



Recommendations of the Cambodia National Tripartite Preparatory Workshop

16th ASEAN Forum on Migrant Labour: “Enhancing the effectiveness of legal pathways for labour migration in ASEAN”

20 September 2023

Sub-theme 1: Improving labour migration programmes in ASEAN

1. Streamline and simplify migration processes by removing administrative hurdles to make regular migration channels easy and more accessible for migrant workers without compromising the protection of their human and labour rights.
2. Digitalize recruitment, deployment and admission processes, and regulate maximum processing time for each step, to make the migration processes easier, safer and faster, while improving manual processes.

Note: Concern over the digital literacy in accessing and using digital mechanism

3. Develop step-by-step processes toward enactment and enforcement of legislation, MOUs and other admission policies and labour migration programmes to prohibit the charging of recruitment fees and related costs on migrant workers in both country of origin and destination in line with ILO convention C.181. The sending and receiving countries are encouraged to adopt the employers-paid principle to regulate recruitment fees and related costs of migrations.
4. Reduce the cost of passports, visas, work permits, and other documents issued by the governments of both sending and receiving countries to reduce migration costs for all actors.
5. Monitor recruitment agencies and apply sanctions for those who charge excessive fees and costs to migrant workers or otherwise violate the rights of migrant workers or their employers.
6. Regulate processes to enable migrant workers to change employers subject to the law, regulation and policies of the receiving countries.
7. Prohibit/Remove any levy of security bond payments that employers need to pay for hiring migrant workers.
8. Ensure that regular migrant workers in all sectors of the economy enjoy full respect for their human and labour rights including comprehensive and effectively enforced labour law protection, comprehensive social protection, access to organizing, support services and legal redress to incentivize regular migration.
9. Ensure that migrant workers in irregular situations enjoy equal protection for their human rights and rights arising out of past employment as regards remuneration, social security and other benefits.



Sub-theme 2: Ensuring legal migration pathways that are inclusive and responsive to the labour market

10. Improve data collection /management on labour demand and match quotas for admission of migrant workers to meet the labour demand. The data system should be transparent and accessible for prospective migrant workers.
11. Adopt Bilateral Labour Agreements, MOUs or other labour migration programs that recognize the different skill levels required for occupations within sectors and that provide employment conditions that accord to these skills regardless of their migration status.
12. The Government of the origin country should cooperate with the Government of the destination country to identify the skill/or qualification needs and develop a training skills training program that is mutually recognized and accepted by both governments. The skills training program should be provided to migrant workers at no cost, accessible and with the consideration of the level of education of migrant workers.
13. Ensure that migrant workers are entitled to the same pay and benefits as local workers with the same skills.
14. AMS shall develop a cross-border mechanism that allows all parties to discuss skills recognition among tripartite stakeholders, beyond government-to-government discussions.
15. Remove discriminatory gender and racial requirements and health requirements that are not inherent requirements of the work to enable more women and men, including those with disabilities that do not impair their ability to perform the job, to apply for employment overseas. Remove duplicative medical tests to make the recruitment process faster and cheaper.
16. Remove legal and administrative hurdles that do not allow the family members to reside with migrant workers at the destination countries.
17. Consider creating and promoting the local job and employment opportunities in the communities for migrant workers, returnees and their families.