



## RECOMMENDATIONS

### THE 10<sup>th</sup> ASEAN FORUM ON MIGRANT LABOUR

25-26 October 2017, Manila, the Philippines

The 10<sup>th</sup> 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 10<sup>th</sup> 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 Recognise domestic workers as workers and remove outdated terminologies that diminish the dignity of domestic workers.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 recognised 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 31<sup>st</sup> 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 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 11<sup>th</sup> ASEAN Forum on Migrant Labour next year.

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