



Joint Statement of the ASEAN Trade Union Council and the ASEAN Confederation of Employers on the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers

4-5 April 2019

Hotel Jen, Manila, The Philippines

Introduction

The Second Joint Meeting of the ASEAN Trade Union Council (ATUC) and the ASEAN Confederation of Employers (ACE) was held on the 4-5 April 2019 at Hotel Jen, Manila, The Philippines, supported by the ILO's ACTRAV, ACTEMP and TRIANGLE in ASEAN programme, implemented in partnership with the Australian Department of Foreign Affairs and Trade (DFAT) and the Government of Canada (GAC). Regional and national representatives of the ATUC and the ACE from 10 ASEAN Member States attended the meeting.

Preamble

The ASEAN Trade Union Council (ATUC) and the ASEAN Confederation of Employers (ACE):

Acknowledge the importance of labour migration in ASEAN and the economic and social development that migrant workers and their employers contribute to countries of origin and destination. Labour migration in the region generates substantial benefits for countries of destination in terms of meeting the human resource requirements of the labour market, and for countries of origin remittances and skills upgrading.

Note that despite the positive experiences that can and should be cited, migration is still too frequently associated with unfair labour practices;

Recognize the importance of ensuring the realization of Sustainable Development Goals (SDGs), promoting decent work for all, and advancing social justice, including respect for the fundamental principles and rights at work.

Reaffirm the value of tripartism and social dialogue as a means to achieve better governance of labour migration.

Welcome the adoption of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN Consensus), and acknowledge its value in guiding the ASEAN Member States in developing labour migration governance frameworks that will help harness the benefits of labour migration to economies and societies in countries of origin and destination within ASEAN.

Recognize the benefits of transparent, predictable, stable and effective rules-based governance of labour migration in the protection and promotion of rights of both migrant workers and their employers, and in preventing unfair treatment and unfair competition and distortion in the labour markets.

Appreciate the flexible and non-binding nature of the ASEAN Consensus that allow its national level implementation to respond to the different priorities and levels of development among ASEAN Member States.

Regret that the ASEAN Consensus, and its Action Plan 2018-2025, were developed in the absence of the benefit of social dialogue, as inputs by workers' and employers' organizations are crucial for its successful implementation at regional and country level.

Note the importance of improving migrant workers' access to social protection and skills recognition, which were not substantially reflected in the ASEAN Consensus.

Call for continued support from the ILO in building capacity of both national and regional employers' and workers' organizations, sharing best practices across countries and providing technical assistance, as needed.

Call for concrete measures, including legal and policy revisions at national level, to put principles of the ASEAN Consensus into practice.

ATUC and ACE hereby recommend the ASEAN Committee of Migrant Workers (ACMW) and Governments of ASEAN Member States to:

1. Engage ATUC and ACE in dialogues with the ACMW in planning and implementation of the ASEAN Consensus and its Action Plan 2018-2025.
2. Strengthen tripartite social dialogue mechanisms in the formulation and implementation of laws, policies and programmes to realize the ASEAN Consensus principles and commitments at national level.
3. Allow tripartite participation in monitoring and evaluating implementation of the ASEAN Consensus and its Action Plan at national level.

ATUC and ACE, and their national affiliates, agree to work jointly on the following priorities:

4. Jointly lobby governments on key priority issues, including:
 - a. Implementation of pre-departure and post-arrival orientation;
 - b. Strengthening reintegration of returning migrant workers;
 - c. Reducing recruitment fees and related costs for both migrant workers and employers;
 - d. Speeding up implementation of skills certification and mutual recognition to respond to the needs of the labour market;
 - e. Ensuring migrant workers access to social protection and enable portability of benefits;

- f. Ensuring migrant workers' access to passports and personal documents;
 - g. Ensuring migrant workers' freedom of movement; and
 - h. Formulating and implementing at national level effective laws and policies on labour migration governance, accompanied with labour inspection and accessible dispute settlement mechanisms.
5. Jointly promote services to migrant workers and their employers in priority areas, including:
- a. Implementing pre-departure and post-arrival orientation programmes;
 - b. Raising awareness of migrant workers and their employers on their rights and responsibilities,
 - c. Facilitate access to support services and grievance mechanisms;
 - d. Collect and disseminate good practices on the recruitment and employment of migrant workers; and
 - e. Support reintegration of returning migrant workers.
6. Continue the joint dialogues between ATUC and ACE, with rotating hosting.