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The ASEAN Forum on Migrant Labour (AFML)

Background information
booklet

(4th edition)

TRIANGLE in ASEAN programme
supported by



The ASEAN Forum on Migrant Labour (AFML)

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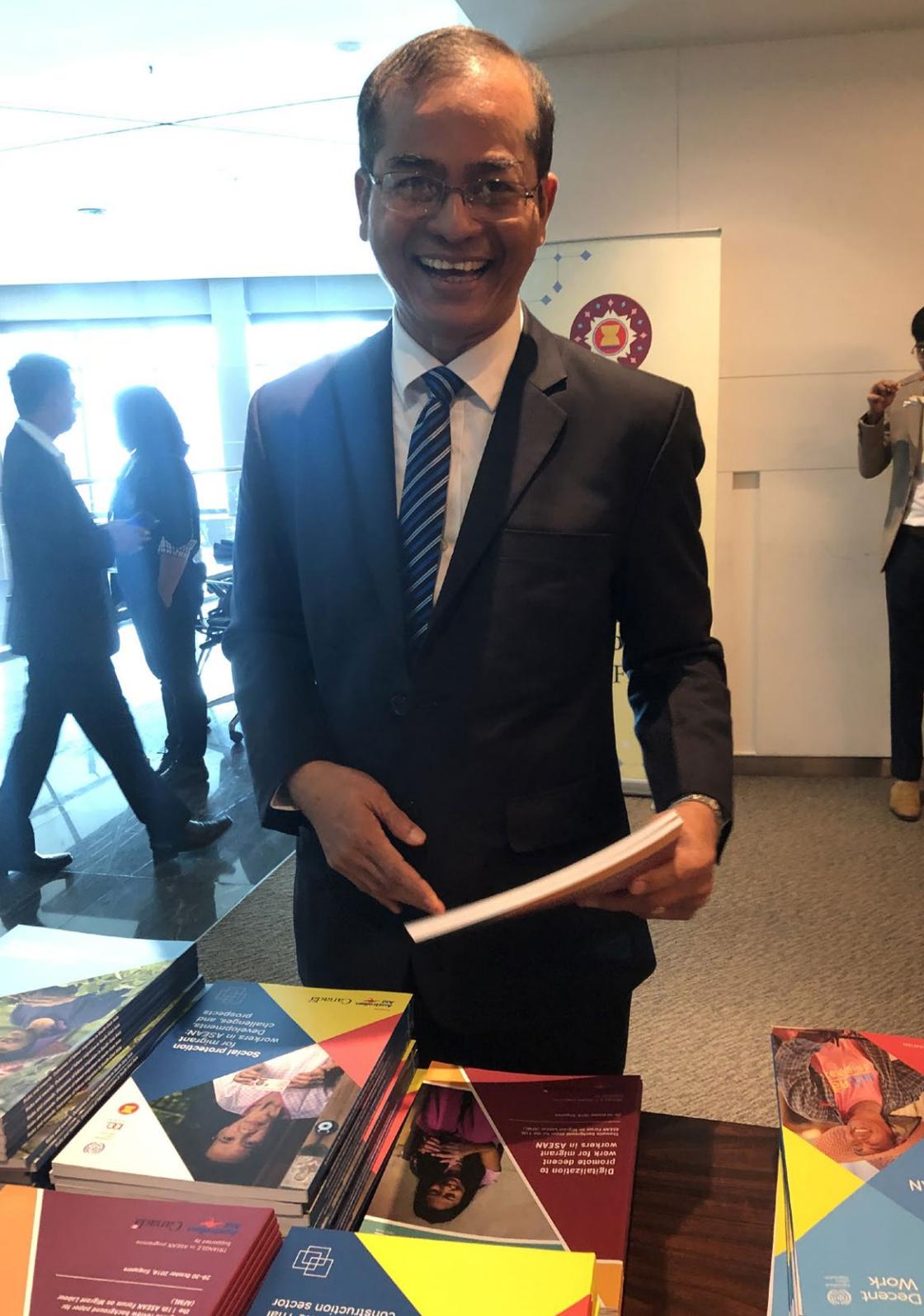




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Abbreviations and acronyms

ACE	ASEAN Confederation of Employers
ACMW	ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers
ACT/EMP	ILO Bureau for Employers' Activities
ACTRAV	ILO Bureau for Workers' Activities
AEC	ASEAN Economic Community
AFML	ASEAN Forum on Migrant Labour
AIPA	ASEAN Inter-Parliamentary Assembly
AMS	ASEAN Member State
ASCC	ASEAN Social-Cultural Community
ASEAN	Association of Southeast Asian Nations
ASEAN Consensus	ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers
ASETUC	ASEAN Services Employees Trade Union Council
ATUC	ASEAN Trade Union Congress
Cebu Declaration	ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CSOs	civil society organizations
DFAT	Australian Government Department of Foreign Affairs and Trade
GAC	Global Affairs Canada
ILO	International Labour Organization
IOM	International Organization for Migration
OSH	occupational safety and health
SLOM	ASEAN Senior Labour Officials Meeting
SOMSWD	Senior Officials Meeting on Social Welfare and Development
TFAMW	Task Force for ASEAN Migrant Workers
TVET	technical and vocational education and training
UN	United Nations

1. What is the ASEAN Forum on Migrant Labour (AFML)?

The ASEAN Forum on Migrant Labour (AFML) is the only known migration forum in Asia that is carried out in a tripartite nature with additional involvement of civil society organizations (CSOs), known as tripartite-plus. It brings together key stakeholders in labour migration in the Association of Southeast Asian Nations (ASEAN), including the International Labour Organization's (ILO) tripartite constituents – government, employers' and workers' organizations – as well as the ASEAN Secretariat, civil society and international organizations. It gathers annually to discuss, share experiences, build consensus on the protection of migrant workers issues committed under the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration), and concludes in the adoption of Recommendations that bring life to the provisions of the Cebu Declaration.

1.1 AFML in the ASEAN normative and institutional frameworks

The AFML is a multi-stakeholder open forum held annually as part of the ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) Work Plan. It was institutionalized following the adoption of the Cebu Declaration in 2007.

The ASEAN is an intergovernmental organization established in 1967, which today comprises ten South-East Asian countries.¹ The ASEAN Member States (AMS) have committed to the

1 Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam



establishment of an ASEAN Community to support the development of an integrated, peaceful, and stable region. This community is founded on three pillars, namely: the ASEAN Political-Security Community, the ASEAN Economic Community, and the ASEAN Socio-Cultural Community (ASEAN, 2008).

Labour migration is integrated in the ASEAN institutional framework, and its importance is recognized in the three ASEAN Blueprints,² which guide the establishment of the ASEAN Community. The ASEAN Economic Community calls for freer flow of skilled labour, and the ASEAN Political-Security Community for closer cooperation of the sectoral bodies – while maintaining respective reporting lines – in order to expedite the ACMW’s work in developing an instrument to ensure the rights of migrant workers are well protected within the region, in accordance with the laws, regulations, and policies of respective ASEAN Member States. The ASEAN Socio-Cultural Community provides for the protection and promotion of the rights of migrant workers as well as other vulnerable groups.

The AMS committed to protect and promote the rights of migrant workers through the adoption of the Cebu Declaration in 2007. The following year, the ACMW was established to support the implementation of the Cebu Declaration. In line with advancing the principles contained in the Cebu Declaration, the ACMW Work Plan 2016-2020 includes four thematic areas: a) Governing mechanisms of labour mobility (e.g. recruitment, job placement, reintegration programme); b) Social protection of migrant workers in ASEAN; c) Protection and promotion of the rights of migrant workers; d) Labour dimension of trafficking in persons. The first thematic area on governing mechanisms of labour mobility references the AFML to be held on an annual basis (ASEAN, 2016).

In November 2017, the AMS took a significant step in their efforts to protect and promote the rights of migrant workers through the signing of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN Consensus). The ASEAN Consensus elaborates the rights of migrant workers and members of their families, and expands the obligations of ASEAN Member States, subject however to national laws. The implementation of the ASEAN Consensus will be guided by the Action Plan 2018-2025, which was adopted in November 2018.

2 ASEAN Economic Community Blueprint 2025; ASEAN Political-Security Community Blueprint 2025; and ASEAN Socio-Cultural Community Blueprint 2025.

1.2 Objectives of the AFML

The objectives of the AFML are threefold:

1. To share stakeholder experiences, challenges and good practices in the implementation of AFML Recommendations.
2. To examine in detail Articles of the Cebu Declaration that pertain to the obligations of both countries of origin and destination.
3. To draft and agree on new Recommendations arising from discussions of the thematic sessions.

1.3 Hosting of the AFML

The AFML is hosted each year by the ASEAN Member State that holds the Chair of the ASEAN and the ACMW that year, together with the ASEAN Secretariat, ILO's TRIANGLE in ASEAN programme with support from Australian Government Department of Foreign Affairs and Trade (DFAT) and Global Affairs Canada (GAC), International Organization for Migration (IOM), UN Women, and the Taskforce on ASEAN Migrant Workers (TFAMW). The Chair of the ASEAN rotates annually. The responsibilities of the Chair include convening the meeting of the AFML Coordination Committee, coordinating overall preparations, issuing invitations, and organizing and hosting the AFML.

1.4 Participants to the AFML

Participants to each AFML are key stakeholders from South-East Asia.

Governments: Twenty government representatives – two officials from each AMS coming from ministries and agencies responsible for migrant labour, not lower than Director in rank. The AMS chairing the AFML may invite additional representatives.

Employers: Ten representatives from national employers' organizations (one from each AMS), and regional organization of employers representatives (ACE) working on migrant labour in AMS, nominated by the ILO Bureau for Employers' Activities (ACT/EMP).

Workers: Ten representatives from national workers' organizations/trade unions (one from each AMS) and regional trade unions/organizations of workers representatives who are working on migrant labour in ASEAN, nominated by the ILO Bureau for Workers' Activities (ACTRAV).

CSOs: Ten representatives from national CSOs (one from each AMS), and up to three regional CSO representatives who are working on migrant labour issues or representative of migrant workers' groups based in ASEAN countries, nominated by the TFAMW.

Others: Additional representatives from the host state, as well as representatives from the ASEAN Secretariat, the ILO, IOM, UN Women, and the TFAMW. Selected resource persons and experts also attend AFMLs, upon invitation.

Observers: Observers may be invited to the AFML, though their request for observer status is determined by consensus after consultation with AMS.

1.5 Recommendations for each AFML

At each AFML meeting, participants agree and adopt a set of conclusions and action points embodied in an outcome document called "Recommendations" to promote and protect the rights of migrant workers in AMS, and facilitate the formulation of evidence-based migration policies. These conclusions and actions points are gender-sensitive and will be implemented in close cooperation among tripartite partners and CSOs, and applied to all migrant workers. The Recommendations are crafted by a drafting committee during the AFML meeting and is made up of representatives from government, workers' and employers' organizations, the ASEAN Secretariat, CSOs, ILO, IOM, TFAMW and UN Women. Recommendations are discussed, finalized, and adopted in a plenary session with all stakeholders attending the AFML. Recommendations from the 3rd to the 12th AFMLs can be found in Section 7 of this booklet.³

The AFML's thematic discussions across its past meetings have provided comprehensive Recommendations for AMS and social partners in the areas of information services; return and reintegration; promoting a positive image of migrant workers; regulation of recruitment; labour migration data collection, analysis, and sharing; complaints mechanisms, protection during employment, and coordination amongst stakeholders; promotion of occupational safety and health and improving compliance, cooperation, and effective labour inspection; extending social protection, including the portability of social security of migrant workers; and strengthening standards and their implementation for the protection of domestic workers. The progress made against these Recommendations in each country is reported on at the following year's Forum and is being tracked biannually by the ILO. For the summary of progress of implementation against the Recommendations from the 3rd to 10th AFMLs. (See Appendix I.)

3 There were no Recommendations made at the 1st and 2nd AFML, as these meetings served to set up and institutionalize the Forum.

Stakeholders also share their respective experiences and challenges of implementing previous Recommendations at national preparatory meetings ahead of the AFML. In addition, post-AFML meetings are held by different stakeholders to agree upon activities to implement the Recommendations made at the AFML. Further information about the preparatory and post-AFML meetings can be found in Sections 5 and 6 of this booklet.

1.6 TRIANGLE in ASEAN support to the AFML process

Each year, TRIANGLE in ASEAN supports the AFML process by hosting national tripartite-plus preparatory meetings in several AMS (see Section 4.1), convening regional meetings for employers' and workers' organizations in the run-up to the Forum (see 4.2), and developing background papers.

TRIANGLE in ASEAN develops a thematic background paper each year to inform discussions at the AFML.⁴ Progress review background papers have been developed every second year since 2012.⁵ The progress review papers consolidate and summarize the activities, experiences, good practices, and challenges of various stakeholders in implementing past AFML Recommendations. (See Appendix I for details.)

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- 4 See examples: ILO. 2018. *Towards achieving decent work for domestic workers in ASEAN: 10th ASEAN Forum on Migrant Labour (AFML) – Thematic background paper*; ILO. 2019. *Digitalization to promote decent work for migrant workers in ASEAN: 11th ASEAN Forum on Migrant Labour (AFML) – Thematic background paper*.
 - 5 ILO. 2019. *Progress of the implementation of recommendations adopted at the 3rd – 10th ASEAN Forums on Migrant Labour: Background paper to the 11th AFML*; ILO. 2017. *Progress of the implementation of recommendations adopted at the 3rd – 8th ASEAN Forums on Migrant Labour: Background paper to the 9th AFML*; ILO. 2015. *Progress of the implementation of Recommendations adopted at the 3rd – 6th ASEAN Forum on Migrant Labour meetings: Background paper to the 7th AFML*; ILO. 2013. *Background paper: Progress on the implementation of the recommendations adopted at the 3rd and 4th ASEAN Forum on Migrant Labour*.





2. AFML themes

Each AFML carries a theme and sub-themes, selected from the obligations of sending and receiving AMS as outlined in the Cebu Declaration, or other topics of mutual interest. The themes from the past AFML were as follows:

1st AFML	Institutionalization of the AFML
2nd AFML	ASEAN Declaration on Migrant Workers: Achieving its Commitment
3rd AFML	Enhancing Awareness and Information Services to Protect the Rights of Migrant Workers
4th AFML	Development of a Public Campaign to Promote Understanding, Rights and Dignity of Migrant Workers in Countries of Destination; Return and Reintegration and Development of Sustainable Alternatives in Countries of Origin Subthemes: <ol style="list-style-type: none">1) Promotion of positive image, rights and dignity of migrant workers.2) Promotion of strategies for effective return and reintegration, as well as sustainable alternatives for migrant workers.
5th AFML	The Protection and Promotion of the Rights of Migrant Workers: Towards Effective Recruitment Practices and Regulations
6th AFML	Enhancing Policy and Protection of Migrant Workers through Data Sharing, and Adequate Access to the Legal and Judicial System during employment, including Effective Complainants Mechanism Subthemes: <ol style="list-style-type: none">1) Enhancing policy and protection of migrant workers through data collection and sharing.2) Enhancing policy and protection of migrant workers through adequate access to the legal and judicial system during employment, including effective complaints mechanisms.
7th AFML	Enhancing Awareness and Information Services to Protect the Rights of Migrant Workers Subthemes: <ol style="list-style-type: none">1) Promotion of fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers.2) Coordination and role of key stakeholders to set up and implement policies and procedures to facilitate aspects of migration of workers, including recruitment, preparation, protection abroad, and return and reintegration.

8th AFML	<p>Empowering the ASEAN Community through Protection and Promotion of the Rights of Migrant Workers</p> <p>Subthemes:</p> <ol style="list-style-type: none"> 1) Occupational Health and Safety 2) Labour inspection
9th AFML	<p>Better Quality of Life for ASEAN Migrant Workers through Strengthened Social Protection</p> <p>Subthemes:</p> <ol style="list-style-type: none"> 1) Current situation of social protection of migrant workers in ASEAN. 2) Working towards the portability of social security of migrant workers in ASEAN.
10th AFML	<p>Towards Achieving Decent Work for Domestic Workers in ASEAN</p> <p>Subthemes:</p> <ol style="list-style-type: none"> 1) International and national standards for the protection of migrant domestic workers. 2) Implementation of policies and support services.
11th AFML	<p>Digitalisation to Promote Decent Work for Migrant Workers in ASEAN</p> <p>Subthemes:</p> <ol style="list-style-type: none"> 1) Digitalisation of migrant labour management 2) Digital services to migrant workers
12th AFML	<p>Future of work and migration</p> <p>Subthemes:</p> <ol style="list-style-type: none"> 1) Challenges on Sustainable, Equal and Fair Protection 2) Challenges on Migrant Worker Employability

3. AFML dates, venues, and hosts

AFML	Dates	Venue	Hosted by
1st AFML	24–25 Apr. 2008	Manila, the Philippines	Department of Labor and Employment, the Philippines
2nd AFML	30–31 July 2009	Bangkok, Thailand	The Ministry of Labour, Thailand
3rd AFML	19–20 July 2010	Ha Noi, Viet Nam	The Ministry of Labour, Invalids and Social Affairs (MOLISA), International Cooperation Department, Viet Nam
4th AFML	24–25 Oct. 2011	Bali, Indonesia	The Ministry of Manpower and Transmigration, Indonesia
5th AFML	9–10 Oct. 2012	Siem Reap, Cambodia	The Ministry of Labour and Vocational Training, Cambodia
6th AFML	26–27 Nov. 2013	Bandar Seri Begawan, Brunei Darussalam	The Department of Labour, Ministry of Home Affairs, Brunei Darussalam
7th AFML	20–21 Nov. 2014	Nay Pyi Taw, Myanmar	The Ministry of Labour, Employment and Social Security, Myanmar
8th AFML	26–27 Oct. 2015	Kuala Lumpur, Malaysia	The Ministry of Human Resources, Malaysia
9th AFML	9–10 Nov. 2016	Vientiane, Lao People's Democratic Republic	The Ministry of Labour and Social Welfare, Lao People's Democratic Republic
10th AFML	25–26 Oct. 2017	Manila, the Philippines	Department of Labor and Employment and the Philippine Overseas Employment Administration, the Philippines

11th AFML	29–30 Oct. 2018	Singapore	Ministry of Manpower, Singapore
12th AFML	25–26 Sep. 2019	Bangkok, Thailand	Ministry of Labour, Thailand



4. AFML preparatory process

4.1 National tripartite-plus preparatory meetings

National Tripartite-Plus Preparatory Meetings for the AFML have been held since 2012, upon the initiative of the governments of AMS. Participants to these meetings include: Government Ministries responsible for governing labour migration and the protection of migrant workers; national employers' and workers' organizations; civil society representatives, including the TFAMW; international organizations, including the ILO, IOM, and UN Women; and other stakeholders.

The national preparatory meetings are organized with the objective to:

1. take stock and share information on the progress of implementing AFML Recommendations at the national level;
2. discuss the upcoming AFML's theme and subthemes; and
3. adopt policy positions and recommendations for the upcoming AFML meeting.

Since 2012, national tripartite-plus preparatory meetings are supported and funded by the ILO's TRIANGLE in ASEAN programme as part of its desire to broaden the participation of stakeholders in the AFML process. Since 2017, preparatory meetings have been held in eight ASEAN Member States including Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Thailand and Viet Nam.

4.2. Preparatory meetings of workers' and employers' organizations

Since 2013, employers' and workers' organizations in ASEAN separately organize their Regional AFML Preparatory Meetings to define their policy positions on the themes of the upcoming AFML. The ASEAN Confederation of Employers (ACE) and the ASEAN Trade Union Council (ATUC), the regional organization of employers and workers in ASEAN, respectively, organize preparatory meetings in collaboration with the ILO.

Starting from the 5th AFML in Siem Reap, Cambodia in 2012, social partners hold separate post-AFML side meetings immediately following the conclusion of the AFML as and when deemed needed. With technical support from the ILO, both the ACE and ATUC discuss in said meetings how the Forum's Recommendations may be implemented by their sector. These meetings allow social partners to identify specific activities to prioritize and implement the Recommendations adopted in the AFML.

4.3. Meetings of Civil Society Organizations (CSOs)

The TFAMW leads ASEAN CSO engagement with the AFML by consulting with its national partners in each AMS. Preparatory meetings are usually held on the day before the AFML to draft a set of recommendations on that year's theme. In addition, CSOs also organize AFML preparatory meetings at national levels in selected countries. In addition to the post-AFML meeting convened immediately after the day of the AFML, a subregional consultation workshop is usually organized by the CSOs during the first quarter of each year to further discuss and strategize the implementation of the AFML Recommendations.



5. Recommendations of the 3rd–12th AFMLs

5.1 Recommendations of the 3rd ASEAN Forum on Migrant Labour

Enhancing Awareness and Information Services to Protect the Rights of Migrant Workers



19–20 July 2010



Ha Noi, Viet Nam

The 3rd ASEAN Forum on Migrant Labour was held on 19-20 July 2010 in Ha Noi, Viet Nam. There were more than 100 participants including representatives from the government, workers' and employers' organizations, and civil society organizations of nine ASEAN Member States, the ASEAN Secretariat, the International Labour Organization (ILO), the International Organization for Migration (IOM), the Task Force for ASEAN Migrant Workers (TF-AMW) and UNIFEM.

The purpose of the Forum was to provide an open platform for discussion and the exchange of views and ideas among stakeholders on labour migration issues, with specific attention to the theme of enhancing awareness and ensuring access to information for the protection of the rights of migrant workers.

To promote the implementation of the Declaration, the ASEAN Labour Ministers' decided to institutionalize the Forum as an annual meeting. The active participation of workers' and employers' organizations, recruitment agencies and civil society organizations is important to the establishment of a people-oriented ASEAN that reaches to all corners of society. The ASEAN Declaration on the Promotion and Protection of the Rights of Migrant Workers outlines sending and receiving countries' obligations, and joint obligations of ASEAN countries.

Indonesia as the Chair of the ASEAN in 2011, will host the 4th ASEAN Forum on Migrant Labour next year, and will bring together a broad group of stakeholders to continue efforts to implement the Declaration on the Promotion and Protection of the Rights of Migrant Workers.

Recommendations

Further to the Joint Communiqué of the 21st ASEAN Labour Ministers' Meeting on 24 May 2010, the 3rd ASEAN Forum on Migrant Labour put forward the following Recommendations

in support of the Implementation of the Declaration on the Protection and the Promotion of the Rights of Migrant Workers, and the ASEAN Labour Ministers' Work Programme (2010–2015):

Promotion and protection of the rights of migrant workers

1. Strengthen information and services to better protect women and men migrant workers and ensure decent and productive work in conditions of freedom, equity, security and human dignity. Provide opportunities for migrants to realize their labour rights in line with legislation of the ASEAN Member States, the ILO Fundamental Principles and Rights at Work, and their basic human rights protected by the UN and international Conventions, particularly CEDAW and CRC, and in the spirit of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

Information and services

2. Ensure that information services are more accessible to women and men migrants and reflect their specific and diverse needs. Pursue the use of varied delivery channels for pre-employment, pre-departure and on-site information, including schools and training institutions, migrant community representatives, the media and public information campaigns. Continually assess the quality and reach of information services for migrant workers and the capacity of service providers to meet these needs.
3. Provide accessible channels for women and men migrant workers to report and seek redress for violations of rights and terms and conditions of employment, and promote the implementation of the national legislation and international commitments.

The role of sending country representatives in receiving countries

4. Strengthen and raise the visibility of labour attachés and consular staff in collecting and providing information, and responding to rights violations against women and men migrant workers. This should be achieved through close engagement with the migrant community and employers, and in cooperation with authorities of the host countries.

Broad stakeholder cooperation

5. Actively engage and consult stakeholders from government, employers' and workers' organizations, and civil society organizations in developing and implementing information campaigns and services for women and men migrant workers at all stages of the migration cycle.

Partnerships of ASEAN, stakeholders and international organizations

6. The ASEAN Secretariat, national and regional stakeholders and international organizations should facilitate the sharing of good practices in the provision of information and services, promote the development and use of user-friendly information materials between and among ASEAN states and increase migrant workers' ease of access to and understanding of publicly available information on laws, guidelines and other information materials produced by governments of sending and receiving states. The ASEAN Member States, the ASEAN Secretariat, stakeholders, the UN and international organizations should continue to cooperate in providing opportunities for capacity building and confidence building of stakeholders at national and regional levels.



5.2 Recommendations of the 4th ASEAN Forum on Migrant Labour

Development of a public campaign to promote understanding, rights and dignity of migrant workers in countries of destination; Return and reintegration and development of sustainable alternatives in countries of origin



24–25 October 2011



Bali, Indonesia

The 4th ASEAN Forum on Migrant Labour was held on 24 to 25 October 2011 in Bali, Indonesia. Representatives of the governments, employers' and workers' organisations, and civil society organisations of ASEAN Member States, the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), UN Women, and the Task Force on ASEAN Migrant Workers (TFAMW) participated in the Forum.

The Forum provided a platform for information sharing and exchange of views on two enduring challenges identified in the ASEAN Declaration of the Protection and Promotion of the Rights of Migrant Workers, i.e., promoting understanding, rights and dignity of migrant workers in the receiving countries, and increasing return and reintegration support, as well as development of sustainable alternatives for migrant workers in the sending countries. Towards this end, the Forum also reviewed the implementation of the Recommendations of the 3rd ASEAN Forum on Migrant Labour held on 19-20 July 2010 in Ha Noi, Viet Nam.

The 4th ASEAN Forum on Migrant Labour was convened as an implementation of the ASEAN Labour Ministers' Work Programme 2010--2015 and the ASEAN Socio-Cultural Community (ASCC) Blueprint (Action Line C.2.ii) which called for a regular ASEAN Forum on Migrant Labour as a platform for broad-based discussions on migrant labour issues under the auspices of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) which reports to the ASEAN Senior Labour Officials Meeting (SLOM).

The participants agreed to recommend concerted actions to promote and protect the rights of migrant workers in the sending, transit, and receiving countries, which shall be gender sensitive, implemented in close cooperation among tripartite partners and civil society organisations, and applied to all migrant workers, as follows:

(a) Promotion of positive image, rights and dignity of migrant workers

1. Deliver comprehensive pre-departure education in sending countries, not only about culture and social norms, but also working and living conditions, reality of migration including financial implication, laws and procedures, rights of migrant workers, among others;

2. Conduct post-arrival orientation programmes in receiving countries, performed by the government, employers, trade unions, civil society, that adopts a rights based approach in orientating both migrant workers, employers and government – to understand what their rights and responsibilities are;
3. Raise awareness and build capacity of public and private recruitment agencies, local authorities and all stakeholders in sending and receiving countries in the delivery and monitoring of recruitment and placement services, and different forms of direct hiring of migrant workers to ensure greater protection of migrant workers' rights;
4. Collect and disseminate factual information through the media and other channels on the contributions of migrant workers to the economy and society in host countries (e.g. individual stories, economic and employment data, statistics on social impact) with the long term objective of promoting a positive image of migrant workers;
5. Carry out joint efforts in ASEAN Member States to present a positive image of migrant workers with various stakeholders e.g. migrant workers and their associations, academia, youth and student groups, tripartite parties, by using various means such as TV, commercials, exhibitions, radio talk shows, cultural performances, and the commemoration of International Migrants Day;

(b) Promotion of strategies for effective return and reintegration, as well as sustainable alternatives for migrant workers

6. Undertake a regional study on the programmes of skills trainings, pre-departure and post-arrival orientations, and return and/or reintegration support offered by ASEAN Member States;
7. Improve the availability of employment services to the returned migrant workers, including voluntary psychosocial counselling (before and upon return), gender sensitive reintegration, access to resources, and legal aid. Such services should also include information, advice, training, loans, placement, health, and interpretation/translation service. These services should be made available/extended to the family members of migrant workers left behind;
8. Provide incentives to the returned migrant workers, e.g. the absence of penalty for the irregular migrants, tax exemption of import duties for tools and equipment to be used by migrant workers;
9. Ensure as much as possible that mass/group deportation will not take place;
10. In case of mass returns of migrant workers in emergencies, contingency plans should be prepared at company and embassy levels with the participation of migrant workers. For this purpose, assistance/contingency funds which cover

repatriation costs need to be set up at national level. Formulation of national disaster preparedness plans shall be in consultation with and with the participation of migrant workers and migrant organisations;

11. Ensure that sustainable economic reintegration policies and strategies are evidence-based, market demand/need based and gender sensitive;
12. Ensure that return and repatriation programmes are effective, sustainable, and rights based, and with the involvement of tripartite partners and civil society organisations;
13. Encourage a speedy development of an ASEAN instrument on the protection and promotion of the rights of migrant workers that includes the family members of all migrant workers in its coverage. The instrument shall comply with the international human rights and labour standards and be legally binding;
14. Set up of ASEAN Guidelines on Effective Return and Reintegration;
15. Develop bilateral and multilateral agreements for portability of the social security benefits and better implementation of existing schemes;
16. Provide access to legal support and essential services, including consular services, for migrant workers and members of their families;
17. Recommend the following specific responsibilities and roles with respect to return and reintegration and sustainable alternatives for migrant workers:

(a) Responsibilities of sending countries:

- Policies and strategies should be established to look after the return of migrant workers, e.g. "State Policy on the Reintegration of Migrant Workers";
- Provide comprehensive training to migrant workers for preparation before return as a part of pre-departure orientation; and
- Follow up/monitoring system of the returnees, particularly on their livelihood and reintegration.

(b) Responsibilities of receiving countries:

- Prior to the return of migrant workers, receiving countries should have specific programmes for the returnee, e.g. training and introduction of entrepreneurship to migrant workers who are interested, counselling, among others;
- Provision of proof of employment by the employers; and
- Ensure that migrant workers receive decent wage and no unlawful wage deduction, decent and safe working condition and workplace environment, and compliance with international human rights and labour standards.

The participants agreed that the progress of implementation of these recommendations will be reported to the 5th ASEAN Forum on Migrant Labour in 2012. For this purpose, the tripartite partners and civil society organisations from each ASEAN Member State should make preparation for the reporting prior to the Forum.

The participants extended their appreciation to the Government of Indonesia for the excellent arrangements of the Forum and warm hospitality accorded to them.

The participants also congratulated the Government of Cambodia for its role as the incoming ASEAN Chair for 2012 and host of the 5th ASEAN Forum on Migrant Labour in 2012.



5.3 Recommendations of the 5th ASEAN Forum on Migrant Labour

The Protection and Promotion of the Rights of Migrant Workers: Towards Effective Recruitment Practices and Regulations



9–10 October 2012



Siem Reap, Cambodia

The 5th ASEAN Forum on Migrant Labour which carried the theme “Protection and Promotion of the Rights of Migrant Workers: Towards Effective Recruitment Practices and Regulations” was held from 9 to 10 October 2012 in Siem Reap, Cambodia. Representatives of the governments, employers’ organisations, workers’ organisations, and civil society organisations from ASEAN Member States, the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), and the Task Force for ASEAN Migrant Workers (TFAMW) participated in the Forum.

The 5th ASEAN Forum on Migrant Labour was convened as an implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, ASEAN Labour Ministers’ Work Programme 2010--2015 and ASEAN Socio-Cultural Community (ASCC) Blueprint (Action Line C.2.ii) which called for a regular ASEAN Forum on Migrant Labour as a platform for broad-based discussions on migrant labour issues under the auspices of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) which reports to the ASEAN Senior Labour Officials Meeting (SLOM).

The participants agreed to recommend concrete actions to promote and protect the rights of migrant workers in ASEAN Member States towards effective recruitment practices and regulations, which shall be in line with international instruments that have been ratified by ASEAN Member States, rights based and gender responsive, implemented in close cooperation among tripartite partners and civil society organisations, and applied to all migrant workers, as follows:

(a) Promote universal human rights and fundamental principles and rights at work

1. Adhere to the following principles in promoting and protecting the rights of migrant workers:
 - Universal human rights and fundamental principles and rights at work must continue to apply to migrant workers;
 - Transparency, accountability and affordability should be practiced throughout the entire cycle of migration process;

- Vulnerability issues of migrant workers in the entire cycle of migration process should be addressed comprehensively through wide coverage of labour and social laws in all types of employment including those in vulnerable sectors;
- Migration policies, strategies and practices should be made gender responsive and cater to the specific needs of female migrant workers especially in vulnerable sectors of labour;
- Mainstreaming of migration and migrant worker issues in community level activities, especially those in the rural areas, of poverty alleviation, women's empowerment and development plans and programmes in ASEAN Member States;

(b) Promote transparency, accountability and affordability

2. Develop transparent, standardized and simplified recruitment procedures and set ceiling costs, including those that should be covered by employers and job seekers, with regard to recruitment and emigration costs in ASEAN Member States that should be widely disseminated to the public, especially those in the rural areas, with the participation of recruitment agencies and other stakeholders, which would promote the use of regular channels by migrant workers;
3. Promote close coordination and dialogues of the Ministry of Labour/Manpower with other relevant line agencies towards coherent procedures, clearances and processes with the view to simplifying and streamlining these to reduce time and costs to migrant workers;
4. Regulation of recruitment procedures and costs and streamlining of emigration procedures should be considered as part of bilateral agreements between sending and receiving countries which should be publicized to and accessible by the public, recruitment agencies and other stakeholders;
5. Encourage the ratification of the ILO Private Employment Agencies Convention, 1997 (No.181) and ILO Domestic Work Convention, 2011 (No. 189) and alignment of national labour laws and legislations with international instruments by all ASEAN Member States;
6. Initiate a regional compendium of existing good practices of measures among ASEAN Member States to reduce recruitment costs and implement effective recruitment and emigration procedures and monitoring;
7. Sharing existing sex-disaggregated data and information on labour migration, job availabilities and employment conditions in accordance with the labour laws of ASEAN Member States that are useful to facilitate effective deployment of migrant workers;

(c) Promote information sharing and awareness of the public

8. Ensure availability of information to the public on recruitment and emigration procedures and costs (such as fees, visa, passport, work permit, health examination, and pre-departure and post-arrival trainings/orientation) as well as the costs that should be shouldered by migrant workers and recruitment agencies in order to raise the awareness of potential migrant workers and communities, especially those in the rural areas and among women;
9. Ensure that information of recruitment and emigration procedures and costs is regularly updated and widely disseminated to and accessible by the public through the appropriate media (such as TV, radio, newspapers, mobile phones, and internet) and with the involvement of returned migrant workers, tripartite partners and civil society;
10. Develop affordable “one-stop-centre” services, such as online portal, in sending countries that are widely informed to and accessible by migrant workers;
11. Abolish intermediaries in recruitment practices other than registered/licensed recruitment agencies in ASEAN Member States which would contribute to the affordability of recruitment costs and elimination of malpractices;
12. Disseminate information to the public on various recruitment options that are available in the country (such as private and public recruitment agencies, direct recruitment where applicable, and list of registered/licensed recruitment agencies);

(d) Promote effective monitoring and complaint mechanisms

13. Regulate recruitment agencies and practices by laws, regulations and policies that clearly define the migration cost structures in ASEAN Member States;
14. Effectively monitor recruitment agencies and practices in ASEAN Member States with clear mechanisms, heavy penalties for infringements and positive ratings for ethical recruitment agencies. In this regard, communities, tripartite partners, civil society and other stakeholders should be involved towards effective monitoring;
15. Develop and implement a licensing system of recruitment agencies and, where applicable, an accreditation system of foreign employers of direct recruitment agencies to effectively monitor their practices in ASEAN Member States;
16. Enhance the functions of labour attaches and consular officials in ASEAN Member States to verify information of job offers and employment contracts, as feasible, in receiving countries;

17. Establish effective complaint mechanisms in ASEAN Member States that should be widely disseminated to and accessible by migrant workers with legal aid and assistance;

(e) Promote meaningful involvement of multi-stakeholders

18. Promote meaningful involvement of and partnerships with tripartite partners, the private sector (such as transport companies medical clinics, and commercial banks), civil society and communities at national and regional levels towards reducing recruitment costs and in monitoring recruitment agencies and practices;
19. Optimize the potential and role of returning migrant workers in information sharing with the communities on gender differential migration experiences, recruitment costs, agencies and practices, and emigration procedures;
20. Encourage the recognition of the skills of migrant workers through certification/ testimonial of employment, including employment history, experiences, skills and language, by employers and other entities where applicable;
21. Encourage continuous discussions on specific issues of reducing recruitment costs and streamlining emigration procedures at all levels where possible with the involvement of governments, tripartite partners and civil society and with the ASEAN Inter-Parliamentary Assembly (AIPA).

The participants agreed that the progress and challenges of implementation of these and previous recommendations will be shared by ASEAN Member States at the 6th ASEAN Forum on Migrant Labour in 2013. For this purpose, each ASEAN Member State should make preparation with the involvement of tripartite partners and civil society for the information sharing prior to the Forum. The process and outcomes of the ASEAN Forum on Migrant Labour could be shared with other partners outside the region.

The participants extended their appreciation to the Government of Cambodia, particularly the Ministry of Labour and Vocational Training, for the excellent arrangements of the Forum and warm hospitality accorded to them.

The participants also congratulated the Government of Brunei Darussalam for its role as the incoming ASEAN Chair for 2013 and host of the 6th ASEAN Forum on Migrant Labour in 2013.

5.4 Recommendations of the 6th ASEAN Forum on Migrant Labour

Enhancing Policy and Protection of Migrant Workers through Data Sharing, and Adequate Access to the Legal and Judicial System during employment, including Effective Complainants Mechanism



26–27 November 2013



Bandar Seri Begawan, Brunei Darussalam

The 6th ASEAN Forum on Migrant Labour which carried the theme “Enhancing Policy and Protection of Migrant Workers Through Data Sharing, and Adequate Access to the Legal and Judicial System During Employment, Including Effective Complaints Mechanisms” was held from 26 to 27 November 2013 in Bandar Seri Begawan, Brunei Darussalam. Representatives of the governments, employers’ organisations, workers’ organisations, and civil society organisations from ASEAN Member States, the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), and the Task Force for ASEAN Migrant Workers (TFAMW) participated in the Forum.

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

The participants recommended concrete actions to promote and protect the rights of migrant workers in ASEAN Member States, facilitate the formulation of evidence-based migration policies through labour migration data sharing and adequate complaint mechanisms and grievance handling mechanisms, as follows:

- (a) Facilitate data collection, analysis and sharing concerning migrant workers in both countries of origin and destination

The Forum recognises that knowledge and information are critical to formulate, implement and evaluate labour migration policy and practice, and therefore its collection and application should be given priority, with the objective to enhance the protection of migrant workers. The process of data sharing should be done within the context of national legislations and in a transparent manner that protects this data and ensures respect for workers privacy.

1. Encourage development and strengthening of inter-agency collaboration efforts, including the designation of a lead agency, to collect, analyse, share and harmonise labour migration data at the national level;
2. A regional and updated database on labour migration is called for ASEAN Member States, social partners and CSOs recognise the importance of sharing labour migration data and support the development of a labour migration database to be piloted in ASEAN with the technical and financial assistance, including capacity building, of international and other organisations;
3. Consider developing an ASEAN Framework on Labour Migration Statistics with common definitions to ensure the comparability of data within ASEAN;
4. Promote regular exchange and updating of labour market information, analysis of trends and patterns;
5. With reference to the Technical Meeting on ASEAN International Labour Migration Statistics Database organised by the ILO on 4 November 2013 in Bangkok, Thailand, the Forum supports the initiative for setting up a Working Group on International Labour Migration Statistics, which should meet on a regular basis;
6. Endeavour to have a regular exchange of labour migration data between countries of destination and origin to ensure coherence of such data;
7. Consider the following data sets, among others, for the collection, analysis, and sharing to include:
 - Inflows, outflows and stocks of migrant workers, disaggregated, where possible, by sex, country of origin, age, level of qualification, industry, occupation
 - Data on remittances
 - Information on recruitment channels, licensed agencies, fees and costs
 - Labour market information, including available and in-demand jobs and skills
 - Data on occupational safety and health
 - Data on salaries and benefits of migrant workers
 - Data on returning migrants
 - Bilateral labour migration flows in ASEAN (to monitor implementation of AEC)
 - Data on the families of migrant workers in the countries of origin and destination
 - Nature and incidence of complaints filed
 - Data on irregular migrants and trafficking of persons, where possible;
8. Develop guidelines and a compendium of good practices on data collection, analysis and sharing (based on the experiences of ASEAN Member States, social partners, and CSOs).

(b) Promote effective complaint mechanisms and grievance handling mechanisms

The Forum recognised the importance of and access to effective complaint mechanisms by migrant workers in countries of origin and destination in order to promote and protect the rights of migrant workers in line with international human rights and labour standards.

For better access to complaint mechanisms, where appropriate, family members may file a report or complaint on behalf of migrant workers.

9. Develop and strengthen the existing complaint mechanisms for migrant workers in ASEAN Member States that are transparent, accessible and simplified during recruitment, employment and in case of termination and deportation. In this regard, it is important to ensure that the integrity of complaints be carefully examined;
10. Ensure that complaint mechanisms are gender sensitive and responsive to the vulnerability of migrant workers;
11. Support the development of “one-stop” service centre for migrant workers that among others, facilitate access to complaint mechanisms and assistance, including interpretation and free legal counseling/referral, in collaboration with all stakeholders including migrant communities, workers’ and employers’ organisations, and CSOs to ensure that the service are accessible to migrant workers;
12. Ensure that information of the availability of such service centres and complaint mechanisms is disseminated to migrant workers and their families through appropriate communication channels, such as, electronic and print media, migrant worker resource centres, information outreach programmes, pre-departure trainings, pre-employment orientation seminar, and diplomatic missions;
13. Ensure and strengthen the roles of labour attaches, embassies, and consular officials to include support services on availing of complaint mechanisms for migrant workers;
14. Dispute resolutions, mediation, and other alternative dispute settlement mechanisms should be fully explored before administrative or judicial litigation processes;
15. Ensure timely notification and communication between the countries of destination and origin on judicial cases of migrant workers and extend cooperation to provide access to migrant workers to file cases for violation of rights in the country that the violation took place;
16. Promote inter-country trade unions collaboration to support migrant workers in case of complaints;

17. Ensure, where possible, the joint accountability of employers and recruitment agencies in case of migrant workers' complaints when the recruitment agencies are responsible for recruiting and placing workers abroad;
18. Ensure adequate arrangements in case of return and repatriation to be shouldered by the employers;
19. Promote sharing of experiences and information among ASEAN Member States in implementing their respective complaint mechanisms through stock taking of the processes in handling grievances of migrant workers;
20. Consider developing regional guidelines and tools on the establishment of key aspects and standards of complaint mechanisms for migrant workers.

The participants agreed that the progress and challenges of implementation of these and previous recommendations will be shared by ASEAN Member States at the 7th ASEAN Forum on Migrant Labour in 2014. For this purpose, each ASEAN Member State should make preparation with the involvement of tripartite partners and civil society for the information sharing prior to the Forum. The process and outcomes of the ASEAN Forum on Migrant Labour could be shared with other partners outside the region.

The participants extended their appreciation to the Government of Brunei Darussalam, particularly the Department of Labour, Ministry of Home Affairs for the excellent arrangements of the Forum and warm hospitality accorded to them.

The participants also congratulated the Government Myanmar for its role as the incoming ASEAN Chair for 2014 and host of the 7th ASEAN Forum on Migrant Labour in 2014.



5.5 Recommendations of the 7th ASEAN Forum on Migrant Labour

Towards the ASEAN Community by 2015 with enhanced measures to protect and promote the rights of migrant workers



20–21 November 2014



Nay Pyi Taw, Myanmar

The 7th ASEAN Forum on Migrant Labour which carried the theme “Towards the ASEAN Community by 2015 with enhanced measures to protect and promote the rights of migrant workers” was held 20-21 November 2014 in Nay Pyi Taw, Myanmar. Representatives of the governments, employers’ organisations, workers’ organisations, and civil society organisations from ASEAN Member States, the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), UN Women, ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), ASEAN Services Employees Trade Union Council (ASETUC), and the Task Force for ASEAN Migrant Workers (TFAMW) participated in the Forum.

The 7th ASEAN Forum on Migrant Labour was convened as an implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, ASEAN Labour Ministers’ Work Programme 2010-2015, and ASEAN Socio-Cultural Community (ASCC) Blueprint (Action Line C.2.ii) which called for a regular ASEAN Forum on Migrant Labour as a platform for broad-based discussions on migrant labour issues under the auspices of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) which reports to the ASEAN Senior Labour Officials Meeting (SLOM).

Guided by the relevant international labour standards, the participants agreed to recommend the following concrete measures to promote and protect the rights and address the specific vulnerabilities of men and women migrant workers in the region particularly in relation to fulfillment of the commitments of ASEAN Member States in Article 8 and 13 of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers:

Promotion of fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers:

1. Employment contracts should be standardized by the national labour laws, based on core labour standards and in line with Article 22 of the ILC’s Migration for Employment Recommendation (No. 86, 1949);

2. Standard employment contracts should stipulate clear terms and conditions of employment, rights and responsibilities of men and women workers and employers, including in vulnerable and hard-to-reach sectors such as fishing, domestic work and construction work, and grievance mechanisms including contact information and legal systems to file complaints. Employment contracts should be written in language understood by migrant workers, and signed by employers and workers prior to departure. Copies of employment contracts should be provided to migrant workers;
3. ASEAN guidelines/framework of standard employment contracts should be developed with inputs from the countries of origin and destination, social partners, CSOs and migrant workers associations and by taking into account the prevailing national labour laws of ASEAN Member States;
4. Substitution of employment contracts and issuance of sub-standard employment contracts should be eliminated. Non-compliance by employers should be duly penalized and recorded in the databases of ASEAN Member States in accordance with the national laws and regulations. Where employment contracts are issued by a third party, as permitted by laws, they should be closely monitored to ensure meeting the required standards;
5. Governments should take and enhance measures and allocate resources to protect and promote the rights of migrant workers including regularly conduct labour inspection, including in vulnerable and hard-to-reach sectors and workplaces (e.g. fishing, mining, forestry, agriculture, and domestic work), training for labour inspectors and set up multi-sectoral joint task forces for labour inspection. The ILO Convention No. 189 and its accompanying Recommendation No. 201 provide guidance on labour inspection for domestic workers;
6. Occupational safety and health (OSH) should be improved through OSH trainings and provision of personal protective equipments, where applicable, by employers at the worksite upon arrival of migrant workers and on a regular basis thereafter, as well as availability of disaggregated OSH data and analysis;
7. One-stop services and migrants resource centres should be set up in all ASEAN Member States and integrated at local, national and regional levels to ensure better protection mechanisms for men and women migrant workers. In this regard, hotline numbers should be attended 24 hours, available in languages understood by migrant workers, and should provide referral systems to other services required by migrant workers. Migrants resource centres operated by the governments, employers' organisations, workers' organisations and civil society organisations should provide support services and on-site protection for migrant workers and be well coordinated among all stakeholders;

8. Referral systems between countries of origin and destination should be set up and function well and assistance of the embassies should be provided to ensure compensations and benefits are duly paid to migrant workers in a timely manner, even after returning to their countries of origin, including health care and treatment for long-term effects of occupational injuries and diseases. A regional study be undertaken with all stakeholders to explore challenges and policy gaps of reintegrating migrant workers with disabilities upon their return to their countries of origin;
9. Labour attachés should be well trained and adequately supported to provide effective on-site protection. Gender balance amongst labour attachés should be by and large proportionate to the composition of male and female migrant workers.
10. Recruitment agencies should be capacitated, where relevant, in securing better package of remunerations and benefits of migrant workers including minimizing or eliminating fees to be charged to migrant workers;
11. Measures should be taken to facilitate access of men and women migrant workers into trade unions and associations, particularly those in sectors where workers are not organized.
12. Workers filing complaints should be given support to stay within the country of destination while complaints are being processed. In this regard, migrant workers and migrant workers' representatives should be provided with appropriate and timely assistance including protection from employers' reprisal while filing complaints.

Set up policies and procedures to facilitate aspects of migration of workers, including recruitment, preparation for deployment overseas, protection of the migrant workers when abroad, and repatriation and reintegration to the countries of origin:

13. Employers' and workers' organizations in close cooperation with civil society organizations should be engaged through institutionalized dialogues in the development, implementation, amendment, and/or monitoring of gender responsive labour migration policies and programmes in ASEAN Member States.;
14. National legislations, policies, rules and regulations concerning employment and labour migration should be accessible and well informed to men and women migrant workers, workers' organisations, employers' organisations, and other stakeholders. In particular, immigration information and visa application procedure should be widely disseminated to migrant workers with the support of Labour Attachés and Embassies;

15. Recruitment policies and procedures should be streamlined and well informed to migrant workers and stakeholders, including through one-stop services and migrants resource centres at national and local levels;
16. The pre-employment, pre-departure and post-arrival orientation programmes should be conducted, mandatory and free of charge for all men and women migrant workers, involve stakeholders, and the quality of curriculum should continuously be improved and include cultural orientation and rights and obligations of men and women migrant workers and employers;
17. Briefings for and assistance to the families of migrant workers should be provided to enable them in coping with the challenges of overseas employment;
18. Support programmes, including job counselling, market-oriented skills development and/or entrepreneurship training, should be provided for returning migrant workers, and documentation of acquired competencies and experiences provided by employers should be introduced where feasible to support better career opportunities of men and women migrant workers in their countries of origin;
19. Cooperation between the countries of origin and destination in providing assistance to migrant workers with health concerns should be strengthened in order to ensure access to treatment and relevant social welfare services;
20. Workers' organisations in ASEAN Member States should strengthen their cooperation for effective protection mechanisms for migrant workers;

The participants extended their appreciation to the Government of the Republic of the Union of Myanmar, particularly the Ministry of Labour, Employment and Social Security, for the excellent arrangements of the Forum and warm hospitality accorded to them.

The participants also congratulated the Government of Malaysia for its role as the incoming ASEAN Chair in 2015 and expressed appreciation of its confirmation to host of the 8th ASEAN Forum on Migrant Labour next year.



5.6 Recommendations of the 8th ASEAN Forum on Migrant Labour

Empowering the ASEAN Community through Protection and Promotion of the Rights of Migrant Workers



26–27 October 2015



Kuala Lumpur, Malaysia

The 8th ASEAN Forum on Migrant Labour which carried the theme “Empowering the ASEAN Community through Protection and Promotion of the Rights of Migrant Workers” was held on 26-27 October 2015 in Kuala Lumpur, Malaysia. Representatives of the governments, employers’ organisations, workers’ organisations, and civil society organisations from ASEAN Member States, the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), ASEAN Services Employees Trade Union Council (ASETUC), and the Task Force for ASEAN Migrant Workers (TFAMW) participated in the Forum. A representative of the Government of Canada was present as an observer.

The 8th ASEAN Forum on Migrant Labour was convened as part of the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, ASEAN Labour Ministers’ Work Programme 2010-2015, and ASEAN Socio-Cultural Community (ASCC) Blueprint (Action Line C.2.ii) which called for a regular ASEAN Forum on Migrant Labour as a platform for broad-based discussions on migrant labour issues under the auspices of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) which reports to the ASEAN Senior Labour Officials Meeting (SLOM).

The participants shared information and exchanged views on issues concerning occupational safety and health of migrant workers in the workplace and labour inspection in ensuring labour law compliance especially in migrant-reliant, hazardous, and hard-to-reach sectors. The progress of implementation of the Recommendations of the previous ASEAN Forums on Migrant Labour was also shared.

The participants agreed to recommend the following actions to promote and protect the rights of migrant workers to occupational safety and health (OSH) particularly in relation to fulfillment of the commitments of ASEAN Member States in the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, and in line with standards and policy guidance, where relevant to ASEAN Member States, provided by the ILO Conventions No. 81 (labour inspection), 129 (labour inspection, agriculture), 155 (OSH), 187 (promotional framework for OSH), 161 (occupational health services), 121 (employment injury benefits), 19 (equality of treatment, workplace accident compensation), and other OSH-related Conventions, as well as guided by the World Health Assembly Resolution on Workers’

Health: Global Plan of Action (WHA 60.26, 2007), World Health Assembly Resolution on Health of Migrants (WHA 61.17, 2008), and all other relevant international codes/ norms:

Promotion of occupational safety and health awareness among employers and migrant workers in the Sending and Receiving States:

1. Integrate and/or strengthen OSH training and materials in pre-employment, pre-departure and post-arrival orientation programmes which should be contextual to occupational areas, compulsory, comprehensive, available in languages understandable to employers and migrant workers, free of charge for migrant workers as far as possible, and provided in a timely manner;
2. Develop OSH guidelines, including on access to employment injury benefits, which should be available in languages understandable to employers and migrant workers, and ensure implementation by employers;
3. Promote OSH prevention culture in the workplace through continuous improvement on OSH trainings and equipment, provision of OSH guidelines; information materials and instructions in languages understandable to employers and migrant workers; sensitivity to women workers' needs; positive encouragement through awards to employers with inclusive OSH programmes; awareness raising through conventional and social media and other means by civil society, trade unions, and employers' organisations; and promotion of hotline number to migrant workers;
4. Strengthen OSH policy implementation through awareness-raising on OSH among stakeholders, including governments, employers and workers, and clear actions taken for non-compliance by employers including on the provision of OSH training and measures to minimise OSH risks, statutory working hours, working environment and employment conditions and, where applicable, accommodation for migrant workers;

Role of stakeholders to improve compliance with OSH and employment conditions legislations and ensure effective labour inspection:

5. Encourage the formation of an OSH committee and/or management system at enterprise level with the involvement of migrant workers or trade union;
6. Strengthen OSH policy implementation by the labour department in coordination with other relevant government agencies (health and foreign affairs) and stakeholders (embassies/labour attaché, trade unions, employers' organisations, overseas placement agencies, civil society organisations) within and across ASEAN Member States;
7. Raise awareness of migrant workers on the role and purpose of labour inspection through information in languages understandable to migrant workers to ease their fear of reporting or making complaints, and provide contact information in relevant

government departments and embassies;

8. Strengthen labour inspection for decent employment and working conditions and OSH through capacity building and enhanced number of labour inspectors including women labour inspectors, setting up gender responsive and multidisciplinary teams for labour inspection, adequate resources for periodic inspections to vulnerable and hard-to-reach sectors and workplaces (e.g. fishing, mining, forestry, agriculture, and domestic work); and cooperation with employers' organisations, trade unions, civil society organisations and other relevant entities in hard-to-reach sectors;
9. Strengthen the role of labour attaché by providing them with OSH trainings, and promoting their gender responsiveness, access to information, referral systems with the labour inspection and relevant authorities of the Receiving States, and regular dialogue platforms with migrant workers (face-to-face or online);

Cooperation between the Sending and Receiving States to improve compliance with OSH and employment conditions legislations and ensure effective labour inspection:

10. Strengthen complaint mechanisms on OSH and employment conditions violation to include improved accessibility of the mechanisms, speedy settlement process, confidentiality of the source of information, protection from employers' reprisal, support to stay and, where applicable, work in the Receiving States while complaints are being processed, and investigation without the presence of employers, in language understandable to migrant workers, and preferably by women labour inspectors in cases of women migrant workers;
11. Ensure the inclusion of OSH, employment conditions and, where possible, roles of labour inspection and labour attaché in bilateral and multilateral memorandum of understanding (MOU) concerning migrant workers to promote OSH preventive measures and to ensure legal protection of migrant workers in time of OSH and employment conditions violation;
12. Improve collection and sharing, where available, on disaggregated statistical data on OSH related injuries, diseases and casualties (e.g. occupational areas, types of injury, country of origin, age and gender), share best practices, and undertake research on causes of injuries and casualties for improved OSH policies, training, and enforcement;
13. Improve data collection on reported cases on non-compliance with employment standards such as contract substitution and non-payment of salaries. Efforts should be made for timely access to information on the progress of complaints filed;

14. Encourage non-discrimination on access to healthcare and provision of workers' compensation for occupational injuries, diseases, disabilities and casualties irrespective of occupational areas, nationality and status of migrant workers;
15. Improve mechanisms of claiming and payment of workers' compensation benefits in a timely manner, even after returning to their countries of origin, through effective procedure to verify the beneficiaries; assistance of embassies/ labour attaché, trade unions and civil society organisations; and provision of clear information on OSH protection, workers' compensation, and the beneficiaries, for example through an employment contract.

The participants extended their appreciation to the Government of the Malaysia, particularly the Ministry of Human Resources, for the excellent arrangements of the Forum and warm hospitality accorded to them, and the support of the ASEAN Secretariat, ILO, IOM, UN Women, and TFAMW;

The participants also congratulated the Government of Lao PDR for its role as the incoming ASEAN Chair in 2016 and expressed appreciation of its confirmation to host of the 9th ASEAN Forum on Migrant Labour next year.



5.7 Recommendations of the 9th ASEAN Forum on Migrant Labour

Better Quality of Life for ASEAN Migrant Workers through Strengthened Social Protection



9–10 November 2016



Vientiane, Lao People's Democratic Republic

The 9th ASEAN Forum on Migrant Labour on the theme “Better Quality of Life for ASEAN Migrant Workers through Strengthened Social Protection” was held on 9-10 November 2016 in Vientiane, Lao PDR. Representatives of the governments, employers’ organisations, workers’ organisations, and civil society organisations from ASEAN Member States, the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), ASEAN Services Employees Trade Union Council (ASETUC), and the Task Force for ASEAN Migrant Workers (TFAMW) participated in the Forum. Representatives of the Government of Australia, the Government of Canada and the Government of Switzerland were present as observers.

The 9th ASEAN Forum on Migrant Labour was convened as part of the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, ASEAN Labour Ministers Work Programme 2016-2020 and the Work Plan 2016-2020 of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). The annual ASEAN Forum on Migrant Labour is a platform for a broad-based discussion on migrant labour issues under the auspices of ACMW which reports to the ASEAN Senior Labour Officials Meeting (SLOM).

The participants shared information and exchanged views on issues concerning the current situation of social protection of migrant workers in ASEAN and portability of social security of migrant workers in ASEAN. The progress of implementation of Recommendations of the previous ASEAN Forum on Migrant Labour was also shared.

The participants acknowledged that everyone, including migrant workers are entitled to have equitable access to social protection that is a basic human right. The participants also acknowledged the joint commitments of ASEAN Member States to the ASEAN Human Rights Declaration, ASEAN Declaration on Strengthening Social Protection and its Regional Framework and Action Plan, and ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The participants also noted the commitments of individual ASEAN Member States to the Universal Declaration of Human Rights; and other related and relevant international instruments including ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), ILO Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), and ILO Social Protection Floors Recommendation, 2012 (No. 202) as applicable.

The participants recommended the following actions to promote and ensure social protection for migrant workers:

Extending social protection for migrant workers in ASEAN:

1. Promote equal treatment between nationals and non-nationals in accessing nationally defined social protection in ASEAN Member States.
2. Take measures as appropriate to adopt and implement in each ASEAN Member State a progressive plan, with a clear timeframe, towards ensuring equitable access to social protection for migrant workers keeping in mind the following priorities: working injury insurance, medical care, sickness and maternity benefits, old-age, invalidity and survivors' pensions and death benefits.
3. Take into account the need to provide social protection to migrant workers' families, including but not limited to migrant workers' children's access to education.
4. Provide all migrant workers and their family members access to emergency health care.
5. Review relevant national laws in view to extend access to social protection to migrant workers.
6. Remove discriminatory practices in labour and social protection laws, immigration policies, and administrative obstacles that prevent migrant workers' access to social protection benefits (e.g. with regard to domestic workers).
7. Strengthen national and regional database on social protection programmes, including data on migrant workers, disaggregated by gender and migration status as needed.
8. Include applicable and gender-responsive social protection provisions in written employment contracts or other appropriate written document in a language understandable to migrant workers.
9. Provide information on social protection including available schemes, rights and obligations, to migrant workers during pre-employment, pre-departure, post-arrival orientation seminars and during the employment, in a language understandable to migrant workers.
10. Strengthen capacity building, awareness and education programmes for policy makers and other stakeholders as well as sharing of knowledge and good practices among ASEAN Member States on social protection for migrant workers.

Working towards the portability of social security of migrant workers in ASEAN:

11. Identify knowledge gaps on portability of social protection for migrant workers from existing studies to be addressed in future studies. Ensure that findings and recommendations of the studies are widely disseminated to all relevant stakeholders and sectors.
12. Explore and assess the feasibility of developing bilateral or regional agreements or arrangements on portability of social protection for migrant workers between Sending States and Receiving States, either as a specific agreement and/or include in Memorandum of Understanding or Bilateral Labour Agreement.
13. Support implementation of ASEAN Declaration on Strengthening Social Protection and its Regional Framework and Action Plan particularly with reference to extending social protection coverage to all migrant workers through inter-sectoral cooperation of SLOM and Senior Officials Meeting on Social Welfare and Development (SOMSWD). Recommendations of the 9th AFML should be submitted by SLOM to SOMSWD as the focal point for inter-sectoral cooperation on social protection at ASEAN level.
14. Engage multi- and cross-sectoral stakeholders including governments, employers' organisations, workers' organisations, civil society organisations, private sectors and migrant communities in raising awareness and implementing social protection for migrant workers as relevant.
15. Ensure timely remittance of social protection contributions and benefits to migrant workers and their families that are due to them.
16. Promote and support exchange of information and good practices on social protection and portability of social security for migrant workers within ASEAN as well as other regions.

The participants extended their appreciation to the tripartite partners and to the Government of Lao PDR, particularly the Ministry of Labour and Social Welfare, for the excellent arrangements of the Forum and warm hospitality accorded to them.

The participants also congratulated the Government of the Philippines as incoming ASEAN Chair in 2017 and expressed appreciation of its confirmation to host the 10th ASEAN Forum on Migrant Labour next year. The participants supported the finalization of the ASEAN instrument on the protection and promotion of the rights of migrant workers by April 2017.

5.8 Recommendations of the 10th ASEAN Forum on Migrant Labour

Towards Achieving Decent Work for Domestic Workers in ASEAN



25–26 October 2017



Manila, the Philippines

The 10th ASEAN Forum on Migrant Labour which carried the theme “Towards Achieving Decent Work for Domestic Workers in ASEAN” was held on 25-26 October 2017 in Manila, the Philippines. Representatives of the governments, employers’ organisations, workers’ organisations, and civil society organisations from ASEAN Member States, the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), UN Women, ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), ASEAN Services Employees Trade Union Council (ASETUC), Task Force for ASEAN Migrant Workers (TFAMW), Mekong Migration Network, North South Initiative and Migrant Forum in Asia participated in the Forum. Representatives of DFAT-Australia and Global Affairs Canada participated as observers.

The 10th ASEAN Forum on Migrant Labour was convened as an implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, ASEAN Labour Ministers’ Work Programme 2016-2020, and ASEAN Socio-Cultural Community (ASCC) Blueprint 2025. The Forum is a platform for broad-based discussions on migrant labour issues under the auspices of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW).

The participants agreed to recommend the following concrete measures towards achieving decent work for domestic workers in ASEAN:

A. Strengthening standards for the protection of migrant domestic workers in ASEAN

1. Recognise domestic workers as workers and remove outdated terminologies that diminish the dignity of domestic workers. Towards this end, ASEAN Member States should progressively move towards inclusion of domestic workers in their labour and social legislations;
2. Adopt progressive national plans which include feasibility study and gap analysis to support the ratification process of the ILO Conventions No. 189 (domestic workers), 97 (migration for employment), 143 (migrant workers (supplementary provision)), 181 (private employment agencies), and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and subsequently ensure effective implementation and monitoring of the compliance of the ratified Conventions;

3. Align national laws and policies with international instruments related to labour migration and domestic work, taking into account different contexts of ASEAN Member States;
4. Promote the negotiation for bilateral memorandum of understanding and/or labour and social security agreements for migrant workers, including domestic workers, that are compatible with international labour standards in consultation with relevant stakeholders and social partners;
5. Promote the adoption of a standard national employment contract or proper documentation, with clear terms of employment for migrant domestic workers, consistent with international labour standards, that is recognized and enforceable in both the Sending and Receiving States, and made available in the language of the migrant domestic worker. The standard contract should clearly specify the rights and responsibilities of both migrant domestic workers and their employers, job description, and work conditions; and adopt non-discriminatory gender-sensitive language;
6. Strengthen labour inspection and other compliance mechanisms to progressively extend the coverage to include individual households of the employers of domestic workers. Likewise, migrant domestic workers' access to complaint mechanisms should be ensured;
7. National policies of the Receiving States concerning migrant domestic workers should allow for greater flexibility in changing employers;
8. In case of legal dispute, migrant domestic workers should have the right to stay and work in the Receiving States until the legal or labour cases are settled in accordance with national laws and regulations;
9. Strengthen social protection legislations to extend the coverage of social security and health insurance for domestic workers;

B. Improvement of the implementation of policies and support services for migrant domestic workers in ASEAN

10. Provide standardized education and information on safe migration, including pre-employment, pre-departure, on-site and return orientation, at no cost to the migrant domestic workers and their families, including essential information on labour laws, social protection, and access to remedies regarding compensation for occupational injuries, death or exploitation;
11. The Receiving States to ensure pre-employment orientation to employers of migrant domestic workers, and promote good practices in the employment of domestic workers;

12. Promote fair recruitment practices and simplify the recruitment and placement processes through measures such as a standard recruitment agreement, reduction of recruitment fees, transparency and effective regulation of recruitment agencies. In this regard, private recruitment agencies should adhere to ethical codes of conduct;
13. Improve capacity and provide adequate human and financial resources for consular and labour services of embassies or foreign missions and migrant resource centres to support migrant domestic workers including access to complaint mechanism, justice and redress;
14. Promote the establishment of skills training programmes and certification systems to promote professionalisation and upward mobility of domestic workers. Likewise, competency standards should be developed for different domestic work roles, such as cook, cleaner, gardener, child and eldercare providers. In this regard, the ILO Regional Model Competency Standard for Domestic Workers could be promoted in the region;
15. Increase public awareness and strengthen commitment of relevant parties to protect the rights of migrant domestic workers and recognise their contributions;
16. Promote collection and sharing of standardised labour migration data disaggregated by sex and occupations including migrant domestic work;



17. Foster opportunities and an enabling environment for migrant domestic workers' voices to be heard through migrants' associations, workers' organisations, and civil society organisations in accordance with national laws and regulations;
18. Continue and strengthen the practices of tripartism and social dialogue at national level in formulation and review of laws and policies on protection of domestic workers;
19. Promote cooperation among governments, employers' organisations, workers' organisations, and civil society organisations at bilateral and regional levels towards achieving decent work for migrant domestic workers in ASEAN.

The participants congratulated the ACMW for completing the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, and welcomed the planned signing of it at the 31st ASEAN Summit in November 2017 in Manila, the Philippines.

The participants extended their appreciation to the Government of the Philippines, particularly the Department of Labor and Employment, for the excellent arrangements of the Forum and the warm hospitality accorded to them.

The participants also congratulated the Government of Singapore for its role as the incoming ASEAN Chair in 2018, and expressed appreciation of its confirmation to host the 11th ASEAN Forum on Migrant Labour next year.



5.9 Recommendations of the 11th ASEAN Forum on Migrant Labour

Digitalisation to Promote Decent Work for Migrant Workers in ASEAN



29–30 October 2018



Singapore

Singapore organised the 11th ASEAN Forum on Migrant Labour (AFML) on 29-30 October 2018. Representatives from all ASEAN Member States governments and its nominated employers' organisations; workers' organisations; and civil society organisations (CSOs), alongside representatives from the ASEAN Confederation of Employers; ASEAN Trade Union Council; ASEAN Services Employees Trade Union Council; nominated regional CSOs (Migrant Forum in Asia and Mekong Migration Network); International Labour Organization; International Organization for Migration; Task Force on ASEAN Migrant Workers; United Nations Entity for Gender Equality and the Empowerment of Women; and ASEAN Secretariat participated in the 11th AFML. Representatives from Australia, Canada and Switzerland participated in the 11th AFML as observers.

Given Singapore's 2018 ASEAN Chairmanship theme of resilience and innovation, the 11th AFML adopted the theme "Digitalisation to Promote Decent Work for Migrant Workers in ASEAN". As an activity under the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) Work Plan 2016-2020, the 11th AFML shared good practices and discussed ideas on leveraging technology to (i) improve labour migration management, and (ii) provide digital services for migrant workers, with an overarching view of furthering all migrant workers' well-being giving due consideration to gender sensitivity.

The 11th AFML recommended the following actions to guide ASEAN Member States' efforts in achieving these objectives and supporting the implementation of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers:

A. Digitalisation of Labour Migration Management

1. Digitalise, where appropriate, the recruitment, placement, employment, and return and reintegration processes, such as providing one-stop digital platforms and e-documentation, to support easier, more efficient, less costly and transparent labour migration.
2. Promote the use of digital tools, such as smart devices and social media, in training or job matching of migrant workers, including: pre-departure and post-arrival information programmes; dissemination of information; and skills upgrading and certification.

3. Encourage further efforts in using technology in enforcing migrant worker rights, such as timely and accurate payments of wages and benefits; organising of migrant workers; labour inspections; access to justice; and cross-border dispute settlements.
4. Support inter-agency coordination, where relevant, in developing accessible digital feedback and complaint and grievance-handling mechanisms for migrant workers. These mechanisms should: authenticate valid feedback; track the progress of the response including remedy; and be referred to the relevant support service providers.
5. Develop and improve labour migration information systems to facilitate the identification of errant employers and recruitment/employment agencies and transparency of recruitment costs. Where appropriate, encourage the sharing of information between relevant parties, including inter-agency and inter-government collaboration, while prioritising data privacy and security.

B. Digital Services for Migrant Workers

6. As migrant workers are at various levels of readiness to benefit from digitalisation, and not all services may benefit from digitalisation, maintain existing avenues while building workers' capacity to benefit from digitalisation.
7. Coordinate efforts between stakeholders in developing digital services for migrant workers, to avoid unnecessary duplication and to ensure clarity of avenues, including effective referral pathways for migrant workers.
8. Governments and other relevant stakeholders should consider providing support, such as funding, to digital services that meet the needs of migrant workers, such as remittance, financial services, and social protection. Migrant workers should not bear the costs of the development of these services.
9. All stakeholders should educate migrant workers on the availability of digital services; cyber security; and risks of false information, through appropriate media platforms such as information campaigns and pre-departure/post-arrival training.
10. Content providers and owners of digital platforms should ensure that information provided is accurate, and undertake efforts to eliminate misinformation through measures such as online information verification and regular fact-checks.

Overarching Issues

11. Ensure that all migrant workers are accorded the right to information and communication, such as ownership; access; and reasonable usage to mobile phones or other ICT gadgets. More attention should be placed on isolated and vulnerable workers, including increasing connectivity in hard-to-reach places.

12. Recognising the importance of data privacy and security, introduce and strengthen robust protection frameworks that secure the collection, use, and sharing of data, such as legal provisions or guidelines.
13. Ensure that digital platforms for migrant workers are migrant-centred, accessible and user-friendly. This includes, where appropriate, adopting measures such as visual and audio messaging; simplified interfaces, and migrant workers' local languages. As users, migrant workers should also be empowered and actively involved in the creation and enhancement of these platforms via consultation and user feedback.
14. Enhance capacity in the development and utilisation of digital platforms through research and sharing of progressive practices; collaboration with relevant stakeholders; and introducing appropriate training, including strengthening digital literacy for all target stakeholders.
15. Raise awareness on the benefits of leveraging technology in inclusive and sustainable growth in the future of work, e.g. through green efforts.

The abovementioned recommendations were adopted by the 11th AFML delegates on 30 October 2018.

The participants expressed their appreciation to the Ministry of Manpower of Singapore for its hospitality and the organisation of the 11th AFML. The participants also extended appreciation to the Ministry of Labour of Thailand for becoming the host of the 12th AFML in 2019.



5.10 Recommendations of the 12th ASEAN Forum on Migrant Labour

Future of Work and Migration



25–26 September 2019



Bangkok, Thailand

The 12th ASEAN Forum on Migrant Labour which carried the theme “Future of Work and Migration” was held on 25-26 September 2019 in Bangkok, Thailand. Representatives of the governments, employers’ organisations, workers’ organisations, and civil society organisations from ASEAN Member States, the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), ASEAN Services Employees Trade Union Council (ASETUC), Task Force for ASEAN Migrant Workers (TFAMW), North South Initiative and Migrant Forum Asia participated in the Forum. Representatives of Department of Foreign Affairs and Trade (DFAT) of Australia, Global Affairs Canada, and Swiss Agency for Development and Cooperation participated as observers.

The 12th ASEAN Forum on Migrant Labour was convened as an implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, ASEAN Labour Ministers’ Work Programme 2016- 2020, and ASEAN Socio-Cultural Community (ASCC) Blueprint 2025. The Forum is a platform for broad-based discussions on migrant labour issues under the auspices of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW).

The participants acknowledged that, as highlighted in the ILO Centenary Declaration for the Future of Work, the world of work is changing and will continue to change due to technological innovations, demographic shifts, environmental and climate change, and globalisation. These bring opportunities and challenges to migrant workers who will be affected by the future of work at different levels depending on the occupations. Migrant workers in some occupations may be at risk of being replaced by automation, while those in occupations in high demand such as care work will not be easily replaced. The participants emphasized the importance of a just transition towards an inclusive, fair, secure and gender-responsive future of work which contributes to sustainable development. In such transition, migrant workers should be protected from all forms of abuse, exploitation and violation against them, and their employability, equality of opportunity, decent working conditions and productivity should be promoted. Furthermore, ASEAN Member States may need to continue studying and enhancing understanding on the changing employment relations in the platform economy, its potential linkage with labour migration, and responsiveness of labour laws.

The participants agreed to recommend the following concrete measures to protect and promote the rights and well-being of migrant workers in the future of work, as inputs to the ACMW in planning its regional actions to implement the ASEAN Consensus in 2021-2025:

A. Protection of Migrant Workers

1. Improve pre-departure and post-arrival orientation/training programmes through cooperation of social partners to support integration of migrant workers with the locals, especially on life skills (e.g. financial literacy, language proficiency), national labour laws and regulations of the Receiving States, as well as issues and rights of migrant workers;
2. Promote the affordability and coverage of social security for migrant workers especially healthcare, occupational injury benefits, invalidity schemes and social pension in line with the ILO Convention 102;
3. Promote greater access of migrant workers to social security in line with relevant international agreements such as the principles of the ILO Convention 118, including through bilateral or multilateral agreements, as necessary, to facilitate portability of social security benefits;



4. Take measures for safe and fair recruitment of migrant workers, and recruitment fees and related costs are reduced, with the view of eventually not charging to migrant workers;
5. Protect the rights of workers in the supply chain through promotion of corporate social responsibility of private sector which would support sustainability of business and as customers are increasingly becoming more inclined to companies with ethical practices;
6. Ensure migrant workers are provided with clear and transparent contracts or proper documentation with terms and conditions of employment in a language they understand based on national legislation and policies, taking references from relevant international labour standards and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
7. Promote the use of technology to better govern labour migration; facilitate easy access to job opportunities, recruitment, and skills training; and protect the rights of migrant workers;
8. Promote transition from informal employment, such as in agriculture, fishery and domestic work, to formal employment to ensure labour rights protection of migrant workers in those sectors;
9. Promote migrant workers' voice and representation in collective bargaining and social dialogue by ensuring their freedom of association;
10. Reduce irregular migration by improving access to regular channels of migration and raising awareness of migrant workers on the risks of undocumented migration;
11. Promote gender responsive, non-discriminatory policies and practices to ensure women migrant workers' access to safe and regular migration pathways; remove gender pay gap; and a victim-centred approach to all forms of violence and sexual harassment in the workplace;

B. Employability of Migrant Workers

12. Improve and share relevant labour market information to guide migrant workers on relevant skills to acquire and to support evidence-based migration policies and responses, including on development priorities and skills in demand in the receiving states; skill levels of migrant workers in the sending states; job opportunities across labour markets; required travel and work documents; and prevailing laws and procedures; and

13. *Support the employability of migrant workers in the future of work through promotion of:

- Access of migrant workers to skilling, re-skilling and up-skilling opportunities especially on digital skills and soft skills;
- Responsiveness of vocational training programmes to new skills requirement;
- Development of skill standards and classification of jobs such as for domestic work and care work;
- Certification of skills and prior learning by employers and TVET and higher education institutions;
- Skills recognition systems by governments, employers and TVET and higher education institutions to be less cumbersome and more effective;
- Gender equality in employment and trainings including in non-traditional sectors and occupations; and
- Awareness and willingness of migrant workers to enhance their skills.

The participants underlined that implementation of these Recommendations and the ASEAN Consensus should be based on the principles of tripartism and involve civil society organisations, migrant workers' associations as well as other stakeholders.

The participants extended their appreciation to the Government of Thailand, particularly the Ministry of Labour, for the excellent arrangements of the Forum and warm hospitality accorded to them.

The participants also congratulated the Government of Viet Nam for its role as the incoming ASEAN Chair in 2020 and expressed appreciation of its confirmation to host the 13th ASEAN Forum on Migrant Labour next year.



Appendix I. Implementation of recommendations from the 3rd to 10th ASEAN Forum on Migrant Labour: Progress review background paper for the 11th ASEAN Forum on Migrant Labour (2019)

To serve as an input to the discussions at the 11th ASEAN Forum on Migrant Labour, the ILO prepared the report Implementation of recommendations from the 3rd to 10th ASEAN Forum on Migrant Labour: Progress review background paper for the 11th ASEAN Forum on Migrant Labour, which maps out the progress of ASEAN stakeholders in implementing the AFML Recommendations. This document is the fourth in a series of reviews conducted biannually by the ILO (the first in 2012, the second in 2014, and the third in 2016), in coordination with the ACC. It covers the 3rd to the 10th AFMLs, from which there are a total of 134 Recommendations. The scope of the report is limited to new initiatives that have been implemented from 2016 onward.

The Recommendations are grouped into eight clusters:

- A. Information dissemination, pre-departure orientation, post-arrival orientation and support services targeting migrant workers, potential migrant workers and their families;
- B. Fair recruitment;
- C. Providing decent working conditions;
- D. Facilitating access to redress mechanisms and support services;
- E. Effective return and reintegration strategies;
- F. Public education campaigns;
- G. Collecting, sharing and analysing labour migration data;
- H. Multi-lateral and multi-stakeholder cooperation, collaboration, information exchange: regional, subregional, and cross-sectoral interventions.

The purpose of the progress report is to consolidate and summarize the activities, experiences, good practices, and challenges of various stakeholders in implementing AFML recommendations. This report is not an exhaustive description of all initiatives that have been undertaken by ASEAN stakeholders, but rather reflects the information collected by the authors as a result of questionnaire survey, literature review, and national preparatory meetings for the 11th AFML. Data for the report was gathered from:

- Responses to a survey questionnaire distributed to all ASEAN Member States, workers' and employers' organizations in the ASEAN Member States, as well as CSOs supporting the implementation of AFML recommendations; and

- Literature review of surveys, studies, and internal reports provided by the South-East Asian offices of the ILO; official documents and news reports available online; information retrieved from the websites of ASEAN stakeholders; and outcome documents and presentations from labour-migration related events, particularly from the AFML preparatory meetings and ASEAN conferences.

The report found the following successes and challenges in implementing the AFML Recommendations:

Reviewing the inputs and updates received from governments, employers' organizations, workers' organizations, and CSOs in ten ASEAN Member States highlights that progress has been made in implementing AFML recommendations in all Clusters A–H.

As regards information dissemination, pre-departure orientations, service provision to potential migrant workers, and post-arrival orientation (Cluster A), it can be noted that interventions are being implemented by a broad range of stakeholders, including governments, workers' organizations, employers' organizations, and CSOs. Various communication channels and media are being used for wide dissemination, including the use of online platforms, messaging apps, and social media. Challenges in this area relate to reaching the most vulnerable and ensuring the accuracy and comprehensiveness of the information provided. Data from a 2016 ILO and IOM survey of returnees indicate that there is wide variation among countries on the coverage achieved with regard to pre-employment information dissemination and pre-departure orientation. This ILO and IOM review also indicates there has been more uptake than earlier on post-arrival orientation. Hotlines, one stop services, and Migrant Worker Resource Centres in countries of origin and destination have increased in number and are an important source for information and advice. Skills training in countries of origin is getting more attention than previously through a number of new initiatives. However, so far it appears in Greater Mekong Subregion countries, skills training still mainly takes the form of on the job training during migration.

Inputs received show that progress has also been made in the area of fair recruitment (Cluster B), especially as relates to the regulation of recruitment agencies and the self-regulation of recruitment agencies through Codes of Conduct. Laws or mechanisms were introduced or improved in 2016–2018 in a number of countries, including Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore, and Thailand. One encouraging example of intra-ASEAN learning was the Viet Nam Association of Manpower Supply sharing its experience in implementing its Codes of Conduct and accompanying monitoring mechanism in Viet Nam so as to inform the development of similar initiatives by the Association of Cambodian Recruitment Agencies and the Myanmar Overseas Employment Agencies Federation. Ensuring the transparency of recruitment agency rankings requires continuous effort. More work remains to be done on simplifying and streamlining recruitment and emigration procedures as well as reducing recruitment costs and the time needed for migration through regular channels. Roll-out and implementation of new laws in Thailand and Indonesia are a priority to ensure their fair recruitment provisions.

In the area of providing decent working conditions (Cluster C), several ASEAN Member States have made progress in regulating work conditions for migrant workers and in issuing standard employment contracts or proper documentation. More regulatory work is needed, however, to ensure adequate protection of migrant workers in all economic sectors, including non-discriminatory access to social protection, health care, and workers' compensation for occupational injuries, diseases, disabilities, and casualties. Domestic workers' protection has improved in some Member States, but the full inclusion of domestic workers in labour and social laws remains unfulfilled. Overall, women remain less able to access social protection. There is increasing interest in portability of the social security benefits, but the development of bilateral agreements to enable portability is at its infancy. Further efforts are also needed in facilitating men and women migrant workers' access into trade unions and associations.

Inputs and updates reported by governments, workers' organizations, employers' organizations, and CSOs highlight that many interventions are being implemented to facilitate migrant workers' access to complaint mechanisms and legal support (Cluster D). Many challenges remain, however, in ensuring that existing complaint mechanisms are accessible, effective, gender-sensitive, and gender-responsive, as recommended by past AFMLs. This could be achieved through improved linking of CSO and trade union support services to official complaint mechanisms. One encouraging development is increasing cross-border cooperation between trade unions and CSOs in the provision of support services, which in some cases has been done with the involvement of labour attachés or consular staff.

Return and reintegration (Cluster E) is an area where more policy work is needed to give full effect to the related AFML recommendations. While programmes and services have been set up in some ASEAN Member States, no country in the region has reportedly established a comprehensive state policy or strategy on reintegration. Such policies, as envisioned by past AFMLs, should include recognizing the skills of migrant workers through certification and testimonials (i.e. recognition of prior learning), ensuring that compensation and benefits are duly paid and providing support and training programmes for returning migrant workers.

Only a few public education campaigns on the contributions of migrant workers to society and the economy (Cluster F) have been reported in ASEAN Member States. Further efforts in these areas could be beneficial to increase public awareness and strengthen the commitment of relevant parties to protecting the rights of migrant workers.

One key effort in collecting, sharing, and analysing labour migration data (Cluster G) is the annual collection of International Labour Migration Statistics in ASEAN led by the ILO. Regular meetings among a network of International Labour Migration Statistics Focal Experts from all ASEAN Member States – which was set up to implement a related AFML recommendation – have proved to be a useful forum for sharing good practices in data collection and harmonizing definitions to improve comparability of data. The sixth round of International Labour Migration Statistics collection in ASEAN was completed and the 4th Meeting of International Labour Migration Statistics Focal Experts organized in 2018. Further attention is required, however, for the collection of sex-disaggregated data by ASEAN Member States, particularly on sectors of employment and wages. A new area of

interest for many ASEAN Member States is assessing and forecasting gaps in labour supply and demand between countries of origin and destination.

In the area of multilateral and multi-stakeholders cooperation (Cluster H), a major achievement was the signing of the ASEAN Consensus in November 2017. The ASEAN Consensus marks a step forward from the Cebu Declaration, as it establishes the rights of migrant workers in ASEAN and expands the obligations of sending and receiving States. Some countries in the region have also made progress in ratification of relevant ILO Conventions. The sharing of good practices, experiences, and information among ASEAN Member States takes place regularly during various ACMW Work Plan activities and other regional events. Most importantly, the AFML itself continues to be valued as the key ASEAN platform for multilateral and multi-stakeholder dialogue. Further, regular meetings of technical focal points – such as the above-mentioned International Labour Migration Statistics Focal Experts Meeting or the annual Regional Skills Technical Working Group Meeting – have proved to be useful in harmonizing definitions and improving comparability of methodologies across the region.

A full copy of the ILO background paper is available at:
www.ilo.org/afml







The ASEAN Forum on Migrant Labour (AFML)

Background information booklet

(4th edition)

The ASEAN Forum on Migrant Labour (AFML) is a regional tripartite platform to discuss issues faced by women and men migrant workers from and within ASEAN.

The ASEAN Declaration on the Protection and Promotion of Migrant Workers (Cebu Declaration) was adopted by the ten ASEAN Member States (AMS) in 2007 in Cebu, the Philippines. The Cebu Declaration shows the AMS' commitment to protect and promote the rights of migrant workers in the region. In order to advance the principles of the Cebu Declaration, the AFML was established to provide an open platform for governments, employers, workers, and civil society organizations to discuss complex and regional labour migration issues. Twelve AFMLs have been held to date. This publication contains information on the establishment of the AFML, past themes, and the Recommendations adopted at the 3rd–12th AFMLs, showing progress being made toward the implementation of the Cebu Declaration.

This background information booklet provides an overview of the AFML process, and is a product of the International Labour Organization (ILO) TRIANGLE in ASEAN programme, a partnership between the Australian Department of Foreign Affairs and Trade, Global Affairs Canada, and the ILO.

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