

Recommendations of the Myanmar Preparatory Workshop¹

16th ASEAN Forum on Migrant Labour:

“Enhancing the effectiveness of legal pathways for labour migration in ASEAN”

21 September 2023

Sub-theme 1: Improving labour migration programmes in ASEAN

1. Streamline and simplify migration processes by removing administrative hurdles, such as the difficult and lengthy time for passport processing, varying administrative practices depending on the location, excessive fees, lengthy admission processes and complicated migration procedures, to make regular migration channels attractive and accessible for migrant workers without compromising the protection of their labour rights.
2. Digitize recruitment, deployment and admission processes and regulate the maximum processing time for each step to make the migration processes faster.
3. Create an online system for job application processes that workers can use directly and provide access to the system in their respective languages.
4. Enact and enforce 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.
5. Establish and implement policies to effectively take action against recruitment agencies that do not conduct ethical recruitment. In addition, establish and enforce the policies to take action against businesses and individuals that recruit workers without recruitment licenses.
6. Reduce the cost of passports, visas, work permits, and other documents issued by governments with a view to reducing migration costs for all actors timely.
7. Establish and enact policies that allow migrant workers to easily apply for passports, entry visas and other documents, including signing employment contracts for MOU workers in any location.
8. Monitor recruitment agencies and apply sanctions on those who overcharge workers or otherwise violate the rights of migrant workers or their employers.
9. Regulate processes to enable migrant workers to change employers without consent from their previous employer and enable renewing visas from within countries of destination. Allow migrant workers whose contracts end a grace period to allow migrant workers to look for new employment.
10. Remove any levy of security bond payments that employers need to pay for hiring migrant workers.

¹ **Disclaimer:** These recommendations have been developed and endorsed by the representatives from civil society organizations and labour organization during the virtual consultation meeting held in preparation for the 16th ASEAN Forum on Migrant Labour on 21 September 2023.

11. Ensure that regular migrant workers in all sectors of the economy enjoy the full respect of their 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.
12. Ensure that migrant workers in irregular situations enjoy the protection of their basic human rights and rights arising out of past employment as regards remuneration, social security and other benefits.
13. Review the measures implemented by the countries of destination to address irregular migrant workers and develop policies that streamline access to proper documentation for these irregular migrant workers.

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

14. Improve data collection on labour demand and match quotas for admission of migrant workers to meet the labour demand.
15. Adopt BLAs, MOUs or other labour migration programmes that recognize the different skills levels required for occupations within sectors and that provide employment conditions that accord to these skills.
16. Skills programmes should enable migrant workers to access different programmes through the provision of skills upgrade pathways.
17. Remove discriminatory gender 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.
18. Abolish educational prerequisites for unskilled jobs and establish a system of increasing wages based on skill levels for workers who have obtained certification or have enhanced their skills through long-term employment.
19. Expand the availability of skills training for workers across different states and regions in countries of origin and develop comprehensive skills development programmes for migrant workers in countries of destination.
20. ASEAN acknowledges and accepts skills certificates issued by the National Skills Standards Authority as a basis for determining wages according to the workers' skills.
21. Explore the possibility of recognition and inclusion of occupations such as domestic work, seasonal labour, and other employment sectors that are currently not included in the regular labour migration schemes.
22. Consider the establishment of programmes for long-term/permanent immigration and access to citizenship to address long-term labour and skills demands resulting from aging and other structural labour market shifts.