



International
Labour
Organization

▶ Trade union-led Migrant Worker Resource Centres in ASEAN and Jordan

Case studies for protecting and organizing
migrant workers

Leo Bernardo Villar and Pong-Sul Ahn



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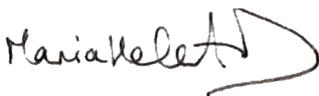
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► Foreword

Labour migration is deeply linked with globalization and sustainable development. It is also central to poverty reduction for many women and men who choose to move in search of better employment, income and livelihoods. Although migrant workers fill labour demands in countries of destination and contribute remittances to countries of origin, many of them face decent work deficits and increased vulnerabilities to discrimination, violence and harassment at the workplace as well as stigmatization in general. The lockdowns and business closures as part of the COVID-19 pandemic responses exacerbated the human and labour rights violations that migrant workers were already experiencing.

In South-East Asia, the International Labour Organization (ILO) has partnered with governments, trade unions and civil society organizations to establish Migrant Worker Resource Centres (MRCs). These centres promote migrant workers' rights and provide migrants with support through a variety of services, including those that are gender-responsive. Trade unions commonly act as advocates, campaigners and educators to promote and protect the rights of workers, including migrant workers. They also engage in dialogue with governments and employers to introduce protective policies and legislation. The MRCs offer various services to targeted groups, such as potential migrants, migrant workers and returnees. They also handle grievances, celebrate cultural events and conduct vocational training. The outreach activities are entry points to invite migrant workers to join workers' organizations. After the onset of the pandemic, some MRCs broadened their services to distribute hygiene and safety information, personal protective equipment, food and other sanitary goods. The MRCs have considerable potential to promote bilateral or multilateral cooperation with trade unions in countries of origin and destination, which thus helps instil commitment to promote a safe, orderly and regular labour migration.

This paper features good approaches and innovations by trade union MRCs in five Member States of the Association of Southeast Asian Nations (Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia and Thailand) as well as in Jordan. It highlights how the MRCs are useful and effective avenues in protecting the rights of migrant workers and eventually helping trade unions to organize them. The examples introduced in this paper can be replicated by trade unions that intend to launch campaigns to organize migrant workers. We recognize the good work the contributors of this paper have made and expect it to be widely disseminated not only to promote the ILO's decent work goal for migrant workers regardless of migration status but also to help fulfil the Global Compact for Safe, Orderly and Regular Migration.



Maria Helena André

Director
Bureau for Workers' Activities



Chihoko Asada-Miyakawa

Assistant Director-General and
Regional Director for Asia and the Pacific

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This paper incorporates insights and experiences on the operations, challenges and strengths of Migrant Worker Resource Centres from Chea Sopheak of the Cambodian Labour Confederation, Suriya Nandhini of the Malaysian Trades Union Congress, Yatini Sulistyowati of the Konfederasi Serikat Buruh Sejahtera Indonesia and Dina Nuriyati of Serikat Buruh Migran Indonesia. The authors thank them for their valuable time during the interviews, as well as for their good collaboration.

► Executive summary

Migrant Worker Resource Centres (MRCs) are established in countries of origin and destination as physical, mobile or virtual spaces to provide a range of services for migrant workers, including potential and returnee migrants and their families. MRCs supported by the International Labour Organization (ILO) in South-East Asia are managed in partnership with government institutions, trade unions and civil society organizations. These MRCs offer a range of services, including counselling, legal aid, information, education, networking, training and trade union membership.

The ILO has been supporting trade unions to run these MRCs in South-East Asia through its regional migration programmes: TRIANGLE in ASEAN (since 2011), Safe and Fair (since 2018) and Ship to Shore Rights South-East Asia (since 2021). The MRCs serve as an entry point to reach out to and organize migrant workers under the umbrella of a union organization and to leverage an opportunity to provide legal and social protection. They also serve as a channel for migrant workers to realize and exercise their right to freedom of association and collective bargaining. This study analyses how trade union-led MRCs (hereafter trade union MRCs) could be leveraged as an innovative avenue to reach more migrant workers and to eventually organize them.

This study mainly relied on a literature review and interviews for the research methodologies. The interviews were conducted from August to October 2021, with a total of 12 people, including ILO staff and trade union MRC staff. The study covers Cambodia, Lao People's Democratic Republic, Malaysia and Thailand. The study also includes an MRC in Amman, Jordan that was established independently of the ILO by the joint initiative of the Arab Trade Union Confederation, the ASEAN Trade Union Council and the South Asian Regional Trade Union Council. This paper aims to assist trade unions to adopt some of the showcases as a way to target migrant workers with organizing campaigns.

The study found that trade union MRCs in countries of origin and destination use collaborative and diverse strategies to reach out to and provide support services for migrant workers. The MRC engage in partnerships with governments and civil society to ensure that gender-responsive services are provided to migrant workers, especially women. In some cases, they have collaborated with women's crisis centres to support women migrant workers who have experienced abuse, violence or trafficking. Trade union MRCs also use different strategies to engage migrant workers on safe migration, migrant workers' rights and trade unionism. For instance, some trade union MRCs use vocational training and cultural activities to inform migrant workers about rights issues; others utilize social media groups to disseminate safe migration information and to engage with migrant workers who might require services. Some trade unions, as interviewed staff explained, have been challenged with the organizing of migrant workers and have found peer-to-peer networking activities useful to encourage migrants to discuss their rights and trade unionism.

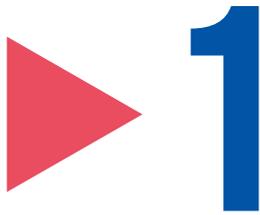
Central to the strategies that the trade unions deploy is a firm grasp of migrant workers' needs, interests and priorities. Although the trade union MRCs provide services and operate within their country's legal, geographical and cultural contexts, many of their strategies can be adapted and replicated in different countries. It is therefore critical to facilitate cross-border information-sharing and cooperation among trade union MRCs to strengthen their capacity to provide gender-responsive services and successfully organize migrant workers.

► Abbreviations

| | |
|--------------------------|---|
| ACMW | ASEAN Committee on Protection and Promotion of the Rights of Migrant Workers |
| AFML | ASEAN Forum on Migrant Labour |
| AMMPO | Asosasyon ng mga Makabayang Manggagawang Pilipino Overseas (Association of Nationalist Overseas Filipino Workers) |
| Arab TUC | Arab Trade Union Confederation |
| ASEAN | Association of Southeast Asian Nations |
| ATUC | ASEAN Trade Union Council |
| CLC | Cambodian Labour Confederation |
| CLIENT | counselling, legal aid, information and education, networking and trade union membership |
| ILO | International Labour Organization |
| ILO ACTRAV | ILO Bureau for Workers' Activities |
| ITUC | International Trade Union Confederation |
| KSBSI | Konfederasi Serikat Buruh Sejahtera Indonesia (Confederation of Indonesia Prosperity Trade Union) |
| LFTU | Lao Federation of Trade Unions |
| MOU | memorandum of understanding |
| MRC | Migrant Worker Resource Centre |
| MRT | Mass Rapid Transit |
| MTUC | Malaysian Trades Union Congress |
| PERTIMIG | Persatuan Pekerja Rumah Tangga Indonesia Migran (International Domestic Workers Federation, Indonesia) |
| Safe and Fair | Safe and Fair: Realizing Women Migrant Workers' Rights and Opportunities in the ASEAN Region programme |
| SARTUC | South Asian Regional Trade Union Council |
| SBMI | Serikat Buruh Migran Indonesia (Indonesian Migrant Workers Union) |
| SERC | State Enterprise Workers' Relations Confederation (Thailand) |
| TRIANGLE in ASEAN | TRIANGLE in ASEAN: Safe and fair labour migration |
| UniMAD | United Workers for Mutual Protection, Advancement and Development |
| UN Women | United Nations Entity for Gender Equality and the Empowerment of Women |
| \$ | All \$ references are United States dollars |







Introduction

According to the latest estimates from the International Labour Organization (ILO), there were 169 million international migrant workers globally as of 2019, including 99 million men and 70 million women (ILO 2021a). Table 1 breaks down the estimated migrant workers in the South-East Asia and Pacific region and in the Arab States. There were an estimated 12.1 million migrant workers, consisting of 5.6 million women and 6.6 million men, in South-East Asia and the Pacific in 2019. And there was a total of 24.1 million migrant workers in the Arab States in 2019, with 4.2 million women and 19.9 million men.

► **Table 1. Estimates of international migrant workers, by gender in South-East Asia and the Pacific and in the Arab States, 2019**

| Region | Total migrant workers | Women | Men |
|---------------------------------|-----------------------|-------------|--------------|
| South-East Asia and the Pacific | 12.1 million | 5.6 million | 6.6 million |
| Arab States | 24.1 million | 4.2 million | 19.9 million |

Source: ILO 2021a.

Of the diverse rationales for migrating within and from South-East Asia, the pursuit of opportunities for better employment, higher income and more decent livelihoods is central to the migration of many workers. Labour migration contributes to a multigenerational poverty reduction strategy for women and men workers and their families (McAdam 2019).

Migrant workers make substantial contributions to the world's economies, filling labour shortages in countries of destination and increasing remittance flows in countries of origin. Despite the prominent role of migrant workers in supporting growth and development in South-East Asia, they continue to face challenges with poor working conditions, labour rights violations, exploitation, forced labour or trafficking. These challenges include lack of pay for hours or overtime worked, unsuitable food and accommodation, an unsafe working environment, unclear job duties, unregulated workdays and leave entitlements, no insurance coverage in times of occupational accidents and disease, harassment, unfair disciplinary actions or termination of employment, delay in deployment and contract substitution. Migrant workers' vulnerability to these human and labour rights violations is aggravated by non-compliance with labour standards, limited access to complaints mechanisms (Harkins and Ahlberg 2017) and lack of gender-responsive information and support services (ILO and UN Women 2019).

1.1 Migrant Worker Resource Centres

Migrant Worker Resource Centres (MRCs) are physical, mobile and virtual spaces, managed in partnership with government institutions, trade unions and civil society organizations that provide a range of gender-responsive services for migrant workers, returnee migrants and their family members. These services (introduced in detail with case studies in section 3) are broadly categorized as CLIENT services: counselling, legal aid, information and education, networking and trade union membership (ILO 2014).

- **Counselling** – This service classification refers to providing information based on the particular needs of a migrant worker on safe migration, decision-making, rights at work and violence against women. Counselling can be done in person, over the phone or over the internet and may lead to referrals to essential services, such as health care, the police, social services or shelters, as well as to service providers specializing in violence against women.
- **Legal aid** – Advice and assistance are provided when migrant workers have experienced labour violations, including overcharging recruitment fees, unfair wage deduction, non-payment of wages, violence and abuse. The MRCs compile grievances and support migrant workers to negotiate with employers, lodge and follow-up complaints with labour ministries and file court cases.
- **Information and education** – The MRCs provide up-to-date, credible information and training on financial literacy, safe migration and labour rights, including on recruitment agencies, work contracts, rights at work, immigration procedures and migration costs. Unlike counselling, which provides information specific to a migrant worker's needs, these services offer general information to a large group of migrant workers. It is important to stress that credible information is critical for women migrant workers who often rely on individuals in the community and recruiters for information on migration and may put themselves at risk of trafficking (see box 6).
- **Networking** – This classification refers to any form of connectivity among migrant workers and their communities through group discussions or cultural events. Some MRCs organize peer-to-peer support groups and migrant networks. In some cases, networking may lead to formal membership in a migrant workers' association or even a trade union. Trade unions in countries of origin and destination often become networked through a memorandum of understanding (MOU) to render better protection to migrant workers.
- **Trade union membership** – Some MRCs, such as those operated by trade unions, organize training on trade union membership, which introduces the benefit of joining a trade union and offers an opportunity for migrant workers to become union members.

After the onset of the pandemic, the MRCs provided migrant workers with COVID-19-related information as well as emergency support (including personal protective equipment, food and other emergency assistance) and legal assistance.

The MRCs also create opportunity for workers to meet and interact, develop a sense of community and feel supported and accepted. They offer an important chance for workers to strengthen their solidarity with each other and with trade unions to address their concerns and improve their working and living conditions (ILO 2018). They also provide migrant workers with a space to express and celebrate their cultural and personal identities, which can be an important element in supporting the dignity of the workers, as well as enabling an important coping strategy. Some MRCs furnish social- or career-related courses, such as dance, cooking, beauty and makeup classes. Although dance lessons or the celebration of cultural holidays might appear as purely recreational activities, they are instrumental in improving the mental health of workers and creating the environment for increasing their self-confidence, including potentially their ability to change and improve their conditions (ILO 2018).

1.2 ILO support to Migrant Worker Resource Centres

To deliver direct assistance to migrant workers, the ILO has supported the MRC operations across member countries of the Association of Southeast Asian Nations (ASEAN) since 2011. This study focuses on the MRCs supported by the ILO through the TRIANGLE in ASEAN programme and the Safe and Fair: Realizing Women Migrant Workers' Rights and Opportunities in the ASEAN Region (Safe and Fair) programme. TRIANGLE in ASEAN is managed as a multiple-donor programme with long-term funding from the Australian Department of Foreign Affairs and Trade and multiple-year funding from the Government of Canada. Safe and Fair is implemented through a partnership between the ILO and UN Women (in collaboration with the United Nations Office on Crime and Drugs) and is part of the Spotlight Initiative to eliminate violence against women and girls, a global, multiple-year initiative between the European Union and the United Nations.

The ILO also supports trade union MRCs through other projects, including the Ship to Shore Rights South-East Asia project, the Migrant Workers Empowerment and Advocacy project in Malaysia and the Developing International and Internal Labour Migration Governance project in Myanmar.¹ Other agencies, such as the International Organization for Migration, also provide assistance to MRCs.

The ILO supports the MRCs to protect the rights of migrant workers, regardless of their migration status, to promote safe migration and to harness the benefits of migration. With the ILO assistance, trade unions in Cambodia, Indonesia, Lao People's Democratic Republic, Myanmar, Malaysia and Thailand are operating MRCs to provide various services to migrant workers, including gender-sensitive counselling on safe migration and labour rights, case management, legal aid, community outreach, labour rights training and networking among migrant workers and workers' organizations.

After the onset of the COVID-19 pandemic, the ILO conducted a rapid assessment in 2020, surveying 309 migrant workers in the ASEAN region. The survey revealed that many of them had experienced contract termination, were unable to refuse work during the lockdowns or were forced to take unpaid leave or sick leave (ILO 2020a). Another assessment in 2021 found that as the pandemic progressed, migrant workers continued to experience the same labour violations and even increased incidence of violence, harassment, coercion or other abuses (ILO 2021b). COVID-19 gave rise to specific complaints received through the MRCs (ILO 2020b). In response to the impact of COVID-19 outbreak among migrant workers, the ILO increased support services for those affected by the pandemic (and their families), such as shelters (both quarantine shelters and shelters for survivors of violence), COVID-19 information through community outreach and case work for migrants who were laid off or unpaid and for those who need repatriation assistance. The ILO also provided humanitarian emergency support through the MRCs (ILO 2020b).

Due to the COVID-19 pandemic and its related restrictions, women migrant workers affected by violence faced more difficulties in accessing essential services, such as critical and life-saving health and psychosocial care, the police (and justice) and social services (ILO 2020c). Many pre-pandemic services addressing violence have been closed or downscaled. Due to office closures, some MRCs reverted to remote services using online and/or phone technologies, which not all women migrant workers could access. Additionally, resources and priorities have been diverted to more traditional, immediate humanitarian responses, such as cash and food distribution, and away from services for women who experience violence.

1.3 Objectives of the research

Given that trade unions are able to develop good relationships and networks with migrant worker communities, the trade union MRCs serve as an entry point to reach out to and organize them under the umbrella of a union organization and thus leverage an opportunity to provide legal and social protection.

¹ The project ended in 2020.

The MRCs also serve as a channel for migrant workers to realize and exercise their right to freedom of association and collective bargaining.

It is thus useful to understand the practices of these trade union MRCs and to analyse how they can be further leveraged as an innovative avenue for organizing migrant workers.

The research looked at the operational practices of trade union MRCs. Some of the included examples are based on documents from the ILO TRIANGLE in ASEAN and the Safe and Fair programmes as well as interviews with staff of trade union MRC and staff of ILO development cooperation projects on migration. The information and findings of this research aim to assist trade unions in learning from and adopting the showcase practices to support their organizing campaigns targeting migrant workers.

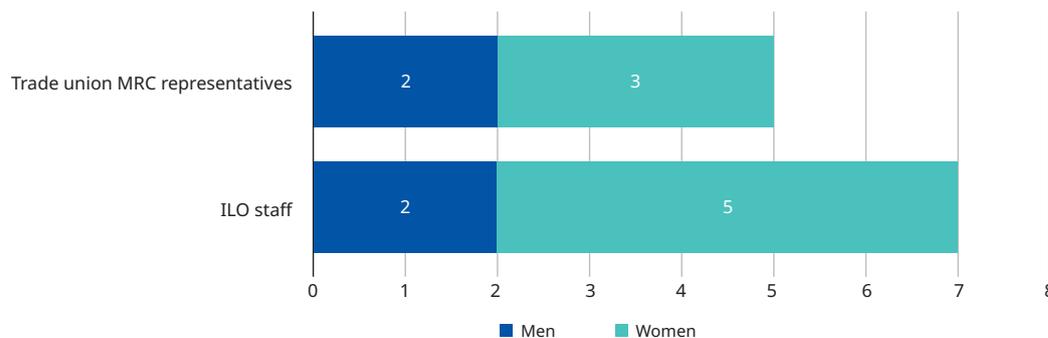
1.4 Research methodology

The research applied a qualitative methodology, with a literature review of published materials by the ILO, trade unions and academia and interviews with MRC and ILO staff. Data collection was conducted from August to October 2021. The literature review covered the operation of MRCs and the national legal frameworks on the rights of migrant workers and included ILO case study documentation of MRC operations and activities in annual reports of the TRIANGLE in ASEAN and Safe and Fair programmes.

Interviews

A total of 12 ILO staff and trade MRC staff were interviewed. Of them, four were men and eight were women. The participants were selected through purposive sampling based on their availability and expertise on migration issues in the selected countries.²

► Figure 1. Research interview participants, by gender



The research was largely geographically limited to countries in the ASEAN region: Cambodia, Indonesia, Lao People’s Democratic Republic, Malaysia and Thailand, where trade unions are operating MRCs that are supported by the ILO TRIANGLE in ASEAN and the Safe and Fair programmes (table 2). The research also included a trade union MRC in Amman, Jordan as an example of collaboration among three subregional union bodies – ASEAN Trade Union Council (ATUC), South Asian Regional Union Council (SARTUC) and Arab Trade Union Confederation (Arab TUC).

² See the Annex for the participants.

► **Table 2. Geographical coverage of trade union-led Migrant Worker Resource Centres**

| Cambodia | Indonesia | Lao People's Democratic Republic | Malaysia | Thailand |
|-------------|--------------|----------------------------------|-----------------|----------------|
| CLC | KSBSI | LFTU | MTUC | SERC |
| Prey Veng | Blitar | Luang Prabang | Johor | Bangkok |
| Koh Kong | Tulungagung | Savannakhet | Kuala Lumpur | ITF/FRN |
| SBMI | | Bokeo | Penang | Ranong |
| Cirebon | | | Sabah, Sarawak* | Songkhla |
| Lampung | | | | |

Note: CLC=Cambodian Labour Confederation; KSBSI=Confederation of Indonesia Prosperity Trade Union; SBMI=Indonesian Migrant Workers Union; LFTU=Lao Federation of Trade Unions; MTUC=Malaysian Trades Union Congress; SERC=State Enterprise Workers' Relations Confederation; ITF/FRN=International Transport Workers' Federation and Fishers' Rights Network. * Sabah and Sarawak are areas where only outreach services supported by the Safe and Fair programme are provided.

Source: ILO 2021c.

The research looked at case studies of the trade union-run MRC from the views of trade union representatives, MRC managers and ILO staff directly involved in their operations. It did not cover practices of MRCs operated by governments or civil society organizations. It did not assess the perceptions of migrant workers nor reflect how they perceive such MRCs as information and service providers or as channels to reach and join trade unions.

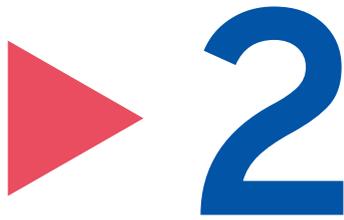
1.5 Composition of the paper

The five sections of the paper beyond this introduction highlight issues relate to trade union MRCs. Section 2 reviews the ratification status of international labour standards, especially freedom of association, the right to organize and collective bargaining. It also looks at national legal frameworks in the selected five ASEAN countries and in Jordan. Section 3 outlines the trade union MRCs in providing: (a) counselling, legal aid and case and grievance management; (b) information services, training and outreach; (c) freedom of association, collective bargaining and organizing; and (d) gender-responsive services.

Section 4 reviews the establishment, operation and achievements of the MRC in Amman, Jordan that was independently initiated through an MOU involving the three subregional trade unions (ATUC, SARTUC and Arab TUC). Section 5 follows with cross-country analysis of the MRCs in ASEAN and Jordan that presents useful insights. And then section 6 concludes with recommendations for MRCs to improve their operations; for national and regional trade unions to utilize MRCs as an entry point for organizing migrant workers; and for the ILO to enhance its support to the MRCs.



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Normative and legal frameworks

This section outlines the ratification status of the ILO international labour standards, especially the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the national legal frameworks on the rights of migrant workers. This includes an overview of national trade union laws and recent developments regarding these laws in the six selected countries.

2.1 International labour standards and instruments

The rights of migrant workers are protected by the United Nations' core international human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990; the International Convention on the Elimination of All Forms of Racial Discrimination, 1965; and the Convention on the Elimination of All Forms of Discrimination Against Women, 1979.

The International Labour Conference of the ILO has adopted numerous international labour standards that cover all workers, including migrants. These standards include eight fundamental Conventions cited in the 1998 ILO Declaration of Fundamental Principles and Rights at Work, which obliges Member States to respect and promote the principles and rights in those Conventions no matter if they are ratified or not.³

Eight ILO fundamental Conventions:

Abolition of forced labour

- ▶ Forced Labour Convention, 1930 (No. 29)
 - ▶ Protocol of 2014 to the Forced Labour Convention, 1930
- ▶ Abolition of Forced Labour Convention, 1957 (No. 105)

³ For more information on the Conventions and Recommendations, see www.ilo.org/global/standards/.

Elimination of child labour

- ▶ Minimum Age Convention, 1973 (No. 138)
- ▶ Worst Forms of Child Labour Convention, 1999 (No.182)

Freedom of association and the effective recognition of the right to collective bargaining

- ▶ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- ▶ Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Equality and non-discrimination in employment and occupation

- ▶ Equal Remuneration Convention, 1951 (No. 100)
- ▶ Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

ILO Conventions, Protocols and Recommendations specifically relevant to migration:

- ▶ Migration for Employment Convention (Revised), 1949 (No. 97)
 - ▶ Migration for Employment Recommendation (Revised) (No. 86)
- ▶ Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
 - ▶ Migrant Workers Recommendation, 1975 (No. 151)
- ▶ Private Employment Agencies Convention, 1997 (No. 181)
- ▶ Domestic Workers Convention, 2011 (No. 189)

While those Conventions and Recommendations cover women migrant workers, other Conventions, particularly relevant for women migrant workers, include:

- ▶ Workers with Family Responsibilities Convention, 1981 (No. 156)
- ▶ Maternity Protection Convention, 2000 (No. 183)
- ▶ Violence and Harassment Convention, 2019 (No. 190)

► **Table 3. Ratification status of ILO Conventions No. 87, No. 97, No. 98 and No. 143 in the six focus countries**

| Country | No. 87 | No. 97 | No. 98 | No. 143 |
|----------------------------------|--------|----------------|--------|---------|
| Cambodia | ✓ | | ✓ | |
| Indonesia | ✓ | | ✓ | |
| Lao People's Democratic Republic | | | | |
| Malaysia | | ✓ (only Sabah) | ✓ | |
| Thailand | | | | |
| Jordan | | | ✓ | |

Source: ILO NATLEX 2022.

The ILO tripartite constituents have developed a non-binding multilateral framework for a rights-based approach to labour migration to further assist Member States in developing more effective labour migration policies in 2005. The ILO Multilateral Framework on Labour Migration draws from relevant international instruments, the ILO Declaration of Fundamental Principles and Rights at Work and its Follow-up (adopted in 1998) and international labour standards, including Conventions No. 97 and No. 143 (ILO 2006). As of 2022, none of the six countries included in this paper had ratified Convention No. 143.

The labour rights of migrant workers are also recognized in the 2030 Agenda for Sustainable Development and are reiterated most prominently in Sustainable Development Goal 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all) and Sustainable Development Goal 10 (reduced inequalities).

Objective 6 of the Global Compact for Safe, Orderly and Regular Migration (Global Compact), which is an intergovernmental agreement negotiated under the auspices of the United Nations, recognizes the need to facilitate fair and ethical recruitment and safeguard conditions that ensure decent work. This includes committing to protect all migrant workers against all forms of exploitation and abuse in order to guarantee decent work. The first assessment of the Global Compact in Asia and the Pacific was conducted by the United Nations Economic and Social Commission for Asia and the Pacific and the Regional United Nations Network on Migration for Asia and the Pacific in March 2021. They assessed common challenges, opportunities, gaps and emerging issues and discussed regional priorities and the resources required to continue implementing the Global Compact (ESCAP n.d.).

The ASEAN Member States committed to protect and promote the rights of migrant workers through the adoption of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration) in 2007. The implementation of the Cebu Declaration is overseen by the ASEAN Committee on Protection and Promotion of the Rights of Migrant Workers (ACMW). In November 2017, the ASEAN Member States took a significant step by signing the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. The Consensus elaborates the rights of migrant workers and their family members and expands the obligations of ASEAN Member States, subject to national laws. The implementation of the ASEAN Declaration and the Consensus are guided by the ACMW. The ASEAN Forum on Migrant Labour is a platform for tripartite partners and civil society organizations to implement the ASEAN initiatives and it hold an annual meeting to discuss and develop recommendations on labour migration.⁴

⁴ The ASEAN Forum on Migrant Labour is an annual open forum for governments, workers' and employers' organizations and civil society organizations for reviewing, exchanging good practices and developing recommendations on issues

2.2 National legal frameworks

In the six focus countries for this paper, national laws on the protection of migrant workers pertaining to their recruitment, employment and return vary between countries of origin and destination, and usually do not include migrant workers' rights to form their own union or pursue collective bargaining. Instead, freedom of association and collective bargaining are included in national trade union legislation, which applies broadly to all workers in a country, in principle, unless otherwise stated. In some countries, migrant workers are permitted to join unions but are unable to form or hold office in them. Table 4 presents an overview of national laws concerning freedom of association and collective bargaining in the six focus countries.

► **Table 4. National laws concerning the rights of migrant workers to freedom of association and collective bargaining in the six focus countries**

| | Cambodia | Indonesia | Lao PDR | Malaysia | Thailand | Jordan |
|---|--------------------------|--|-----------------------|---|--|--------------------------------|
| National laws on freedom of association and collective bargaining | Law on Trade Unions 2016 | Act No. 21 of 2000 concerning Trade Unions and Labour Unions | Trade Unions Law 2007 | Trade Unions Act 1959 | Labour Relations Act, B.E. 2518 (1975) | Labour Code, Law No. 8 of 1996 |
| Migrant workers are covered under trade union laws | Yes (articles 5 and 6) | Yes ^a | No | Yes ^a | Yes ^a | Yes (article 12) |
| Migrant workers can join unions | Yes (article 5) | Yes (articles 5 and 12) | No (article 20) | Yes (section 26) | Yes (section 95) | Yes (article 108) |
| Migrant workers can form unions | Yes (article 5) | (article 5) | n/a | Yes (section 9) | No (section 88) | No (article 108) |
| Migrant workers can be elected as union leaders | Yes (article 5) | Yes (articles 5, 8 and 12) ^b | n/a | Situational (sections 28 and 29) ^c | No (section 101) | No (article 108) |

Note: ^aMigrant workers are not explicitly mentioned in the respective national law but are included, in principle, under the law's definition of "worker and employee" and are thus covered in relevant articles or sections unless stated otherwise. ^b Article 8 provides that the hierarchical arrangements of unions are to be regulated in their union constitution and/or bylaws. ^c Section 30 of the Trade Unions Act provides that the Minister may declare absolute or conditional exemptions to sections 28 and 29 as reasonably necessary.

2.2.1 Cambodia

As seen in table 4, only Cambodia is explicit in allowing non-nationals to join, form and lead trade unions. Under article 5 of the Law on Trade Union (2016), workers without any distinction have the right to establish a workers' union. Migrant workers can become a member of a union, hold office in a union and be elected as a union representative.

Article 5. Workers and employers have, without any distinction, the right to establish a worker union or an employers' association of their own choice for the exclusive purpose of research, study, training, promoting the interests, and protecting the rights as well as moral and material interests, collectively and individually, of persons covered by the statute of the workers' union or employers' association.⁵

Migrants' inclusion in the law is affirmed in article 6 on non-discrimination, which stipulates that all

confronting migrant workers in the region. It is the only migration forum in Asia carried out in a tripartite structure with strong involvement of civil society organizations.

⁵ Article 5, Law on Trade Union 2016.

workers regardless of nationality shall have the right to be a member of a trade union. Cambodian migrant workers who are overseas can access support from Cambodian unions but must first hold union membership.⁶

Article 6. All workers or employers, regardless of race, colour, sex, belief, religion, political opinion, nationality, social origin or health status, shall have the right to be a member of a workers' union or an employers' association of their choice. No person, including any worker union, may interfere with this right.⁷

In 2019, the Cambodian Government, through the Constitutional Council, amended ten articles of the Law on Trade Union, which were approved by the National Assembly and the Senate. Although the amendments were intended to ease registration procedures and administrative obligations for trade unions, trade union support groups noted that certain amendments, such as in articles 3 and 17, limited the coverage of the law, thereby excluding workers in the informal economy and migrant workers. The amendments also infringed on trade unions' right to determine their internal affairs (Chheng 2019). Union leaders, including with the Cambodian Labour Confederation (CLC), have expressed concern that the amendments contain sections that infringe on the rights of workers (Kunthear 2020). National and international trade unions and civil society groups urged the Government to consider trade union and civil society recommendations (Chheng 2019).

2.2.2 Indonesia

Indonesia's law on trade unions, Act No. 21 of 2000, does not specifically prohibit migrant workers from joining, forming or holding office in trade unions. Article 5, which affirms the rights of workers to form trade unions, does not make specific mention of migrant workers, but article 12 on union membership stipulates that trade unions must be open to accept members without discrimination.

Article 5. (1) Every worker or labourer has the right to form and become a member of a trade union or labour union.⁸

Article 12. Trade unions, labour unions, federations and confederations of trade unions or labour unions must be open to accept members without discriminating against them due to political allegiance, religion, ethnicity or sex.⁹

Indonesia's labour laws shifted recently with enactment of Act No. 11 of 2020 on Job Creation, or the Omnibus Job Creation Law (November 2020). The new law amends various labour laws, including Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers. National trade unions and civil society organizations have united and launched campaigns against the law. Trade unions argue that it reduces leave entitlements and social security provisions, weakens minimum wage provisions and extends maximum overtime hours (Mulyanto 2020). National trade union confederations, such as the Indonesian Trade Union Confederation and the Confederation of Indonesia Prosperity Trade Union have since filed a judicial review to the Indonesia's Constitutional Court to revoke the law (Mulyanto 2020). The passage of the law triggered days of protests by workers and students. Then a group of people, including the Confederation of Indonesian Workers Unions, lodged a petition to the Constitutional Court, arguing that the legislation had not conducted proper consultation with the concerned parties and thus is procedurally flawed. In November 2021, the Constitutional Court ruled in favour of the petitioners and ordered the Government to amend part of the Omnibus Job Creation Law within two years.

⁶ Interview with V. Vorn, ILO, Phnom Penh, 24 September 2021.

⁷ Article 6, Law on Trade Union 2016.

⁸ Article 5 (1), Act No. 21 of 2000, Concerning Trade Unions and Labour Unions.

⁹ Article 12, Act No. 21 of 2000, Concerning Trade Unions and Labour Unions.

2.2.3 The Lao People's Democratic Republic

The Trade Unions Law 2007 defines the principles, rules and measures on the organization and activities of the Lao Federation of Trade Unions (LFTU).¹⁰ The law does not include any mention of migrant workers. However, article 20 of the Trade Unions Law 2007 states that one of the criteria for becoming a member of a trade union is having Lao nationality.

Article 20. The applicant intending to be the member of trade union must have the following criteria:

1. Being the staff, worker, employee and intelligentsia, irrespective of their gender, beliefs, political [and] social-economic status, educational level, ethnic group [;] holding Lao nationality, [and] being older than 18 years.¹¹

While the law does not prohibit Lao migrant workers in countries of destination from joining the LFTU, there is no legal avenue for the LFTU to offer legal aid to migrant workers if they are overseas.¹² A potential solution to this is for the LFTU to enter into a bilateral MOU with a trade union in a country of destination. Over the years, the LFTU has showed its interest in proceeding with an MOU with Thai unions concerning the protection of Lao migrant workers in Thailand. In 2019 and 2020, the ILO supported the LFTU to have discussions with Thai trade unions for a possible MOU. However, the LFTU's pursuit of that bilateral MOU has not been accepted by the Lao Government, which regards the MOU as a proposed international treaty with an obligation of its implementation.¹³

Although the law recognizes the right of Lao national workers to organize, certain restrictions remain. Notably, the Trade Unions Law defines the status, rights and obligations, as well as the system, structure and financial management of trade unions (ITUC n.d.). This effectively limits the freedom of unions to determine their own structure, administration and activities. This is further compounded by article 2, which considers Lao trade unions as mass organizations under the Lao Revolution Party and therefore not independent of the Government. Article 154 of the Labour Law (2013) provides strict limitations on workers' rights to call a work stoppage or strike by requiring government permission to hold a strike.¹⁴

Article 2. Lao trade unions are mass organizations in the political system of the democratic centralism unified leadership under the Lao Revolution Party, present to protect the legitimate rights and interests of its members, workers and employees.¹⁵

2.2.4 Malaysia

Sections 28 and 29 of the Trade Unions Act 1959 stipulates that executive positions or employment in trade unions are limited to Malaysian nationals only.¹⁶

Section 28. (1) A person shall not act as a member of the executive of a trade union or any branch thereof, or of any federation of trade unions, and shall be disqualified for election as such member, if –

¹⁰ Article 1, Trade Unions Law 2007.

¹¹ Article 20 (1), Trade Unions Law 2007.

¹² Interview with K. Phaokhamkeo, ILO, Vientiane, 24 September 2021.

¹³ *ibid.*

¹⁴ Article 154, Trade Unions Act 1959.

¹⁵ Article 2, Trade Unions Law 2007.

¹⁶ Article 29 of the Trade Unions Act 1959 mentions that trade unions may employ and pay a secretary, treasurer and such other persons as may be necessary.

(a) [they are] not a citizen of [Malaysia];¹⁷

Section 29. (2) A person shall not be employed by a registered trade union under subsection (1) –

(a) If [they are] not a citizen of the Federation resident in Peninsular Malaysia, in the case of a trade union in Peninsular Malaysia, or resident in Sabah, in the case of a trade union in Sabah, or resident in Sarawak, in the case of a trade union in Sarawak;¹⁸

However, section 30 of the Act gives power to the Labour Minister to grant exemptions to sections 28 and 29. This means that migrants may hold employment or executive positions in trade unions but only on a situational basis and by order of the Labour Minister. Such restrictions limit the ability of migrant workers to participate in Malaysian trade unions.

Section 30. The Minister may by order –

(a) declare that section 28 or 29 shall not apply to any registered trade union or class of registered trade unions specified in the order; or

(b) grant, either absolutely or subject to such conditions as [the Minister] may consider reasonably necessary, exemption from all or any of the provisions of section 28 or 29 in respect of officers or employees or such proportion or class of officers or employees of any registered trade union or class of registered trade unions as may be specified in the order.¹⁹

In 2020, the Malaysian Government proposed amendments to several labour laws, including the Trade Unions Act 1959, the Industrial Relations Act 1967 and the Employment Act 1955 (Ng 2021). The Malaysian Trades Union Congress and the Labour Law Reform Coalition highlighted that these amendments may result in labour rights issues, including the consolidation of trade unions, maternity leave, sick leave, protection against sexual harassment at work, grievance and dispute resolution system and protection against anti-union practices (Kishnam and Xavier 2021; MTUC 2021). Both unions also advocated for Malaysia's ratification of ILO Convention No. 87 and the Violence and Harassment Convention, 2019 (No. 190).

2.2.5 Thailand

Thai trade unions have continued to campaign for the ratification of ILO Conventions No. 87 and No. 98 for decades and challenged the Thai Government to amend labour laws according to international labour standards. It has yet to ratify these Conventions. Thai authorities are reluctant to ratify them because they believe that migrant workers would pursue industrial action that ultimately would destabilize the society and threaten the political system. Non-ratification of the Conventions has become a loophole restricting trade union and labour rights for both Thai nationals and migrant workers.

The Labour Relations Act, B.E. 2518 (1975) provides strict restrictions for migrant workers' participation in unions. While section 95 of the Act does not prevent migrants from becoming members of a union,²⁰ both section 88 and section 101 require Thai nationality.²¹ As a result, migrant workers are able to join existing trade unions but are largely unable to form a new union or unable to be elected as union representatives.

According to the International Trade Union Confederation (ITUC), there are no adequate means to protect against anti-union discrimination under the Labour Relations Act (ITUC n.d.). The ITUC states that strict regulations over the right to collective bargaining, the right to strike as well as restrictions on the

¹⁷ Section 28 (1)(a), Trade Unions Act 1959.

¹⁸ Section 29 (2)(a), Trade Unions Act 1959.

¹⁹ Section 30, Trade Unions Act 1959.

²⁰ Section 95, Labour Relations Act, B.E. 2518 (1975).

²¹ Sections 88 and 101, Labour Relations Act, B.E. 2518 (1975).

establishment of unions present significant legal and administrative obstacles for workers to effectively organize and bargain collectively. For instance, the Labour Relations Act allows the forcible removal and replacement of workers who are striking.²² In addition, the State Enterprise Labour Relations Act, B.E. 2543 (2000) also prohibits public servants from striking.

Section 33. In any case, there is a prohibition of lockout by an employer or a strike by employees.²³

2.2.6 Jordan

Labour Law No. 8 of 1996 does not prohibit migrant workers in Jordan to join unions, but it also does not permit them to form or to hold office in unions. The law allows the establishment of only one trade union per job sector. Some workplaces can install a “union” that is not functional but exists on paper only; yet, it is sufficient to prevent workers from an independent, democratic union. So, it is significant to form any migrant workers’ union by the initiative and will of migrant workers with support from existing trade unions.

Article 108.C. It is stipulated that the founder of any association of the employers’ associations and trade unions and the membership applicant shall meet the following conditions:

1. Be Jordanian.²⁴

In 2019, the Jordanian Parliament adopted several amendments to the Labour Code. The ITUC (n.d.) has argued that some of these amendments infringe on the rights of trade unions because they allow government interference with internal trade union affairs. This includes the amendment of section 100, which requires the General Federation of Jordanian Trade Unions to submit to the Government the internal structure and procedures for internal affairs of trade unions.²⁵

In addition to these restrictions, migrant workers in Jordan also face significant legal obstacles that increase their vulnerability to labour violations. They are subject to sponsorship (*kafala*) under Law No. 24 of 1973 (ILO 2017a). Under the *kafala* system, a migrant worker is legally bound to an individual employer or sponsor for the duration of their contract period. Although this law does not address the issue of passport confiscation practised by some Jordanian employers, article 77 (B) of the Labour Law No. 8 of 1996 and article 23 (B) of the Passport Law No. 2 of 1969 prohibit passport confiscation.

The *kafala* system is one factor conducive to the forced labour of migrant workers because it restricts the freedom of a migrant worker to leave their employer (ILO 2012: para. 295). Article 26 (B) of the Labour Law also stipulates that if an employee wants to terminate a contract, the employer has the right to claim damages arising from the termination. Under this provision, an employee must pay the employer an amount not exceeding the wage of a half month for each month of the remaining contract period. This provision puts a burden on migrant workers, who are often unable to pay the required costs and are thus left with no choice but to finish their contract (ILO 2017a).

Migrant workers are also vulnerable to deportation when they are in a situation of irregularity, with an expired resident permit and working for an employer who is not the worker’s sponsor. Article 12 of the Labour Law states that an employer who is found to have violated the law in employing an undocumented migrant worker is liable to a fine of 100–150 Jordanian dinar (equivalent to approximately \$140–\$210) for each month of unlawfully employing a migrant worker.²⁶ An employer would have violated the law given the following situations:

²² Section 35. Labour Relations Act, B.E. 2518 (1975).

²³ Section 33, State Enterprise Labour Relations Act, B.E. 2543 (2000).

²⁴ Article 108 (C)(1), Law No. 88 of 1996.

²⁵ Article 108 (C)(1), Law No. 88 of 1996.

²⁶ Article 12 (E), Labour Law No. 8 of 1998.

- ▶ if the employer did not obtain an employment permit for the migrant worker;
- ▶ if the employer is different from the employer specified in a migrant workers' permit;
- ▶ if an employer is employing the migrant worker in an occupation other than what is stated in their permit.²⁷

Although article 12 of the Labour Law states that the employer is punishable by law, the Labour Ministry also has the power to deport the migrant worker and ban them from re-entering Jordan for at least three years.²⁸ This presents a disproportionate burden for migrant workers because they may not have control over whether their employer observes the law.

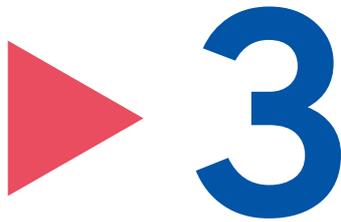
In 2020, Jordan issued Regulation No. 93 of 2020 on Social Protection for Maternity, which was recognized as an important step in protecting women's rights (ILO 2020e). However, despite Jordan having one of the best maternity protection systems in the Arab States region (ILO 2020e), maternity protection for women migrant workers is often unenforced in practice, and women migrant workers are often deported when they become pregnant (ILO 2017a). Regulation No. 12 of 2015 on the Organization of Private Offices Recruiting Non-Jordanian Domestic Workers also allows an employer to terminate a domestic worker's employment contract and request a replacement if, within three months of arrival, the worker fails Ministry of Health examinations or is found pregnant.²⁹ As a result, migrant domestic workers who become pregnant in Jordan face deportation or give birth to children without securing proper birth registration.

27 Article 12 (F), Labour Law No. 8 of 1998.

28 Article 12 (G), Labour Law No. 8 of 1998.

29 Article 15 (C), Regulation No. 12 of 2015.





Case studies of trade union-led Migrant Worker Resource Centres

All trade union-led MRCs in this paper provide counselling and legal aid, information and education, networking and trade union membership to different beneficiary groups, such as migrant workers, potential migrants, returnee migrants or migrant workers' family members.

The MRCs in the five ASEAN countries have different capacities to access migrant workers, provide services, depending on whether they are in a country of origin or destination. And countries with a strong trade union movement have more fruitful results in the area of networking or organizing migrant workers. This section highlights the strengths of the trade union MRCs in providing particular services as a good practice of what other trade unions can replicate or adapt. Services are grouped by:

- ▶ counselling and legal aid
- ▶ information and education
- ▶ networking and trade union membership
- ▶ gender-responsive services.

3.1 Counselling and legal aid

Counselling and legal aid services in the MRCs, including case management of migrant workers' complaints, operate based on the clients' permission or request. While clients may visit an MRC for assistance on a variety of issues, not all clients will want to involve the justice system for solving their problems. The MRCs typically receive clients and provide counselling on their specific needs. If clients need particular services, the staff may refer them to other service providers. For labour or rights-related concerns, the MRCs have different options to handle cases, including psychosocial counselling, informal mediation or lodging formal complaints and providing legal aid.

Trade union MRCs are not the only service providers that migrant workers turn to for assistance in pursuing a labour complaint. An ILO study found that a majority of migrant workers (47 per cent of men and 81 per cent of women in the ASEAN region) settled their grievances through NGO assistance – with only 20 per cent of men migrant workers and 3 per cent of women migrant workers settling their grievances through trade unions (Harkins and Ahlberg 2017). This may reflect a gap in trade

union-led MRC services due to migrant workers' limited access to trade unions. The same study noted that trade unions are thought to be less active in organizing workers in the informal sector, including migrant domestic workers. However, trade unions are becoming increasingly active in supporting and organizing migrant workers. This has resulted in the establishment of migrant domestic workers' unions or associations in some countries or territories, such as Hong Kong (China), Indonesia, the Republic of Korea, Malaysia, Nepal and Singapore.

The most common complaints from migrant workers include recruitment fraud, contract substitution, non-payment or underpayment of wages, withholding documents, excessive work hours, poor living conditions and inability to take leave from work. When migrant workers decide to pursue a case, the common mechanisms for resolving them are informal mediation, administrative processes or court hearing. In 2017, administrative hearings were the most common method that allowed migrant workers' cases to be resolved without court proceedings (Harkins and Ahlberg 2017). Informal mediation is not a suitable option in cases of egregious abuses (violence and harassment, severe non-payment of wages, termination of employment), but some migrant workers do not want to pursue a complex, time-consuming court case. Informal mediation is also seen as an effective method of resolving certain cases. This has been true with the COVID-19 pandemic, when administrative and legal processes have been delayed or suspended (see boxes 1 and 2). An important consideration here is a migrant worker's choice to pursue a legal case against their employer or recruiter. Regardless of the perceived severity of a case, trade union MRCs defer to how migrant workers want their cases to be handled. As trade union MRC staff indicated when interviewed, some migrant workers prefer to settle their grievances outside of court to avoid further reprisal.

In countries of origin, such as Cambodia, Indonesia and the Lao People's Democratic Republic, providing counselling and legal aid services for migrant workers in countries of destination requires collaboration from counterpart stakeholders. In Cambodia and the Lao People's Democratic Republic, the CLC- and the LFTU-operated MRCs coordinate with counterpart trade unions in countries of destination, such as Thailand, to support Cambodian and Lao migrant workers, respectively.

The MRCs operated by the Konfederasi Serikat Buruh Seluruh Indonesia (KSBSI) in Blitar city and Tulungagung Regency in East Java Province and by the Serikat Buruh Migran Indonesia (SBMI) in Cirebon Regency, West Java, collaborate with civil society organizations, especially women crisis centres and women's organizations, to provide effective case management to overseas and returned Indonesian migrant workers.

Stakeholder collaboration is an important aspect of case management for the KSBSI and the SBMI MRCs. According to both trade unions, working with government agencies and other civil society organizations enhances the MRCs' counselling services by ensuring that the information and referrals provided to clients are up to date. Stakeholder collaboration also allows the KSBSI and the SBMI MRCs to better investigate cases and to get in touch with migrant workers' family members and district and village governments, as well as to coordinate with overseas civil society organizations to provide assistance to migrant workers in a country of destination.

Staff with the Malaysian Trades Union Congress (MTUC) MRCs highlighted their use of strategic approaches to receiving and handling migrant workers' cases, in particular by using informal mediation to settle issues with employers (see box 1 and box 2).

Violence and harassment against migrant workers have been rampant throughout the COVID-19 pandemic. In 2020, the MTUC MRCs resolved 64 violation cases, with involvement of a total of 4,578 migrant workers, including 1,759 women (ILO 2020b and 2020c).³⁰ The resolution of two major cases in 2020 resulted in the compensation of more than \$4.4 million to migrant workers.³¹ The MTUC MRCs

30 TRIANGLE in ASEAN provided support to 2,819 men and 1,042 women migrant workers, while Safe and Fair supported 717 women migrant workers.

31 See box 2 for an overview of one case that resulted in a settlement of more than \$3 million.

were approached by the National Union of Employees in Companies Manufacturing Rubber Products for guidance and support in three major cases filed in 2019 and 2020 (which concluded in 2021). The industrial union represented 184 migrant workers who filed three complaints against a tire and rubber manufacturing company over non-compliance with a collective labour agreement. The complaints included unpaid wages, unfair wage deductions, unlawful overtime and threats. Malaysia's industrial court ruled in favour of the migrant workers, who were claiming approximately 5 million Malaysian ringgit (equivalent to \$1.21 million) (Chu and Ananthlakshmi 2021).

► Box 1. Approaches of the MTUC Migrant Worker Resource Centres to grievance handling

For the Migrant Worker Resource Centres operated by the Malaysian Trades Union Congress (MTUC), lodging formal complaints and providing legal aid is often considered a last-resort option. According to an MTUC MRC staff interviewed for this research, the centres provide psychosocial counselling and informal mediation to their clients. Sometimes migrant workers just need to share their problems through the psychosocial counselling and feel better without pursuing a case. If a migrant worker wants to pursue a complaint, an MTUC MRC will first resort to informal mediation. This is to avoid lengthy, time-consuming legal procedures that usually deter clients from pursuing legal action.

With complaints, the staff first contact the employer and present the MRC as a friendly, neutral party seeking discussion with that employer and to investigate the issue. The interviewed staff emphasized the importance of communicating with employers in a neutral tone and avoiding to appear as if accusing the employer. They have found that, in some cases, migrant workers misunderstand facts about their employment or may be panicking due to stress. Presenting the MRC as a neutral party to the employer thus avoids any misunderstandings and allows for easier and more favourable negotiations with employers.

When negotiating with employers, the staff aim to avoid resorting to legal action while still obtaining migrant workers' owed wages and benefits. They do this by gently informing the employer that the MRC will be obliged to file a formal complaint if that person does not pay the due wages and benefits to the migrant workers. They also explain that taking an issue to court will become more expensive for

the employers because they will need to hire a lawyer. If a violation is clearly proven, the employer will lose the court case, followed by the loss of even more money. This approach often works to convince employers to settle migrant workers' due wages and benefits because employers do not want to lose extra money. The staff thus discourage employers to bring the cases to court. This is especially the situation for undocumented migrant workers who have little legal protection. Even if an employer argues that a migrant worker is undocumented, the MTUC MRC would still negotiate for the migrant worker. According to one of the MRC staff, "The mistreatment of undocumented migrant workers is a sensational thing in Malaysia." Using this as leverage, the MRC staff will negotiate for an undocumented migrant worker on the basis that "[employers] do not want to become famous for the wrong reasons".

The MTUC MRCs also use media to argue for settling cases informally. Without filing a formal complaint to the Labour Ministry, the migrant worker gets what they want and the employer will also get what they want (without spending money to go to court).

The MTUC MRCs also take an understanding approach with employers. Due to the COVID-19 pandemic, many employers are no longer able to keep migrant workers in Malaysia. In such situations, the staff gently inform the employer that they still need to pay migrant workers their due wages according to the law. If a migrant worker decides to return to their country of origin, the staff negotiate with the employer to shoulder the costs of sending the person home. Since the onset of the pandemic, many migrant workers have chosen to return to their country of origin to be with their family.

Source: Interview with MTUC MRC staff, 28 September 2021.

► Box 2. Settlement of MRT construction workers' delayed salaries in Kuala Lumpur

The Malaysian Government imposed the Movement Control Order in March 2020, under the Prevention and Control of Infectious Diseases Act (1988) in response to the spread of COVID-19. The Movement Control Order required all enterprises, except those involved in essential services, to cease their operations. Soon after the start of the Movement Control Order, the MTUC Migrant Worker Resource Centres began to receive complaints from migrant workers who had not been paid their salaries during the lockdown and were struggling without money to support themselves.

In early May 2020, five network leaders representing 10,455 migrant workers contacted the MTUC resource centre in Selangor to lodge a complaint against 13 subcontractors of the Mass Rapid Transit (MRT) rail line construction project at various locations in Kuala Lumpur and Serdang. The MRT construction had to stop during the Movement Control Order, and subsequently, the 13 subcontractors stopped paying wages to the migrant workers from Bangladesh, Indonesia, Myanmar, Nepal and Viet Nam. They were

left without money for basic expenses, including food.

Filing a case at the Labour Ministry would not have been helpful because no cases were being heard at that time. The resource centre and MTUC leadership decided that informal mediation was the fastest way to proceed. MTUC officers contacted the 13 subcontractors concerned to investigate why the salaries were not paid. The MTUC informed the companies that non-payment of salary is a fundamental breach of contract, and if a case were filed, the companies would be ordered to pay the overdue wages. Constant follow-up calls were made to the human resource personnel and the directors of the 13 companies and to the five network leaders to check on the status of salary payments.

As a result of that persistence, the overdue wages were paid to the 10,455 migrant workers. The total amount of the settlement was more than 12.5 million Malaysian ringgit (\$3,100,840), or 1,200-ringgit (\$297) payments to each of the 10,455 migrant workers. The five network leaders confirmed that all workers received their pay.

Source: ILO 2020b.

3.2 Information and education

Information and education services to promote safe migration and labour rights include training and outreach activities. These activities can vary based on the needs of a community, recruitment agencies and potential migrants.

Collaboration with the government, civil society organizations and community stakeholders is an essential component of disseminating information and conducting training and outreach activities. In Cambodia, the MRC operated by the CLC in Prey Veng Province closely works with local government officials, recruitment agencies and community leaders. The CLC conducts joint outreach and training activities with stakeholders to increase workers' awareness of safe migration, migrant workers' rights and decent work. It also provides training on financial literacy for potential migrant workers.

In Thailand, the State Enterprises Workers' Relations Confederation (SERC) has been active in the ITUC-led campaign for the ratification of the ILO Violence and Harassment Convention, 2019 (No. 190) (ILO 2020c). The SERC has also conducted capacity-building training with government agencies and civil society organizations on the prevention of trafficking. In July 2021 and in collaboration with the Safe and Fair programme, the SERC provided 696 survival kits that included sanitary items and information on COVID-19 to migrant construction workers during the lockdown of construction sites in Bangkok and Songkhla Province.

Similarly in Indonesia, the KSBSI MRC collaborates with the Government and with women's organizations. The KSBSI staff noted that stakeholder collaboration has made it easier for them to raise awareness on national labour laws, safe migration and labour rights. Working closely with government agencies allows the KSBSI to easily get in touch with district- and village-level governments to conduct outreach

and training activities. Partner women's organizations have also helped the KSBSI make its trainings gender-responsive.

The SBMI approach to information dissemination involves educational or vocational classes that migrant workers are interested in. The SBMI staff pointed out, when interviewed, that migrant workers are more interested in cultural or educational activities than discussing safe migration and migrant workers' rights. Hence, the SBMI conducts training courses on topics relating to the English language, dancing, cooking, beauty and makeup. In these classes, special hours are allocated to educate migrant workers on safe migration and rights awareness. If migrant workers show increased interest in rights issues, the SBMI may train them more on labour laws, migrant workers' rights, women's rights and eliminating violence against women. In addition to the educational and vocational courses, the SBMI partners with village governments and uses community activities, such as village sports groups and religious groups, as entry points to provide training courses on safe migration, migrant workers' rights and women leadership.

The SBMI partnered with the Ministry of Manpower, the District Government of Cirebon, the Safe and Fair programme and the Mawar Balquis Women's Crisis Centre to launch an MRC in Cirebon Regency, West Java. That MRC integrates its services with government services under the One-Roof Integrated Services programme, which was established under Law No. 18/2017 on the Protection of Indonesian Migrant Workers (see box 3).

► **Box 3. Integrated gender-responsive Migrant Worker Resource Centre in Cirebon Regency, West Java**

The Ministry of Manpower, the Regency Government of Cirebon, the Safe and Fair programme, the Indonesian Migrant Workers Union Cirebon (Serikat Burh Migran Indonesia) and the Mawar Balqis Women's Crisis Center launched the integrated gender-responsive Migrant Worker Resource Centre in Cirebon Regency, West Java in June 2021. This multistakeholder partnership illustrates the leadership and commitment of the Indonesian Government, a migrant workers' union and a women's crisis centre to develop integrated and coordinated services to improve the protection of women migrant workers and their families throughout the migration cycle.

It is the first pilot model that integrates gender-responsive migrant worker services with the One-Roof Integrated Services. The Minister of Manpower emphasized that this integration will enhance the

functions of the One-Roof by providing more gender-responsive and non-administrative services and access to comprehensive gender-responsive protection services for migrant workers. The resource centre also conducts activities to improve data collection, enhance gender-responsive labour migration governance at the village level, build capacity for local government officials and service providers and strengthen coordination and social dialogue through tripartite-plus forums for the protection of migrant workers at the district and subdistrict levels.

The resource centre also highlights the importance of involving and improving village government roles and responsibilities to break the chain of trafficking and other abusive situations faced by women migrant workers. Providing services at the district and village levels is part of an effort to take these services closer to migrant worker communities and increase access for women migrant workers and their families.

Source: ILO 2021e.

Apart from COVID-19-related information, the MRCs have also been instrumental in providing emergency and health care support, such as protective equipment, sanitary items and food. For example, the MTUC has partnered with the Bangladesh High Commission and TRIANGLE in ASEAN programme to address the needs of Bangladeshi migrant workers in Malaysia. The MTUC, through a group of volunteers, provided emergency food and personal protective equipment to Bangladeshi migrant workers, who had lost their jobs, in 400 locations within Peninsular Malaysia. The Bangladesh High Commission indicated that they had received about 5,000 requests for food in Selangor area alone, and more than 33,500 requests for food aid throughout the country.

In Malaysia, the MTUC MRCs have taken advantage of Facebook as a platform to reach migrant communities of diverse nationalities and provide them with information on safe migration, migrant

workers' rights, trade unionism and the prevention of COVID-19 as well as the regular advisories from embassies on COVID-19 repatriation.

The MTUC MRC staff have found that migrant workers often form or join Facebook groups that function as a space to share information, socialize or even buy and sell items among fellow migrants. Facebook groups can consist of migrant workers of the same nationality or of different nationalities. To cater to the diverse needs of migrant workers, the MTUC MRC staff identified eight nationalities among them in Malaysia. Each MRC staff manages information dissemination for two nationalities, including through their Facebook groups. The MRC staff have joined these Facebook groups and frequently post relevant information materials in the migrant workers' languages. Frequent posting or re-posting of information materials and engaging with migrant workers ensures that the presence of the MTUC MRC is known. The staff post information materials that are in line with the work and principles of the MTUC.

According to the MTUC MRC staff, information dissemination through Facebook groups and direct engagement with migrant workers have resulted in positive feedback. It has also led to increased awareness of the MRC services by word-of-mouth because migrant workers share information and refer fellow migrants with similar problems to an MRC. MTUC MRC staff also plan to develop more engaging content for social media, including organizing a Facebook Live session for a dialogue with migrant workers.

Prior to the COVID-19 pandemic, trade union MRCs used more traditional approaches to disseminate information, such as visiting villages or distributing information materials. With the COVID-19-related restrictions on movements, the information and education services of the MRCs expanded to include health and safety information to prevent COVID-19 infection. Despite the challenging situation, the MRCs such as the LFTU MRC were able to continue their services by switching to online or digital methodologies where necessary, such as through phone, social media or radio (see box 4).

► **Box 4. Radio discussion and Facebook Live on International Domestic Workers' Day in the Lao People's Democratic Republic**

On 17 June 2021, the Lao Federation of Trade Unions, supported by the Safe and Fair programme, organized a radio discussion and Facebook Live session in conjunction with the International Domestic Workers' Day. The live radio programme and Facebook Live session was conducted through the Youth Radio Programme based in Vientiane for the awareness-raising of labour rights and reached approximately 4,900 people.

The radio programme and Facebook Live increased public understanding on the contribution of domestic workers and the challenges they face with violence, exploitation and trafficking. The programme also raised awareness of the available services for women migrant workers to access. The programme invited a returnee migrant domestic worker who shared her experience and insights on migration. The returnee migrant highlighted sources for credible information, the importance of safe channels for migration and a safety plan for travelling, basic rights as a domestic worker as well as the hotline number 1300 in Thailand.

Source: ILO 2021f.

3.3 Networking and trade union membership

Trade union MRCs network migrant workers into workers' organizations or informal groups and seek to attract them into union membership. Staff of the MRCs explained that the COVID-19 pandemic has severely decreased trade unions' ability to network and organize both national workers and migrant workers.

In Cambodia and the Lao People's Democratic Republic, the trade union MRCs have supported peer-to-peer activities for returnee migrant workers, especially women, to share their migration experiences with potential migrant workers. The CLC MRC in Prey Veng Province, for instance, supports networks of women migrant workers in communities to regularly disseminate safe migration information and learn

about labour rights issues for women migrant workers. Although these networks remain largely informal, they have become critical spaces for community-led advocacy on women's and migrant workers' rights. As for networking or organizing migrant workers in countries of destination, such as Thailand, the CLC and the LFTU MRC staff have found that Cambodian and Lao migrant workers are often reluctant to join unions in Thailand or in their countries of origin because they do not see the immediate benefit.

In Malaysia, a country of destination, MTUC MRC staff also reported similar challenges in networking or organizing migrant workers prior to and during the COVID-19 pandemic. They have found that migrant workers are usually averse to joining unions due to the cost of membership or because affiliation fees seem an unnecessary expense. Migrant workers also have been found to be unreceptive to discussing trade unionism with union officials because they see these conversations as "sales pitches" to convince them to pay union fees, as opposed to something that would benefit them. Thus, migrant workers remain reluctant to join unions even though the membership fee is only 1–5 ringgit (approximately \$0.25–\$1). The MRC staff reported that many migrant workers in certain enterprises or industries get union fees automatically deducted from their pay and thus are already part of an in-house union, but they are typically not aware that they can seek and access union support.³²

The interviewed MRC staff emphasized that it is important to explain what union membership means for migrant workers and how they benefit. Prior to the pandemic, the MTUC MRC raised awareness by organizing peer-to-peer networking activities in which migrant workers who are union members shared their experiences with non-union members. Peer-to-peer activities were seen as more effective because non-union members can relate to the experiences of other migrant workers who are union members.³³

Widespread COVID-19-related labour violations in Malaysia, which affected both national and migrant workers, have resulted in an increase in public interest on labour protection and trade unionism. Taking advantage of this, the MTUC staff have used online information materials to highlight the benefits of union membership. For instance, they have illustrated the difference that union membership has made for workers experiencing COVID-19-related labour violations: These workers have had access to union support and protection, with the union negotiating with their employers and/or providing legal aid. Although the staff see this as effective awareness-raising, they also noted that it is still too early to claim that this approach has resulted in any significant increase in union membership.³⁴

In Indonesia, the SBMI led participatory action research with the Safe and Fair programme that resulted in women migrant workers joining a trade union. The research was conducted in villages where the SBMI involved village leaders and women migrant workers to collect data, share research results and implement a village-level plan. The participatory action research process increased awareness and knowledge on the importance of trade unionism, organizing skills, collective bargaining and leadership skills for women migrant workers and has resulted in enduring village-based systems that support women prior to migration and upon return, especially if they have experienced violence or abuse (ILO 2020c). Due to the SBMI's work, 45 women migrant workers joined the SBMI in various local branches. The women migrant workers now have access to services provided by the SBMI as well as support in negotiating their employment conditions (ILO 2020c).

The need for a dedicated workers' federation for migrant workers was raised by all KSBSI branches across Indonesia because they were increasingly receiving complaints from Indonesian migrant workers. As a result, the KSBSI plans to establish a new branch specifically for migrant workers that will include support for informal workers.³⁵ The KSBSI staff who was interviewed explained that this new branch will create opportunities to increase work with migrant workers. The KSBSI plans to include migrant workers overseas as part of the new migrant workers' branch and have them function as organizers. These organizers will then be linked to potential migrant workers and provide them with support when they arrive in a country of destination. The new migrant workers' branch demonstrates KSBSI's commitment

³² Interview with MTUC MRC staff, 28 September 2021.

³³ *ibid.*

³⁴ *ibid.*

³⁵ Interview with KSBSI MRC staff, 28 September 2021.

to expand its support to Indonesian migrant workers overseas.³⁶

There are also examples of successful networking and organizing of migrant workers initiated by workers' associations outside of the trade union MRCs (see box 5).

► Box 5. Migrant workers' associations and organizing in Malaysia

Asosasyon ng mga Makabayang Manggagawang Pilipino Overseas

In 2015, the Sentro ng mga Nagkakaisa at Progresibong Manggagawa (Center of United and Progressive Workers, or SENTRO), a labour centre in the Philippines, organized nine Filipino migrant domestic workers in Kuala Lumpur, Malaysia. SENTRO named the organization the United Workers for Mutual Protection, Advancement and Development, or UniMAD. Although the Embassy of the Philippines in Malaysia initially denied them accreditation, the group continued their operations in response to the needs of Filipino domestic workers.

In 2016, the UniMAD renamed itself the Asosasyon ng mga Makabayang Manggagawang Pilipino Overseas (Association of Nationalist Overseas Filipino Workers, or AMMPO) and eventually was officially recognized by the Embassy of the Philippines. It is the first migrant domestic workers' organization established in Malaysia. Its membership has since expanded to include other Filipino migrant workers, and it provides support services and conducts activities including organizing Filipino migrant workers, capacity-building training, policy advocacy and campaigns, and legal aid services.

Persatuan Pekerja Rumah Tangga Indonesia Migran

In 2019, the International Domestic Workers Federation, as a partner organization with the Safe and Fair programme, provided a group of Indonesian migrant domestic workers in Malaysia a series of trainings to strengthen their understanding of safe migration, migrant workers' rights and violence against women. Then the group decided to establish an Indonesian migrant domestic worker's network. In December 2020, the domestic worker's network became an organization called Persatuan Pekerja Rumah Tangga Indonesia Migran, or PERTIMIG, with 90 inaugural members.

In July 2021, PERTIMIG increased its membership to more than 100 Indonesian domestic workers and organized its first congress. The inaugural congress was attended by the Ambassador of the Indonesian Embassy in Kuala Lumpur and representatives from the MTUC, the International Domestic Workers Federation, Indonesian unions and the ILO. At the congress, PERTIMIG adopted a workplan for 2021–2024, prioritizing activities for organizing Indonesian migrant domestic workers, capacity-building trainings, advocacy, campaigns and networking. PERTIMIG works towards building up the capacity of its leaders and members on organizing, women's leadership and advocacy and campaign management.

Source: Interview with MTUC MRC staff, 28 September 2021.

3.4 Gender-responsive services

Trade union MRCs are mainstreaming gender-responsive services into their activities, especially relating to violence against women. This includes counselling, legal aid and information. Because women migrant workers have greater risk of abuse, violence and trafficking, some trade union MRCs work closely with women's organizations that have expertise in handling cases of women victims of violence or trafficking.

In the Lao People's Democratic Republic, some activities of the LFTU MRCs target women migrant workers to provide information about regular migration channels and processes, labour exploitation, violence and harassment at work and trafficking in persons (ILO 2020c). However, the MRC staff need capacity-building training on violence against women³⁷ as well as on organizing women migrant workers. The ILO has developed useful guidance: *Organizing Women Migrant Workers: A Manual for Trade Unionists in ASEAN* (ILO 2021d). The manual was developed to support trade unions' four pillars

³⁶ *ibid.*

³⁷ Interview with ILO staff in the Lao People's Democratic Republic, 24 September 2021.

approach in protecting migrant workers: pillar one for promoting international human rights law and labour standards; pillar two for bilateral cooperation between trade unions in countries of origin and destination; pillar three for outreach to organize migrant workers; and pillar four for advocacy, education and training.

In Indonesia, the KSBSI and the SBMI MRCs provide services under the ILO's CLIENT model, with an additional focus on mainstreaming gender-responsiveness into their strategies and expanding services to address violence, harassment and trafficking. They also provide financial literacy and leadership training for women. Collaborating with women's crisis centres, shelters and organizations is a crucial aspect in the ILO support for the Indonesian MRCs.³⁸ This collaboration enables the trade union MRCs to provide women with better services in response to violence against them. Partnering with women's organizations also helps the trade union MRC with their community outreach activities.³⁹ The KSBSI's partnership with the Indonesia Women's Coalition and the SBMI's partnership with the Women's Crisis Center Mawar Balqis and the Sebay Lampung Women's Solidarity are examples of mutual partnerships (ILO 2020c). The trade union MRCs are exploring the possibility of collaborating with overseas women's organizations to support Indonesian women migrant workers in need of assistance (see box 6).

► **Box 6. KSBSI Migrant Worker Resource Centre's cross-border collaboration with Project Women Brunei**

The KSBSI Migrant Worker Resource Centre in Tulungagung Regency in East Java received a complaint regarding an Indonesian woman migrant worker in Brunei Darussalam in 2021. The woman's daughter approached the Tulungagung Manpower Office to report the recruiter's abuse of her mother. The woman had migrated to Brunei Darussalam in 2019 expecting to work, but instead her recruitment agency forced her into a marriage. The Manpower Office requested support from the KSBSI.

According to a KSBSI officer, when representatives from the Embassy of Indonesia in Brunei Darussalam contacted the woman migrant, she initially claimed that the issue was only a misunderstanding and that she had not experienced any abuse. Embassy representatives thus did not pursue the case any further. Upon

investigation by the woman's daughter, proof of abuse emerged.

The KSBSI resource centre coordinated with the Project Women Brunei, a women's organization in Brunei Darussalam, to assist the woman and provide her with psychosocial counselling. Through the gender-responsive services of Project Women Brunei, the woman migrant worker admitted that she had not been provided employment by her recruitment agency but was forced into a marriage. The woman later agreed to take shelter within the Indonesian Embassy and to be repatriated. Project Women Brunei then forwarded the case to the Indonesian Embassy.

Coordinating with the women's organization has allowed for more effective assistance to women migrants because they provide psychosocial counselling to women and are familiar with the national law.

Source: Interview with KSBSI MRC staff, 28 September 2021.

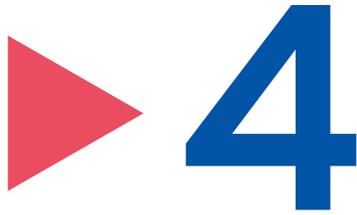
In Malaysia, the MTUC MRCs also collaborate with women's organizations to provide gender-responsive information and training to women migrant workers. These collaborations allow them to reach out to women migrant workers and to encourage them to contact trade unions if they experience violations.⁴⁰ For instance, the MTUC MRCs have conducted training on labour rights and trade unionism with migrant workers' associations, such as PERTIMIG and the Association of Nationalist Overseas Filipino Workers (AMMPO). An MTUC MRC staff person who was interviewed stressed that multistakeholder collaboration is critical if the MRC is to function as a one-stop service for migrant workers, especially women.

³⁸ Interview with staff of ILO Safe and Fair in Indonesia, 28 September 2021.

³⁹ *ibid.*

⁴⁰ Interview with MTUC MRC staff, 28 September 2021.





Joint Migrant Worker Resource Centre in Jordan

The ILO estimated there were approximately 24.1 million migrant workers (4.2 million women and 19.9 million men) in the Arab States region in 2019 (ILO 2021a).⁴¹ In many Arab countries, the combination of limited trade union rights, weak enforcement of labour laws and exclusion from labour protection leave migrant workers particularly vulnerable to abuse (ILO 2018). Migrant workers are also often excluded from the governments' essential social services particularly if they are in an irregular situation (ILO 2018). A lack of safe public spaces where migrant workers can meet is a common issue in the Arab States, particularly for women, who have certain restrictions on going to restaurants, cafes, swimming pools or recreational facilities without their employer (ILO 2018).

Due to these restrictions, migrant workers in the Arab States, including Jordan, face increased vulnerability to a range of violations. According to the Arab Trade Union Confederation (n.d.), the most common labour rights violations that migrant workers in Jordan experience are the withholding of identity documents and other official travel documents, withholding of wages, intimidation and threats, and physical and sexual violence. Women migrant workers who are pregnant are also especially vulnerable. There are recorded cases of women migrants who were unable to register their newborn babies in Jordan (Arab TUC n.d.). Given the circumstances, the Arab Trade Union Confederation (n.d.) sees the lack of official registration as increasing the vulnerability of mothers and their children to human trafficking.

In 2015, the Arab Trade Union Confederation, the ASEAN Trade Union Council and the South Asian Regional Trade Union Council signed an MOU to create an environment conducive for protecting migrant workers. The signatory trade unions agreed to cooperate and carry out campaigns through joint and coordinated efforts to protect and promote migrant workers' rights. The MOU lists eight priority action points:

1. Advocate for the ratification of ILO Conventions No. 97, No. 143 and No. 189 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.
2. Advocate for national legislation, amendments and model employment contracts for migrant workers, in compliance with international labour standards.

⁴¹ Country-specific data and disaggregated data on the countries of origin of migrant workers are not available in ILO 2021a.

3. Establish information centres for migrant workers, providing potential migrants and migrant workers with information in their native languages (a) on working and living conditions and social benefit entitlements for migrant workers and (b) on regular migration, employers' obligations and national laws.
4. Provide services, assistance and advice to migrant workers, including legal aid and other essential services.
5. Improve communication and links between interregional trade unions and migrant worker communities to promote migrant workers' involvement in trade unions.
6. Identify and raise migrant workers' rights issues, including gender-based discrimination and violence, confiscation of travel and identity documents, regularization of the status of migrant workers in irregular situations and securing the involvement of trade unions in the development of bilateral agreements between governments of countries of origin and destination.
7. Advocate for cooperation between governments of countries of origin and destination to enhance migration governance, including through enhanced regular migration channels, strengthened labour inspection mechanisms, enhanced cooperation in cases of forced labour and trafficking in persons and enhanced regulation of recruitment agencies and employers.
8. Address occupational health and safety and housing concerns of migrant workers, including workers in precarious situations, as well as promoting special protection measures for women migrant domestic workers (Arab TUC et al. 2015).

As part of their joint commitment, the three subregional unions jointly established an MRC in Amman, Jordan in 2018 to provide services to women domestic migrant workers from Asia. The MRC is implemented by the Arab Trade Union Confederation, with financial support from the International Trade Union Confederation Asia-Pacific (ITUC-AP), which it reports to. It also received partial financial support from ILO Bureau for Workers' Activities and the Danish Trade Union Development Agency (Arab TUC et al. 2019).

4.1 Migrant Worker Resource Centre services in Amman

The MRC provides case management and legal assistance, information services and capacity-building training. It also conducts campaigns and advocacy, with support from the ASEAN Trade Union Council, the South Asian Regional Trade Union Council and ITUC-AP. The MRC is open for migrant workers of all nationalities but seeks to serve migrant domestic workers from Bangladesh, Indonesia, the Philippines and Sri Lanka (Arab TUC et al. 2019). It also acts as a safe space to foster freedom of association among migrant workers in Jordan.

Case management and legal assistance

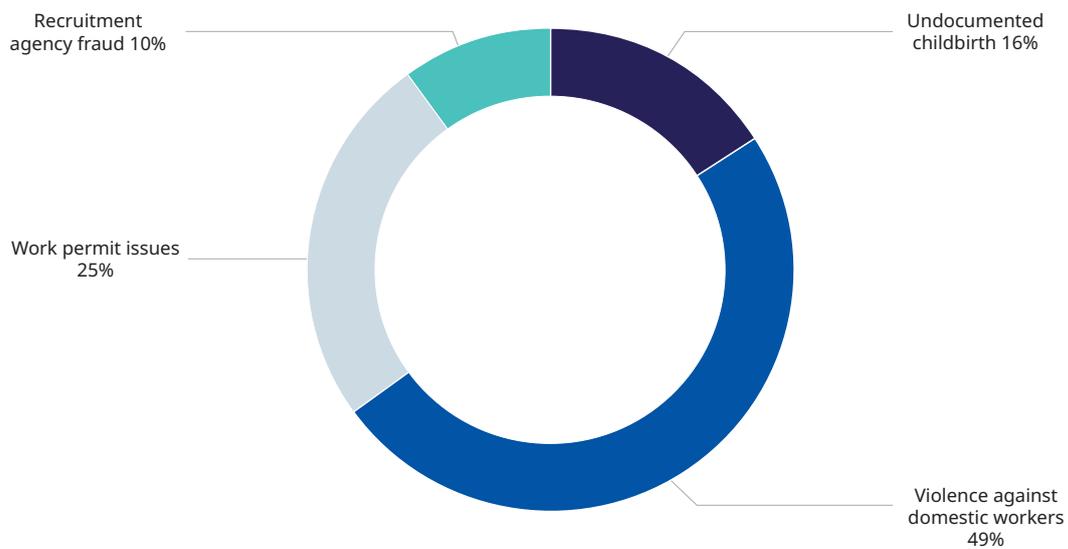
Migrant workers who contact the MRC can receive counselling for any complaint or grievance. The staff consult with migrant workers to identify and document any labour or human rights issues and provide case management or legal assistance as needed. In counselling, migrant workers receive information on their rights and the national laws as well as their options for legal redress based on their need. If a client requires legal assistance, the MRC provides support in lodging a formal complaint and legal representation in court cases. Migrant workers also receive psychosocial support as well as assistance to return to their country of origin, in the form of travel tickets (Arab TUC, n.d.).

Since its inception on 1 July 2018, the MRC has managed a total of 182 cases (73 cases settled), mainly on physical and sexual abuse by employers or recruiters, withholding of wages, confiscation of travel and identity documents and working without proper documentation (ITUC-AP 2021). Between June 2019 and

August 2020, the MRC provided support to 57 migrant workers, most of whom were women (44 women, or 77 per cent). Migrant workers in Jordan may be without proper documentation because they entered through an irregular channel of migration. But some migrant workers may find themselves in situations of irregularity and become vulnerable to deportation and being banned from returning to work in the country if their employer fails to comply with the labour laws. In such situations, the MRC reviews a migrant worker’s case and provides legal aid, including requesting a court to cancel arrest orders filed against the migrant worker and appealing to the court to allow the migrant worker to remain in Jordan to be employed legally (Arab TUC n.d.).

Not surprising, most complaint cases filed through the MRC in 2019 and 2020 were by women (figure 2). Almost half (49 per cent) of the complaints involved violence against domestic workers. But 16 per cent of the migrant workers reported cases of undocumented childbirth. This is partly due to migrant workers being at risk of contract termination and deportation if they are found to be pregnant and, as a result, are unable to access social and health services. Issues relating to a migrant worker’s work permit was the second-most reported complaint received (25 per cent). Such issues are likely the result of employers’ non-compliance with the labour law.

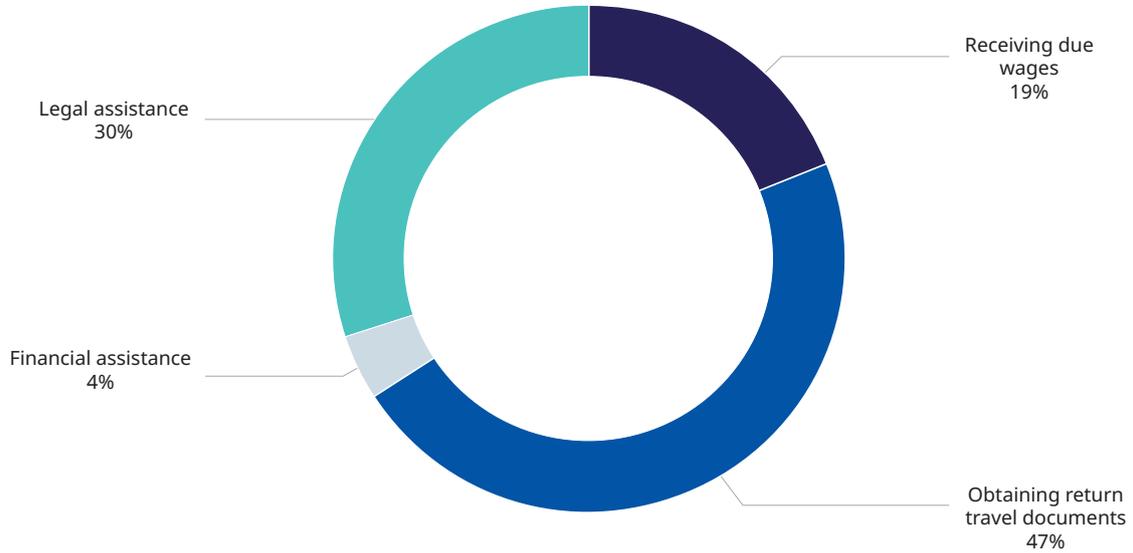
► **Figure 2. Breakdown of the complaints among the 57 cases received by the joint Migrant Worker Resource Centres, Jordan, 2019–20**



Source: Arab TUC 2020.

Most migrant workers requested support to obtain return travel documents to their country of origin (47 per cent) or legal assistance (30 per cent) (figure 3). Some migrant workers also requested support in receiving due wages (19 per cent) and financial assistance (4 per cent). All of the issues reported by migrant workers to the MRC can be seen as rationale for migrant workers to opt to return to their country of origin.

► **Figure 3. Types of assistance requested by 57 migrant workers from the joint Migrant Worker Resource Centres, Jordan, 2019–20**



Source: Arab TUC 2020.

Information services and outreach

The joint MRC provides information and outreach activities to migrant workers in Jordan with the aim of increasing awareness of their rights relating to exploitation, harassment and physical and sexual violence in the workplace (ITUC-AP 2021). The MRC develops its information materials in different languages. These materials are also distributed through partner government agencies and NGOs. The MRC has a booth in the Amman International Airport where incoming migrant workers can obtain information upon arrival (Arab TUC et al. 2019). To support the MRC’s engagement and establish strong relationships with migrant domestic workers, the staff disseminate information through focal points for migrant domestic workers from Bangladesh, Indonesia, Philippines and Sri Lanka – with two focal points for each migrant community (ITUC-AP 2021). These focal points act as gatekeepers through which the trade unions of the MRC can access a larger network of migrant workers and has been integral in establishing rapport between the trade unions and the migrant worker communities.

In addition to these offline distribution points, the MRC also leverages online social media and messaging platforms, including Facebook and WhatsApp, where migrant workers have established dedicated social media groups and pages for spreading relevant information. Since onset of the COVID-19 pandemic, the MRC has also developed and distributed information materials on health and safety. As of 2021, it had developed more than 30 graphic and video materials, including brochures and leaflets, to distribute information on safe migration, migrant workers’ rights and financial literacy (ITUC-AP 2021). The MRC aims to enhance its use of online and social media platforms for information-dissemination activities as well as campaigns and advocacy.

Capacity-building

The MRC aims to build up the knowledge and skills of migrant workers, especially domestic workers, to become leaders on union work and labour rights. It conducts training programmes on trade unionism, organizing and collective bargaining, national labour and migration laws, social protection, minimum

wage, occupational health and safety and other rights issues for migrant domestic workers in Jordan. The Arab Trade Union Confederation has also developed a manual on migrant domestic workers for the training of trainers on raising awareness on decent work (Arab TUC 2020).

Campaigns and advocacy

The MRC aims to affect policy change to create an environment that is conducive for migrant workers, especially women. It conducts research and develops publications on social protection, minimum wage and health and safety. This includes research on the barriers and challenges for women migrant domestic workers to access social security schemes in Jordan. The recommendations have been presented to the Jordanian Government (Arab TUC 2020).

4.2 Challenges for the Migrant Worker Resource Centre

Restrictions on movements due to the COVID-19 pandemic over the past two years increased migrant workers' vulnerability to violations and harassment. Migrant domestic workers who lived with their employers worked longer hours and had to do more demanding household tasks due to their employers and their children staying at home more than usual (Arab TUC 2020). An ILO assessment of the impact of the COVID-19 crisis on domestic workers echoed this and added that some employers even stopped paying their live-in domestic workers due to their own financial circumstances or a belief that their domestic workers did not need their salaries because they were unable to go out anyway (ILO 2020d). Some employers dismissed their domestic workers when they became infected with COVID-19, leading to some live-in domestic workers being left out in the street (ILO 2020d). The more demanding hours or job loss due to the COVID-19 pandemic was exacerbated by migrant domestic workers' limited access to social protection. According to Arab Trade Union Confederation estimates, 90 per cent of migrant domestic workers in Jordan are excluded from social protection measures (Arab TUC 2020).

The numerous cases and requests for assistance from migrant domestic workers during the pandemic placed considerable workload on the MRC. As a result, it has required more funding to continue operations and to expand its network with civil society organizations and other service providers in Jordan to enhance the provision of legal aid, information services and capacity-building training activities (Arab TUC, 2020).

Because the majority of the joint MRC's clients are women migrant workers from Asia, it is also critical to ensure that its services are gender-responsive. Gender-responsive services are especially crucial where women migrant workers need support in the event of physical and sexual violence, maternity protection and childcare. This includes referrals to service providers specializing in violence against women and health and childcare support services, especially in cases where women give birth to their children in Jordan and are unable to access documentation for their newborn babies. Ensuring that the MRC provides gender-responsive services or collaborates with women's crisis centres and organizations is also important in cases of violence against women and women victims and survivors of trafficking.



 **5**

Innovative approaches for enhanced trade union-led Migrant Worker Resource Centre services

This section analyses the strengths, weaknesses and opportunities across the trade union MRCs in Cambodia, the Lao People's Democratic Republic, Indonesia, Malaysia, Thailand and Jordan.

5.1 Collaborative approaches to strengthen services

Multistakeholder collaboration has been key for enhancing MRC services. Collaborating with national actors, including the government and women's organizations, helps to improve referral networks and gender-responsive services, especially in the context of violence or trafficking. For example, the KSBSI and the SBMI MRCs have found that networking among government and civil society actors at the national, district and village levels enhanced their ability to provide case management for women migrant workers abroad. For information, education and training services, the SBMI MRCs demonstrated that their collaborations with village and district governments had increased their access to communities where many migrant workers originate. A showcase by the SBMI is its partnership with the Indonesian Government, a women's crisis centre and the ILO to establish the first pilot model of an integrated gender-responsive MRC (see box 3).

In Malaysia, the MTUC MRC managers have also found that collaboration with migrant workers' associations, such as with joint training activities with PERTIMIG for Indonesian migrants and with the Association of Nationalist Overseas Filipino Workers for Filipino migrants.⁴² These joint activities have created a synergy effect to enhance the capacities of both the trade union MRCs and the migrant workers' associations on organizing and gender-responsive service provision. These examples prove how the collaboration between the trade union MRCs and national civil society organizations is effective for promoting safe migration and reaching out to potential migrants and communities.

Trade union MRCs have also partnered with trade unions in countries of origin and destination through bilateral or multilateral MOUs. Trade unions in countries of origin, such as Cambodia and Indonesia,

⁴² See section 3.4.

have coordinated with other trade unions or civil society actors in countries of destination to provide counselling, legal aid, information and training activities to migrant workers in need of assistance.⁴³ The MTUC in Malaysia, for instance, has partnered with the General Federation of Nepalese Trade Unions, the Confederation of Trade Unions Myanmar and the Viet Nam Association of Manpower and Supply.

For several years, the ILO has supported the LFTU in its hope of establishing an MOU with Thai trade unions to formalize collaboration and to provide legal assistance to Lao migrant workers in Thailand. However, it has yet to acquire Lao Government approval, which is necessary to go forward. Despite this setback, it is still possible for the LFTU to support Lao migrant workers in Thailand by networking them into migrant workers' associations with links to the LFTU because there is no legal obstacle to that sort of activity.⁴⁴

And the joint MRC in Amman, Jordan is an example of interregional commitment and partnership among trade unions. One of the biggest differences between trade union MRCs in the ASEAN countries and the Joint MRC in Jordan is the latter's establishment by three trade unions (the Arab Trade Union Confederation, the ASEAN Trade Union Council and the South Asian Regional Trade Union Council), with support from ITUC-AP. As an initiative that began independently from the ILO and other international organizations, the joint MRC in Jordan demonstrates the three subregional trade unions' shared commitment and ownership to protect the rights of migrant workers. Although the joint MRC experiences challenges in funding its activities independently from international organizations,⁴⁵ it remains an important example of the potential for enhanced collaboration among regional trade unions that can be replicated in the ASEAN region.

5.2 Diversifying outreach approaches to reach migrant workers

Networking or organizing migrant workers into a trade union or association remains a challenge for trade union MRCs. According to MRC managers, some migrant workers are not receptive to information on safe migration and migrant workers' rights. Others are not convinced that a trade union would be a safeguard for promoting and protecting their rights, and thus they consider the membership fee to be an unnecessary expense. Despite these challenges, trade union MRCs in the ASEAN countries and in Jordan have demonstrated diverse approaches to reaching migrant workers. A diversity of approaches is seen as crucial, especially for women migrant workers who may have limited access to information and support services.

The SBMI representative noted that migrant workers may not always take initial interest on labour and human rights or safe migration. Thus, conventional methods of approaching migrant workers to discuss their rights and safe migration will not always be effective. To gain the interest and attention of migrant workers, the SBMI uses **recreational activities and vocational training** on baking, cooking, dancing and sports to reach migrant workers, especially women. The SBMI includes special hours during these activities to provide safe migration and rights awareness information. Through this approach, migrant workers are introduced to rights issues and become more interested in having further discourse on their rights, migration and trade unionism.⁴⁶

In situations in which migrant workers are more willing to discuss rights issues, conducting meetings and trainings can be effective to deepen their understanding of the labour and human rights issues they face. These meetings have resulted in successful networking or organizing migrant workers into trade unions or migration associations – good examples are PERTIMIG and the Association of Nationalist Overseas

⁴³ See section 3.1.

⁴⁴ Interview with V. Sayavong, V. Thiphasouda and K. Phaokhamkeo, ILO Vientiane, 28 September 2021.

⁴⁵ See section 4.2.

⁴⁶ See section 3.2.

Filipino Workers in Malaysia.⁴⁷

Because the COVID-19 pandemic restrictions limited migrant workers' ability to move and socialize with other migrants, many trade union MRCs began leveraging digital and social media platforms to reach an increasingly online demographic. In the Lao People's Democratic Republic, the LFTU MRCs disseminated information through radio programmes and Facebook Live sessions, ensuring that women migrant workers' voices were heard.⁴⁸ The joint MRC in Jordan has developed and distributed information material through Facebook and other online messaging platforms to reach migrant workers. In Malaysia, the MTUC MRCs take a strategic approach to engage online with migrant workers of different nationalities.⁴⁹ The MRC staff are assigned to monitor and disseminate information through Facebook groups where migrant workers of a particular nationality socialize. The MTUC MRC staff emphasize the need to ensure that information materials are available in languages migrant workers can understand. This approach has allowed them to actively engage with migrant workers, provide services and address migrant workers' concerns and issues. This has led to positive feedback from migrant workers and to word-of-mouth referrals so that more migrants are aware of the MTUC MRC.⁵⁰

Peer-to-peer networking activities have been effective at reaching migrant workers, especially to encourage them to participate in discourses on rights and trade unionism. The CLC MRC supports women migrant worker networks for information sharing on rights and safe migration. Although the networks are largely informal and community-based, they remain important spaces to build solidarity and share information among women migrant workers. These networks also present an opportunity for the Confederation to further support and establish them as migrant workers' associations or union branch dedicated to women migrant workers.⁵¹

In Indonesia, the SBMI is also doing important work on building up the capacity of women migrant workers to be leaders and organizers, recognizing that peer-to-peer discourse on migrant workers' rights and trade unionism is more effective at networking or organizing them. Similarly, the KSBSI is already working towards establishing a department under the union dedicated to Indonesian migrant workers' issues, which was borne out of the increasing need to support migrant workers overseas.⁵²

The MTUC MRC staff also emphasize the importance of peer-to-peer activities to communicate more effectively with migrant workers about trade unionism. They recognize the reluctance that many migrant workers feel about becoming trade union members and thus encourage those who are already union members to share their experiences and the benefits of trade union membership with non-union migrant workers. Because non-union migrant workers can relate much better with the experiences of union migrant workers, they become more willing to have discussions on trade unionism and thus the benefits of union membership.⁵³

47 See section 3.3, box 5.

48 See section 3.2, box 3.

49 See section 4.1.

50 See section 3.2.

51 See section 3.3.

52 See section 3.3.

53 See section 4.3, box 6.

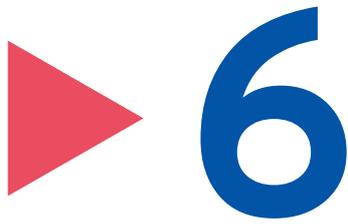


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Conclusion and recommendations

This research illustrates that trade union MRCs in countries of origin and destination use diverse strategies to reach out to and provide a variety of support services to migrant workers. Central to these strategies is a firm grasp of migrant workers' needs, interests and priorities. These strategies are often based on the legal, geographical and cultural contexts in which the MRCs operate. Hence, such approaches as using informal mediation to settle migrant workers' complaints, reaching migrant workers through online social media platforms and recreational or vocational activities and leveraging peer-to-peer activities to successfully network and organize migrant workers can be adapted and replicated. The findings also underline that multistakeholder collaboration is an important factor to strengthen MRC services, especially for improving referral networks and providing gender-responsive assistance. The MTUC's bilateral MOU is a good example for cross-border collaboration among trade unions that other trade union MRCs in the ASEAN region can refer to.

There are many lessons that trade union MRCs in countries of origin and destination can learn from each other. It is thus critical to facilitate cross-border information-sharing and collaboration among them. The following recommendations offer guidance for trade unions and their MRCs to enhance their services, especially for networking and organizing migrant workers.

Recommendations for national, subregional and regional trade unions

- ▶ **Advance advocacy for legal reform to protect migrant workers' freedom of association and right to collective bargaining:** Trade unions in countries of origin and destination should enhance their capacity for legal advocacy and continue to advocate for the protection of migrant workers under the existing labour legislation, especially for women migrant workers employed in the domestic work and informal sectors.
- ▶ **Include the rights and interests of migrant workers in the priorities and initiatives of trade unions:** The COVID-19 pandemic has highlighted the important role of trade unions in protecting the rights of migrants in countries of destination or returnee migrant workers who need support. Trade unions in countries of origin and destination should continue their efforts to integrate the rights of migrant workers, especially women migrant workers, in their strategies, priorities and initiatives to better address the challenges that migrant workers face.
- ▶ **Build up the capacity to resolve migrant workers' complaints and grievances:** Trade union MRCs should enhance their capacity on communication and negotiation to facilitate more effective informal mediation to resolve cases as a viable alternative to lodging administrative complaints or court cases.

- ▶ **Explore creative strategies to approach migrant workers about safe migration, labour and human rights and trade unionism:** Trade union MRCs should adjust their communication strategies to ensure that migrant workers read, watch or listen to relevant information materials and participate in training activities. The MRCs should consider developing entertaining, friendly and light-hearted online content and cultural events or leveraging recreational and vocational activities as entry points to attract migrant workers' attention.
- ▶ **Leverage digital and online social media platforms to expand reach to migrant workers:** With more migrant workers becoming active on social media, especially during the COVID-19 pandemic, trade union MRCs should develop informed and targeted communication strategies to disseminate information through digital and online platforms, in addition to traditional offline strategies.
- ▶ **Support and enhance peer-to-peer networking activities to share information and experiences among union member and non-union member migrant workers:** Peer-to-peer networking activities have been an effective strategy to raise migrant workers' awareness on human rights issues and trade unionism. Trade union MRCs should explore peer-to-peer networking activities in migrant communities to enhance their networking and organizing activities and to build closer and stronger relationships with migrant worker communities.
- ▶ **Enhance close collaboration between trade unions and other stakeholders:** Collaboration with multistakeholders, such as local governments, district authorities and civil society organizations, has been effective in providing better and more gender-responsive MRC services and training activities. Trade union MRCs should enhance their partnerships, especially with district and village-level stakeholders, to improve case management, to ensure that services are gender-responsive and to build stronger relationships with governments and migrant communities.
- ▶ **Identify opportunities for cross-border collaboration with national, subregional and regional trade unions to enhance support services and organizing activities for migrant workers:** Trade union MRCs should continue to identify opportunities to collaborate with other trade unions through bilateral or multilateral MOUs. Cross-border collaboration among trade unions would enable MRCs in countries of origin and destination to systematically work together to provide services, as well as to organize migrant workers.

Recommendations for international development organizations

- ▶ **Support trade unions to integrate migrant worker rights issues into their strategic priorities and initiatives:** As trade unions become more aware of the challenges that migrant workers face, international development organizations should lend their support to ensure that trade unions are equipped to protect the rights of migrant workers, especially women migrant workers. This includes providing guidance on integrating migrant workers' rights into trade union strategic priorities, supporting legal advocacy for migrant workers' inclusion and protection under national laws and conducting capacity-building on organizing migrant workers by using the ILO manual for organizing women migrant workers.
- ▶ **Enhance the capacity of trade union MRCs to develop online and offline communication strategies to reach migrant workers:** International development organizations should help build up the capacity of trade union MRCs on online and offline communication, including on negotiating effectively, facilitating workshops and trainings, creating content, developing social media strategies, managing social media accounts and enhancing social media presence.
- ▶ **Enhance the capacity of trade union MRCs to provide gender-responsive services and collaborate with women's civil society organizations:** International development organizations should encourage and build up the capacity of trade union MRCs to include women's issues. Capacity-building training on gender-responsive service provision and networking activities with women's civil society

organizations will help fill in the gaps where there is a limited capacity to provide services, especially for women.

- ▶ **Organize networking opportunities for trade unions in countries of origin and destination:** Networking opportunities among trade unions in countries of origin and destination can be useful spaces for trade unions to share information and best practices with other stakeholders, including governments, other trade unions and civil society groups. International development organizations should encourage trade unions to network and collaborate with other migration-related actors through a multistakeholder approach by organizing networking meetings, joint workshops and trainings.

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► Annex

Interviewees

| No. | Name | Organization | Date |
|---|--------------------------|--------------------------------|-------------------|
| Cambodia | | | |
| 1 | Veth Vorn | ILO Phnom Penh | 24 September 2021 |
| 2 | Chea Sopheak | Cambodian Labour Confederation | |
| 3 | Anonymous | Cambodian Labour Confederation | |
| The Lao People's Democratic Republic | | | |
| 4 | Khemphone Phaokhamkeo | ILO Vientiane | 24 September 2021 |
| 5 | Vongtavanh Sayavong | ILO Vientiane | |
| 6 | Viengprasith Thiphasouda | ILO Vientiane | |
| Indonesia | | | |
| 7 | Sinthia Dewi Harkisnowo | ILO Jakarta | 28 September 2021 |
| 8 | Yatini Sulisyowati | KSBSI | |
| 9 | Dina Nuriyati | SBMI | |
| Malaysia | | | |
| 10 | Yen Ne Foo | ILO Kuala Lumpur | 28 September 2021 |
| 11 | Suriya Nandhini | MTUC | |
| Thailand | | | |
| 12 | Natthanicha Lephilibert | ILO Bangkok | 29 September 2021 |

Trade union-led Migrant Worker Resource Centres in ASEAN and Jordan

Case studies for protecting and organizing migrant workers

The COVID-19 pandemic and associated economic crises have aggravated migrant workers' vulnerabilities. The ILO supports Migrant Worker Resource Centres (MRCs) to protect the rights of migrant workers, regardless of their migration status, to promote safe migration and to harness the benefits of migration. With the ILO assistance, trade unions in Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar and Thailand are operating MRCs that offer various services, including counselling, legal aid, information, education, networking, training and trade union membership. Some MRCs use training and cultural activities to inform migrant workers about rights issues. Other MRCs serve as an entry point to organize migrant workers and leverage the opportunity to provide legal and social protection. This paper looks at the operational practices of trade union MRCs, including one in Amman, Jordan that was established by a joint initiative between the ASEAN Trade Union Council, the South Asian Regional Union Council and the Arab Trade Union Confederation. This paper seeks to encourage other trade unions in replicating these activities as a way to reach out to migrant workers with useful services.

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ILO Regional Office for Asia and the Pacific

United Nations Building, Rajdamnern Nok Avenue
Bangkok 10200, Thailand

Web: www.ilo.org/asiapacific

