

REGIONAL SYMPOSIUM ON DEPLOYMENT OF WORKERS OVERSEAS:

A SHARED RESPONSIBILITY

Dhaka, Bangladesh, 15-16 July 2008

SUMMARY AND DIRECTIONS FOR ACTION

INTRODUCTION

The Conclusions of the ILO Fourteenth Asian Regional Meeting (2006) on Decent Work in Asia held in Busan, Republic of Korea, 29 August-1 September 2006 identified as one of the priorities for national action: *improving dialogue and the management of labour migration so as to benefit both sending and receiving countries and better protect the rights and equal treatment of migrant workers*. The Symposium has been organized in response to the priority accorded by member states to promoting dialogue on labour migration issues in the Asia Pacific region. Representatives from government agencies responsible for labour migration, employers' and workers' organizations, and representatives of the associations of recruiting agents from Bangladesh, India, Indonesia, Korea, Malaysia, Nepal, Pakistan, the Philippines, and Sri Lanka participated in the Symposium. It provided a platform for discussions on experience and knowledge gained from managing out-migration of workers from South Asia and for reviewing the relevance of ILO's Multilateral Framework on Labour Migration for the governance of migration in the region. The ILO and the Bangladesh Ministry of Expatriates' Welfare and Overseas Employment jointly organized the Symposium with support from the Swiss Agency for Development and Cooperation (Dhaka), MIGRANT, and the ILO/EU Asian Programme on the Governance of Labour Migration.

Inaugural session

Labour migration has become an important feature of the Asian economies, contributing economic value to both sending and receiving countries with total foreign currency remittances to the region estimated at US\$ 105 billion in 2007, a three-fold increase from 2000. In spite of the positive value of migration, three challenges confront the governance of migration including irregularity, recruitment costs and fraud. Migration is the backbone of many economies, contributing to new ideas and innovation, be it as part of the labour forces of a country or through remittances sent back to the countries of origin. The Swiss Development Cooperation (SDC) has defined migration as a key global issue for its work worldwide and in the regions. The World Bank has described overseas deployment of workers as one of the pillars of the globalization with trade and capital flows being the other two. It is in the interest of all to make employment procedures more

transparent and check illegal migration. Concern was also expressed about multi-layered intermediation in recruitment processes which minimize the cost of migration. Closer collaboration and partnership between countries of origin and destination is essential to effective governance of migration.

Plenary Session 1: ILO Multilateral Framework on Labour Migration and Contemporary Challenges in the Protection of Migrant Workers

This session was devoted to a presentation of ILO's Multilateral Framework on Labour Migration, to a discussion of its relevance to the challenges facing policy makers in the region, and to an exchange of views on how it can be promoted to improve the governance of migration.

The Multilateral Framework, a rights-based approach to the management labour migration adopted by an ILO Tripartite Meeting of Experts in 2005, is the centerpiece of the ILO's Plan of Action on Labour Migration. Intended to serve as a guide to the development of policies and measures which are consistent with ILO and other international principles it contains principles and best practice examples on such matters as establishing regular channels for the admission of migrant workers, curbing recruitment abuses and preventing trafficking, giving equal treatment to migrant workers and guaranteeing their basic rights, regularizing the status of the undocumented, providing social protection, enhancing migration's positive impact on development and promoting social integration.

Common themes

The Multilateral Framework recognizes the importance of coordination and consultation among all ministries and authorities involved with labour migration, takes into account not only the economic benefits of labour migration, such as remittances, but also its social costs, and emphasizes the responsibility of states to create employment opportunities at home.

Directions for action

- Countries in the region should develop labour migration policies and programmes that take into account the principles and guidelines contained in ILO's Multilateral Framework, including considering the ratification of ILO Convention No 97 and 143 and the International Convention on the Protection of All Migrant workers and members of their Families (1990). It will be particularly important to adopt those guidelines for the promotion of fair recruitment practices, promotion of safe migration of women; development of a supportive migration infrastructure and effective services to migrants; skills development of migrant workers, and ensuring migration accelerates development.

- Countries call on the ILO to support the development of national labour migration policies based on Multilateral Framework, Convention No. 97, 143 and the 1990 UN Convention on Protection of Migrant Workers and Members of Their Families.
- Promote dialogue between origin and destination countries to identify weaknesses and gaps in governance, build confidence and goodwill, and strengthen cooperation.
- Review policies, laws, and regulations in the light of evolving developments in the global labour market to ensure that they remain effective to protect the rights of migrant workers.
- Exert greater efforts to measure and quantify the social costs or benefits of labour migration so that they are better taken into account in the formulation of labour migration policies.
- Bring to attention of countries the need to raise the issues of protection of rights and welfare of migrant workers in the SAARC Summit and ASEAN Meetings, and
- Governments of sending and receiving countries should involve social partners, at both national and international levels, in migration policy development and implementation. Governments should also support bilateral and multilateral cooperation among the partners to protect the fundamental rights of migrants.

Plenary session 2: Promoting Fair Recruitment Practices for Safe and Regular Migration

This session focused on identifying key problems with recruitment and reviewing effective policies reducing the transaction costs involved in migration, preventing frauds, minimizing graft and corruption, minimizing mismatch, and controlling irregular migration was highlighted.

Common themes

Well-established regulatory mechanisms and recruitment procedures have not proven effective in curbing abuses committed especially by sub-agents. With a view to minimizing the cost of migration to the migrants, current approaches to licensing should be reviewed and assessment made of the financial and market capability of recruitment agents. Recruitment agencies need to improve pre-recruitment and pre-departure briefings and services to migrant workers and trade unions should strengthen their advocacy of the rights of migrant workers. Support from destination countries is crucial because they set labour market policies affecting the working conditions of migrant workers.

As part of the labour migration policy referred to in Plenary Session 1, the following points are suggested for immediate follow-up action.

Directions for action

- Develop a Code of Conduct for Recruitment Agencies in the SAARC countries, taking into account existing practices.
- Simplify recruitment processes by reducing layers between employers and workers, such as obtaining demand letters directly from employers, instead of intermediaries.
- Provide adequate on-site services, in particular labour attaches, to verify job offers and look after the welfare of migrant workers.
- Provide more information needed for sound decisions on overseas employment. Such information includes terms & conditions of employment; country/city/place of employment; adequate description of jobs; rights under the labour laws & regulations of destination countries; cost of migration; and the procedures and requirements for obtaining travel documents and work permits. Adoption of “model employment contracts” is particularly advisable.
- Cooperation between sending and receiving country to curb clandestine practices in both.

Plenary Session 3:

A. Promoting Safe Migration for Women

Labour migration in the region is dominated by men except few countries where women make up majority of migrant workers. However, the share of women migrants in other countries in the region is also increasing, much of it through informal and irregular channels. Trafficking of women is a serious problem.

Directions for action

- Develop gender sensitive labour migration policies.
- Remove discriminatory barriers to labour migration of women.
- Undertake advocacy campaigns at the national and local levels to recognize the economic and social contribution of female migrant workers, including domestic workers.
- Ensure that the recording of labour migration data in the region is harmonized and disaggregated by gender.

B. Migration Infrastructures and Effective Services to Migrant Workers

Directions for action

- Strengthen capacity of diplomatic missions in terms of personnel, funds and logistics to look after the wellbeing of migrant workers.
- Negotiate bilateral and multilateral agreements and engage tripartite bodies to monitor their implementation.
- Discourage outsourcing practices which have been associated with abuses.
- Take measures to stop or prevent trading in work visas.
- Establish a system for tracking early/premature termination of contracts of migrant workers.

C. Emerging Demand for Labour and Skills Training

Directions for Action

- Strengthen capacity for monitoring foreign labour market trends to identify growth sectors.
- Promote the professionalization of recruitment service providers through training and certification.
- Promote standardization and certification of skills across borders.

Plenary session 4: Migration – A Shared Responsibility of Origin and Destination Countries

Directions for Action

- Promote ethical recruitment through training and other means of action.
- Establish migrant resource centers in countries of origin and destination.
- Establish regional platform for regular dialogue on issues and problems in labour migration
- Propose private sector participation in the Global Forum on Migration and Development and in other dialogues on labour migration.
- Involve multinational corporations in promoting equal and fair treatment of migrant workers.