

**ILO REGIONAL TRIPARTITE MEETING ON CHALLENGES TO LABOUR
MIGRATION POLICY AND MANAGEMENT IN ASIA
30 June – 2 July 2003, Bangkok.**

Draft Summary of Conclusions

1. Globalization and integration of regional economies have added impetus to the growing mobility of workers across borders. In Asia the movement of labour is becoming an important and enduring phenomenon associated with economic growth and development since it eases skill imbalances in labour markets and provides broad cultural and economic benefits for sending and receiving countries. Migrant remittances, for example, are now a valuable and stable source of foreign exchange to many origin countries. At the global level, the importance of migration to development is now reflected in the fact that it has become a part of the agenda of multilateral institutions, as for example in the trade negotiations within the framework of the General Agreement on Trade and Services (GATS).
2. While market forces are driving labour migration, there are several signs of market failure associated with its related processes. A number of risks have been associated with migration including trafficking and forced labour, recruitment malpractices such as fraudulent job offers and exorbitant placement fees, debt bondage, sexual and physical harassment, employment in hazardous jobs, and under or non-payment of wages. Experience suggests that state intervention through appropriate regulatory institutions and measures are essential to the efficient and equitable working of the labour market.
3. Cooperation among the social partners as well as with migrants themselves is especially important to the development of sound policies and programmes and their effective implementation. It is most desirable to have in place structures and procedures for consultations with employers and workers organizations in the formulation of migration policy.
4. Trade unions in host and origin countries must reach out to migrant workers. They can monitor abuses, advance greater public awareness of migrant worker issues, provide migrants with a voice and representation, offer training as well as legal services. Through the establishment of regional committees, such as for example one under ICFTU-APRO, they can deal with migrant issues at regional levels. Employers' organizations, on the other hand, can promote codes of conduct. Both groups can take steps to promote the non-discriminatory treatment of migrant workers in their countries of employment.
5. Recruitment malpractices, fraud and abuses are widespread in many Asian countries. To combat them governments should have transparent systems in place for licensing and supervising private recruitment agencies. There should be stiff sanctions against fraud and against the practice of charging workers excessive placement fees, while providing incentives for good performance

and cutting down lengthy bureaucratic procedures through such measures as establishing ‘one-stop’ contract registration/processing centers.

6. Despite major barriers to migration, irregular migration has grown in recent years in Asia due to, among others, restrictive labour migration policies which are not in line with labour market needs. There is consensus that irregular migration is undesirable and must be minimized particularly as it often results in putting workers in a position of vulnerability to violation of their basic human rights.
7. Irregular migration cannot be divorced from policies regarding regular migration. While most states resort to measures such as controlling entry and limiting length of stay, amnesties and deportation, and employer sanctions against employment of undocumented workers, more comprehensive approaches which include opening regular doors for the legal admission of needed migrant workers and information campaigns directed at prospective migrants as well as employers should be considered. In the case of long-staying irregular migrants, states may offer them a chance to earn regular status through proof of good behaviour and productive employment, but it is recognized that such a policy may have the unintended effect of encouraging trafficking.
8. It is recognized that cooperation between origin and destination states helps to maximize the potential benefits from migration. Formalizing such cooperation through bilateral or multilateral labour agreements is therefore a desirable step. Regional consultation processes such as the 1999 Bangkok Declaration on Irregular Migration and the recent consultation on anti-trafficking known as the Bali Conference 2002 - should be promoted. Existing regional cooperation mechanisms such as ASEAN and SAARC could play an important role in further advancing this objective.
9. ILO’s Declaration on Fundamental Principles and Rights at Work and the two ILO migrant worker conventions, C.97 and C.143, provide the essential framework for protecting the basic labour rights of all workers including migrant workers. To promote the wider application of these principles, and the ratification of the migrant worker conventions, the ILO should work with its tripartite constituents in the region to improve understanding of the scope, content, and relevance of these instruments to migrant worker issues. The 1990 International Convention on the Rights of All Migrant Workers and Members of their Families, which is now in force, constitutes a further commitment by the international community to protect the basic human rights of all migrant workers regardless of their legal status.
10. Host governments should establish accessible mechanisms for redressing grievances and minimizing violations of migrant worker’ rights. Good practices for protecting their rights include the adoption of minimum standards for employment contracts, pre-departure training and information, and the provision of support services abroad especially through labour attache services in diplomatic missions.

11. There is a need to develop a common understanding of *trafficking* which is a multi-faceted issue that must be considered within a broader migration framework. Governments should integrate the issue in their policies and programmes. Developing sustainable livelihood options in origin areas should be part of the of the solution wherever possible. Access to legal migration opportunities is evidently a *sine qua non* to effective response to the problem.
12. ILO's recent global initiatives to expand social protection should give particular attention to the specific needs of migrant workers. It would be advisable, for instance, to integrate migrant worker concerns in *National Action Plans for Decent Work* being formulated in various countries within the region. Because of their particular circumstances, contract migrant workers generally suffer serious disadvantages in terms of social security coverage. Foreign nationals may be excluded from existing schemes, or because of the temporary nature of their employment many have difficulty in meeting conditions of eligibility for some benefits particularly old age pension. Maintaining rights in the course of acquisition is well recognized as a problem of temporary migrants. For these reasons host and origin states should be encouraged to enter into bilateral or multilateral agreements on social security.
13. Women migrant workers usually experience double discrimination as women and as migrants. The growing feminization of migration and the emergence of trafficking has aggravated the situation. The ILO should develop a strategy for preventing discrimination, exploitation and abuse of women migrant workers by widely disseminating and making full use of its newly released information guide on the subject.
14. Safety and health issues for migrant workers are a major concern as they usually perform hazardous and risky jobs. Language barriers, exposure to new technology, family disruption, poor access to healthcare and stress and violence, are the specific problems faced by migrant workers leading to higher vulnerability to safety and health risks at the workplace. ILO should develop within its Safework programme activities aimed at reducing risks, and improving working conditions.
15. Official forecast indicate that the effect that by 2010 Asia could outnumber sub-Saharan Africa in terms of the number of people affected by the HIV-AIDS pandemic. Respect for fundamental rights of migrant workers could help reduce the spread of the disease and improve public health. Awareness and prevention campaigns as well as cooperation between sending and receiving countries are crucial, while mandatory screening of would be migrants is counterproductive and represents a violation of basic rights.
16. Programmes must be established for the reintegration and re-employment of returning migrants at home.