

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Brunei Darussalam - 2022

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR Protocol of 2014 P029 to the Forced Labour Convention

REPORTING

Fulfilment of Government's reporting obligations

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Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, the Government consulted [10.1]

a) The most representative employers organizations

92. To which employers organizations was the report sent? [12] Please provide the list

Brunei Malay Chambers of Commerce

93. To which workers organizations was the report sent? [13] Please provide the list

None

94. Please describe the consultation process(es). [10.2]

Draft responses were shared for further views.

OBSERVATIONS BY THE SOCIAL PARTNERS

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]

No

84. Please provide details and provide any relevant URL(s) [6.2]

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?

Unlikely

62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?

Further study of the Protocol is needed to understand its provisions in relation to obligations of constituents.

Existence of a policy and or plan of action for the suppression of forced or compulsory labour

63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]

Yes

65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]

None at this time.

68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]

Yes

70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]

Yes

71. Please describe these data. [1.6.1]

Such data would be in the form of number and types of complaints received by enforcement agencies and number of incidents encountered during inspections or joint operations.

72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]

Measures taken or envisaged for systematic and coordinated action

64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]

The Department of Labour, as one of the main enforcement agencies overseeing forced or compulsory labour, conducts inspections at workplaces as well as participates in joint multi-agency operations with a view to ensure that private sector employers adhere to the provisions of the Employment Order, 2009 and to determine whether there may be situations where violations against said Order may be present - which includes forced labour, labour trafficking and child labour.

Measures taken or envisaged to prevent forms of forced labour

74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]

Yes

75. If so, please indicate the type of measures, [2.2]

b) Strengthening and broadening of the coverage of legislation, particularly labour law,c) Regulation and supervision of the labour recruitment and placement process,f) Promotion of safe and regular migration,j) Basic social security guarantees

Measures taken or envisaged to protect victims of forced labour

76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]

Yes

77. If so, please indicate the type of measures [3.2]

a) Training of relevant actors for identification of forced labour practices,b) Legal protection of victims,d) Medical and psychological assistance for victims,f) Protection of privacy and identity,g) Appropriate accommodation,h) Specific measures for children

Measures taken or envisaged to facilitate access to remedies

78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]

Yes

79. If so, please indicate the type of measures, [4.2]

e) Access to remedies and compensation,h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons

<p>80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]</p>	<p>Yes</p>
<p>Cooperation with other Member States, international / regional organizations or NGOs</p>	
<p>81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]</p>	<p>Yes</p>
<p>82. Please briefly describe the modalities of this cooperation. [5.2]</p>	<p>Multi-lateral exchange by enforcement agencies through cooperation and memorandums of understanding, especially in under the ASEAN umbrella of initiatives and plans of action.</p>
<p>Promotional activities</p>	
<p>90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]</p>	<p>No URL for share at this point in time.</p>
<p>Special initiatives or Progress</p>	
<p>85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]</p>	<p>No change.</p>
<p>90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]</p>	<p>No URL for share at this point in time.</p>
<p>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</p>	
<p>According to the Government and social partners</p>	

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

h) Challenges linked to the labour recruitment and placement process