

GMS TRIANGLE Project Update: January 2015

The **Tripartite Action to Protect the Rights of Migrants Workers within and from the Greater Mekong Sub-region** (the GMS TRIANGLE project) aims to strengthen the formulation and implementation of recruitment and labour protection policies and practices, to ensure safer migration resulting in decent work. The project is operational in six countries: Cambodia, Lao People's Democratic Republic, Malaysia, Myanmar, Thailand and Viet Nam. In each country, tripartite constituents (government, workers' and employers' organizations) are engaged in each of the GMS TRIANGLE project objectives - strengthening policy and legislation, building capacity of stakeholders and providing services to migrant workers. These goals are interdependent, with policy advocacy and capacity building activities driven by the voices, needs and experiences of workers, employers and service providers.

The GMS TRIANGLE project is moving into the final stages of implementation, during which efforts will be directed to ensuring sustainability of the interventions and reflecting on the overall impact of the project. End line surveys and a final independent evaluation are currently being planned, for release to coincide with the conclusion of the project in May 2015. Several reports, including on the operation and effectiveness of the Memoranda of Understanding for regular movement of migrant workers to Thailand, safe migration knowledge, attitudes and practices among potential migrants in Myanmar and complaints processes in Viet Nam will add to the body of knowledge on labour migration in the region.

Despite this focus on durable and long-term impact of the project, activities under all objectives of the project are also continuing. Support to migrant workers through Migrant Worker Resource Centres (MRCs) is ongoing, additional technical comments on draft legislation are anticipated and capacity building of governments, workers' and employers' organizations is being maintained. The project is broadly sharing experiences on the design, delivery and institutionalisation of capacity building tools for tripartite constituents and delivery of services to migrant workers to ensure sustainability of project interventions.

Key Achievement under Objective 1

Migrant recruitment and labour protection policies strengthened, reflecting the interests of tripartite constituents and gender-specific concerns.

The provision of support services to more than **51,734** migrants, potential migrants and family members, indicates the project's success, greater than double the target of 25,000 beneficiaries. More individuals have been reached through outreach, communication, mass media, consultations, and workshops (as distinct from capacity building or individual counselling) are in addition to this figure. Recent events for International Migrants Day in late December, for example, reached over 2,500 people.

Strengthening labour protection policies for men and women migrant workers

GMS TRIANGLE consistently advocates for tripartite consultation and involvement in legislative and policy drafting, an ILO mainstay that has shaped successful policy outcomes over the life of the project. As stakeholders have become more accustomed to the diversity of views heard in drafting stages, labour migration governance systems are increasingly being driven by rights-based principles. Where necessary or persuasive, GMS TRIANGLE also highlights the economic argument for better management of migrant workforces and the economic development opportunities derived from robust remittance investment in countries of origin.

The economic argument has been especially helpful in countries of destination, where ILO advocacy with Malaysia (on the consideration of migrant workers' issues within the 11th Malaysia Plan, a key policy document) and Thailand (on the strengthening of the fishing industry through improving labour practices and

ensuring a regularized workforce) has highlighted how the health and productivity of certain sectors is at least partially reliant on migrant workers.

Recent reports in Thai media indicated that the revised Ministerial Regulation No. 10 on work in fishing has been passed, but is not yet gazetted. The revised Ministerial Regulation applies to all vessels regardless of size or time spent outside Thai territorial waters and mandates a new minimum age of 18 years old, regular rest hours and written contracts for all fishers. The ILO provided extensive input to the drafting process and ongoing advocacy for the passing of the regulation. The new standards will have an immediate impact on labour inspection in the fishing industry and will shape the development of good labour practices in years to come.

In sending countries, the continued development of policies and regulations to better protect migrant workers is being supported. In Lao PDR, the project is supporting an update of the Emigration Procedures Manual for Three Ministries in light of new immigration regulations and the new Labour Law. In Viet Nam, a broader legal review is being undertaken with a view to assessing the readiness of the country for ratification of the ILO's Migrant Workers (Supplementary Provisions) Convention (No.143). In Myanmar, the laws and regulations governing migrant labour are being considered within a review of the entire labour law, a process that is being supported by the ILO.

To mark International Migrants Day on 18 December 2014, the Labour Migration Policy for Cambodia 2015-2018 was launched at an event organized by the Ministry of Labour and Vocational Training with assistance from GMS TRIANGLE project. In the lead up to the launch, the GMS TRIANGLE project supported the third consultation workshop on the development of the Policy which encouraged input from tripartite and civil society stakeholders on 16 October and provided extensive drafting assistance. The new policy builds on achievements and gaps from the previous policy and includes significant attention to monitoring and evaluating implementation.



Young Thai sends a message of hope and solidarity to migrant fishers © ILO 2014

The cooperation with the Cambodian Ministry of Labour and Vocational Training on the development of *prakas* (ministerial orders) remains productive. With support from GMS TRIANGLE, the Ministry along with social partners has been developing a *prakas* around the use of private recruitment agencies' guarantee deposit. The GMS TRIANGLE project has technically supported the MOLVT to finalize the *prakas* and will provide further assistance to develop an operational annex to the *prakas* outlining detailed procedures of withdrawal of the Guarantee Deposit in terms of process and delegation. The trust in the GMS TRIANGLE partnership was further demonstrated when the Ministry specifically requested GMS TRIANGLE's support to develop a checklist for labour inspectors to use for inspection, reward and penalty and ranking of Private Recruitment Agencies.

In all GMS TRIANGLE project countries, staff and stakeholders facilitated national preparatory meetings ahead of the ASEAN Forum on Migrant Labour, held in Nay Pyi Taw.

Publicising a positive image of migrant workers

The project has continued to increase efforts on garnering positive coverage of migrant workers in Thailand and Malaysia, where the *Saphan Siang* (Bridge of Voices) and *Migration Works* campaigns are run. Public art events were held in both countries.

During the first **4.5** years of the GMS TRIANGLE project:

2,259 government officers have received training at national level.

41% of those trained at national level are women.

9,020 public officials from the local level have received training.

32% of those trained at local levels are women.

In 2014, **20** civil society organizations have been supported in providing services to migrant workers and building capacity.

From 16 – 21 December, the *Saphan Siang* campaign celebrated International Migrants Day at the Bangkok Arts and Culture Centre (BACC). An exhibition focusing on the voices of migrant workers in the fishing sector was displayed and was seen by over 1000 people. A reception event was held for key stakeholders and included a panel discussion on ‘Making Migration Fairer,’ with participation from employers, migrant workers, *Saphan Siang* Youth Ambassadors and civil society representatives. The reception event also served as the launch of new *Saphan Siang* materials, including a video that aims to challenge mistruths about migrant workers in Thailand and featuring a Thai celebrity. These events were made possible due to cooperation and collaboration between the GMS TRIANGLE project and other UN agencies and international organisations.

From 6 - 13 December, in conjunction with International Human Rights Day and the UN’s celebration of Human Rights Week, the Migration Works campaign held a week long art exhibition titled ‘Journey of Hope’ showing the experiences of migrants at the workplace and in society. The exhibition was shown at various venues in Kuala Lumpur and raised awareness of the contribution of migrants to the economy.

These campaigns continue to be a vital part of efforts to change attitudes and drive public demand for legislative and policy change in destination countries.

Promoting normative standards and exploring the links between migration, fair recruitment, human trafficking and economic empowerment

Since the adoption of the new Protocol to supplement the ILO’s Forced Labour Convention (No.29), increased attention has been paid to the connection between migration and forced labour. The GMS TRIANGLE project has been actively participating in the ILO and IOM joint efforts to realise the Fair

Recruitment Initiative, including participating in a regional workshop. The project is also involved coordinated efforts with the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP) to explore the labour dimensions of human trafficking at the ASEAN level, by bringing together the key ASEAN bodies to discuss the links between migration for work and human trafficking, with a view to generating a more holistic approach to these issues at the regional level. GMS TRIANGLE has also developed a proposal for cooperative activities with UN Women on their project that aims to combat exploitation of women migrant workers to allow them to fully realise the economic opportunities offered by migrant work.

Key Achievement under Objective 2

Capacity of tripartite constituents enhanced to close the gap between intention and implementation of national policies, bilateral agreement and regional commitments related to the recruitment and protection of female and male migrant workers

Strengthening protection for migrant workers by improving implementation of policy and legislation

GMS TRIANGLE has developed a results assessment framework that examines the success of capacity building objectives, and has been bolstering the impact of trainings conducted with refresher efforts and 'on the job' follow up. A refresher training for officials in Lao PDR on the Emigration Manual for Three Ministries was held at the request of the Ministry of Labour and Social Welfare.

In Thailand, the training of all labour inspectors from 22 coastal provinces involved with inspecting fishing boats and the seafood processing industry recently concluded, but the outcomes of this training will be monitored through collection of data on the number of inspections and the number of orders made to remove children or those working in forced labour. A further metric to assess the impact of capacity building and training will be the number of complaints received by the Ministry of Labour and Vocational Training in Cambodia, where a quantitative and qualitative examination of the complaints mechanism has commenced.

Expanding self-regulation

GMS TRIANGLE continues to advocate for industry self-regulation as part of healthy businesses and corporate social responsibility and significant achievements have been seen in recent months. On 19 December on the occasion of International Migrants Day, the Malaysian Employers' Federation launched the Guidelines on the Recruitment and Employment of Migrant Workers were launched jointly with the GMS TRIANGLE project. The Guidelines provide a comprehensive picture of the results of an employer survey and recommendations for employers on how to maintain regular status for their employees. Interest from major buyers has already been indicated in using these Guidelines.

In Thailand, the National Fisheries Association of Thailand (NFAT) has been actively involved in the development of the Good Labour Practices (GLP) guidelines that are now moving into the final stages before institutionalisation and implementation. A workshop to develop the 'roadmap' to adoption of the GLP was held and GMS TRIANGLE project staff are working on the finalization of the guidelines. Capacity building activities and monitoring mechanism are key areas for future activities to ensure the realisation of the goals of the GLP.

Efforts in the fishing and seafood processing industry have been especially successful recently, reflecting the groundwork laid by the GMS TRIANGLE report on Employment and Working Conditions published and increased media attention. The first Code of Conduct training for vessel owners and skippers of fishing boats was held and all participants were keen to participate, even requesting that visits and follow up be arranged to provide support on the application of the Code.

In Viet Nam, the Vietnamese Association of Manpower Supply (VAMAS) voluntary Code of Conduct (CoC-VN) continue to expand monitoring and evaluation companies signed up to the code. Expansion is also underway, with ten additional recruitment agencies being monitored jointly by VAMAS and the

During the first **4.5** years of the GMS TRIANGLE project:

32,547 women and men in Cambodia, Lao PDR, Myanmar and Viet Nam have received counselling, information education or training on safe migration and rights at work.

19,187 migrants in Malaysia and Thailand have received counselling, information or training on safe migration and rights at work.

US\$1.2 million has been ordered as compensation for underpayment or accidents suffered in the workplace for migrant worker complainants

41% of project beneficiaries for whom gender was recorded, are women.

VGCL. The monitoring involves interviewing pre-departure and returned migrant workers, visits to recruitment agencies and observing pre-departure training delivery.

Pre-departure training curricula have been shared with recruitment agency and government trainers at training-of-trainer workshops in Cambodia, Lao PDR, Myanmar and Viet Nam, realizing several years of consultative work on developing, refining and designing these curricula. These major sending countries have all encouraged the delivery of pre-departure training, and GMS TRIANGLE has ensured that this training has a rights-based foundation. Over the next months, and at the SURAC meeting, conversations on the models of delivery, costs and sustainability will further add to the longevity of these efforts.

The other flagship capacity building publication of the GMS TRIANGLE project has also been completed in Cambodia, Lao PDR and Viet Nam. The rollout of the MRC Operations Manual in these countries is key to improving service provision to potential and return migrant workers through existing institutions. The MRC Operations Manual rollout in Cambodia will target 24 provincial Departments of Labour and Vocational Training, cementing the mandate of the Ministry of Labour and Vocational Training in providing migration support. In Viet Nam, the MRC Operations Manual will be shared with Employment Service Centres in 63 provinces and municipalities, housing migration for employment within the context of the search for decent work. The MRC Operations Manual has been finalised in Myanmar and is being rolled out in three provinces.

Provision and monitoring of support services

An important development in ensuring the long-term availability of support services for migrants has been the extension of the MRC service delivery model to new providers in Cambodia. Facilitated through capacity building trainings on safe migration counselling, partners such as the Cambodian Women for Peace and Development Association, Khmer Youth Association, Commune Committees for Children and Women and Provincial Departments of Labour and Vocational Training are actively delivering services to potential migrant workers and members of their family.

Another notable event in provision of direct support to migrant workers occurred in June and July of this year. Due to fears of a crackdown on irregular migrant workers in Thailand following the military coup, at

Key Achievement under Objective 3

The rights of female and male migrants and potential migrants are protected through increased access to support services

least 230,000 migrants fled back home to Cambodia. For over 3 weeks, staff from the MRC in Battambang worked determinedly in the border areas of Banteay Meanchey province to register returning migrants and provide them with essential information and services.

Efforts made to ensure higher quality reporting at the MRCs and better tracking of impact of services are providing more vibrant information for honing service delivery and obtaining a clearer picture of migration issues. This ability to demonstrate the comparative advantage of GMS TRIANGLE implementing partners in providing this service should increase the likelihood of additional funding to these experienced partners. Feedback workshops showcasing the 'lessons learned' during the period of service delivery is planned for the conclusion of the project.

Promoting awareness of safe migration

In countries of origin, promotion of safe migration occurs through MRC channels and the distribution of information, education and communication materials. For International Migrants Day, efforts in sending countries focussed on sharing the messages of safe migration through television to ensure wide

dissemination of the GMS TRIANGLE messages and services. In Cambodia, a documentary developed and produced by the National Employment Agency on running a MRC was broadcast numerous times on state

television. In Viet Nam the National Project Coordinator of the project will participated in a live interview with the VGCL to promote the role of trade unions in protecting migrant workers. The interview was screened on the popular 'Voice of Vietnam' channel on International Migrants Day.

In Lao PDR, International Migrants Day was marked by the screening of the film *My Name is Saray* across three national TV stations. The film in Lao language follows the tale of young Saray, who dreams of migrating so she can earn enough money to return and marry her sweetheart. The film was also shown to an audience of 500 at a celebratory meeting hosted by the Vice-Minister for Labour and Social Welfare, and DVDs of the film will be distributed to service providers.

In Myanmar, reflecting the particular needs of that audience, the approach was to hold meetings, activities, games and festivities to promote safe migration and MRC services. An event in Yangon brought together tripartite constituents to say 'thanks migrants!' Celebrations were also held in Shan state, in factories and plantations, bringing the messages to the workers that are more likely to migrate in future

Breakdown of 'CLIENT' support services provided by MRCs

