

ASEAN Forum on Migrant Labour (AFML)

Introduction

11th AFML Preparatory meeting

TRIANGLE in ASEAN

ILO Regional Office for Asia and the Pacific





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1. Introduction to ASEAN Forum on Migrant Labour (AFML)

- The ASEAN Forum on Migrant Labour is an **regional platform** that gathers annually since 2008 to **discuss, share experiences, and build consensus** on the protection of migrant workers issues.
- It is carried out in a **tripartite nature** with additional involvement of **civil society organizations (CSO)**. Each year, the AFML process involves:
 - National preparatory meetings;
 - Preparatory meetings of employers' organizations, workers' organizations and CSOs, and post-AFML meetings; and
 - Regional AFML meeting hosted by the ASEAN Chair.
- AFML adopts **recommendations** to advance the implementation of the 2007 **ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers** (Cebu Declaration).



1. Institutional set-up of the AFML

- Since 2009, the AFML is institutionalized as a regular activity under the **ASEAN Committee on Migrant Workers (ACMW)** Work Plan.
- The ACMW was established in 2007 to be responsible for the implementation of the Cebu Declaration.
- ACMW falls under the **ASEAN Socio-Cultural Pillar**, and reports to the Senior Labour Ministers Meeting (SLOM).
- The AFML is hosted each year by the ASEAN Member State that holds the Chair of the ASEAN and the ACMW that year.
- AFML process is supported by the Governments of Canada and Australia through ILO's **TRIANGLE in ASEAN programme**, and by IOM and UN Women.



2. AFML Themes: 10th AFML 2017

- Each AFML carries a **theme** and **sub-themes**, selected from the obligations outlined in the Cebu Declaration, or other topics of mutual interest.
- Last year, theme of the 10th AFML hosted by the Government of Philippines was **“Towards Achieving Decent Work for Domestic Workers in ASEAN”**.





10TH ASEAN FORUM ON MIGRANT LABOUR

24-26 OCTOBER 2017

SERRAVALLO PHILIPPINE PLAZA HOTEL
PASAY CITY, MANILA





2. AFML Themes: 11th AFML 2018

- This year, the 11th AFML will be hosted by the Government of Singapore on 29-30 October 2018.
- Theme of the 11th AFML is “**Digitalisation to Promote Decent Work for Migrant Workers in ASEAN**”.
- Sub-themes are:
 - Digitalisation of migrant labour management**, and
 - Digital services to migrant workers**.
- This year’s theme aligns with Singapore’s overall 2018 ASEAN Chairmanship theme of “**Resilience and Innovation**”.



2. AFML Themes (1/2)

| 1 st | Manila, Philippines | 24-25 April 2008 | Institutionalization of the AFML |
|-----------------|----------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 2 nd | Bangkok, Thailand | 30-31 July 2009 | ASEAN declaration on migrant workers: Achieving its commitments |
| 3 rd | Ha Noi, Vietnam | 19-20 July 2010 | Awareness and information services to protect the rights of MWs |
| 4 th | Bali, Indonesia | 24-25 October 2011 | (a) Public information campaigns and (b) return and reintegration |
| 5 th | Siem Reap, Cambodia | 9-10 October 2012 | Effective recruitment practices and regulations |
| 6 th | Bandar Seri Begawan, Brunei Darussalam | 26-27 November 2013 | Enhancing protection of MWs through (a) data sharing and (b) access to legal support services, including complaints mechanisms |



2. AFML Themes (2/2)

| 7 th | Nay Pyi Taw, Myanmar | 20-21 November 2014 | Measures to protect and promote the rights of MWs (a) employment and working conditions and (b) coordination |
|------------------|---------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------|
| 8 th | Kuala Lumpur, Malaysia | 26-27 October 2015 | Protection and promotion of the rights of MWs (a) OSH and (b) labour inspection |
| 9 th | Vientiane, Lao PDR | 9-10 November 2016 | Strengthened social protection for MWs |
| 10 th | Manila, Philippines | 25-26 October 2017 | Towards Achieving Decent Work for Domestic Workers in ASEAN |
| 11 th | Singapore | 29-30 October 2018 | Digitalisation to Promote Decent Work for Migrant Workers in ASEAN |

3. AFML recommendations and their follow-up

- Total **134 Recommendations** have been adopted at the 3rd-10th AFMLs since 2010.
- Monitoring of implementation of these recommendations is currently done by the ILO through development **biennial progress review papers**.
- These background papers summarize the **activities, experiences, good practices and challenges** of various stakeholders in implementing AFML Recommendations.
- ✓ **ACMW is planning to develop its own monitoring and evaluation system on a voluntary basis (ACMW work plan 2016-20).**





3. AFML recommendations and their follow-up

- This year, for development of the **Progress review background paper for the 11th AFML**, the ILO has grouped the AFML recommendations into **eight clusters** (Clusters A-H)
 - A. Information dissemination, pre-departure orientation, post-arrival orientation and support services targeting migrant workers, potential migrant workers and their families
 - B. Fair recruitment
 - C. Providing decent working conditions
 - D. Facilitating access to redress mechanisms and support services
 - E. Effective return and reintegration strategies
 - F. Public education campaigns
 - G. Collecting, sharing and analysing labour migration data
 - H. Multi-lateral and multi-stakeholder cooperation, collaboration, information exchange: regional, subregional, and cross-sectoral interventions



3. Clusters – Progress review background paper

- For examples, total **21 recommendations** from 3rd, 4th, 5th, 6th, 7th, 8th and 10th AFMLs address **access to redress and support services** (Cluster D).

| D. Facilitating access to redress mechanisms and support services | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22. Access to complaint mechanisms, including administrative, judicial and alternative dispute settlement 23. Legal support services and one-stop <u>centers</u> 24. Labour attaché and consular support services 25. Inter-country collaboration between trade unions in handling complaints cases 26. Right to stay | | |
| 3rd | 3 | Provide accessible channels for women and men migrant workers to report and seek redress for violations of rights and terms and conditions of employment, and promote the implementation of the national legislation and international commitments. |
| 3rd | 4 | Strengthen and raise the visibility of labour attachés and consular staff in collecting and providing information, and responding to rights violations against women and men migrant workers. This should be achieved through close engagement with the migrant community and employers, and in cooperation with authorities of the host countries. |
| 4th | 16 | Provide access to legal support and essential services , including consular services , for migrant workers and members of their families; |
| 5th | 17 | Establish effective complaint mechanisms in ASEAN Member States that should be widely disseminated to and accessible by migrant workers with legal aid and assistance; |
| 6th | 9 | Develop and strengthen the existing complaint mechanisms for migrant workers in ASEAN Member States that are transparent, accessible and simplified during recruitment, employment and in case of termination and deportation. In this regard, it is important to ensure that the integrity of complaints be carefully examined |
| 6th | 10 | Ensure that complaint mechanisms are gender sensitive and responsive to the vulnerability of migrant workers |
| 6th | 11 | Support the development of “one-stop” service centre for migrant workers that among others, facilitate access to complaint mechanisms and assistance , including interpretation and free legal counselling/referral , in collaboration with all stakeholders including migrant communities, workers’ and employers’ organizations, and CSOs to ensure that the service are accessible to migrant workers |
| 6th | 12 | Ensure that information of the availability of such service centres and complaint mechanisms is disseminated to migrant workers and their families through appropriate communication channels, such as, electronic and print media, migrant workers resource centres, information outreach programmes, pre-departure trainings, pre-employment orientation seminar, and diplomatic missions; |
| 6th | 13 | Ensure and strengthen the roles of labour attachés, embassies, and consular officials to include support services on availing of |



3. Questionnaire – Progress review background paper

- **Five questions** on access to redress and support services have been included in questionnaire to capture progress against these 21 recommendations.

| D. Facilitating access to redress mechanisms and support services | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Initiatives reported in 9 th AFML review paper in 2016) | |
| <p>23. Access to complaint mechanisms, including administrative, judicial and alternative dispute settlement</p> <p>What new initiatives have been implemented in your country to strengthen migrant workers access to complaint mechanisms (including administrative, judicial and alternative dispute settlement)?</p> <p>Please provide one most relevant example.</p> <p>Complaint mechanism initiatives may be, for example:</p> <ul style="list-style-type: none"> • Provision of accessible channels for women and men migrant workers • Access for migrant workers family members • Gender sensitive and responsive to the vulnerability of migrant workers • Information dissemination to | <p>The regulatory frameworks for receiving and processing migrant worker complaints are provided in the 2014 AFML background paper. In summary, the Industrial Relations Act of 1967 provides parameters for regulating <u>labour</u> relations between employers and employees and their trade unions. For breaches of the terms and conditions of employment, workers can lodge a complaint with the Labour Department; and for cases of unlawful dismissal, objections can be registered with the Industrial Relations Department. OSH-related complaints are also <u>channelled</u> through DOSH by employers' associations and trade unions. The Government has established a 24-hour SMS helpline for <u>labour</u> disputes.</p> <p>An ILO (2016) review of Malaysian <u>labour</u> migration policies highlighted the difficulties <u>in</u> registering grievances. Cases may take up to six months to resolve, by which time many migrants have returned home. Because the legal process often does not function effectively for migrant workers, service providers report that most migrant complainants rely on direct negotiation with employers to attempt to resolve their</p> | <p>Have new developments taken place since 2016?</p> <p><input type="checkbox"/> No.</p> <p><input type="checkbox"/> Yes, please provide details:</p> <ol style="list-style-type: none"> 1) What is the initiative about? 2) Who are the organizations responsible for implementation? 3) Where is it implemented? 4) What results have been achieved? |



3. Process – Progress review background paper

- The questionnaire has been distributed to **governments** (ACMW focal points), **employers' organizations**, **workers' organizations** and **CSOs** in all 10 ASEAN Member States.
- We look forward to information on **activities, experiences, good practices and challenges** in implementing AFML Recommendations, with focus on new initiatives implemented **since January 2016**.
- Please email filled-out survey to:
 - Anjali Fleury, Technical Officer, TRIANGLE in ASEAN (fleurya@ilo.org)
 - Charlotte Junghus, Consultant, TRIANGLE in ASEAN (junghus@iloguest.org).
- We thank you in advance for participating in the survey!



Thank you!

TRIANGLE in ASEAN
ILO Regional Office for Asia and the Pacific



Canada 

 +662 288 1234

 +622 288 3062

 BANGKOK@ilo.org

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