



International
Labour
Organization

► ILO Regional Meeting for Networking and Strengthening Trade Unions Working to Protect Migrant Workers' Rights

ILO Regional Officer for Asia and the Pacific

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► Introduction

Mr Pong-Sul Ahn, ACTRAV Specialist of the ILO Regional Office for Asia and the Pacific, greeted all the participants and introduced himself as the moderator of the meeting's opening and closing sessions. The two technical sessions (on day 1 and day 2) were facilitated by Ms Deepa Bharathi, Chief Technical Advisor for Safe and Fair: Realizing Women Migrant Workers in ASEAN region (SAF), ILO ROAP, and Ms Anna Engblom, Chief Technical Advisor for TRIANGLE in ASEAN, ILO.

Mr Ahn appreciated all the resource persons, participants, ILO colleagues, and interpreters not only for being available to attend the meeting but also for their interest in the topic, networking and strengthening trade unions to protect migrant workers. The meeting is expected to provide a space:

1. To share good practices and challenges trade unions are experiencing in protecting and organizing migrant workers; and
2. To build and strengthen a network among trade unions as a cornerstone to share information, take joint action, and support campaigns with each other.

Most of the cases presented in the programme come from migrant workers' unions or associations established with the help of national unions or global union federations. There would be three case presentations on the first day of the programme and four case presentations on the second day. He believed that all participants would learn a lot about the dynamics of migration activities from those presentations. This meeting would give an idea of which organizations are active in migration in the field and how to reach out to migrant workers.

ILO did not intend to form any official platform to network trade unions for the protection of migrant workers, but rather this forum itself was expected to create an initiative for naturally networking migrant workers' unions and associations, national trade unions, global union federations, and ILO, especially ACTRAV and migration-related projects, such as TRIANGLE in ASEAN, Safe and Fair, and Ship to Shore Rights. Mr Ahn emphasized that the participants are actors, promoters, and educators on labour and trade unions' rights.

The programme had allocated a substantial amount of time for question and answer where the participants could directly raise their inquiries to the resource persons. The meeting would have interpretations available in Bahasa Indonesia, Korean, Khmer, and Thai.

For the opening remarks, Mr Ahn invited Ms Boonpala Panudda, Deputy Regional Director, ILO ROAP, who is also an expert on migration, to speak.

► Opening remarks

Ms Boonpala Panudda **Deputy Regional Director, ILO ROAP**

Ms Boonpala Panudda thanked Mr Ahn for the introduction and greeted all the participants and colleagues who attended the ILO regional meeting for networking and strengthening trade unions to protect migrant workers' rights.

Ms Panudda reminded the participants that the COVID-19 pandemic had affected the livelihoods and jobs of many workers, including migrant workers. The impact had been devastating. Due to the closure or suspension of businesses, many migrant workers in manufacturing, construction, agriculture, and domestic work, had lost jobs or income. In many countries, migrant workers were exposed to COVID-19 during the pandemic due to the crowded working spaces, living spaces, and accommodations. Reaching the recovery period of the COVID impact now, Ms Panudda noted that it is the time for trade unions and other stakeholders working on labour migration to take coordinated efforts and action to support “regular, safe, and orderly” migration which ensures decent work for all migrant workers—women and men—can be progressing. There is an urgent need to ensure that migrant workers' labour and human rights are protected and that they are free from violence, forced labour, and other types of exploitation and abuse. Migrant workers need to be recognized as workers, the same as national workers. Equal recognition is a prerequisite for equal treatment between national workers and migrant workers.

She also noted several ILO Conventions and Recommendations specifically relevant to migrant workers. For instance, Migration for Employment Convention (Revised), 1949 (No. 97); Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); Private Employment Agencies Convention, 1997 (No. 181); Domestic Workers Convention, 2011 (No. 189); and Violence and Harassment Convention, 2019 (No. 190). However, the ratification of those Conventions in the region is, unfortunately, very low. Therefore, trade unions will need to step up their strategies to promote these Conventions which lead to improving legislative frameworks for migrant workers and eventually enhancing legal protection for all migrant workers.

Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Right to Organize and Collective Bargaining Convention, 1949 (No. 98) are fundamental Conventions applicable to all workers, including migrant workers. These Conventions are safeguards for migrant workers when they exercise their labour rights in workplaces. Ms Panudda conveyed her appreciation for the huge effort made by the trade unions in promoting these Conventions without regard to any occupations, industries, or employment status. However, she noted that more can still be done and must be done.

Despite challenges in organizing from both practical and legislative perspectives, Ms Panudda recognized that there are many good union initiatives in the region. For instance, the Hong Kong Federation of Asian Domestic Workers' Unions (FADWU), Fishers' Rights Network (FRN) in Thailand, Migrant Trade Union (MTU) in the Republic of Korea, Indonesian Migrant Workers Union (SBMI), PERTIMIG in Malaysia, and General Confederation of Nepali Trade Unions' Migrant Support Group are good initiatives by unions that have brought fruitful results. Furthermore, trade unions are adopting innovative approaches and methods to reach out to and organize migrant workers. Trade unions run Migrant Worker Resource Centres (MRCs) in a number of countries to provide various essential services for migrant workers. They also now make use of MRCs as an entry point to reach out to migrant workers.

As currently countries of destination are reopening borders and international labour migration resumes, migrants are also likely to be highly exposed to traffickers and unscrupulous recruiters, due to stricter, complicated documentation, higher costs, and increased personal hardships. Ms Panudda called for solidarity and joint action between trade unions that are much emphasized to address challenges faced in migration and to support migrant workers' rights.

At the end of her remarks, Ms Panudda thanked the resource persons for their contribution to the meeting as well as recognized the collaborative work of ACTRAV and the ILO Regional Office migration projects, such as TRIANGLE in ASEAN, Safe and Fair, and Ship to Shore Rights, in organizing the meeting. She appreciated the collaboration and hoped the meeting would serve as a basis for strengthening and networking among trade unions to solidify union actions. Besides, she also noted that ILO would continue providing support as much as possible.

► Day 1 of 21 June - Technical session: Sharing experiences of organizing and challenges

Moving to the first technical session on sharing experience of organizing and challenges, Mr Ahn invited Ms Deepa Bharathi, Chief Technical Advisor for Safe and Fair, ILO ROAP, to facilitate the session.

Ms Bharathi thanked Mr Ahn for the introduction. She also greeted the participants and thanked them for attending the meeting. She then made a few points in terms of placing the technical session 1 into its context. Echoing Ms Panudda, Ms Bharathi reiterated the importance of ILO Conventions Nos 87 and 98. These Conventions put forward fundamental human rights to which all workers, including migrant workers, are entitled regardless of their gender, employment status, migration status, occupation, and so on. Along with all the Labour Standards, these Conventions enable improvement in the working condition of workers, including migrant workers.

Organizing is an important entry point to strengthen the voice and representation; negotiate and improve working conditions; prevent and respond to violence, exploitation, and discrimination. Based on ILO's experience, particularly in the prevention of exploitation of migrant workers, including women and those in informal economies, one of the most effective ways for doing so is by guaranteeing the rights to organize, collectively bargain, establish or join trade unions in countries of origin and destination, and the portability of trade union membership which will be continually discussed in various forums Ms Bharathi added that organizing is also an entry point to address concerns that trade unions have in increasing the outreach to members, providing better access to education and training, and eventually leading to better working conditions, reducing the gender pay gap, and improving the benefits of the improvement of working conditions.

Regarding Migrant Workers Resource Centres (MRCs), Ms Bharathi explained that they are run by government institutions, trade unions, or civil society organizations. MRCs aim to deliver information and services directly to migrant workers and their communities, particularly in the countries of origin and the countries of destination. In the other words, to the individual migrant worker, his/her family, and community. Currently, more than 55 MRCs are operating in the region, in nine Asian countries, supported by the ILO. They provide information on safe migration, legal aid, space to give information, lodge complaints, and support skills development, including financial literacy, outreach activities, psychosocial counselling, referrals to cases of violence, prevention of trafficking, and so on. In addition, in the COVID-19 pandemic, many of MRCs, including those run by the trade unions' partners have engaged online and over the phone and participants would be hearing a lot of good examples in the subsequent technical sessions one and two. The Centres and many of the partners have also been providing COVID-19-related information and materials. The MRCs have been very critical in strengthening, organizing, and networking the leadership capacity of workers, including women and youth committees.

In the first technical session, participants would be hearing a few areas of work through three experienced speakers their experiences in organizing migrant workers, the challenges, and the opportunities. There would be two speakers who would speak from a sectoral perspective, Mr Mark Del Greco, Director of Fishers' Rights Network (FRN), and Ms Jec Sernande, Secretary, Hong Kong Federation of Asian Domestic Workers Unions (FADWU).

Speaking from a broader cross-border perspective, Ms Dina Nuriyati would be speaking about the extensive experience of SBMI (*Serikat Buruh Migran Indonesia*/Indonesian Migrant Workers Union). Each speaker would be speaking for 15 minutes, and the Q/A session would be after the presentations of all speakers.

Ms Bharathi then invited Mr Mark Del Greco to deliver his experience from FRN.

Case presentation of Fishers' Rights Network (FRN): Memberships, achievements, challenges, and future FRN in Songkhla, Ranong by Mr Mark Del Greco, Director, Fishers' Rights Network, International Transport Workers' Federation

Mr Mark Del Greco greeted the participants and expressed his gratitude for the opportunity to present what FRN has been doing. In his presentation, he would be speaking about:

- The background of what FRN has been doing
- The challenges that fishers face in Thailand. FRN is mainly working with migrant fishers from Myanmar and Cambodia.
- How the COVID-19 pandemic affects fishers in the seafood industry in Thailand.
- The achievements that FRN has been able to achieve in the last five or six months as the world starts to open up to the new normal.
- The future of FRN and the message from the FRN president who is also a former fisher from a video

As for the background, Mr Greco explained that FRN is an initiative of the International Transport Workers' Federation (ITF) to build an independent and democratic trade union for migrant fishers in Thailand. It launched in Songkhla, Thailand, in 2017 and is mandated to protect fishers' rights, fight for justice, and seek structural reform in the Thai fishing industry. The ITF is a global federation of 670 affiliate unions representing 19.7 million workers in 147 countries around the world.

Since its founding, FRN has been the leading voice of fishers in the Thai fishing industry. FRN has organized over 3,500 fishers in Thailand to take action and advocate for policy change. FRN has expanded its outreach to other areas of Thailand and there are four offices right now in Ranong in the Burmese border, Trat in the Cambodian border, Chumphon in the middle of the bay of Thailand, and Songkhla in the deep south of Thailand. The vast majority of FRN members are Burmese and Cambodian migrant fishers who are in Thailand looking for better opportunities economically. The current situation of the fishing industry is still very dire for fishers despite Thailand being the first country that ratified the Working in Fishing Convention, 2007 (No. 188), which is the working fishing Convention. There are still a lot of issues in the effective implementation and enforcement of the Convention in the actual practice in the field. Therefore, fishers are still facing a lot of similar issues that they had been for decades.

Mr Greco then exposed some of the main issues based on the situational analysis. The significant problems remain:

- Poor health and safety conditions
Those conditions of fishers are horrendous. Fishers regularly report that they do not have enough food or clean drinking water on board; they do not have any medical kit that is fully stocked; they do not have sufficient protective equipment; they do not have any emergency procedure on board in case there is an accident; their living quarters are cramped and inhumane; and most boats have no bathroom and they have to hop on to another boat to go to the bathroom which is dangerous because they can fall into the oceans in the situation like that.
- Financial exploitation
Many fishers receive wages less than they have agreed upon the amount that is written in the contract; Thai law requires fishers to receive their wages through a bank transfer monthly but in the reality, most fishers are still being paid in cash; fishers are still facing a lot of debt due to their irregular migration patterns, document broker fees, and other expensive charges by employers.

- Document retention and movement restrictions

Most fishers do not possess their own passport, work permits, ATM cards, bank books, or other important documents. They are possessed by the boat owner or the captain and they are not able to get them so fishers cannot move around freely.

- Ineffective implementation and enforcement of Convention No. 188

They are still a lot to be desired in the Thai government's implementation. For instance, the inspection still has a lot of gaps that need to be addressed

- Obstacles to migrant workers organizing and collective bargaining

Touching on Conventions Nos 87 and 98, Thailand is still not ratified these Conventions yet and Thai labour law is quite archaic and outdated, the 1975 Thai labour act does not allow migrant workers to organize or collectively bargain. These are universal rights of workers that need to be recognized and Thailand needs to ratify those Conventions immediately. Otherwise, fishers and other migrant workers will continue to face exploitation, unfair retribution from employers if they do stand up for their rights, and unfair penalties and terminations. So, Conventions Nos 87 and 98 are the big advocacy points of FRN's work in Thailand for the policy changes.

On top of those issues, during the COVID-19 pandemic, things become even worse from the health and safety perspective for fishers since they work in cramped conditions. If anyone in the boat ended up with COVID-19, it is difficult to access basic healthcare, medicines, food, and water. FRN also heard from a lot of fishers that their employers would terminate their contracts if they were contracted with COVID-19. Beyond these structural challenges across the fishing industry, some other challenges are related to:

- Immigration restrictions and undermanned vessels

The Thai borders have been closed for two years so that migrant workers from Cambodia and Myanmar could not come in freely. So, there's even a shortage of workers in the Thai fishing industry and that created longer hours of work at sea and undermanned vessels which resulted in more accidents at work even though they have been working more and harder, they are not seeing any pay increase.

- Discriminatory and inhumane treatment

There is a lot of discrimination against migrant workers in general, not just fishers. In Thailand, they are blamed for the spread of the virus. That meant that workers were forced to quarantine, and they were not allowed to go to the community.

- Lack of vaccine access

Lastly, even though fishers are the frontline workers, they go host the supply chain, they were not prioritized at all over vaccine opportunity. They were the last people in Thailand that got access to the vaccine.

Despite those challenges, over the last six or eight months, FRN has continued to organize fishers to take action across four locations in Thailand. These are some of the highlights and recent achievements:

- Thousands of migrant fishers trained in basic first aid, CPR, wound care, and emergency procedures at sea

Fishers are focusing on taking action around health and safety on board and vessels. Therefore, FRN had implemented some training for over 1,800 migrant fishers in the last six or eight months. The ITF doctor came in from London in February and March and he did health and wellbeing training for over 600 fishers in five provinces. He also did consultations for 40 fishers about medical issues that they are facing and several more video consultations. That was a big opportunity to reboot after the pandemic to get out of the field, meet other fishers, and reconnect.

- Hundreds of first aid/medicine kits distributed

FRN also distributed over 250 first-aid kits

- Fisher-negotiated health and safety agreements

FRN had negotiated MOU agreements with Ranong and Songkhla fishers' associations which are employers' associations in the two key fishing ports in Thailand. These agreements are to collaborate on health and safety training to raise the standards on board and vessels in their ports. FRN also had health and safety agreements that cover the health and safety standards of the boat, emergency procedures, document access, and agreement procedures among other things.

- New organizing center in Chumphon

Another activity that FRN had done in partnership with the ILO Ship to Shore Rights Project is that FRN opened a new organizing center in Chumphon in March. This is an exciting new opportunity because FRN has not had a lot of access to the Chumphon coast in the past. Therefore, FRN would meet a lot more fishers in the area and expand its reach around the country. Besides, fishers also have organized the fishers' assembly in the last couple of months. Through the assembly, they started to exercise democratic voting and contribute their voice to shaping the overall direction and the vision of FRN moving forward in Thailand.

- Over 600 new members in the past six months

There is also a big jump in membership growth. In the last few months, FRN has added over 600 new members because things are started to be opening up and it is easier to get more people in the field. Besides, there is also a lot of excitement among fishers who really want to take action on this point.

Looking to the future, FRN will work to improve fishers' protections by:

- Eliminating exploitation and raising industry standards for fishers
- Continuing to build and expand FRN Regional network

In Thailand and Southeast Asia, the fishing industry is in an ongoing struggle, but it is a challenge that ITF will keep putting an effort to expand by continuing to develop the capacity of FRN officers, activists among fishers, and leaders to prevent exploitation against fishers.

- Global justice for fishers

FRN wants to see and achieve global justice for fishers across the entire industry

At the closing of his presentation, Mr Greco shared the video message from the FRN president.

Ms Bharathi thanked and congratulated FRN for the presentation, inspiring video, as well as the establishment of the new organizing center. Furthermore, she appreciated the establishment of the fishers' assembly which the fishers themselves are organizing, exercising agency, and shaping how their experiences would be within all the challenges, such as poor working and living conditions, health challenges, and so on. Lastly, she also recognized the work of FRN which has been proactively negotiating the health and safety agreements.

Ms Bharathi then invited Ms Dina Nuriyati from SBMI to deliver her presentation.

Case presentation of Serikat Buruh Migran Indonesia (SBMI): Memberships, achievements, challenges, and future of SBMI by Ms Dina Nuriyati, Research and International Relation Coordinator, Serikat Buruh Migran Indonesia

Ms Dina Nuriyati greeted all participants and thanked the ILO for the opportunity to present SBMI's experience and achievements as well as the challenges that SBMI encountered in the meeting. Starting her presentation, Ms Dina stated that basically, SBMI is all aware that workers have the right of freedom to associate, and this is also part of human rights contained in the ILO Convention. Indonesia has also provided the freedom of association to workers through its law on unionization and freedom of association. These are the legal frameworks of the establishment of SBMI.

Ms Dina then explained that even though SBMI started its struggle in 2003, it had only been registered as a trade union registered in 2006. SBMI's regular membership consists of:

- Active migrant workers
- Potential migrant workers
- Migrant workers returnees
- Migrant workers family

SBMI also has extraordinary membership which consists of migrant worker protection activists who have a high commitment to supporting migrant workers.

SBMI's main activity is to organize the workers to conduct the advocacy and provide protection for the migrant workers, empower their economy, provide training and education, as well as conduct research and campaign.

SBMI membership in late 2021 has reached a total number of 13600 members situated in eight countries of destination, such as Riyadh, Jeddah, Taiwan (China), Hong Kong (China), Malaysia Singapore, Sabah, and the United States; as well as in Indonesia, for instance in ten provinces, 53 regencies, 17 subdistricts, and 77 villages.

Speaking about the achievements of SBMI, Ms Dina explained as follows:

- The increasing level of migrant workers' and families' awareness regarding the importance of unionism, organizing, and association. This is followed by the increasing number of union memberships, both at the country of origin and the countries of destination.
 - SBMI delivered several approaches at the country level to the village level to also raise the awareness of the workers and make them understand that by participating in the union, therefore, their voice can be represented by SBMI in Indonesia or other countries.
- Admittedly representing and strengthening the voices and aspirations of migrant workers in policy formulation, advocacy efforts to handle cases, and empowerment
 - SBMI has been recognized by the government when they were about to formulate a policy. Even though the members are struggling a lot when talking about the migrant workers, SBMI insisted to involve the migrant workers. This is another struggle because the voice is not yet being fully heard. But when the migrant workers can spread out and show their strength, in the policy discussion, SBMI is always involved in the process.
- Successful policy advocacy to establish the regulations and policies that bring migrant workers' protection services closer to their area of origin, at the level of the village, district, and provinces in the implementation of the Indonesian Migrant Workers Protection Law, 2017 (No. 18)
 - The village government of the country of origin does not see that they are the stakeholders in the migrant workers' protection policy. While in the Indonesian Migrant Workers Protection Law, 2017 (No. 18) regarding the role of the village, it is stated that the migrant workers should be able to receive the needed service. There's also a mandate to create an integrated service center at the regency level, namely One Roof Service Center (*Pusat Layanan Satu Atap*), where the local government is also involved in this center.
- Strengthening tripartite plus collaboration and social dialogue in creating a protection system for migrant workers (Initiation of the integration of MRC and LTSA –*Layanan Terpadu Satu Atap*)
 - This One Roof Service Center can free migrant workers from debt and trafficking. However, this is still a big homework because the implementation requires social concern from the community and the union. SBMI also encourages the service to be responsive to gender issues and to initiate integrated gender-responsive services together with the ILO and the ministry of manpower to ensure that the service provided is more responsive to gender issues. This collaboration emerged in Cirebon and East Lampung. SBMI has collaborated with ILO in this regard.
- Advocating the Migrant Fishers protection policy until the government regulation of migrant fishers' protection appears PP 22/2022
 - SBMI is strengthening the network with other unions and encourages the protection of migrant fishers who were previously becoming victims of trafficking.
- Encouraging the establishment of migrant worker village-based programmes at the village level (*Desmigratif –Desa Migran Produktif*, KKBM, PMI Family Development, and so on)
 - SBMI also demands the president push forward the government regulation to protect migrant workers. There should be an agreement that is assigned by the government

Those were the achievements that SBMI has worked on together with the other networks. Ms Dina added that these efforts then lead to other programmes from the government and networks where the village's programme also strengthens the migrant workers and empowers them at the village level.

Meanwhile, about the challenges faced by SBMI when organizing migrant workers, Ms Dina explained as follows:

- Time

Not all migrant workers returnees are economically strong because most of them are repatriated due to some problems, and they eventually decided to migrate and deploy again. Therefore, when SBMI tried to organize them, they tend to prioritize looking for more income for their livelihood rather than spending time on organizational activities. Moreover, some of them may have financial problems, too. Even overseas, SBMI members are still fighting for getting a good wage. During the day off, not all employers give them a Sunday leave. So, that is the challenge that SBMI and migrant workers are still facing nowadays.

- Economy

In regard to the financial challenges, they are related to financial problems, time, family support, as well as support from their employers and/or companies.

- Family/Employer/Company Permit or even no freedom of association and organization in the destination country

Not all countries render the freedom of association and forming an organization. In the situation that SBMI found, some migrant workers, when they were repatriated, they were very enthusiastic to join the organization. However, the support from family was very limited. This has made them face other challenges. For instance, they are not free to move, moreover, if their employers do not allow them to take a day off.

- Human resources

As a union, regardless of the members' educational backgrounds, SBMI has tried to embrace everyone. This has made another challenge, especially on how SBMI organizes the members. When SBMI provided pieces of training or courses, some of the members gave up easily and the organization needed to persuade them many times. If SBMI could not come up with a better strategy, there may be some of them quitting along the way. Therefore, SBMI needs to always have a backup plan or strategy to work on this.

- Discrimination and stigma against the women migrant workers/Lack of Gender Perspective that brings impact to the inclusivity and quality of policy or programme development include the participation in the development process.

Regarding stigma that prevails in society, when a woman is active in an organization, there are still negative stigmas that are imposed against her. For example, sayings that women should not be too active in public. This serves as another challenge. Ms Dina herself testified that she has also experienced this, and the public has misunderstood her activities. However, she always tried to ensure that whatever she does would bring positive changes, and hopefully, the public would gradually accept this.

As for the initiatives that SBMI looks at, Ms Dina explained that being part of the union and organization is very important. That is also true during the pandemic. During the pandemic, when migrant workers do not have proper documents but organize themselves, friends from the union can help them. On the other hand, when someone found cases of trafficking in person at the village level and the person has a group of migrant workers, they may encourage the government at all levels to ensure that the migrant workers are well organized and have the capacity. So, those who are repatriated would be able to disseminate information to prevent the unprocedural or illegal employment of migrant workers.

In addition, Ms Dina also explained that SBMI works closely with ILO to develop the Migrant Workers Resource Center (MRC). This is a collaborative work down to the village level. At the village level, below is what SBMI does:

- For migrant workers who are not deployed, they can involve in a discussion where they can improve their capacity to be the voices that would channel information to the perspective that migrant workers would not be trapped in trafficking in person.
- As well as to support multiparty discussion and collaboration which are in a form of integration of MRC and the one-stop service that is provided at the district level.
- Through this process, SBMI would like to also convey the message that capacity building does not stop here. Even when the migrant workers go overseas, SBMI would encourage them to become part of the union or to develop a new union in their destination countries. Ms Dina hoped that the destination countries would have an effort, in this case, to establish and develop a trade union.
- So, when the migrant workers return, they would be able to organize themselves and they would involve in the policy-making that would support and protect the migrant workers.

Those are the process that SBMI had to go through. Especially through the women migrant workers, as their voices are not really heard, SBMI needs to give them the necessary space. Ms Dina believes that women migrant workers tend to be powerless because they do not have enough space. That is why SBMI try to provide the space where they can improve their capacity. Something that SBMI would like to also promote is that in any policy at all levels, such as the village, district, and even national, the government would involve migrant workers, specifically women migrant workers. As migrant workers are having limited capacity, SBMI would invite them to learn how to analyze many problems or issues and to be involved in the dissemination of information as well as the prevention of trafficking in person, and so on.

As for the cross-border coordination that SBMI has been doing, Ms Dina explained as follows:

- SBMI organized information from every country, including information about how to handle cases, and how to develop migrant workers' capacity, both online and offline. This is the link of organizing activity that SBMI does domestically in the village where migrant workers came from and how SBMI organizes migrant workers who are working overseas, in the destination country.
- SBMI also works in handling cases, building references, and referral mechanisms to ensure the migrant workers could fight together although it involves many other countries
- SBMI also makes cross-border coordination with other networks, such as HOME, Serantau, Seed Foundation, Tenaganita, Pathfinder, IMWU, and so on, as well as collaboration work with UN Agencies, such as ILO, IOM, UN Women, and so on.

Those are SBMI efforts to improve empowerment activities. Ms Dina also added information about economic empowerment activities, such as establishing cooperatives and several minimarkets that are managed by migrant workers. The products sold in the minimarket are also produced by the migrant workers themselves. Therefore, the economy would continue to run and migrant workers can be more empowered financially.

Lastly, Ms Dina conveyed a message to the world that if people understand that migrant workers play a major role in this world, especially in the development of a country, thus people need to ensure that the country of origin and the destination country would render the comprehensive protection regardless their migration status, either as migrant or women. She thanked the participants for listening.

Ms Bharathi thanked Ms Dina for her powerful presentation. She reiterated that Ms Dina highlighted the impressive number of members that SBMI has within and across the ASEAN countries, the journey of starting small and going on to the cross-border activities, from the village levels and going all the way to support men and women migrant workers through the migration cycle. She also mentioned Ms Dina's explanation about the advocacy works, overcoming stigmas, and putting particular attention to women's leadership who may have challenges in terms of time and multiple burdens. Ms Bharathi then informed all the participants that SBMI, MRC, and LTSA (*Layanan Terpadu Satu Atap/One Roof Service Center*), the one-stop service that Ms Dina mentioned in her presentation, have had recognition from the ministry of manpower and was awarded as the Center that gives excellent services to the migrant workers.

Afterward, Ms Bharathi invited the final presenter of the first technical session, Ms Jec Sernande from the Hong Kong Federation of Asian Domestic Workers' Unions (FADWU) who spoke about the experience of organizing migrant domestic workers.

Case presentation of Hong Kong Federation of Asian Domestic Workers' Unions (FADWU): Memberships, achievements, challenges, and future of Hong Kong FADWU

by Ms Jec Sernande, Secretary, Federation of Asian Domestic Workers' Unions

Ms Jec Sernande thanked Ms Bharathi and greeted the participants. Starting her presentation, she introduced herself as the secretary of the Hong Kong Federation of Asian Domestic Workers' Unions (FADWU). She then

introduced Hong Kong FADWU as the only registered regional federation of Asian domestic workers in Hong Kong. It is affiliated with international domestic workers federations and consists of several nationalities, as follows:

- Thai Migrant Workers' Union (TMWU) Hong Kong
- Union of Nepalese Domestic Workers in Hong Kong (UNDW)
- Progressive Labour Union of Domestic Workers in Hong Kong (PLU)
- Overseas Domestic Workers Union in Hong Kong (ODWU)
- Union of United Domestic Workers (UUDW)
- Hong Kong Domestic Workers General Union (HKDWGU)

As the objectives of the Hong Kong FADWU, Ms Sernande mentioned to:

- Educate domestic workers, especially on their protection rights and welfare.
- Advocate for the different issues that domestic workers are facing in the community.
- Organize and expand the membership in the federation as it believes that if the migrant domestic workers are united, they will have the strength to change their situation as workers through mobilization and campaigning.

Hong Kong FADWU was started in 2011 with a total number of members of 1342 domestic workers. It increased in 2012 and reached 1497 memberships while the total of migrant domestic workers was 877. In 2014, the memberships were decreasing because of the disaffiliation of two affiliates and kept decreasing up to 2021. Below is the table of Hong Kong FADWU's affiliation and their memberships throughout the years (AGM reports):

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2021
IMWU (Indonesian)	346	438	165	N/A	N/A	N/A	N/A	N/A	N/A	N/A
UUDW (Indonesian)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	45
FMWU (Filipino)	-	186	240	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FDWU (Filipino)	19	25	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ODWU (Filipino)	45	106	126	102	91	99	64	58	58	20
PLU (Filipino)	N/A	N/A	N/A	157	102	200	149	138	152	218
HKDWGU (locals)	760	620	660	540	600	622	440	400	386	312
TMWU (Thai)	49	62	73	80	90	100	126	126	171	150
UNDW (Nepalese)	123	60	75	75	80	66	110	115	86	62
TOTAL	1342	1497	1339	954	963	1087	889	837	853	807
Total (only migrant DWs)	582	877	679	414	363	465	449	437	467	495

Despite the reduced membership, the union keeps actively reaching out to workers and members. The gradual decrease in the total number of memberships results in a drop of half of HKDWGU members in the last ten years. Migrant workers union in general has gradually increased in number. The drop in 2014 is due to the disaffiliation of the IMWU (the Indonesian union) and FMWU (the Filipino union). Originally, there were six affiliates of Hong Kong FADWU. There are three Filipino unions but two of them have been disaffiliated.

The activities in recruiting and retaining members are reaching the affiliates in different areas every month. Therefore, Hong Kong FADWU reaches out to domestic workers, not only Filipinos but also other domestic workers from other Asian countries in Hong Kong. Hong Kong FADWU also does membership orientation, workshops, and training to expand the members' knowledge regarding domestic workers' rights and welfare.

Starting from 2011 to 2022, there are a lot of achievements by Hong Kong FADWU, such as:

- 2012 – Hong Kong FADWU had been exposing the problems of the agency through press conferences, protests, and court cases.
- Hong Kong FADWU also worked on lobbying in Hong Kong to change the regulations.

- Research to see whether the agency follows the Code of Practice (CoP) which had been implemented in 2017. It resulted in the amendment of the employment agency and code of practices.
- 2019 - Result: 1st case of overseas testimony in labour court. This was the first case wherein the Labour Tribunal accepted the representation of all labour unions. Hong Kong FADWU continued the case even though the domestic workers' case is not there.
- In the international advocacy, Hong Kong FADWU continued to work on the issues of overcharging fees and human trafficking.
- The major campaign of Hong Kong FADWU is against excessive employment agency fees and illegal practices, such as the retention of identity documents.

In short, Hong Kong FADWU has achieved an up-close relationship with leaders and activists. It concerns the decision-making and principles, imposing one ideology for all active members and productive projects.

As for the challenges, Hong Kong FADWU identified them lie in the issues of office and venues as well as government urban renewal projects. In further, Ms Sernande explained as follows:

- The challenging political environment created a lot of changes in policies in Hong Kong
- Offices and venues for the activities, just like the high rent
The offices of migrant domestic workers in all districts are facing forced moving out to the extremely high rent that is not affordable.
- The lack of fundraising capacity.
Hong Kong FADWU cannot compete with the NGOs who have time, manpower, and skills in local fundraising
- Another big challenge since 2020 is the COVID-19 pandemic.

In the future, Hong Kong FADWU plans to work on:

- Fundraising: Currently, the fund that Hong Kong FADWU has is only enough for 2022 and a little bit for 2023. Therefore, fundraising for the 2023 and onward activities needs to be worked on.
- Strengthen affiliates: Hong Kong FADWU needs some support to expand its memberships and strengthen the federation. To push the government to evaluate the Code of Practice (CoP) as it had promised; push stronger law enforcement against a local illegitimate agency; push the government to allow workers to access and file complaints against a discriminatory government and racist employers as well as to allow workers to change employers.
- Campaign and advocacy against the discrimination against domestic workers, especially regarding the case of overcharging fees even after the implementation of CoP in 2017.

Ms Sernande stated that Hong Kong FADWU continues to educate domestic workers about their rights and welfare to strengthen and empower them so that they can fight for their rights. Especially, when they were violated and harassed by their employers. Hong Kong FADWU also continues to talk to the government despite the challenges that FADWU is facing currently with all the policies that the government has implemented and imposed. Hong Kong FADWU will continue to organize to expand its membership and strengthen the federation. Ending her presentation, she thanked the participants for listening.

Ms Bharathi thanked Ms Sernande for the presentation and highlighted the challenges and opportunities faced by domestic workers in Hong Kong. For instance, the challenges related to COVID-19, access to the domestic workers, and leadership changes. Meanwhile, Ms Bharathi also mentioned some impressive wins in Hong Kong, such as the equal opportunity commission with some domestic workers taken for the case of fair recruitment, the role of recruitment agencies, recruiters, and so on.

Ms Bharathi thanked all three speakers for their presentations and proceeded to the discussion and Q/A session.

Discussion and Q/A session

Ms Yatini Sulistyowati (KSBSI) asked Mr Greco (FRN) about how to ensure the standard of OSH (Occupational Safety and Health) since the ship is carried out by the owner. Besides, she also asked about what the captain usually does in the event of a work accident on the ship.

- Mr Greco responded to the question by explaining that regarding the OSH, there is a big learning curve and awareness curve where fishers understand what their rights are, what they are entitled to on vessels, and occupational safety and health (OSH) standards, as FRN does a lot of training around health and safety, using the medical kit, also explaining and helping fishers to understand what are there in their contract and what are they entitled to, not only based on their contract but also Convention No. 188. Those are parts of raising awareness of fishers to understand what they are entitled to. Besides, FRN is also working on Health and Safety Agreements to integrate all those standards into the agreements. And finally, the accountability at inspection. FRN team attends port-in port-out government inspections all over the time and tries to get out there, ask a lot of questions, be present, and demonstrate that there is the voice of fishers out there. Holding not only the employers accountable but also inspectors accountable to identify the issues and correct them.
- About the work accidents, Mr Greco noted that there are good and bad employers. Some of them respond well and take good care of employees in an accident like this. Other times, FRN see a lot of fishers get injury on their hands, but the boat does not come back right away while it should by law. For example, a few months ago, in one of the ports, there was such case and it showed where the power of the union is. The fishers on the boat made a call to an organization, which is one of FRN's organizers, and said, "One of the fishers lost his finger and the boat owner does not want the boat to come in, but he needs emergency medical support right now." So, what FRN was able to do was reported that to the coastal authorities and they contacted the boat owner and asked the captain to get there right now and take care of this. So, that is one-way FRN and fishers can combat accidents at sea when they are not handled correctly. But also getting injury procedures on the vessels, not only in Thailand but also in other regions, they do not have a process to follow about if something happens at the sea.

Ms Isha from India asked Mr Greco (FRN) about how the Organizing Centre works.

- Responded to the question, Mr Greco explained that the organizing centre is for the fishers, it is their place. They are the ones that become the leaders of the unions, they are also the members. It is not of the FRN director nor for the FRN staff either. It is a place for the fishers to come for assistance or to talk about the issues that they face, not only on the boat but anywhere else, to find the coming ground and what to be done to address the issues because their strength is in their number and power. So, that is what the Organizing Centre is, a space for fishers to come in and get some support and recommendations, to realize that they are not alone.

Ms Yatini Sulistyowati (KSBSI) shared that KSBSI has just adopted the OSH Convention as one of the fundamental rights. Therefore, the reason why she raised the question about OSH to FRN is that OSH on the boat or the vessels is questionable since no one could not really inspect whether they have already respected the OSH standards or not. Besides, she also noted that there is another standard, which Mr Greco has already addressed. However, she feels that what the crew experiencing here is that when they experience an occupational accident, the handling of the situation is quite simple and not quite serious. So, the skipper of the boat or vessel can be anything, they can be doctors, and so on. Ms Sulistyowati then asked Mr Greco about what would happen if some occupational accident occurred on a boat or vessel, especially when they are far away from the shore. What would be the first aid there? How do they evacuate or report the situation to the closest port so that they would get immediate responses or assistance, especially when the accident is a life-threatening accident?

- Responded to the question, Mr Greco explained that it is difficult if the boat is far off the sea since there may not be signals to contact the shore. Sometimes, the captains do not want to come back in because they would lose money and catch. So, there are a lot of obstacles to get over it. He agreed that in the ideal world, people put morals and ethics, but in reality, that is not always the case. That is why he noted that it is really important to empower the fishers so they would have the strength to stand up to the captain or skipper on board if they are refusing to take the consideration the fishers' health and wellbeing, and in terms of emergency on board, to put some pressure to go back in the shore in a timely manner to seek the medical assistance. He admitted that he does not have the perfect answer to the question since it is a very difficult situation on the boat when it is on the sea.

Ms Yuka Ujita (Senior Specialist, Occupational Safety and Health, ILO) shared that two weeks ago, the OSH care has been recognized as one of the fundamental principles of rights at work. However, as the practitioners, there is nothing much changed because as the basis, workers' health and safety, whether it is occupational or not and regardless of the location of the workplace, are their fundamental rights. And this time, including it in the fundamental rights at work is of course the obligation of the government, the workers, the employers, and more to make the policy stronger. But at the workplace level at this point, there is no space and no big change in the protection of the workers. Therefore, from now, she encouraged everyone to do something about it, for example, to establish an agreement, or include in the trade agreement, or anything else that may affect the protection of workers. She emphasized that the actions should be started now.

Before ending the Q/A and discussion session, Ms Bharathi requested the speakers to deliver a key message regarding organizing migrant workers.

- Mr Greco (FRN) noted that there are a lot of challenges, discrimination, and corruption around this kind of work. Workers are really prosecuted and face a lot of difficult situations. Therefore, it is important to keep helping workers understand that they are entitled to fundamental rights, raising their awareness and empowering them by assuring them that they can be the change-maker if they are united and work together. He also highlighted that basically, workers have strength in numbers, their lives are valuable, and they can make changes together. They cannot always wait for the government or employers to change.
- Ms Dina (SBMI) requested everyone to stay enthusiastic to organize migrant workers everywhere they are and whenever, before departing, working overseas, and repatriating.

Then Ms Bharathi proceeded to close the first technical meeting session. She thanked all the speakers for their contributions and reminded participants that there will be another technical session the next day. She also highlighted that despite all the challenges, every action matters, nothing about us without us, and so nothing about migrant workers without migrant workers' agency, everybody is entitled to fundamental human rights, also it is important to strengthen numbers and solidarity.

► Day 2 of 22 June - Technical session: Sharing experiences of organizing and challenges

Feedback, discussion, and recap of the technical session of Day 1

Mr Pong-Sul Ahn greeted all participants and requested feedback for the first-day technical session so that ILO would be able to improve its future system and programmes.

- Ms Fish Ip (IDWF) reviewed that in the technical session 1, there are three presenters, including FRN which is the fishers' union, SBMI which is organizing the returnee migrant workers and some migrants abroad, and Hong Kong FADWU which is the domestic workers' unions federation in Hong Kong. She further explained that it is very important to have migrant domestic workers register a union, yet it is not the right that domestic workers have in most Asian countries. Some participants expressed their surprise to see how Hong Kong FADWU was able to organize as a trade union. She noted that it is a good example to demonstrate the freedom of association that workers should all fight for no matter what kind and status of the workers. Workers' freedom of association should be recognized. For these past two years at the International Labour Conference (ILC), the majority of the cases found from the Asia side are related to the fundamental rights in ILO Conventions Nos 87 and 98. Thus, she hoped this was something workers can all work together and pick up.
- Mr Nadesan Gopal Kishnam shared that the Malaysian government is now proposing some major amendments to the Trade Union Act. For more than 65 years, Malaysian trade unions are controlled by sectors. For example, a worker from the automotive sector could only organize those from the automotive

sector. However, the amendment proposed by the government states that if the constitution allows a worker from a particular sector to organize workers from other sectors, including domestic workers, it is possible. The other point that he raised was that as the registration of trade unions is still confined to Malaysians, it seems that there's no proposal from the government in that respect of registration holding the position in the union. It is still very blurred. Mr Gopal requested Mr Ahn for enlightenment.

- Mr Ahn thanked Mr Gopal for highlighting a very important point. He then shared about the recent study on the trade union law and the industrial relations law in six countries, including five ASEAN countries and Jordan. The study partially looked into how these laws provide protection to the migrant workers, especially for organizing, joining, and being union leaders. The finding showed that Cambodia has developed new trade union law which is strongly supported by the national unions and global unions federations in terms of enacting that law. The law is somehow developed in the principles of ILO Convention Nos 87 and 98. However, other countries, including Malaysia, have restrictions on the law, preventing migrant workers to join and form unions and be elected as union leaders. So, that is one area that workers need to fight for, the changes in legislation. Therefore, for the changes in the legislation, the campaign for the promotion of the international labour standards, including ILO Conventions Nos 87, 98, 97, and 143 is needed.
- Mr Bruno Periera noted that regarding the organization of setting up trade unions, another fundamental principle to setting up unions is to have a collective agreement. If migrant workers can set up their own unions by nationality. For instance, if there are five nationalities, are they going to have five collective agreements? How is it going to play out? Usually, one general union for everybody and one collective agreement. Or they will take them as the majority representation of the union then they sign a collective agreement. So, if the trade union does not have a collective agreement, then it becomes a social organization for fellowship, protection, and rights. In the Malaysian proposed amendment to the Trade Unions Act, workers cannot form trade unions based on nationality. So, currently, there is a big debate in the labour NGOs and labour trade unions regarding whether to allow or not to allow, one said yes, and one said no to having the collective agreement. So, if ILO says no, ILO is breaking the foundation of the collective agreement.
- Mr Ahn noted that all workers need to collectively think about how to realize collective bargaining and its agreement in the workplace, especially for migrant workers. Regarding what Mr Bruno pointed out, that the collective bargaining agreement of trade unions is not genuinely functioning, it is an indication that trade unions have to improve their working condition and benefit their rights through the collective bargaining agreement, but that right also in many countries, at the enterprise level, is not granted. Some countries allow multiple unionism, but there is only one collective bargaining agreement certified by the law. In that sense, it is very difficult to have one unified collective agreement. He asserted that trade unions in Nepal have a very good example. All the trade unions at one establishment have an election to form a collective bargaining committee and this committee proceeds with the collective negotiation with the employers. So, they can have one collective agreement. Trade unions in Korea also fight for a unified CBA among them, but they have not succeeded in it as a union with the majority members must be certified to proceed with negotiation.
- Ms Fish Ip shared that in Hong Kong, although the government has policed the collective bargaining agreement law in 1997, during the handover, the domestic workers' unions and migrant domestic workers can jointly consult on the annual minimum allowable wage level for domestic migrant workers. So, it is good to hear that the migrant domestic workers in Hong Kong now somehow, put the issues of the minimum wage to them on their critical agenda.
- Mr Bruno Periera noted that domestic workers in Malaysia are eligible for the minimum wage. It is revised every two years, something like what Hong Kong has been doing. However, they do not have any union.
- Ms Fish Ip (IDWF) responded that in Hong Kong, domestic workers have a union. It is a federation of the domestic workers' unions with local domestic workers and migrant domestic workers from different nationalities. So, in Hong Kong, after the passage of a discrimination ordinance, workers are no longer able to form a union per nationality because of racist discrimination, meaning that workers cannot have a union that allows other nationalities to join in. But by practice, like the newly formed union, the United Domestic Workers Union, and Ms Jec's union, Progressive Domestic Workers Union, by their practice of organizing, the majority of Filipino domestic workers are joining in. Even so, domestic workers from different nationalities can join the unions, too. It is convenient to get the domestic workers to be organized

per nationality because they speak the same language. However, somehow they also joined together in the federation.

Mr Ahn thanked all the participants that had picked up the very important issues regarding migrant workers and their unions to further discuss. Afterwards, he invited Ms Anna Engblom, Chief Technical Advisor for TRIANGLE in ASEAN, ILO, to deliver a recap of the day 1 technical session and moderate the day 2 programme.

Recap of the technical session of day 1

Ms Engblom thanked Mr Ahn for the introduction and greeted all the participants of the meeting. Starting the second day of the Regional Meeting, Ms Engblom provided a recap of the proceedings of the previous day.

The focus of the discussions on day 1 was on sharing good practices and challenges of trade unions working with and organizing migrant workers; supporting and networking between the migrant workers' unions or migrant workers organization set up by the trade unions; also strengthening and empowering the trade unions by sharing information and good practices on how to organize migrant workers.

Ms Engblom noted that the technical session had been rich and highly informative. Starting her recap, she highlighted several points from the opening remarks from Ms Panudda. The remarks reminded the participants that COVID-19 has impacted all workers in the region, particularly migrant workers that were hit badly, which drew attention to the urgent need to ensure the protection of migrant workers' labour and human rights. She also emphasized that trade unions have a very crucial role to play in promoting and supporting regular safe and orderly migration as well as advocating for decent work conditions, noting the importance of equal treatment between the national and migrant workers. Ms Panudda noted that unfortunately the ratifications of some of the key Conventions related to labour migration, such as Conventions Nos 97, 143, 181, 189, and 190, are still quite low in the region. Furthermore, in Asia-Pacific, migrant workers face many difficulties in joining trade unions or establishing their own unions. This is due to so many reasons, but one of them is the fact that some countries have not ratified Conventions 78 and 98. Despite those challenges, Ms Panudda noted that there are a lot of good practices. Those are what brought ILO and participants to the panel discussion the day before.

Ms Engblom noted that the first panel consisted of three speakers, Mr Mark Greco from Fishers' Rights Network (FRN) in Thailand, Ms Dina Nuriyati speaking from the Indonesian Migrant Workers Union (SBMI), and Ms Jec Sernande from the Hong Kong Federation of Asian Domestic Workers Unions (FADWU). Mr Greco kicked off the session by noting that FRN supports migrant fishers from Myanmar and Cambodia that work in Thailand and advocates to raise the industry standards of the sector, including the effective implementation of the ILO Convention No. 188. As the challenges, he noted that despite Thailand being the first country that ratified the Convention, the migrant fishers are still facing serious challenges, including OSH issues, financial exploitation, retention of passport and other ID documents, and overall ineffective implementation of the Convention, also, of course, the COVID-19 pandemic has made the situation much more complicated. However, he also pointed out that as now the world is coming out of the pandemic, FRN continues to organize workers and provides a range of services, including training migrant fishers on first aid, CPR, and emergency procedures at the sea. FRN assists fishers to negotiate health and safety agreements and established a very successful Organizing Centre in Chumphon, Thailand. Now, FRN has gone from having one office to four offices in Thailand. This is showing the need for that kind of services FRN is offering. He then closed the presentation by emphasizing the need to continue to build and expand justice rights for migrant fishers in Thailand as well as in other countries.

In the second presentation, Ms Dina from SBMI noted that SBMI was registered as a union in 2016 and now has more than 13,000 registered members of migrant workers. They are located in Indonesia and other countries, including Saudi Arabia, Hong Kong, Singapore, Malaysia, and the US. SBMI organizes migrant workers, particularly women migrant workers, at all stages of the migration cycle, in the country of origin as well as in the country of destination, upon and return home to Indonesia. SBMI provides a range of services beyond organizing, including advocacy, case management, economic empowerment, education and training, and research. One example highlighted was the very successful integrated one-roof service center (*Pusat Layanan Satu Atap*). It is a Migrant Workers Resource Center (MRC) that was receiving an award from the ministry of manpower last year for providing excellent services to migrant workers. Some of the challenges that Ms Dina noted are related to the organizing of the domestic workers which is linked to the issues of time limitation, financial challenges, and in many cases, the employers do not allow workers to join a trade union. She also noted that there are stigmas in the society that

particularly impact women migrant workers' ability to organize themselves. In closing, she emphasized the need to develop cross-border linkages and networks.

In the third presentation, there was Ms Jec Sernande from Hong Kong FADWU. Hong Kong FADWU was established in 2011 and today has six affiliates. The objectives of Hong Kong FADWU are to unite the domestic workers' unions and domestic workers in Hong Kong and to advocate fair and reasonable employment in terms of working conditions. Hong Kong FADWU has been very active for the past ten years, they have been active in Hong Kong, and have done a lot of lobbying around improving the legislation and recruitment, which among others had led to the amendments of employment agency regulation and code of practice (CoP). That was highlighted as a key and important achievement of Hong Kong FADWU. Ms Sernande also emphasized the importance of public awareness of the situation of domestic workers during the COVID-19 pandemic. Some of the challenges that Hong Kong FADWU is facing include those that are related to political activism, some COVID-specific challenges, such as lockdown, expensive rate of rent for the office, also access to domestic workers who live in their employers' houses. Moving forward, Hong Kong FADWU will continue to organize to increase the memberships and strengthen the federation.

After the recap, Ms Engblom introduced the topics of the second technical panel:

1. The new ILO report on experiences and good practices from the trade unions led to Migrant Worker Resource Centres (MRCs) as organizing tools.
2. The experience of the General Federation of Nepalese Trade Unions (GEFONT) in organizing migrant workers abroad.
3. The experience of PERTIMIG, an organization that is set up by and for Indonesian migrant domestic workers employed in Malaysia.
4. The experience of the Korean Confederation of Trade Unions (KCTU) in establishing migrant trade unions in South Korea.

Study on Migrant Worker Resource Centres (MRCs) as organizing tools for migrant workers

by Mr Pong-Sul Ahn, Regional Specialist in Workers Education, ILO ROAP

Mr Pong-Sul Ahn thanked Ms Engblom and started his presentation by explaining that with Mr Leo Bernardo Villar, he conducted a study on the trade union-led Migrant Worker Resource Centres (MRCs). The research is particularly about how they work, how this is useful for the trade unions' work, and how their work is much more effective to protect migrant workers.

The presentation covered the following issues:

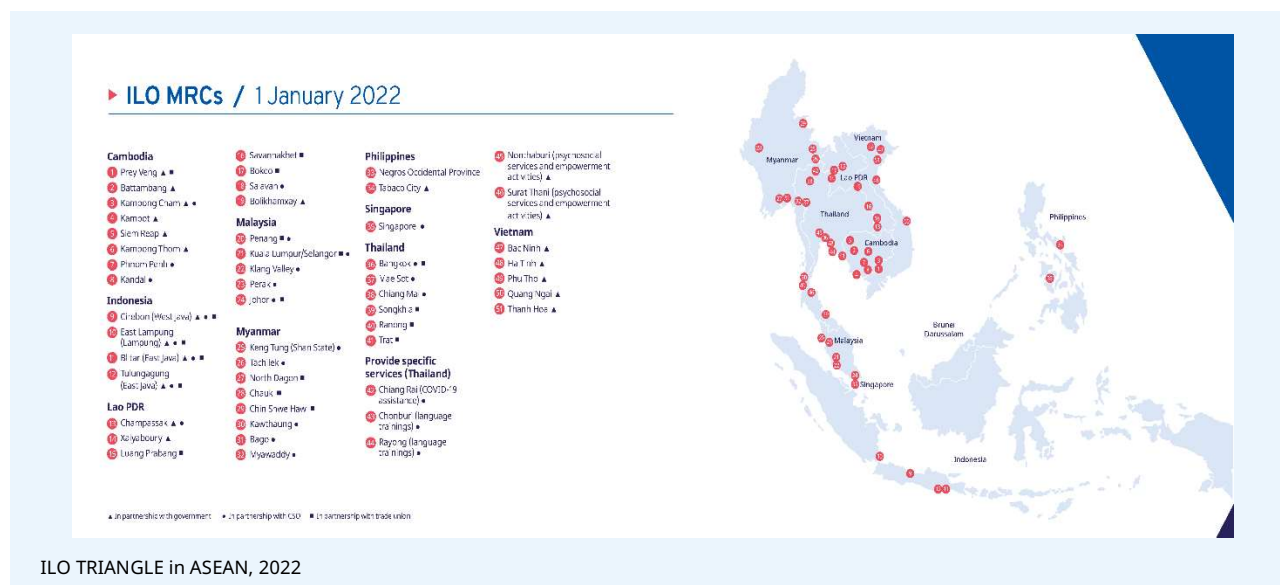
- Total number of migrant workers in South-East Asia and Pacific, and the Arab States
- Geographical coverage of MRCs in the Asia-Pacific region and MRCs run by trade unions in six countries, including the Jordan one.
- Ratification status of ILO Conventions Nos 87, 97, 98, and 143 in the six focus countries and coverage of national laws for migrant workers, specifically in protecting, organizing, and ensuring equal and non-discrimination treatment against migrant workers.
- Trade union-led MRC services are provided for the migrant workers, with the abbreviation of CLIENT, and practical cases of CLIENT, such as the one related to legal service.
- MRC services in Jordan
- Findings and recommendations

Regarding the number of migrant workers, in Southeast Asia and the Pacific, there were in total of 12.1 million, including 5.6 million women migrant workers and 6.6 million men migrant workers. While in the Arab States, there were in total of 24.1 million, including 4.2 million women migrant workers and 19.9 million men migrant workers.

This is the data for 2019. These are the target groups of what the research is about, which is the protection of the rights of migrant workers.

There are different types of migrant workers. ILO is supporting Migrant Worker Resource Centre (MRC) in collaboration with the government (triangle symbol on the map), trade unions (square symbol on the map), and civil society (circle symbol on the map). The below map shows the total number of MRCs supported by three ILO migration projects, including the TRIANGLE in ASEAN, the Safe and Fair, and the Ship to Shore projects, as well as where they are located in the region.

► Geographical distribution of Migrant Worker Resource Centres (MRCs) in Asia and the Pacific



ILO TRIANGLE in ASEAN, 2022

The table below shows the MRCs run by the trade unions. The research covers five ASEAN countries because the migration projects are focusing on these ASEAN countries. Therefore, the study covered MRCs in five ASEAN countries plus one MRC in Jordan run by three sub-regional trade unions – Arab TUC, ATUC, and SARTUC. Unlike the other MRCs, the MRC in Jordan is very independent of ILO financial support, although ILO remains to offer technical support.

► Trade union-led Migrant Worker Resource Centres in the six focus countries

Cambodia	Indonesia	Lao People's Democratic Republic	Malaysia	Thailand
CLC	KSBSI	LFTU	MTUC	SERC
• Prey Veng	• Blitar	• Luang Prabang	• Johor	• Bangkok
• Koh Kong	• Tulungagung	• Savannakhet	• Kuala Lumpur	
	SBMI	• Bokeo	• Penang	ITF/FRN
	• Cirebon		• Sabah, Sarawak*	• Ranong
	• Lampung			• Songkhla

The MRC established in Jordan in 2018 by a joint initiative of Arab TUC, SARTUC and ATUC

As seen in the table above, the research studied:

- CLC (Confederation Labour of Cambodia) in Cambodia
- KSBSI (*Konfederasi Serikat Buruh Seluruh Indonesia*) and SBMI (*Serikat Buruh Migran Indonesia*) in Indonesia
- LFTU (Lao Federation of Trade Unions) in Lao People's Democratic Republic
- MTUC (Malaysian Trades Union Congress) in Malaysia

- SERC (The State Enterprise Workers' Relations Confederation) and ITF/FRN (International Transport Workers' Federation/ Fishers' Rights Network) in Thailand

The study was conducted by methodologies including a literature review using publications from various organizations such as ILO projects and trade union-led MRCs and an interview with 12 people (seven ILO staff and five unionists who supports the MRCs).

The study firstly looked into the ratification and application of ILO Conventions related to the rights of migrant workers. These include:

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
- Migration for Employment Convention (Revised), 1949 (No. 97)

This Convention is formulated after the second world war. At that time, many people migrate from one country to another. Thus, this Convention was promoting the so-called legal migration and emphasizing equal treatment between the national and the migrant workers in terms of accommodations, benefits, working hours, application of minimum wage, national labour law, and so on.

- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

This one is a bit updated because it emphasized the prevention of human trafficking, and punishment for employers if they hire undocumented migrant workers but does not penalize the workers. It also recognizes the role of the tripartite constituents concerning the discussion of migration issues and emphasizes the tripartite consultations on the governance of migration.

► Ratification status of ILO Conventions Nos 87, 97, 98, and 143 in the six focus countries

Country	No. 87	No. 97	No. 98	No. 143
Cambodia	✓		✓	
Indonesia	✓		✓	
Lao People's Democratic Republic				
Malaysia		✓ (only Sabah)	✓	
Thailand				
Jordan			✓	

How do the ILO Conventions (Nos 87, 98, 97, and 143) apply to the national law, and whether the national law is aligned with the International Labour Standards (ILS)? To answer the question, the study looked at the four key issues as follows:

- National laws on freedom of association and collective bargaining
- Migrant workers are covered under trade unions laws
- Migrant workers can join unions and form unions
- Migrant workers can be elected as union leaders

The study looked at the relevant articles of the trade union laws and national labour law.

► **National laws concerning the rights of migrant workers to freedom of association and collective bargaining in the six focus countries**

	Cambodia	Indonesia	Lao PDR	Malaysia	Thailand	Jordan
National laws on freedom of association and collective bargaining	Law on Trade Unions 2016	Act No. 21 of 2000, concerning Trade Unions and Labour Unions	Trade Unions Law 2007	Trade Unions Act 1959	Labour Relations Act, B.E. 2518 (1975)	Labour Code, Law No. 8 of 1996
Migrant workers are covered under trade union laws	Yes (articles 5 and 6)	Yes	No	Yes	Yes	Yes (article 12)
Migrant workers can join unions	Yes (article 5)	Yes (articles 5 and 12)	No (article 20)	Yes (section 26)	Yes (section 95)	Yes (article 108)
Migrant workers can form unions	Yes (article 5)	Yes (article 5)	n/a	Yes (section 9)	No (section 88)	No (article 108)
Migrant workers can be elected as union leaders	Yes (article 5)	Yes (articles 5, 8 and 12)	n/a	Situational (sections 28 and 29)	No (section 101)	No (article 108)

As seen in the table above, Cambodia has all the columns yes. It means that somehow, in theory, all ILS are applied to migrant workers. However, unfortunately, Cambodia does not have many migrant workers, only some from China and Vietnam. Indonesia is also more or less like Cambodia. This is because the country has more concerned with its own migrant workers. Lao PDR has not ratified Conventions Nos 87 and 98, so there is a lot of restriction on the application of labour rights to migrant workers. In Malaysia, migrant workers cannot be elected as union leaders. They need a letter from the employer that is later certified by the chief of the labour superintendent in the ministry of manpower. In Thailand, the country has not ratified Conventions 87 and 98, so there are a lot of restrictions. Meanwhile, Jordan has ratified Convention 98. The country faces a lot of international pressure to improve its domestic legislation for migrant workers. However, in practice, there are still a lot of restrictions on migrant workers' rights.

In summary, trade union-led MRC services can be explained with the abbreviation of CLIENT, as follows:

1. Counselling – based on the particular needs of a migrant worker on safe migration, decision-making, rights at work, and violence against women.
2. Legal aid – MRC can file the case of migrant workers when they have experienced labour violations, including overcharging recruitment fees, unfair wage deductions, non-payment of wages, violence and abuse.
3. Information and education – offer general information in relation to training on financial literacy, safe migration and labour rights, including recruitment agencies, work contracts, immigration procedures, and so on.
4. Networking – any form of connectivity among migrant workers and their communities through group discussions or cultural events or through an MOU. As well as cross-border collaboration.
5. Trade union membership – introduces the benefit of joining a trade union and offers an opportunity for migrant workers to become union members. Although the implementation of this service is quite weak compared to the other services, it is improving and there are some good cases of MRC using their services in organizing migrant workers.

Based on the analysis of the CLIENT services, the following are the practical cases found:

- Case 1: Approaches of the MTUC Migrant Worker Resource Centres to grievance handling
- Case 2: Settlement of MRT construction workers' delayed salaries in Kuala Lumpur
- Case 3: Integrated gender-responsive Migrant Worker Resource Centre in Cirebon Regency, West Java
- Case 4: Radio discussion and Facebook Live on International Domestic Workers' Day in the Lao People's Democratic Republic
- Case 5: Migrant workers' associations and organizing in Malaysia
- Case 6: KSBSI Migrant Worker Resource Centre's cross-border collaboration with Project Women Brunei

Regarding the MRC services in Jordan, the study is conducted independently because culturally and geographically, Jordan is very different from Southeast Asian countries. The study in Jordan covers the MRC's functions and services provided by the MRC. The MRC in Jordan handled 57 complaint cases received from migrant workers in 2019-2022, which are related to violence against domestic workers (49%), work permit issues (25%), undocumented childbirth (16%), and recruitment agency fraud (10%).

The MRC in Jordan also provides different types of services, including:

- Information services and outreach: It developed more than 30 graphic and video materials, including brochures and leaflets, to distribute information on safe migration, migrant workers' rights, and financial literacy
- Capacity-building: It developed a manual on migrant domestic workers for the training of trainers on raising awareness of decent work as well as on leadership
- Campaigns and advocacy: It conducted research on social protection, minimum wage, and health and safety for policy changes. The MRC presented the result of the research to the ministry to encourage the consideration to include migrant workers in the national social security scheme.

Lastly, Mr Ahn presented the lessons learned and recommendations as follows:

1. Advance advocacy for the promotion of ILO Conventions 87, 98, 97, and 143 and labour reform for protection so that it can be included in the national legislation
2. During the COVID-19 pandemic, trade unions play an important role in protecting the rights of migrants in countries of destination or returnee migrant workers
3. Enhance the capacity for communication and negotiation to facilitate more effective informal mediation to resolve cases
4. Explore creative strategies such as cultural events or leveraging recreational and vocational activities as entry points to attract migrant workers' attention
5. Peer-to-peer networking activities have been an effective strategy to raise migrant workers' awareness of human rights issues and trade unionism.
6. Leverage digital and online social media platforms to reach out to migrant workers as more migrant workers become active on social media during the COVID-19 pandemic
7. Enhance their partnerships, especially with district and village-level stakeholders and women's organizations, to improve case management, provide gender-responsive services
8. Cross-border collaboration with national, sub-regional and regional trade unions to enhance support services and organizing activities for migrant workers. As for this point, Jordan is a good example that people can look at.
9. As for the ILO, it is recommended to continue support for trade union MRCs to protect the rights of migrant workers, especially women migrant workers.

In his final words, Mr Ahn noted that MRC is supervised by the national trade union, therefore, MRC is basically an arm of the trade unions. The overall delivered presentation covered a good example of the trade union-led MRCs in providing services and protection for the migrant workers that are supported by the ILO Migration-related projects. He ended his presentation by thanking the participants for listening.

Ms Engblom thanked Mr Ahn for his comprehensive presentation and encouraged the participants to read the available report of the study. She then moved on and invited Ms Smritee Lama from GEFONT to deliver her presentation.

Case presentation of General Federation of Nepalese Trade Unions (GEFONT): GEFONT's experience sharing good practices in organizing by Ms Smritee Lama, Acting Secretary of Department of Foreign Affairs, General Federation of Nepalese Trade Unions

Ms Smritee Lama thanked Ms Engblom and greeted all the participants of the meeting. Starting her presentation, Ms Lama shared a glance at how GEFONT has been working in the nation. GEFONT was established on July 20, 1989, as the second generation of the Trade Union Movement of Nepal and registered as the first trade union confederation of Nepal. GEFONT is the largest confederation in Nepal and organizes different sectors, including manufacturing, agriculture, construction, transportation, tourism, sports, and service sector to all kinds of Informal sectors. Currently, GEFONT has about 440,712 memberships as of the 7th National Congress in March 2018. GEFONT also has been affiliated with 20 federations as well as ITUC since its establishment in 2006.

Regarding how GEFONT has been working beyond the border, Ms Lama explained the ideas come up after the five years of the establishment of GEFONT or since 1994. This was the era when GEFONT first started to work on migration beyond the border and it was difficult since young people were migrating at that time.

As for the current situation, Ms Lama noted that:

- Around 3 million Nepali migrant workers work in destination countries.
They are going to Europe, then Korea and Japan, and a huge number of them are going to Malaysia.
- Daily 1000-1200 youth leave countries for a better future and one on average returning back in a coffin.
As there is a lack of decent work in the country, it pushes people to leave the country. Sadly, some of them returned home in dead bodies. In several weeks, there can be seven or eight returns in a coffin.
- Remittance covers 20-28% of the GDP of Nepal

Since 1994, GEFONT has been doing as follows:

- "GEFONT is there where the workers are"
This is GEFONT's slogan that has been voiced in Korea since 1994. That was a departure for GEFONT to work beyond the border. It was really a good example of how GEFONT has been working.
- GSG is GEFONT Support Group tool to include migrant workers
GEFONT was starting its work in Korea by forming a support group. GEFONT had experience working with trade unions out there in the destination countries that have trade union rights as well as in the countries where there are no trade unions rights. Therefore, GEFONT formed a support group to include the migrant workers, bring them together under the name of GSG, and convince and engage with them. And the group is also working for their welfare.
- Beyond the border: Different situations, different initiatives
Currently, GEFONT has been working in nine different destination countries. Some countries, where there are trade union rights, such as Korea now is forming the Migrant Trade Union (MTU). Meanwhile, when the GEFONT is working in Saudi Arabia where there are no trade union rights at all, it is a completely different situation and needs a different initiative.
- GEFONT Migrant Desk in Nepal
GEFONT is trying to cover all the cycles of migration. When there is someone who has been working in a certain destination country for several years and returns, GEFONT will try to link with the person. That is why there is GEFONT Migrant Desk in Nepal. Thus, whoever in the GSG in the destination countries, once they get back to Nepal, can connect to GEFONT. GEFONT tries to collect them as they may work in the different sectors of the workplace so that GEFONT can help them to connect with the relevant trade union.

Regarding the "different situation, different initiatives", the following is how GEFONT has been formulating its work in organizing beyond the border.

- Get involved among yourself

GEFONT realizes that it is uneasy to form even a small group until the worker can be connected to the trade union in the destination country. Therefore, GEFONT encourages migrant workers to get involved among themselves. This is one of the most important things to do as workers from a sending country like Nepal, to have a labour camp. GEFONT always encourage the workers to involve themselves once they are in the group.

- Contact the trade unions of the destination countries

This is also what GEFONT always suggests to the migrant workers, connect to the trade unions in the destination country.

- Get membership in the trade union in contact
- Pay membership dues
- Request them to resolve the problems they face at the workplace

That is what GEFONT tries to do, find the trade union in the destination country and connect the migrant workers to that trade union. Therefore, all the processes and the challenges belong to that trade union, since as the member the union must look upon them.

If there is no trade union in the destination country, the following is what GEFONT would suggest to the migrant workers:

- Organize among yourselves and utilize the country's law in migrant workers' favor
- GEFONT also help them to get in touch with the Nepali embassy or other human rights organizations

Once the migrant workers are organized, GEFONT always tries to conclude MoU with the union in the destination countries to implement the above-mentioned formulas. For example, GEFONT has done the MoU with trade unions in Korea, Hong Kong, Malaysia, Lebanon, Bahrain, Kuwait, and India, and the latest one is in Jordan. In Jordan, the MoU is done with the garment trade unions, where more than 500 Nepali migrant workers are.

Korea is the first that GEFONT tried to convince. Sometimes, GEFONT experienced a difficult situation regarding acceptance, especially when the trade unions in the destination country do not want to accept migrant workers. In that kind of situation, GEFONT would come and sit together again and make another attempt to convince the trade unions to work together. Therefore, the MoU has done with different countries of destination also come up with different initiatives.

Ms Lama admitted that sometimes, there is a doubt that just having an MoU would be enough. However, there is a good example she shared with the participants. In Kuwait and Bahrain, GEFONT signed an MoU in 2010 and 2012. Now, the voices of the migrant workers there are growing. This is because the trade unions there give space and find a place for the migrant workers if they would like to gather, which is very helpful for the migrant workers who mostly do not have enough money to do the service. Besides, they also help migrant workers when they want to form a trade union in those countries. So, apparently, signing MoU can really work.

Regarding the ongoing fight beyond the border, currently, GSGs are located in the following destination countries:

- UAE, India, Qatar, Kuwait, Bahrain, Lebanon, Malaysia, Hong Kong, Saudi Arabia, Korea (Now MTU)
- Within these destination countries, GEFONT has bitter experiences as well. For example, in Lebanon, GEFONT organized in-house domestic workers, which was very difficult. But GEFONT tried to do it and it was a bit successful. But then, unfortunately, two of the leaders were deported, both the secretary-general and the president. So, the members back to work as before GEFONT came there. In Qatar, when GEFONT formed GSG in 2011 for the migrant construction workers. One of GEFONT's leaders, when he was organizing the labour camp, he was taken to the police station for no reason. So, his family came to the office and was so worried about him since in their mind, once a person is caught by the police he will end up with the death penalty. Besides, some of the organizers were also reported to Nepal.
- On the other hand, some good experiences were found in Korea, and MTU is also now expanding its membership to other nationalities, in Malaysia where GEFONT is currently trying to focus on, and in Hong Kong. In Hong Kong, there was a good experience regarding the activity of organizing migrant domestic workers. GEFONT formed the domestic workers union there in 2010 with the help of International Trade Unions which helped to connect GEFONT with also the construction workers.

Ms Lama then also presented some activities done by the migrant workers under the GSG in the destination countries. For instance, in Malaysia and Lebanon, since around 80% of the Nepalese migrant workers there are women, GEFONT formed a women's trade union there. Meanwhile, in Hong Kong, GEFONT worked with the construction workers. So, basically, in the destination countries, GEFONT has put an effort to form a trade union, be connected with the existing trade union there, and sign MoU. As in the destination country like Qatar, GEFONT tries to find momentum there and organize more migrant workers there. Later on, ILO and ITUC come together. There are indeed good results from the long fights that have been done. In 2021, the Qatar government has declared the minimum wage for migrant workers.

Lastly, Ms Lama presented what GEFONT has been working on in Nepal. For instance:

- Setting up the Awareness Programme on Safe Migration
- Lobbying the Nepal government for Bi-Lateral Agreements (BLAs) and MoU with the government of the destination country.
- Continuing to lobby and build engagement in the formulation of policy for migrant workers' rights
- Working on the social security rights for migrant workers
- Voting rights for migrant workers

Ms Engblom thanked Ms Lama for the presentation and highlighted the big success of GEFONT which had been able to organize and link Nepali migrant workers up to the trade unions in the destination countries, have MoU with the trade unions in the eight destination countries with some particular formulations and country-specific initiative. Afterward, Ms Engblom called upon Ms Binti Rosidah from PERTIMIG to deliver her presentation on the experience of organizing Indonesian migrant workers in Malaysia.

Case presentation of Persatuan Pekerja Rumah Tangga Indonesia Migran (PERTIMIG): Best practices of PERTIMIG

by Ms Binti Rosidah, Vice Chair, Persatuan Pekerja Rumah Tangga Indonesia Migran

Ms Binti Rosidah began her presentation with thanks and greetings. She thanked ILO for the opportunity to present PERTIMIG's experience as well as her employer for permitting her to attend the meeting.

Ms Rosidah introduced PERTIMIG as *Persatuan Pekerja Rumah Tangga Indonesia Migran di Malaysia* or the association of Indonesian domestic workers working in Malaysia established on December 15, 2019. Therefore, the members of PERTIMIG are all domestic workers from Indonesia working in Malaysia. The missions and visions of PERTIMIG are to organize, educate, and advocate the wage of migrant domestic workers for decent work. PERTIMIG has developed to become the forum for domestic workers in Malaysia to organize themselves, involve in advocacy, as well as voice their aspirations and ideas regarding policies. PERTIMIG organized a virtual congress on June 13, 2021 and established an affiliation with IDWF. And about a week ago, PERTIMIG organized the first annual general meeting.

Ms Rosidah then explained the current situation of Indonesian domestic workers as follows:

- Working condition

Most migrant domestic workers in Malaysia do not have any day off, experience excessive working hours, have no working contract, have no health insurance, and tend to be vulnerable to experiencing any type of violence, such as physical or sexual violence, as well as unpaid wage. For the past two years, PERTIMIG has proceeded with around 70 grievances of physical and sexual violence. Meanwhile, most cases of migrant domestic workers are unpaid wages, which have reached about 500 to 600 thousand ringgits worth of wage.
- Policy

The policy in Malaysia is still very discriminatory against migrant domestic workers. For instance, the labour law of the manpower act in Malaysia. The government changes the term "domestic servant" to "domestic

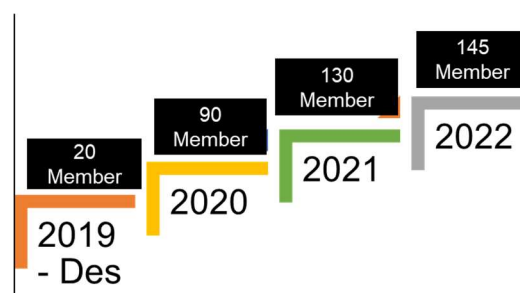
employee". However, the rights of domestic employees are not the same as the workers' rights in any other sector. The domestic employees' minimum wage is also an exception and SOCSO (Social Security Organization) does not fully cover them, it only covers the work accident. Domestic employees are also not included in the recalibration programme in Malaysia. Thus, domestic workers are not considered to be an essential sector of work.

- Safety

There is an increase in immigration raids against undocumented workers. Therefore, migrant domestic workers must hold their own documents. As for the cases, such as document or passport retention, some of them are handled independently while some others are handled collaboratively with local NGOs, such as Tenaganita, Our Journey, and so on. PERTIMIG also refers some of the cases to the Indonesian embassy in Malaysia.

Regarding the achievements in terms of organizing work, PERTIMIG has amplified the voices of domestic workers. In the beginning, PERTIMIG to reach one or two domestic workers in Malaysia was very difficult. Moreover, many domestic workers were not aware of the benefit of being part of PERTIMIG. Therefore, PERTIMIG uses the in-person approach, such as distributing flyers for various information. With this kind of strategy, domestic workers started to acknowledge the contribution of PERTIMIG to the problems that they are facing as migrant domestic workers. As seen in the figure below, there is an increased number of memberships in PERTIMIG. PERTIMIG only had 20 members in 2019, 90 members in 2020, 130 members in 2021, and currently, PERTIMIG has 145 members in 2022. This means that there has been an improved awareness of the importance of the PERTIMIG. This also shows that PERTIMIG can convince domestic workers about the importance of PERTIMIG to bring about and amplify their collective voices.

► **The memberships of PERTIMIG over the years**



In reaching out to the domestic workers, PERTIMIG uses the one-on-one outreach strategy. Ms Rosidah further explained as follows:

- PERTIMIG provides the members with educational materials and visits them in the hotspot areas. PERTIMIG organizes an online educational programme during the pandemic since it is almost impossible to meet the members in person. The online outreach also then creates forums where the members can discuss the issues of mental health, gender, and the importance of being part of the association.
- PERTIMIG develops contact leaders in the hotspot areas. They would be responsible to accept grievances and handle cases, verify new members, and so on. The member verification is conducted strictly to ensure that the members understand the importance of joining the association. PERTIMIG also has monthly dues. Members have to pay 25 ringgits for the registration and ten ringgits for a monthly contribution. The contribution money itself is used to finance PERTIMIG's educational activities, such as the English course, sewing class, and so on.
- PERTIMIG organized a movie screening for the community in several hotspot areas where domestic workers usually get together.
- PERTIMIG also organized basic orientation and training for the members so that they understand what migrant domestic workers are and the importance of joining the association.

During the organizing works, PERTIMIG found some major issues. For instance, the policy needs to be changed so that domestic workers can have a decent work situation. Besides, to bring about the changes, domestic workers need to have some capacities. For instance, domestic workers need to understand the issues that happen, such as

violence. In addition, the existing and prevailing policies still place domestic workers as second-class citizens. As mentioned earlier, there is a discriminatory policy that is applicable in Malaysia.

For the past year, PERTIMIG has been focusing on:

- Developing the leadership of the members of the organization.
- Encouraging the media to cover more stories of domestic workers.
- Enabling domestic workers to show their own narratives as one of the advocacy tools. It is very important because domestic workers' voices should be channeled by the domestic workers themselves. If the capacity of domestic workers is getting stronger, their voices would be also stronger, especially in the advocacy process.
- Meanwhile, for the time being, the migrant domestic workers in Malaysia are not allowed to build an organization or our own association or union. However, there is an opportunity for us to approach, lobby, and work on policy advocacy. Therefore, PERTIMIG joins the Labour Law Reform Coalition (LLRC). LLRC has been the platform for Indonesian migrant workers to express their interests and draw attention to their interests.

The two main areas that PERTIMIG looks at are policy advocacy, specifically the advocacy of the Labour Law in Malaysia which was enacted the last March as well as the policy on the amendments of the trade union law which is still in the process of deliberation in the parliament. There are several interventions to the policy in the destination country, such as building up the social dialogue on the MoU in Malaysia. PERTIMIG has the opportunity to have a dialogue with the government. However, the involvement seemed not considered very important. This is one of the things from the government that PERTIMIG tries to criticise. PERTIMIG wants to ensure that domestic workers are involved every time the government formulates policy for domestic workers since the voices of domestic workers are very important.

As for the challenges and solutions, Ms Rosidah explained:

- Difficulty in accessing services for victims of violence. For example, when there was a case of sexual violence and it was reported to the police officer, the police would ask for evidence. Meanwhile, as a domestic worker, the victim was not able to provide physical evidence for the case. Thus, it is difficult to assist the victim in this kind of case.
- In terms of organizing, PERTIMIG is lacking human resources, and domestic workers are having limited space and time to be actively involved in the activities. As the solution, PERTIMIG is trying to build in-person communication with the leaders and improves their capacities through leadership and organizing training.
- Limited skill to build campaign messages. Therefore, PERTIMIG organizes training for improving skills as well as for building networks, including approaching journalists.
- In Malaysia, there is a prohibition on establishing unions and there's limited support for the rights of freedom of association. To overcome this, PERTIMIG tried to involve in social dialogue and collaborate with other parties.
- Regarding safety, migrant workers in Malaysia are still experiencing some issues. For instance, there was a domestic worker who ran away, and her passport was withheld. To overcome the situation, PERTIMIG needs to also educate the domestic workers that this is their right to keep their own immigration documentation.
- The last challenge is public awareness. This affects the interest of domestic workers. Domestic workers are not considered important, and the public still puts domestic workers as second-class citizens.

Ms Rosidah ended her presentation with "Happy domestic workers day!" She noted that when domestic workers are united, they will not be defeated.

Ms Engblom thanked Ms Rosidah for presenting the challenges and success story of PERTIMIG in organizing Indonesian domestic workers in Malaysia. Ms Engblom highlighted some impressive works of PERTIMIG, such as the ability to work with media to share the stories of domestic workers, to build a network with other organizations and alliances in Malaysia due to the restriction of forming a union, to provide services for the domestic workers, as well as to increase the number of memberships over the years.

Afterward, Ms Engblom invited Mr Udaya Rai, the president of the Migrant Trade Union, KCTU, to deliver his presentation.

Case presentation of Korean Confederation of Trade Unions (KCTU): KCTU's experience in organizing migrant workers in Korea Mr Udaya Rai, President, Migrants Trade Union, Korean Confederation of Trade Unions

Mr Udaya Rai thanked Ms Engblom for the opportunity to present at the meeting. Through the presentation, Mr Rai would talk about the policies in Korea related to migrant workers, the challenges in how KCTU is organized, what KCTU is doing in Korea, and what will be the future direction of KCTU.

Mr Rai then started his presentation by sharing the history of the migrant workers' movement that has always been fighting for their rights.

- Since the late 1980s, migrant workers have started to come to Korea with tourist visas and work as undocumented workers. They were not covered by the labour law. Therefore, they experienced a lot of problems, such as occupational accidents. Sometimes they were injured and sometimes they were dead because of it. However, they could not receive any compensation for the accident.
- In 1994, undocumented migrant workers did sit-in protest against the forced deportation of those injured at work. This was the first protest by migrant workers in Korea.
- Since March 1994, Industrial Accident Insurance has been applied to migrant workers.
- Due to the shortage of migrant workers while the Korean government needed more workers, so the government launched the Industrial Trainee System in 1994. However, under the system, migrant workers were not recognized as workers, but as trainees. Therefore, they did not have any rights as workers and were not covered by the labour law. Besides, their legal documents were also retained, and they also experienced verbal and physical violence.
- In 1995, 13 Nepali migrant workers' sit-in protest, demanding the abolition of the Industrial Trainee System
- Since Feb 1995, there has been partial application of Labour Standard Act to the Industrial trainee System, such as regarding the minimum wage, prevention of violence, and the banning of passport retention.
- Inauguration of JCMK, the first-ever migrants support organization
- In 2000, the Coalition for Full Achievement of Migrants' Labour Rights and Freedom of Movement and Employment was launched
- In May 2001, ETU (Equal Trade Union)-Migrants Branch was formed. Previously, there was no way migrant workers could organize themselves due to the problematic Industrial Trainee System.
- As the KCTU kept protesting against the Industrial Trainee System, the government decided to change it into the Employment Permit System. However, the government stated that because of the launch of the system, all the undocumented migrant workers would be forcedly deported.
- From Nov 15, 2003, up to Nov. 28, 2004 (381days), there was MyeongDong Cathedral Sit-in protest against the forced deportation and for the legalization of undocumented migrant workers. The documentation can be watched at <https://youtu.be/SxGo3HIqUOM>
- Since the foundation of the Migrant Trade Union (MTU) in 2005, the government kept cracking down on MTU leadership and forcedly deported the leadership of the union because they were carrying out labour activities:
 - In 2005: Anwar Hossain, (Founding president)
 - In 2007: Kajiman (President), Raju (Vice President)
 - In 2008: Torna Limbu (President), Sabur (Vice present)
 - In 2011: Michel Catuira (President) by the cancellation of visa
- After a long process to register MTU as a trade union from the beginning of its founding, legal recognition of MTU was finally granted by the Supreme Court's decision in 2015. At that time, it is extremely difficult for

migrant workers to form trade unions or join trade unions. However, now MTU already has eight branches across the country. Those branches are located in the capital city area although MTU is a national-level trade union, now MTU has over 2 million migrant workers.

As for the situation of migrant workers in Korea, Mr Rai explained as follows:

- There are 10% of 20 million local workers are organized and 0.1% of 1.5 million migrant workers have been organized.
- The challenges faced by the workers have become the reasons why KCTU wanted to organize them. For instance, low wages, high labour intensity, and non-unions strategies imposed by the capital for excessive exploitation are to be realized for migrant workers (under EPS and Immigration Control Law).

The growth of the members with a migration background (May 2022):

- KMWU 136/KPTU 83
- KFCITU 3200/KCTF 22
- KFCLU 6
- Migrant Trade Union (MTU) 700
- Seongseo Trade Union (STU) 113
- In total: 4260

Like MTU, KCTU also works in organizing migrant workers. So, MTU and KCTU are collaborating very closely.

In some cases, communication in migrants' own language is not easy. Training and meeting documents are translated. Member education, visiting and phone call, and social media (Telegram, Facebook, YouTube).

How KCTU has been organizing the migrant workers?

- Regular meeting: Organizes for migrant workers in each affiliate and regional branch
KCTU has regular meetings with its programme managers. And its migrant workers' organizers under its affiliates participated in solidarity for equality for migrant workers. They also engage in activities regarding various issues faced by migrant workers. They also gather information and make a presentation on various issues related to migrant workers. Under the solidarity, KCTU also joins in the solidarity for equality for the migrant workers.
- Education and training: Training on migrant workers' issues for KCTU affiliates, Legal and Counselling Academy for organizers. It also develops and provides training to nurture migrant worker activists.
- Action: International Day for Elimination of Racial Discrimination, Mayday, Abolition of EPS, National Migrant Workers' Rally
- Joint action organized by issues
- Networking among migrants' solidarity groups nationwide

The following are some examples of the organizing experience:

- KMWU – Kumtoil local
 - The management rejected cooperating for VISA extension as a means of anti-union threat against the migrant workers. The union acted together.
 - Employment security for migrant workers and stronger unity.
- KCTFU – Polyphia local
 - Once migrant workers joined the union their rights were improved in various areas through collective bargaining.
 - Equal benefits and national holiday allowance, ban on verbal abuse, and so on.

As for the main activities for organizing migrant workers, Mr Rai explained the following:

- Publication
 - Training material "[Migrant workers changing society](#)" (2021) in Korean, Sinhala, Vietnamese, Burmese, Nepali, Bengali, English, and Chinese.

- [“Migrant Workers: Rights Handbook”](#) (2020) in English, Vietnamese, Nepali, Bengali, Burmese, Bahasa Indonesia, Chinese, Russian, Thai, Sinhala, and Khmer
- KMWU’s newspaper for migrant workers
 - Multi-lingual newspaper targeting non-unionised migrant workers in the industrial complex
 - Published twice a year (Mayday and November National Workers Rally)
 - Distributed by the KMWU regional branches and migrants supporting organizations in 12 languages, for instance, Chinese, Burmese, Thai, Bengali, English, Uzbek, Bahasa Indonesia, Khmer, Vietnamese, Nepali, Sinhala, and Korean.
- Education and training
 - Legal and counseling
 - [2015-2019] Centralised: Institutional framework, case study, history of the migrant workers' movement, and so on.
 - [2020-2022] Decentralised: Metropolitan area/Deagu-kyungbok; Busan-Kyungnam/Gwangju-Jeonnam; Migrant workers demand during the COVID-19 pandemic, case study
 - Training tour for KCTU regional branches (2022)
 - Importance of organizing migrant workers, the history of the institutional framework and migrant workers' movement, the role and responsibility of democratic and independent trade unions, and so on.
 - Time: 2nd half of 2022
 - Materials and manuals are being developed
 - July 12: Preparatory workshop
- Campaign and actions: National Migrant Workers Rally, Migrant MayDay, and so on.
 - [2019] National Migrant Workers Rally for Right to Workplace Safety!
 - [2022] Mayday Rally for Free Job Change! Right to Decent Housing!
- Expansion of organization
 - Training and meetings for organizing campaigns and leadership development
 - Training tour (frequently)
 - Establishing and operating regional branches
 - Monthly newsletter
- Action and outreach on migrant workers' issues
 - Within the KCTU: Minimum wage, precarious work, migrant organizers networking
 - Coalition of Equal Rights for Migrant Workers with some 20 organizations of labour, civil society, human rights, and students.
 - Joint activities with migrants' rights groups: Migrant women, migrant children, refugees, and so on.
 - Accommodations, equal rights for National Health Insurance, policy forums, and so on.
 - Working with regional networks

Below is the migrant workers' demand:

1. Free job change! Change EPS into WPS!
2. Fundamental labour rights for migrant workers!
3. Abolition of after-departure payment of severance pay!
4. Abolition of article 63 of Labour Standard Law! Guarantee the workers' rights in the agribusiness and fishery sectors!
5. Stop cracking down against undocumented migrant workers and legalize them!
6. Guarantee decent accommodations!
7. Eradicate gender-based discrimination and violence against women migrant workers!
8. Stop the racial discrimination in the COVID-19-related policies!

Below are the future tasks of KCTU:

- COVID-19 Crisis diverted to the workers: Make migrants visible amid discrimination and exclusion
- Fight against discrimination and hate against migrant workers: Persistent training and action
- Migrant worker representation: Migrant workers in leadership and delegates
- Narrowing the gap between regions: Strengthening relation with migrants' organization
- Organizing led by industrial unions

Ending his presentation, Mr Rai emphasized that to organize migrant workers, people need to change their mindset and the awareness of the migrant workers themselves. Because of the acquisition and regression of the Korean government, migrant workers need to get together to make a stronger fight.

Ms Engblom thanked Mr Udaya for his presentation on the movement of migrant workers in the Republic of Korea starting in 1994 and leading up to 2015 when MTU finally gained legal recognition. Ms Engblom also noted the emphasis given by Mr Rai regarding the density of migrant workers in trade unions that is still low and so there is something to do in that regard. However, it seems that Korea is going to need more migrant workers in the future and it would be a chance for MTU to grow and expand.

Moving on to the next session, Ms Engblom opened up the discussion and Q/A session for the participants.

Discussion and Q/A session

Mr Bruno Periera asked the presenters if they are also working on recruiting workers in the country of origin and leasing in the country of destination.

- Ms Smritee Lama responded that since Nepal is the sending country, GEFONT has several meetings related to the recruitment of migrant workers. Migrant workers always have issues with the agent or agencies related to the policy of zero cost, which means with the 10,000 only they can check with the migrant workers, but still, in practice, migrant workers are paying really high. In that regard, GEFONT has so many forums where they sit together. Besides, there is a department of foreign employment in the government where Ms Lama becomes a representative of the trade union with the other person from the departing agency. They share the forum in the country of origin. However, GEFONT does not have any kind of it in the destination country.

Ms Deepa Bharathi asked Mr Udaya Rai (KCTU/MTU) to share his experience in reaching out and organizing domestic migrant workers in Korea.

- Mr Udaya Rai explained that in Korea, there are no domestic workers officially. Due to that, KCTU cannot organize domestic workers. There are some Chinese-Korean domestic workers in Korea, but KCTU does not have any connection with them. Therefore, KCTU cannot organize them. In Korea, it is not officially allowed to have domestic workers in a Korean family. So, KCTU does not have the experience to organize domestic workers.
- Ms Smritee Lama added that GSG and GEFONT segregate the specific sector of migrant workers. In Malaysia, Qatar, and Saudi, GEFONT organized domestic workers also within the GSG. Therefore, if they can be put together in small groups based on their work structure, they can make a stronger voice. The GEFONT Support Group (GSG) is where all kinds of workers, whatever the migrants do in the destination country, can come together. For instance, in Saudi Arabia, just before the pandemic, there are several problems experienced by domestic workers. Since Saudi is a very huge country, the mitigation of the case was really difficult. However, different support group leaders helped to rescue and in the one-year time frame, they rescued about 11 domestic workers in their houses. There was a man who wore a burqa to rescue the domestic workers and send them back to Nepal. This is also the kind of case that GEFONT tries to bring together all the GSGs to resolve.

Ng Yap Hwa asked Mr Udaya Rai about the number of collective agreements signed between migrant trade unions and employers or whether it is covered under KMWU's or other unions' CA.

- Mr Udaya Rai responded that instead of CBA, the unions are focusing on solving many issues. In WU, there are several migrant workers members, but they are covered by KMWU's Collective Agreement. However, MTU does not have CBA because MTU does not have enough people to present in the collective bargaining. So, there is only one CBA. However, under the KMWU, there might be several CBAs that cover migrant workers.
- Youngsup Jung (MTU) added that KMWU has collective agreements in 16 local branch unions regarding migrant workers.

A participant asked Ms Smritee Lama if there is any organization for migrant workers in the gold organized by GEFONT.

- Ms Smritee Lama responded that when GEFONT started from GSG in Korea from 1993 to 1994, all of the struggles that Mr Udaya said until the MTU, came. Now, there is no specific job is supported. The motto is that all migrant workers can come and join MTU. The struggles that occur there, as Mr Udaya mentioned, are the next level of struggle. What the MTU is trying to bring now is not only Nepalese migrant workers, but all migrant workers from any country can join the MTU within the KCTU. Then GEFONT will have a further level of conversation with KCTU. For instance, next month, GEFONT will come together again with KCTU and discuss what can be worked on together and how GEFONT can contribute to the work. Now, GSG in terms of all struggles taking place in MTU.

Ms Engblom ended the session by thanking all the speakers for the interesting discussion and passed the floor to Mr Ahn for the closing session of the agenda.

► Closing remarks

Mr Ahn thanked Ms Engblom for facilitating the second-day technical session and requested participants to give a round of applause for Ms Engblom and the resource persons. He appreciated all the excellent presentations with new information as well as remarkable stories on how trade unions are reaching out the migrant workers.

Without further ado, Mr Ahn invited Mr Ariel Castro, Asia Desk Officer of ILO ACTRAV based in the headquarter of ILO in Geneva, to deliver his closing remarks.

Mr Ariel Castro, Asia Desk Officer, ILO ACTRAV

Mr Ariel Castro thanked Mr Ahn and colleagues for the opportunity to speak at the closing of the meeting. As he had listened intently to the presentations of the previous day and of the second day, he felt quite enthused by the fact that a lot of things are going on and a lot of things are really taking root in terms of how the protection of the migrant workers can be made even more sustainable and as a point break for the better work for the unions and the organizations that seek to protect the migrant workers. So, he was very happy that this opportunity of talking about all of these efforts was happening and organized by the ILO office in Bangkok. Therefore, he thanked Mr Ahn, Ms Engblom, and Ms Bharathi for the rich discussion in the meeting.

In his closing, he admitted that he was really struck by the fact that unions and workers' organizations were talking about organizing migrant workers. He noted that everyone should be clear about what it is in terms of the thing that have been doing in the organizing. One that he heard a lot about organizing was for advocacy because everybody realized that there are a lot of opportunities, challenges, and conditions that still need to be changed for the migrant workers. Therefore, that is what the organizations, even unions and all the colleagues have been reporting and working toward. For instance, the advocacy for services and the advocacy for orientation.

On the other hand, something that he was also struck by from the discussion was the fact that it is necessary to see how workers can organize for collective bargaining. Collective bargaining itself is a way of ensuring that the organized workers are able to negotiate their resort to the collective agreement or contract set of terms and

conditions. He would like to bring that definition on board to highlight the fact that in most cases, collective bargaining is proven to be, in many parts of the world, effectively facilitating equality, inclusion, and contribution to safety and healthy workplaces and it is a very important initiative. He believed that from the launch of the ILO flagship report on collective bargaining and social dialogue. He also encouraged participants to look at the document because it contains a lot of the issues and emerging concerns in the development setting that have been raised in the meeting. One of the things that he would like to take out from the collective bargaining and social dialogue flagship report is that there are important developments taking place in a number of countries. For instance, the effective recognition of the right to collective bargaining is happening in many countries, including some in Asia. He hoped that participants can look at that and have a deeper discussion around those issues for others to be inspired and to see how everyone can go beyond this organizing for advocacy that everyone is normally doing.

Another point that Mr Castro picked up was that there are collective bargaining agreements that have happened between the migrant workers' organizations, unions taking the lead, and the employers of migrant workers. For example, the case that Mr Ahn mentioned in his presentation that there is a garment workers organization in Jordan that has successfully negotiated the collective bargaining agreement in the Jordan garment sector, involving migrant workers from South and Southeast Asia. This is an important development that one should take note of. It did not happen before, it's starting to happen, so he encouraged colleagues to understand the dynamic that has happened in terms of concluding the collective bargaining from happening. Therefore, everyone can continue to have more of these. This is a great challenge for the migrant workers' organizations and the unions that are really interested in improving the condition and protecting the rights of migrant workers.

Mr Castro also pointed out the union membership in Asia that has been increasing, from about 28.8% coverage in 2008 to 36.5% coverage of the union memberships in 2019. He noted that there is a growing trend of unionisation, and this is coming from mainly the non-traditional sectors where unions were actually not known to organize, but they are now organizing. For instance, informal sector workers, female workers, and most importantly migrant workers who are becoming more aware and closer to the recognized organization for workers, such as unions. Mr Castro reported that this is continuing to happen.

The last point that Mr Castro noted was about the coalition that has been forming, such as in Indonesia and Malaysia. This is an episode where trade unions can do revitalisation and make the representation of workers more visible in policymaking, effecting changes in the legislation, making the necessary recognition for workers, and being visible in representing all types of workers. This is also a good and important development that everyone should take note of, especially when workers seek to network and ensure the union visibly represent all workers in terms of calling for action.

Moving forward, Mr Castro urged the colleagues to have greater dialogue that leads to agreements and conclusions between unions and migrant workers organizations to see how confidence can be built amongst these organizations and unions. Therefore, they can move toward joint work and solidarity actions, and not only advocacy work, but also set itself to ensure the collective bargaining happens.

Mr Castro emphasized that more things need to be done and there is also a need to have more opportunities for discussions and dialogues, but those have to be in the countries and places where it should happen with a greater effort of the unions and organizations. Therefore, the unions can offer the necessary representative capacity, the use of services, and better protection for the migrant workers' organizations. While the migrant workers' organizations should have the capacity to provide the services. Otherwise, the unions can provide and offer assistance that the organizations sometimes are not being able to provide. This should be the complementation of what unions and migrant workers possess. At the end of the day, the winner is always the migrant workers that the unions all seek to represent, protect, and make sure that they are impartial in how everybody views workers. Migrant workers are not invisible, they are not ignored in the laws they are working on and in the services and structure of the countries where they work.

Mr Castro expected that the next stage of the discussion will be about how to move and show episodes of greater agreements and protections for the migrant workers via collective bargaining as well as unions and migrant workers' organizations joining hands for the ratification of the ILO core and migrant workers Conventions, such as Conventions Nos 197 and 143 which in Asia, it is only Philippines that has made an effort on this, also the Convention No. 190 which only Fiji that has ratified the Convention in the Asia-Pacific region. Thus, there is a lot to be done and they require a lot more solidarity actions and joint work. At the end of the day, the winner should not just be the

unions or organizations, but the migrant workers who are victimised and exploited. ILO, trade unions, and migrant workers' organizations need to protect them.

Mr Castro ended his remarks by thanking all the colleagues and participants for the robust discussion in the meeting.

Contact details

ILO Regional Office for Asia and the Pacific
United Nations Building
Bangkok 10200
Thailand

T: +66 2288 1234
E: BANGKOK@ilo.org
W: www.ilo.org/asiapacific