

Labour Mobility between Asia and the Arab States:

Sharing of experiences and progress under the Bali Declaration with
specific focus on women migrant workers

3-4 December, 2019

Bangkok, Thailand

Inter-regional Meeting

Outline

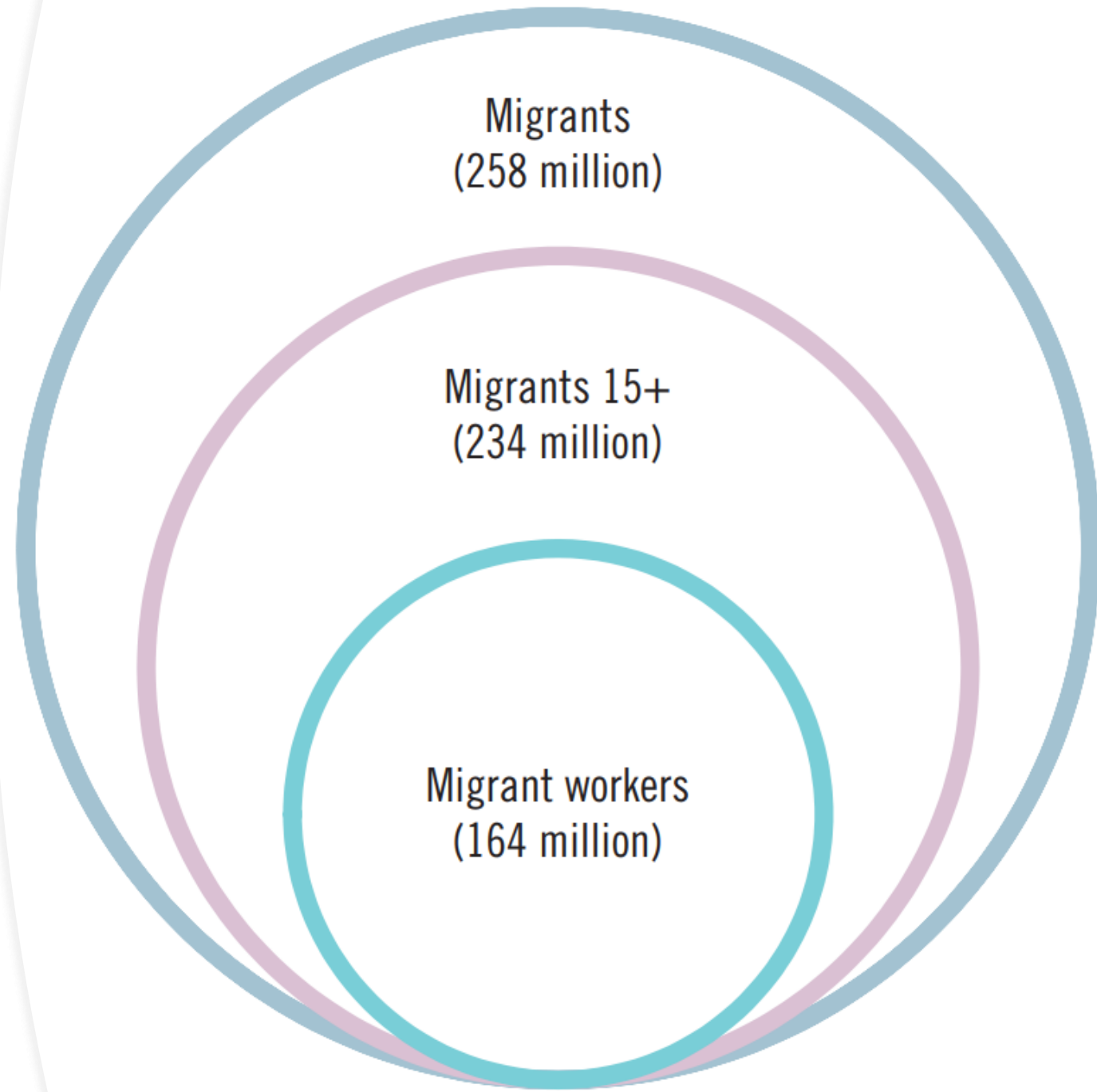
1. Labour migration trends between Asia and Arab States
2. Global and regional frameworks related to labour migration
3. Bali Declaration and key national level developments
4. Priority areas and issues
5. Partnerships and international cooperation
6. Concluding remarks

Global estimates of migrant workers

- 271.6 million international migrants (foreign born) UNDESA estimates (2019)

2017 estimates – 258 million

- Migrant workers in working age who are economically active
 - 164 million or 64 per cent
- 58 per cent men and 42 per cent women
- Asia-Pacific hosts 20.4 per cent
- Arab States host 14 per cent – most from Asia



1. Labour migration trends between Asia and the Arab States

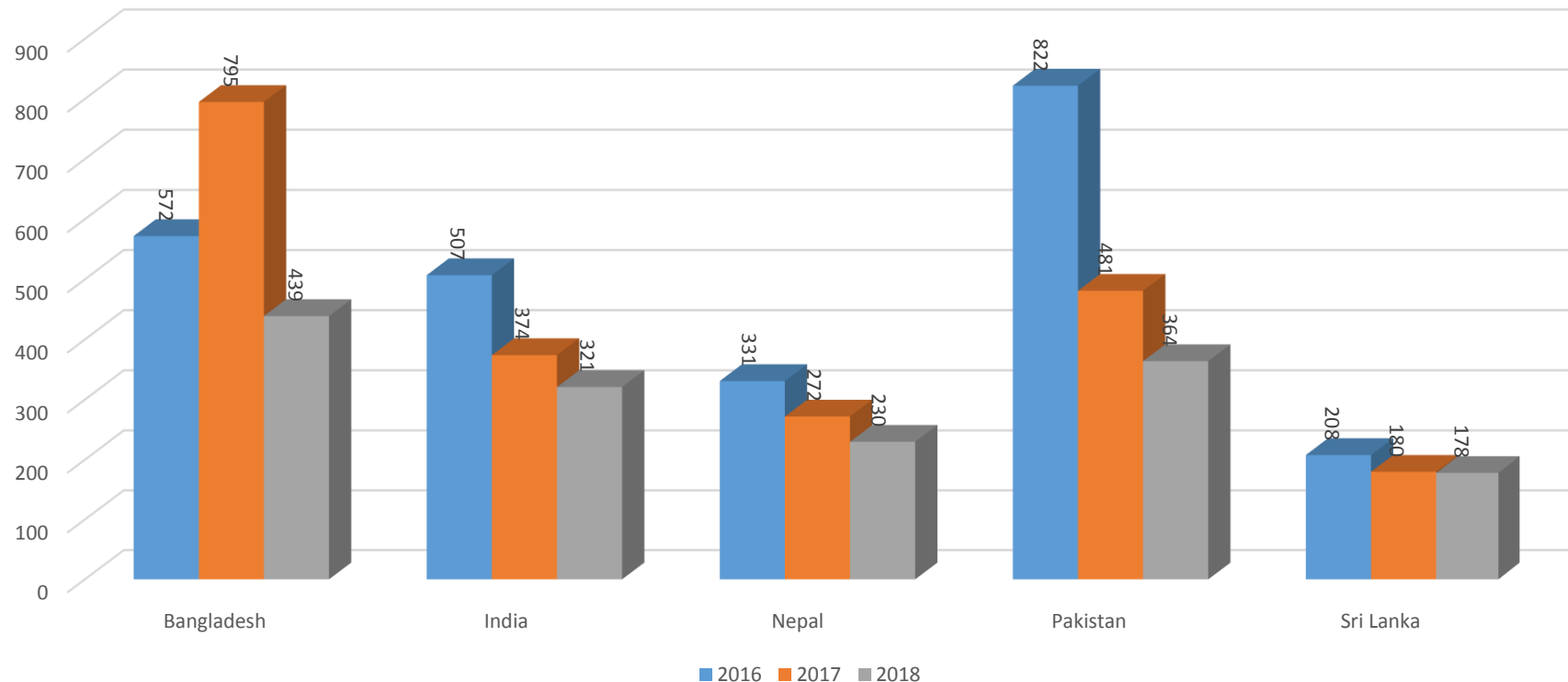
- Most of Asian labour migration has been concentrated in GCC countries
- 2019 - GCC plus Jordan & Lebanon hosted 35 million migrants of whom 31 % women
- 2017 – the total number of MWs were 23 million with 9 million (39%) women
- Ratio of non-nationals in employed populations in GCC is high: on average 70%.

Trends for decrease in Asian migrant workers to GCC countries

- In 2018, total deployment from 12 main origin countries in Asia fell by 10% to 4.8 million workers (national sources, OECD)
- For South Asian countries, the total GCC outflow dropped from 2.4 million (2016) to 1.5 million (2018)
- This decrease is caused by a variety of factors including:
 - Persistently low oil prices
 - Slowing growth rate
 - Nationalization policies of the GCC labour force
 - Periodic bans on emigration of workers imposed by origin countries

Decreasing Asian migrant workers to GCC countries

Figure 1: South Asian labour migration flows to GCC countries, 2016-2018 (in thousands)



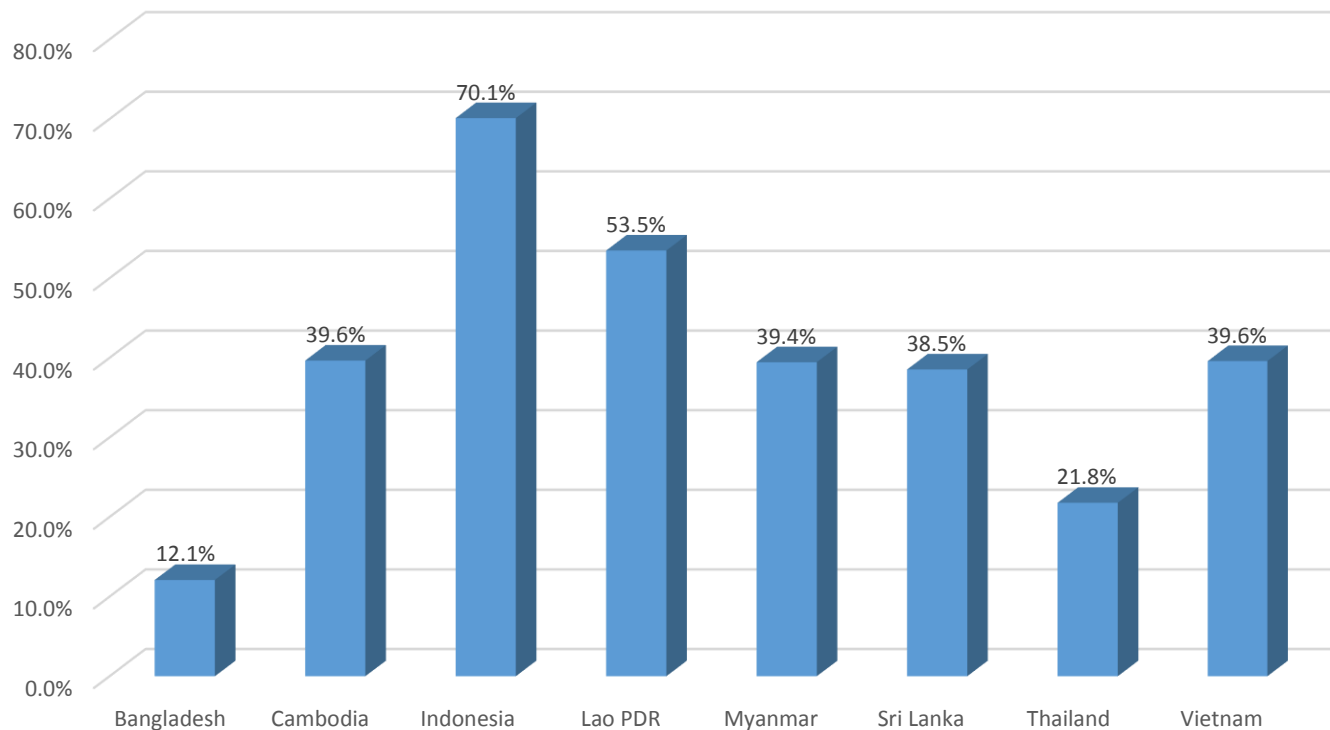
Source: ILO. *Labour mobility between Asia and the Arab States: Sharing of experiences and progress under the Bali Declaration with specific focus on women migrant workers, background paper* (2019)

Increasing African migrant workers to GCC countries

- While the majority of migrant workers in the Arab States continue to come from Asia, number from African countries are on the rise
 - The stock of migrants from African countries in the GCC are over 3.4 million or 12 percent of the total (2017)
- The growing numbers of workers from East, North, and West Africa are migrating to the Arab States
 - They are often employed in low-and medium-skilled occupations in construction, manufacturing, agriculture, food services and domestic work
- The main destination countries for migrants from African countries: UAE, KSA and Qatar

Trends in migration of women workers

Figure 2: Share of women workers in total migration outflow - 2017



- Indonesia had the highest percentage of women migrant workers (70%) followed by Lao PDR (53.5%)
- Sri Lanka had a large decline in the share of women migrant workers. However some women prefer to travel on visitor's visas to seek employment

Source: Based on ILO, 2019, ASEAN Labour Migration Statistics database (2017) and national sources for South Asia

High and growing numbers of domestic workers in GCC

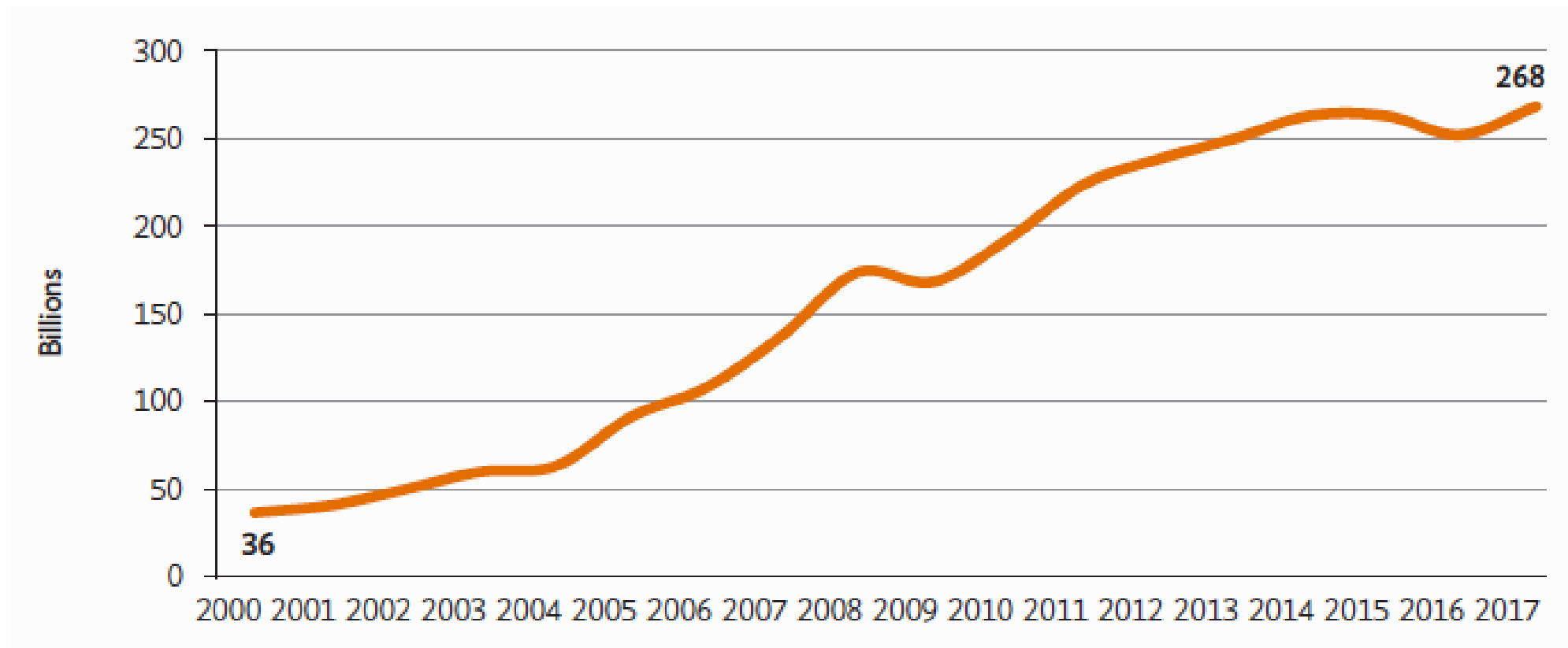
Table 1: Number of domestic workers in GCC by sex 2016 and growth rates

Country	Thousands			Annual growth rate % (period)
	Female	Male	Total	
Bahrain	67	44	111	6.0 (2005-17)
Kuwait	346	332	678	2.2 (2012-17)
Oman	148	48	196	13.3 (2007-16)
Qatar	108	64	172	10.8 (2006-16)
Saudi Arabia	759	1,544	2,303	11.3 (2007-17)
UAE	219	87	306	8.8 (2008-16)
Total	1,647	2,119	3,766	

Source: Tayah and Assaf 2018

Remittances

Figure 3: Remittances to Asia 2000-2017 (\$ billion)



Source: World Bank. Migration and Remittances Data

Possible future trends in migration flows between Asia and the Arab States

Table 2: Potential factors affecting labour mobility and migration

Factors increasing labour mobility	Factors decreasing labour mobility
• Mega projects in destination countries • Ageing populations in destination countries • Expanding population of young persons in some origin countries • Investments in skills development, certification and recognition • Disparities in economic growth	• Lower oil prices and reduced economic growth in destination countries • Success in nationalization efforts of the workforce in destination countries • Technological changes and digitalization (e.g. automation) • Higher heat stress in destination countries (particularly GCC)

2. Global frameworks: normative foundations

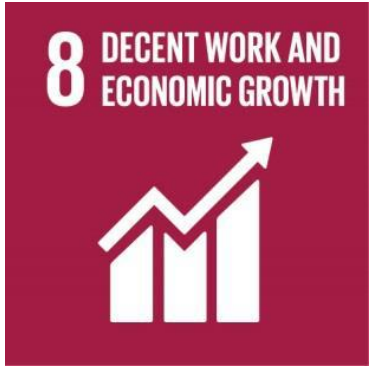
- Human rights (e.g. CEDAW) and international labour standards apply to all migrant workers, unless otherwise stated
- This includes the eight fundamental ILO conventions addressing forced labour (C29, C105, P2014), child labour (C138, C182), trade union rights (C87, C98) and discrimination in employment C100, C111)
- Specific instruments on protection of migrant workers and labour migration governance (C97, C143, R86 and R151)
- ILO Conventions of particular relevance to migrant workers
 - Regulation of private recruitment agencies (C181)
 - Protection of domestic workers (C189)
 - Violence and harassment at work (C190)
 - Social security (C102, C118, C157)
 - HIV and AIDS (R200)
 - Migrants affected by crisis situations (R205)

2030 Agenda for Sustainable Development



- **SDG 5.2:** Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- **SDG 5.c:** Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels

2030 Agenda: migrated-related SDGs

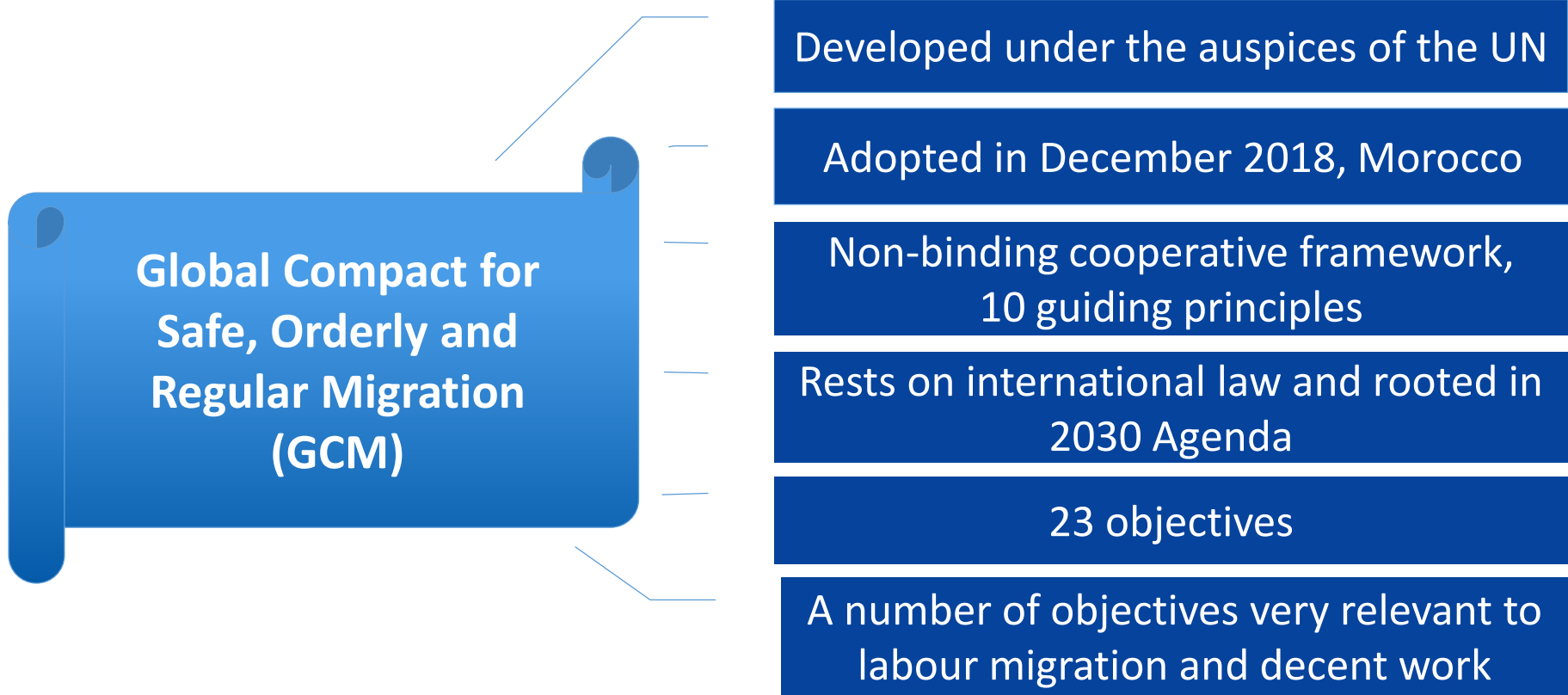


- **SDG 8.8:** Protect labour rights and promote safe and secure working environments of all workers, including **migrant workers**, particularly **women migrants**, and those in precarious employment



- **SDG 10.7** Facilitate orderly, safe, regular and responsible migration and mobility of people including through the implementation of planned and **well-managed migration policies**
- **SDG 10.c:** Reduce to less than 3 per cent the transaction costs of **migrant remittances** and eliminate remittance corridors with costs higher than 5 per cent

Global Compact for Migration



The diagram features a central blue box on the left with the title 'Global Compact for Safe, Orderly and Regular Migration (GCM)'. To its right is a vertical stack of six dark blue boxes, each containing a key feature of the GCM. Thin blue lines connect the central box to each of the six feature boxes, indicating their relationship to the main topic.

Global Compact for Safe, Orderly and Regular Migration (GCM)

Developed under the auspices of the UN

Adopted in December 2018, Morocco

Non-binding cooperative framework,
10 guiding principles

Rests on international law and rooted in
2030 Agenda

23 objectives

A number of objectives very relevant to
labour migration and decent work

The ILO Multilateral Framework on Labour Migration and Fair Recruitment

- **ILO Multilateral Framework on Labour Migration (2006)** underlines the importance of ensuring “coherence between labour migration, employment and other national policies in recognition of the wide social and economic implications of labour migration and in order to promote decent work for all (Guideline 4.2)



- **General Principles and Operational Guidelines for Fair Recruitment (2016) and Definition of Recruitment Fees and Related Costs (2019)**
 - Non-binding, but based on human rights, ILS and good practices
 - Broad scope covering recruitment of all workers within a country and across borders
 - Address responsibilities of all actors: governments, enterprises (employers, labour recruiters), public employment services
 - Definition based on principle that workers should not be charged, directly or indirectly, recruitment fees or related costs

ILO Centenary Declaration for the Future of Work

- Declaration calls upon the ILO to direct its efforts to
 - “deepening and scaling up its work on international labour migration in response to constituents’ needs and taking a leadership role in decent work in labour migration” (Pt II, A, para. xvi)
 - “achieving gender equality at work through a transformative agenda” ... which
 - ensures equal opportunities, equal participation and equal treatment, including equal remuneration for women and men for work of equal value;
 - enables a more balanced sharing of family responsibilities;
 - provides scope for achieving better work–life balance by enabling workers and employers to agree on solutions, including on working time, that consider their respective needs and benefits; and
 - promotes investment in the care economy” (Pt II, A, para. Vii)
- Declaration calls upon all Members, on basis of tripartism and social dialogue and with ILO support, to further develop its human-centred approach to future of work by strengthening capacity of all people to benefit from opportunities of a changing world of work

3. Regional frameworks: 2016 Bali Declaration

- Adopted at the 16th Asia and the Pacific Regional Meeting in Bali, Indonesia in December 2016
- Enhancing labour migration policies based on relevant international labour standards that:
 - Recognize the labour market needs of all
 - Are based on the ILO General Principles and Operational Guidelines for Fair Recruitment
 - Provide adequate protection to all migrant workers, including through better portability of skills and social security benefits
 - Take into account the ILO Multilateral Framework on Labour Migration
 - Redress employer-worker relationship that impede workers' freedom of movement, their right to terminate employment/ change employers, and return freely to their countries of origin
- Closing gender gaps in opportunity and treatment at work through:
 - Measures to break down barriers to women's labour force participation and advancement
 - Promotion of equal pay for work of equal value
 - Extended maternity protection measures
 - Measures enabling women and men to balance work and care responsibilities

Regional economic integration / RCPs

ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2017)

- Rights of migrant workers and their families
- Action Plan (2018-2025) to implement the ASEAN Consensus was developed during 2018 and was notated (i.e. adopted) at the 33rd ASEAN Summit November 2018 in Singapore

Abu Dhabi Dialogue

- Voluntary and non-binding inter-government consultative process engaging seven countries of labour destination and 11 countries of origin

Colombo Process

- Regional Consultative Process on the management of overseas employment and contractual labour for 12 countries of origin in Asia



Dubai Declaration – 5th ADD Ministerial Consultation, October 2019

- Use of technology and recruitment to promote compliant and transparent labour recruitment and placement practices
- Skilling, skill certification and mutual recognition
- Addressing opportunities and challenges associated with Future of Work
- Further development and implementation of a Comprehensive Information Orientation Programme (CIOP) in ADD corridors
- Further development of core Domestic Worker Competency Standards
- Promoting interregional cooperation and positioning RCPs to contribute to global dialogues on labour mobility

The 2016 Bali Declaration and key national level developments - Asia

Indonesia: Law 18/2017 on Protection of Indonesian Migrant Workers

- Decentralised support services to migrant workers
- No placement fee to workers
- Clearer division of responsibilities – Ministry of Manpower/National Board

Thailand

- Ratification of the 2014 Protocol to the Forced Labour Convention, 1930 (No.29) and the Work in Fishing Convention, 2007 (No. 188)
- Recruitment fees prohibited (Royal Ordinance - 2017)
- Regulation and labour inspection improved in sea fisheries.

The 2016 Bali Declaration and key national level developments – Arab States

Arab states

- Developments in Qatar towards abolition of the sponsorship system
 - Reforms to labour market and towards ending the kafala (sponsorship) system, including abolition of exit permit
 - Applies to all migrant workers: public sector, domestic workers, seafarers, workers in agriculture and grazing and workers employed in casual work
 - Elimination of no-objection certificate (NOC)
- Innovations in governance of domestic work
 - UAE: Establishment of Tadbeer Centres (2017), a public-private partnership that offers a transparent and centralised system for hiring domestic and household workers in Dubai and the rest of the UAE
 - Kuwait: Transfer in 2018 of most responsibilities regarding domestic workers from Ministry of Interior to Public Authority of Manpower (PAM)

4. Priority areas and issues

4.1 Fair recruitment

Migration costs are high in Asia/GCC and differ according to corridor

Destination	Origin	Total migration costs		Average monthly earnings in destination country (US\$)
		Average (US\$)	In months of earnings in destination (averages)	
Saudi Arabia	Pakistan	4,395	9.4	469
Qatar	India	1,149	1.9	592
	Philippines	480	1.0	469
	Nepal	1,054	3.1	339
Kuwait	Bangladesh	3,136	9.0	347
	India	1,248	2.5	494
UAE	Pakistan	2,351	6.0	394
Spain	Bulgaria	201	0.2	1,300
	Ecuador	1,032	0.8	1,300
	Morocco	333	0.3	1,300
Malaysia	Vietnam	1,374	3.2	428

Source: KNOMAD World Bank / ILO Surveys, 2014-2015

4.1 Fair recruitment

Recent initiatives

- Use of technology to promote compliant and transparent labour recruitment and placement practices
- Fair recruitment pilot in the Nepal-Jordan garment sector
- The Migrant Recruitment Advisor platform of the International Trade Union Confederation
- Self-regulation through codes of conduct
 - The Vietnamese Association of Manpower Agencies (VAMAS) launched the 2018 Code of Conduct

4.2 Wage protection system (WPS) and minimum wages

- WPS is an electronic salary transfer system that requires employers to pay workers' wages via banks, currency exchange centres, and financial institutions approved and authorized to provide the service
- Countries that have adopted the WPS: the UAE (2009), Saudi Arabia (2013), Oman (2014), Kuwait and Qatar (2015)
- Application of minimum wage to migrant workers - Malaysia
 - Minimum wage has been extended to migrant workers in Malaysia
 - However, domestic workers are excluded from this minimum wage
- Permanent minimum wage covering all workers, including migrant workers, soon to be established in Qatar

4.3 Occupational safety and health (OSH)

- The ILO Centenary Declaration for the Future of Work 2019 acknowledged that “safe and healthy working conditions are fundamental to decent work” (Pt II, D)
- Singapore: significant progress in workplace safety and health outcomes
 - Workplace fatal injury rate declined over 14 years 4.9 per 100,000 workers to 1.2 per 100,000 workers (2018)
- Qatar: adoption of an OSH profile and policy
 - harmonization of OSH legislation and standards
 - Collection and analysis of data on occupational accidents and diseases

4.4 Social protection challenges

- Migrant workers, especially women and temporary migrant workers, face significant challenges in accessing social protection, including maternity protection, health care and employment injuries benefits
- Their employment period is often too short to meet the eligibility criteria
- Maternity protection refers to protections ensuring equality of opportunity for women and enables women to combine productive and reproductive roles
- Convention on Elimination of All Forms of Discrimination against Women (CEDAW)
 - Article 11 requires States “to introduce maternity leave with pay or comparable social benefits”
- ILO Maternity Protection Convention, 2000 (No. 183)
 - Maternity leave, cash and medical benefits, health protection, employment protection, and non-discrimination in employment

4.5 Skills matching, certification, and recognition by employers and on return

- Skills development eases recruitment and can facilitate a shift towards jobs with better wages and working conditions
- A significant number of migrants to the GCC already undergo skills testing. However, the value of these tests in certifying actual competence or its link to better wages is limited
- ADD – Governments of India & UAE Harmonised Framework for Skill Recognition & Certification: includes the supporting the recruitment of 100 certified workers across 16 benchmarked occupations in construction
- There is a challenge for domestic workers to gain skills that allow them to transit from low-waged and live-in employment arrangements to higher-waged and live-out employment arrangements
- Competency standards to be set for four occupations in domestic work (ADD).

4.6 Access to justice and support services for women migrant workers

- According to case workers challenges for MWs in the GCC include language barriers, paucity of legal assistance and risk of deportation (MFA, 2018).
- Recent good practices include legal clinics (BWI) in Qatar; and migrant workers resources centres operated by trade unions, employment services and CSOs in SE Asia (supported by ILO).
- ILO supported MRCs in SE Asia, **with over half the clientele being women**, have been instrumental via legal support in obtaining over USD 4 million in compensation for migrant workers
- Access to justice in cases of violence against women (VAW) migrant workers (ESCWA, 2016)
 - According to the survey, several states have state and private reporting channels for women migrant workers (Egypt, Jordan, Mauritania, Oman and the Syrian Arab Republic)
 - Saudi Arabia has government channels only
 - Yemen has private channels only available for refugee women
 - Bahrain has both formal and private channels available for all

4.7 Worker mobility

- Restrictions on migrating for employment
 - In response to abuses of migrant workers in some Arab States, several Asian and African countries have placed bans on labour migration to selected countries as stop-gap measures
 - While the purpose of the bans is to protect women, they are problematic: their effect is discriminatory and they are often counterproductive encouraging irregular migration and the additional risks this entails
- Sponsorship and worker mobility
 - Developments in Qatar towards abolition of the sponsorship system
 - Identity and travel document retention by employers
 - Right to terminate employment and change employers without permission of the sponsor

5. Partnerships and international cooperation

Bilateral agreements & MOUs

- KSA - dedicated domestic worker agreements with SEC
- Nepal/Jordan – employer paid recruitment; protection of WMWs

Trade union agreements

- GEFONT (Nepal) – MOUs with a number of countries
- Inter-regional TU agreements (ATUC-SARTUC-Arab TUC)

ACE/ATUC Dialogue (implementation of ASEAN Consensus)

- Joint statement on tripartite social dialogue in implementing the above
- Joint advocacy, and promotion of services to MWs & employers

6. Concluding remarks

Several positive developments since the adoption of the Bali Declaration

- New laws and reforms (fair recruitment; mobility of workers)
- Fair recruitment initiatives/pilots
- Wage protection and OSH

Remaining challenges

- Ratification of key migrant worker related conventions such as C 189 low
- Gender based discrimination in immigration laws and lack of maternity protection prevalent
- Enforcement of laws; gender responsive support services
- Data collection on SDG indicators and sex disaggregated data



Thank you

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