

Concept Note

**Regional Symposium on Deployment of Workers Overseas:
A Shared Responsibility
Dhaka, Bangladesh: 15-16 July 2008**

Background

The growth of labour mobility in the Asian region has been impressive, driven by demographic and economic factors that are likely to exert even stronger pressures in the coming decades. It is estimated that 6 million Asians cross the border every year. In South Asia, the proportion of young cohorts in the population is at a historic high and is likely to remain high for some time. The huge demand for foreign labour is likely to continue in the more dynamic economies of East Asia and the Gulf States, where large-scale investments in physical and social infrastructures are again soaring with oil prices. Widening gaps in income, declining cost of transport and communications, and state policies that encourage the movement of labour have all contributed to creating a huge market for employment intermediation in the region serviced mostly by the private sector.

While labour migration has no doubt significantly contributed to alleviating poverty and stabilizing the less developed sending countries of the region, and to sustaining economic growth in the host countries, they pose enormous challenges. Because of the large transactions costs associated with regular migration and poor enforcement of the laws, in many countries substantial movements go through irregular channels. Proximity and porous borders compound these difficulties. The scale of the movements, in many cases, has also overwhelmed the capacities of national institutions. There is a large deficit in the protection of migrant workers, not so much in terms of legal rights, but in the enforcement of these rights. Excessive fees paid by workers for recruitment, confiscation of the workers' travel documents by employers or sponsors, violation of employment contracts in the form of delayed payment of wages, long working hours, inadequate provision for the safety of workers in work sites, overcrowded housing, physical harassment and many others, are common features of the contemporary migration phenomenon in Asia.

Since there are few agreements between the origin and the destination states for joint-management of migration, deployment has usually been left in the hands of commercial intermediaries or job brokers. Regulation took the form of licensing private job brokers, and regulating fees, the type of jobs they can fill, the countries to which they are allowed to place workers, the conditions of employment contained in their contracts, and the hiring of women especially those in the very young ages. Some destination countries bar foreign recruitment agents from dealing directly with the employers, and have to deal with local recruiters, adding another layer of intermediation which inevitably raises costs for the workers as well as for the employers. High costs of going to Taiwan (China) and to the Gulf States are often blamed on such double-layered intermediation. Over the past two decades governments of origin countries in the region have tried many approaches to regulating recruitment, with mixed results. There is great value in sharing such experiences on effective policies more widely, particularly to policymakers and administrators.

Migration in the South Asia region has some distinctive characteristics from migration in Southeast and East Asia. The bulk of migrant workers from South Asia are low-skilled and destined mainly to the Gulf countries. There are also large informal and undocumented movements within South Asia– from Nepal and Bangladesh to India and Pakistan, and from Afghanistan to Pakistan and Iran. While movement across borders from India to Nepal is legal, most of the other movements take place in an informal and irregular manner, and trafficking of women and children across borders is a common problem, giving rise to major protection problems. Southeast Asia (Malaysia and Singapore) and East Asia (Republic of Korea) are also sources of demand for low- and high-skilled workers

The ILO non-binding Multilateral Framework on Labour Migration offers valuable guidelines on how origin and destination countries can manage migration more effectively through policies and measures which are consistent with ILO and other international principles. The Framework also highlights the role that can be played by employers' and workers' organizations in promoting sound policies on migration and in protecting the rights of migrant workers. The ILO Private Employment Agencies Convention, 1997 (No.181) recognizes the important role played by the private recruitment industry side by side with public employment services, and provides detailed guidelines for their supervision and regulation. (See Principle 13 of the ILO Multilateral Framework on Labour Migration). The ILO has recently developed a *Guide to Private Employment Agencies: Regulation, Monitoring and Enforcement*¹. The Regional Office for Asia has also recently undertaken a number of studies on the performance of recruitment agencies in Asian countries which can serve as valuable resource material for improving their services.

The Conclusions of the ILO Fourteenth Asian Regional Meeting (2006)² 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 proposed Symposium contributes to this priority and also forms part of other ILO programmes in the field of migration in the region, particularly in South Asia. Other programmes include the Symposium on *Managing Labour Migration in East Asia: Policies and Outcomes* in Singapore (16-18 May 2007), the ACTRAV/ITC Turin *Trade Union Training on Migrant Workers Rights & Promotion of Social Protection* held in Jakarta, Indonesia during 20-24 August 2007, and the ILO-NTUC Subregional workshop for the protection of migrant workers through networking trade unions (26-28 September). It also takes into consideration the Abu Dhabi Declaration issued by the Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia³, and the Recommendations of the UAE-ILO Gulf Forum on Temporary Contractual Labour, held during January 23rd & 24th 2008.

In the light of above considerations, the ILO Office in Dhaka is collaborating with the Bangladesh Ministry of Expatriates' Welfare and Overseas Employment in organizing a

¹ <http://www.ilo.org/public/english/employment/skills/download/peaguide.pdf>

² Conclusions of the ILO Fourteenth Asian Regional Meeting (2006) on Decent Work in Asia: Conclusions of the, Busan, Republic of Korea, 29 August-1 September 2006

³ Abu Dhabi Declaration, Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia, "Abu Dhabi Dialogue", Abu Dhabi, 21-22 January 2008
http://www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/brochures_and_info_sheets/abu_dhabi_declaration_eng.pdf

tripartite regional Symposium to focus on the experience and knowledge gained from prevailing systems of out-migration, mainly in South Asia, and drawing upon ILO initiatives in the region and the ILO Multilateral Framework on Labour Migration. The Ministry is keen on establishing promoting collaboration with other labour source countries, and also promoting a SAARC agenda on the issue of labour migration. The Symposium is being undertaken in close collaboration with the Swiss Agency for Development and Cooperation (Dhaka) and the ILO/EU Asian Programme on the Governance of Labour Migration project, which provide technical guidance and financial support.

The Symposium

The ILO is collaborating with the Bangladesh Ministry of Expatriates' Welfare and Overseas Employment in organizing a regional Symposium at Dhaka Sheraton Hotel, Dhaka, Bangladesh on 15-16 July 2008 on the "Deployment of Workers Overseas: A Shared Responsibility" for selected countries in Asia.

Objectives

The Symposium aims for the following:

- Discussion of labour migration policies in the region, with particular focus on recruitment, the scope for state policies, private sector initiatives to influence practices and their outcomes, and their impact on cost of migration and on conditions of employment.
- Exchange and sharing of best practices on equipping workers with skills for work in foreign countries, attending to their needs for various on-site services, monitoring their conditions, and responding to emergencies.
- Discussion of cooperation mechanisms between origin and destination countries with a view to providing more effective protection for migrant workers.

It is expected that the Symposium will

- Facilitate the development of more effective and efficient migration management systems in labour sending countries that promote safe and regular labour migration.
- Contribute to further development of recruitment practices and labour migration management in South Asia.

Issues for Discussion

The Symposium will address the following topics:

- Recent developments in labour migration policies as it relates to the ILO Multilateral Framework on Migration
- Fair Recruitment Practices for Safe and Regular Migration
- Promoting Safe Migration for Women
- Migration Infrastructures and Effective Services to Migrants
- Emerging Demand for Labour and Skills development
- Cooperation mechanisms between origin and destination countries

Output

It is expected that a set of recommendations, as part of the proceedings, will be made on the basis of which specific follow up activities can be undertaken by the participating countries in the interest of an improved system of migration for the benefit of all concerned.

A working group will be established at the start of the Symposium which will be responsible for preparation of the recommendations with the support of the organizers.

Organization and Participation

Participation will be by invitation. The selection of countries from the Asia and Pacific Region is based on the importance of and experience with labour migration in the respective countries and is planned to reflect the very wide spectrum of experience, with particular emphasis on South Asia. Additionally, a few countries representing key receiving states in both the Middle East and Asia and Pacific will be invited.

The proposed list of nine countries comprises Bangladesh, India, Indonesia, Malaysia, Nepal, Pakistan, Philippines, Sri Lanka and UAE. Representatives from the government agency responsible for labour migration, and those representing the association of recruiting agents, will be invited from each of these countries. Invitations to employers' and workers' organizations will likewise be extended following normal procedures.

Governments are encouraged to nominate heads of services responsible for formulating and administering policies on labour emigration or immigration. They are expected to come from different ministries as the assignment of the responsibility for labour migration management varies from one country to another. Migration researchers from three countries within the region will be invited to present the experiences of their countries in selected areas of migration. Their presentations are expected to provide objective indicators of policy impact. Their presentations, together with the reflections of policy makers and administrators on how they perceived the problems, constraints, and opportunities, should serve as a good basis for drawing lessons for policy improvements.

Materials

Documents deemed useful background materials for the Symposium will be emailed to participants before the Symposium dates.