key activities:**

The primary purpose of the TFAMW Post 6th AFML Regional Consultation Workshop is to identify activities that national CSO stakeholders will undertake to implement the 6<sup>th</sup> AFML Recommendations and to assess the extent to which CSO have contributed to the implementation of the AFML recommendations (3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>)

### **In Particular, the Workshop aims:**

- a. To provide space for discussion and better cooperation among TFAMW partners and stakeholders to implement the Recommendation of the ASEAN Forum on Migrant Labour (2010-2011-2012-2013)
- b. To share experiences and to develop consensus on stakeholder activities to better implement the 6th AFML recommendation on the promotion of effective complaint mechanisms and grievance handling mechanisms at their country level.
- c. To share stakeholder experiences in implementing the Recommendations of the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> AFML at the 7<sup>th</sup> AFML (2014 in Myanmar).

- d. To develop consensus on a survey to investigate what the civil society is doing and the methodology (content and design of survey) to develop the directory of CSO with their scope and the potential capacity.

**Expected output of the Workshop:**

1. A plan of action that will identify the priorities and schedule of the Regional and National activities to implement the 6<sup>th</sup> AFML Recommendations.
2. To document good practices of implementing complaint mechanism and to develop standard guidelines for CSO and Stakeholder references.
3. Develop a methodology for the survey of CSOs on their contribution in implementing the AFML Recommendations.
4. Agree on plans for the holding of the preparatory meetings for the 7<sup>th</sup> AFML.

**Post 6<sup>th</sup> ASEAN Forum on Migrant Labour  
Tentative Agenda**

**Regional Consultation Workshop  
Civil Society Strategic planning to develop follow-up activities  
27-28 May 2014, Bangkok, Thailand**

<b>Time</b>	<b>Description</b>	<b>Responsible</b>
26 May 2014	<b>Arrival of Overseas Participants</b>	
26 May 2014	<b>Dinner for Overseas participants</b>	
<b>27 May 2014</b>	<b>27 May 2014</b>	
08:30-09:00	<b>Registration</b>	TFAMW
09:00-09:15	<b>Opening Welcome: TFAMW</b>	<b>ILO/TFAMW</b>
09:15-09:45	<b>Keynote address: <i>Conclusion of the 6<sup>th</sup> AFML to include issues on complaint mechanisms and grievance handling mechanisms</i></b> <b>Q&amp; A</b>	Mr. Manuel Imson <b>ILO ATP</b>
09:45-10:00	<b>Photo Session</b>	
10:00-10:30	<b>Coffee break</b>	
10:30-11:30	<b>Session 1 (Plenary):</b> Review of activities on the Recommendation of the ASEAN Forum on Migrant Labour (AFML 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> ). Reporting by GMS participants	Moderators (TBC) Resource Person Reporters
11:30-12:30	<b>Session 2 (Workshop): Participants to present their country plan of action on key national &amp; regional activities in support of complaint and grievance handling mechanism for Migrant Workers - March 2014 – March 2015</b>  To develop follow-up activities on the Recommendation of the 6 <sup>th</sup> AFML - <b><i>Focus on the promotion of effective complaint mechanism, grievance handling mechanisms, and guidelines.</i></b> -Take stock of current Complaint mechanism used by CSO - How to improve the current Complaint Mechanism by using forms & procedures - How to do make collective reporting of cases of violations - How to use one-stop centre as complaint receiving points - To develop standard guideline for Complaint and Grievance Handling Mechanism for Migrant Workers	<b>Workshop</b>  Moderators (TBC) Resource Person Reporters
12:30-13:30	<b>Lunch</b>	
13:30-14:30	<b>Session 3 (Plenary) Presentation of Workshop Reports followed by Q&amp;A</b> - Key elements and calendar of activities on Complaint and Grievance Handling Mechanism 1) Current practice 2) How to improve the current practice 3) How to consolidate the improvements made	Co-Moderator TFAMW/ILO
14:30-15:30	<b>Session 4 (Plenary) Calendar of Activities</b> Key Activities, Seminars, Prep meetings for the 7 <sup>th</sup> AFML	Co-Moderator TFAMW/ILO
15:30-16:00	<b>Coffee Break</b>	
16:00-17:00	<b>Session 5 (Plenary) - CSO Regional Preparatory meeting for 7<sup>th</sup> AFML, - 7<sup>th</sup> AFML,</b>	Co-moderator TFAMW /ILO

	<b>- Post 7<sup>th</sup> AFML Meeting</b>	
17:00	<b>Closing session for Day One</b>	TFAMW
28 May 2014	<b>28 May 2014</b>	
9.00-10.30	<p><b>Session 6 (Plenary)</b>  <b>TFAMW Regional and National Plan of Action (Recap) agreement</b></p> <p><b>Calendar of Activities</b>  <b>Summary</b> of key elements, activities and proposal for March 2014 to March 2015</p> <ol style="list-style-type: none"> <li>1. <b>Post 6<sup>th</sup> AFML: Report of the TFAMW Regional Workshop, the survey and directory of CSO who participate in the AFML, and Standard Guideline on Complaint Mechanism</b>  May to August 2014</li> <li>2. <b>Calendar National Preparatory meeting for the 7<sup>th</sup> AFML</b> (June to October 2014)</li> <li>3. <b>Regional meeting of National Rep Meeting (before 7<sup>th</sup> AFML) and Regional Meeting Post 7<sup>th</sup> AFML (May 2015)</b>  (November 2014 – May 2015)</li> </ol> <p><b>Agreement on Regional and National Activities</b></p>	TFAMW
10:30-11.00	<b>Coffee break</b>	
11.00-12.30	<b>TFAMW Internal Meeting</b>	TFAMW
12.30-13:30	<b>Lunch</b>	
	<b>All participants check-out of Hotel</b>	
	<b>Departures to Airport</b>	