

Workers' Group Recommendations

16th ASEAN Forum on Migrant Labour:

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

24 October 2023

Sub-theme 1: Improving Labor Migration Programmes in ASEAN

1. Streamlining Migration Processes

- Eliminate administrative hurdles for regular migration channels.
- Implement digitalized recruitment, deployment, and admission processes for efficiency and safety, considering the privacy and data protection of migrant workers.
- Ensure the portability of trade union membership across borders.
- Strengthen the enforcement of legislation, MOUs, and admission policies.
- Support initiatives to streamline and simplify migration processes, making them faster, more accessible, and affordable.
- Develop mechanisms and processes to streamline enforcement of legislation, MOUs, and admission policies.

2. Recruitment Practices and Fees

- Prohibit recruitment fees and related costs charged to workers and adopt the employers-paid principle to eliminate migration costs.
- Advocate for the removal of barriers preventing migrant workers from changing employers.
- Regulate and monitor recruitment agencies, applying sanctions for violations.
- Reduce passports, visas, work permits, and other document costs.
- Monitor and sanction recruitment agencies charging excessive fees to ensure fair treatment of migrant workers.
- Publicize migration costs to enhance transparency.

3. Rights and Protections

- Advocate for comprehensive and accessible labor and social protection in countries of destination for all sectors, ensuring that regular status guarantees complete protection.
- Regulate processes allowing migrant workers to change employers within the law.
- Remove security bond payments and ensure comprehensive human and labor rights protection.
- Effectively enforce labor and social protection laws, sanctions against violators, and accessible complaint mechanisms for migrant workers facing abuse.
- Ensure the inclusion of social protection measures for migrant workers.

- Promote the portability of trade union membership and social security protection for broader protection of migrant workers across borders.

4. Inclusive Policies and Programmes

- Remove discriminatory requirements not inherent to work and consider programs for long-term/permanent immigration.
- Eliminate legal and administrative hurdles preventing family members from residing with migrant workers.
- Remove unnecessary limitations in policies and laws restricting migrant workers' access to legal pathways, focusing on inclusivity and non-discriminatory practices.
- Make information and pre-employment, pre-departure, and post-arrival orientation seminars widely available.

5. Local Job Opportunities and Reintegration

- Create and promote local job opportunities for migrant workers in communities.
- Encourage the creation of job opportunities for returning migrant workers.
- Enhance meaningful reintegration programs by establishing effective monitoring systems for returning migrant workers, focusing on safe return and sustainable reintegration.

Sub-theme 2: Ensuring Legal Migration Pathways that are Inclusive and Responsive to the Labor Market

6. Labor Market Analysis, Skills Matching

- Improve data collection on labor demand and match quotas for migrant worker admission.
- Adopt agreements recognizing different skill levels and providing corresponding employment conditions.
- Encourage facilitating pathways for middle-skilled labor migration, addressing the demand for workers at various skill levels.
- Adopt and implement policies that provide freer access to the labor market for admitted migrant workers, including the ability to change employers and renew work permits in-country.

7. Skills Development and Recognition

- Promote opportunities for skills certification and upgrading.
- Cooperate on identifying skill needs and develop mutually recognized training programs.
- Establish and facilitate cross-border mechanisms for mutual skills recognition.
- Call for a comprehensive assessment of labor and skills demands in destination countries to inform admission policies.

8. Law Enforcement and Cooperation

- Strengthen joint law enforcement and cross-border cooperation among ASEAN Member States.
- Ensure legal pathways are accessible, transparent, and affordable.
- Integrate insights from successful international labor mobility reforms, emphasizing creating and promoting local job opportunities for migrant workers.

9. Whole-of-Government and Whole-of-Society Approach

- Integrate successful models of a whole-of-government and whole-of-society strategy, emphasizing community-driven initiatives for effective policy development.
- Promote policy coherence across all sectors and levels of government.
- Engage civil society, migrant worker communities, and trade unions in developing legislation, MOUs, and policies, including enforcement and monitoring.

10. Capacity Building and Technical Assistance

- Provide capacity building and technical assistance to enhance the effectiveness of legal pathways at the village or local level in cooperation with relevant stakeholders.

Migrant Workers and Family Members in Crisis Situations

- Implement policies adapted to assist migrant workers across occupational areas at all crisis preparedness, response, and recovery stages, in line with the ASEAN Declaration on the Protection of Migrant Workers and Family Members in Crisis Situations.
- Learn from the ASEAN Declaration on the Protection of Migrant Workers and Family Members in Crisis Situations, emphasizing rights-based, inclusive, gender-responsive, and fair crisis response measures.
- Implement risk assessment and information awareness programs in destination countries to avoid the disastrous repatriation of migrant workers.

Considering the alarming developments in Israel-Gaza and the ongoing crisis, the Workers' Group strongly urges ASEAN and its member states to proactively invoke the 'ASEAN Declaration on the Protection of Migrant Workers and Family Members in Crisis Situations' adopted in May 2023.

Given the dire situation, we emphasize the significance of immediate action aligned with the declaration's principles, explicitly calling on ASEAN Member States to cooperate and coordinate efforts when appropriate. This includes extending humanitarian assistance to migrant workers, regardless of their legal status, and their family members already residing in the affected states.

The Workers' Group stresses the urgency of this matter and the need for a swift and coordinated response to ensure the safety, well-being, and protection of migrant workers in the crisis-stricken region. This recommendation aligns with ASEAN's commitment to the rights and welfare of migrant workers in times of crisis, as articulated in the aforementioned declaration.