

## Regional workers' preparatory meeting recommendations<sup>1</sup>

### 15th ASEAN Forum on Migrant Labour

#### “Resumption of Labour Migration and Regional Cooperation”

18 October 2022

#### Sub theme 1 “Economic Recovery and Labour Migration”

1. Promote job-rich, inclusive, sustainable economic growth and recovery to improve the availability of employment at home and reduce adverse drivers of labor migration. Pilot a sectoral approach (e.g., tourism, agriculture, retail, digital trade) and focus on supporting the recovery and expansion of such sectors. Decent work in those sectors should be a pre-condition for supporting them.
2. Review or strengthen laws, policies, and regulations to help workers, including migrant workers and their families, cope with the pandemic and similar crises. Inclusive social protection measures are necessary to mitigate the negative impacts on workers and their families in the event of a pandemic, climate event, or other natural and artificial disasters.
3. Expand services, including skills development, recognition of prior learning, job matching, and similar support, provided to migrant returnees to facilitate their reintegration. Women, LGBTQIA+, and returnees with disabilities should receive equal access to such support. Evaluate reintegration programs to measure their effectiveness.
4. With stakeholders' participation, conduct skills need assessment and mapping in host countries and design market-responsive training, re-training, and upskilling curricula, emphasizing digital and technology skills. Establish a collaboration framework on skills development between countries of destination and origin.
5. Protect migrant workers from transnational organized crime and ensure safe migration by streamlining and simplifying migration processes and repealing gender-based restrictions to encourage regular migration channels and accessibility for migrant workers.

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<sup>1</sup> ATUC and the workers' organizations opted to be observers at the start of the 15th AFML due to the objection by the Myanmar de facto authorities of the nomination of CTUM as a workers' organization representing workers in Myanmar and the nomination to replace them with Myanmar Seafarers Federation (MSF). CTUM was nominated by the ILO Governing Body to be the workers' representative in the 15th AFML, a process which had been approved in the past except in the 14th and 15th AFMLs.

- Replicate rights-based government-to-government (G2G) recruitment schemes and include stakeholders in (re)negotiating bilateral agreements.
- Direct recruitment by employers through alternative means with proper guidance and government oversight could streamline the recruitment process and result in better skills matching and reduced or zero migration costs. ASEAN could provide the appropriate framework and platform in consultation with social partners and other stakeholders.

6. Fastrack mutual recognition, especially of low and medium skills, and labor mobility framework to reduce the vulnerability of migrant workers with such skills. Support the establishment of work permits where migrant workers can legally change employers across sectors or eliminate employer-based work permits or visas.

## **Sub-theme 2. Rights protection to maximize development impacts of labour migration**

7. Review laws and policies to provide equal treatment and improve migrant workers' labor protection (social protection, job security, wage protection, minimum wage coverage, conditions of work, OSH) focusing on uncovered or disadvantaged sectors such as domestic work, agriculture, and the informal sector.

- Include migrant workers in social protection measures equally as citizens and not on nationality, citizenship, or immigration status. Establish or strengthen non-discrimination measures against migrants who have contracted COVID-19.
- Create a welfare fund to protect migrant workers in the event of unemployment, sickness, legal support, and other contingencies. However, the fund creation should not result in higher costs for migrant workers, and its management should be transparent with the involvement of key stakeholders.
- Establish portability of social security benefits which are available for migrant workers wherever they are. Negotiations of social security agreements between or among countries should be transparent and include key stakeholders.

8. Reinforce the promotion of fair recruitment practices across national borders. These include enforcing and reviewing applicable laws against illegal recruitment and other unfair practices and establishing a digital recruitment and placement governance framework.

- Prohibit charging of recruitment fees and costs, including expenses related to COVID-19 testing, vaccination, and quarantine, on migrant workers
- Eliminate recruitment fees and related costs to migrant workers. Create a directory of non-fee charging recruitment/placement agencies for broader dissemination in migrant communities using innovative approaches

9. Expand access to justice for migrant workers with wage claims and experiencing labor rights and recruitment violations, and gender or disability discrimination, including cross-border claims upon return.

10. Strengthen labor attaché and consular support services to migrant workers through embassies in destination countries. Enhance contacts with organizations providing legal support, counseling, and shelter for migrant workers.

11. Respect, promote, and realize the Fundamental Principles and Rights at Work which now includes a safe and healthy working environment as the fifth category of rights. ASEAN Member States have an obligation to respect, promote and realize the principles concerning the fundamental rights, whether or not they have ratified the relevant Conventions.

12. National laws and policies should not restrict the right of migrant workers to portable trade union membership (a right enjoyed by migrant workers wherever they are and established by a joint affiliation to ATUC, for example, and MOUs between unions) by not denying or limiting:

- The right of migrant workers to join or remain members of the trade unions in their home countries, regardless of temporary cessation or status of employment in their countries of destination, and
- The right of migrant workers to be represented by unions in destination countries on matters arising from their employment and status as migrant workers.