



South Asian Regional Trade Union Council (SARTUC)

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South Asian Regional Trade Union Council

18th SAARC Summit Kathmandu Declaration

Agenda 21: Migration

"collaborate and cooperate on safe, orderly and responsible management of labour migration from South Asia to ensure safety, security and wellbeing of their migrant workers in the destination countries outside the region."

SAARC Plan of Action on Agenda 21

SUMMARY:

- * Development of a Framework for Skills Qualification
- * Strengthen Pre-departure Preparation of Migrants Workers
- * Formulation of Standard Employment Contract and Minimum Wages
- * Establishment of a Mechanism for Information Exchange and knowledge Building
- * Ensuring fair and Ethical Recruitment
- * Maximizing the Development Potentials of Migration
- * Improvement in the Justice Mechanisms, Support Services, Welfare and protection

18th SAARC Summit

Kathmandu Declaration

- * **Agenda 20,** “Acknowledged the special needs of the elderly, women, children, differently-abled persons, unemployed persons, and persons working at hazardous sites and agreed to develop and strengthen social protection for them and to share best practices in this regard”
- * The SAARC Governments adopted it on the 18th SAARC summit in 2014. The draft action plan is passed by the Government of Nepal in the process for adoption. This will be presented at the next session of the Programming Committee. After the adoption SARTUC will be working with the Governments and ILO for its implementation. Minimum wage will be the heart as one of the manifestos for social security. It will also cover Promotion, Ratification and the implementation of Convention No. 87-Freedom of Association and Protection of the Right to Organise, 189 on maternity protection and the promotion of Recommendation 204 on social security.

Nepal Chair of Colombo Process

- * The five thematic working groups have been set up for CP member states to work together to consider how to promote skills qualification and recognition; foster ethical recruitment; promote pre-departure orientation and empowerment, with an additional focus on migration and health; reduce the costs of remittances transfer; and track labour market trends.
- * Nepal has developed a program of priorities, including the CP potential contribution to the process of consultation on the Global Compact on Migration. SARTUC is working on five thematic areas identified by Colombo Process in 2012. The thematic area is as listed below:
 - Minimum wage
 - Safe migration
 - Gender issues and problem of human trafficking
 - Social protection
 - Getting union on Board in SAARC process

SARTUC on Promoting Inter-regional Cooperation

Progress #1:

Inter-regional TU dialogue on “Promoting TU Cooperation on Labour Migration in Countries of Origin and Destination”
(September 2013 – Kathmandu and April 2015 – Beirut)

OUTCOME – Beirut Action Plan

(All the proposed way-forward, strategies and actions of SARTUC incorporate the provisions of Beirut Action Plan)

SARTUC on Promoting Inter-regional Cooperation

Progress: # 2

Memorandum of Understanding (MOU) between regional TU blocks – ASEAN TUC, Arab TUC and SARTUC (August 2015, Kochi)

Highlights:

- * Push for ratification of ILO conventions - 97, 143, 189
- * Model employment contract
- * Establishment of information centres
- * Provide legal services, advice and assistance to migrant workers in COO
- * Lobby for addressing the issues of migrant workers
- * Push for cooperation between COO and COD
- * To address OHS issues
- * Formation of a joint committee incorporating ATUC, SARTUC and Arab TUC for coordination of activities
- * Develop joint action plan
- * Creation of common database and dissemination of information through Migrant Resource Centers (MRC)
- * Engagement with employers' organizations and recruitment agencies in their respective countries so as to secure ethical recruitment

SARTUC on Promoting Inter-regional Cooperation

- * Furthermore, we expanded its network and include ITUC-Africa and TUCA. Revised and signed the MoU between 5 Regional Trade Union on 28th May 2018 in the presence of MR. Guy Rydey, Director General of International Labour Organisation (ILO) in Geneva.
- * Signed a MoU on 26th May 2018 between 5 regional trade union to form the Migrant Resource Center (MRC) in Aman to protect and promote the migrant workers rights.
- * Now MRC in the operation

Recognition by ILO in its thematic paper: Bilateral agreement on labour migration

- * ILO acknowledged SARTUC's exceptional effort of interregional agreement. In 2015, MoU was signed by Arab Trade Union Confederation, the ASEAN Trade Union Council and The South Asian Regional Trade Union Council to promote right based cooperation on migration in organizing and supporting migrant workers.

Bilateral agreements on labour migration

- protect all migrant workers, including those involved in temporary labour migration programmes;
- develop initiatives aimed at securing the involvement of trade unions in the development of bilateral labour migration agreements between the governments of origin and destination countries, and the establishment of national tripartite consultation mechanisms and bilateral cooperation forums to discuss and formulate rights-based migration policies, taking into account labour market needs, and the possible expansion and facilitation of regular labour migration channels as a means of eliminating the exploitation and abusive conditions of workers in irregular situations;
 - promote cooperation between governments of origin and destination countries with a view to enhancing migration governance relating to: the establishment of legal avenues for labour migration; strengthening labour inspection; legal cooperation in cases of trafficking and abuse; maintenance of social security entitlements; strict supervision and control of activities by private employment agencies, in conformity with Convention No. 181, and subcontractors; and elimination of abuses of sponsorship schemes.

Source: Adapted from ILO, *Good practices database – Labour migration: policies and programmes*.

96. There are increasing examples of agreements between trade unions in origin and destination countries on migrant worker protection that draw on this model.⁴⁶ In August 2015, a unique interregional MoU was signed by the Arab Trade Union Confederation, the ASEAN Trade Union Council and the South Asian Regional Trade Union Council to promote rights-based cooperation on migration in organizing and supporting migrant workers. The MoU identified a number of immediate actions, including: protection of migrant workers by offering direct services, either through unions or migrant resource centres; raising issues such as gender concerns, confiscation of passports and regularization of the status of migrant workers; and facilitating bilateral labour migration agreements between origin and destination countries.⁴⁷

97. While bilateral cooperation between trade unions in countries of origin and destination is a good practice, it cannot replace the obligation of governments of both sets of countries to safeguard the rights of migrant workers in accordance with national laws and international labour standards.⁴⁸

8. Conclusion

98. The Office has now collected and mapped a large number of bilateral agreements on labour migration. An ILO knowledge-sharing platform in Asia and the Pacific, AP Migration, has made such agreements in that region publicly available.⁴⁹ This serves as a starting point for developing deeper knowledge of the actual implementation of labour migration agreements.

99. Constituents have indicated that further work in this area would be warranted. This would require further guidance, particularly given the changing nature of labour migration and its governance since the adoption of the model agreement annexed to Recommendation No. 86.

⁴⁶ ILO, *Labour migration and development: ILO working forward*, Background paper for discussion at the ILO Expertise Technical Meeting on Labour Migration, Geneva, 4–8 November 2015, p. 20 (table A.1); ILO, *Programme implementation 2014–15*, Report of the Director-General, ILC, 105th Session, 2016, Geneva, para. 197.

⁴⁷ T. Connell, “Unions in Asia, Gulf Sign Migrant Workers Agreement”, *Solidarity Centre*, 8 Aug. 2015.

⁴⁸ Cholewicki, *op. cit.*, p. 245.

⁴⁹ See <http://apmigration ilo.org>.

SARTUC's Engagement with Employers on Migration

- * SARTUC engaged with SAFE to protect and promotion of Migrant workers rights and developed the MOU
- * Planning to involve Gov. as well

SARTUC Migration Policy

National TU position paper

- Five national position papers on migration

Model Standard Employment Contract

- Developed regional standard employment contract

Minimum Standards

- Developed a set of minimum standards for labour migration from South Asia

Regional TU position paper

- SARTUC position on migration

Reform/revise TU Constitution and Structure

TU Constitution and structures of SARTUC affiliates are reviewed, revised and reformed for new migrant membership

- Affiliates in all member countries either already have migrant friendly constitutions
- Or, are in the process of revision (have committed to revise/reform from their next convention)

Migration Unit within TUs

TU Constitution and structures of SARTUC affiliates are reviewed, revised and reformed for new migrant membership

- Affiliates in all member countries either already have migrant friendly constitutions
- Or, are in the process of revision (have committed to revise/reform from their next convention)

TU Migration Policy

Progress:

- National TU position paper
- Regional TU position paper
- Minimum Standards
- Model Standard Employment Contract

Way Forward:

- Lobby for the Regional TU position paper and minimum standards at the SAARC level (November 2015 meeting, Nepal) for its endorsement and implementation
- National level tripartite meetings in 6 countries to create awareness regarding minimum standards, and to ensure its implementation

Establish Pressure Groups

TARGET:

- Ratification of ILO conventions C87, C97, C98, C143, C189

Way Forward:

- TUs to put pressure on and organize campaigns for the ratification of C87 and C98 in countries that have not yet ratified
- TUs will lobby national government to introduce/amend domestic legislation to make them consistent with C189, C97 and C143
- TUs will start with the promotion of ratification of C189
- Additionally, TUs in countries of origin will work with TUs in destination countries, the ITUC and ILO to continue to push for ratification in GCC countries

Training of Trainers, Pre-Departure Resource Materials, Mass Awareness Campaign

Progress:

- trainers (TU members from 18 TUs) developed for migration awareness programs
- Pre-departure information guide developed
- Published a SARTUC initiative on Migration
- Published Global and Regional Process of Migration
- Radio Jingle aired on a national radio station of Nepal

Way Forward:

- Development of pre-departure information booklet in 5 countries
- Training of TU members at national level
- Awareness raising campaign for potential migrant workers through networks of national TUs and mass awareness tools

Legal Support for Migrant Workers

Progress:

Roster of lawyers have been created by SARTUC National Centers in 5 countries

Target: Active Legal Support System

Way Forward:

- Develop a framework for legal support systems to take up workers' grievances and provide legal assistance
- Formation of legal support system by national committees
- Dissemination of information regarding legal support system to migrant workers

Monitoring of Recruitment Agencies

Target:

Combating fraudulent practices of recruitment agencies through rating and reviewing

Way Forward:

- Develop mobile and web application for rating recruitment agencies
- Analysis of data to review and rate recruitment agencies
- Publish, print and communicate outputs through relevant channels
- Pilot project to be implemented in Nepal (2016)

Migrant Support Group

Target:

Every TU to establish one support group in each of the GCC countries and Malaysia

Way Forward:

- To ensure cooperation and effective functioning, unify support groups and form a single TU support body in one country
- Establish clear lines of communication between support groups and National TU Centre

SARTUC Women's & Youth Committee

- * SARTUC has increased its capacity to promote and advocate for migrant workers' rights, improved legal conditions, and the decent work agenda in the SAARC region. SARTUC formed an elected women's committee to promote the gender issues effectively.
- * An ad-hoc committee of Youth formed then decided to hold a youth Conference within one-year time.

Facilitated the Signing of MOU between National Human Rights Commission (NHRC) Nepal and the State of Qatar

16th November 2016
Doha, Qatar



SARTUC Future Activities

MIGRATION

- * Lobby for the SARTUC Regional TU position paper and minimum standards at the SAARC level for its endorsement and implementation
- * Establish pressure groups to put pressure on and organize campaigns for the ratification of ILO conventions C87, C97, C98, C143, C189 in countries that have not yet ratified
- * Combating fraudulent practices of recruitment agencies through rating and reviewing using mobile and web application
- * Organizing Training of Trainers (TOT), pre-departure resource materials, and mass awareness campaigns for potential migrant workers



Building Workers' Power