

Recommendations of the Indonesia National Tripartite Preparatory Workshop

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

19 September 2023

Sub-theme 1: Improving labour migration programmes in ASEAN

1. Streamline and simplify labour migration procedures, outgoing and incoming among ASEAN Member States and outside the region, by reducing and/or removing administrative hurdles and establish integrated information system to ensure clarity and transparency and make regular migration channels attractive and accessible in one-stop integrated services for migrant workers, without compromising the protection of their labour rights.
2. Collect and utilize accurate and disaggregated national and regional data as a basis for evidence-based policies by improving and investing in the collection, analysis and dissemination of accurate, reliable, comparable data, disaggregated by sex, age, migration status, and other relevant characteristics. Promote the exchange of data on migrant workers between sending and receiving country, while respecting privacy and data protection. Data exchange may consider sharing of information on approved working visa application, data from related Ministries in both sending and receiving country, and data from Embassy by obliging migrant workers or placement agency to report to designated authority upon arrival.
3. Promote affordable migration cost through, among others:
 - a. Enact evidence-based legislation, MOUs and other admission policies and labour migration programmes to prohibit charging of recruitment fees and related costs on migrant workers in both sending and receiving country;
 - b. Reduce costs of passports, visas, work permits, certificate of competence and other documents issued by governments;
 - c. Create a common understanding between ASEAN Member States on classification of placement costs borne by employers and the government of sending and receiving country.
 - d. Remove duplication of medical test and reduce related costs.
4. Assess and address structural and social barriers that prohibit migrant workers in accessing legal migration pathways.
5. Strengthen joint law enforcement and cross-border cooperation among ASEAN Member States to monitor pathways of migration to ensure safe and regular cross border movement of migrant workers, as well as prevent and counter smuggling of migrants and trafficking in persons, while ensuring that the measures are in full respect for human rights and prohibit criminalization of victims.



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6. Ensure safe return and sustainable reintegration programs as well as establish an effective monitoring system, among others through capacity building and economic empowerment, for returning migrant workers.
7. Promote whole-of government approach to ensure horizontal and vertical policy coherence across all sectors and levels of government, including rural government, related to the placement and protection of migrant workers, including through establishment and operationalization of referral mechanisms.
8. Promote whole-of-society approach to provide assistance, access to information, legal advice to ensure accessibility and awareness of potential migrant workers on legal pathways, admission and stay requirement, and streamlined procedures for migrant workers, to promote the benefit of regular migration and the risks of irregular migration.
9. Provide capacity building and technical assistance to government and other stakeholders at the village level to better enhance the effectiveness of legal pathways for migrant workers.
10. Clarify and effectively implement mechanisms for monitoring placement agencies according to national regulations and strengthen law enforcement, by applying sanctions for those that overcharge workers or otherwise violate work agreement and the rights of migrant workers or their employers, including migrant fishers.
11. Develop and strengthen fair and ethical recruitment process that allow migrant workers to change employers and modify the conditions and length of their stay, with practical and minimal administrative burden, including by enable visa renewal within receiving country and sufficient grace period to look for new employment. Upon change of employment, migrant workers shall inform their placement agency and Embassy.
12. Ensure that regular migrant workers in all sectors of the acquire full respect for their labour rights including comprehensive and effectively enforced labour law protection, comprehensive social protection, revoke the pay cut system as guarantee for migrant workers, access to organizing, access to credible and timely information, support services, access to justice, remedies and repatriation, to incentivize regular migration. Address contract substitution and duplication and establish mechanisms for settling related cases.
13. Ensure that migrant workers in irregular situations receive protection for their basic human rights and rights arising out of past employment as regards remuneration, social security and other benefits.
14. Apply gendered approach in formulating and implementing migration policy, including incorporating a gender equity analysis considering women's positions and experiences, to create safe and legal migration pathways for women.

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

15. Thorough labour market analysis, intraregional and interregional, to understand labour supply and demand and be able to match quotas, as well as skill development, for admission of migrant workers.

16. Invest and develop in education, skills development and competence in all sectors needed by labour market, including hard skills, soft skills, and gender and labour policy knowledge.
17. Moving towards regional and bilateral mutual recognition of skills, qualifications and competences, to avoid duplicative training and promote affordable process for migrant workers.
18. Adopt BLAs, MOUs or other labour migration programmes that recognize the different skills levels required for occupations within sectors and provide employment conditions that accord to these skills; Such labour migration programmes should enable migrant workers in all sectors to access different programmes through skills upgrade.
19. Consider establishment of programmes for long-term / permanent immigration to address long-term labour and skills demands resulting from aging and other structural labour market shifts.
20. Remove discriminatory requirements, including gender, age, nationality, and health, 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.