



The 13th ASEAN Forum on Migrant Labour (AFML)

“Supporting Migrant Workers during the Pandemic for a Cohesive and Responsive ASEAN Community”

**10 & 12 November 2020
Ha Noi, Viet Nam and Virtual**

Viet Nam, as the Chair of ASEAN in 2020, hosted the 13th ASEAN Forum on Migrant Labour (AFML) in Ha Noi, Viet Nam, and online on 10 and 12 November 2020. In response to the theme of ASEAN Chair 2020 “Cohesive and Responsive” and taking into account the current situation of COVID-19, the 13th AFML was organized with the theme “Supporting Migrant Workers during the Pandemic for a Cohesive and Responsive ASEAN Community”. Under this theme two subthemes were defined: Sub-theme 1. Impact of COVID-19 on Migrant Workers and Responses in ASEAN, and Sub-theme 2. Cohesive and Responsive Labour Migration Policy for Future Preparedness in ASEAN.

Representatives from all ASEAN Member States’ governments and their nominated employers’ organisations; workers’ organisations; and civil society organisations (CSOs), alongside representatives from the ASEAN Confederation of Employers (ACE); ASEAN Trade Union Council (ATUC); ASEAN Services Employees Trade Union Council (ASETUC); Task Force on ASEAN Migrant Workers (TFAMW); International Labour Organization (ILO); International Organization

for Migration (IOM); United Nations Entity for Gender Equality and the Empowerment of Women (UN Women); and ASEAN Secretariat participated in the 13th AFML. Representatives from Australia, Canada and Switzerland participated as observers.

The 13th AFML supported closer cooperation amongst ASEAN Member States to implement the Joint Statement of the ASEAN Labour Ministers on Response to the Impact of Coronavirus Disease 2019 (COVID-19) on Labour and Employment.

The 13th AFML underlined the need to ensure that national policies and programmes to address the adverse impacts of the COVID-19 pandemic on all migrant workers and employers in AMS is gender responsive and takes into consideration needs of women migrant workers.

The 13th AFML agreed that COVID-19 remedies should not compromise on past commitments especially standards set by ILO with respect to Decent Work and keeping in mind the ILO Centenary Declaration for the Future of Work, 2019.

The 13th 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.

Sub-Theme 1: Impact of COVID-19 on Migrant Workers and Responses in ASEAN

1. Ensure access of all migrant workers in all sectors to health care, including COVID-19 testing and treatment, emergency relief measures, income support, social protection, and unemployment benefits, where applicable, of the Receiving States and/or Sending States. Implementation of the recommendations of Thailand's study on portability of social security benefits for migrant workers

should be expedited. Furthermore, fear of sanctions for immigration violation should be delinked from health concerns of migrant workers.

2. Improve safety and health standards at the workplace and employer-provided housing for migrant workers including hygiene, sanitation living conditions, and Personal Protective Equipment (PPE) as preventive measures to reduce migrant workers' exposure to the COVID-19 infection. In this regard, minimum standards for decent living conditions of live-in domestic workers that respect their safety and privacy should be ensured.
3. Ensure decent wages of migrant workers and protect their wages in time of pandemic through effective complaint mechanisms and support services. In this regard, the complaints on wages and grievances, claims and labour disputes of migrant workers who lost their jobs due to the pandemic should be investigated and handled immediately and, where possible, prior to returning home without increasing health risks due to a prolonged stay.
4. Consider that fees related to recruitment and redeployment, including additional costs for COVID-19 testing, quarantine and health insurance, should not be charged to migrant workers in accordance with the ILO General Principles and Operational Guidelines for Fair Recruitment. In line with this, migrant workers who paid recruitment fees and were not deployed should be reimbursed. In this regard, regulations and monitoring of the practices of recruitment agencies should be strengthened.
5. Provide access of migrant workers, especially domestic migrant workers and laid-off migrant workers, to mental health support and services. Stigmatization, xenophobia, and discrimination against migrant workers, especially those infected by COVID-19, should be addressed through, among others, public campaigns.

Sub-Theme 2: Cohesive and Responsive Labour Migration Policy for Future Preparedness in ASEAN

6. Information of COVID-19 related migration, labour, health and safety policies should be accessible to migrant workers in languages understood by them and, where possible, electronically. Responses to COVID-19 and other potential pandemic in future should be included in the occupational safety and health policies at the workplace to ensure better protection of all workers including migrant workers.
7. Strengthen migrant workers' return and reintegration programmes with adequate resources. In doing so, special attention to be given to stranded and repatriated migrant workers during pandemic crises including extending to migrant workers in countries of transit and points of entry during deployment and return. If detention facilities are used as the last resort, safety and health standards should be ensured.
8. Integrate rights-based and gender responsive protection of migrant workers and their families¹ into national and regional pandemic and emergency preparedness plans. Consultation with migrant workers' associations, trade unions, employers' organisations and civil society is key to ensure cohesive and responsive policies and plans.
9. Maximize digital technology in the online processing of migrant workers' immigration and employment documents, and ensure its accessibility to migrant workers to reduce physical contacts in time of pandemic.
10. Strengthen the employability of migrant workers who lost their jobs due to the pandemic through improving their access to

¹ In the case of Receiving States, families refer to those who are already residing with migrant workers.

available re-skilling and up-skilling programmes, including digital literacy, public employment programmes, job placement and skills certification and recognition, with due consideration to the needs and realities of women migrant workers.

11. Support the recovery of labour migration flows in the new normal by strengthening and sharing available disaggregated data, including gender, on labour migration and labour markets, using standardised definitions, while maintaining confidentiality of personal information.
12. Increase cross-sectoral referral mechanisms and collaboration to strengthen national policy framework for protection of migrant workers in time of pandemic. Protection of women migrant workers and victims of gender-based violence during the pandemic and their access to coordinated essential services should be strengthened. The heightened risks of forced labour and human trafficking during the pandemic and post pandemic recovery should be addressed.

The participants extended their appreciation to the Government of Viet Nam, particularly the Ministry of Labour, Invalids and Social Affairs, for the excellent arrangements of the Forum. The participants also congratulated the Government of Brunei Darussalam as the incoming ASEAN Chair in 2021 and expressed appreciation for its confirmation to host the 14th ASEAN Forum on Migrant Labour next year.
