

Workshop Report:
**Sub-regional Workshop to Validate the Findings of the
Migrant Welfare Fund Feasibility Study Conducted in Myanmar, Cambodia and Laos**

26-27 May 2015
Lao Plaza Hotel, Vientiane, Lao PDR

A. BACKGROUND AND OBJECTIVES

The ILO ASEAN TRIANGLE Project (ATP) identified the need to strengthen its activities in the area of labour migration and skills recognition to assist Cambodia, Lao PDR and Vietnam (CLM countries) in line with the Initiatives for ASEAN Integration (IAI) launched in 2000 at the fourth ASEAN Informal Summit held in Singapore. The IAI aims to support and accelerate the economic integration of the newest ASEAN Member States. In this regard, the ILO hosted a CLM Sub-regional Workshop on 18 September 2014 in Bangkok to develop the CLM Capacity Building Work Plan on labour migration and skills. The CLM work plan is based on the outcome of this sub-regional meeting and covers five areas of interest as indicated by the CLM countries. These are:

1. Enhancing international labour migration data collection, analysis and sharing
2. Strengthening bilateral agreements / Memoranda of Understanding
3. **Conducting a feasibility study on the establishment of welfare fund programmes in CLM**
4. Strengthening the labour attaché programme
5. Enhancing skills recognition and mobility of migrant workers from and within the ASEAN region

The Government of Lao PDR has agreed to lead the third component of the CLM work plan which called for conducting a feasibility study on the establishment of migrant welfare fund programmed and a hosting validation workshop. The feasibility study was conducted between April 2014 and January 2015. A lead consultant from the Philippines guided the work of national consultants in Cambodia, Laos PDR and Myanmar. The study documents the current welfare programmes and services available to migrant workers in CLM, and identifies the needs and gaps in the provision of migrant welfare programmes and services. Further, it analyses whether the target countries have sufficient knowledge, structural, political, financial, and legal capacities in their current labour migration governance systems that are pre-requisites towards establishing migrant welfare fund programmes. Moreover, the study provided recommendations on the actions that must be taken, and the implementing partnerships and coordination mechanisms that must be forged by Cambodia, Laos PDR and Myanmar in order to develop appropriate migrant welfare fund systems.

In order to guide the finalisation of the study, a sub-regional validation workshop was convened to discuss its findings and to agree on ways forward. The objectives of the workshop were to:

1. Disseminate and validate the findings of the national level components of the study;
2. Disseminate and validate the study findings and the proposed Blueprint for the establishment of migrant welfare fund programmes in CLM;
3. To identify pilot activities to implement the blueprint.

B. OUTCOMES OF THE WORKSHOP

The validation workshop was attended by 42 participants composed of government representatives from Cambodia, Lao PDR and Myanmar and resource persons from the Philippines, Vietnam and the ILO. Lao PDR, as host, maximized the opportunity to disseminate the findings of the study and gathered a notable multi-sectoral and tripartite group of participants from Ministry of Labour and Social Welfare (MOLSW), Ministry of Foreign Affairs, Ministry of Finance, National Social Security Fund Office, Provincial Labour and Social Welfare Departments, Lao Federal Trade Union, Lao Women's Union, and Lao National Chamber of Commerce and Industry. Ms Pattama Vongratanavichit, Programme Officer from the Canadian Department of Foreign Affairs, Trade and Development, was also in attendance.

The workshop was co-chaired by Mr Manuel Imson, Senior Project Coordinator of the ILO ASEAN TRIANGLE Project, ILO Regional Office of the Asia and the Pacific and Mr Chomyaeng Phengthongsawat, Deputy Director General, Department of Planning and Cooperation, Ministry of Labour and Social Welfare (MOLSW), Lao PDR. They provided critical inputs to each of the presentations and moderated the open sessions. They also asked incisive questions to the speakers which allowed for more in-depth analysis - particularly on the various MWF models that were presented, the labour migration context in CLM, the Blueprint for establishing MWFs in CLM proposed by the Lead Consultant, and the follow up activities suggested by the participants.

1. Harnessing ASEAN expertise in providing technical assistance to the CLM Capacity Building Workplan.

The conduct of the feasibility study and its validation workshop benefitted from the existing expertise in the region which the ASEAN TRIANGLE Project was able to bring together to provide technical guidance to CLM governments in their desire to establish their own Migrant Welfare Fund programmes. The research team was led by Mr Marianito Roque, former Labour Minister of the Philippines and one of the pioneers in developing the Philippine MWF programme. To ensure that the study was able to provide a nuanced understanding of each national context, national experts from Cambodia, Lao PDR and Myanmar were tapped to conduct the data collection and interviews of national stakeholders.

The validation workshop also brought in high-ranking officials from the Labour Ministries of the Philippines and Vietnam to share the experience of these countries in establishing and implementing their national MWF programmes. Ms Rebecca Calzado, Administrator of the Overseas Workers Welfare Administration (OWWA), under the Philippine Department of Labor and Employment, and Ms Ta Thi Thanh Thuy, Head of the Legal and General Affairs Division, Department of Overseas Labour, under the Vietnam Ministry of Labour, Invalids and Social Affairs gave not only much appreciated insights into their respective MWF programmes but also key reflections and technical guidance that the CLM governments may consider for their own MWFs.

2. Sharing of the Philippine and Vietnam experiences in Migrant Welfare Fund programmes.

The workshop was enriched by the Philippine and Vietnam presentations about their existing MWF programmes. These presentation provided concrete examples of how MWFs may be set up, structured, funded, staffed, and operated. The Philippine and Vietnamese models had enough differences to allow the CLM government participants to compare between the two and consider various options that could be implemented according to the context of their respective migrant worker populations.

The Philippine MWF model, called the Overseas Workers' Welfare Administration (OWWA), was presented by Ms Rebecca Calzado, OWWA Administrator, from the Philippine Department of Labour and Employment (DOLE). The Vietnamese MWF model, called the Overseas Employment Support Fund, was presented by Ms Ta Thi Thanh Thuy, Head of Legal and General Affairs Division, from the Department of Overseas Labor of the Ministry of Labour, Invalids and Social Affairs (MOLISA). Both speakers presented the enabling laws that led to the creation of their respective MWFs, as well as their overall objectives and mandate, the funding structure, and the uses of these funds. Both the Philippine and Vietnamese MWFs are used for training departing migrant workers, for providing assistance in case of death overseas, and for helping in the repatriation of distressed migrant workers. The specific programmes and extent of services vary.

Administrator Calzado also elaborated on OWWA's organizational structure and the available programmes and services with an emphasis on how they operate during crisis situations and when migrant workers need to be repatriated. She also discussed the challenges faced by OWWA as well as what the Philippine government is currently doing to strengthen OWWA's functions and implementation capacities.

Director Thuy provided details on the annual contributions to the Overseas Employment Support Fund and explained that the funds are also used to expand and develop foreign labour markets for Vietnamese migrant workers. She also pointed out that under specific circumstances, the Prime Minister exercises discretion in the use of the funds to provide special assistance to migrant workers.

3. Presentation and validation of the findings of the feasibility studies.

The feasibility study was conducted by National Consultants - each assigned to Cambodia, Lao PDR and Myanmar to gather information about the national labour migration context and interview stakeholders involved with migrant workers. The National Consultants' presentations covered current national trends and challenges in the provision of welfare services to migrant workers; current national policies and frameworks on government protection and welfare services to migrant workers; a needs assessment for a national migrant welfare fund programme; views of the national government and other stakeholders for establishing a national MWF programme; and based on the factors above, their recommendations for the development of MWF programmes in their respective countries.

The Cambodian National Consultant, Mr Hing Vutha focused on suggestions on how a MWF can be successfully established in his country. He suggested that the Cambodian government might wish to consider getting a development grant for the first two years of operation after which the MWF funding should then be taken from membership fees. The Laotian National Consultant, Mr Sanya Vathanakoune emphasized that the Lao government and stakeholders are ready and highly motivated to establish their MWF, but the biggest challenge is limited resources and possible difficulties in collecting enough funds from their population of migrant workers to keep the fund sustainable. The Lead Consultant, Mr Marianito Roque, gave the report for the Myanmar National Consultant Mr Kyaw Win, who could not attend the workshop. Myanmar's presentation highlighted that Burmese migrant workers stand to benefit from a MWF as in the past, the government has had to step in to repatriate its workers using its own limited resources. The limits on resources also constrain their ability to provide legal services to migrant workers.

4. Presentation and validation of the Blue Print to establish Migrant Welfare Fund programmes in CLM.

After the presentation of the national-level findings, the Lead Consultant, Mr Marianito Roque, presented a Blueprint or conceptual framework for the establishment of MWFs in CLM. He diagnosed that some of the challenges in the CLM labour migration management are: 1) a lack of labour migration standards; 2) a need for licensing regulations for private recruitment agencies; 3) the absence of a wage reference; and 4) the absence of standardized pre-departure education for migrant workers. He explains that these challenges must first be addressed and the legal and policy frameworks on migrant workers must first be defined. Once these are in place, the CLM governments should create a Welfare Fund with a governing board, set fees for membership, and enact policies for managing the fund. The initial capital can be incubated for the first few years to allow the fund to grow, while the government sets up the Secretariat or operational unit in charge of implementing various welfare programmes and services. Finally, he recommended that the CLM governments must provide welfare services at the countries of destination and emphasized the need for these services to be accessible and to be provided in partnership with organizations at the host and home communities.

5. Gathering inputs from the participants to improve the findings of the feasibility study and the proposed Blueprint, and to identify follow up actions.

The participants were divided into four (4) groups and were asked to answer the following questions:

- *The Lead Consultant has presented a Blueprint showing how a Migrant Welfare Fund can be established in your country. How can the proposed blueprint be improved in reflection of your national labour migration context, government structure and priorities?*
- *What would be the important strategies and actions required in order to establish your Migrant Welfare Fund programme? (Suggestions: 1) List activities that need to be conducted done in the first year and within the next 2-3 years; 2) List partners that need to be engaged and what their roles would be).*

The participants were given ample time to discuss their insights into the findings and suggestions on how to improve the study. They also brainstormed about priority actions that can be accomplished in the immediate and medium terms. After the break out group discussions, each group nominated a rapporteur who presented in the plenary. Overall, **the participants of the workshop agreed, where possible to support measures that will lead to the establishment of Migrant Welfare Fund programmes, or their equivalent in CLM.** The summarized list of suggested follow-up activities needed by the CLM governments to establish the MWF are outlined in the next section.

C. CONCLUSIONS OF THE WORKSHOP AND RECOMMENDATIONS ON WAYS FORWARD

To summarize the discussions and recommended follow up activities throughout the 1 ½ day activity, a concluding document was discussed and adopted by the workshop participants.

The participants recognized:

- The number of migrant workers in and from ASEAN continues to increase and the AEC 2015 will have implications on the mobility of medium- and low- skilled workers within the region;
- The importance of enhancing the welfare services and programmes for migrant workers and their families in order to protect and promote their rights.

The workshop led to a deeper understanding and appreciation of how Migrant Welfare Fund programmes are implemented in the Philippines and Vietnam. The MWFs of the two countries have noticeable functional similarities and differences that are crucial for CLM governments to consider when setting up their own operations in response to the needs of their respective migrant worker populations. The participants expressed their appreciation in the conduct of the feasibility study as initiated by the ILO through the ASEAN TRIANGLE Project with Lao PDR taking the lead and with the Philippines and Vietnam providing guidance. They repeatedly voiced out that assistance would be needed in carrying out consultative and capacity building initiatives to establish their MWF programmes.

The participants of the workshop agreed, where possible, to support measures that will lead to the establishment of Migrant Welfare Fund programmes or their equivalent in CLM. The report rendered by the ILO Lead Consultant and his team will be refined based on the following inputs and inclusion of the suggested activities herein stated as ways forward for CLM:

1. Update the feasibility study's data on labour migration flows per country (to include data on seasonal workers and irregular migrant workers, where possible)
2. Complete the feasibility study and disseminate to all relevant stakeholders
3. Develop, strengthen, amend or clarify pertinent legal and policy frameworks covering the provision of welfare and protection services to migrant workers. These frameworks include those governing:
 - a. the sending of migrant workers
 - b. the functions of implementing agencies
4. Build the government task force and management structure to develop the concept of a national MWF

- a. determine the lead agency (e.g. ministry of labour; ministry of social welfare) that will manage and implement the MWF programme
 - b. develop an inter-agency coordination group
 - c. set up a MWF governance structure --- board of trustees, secretariat, fee structure, etc
 - d. determine how to use existing facilities, staff and resources
5. Update the provisions for the Standard Employment Contracts for migrant workers
 6. Create licensing protocols for private recruitment agencies (PRAs)
 - a. Upgrade registration system for employment agencies
 - b. Define the roles of PRAs relative to welfare services and worker protection
 7. Pilot the establishment of a Migrant Welfare Fund programme
 - a. Define the funding and operational strategies
 - b. Define the monitoring and evaluation methodology
 8. Implement priority activities that include:
 - a. Conduct country-specific activities to raise awareness of the MWF, its roles and its benefits
 - b. Develop a communications plan and strategy
 - c. Create a central committee / working group / task force that would be in charge of developing the funding and operational structure of the MWF
 - i. Set up rules for the working committee – lead planning exercises
 - ii. Identify sources of funds
 - iii. Involve social partners and CSOs
 - d. Disseminate information through national consultative workshops, dialogues with stakeholders and study visits to countries that already have existing MWFs
 - e. Develop and maintain an efficient database on labour migration and conditions of work in various worksites of migrant workers
 - f. Adoption and implementation of capacity building programmes for the MWF staff
 - g. Forge partnership arrangements with relevant entities
 9. Provide sustained technical assistance, through experts, from the ILO and other relevant partners agencies and donors
 - a. Identification of partner – national, regional and global level; to include PRA, Trade Unions, AMS and International organizations etc.

D. FOLLOW UP ACTIONS

1. The report on the feasibility study and accompanying Blueprint will be refined by the team of consultants, following the inputs and recommendations of the workshop participants.
2. The revised report on the feasibility study and accompanying Blueprint will be disseminated among relevant CLM stakeholders.
3. The ASEAN TRIANGLE Project (ATP), in collaboration with the team of consultants and the CLM governments, will develop the list of recommended activities into a capacity-building action plan to support the establishment of MWFs in CLM.
4. ATP will review the recommendations and look into how the project, with continued support from the Government of Canada, and in cooperation with other implementing partners, can provide further technical assistance to establish MWFs in CLM.

ANNEX 1: AGENDA

Day 1 – 26 th May	
8.30-9.00	Registration
9.00-9.45	<p>Opening remarks</p> <ul style="list-style-type: none"> • Mr Manuel Imson, Senior Project Coordinator, ASEAN TRIANGLE Project, ILO Regional Office for Asia and the Pacific • Mr Chomyaeng Phengthongsawat, Deputy Director General, Department of Planning and Cooperation, Ministry of Labour and Social Welfare, Lao PDR <p>Group Photo</p> <p>Introduction of Participants</p>
9.45-10.30	<p>Session 1: Introducing the concept of a Migrant Welfare Fund (MWF) and the objectives of the ILO feasibility study on establishing MWF programmes in Cambodia, Lao PDR and Myanmar (CLM)</p> <p>Speaker: Mr Marianito Roque, Lead consultant for the ILO Migrant Welfare Fund Feasibility Study, Former Secretary of Labour, Government of the Philippines</p> <p>Q&A: ILO</p>
10.30-10.45	Coffee break
10.45-12.00	<p>Session 2: Sharing of experiences in the implementation MWFs, current challenges, opportunities and ways forward</p> <p>Speakers:</p> <ul style="list-style-type: none"> - Ms Rebecca Calzado, Administrator, Overseas Workers Welfare Administration, Department of Labor and Employment, Philippines - Ms Ta Thi Thanh Thuy, Head of Legal and General Affairs Division, Department of Overseas Labour, Ministry of Labour, Invalids and Social Affairs, Viet Nam <p>Q&A: ILO</p>
12.00-13.30	Lunch
13.30-15.00	<p>Session 3: National context of establishing MWFs in CLM</p> <p>Speakers:</p> <ul style="list-style-type: none"> - Cambodian context: Mr Hing Vutha, ILO consultant, Cambodia - Lao PDR context: Mr Sanya Vathanakoune, ILO consultant, Lao PDR - Myanmar context: Mr Marianito Roque, Lead consultant <p>Session moderator: Administrator Rebecca Calzado, DOLE, Philippines</p>
15.00 – 15.15	Coffee break

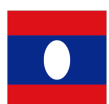
15.15 – 16.30	<p>Session 4: Integrated findings of the migrant welfare fund feasibility study and conceptual framework for establishing MWF programmes in CLM</p> <p>Speaker: Mr Marianito Roque, <i>Lead consultant</i></p> <p>Q&A: ILO</p>
16.30	Close of Day 1
18.30	<p>Welcome Dinner hosted by the government of Lao PDR</p> <p>Venue: Lane Xang Hotel Attire: Smart casual</p>
Day 2 – 27th May	
8.30-9.00	Registration
9.00 – 10.30	<p>Session 5: Validation of recommendations and identification of next steps</p> <p>Break out country-group discussions on the findings of the MWF feasibility study, validation of recommendations and identification of next steps, including pilot initiatives</p>
10.30-10.45	Coffee break
10.45 – 12.00	<p>Session 6: Validation of recommendations and identification of next steps</p> <p>Each group to report back to the plenary</p> <p>Facilitator: Mr Marianito Roque, <i>Lead Consultant</i></p>
12.00 – 12.30	<p>Closing remarks</p> <ul style="list-style-type: none"> - Mr Manuel Imson, <i>Senior Project Coordinator, ASEAN TRIANGLE Project, ILO Regional Office for Asia and the Pacific</i> - Mr Chomyaeng Phengthongsawat, <i>Deputy Director General, Department of Planning and Cooperation, MOLSW, Lao PDR</i>

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ANNEX 3: PRESENTATIONS – Attach PDF versions

1. Session 1: (Roque) What is a Migrant Welfare Fund (MWF)?
2. Session 2: (Calzado) Philippine MWF – OWWA
3. Session 2: (Thuy) Vietnam MWF
4. Session 3: (Vutha) Findings of the Study in Cambodia
5. Session 4: (Vathanakoune) Findings of the Study in Lao PDR
6. Session 5: (Roque for Win): Findings of the Study in Myanmar
7. Session 6: (Roque) Blueprint for Establishing MWFs in CLM

ANNEX 4: CONCLUDING DOCUMENT OF THE WORKSHOP - Attach PDF version with DRAFT written across document