

## GMS TRIANGLE: Working with Trade Unions to Protect Migrant Workers

The **Tripartite Action to Protect Migrants Workers in the Greater Mekong Sub-region from Labour Exploitation** (the GMS TRIANGLE project) is a five-year program that aims to strengthen the formulation and implementation of recruitment and labour protection policies and practices, to ensure safer migration resulting in decent work. The project is operational in six countries: Cambodia, Lao PDR, Malaysia, Myanmar, Thailand and Vietnam. In each country, tripartite constituents (government, workers' and employers' organizations) are engaged in each of the GMS TRIANGLE project objectives - strengthening policy and legislation, building capacity of stakeholders and providing services to migrant workers. These goals are interdependent, with policy advocacy and capacity building activities driven by the voices, needs and experiences of workers, employers and service providers

In countries of origin and destination, trade unions are a crucial partner for the GMS TRIANGLE project. While the approach may vary across countries, trade unions have been encouraged to broaden the scope of their protection of workers to include migrant workers. This began with training for trade unions and members of their role in the protection of the rights of migrant workers, grounded in the 'In Search of Decent Work: Migrant Workers' Rights' manual that was developed by the ILO's Bureau for Workers' Activities (ACTRAV) and has been translated into Vietnamese and Khmer. The "Four Pillars" approach proposed in the manual was the basis for the development of Action Plans for 2012-2013, and the TRIANGLE project is committed to supporting the implementation. Some of the key activities under each of the four pillars are outlined below.

### **(1) Promoting a rights-based migration policy**

One of the GMS TRIANGLE project's objectives is to strengthen migrant recruitment and labour protection policies, reflecting the interests of tripartite constituents and gender-specific concerns. The project has facilitated the participation of trade unions in the review and development of policy and legislation. For example, in Cambodia, the Technical Working Group supporting the drafting of three Ministerial Regulations on the sending of Khmer workers abroad includes the Cambodia Confederation of Trade Unions (CCTU), the Cambodia Labour Confederation (CLC) and the National Union Alliance Chamber of Cambodia (NACC). The Vietnam General Confederation of Labour (VGCL) will conduct a legislative analysis that will feed into a review of the key legislation on sending workers abroad. The Malaysia Trades Union Congress (MTUC) lobbies strongly for equal and fair treatment for migrant workers, in the review of various laws and policies related to their recruitment and employment. The State Enterprises Workers' Relations Confederation has been vocal in calling for policy and legislative change within Thailand, including migrant workers' right to equal compensation for accidents at work, as protected under ILO Convention 19.

### **(2) Creating alliances with trade unions**

The GMS TRIANGLE project supports the building of relationships between trade unions within a country and with trade unions in other countries. In Cambodia, the CCTU, CLC and NACC have formed a Cambodian Trade Union Committee on Migration (CTUC-M) – an informal network to share information and put forward issues of common concern. Likewise, in Samut Prakan, the province in Thailand with the highest concentration of industry, a Migrant Worker Resource

Centre (MRC) is run by the Labour Congress of Thailand (LCT), National Congress of Private Employees (NCPE) and the Thai Trade Union Congress (TTUC).

Trade unions are working towards signing cross-border agreements to coordinate efforts to protect migrant workers in typical migration corridors. In 2013, agreements are anticipated between the Cambodian and Thai trade unions, Thai and Lao trade unions, and Vietnamese and Malaysian trade unions. These agreements will further TRIANGLE's goal of providing end-to-end support services for migrant workers throughout their migration experience and has an auxiliary benefit of strengthening trade union movements in the region. Trainings with trade unions in all sending countries on the development of the Memoranda of Understanding have occurred, using the ACTRAV model agreement as a starting point for discussions. In addition, the MTUC organized a mission for a delegation from the VGCL, to learn more about the situation of Vietnamese workers in Malaysia. Similar missions to Thailand will be arranged for Cambodian and Laotian trade unions.

### **(3) Educating and informing union members**

In both countries of origin and destination, there is recognition that the protection of the rights of migrant workers is not a priority amongst all members. While in Malaysia and Thailand, the national centres recognize the importance of the issue, from a rights perspective and as a matter of own self-interest, there is less understanding among some affiliates. Workshops have been carried out in Cambodia, Lao PDR and Vietnam to inform union members about why migration is a trade union issue, on labour migration trends and issues, and on what trade unions can do to protect migrant workers.

### **(4) Reaching out to migrant workers**

Trade unions are involved in providing direct assistance to migrant workers in all project countries through a variety of interventions. The Cambodian Labour Confederation (CLC) runs a Migrant Worker Resource Centre (MRC) in Battambang province; and the Lao Federation of Trade Unions (LFTU) runs an MRC in Savannakhet. Both centres provide information to potential migrant workers, returned migrants and their family members at the MRC premises and through outreach activities. The Thai trade unions jointly run an MRC in Samut Prakan, and the Malaysian Trades Union Congress runs MRCs in Kuala Lumpur and Penang. The centres provide migrants with information and legal assistance, and conduct organizing activities.

The formation of migrant worker associations and other groups that can play a similar education and representative role similar to trade unions are also being encouraged by the TRIANGLE project, especially where trade union activity is restricted by legislation. Reaching out to migrant workers through association, like the Domestic Workers' Network in Thailand, can avoid legal implications of a formalised union structure. The MTUC has also had some success unionizing migrant workers in Penang, despite a restrictive environment.

In addition, SERC and the Thai Labour Solidarity Committee were active in assisting migrant workers during and after the devastating floods in 2011. Many migrants were stranded without assistance and many were not paid their due wages. Trade unions in Thailand are also working closely with NGOs. For example, the Federation of Trade Unions – Burma (FTUB) work with an NGO in Mae Sot to train migrant leaders as paralegals to provide assistance to the migrant community and referrals to a Labour Law Clinic.

Cooperation is also fostered between trade unions and NGOs. The Thai Trade Unions work closely with the Thai Action Committee for Democracy in Burma (TACDB), another implementing partner of TRIANGLE, and the Foundation for AIDS Rights (FAR) collaborates with the Eastern Region Trade Union.