



RECOMMENDATIONS

THE 17TH ASEAN FORUM ON MIGRANT LABOUR (AFML)

13-14 November 2024, Vientiane, Lao PDR

The 17th ASEAN Forum on Migrant Labour (AFML) was held on 13-14 November 2024 in Vientiane, Lao PDR. Representatives of the governments, employers' organisations, workers' organisations, and civil society organisations from ASEAN Member States (AMS), the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC)¹, Task Force on ASEAN Migrant Workers (TFAMW), Asia Pacific Mission for Migrants (APMM) and Coordination of Action Research on AIDS and Mobility in Asia (CARAM Asia) participated in the Forum. Representatives of Timor-Leste, Department of Foreign Affairs and Trade (DFAT) of Australia, Global Affairs Canada, and Swiss Agency for Development and Cooperation participated as observers.

The 17th AFML was convened as an implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration), ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN Consensus), ASEAN Declaration on Strengthening the Care Economy and Fostering Resilience Towards the Post-2025 ASEAN Community, ASEAN Declaration on Strengthening Social Protection, ASEAN Labour Ministers' Work Programme 2021-2025, and ASEAN Socio-Cultural Community (ASCC) Blueprint 2025, among others.

The Forum is a platform for broad-based discussions on migrant labour issues under the auspices of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). In particular, the 17th AFML carried the theme "Care Work and Labour Migration in ASEAN". Participants shared knowledge and exchanged views on various issues clustered into sub-themes "Meeting Care Needs Through Labour Migration" and "Enhancing Protection and Promotion of the Rights of Migrant Care Workers".

The increasing demand for care workers worldwide is driven by demographic changes especially the higher life expectancy, smaller family sizes and more women participating in the workforce. In ASEAN, migrant care workers are vital in meeting the region's growing demand for care services, especially in countries with ageing population. These workers provide both direct and indirect care, often in roles such as domestic workers, caregivers, and healthcare professionals. However, challenges

¹ ATUC raised concerns around the denial of the nomination and participation of the Confederation of Trade Unions of Myanmar (CTUM).

persist, as care work is often undervalued with migrant care workers facing limited recognition, lower pay, and restrictive working conditions. Many of these roles are predominantly performed by women, adding layers of gender-based exploitation, violence and harassment.

The 17th AFML acknowledged that AMS are developing and/or implementing strategies to recognise and formalise the care sector, promote ethical recruitment practices of migrant care workers, support their skills development, improve their rights and working conditions, and meet the demands for migrant care workers. It was also acknowledged that gaps in protecting and promoting the rights of migrant care workers need to be addressed, their needs and contributions should be fully recognised within the care economy and that gender equality should continue to be promoted in care work at all stages of migration.

The participants agreed to recommend the following concrete measures to protect and promote the rights and well-being of migrant care workers which also serve as input to the ACMW in planning its Action Plan of the ASEAN Consensus in 2026-2030:

1. Recognition, formalisation, and employment in care work:

- Encourage the development of common definitions and classifications of care workers in accordance with international standards and instruments, and cohesive policies and enforcement towards recognising and professionalising care workers.
- Work towards formalisation of care work and recognise migrant care workers in national and regional care policies and strategies to support better protection of their rights and decent work conditions. In this regard, community care workers, assistants to persons with disabilities, and domestic workers should also be recognised in relevant labour laws and social protection.
- Improve the employment and labour migration data of AMS to support assessment and forecasting of care work demands and evidence-based policy responses. This includes collecting sex- and age-disaggregated data on paid and unpaid care work.
- Invest in research on care migration to better understand the roles and experiences of migrant care workers and impact of care migration on health to enhance evidence-based policy making.

2. Legal pathways for migrant care workers:

- Promote development of bilateral or multilateral agreements, as applicable, and pathways for deployment and admission of migrant care workers at all skills levels.
- Ensure consultations of employers', workers' and civil society organisations and other stakeholders in such bilateral or multilateral agreements, as relevant.
- Make regular pathways more equitable and inclusive to migrant care workers by addressing discrimination, violence and restrictions based on the grounds of gender, age, disabilities, and health status.
- Strengthen comprehensive pre-employment, pre-departure, and post-arrival orientations to raise the awareness of migrant care workers of safe migration, their rights and responsibilities, working and living conditions, laws, policies, culture and norms of the Receiving State, and other matters.

- Provide orientations for employers of migrant care workers to raise their awareness of the rights and responsibilities of employers and workers.
- Revise immigration procedures, as necessary, for accessibility, simplification and affordability to facilitate ease of visa application, work permit renewal and longer-term residency.
- Ensure fair and ethical recruitment practices and work towards the prohibition of recruitment fees and related costs chargeable to migrant care workers, through an affordable employer-pay model for recruitment fees and related costs to prevent labour exploitation, debt bondage, and forced labour.
- Provide mechanisms that would allow migrant care workers to change employers with due regard to contractual rights and subject to the national laws and policies of Sending and Receiving States.

3. Labour rights and working conditions:

- Ensure issuance of a standard employment contract (or proper documentation) in language understood by the migrant care worker and clear terms and conditions of employment including wages, gender-responsive employment benefits, working conditions, working and rest hours, paid leave days including due to sickness and maternity, health and safety, employment dispute mechanisms and repatriation.
- Facilitate wider access to and portability of relevant social security benefits for migrant care workers in line with ILO Convention No. 102, and access to health services including gender-based health care and social service support for migrant care workers, especially those with mental health conditions and subjected to violence and harassment.
- Ensure migrant care workers receive no less than minimum wage and other working conditions that reflect their skill levels in accordance with labour laws and regulations of the Receiving States.
- Ensure the right of migrant care workers to organise and/or join trade unions and associations, and participate in collective bargaining and social dialogue.

4. Skills development, skills recognition, and reintegration:

- Improve skill training opportunities, skill standards, assessment criteria and certifications to promote quality care and professionalism of migrant care workers.
- Encourage private sector's investment in skills development.
- Promote recognition of skills of migrant care workers, especially domestic workers, by Sending and Receiving States to improve wages and employment appropriate to their skill levels.
- Facilitate effective reintegration of returning migrant care workers, including through mechanisms for recognition of their competencies acquired during employment abroad.

5. Access to justice:

- Enhance the protection of migrant care workers from discrimination, abuse, exploitation, harassment and gender-based violence, taking into consideration the international standards.

- Provide migrant care workers with access to legal recourse and assistance including awareness programmes, safe channels for grievances, legal and employment protection, and redress mechanisms accessible cross borders.

6. Partnerships:

- Strengthen governments' partnerships with stakeholders for coordinated, comprehensive and effective responses to the needs of migrant care workers including trade unions, migrant workers' associations, employers, civil society organisations, private sector, ASEAN Dialogue Partners, ILO, IOM, UN Women, and other international organisations.

The participants underlined that implementation of the 17th AFML Recommendations should be based on the principle of tripartism and involve civil society organisations, migrant workers' associations as well as other stakeholders. Technologies should be leveraged for effective implementation of all policies and measures across the region.

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

The participants also congratulated the Government of Malaysia for its role as the incoming ASEAN Chair in 2025 and expressed appreciation of its confirmation to host the 18th AFML next year.
