



Compendium on Migrant Workers' Education and Safe Migration Programmes



The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967. The ASEAN Member States are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam. The ASEAN Secretariat is based in Jakarta, Indonesia.

For inquiries, contact:
The ASEAN Secretariat
Community Relations Division (CRD)
70A Jalan Sisingamangaraja
Jakarta 12110, Indonesia
Phone: (62 21) 724-3372, 726-2991
Fax: (62 21) 739-8234, 724-3504
E-mail: public@asean.org



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Compendium on Migrant Workers' Education and Safe Migration Programmes

A Project of the
ASEAN Committee on the Implementation
of the ASEAN Declaration on the Protection and Promotion
on the Rights of Migrant Workers (ACMW)

With support from



Regional EU- ASEAN Dialogue Instrument
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Foreword

I am extremely delighted with the completion and publication of the ASEAN Compendium on Workers' Education and Safe Migration Programmes on the year the Association of Southeast Asian Nations (ASEAN) celebrates its 50th Founding Anniversary, and during the Philippine Chairmanship of ASEAN. It is made more meaningful that this year marks the 10th year of the Cebu Declaration on the Protection and Promotion of the Rights of Migrant Workers, which was signed by the ASEAN Leaders during the Twelfth Summit in 2007 in Cebu City.



Workers' education and safe migration programmes are crucial to ensuring that people in search for employment opportunities in countries other than their own know about practical information on labour migration. Migrant workers need to carefully understand the recruitment processes prevailing in their countries of origin, their rights and responsibilities under an employment contract, including those of their employers, and the available legal remedies and assistance programmes in case of need.

This Compendium is divided into three major parts, such as Country Migration Profiles of each ASEAN Member State (AMS), Case Studies on some potential good practices, and Recommendations that will feed into policy reform and programme development.

By and large, existing workers' education and safe migration programmes among AMS vary in terms of scale and content due to the diverse country migration profiles, legal framework, and national labour migration policy agenda and priorities. Consequently, some countries have strong pre-employment and pre-departure programmes than others, while a few have focused on post-arrival education programmes.

This publication further attempts to provide evidence on the strengths and limitations of existing programmes of the AMS through case studies by offering some guidance and inspiration in enhancing available programmes. At the end of this document is a set of recommendations that the AMS, collectively or individually, could consider in framing more responsive, effective and efficient workers' education and safe migration programmes.

It is my sincere wish that the aspirations to pursue this initiative under the leadership of the Philippines, as country coordinator, will be achieved and that the use of the material is maximised to the fullest.

Allow me to extend my heartfelt gratitude to the Regional EU-ASEAN Dialogue Instrument (READI) for the support to this project. I also wish to congratulate and thank the Philippine Technical Team, the ASEAN Secretariat, the National Focal Points and National Consultants from each of the AMS, as well as the Regional Consultant, for their respective contributions to make this pioneering endeavour of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) a reality.


SILVESTRE H. BELLO III

Secretary of Labor and Employment, Republic of the Philippines

Message

This year, ASEAN celebrates its 50th anniversary. It is also the 10th anniversary of the signing by the ASEAN Leaders of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers or the Cebu Declaration. The commitments laid out in the Cebu Declaration have shaped and driven the region's cooperation on the rights of migrant workers in various ways. These include the establishment of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). Since its establishment in 2008, the ACMW has implemented several initiatives including developing this Compendium on Migrant Workers' Education and Safe Migration Programmes.



For a long time, people in the ASEAN region have moved within and outside the region in search of opportunities and in response to the demand of our growing economies. Their contribution to the economies and societies of both their countries of origin and countries of destination is immense. With the establishment of the ASEAN Community in 2015, the region's robust economy is anticipating more people who will be looking for job opportunities outside their own countries.

It is imperative that prospective migrant workers, migrant workers engage in employment and their employers are provided with comprehensive education and programmes that would equip them with information to ensure safe migration. It is also necessary that such education and programmes are available in all stages of migration, from pre-employment to pre-departure, post-arrival, and return and reintegration.

The Compendium on Migrant Workers' Education and Safe Migration Programmes provides comprehensive information provided by ASEAN Member States on country profiles and existing education and safe migration programmes targeting migrant workers and employers. As a very useful reference document for various stakeholders involved in the promotion of safe migration, I am confident that the Compendium will inspire policy-makers, relevant Government agencies, NGOs, and other stakeholders to continue strengthening their policies and programmes to make migration safe for all.

A handwritten signature in black ink, appearing to read 'L. Minh', written over a light-colored background.

LE LUONG MINH

Secretary-General of ASEAN

Message

I congratulate the ACMW for completing and publishing this compendium on the Migrant Workers' Education and Safe Migration Programmes. We are very proud to have been supporting this publication, as it is in line with the EU's commitment to supporting the protection of migrant workers in ASEAN.

The free movement of people is essential for economic development and for creating a sense of community among the people. It is a fundamental principle enshrined in the Treaty on the Functioning of the European Union, and it has helped creating the European Single Market that we know today. European citizens can move freely within the borders of the 28 member states of the EU – they can look for a job in another EU country, work there without needing a work permit and stay there even after employment has finished. This free movement of workers makes the EU today the largest labour market in the world.



Providing a comprehensive and accessible documentation on the current situation of migrant workers in ASEAN countries, this publication is a significant contribution towards the protection of the rights of migrant workers in ASEAN. It goes beyond the diagnostic by also assessing what is needed in practice, including legal standards, policies and practices of pre-employment and pre-departure education programmes, onsite and post-arrival programmes, and return and reintegration programmes in both sending and receiving countries within ASEAN and beyond. This publication can serve as a stepping stone for further cooperation and sharing experiences between ASEAN countries, as well as for exchanging best practices between ASEAN and the EU.

On behalf of the EU, I thank you and congratulate the Philippines, as the country proponent, for leading the preparatory work for this publication. I also thank all representatives of the ACMW, the ASEAN Secretariat, and all those involved in the process of completing this book. I am sure that good use will be made of this publication, among stakeholders, including policy-makers, government officials, parliament members, private business actors, recruitment companies, migrant workers and their families, practitioners, as well as the wider public.


FRANCISCO FONTAN
Ambassador, EU Mission to ASEAN

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A special thank you to Mr. Mitchell Duran, for “filling in all the blanks”, editing, and providing technical supervision in the publication of the Compendium; and to Ms. Marielle Espinosa, for designing the Compendium cover and section dividers.

The ASEAN Compendium Project Team

Regional Consultant

Ms. Ma. Alcestis (Thetis) Abrera Mangahas
Economist, Social Scientist
Social Weather Stations

Philippines Coordinator, ASEAN Compendium Project

Atty. Robert L. Larga
Director IV
Philippine Overseas Employment Administration
Department of Labor and Employment

Philippines Secretariat

Ms. Alice Q. Visperas
Chief Labor and Employment Officer
Officer-in-Charge, Asia Pacific Division
International Labor Affairs Bureau
Department of Labor and Employment

Ms. Charmaine Me M. Dela Cruz
Senior Labor and Employment Officer
Asia Pacific Division, International Labor Affairs Bureau
Department of Labor and Employment

Ms. Gean Antonette A. Salvador
Labor and Employment Officer I
Asia Pacific Division, International Labor Affairs Bureau
Department of Labor and Employment

ASEAN Secretariat

Ms. Mega Irena
Assistant Director
Head of Labour and Civil Service Division
Acting Head of Poverty Eradication and Gender Division
ASEAN Socio-Cultural Community Department

Ms. Pitchanuch Supavanich
Senior Officer
Labour and Civil Service Division Human Development Directorate
ASEAN Socio-Cultural Community Department

Ms. Sarah Choirinnisa
Technical Officer
Labour and Civil Service Division Human Development Directorate
ASEAN Socio-Cultural Community Department

READI-HRF**Ms. Patricia Waagstein**

Team Leader

Regional EU-ASEAN Dialogue Instrument-Human Rights Facility

Ms. Irene Situmorang

Project Assistant

Regional EU-ASEAN Dialogue Instrument-Human Rights Facility

FOCAL POINTS AND NATIONAL CONSULTANTS**Brunei Darussalam***Focal Point***Ms. Aemy Azlena binti Azahari**

Assistant Commissioner of Labour

Labour Standards and Employment Agency Division

Department of Labour, Ministry of Home Affairs

*National Consultant***Ms. Nur Judy binti Abdullah**

Managing Consultant

Al Majaz Training Services

Cambodia*Focal Points***Mr. Chuop Narath**

Deputy Director General of Labour

Ministry of Labour and Vocational Training

Mr. Keo Sovanmony

Chief of ASEAN Office

Ministry of Labour and Vocational Training

Mr. Ouk Ravuth

Chief of Cambodian Workers Control Office

Ministry of Labour and Vocational Training

*National Consultant***Mr. Khoun Bunny****Indonesia***Focal Point***Mr. Soes Hindarno**

Director of Manpower Overseas Placement

Ministry of Manpower

*National Consultant***Mr. Wirya Adiwena**

Head of International Relations

The Habibie Center

Lao PDR

Focal Point

Ms. Bouasy Thammasack

Deputy Director of Employment Promotion Division
Ministry of Labour and Social Welfare

National Consultant

Mr. Somsouk Sananikone

Social Scientist (PhD in Development Science)

Malaysia

Focal Point

Mr. Muhammad Syamsul Hazry

Assistant Secretary, International Division
Ministry of Human Resources Malaysia

National Consultant

Mr. Munusamy Periasamy

Civil Service Retiree

Myanmar

Focal Point

Ms. Khin Khin Htet

Staff Officer, Migrant Workers Division
Department of Labour
Ministry of Labour, Immigration and Population

National Consultant

Mr. Win Myint

Philippines

Focal Point

Ms. Maria Teresa D. Delos Santos

OIC, Workers' Education Division
Philippine Overseas Employment Administration

National Consultant

Mr. Mitchell P. Duran

Independent Consultant

Singapore

Focal Point

Ms. Priscilla Goh

Head, International Relations
Workplace Policy and Strategy Division
Ministry of Manpower

National Consultant

Mr. Bernard Menon

Executive Director

Migrant Workers Centre

Thailand

Focal Point

Ms. Yada Thongsri

Labour Specialist Professional Level

Overseas Employment Administration Office

Department of Employment

Ministry of Labour

National Consultant

Mr. Pakorn Amornchewin

Viet Nam

Focal Point

Ms. Tran Thanh Minh

Official of ASEAN Cooperation Division

International Cooperation Department

Ministry of Labor, Invalids and Social Affairs

National Consultant

Mr. Vu Anh Son

Overview

International labour migration in the Association of Southeast Nations (ASEAN) has unquestionably accelerated in a variety of ways. It is estimated that 21.3 million ASEAN nationals live outside of their country, of which some 6.8 million individuals are intra-regional migrants (i.e., those who have moved from one ASEAN Member State to another). The top five ASEAN source countries in the ASEAN itself are: Myanmar (2.02 million), Indonesia (1.2 million), Malaysia (1.0 million), Lao PDR (.9 million), and Cambodia (.8 million).¹

The economic, social and political landscapes across ASEAN are starkly diverse, with deep differences among ASEAN Member States in terms of productivity, wages, competitiveness, and learning and employment opportunities. These disparities continue to drive intra-regional migration, and with the prospects of expanding regional trade and investment, and powerful political processes of regional integration, these movements are seen to likely increase, rather than diminish, in the near and long-term future.

The ASEAN Compendium Project: Objectives and Organisational Arrangements

Recognising the growing importance of intra-regional ASEAN migration and given the possibility of a freer movement of professionals and skilled workers in the region, ASEAN Member States, at the 8th Meeting of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) on 29-30 October 2015 in Kuala Lumpur, Malaysia adopted the proposal of the Philippines to prepare a Compendium on the ASEAN Member States on pre-departure information and safe migration campaigns for migrant workers.

The need for broader cooperation on information programmes for migrant workers and their employers is well established. Migrant workers need information on applicable recruitment and deployment laws and procedures of the origin countries, the employment regulations, living and working conditions and sociocultural environment in destination countries, and the services and legal mechanisms available for migrant workers. Employers in countries of destination similarly need cross-cultural orientation on the management of a foreign workforce: their foreign employment practices, work habits and social attitudes.

The ASEAN Compendium is intended for policy-makers, key Government officials, administrators, and other practitioners concerned with improving cross-cultural understanding between employers and migrant workers in ASEAN. This common understanding is needed to strengthen mutual trust, confidence and respect — the foundation for ensuring fair recruitment and workplace practises.

¹ Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region (ASEAN TRIANGLE Project).

Methodology and Process

The Philippine Organising Committee, together with the ASEAN Secretariat, organised a Technical Working Group (TWG) for the Compendium, consisting of identified National Focal Points. The TWG met at least twice during the Project life. The first meeting, held on 9 September 2016 in Manila, Philippines, agreed on the design, and the proposed content and structure of the Compendium. It approved the use of the data questionnaires and other collection instruments by the regional and national researchers. The second meeting on 22-23 March 2017 in Manila, the Philippines, considered the project outputs, validating and approving the publication of the Compendium.

The TWG, with the funding support of the Regional EU-ASEAN Dialogue Instrument-Human Rights Facility (READI-HRF), recruited a Compendium Project Team consisting of a Senior Regional Consultant, and 10 country researchers. Together, this composite project group developed the research design and protocol, formulated the research tools and undertook the data collection, consolidated and analysed the data, and finalised the recommendations to improve migrant workers' and employers' education programmes in the ASEAN. The TWG Focal Points assisted the National Consultants in collecting data from various stakeholders and more importantly, in identifying case studies to be included in the Compendium. Each country submission was reviewed and endorsed by the respective Focal Points prior to submission to the Regional Consultant for validation.

In order to systematically collect, organise, summarise and analyse existing programmes and safe migration campaigns, the Consultants used a set of research tools and questionnaire guides that sought information on:

- Each country's migration history and trends;
- Description of country legislation, rules and regulations on emigration and immigration;
- Identification of specific policies and guidelines on migrant workers' education;
- Listing and profiling of migrant workers' education programmes; and
- More intensive probes with four to eight case studies of workers' education and safe migration programmes per country.

It was also agreed to limit the coverage of the workers' education programmes to those sanctioned and approved by the Government, given the proliferation of many informal, ad-hoc information "campaigns", including television and radio programmes. However, exceptions were possible for notable long-running television, radio and other media programmes deserving to be featured.

It was agreed to limit the case studies to Government-accredited and -sanctioned workers' education and safe migration programmes.

Findings and Recommendations

The ASEAN Compendium research project has provided a valuable opportunity to look more closely into the AMS' national migrant workers' education programmes, and has been an excellent platform for sharing experiences and insights on this aspect of migration policy and practice.

Across the AMS, there is a strong commitment to migrant workers' education programmes as a key policy tool on safe migration. These programmes, by providing the right information for successful recruitment and employment, empower migrants (and their employers). This results in more harmonious employer-employee relationships, and ultimately, leads to the better protection for workers against exploitation and human trafficking.

The migrant worker needs information at all stages of his/her migration journey from the point of his/her decision to seek an overseas job, choose a recruitment agency, decide on a contract offer, prepare for a foreign job assignment, adapt with foreign colleagues and co-workers, understand working conditions and health and safety in the work environment, take care of family, and finally prepare for return and reintegration into the home country. In practice, pre-employment and pre-departure education programmes are more numerous, though the research has revealed surprisingly more onsite and post-arrival programmes already in place. Much more attention needs to be given to return and reintegration programmes—to be developed jointly by sending and receiving countries.

Migrant workers' education programmes form only one component of an effective migration system. These best achieve their purpose within a broader framework of governance that sets standards for the recruitment, employment and respect for the human rights of all migrants.

Proposals for Country-Specific Improvements

The Regional and National Consultants have identified five recommendations for improving national systems on migrant workers' education programmes in the following areas: (1) National policy frameworks and governance mechanisms; (2) Assessment and evaluation; (3) Operational standards for performance and monitoring; (4) Access and delivery systems; and (5) Partnerships.

1. Encourage a national policy on workers' education and safe migration to achieve coherent programming and broader reach and coverage. The national policy frameworks need to cover the different stages of the migration process, with special attention to return and reintegration programmes.
2. Promote serious evaluation and assessment on long-standing workers' education programmes. An important first step is establishing standard performance indicators on efficiency and effectiveness. Impact analysis will provide the important feedback on the value and contributions of the curriculum content, the training materials, the different delivery systems, and other operational standards. This is vital in improving and strengthening the current programmes and initiatives.
3. Strengthen and reinforce operational standards. With many different channels for delivering migrant workers' education programmes, it is necessary to establish common core standards for migrant workers' education programmes to include accreditation criteria, curriculum content, duration, period and costs of the programmes, methodology, and dissemination standards.

4. Expand access and improve delivery systems. The use of more proactive efforts to reach more potential migrants in rural and cross-border areas should be further encouraged and expanded. Internet and online facilities have great potential, but much can be achieved with simple expanded use of traditional media in television, radio and field campaigns.
5. Value partnerships. The delivery of migrant workers' education programmes requires the collective efforts of many stakeholders from Government, the private business sector, recruitment companies, local communities, and migrant workers and their families. Together, the different groups can forge a common direction to ensure workers are empowered and strengthened to achieve their personal and family goals in foreign employment.

Proposals for Regional Cooperation

Effective migrant workers' education programmes require effective cooperation between sending and receiving countries. ASEAN, as a regional collective, can take the lead in:

1. Considering developing an ASEAN standard curriculum. This is an important goal for common information and messages provided to the migrant worker and their employers. ASEAN Member States can link and ensure the continuum of education programmes of sending and receiving countries. This would promote the understanding of the AMS' immigration and employment laws, contractual obligations, and working and living conditions. In addition, information on culture and customs in daily life (e.g., developing a good relationship with employers and colleagues, behaviour at work); health and hygiene; investment opportunities, and other financial information. ASEAN will benefit in developing unified audio-visual materials and print information on living and working in ASEAN Member States with information.
2. With consistent calls for improving the quality of trainers and training programmes for teachers, ASEAN should consider holding a regional training course on migrant workers' education and safe migration campaigns. The training "academy" can also consider a web-linked programme to associate with training manuals and materials produced in each AMS.
3. Cooperation also happens bilaterally and regionally. With several bilateral MOAs between ASEAN Member States (Thailand with Cambodia, Lao PDR and Myanmar, individually and Myanmar with Indonesia), there is scope to introduce clauses for bilateral cooperation on employers' and migrant workers' education programs between the sending and receiving countries.
4. ASEAN Member States should further encourage and support individual countries' efforts to strengthen their national migrant workers' education programmes, not only through better information-sharing, but also through technical assistance and cooperation. This information and study exchange can cover legal services in strengthening national policy frameworks, the design of curriculum in the use of new innovative approaches, and in the training of teachers and trainers for these programmes.

The Organisation of the ASEAN Compendium

In collectively embarking on this project, the ASEAN Member States have reaffirmed its commitment to the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers for a shared responsibility in realising a common vision for a secure and prosperous ASEAN Community, including measures on the protection and promotion of the rights of migrant workers.

The ASEAN Compendium is organised, as follows:

- **Chapter 1: ASEAN and Migration: Country Reports.** This Chapter consists of 10 individual country reports, covering each AMS migration history, current legislation and an overview of the country's migrant workers' education programmes.
- **Chapter 2: Employers' and Migrant Workers' Education Programmes: Case Studies.** This Chapter includes case studies of workers' education and safe migration programmes from ASEAN Member States. The case studies are organised according to the different stages of the migration process, and covers topics of curriculum, methodology, teacher selection and training, and funding.
- **Chapter 3: Findings and Recommendations.** This Chapter provides a regional assessment and a comparison of the countries' systems on migrant workers' education. The report considers the different country programmes and case studies, and assesses the implementation in terms of coverage, structure, and implementation mechanisms. The Chapter also details different challenges and learnings, and provides recommendations on ways to further strengthen programmes.

The *ASEAN Compendium on Migrant Workers' Education and Safe Migration Programmes* will be launched in October 2017 as part of the ASEAN celebrations of its 50th anniversary. It will be available in print and electronic formats.

Terminologies Used Throughout the Compendium

For the purpose of this Compendium, the Research Team used terminologies, with definitions found in international Conventions and similar instruments. It is important to stress that the definitions in this section are not necessarily those adopted or used by ASEAN Member States individually. ASEAN definitions have been formulated to be part of the draft ASEAN instrument on the protection and promotion of the rights of migrant workers, which at the time of this publication, had not been finalised.

Bilateral labour migration agreements

Formal mechanisms concluded between States, which are essentially legally binding commitments concerned with inter-state cooperation on labour migration. The term is also used to describe less formal arrangements regulating the movement of workers between countries entered into by States, as well as a range of other actors, including individual ministries and employer organisations.

Cross-border migration

A process of movement across international borders

Documented migrant worker

A migrant worker or members of his/her family authorised to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party (*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

Emigration

The act of departing or exiting from one State, with a view to settle in another. International human rights norms provide that all persons should be free to leave any country, including their own, and that only in very limited circumstances may States impose restrictions on the individual's right to leave its territory.

Governance of migration

A system of institutions, legal frameworks, mechanisms and practices aimed at regulating migration and protecting migrants. Used almost synonymously with the term "migration management", although migration management is also sometimes used to refer to the narrow act of regulating cross-border movement at the State level.

Immigration

A process in which non-nationals move into a country for the purpose of settlement.

International migration

Encompasses only the process by which a person changes their country of usual residence to such a country that is not their country of citizenship (in other contexts depending on the particular definition used in country reports) or not their country of birth. Migration as understood here takes place between sovereign countries or across international borders.

Irregular migrant

A person who, owing to unauthorised entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers *inter alia* those persons who have entered a transit or host country lawfully but have stayed.

Low skilled migrant worker

There is no internationally agreed definition of a less or low-skilled migrant worker. A low-skilled worker is considered to be a person who has received little training or, having not received any training, has acquired his/her competence on the job.

Migrant flow

The number of migrants counted as moving or being authorised to move to or from a country to access employment, or to establish themselves over a defined period.

Migrant stock

The number of migrants residing in a country at a particular period.

Migrant worker

A person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he/she is not a national. (*Art.2 (1), International Convention of the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*)

National

A person, who, either by birth or naturalisation, is a member of a political community, owing allegiance to the community and being entitled to enjoy all its civil and political rights and protection; a member of the State, entitled to all its privileges; a person enjoying the nationality of a given State.

Non-national

A person who is not a national or citizen of a given State.

Post-Arrival / Onsite

The period in the migration journey when the worker arrives and starts work at the country of his/her employment. The worker then requires crucial information on host country laws, provisions, practises, festivities and religious practices; host Government services to migrants; personal information on bank services, currencies and remittance facilities; and mechanisms that are available to redress grievances and other employment violations.

Additional supplementary information include advise on passport renewals, registration for electoral processes, access to country organisations and associations, contact information for private services on cash remittances, package deliveries, and the like.

Pre-Departure

The period in the migration journey when the worker has entered into a foreign employment contract and preparing to leave for the worksite. Relevant information at this stage would include the laws and culture of the destination country, an introduction to the work environment, occupational health and safety, adaptaion to crises situations, and the necessity of contacting and registering with the national embassy, among others.

Pre-Employment

The period in the migration journey when a person is considering foreign employment, but has not applied for a job opening. For purposes of workers' education, at this stage, the worker would need information on foreign employment and its risks and rewards, different opportunities for placement, and how to value the legal and safe modes of labour migration.

At this stage, the employer, whether an enterprise or a household, is considering the recruitment of foreign worker(s). He/she would need information on the country's employment rules for migrant workers, the selection of recruitment agencies, workplace contractual obligations and responsibilities, and estimated costs and expenses.

Receiving Country, Country of Destination, State of Destination, State of Employment

The country that is a destination for migratory flows.

Remittances

Monies earned or acquired by non-nationals that are transferred back to their country of origin.

Return

In a general sense, the act or process of going back to the country of origin. There are subcategories of return which can describe the way the return is implemented; for example, voluntary, forced, assisted and spontaneous returns.

Return and Reintegration

The period in the migration journey when a worker prepares to return or is newly resettled in the home country. Information needed include available social and economic reintegration options, such as, but not limited to, available skills training and other opportunities for livelihood, re-employment and entrepreneurship.

Seasonal migrant worker/migration

A migrant worker whose work, or migration for employment, is by its character dependent on seasonal conditions, and is performed only during part of the year. (*Art. 2 (2) (b), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*)

Seafarer

In the migration context, the term refers to a migrant worker employed on board a vessel registered in a State, of which he/she is not a national (includes persons on shipping vessels). (*Article 2.2, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*)

Sending country, Country of origin, State of Origin

The country that is a source of migratory flows.

Skilled migrant

A migrant worker who, because of his/her skills or acquired professional experience, is usually granted preferential treatment regarding admission to a host country (and is, therefore, subject to fewer restrictions regarding length of stay, change of employment, and family reunification).

Trafficking in Persons

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. (*Art. 1(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime*) Trafficking in persons can take place within the borders of one State or may have a transnational character.

Undocumented migrant

A non-national who enters or stays in a country without the appropriate documentation. This includes, among others: a person (a) who has no legal documentation to enter a country but manages to enter clandestinely, (b) who enters or stays using fraudulent documentation, (c) who, after entering using legal documentation, has stayed beyond the time authorised or otherwise violated the terms of entry and remained without authorisation.

Sources: *Country Migration Report, The Philippines, 2013, Scalabrini Migration Center and the International Organization for Migration, 2015.*

Abbreviations

ACMW	ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers
AEC	ASEAN Economic Community
AIR	Anti-Illegal Recruitment
AMS	ASEAN Member States
ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
ATIP	Anti-Trafficking in Persons
ATIPSOM	Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act
CAEP	Continuing Agency Education Programme (Philippines)
CCFWII	Cabinet Committee on Foreign Workers and Illegal Immigrants (Malaysia)
CEDAW	Committee on the Elimination of Discrimination Against Women
CLMV	Cambodia, Lao PDR, Myanmar, Viet Nam
COLAB	Centre of Overseas Labour (Viet Nam)
CPDEP	Comprehensive Pre-Departure Education Programmes
CSO	Civil Society Organization
DAP	Development Academy of the Philippines
DOLE	Department of Labour and Employment (Philippines)
DOLAB	Department of Overseas Labour (Viet Nam)
DOSH	Department of Occupational Safety and Health (Malaysia)
EOP	Employers' Orientation Programme (Singapore)
EPS	(Korea) Employment Permit System
ESJC	Employment Service Job Centre (Lao PDR)
EU	European Union
FDI	Foreign Direct Investment
FDW	Foreign Domestic Workers (Singapore)

GAP	Gender Action Plan
GDL	General Department of Labour (Cambodia)
GDP	Gross Domestic Product
HSW	Household Service Workers
IDP	Internally displaced person
ILO	International Labour Organization
IOM	International Organization for Migration
LGU	Local Government Unit
MOA	Memorandum of Agreement
MOHA	Ministry of Home Affairs (Malaysia)
MOHR	Ministry of Human Resources (Malaysia)
MOLSW	Ministry of Labour and Social Welfare (Lao PDR)
MOLIP	Ministry of Labour, Immigration and Population (Myanmar)
MOLISA	Ministry of Labour, Invalids and Social Affairs (Viet Nam)
MoLVT	Ministry of Labour and Vocational Training (Cambodia)
MOM	Ministry of Manpower (Singapore)
MOU	Memorandum of Understanding
MOWA	Ministry of Women’s Affairs (Cambodia)
MRC	Migration Resource Centre
MTOSB	Manpower Training and Overseas Sending Board (Cambodia)
MTUC	Malaysia Trades Union Congress
NEP	National Employment Policy (Cambodia)
NGO	Non-Government Organization
NLD	National League for Democracy (Myanmar)
NRCO	National Reintegration Centre for OFWs (Philippines)
NSEDP	National Socio-Economic Development Plan (Cambodia)
OFW	Overseas Filipino Worker
OMWU	Overseas Workers Management Unit (Viet Nam)

OWWA	Overseas Workers Welfare Administration (Philippines)
PAOS	Post-Arrival Orientation Seminar
PDEP	Pre-Departure Education Programme
PDOS	Pre-Departure Orientation Seminar/ Session
PESO	Public Employment Service Office
PEOP	Pre-Employment Orientation Programme
PEOS	Pre-Employment Orientation Seminar
PIBA	Population, Immigration and Border Authority (Thailand)
POEA	Philippine Overseas Employment Administration
PRK	People Republic of Kampuchea
READI-HRF	Regional EU-ASEAN Dialogue Instrument-Human Rights Facility
SIP	Settling-In Programme (Singapore)
TESDA	Technical Education and Skills Development Authority (Philippines)
TOEA	Thailand Overseas Employment Administration
TOT	Training of Trainers
UNHCR	United Nations High Commissioner for Refugees
VAMAS	Viet Nam Association of Manpower Supply
WPH	Work Permit Holders (Singapore)
3D Jobs	(Dirty, dangerous, and difficult) jobs



Chapter 1

ASEAN and Migration

Across an extremely diverse socioeconomic and political landscape, international migration has played an increasingly important role in the growth, development and well-being of the peoples of Southeast Asia.

This Chapter provides a broad sweep of migration policy and governance institutions in the 10 Member States of the ASEAN, giving special focus and attention to individual migrant workers' education and safe migration programmes.

The Country Reports highlight the complex challenges of labour migration movements in Southeast Asia, and the efforts of the ASEAN Member States to better prepare their citizens to participate in an increasingly globalised labour market.

BRUNEI DARUSSALAM

Socioeconomic Profile

Brunei Darussalam is the smallest country among the ASEAN Member States, located in Borneo Island and sharing borders with East Malaysia (Sabah and Sarawak) and Kalimantan, Indonesia. Its land size is 5,765 kilometers. The *Brunei Darussalam Statistical Yearbook 2015* records the total population of the country at 417,200 with 216,600 as male, and 200,600 as female.

The economy of Brunei Darussalam has been largely sustained by its oil and gas industry. Its current economy commands the second highest Gross Domestic Product (GDP) per capita among all the ASEAN Member States, at BND40,979 (about USD28,899) in 2014, trailing behind Singapore. It enjoys political and economic stability under the leadership of the Sultan and Yang Di-Pertuan (Head of State) of Brunei Darussalam.

The history of Brunei Darussalam dates back to the 6th and 7th centuries A.D. During the 14th and 15th century A.D., Brunei Darussalam was a powerful Muslim Kingdom covering the entire land mass of Borneo and parts of southern islands of the Philippines. The discovery of oil in 1929 marked the political and socioeconomic event in the modern history of the country. Brunei Darussalam stepped into the threshold of a rapid transformation process.

Brunei Darussalam became a full-fledged independent country on 1 January 1984 after almost 100 years of British protection. Soon after, Brunei Darussalam became a member of ASEAN, Organization of Islamic Conference (OIC), the British Commonwealth, and the United Nations Organization (UNO). The country is run under the official ideology of Melayu Islam Beraja (MIB) or Malay Muslim Monarchy.

The prosperity enjoyed by Bruneians is derived from substantial income generated from oil and gas that sustained Government-driven welfare programmes in education and health, as well as generous subsidies on food, housing and fuel. The national economic strategy is geared toward diversifying into non-oil industries. It also attracts Foreign Direct Investments in new export industries, while supporting local businesses to raise their export potential, and increase employment opportunities for the locals.

Majority of the citizens and residents are employed in the public sector, and the growing number of young graduates wishing to join the workforce can no longer be adequately absorbed. On the contrary, the oil and gas sector employs less than 3 per cent of the workforce, even though it makes up about half of the economy with over 90 per cent of export earnings.

The current relative unemployment rate of the country stands at 6.9 per cent. A Manpower Planning Council was established recently to monitor, manage and make policy interventions to help reduce unemployment. The Government has called for the private sector to create more job opportunities for the locals, and launched various incentives to encourage the growth and expansion of small and medium enterprises.

On the other hand, foreign workers constitute a large percentage of the labour force. Almost all foreign workers are legally documented, where majority work as domestic helpers, construction workers, teachers, and professionals in the Government service.

Labour Migration History

Prior to 1921, there was no formal control on non-residents entering and working in the country. Brunei Darussalam's main industries at the time were catch, rubber and coal, and these were deemed unattractive for people in neighbouring countries to come and seek for employment. The Registration of Aliens Enactment was enforced in 1 January 1921 and marked the beginning of regulating the entry into and exit from Brunei Darussalam.

The need for foreign workers in Brunei Darussalam began in 1929 when oil was discovered. The oil industry began to expand since then and needed foreign workers to explore the oil field both offshore and onshore. In 1955, the Department of Labour was established in the Belait District, one of the four districts of Brunei Darussalam where oil reserve is abundant. It was only in 1959 during the introduction of the Brunei Darussalam Constitution when people in the country were distinguished between the citizens, permanent and temporary residents.

The country's modernisation began gradually in the 1950s and attracted foreign workers to work not only in the booming oil and gas industry, but also in the construction sector when Brunei Darussalam began rapidly developing its infrastructure. The lack of local skilled workforce prompted His Majesty's Government of Brunei Darussalam to turn to foreign workers from neighbouring countries and beyond to supplement its workforce. Thereafter, foreign workers began coming into Brunei Darussalam and found employment in the following sectors:

- Agriculture, forestry and fishing
- Mining and quarrying
- Manufacturing
- Construction
- Wholesale and retail trade
- Hotels and restaurants
- Transport, storage and communications
- Financial Intermediation
- Real Estate, renting and business services
- Community, social and personal services

Most of the foreign workers are employed in the private sector in the skilled and non-skilled categories, doing a wide range of activities. The services of foreign domestic workers are in demand and a large number of them come from the Philippines and Indonesia. Foreign workers are categorized as "Temporary Residents", where 59,871 (69%) out of 86,900 come from ASEAN Member States.

Foreign Workers by Country of Origin

In ASEAN, Indonesia has the largest number of foreign workers employed in Brunei Darussalam, followed by the Philippines and Malaysia. This is basically due to similarities in culture and language and the geographical location. **Table 1** shows the statistics on foreign workers by gender and country of origin in the ASEAN. **Table 2** indicates the number of foreign workers from the Top Five Non-ASEAN Member States who are also employed in Brunei Darussalam.

Table 1
Number of Foreign Workers (Temporary Residents) Working in Private Companies
by Country of Origin and Gender, Census of Employers and Employees, 2015
(ASEAN)

ASEAN Member States	Male	Female	Total
Total ASEAN	46,036	13,835	59,871
Cambodia	2	-	2
Indonesia	25,106	4,205	29,311
Lao PDR	4	1	5
Malaysia	8,265	2,603	10,868
Myanmar	281	23	304
Philippines	10,058	6,703	16,761
Singapore	225	47	272
Thailand	1,801	220	2,021
Viet Nam	294	33	327

Source: Census Forms of Employers/ Employees Census, 2015, Survey and Statistics Division, Department of Labour, Ministry of Home Affairs, Brunei Darussalam

Majority of the foreign migrant workers are engaged in the elementary occupations, comprising 40 per cent of the total migrant workforce from among ASEAN Member States. Bangladesh and India are forerunners in sending migrant workers in the elementary occupations category.

Table 2
Number of Foreign Workers (Temporary Residents) Working in Private Companies
by Country of Origin and Gender, Census of Employers and Employees, 2015
(Top 5 Non-ASEAN)

Country of Origin	Male	Female	Total
China	192	92	284
India	10,136	239	10,375
Pakistan	380	7	387
Bangladesh	9,799	21	9,820
United Kingdom and Northern Ireland	435	204	639

Source: Census Forms of Employers/ Employees Census, 2015, Survey and Statistics Division, Department of Labour, Ministry of Home Affairs, Brunei Darussalam

Relevant Labour Migration Legislation, Rules and Regulations

Brunei Darussalam has launched a long-term development plan that outlined the Brunei Darussalam Vision 2035. Its three main goals are:

1. Development of a well-educated and highly-skilled people as measured by the highest national standard;
2. Quality of life that is among the top 10 nations in the world; and
3. Dynamic and sustainable economy with income per capita within the top 10 in the world.

The first main goal is a human resource strategy to create a pool of highly-skilled local workforce that can replace jobs reliant on skilled and professional foreign workers. Although the country still relies on foreign workers engaged in occupation groups such as elementary occupations (i.e., domestic workers, cleaners, drivers, grass cutters and labourers), it is the aim of the “Brunei Vision 2035” to provide decent work and employment for Bruneians. This is evident in the current policy directions on employment where the private sector is encouraged to localise its workforce, specifically aiming for 80 per cent Bruneian workers and 20 per cent foreign workers.

Since Brunei Darussalam will continue to be a receiving country for foreign workers due to its small population, the Department of Labour, under the Ministry of Home Affairs, is tasked to regulate foreign labour through the issuance of licenses and work permits for foreign workers. Its mission is to “facilitate in meeting the needs of workers in the private sector through the hiring of foreign workers, without prejudice to the priorities and employment opportunities to the locals to help the progress and development of the country.”

Being an active member of ASEAN and ASEM, Brunei Darussalam strives to develop labour and employment standards, including the welfare of migrant workers, at par with international guidelines. Other relevant legislation concerning employment and workforce are under the purview of the Department of Labour, Ministry of Home Affairs:

1. Employment Agencies Order, 2004

The aim of this Order is to prevent human trafficking, forgery of documents and signatures and irresponsible and unscrupulous employment agencies. It regulates the employment agency activities within the country to protect both employers and employees through:

- a. Registering and licensing of all employment agencies
- b. Monitoring of employment agencies
- c. Receiving and addressing of complaints from the public that are related to employment agencies
- d. Conducting investigations on employment agency matters
- e. Taking appropriate actions when necessary in order to enforce the Order

2. Employment Order, 2009

This is the main legislation governing the terms and conditions of employment in Brunei Darussalam. It covers all persons who are employed under a contract of service, which may be written or implied but excludes seamen, domestic servants and any person employed in a managerial, executive or confidential position.

Civil servants and all employees of statutory bodies are also excluded from this Order. It contains provision in Part XIII regarding employment of immigrant employees and prohibition on termination of local for immigrant employees. Also, a provision on Part XII covers the application of the Order to all domestic workers including the general provision for the engagement, repatriation and working conditions of domestic workers.

3. Workplace, Safety and Health Order, 2009

This is an Order relating to the safety, health and welfare of persons at work in workplaces and for matters connected with it.

4. Workplace Safety and Health (Amendment) Order, 2013

Amendments were made on specific sections where provisions and definitions were updated and expanded. Likewise, seven new regulations on Workplace Safety and Health were passed in 2013 and 2014 consisting of the following:

- a. Facilities/ Control of Major Accidents Hazards Regulations, 2013
- b. General Provisions Regulations, 2014
- c. Construction Regulations, 2014
- d. Workplace Safety and Health Officers Regulations, 2014
- e. Workplace Safety and Health Committees Regulations, 2014
- f. Incident Reporting Regulations, 2014
- g. Risk Management Regulations, 2014

Workers' Education and Safe Migration Programmes

The Department of Labour requires mandatory briefings on labour rights for new foreign workers when they sign their contract in the presence of a Labour Officer. This enables the foreign worker to ask for additional questions regarding the stipulations in the contract.

Arrival briefings are also done by companies and employment agencies for individual and group hires. Most of the briefings focus on the contract agreement, insurance coverage, safety and welfare and important contact numbers to call during emergency.

The conduct of workers' education and safe migration campaigns is initiated and supervised mainly by the Department of Labour of the Ministry of Home Affairs. The functional divisions that assist in the briefings on Brunei Darussalam Employment Laws and other labour-related awareness campaigns are:

- Legal and Prosecution Division
- Labour Enforcement Division
- IT and Information System Section
- Workplace Safety and Health Division
- Labour Standards and Employment Agency Division

On the other hand, the Department of Labour is assisted by three Government agencies in the orientation programmes on the Workplace Safety and Health Order 2009, including the enforcement of seven regulations under this Order.

These regulations are the following: (a) General Provisions Regulations, (b) Construction Regulations, (c) Workplace Safety and Health Officers Regulations, (d) Workplace Safety and Health Committee Regulations, (e) Incident Reporting Regulations, (f) Risk Management Regulations, and (g) Control of Major Accidents Hazards Regulations.

The Government agencies and their respective roles are the following:

1. Energy and Industry Department, Prime Minister's Office (EIDPMO) – Assist in the implementation and enforcement of issues on safety and health at workplace for activities related to the oil and gas industry and other energy-related industries.
2. Environmental Health Services, Ministry of Health – Assist in the implementation and enforcement related to health affairs at the workplace.
3. Public Works Department, Ministry of Development – Assist in the implementation and enforcement of safety issues at the workplace for activities related to the construction and development industries.

The mandatory roadshows, orientations, briefings and awareness-campaign programmes and other promotional activities on employment laws conducted by Department of Labour are conducted in the four districts of the country. Newspaper advertorials both in English and Malay were published in all the major local newspapers in the country beginning mid-July 2016. The publication is done periodically and will be a continuing effort of the Government. Similar information is disseminated by the Department of Labour via its online website and social media platforms.

Likewise, the Workplace Safety and Health Order and its seven regulations are tailor-fit for each type of industry or employment sector. For example, the construction industry will require information on technical aspects, such as working at height, use of tools and equipment, and other construction-related activities. The service industry, meanwhile, will only require a basic understanding of workplace safety and health. Most of the existing safe migration programmes are conducted annually. Special briefings are conducted when there are amendments to the existing legislation that will impact on employers and employees alike.

The Embassies of the Philippines and Indonesia in Brunei Darussalam conduct their own specific briefings and awareness-raising campaign on their services and programmes for their respective nationals working in the country. Specifically, the Philippine Embassy initiates orientation programmes in Brunei-Muara and Belait Districts. Filipino nationals in Brunei Darussalam are the largest non-Muslim foreign workers. A “*Guide to the Syariah Penal Code Order 2013*” was distributed to the participants.

Standards

The standardisation of workers’ education programme and safe migration campaigns are ensured through the publication of a Manual, such as the *Guide to Brunei Employment Law*, which are published online. The main objective of the Guide is to educate and raise public awareness on the laws and regulations of labour in Brunei Darussalam. At the same time, a standard PowerPoint presentation on the Workplace Safety and Health Order and its Regulations has been prepared to ensure consistency during orientation briefings.

At present, there are no accredited Centres or training providers commissioned by the Department of Labour to conduct the Workers’ Education and Safe Migration Campaigns. The responsibility is carried out by the various divisions under the Department of Labour.

The only known existing partnership is the conduct of the Workplace Safety and Health Order orientation briefings wherein the Department of Labour works with Committee Members from other counterpart Government Ministries.

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CAMBODIA

Socioeconomic Profile

Cambodia's economy has enjoyed sustained growth, averaging 7 per cent annually from 1994 to 2004. It achieved even more remarkable annual growth of 11 per cent between 2004 and 2007. In 2008, favourable growth rates helped maintain and provide jobs for about 6.9 million workers. In 2009 and 2010, economic prospects were overshadowed by the global economic crisis, which reduced annual growth rates to 2.5 and 4 per cent, respectively. While fallout from the global financial crisis was expected to linger over the next few years, Cambodia was able to resume its favourable growth over the medium term at an annual rate of 7 per cent from 2011 to 2016.

However, the robust economic growth has not achieved equivalent employment growth. While economic growth averaged 6.8 per cent between 1994 and 2004, employment grew by only 3.3 per cent. Between 2005 and 2007, an average 10.5 per cent growth in GDP contributed to only 2 per cent growth in employment. In the medium term, every 1 per cent growth in output is expected to generate only a 0.428 per cent increase in employment.

Today, Cambodia is still predominantly a rural, subsistence economy. The vast majority of the population (82%) live in rural areas. Seven-tenths of GDP is derived from the rural economy. In term of employment, 81 per cent of the labour supply is in the rural employment. A huge amount of Cambodia's productive resources – labour, land, and other natural resources – are located in the rural areas, and are still unused or underutilized.

Unemployment among the youth aged 15 to 24 years is becoming critical. The 2008 population census showed that youth unemployment, conventionally defined, stood at 3 per cent. It was a more serious problem in urban areas (8%) than it was in rural areas (2%). Skills mismatches were prevalent, and many youth were not qualified for the available jobs.

According to the 2008 National Census, the total population in Cambodia was 13.4 million. With an annual population growth rate of 1.54 per cent, and an estimated total fertility rate of 3.1 per cent between 1998 and 2008, Cambodia's population is expected to reach 19 million by 2020. Both the annual growth rate of the population and the fertility rate —1.2 per cent and 2.2 per cent, respectively— are higher than average for Southeast Asia. As a result of a baby boom in the mid- to late-1980s, Cambodia's population includes a large proportion of the young, and they are entering the labour force at a rate of about 250,000 persons per year.

Thirty-five per cent of the Cambodian population is estimated to have been living under the national poverty line. Poverty is considerably higher in rural areas (39%) than in urban areas (5% in Phnom Penh, and 25% in other urban areas). Poverty in Cambodia is overwhelmingly a rural phenomenon. In 2004, about 91 per cent of the poor lived in rural areas. The literacy rate is 73.6 per cent. Rapid population growth through the 1980s and 1990s doubled and drastically changed the demographical picture. Today, 60.8 per cent of total population is 24 years of age or younger. The most important urban centre, Phnom Penh, is facing problems with the rapidly increasing number of poor migrants. (*Source: Policy on Labor Migration for Cambodia, ILO, 2010*)

Labour Migration History

The first migration of persons in independent Cambodia took place during the 1950s and 1960s, when ethnic Chinese were permitted to settle in the mountainous and wasteland areas and cultivate land that otherwise would have remained useless. After 1970, about 200,000 Vietnamese nationals living in Cambodia were repatriated to Viet Nam as a security measure. With the insurgent victory in April 1975, most of the country's remaining Vietnamese were reported to have emigrated to Viet Nam. In addition, thousands of Cambodian refugees, including many former officials and military personnel, fled across the Thai border or were evacuated by U.S. aircraft.

The new Government launched a sweeping nationwide resettlement programme under which some 2.5 to 3 million persons were moved from Phnom Penh and other cities into the countryside, where they were organized into work brigades. The food shortage in rural areas was only slightly less critical than in the cities, and widespread starvation led to the deaths of probably over one million people during the transition. After the installation of the People's Republic of Kampuchea (PRK) in January 1979, continued fighting and political instability resulted in a new exodus of refugees. About 630,000 Cambodians left the country between 1979 and 1981, of which about 208,000 were able to resettle in other countries, including 136,000 in the United States. Most of the rest remained in camps on the border with Thailand, but they were repatriated to Cambodia in May 1993.

In 1997, the conflicts between Government forces and the National Army of Democratic Kampuchea (Khmer Rouge) drove rural populations from their homes. In 1997 and 1998, UNHCR assisted up to 60,000 Cambodian refugees who had fled the fighting in Northwest Cambodia. Also in 1997, the UNHCR helped several thousand ethnic Vietnamese fisher-families return to their Cambodian homes after having camped on the Viet Nam border. Following the peace settlement between the Government of Cambodia and resistance forces in December 1998, the repatriation of approximately 36,000 refugees remaining in camps in Thailand was rapidly implemented. By April 1999, all of the camps were closed, and by June 1999, some 47,000 refugees had returned home. The net migration rate for Cambodia in 2000 was 0.7 per 1,000. In that year, there were 211,000 non-citizen residents living in Cambodia. The Government continues to view the emigration level as too high.

(Sources: Nations Encyclopedia, Cambodia Migration; Cambodia Facts – Migration)

Labour Migration Trends

As a result of the huge number of young people entering the domestic labour market with limited opportunities and the attractive wages offered abroad, more Cambodians are considering leaving the country to find work. There were an estimated 1 million Cambodian migrants working in Thailand in 2016.

The National Poverty Reduction Strategy, 2003-2005 noted the lack of employment opportunities in the domestic market and the need to improve living standards through income generation and skills acquired by workers who have migrated. However, labour migration was not mentioned in the National Socio-Economic Development Plan, 2006-2010. The promotion of management of migration for foreign employment through public and private employment services was identified as a priority in the MOLVT Strategic Plan, 2006-2010, and the following measures were highlighted: improved management of foreign employment, expanded protection of migrant workers, strong inter-ministerial coordination, and closer international cooperation.

In October 2011, the Cambodian Prime Minister imposed a temporary ban on sending domestic workers to Malaysia following a series of reports of abuse and exploitation. To enhance protection of migrant workers, an MOU between the two countries was signed in late 2015. Due to the ban, many employers have sought to extend the contracts of their Cambodian domestic workers beyond two years.

The MOU with the Republic of Korea on the deployment of Cambodian workers under the employment permit system (EPS) is based on: (1) the recruitment and placement process managed by the two Governments (Government-to-Government policy); and (2) the application of a standard framework for all 15 source countries by the Government of the Republic of Korea, which aims to prevent abusive practices and preserve transparency in the process. The Manpower Training and Overseas Sending Board (MTOSB) is a public employment agency tasked with recruiting, training, and sending workers to the Republic of Korea.

The Policy on Labor Migration for Cambodia was formulated in July 2010 and revised in December 2014. This policy has three main components, including (1) governance of labour migration, (2) protection and empowerment of migrant workers, (3) harnessing labour migration for development. The National Employment Policy for Cambodia 2015-2105 was developed in September 2015, which also included labour migration policy as one part of labour market governance.

Gender

Cambodia has already made important progress toward gender equality, but challenges remain in different areas, such as the political representation of women, educational attainments and women's position in the labour market. In the Global Gender Gap Report 2015, Cambodia ranks 109 out of 145 countries. In order to address the main challenges in terms of gender inequalities, the Cambodian Ministry of Women's Affairs (MOWA) has adopted a five-year strategic plan for gender equality and women's empowerment (2014-2018), which includes the vision, mission, key objectives and strategies to address women's needs and diminish gender gaps in Cambodia.

The Plan includes a comprehensive framework for strengthening institutional structures and capacities, as well as specific measures to foster gender equality in six thematic programmes: (1) Economic Empowerment, (2) Education, (3) Health, (4) Legal Protection, (5) Decision Making and Politics, and (6) Climate Change. In addition, the MOWA developed and approved a number of sector-specific action plans, such as the Gender Mainstreaming Action Plan in Climate Change and the Action Plan of Violence against Women. Some sector ministries have elaborated their own gender mainstreaming strategies and action plans, e.g., the Ministry of Agriculture, Forestry and Fisheries. (*Gender Mainstreaming Strategy and Action Plan in Agriculture Sector for 2014 to 2018, and Gender Mainstreaming Strategy and Action Plan in Fishery Sector*)

A new Gender Action Plan II (Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations, 2016-2020) was formally adopted by the Council in October 2015. This Action Plan has four pivotal areas: one horizontal on shifting institutional culture, and three thematic areas—girls' and women's physical and psychological integrity, their economic and social rights, and voice and participation. One of the requirements is to have an annual assessment on progress made in the Action Plan implementation and to prepare country strategies and/or national

programmes designed on the basis of a proper gender analysis. It is against this background that the EU Delegation in Cambodia has decided to undertake a gender audit of its on-going bilateral cooperation portfolio of programmes and projects.

Countries of Destination

The main country of destination for Cambodian migrant workers is neighbouring Thailand, but only a small proportion, less than 10 per cent, migrated through legal channels established under the Memorandum of Understanding (MOU) between the two countries. That said, the number of migrants using legal channels has increased by 173 per cent over a five-year period, from 4,116 in 2006 to 11,224 in 2010, and 16,837 (of whom 37% were women) in 2011. Today, it is estimated that almost one million undocumented migrant workers are working illegally in Thailand, while a very small proportion received their legal working status, such as working permits, through the Certificate of Identification (CI) or Pink Cards.

Migrants to Malaysia are mostly females employed as domestic workers, but other employment sectors are construction, manufacturing and entertainment. In Malaysia, the other major destination for Cambodian migrant workers, the demand for domestic workers increased dramatically following the Indonesian Government's moratorium on sending domestic workers abroad, from 2009 to 2011. The number of Cambodian domestic workers migrating to Malaysia increased from 10,165 in 2008, to 30,197 in 2010, and 33,707 in 2011. In 2009 and 2010, female domestic workers made up 84 and 73 per cent of the total number of Cambodian workers deployed to Malaysia, respectively. Presently, the numbers of domestic workers in Malaysia have doubled.

Migration to Japan is organized through a "trainee system" which allows Cambodian nationals to work in Japan for short periods, and a maximum of three years, to acquire new skills (e.g., manufacturing, construction, and the service sector) that they may be able to use upon their return to Cambodia to secure gainful employment.

Two other important destination countries are Malaysia (in particular for the Muslim Cambodian minority, Cham) and the Republic of Korea. Recently, Cambodia has signed MOUs with Kuwait, Qatar and Japan, as well as with employment agencies in Singapore. The number of licensed recruitment agencies increased from 18 to 31 between 2008 and 2010. There are currently 39 such licensed agencies, 25 of which are members of the Association of Cambodian Recruitment Agencies (ACRA). Presently, there are 71 registered recruiting agencies, which have received their licenses from the Government, represented by the Ministry of Labour and Vocational Training (MoLVT).

Skill Levels/ Occupational Profile

Cambodian international migration is generally unskilled, and migrants are mostly engaged in 3D (dirty, dangerous, difficult) jobs. Men migrate for longer term work mostly to Thailand where they are employed in agriculture, fishing boats, fishery processing, sawmills, brick or ice factories, construction, private household, etc. The Cambodian female migrant workers work in some of those different sectors, but assigned to less risky tasks, such as food processing, factories and construction.

Skill levels of Cambodian migrant workers are very limited due to lack of training in human resources by Government institutions. Majority of migrant workers sent to work

abroad had never received an adequate skill development training (life, technical and career), including language. Since many of them do not have enough skill to perform their work, majority of them end up in the labour jobs with very little wages, and face risks in health and safety.

In the last decade, Cambodian migrant workers received some basic training to obtain knowledge on such topics as how to avoid exploitation and human trafficking and how to seek intervention in cases of abuse and exploitation. The training also includes orientation on tradition and culture, rules and regulations, and language.

There were some programmes designed and supported by the European Union (EU) to enhance skill level of the migrant workers. The “Poverty Reduction through Skills Development for Safe and Regular Migration in Cambodia, Lao PDR, Myanmar, and Viet Nam (CLMV)” was one of the projects aiming to strengthen the linkages between skills development, successful migration outcomes and poverty reduction for migrants. While the potential of migration to positively impact upon socio-economic conditions in both countries of origin and destination is well-documented, such positive outcomes of migration on poverty reduction and socioeconomic development in countries of origin have not been generally realized.

The many NGOs and United Nations projects will provide CLMV men and women migrants with labour market, demand-oriented professional and life-skills, which target mismatches between the supply and demand sides, national labour markets and countries. By targeting sectors with high development potential, the project will enable migrants to access improved employment opportunities and conditions, both in Thailand and upon return to countries of origin. The identified pilot sectors are: construction, hospitality, and domestic work. Migrants from CLMV countries, especially poor women, have better employment opportunities and conditions in Thailand, through enhanced skills and knowledge of safe migration, leading to poverty reduction in communities of origin.

Relevant Labour Migration Legislation, Rules and Regulations

Strengthening the overseas employment programme to support job creation is part of the National Strategic Development Plan Update, 2009-2013. In addition, the Cambodian Labour Policy refers to the need to harness development through return and reintegration services, and Sub-Decree 190 acknowledges the potential impact of migration on poverty reduction and human resource development.

Cambodia’s Decent Work Country Programme 2012-2013 includes outcome KHM 129: Government and social partners develop and implement policies to manage migration, protect migrant workers, and combat human trafficking, in line with ILO principles. The activities under this outcome will be supported primarily by the GMS TRIANGLE Project, in terms of staff and resources, with support from the ILO Country Office for Thailand, Cambodia and Lao PDR, Regional Migration Specialist, and Decent Work Technical Support Team specialists.

Governance of labour migration includes issues relating to national labour migration policies and programmes, laws and norms, inter-state agreements, and multilateral processes. It also includes international and national institutional frameworks regarding labour migration. Migration governance acknowledges the involvement of a diverse range of stakeholders, and takes into account complexities, policy paradoxes, and the longer-term

consequences of movements of people. The direct effect of governance on migration reflects the reaction of potential migrants and the public to the quality of Government administration and political commitment of the Government in the country of origin. Good governance of labour migration refers to coherent labour migration management within legal, policy, and institutional frameworks. The institutional framework includes the Government agencies and institutions involved directly or indirectly in labour migration management.

These institutions are responsible for crafting the legal, regulatory, and policy framework for governing the labour migration process. One important means of improving governance is social dialogue between different Government agencies, the social partners' organizations, and civil society. Hence, labour migration governance is not the sole responsibility of Government institutions. Private-sector organizations, trade unions, civil society, and local communities can also be powerful social forces in shaping the different aspects of the labour migration process, and thus its governance.

National Employment Policy, 2015 (NEP)

The National Employment Policy (NEP), 2015-2025 was formally launched by the Prime Minister Hun Sen in a ceremony on 22 October 2015 at the Peace Palace in Phnom Penh, in the presence of senior Government officials, employers' and workers' representatives, and development partners. The development of the NEP was supported by the ILO and is the result of wide-ranging consultations that brought together 20 Government Ministries and agencies, employers' and workers' organizations and other key actors from the world of work.

The NEP has three strategic goals: (1) To increase decent and productive employment opportunities, (2) To enhance skills and human resources development, and (3) To strengthen labour market governance. The document outlines strategies to address the challenges of creating sufficient jobs to meet the needs of Cambodia's young and growing population. It also stresses the need for these jobs to be decent and inclusive. However, the NEP has its primary focus on the contribution of skill development, promoting safe migration and empowerment of workers as a whole.

“The launch of the National Employment Policy is a necessity, which is very much in line with the Rectangular Strategy Phase 3. This Policy will contribute to achieving a sustainable growth, improving livelihoods and promoting social harmony through decent and productive employment for all.” (*Samdech Prime Minister Hun Sen*)

“This National Employment Policy is an invaluable new treasure of Cambodia. The policy has been formulated to respond to new challenges which will emerge in the Cambodian labour market across different stages of socio-economic development and changes in economic architecture.” (*Dr. Ith Sam Heng, Minister of Labour and Vocational Training*)

Migration Policy, 2014

The Migration Policy, which was adopted in 2014, was to develop a comprehensive and effective labour migration governance framework that protects and empowers women and men throughout the migration cycle, ensures that migration is an informed choice, and enables a positive and profitable experience for individual workers, their families and communities, that also contributes to the development of Cambodia.

Recognising and responding to the distinct needs of migrant workers with respect to their gender, sector, legal status and other individual characteristics, is central to the policy and its effective implementation. MP was specifically designed and developed to achieve this overall policy objective. There are three specific objectives:

1. Formulation and implementation of rights-based and gender-sensitive policy and legislation through social dialogue at all levels;
2. Protection and empowerment of men and women migrant workers regardless of their status through all stages of the migration process; and
3. Harnessing labour migration and mobility to enhance social and economic development in Cambodia recognising that migrant workers are agents of innovation and development.

National Legal and Regulatory Framework

The national legal and regulatory framework governing labour migration in Cambodia is sporadic and limited. Sub-Decree 57 on Sending Khmer Migrants to Work Abroad, issued in 1995, is the primary legal framework that aims to regulate the deployment of Cambodian workers abroad. The sub-decree recognised the lack of employment opportunities in the domestic market and the need to improve living standards through income generation and skills acquired by workers from overseas migration.

The existing and available legal documents, which are relevant in providing and directing the mandate for the implementation of the inspection are limited to the following:

1. Royal Decree on Organization and Functioning of the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation, 4 October 1999 (Anukret 87/ANKR-BK). It is guided by the main mandate for the MoLVT in conducting its role and responsibility.
2. Cambodian Labour Law, issued on 17 January 1997. This law is utilized as the main measurement and tool to upholding the rights of Inspection Unit mandate of the MoLVT.
3. Law on Amendment of Cambodian Labour Law in article 139 and 144, dated 20 July 2007. Added more value and comprehensive response for labour law to suit all labour's needs
4. Law on Social Security Scheme for Persons Defined by the Provisions of Labour Law, 22 September 2002, to operatize and functionalize as autonomous instruction.
5. Law on General Constitution of Public Enterprises, dated 28 June 1996. For enterprises that employed workers, with specific terms and conditions
6. Prakas 108, issued in May 2006, on Education of HIV/AIDS, Safe Migration and Labour Rights for Cambodian Workers Abroad, aims to promote pre-departure training for migrant workers on health issues, safe migration, and labour rights to reduce their vulnerability to health problems
7. Sub-Decree 70, issued in July 2006, on the Creation of the Manpower Training and Overseas Sending Board (MTOSB), is designed specifically to regulate the sending of workers to the Republic of Korea. The MTOSB oversees the recruitment, training, and sending of workers to South Korea.
8. Prakas 012/2007 created a labour migration task force to formulate and implement policy and action plans, including the coordination of technical assistance in the area of labour migration.
9. Sub-Decree 68/2009 regarding the cost of passports for migrant workers was issued in 2009, and formalized reduction of passport costs to USD20 and expediting passport issuance within 20 days.

10. Further to this, the Sub Decree No. 190 (2011) was replaced Sub-Decree No. 57, and the 8 Prakas (2014) were supplemented to suit the situation and to respond to the real needs in the ground.

Legislation governing workers' education programmes remain unchanged. However, some Prakas and regulations have been reviewed and updated to suit real situations. Moreover, the pre-departure orientation Manual was reviewed and updated from time to time. There are important changes in Pre-Departure Orientation Session (PDOS) where some important subjects have been included to improve the quality of the education programme.

Within the Ministry of Labour and Vocational Training, the General Department of Labour (GDL) is responsible for the enforcement of labour laws, for improving and ensuring hygiene, health, security and good working conditions at the factories/enterprises, for inspecting enterprises and following-up on the labour laws enforcement and provisions related to working conditions, occupational safety and health, and the general social welfare of workers/ employees.

Workers' Education and Safe Migration Programmes

The Pre-Departure Orientation Session (PDOS) is mandatory. However, the General Director of Labour (GDL) has not prepared the Checklist and Manual of Instructions for the Conduct of Technical Assistance/ Advisory Services for Central Offices as a guide to the provision of services. This concerns the establishments conducting the pre-departure training for potential migrant workers to assist them to comply with labour standards through training, advice, and assistance in the preparation of improvement plans, in close consultation with recruitment agency owners.

As indicated in the Manual, training and advisory visits refer to the conduct of orientation seminars and authorized advisory/assistance and follow-up visits by trained Department of Employment and Manpower personnel/inspectors to recruiting agencies who have been involved in sending migrant worker abroad, to assist them in mapping out a development and improvement programme, or advising them on legal matters to avoid conflict within their business.

Government deployed the Employment Permit System (EPS), which was the Government to Government Programme endorsed by the Ministry of Manpower of the Republic of Korea, and the Ministry of Labour and Vocational Training of Cambodia. To raise the public awareness on safe migration, a Roundtable on Safe Migration is conducted on 18 December, the International Migrant's Day, which the Government has approved. In addition, there are events like live radio talk shows, among others.

Standards

There is no standard established in the conduct of workers' education programme. However, there had been common collaboration with development partners in service on pre-departure training and orientation session. At the national level, GDL is a legally established coordination management body responsible for all labour-related matters.

The length and duration of the training differs from one another. In common practice, the orientation session conducted by the recruitment agencies lasts from one to three days at the most. Some sessions are held in one day or one and a half days before they are ready to

send off workers abroad. The contents of the orientation session are the same as those used in the common standard Manual introduced by the Government; however, some contents have been incorporated to suit the real situation of the receiving countries. In general, the main subjects are: working conditions, destination country's laws, the working environment, salary and benefits, tradition and culture, and other relevant laws.

The selection of the trainers are largely based on the availability of the competent staff they have recruited; however, selected trainers then undergo training of trainers (TOT) so that they could continue providing training to potential migrant workers. The requirement of the training venue is not mandatory; training can be done where there is room space available in the recruitment agency's office.

There is a standard Manual developed by the Government with contributions and inputs from United Nations Agencies and NGOs who are working on migration issues. However, the Manuals have been developed and updated by recruitment agencies to suit their clients' needs, following the guidelines and instructions from the Government. Generally, there are a few materials specifically developed by the Government for each of the destination countries through its development partners such as ILO, IOM and UN agencies. In addition, there are materials extra training on workers' education, which were developed and produced by the NGO partners and their Donors.

There were monitoring and inspections mechanisms conducted occasionally by officers from the Department of Employment and Manpower of the MoLVT. The legal and official channels for monitoring the performance of the training providers and the beneficiaries of the systems are relatively weak and irregular. The monitoring systems of Government have not been regularly put in place, and the training providers, including the private manpower and recruiting agencies and NGOs, seem to conduct their irregular monitoring systems with doubtful procedures and guidelines.

The mechanism for social dialogue between the Officers/Inspectors from the Ministry, the recruiting agencies and enterprises and NGOs are seen as partially absent. The NGOs are working individually in getting their own monitoring and compliance staff to understand how the monitoring and inspection system works; but they never set a forum with all the key players and stakeholders so they could discuss how to empower the monitoring and inspection department as the standard body to oversee labour standards in Cambodia.

Partnerships

It is mandatory that all private recruitment agencies deliver the training and orientation sessions before sending migrant workers to work abroad, but in a few cases migrant workers were not trained before sent to work in Thailand. In other cases, the sending process was hurriedly done, and some of the potential migrant workers were not trained thoroughly according to the rules and regulations, guidelines and Manual, which was agreed by both recruiting agencies, and the Government.

All Provincial Departments of Labour and Vocational Training are also mandated, to provide the training as well. However, due to the limited budget of the Government, trainers were somehow paid by the recruiting agencies, and the training quantity and quality were somehow very limited.

Development partners, some Civil Society Organisations (CSOs) and few trade unions also had their respective orientation and education programmes to support migrant workers. There are several NGOs who are receiving grant from International Donors to run its own programmes to deliver pre-departure and safe migration training for many of the disadvantages target groups, the potential migrants and the some members of their families.

However, the training itself is very limited in term of trainers, resources and time, and the contents on pre-recruitment to post migration. There are no formal and officially accredited trainers; however, Training of Trainers (TOT) is provided to those selected trainers and recruiting agencies officers who are involved in the recruitment and training of migrant workers. For NGOs that are also involved in training of migrant workers, although they do not receive any accreditation or license, they can still provide the training by virtue of a Memorandum of Understanding (MOU) with the Ministry. There are also training providers from Manpower or Recruitment Agencies and NGOs, which have received the certification and accreditation to provide training services.

However, there is no legal measure to assess the quality and standard of their training services, and there is no monitoring system in place. More importantly, there is a Prakas on PDOS. Government suspends licenses of training providers found in violation of MoLVT guidelines on the conduct of the PDOS.

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INDONESIA

Socioeconomic Profile

The island nation of Indonesia is the fourth largest country in the world, with a population of 231.6 million in 2007. The population growth is currently 1.2 per cent per year. The central island of Java has reached a population density of 1,000 persons per kilometer, and is one of the world's most densely settled large areas.

Large-scale migration for labour or because of conflict is not a recent phenomenon in Indonesia. In 1931, when Indonesia was the colony of Netherlands East Indies, there were 172,181 Javanese indentured workers in the outer islands. Another 153,758 persons from the East Indies moved to Malacca (in current-day Malaysia) for employment between 1900 and 1930. During the Second World War, 200,000 persons were mobilised for labour beyond Java. Subsequently, 6 million persons became internally displaced during the Indonesian Revolution. The transmigration programme relocated hundreds of thousands of Javanese to the outer islands during both the colonial and post-colonial periods. However, spontaneous migration from the outer islands to Java offset much of the population redistribution.

The economy of Indonesia posted impressive rates of growth from 1965 until the Asian economic crisis began in 1997. It then contracted and recovered only after 2000. The per capita GDP shrank from US\$1,140 in 1995 to US\$ 785 in 2000 but then grew to reach US\$ 1,369 in 2006. Foreign direct investment (FDI) in Indonesia became negative in 1998 but realized FDI had grown to US\$8.9 billion by 2005.

Continuing population growth and a slowly recovering economy have put pressure on the workforce. From 1995 to 2005, the population of young workforce aged from 15 to 39 years increased by an annual average of 1.3 per cent, adding an average of 1.2 million persons per year. It is estimated that the growth rate of the population aged 15-39 years is 0.6 per cent a year between 2005 and 2010. Because of the economic crisis and the resultant loss of FDI, the economy could not effectively absorb the increases in the working age population. The percentage of the labour force working in industry declined from 18.7 per cent in 1995 to 16.9 per cent in 2005. The official number of unemployed workers increased from 9.5 million in 2003 and 10.2 million in 2004 to 10.8 million in 2005.

Labour Migration History

While Indonesia deploys high numbers of temporary workers overseas, relatively modest numbers of Indonesians are abroad as permanent migrants, students or trainees. There were 168,000 Indonesian-born persons in the Netherlands in 1999, in a community started when many Indonesians opted to settle there after their country gained independence in 1949. In 2001, there were 72,000 Indonesians living in the United States, and 47,158 living in Australia.

Formal deployment of overseas contract workers to the Middle East, especially to Saudi Arabia, expanded rapidly during the late 1970s and early 1980s, following the increase in petroleum prices. The demand was not only for male construction workers but also for female domestic workers. Government began to promote labour migration and, by 1990, it had formally deployed 86,264 workers.

Deployments increased rapidly to a temporary peak of 502,977 in 1997, after which they became somewhat lower until 2006, when statistics provided in the IOM/ESCAP questionnaire indicated that they had reached a new high of 712,160. The proportion of women among the total in 2006 was 75.3 per cent.

The low number of deployments in 2003 resulted from fewer opportunities in Malaysia, stricter requirements for dispatching migrant workers, temporary freezes on sending workers to Saudi Arabia and Taiwan Province of China, the outbreak of war in the Middle East, and the spread of severe acute respiratory syndrome (SARS) in several destinations in East and South-East Asia. Because officially deployed workers usually stay overseas for more than a year and because many overseas workers do not go through official channels, the stock of Indonesian overseas contract workers at any one time is several times greater than the annual number of deployments. In 2007, the World Bank estimated that Indonesia has about 4.3 million citizens working overseas. Migration is increasingly feminised and undocumented.

The deployment of about 3.9 million workers from 1996 to 2005 equalled more than one-third of the growth of the population in the young workforce aged between 15 and 39 years during that period. This was a very important factor in the economic well-being of young adults and their families. As is the case with Thailand and the Philippines, Indonesia has also increased the proportion of their workers being deployed to regions outside Asia, particularly to the Middle East. As indicated in table 6, the proportion of deployments within Asia and the Pacific dropped from 70 per cent in 2000 to 41 per cent in 2004.

Labour Migration Trends

The overall picture of labour deployment from Indonesia is largely determined by trends in assignments to Malaysia and Saudi Arabia, which together accounted for 86 per cent of all deployments in 2004. However, that was an exceptional year for placements in each of those countries. Deployments to Malaysia were held down because that country instituted a recruitment freeze while offering an amnesty to irregular migrants. Meanwhile, placements in Saudi Arabia recovered from 2003. Placements by region continued to fluctuate in 2005 and 2006, according to statistics provided in the IOM/ESCAP questionnaire. In 2005, 62.7 per cent of deployments were within Asia and the Pacific; however, in 2006 that proportion dropped to 46 per cent, with a majority again sent to the Middle East.

Taiwan Province of China banned the recruitment of women from Indonesia from August 2002 because of the high fees being charged by local agents, the number of women fleeing from their employers and the number of cases of false documents among Indonesian migrants. The ban was lifted on 17 December 2004 and 8,093 women were recruited from Indonesia in the first half of 2005.

Together with the Philippines and Sri Lanka, Indonesia is one of the countries in Asia that deploys more female than male migrant workers. While the proportion of females among migrant workers shown in table 6 fluctuates, it is mainly influenced by the relative number of deployments to Malaysia and Saudi Arabia. Women generally constitute between 40 and 50 per cent of the workers deployed to Malaysia but more than 90 per cent of those sent to Saudi Arabia. The latest statistics indicate that 75.3 per cent of all workers deployed in 2006, and 85.3 per cent of those going to the Middle East, were women.

Most migrant workers from Indonesia have low levels of education and work in low-skilled or semi-skilled occupations. Men mostly work in agriculture, construction or manufacturing while the great majority of the women are domestic workers or caregivers. The Government of Indonesia has officially stipulated placement fees, ranging from the equivalent of US\$ 55 for Malaysia and the Middle East to more than US\$ 2,000 for Hong Kong, China and Taiwan Province of China.

Relevant Labour Migration Legislation, Rules and Regulations

Indonesia's migrant workers policy during the Soeharto era was influenced by Government's focus on ensuring economic growth and providing jobs to its citizens. During this period, the policy was geared to providing regulatory and policy frameworks that allow Indonesian migrant workers to find employment abroad. It was not until the Reformasi period when Indonesia began to acknowledge that migrant workers take a more prominent place in national discourse, followed by more efforts to promote the protection of Indonesia's migrant workers.

Particularly, the Soeharto Government published two primary laws to regulate migrant workers:

1. Government Regulations No. 4, Year 1970 on the placement of workers within the country (*Antar Kerja Antar Daerah/ AKAD*) and workers outside the country (*Antar Kerja Antar Negara / AKAN*); and
2. Ministry Regulations No. 5, Year 1988 on the placement of workers abroad.

Meanwhile, the BJ Habibie period moved further in trying to provide social protection to migrant workers through the following legislation:

1. Minister of Workforce Decree No. 92, Year 1998 on the social insurance scheme for migrant workers;
2. Minister of Workforce Decree No. 209 on the placement of workers abroad; and
3. Presidential Decree No. 29, Year 1999 on coordinating institution for placement of Indonesian workers.

This effort was subsequently followed by next Presidents. Abdurrahman Wahid Government institutionalized the protection of Indonesian migrant workers, as well as Indonesian citizens in general within the Indonesian foreign policy, through Presidential Decree No. 109, Year 2001 that allowed the creation of the Directorate of Indonesian Citizen (WNI), and the Indonesian Legal Entity (BHI) in the Ministry of Foreign Affairs.

Furthermore, the Megawati Soekarnoputri Government brought these efforts to its next step by establishing a legal umbrella under Law No. 39, Year 2004 on the Placement and Protection of Workers Abroad. Firstly, it should be noted that Law or *Undang-undang* is among the highest forms of legislation in Indonesia, above Government regulation and presidential decree—only below the Indonesian Constitution or *Undang-undang Dasar* (UUD).

Secondly, while this law primarily regulates placement of Indonesian migrant workers abroad, it enshrined the protection of migrant workers instead of only the placement in Indonesia's legal and policy discourse for the first time. Thirdly, the law allowed for the establishment of the National Council for the Placement and Protection of Indonesian Migrant Workers (Badan Nasional Perlindungan dan Penempatan TKI/ BNP2TKI).

The Susilo Bambang Yudhoyono Government focused on strengthening public administration in responding to migrant workers issues through several laws, such as:

1. Presidential Law No. 81, Year 2006 and Presidential Decree No. 2, Year 2007 which followed up Law No. 39, Year 2004 by formally establishing BNP2TKI; and
2. Presidential Instruction No. 6, Year 2006 on Policy to Reform Indonesian Migrant Workers Placement and Protection System which, among others, promote the role of Indonesian embassies and general consulates to provide protection to Indonesian migrant workers.

Latest developments show encouraging signs in terms of Government activism on the issue. With a working institution and sufficient legal framework, the recent administration of President Joko Widodo has put the protection of Indonesian citizens abroad as a core component of its foreign policy. This promoted a more substantive approach in addressing issues regarding Indonesian migrant workers. For example, Indonesia is starting to reevaluate the placement of its migrant workers in Malaysia, aiming to provide a more structured and professional placement scheme for Indonesian domestic workers in Malaysia.

Rules governing migrant workers protection, as well as more specifically its education programmes have been updated through time. The most recent law was established in 2004. More specifically, regulations that deal with migrant workers' education programme are enshrined in ministerial regulation (Peraturan Menteri); in this case, the primary regulations are Ministerial Regulations No. 5 and 23, Year 2009.

Ministerial Regulations No. 23, Year 2009 regulates this issue, in which the institutions with the authority to provide accreditation for training programmes are vocational certification institutions. Training results are evaluated on the basis of three different standards: (1) National standards through the National Working Competence Standard (SKKND); (2) International standards; and (3) special standard (*sandar khusus*), which can be developed individually by training providers.

Workers' Education and Safe Migration Programmes

Provincial Governments can develop their own training programmes. Meanwhile, under a Government-to-Government Memorandum of Understanding (MOU), worker placement in Korea and Japan require different training programmes. In general, workers' education programmes can be classified into nine different types.

Standards

The primary training programmes provided to migrant workers are given with the following settings:

- a. Sixty-days training programme, although in practice the time can vary;
- b. Language, culture, vocational skills, and practical problem solving.

Trainers undergo vocational and language training, including former migrant workers from receiving countries. Training venues are usually in Government buildings or in private training service providers. Implementation of safe migration campaigns are often conducted in Government buildings in the villages. There have also been attempts to deliver safe migration campaigns through public service announcements that are delivered through mass media such as televisions.

Government provides a standardised training Manual for each training provider. However, training providers often customise their curriculum to suit the country of destination, as well as the level of education of potential migrant workers. The results of training sessions are mostly evaluated by the training participants and organisers themselves. However, Government has authority to evaluate migrant workers' training programmes, specifically the BNP2TKI, provincial Government, and city/ district Government.

Partnerships

The primary training service providers are Government institutions and private companies (PPTKIS), which are legally mandated to be the training service providers for migrant workers. The Ministry of Workforce has the authority to revoke license of the PPTKIS both as placement agency, as well as training provider. This is usually done after imposing sanctions to problematic institutions.

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LAO PDR

Socioeconomic Profile

Lao People's Democratic Republic (PDR) has been experiencing an ongoing upward rate of labour migration since the beginning of the New Economic Mechanism in 1986, due to direct or indirect influences from globalisation and regionalisation of the world economies in general, and due to certain specific changes at the macro level, i.e., the recent regional or international financial crisis, the natural disasters linked to the pandemic climate change, the rapid growth of population among the developing countries, or the shortages of labour supply among the industrialised nations.

According to a survey in 2006, approximately 7 per cent of the 5.6 million total population of Lao PDR is migratory, and the majority of migrant labourers are between the ages of 18 and 35. With high regional connectivity that resulted from improved technologies and high mobility of people within or between the nation states, all countries in the region, either as the sending or receiving country – have been affected by the impact of labour migration to certain levels and intensity. People have been motivated to migrate to new places with the hope of seeking better opportunities to find decent employment.

Labour Migration History

With the recent establishment of the ASEAN Economic Community (AEC), ASEAN has essentially become the single market and production base to compete in the sub-regional and international stages. The AEC has created the unique opportunity for equal economic development and growth for ASEAN member states, facilitating the free movement of goods, investments and services, and the administered movement of labourers either with professional or low-level skills. In the skilled labour category, the work in seven professions have been officially supported under the ASEAN Free Labour Market initiative, (i.e., engineering, nursing services, architectural services, surveying qualifications, accountancy services, dental practitioners, and medical practitioners), creating both challenges and opportunities for economic growth and development.

Regarding inbound migration, there has been a gradual and steady increase of foreign migrant labour in Lao PDR since the implementation of the open economy policy in 1986, which allowed foreign trades and investments in various sectors of the economy. As a result, many companies, projects and programmes needed to employ foreign workers with specific professional skills. For the outbound migration, there are both the push and pull factors at play, and migrants that travel to other countries usually have limited skills.

The push factor for migration to Thailand includes persistent poverty, unemployment or inadequate income, family debts, working environment, natural disaster, large number of children in family, aspiration to improve the quality of life, and tradition/culture. The pull factors include a perceived notion of high salary and safe working environments, relatively better living standards and conditions, availability of interesting and challenging jobs, accessibility of improved education and health systems, opportunity to gain new knowledge and life experiences, and perceived notion of modernisation and civilisation.

Some recent statistics from the MOLSW showed that between 2010 and 2011, a total of 33,588 migrants went to Thailand; of this total, about 47 per cent were women. In 2014 and 2015, the migrant workers to Thailand increased to 50,712 persons; about 54 per cent were women.

From 2005 to 2015, there had been a rapid structural transformation of labour employment among each three main sectors of the economy: agriculture, industrial, and services. In regard to the quantity of the employed labour force within the agriculture sector, the percentage of labour used in the sector has steadily decreased from 78.5 per cent in 2005 to 65.3 per cent in 2015. This reflects planned structural reform from an agricultural-based society to that of industrialized production-based status.

The policy direction on this labour employment structural shift was also evident in the upward trend of the composition of the labour usages within both the industrial and the service sectors. Corresponding to the same 10-year period (2005 to 2015), there was an increase in labour employment composition in the industrial sector from 4.8 per cent to 11.4 per cent. Likewise, there was an increase in labour employment from 16.7 per cent to 23.3 per cent in the service sector. The increased usage of the labour force within these two economic sectors indicated the current phenomenon of rapid growth in the Lao PDR, especially in the service industry. Nevertheless, full realisation of the positive impacts of growth in these fast growing sectors has yet to be realised. In terms of creating more jobs for people in country, labour migration continues to represent an important livelihood option for the Lao PDR workforce.

Given the rapid economic growth of the country, the upward trend of labour migration at the local, national, or regional levels, and the challenges posed by the structural shift from the agricultural based economy to industrial or service based society. In addition, the Government of Lao PDR aims to translate to the various international framework on employment services such as the ILO Convention on Employment Services, 1948 (No. 88), and the UN Sustainable Development Goal No. 8 on Decent Work and Economic Growth. Further, in light of the AEC, particularly the movement of skilled labour across ASEAN, the MOLSW has attuned its mission statement to move out of the less developed country status by 2030. MOLSW's mission statement focuses on the development of quality labour, and ensures sufficient labour to meet market demands, enhancing skills of its labour force to be at par with internationally accepted levels, and promotes workers toward finding sustainable employment.

At the same time, the upward trend of labour migration at the local, national, or regional level, and the challenges posed by the structural shift from the agricultural-based economy to industrial- or service-based society, the MOLSW also aims to protect the legal rights of all labour migrants and promote safe migration and quality employments for the society at large, and to create an equilibrium between the demand and supply of labour in country among ASEAN Member States, or within the Asia Pacific region. The MOLSW has created specific laws and legislation, and implemented relevant regional MOUs and international instruments.

Relevant Labour Migration Legislation, Rules and Regulations

The following is the list of key laws, policies and regulations relevant for the protection of migrant workers' rights:

1. ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers
2. The Labour Law (amended 2013)
3. The Social Security Law (adopted 2013)
4. The MOLSW Vision 2030, the MOLSW Strategy Plan for Labour and Social Security Development 2016 – 2025, and the 5-year MOLSW Work Plan 2016-2020
5. The Prime Minister's Decree No. 68/PM on Exporting Lao Labourers Working Abroad (dated 28 May 2002)
6. Instruction No. 2417/MOLSW on Implementation of Decree No. 68/PM
7. Ministerial Agreement No. 043/MOLSW on Recruitment Agency Establishment and Controlling
8. MOU Between Thailand and Lao PDR on Labour Cooperation (amended 6 July 2016)
9. Record of Discussion Between Lao PDR and Japan

Workers' Education and Safe Migration Programmes

Both the Labour Law and the Decree No. 68/PM require that migrant workers are informed of their rights and responsibilities before working abroad. Thus, all recruitment agencies must provide pre-departure training for their migrant workers. Currently, there are 18 recruitment agencies in Lao PDR, which have officially registered with the MOLSW. Out of these 18 agencies, 15 agencies have been supplying workers both to the domestic labour market and to the labour market abroad; three recruitment agencies have been deploying workers only within the country.

At the end of 2015, there were 12 recruiting agencies that had already received the training-of-trainer (TOT) training on pre-departure preparation, which were conducted by the MOLSW with the technical and financial support from the ILO. Several training Manuals and resources materials on safe migration have been produced to date by the MOLSW, in cooperation with ILO. Some of the key resource materials are the Pre-departure Training Manual (for facilitators or trainers), the Pre-departure Training Manual (for participants), the Operations Manual on the Protection and the Management of Migrant Workers for three Ministries of Lao PDR (MOLSW, MOFA, and Ministry of Public Security), the Migrant Resource Centre Operations Manual, and the Monitoring and Evaluation Guide for Migrant Resource Centres.

These standardized Manuals and guides have been adopted by the recruitment agencies in their own trainings before exporting labourers to work abroad. None of the 15 recruitment agencies that export labour have created their own pre-departure training Manual; all have been using the two-version standard Manual provided by the MOLSW. For economic of scale, all recruitment agencies have been using their own "in-house" trainers. Criteria or standard for selection of professional trainers are yet to be defined by an individual agency or by the industry as a whole, along with technical support from the MOLSW.

Protection of Migrant Workers

According to the Labour Law, the recruitment agencies have the legal obligation to monitor and follow up with the migrant workers at the destination countries. Based on the Labour Law and Decree No. 68/PM, the recruitment agencies are required to give an update on labour migrants on a regular basis (e.g., submitting a monthly updated list of migrants working under their contract to the MOLSW).

Performance and service delivery of the recruitment agencies is assessed and evaluated by the MOLSW. In cases of emergency, the labour attaché at the Lao PDR Embassy would be contacted for assistance to migrant workers.

Promotion of Safe Migration

There are three Migration Resource Centres (MRC) in Lao PDR—two centres are under the direct supervision of the MOLSW (Champasak and Sayyabouri Centres), and one with the Lao Federal Trade Union (Savannakhet Centre). The roles and functions of the MRCs are to assist migrant workers in accessing information on safe migration and quality job opportunity, to disseminate resource materials on labour migration, providing counseling services and referring cases and allocation responsibilities, and providing trainings and promote safe migration.

The personnel of the three MRCs have received trainings from the MOLSW, and the Manual of Operations of the MRC has been adopted by all three centres. In addition to the three MRCs, there are nine Employment Service Job Centres tasked to promote safe migration and quality employment. Officials from the nine job ESJCs have been trained on the pre-departure preparation, based on the standard training Manual of the MOLSW.

Various campaigns on safe migration and quality employment have been conducted each year during the International Migrants Day celebration and National Job Fair—pamphlets, posters and information card on safe migration and quality employment were disseminated during the these events.

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MALAYSIA

Socioeconomic Profile

Although population growth has remained relatively high in Malaysia, its rapidly expanding economy, increasing urbanization and relatively low-level of labour force participation among women continue to create a major demand for migrant workers. Most estimates suggest that there are 3–4 million migrants currently employed in Malaysia, which would constitute approximately 20–30 per cent of the country’s workforce. With close to full employment since 1990 and higher educational attainment among nationals, migrant workers have for many years filled substantial shortages in the supply of low-skilled labour for key economic sectors.

Approximately one-third of the agricultural, manufacturing and construction workforce are migrants, industries which collectively contributed MYR297 billion (US\$68 billion) or 35.7 per cent of Malaysia’s gross domestic product in 2014 (Ministry of Finance, 2015). Even these high rates of sectoral employment of migrants are known to fall short of the reality as they do not account for irregular migrant workers. Policies to manage labour migration have generally remained ad hoc since they were first introduced as an “interim solution” to fill labour shortages over two decades ago.

Prominent features of the policy framework have included a detailed quota system for entry of migrant workers and efforts to regularize migration through temporary amnesties. These measures have often been followed by bans on new admissions and large-scale law enforcement actions to detain and deport those migrants who do not register with authorities. Although frequent changes have been made, the policies have been consistent in respect to admitting migrant workers only for the purpose of meeting the immediate labour needs of employers rather than allowing for longer term settlement.

Despite their ubiquity within the labour market, the Malaysian Government has not readily accepted the role that migrant workers play in filling the demand for low-skilled workers (with a few notable sectoral exceptions such as in domestic work). For many years, targets have been set and policies introduced to reduce the number the country employs in order to encourage economic restructuring.

The New Economic Model of Malaysia in 2010 and other policy documents have sought to reduce dependency on migrant workers through a variety of strategies, including charging a levy for their employment, introducing a minimum wage, raising the retirement age, and increasing the number of women entering paid employment. However, changing the composition of its labour force has proven difficult to achieve, with employers complaining of severe shortages in some industries when more restrictive policies have been applied.

Responding to the increased concern voiced by the international community and consumer groups, there have been a number of prominent shifts in labour migration and anti-trafficking policies in recent years. In particular, several of the new measures announced in the Eleventh Malaysia Plan may potentially improve the protections afforded to migrant workers in Malaysia, signaling progress towards a more coherent and rights-based governance framework. Moreover, by joining the newly established Trans-Pacific Partnership (TPP), Malaysia has made a commitment to raising labour standards in line with the ILO Declaration on Fundamental Principles and Rights at Work. This policy review assesses the key recent changes made, and how they have been implemented in

practice, in order to provide recommendations for further strengthening of labour migration governance in Malaysia.

Labour Migration History

Malaysia's rapid economic development beginning in the 1970s has resulted in the shortage of labour, especially in the low-skilled jobs, in several major economic sectors of the Malaysian economy: manufacturing, services sector, plantation and agricultural industries, construction industry. As such, Malaysia is a labour receiving country from its neighbouring ASEAN members.

MTUC and civil society organisations such as Tenaganita, the Bar Council, and the Migrant Resource Centres (MRC) have contributed toward preparing the incoming migrant workers to face the new challenges in a new environment. The MRC, in collaboration with MTUC and the Malaysian Employers Federation (MEF), have organised several educational programmes to create awareness among the migrant workers on the issue of occupational hazards, labour rights and labour policies of the country. Through these awareness programmes, some selected migrant workers have been trained to be peer counselors to reach out to fellow workers in distress.

Since 2012, the ILO and the Malaysian Bar Council, in collaboration with the Ministry of Human Resources (MOHR) and Ministry of Home Affairs (MOHA), have supported the series of consultations with Labour Attaches and Consular Officials from source countries based in Malaysia. The consultation with Labour Attachés and Consular Officials has facilitated a better understanding of Malaysian laws and procedures. This information is subsequently shared by Labour Attachés and Consular Officials with the migrant workers' population. In addition, information pamphlets are prepared and distributed to these officials, and shared with migrant workers. On the other hand, guidelines, posters and pamphlets are being widely distributed in particular during the engagement with the Labour Attachés. These programmes mandate the Labour Attachés and Labour Councilors to disseminate information related to their workers' rights at the workplace, as well as other workers' benefits.

The three Migrant Resource Centres (MRC) have contributed toward addressing problems faced by migrant workers. When migrant workers' rights are violated, the MRC consults MEF and MTUC to amicably resolve the problems. The MRC located at the Central Region (Kuala Lumpur) has had discussions and briefing sessions with the Labour Attachés and Labour Councilors to ensure the right information reaches migrant workers.

Relevant Labour Migration Legislation, Rules and Regulations

The main Government ministries involved in developing and administrating labour migration policy in Malaysia are the MOHR and MOHA. The responsibilities have not been divided equally between the two institutions as the MOHA has taken the lead in policy-making and implementation for many years. As a result, Malaysia's labour migration policies are heavily oriented toward ensuring national security. Enacting measures to expand or contract the number of migrant workers in the country and reduce irregular migration have been the primary policy concerns, rather than managing the broader impacts of labour migration on national economic and social development or protecting workers' rights.

The oversight body for migration policy in Malaysia is termed the Cabinet Committee on Foreign Workers and Illegal Immigrants (CCFWII). The MOHA functions as the secretariat for the CCFWII, which is chaired by the Deputy Prime Minister and includes representatives from 13 Ministries. The Committee was initially mandated with setting policy related to labour migration but its mission was expanded in 2005 to include the issue of illegal immigration.

As there are currently no legislative or administrative provisions in place governing the protection of refugees in Malaysia, “illegal immigrants” is an undifferentiated grouping that includes all undocumented migrant workers and asylum-seekers in the country.

Table 1
Active Migrant Workers in Malaysia, According to Sectors
(As of 31 December 2016)

NO.	NATIONALITY	DOMESTIC HELPERS			CONSTRUCTION			MANUFACTURING		
		M	F	TOTAL	M	F	TOTAL	M	F	TOTAL
1	CAMBODIA	4	2,191	2,195	136	34	170	828	1,334	2,162
2	INDONESIA	533	92,142	92,675	190,353	16,505	206,858	37,424	88,703	126,127
3	LAO PDR	0	18	18	1	0	1	7	7	14
4	MYANMAR	10	93	103	16,407	740	17,147	80,983	19,020	100,003
5	PHILIPPINES	101	36,491	36,592	3,371	118	3,489	3,719	525	4,244
6	THAILAND	13	312	325	586	11	597	266	63	329
7	VIET NAM	5	517	522	3,562	213	3,775	10,319	16,026	26,345
TOTAL		666	131,764	132,430	214,416	17,621	232,037	133,546	125,678	259,224

NO.	NATIONALITY	SERVICES			FARMING			AGRICULTURE			TOTAL
		M	F	TOTAL	M	F	TOTAL	M	F	TOTAL	
1	CAMBODIA	92	928	1,020	101	80	181	191	76	267	5,995
2	INDONESIA	23,804	17,392	41,196	179,593	33,773	213,366	64,153	14,112	78,265	758,487
3	LAO PDR	0	1	1	0	1	1	2	0	2	37
4	MYANMAR	13,313	1,783	15,096	1,341	266	1,607	3,833	703	4,536	138,492
5	PHILIPPINES	3,780	1,787	5,567	3,223	1,149	4,372	3,154	948	4,102	58,366
6	THAILAND	4,521	4,379	8,900	289	171	460	1,172	591	1,763	12,374
7	VIET NAM	673	767	1,440	28	28	56	209	202	411	32,549
TOTAL		46,183	27,037	73,220	184,575	35,468	220,043	72,714	16,632	89,346	1,006,300

FEMALE (F)	354,200	35.2%
MALE (M)	652,100	64.8%
Total	1,006,300	100%

Source: Immigration Department of Malaysia.

There are some indications that labour migration policy may be more closely aligned with national development goals and provide better protection for workers moving forward. In the Eleventh Malaysia Plan, it has been stated that “A comprehensive immigration and employment policy for foreign workers will be formulated, taking into account the requirements of industry and the welfare of foreign workers... The MOHR will assume the lead role in policy-making for foreign worker management.” (*Government of Malaysia, 2015, pp. 5-18*). This appears to be a positive step toward achieving greater coherence on labour migration governance.

The Immigration Act 1959

The Immigration Act provides the rules for admission and stay of migrant workers in Malaysia and enforcement has been mandated to the Immigration Department of the MOHA. In response to a rapid increase in the number of undocumented migrants working within its borders, the law was amended in August 2002 in an attempt to control the flow of irregular migrants. The amended Act criminalizes migrants who do not comply with Malaysian immigration policies relating to entry, stay and work, making them subject to arrest if caught by authorities or the People’s Volunteer Corps (RELA).

It also introduced stringent punishments for both employers hiring undocumented migrants and irregular migrants themselves, including fines of up to MYR10,000 (USD2,280), prison sentences extending to five years, caning and fast-tracked deportations. Application of the punitive aspects of the law is known to be deeply unequal between employers and migrants and have had no clear impact on reducing the number of irregular migrants working in Malaysia. As of 2006, the Malaysian Government started operating Immigration Courts in several of its detention centres. These were established with the purpose of streamlining the deportation process by using the detention centres as one-stop centres where migrants are detained, tried and punished for illegal entry and stay.

The Employment Act 1955 and Other Labour Legislation

The terms of employment and conditions of work for migrant workers are regulated by the Employment Act, which the MOHR has been tasked to administrate. Additional labour laws, such as the Occupational Safety and Health Act, Workmen’s Compensation Act, Industrial Relations Act and Trade Union Act, are also applicable to migrant workers. In principle, this framework of labour legislation provides equality of treatment for registered migrants with nationals in terms of wages, work hours, holidays, terminations, non-discrimination, freedom of association, access to complaint mechanisms and other protections. In practise, however, labour laws are often ineffectively enforced for migrant workers.

The Private Employment Agency Act 1981

The regulatory procedures for recruitment of migrant workers are provided by the Private Employment Agency Act 1981. Recruitment agencies are required to obtain a license to operate from the Ministry of Human Resources (MOHR) and an additional endorsement is required for placement of workers overseas. As the Act was originally formulated with the intention of regulating recruitment agencies providing services for domestic employment and sending Malaysian workers abroad, it has become outdated for the current context where inbound recruitment of migrant workers is much more prevalent.

The Act is expected to be subsumed by the Private Employment Agencies Bill, a draft of which was shared publically 2014 but appears to have stalled out in the legislative process. MOHR has stated that the new legislation will extend to recruitment of foreign workers and improve enforcement – particularly for recruitment of domestic workers – but will not address the issue of outsourcing agencies.

The Anti-Trafficking in Persons Act 2007

The Anti-Trafficking in Persons Act criminalized trafficking for purposes of labour exploitation, in line with the international standards established under the United Nations (UN) Palermo Protocols. It was amended to become the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act in 2010 (ATIPSOM), which broadened the definition of trafficking to include all actions involved in acquiring or maintaining the labour or services of a person through coercion.

The law is comprehensive in criminalizing all dimensions of trafficking and establishes stringent penalties of up to 20 years imprisonment and fines for those convicted. When complaints are filed, even completing the initial step of identifying the employer who bears legal responsibility often proves a daunting task due to the common practises of outsourcing and subcontracting.

Understanding the importance of protecting the rights of all workers in order to avoid a race to the bottom on working conditions, the Malaysian Trades Union Congress (MTUC) has been active in reaching out to migrant workers to join trade unions and providing them with legal assistance for cases of abuse. Following enactment of the law, the Malaysian Government launched a five-year National Action Plan (2010-2015) aimed at improving preventive measures, protection services and social awareness. In November 2013, the Malaysian Government put into place standard operating procedures for the investigation and prosecution of trafficking offenses and a follow-up Action Plan for the period of 2016–2020 is being developed.

The Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) is responsible for overseeing the implementation of these initiatives, which includes representatives from multiple ministries and is chaired by the MOHA. An anti-trafficking unit has been created under the Royal Malaysian Police to investigate trafficking offenses and specialized positions have been established at the Immigration Department and Attorney General's Chamber. The Government's efforts to combat trafficking have also included labour authorities in a multidisciplinary approach to law enforcement, including the formation of an anti-trafficking unit within MOHR and provision of training to inspectors on the labour dimensions of trafficking.

Partnerships

Malaysia has negotiated bilateral MOUs to manage labour migration dating as far back as 1984. More recently, MOUs have been signed with Sri Lanka, China, Thailand, Bangladesh, Pakistan, India, Viet Nam and Indonesia. In many cases, however, problems with abuse and deception have persisted despite the existence of a formal process for labour migration, contributing to diplomatic tensions and even moratoriums on placement of workers. Exploitation of domestic workers is a key issue that the MOUs have sought to address, with the Philippines, Indonesia and Cambodia all halting deployment at various points.

While increasing protection for some groups of domestic workers in Malaysia, a fundamental problem with using these agreements as an instrument for change is that they apply on the basis of nationality rather than for the sector as a whole. Therefore, they can have the unintended effect of institutionalizing discriminatory practices towards certain nationalities of domestic workers, rather than enabling the more egalitarian improvements that could be achieved through national legislation.

Filipino domestic workers are generally considered to have the most rights and highest pay as a result of the strong negotiating position of their Government when signing MOUs. They represent a minority of the workers employed within the sector, as 71 per cent of registered domestic workers came from neighboring Indonesia in 2013. The trend in recent years has been toward increased national diversification in the recruitment of domestic workers as a result of Government suspensions and the ratification of additional bilateral agreements.

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MYANMAR

Socioeconomic Profile

Emerging from decades of economic and political isolation, Myanmar is striving for inclusive economic growth and poverty reduction. The country has strong potential for broad economic expansion, possessing abundant natural resources, a strategic location at the crossroads of Asia, a young population, and a sizable market with wide-ranging investment opportunities. Successful national elections, held in November 2015, represented an important milestone in Myanmar's transition.

A Government led by the National League for Democracy (NLD) took office in April 2016 in Myanmar, the first civilian government in decades. The new government has launched new economic policies and accelerated efforts for the peace process under the leadership of the state counselor, Daw Aung San Suu Kyi. On August 31, 2016, the Panglong 21st Century peace conference gathered Government representatives, military officials, armed ethnic groups and other stakeholders in the capital Nay Pyi Taw.

There are now opportunities to further deepen reforms, create shared prosperity for all, and for the country to resume its place as one of the most dynamic economies in Asia.

As the largest country in mainland Southeast Asia, Myanmar has one of the lowest population densities in the region, with fertile lands, significant potential to increase its production, yields and profits in agriculture, and a rich endowment of natural resources. Its geographic location at the intersection of China and India, two of the world's most dynamic economies, makes it well positioned to resume its traditional role as a regional trading hub and a key supplier of minerals, natural gas and agricultural produce.

Economic growth in Myanmar eased to 7 per cent in 2015 to 2016 due to a supply shock from heavy flooding, a slowdown in new investment flows and a more challenging external environment. The heavy floods in July 2015 affected some of the poorest and most vulnerable people in the country and caused inflationary pressures. Medium-term growth is currently projected to average 8.2 percent per year.

Poverty in Myanmar is concentrated in rural areas, where poor people rely on agricultural and casual employment for their livelihoods. Many live near the poverty line and are sensitive to economy-wide shocks. Since the majority of the poor are engaged in small scale agriculture, they may be shielded from recent inflationary pressures but the urban poor are likely to be highly affected by recent bouts of food price inflation.

Among ASEAN Member States, Myanmar has the lowest life expectancy and the second-highest rate of infant and child mortality. Just one-third of the population has access to the electricity grid and road density remains low at 219.8 kilometres per 1,000 square kilometres of land area. With the liberalization of the telecommunications sector in 2013, mobile and internet penetration has increased significantly from less than 20 per cent and 10 per cent in 2014, to 60 per cent and 25 per cent, respectively. Establishing a credible and consistent policy and regulatory environment in the telecommunications sector can help ensure steady private investments and growth.

Labour Migration History

Today, population movement from one country to another becomes a common practice, which is widely known as migration. More people have tendencies to migrate with the hope for better employment opportunities and livelihood. With the change of world economic scenarios and with the countries' uneven level of economic development, some countries become developed and some countries do not. Some countries facing scarce employment opportunities, lower wage-level, poverty and natural disasters and armed conflicts. These are the push-factors forcing people to migrate to countries where grass is greener.

In the case of Myanmar, it has been a long practice that many people use cross-border migration to work overseas. The Myanmar Government has committed to the case of migrant workers since 1990, with a view to systematizing the dispatch of Myanmar workers abroad through regular migration. Accordingly the Law relating to the Overseas Employment was enacted in 1999.

According to the official record of the Department of Labour (DOL), under the Ministry of Labour, Immigration and Population (MOLIP), the major countries of destination are Thailand, Malaysia, the Republic of Korea, Singapore and Japan. The major industries which employed them as general workers are manufacturing, construction, agriculture and services. UAE is also a receiving country where Myanmar workers are employed in hotels and airlines services.

The people of Myanmar have long used migration as a survival strategy—for safe refuge and for livelihood. Those who have migrated not only support themselves but also try to remit enough money to allow their families and communities to manage. Most people from Myanmar migrate spontaneously, using brokers for new or dangerous routes. Since 2009 gradually more channels have opened for migrants to migrate with pre-arranged jobs and with the necessary documents. Nevertheless, the vast majority of migrants from Myanmar continue to be migrants who left the country without going through those channels.

According to the 2014 Myanmar Population Census, 70.2 per cent of all migrants were in Thailand. Smaller but still significant numbers of migrants are working in Malaysia, China and Singapore. Other countries of destination not specified in the Census include South Korea, Japan, Qatar, Saudi Arabia, and the UAE. Regular migration has not as yet been able to guarantee migrants their rights or freedom from exploitation, corruption, extortion and fraudulence.

Relevant Labour Migration Legislation, Rules and Regulation

The existing Law Relating to Overseas Employment 1999 is deficient in enunciating clear-cut provisions regarding above work programme. In the light of this the MOLIP has issued Notification No. (560/2014) under the article 31(b) of the Law relating to the Overseas Employment on 14 June 2014. According to this Notification, the directives for licensed overseas employment agencies and for the Myanmar Overseas Employment Agencies Federation have duly been issued.

The following are among the directives regarding training matters:

1. To ensure the workers to attend the pre-departure training before leaving for receiving countries.
2. To provide the workers with training on Terms and Conditions of the Employment Contract, protective measures for migrant workers, basic language of receiving countries, culture and customs, relevant information on labour laws, knowledge on family remittance through banking system, important contact address of organisations and phone numbers and e-mail addresses, etc., and provide relevant information regarding the complaint mechanism and observance of Do's and Don'ts in the receiving country and at the workplace.
3. To take full responsibility by the respective agency for migrant workers beginning from their departure to destination countries until their return to the home country after the expiry of employment contract.

Moreover, the Code of Conduct for the Members of Myanmar Overseas Employment Agencies Federation has been prepared with the support of ILO GMS Triangle Project under the supervision of MOLIP in accordance with the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers 2007, ILO Convention No. 181 and international labour standards for Migration. It has already been published by MOEAF to be observed by its members voluntarily.

The migration division of the DOL is involved in approving and supervision of workers education programme and implementation of safe migration programme. Meanwhile, the pre-employment and pre-departure training courses are conducted in Yangon under the supervision of above division. All pre-departure trainings are mandatory. The curriculum for pre-departure training of migrant workers under the Employment Permit System (EPS) who are to be deployed to Korea shall be according to the custom-designed prepared by HRD-Korea.

Currently, the concerned department has been conducting the pre-departure training for migrant workers to be deployed to Korea and Malaysia based on the standard curriculum with the inclusively appointed instructors. All the migrant workers departing to foreign countries should compulsorily register for overseas worker identification card. This card is issued to those who have successfully completed pre-departure training course.

The Principal of the Yankin Skills Training Centre conducts half-day programme for pre-departure briefing for migrant workers to be dispatched to Singapore, Japan and UAE. On the other hand the licensed overseas employment agencies are also making pre-departure briefings on their own arrangement for migrant workers leaving for Thailand.

In Myanmar, the Law Relating to the Overseas Employment was enacted on 9 July 1999 to administer matters relating to overseas employment. The objectives of the Law are to:

- a. Enable the beneficial and systematic utilization of human resources of the State for building a modern and developed State;
- b. Enable those seeking overseas employment to get employment opportunities and to secure such employment systematically;
- c. Ensure that there is no loss of the rights and privileges of workers and that they receive the rights they are entitled to; and
- d. Enable the systematic utilization within the country of the knowledge, experience and skills gained abroad, according to the type of overseas employment undertaken.

The DOL is responsible for issuing, renewing and withdrawing the license for overseas employment and for the supervision of licensed agencies, and to take charge of conducting pre-employment training for overseas job seekers and pre-departure training for migrant workers prior to their departure.

The Myanmar Government formed the Overseas Employment Supervisory Committee on 27 May 2011, with the Union Minister for Labour (MOLIP) as Chairman, for the benefit of the Union and its citizens in conformity with the changing situation of the country. The Committee is empowered to look after the migrant workers with respect to their dispatch, coordination, supervision and necessary reviews and guidance.

This Supervisory Committee has been reconstituted with the Union Minister for MOLIP as Chairman, and the Permanent Secretary for Labour Affairs as Secretary, and comprising high-level officials from related ministries such as Borders Affairs, Home Affairs, Transport and Communication, Planning and Finance, and Social Welfare, Relief and Resettlement and Office of the Union Auditor General on 29 September 2016.

Policies to facilitate migration process and procedure have been laid down both for Myanmar migrant workers currently working abroad and for the potential migrant workers. These are to:

- a. To simplify regular channels for migration that allow Myanmar nationals to seek employment abroad;
- b. To ensure that the basic rights of migrants are recognised and protected;
- c. To reduce transaction costs associated with migration;
- d. To improve the socio-economic status of migrants and their families;
- e. To enable migrants to have positive experiences from migration, to gain skills and knowledge abroad, and to share these after returning to Myanmar;
- f. To make mobility an integral part of national development strategies;
- g. To collaborate with international organizations and civil society (both international and local) on issues regarding migrants workers; and
- h. To facilitate data collection, information management and research and policy analysis.

The MOLIP has initiated a five-year national plan of action in cooperation with IOM for the effective protection and systematic management of Myanmar migrant workers in accordance with the migration policy. The work programme of the five-year plan deals with key issues, policy challenges and related actions. They include the following four sections:

1. Governance of labour migration,
2. Protection and empowerment of migrant workers,
3. Migration and development, and
4. Data collection and management.

Under the section on the protection and empowerment of migrant workers, there are four phases with relevant policy options, as follows:

1. For the recruitment phase, there are two policy options:
 - a. Revise the private sector recruitment system, and
 - b. Strengthen the capacity of the Ministry of Labour to support recruitment at Union and Township levels.
2. For the pre-departure phase, there are three policy options:
 - a. Develop tools for pre-migration and institutionalize pre-departure training

- covering working and living environments abroad, the management of own finance, and the sending of remittances;
 - b. Establish minimum standards for skills required for key employment sectors abroad; and
 - c. Increase awareness of safe migration in migrant source communities.
- 3. For the employment abroad phase, there is one policy option:
Enhance the protection of migrant workers in the receiving countries.
- 4. For return and reintegration phase, there are six policy options, as follows:
 - a. Address post return grievances, cases of illegal termination of contract, exploitation/ abuses;
 - b. Facilitate the processing of migrants' financial claims;
 - c. Facilitate the reintegration of returned migrant workers;
 - d. Establish a skills recognition system to maximize the talents and skills acquired by returned migrant workers;
 - e. Monitor and facilitate the return of migrant workers, especially women, in coordination with the receiving countries; and
 - f. Ensure that returning migrant workers are physically healthy and fit to reintegrate in their home community.

The MOLIP is now reviewing the Law Relating to Overseas Employment 1999 and the Five-year National Plan of Action for the Management of International Labour Migration (2013-2017). Necessary discussions with the ILO, IOM and other associated organizations are already underway to promulgate a new alternative law which will cover every aspect of migration process and procedures to be in line with the prevailing time and situation.

Workers' Education and Safe Migration Programmes

The Department of Labour (DOL) has initiated Pre-Employment Orientation Course on 9 January 2017 at training centers under the DOL in Yangon and Mandalay for potential migrant workers. These are being conducted twice weekly; each course lasts for three days, at seven hours per day.

At the same time, the MOLIP had been conducting five-day Training for Trainers (TOT) for DOL Officers, in cooperation with the ILO. The training courses are conducted free of charge; attendees are issued certificates after completion of the training course. In case the attendee has not been deployed one year after completing the course, he/she has to undergo the training course again.

The following topics are being covered in the training courses:

1. Information on legal migration and safe migration process;
2. General information on geographical, traditional and cultural awareness of countries of destination;
3. Occupational safety and health;
4. Relevant information on labour laws in countries of destination;
5. General terms and conditions of the employment contract;
6. Knowledge on family remittance through the formal banking system; and
7. Important contact addresses and information of relevant organisations.

PHILIPPINES

Socioeconomic Profile

When the Philippines' labour migration programme was launched in the 1970s, it was intended to be a temporary measure to ease the economic difficulties the country faced at the time. Since then, strong demand factors, persisting economic problems, the increasing role of the migration industry, the growing institutionalization of labour migration, the significance of personal and social networks, and the development of a culture of migration all have contributed to sustaining out-migration.

While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the Philippine Government, however, does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment programme rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens shall not, at any time, be compromised or violated. (*Section 2.c, Republic Act No. 8042*) Thus, Government continues to facilitate more local job creation to curb forced labour migration, making overseas employment a matter of choice, rather than a necessity.

In the past decade, the state has shifted towards a view of migration for employment as part of globalisation. While the country has tried to marry promotion or facilitation of labour migration with workers' protection, deployment remains central in Philippine labour migration policy and practice.

Labour Migration History

From the Spanish colonization to the American Commonwealth and Japanese occupation, the Filipinos' migration for employment experience has become a significant feature in Philippine history. The first known out-migration of Filipinos was when the country was under Spanish rule in the 16th century. At the time, Manila had a galleon trade with Acapulco; Filipino men were recruited as deckhands, cooks and cabin boys.

The second wave of migration was marked by the arrival of Ilocano and Visayan sugarcane plantation workers in Hawaii in the mid-1900s. Later, the post-war reconstruction of the United States ushered in the influx of Filipino immigrants engaged in military service, education and engineering.

The third wave began in 1960s when the American immigration policy was revamped, providing for family reunification and labour market needs as pillars of admission to the U.S. The U.S. Navy recruited Filipino men to "see the world," who were employed in U.S. military bases in Southeast Asia and parts of the Pacific, and were offered the option to live in the U.S. after their tour of duty. Filipino engineers and doctors were also recruited to work in Nigeria; later, teachers were also hired. Similar outflows to Australia and Canada were also recorded.

The fourth wave was triggered when the country experienced severe unemployment toward the 1970s. The Middle East oil boom led to the rise of infrastructure projects among Gulf countries, paving the way for the recruitment of Filipino construction and maintenance workers, as well as labour subcontractors. The rise of the Asian tiger economies in the

1980s led to the decline of construction-related workers. The labour market expanded to domestic work, health care, sales and service sectors. New destination countries and territories emerged, including Taiwan, Hong Kong, Singapore and South Korea.

The 1900s ushered in the deployment of skilled and highly skilled workers, characterized by the increasing feminization of the workforce, such as nursing and allied medical professions, teaching, communication and information technology. Overseas performing artists and domestic workers also peaked. From the 2000s up to the present, the Philippines ranks as the third largest migrant sending country in the world, according to the International Organization for Migration (IOM), with domestic workers consistently recording first among newly-hired workers.

Profile of Labour Migrants

According to latest available statistics, a total of 2.3 million overseas Filipino workers (OFWs) were documented in 192 compliant countries of destination in 2015, the highest recorded by the Philippine Overseas Employment Administration (POEA), and contributed a total of USD25.6 Billion in remittances, surpassing the USD24.6 Billion the previous year.

Of this figure, or 77.8 per cent (1,823,715) were land-based OFWs, while the remaining 519,977 (22.2%) were seafarers. Of the total land-based OFWs, 33.7 per cent or 614,748 were new-hires, while 66.3 per cent or 1,208,967 were rehires. The number of contracts processed for sea-based workers slightly increased by .39 per cent, up from 517,972 in 2014 to 519,977 in 2015.

A 1.17 per cent increase in deployed seafarers was noted in 2015 (406,531) from 401,826 in 2014. This can be attributed to the increasing demand for Filipino seafarers despite the stiff competition from other Asian and European seafarer-sending countries.

Filipino seafarers continue to dominate the world's seafaring industry making up 25 per cent of the world's maritime workforce. This is translated to about 1.5 million seafarers worldwide. Majority of 406,531 seafarers who were profiled in 2015 were males, and deployed on board bulk carriers (4,668 or 23.28%), passenger vessels (80,795 or 19.87%), containers (46,372 or 11.40%), oil/product carriers (27,500 or 6.76%), and tankers (22,013 or 5.41%).

The bulk of those profiled were non-marine or passenger ship personnel (161,480), followed by ratings (148,283), and officers (93,992). The top 10 flags of registry were: Panama (69,502), Bahamas (50,272), Liberia (37,537), Marshall Islands (36,057), Malta (25,547), Singapore (24,011), Bermuda (17,324), Italy (12,960), Norway (11,724), and Netherlands (10,657).

As for the land-based workers, 1,437,875 were deployed out of the 1,823,715 contracts processed in 2015. 35.83 percent of the deployed are new hires (515,217). By major occupational group among deployed workers, service and sales workers topped the list of new hires at 168,702; followed by elementary occupations production workers at 162,887. The other work groups are: professional, technical and related workers (67,570); craft and related trade workers (55,059); plant and machine operators and assemblers (21,893); sales workers (8,402); clerical workers (8,293); administrative and managerial workers (2,918); agricultural, forestry and fishery workers and (1,262).

The top 10 occupational categories of deployed new hires in 2015 were: household service workers (194,835); manufacturing labourers (41,038); nurses professionals (22,175); waiters, bartenders and related workers (18,352); cleaners and helpers in offices, hotels and related workers (14,116); home-based personal care workers (10,181); welders and flame cutters (8,156); civil engineering labourers and helpers (7,286); plumbers and pipe fitters (6,629); and building construction labourers (5,870).

By world region, 92 per cent of OFWs are in the Middle East and Asia. The Middle East employed 913,958 OFWs or 64 per cent of the total land-based deployment in 2015 alone. Asia hosted 399,361 OFWs or 28 per cent of the total land-based deployment. The rest are in Europe (29,029), Americas (17,723), Africa (18,226), Oceania (18,850) and the Trust Territories (4,777).

Based on the 2015 census data, the population in the Philippines was 103,753,764. In addition to this over 100 million Filipinos living in the Philippines, an estimated 10.2 million Filipinos live abroad. Many have moved abroad temporarily to find work, but others have settled abroad permanently.

Given its close ties with America, it is not surprising that the United States is home to the largest group of overseas Filipinos - over 3.5 million. There are also large Filipino populations in the Middle East (1 million in Saudi Arabia, 822,000 in the United Arab Emirates and 204,000 in Qatar); while others are in Malaysia (793,000), Japan (182,000) and Australia (397,000).

Gender

Available sex-disaggregated data on OFWs showed that in 2014, of the 340,279 workers deployed, 185,601 were female, and 154,674 were male, indicating the increasing feminization of workers going overseas. For service workers, 135,168 were female and 19,367 male; domestic helpers and related household service workers—94,880 female and 1,703 male; housekeeping and related service workers—5,354 female and 964 male; nursing professional and personnel—10,578 female and 1,913 male. Sea-based workers are still dominated by males.

Relevant Labour Migration Legislation, Rules and Regulations

1. In 1995, **Republic Act No. 8042** (Migrant Workers and Overseas Filipinos Act of 1995) was enacted into law to institute the policies of overseas employment and establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress.

Under R.A. No. 8042, Government affords full protection to labour, local and overseas, organized and unorganized, and promotes full employment and equality of employment opportunities for all. Towards this end, it provides adequate and timely social, economic and legal services to Filipino migrant workers. R.A. No. 8042 also instituted effective mechanisms to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, documented or undocumented, are adequately protected and safeguarded.

Government recognises that the ultimate protection to all migrant workers is the possession of skills. Therefore, it deploys and/or allows deployment only to skilled Filipino workers. Nonetheless, it encourages the deployment of Filipino overseas workers, whether land-based or sea-based, by local service contractors and manning agencies employing them.

2. In 2007, **Republic Act No. 9422** amended R.A. No. 8042 to reinforce the regulatory function of the Philippine Overseas Employment Administration (POEA) over the private sector in the recruitment and placement of workers, by setting up a licensing and registration system. POEA was mandated to formulate and implement a system to promote and monitor overseas employment of Filipino workers, taking into consideration their welfare, as well as the domestic manpower requirements.

In addition, POEA was tasked to duly inform migrant workers not only of their rights as workers but also of their rights as human beings, instruct and guide them how to assert their rights, and provide the available mechanism to redress violation of their rights.

At the same time, in the recruitment and placement of trained and competent workers, Government shall ensure that deployment will only be to countries where the country has concluded bilateral labour agreements or arrangements. Receiving or destination countries shall guarantee to protect the rights of Filipino migrant workers, and observe and/or comply with international laws and standards for migrant workers.

3. In 2010, **Republic Act No. 10022** further amended R.A. No. 8042. It echoed the thrust of R.A. No. 9422 that deployment of overseas Filipino workers will only be in countries where the rights of Filipino migrant workers are protected. Government also recognised the following as guarantees on the part of the receiving country for the protection of the rights of overseas Filipino workers:
 - a. It has existing labour and social laws protecting the rights of workers, including migrant workers;
 - b. It is a signatory to and/or has ratified multilateral conventions, declarations or resolutions relating to the protection of workers, including migrant workers; and
 - c. It has concluded a bilateral agreement or arrangement with the Philippine Government on the protection of the rights of overseas Filipino workers (OFW).

A receiving/ destination country should, likewise, take positive, concrete measures to protect the rights of migrant workers. If the above guarantees are absent, no permit for deployment shall be issued by POEA.

4. To afford full protection to labour, local and overseas, organized and unorganized, and promote full employment opportunities for all, **Republic Act No. 10801** was enacted into law in May 2016, governing the operations and administration of the Overseas Workers Welfare Administration (OWWA). This provided OWWA the mandate to develop and implement welfare programmes and services that respond to the needs of its member-OFWs and their families.

Being a chartered Government institution, OWWA is endowed with powers to administer a trust fund, called the OWWA Fund. OWWA is an attached agency of the Department of Labour and Employment. Among other functions, OWWA is mandated to:

- a. Protect the interest and promote the welfare of member-OFWs in all phases of overseas employment;
 - b. Provide legal assistance to member-OFWs;
 - c. Provide social and welfare programmes and services to member-OFWs, including social assistance, education and training, cultural services, financial management, reintegration, and entrepreneurial development services;
 - d. Provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs and their families;
 - e. Develop, support and finance specific projects for the welfare of member-OFWs and their families; and
 - f. Ensure the implementation of all laws and ratified international conventions within its jurisdiction.
5. As a vital part of the institutional framework of Government's policy on migration for employment, the Department of Foreign Affairs (DFA) is in the forefront in setting the groundwork for the country's foreign policy, particularly with regard to the protection of overseas Filipinos. DFA's on-site assistance is one of the key features of its migration policy.

Under R.A. No. 8042, the "one-country team" approach urges all officers and representative of Government posted abroad, regardless of their mother agencies, to act as one-country team under the leadership of the ambassador to protect the rights of OFWs. Apart from the DFA-staffed Philippine embassies and consulates, there are Philippine Overseas Labour Offices (POLOs) manned by Labour and Welfare Attachés, which support the Philippine Foreign Service through their legal and social services.

Through its Assistance-to-Nationals programme, DFA acts as the frontline Government agency in providing immediate assistance, including repatriation of distressed overseas Filipinos, particularly during wars, calamities and other contingencies.

R.A. No. 8042 also provided for the creation of the Office of the Legal Assistant for Migrant Workers Affairs (OLAMWA), under the DFA, which is mandated to provide and coordinate all legal assistance services to OFWs, especially those in distress. In 2002, DFA changed OLAMWA to the Office of the Undersecretary for Migrant Workers Affairs (OUMWA) to further expand its mandate to cover and address all issues and concerns, including legal assistance, in the promotion of the rights of OFWs.

Workers' Education and Safe Migration Programmes

Pre-Employment Orientation Programme

The Pre-Employment Orientation Programme (PEOP) is institutionalised as Government's pro-active response to the need of overseas worker-applicants to have an avenue for reliable information programme. An integral component of the PEOP, the Pre-Employment Orientation Seminar (PEOS) is an information and education programme intended for the general public, particularly for overseas job seekers or would-be overseas Filipino workers (OFWs). It is Government's flagship programme in its campaign against illegal recruitment and trafficking-in-persons.

It was institutionalised as a strategy for worker empowerment, providing reliable information on overseas employment, its advantages and disadvantages, the legal

procedures in applying for overseas jobs, and documentary requirements. It also informs the public of the government services available to overseas job applicants.

The conduct of PEOS is consistent with Section 6 of the Rules and Regulations implementing Republic Act No. 8042 (Migrant Workers and Overseas Filipinos Act of 1995), which provides that “POEA may undertake programmes or resort to other modes of information and dissemination campaign such as the conduct of nationwide, comprehensive and sustainable Pre-Employment Orientation Seminar.”

Originally, the PEOS was a voluntary programme and was conducted through lecture-discussions, free of charge. In June 2016, it was made available online and mandatory for all newly-hired land-based workers, by virtue of POEA Memorandum Circular No. 2. Access and registration in the online PEOS is also free to the public.

The PEOS plays an important role in the Illegal Recruitment-Free Local Government Units (IR-Free LGUs) Campaign as it becomes a conduit of reaching out to the constituents of various provinces, cities and municipalities to minimize, if not eradicate, illegal recruitment at the grassroots level.

Partnerships

Toward this end, The POEA continues to partner with the LGUs nationwide by forging formal Memorandum of Understanding (MOU). The LGUs Public Employment Services Offices (PESOs) play a critical role in this undertaking. Further, POEA taps social partners to contribute to the success of the PEOS information programme. These include members of academic institutions, law enforcement groups, non-government organizations, faith-based and professional groups POEA accredited trainers, Local Government Units (LGUs), Public Employment Service Office (PESO), Non-Government Organizations (NGOs), Civic and Professional Organizations.

Accredited PEOS Programmes

The main proponent of the PEOS is the Workers Education Division (WED) under the Anti-Illegal Recruitment Branch (AIRB). The Licensing and Regulation Office oversees the WED and AIRB. PEOS is regularly conducted in various venues and platforms, as follows:

- *PEOS in Schools/Universities*—To penetrate the academe in the form of career guidance, particularly graduating high school and college students all over the country. POEA also enters into MOU with various educational institutions on the conduct of PEOS. The school guidance counselors and other concerned persons go through CET. Sometimes PEOS is conducted in conjunction with the DOLE’s Labor Education for Graduating Students programme.
- *PEOS on AIR*—The strategy of utilizing the all forms of media broadcast media in the dissemination of PEO concepts. Personal appearance and guestings in TV and radio programs, particularly public service programs on OFW concerns.
- *PEOS in the Regions*—POEA regional offices conduct regular PEOS activities in their respective local areas.
- *PEOS in the Community*—In line with the implementation on IR-Free LGUs Campaign and in recognition of the need to reach out to the greatest number of people, particularly at the grassroots, the PESOs conduct PEOS in the barangay

levels nationwide where the PEOS is institutionalized. The PESO also assist in the distribution/reproduction and dissemination of information materials.

- *PEOS in Social Media*—The social media being the most popular and widely-used for of information sharing, PEOS is done in Facebook, Twitter and the likes.
- *PEOS through the Mobile APP* – To maximize the potentials of technology in disseminating information, the POEA Mobile Application was developed as another tool to protect the public, particularly the prospective migrant workers, from illegal recruitment and trafficking in persons.
- *PEOS Online*—An interactive computer-aided learning system that holds the PEOS modules. It provides easy, convenient, and reliable and quality information on overseas employment. It is the medium used for the implementation of the Mandatory PEOS.

Standards

POEA responds to requests and invitations from the general public, particularly LGUs, academic institutions, faith-based organizations to conduct PEOS for their constituents. The PEOS has been conducted in such venues as school classrooms, gymnasium, covered basketball courts, churches, and Barangay Halls, among others. The logistical requirements provided by POEA, or partner organisations include: basic audio-visual equipment such as multi-media projectors, desktop / laptop computers, printers, sound system, projector screen, printed information and training materials, seminar kits and supplies, among others.

To maintain a pool of speakers conducting PEOS, Capability Enhancement Trainings (CETs) are also conducted. The CETs are undertaken nationwide for program partners from various government and non-government entities, to meet the objectives of the program in reaching out to the grassroots through the multiplier effect. Regular follow-up training exercises are also undertaken to update the PEOS partners on the latest agency procedural changes and administrative pronouncements. Performance monitoring is done monthly by POEA for all its PEOS service providers, which submit these reports regularly to POEA.

Pre-Departure Education Programme

The Pre-Departure Education Programme (PDEP) of the Overseas Workers Welfare Administration (OWWA) consists of the Pre-Departure Orientation Seminar (PDOS), which was transferred to OWWA on 9 August 2002 by virtue of Joint Circular No. 05; and the Comprehensive Pre-Departure Education Programme (CPDEP), which started in January 2007. The PDOS is a major component of OWWA's information and education programme, and an integral part of the overall programme of Government for the protection and welfare of OFWs. The one-day PDOS is a mandatory orientation for first-time or re-hired OFWs in all work categories. It was operationalized in 1983 to address the difficulties of OFWs in adapting to adjusting to the work environment, as well as to the culture of their countries of destination. PDOS is conducted free of charge to OFWs.

It addresses the basic need of OFWs for orientation only and not to overload the OFW with too much information. Focus is to enable OFWs cope with adjustment difficulties usually experienced within the first six months of work and stay at overseas jobsites. PDOS is country-specific and in some cases, skill-specific to provide OFWs with as much relevant and accurate information as possible to hasten their integration in their work environment.

The Pre-Departure Orientation Seminar (PDOS) was created in compliance with the following Memorandum Circulars (MCs) and Memorandum of Instructions (MOIs):

1. POEA MC No. 3, Series of 1983—Enabling policy that made PDOS a compulsory requirement for all departing OFWs;
2. POEA MC No. 2, Series of 1992—Authorizing accredited NGOs to conduct PDOS for Disadvantaged Contract Workers;
3. POEA-OWWA Circular No. 04, Series of 2002 and Department Order No. 25-02 Series of 2002—Transferring the PDOS from POEA to OWWA;
4. MOI No. 13, Series of 2003--Sets the Policies and Guidelines for Managing the Pre-Departure Orientation Seminar;
5. POEA-OWWA Circular No. 01, Series of 2011--Transferring the PDOS for name-hired and government-placed workers from POEA to OWWA.

The PDOS has been expanded with the implementation of the Comprehensive Pre-Departure Education Programmes (CPDEP) for Household Service Workers (HSWs) in 2007. The CPDEP aims to make PDOS for HSWs more responsive to the welfare and protection needs of this vulnerable sector; and prepare HSWs to cope with the stressful work conditions and environment in foreign households.

The CPDEP was originally a Language and Culture Familiarization Course, which started in January 2007, with Arabic as the sole language course offering. To reach out to more workers and address the needs of the vulnerable groups, especially the household service workers (HSWs), the language course was expanded in March 2009 (DOLE Department Order No. 95), and incorporated the one-day PDOS, the Language and Culture Training, and a Stress Management course into a single education for HSWs. At present, CPDEP offers the following language courses: Arabic (three days); Cantonese (three days); Hebrew (three days); Italian (three days); and Mandarin (six days).

On the other hand, the stress management seminar under the CPDEP aims to increase the level of awareness of HSWs on causes of stress and its effects; prepare the workers emotionally and mentally to face the challenges of working abroad; and affirm the workers' existing coping strategies and building up new coping mechanisms.

Accreditation of Training Service Providers

OWWA conducts PDOS for skilled workers through its Regional Offices, and for workers for deployment to Canada, as well as interns for deployment to Japan, under the JITCO programme. In February 2012, OWWA started conducting PDOS for government-placed and name-hired contract workers. In October 2012, OWWA started conducting a two-day PDOS for household service workers (HSWs) bound for the Kingdom of Saudi Arabia. In November 2013, OWWA started its PDOS for Germany-bound Health Workers.

The following PDOS courses are being conducted in-house at the OWWA Development Center in Intramuros, Manila:

- The One-Day PDOS for Canada-Bound OFWs—The main objective is to prepare OFWs bound for Canada for smooth integration into the Canadian society. This is for Filipino professionals and skilled workers leaving for Canada on employment visa.
- The 1-day PDOS for Technical Interns bound for Japan under the JITCO Programme--Specific for technical interns, and currently conducted by the OWWA PDOS Unit.

- PDOS for Name-hired and Government-placed Workers—This module was transferred from POEA to OWWA.
- The One-Day PDOS for Germany-bound Nurses—This is part of the government-to-government agreement concerning the placement of Filipino health professionals in Germany.
- PDOS for Household Service Workers (HSWs) bound for Saudi Arabia—This is in cooperation with recruitment agencies. Topics handled by OWWA include: Culture Orientation, Standard Employment Contract, Values Orientation, Stress Management, Government Programmes and Services and basic Arabic Language; while the topics handled by PRAs are: Financial Management, Health & Safety and Airport Tips.

PDOS is also being conducted in-house in the following OWWA Regional Welfare Offices: CAR – Baguio City; Region 1 – San Fernando, La Union; Region 3 – San Fernando, Pampanga; Region 4-A – Calamba, Laguna; Region 5 – Legazpi City; Region 6 – Iloilo City; Region 7– Cebu City; Region 8– Tacloban City; Region 9– Zamboanga City; Region 10– Cagayan De Oro City; Region 11– Davao City; and Caraga Region – Butuan City.

OWWA Accredited PDOS Providers include the following:

- Agency Associations—Conducted for skilled, technical and professional workers of their member-agencies. As of 11 April 2014, there are six industry associations accredited to conduct PDOS.
- Country-Specific—As of 11 April 2014, there are two Country-Specific agencies accredited to conduct PDOS.
- Recruitment Agencies—For both sea-based or land-based; for their own skilled workers. As of 11 April 2014, there are 53 land-based recruitment agencies, and 234 sea-based/manning agencies accredited to conduct in-house PDOS for their workers.
- NGOs—For HSWs, overseas performing artists, and workers belonging to vulnerable occupational groups. As of 11 April 2014, there are 14 NGOs accredited to conduct PDOS.
- Supplemental PDOS—As of 11 April 2014, there are 223 Philippine Recruitment Agencies authorized to conduct supplemental PDOS.

Standards

Following the PDOS Monitoring Form, PDOS training venues must comply with the following minimum requirements:

- Spacious classroom (not crowded) conducive to learning
- 1:1 ratio of classroom chair to PDOS participant
- Basic audio-visual equipment—LCD computer and projector, microphone, etc.
- Sufficient copies of printed PDOS information materials
- Updated PDOS Trainer's Handbook

The PDOS course content was developed by the University of the Philippines (UP) in 2006 and updated by the Development Academy of the Philippines (DAP) in 2008, in collaboration with PDOS service providers from non-government organizations, land-based and sea-based recruitment agencies, industry associations, former OFWs and OWWA.

The PDOS Trainer's Handbook was revised by OWWA-PDOS Development and Monitoring Unit (PDMU) in March 2015, in consultation with stakeholders and the International

Organization for Migration (IOM), and printed by the IOM in 2015. The content was reorganized to better address workers' need for updated and comprehensive information. The revised modules for sea-based workers and the Trainer's Handbook were jointly developed by OWWA-PDOS Development and Monitoring Unit (PDMU) and the Joint Manning Group (JMG), in September 2016.

The primary objective of PDOS is to provide OFWs with the means to cope with their new work environment especially during their first few months of working abroad. The one-day PDOS is attended by all workers (all skills/ work categories) prior to their deployment abroad. PDOS modules include the following:

- Working overseas—Cultural Insights and Code of Discipline of OFWs
- Employment contract—Rights and responsibilities of OFWs per contract, what to do in case of contract violations
- Government programmes and services—In-country and overseas, other government agencies involved in migration
- Important reminders—Health Tips, Financial Planning, Travel Tips
- Financial management—Financial Planning and Importance of Savings and Investments
- Coping with work and living conditions--Working Hours, Multi- Cultural Environment

Monitoring Mechanism

In line with PDOS Advisory No. 5 (issued 12 April 2010), All PDOS Providers are required to submit their monthly PDOS Reports (*PDOS Monitoring Form 1*) within 15 days of the succeeding month.

The accreditation of the PDOS Provider shall be automatically cancelled by OWWA if found in violation of the following:

- Issuance of Certificates of Attendance to OFWs without the required attendance;
- Giving rebates, refund, commission and/or similar arrangements to recruitment agencies or their representatives.

In a purposive move to ensure efficient service delivery of the PDOS programme, the PDOS Development and Monitoring Unit (PDMU) was created by virtue of MOI No. 7 on 23 July 2014. As such, PDMU is tasked to:

- Formulate and review policies for improvement in systems and procedures, course development, and capability building; and
- Monitor/ inspect Accredited PDOS Providers.

Continuing Education Programme for Recruitment and Manning Agencies

In 2010, POEA introduced the Continuing Agency Education Programme (CAEP), which aims to professionalise and enhance the technical capabilities and moral values of officers and staff for them to better manage and operate their respective manning/recruitment agencies, and ensure the deployment of secured and gainfully employed workers.

Since its implementation in August 2010 until December 2015, POEA, through the Licensing and Regulation Office, had conducted 131 seminars that had been attended by about 11,913 managerial and technical employees of manning/recruitment agencies. The seminars have been a platform for various topics affecting the operations of licensed agencies, as well as venues for dialogues of their concerns.

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SINGAPORE

Socioeconomic Profile

Singapore, a fully urban island state, has managed its economic and social development extremely effectively since the period prior to its full independence in 1965, and its migration policies have been an integral part of its development planning.

When British Malaya gained independence in September 1963, Singapore was a state within the Federation of Malaysia but it separated from the Federation in 1965. At that time, its prospects were bleak. The country had little industry.

Per capita GDP grew by 66 per cent in the first five years of independence to reach US\$ 4,470 in 1970. Economic growth has remained impressive since then, with per capita GDP reaching USD4,900 in 1980, US\$11,900 in 1990, USD23,700 in 2000, USD46,600 in 2010, and USD52,900 in 2015. (*World Bank statistics*) Economic growth has been accompanied by strong social development. In 2015, life expectancy was 89 years for females and 80 years for males. The recorded infant mortality in 2016 rate is only 2.3 per 1,000 live births. (*Singapore Department of Statistics*)

Labour Migration History

In a country that has a high proportion of immigrants, and which is solidly integrated into the global economy, significant out-migration would also be expected.

Singapore has relied on foreigners to supplement its workforce, with foreign workers constituting more than a quarter of the population, and 30 per cent of the workforce. Among the countries in East and Southeast Asia, Singapore is the most careful in calibrating in-migration in accordance with national origin, occupation, educational level and current state of economy. Policy direction is established at the highest level, with the Prime Minister declaring in his 2006 National Day speech that immigration of the skilled and talented was a necessary strategy crucial to Singapore's long-term growth and prosperity. As a result of those policies, the number of permanent residents in Singapore increased by 142 per cent.

Singapore has adopted a differentiated work pass framework where privileges and controls are calibrated along the skills continuum. Broadly, there are three types of work passes for foreign workers in Singapore, as follows:

1. Employment Pass for foreign professionals, managers and executives (PMEs);
2. S Pass for mid-level skilled workers; and
3. Work Permits for semi-skilled workers.

Employment Pass and S Pass holders would need to meet the salary threshold and possess the relevant qualifications, while firm-level quotas and levies are imposed on S Pass and Work Permit Holders (WPHs). Quotas and levies will vary depending on the skills level of the foreign workers and the sector they will be deployed to.

In addition to quotas and levies, Work Permit Holders are subject to restrictions on their employers and types of job functions (e.g., a FDW is only allowed to work in Singapore under the employer stated in its contract, and only to perform domestic work). More detailed information can be found at www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker.

In addition, employers of work-permit holders must post a security bond of SGD5,000 for each non-Malaysian worker, to ensure that both the employer and worker comply with the conditions of the Work Permit. Employers cannot ask his/her worker to pay for the bond. In addition, employers are required to undertake personal accident insurance coverage of at least SGD40,000 for each foreign domestic worker they hire.

Relevant Labour Migration Legislation, Rules and Regulations

The MOM looks into the proper management of migrant workers in Singapore. It does so via a two-pronged approach – enforcement of legislation and education on rights and obligations of migrant workers and employers. For the purposes of this Compendium, focus will be placed on semi-skilled foreign workers, (i.e., work permit holders).

All WPHs are accorded the same protection as Singapore citizens under its civil and criminal laws. The relevant employment laws include: (a) Employment Act; (b) Workplace Safety and Health Act; (c) Work Injury Compensation Act; and (d) Employment Agencies Act. In addition, there is also legislation specifically catered to foreign workers, such as the (a) Employment of Foreign Manpower Act (EFMA), which covers areas relating to employer and worker responsibilities in relation to work passes, including applications, cancellations, medical insurance, levy and repatriation; and (b) Foreign Employee Dormitories Act, which seek to complement the EFMA by ensuring that dormitory operators house foreign workers at premises that comply with standards on physical and structural safety, land use, hygiene and cleanliness.

Table 1
Coverage of the Employment Act (With effect from 1 Apr 2014)

	Coverage	Relevant Provisions
Employment Act	All employees except: <ul style="list-style-type: none"> • Seamen • Domestic Workers • Public Servants • Managers and Executives earning more than \$4,500 in basic monthly wage 	<ul style="list-style-type: none"> • Payment of Salary • Contracts of Service • Maternity Protection and Benefits • Key Employment Terms and Pay Slips • Public Holidays • Sick Leave
Part IV of the Employment Act	<ul style="list-style-type: none"> • All Workmen earning not more than \$4,500 in basic monthly wage • All other non-PME employees covered under the EA earning not more than \$2,500 in basic monthly wage 	<ul style="list-style-type: none"> • Hours of Work • Provision of Rest Days • Annual Leave • Overtime Payment • Retrenchment Benefits • Retirement Benefits

Employment Act (EA)

The EA is Singapore's main labour legislation. It specifies the basic employment terms and conditions, as well as the rights and obligations of employers and employees. The EA currently covers about 70 per cent of the workforce and provides basic employment entitlements, such as salary protection, minimum employment terms and recourse for resolving related disputes. It also regulates working conditions such as hours of work and overtime payment.

Workplace Safety and Health Act

The Workplace Safety and Health (WSH) Act seeks to cultivate good safety and health habits and create a strong safety and health culture at the workplace. The WSH Act has three guiding principles: (1) eliminating and reducing risks at source; (2) placing duties on persons who create and have control over the WSH risks to instill greater ownership; and (3) raising penalties to deter risk-taking behaviour and reflecting the real cost of poor WSH management. All stakeholders, including employers, occupiers and suppliers, are required to take reasonably practicable measures to comply with all workplace safety and health laws specific to the occupation and multi-tasking occupations of their employees.

Work Injury Compensation Act

The Work Injury Compensation Act (WICA) allows employees to claim for compensation if they have been injured or contracted a disease as a result of work. WICA covers all employees, with the exception of independent contractors and the self-employed, domestic workers and uniformed personnel, i.e., members of the Singapore Armed Forces, Singapore Police Force, Singapore Civil Defence Force, Central Narcotics Bureau and Singapore Prison Service.

Employment Agencies Act

The Employment Agencies Act (EAA) provides the regulatory framework for the employment agency industry to ensure that employment agency personnel are better qualified, more professional and effective in matching employers and workers. The regulatory framework was also enhanced to weed out unlicensed and errant employment agencies. Under the EAA, Singapore employment agencies are allowed to charge up to a maximum of one month's salary for each year of employment, up to a maximum of two months. Additionally, employment agencies are required to refund 50 per cent of any fee charged if the worker's employment is terminated by the employer within six months from employment.

Employment of Foreign Manpower Act

The Employment of Foreign Manpower Act (EFMA) specifically regulates the employment of all foreign workers and foreign domestic workers (FDWs). The EFMA contains provisions to outlaw employee kickbacks and forged documents as criminal offences, and provide penalties against employers who try to recover hiring costs from their workers. There are also provisions that mandate employers' obligations to make timely salary payments and provide for the workers' upkeep and maintenance till their repatriation.

Some of the protection measures for foreign workers that are laid out in the EFMA include prompt salary payment and allowing the option for direct transfer into the worker's bank account for salary payment. Employers are also required to bear the cost of medical treatment for every foreign worker issued with a work permit.

Under the EFMA, all employers of FDWs whose work permits are issued or renewed from 1 January 2013 are required to provide a weekly rest day for the FDWs. This is to ensure that the FDW is able to have enough mental and physical rest, thereby improving her safety and productivity at work. The law also requires employers to compensate their FDW with additional pay at a minimum rate of one day's wage, or a replacement rest day within the same month, if the FDW chooses not to take her rest day.

Foreign Employee Dormitories Act

The Foreign Employee Dormitories Act (FEDA) regulates the standards of larger dormitories that house foreign employees. Large dormitories that house 1,000 or more foreign employees are required to obtain a license from MOM and the dormitory operators will be required to ensure that the dormitory meets requirements relating to public health and safety, and ensure the provision and maintenance of social and commercial facilities and services.

Workers' Education and Safe Migration Programmes

Pre-Arrival

In order to ensure that foreign workers are aware of their rights and employer's obligations prior to their arrival in Singapore, employers are required to send the In-Principle Approval (IPA) letter to their foreign workers prior to their departure for Singapore. The IPA contains important employment terms and conditions, such as the basic monthly salary (as declared by the employer) and the costs/fees that the employer is responsible for paying. This prevents overseas agents from over-promising salaries for workers or receiving unauthorised payments on the pretext of payments to the Singapore authorities.

Arrival

All foreign workers are given a copy of the Foreign Worker Handy Guide when they register for their Work Pass card at MOM. The Guide provides useful information on employment laws and regulations, their rights and responsibilities while working in Singapore, general law and order issues which they must know and comply, as well as channels to seek help.

Foreign workers in the construction, marine and metal works industries are required to undergo a safety orientation course within two weeks of their arrival in Singapore. Employers are responsible for ensuring that their foreign worker passes the test. The foreign worker must pass the course within three months of their arrival. If not, their work permit will be revoked.

Within the first three days of arrival in Singapore, a first-time FDW is required to undergo a Settling-In Programme (SIP), conducted by an MOM-accredited training provider. The SIP is a compulsory one-day course that introduces the FDW to working in Singapore.

The programme includes regulatory information on their rights and adapting to living and working in Singapore, fostering good working relationships in the household, stress management, and ways to seek help when in need.

The programme also contains a practical “hands-on” component to educate and train the FDW on how to work safely at home, such as cleaning windows and hanging laundry safely. This is particularly important due to the pre-dominance of high-rise public housing in Singapore. All FDWs attending the SIP will be given a copy of the FDW Handy Guide, a cardholder reiterating important messages and helplines, and learning cards on how to promote better communication with their employers.

Duration of Stay

The MOM conducts face-to-face interviews with randomly-selected FDWs working for the first time in Singapore during their initial months of employment. These interviews allow MOM to monitor how well newly-arrived FDWs are adapting to working and staying in Singapore, as well as provide specific advice and assistance, if necessary.

For employers, all first-time would-be employers are required to complete an Employer’s Orientation Programme (EOP) on their rights and responsibilities before submitting a work pass application for an FDW. MOM also monitors employers who change their FDWs frequently and requires them to attend the EOP in person before they are allowed to submit another application for an FDW. The Employers Guide on FDW, which covers information such as rest days, salary guidelines and well-being, is distributed to employers attending the classroom EOP, while an e-copy version is also available for download by employers who took the online EOP.

During the FDW’s stay in Singapore, MOM reaches out to FDWs regularly through various touch points and collaterals. These include participating in FDW-centred roadshows, as well as the annual Foreign Domestic Worker Day. Educational materials such as newsletters in various native languages of the FDWs and collaterals with MOM’s advisory messages to help FDWs keep abreast of important employment-related issues are also distributed.

For foreign workers, MOM conducts roadshows at foreign worker recreational centres. In addition, MOM has also leveraged on the use of technology to allow foreign workers and members of the public to report workplace safety offences more easily. These include developing a mobile application that allows offences to be reported via taking and uploading of pictures of unsafe work practices and sending them directly to MOM.

MOM also educates employers and the general public through the publication of media releases, pamphlets/ brochures and electronic direct mailers (EDMs). Media releases of prosecution cases are regularly issued to highlight the enforcement action taken against errant employers seeks to deter others from committing similar offenses. MOM has also started sending out EDMs to current FDW employers to highlight key themes/issues. These include looking out for signs of stress in their FDWs, ways to communicate and foster a good FDW-employer relationship, as well as safety reminders on window cleaning/laundry hanging.

Seminar for Employment Agencies

MOM has been organising half-day seminars for employment agencies (EAs) since 2012. These seminars enable MOM to brief EAs on new initiatives, as well as provide clarifications for the industry on new and/or existing foreign worker policies. MOM also uses this opportunity to reaffirm its relationship with the EA industry, reiterating the importance of EAs as an intermediary that helps jobseekers and employers better understand their responsibilities and employment rules.

The seminars comprise: (a) presentations on new initiatives, and (b) a question-and-answer panel discussion helmed by MOM officers. Seminar topics include medical insurance for FWs, *Trustmark* (a mandatory grading scheme for EAs that place FDWs; and a review of the Demerit Point Framework. Other Government agencies, such as the Personal Data Protection Commission, have also presented at these seminars. All information, such as slides and collaterals, are provided by MOM and relevant Government agencies. Participants are provided with a copy of the materials.

After each seminar, all participants are requested to provide feedback by completing a post-event survey. From these surveys, MOM will modify the seminar to better engage participants at future seminars. All presenters and panelists are MOM officers. The seminars are hosted by the MOM Divisional Director for foreign manpower management.

The seminars are fully funded by MOM, and have been attended by about 400 to 700 EA personnel at each seminar. The seminars take place annually.

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THAILAND

Socioeconomic Profile

Thailand best exemplifies the myriad linkages between social and economic development and international migration. The country has provided sanctuary to more than 1.2 million asylum seekers and displaced persons over the past 32 years. It has formally deployed large numbers of workers, initially to the Middle East and more recently within East and South-East Asia. It currently provides employment for upwards of 1 million foreign workers with both regular and irregular status. The country is a point of transit for international travel and migration between other countries. Many of its nationals study overseas but Thailand attracts increasing numbers of secondary and tertiary students. Many of the factors that cause large-scale migration to and from Thailand have also led to trafficking in persons.

The diversified economy of Thailand benefits from the export of agricultural and manufactured products, gems and jewelry; currently, however, the largest earner of foreign exchange is the tourism sector. Thailand's exports considerably exceed those of, for example, India, Indonesia or the Philippines. Immigration statistics indicate that 13.8 million foreigners entered the country in 2005. Economic growth has generally been robust since the 1960s although GDP fell during the Asian economic crisis of 1997-1998. Thailand's active participation in the global economy has caused a steady shift in the workforce structure. The proportion of the workforce in agriculture fell from 63 per cent in 1990 to 45 per cent in 2003. During the same period, the proportion in industry and services increased from 14 per cent to 20 per cent and from 23 per cent to 35 per cent, respectively.

The number of long-term emigrants from Thailand is modest. Hugo (2005) calculated that 261,626 Thai nationals were living in the main immigration countries around 2001, including 142,000 in the United States; and 82,100 in 1999 in Europe and Japan combined.

Thailand has officially deployed workers to foreign countries since the 1970s. The first year in which more than 100,000 workers were deployed was 1982 (108,519). In that year, 97 per cent of the workers went to the Middle East, including 35 per cent who were employed in Saudi Arabia. Since then, the numbers deployed have fluctuated. Fewer than 100,000 workers were deployed in 1983, 1984 and 1985, but more than 100,000 went abroad from 1986 to 1988. The number deployed increased rapidly during the early 1990s, from 63,200 in 1990 to a peak of 202,300 in 1995. Subsequently, the number generally declined to 177,709 in 2000, slightly below 150,000 in 2003 and 2004, and 139,667 in 2005. However, the numbers have been back on increase in 2006 and 2007, with 160,846 and 161,917 workers deployed, respectively.

Unlike the situation of other countries that send large numbers of workers overseas, a large number of Thai nationals deployed are males. In 2007, males comprised 85 per cent of the 161,917 workers deployed. Those migrating for employment had relatively low levels of education. In 2007, 49 per cent of those deployed had only primary school education. The women workers had higher levels of educational attainment, however 63.5 per cent of the female migrants in 2007 had completed some level of education higher than primary school, compared with only 48.5 per cent of the males.

In 2007, 20 per cent of the 161,917 workers deployed from Thailand went to the Middle East, and 67 per cent remained in Asia. About 32 per cent of those going to the Middle East were employed in Israel. Another 48 per cent of all Thai deployed workers in Asia went to Taiwan Province of China. It is also estimated that 66,243 Thai students were studying overseas in 2000.

Thailand has historically provided sanctuary to groups fleeing from adverse political circumstances in South-East Asia and southern China. Sometimes, such refuge was openly offered and sometimes it was accorded grudgingly. Thailand provided asylum to more than 1 million refugees from Indochina beginning in 1975. Following the end of the United States-Viet Nam war in April 1975, about 158,000 Vietnamese made their way to Thailand either over land or by sea. Most were resettled in third countries but a small number were later repatriated.

During the same period, 320,155 asylum-seekers entered Thailand from Lao PDR. More than 600,000 refugees from Cambodia entered Thailand during and after the period of the Khmer Rouge regime from April 1975 to January 1979. Between 1975 and 1992, more than 235,000 Cambodian refugees in Thailand were resettled in third countries, including 150,000 in the United States. When stability returned, more than 370,000 refugees were repatriated to Cambodia in late 1992 and early 1993. Approximately 140,000 displaced persons from Myanmar are currently being given shelter in nine camps along the Thailand-Myanmar border. They are considered by the Government of Thailand to be fleeing fighting in their country and can therefore be offered temporary shelter.

Countries such as the United States, Canada and Australia as well as European countries are also accepting them for resettlement. In the past 10 years, however, the number of foreign migrant workers in Thailand has exceeded the number of asylum seekers. There are three main categories of foreign workers in Thailand:

- a. Those entering on a valid passport and obtaining a work permit from the Department of Employment;
- b. The approximately 500,000 persons who have overstayed their entry visas and must be assumed to be working; and
- c. Registered and unregistered low-skilled migrants from Cambodia, the Lao PDR and Myanmar.

Labour Migration History

Thailand, one of the countries of origin of migration for employment, has a short history of migration. Migration for overseas employment is relatively new for Thai workers. A small number of Thai workers, through self-arrangement channel, worked in some developed countries in 1960s.

After the Viet Nam War, some contractors working with Thai workers in US military projects in Thailand started sending some workers to work in their projects in oil rich countries in the Middle East. Recruiting business followed and later became the main players in the out flow of Thai workers.

At its peak there were some 800,000 Thai workers in the Middle East and some Asian countries. The largest groups were construction workers and housemaids. After the construction boom period, while construction sector still employed a large number of Thai

workers, manufacturing, agricultural and service sector increased its share in the overseas labour market. Another important development during the 1990s was that the number of Thai housemaids employed in the Middle East market substantially decreased and this market now employs only a minimal number of Thai housemaids. At present the estimated number of Thai workers in over 80 countries is 450,000. The following table shows the numbers of recent outflow of workers.

Table 1
Thai Workers Dispatched, 2012-2015

Year	Middle East	Africa	Asia, excluding ME	Europe	Americas	Australia and Oceania	Total
2012	19,157	5,713	89,185	13,155	3,707	3,244	134,101
2013	20,179	6,476	83,125	15,118	3,453	2,160	130,511
2014	19,908	3,820	80,191	11,217	3,235	1,158	119,529
2015	18,483	2,779	78,239	13,735	2,915	1,140	117,291

Source: Overseas Employment, Department of Employment

The following Tables show the gender, education level of overseas workers and channels to work abroad. **Table 2** shows that most of the 2015 migrant workers (81.20%) are males, and the largest groups (82.35%) are primary and secondary school graduates. The largest groups are unskilled and semiskilled workers (**Table 3**), with relatively small groups of college graduates and professional group of workers. The safe migration programmes launched since early 1980s had been focusing on people of lower education, unskilled, living in rural areas--groups which are vulnerable to illegal recruiters and need assistance in the host countries. Also high in priority was campaign for safe migration of housemaids. Most of these programmes are still relevant and some of them are still being implemented at present.

Table 2
Level of Education and Gender of Migrant Workers

Level of Education	2015			2014		
	Male	Female	Total	Male	Female	Total
Primary	34,893	5,755	40,648	37,095	6,301	43,396
Secondary	43,074	10,458	53,532	42,755	10,197	52,952
Vocational/ undergraduate	10,072	2,680	12,572	9,797	2,495	12,292
Bachelor degree	6,383	3,963	10,346	6,839	4,034	10,837
Others	10	3	13	13	3	16
Total	94,432	22,859	117,291	96,499	23,030	119,529

Source: Overseas Employment Administration, Department of Employment

Table 3
Occupational Groups of Overseas Workers

Major Occupational Groups	Years			
	2012	2013	2014	2015
Legislator senior official and manager	848	685	647	612
Professionals Technicians and associate professionals	2,585	2,037	2,162	2,012
Clerks	3,776	3,411	3,946	3,479
Service workers and shop and market sales workers	255	268	176	180
Skilled agricultural and fishery workers	3,278	3,293	2,576	2,591
Craftsmen and related trades workers	10,753	15,519	12,702	14,739
Plant and machine operators and assemblers	12,873	11,769	8,462	8,779
Elementary occupations	39,235	35,427	34,251	33,084
Workers not classifiable by occupation	6,025	5,426	3,880	4,188
Total	79,628	78,105	68,802	69,664

Source: Overseas Employment Administration, Department of Employment

Table 4
Channels of Migration

Year	Self-Arrangement	Recruitment Agencies	Department of Employment	Employers	Employers for Training	Total	Re-Entry	Grand Total
2012	12,916	38,827	9,708	13,099	5,078	79,628	54,473	134,101
2013	12,975	33,517	14,650	12,614	4,349	78,105	52,406	130,511
2014	11,125	35,760	10,164	6,838	4,915	68,802	50,727	119,529
2015	11,765	33,635	10,870	8,419	4,975	69664	47,627	117,291

Source: Overseas Employment Administration, Department of Employment

Re-entry means persons already employed and rehired or whose terms of employment have been extended by the same employer.

Most of Thai overseas workers are employed on short and fixed term contracts, usually one or two years at a time, with renewable terms when both parties agree. The numbers of workers leaving for overseas jobs classified as re-entry, which means rehired or with extension of contracts by the same employer (*Table 4*) were approximately 40 per cent of all workers leaving the country for overseas jobs. Since the employment contracts are mostly short-term and the workers are employed on construction sites or projects with large number of workers, almost all of Thai overseas workers are employed on the condition of single workers (Note: Family is not allowed to stay with worker in the host countries).

At present, about 40 per cent of overseas workers are recruited by private employment agencies. At the beginning of the migration in 1980s, nearly all of the workers were recruited by private employment agencies. But later the Government, through agreement with receiving countries, started to recruit more workers for overseas markets and the share of private employment agencies in these markets has gone down. Korea, Japan and Israel now employ Thai workers through Government replacing private employment agencies. Employers' share of the overseas market also increased.

Compared to the total population of 67.21 million and the workforce of 38.55 million (2015). The number of annual outflow of 120,000 to 130,000 workers with short-term employment is relatively small. Migration has generated some USD2 billion for the country annually, while overall exports generated about USD200 billion. Labour export now has comparatively less impact on the Thai economy compared to the 1980s in terms of earnings and number of workers employed.

While sending about 120,000 to 130,000 workers to work outside the country annually, the country is one of the countries of destination and now employs a large number of foreign workers, both legal and undocumented, with some estimates of over 3 million foreign workers. In the last 15 years or so, while the country has become one of the receiving countries of the region, it exports fewer workers for overseas labour market.

The wages, especially minimum wages of the country, had been increased considerably; in certain areas the wages have been doubled in just one year while the unemployment rates have been relatively low for the last decade. Recently it is more and more difficult to find workers who are willing to pay quite a large sum of recruiting fee to get an overseas job. The Government which recruits more workers for overseas markets with better conditions especially with lower or no expenses, no recruiting fee, with standard wage and welfare, attracts more and more job applicants.

International competition among international recruiters for overseas labour markets also plays an important part in setting wage rate, other benefits and working conditions for overseas workers which further reduces the competitiveness of Thai workers, thus reducing the number of workers recruited for overseas labour markets by Thai employment agencies. High recruiting fees compared to the wages and other benefits the workers get also discourages a number of Thai workers to look for overseas jobs.

Relevant Labour Migration Legislation, Rules and Regulations

The safe migration system of the country is designed to introduce a law that facilitates private recruitment of Thai workers for the growing overseas markets while making migrations safe for workers.

Another important measure was the development of administrative measures. Campaigns focus on informing the public on safe migration which was crucial at the early years of overseas employment, when people needed the right and sufficient information about overseas labour market. Information campaigns on working abroad were one of the main tasks of TOEA. It also introduced administrative reform to build a network of organizations covering central and provincial areas of the country and foreign countries where Thai workers were employed.

The primary law on overseas employment, the Recruitment and Job Seekers Protection Act 1985, aims to protect workers from illegal recruiters and to prepare workers for overseas labour markets. It covers pre-employment, pre-departure, post-arrival or onsite. On pre-employment, the law controls the recruiting agencies by prohibiting operation of unlicensed agencies with heavy penalty, setting-up recruiting processes, establishing administrative mechanism of overseas employment administration and the fund for overseas workers.

By these procedures and mechanisms, it is expected that the job seekers will be protected and migrate safely. This process starts with licensing and recruiting control. It requires the employment licensee who desires to enroll or notify enrollment in advance to request for permission to the Registrar (Section 35). This is one of the important measures to control and supervise activities of the recruiting agencies to prevent them from recruiting job seekers while they do not have an overseas job opening.

The law prohibits advertisement and enrollment of job seeker unless the permission is granted (Sections 35 and 66). This is another important control since it can stop recruiters from recruiting job-seekers before they have overseas jobs.

The law also requires that in sending job seekers to work abroad, the overseas employment licensee shall submit, prior to sending a job seekers abroad, the employment contract together with conditions in hire of services and other evidences as notified by the Director-General for consideration (Section 36).

Another control is to prohibit the employment agencies from demanding or receiving service charge or expense before the employer has accepted the job seeker to work as employee (Section 27 and 38). These activities and practices are regular, day-to-day and key activities required by law used to promote safe migration.

Campaigns and trainings for safe migration not required by law but implemented as a part of administrative effort to further support safe migration starts with pre - employment. In the past where migration was one of the major concerns for the Government especially the problem of illegal activities of the recruiters, campaign through mass media was one of the main activities of the Department. For example, a high-ranking official at the department or ministerial levels would meet the media and disseminate some specific information. Paid advertisement on certain issues was also one of the campaigns.

Distribution of information materials to the public directly and through the media were also incorporated into the action plan of the Department. Recently, more focused campaign for more specific areas where workers tend to migrate are implemented. Door-to-door, key informants and information through internet service followed.

One of the latest campaigns is the registration of job seekers. Job-seekers who are interested or looking for an overseas job are asked to join the programme and to apply or register for overseas jobs with the Department of Employment or Provincial Employment

Offices. This comes with training and information on overseas jobs aimed at equipping them with knowledge to make them better prepare for working and living in foreign countries and avoid being taken advantage by some private recruiters. Private employment agencies who need workers are asked to apply with the Department for permission to recruit from the list.

Among the most important activities for safe migration is the pre-departure orientation training which has been regulated in Section 36 (4) of the Act and Department of Employment Regulation on Pre-Departure Orientation (2001). This is an obligation; all workers sent abroad by recruiting agencies have to attend this pre-departure orientation training.

Apart from information on living and working conditions, the workers will receive information on service and employment contracts and if the terms and conditions are acceptable to them, they are required to sign the contract and a copy of the signed contract is given to those workers. This is a one-day training usually lasting 6 hours and mostly the job seekers attend on the same day or a few days before they depart for the jobs. It has been the major campaign for safe migration since the beginning, launched even before the present law.

For specific groups of workers under different arrangements, for example wild berry pickers who are recruited in high number for a short working period of summer months in some European countries, the training is organized in the provinces where most workers reside to facilitate and to keep the cost of travelling of the workers down. A mobile team of trainers is sent to one-day training for groups of workers in those areas who are ready to travel to their worksite.

Korea's EPS, Israel agricultural workers recruitment project and Japan training-working project also have specific training courses which include language, living and working conditions, and some other useful and necessary information for the workers. These training sessions are organized by Department of Employment and Department of Skill Development. When workers arrive at the host country, they will attend other trainings organized by the host countries. These trainings are required by law or under the term specified in the agreement of the sending and receiving countries.

Administrative Machinery

So far, only a few activities on pre-departure programmes have been authorized by law, granted or accredited by competent authority to other organizations namely skill testing, health certification, specific language training. Under the Act skill testing is the responsibility of the Department of Skill Development.

The Department is also authorised to accredited private skill testing centres to perform the test for job seekers. Korean language training which is a part of Korea's EPS programme is accredited to qualified private language training centres.

Training of agricultural workers under Thai Israel Agreement is done by technical colleges under the Ministry of Education, with the cooperation of the Department of Employment. All other activities are performed by the Department of Employment or its provincial offices.

Health certification is being done by public health organizations. The Department of Employment, with the cooperation of Ministry of Public Health, also certifies qualified private health organizations to perform health certification for job-seekers.

The main law—the Recruitment and Job Seekers Protection Act, B.E. 2528 (1985)—was developed and enacted during the mid -1980s in response to the problems that arose from private recruiting agencies and the lack of appropriate legal instrument and organization to effectively manage the sudden outflow of workers. Prior to that, the country had no specific law on overseas employment. The existing laws at that time were adopted as stop-gap measures to alleviate the problems associated with migrations. Since then some parts of this Act has been changed to be applicable to the changing situation, but no fundamental change has been made since its enactment over 30 years ago.

The Act has been developed to:

- a. Protect job seekers from illegal and unfair practices of individual and private recruiting agencies,
- b. Protect and maintain job seekers' rights and benefits as prescribed in the employment contract and laws of sending and receiving countries,
- c. Develop procedures and measures for the exporting of migrant workers, and
- d. Set up welfare fund and provide assistance to overseas Thai workers.

The Act covers all stages of migration—pre-employment, pre-departure and post-arrival or onsite. It also covers all groups of migrant workers, especially the most vulnerable groups—workers recruited by private recruitment agencies. The main aim of the Act is the introduction of a system which can prevent and protect the workers when they apply for an overseas job. By controlling and supervising private recruiting agencies, it is hoped that the workers will be safe and get the just return for overseas jobs.

Licensing

1. *Section 30*—No person shall undertake the overseas employment for a job-seeker, except where the license is granted by the registrar.
2. *Section 31*—The applicant shall be a company or public company limited and shall have the qualifications and not being under the prohibitions, as follows:
 - a. Its registered and paid-up capital shall be prescribed by the Ministerial Regulations, but not less than THB One Million;
 - b. Deposit money to the registrar as security for the execution of this Act in an amount as prescribed by the Ministerial Regulations, which shall not be less than THB500,000.

Procedures for Recruiting and Sending Workers

1. *Section 35*—The employment licensee who desires to enroll or notify enrollment job-seekers in advance shall request for permission from the registrar.
2. *Section 36*-In sending a jobseeker to work abroad, the employment licensee shall act as follows:
 - a. Submit, prior to sending a jobseeker to work abroad, the employment contract which is concluded by and between the overseas employment licensee or its agent and a jobseeker, together with conditions in hire of services which are concluded

- by and between the overseas employer or its authorized agent and a job-seeker as well as other evidences as notified by the Director-General, to the Director-General for consideration;
- b. Organise a jobseeker to have medical examination, in accordance with the rules and procedure, and at the infirmary, as notified by the Director-General;
 - c. Organise a jobseeker to have a skill testing in accordance with the rules as notified by the Director-General;
 - d. Organise a selected job-seeker who passes a skill testing to get training on laws, custom and tradition of the country in which the job-seeker is to work, including working conditions, at the Central Employment Registration Office, Employment Provincial Registration Offices or other institutions, as notified by the Director-General;
 - e. Submit a list specifying name and workplace of a job-seeker, together with a copy of the employment contract to the Central Employment Registrar within seven days as from the departure date of a jobseeker;
 - f. Notify, in writing and together with a list specifying name and work place of a job-seeker, the Thai Labour Office in the country where a job-seeker is working for information within fifteen days as from the arrival date of a job-seeker. In case where there is no Thai Labour Office in such country, such notification shall be made, within the aforesaid period, to the Royal Thai Embassy or the Royal Thai Consulate in such country or the Royal Thai Embassy or the Royal Thai Consulate or other person having duty in taking care of the Thais in such country;
 - g. Report monthly to the Central Employment Registrar within the tenth day of the following month in the case where there is a job-seeker who fails to go to work abroad under the employment contract.
3. *Section 66*—The employment advertisement shall be in accordance with the regulation determined by the Minister.

Recruitment Fee

Sections 26 and 47:

No employment licensee shall demand or receive any money or property from a jobseeker other than service charge or expense. Service charge or expense shall be demanded or received not exceeding the rate as determined by the Minister.

Channels of Migration

The Act also regulates migration by other channels:

1. *Section 48*—A job-seeker who desires to travel to work abroad by himself/herself with no employment contract with the overseas employment licensee shall notify the Director-General or a person entrusted by the Director-General not less than fifteen days before travelling.
2. *Section 49*—No employer in Thailand shall take an employee to work abroad, except where a permission of the Director-General is granted.
3. *Section 50*—No employer abroad or its representative shall undertake a recruitment of an employee in Thailand to work abroad, except where such undertaking is made by the Employment Office or the Department of Employment.

Overseas Workers' Welfare Fund

1. *Section 37*—The overseas employment licensee shall arrange with the overseas employer who concludes the hire of service contract with a job-seeker to remit money to the fund established under Section 52 for each jobseeker.

If it is unable to organize the overseas employer to do so, the licensee shall have the duty to remit money to the fund. The remittance of money to the fund shall be in accordance with the rules procedure, period of time, and rate, as prescribed by the Ministerial Regulations. Such rate may be varied upon the country or region to which a job-seeker is sent..

2. *Section 53*—The Fund shall be paid to support the following undertakings:
 - a. Arranging jobseekers abandoned abroad to return to Thailand ;
 - b. Assisting jobseekers who work or going to work abroad or their statutory heirs;
 - c. Selecting and organising skill testing and training to jobseekers prior to work abroad.

Control of Outgoing Workers

1. *Section 62*—A jobseeker who leaves Thailand shall have to pass job-seekers checkpoint and shall submit the form as notified by the Director-General to the competent official at such checkpoint.
2. *Section 63*—If it appears to the competent official that a person has no evidence related to work or training abroad as prescribed by this Act, the competent official shall have the power to inhibit such person from travelling out of Thailand as necessary according to the circumstance of the case. In this regard, the competent official shall clarify reasons of such inhibition in the record.

Sanction Measures

The Act imposes imprisonments and fines for non-compliance and violations. For example, illegal recruiting activities carry penalty of 3 to 10 years imprisonment or a fine of up to two hundred thousand bath, or both. (Sections 73-92).

Section 52—There shall be established a fund in the Department of Employment, called the “Fund for Job-Seekers Working Abroad” to be used for the undertaking under Section 53. The administration and control of spending of the fund shall be in accordance with the regulations determined by the Minister of Labour, with the approval of the Minister of Finance.

Policy

The prime policy of the Ministry of Labour has been the promotion of overseas employment in countries where conditions of work are favourable and workers may improve their skills. The Ministry through the Department of Employment and other administrative organizations also protect job seekers from all forms of illegal activities of individual and private employment agencies.

While Thailand faces the problem of shortage of certain categories of workers especially fishing, manufacturing, domestic helpers and production workers, it has no

restriction on number or type of skills for overseas markets. There is no major change in policy regarding overseas employment since Thailand started sending workers for overseas labour markets.

The main directions of the country's primary legislation also has not been changed since the beginning of overseas employment, the same Act of 1985 is still in use today with some minor changes since its enactment.

Administrative Organisations

1. The Department of Employment, Ministry of Labour, is the main organization responsible for overseas employment.
 - a. *Thailand Overseas Employment Administration (TOEA)*, which is an integrated or one-stop service office, comprises all agencies concerned with overseas employment. Its main tasks include:
 - Overseas employment services (Overseas Employment Administration Division, Department of Employment)
 - Passport service (Ministry of Foreign Affairs)
 - Criminal record checking, C.I.D. (Royal Thai Police)
 - Medical certification (Ministry of Public Health)
 The TOEA also processes requests to advertise to recruit job-seekers, pre-departure orientation of departing workers and also recruit workers for overseas labour markets.
 - b. *Overseas Employment Administration Division*, responsible for:
 - Promotion and development of overseas employment
 - Dispatch worker processing
 - Government recruiting office for foreign employers
 - Workers development/orientation
 - Administration of overseas workers welfare fund
 - c. *Central Employment Registration and Jobseekers' Protection Division*
Its duties include recruitment licensing services, inspecting private employment agencies, grievance and complaint services, labour control (check-points) at the immigration channels.
 - d. *Provincial Employment Office* in all 76 provinces of the country.
It is entrusted to perform some of the tasks of the TOEA, especially public awareness campaign to prevent workers from illegal recruiters and inspection and control of recruiting agencies.
2. Permanent Secretary Office of the Ministry of Labour
Labour Offices and Labour Sections—Fourteen offices in 13 host countries: Brunei Darussalam, Germany, Hong Kong, Israel, Japan, Korea, Libya, Malaysia, Saudi Arabia, Singapore, Taiwan (two offices), Switzerland, United Arab Emirates.

Workers' Education and Safe Migration Programmes

Since the early stages of safe migration, most of the safe migration campaigns and training programmes, including legal provisions were designed, based on the information that most of the job seekers were predominantly people living in rural areas with limited education,

with little or no knowledge of working outside the country. Some of them hardly travel outside of their villages, receiving information only about the positive side of working abroad from recruiters and neighbours. Illegal activities of individual and recruitment agencies were common then.

The people who tend to migrate also lived in many areas of the country, especially in rural and hard-to-reach areas. They were also people who were difficult to define and identify for the purpose of information campaigns for individual job seekers or for door-to-door campaigns. The nature of Thai rural people who are usually not so keen on seeking the right information before seeking overseas jobs further demands programmes that can cover these limitations.

The programmes also need to address the problem of unfamiliar working and living conditions in foreign countries of the migrant workers, most of whom have only a vague idea of the new working environment. The campaign thus focuses mainly on these groups of workers with the twin aims of protecting workers from of illegal activities of the recruiters and to better prepare them for the overseas labour markets.

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VIET NAM

Socioeconomic Profile

Over the past 30 years, Viet Nam has achieved encouraging results in the development process. The process of political and economic reform during the Doi Moi, launched in 1986, made Viet Nam from one of the poorest countries in the world into a low middle-income country. Since 1990, Viet Nam's GDP per capita growth has been among the fastest in the world, averaging 6.4 per cent a year in the 2000s. Viet Nam's economy continued to strengthen in 2015, with GDP growth rate of 6.7 per cent. Growth has been equitable—with a dramatic reduction in poverty—and social outcomes have improved significantly. Per capita income in Viet Nam has gone from about USD100 in the 1980s to about USD2,100 in 2015, and to about USD2,115 in 2016.

Social indicators in Viet Nam have improved substantially over the last decades, with several Millennium Development Goals (MDGs) achieved ahead of time. The Vietnamese population is better educated, and today has a higher life expectancy than most countries with similar per capita income. Access to basic infrastructure has also improved substantially. Electricity is available to almost all households, up from less than half in 1993, and access to clean water and modern sanitation has risen from less than 50 percent of all households to more than 75 per cent.

Despite past achievements, the poverty agenda still needs attention. Poverty gains are fragile, as a significant share of the population is still vulnerable, living close to the poverty line (one-third of the population—equivalent to about 30 million people—fall into the 'poor' or 'near poor' groups). In addition, Viet Nam is highly vulnerable to climate change and natural disasters, posing significant risk to development gains and further progress. Already, Viet Nam is experiencing rising temperature and sea levels, stronger storms, floods, and droughts. Average economic losses amount to 1-1.5 per cent of GDP over the past two decades.

In order to overcome these difficulties, the Government of Viet Nam has showed determination for reforms. Viet Nam's 2011 – 2020 Socio-Economic Development Strategy (SEDS) gives attention to structural reforms, environmental sustainability, social equity and emerging issues of macroeconomic stability. It defines three "breakthrough areas": (1) promoting human resources/ skills development (particularly skills for modern industry and innovation); (2) improving market institutions; and (3) infrastructure development. In addition to the elaboration of three SEDS breakthrough areas, the five-year Socio-Economic Development Plan (SEDP) for 2011-2015 focused on three critical restructuring areas – the banking sector, state-owned enterprises, and public investment—that are needed to achieve these objectives.

Labour Migration History

Viet Nam started officially exporting labour in the 1980s when it established multilateral cooperation with Eastern European countries, including Germany, Czechoslovakia, Bulgaria and the former Soviet Union, and bilateral agreements for sending labour to work in factories in these countries. The primary objective of this migration was to improve Vietnamese worker skills for the country's future industrialisation and to improve income for a part of the country's labour force. During 10 years (1980-1990), 277,183 workers were

sent to these countries, including 112,338 to the former Soviet Union, 72,786 to DRG, 37,659 to Czechoslovakia and 35,099 to Bulgaria.

In addition to the former Soviet Union and Eastern European countries, Viet Nam expanded in 1983-84 its exporting of labour and experts to a number of Middle East and African countries, namely Iraq, Algeria, Congo, Angola, etc., working in the fields of construction, health care, education and agriculture. By the end of 1990, the total labour export to these countries was 19,301 of which 14,000 workers/experts went to Iraq. Workers and experts were working in the fields of light industries, generally on tailoring 40 per cent, industrial and civil construction, 26 per cent; mechanic, 20 per cent; and others, 14 per cent.

Labour export during 1980s had a positive impact in terms of job creation, increased income for workers and their families, and contributed to the state budget while helping the receiving countries deal with their labour shortfall.

By end of 1989 and beginning of 1990, the Gulf War and the political changes in the former Soviet Union and Eastern European countries stopped the increasing trend of labour export from Viet Nam. As a result, many workers from the Middle East, Eastern European countries and the former Soviet Union returned home before their contracts were due for termination. Subsequently, the labour treaties were also nullified. The Government issued Directive No. 73-CT, dated 13 March 1990, to put on hold the labour export programme.

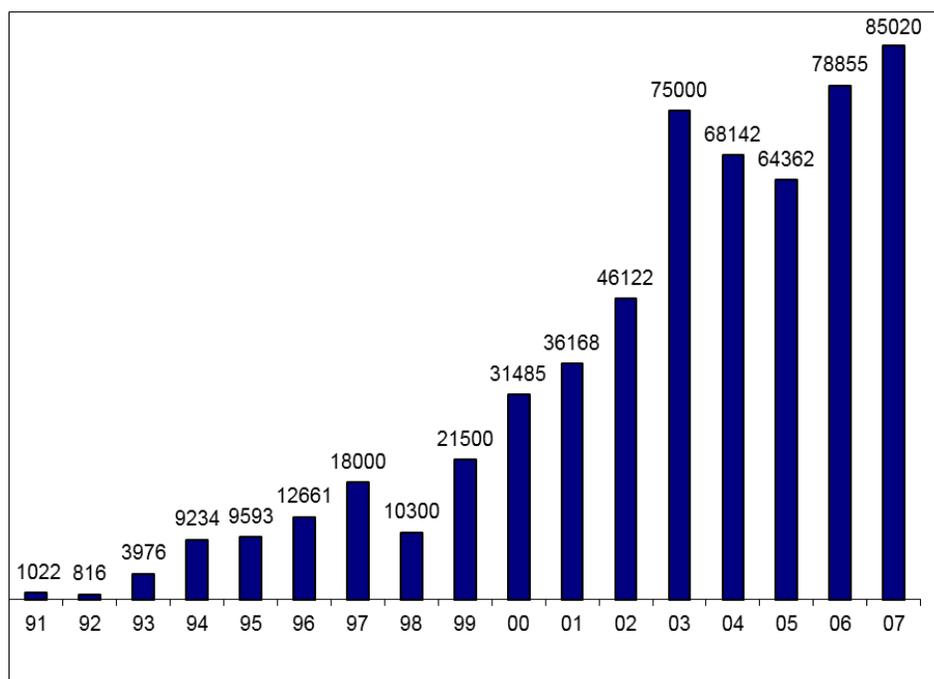
However, some of the workers in the former Soviet Union and Eastern European countries continued to stay there and spontaneous labour export was continuously carried out through sponsored migration by their relatives living or studying abroad, among others, but in a much smaller scale. Estimated number of workers remaining in these countries during this period was about 200,000.

Since the beginning of the 1990s, through bilateral agreements, Republic of Korea and Japan started to receive Vietnamese workers under on-the-job training programme, working together with local workers in production lines. Following this trend, since mid-1990s, export labour enterprises have also participated in exporting labour to needy countries.

Beginning in 2000, migration labour started to go to Taiwan for housekeeping and caregiving jobs. The number of overseas workers increased considerably from 1993-1997, then suddenly decreased due to financial crisis in Asia, but increased again one year later.

Since 2002, the number of overseas workers has peaked up, thanks to the opening of the Malaysian labour market. This year, 40 export labour enterprises had sent over 20,000 workers to Malaysia. In addition, there was a big demand in the Middle-East countries, becoming new destinations for Vietnamese workers.

Figure 1
Number of Overseas Workers by Year



Source: Figures gathered from public newspapers for period 1991-2000. Figures provided by DOLAB for period 2001-2007.

Table 1
Number of Overseas Workers from 2008-2015 by Sex

No	Year	Number of workers		No	Year	Number of workers	
		Total	Female			Total	Female
1	2008	86,990	28,598	5	2012	80,320	27,784
2	2009	73,028	17,880	6	2013	88,155	31,769
3	2010	85,546	28,573	7	2014	106,840	40,063
4	2011	88,298	31,990	8	2015	119,530	99,616

Source DOLAB

In recent years, over 100,000 workers were sent abroad each year. In 1995, only 290,000 persons were working in 15 countries; so far there has been over 500,000 persons working in over 40 countries and territories. In 2014, there were 106,840 persons working abroad and in 2015, the number was 119,530 persons.

Although Vietnamese workers are in over 40 countries and/or territories, the main locations have been to Malaysia, Taiwan, Republic of Korea, and Japan. By 2014, the number of Vietnamese worker-trainees in Malaysia was about 20,000 workers; Taiwan, 139,000; Korea, 54,000; and Japan, 28,000 on-the-job training workers.

Table 2
Countries/ Territories with Vietnamese Workers, 2012-2015

No.	Countries/ Territories	2012	2013	2014	2015	Total (2012-2015)
1	Taiwan (China)	30,533	46,368	62,124	6,7621	206,646
2	Japan	8,775	9,686	19,766	29,810	68,037
3	Malaysia	9,298	7,564	5,139	7,454	29,455
4	Korea	9,228	5,446	7,242	6,019	27,935
5	Saudi Arabia	2,360	1,703	4,191	4,125	12,379
6	Lao PDR	6,195	4,860	200	0	11,255
7	Cambodia	5,215	4,250	50	0	9,515
8	Macao (China)	2,304	2,294	2,516	493	7,607
9	UEA	1,731	2,075	831	286	4,923
10	Libya	645	1,201	1,005	0	2,851
11	Algeria	38	158	547	1963	2,706
12	Czech Republic	1,699	143	56	43	1,941
13	Qatar	105	205	850	455	1,615
14	Belarus	0	403	774	91	1,268
15	Russia	439	476	253	81	1,249
	Total 15 Countries/ Territories	78,565	86,833	105,544	118,441	389,383
	Per centage % 15 Countries/ Territories/ Total	97,8	98,5	98,8	99,1	98,6

Source: DOLAB

Vietnamese workers are mainly working in production lines, tailoring, construction, housekeeping, and fishing crew. Majority of overseas workers have low level of education and profession. Only about 40-45 per cent had been trained, but in a short period and at primary skill level. In a market that requires higher level of skills and language such as Australia, the number of workers who could fulfill the requirement was not much. As a result, during 2013-2015 there was an average of only some 400 persons recruited.

Table 3
Composition of Workers per Profession (2000-2005)

No.	Profession	2000	2001	2002	2003	2004	2005
1	Production lines	64	63	50	28	20	73
2	Construction	4	8	4	18	2	1
3	Tailoring	7	3	5	3	2	1
4	Housekeeping	11	10	21	40	65	14
5	Caregiving	0.008	0,4	0.4	0.4	0.16	0.8
6	Crew merchant ship	3	3	3	1	2	2
7	Crew fishing boat	2	4	10	5	4	3.5
8	Others	8	9	7	5	4	4.7
9	Total	100	100	100	100	100	100

Source: DOLAB

Relevant Labour Migration Legislation, Rules and Regulations

The Government of Viet Nam issued Decree No. 370/HDBT on Regulation of sending workers abroad for a specific duration. This Regulation was a remarkable change on procedures of exporting labour in a new environment of international socio-economy and political relations. Since then, labour would not only be exported through bilateral Government agreement, but also contracted on provision of labour between Viet Nam and foreign economic organizations and/or individual foreign nationals.

Export labour companies were given authority by the Government in finding labour market, signing contract with foreign partners on provision of labour, selection of suitable labour, skills and job orientation training in order to fulfill requirements of the labour employers. The Government's duty was to issue policies, manage, control of labour export services in the country, provide protection for overseas workers and facilitate workers finding job upon their return home.

On 20 September 1999, the Government issued Decree No. 152/1999/ND-CP allowing enterprises of all socio-political organizations to export labour abroad. All over the country, many labour export enterprises were set up. At the same time, the number of people working abroad had been significantly increased.

Together with the reformed socio-economic policy, labour export had been recognised as one of the important solutions for job creation and improvement of professional skills and income for people. This was in line with the Political Bureau Decision No. 41-CT-TW dated 22 September 1998 on labour export including experts, which confirmed that "labour and expert export is one of the important and long-term strategies for development of skillful labour force for construction of the country in the modernisation and industrialization period".

The most remarkable event was when the General Assembly ratified the Law on Vietnamese Workers Working Abroad under Contract (hereinafter referred to as Law 72). This was the most important step in legalizing regulations on labour export. Accordingly, the Government facilitates and ensures lawful benefits of the enterprises and workers; supports expansion of labour market; encourages exporting as much workers as possible, especially skillful workers to the markets where income is high; and accepts variable types of exporting labour.

In comparison to the previous regulations, Law 72 has adjusted to expansion of modalities on labour export such as: (1) Private and state enterprises are allowed to do labour export; (2) Enterprise and individual bidding winners and/or investors abroad are allowed to do labour export; (3) Enterprise involves in sending labour abroad for on job training and/or skill improvement; and (4) Individual contract.

Apart from provisions for worker's legal benefits, Law 72 also stipulates worker's duties and responsibilities. If violated, they would be punished by administrative measures, including fines or forced to return to Viet Nam.

The number of guiding documents for the implementation of Law 72 have been issued including Decree No. 126/2007/ND-CP dated 1 August 2007; Ministry of Labour, Invalids and Social Affairs' Circular No. 21/2007/TT-BLDTBXA; Joint Circular No. 16/2007/TTLT-BLDTBXH-BTC dated 4 September 2007 between Ministry of Labour, Invalids and Social

Affairs - MOLISA and Ministry of Finance on service fees for contracted labour export; and the Joint Circular between MOLISA and the State Bank of Viet Nam No. 17/2007/TTLT-BLDTBXH-NHNNVN on management and utility deposits of the enterprises and contracted export workers.

Workers' Education and Safe Migration Programmes

One of the mandatory conditions of labour export enterprises is to have a specific mechanism for provision/enhancement of necessary skills/knowledge for workers before going abroad, in accordance with Item 2, Article 9 of Law 72 and Decision No. 19/2007/QD-BLDTBXH dated 18 July 2007 of the Minister of Labour, Invalids and Social Affairs. Accordingly, vocational training centres should be set up and including: (a) training, and (b) management of trainees.

Training section should have at least three teachers fulfilling the following criteria:

- High school level and/or higher level,
- Clear CV,
- No criminal record nor under medical treatment,
- Having experience and knowledge about labour export, and
- Knowledge about domestic and receiving country's legislation.

Training section should have following duties:

- Organization of training on required skills and knowledge for workers,
- Management of training programme, required time for trainers and trainees,
- Implementation of any joint contract on provision of necessary skills for trainees,
- Development of teaching materials, and
- Organization of exams and issuance of certificate to trainees at the end of each training course.

In addition to orientation training, Article 63 of Law 72 also stipulates that export labour enterprises should provide foreign language training to the trainees.

Article 65 of the Law 72 stipulates that export labour enterprise should be responsible for organization of training on necessary skills, exam, and issuance of certificate to workers before going abroad. Content of trainings should include:

1. National cultural identities and traditions;
2. Basic legislation relating to labour, criminal, personal and administration of Viet Nam and receiving country;
3. Content of worker's contract;
4. Labour regulations and its safety and sanitation in receiving country;
5. Traditional customs and culture of the receiving country;
6. Behavior in work and daily life;
7. Guidance on public transport, shopping, use of daily tools and equipment;
8. Issues relating to preventive measures during the time of residing and working in receiving country.

Further, the Minister of Labour, Invalids and Social Affairs has issued the Decision No. 18/2007/QD-BLDTBXH on 18 July 2007 to delegate the Department of Overseas Labour (DOLAB) for development and issuance of training materials including the contents above

mentioned on points (1), (2), (5), (6), (7), and (8). Labour export enterprises are responsible to develop training materials for points (3) and (4).

Standards

Content of the mandatory training programme as per Ministry of Labour, Invalids and Social Affairs Decision No. 18/QĐ-BLĐTBXH dated 18 July 2007 composes 74 teaching periods (each period is 45 minutes) including 16 practical periods:

Trainers should apply the following criteria:

- a. Experiences and knowledge on labour export;
- b. Understanding and knowledge of Viet Nam legislation and receiving country's customs and culture;
- c. Been trained by the DOLAB on related skills;

Training facilities should apply the following criteria:

- a. Fully equipped with training supplies and equipment;
- b. Accommodate 100 trainees, including dining, training and dormitory.

No.	Content	Theory	Practice	Total
1	National culture's tradition and identities	4		4
2	Basic labour legislation, penal code, personnel law and administrative regulations of Viet Nam and receiving countries	12		12
3	Contract content between labour user and worker	8		8
4	Labour regulations, safety and sanitary	8	8	16
5	Customs and culture of a receiving countries	4	4	8
6	Working and daily life behaviors	8		8
7	How to use public transport, shopping, daily tools and equipment	4	4	8
8	Personal preventive measures during the time of living and working abroad.	6		6
9	Review and exam at the end of training course	4		4
	Total	58	16	74

Partnerships

In order to fulfill its designated task, the Department of Overseas Labour has edited and issued specific education materials for each receiving country. So far, training materials have been developed for the following countries: Japan, Taiwan (China), Malaysia, Korea, Saudi Arabia, UAE, Macao (China), etc. These training materials have been regularly updated based on new requirements of the receiving countries.

In addition, DOLAB has collaborated with the Department of Labour Safety to develop and publish a guidebook on "Labour Safety and Sanitary" for a number of professions: mechanics, construction, high-tech welding and fishing crew.

At the same time, DOLAB has also collaborated with the Department of Vocational Training to develop and publish training materials for overseas workers on high-tech welding, construction, and industrial tailoring. Together with concerned partners, DOLAB has issued language training materials in order to improve language skills for the workers before their departure. The language materials include English, Korean, Japanese, Chinese and Arabic. After training, the workers have also been given these materials to bring with them abroad.

In the framework of the tripartite action project to protect migrants in and outside the Mekong Subregion from labour exploitation (GMS TRIANGLE) in 2011- 2015, the ILO consultant collaborated with DOLAB to recompile orientation documents for Vietnamese workers working in Malaysia and Taiwan markets (China). Documents are compiled according to modern pedagogical standards, including materials for teachers and for students, and each material has an attached CD.

To provide migrant workers with basic information about the country, regulations on immigration law, labour law, how to transfer money to home safely, etc., DOLAB compiled and published a destination country Manual entitled “What You Need to Know” about the following markets: Brunei, New Zealand, Thailand, Australia, Russia, Angola, Germany, Singapore, Macao (China), Malaysia, the Republic of Cyprus, Japan, Israel, South Korea, Taiwan (China). This publication received support from the IOM Development Fund.

In addition, the Viet Nam Association of Manpower Supply (VAMAS), with support from Western Union, compiled and published a handbook with the aim at providing basic information about the country, the people, the law of destination country and guidelines for migrant workers to transfer money to their home. So far, VAMAS has issued handbook for markets including Japan, Taiwan (China), Malaysia, Saudi Arabia, United Arab Emirates (UAE) and Libya. The handbook has also bilingual communication guidelines, it is very convenient for workers just immigrating with limited language.

Protection of Overseas Workers

Bilateral export labour agreements have been signed between Viet Nam designated state management bodies and receiving countries in order to set up the protection framework for overseas workers. These agreements stipulate not only the responsibilities of labour export enterprises but also of the Government’s overseas worker management bodies in protecting legal rights of the workers as contained in their contracts, especially regarding working conditions, salaries, bonus, social insurance, living conditions as well as control of contract’s implementation. These conditions are clearly mentioned in Articles 27, 30, 33, 38, 41, and 69 of Law 72; Paragraph V of the MOLISA’s Circular 21/2007/TT-BLDTBXH dated 8 October 2007, detailing some Articles of the Law 72; and Decree 126/2007/ND-CP dated 1 August 2007 of the Government guidelines for implementation of Law 72.

In order to take the initiative and timely provision of support to overseas workers whenever they face difficulties, challenges, accidents that they cannot resolve by themselves but need urgent assistance from the Government, a Fund for Protection of Vietnamese Citizens abroad was established based on an official request from Ministry of Foreign Affairs (MFA) and followed by a Decision of the Prime Minister No. 119/2007/QĐ-TTg dated 25 July 2007.

Since the inception of the Fund, many visits to the needy persons who were detained by receiving countries for various reasons have been carried out by consulate officials and/or labour counselors for protection of their legal rights including income, illegal detention, safe return home in accordance with international legislation and domestic laws/regulations.

The Department of Consular Affairs, MFA, has already legalized and/or certified thousands of personal documents relating to contracts, health dossiers, skills certificates, personal identification, etc., in order to ensure legal basis for Vietnamese citizens when they need to apply for a work permit and/or visa to the receiving country. In addition, Vietnamese embassies have also reissued thousands of passports to the workers, when lost.

To ensure and protect legal rights of overseas workers, the Government of Viet Nam has signed a number of agreements with receiving countries and territories namely: Malaysia, Korea, Taiwan, Japan, Lao PDR, Qatar, Russia, Bulgaria, Slovakia, UAE, Saskatchewan state of Canada, etc. These agreements/ treaties are under implementation. For those countries with which agreements have not yet been signed, the Government has instructed MOLISA to set up a cooperation line based on realities to manage and protect rights of the workers.

The Overseas Workers Management Unit

Several models of overseas workers management have been established in accordance with the current legislation and suitable for each labour market. In a receiving country, where a large number of Vietnamese workers exists, the Government allows MOLISA to establish an Overseas Workers Management Unit operating under the direct supervision of the embassy in order to better protect and support workers. So far, nine OWMU have been set up in Malaysia, Japan, Korea, Taiwan, UAE, Qatar, Libya, Czech Republic and Saudi Arabia.

Facts have shown that in these locations, protection and support have been better provided to the needy workers, and in some cases have resolved the long-standing issues and conflicts between workers and labour users that the concerned labour export enterprises could not settle, such as strikes, serious abuses of worker's rights, war, serious natural disasters, political involvement, damage of bilateral diplomatic relations, etc.

In a market, where the number of workers is small, one officer in charge of labour is assigned in the diplomatic representation. For the implementation of Article 9 of the Decree 126/2007/ND-CP of the Government, MFA has instructed its diplomatic representation, where there is no Overseas Worker Management Unit, to take the initiative for provision of protection and support to workers whenever they request for assistance. However, these support and assistance are still very limited due to the fact that the overseas labour market is large, but the overseas management system is rather small and lack of collaboration between labour export enterprises and the diplomatic representations, which cannot be present in all locations. At present, Viet Nam has opened embassies in only 67 countries, 23 general consulates, and seven honor consulates all over the world.

Government Policies for Workers' Return

Apart from legislation for provision of support and protection of labour export and overseas workers, the Government has also issued a number of legal documents and specific policies in order to support and facilitate worker returnees' reintegration upon return home. The legislation include Articles 59 and 60 of the Law 72 on job creation and promotion for the returnees; Prime Minister's Decision No. 144/2007/QĐ-TTg dated 31/8/2007 on setting up and management of a Credit Fund for overseas workers, including provision of support for overseas workers, who have to return home before his/her contract expired due to sickness, accident, health reasons that do not allow him/her to continue the contract; and the Prime Minister's Decision No. 71/2009/QĐ-TTg dated 29/4/2009 on job introduction and generation for overseas workers, who went abroad from poor districts of the country, upon return home.

Furthermore, according to Resolution No 73/NQ-CP on 26/8/2016 by the Government approving the investment policy in target programmes, MOLISA is in charge of developing Target Programme on Employment – Vocational Training and OSH 2016 – 2020. Accordingly, this target programmeme allocates a part of state budget to support employment exchange operations for returnees after completing an overseas employment contract.

Policy for Job Creation

One of the Government's objectives of sending labour abroad is to have a skillful labour force who will contribute effectively for the country's industrialization and modernisation upon their return home. Thus, the current policy is to encourage companies/enterprises to recruit these workers. At the same time, the Government has requested MOLISA and its countrywide network to provide them information regarding job opportunities, and guide them on job registration.

As mentioned above, the workers who left from poor districts to work abroad are given priority over those who left from areas of better economic conditions upon returning home, in accordance with the Prime Minister's Decision 71/2009/QĐ-TTg dated 29 April 2009. They will be assisted in finding a suitable job, in establishing their own business, and guided on how to use their income saving from working abroad effectively.

The disadvantaged workers (e.g., victims of accidents or those who become sick while working abroad, and forced to return home before their contracts were finished) will receive financial support from the Government through Credit Fund for Overseas Workers.

Policy for Worker's Own Job Creation

Returnees who have their own financial resources will be encouraged and assisted by the Government to set up their own business. Those who have difficulty raising their own capital will be assisted to receive privilege credit for start-up.

Apart from creating opportunities for sending workers to work overseas with the participation of Employment Service Centres through consulting, job introducing and providing language training for workers (for the market of Korea and Japan), since 2012, MOLISA has delegated the Centre of Overseas Labour (COLAB) to provide support to overseas workers in finding jobs upon completion of their contract and return home. This

programme is specifically for workers coming back from Korea (EPS Programme) and Japan (Programme IM Japan).

To perform this task, COLAB has been coordinating with the Office of Human Resource Development (HRD) and the Office of IM Japan in Viet Nam and other concerned offices to organise Labour Fairs for workers to be able to approach Korea and Japan for job generation in Viet Nam. So far, COLAB has already organized two Labour Fairs and six sessions of job deals with more than 2,000 workers and 254 enterprises taking part for interview and recruitment. As a result, 414 workers have been selected and employed.

Apart from initial achievements, COLAB is also facing a number of challenges: First, skills and foreign languages of workers are still limited and do not usually fulfill employers' requirement. Second, overseas workers, open return, usually ask for higher salaries than those who work in the country but have the same levels of skills and capacity. Third, the Labour Fair and Session of Job Deals are organized periodically, while recruitment of labour is frequently required. Fourth, overseas workers return and reside in different areas of the country, while joint venture companies and/or FDI enterprises are usually located in the big cities or in urban areas in only number of provinces. Fifth, officials in charge of job promotion for overseas workers are inadequate and lack experience.

In addition to job introduction, considering that worker returnees lack the skills and knowledge to fulfill requirements of the employers, COLAB has organized a number of free training for the workers who have already completed their contract in Korea. Content of the training includes: Korean language, typing, product quality control, and leadership skills. At the end of the training, workers will be introduced free of charge to Korean companies for a number of positions: head of worker's group, interpreter, or clerical staff.

Besides Government's support activities, labour export enterprises also have their own policies to provide support on job promotion for workers upon their return. Two enterprises revealed in interviews that the job support methods that they have carried out include the following:

- Introduction to a new labour export contract in other country with higher income;
- Introduction to a national company, joint venture or FDI enterprises, which need certain criteria that worker returnees can fulfill.

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Chapter 2

Employers' and Migrant Workers' Education Programmes: Case Studies

As ASEAN Member States take decisive and positive action to shape migration outcomes, employer orientation and migrant worker education are increasingly embedded in national policy and practice.

This Chapter presents a selection of case studies that demonstrate the wide variety of education programmes for employers and workers at different stages of the migration process. ASEAN Member States have given their primary attention to pre-departure and pre-employment courses, in comparison to the onsite/ post-arrival activities and the return and reintegration courses. As international migration within the ASEAN increases, more emphasis could be given the post-arrival and return programmes.

Case Study 1

Orientation Programme on Employment Laws and Regulations (Brunei Darussalam)

Programme Highlights

The objective of this Orientation Programme is to educate the public, specifically the employers, on employment laws and regulations concerning employment of locals and foreign workers. It also aims to instill responsibility and accountability among the stakeholders on labour standards and conditions. It hopes to keep employers well-informed on the need to comply with the various provisions of the employment laws and respect the rights of both the local and the foreign workers like on agreed salary and working hours, rest day, overtime payment and paid leaves among others.

The main target groups of the Orientation Programme are employers and employment agencies where attendance is mandatory. Although the programme encourages the participation from the general public, foreign workers from selected occupational groups are also invited. The Orientation Programme has been running annually since the Employment Order 2009 took effect. Prior to this, there were existing briefing programmes on Brunei Darussalam's labour laws, albeit not as comprehensive and standardized.

Content

The Orientation Programme was designed by a committee made up of representatives from the various divisions under the Department of Labour. A Manual on Guide to Brunei Employment Laws was published containing the standardised topics discussed during the conduct of the orientation programme. It has been revised and a second edition was printed and also released online.

The contents of the *Guide to Brunei Employment Laws* include the following:

- Introduction of Employment Order (2009), Workmen's Compensation (1957), Workplace Safety and Health Order (2009)
 - Introduction of Employment Agencies Order (2004) and Employment Information Act (1974)
 - Contract of Services and Terms of Employment
 - Termination of Contract
 - Payment of Salary and Calculation of Salary
 - Hours of Work, Overtime and Rest Days
 - Public Holidays and Annual Leave
 - Sick Leave
 - Maternity Leave
 - Basic Employment Checklist for Employers
 - Sample of Employment Contract Agreement
 - Dispute Settlement
- Complaint Procedures for Employees
 - Employment Agencies Order (2004)
 - Employment Agency Unit and Employment Agency License
 - Employment Agency Representative Card and Complaint Procedure for Employment Agency

- Offences under Employment Agencies Order (2004)
- Employment Information Act (1974) Chapter 99
- Workplace Safety and Health Order (2009)
- Workmen's Compensation Act (1957), Chapter 74
- What constitutes injury? Who should pay for the compensation?
- How to claim Workmen Compensation

The Orientation Programme is conducted on half-day sessions (morning and afternoon) covering two batches in a day. These are repeated during roadshows in the four districts of the country. A copy of the published Manual is given out to participants.

Teacher Selection and Training

The speakers for the Orientation Programme are selected officers representing each relevant division under the Department of Labour. The panel of speakers consists of representatives from:

- Legal and Prosecution Division
- Labour Enforcement Division
- IT and Information System Section
- Workplace Safety and Health Division
- Labour Standards and Employment Agency Division

Funding and Reach

The Local Employment and Workforce Development Agency representative is also invited to be part of the panel of speakers. The Orientation Programme is conducted for free by the Department of Labour; no participant fee is charged; the programme is fully funded by Government.

Case Study 2

Online Pre-Employment Orientation Seminar (Philippines)

Programme Highlights

The Online Pre-Employment Orientation Seminar (PEOS Online) provides easy, convenient and reliable information on overseas employment. As a vital part of POEA's workers' education and anti-illegal recruitment programmes, PEOS modules are made available online for greater accessibility and wider reach. It is an interactive computer-aided learning system, which is in line with POEA's thrust to continuously improve its processes and streamline its systems and procedures.

POEA launched the Pre-Employment Orientation Programme (PEOP) in 1993 as Government's proactive response to the need of overseas worker-applicants for reliable information. Among the implementing strategies of PEOP is the conduct of the PEOS. The PEOS was originally designed as a welfare intervention to complement the Pre-Departure Orientation Seminar (PDOS) for departing OFWs. Prospective OFWs are provided in PEOS with relevant information, primarily in assisting them in making informed decisions to pursue overseas employment over other employment/ livelihood opportunities at home.

PEOS Online was launched on 15 July 2014 to further elevate the PEOS training methodology as an online resource for sharing and exchanging of comprehensive information on overseas employment. PEOS Online can be accessed through the web link: peos.poea.gov.ph.

In June 2016, PEOS was made mandatory for all land-based workers applying for work overseas for the first time, and who have no prior deployment record at POEA. The PEOS Online is officially recognised and accepted medium of compliance.

Curriculum

Pursuant to Section 6 of the Rules and Regulations implementing R.A. No. 8042, POEA developed the contents of the PEOS, which essentially help would-be workers make an informed decision whether to pursue overseas work or not.

The PEOS Online was expanded from its original five modules to eight, designed as a tool for worker protection and empowerment. It provides relevant information on the overview of the overseas employment programme, procedures and documentary requirements, advantages and disadvantages of overseas employment, Philippine licensed recruitment agencies, modus operandi of illegal the recruiters, detection of illegal recruitment activities, and the Government services available to overseas job applicants and hired workers.

To maximise the potentials of smart phones in disseminating information, the POEA Mobile Application was developed as another tool to protect the public, particularly the prospective migrant workers, from illegal recruitment and trafficking in persons. The courses are also available in Tagalog version to foster better understanding and reach out to those who prefer the local language over English.

Since this is an online resource, PEOS Online users are able to decide when to complete the eight course modules, at their own pace. On average, each module may be completed from 20 to 30 minutes.

Funding and Reach

The PEOS Online website was developed in collaboration with WorkAbroad.ph, a social-partner of POEA in its campaign against illegal recruitment. It contracted a third-party website developer at no cost to Government.

The eight modules, however, were developed at PHP200,000, using the POEA's Anti-Illegal Recruitment Fund. The POEA Information, Communication and Technology Branch provides technical support, particularly in system maintenance of the PEOS Online Hub based at POEA.

Registration in the PEOS Online and access to the modules are free of charge. It is open to the general public, particularly overseas job-seekers, students, and researchers, among others.

Since the PEOS Online website was launched in July 2014 up to December 2016, it has generated close to 1.1 million registered users, with close to 2 million unique visitors. A PEOS Certificate is issued after finishing eight PEOS Online Modules.

Case Study 3

Guide on Overseas Application and Employment (Philippines)

Programme Highlights

The Basic-Must Know-Winnable (BMW) Guide for OFW-Applicants and the Public on Overseas Job Application and Employment is a pre-employment orientation programme initiated by a private industry association—the Australia and New Zealand Association of Employment Providers of the Philippines, Inc. (ANZAEPP).

The prescribed modules of the BMW Guide are duly acknowledged and recognized by the Philippine Overseas Employment Administration (POEA) as a complementing initiative to its nationwide conduct of comprehensive and sustainable Pre-Employment Orientation Seminar (PEOS), and Anti-Illegal Recruitment (AIR) and Anti-Trafficking in Persons (ATIP) campaigns.

Illegal recruitment and trafficking in persons continue to threaten the mobility of labour and undermine migration governance. The lack or low level of understanding about safe overseas migration procedures and the modus operandi of illegal recruiters and traffickers by the public contribute to the persistence of the problem. Pursuant to its mandate under Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995”, POEA has been implementing information and dissemination campaign on overseas employment.

Meanwhile, ANZAEPP’s mission statement is to become the recruitment industry’s voice in promoting employment opportunities for Filipinos in Australia and New Zealand, and to serve as conduit of Government in upholding the integrity of the market by promulgating policies that safeguard the interest of all stakeholders. Thus, POEA signed a Memorandum of Understanding (MOU) with ANZAEPP on 14 October 2014 as part of its continuing efforts to sustain and enhance its campaigns reach vulnerable sectors and communities.

Under the 2014 MOU, POEA and ANZAEPP agreed to cooperate and coordinate efforts to implement an intensified and well sustained campaign against illegal recruitment and trafficking in persons. Toward this end, both parties promote and encourage professional and technical cooperation to educate job seekers about migration realities, overseas migration procedures and employment requirements.

Advocating continuous education for both recruiters and the recruits, as a drive to help Government promote safe migration procedures and combat irregular migration and illegal recruitment, ANZAEPP came up with a programme for a two-pronged target audience: representatives of recruitment agencies and the job seekers (OFW-applicants).

The BMW Guide for OFW-applicants and the general public, forming part of ANZAEPP’s corporate social responsibility (CSR) programme, includes capacity building topics such as “creating a winnable CV”, “effectively handling job interviews,” as well as reminders on values and financial literacy, and guidance for safe overseas job application procedures, and migration realities.

ANZAEPP's learning programme for representatives of licensed recruitment agencies (owner, managers, front liners, employees), has a set of capacity-building topics, such as "spotting and preparing a winnable CV", "technical / business letter-writing", "guide to effective public speaking", "customer service and reputation-management."

These topics are provided for by ANZAEPP's own pool of educators and their contracted-resource persons. The learning programme for agencies also includes reminders on overseas recruitment policies and manpower placement regulations, and other OEP-relevant topics, which are presented by invited POEA officials.

ANZAEPP's BMW Programme for Jobseekers is primarily designed to enhance the awareness of prospective OFWs on overseas employment through the provision of relevant information on facts and realities of overseas employment. The BMW Guide modules have also incorporated POEA's relevant PEOS modules.

This BMW Programme is a CSR Project and voluntary service to assist POEA in its public information dissemination against illegal recruitment, including the latest modus operandi of illegal recruiters and ways to avoid becoming victims. ANZAEPP also assists POEA in developing country-specific information materials for PEOS, especially for OFWs bound for Australia and New Zealand.

Curriculum

The BMW Guide for both recruitment agencies and job-seekers was designed by ANZAEPP's own pool of educators. Specifically, the module on workers' education and capacity building programme for prospective OFWs was designed by ANZAEPP's Education and Development Committee, assisted by its CSR Committee. The course modules are consistent with R.A. No. 8042 provision of conducting a comprehensive and sustainable PEOS. A duly organised recruitment industry association, the BMW Guide is a corporate social responsibility project of ANZAEPP.

ANZAEPP continues to work with other industry groups and with civil society groups, as well as private organisations, in providing capacity building orientations to fellow recruiters designed for the same purpose of continuing information dissemination and capacity building.

To date, ANZAEPP has worked with, and has influenced five other private industry groups, to partner with POEA and LGUs, in providing pre-employment orientations to OFW-applicants in the provinces, via the "BMW Guide" learning module.

Under the 2014 MOU, POEA continues to collaborate with ANZAEPP in updating its the PEOS module, pursuant to new laws, labour market situation, and country-specific realities. It also provides ANZAEPP with regularly updated list of licensed agencies and entities; information materials on the campaign against illegal recruitment, such as brochures; pamphlets, posters, as well as copies of recent anti-illegal recruitment laws and regulations for distribution.

POEA also provides ANZAEPP with contents of the Decision-Making Module from its PEOS Curriculum for integration in the BMW Guide, as well as the module on how to provide assistance to victims of illegal recruitment. The BMW Guide for jobseekers is conducted at least three to four times a year, or one every quarter.

The complete BMW Module (for jobseekers) is about six hours. Breakdown: (a) The BMW-PEOS Session is about 1-2 hours, including Q/A; (b) the capacity building topics last another 1-2 hours, including Q/A; and (c) the country-specific migration guide takes 1.5 hours (or 15-20 minutes per country). Depending on an LGU partner's cooperation and venue availability, ANZAIEPP normally has BMW programme on Day 1, and a recruitment activity (Jobs Fair) on Day 2.

The BMW package is conducted only in provinces where ANZAIEPP has LGU partners. In cases when only one day is allotted, only BMW-PEOS part, values, financial literacy and country-specific migration guide are tackled, lasting for about four hours. A value-added factor of the programme is the conduct of Job Fairs in the afternoon, after the BMW sessions in the morning. After the BMW Sessions, jobseekers are assumed to be armed with the knowledge on safe migration procedures and realities. The *“BMW for Jobseekers Learning Summary”* is a handout distributed to BMW course participants. It is a written guide, which can also serve as a reminder or reference material.

The core messages of this Programme are the following:

- Be armed with correct information on overseas migration to be saved from illegal recruiters.
- Know your rights as an OFW.
- Knowledge is power. Be empowered to protect yourself from illegal recruiters.
- Ethical employers seek ethical jobseekers.
- Save while you earn. You cannot be an OFW forever.
- With a winnable CV and attitude, plus winnable interview answers, jobseekers win the right jobs.

Teacher Selection and Training

The teachers for the BMW courses are selected from among the ANZAIEPP Members themselves, depending on their competencies and/or availability. ANZAIEPP's breadth of expertise covers business administration, HR management, process implementation, continuing education, and client relations, among others. POEA has recognized ANZAIEPP as an industry partner in continuously improving standards within the overseas recruitment industry.

The teachers, coming from the ranks of ANZAIEPP members, are experienced recruitment industry practitioners. While they are guided by a general programme or learning guide, their first-hand experiences also enhance the course content.

Funding and Reach

An ANZAIEPP advocacy and corporate social responsibility project, the BMW Programme is funded solely from the pooled resources of its Members.

Since ANZAIEPP and POEA signed an MOU in 2014, the BMW course has been conducted for more than 6,000 participants. ANZAIEPP has conducted BMW Programme in seven provinces: Pangasinan, Zambales, Cavite, Roxas, Bulacan, Cebu and Bohol. ANZAIEPP partnered with the local Government units of these provinces, as well as in schools. These are strategically timed the holding of its PEOS with Job Fairs.

Case Study 4 Pre-Departure Orientation Seminar (Cambodia)

Programme Highlights

This Programme intends to help jobseekers from poor and uneducated families obtain decent employment. At the same time, it seeks to who stop illegal labour migration in the country. The Programmes informs potential workers on their right, laws and regulation of destination countries. The worker education programme is significant to build up the worker's confidence and awareness in working in a foreign environment, through a briefing on workplace policies and conditions.

This training programme started in 2002 to help the unemployed. For those who want to work abroad, they are informed about working conditions and how to face the challenges of working abroad. Training starts before the decision and continues after the decision has been made. The main subjects include: working conditions and Law; the working environment, salary, culture and relevant laws.

Curriculum

There are two different levels of involvement in the design of the workers' education programme and contents. The first was initiated by international and UN agencies, with technical coordination and collaboration from the Ministry of Labour and Vocational Training (MoLVT). The second was updated and redesigned by recruitment agencies and inputs from NGOs and UN agencies, and supported by MoLVT. The workers' education programmes were then customized by the recruitment agencies to address the real-life situations and needs of workers. There is no official measure to customise the training, but it is largely based on the good practices and lessons learned by stakeholders, through regular consultations.

Within the recruitment agency, the Managers designed the workers' education programme. At the same time, NGO and UN senior level officers further designed the programme contents. The developed programme incorporates the country's legal guidelines on labour migration. Over time, there have been updates and adjustments made on the curriculum, based on consultations with the stakeholders, as well as in response to feedback from the trainees.

Subjects included in the curriculum are the work contract, the worker's awareness on safe migration and preparedness for overseas job placement, workers' basic rights, culture and tradition. and working conditions. Basic language of destination country is also included in the programme.

Training from individual recruitment agency differs from one another. Some training sessions are conducted in one month, one week, or just few days before workers go abroad. Generally, the sessions last half a day, one day, or three days, or longer, if skills training is an additional subject. In one day, the trainee has to join the training for eight hours. It is regularly for five days a week. The duration for skills training is two to 35 days. There are also training sessions held from three to six months for potential workers.

The recruitment agencies use the training Manual developed by the Ministry, as well as their published information materials and hand-outs. The key or core messages that the programme seeks to impart in each training programme is for trainees to have a positive work attitude, and enhance their capacity to perform their duties and responsibilities well. Workers need clear understanding about working abroad to make them well prepared in a foreign work environment.

For those who intend to work in Japan, the training is designed for technical intern trainees to teach Japanese languages, culture, and law to Cambodians who will work in Japan for three years. The course duration is six months. The subjects include:

- Japanese language
- Culture shock and awareness
- Trafficking law
- Japanese key labour law
- Technical training programme
- Safe migration

Teacher Selection and Training

The teachers were selected based on some basic criteria, examination and activities, with special focus on class participant and their behaviour. In addition, the teachers undergo training, and must be university degree graduates.

There is limited monitoring mechanism to assess teacher performance. There are some training of trainers (TOT) conducted by the MoLVT or an extra capacity building programme supported by NGOs, UN agencies and other stakeholders. There are also training programmes for teachers provided by recruitment agencies. Feedback and comments from trainees are forwarded to the MoLVT, which are also communicated to the recruitment agencies for improved service delivery.

Funding and Reach

The training given to potential migrant workers are free of charge. Most of the recruitment agencies or companies are self-funded. The orientation training is initiated, developed and managed by these private agencies, with technical coordination and support from the MoLVT, and in consultation with NGOs, UN agencies and other stakeholders.

The main clients of the training programme are unemployed persons from the rural provinces who have registered with job recruiting agencies. It is difficult to access and obtain data on all the trained workers since there is no common database system for records within the MoLVT. In specific interviews with recruitment agencies, there were about 300 to 400 workers trained per company, the most number reaching up to 2,000 trained workers.

Case Study 5

Pre-Departure Training for Korea's Employment Permit System (Myanmar, Philippines and Thailand)

This pre-departure orientation programme for Korea's Employment Permit System (EPS), is being conducted in Cambodia, Indonesia, Myanmar, the Philippines, Thailand and Viet Nam. The case study focuses on practices as they are being implemented in three countries – Myanmar, Philippines, and Thailand.

Myanmar

The Public Overseas Employment Agency in Myanmar conducts this training programme. The training venue is at the Skills Training Center of the Department of Labour (DOL) at Ward No. 43, Northern Dagon Township in Yangon Region. Since the programme started in 2011 to date, a total of 24,000 workers have participated in this customised training programme, which has a training duration of 45 hours. .

At these training sessions, matters relating to Korea EPS and departure formalities are taught by the officials from Public Overseas Employment Agency and a Korean Instructor appointed by HRD-Korea who gives instructions according to the Standard Manual. The Public Overseas Employment Agency also appoints a Korean Instructor on part-time basis for the training. With the aim of raising public awareness of safe migration, different information materials are prepared for the following topics and distributed to the potential job seekers: (1) About the Passport; and (2) procedures for safe migration, and advantages and disadvantages of regular and irregular migration, among other topics.

At present, the DOL is responsible for the pre-departure training for migrant workers to Korea. However, some licensed overseas employment agencies and other similar training providers conduct pre-departure training, observing the prevailing rules and regulations based on their own requirements. The responsible official from the DOL inspects and monitors training service delivery at least three times a year.

The curriculum and training program for EPS Korea was developed jointly by HRD Korea and MOLIP. The duration of pre-departure training is six days, conducting one session every week. The instructors of the Korea pre-departure training are recognized by HRD-Korea. The instructor appointed by the HRD Korea is of part-time nature and the contract term is usually less than one year. When his/her term expires, another instructor is appointed and assigned. The Public Overseas Employment Agency also employs a Korean instructor on part-time basis who has formerly worked for HRD-Korea. There are no training fees; however, each migrant worker has to pay for general departure expenses, which cover the cost of uniform, stationery, communications and general administrative matters.

Philippines

By virtue of a Memorandum of Understanding (MOU) signed in April 2004 by the Philippine and Korean Governments, through their respective Labor Ministries, this enabled the Philippines to participate in the Employment Permit System (EPS) of Korea,

affording OFWs in Korea to have rights and privileges equal to their Korean counterparts. It meant for better protection and higher wages for Filipinos working in Korea. The Pre-Departure Education Program for Korea-Bound OFWs is part of the continuing public information campaign on the EPS, and is focused on informing OFWs bound for Korea to be duly informed of the customs, practices, labor laws and related information of Korea, essentially to protect them from abuse and exploitation. On 24 April 2004, the Philippine Government, through the Department of Labor and Employment, and the Republic of Korea through the Ministry of Employment and Labor, signed the MOU concerning the sending and receiving of workers to Korea, under the Employment Permit System (EPS).

The Korean Government signs MOUs with labor-sending countries, such as the Philippines, to prevent corruption and increase transparency and efficiency in selecting, sending and receiving foreign workers. Private agencies are excluded from the process.

The EPS allows Korean employers who failed to hire native workers to legally hire an adequate number of foreign workers and is a system that the Korean government introduced to manage foreign workers in Korea in an organized manner. Foreign workers under the EPS have the status of worker from the beginning and have their basic rights protected equally with Koreans according to labor related laws such as the Labor Standards Act.

About 40.14 per cent of Filipino residents in Korea entered the country under the EPS scheme. Most Filipino EPS workers are in the manufacturing sector as steel fabricators, metal casting workers, molders, furniture workers, automotive spare parts fabrications, etc. Other workers are in the construction sector, and work as bricklayers, carpenters, mason, laborers and construction helpers.

This is a mandatory requirement for OFWs for deployment to Korea. Filipino workers under the EPS have the status of workers from the beginning, and have their basic rights protected equally with Koreans according to labor-related laws, such as the Labor Standards Act. They also avail of the employment sojourn and support programs of the Korean government, such as Korean Language education, interpretation services, counseling services and training on basic job functions, skills and business startup. The 2014 MOU allows the Philippine and Korean Governments to monitor illegal entries and stay of nationals, and also have the database of information, when needed.

Filipino workers deployed under the EPS are working in the manufacturing sector (e.g., steel fabricators, metal casting workers, automotive spare parts fabrication, moulders, furniture workers, etc.), and construction sector (e.g., bricklayers, mason, carpenters and construction helpers). Since the signing of the MOU in 2004, about 50,000 OFWs to date have been trained under this continuing PDOS programme. About 8 per cent of the returning OFWs have also undergone the Special TOPIK or computer-based test (CBT), for voluntary OFW returnees who are not over 38 years old.

The Philippine Department of Labor and Employment (DOLE) has mandated its attached agencies to design this continuing education program for Korea-bound OFWs, namely—POEA, as the sending agency; Technical Education and Skills Development Authority (TESDA), for training regulation; Occupational Safety and Health Center (OSHC), for industrial safety; and the Overseas Workers' Welfare Administration (OWWA), for the modules on PDOS. The Korean Language modules are provided by HRD Korea.

The course modules of this continuing PDOS program for Korea-bound OFWs are updated every time the MOU between the Philippines and Korea is renewed. The MOU has been renewed four times since the initial signing in April 2004. The fourth MOU was signed on 8 April 2014. Although it already expired on 8 April 2016, the renewal of the MOU on the EPS is in the process of review, and may be signed by both parties in early 2017.

For the PEOS and PDOS courses, POEA and OWWA conduct these modules at the EPS Training Room at the EPS Training Room (6/F POEA Building, Mandaluyong City). The Korea Ministry of Employment designates its Human Resources Development Service (HRDK) as the test agency to conduct the EPS-TOPIK, pursuant to the Foreign Employment Act of Korea. Further, in consultation with POEA, HRDK designates a public agency in the Philippines to carry out EPS TOPIK-related work. Presently, the Korean Language and Culture Course is handled by the Jung-in Korean Language Foundation, which conducts the lectures, and provides reference materials, hand-outs, visual aids, etc. TESDA also accredits the language trainers.

The EPS-TOPIK processing and administrative fee of PHP500 is borne by the OFW; POEA pays the honoraria of language trainers, in accordance with existing Government rules and regulations on honoraria. The Korea MOEL conducts the post-arrival education and medical examination for workers before they start their employment. MOEL also determines the appropriate organization to conduct both the post-arrival orientation, as well as the medical examination.

Thailand

This programme has been developed as a part of the Employment Permit System (EPS) Programme to prepare workers selected for jobs in Korea. Korean language is one of the major component courses of this programme. This programme has been accredited to private training centers instead of Government organisations. The programme started in 2009, the main objective of which was to prepare workers for various employment opportunities in Korea. This is a mandatory programme for prospective workers who have been selected by employers to work in Korea. About 4,000 Korea-bound workers undergo this programme every year.

HRD Korea designed the course content of this training programme, including the curriculum. It is a part of EPS programme. There have been some adjustments in the curriculum, particularly in 2013, mainly to improve it to respond to the needs of the workers. The training courses last for seven days (45 hours). HRD Korea produces the training Manual, which is distributed to all the training centers.

Teachers at the training centres must pass Level 3 S-TOPIK to be accredited. There is no training programme for teachers. However, only language and general assessment are used to select teachers. Assessment at present is done through questionnaires collected from workers attending the training. Workers are required to pay 4,500 Baht for the seven-day training programme.

Case Study 6

Mandatory Pre-Departure Orientation Training Programme (Lao PDR)

Programme Highlights

Since the adoption of the Prime Minister's Decree No. 68/PM in 2002, which requires that all workers receive pre-departure orientation prior to their travelling abroad, the MOLSW, in collaboration with various development partners, and especially with the ILO, has successfully launched a pre-departure training programme, complete with a set of standardised training curriculum.

The pre-departure orientation training programme of the MOLSW focuses on providing professional training-of-trainer (TOT) for recruitment agencies. To date, all the 15 recruitment agencies and one Employment Service Center have completed at least one TOT on the pre-departure orientation, improving their capacity to conduct an effective orientation for out-bound labourers. Lao workers also receive orientation at the Migrant Resource Centre in NongKhai Province in Thailand before deployment.

Curriculum

With technical and financial support from ILO and development partners, the MOLSW in 2014 formulated a set of standardised training curriculum for the pre-departure orientation programme. Also developed a TOT Manual, as well as a Training Manual for potential migrant workers.

The training Manual has six major topics: (1) purpose of working abroad, benefits and challenges involved, specific risks as migrant workers; (2) preparation for travelling and working abroad, the culture of destination country, unique characteristics of destination country and its people, the rights and responsibilities of migrant workers, and how to address conflicts or issues; (3) preparing for travel, how and what to pack for the trip, a list of essential items that should be included, how to accomplish airport/ custom forms, foreign exchange rate; (4) how to adapt in the new working environment; (5) how to effectively manage earnings, remittances, understand tax and related laws; and (6) preparing for return at completing the work contract.

Teacher Selection and Training

Most of the 15 recruitment agencies and one Employment Service Center employ in-house trainers, or their own technical staff as trainers for the pre-departure orientation training. One prerequisite for the trainer selection is that a potential trainer must be trained by the MOLSW at least once on how to use the pre-departure orientation Manual. He/she should be familiar with the contents of both the Trainer Manual and the Trainee Manual. Another selection criterion is that the potential trainer should have good understanding of the adult learning concept and technique in order to motivate and facilitate effective learning.

Funding and Reach

In general, most pre-departure training or orientation programmes conducted by recruitment agencies are self-funded. The training courses conducted by recruitment agencies are self-sufficient, in terms of using their own in-house trainers and within their respective budgets.

Case Study 7

Comprehensive Migrant Workers' Education and Skills Training Programme for Household Domestic Workers (Indonesia)

Programme Highlights

This training programme is conducted by the Association of Migrant Workers Placement Companies (ASPATAKI). It is aimed at equipping workers with the right skills needed to prepare them for domestic work abroad, developing good worth ethic, as well as to empowering them to protect them in any contingency. The programme also highlights the need for them to prepare for their eventual return to Indonesia after their work contracts. Generally, it is focused on language development and provision of basic life skills, such as basic financial management.

The curriculum for this mandatory training programme was standardised by Government in 2011, with greater focus on safe migration. It was designed by the National Certification and Professional Board (BNSP). The curriculum, however, is also customised to respond to the specific needs of countries of destination, specifically on particular labour migration laws and regulations in these countries.

Curriculum

Over time, the training curriculum has evolved, with special emphasis on safe migration, to discourage migrant workers from moving to another employment through illegal means.

The training curriculum contains the following basic topics:

1. Language training: (a) Basic: (b) Intermediate: (c) Advanced
2. Practical skills training: (a) Culinary; (b) Domestic work; (c) Elderly people caregiving; (d) Baby and infant care
3. Work attitude and ethics
4. General knowledge

Training ideally runs for 60 days, with eight-hour daily training sessions, following a standard Training Manual. At the same time, the ASPATAKI also has its own training Manuals to complement skills and language training.

Teacher Selection and Training

Teachers are selected among professional vocational trainers (with certificates from relevant certification boards), as well as former migrant workers who would be able to provide more contextual training on receiving countries. The general message is that migrant workers should have a good understanding of the culture and work ethics of receiving countries. Training program should also be able to upgrade the skills of migrant workers and help them to work professionally and safely abroad.

Funding and Reach

The training cost is initially borne by ASPATAKI, to be deducted from the salaries of placed migrant workers on installment basis.

Case Study 8

Pre-Departure Orientation Seminar for Overseas Filipino Workers (Philippines)

Programme Highlights

The Pre-Departure Orientation Seminar (PDOS) for overseas Filipino workers (OFWs) is a major component of the Overseas Workers Welfare Administration's (OWWA) information and education programme for its prospective members, and regarded as an integral part of the overall programme of Government for the protection and welfare of OFWs.

The PDOS is pursued in such a way that the OFWs shall appreciate their participation as a key factor towards their personal success in overseas employment. Its programme implementers optimizes the use of motivational modes in the delivery of the PDOS; encourage OFWs to obtain more relevant information on their country of destination or worksite; and if possible, includes OFW family members in the PDOS. The PDOS for Land-Based Workers was created in compliance with the following Memorandum Circulars (MCs) and Memorandum of Instructions (MOI):

1. POEA MC No. 3, Series of 1983 – Enabling policy that made PDOS a compulsory requirement for all departing OFWs.
2. POEA-OWWA Joint Circular No. 04, Series of 2002 and DOLE Department Order No. 25-02 Series of 2002 – transferring the PDOS from POEA to OWWA.
3. MOI No. 13, Series of 2003 – which sets the Policies and Guidelines for Managing the Pre-Departure Orientation Seminar.
4. POEA-OWWA Circular No. 01, Series of 2011– transferring the PDOS for name-hired and Government-placed workers from POEA to OWWA.

Curriculum

The first PDOS module was designed by POEA. Upon turnover to OWWA, a new module was conceptualized by an OWWA ad hoc unit, the Worker's Information Education Center (WIEC), in coordination with Non-Government Organisations (NGOs), Philippine Recruitment Agencies (PRAs) and Manning Agencies.

By 2006, the curriculum was modified by the University of the Philippines, along with the development of the first PDOS Trainer's Manual. It was later updated by the Development Academy of the Philippines in 2008. In 2015, the curriculum and trainer's handbook for land-based workers were re-organized by the PDOS Development and Monitoring Unit (PDMU), the new OWWA ad hoc unit, in collaboration with the International Organization for Migration (IOM) to improve the quality of PDOS. The revised handbook is the printed with the support of the International Organization on Migration (IOM).

In 2016, a new module for overseas seafarers and trainer's handbook was jointly developed by OWWA-PDMU and the Joint Manning Group (JMG). The new sea-based module focuses on the seafarers' work and living conditions onboard, maritime labour study, POEA Standards Employment Contract, etc. The conduct of the PDOS for land-based workers shall not be less than five hours, exclusive of necessary administrative procedures. PDOS

modules shall be conducted without unjustifiable interruption. Matters not covered by the PDOS shall be discussed outside of the allotted time.

PDOS Schedule of OWWA:

- PDOS KSA - Monday, Thursday and Friday
- PDOS Canada - Thursday
- PDOS Japan - Wednesday
- PDOS Germany – Thursday

Other PDOS Providers:

- Private recruitment agencies – irregular schedule depending on the number of applicants scheduled for deployment.
- Industry associations – there are IAs who conducts daily PDOS; others are twice a month.
- Manning Agencies – depends on the number of deployable.
- NGOs – mostly conduct daily PDOS twice a day; others like those located in Quezon City only conducts thrice a week.

The OWWA developed standardized PDOS content and materials through consultation workshops and meetings with service providers for NGOs, PRAs and IAs, in cooperation with IOM for Land-based Workers, and with JMG for Sea-based Workers for an effective conduct of PDOS, namely: PDOS Modules – PowerPoint Presentations:

- Trainer’s Handbook – A standard reference for the delivery of the PDOS based on official policy objectives and framework.
- Flyers – Country Specific, “What is PDOS?”, 10 *Bilin ng* PDOS, and OFW Code of Discipline distributed to OFWs that contains basic information about their country of employment.

Teacher Selection and Training

For individuals to be registered with OWWA as PDOS Trainer, the following qualification standards must be met:

1. Preferably a college graduate. Deficiency in education may be substituted with 36 hours of related training for every year of deficiency; or 2 years of related experience for every year of deficiency.
2. Preferably with on-site experience for land-based workers. In the absence of such experience, s/he must have been involved in training, research, administration, or undertakings relevant to overseas employment for at least two years at the time of application.
3. Must have good communication skills. He/she must be fluent in English and Filipino.
4. Must have successfully completed the OWWA Trainer's Training for PDOS.

Registered PDOS trainer(s) shall conduct PDOS only for the APP that employs them. Freelancing is strictly not allowed. Agency liaison officers are not allowed to apply or act as trainer, focal person or resource person. OWWA conducts free Training for new PDOS trainers once a year, and retooling for registered trainers that includes presentation and facilitation skills and updates on each standard PDOS modules, as the need arises.

Funding and Reach

The existing policy is that PDOS is free-of-charge on the part of the OFWs. For the accredited NGOs/Industry Associations, however, a fee of not more than PHP100.00 per worker sent for PDOS shall be charged to the deploying Philippine recruitment agency or manning agency, to cover for the operational expenses. No fees shall be charge to the worker for agencies with in-house accreditation.

The PDOS is mandatory for documented overseas Filipino workers (OFWs) and overseas seafarers prior to their departure abroad. About 780,000 migrant workers undergo this programme every year.

Case Study 9

Pre-Departure Training Programme for Israel-Bound Workers (Thailand)

Programme Highlights

The Training Programme under the Thailand-Israel Cooperation (TIC) on the Placement of Workers was jointly developed by the Department of Employment (DOE), the International Organization for Migration (IOM), and the Agricultural and Technology College in Roi-Et (a northeastern province of Thailand) to prepare Thai workers for agricultural work in Israel. This is the only training programme of its kind in Thailand. The TIC significantly cut the recruitment fees for Thai workers to obtain work permits.

This recruitment programme started in 2012 when an agreement was made in 2011 by the Governments of Thailand, Israel and the IOM to recruit Thai agricultural workers for Israel employers.

Approximately 25,000 Thai migrant workers supply majority of workers for Israel's agriculture. However, according to Human Rights Watch, much still needs to be done in enforcing the law on working hours and conditions, and in clamping down on employers who abuse workers' rights. It added that Israel should improve its oversight of employer compliance with existing labor laws and regulations, and enforce protection of foreign workers' labour rights. Although Thai workers in Israel face serious problems, these can be addressed because the Israel Government reportedly has laws and regulatory systems in place to protect migrant workers.

The Interior Ministry's Population, Immigration and Border Authority (PIBA) and the Economy Ministry (formerly the Ministry of Industry, Trade and Labour) share responsibility in regulating the agricultural sector.

Curriculum

The Programme was been jointly designed by IOM, DOE and Agriculture and Technology College. The training is not required by law, but was develop specifically for the TIC programme. Trainees have to complete the seven-day course, for a total of 62 hours. Although there is no published Manual used in the conduct of the training programme, the indicative timetable below is being followed:

- **Day 1:**
 - Introduction to board and lodging and training facilities
 - Review classes
- **Day 2:**
 - Introduction to Israel
 - Farm equipment and operation
- **Day 3:**
 - Working in Farms
 - English for communication and farm work

- **Day 4**
 - Visit and study of hydroponic farming
 - Agriculture and Technology College
 - After class English communications training
- **Day 5** Soil and fertilizer
 - Plants protection
 - Flower plants
 - Review class: English communication training
- **Day 6** Animal husbandry
 - Study tour to farms
 - Review class: English communication training

Teacher Selection and Training

The Roi-Et Agricultural and Technology College select and train teachers for the programme.

Funding and Reach

The training programme is fully funded by the Thai Government. No fee is charged to the worker-trainees.

The training started in 2015 to train workers selected for employment in agricultural work in Israel. In 2015, a total of 885 Thai workers underwent the training programme, while 705 workers were trained in 2016 (January-October), and 502 workers in 2017 (January to February).

Case Study 10 Training Programme for Wild Berry Pickers (Thailand)

Programme Highlights

Wild berry pickers are unique workers. They are not hired as employees; they derive their earnings from the sale of the fruits that they harvest. Their recruiters send them to the worksites, while they look for the buyers of their produce. Most of these workers come mostly from northeast provinces of Thailand. The programme comes at a time when pressure to change the legal status of Thai wild berry pickers in Finland is growing. They arrive on tourist visas and are not employed by the companies buying the berries.

The persistent challenge of this type of work arrangement is that the pickers often do not earn as much as they expect. Thus, this training is seen as an intervention to improve their earnings. The present training scheme was developed in 2008, with annual adjustment due mainly to changing conditions of wild berry industry, as well as terms and conditions of employment.

Curriculum

Training officers designed the training curriculum in line with the 2003 Regulation and Guidelines with information from destination countries for each picking season. The law governing this training programme is the 1985 Act which regulates the main outlines for the procedures and the general contents of the legal requirement of training. The 2003 Regulation of the Department of Employment are also used as guidelines in designing the curriculum.

Since most of the workers reside in a few provinces in the northeast of the country, the training has been organized in these areas to facilitate the workers and to save the cost of travelling. As the conditions of work changes from season to season, adjustment of the training has to be adjusted constantly.

The training sessions last six hours for each group of a large number of pickers, organized for the duration of one week in late June to mid-July. The Training Manual for this training is the *2007 Manual*, which is also the Manual for general overseas workers, with specific information on wild fruit picking.

Teacher Selection and Training

There are two groups of teachers. The first group is composed of training officers who are permanent teachers of the training centers. The other group is composed of resource persons invited for certain sessions.

Invited teachers are persons who used to work in foreign countries like labour officers who were posted in labour offices or embassy and senior returnees overseas workers who has long working experience. Questionnaires are the main sources of information for assessment of teachers and training delivery.

There is no formal training programme for the teachers. This training is solely funded by the Thailand Government, and the training is free of charge. While it is most important to make sure that all pickers especially the new ones know what are the true conditions of work and agreement made with the buyers, to prevent any dispute or complaints, a smaller group of workers is more likely to make every workers fully understand.

Funding and Reach

This training is mandatory—all prospective pickers need to undergo this training before they are deployed overseas. Since this programme started in 2008, from 7,000 to 9,000 prospective pickers every year have been trained in this programme. The Wood and Allied Workers Union of Finland supports the goal to treat wild berry pickers as employees covered by the collective agreement of allied rural industries.

In Sweden, the Thai wild berry pickers are employed, usually through an employment agency. In 2013, Sweden granted 6,000 visas to Thai wild berry pickers.

Case Study 11

Orientation Training Programme for Japan-Bound Workers (Viet Nam)

Programme Highlights

Japan has started to receive on-the-job training workers from Viet Nam since beginning of the 1990s. As one of the developed countries with modern technology, Japan requires high quality workers, including good professional skills. To be able to work in Japan, workers do not only need professional skills but should also fulfill the Japanese language requirement and understand the domestic legislations, customs and culture of Japan.

Thus, Japanese language and orientation training was started immediately upon Japan's signing of an agreement to accept on-the-job training workers.

Curriculum

The Department of Overseas Labour (DOLAB) is responsible for the development of the training programme and curriculum. Based on the standard DOLAB training materials, enterprises are responsible for modifying/editing the materials to suit the specific requirements and conditions of the job location. Curriculum of Japanese language and orientation training is regularly updated to fulfill the requirements of the receiving country.

Usually, training programme takes four months including orientation education that requires at least 74 teaching periods. Training session has been frequently held depending on labour users need. Each training session composes 15-25 trainees. However, depending on labour users' requests, number of trainees in each session can be smaller.

Teacher Selection and Training

Selection of trainers is decided by enterprises. Usually trainers used to live and study/work in Japan. The advantage of these trainers is having knowledge about customs, culture and living experiences of Japan.

However, not all of them have the teaching skills to effectively transfer their knowledge to trainees. Some enterprises selected graduates from Orientalism Faculty in a number of universities as Japanese language teacher and orientational education trainer. In such cases, trainers have advantage in language but limited practical experience.

Orientation programme materials devote a lot of time and resources on development and updates in the Government management bodies, as well as enterprises. In recent years, the Government issued a number of policies for facilitation of training for the poor and households of special concerns so that these people may have more opportunities to join the difficult labour market in Japan.

However, organisation of skills training for enterprises' trainers has not been frequently carried out by Government management bodies as stipulated in Law 72. This is one of the reasons why the capability of enterprises' trainers is still limited. The delegation of training organization and the issuance of certificate to workers without criteria mechanism.

Funding and Reach

Majority of workers receive support for training fees depending on the time that that they take part in training.

In recent years there have been about 20,000 to 30,000 workers going to Japan each year, but the number of people who have taken part in orientation training must be higher, owing to quite a number who were not selected, or did not complete the training due to personal reasons.

Case Study 12 **Orientation Training Programme for Malaysia-Bound Workers (Viet Nam)**

Programme Highlights

Viet Nam started sending workers to Malaysia in 1992; a bilateral agreement (MOU) between the two countries was signed in 2003. In 2015, a new MOU was signed, which superseded the 2003 MOU. However, the 2015 was not officially enforced. So far, over 222,000 workers from Viet Nam have been working in Malaysia. Malaysia is a market of diversified professions, does not require high labour skills and requires low entry formality costs. This facilitates and creates more chances for a large number of workers from rural areas and poor households.

Viet Nam is one of 15 source countries of foreign workers in Malaysia. Recruitment of migrant workers is done for general workers (unskilled sector). Foreign workers are employed in the field of manufacturing, construction, plantation, agriculture and services.

The minimum wage in Malaysia is 1,000 Ringgit Malaysia in Peninsular Malaysia, and 920 Ringgit Malaysia in Sabah and Sarawak. Allowances and bonuses are upon the discretion of the employers.

Levy is currently borne by workers due to enforcement of the minimum wage but it is expected to change to employer. This is subject to the policy of the country.

Certain charges can also be imposed on workers, such as accommodation, insurance, etc. subject to existing State policy.

Curriculum/ Teacher Selection and Training

Curriculum content, and teacher selection and training for this programme are the same as in **Case Study 11** on the *Orientation Training Programme for Japan-Bound Workers*. Majority of workers bound for Malaysia have received funding support for the orientation training, which covers cost for all training materials free of charges to the trainees.

Case Study 13

Orientation Programme on Workplace Safety and Health (Brunei Darussalam)

Highlights of the Programme

The Workplace Safety and Health Steering Committee was formed on 9 June 2011 to address safety and health matters due to reported increase in accidents, fatalities and work-related illnesses occurring at the workplace specifically in the construction and manufacturing sectors in Brunei Darussalam. The Department of Labour is responsible for the establishment and promotion of the importance of Workplace Safety and Health in all workplaces.

The Orientation Programme on “Workplace Safety and Health Order (2009)”, and its Seven Regulations was developed to provide knowledge, understanding and awareness on the importance of safety and health both in the public and private work environment and highlight the importance of the roles and responsibilities of employers and employees to create a safe working environment.

Likewise, the Orientation Programme aims to promote the said Order and create general public awareness on the offenses and penalties for non-compliance. This is also to encourage both employers and employees to take steps in establishing a suitable occupational safety and health management system encompassing policies, action plans, practices and worker’s safety to avoid or reduce the rate of accidents, fatalities and work-related illnesses at the workplace. The orientation programme has been done in roadshows initiated by Department of Labour and its partners in the Steering Committee since 2013.

Curriculum

The design of the orientation programme is tailored-fit to the needs and requirements of each industry cluster. The general content of the orientation programme includes the following:

- Workplace Safety and Health Order, 2009
- Workplace Safety and Health (Amendment) 2013
- Workplace Safety and Health (Facilities) (Control of Major Accidents Hazards) Regulations, 2013
- Workplace Safety and Health (General Provisions) Regulations, 2014
- Workplace Safety and Health (Construction) Regulations, 2014
- Workplace Safety and Health (Workplace Safety and Health Officers) Regulations, 2014
- Workplace Safety and Health (Workplace Safety and Health Committees) Regulations, 2014
- Workplace Safety and Health (Incident Reporting) Regulations, 2014
- Workplace Safety and Health (Risk Management) Regulations, 2014

Specifically, the content of the Basic Awareness on Workplace Safety and Health will include the following topics:

- Intention for Workplace Safety and Health Order 2009
- Importance of Safety and Health at Work
- Related Civil and Criminal Laws
- Regulations under the Workplace Safety and Health Order 2009
- Application of Order to Government
- Exemption of Persons at Work
- General Duties According to Different Capacities
- Workplace Safety and Health Arrangements
 - Notification and Reporting of Accidents, Dangerous Occurrences
 - Incident Investigations
- Enforcing Authority
 - Identification of Inspectors and Authorized Officers
 - Powers of Inspectors
 - Protecting the Employees
 - Action to be taken when an Order is issued
- Offences and Penalties General Penalties
 - Offences Relating to Remedial Work and Stop Work Order
 - Offences for Repeat Offenders
- Safety and Health at Work
 - Matters That Should be Taken Into Account While at Work
 - Ergonomics at Work
 - Personal Protective Equipment (PPE)

The Orientation Programme is done on half-day sessions per industry cluster. It is conducted during roadshows and, upon request, for specific briefings for institutions and companies. There is no Manual that has been published, although a standard set of PowerPoint presentations is being used for reference.

Teacher Selection and Training

The teachers for the Orientation Programme are Focal Point Officers from the Workplace Safety and Health Working Committee. The panel of speakers consists of focal points from:

- Workplace Safety and Health Division, Department of Labour, Ministry of Home Affairs
- Energy and Industry Department Prime Minister's Office
- Environmental Health Services, Ministry of Health
- Public Works Department, Ministry of Development

Funding and Reach

The Orientation Programme is conducted for free by the Department of Labour and its partners. No participant fee is charged. The Programme is fully funded by the Government.

Case Study 14

Safety and Health Training Programme for Construction Industry Workers (Malaysia)

Programme Highlights

Malaysia introduced an “Induction Course” in 2004, focusing on the post-arrival stage. However, this programme was suspended in 2007 mainly due to the policy change and the increasing cost of operations. The policy change was a result of reassigning the ‘lead agency’ for processing migrant workers from the Ministry of Human Resources to the Ministry of Home Affairs.

However, one agency, the Construction Industry Development Board (CIDB), has continued to date with the Induction Course for all its workers at the construction site, for both locals and migrant workers. Further, the employers on their own initiatives organise enterprise-level courses to re-orient migrant workers on the new working environment.

The Induction Course conducted by the CIDB for the construction workers is an eight-hour course. At the end of the course, the participants are issued a ‘Green Card’ which is compulsory to enter the construction site. ‘Green Card’ serves as a “safety passport system”, focusing on OSH compliance. The curriculum is developed by the CIDB in collaboration with the Department of Safety and Health (DOSH), Ministry of Human Resources. The curriculum is updated once in every six months.

Curriculum

The Malaysian Employers Federation (MEF) has emphasised the importance of Induction Course (Education Programme) to foreign workers joining the Malaysian labour force. This course introduces the Malaysian Laws, the language commonly used in Malaysia (Malay), customs and common practises among the Malaysians, and the new social and working environment. As the representative association of the employers, the MEF has appreciated the benefits brought about by the Induction Course.

On the part of the Malaysia Trades Union Congress (MTUC)-Migrant Desk, the orientation courses that are tailor-made for foreign workers are considered as an important element of the training for foreign workers. It said workers need to be exposed to the new environment at the workplace, especially on the laws, regulations and practices of the land, the do’s and don’ts while mingling with the local community. However, the training course ended in 2007.

The rules on the educational training programme for foreign workers entering the construction industry were introduced in 2000. This education programme was conducted by the National Institute of Occupational Safety and Health (NIOSH). However, this function was transferred to the CIDB in 2010.

The CIDB, in collaboration with the Department of Occupational Safety and Health (DOSH), prepares the curriculum for this safety course. This is a mandatory, standardised Programme conducted for persons who intend to work in construction sites. To date, a total of 98,168 prospective construction workers have attended this training course.

Teacher Selection and Training

The training duration is eight hours, with the teachers selected and accredited by CIDB. Training providers are required to undergo the Training of Trainers, which is conducted by NIOSH. Training venues are identified by the accredited trainers, which are then approved by CIDB. Monitoring service delivery is through questionnaires, which are accomplished by training participants at the end of the training course.

Funding and Reach

The training is compulsory for all personnel working in construction sites. Registration fees varies according to categories:

- a. Foreign worker with one year or less work permit: RM25
- b. Foreign worker with more than one year work permit: RM50

Case Study 15

Settling-In Programme for Foreign Domestic Workers (Singapore)

Programme Highlights

The Settling-In Programme (SIP) is a compulsory one-day course that orients Foreign Domestic Workers (FDWs) to work in Singapore. It includes regulatory information on their rights and responsibilities; adapting to living and working in Singapore; fostering good working relationships in the household; stress management; work safety and ways to seek help when in need. All first-time FDWs are required to complete the course within the first three days of their arrival in Singapore. The cost of the SIP is borne by their employers.

The SIP was implemented on 1 May 2012. It is conducted in English or in the FDWs' native languages, such as Bahasa Indonesia, Tagalog, or Burmese.

Curriculum

The SIP is delivered through a combination of lectures, videos and practical sessions. At the end of the course, FDWs will need to respond to a questionnaire to ensure that they have understood and retained the right messages and lessons taught at the SIP. The issues covered during the SIP include:

1. Introduction to Singapore;
2. Conditions of employment (e.g., rights and responsibilities as a FDW);
3. Safety at home, in particular, high-rise safety;
4. Safety in other areas; and
5. Relationship and stress management.

The training schedule, curriculum and training aids, such as slides and videos, are provided by the Ministry of Manpower (MOM). MOM closely monitors the SIP curriculum, and regularly fine-tunes its content and delivery to ensure its relevance and usefulness for FDWs.

The course places most emphasis on work safety at home due to the predominance of high-rise housing in Singapore. There is also a hands-on component to learn how to perform chores safely at home, such as cleaning windows and hanging laundry.

The SIP trainers will demonstrate the correct way to perform such chores before allowing the FDWs to practise. The trainers will observe each FDW's ability to practise what was taught during the SIP, and indicate their observations in a note, which the FDWs will hand to their employers.

In addition, to help FDWs apply the safety measures in their employers' households, all FDWs will receive: (a) an extendable wiper to clean hard-to-reach areas; and (b) a safety pamphlet on what they were taught at the SIP. A handy Guide will also be given to them. This Guide contains important information, such as conditions of employment and useful contact numbers.

Teacher Selection and Training

To ensure consistency in content delivery while meeting the training demand, the SIP is currently conducted by two MOM-accredited training providers (ATP). MOM obtains regular feedback from the FDWs to ensure delivery standards for the SIP are met.

1. ECON Careskill Training Centre (ECTC); and
2. Grace Management and Consultancy Services
(Note: In partnership with the Foreign Domestic Worker Association for Social Support and Training (FAST), a Singapore-based NGO that provides social support and skills training for FDWs in Singapore.)

More information on the MOM-ATPs can be found at <http://www.econcareskill/SIP> and <http://www.gmcs.com.sg/courses/ministry-of-manpower-approved-courses/foreign-domestic-workers-settling-in-programme>.

Funding and Reach

The SIP costs SGD75, and is fully funded by the FDWs' employers.

Case Study 16 Employers' Orientation Programme (Singapore)

Programme Highlights

The Employers' Orientation Programme (EOP) is a three-hour course that educates would-be Foreign Domestic Worker (FDW) employers on the roles and responsibilities of employing an FDW in Singapore. All first-time FDW employers and those who change FDWs frequently are required to attend this course.² The cost of the EOP will be borne by the employers.

From 1 April 2004, all employers who fall under the above criteria are required to attend the EOP before he/she can submit a Work Permit application to employ an FDW. Employers can take the course online or attend the lecture-based classroom course in person.

However, employers who change FDWs frequently are required to attend the classroom-based EOP, where the case studies and personal experiences shared during the class will help to provide a more comprehensive understanding of managing a good employer-FDW relationship.

Curriculum

The EOP is delivered either through an online e-learning course or a lecture-based classroom course that will cover the following four modules:

1. What it means to be an FDW employer;
2. Responsibilities of an FDW employer;
3. Providing a safe work environment; and
4. Fostering a good and harmonious working relationship with his/her FDW.

At the end of each module, employers will go through a learning activity. At the end of all four modules, they will be required to take a short quiz (for online courses) or a short evaluation (for classroom-based courses).

The training curriculum and training aids, such as slides and videos, are provided by the Ministry of Manpower (MOM). MOM closely monitors the EOP curriculum, and modifies the content and delivery, where necessary, to ensure its relevance and usefulness.

In particular, in line with MOM's objective of ensuring the well-being of FDWs in Singapore, the course focuses on providing employers with basic understanding of the legal obligations and guidelines related to employment of FDWs. For example, employers are taught that it is their responsibility to pay for the general upkeep of his/her FDW, including the full cost of repatriation, and providing her with a weekly rest-day.

² Employers are considered to have changed FDWs frequently if he/she has submitted: (1) Five [5] Work Permit applications for FDWs within a 12-month period, or (2) Four [4] Work Permit applications for FDWs within a 12-month period, with the previous 3 FDWs each having been employed for less than three months.

Teacher Selection and Training

To ensure consistency in content delivery while meeting the training demand, the EOP is currently conducted by two MOM-accredited training providers (ATPs):

1. Singapore Polytechnic; and
2. Nation Employment, a Singapore-based employment agency.

More information on the MOM-ATPs can be found in these web-links.³

Funding and Reach

To encourage eligible employers to attend the classroom-based EOP, it costs between SGD28-34, compared to SGD46 for the online-based courses. The cost is paid by the employers.

The classroom EOP is conducted weekly.

³ **Singapore Polytechnic:** [http://www.sp.edu.sg/wps/portal/vp-spws/pace.courses.short.list.details/?WCM_GLOBAL_CONTEXT=/wps/wcm/connect/Lib-PACE/Internet/Short+Courses/FDW-EOP+Foreign+Domestic+Worker+Employers+Orientation+Programme\(+Short+Course+Foreign+Domestic+Worker+Employers+Orientation+Programme\)](http://www.sp.edu.sg/wps/portal/vp-spws/pace.courses.short.list.details/?WCM_GLOBAL_CONTEXT=/wps/wcm/connect/Lib-PACE/Internet/Short+Courses/FDW-EOP+Foreign+Domestic+Worker+Employers+Orientation+Programme(+Short+Course+Foreign+Domestic+Worker+Employers+Orientation+Programme))

Nation Employment: <http://www.nation.com.sg/Services.aspx>

Case Study 17

Safety-Related Courses (Singapore)

Programme Highlights

There are multiple safety-related courses in Singapore that take place throughout the foreign workers' (FW) stay in Singapore. These courses, ranging from a duration of 8 to 135 hours, aim to equip FWs with a basic understanding of working safely in Singapore. In addition, FWs in specialised sectors, such as construction, marine and metal works, are required to undergo further trade safety courses and tests to prepare them for work in their specific industries.

This case study focuses on three safety-related courses for FWs in the construction sector:

Course/ Skills Certification	Stage of Migratory Cycle
A. Skills Evaluation Knowledge (SEC(K))	Pre-Employment
B. Safety Orientation Course	Post-Arrival
C. Safety and Awareness Workshops	Employment in Singapore

A. Skills Evaluation Knowledge

All FWs in the construction sector are required to undergo and pass the SEC(K), a trade test conducted by Singapore's Building and Construction Authority (BCA)⁴ before applying for a Work Permit. The SEC(K) aims to raise skills, productivity and safety for all workers in the construction sector.

To better suit the needs of the industry, there are multiple types of SEC(K), each catered to a specific construction trade. While the skills evaluation courses are generally conducted in English, some are available in the FW's native language, such as Thai, to maximize understanding and retention of the content covered in the course.

Curriculum

The SEC(K) curriculum is delivered through a combination of lectures and practical training. The content varies according to the relevant trades. At the end of the training course, all FWs are required to undergo an assessment, comprising of a written test and a practical component. The written component requires the FWs to display understanding of essential trade knowledge. The practical component requires the FWs to demonstrate his practical craft-skills competency to meet the quality standards for the trade and ability to carry out the work safely.

The syllabus and test papers for the relevant trades are made available to the FWs at the various test locations and translated into the respective languages of the source countries.

⁴ The SEC(K) is an enhanced version of the Skills Evaluation Certificate (SEC), a trade test first implemented in 1995 to ensure that all workers in Singapore's construction sector possess the basic skills level in the various construction trades. As part of the Singapore Government's efforts to move the construction sector towards a knowledge-based sector, a written test was added to the SEC, to form the current SEC(K).

BCA continuously reviews the skills test requirements and raises the test standards progressively to improve quality, productivity and safety. This is to ensure the relevance of skill sets and that the workers are trained and certified according to project requirements, quality standards and good site practices.

Teacher Selection and Training

The SEC(K) test is conducted by BCA at BCA-Approved Training and Testing Centers (ATTCs) locally and overseas at BCA's appointed Overseas Testing Centres (OTCs). OTCs are available in source countries such as Thailand, Myanmar, PRC, India, Bangladesh and Sri Lanka. A complete list of the Overseas Testing Centers can be found at: http://www.bca.gov.sg/otc/otc_main.html. The ATTCs and OTCs will conduct their own training according to the SEC(K) curriculum prior to sending the workers for testing.

Funding and Reach

The SEC(K) test fee varies from trade to trade, up to SGD810.

B. Safety Orientation Course

This course is also mandatory for workers in the marine and metalwork sectors, besides construction. All FWs in the construction sector are required to undergo a one- to two-day Safety Orientation Course (SOC) within 14 days of arrival, before their WPs can be issued. Thereafter, they are required to undergo a re-certification of the course once every two or four years, if the worker has been working here for under six years or more than six years, respectively. The intent is to continually refresh their trade skills and knowledge. A valid successful certificate of completion of the SOC is required for WP issuance or renewal.

Employers who send workers to work before they passed the SOC would be taken to task under the Workplace Safety and Health (WSH) Act. Employers who repeatedly fail to ensure that their workers are properly trained may have their new WP applications rejected or may not be able to renew the WPs of existing workers. The SOC aims to equip FWs with knowledge and skills training on work safety and health. The SOC is conducted in eight different languages, such as Malay and Thai, to maximize understanding and retention of the content covered in the SOC.

Curriculum

The SOC is delivered through a combination of lectures and practical training that covers modules, such as rights and responsibilities as FWs, and working at height and confined spaces. At the end of the course, all FWs are required to undergo an assessment comprising of multiple choice questions and a practical component. FWs are required to score at least 60 per cent and demonstrate competency in all topics.

The training curriculum and training aids are provided by the MOM, which closely monitors the SOC curriculum and revises the content and delivery where necessary to ensure its relevance and usefulness for these FWs.

Teacher Selection and Training

The SOC is currently conducted locally by MOM-accredited training providers (ATPs), and offered in overseas in countries, such as Thailand, Myanmar, India, Bangladesh and China by the BCA-appointed OTCs. A list of OTCs offering CSOC can be found at:

http://www.bca.gov.sg/otc/csoc_Main.html. The standard of training for FWs remain the same regardless of whether the training is conducted in Singapore or overseas, given that all FWs will be trained with the same syllabus and certification will be based on passing both the MCQ and practical tests.

Funding and Reach

The cost of the SOC is pegged at SGD120, and SGD150 for those conducted by locally-based ATPs and overseas OTCs, respectively. However, the course /test fee may differ slightly from one ATP to another.

C. Safety and Awareness Workshops

There are multiple safety-related workshops that FWs can attend, on a voluntary basis, during their employment in Singapore. These workshops vary specifically to the needs of the workers in specific sectors. A list of WSH-related, Workforce Skills Qualifications (WSQ)-accredited courses can be found at: <http://www.mom.gov.sg/workplace-safety-and-health/workplace-safety-and-health-training/find-accredited-courses-under-wsq>.

Curriculum

Due to the different nature of the workshops, they vary in duration and training curriculum. For example, while the “Apply Workplace Safety and Health in Process Plant” course takes one day to complete, the “WSQ Operate Forklift” course takes three days. However, most courses comprise a theory and practical component. Having a practical component in the course is necessary for FWs to have a hands-on experiential learning opportunity, which would provide greater understanding of the subject.

Although MOM does not conduct these safety-related courses, it has oversight of these courses through the WSQ system. MOM and the SkillsFuture Singapore work closely to ensure the course objectives are achieved so that FWs are safe and healthy at the workplaces.

Teacher Selection and Training

The various safety-related courses are conducted by various ATPs, which include other Government organisations, such as the BCA Academy of the Built Environment. A list of ATPs can be found at: <http://www.mom.gov.sg/workplace-safety-and-health/wsh-service-providers/find-approved-service-providers/find-accredited-training-provider#/>.

Funding and Reach

The course fees vary, dependent on the course duration, and the organisation offering the course/s. All course fees are paid for by the Singapore employers.

Case Study 18

Post-Arrival Orientation Seminar for OFWs in Singapore (Philippines)

Programme Highlights

The half-day Post-Arrival Orientation Seminar (PAOS) is a mandatory requirement for OFWs upon their arrival in Singapore. It focuses on important reminders for OFWs in adapting or adjusting to the new work environment, as well as to the culture of Singapore. Its primary objective is to provide OFWs with the means to cope with their new work environment, especially during their first few months of working in Singapore.

Manned by Labour and Welfare Attachés, the Philippine Overseas Labour Office (POLO) at the Philippine Embassy in Singapore supports the Philippine Foreign Service through their legal and social services. The Assistance to Nationals (ATN) programme, under the aegis of the Department of Foreign Affairs, of which the POLOs belong, acts as the frontline Government service to provide immediate assistance to Filipinos in Singapore. This includes the repatriation of distressed OFWs, particularly during wars, calamities and other unsettling circumstances.

To complement this thrust, the Singapore POLO began conducting a briefing for newly-arrived OFWs in 2010 at the Embassy's Bayanihan Center, primarily to provide them with timely information on matters relevant to their work and stay in Singapore.

Curriculum

The original PAOS topics centered on consular services, overseas employment contracts, culture and lifestyle in Singapore, police rules and regulations, and other country-specific do's and don'ts. The PAOS is a major component of the POLO's continuing information and education programme and an integral part of the overall programme of Government for the protection and welfare of OFWs.

Major attendees are first-timers in Singapore, especially those with work contracts. This is a compulsory requirement for all newly-arrived OFWs.

The PAOS programme is an abbreviated version of the PDOS, and highlights country-specific realities. All officials of the Philippine Embassy act as the resource speakers. The PAOS thrust was changed to focus on a "health and wellness" theme in 2014, wherein health issues of OFWs, including stress management, were tackled, specifically those related to domestic helpers. In 2016, however, it was reverted back to its original programme.

Aside from consular services, the PAOS also discusses the following topics: Singapore-specific migration realities, rights and responsibilities of OFWs, what to do in case of contract violations, health and safety, financial literacy, Government programmes and services such as SSS and PhilHealth, psychosocial counseling, and even legal assistance, if needed.

The five-hour PAOS is conducted every other month on a Sunday at the Bayanihan Center of the Philippine Embassy on 20 Nassim Road in Singapore. There is no training Manual. The PAOS is largely focused on consular services and on encouraging OFWs to observe Singapore customs and laws, while assuring them of Government assistance during various contingencies. A Flyer containing the emergency hotline numbers of Embassy and POLO officials is distributed to all PAOS attendees.

Teacher Selection

The resource speakers are officials themselves from the Philippine Embassy and the POLO.

Funding and Reach

The PAOS is fully funded by POLO-Singapore.

Since 2010, about 180,000 OFWs have attended the PAOS, which is held every other month. Majority of the PAOS participants are skilled workers (60%) and household service workers (40%).

Case Study 19

Migrant Workers' Village (Indonesia)

Programme Highlights

The Productive Migrant Workers Village (Desmigratif) is a return/ reintegration programme spearheaded by the Indonesian Ministry of Manpower, in collaboration with Migrant CARE, and NGO that seeks to empower, provide protection, and improve assistance services to Indonesia migrant workers.

Government focuses on development of migration service centre in village halls where prospective migrant workers could access any information on overseas employment. Some information provided are labour market, vocational guidance, and document processing. Government also supports productive enterprises to develop migrant workers' skills and help them earn financial freedom through their enterprises upon their return. This activity includes skills training and business assistance for migrant workers.

At the same time, local Government develops parenting community to assist migrant workers and their children. In this activity, migrant workers' parents and spouses are taught how to raise and take care of their children. The programme also initiates local cooperatives in migrant workers' regions to strengthen their productive enterprises.

Kuripan village in Central Java and Kenanga village in West Java were chosen as the pilot project sites. In the planning stage is the roll-out of the Desmigratif programme in North Sumatera, Lampung, Banten, East Java, West Kalimantan, West Nusa Tenggara and East Nusa Tenggara.

Desmigratif is a programme designed at the home village of overseas workers to improve services and protection for the prospective migrant workers. This program is also aimed at increasing economic independence, as well as prosperity for the families of migrant workers, especially upon the workers' return home through four main activities:

1. Establishing the Migrant Service Centre;
2. Developing productive business enterprises for the families of migrant workers, and those than come home after completion of a work contract;
3. Conducting community parenting; and
4. Developing a cooperative to strengthen the productive business enterprises.

Monitoring and Evaluation

The village head (as the Chief Executive Programme) reports on the programme implementation to the Secretary General of the Ministry of Manpower (as the Chairman of the Joint Team at the Central Level), with a copy to the Head of Local Labor Department in the City/ Districts (as the Chairman of the Joint Team at the City/ Districts level), every three months. In turn, the Chairman of the Joint Team at the Central Level reports on the programme implementation at the national level to assess service delivery and provide interventions for operational problems.

Funding

The Migrant Workers' Productive Village programme is funded by the national Government, local Government budget, and other private sector programme partners.

Case Study 20

Balik-Pinay, Balik-Hanapbuhay for Returning OFWs (Philippines)

Programme Highlights

The *Balik Pinay - Balik Hanapbuhay* (BPBH) Programme of the National Reintegration Center for Overseas Filipino Workers (NRCO) is a training and production intervention for returned women overseas Filipino workers (OFW) to start and operate a livelihood undertaking to improve their socio-economic well-being. It expands their employment and economic opportunities, and reduces their socio-economic vulnerability.

Livelihood skills training and starter kits are provided to returned, distressed women OFW to enable them to embark on quick self-employment or wage-employment undertakings. The BPBH Programme is being implemented nationwide through the 16 Regional Offices of the Department of Labour and Employment (DOLE), with the NRCO as the Programme Manager. NRCO Reintegration Officers ensure that the provision of technical assistance, counseling services and mentoring to all Programme beneficiaries are vigorously pursued.

The BPBH Programme started in 2011 under the auspices of the Overseas Workers Welfare Administration (OWWA), to prepare distressed female OFWs for productive reintegration upon their return to the Philippines. Over the years of implementation, the programme has evolved and now focuses on three components: (1) financial literacy and small business management training; (2) skills training; and (3) livelihood start-up kits/ capital.

On 22 August 2013, DOLE Administrative Order No. 333 mandated that all requirements for the BPBH Programme of distressed female OFWs should be completed on-site. Females OFWs sheltered by the POLO at the Migrant Workers and Overseas Filipinos Resource Center (MWOFRFC) should undergo training in livelihood skills, and on the fundamentals of entrepreneurship and business planning. The Heads of the POLOs were required to ensure the availability of livelihood skills training courses at the MWOFRFC. In 2014, the NRCO took over the management of the Programme.

The BPBH Programme seeks to enable distressed women OFWs to:

- Be multi-skilled through access to training services and assistance by Government training institutions, such as the Technical Education and Skills Development Authority (TESDA), Department of Trade and Industry, Agricultural Training Institute (ATI), and accredited training institutions.
- Plan, set-up, start and operate a livelihood undertaking by providing them with ready-to-go, roll-out self-employment package of services consisting of training, start-up kits, business counseling, and technical and marketing assistance services.
- Provide them with appropriate skills, which are highly in-demand in the local labour market to increase their chances of finding better job opportunities.

Curriculum

In 2011, the NRCO design a Business Plan Template, which was used as the main reference material for the basic financial literacy and entrepreneurship training. TESDA

was tasked to design the livelihood skills training modules, toward attaining a Certificate of Training (COT). The training design for each Course Module is submitted to the NRCO for review, toward standardization:

- For On-Site Livelihood Training, the Heads of the POLOs shall ensure that training facilitation, assessment and certification are guided by TESDA. The Training Courses are conducted only by Trainers with National TVET Trainer Certificates issued by TESDA. They are also made to undergo the TESDA Online Plan Training Session and the Facilitate Training Sessions.
- In instances when POLOs are able to partner with external entities or institutions in the host country, they must ensure that such training programmes lead to attaining the National Certificate (NC) or Certificate of Competency (COC), as administered by TESDA.
- Skills Training at DOLE Regional Offices shall be conducted through TESDA at approved training centers, as well as other TESDA-accredited training institutions.
- For the Basic Financial Literacy Course, preparatory to the Livelihood Training, this includes the Fundamentals of Entrepreneurship and Business Planning, following the NRCO-designed Template of Simple Business Plan.
- The Livelihood Training Modules include the basic materials needed for specific products, and lists the steps (how-to) to guide participants through the various stages of the production process.

The Implementing Guidelines of the BPBH Programme have been revised this year (DOLE A.O. No. 120) to include distressed and displaced women OFWs, aside from Domestic Workers. All training participants are provided with copies of the Livelihood Training Modules.

Core messages:

- The BPBH Programme enables OFWs and their families to work and live with entrepreneurial mindset, primarily through the creation of awareness on the value of saving, and empowering them to plan for investment, business, or local employment upon their return.
- The BPBH Programme gives options to returning women OFWs for productive reintegration in Philippine society, through training programmes for retooling and reskilling.

Teacher Selection and Training

Trainors and service providers are TESDA- accredited teachers. Aside from the pre-requisite to have the TESDA-issued competency certificates, TESDA also has upgrading seminars at least once a year.

The DOLE Regional Offices, through the NRCO Reintegration Officers, submit monitoring and evaluation reports to the NRCO Central Office (Manila) on a monthly basis. As Programme Manager, NRCO conducts regular field visits to assess Programme implementation, as well as provide technical advisory assistance to Programme implementers.

The DOLE Assessment Team, composed of the NRCO, Internal Audit Services, Financial Management Service, and Planning Service conduct actual site visits and/or consultation

with Programme beneficiaries to assess the overall impact of the livelihood activities, and to make appropriate recommendations for improvements.

Accredited Trainors and Service Providers are required to submit monthly assessment reports to NRCO. TESDA also conducts random or spot evaluation of actual skills training sessions.

Funding and Reach

Training expenses, including the Trainors' honoraria, are cost-shared by the Labour Attaché and Welfare Fund as indicated in the POLO Work and Financial Plan, while the NRCO funds the starter kits (maximum of PHP10,000) to be distributed to qualified Programme beneficiaries.

Funding for the implementation of the BPBH Programme is downloaded to the Regional DOLE Offices, based on the submitted target beneficiaries for each fiscal year. The maximum cost for each beneficiary is PHP10,000, comprising the training cost of a maximum of PHP2,500, and the start kit cost of a minimum of PHP7,000.

In the event that training institutions providing free training are tapped, the whole amount of PHP10,000 shall be used to purchase the starter kits. The training cost shall include honoraria, supplies and materials, and demonstration kit. An additional 3 per cent of the total budget is allotted for administrative cost for the conduct of the Programme.

The training lasts for eight hours, and is conducted onsite or the DOLE Regional Offices. Priority clients include repatriated distressed and displaced women OFWs; distressed women OFWs sheltered at the Migrant Workers and Overseas Filipinos Resource Center at the OWWA; and Domestic Workers.

To date, there have been 5,243 programme beneficiaries, (returned women OFWs provided with skills training/ start-up capital).

Case Study 21

Assist-Welfare, Employment, Legal and Livelihood (WELL) Programme (Philippines)

Programme Highlights

The Assist WELL Programme is a package of reintegration assistance/services to address the Welfare, Employment, Legal, and Livelihood (WELL) needs of repatriated overseas Filipino workers (OFWs). The strengthened convergence of DOLE agencies delivering the Assist WELL programme is a component of the National Reintegration Programme for OFWs, specifically targeted to ensure the successful reintegration of OFWs repatriated from crisis/ emergency situations.

The Assist WELL Programme was created by virtue of DOLE Department Order No. 139, issued on 21 July 2014, pursuant to relevant alert level systems by national Government agencies. The four WELL component assistance services involve the following:

- *Welfare Assistance* covers: (a) Airport assistance; temporary shelter/ accommodation at the OWWA Hostel; (c) transport assistance to residence; (d) emergency medical assistance; and (e) stress debriefing.
- *Employment Assistance* covers: (a) Job placement/ referral for local employment; (b) job placement/ referral for overseas employment; and (c) competency assessment and certification.
- *Livelihood Assistance* includes: (a) Entrepreneurial development training; (b) livelihood skills training; (c) hands-on business mentoring and support; and (d) business loan assistance.
- *Legal Assistance* includes: (a) Legal advice; (b) conciliation proceedings to reach an amicable settlement between the OFW and his/her recruiter; (c) assistance in the preparation and filing of complaints for illegal recruitment, recruitment violation, and disciplinary action cases; and (d) counseling during preliminary investigation and hearings of criminal cases for illegal recruitment.

On 8 January 2016, DOLE A.O. No. 21 was issued, setting-up Assist WELL Processing Centers in DOLE offices and agencies to ensure a synchronized and systematic delivery of assistance to returning and/or repatriated OFWs. It also named specific DOLE offices to compose the Center's *Management Committee*: POEA as Lead; and OWWA, TESDA, NRCO, BLE, BWSC, ILAB, and the 16 DOLE Regional Offices. The POEA Administrator provides overall supervision in ensuring the smooth and effective operation of the Centers.

The Centre operates during normal and emergency times. At the National Capital Region, Centers are set-up at the POEA, OWWA and NRCO. In emergency cases, or threat of emergency/crisis where there could be imminent mass repatriation of OFWs, the following offices identify and deploy personnel to man the Centers: POEA, OWWA, TESDA, NRCO, BLE, BWSC, ILAB, DOLE Planning Service, and DOLE NCR.

The Programme is specifically targeted to ensure the successful reintegration of OFWs repatriated from crisis/ emergency situations. This is a mandatory Programme for both returning and repatriated OFWs.

Curriculum

As mandated by DOLE A.O. No 21-16, The Assist-WELL Processing Center developed a Database for returning OFWs from the Middle East Region. It continuously develops the Database as OFWs return from other countries. The Database serves as a record of returning OFWs to whom the following Assist-WELL reintegration assistance/services are provided as the OFWs may choose/prefer.

A single database tracking system has been developed in August 2016 by POEA to consolidate the registration of returning/ repatriated OFWs. The e-Tracking System facilitates the efficient servicing and monitoring of Assist-WELL services provided to them (assistwell.poea.gov.ph).

Authorized Assist-WELL users can inquire and update the status of Programme services provided to OFWs and generate the needed reports anywhere and anytime. Of the four service areas of the Assist WELL Programme, only Livelihood Assistance has a training component. This includes the following:

- a. *Entrepreneurial development training*—provision of training on financial awareness, self-preparation for entrepreneurial roles, business planning, and business management.
- b. *Livelihood skills training*—provision of training and operational skills training, including provision of knowledge and skills development for self-employment. This also includes the grant of livelihood starter kits and merchandise.
- c. *Hands-on business mentoring and support*—provision of business development services in the form of business consultation and counseling, productivity advice and business networking support for sustaining and expanding businesses.
- d. *Business loan assistance*—direct provision of business loan through the PHP2 Billion Reintegration Programme Fund or provision of referral services to partner lending institutions.

DOLE A.O. No. 21-16 specifies that upon arrival at the Assist-WELL Processing Center of a repatriated or returning OFW, the Officer of the Day shall immediately assess the worker's needs based on his/her Database Profile. Based on the initial assessment and the worker's preferred services, he/she will be referred to appropriate personnel at the Center.

The designated Officer of the Day assists the worker based on a standard Process Flow for a particular service. The Officer shall record all follow-through action in a prescribed Monitoring Form, indicating the progress of specific services availed of by the OFW. A consolidated daily accomplishment report on extended services and assistance is submitted to NRCO, for onward transmittal to the DOLE Secretary on a weekly basis. All training participants are provided with copies of the Livelihood Training Modules, developed by TESDA and reviewed/standardized by NRCO.

The Assist-WELL Programme holistically looks into the OFWs' reintegration needs after their repatriation, especially due to emergency or crisis situations. Government stands ready at all times to assist all OFWs, especially during emergencies.

Teacher Selection and Training

For On-Site Entrepreneurial Development/ Livelihood Skills Training, the Heads of the POLOs shall ensure that training facilitation, assessment and certification are guided by TESDA. The Training Courses are conducted only by Trainers with National TVET Trainer Certificates issued by TESDA. They are also made to undergo the TESDA Online Plan Training Session and the Facilitate Training Sessions.

Trainers are guided by Training Modules that have been developed by TESDA and further standardised by NRCO. TESDA and NRCO conduct periodic assessments of actual training sessions to ensure quality service delivery.

Funding and Reach

The Programme is fully subsidized by Government funds (Department of Labour and Employment), and offered free of charge to the identified clients—returning or repatriated OFWs. Expenses for the operation of the Center, including office equipment and supplies, are taken from the respective budget of participating DOLE Offices, on a cost-sharing scheme. For additional manpower complement, BLE facilitates the hiring of personnel to assist in providing administrative support.

As of 20 October 2017, 16,009 OFWs have been assisted through the Assist WELL Programme. Of this number, **6,920** or **44.16 per cent** are women. A total of **701** or **4.38 per cent** are undocumented—Saudi Arabia, 146; UAE, 116; Indonesia, 52; Kuwait, 52; Singapore, 31; Taiwan, 30; Japan, 29; Hong Kong, 25; Qatar, 23; Lebanon, 21; Malaysia, 21; Bahrain, 13; and U.S., 10.

The Top 10 countries which requested assistance from the Programme are: Saudi Arabia-7,703; Kuwait-1,521; UAE-1,304; Qatar-1,127; Taiwan-931; Hong Kong-514; Singapore-393; Malaysia-331; Bahrain-206; Japan-179; Oman-153; Libya-143; and Jordan-127.



Chapter 3

Findings and Recommendations

The ASEAN Compendium Project has provided a valuable opportunity to take a closer look, and share experiences and learnings with and among ASEAN Member States on migrant workers' education and safe migration programmes.

This Chapter provide key findings of the Compendium's regional and national researchers in the following areas:

- (1) National policy frameworks and governance mechanisms;
- (2) Operational standards for performance and monitoring;
- (3) Access and delivery systems; (4) Partnerships; and
- (5) Regional cooperation.

It closes with a set of country-specific proposals and regional recommendations to strengthen these programmes in the future.

Findings and Recommendations

All ASEAN Member States, through their laws, policy pronouncements and programmes, have stressed the value of pre-employment worker education programmes for migrant workers as a key policy tool in harnessing the benefits of migration for migrants, their families and their home and host countries at large. These programmes are seen to empower migrants (and their employers) by providing the right information for successful recruitment and employment. Ultimately, these programmes are expected to ensure more harmonious employer-employee relationships, and better protection for workers against exploitation and human trafficking.

Migrant workers' education programmes form only one component of an effective migration system. They achieve their purpose only within a broader framework of governance that sets standards for the recruitment, employment and treatment of migrant workers, and promotes the respect for the human rights of all migrants in an environment that welcomes the economic and social contributions of migrant workers—in both countries of origin and destination.

The ASEAN Compendium research project on migrant workers' education programmes has provided a valuable opportunity to take a closer look at the national education programmes on safe migration, and share experiences and learnings with and among ASEAN Member States on this aspect of migration policy and practise.

The migrant worker will need information at all stages of his/her migration journey from the point of his/her decision to seek an overseas job, choose a recruitment agency, decide on a contract offer, prepare for a foreign job assignment, adapt with foreign colleagues and co-workers, understand working conditions and health and safety in the work environment, take care of family, and ultimately, prepare for return and reintegration into the home country.

The ASEAN Member States have risen to this challenge, though currently migrant workers' education programmes primarily favor the pre-employment and pre-departure stages. There are now many more post-arrival and onsite workers' education programmes to assist employers and workers adjust to working arrangements. The return and reintegration stage remains underserved, needing more attention by all States.

The following are the key findings of the Compendium's regional and national researchers in these areas: (1) National policy frameworks and governance mechanisms; (2) Performance monitoring; (3) Operational standards for performance and monitoring; (4) Access and delivery systems; and (5) Partnerships and regional cooperation.

National Policy Frameworks and Governance Mechanisms

Having a national policy on workers' education and safe migration often results in more coherent programming, and a broader reach and coverage for migrant workers' education and safe migration programmes. The national policy framework sets goals, establishes standards for efficient and effective delivery, determines benchmarks for monitoring performance, and invests in developing and updating programme content for continuing relevance.

Ideally, the national policy frameworks should cover the broad scope of the different stages of the migration process.

The ASEAN Member States implement their workers' education programmes in different ways. Brunei Darussalam and Viet Nam have adopted a *centrally directed* system, where the national Government offices perform the functions of: (a) providing the general policy directions and implementation standards on education programmes for migrant workers, and (b) assume responsibility for implementation. Brunei Darussalam's Department of Labour under the Ministry of Home Affairs, and Viet Nam's Department of Overseas Labour are administrative oversight offices responsible for setting standards on migrant workers' education programmes, which are in turn delivered by Government offices or accredited state-owned enterprises.

Indonesia, Myanmar, the Philippines, Singapore and Thailand have adopted a *combination/mix of public and private* providers of training. State organisations set standards for the implementation of migrant workers' education programmes, but leave the actual system of implementation to business and non-Governmental institutions. In mixed systems, Government usually adopts a stringent process to screen-out inadequate training centers, and grant accreditation to implementing organisations and offices. In the rare case that other state entities also conduct the workers' education programmes, these are usually for those recruited under Government-to-Government arrangements, it is more likely that the predominant implementers are from private recruitment agencies and non-Governmental organisations.

Malaysia, and to some extent Lao PDR and Cambodia, represent the *laissez-faire* system, where Government offices are not undertaking significant roles in promoting migrant workers' education programmes, and have relegated the responsibility to private recruiters and employers instead to brief on anticipated conditions at destination.

Mandatory vs. Voluntary

Indonesia, the Philippines, Thailand and Viet Nam require pre-departure programmes for all outbound workers as a precondition to obtaining a permit to exit the country for employment purposes. Similarly, Singapore imposes mandatory training courses for certain occupations. For example, all first-time FDWs undergo a "settling-in programme" to assist FDWs in "settling" into the country; a similar mandatory course, though shorter, is required for all first-time employers and those who frequently change FDWs.

On the other hand, Cambodia, Lao PDR and Myanmar require their licensed recruitment agencies to provide all pre-departure migrant workers' education, but do not require exit passes showing proof of pre-departure training. With extensive cross-border movements of its citizens, and a large proportion of informal employment, these countries are challenged in measures to ensure its workers undergo pre-departure courses.

Brunei Darussalam: Pass a National Policy on Workers' Education and Safe Migration that is aligned with international standards. This can be the basis for the establishment of a national plan or strategic framework related to Workers Education and Safe Migration both for local and foreign workers.

Cambodia: National Policy (NP) should be developed/ elaborated in consultation with social partners and stakeholders. Policy guidelines and relevant departmental circulars on labour inspection should be consolidated and updated regularly, with special focus on worker's education and planning. Also critically important is ensuring strong institutional coordination agreements among the different authorities, avoiding duplicate assignments amongst other bodies and aligning different levels of monitoring visits various competent authorities.

Lao PDR: Enforce labour law and the Decree No. 68/PM especially all recruitment agencies must provide pre-departure training.

Malaysia, prior to 2007, had State-sanctioned migrant workers' education programmes. However, the country has since then shifted to an optional and voluntary system, leaving full responsibility on employer associations, such as the Construction Industry Development Board and private recruitment agencies. Brunei Darussalam, on the other hand, has a general orientation programme on occupational safety and health standards for all its workers. While these can provide avenues to allow for greater interaction with migrant workers, these programmes have limited reach to workers outside of formal manufacturing sectors, such as foreign domestic workers in private households.

Designating an administrative office to oversee migrant workers' education programmes forms part of a national policy framework. The national coordination offices are responsible for overseeing the education programmes, accrediting business and non-Governmental training providers, and coordinating the different stakeholders in programme implementation. There are specifically designated offices in the Philippine Overseas Workers' Welfare Administration, Viet Nam's Department of Overseas Labour, Indonesia's Ministry of Workers, and Singapore's Ministry of Manpower.

Performance Monitoring

The absence of a serious evaluation and monitoring of the performance of various service providers is the greatest gap in the implementation of workers' education programmes, making it difficult to identify gaps and provide solutions for problematic situations. An important first step is for establishing standard performance indicators for efficiency and effectiveness of the training programmes and the different training providers. Impact analysis will provide important feedback on the value and contributions of the curriculum content, the training materials, the different delivery systems, and other operational standards.

Brunei Darussalam: Conduct an impact analysis and evaluation of the effectiveness of the programmes and initiatives on workers education and safe migration campaigns to further improve and strengthen existing and future programmes and initiatives.

Viet Nam: (This) standard set of criteria... helps managers to measure, discover mistakes, and settle violations incurred by enterprises during the training activities.

There is a reported ongoing Philippine evaluation of pre-departure programmes for permanent migrants (immigrants to the U.S., Canada and Australia) surveying 3,000 migrants and their families over a period of two years after the programme has taken place. The study has not yet been completed.

Operational Standards

Accreditation of Training Providers

Where ASEAN Member States that do not directly deliver migrant workers' education programmes, Government often accredits training institutions to provide them. Occasionally, the countries undertake agency inspections to monitor adherence to these standards; other times, the assessment comes on the expiration of their license and the accompanying request for renewal. In the Philippines, minimum benchmark criteria are: the suitability of the organisation, determined by the number and qualification of trainers; the size of the training rooms; the availability of training equipment.

An especially contentious point is on whether private recruitment agencies should be permitted to provide pre-departure orientation programmes. Civil society has been critical that the private recruitment and also manning agencies have likely conflicts of interest in providing information on working conditions and employment contracts. Private agencies argue that it is to their interest to have well prepared workers; therefore, they are in a good position to continually provide counseling to potential migrant workers. They are, on the other hand, critical of the role of non-governmental organisations in delivering training programmes as NGOs eventually end as small-scale profit-making business enterprises.

A total of 281 accredited training providers in the Philippines are recruitment and manning agencies, and industry associations. Singapore separates the private post-arrival training providers with recruitment and placement agencies.

Brunei Darussalam: The Department of Labour may consider the accreditation of training providers where the certification programme can be outsourced.

Standardised Curriculum

In sending countries, the standard curriculum of a migrant workers' pre-departure briefing includes subjects on employment contracts, the rights and responsibilities of migrant workers, gender awareness, health problems faced by migrants, ways of coping with different forms of harassment and discrimination, and access to complaint mechanisms, such as the country's embassy in the receiving country. More extensive programmes would include financial literacy (e.g., remittances, savings, investments, etc.), crises preparation (as in personal issues, such as illness and harassment, as well as disaster/war preparedness), psychosocial problems, and coping mechanisms.

Given the relatively short length of the mandatory pre-departure programmes, the sessions are not able to provide exhaustive information on a destination country's living and working conditions. Often, there is little time to incorporate information on financial and banking arrangements, educational services and other family services. At most, face-to-face

sessions are better placed to highlight information sources, especially on wages, contracts, and working conditions, availability of legal, welfare and other in-country assistance services, as well as in the country of employment; and required banking and other financial arrangements for the family and dependents prior to departure. More detailed information is better provided in print material or in easily accessible websites, especially designed for use by the migrant workers and their families.

This makes it even more important to continue the workers' education in the receiving country and linking the information for consistency. A post-arrival programme in the receiving country helps reinforce knowledge about living and working in the new environment, and encourages harmonious working relationships and mutual trust. For example, Singapore's Settling-In Programme, a compulsory one-day course for FDWs, includes regulatory information on the workers' responsibilities and conditions of employment, fostering better working relationships in the households, as well as stress management techniques to help workers cope with the demands of work. The programme also contains a practical hands-on component to educate and train foreign domestic workers on how to work safely at home, such as cleaning windows, and hanging laundry safely.

Good employers often provide continuing education on such topics as workplace conditions and work practices; convey industry specific training, including occupational health and safety training, as part of their orientation to help workers adapt to their new working environment.

Malaysia: Enterprise level courses conducted by the employers are likely to have a greater impact on the migrant workers' mind set, and continuous coaching will help them to improve their understanding on the host country's ways of doing things.

Mandatory programmes are complemented with foreign embassy-provided training that provides information on additional services and ways to access with the co-citizens in the receiving country. Indonesia and the Philippines are expanding the services of their foreign missions in destination countries to provide updated information to their citizens, both from the country of origin and destination. Often, these programmes are completely voluntary and undertaken during the workers' days off. These "arrival" sessions focus on ways for workers to mentally face the challenges of working abroad, and reassure on the diaspora communities' efforts to strengthen the workers' coping strategies and coping mechanisms.

Customised Programmes for the Low-Skilled

With many migrant workers in lower-skilled categories, such as household domestic workers, agricultural and construction labourers, there are notable Government-designed programmes for these categories in ASEAN Member States. The Philippines has a specialised training programme for household domestic workers bound for the Middle East. Indonesia implements workers' programmes that are a combination of skills and language training for several receiving countries: Malaysia, Saudi Arabia, Hong Kong, and Taiwan.

As earlier described, Singapore has a "settling-in programme" for foreign domestic workers, and a separate orientation programme for employers of foreign domestic workers. Malaysia had an induction course for household workers prior to 2007, but this has since been suspended.

These pre-departure training programmes have been designed to account for challenges of working in a foreign household, and the minimum wages and working conditions. The programmes also provide appropriate training materials, and adopt suitable methodologies.

For construction workers, the Construction Industry Development Board of Malaysia and the Building and Construction Authority of Singapore, through private training providers, offer safety orientation courses within several days of arrival, to be renewed every few years. In Singapore, there are trade tests conducted at overseas training centers for new foreign workers. The training equips these foreign workers with basic skills required for them to work in the industry. Certificates of training upon completion of these courses are a precondition for the issuance of work permits in Singapore.

There are also important advances in having jointly developed programmes of sending and receiving countries. The ASEAN Compendium's case studies include customised pre-departure training programmes for Korea (presently operational in Cambodia, Myanmar, Thailand, the Philippines and Viet Nam), Israel (Thailand), and Finland and Sweden (Thailand). In some cases, these pre-departure programmes are integrated into longer skills training programmes, such as on planting techniques (Israel), language (Korea), and household services (Middle East and Hong Kong). For some countries, such as Korea and Japan, passing a language proficiency test is a requirement for employment. These customised programmes are especially helpful since the receiving countries are able to provide up-to-date information on employers' expectations, employment and living conditions, as well as the sociopolitical environments of their countries.

Viet Nam: Majority of current training materials are too academic and not suitable for workers with a low level of education and skills. Thus, the content and duration of training should be adjusted.

Thailand: Adequate and easy to access information is one of the key elements of success. For specific groups of overseas workers especially berry pickers and Japan market special attention is needed since there remain problems of some illegal activities and some workers were taken advantage of.

Malaysia: Enterprise level courses conducted by the employers are likely to have a greater impact on the migrant workers' mind set, and continuous coaching will help them to improve their understanding on the host country's ways of doing things.

Viet Nam: The Government and enterprises should have a specific policy on employment of overseas workers when they return home by retraining for suitable local market, increasing public information and introducing/ connecting workers to labour users.

Duration

Most ASEAN Member States prescribe a minimum duration of the pre-departure/ post-arrival courses. Among sending countries, the mandatory pre-departure training programmes have a minimum of six hours length to follow a prescribed curriculum. National researchers of these countries agree that the duration of pre-departure training is rather short, and provide little time for briefings of culture and customs, basic language

knowledge, safety matters, and contact addresses of organisations and personnel from which assistance can be obtained.

After meeting the minimum requirement of six hours, employers especially hiring under Government-to-Government arrangements, prescribed longer period for workers' education programmes. In some cases, as in the Thai wild berries programme (six hours) or the Israel programme (62 hours/ seven days), these are only part of a much bigger programme that combines language and/or skills training. This is also the case for the training for domestic work for Hong Kong, the Middle East undertaken by the Government of Indonesia. These courses are vocational skills training programmes, with components for language training lasting for 12 weeks. In Singapore, the mandatory post-arrival programme for household domestic workers is one hour.

Thailand: Pre-departure orientation training, which lasts only six hours per group, has rather limited impact. More time and more relevant training curricula are clearly needed. However, this means higher cost of getting an overseas job. A more well-balanced programme with Government subsidy, especially in board and lodging for workers who are leaving for overseas jobs, may be one of the plans that Government should consider.

For the Republic of Korea, the post-arrival training programmes are undertaken for three days. During this training period, migrant workers undergo medical checkup and are taught about workplace culture, labor law and immigration law, banking practises, insurance, and safety matters, etc.

Methodology

Across the many providers of the training programmes, methodologies are diverse. While more meaningful learning occurs when the training methodology is highly experiential and participatory, many of the current training sessions comprise only of lectures and discussion with a limited use of audio-visual aids. Orientation materials are not fully developed or updated nor are considered suitable for their target audiences. There are also complaints that the resource persons are busily promoting products (e.g., banking, telephone cards, etc.), making these sessions as commercial platforms. State-provided materials on such crucial topics as employment contracts, crisis preparation or HIV/AIDS prevention, among others, would be welcome and useful.

Viet Nam: Majority of current training materials are too academic and not suitable for workers with a low level of education and skills. Thus, the content and duration of training should be adjusted.

Creating a welcoming atmosphere—in which all participants are shown respect—fosters a greater sense of belonging and encourages learning. In situations where many migrant workers have little or no formal education, it is imperative that trainers consider both the educational and cultural backgrounds of their participants. Trainers need to be especially attentive to female migrants' needs, and if necessary, should perhaps have sessions that can address sensitive issues of discrimination and violence.

Migrant learners are far more likely to participate in and take ownership of their own learning if they are treated with respect, and feel that they are in an environment that values and promotes trust.

Thailand: No matter how well designed the campaigns, job-seekers themselves are one of the crucial elements of success or failure for safe migration campaigns. Job-seekers who are alert and better prepared for overseas labour market, help improve the chance for safe migration.

Selection of Teachers

As in any learning environment, teacher quality is a significant determinant of student learning. In current efforts to strengthen pre-departure training, little attention seems to be placed on the quality of trainers available for the training programmes.

Where Government has set up an oversight system for migrant workers' education programmes, it takes little to organise training courses for teachers. In addition to better understand the content of various modules of the different courses, trainers need to be trained in participatory and innovative teaching methods to enable them to lead engaging and interesting classes. The lack of professional trainers has greatly affected the quality of the workers' education programmes.

For the sending Governments, it would be helpful to tap the experience and exposure of returnees to assist in pre-departure training programmes. They could be included as resource persons or guest speakers to share their experiences, and lead discussions or question-and-answer sessions at the end of the official training. Where possible, the training providers should recruit trainers who share similar cultural and linguistic backgrounds as those of migrant workers.

Brunei Darussalam: The Department of Labour may consider the accreditation of training providers where the certification programme can be outsourced.

Cambodia: A National Guideline for Conducting Pre-Orientation Session (GCPS, as well as the Training Manual for Training of Trainer (TM-TOT) would be a useful tool to equip them with skills and knowledge.

Viet Nam: Training and update information for trainers are not carried out frequently. Often, enterprises do not have enough trainers. The trainers do not usually have full knowledge of professional and pedagogical skills, which has affected the quality of the training.

Costs

The question of who pays for the migrant workers' education programmes is always controversial. While the cost of the training should ideally be borne by the hiring employer, in many cases, passing the costs to the employer is not feasible. Given the social value of these programmes to both sending and receiving State, the ASEAN Member States can consider subsidy to the providers. In practise, however, migrant workers shoulder the costs of these programmes.

In the case of Malaysia, the suspension of the migrant workers' arrival courses can be attributed to the disagreement on cost-sharing arrangements for the courses. To resolve these disagreements, the post-arrival induction courses have been assigned to the employers, despite the levy imposed on employment of migrant workers paid by the employers to Government.

Expanded Access and Delivery

Improving access to migrant workers' education courses is a challenge faced by many ASEAN Member States. Increasingly, outgoing migrant workers come from different parts of a sending country. Those who reside in border areas are more likely to migrate as workers, and are likely to be more aware of job and other economic opportunities in neighbouring countries. Because of the proximity, many of the workers already have networks of friends that facilitate travel and employment and, therefore, options for bypassing official channels are numerous.

Expanding Reach to Local Migrant-Dense Areas

Requiring attendance on a pre-departure orientation course, especially if these courses are organised only at the capital city, would result in limited attendance.

With most training providers found in capital cities, migrant worker-applicants undergo long travel, and incur additional travel costs to complete their requirements. In several Mekong countries, obtaining a pre-departure course available only in the central cities discourages many migrant workers.

Myanmar: According to the 2014 Population and Housing Census Report and Labour Force Survey 2015, large numbers of migrant workers are in Thailand and Malaysia. In this light, attempt should be made for education programmes to reach out to the rural areas.

States have addressed this problem in several ways. The Philippines' POEA stepped up its efforts to get local government units, through MOAs, to cooperate in its anti-illegal recruitment and anti-trafficking campaigns, paving the way for closer links between communities and national migration policies and programmes. In Cambodia, Lao PDR and Myanmar, there are several innovative efforts to use village information campaigns to raise awareness not only about the positive gains of foreign employment, but also the inherent risks of irregular status in foreign employment, and the other social costs of foreign employment.

In Myanmar, Cambodia, Viet Nam and Malaysia, international organisations have supported the creation of Migrant Resource Centers (MRC) that assist potential migrants in their decision-making. An additional advantage of decentralized orientation programmes is that these are carried out in the learners' native language. These MRCs are expected to eventually be part of local Government units (LGU). However, like many good initiatives, the costs for these services can be high, and many LGUs would be unable to sustain the activities in the long run.

Philippines: The “Illegal Recruitment-Free Local Government Units” campaign is a conduit of reaching out to LGU constituents at the grassroots level.

Use of New Technology and Innovative Practices

New technology has opened more and better opportunities to deliver information through online websites and social media. The Philippines’ POEA has recently expanded its online pre-employment services (PEOS) with the development of a mobile phone application. Also, the LGUs are being encouraged to establish their own employment services online. In this endeavor, it pro-actively partners with the academe, law enforcement groups, NGOs, faith-based groups, and professional organisations in promoting the Online PEOS.

Thailand: The numbers of mobile phone exceed 60 million, comparable to the total population of the country, many E- services, including overseas employment information, application or registration for overseas jobs and hotline services should be developed to serve the jobseekers.

However, there are areas where online Internet facilities would not be readily accessible or available. Media companies, especially television and radio programmes, are able to inform regularly on safe migration and legal recruitment processes, as well as inform on legitimate organisations for recruitment and placement. In the beginning, while these may have taken the form of public service announcements and advertisements, as the popularity and demand for this type of programming has grown, the media companies have embarked on these programs voluntarily.

In the Philippines, Government is looking for ways to introduce PEOS in the education curriculum, such as during briefing programmes for graduating high school or college students. General information, such as the scale and types of migration, and realities in terms of potential benefits and dangers are being taught in selected primary and secondary level schools as part of the social studies curriculum.

In Singapore, there are many outreach programs that includes educational materials in native languages and safe campaigns at business stops and workers’ dormitories. Campaigns are usually held at the national level. For example, the rights of workers to a safe and healthy working environment are advanced through the organisation of various campaigns and awards, such as the annual Workplace Safety and Health Awards.

Importance of Partnerships

Following different migration governance modes, there are varied ways of delivering the migrant workers’ education programmes. Whether these programmes are part of a centralised, mixed or *laissez faire* systems, Governments need the cooperation of many stakeholders in programme delivery.

Often, Governments are unable to regularly or sufficiently provide resources for mandatory pre-departure training, and may not have the capacity with insufficient staff, lack of access to timely and updated information on labor markets in general, and inadequate capacity.

Across ASEAN Member States, there is a strong proactive effort to reach out and work closely with various stakeholders.

In Brunei Darussalam, the Department of Labour is making an effort to work closely with various stakeholders, including employment agencies, employers/ companies and AMS Foreign Missions to improve the content and curriculum of post-arrival orientation briefings of migrant workers. Cambodia has undertaken broad consultation in the formulation of its migration policies, including migrant workers' education programmes, with Parliament, many Government agencies, private recruitment agencies, and national civil society organisations. The Cambodian Government needs to clarify and enforce its rules, procedures and processes for the migrant workers' education programme. The Philippines is investing significantly in regional and provincial Governments and community-level organisations. Malaysia is quietly pursuing consultations with foreign embassies through the network of labour attachés based in the capital city.

Indonesia: Civil society in Indonesia is becoming increasingly professional and focused when working on migrant workers' rights and safe migration campaigns. They have also shown that they can nimbly work with donor organisations, as well as companies' corporate social responsibility. Therefore, close cooperation with these stakeholders can fill the gap.

Cooperation also happens bilaterally and regionally. With several bilateral MOAs between ASEAN Member States (Thailand with Cambodia, Lao PDR and Myanmar, individually and Myanmar with Indonesia), there is the potential for closer cooperation between the sending and receiving countries in strengthening migrant workers' education programmes. There are enough precedents where several ASEAN Member States have entered into agreements with destination countries, such as Korea, Japan and Israel that include built-in workers' education and skills training programmes.

Myanmar: In signing bilateral agreements between sending and receiving countries, there should contain a clause for conducting pre-departure training and post-arrival training.

Improve the weaknesses in the availability of required information to deal with return and reintegration matters. There should be coordination and collaboration among related organisations from both countries.

Recommendations

The Compendium's regional and national researchers are recommending two sets of measures to improve the quality of migrant workers' education programmes: (1) country specific improvements; and (2) regional cooperation.

Proposals for Country-Specific Improvements

1. Encourage a national policy on workers' education and safe migration to achieve coherent programming and broader reach and coverage. The national policy frameworks

need to cover the different stages of the migration process, with special attention to return and reintegration programmes.

2. Promote serious evaluation and assessment on long-standing workers' education programmes. An important first step is establishing standard performance indicators on efficiency and effectiveness. Impact analysis will provide the important feedback on the value and contributions of the curriculum content, the training materials, the different delivery systems, and other operational standards. This is vital in improving and strengthening the current programmes and initiatives.
3. Strengthen and reinforce operational standards. With many different channels for delivering migrant workers' education programmes, it is necessary to establish common core standards for migrant workers' education programmes to include accreditation criteria, curriculum content, duration, period and costs of the programmes, methodology, and dissemination standards.
4. Expand access and improve delivery systems. The use of more proactive efforts to reach more potential migrants in rural and cross-border areas should be further encouraged and expanded. Internet and online facilities have great potential, but much can be achieved with simple expanded use of traditional media in television, radio and field campaigns.
5. Value partnerships. The delivery of migrant workers' education programme require collective efforts of many stakeholders from Government, the private business sector, recruitment companies, local communities, and migrant workers and their families. Together, the different groups can forge a common direction to ensure workers are empowered and strengthened to achieve their personal and family goals in foreign employment.

Proposals for Regional Cooperation

1. Consider developing an ASEAN standard curriculum. This is an important goal for common information and messages provided to the migrant worker and their employers. ASEAN Member States can link and ensure the continuum of education programmes of sending and receiving countries. This would promote the understanding of the Asian Member States' immigration and employment laws, contractual obligations, and working and living conditions. In addition, information on culture and customs in daily life (e.g., developing a good relationship with employers and colleagues, behaviour at work); health and hygiene; investment opportunities, and other financial information. ASEAN will benefit in developing unified audio-visual materials and print information on living and working in ASEAN Member States with information.
2. With consistent calls for improving the quality of trainers and training programmes for teachers, ASEAN should consider holding a regional training course on migrant workers' education and safe migration campaigns. The training "academy" can also consider a web-linked programme to associate with training manuals and materials produced in each ASEAN Member State.

3. ASEAN Member States should further encourage and support individual countries' efforts to strengthen their national migrant workers' education programmes, not only through better information-sharing, but also through technical assistance and cooperation. This information and study exchange can cover legal services in strengthening national policy frameworks, the design of curriculum in the use of new innovative approaches, and in the training of teachers and trainers for these programmes.

Cambodia: There shall be a role model or sample of a country within ASEAN, such as the Philippines, Singapore, Malaysia or Thailand, etc. ... on their respective standardised pre-departure training (systems).

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