



RECOMMENDATIONS

THE 7th ASEAN FORUM ON MIGRANT LABOUR 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.
