

CSO recommendations

16th ASEAN Forum on Migrant Labour:

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

24 October 2023

We, national civil society representatives from ASEAN Member States, participated in the hybrid (online and in-person) TFAMW National CSOs Preparation Meeting for the 16th ASEAN Forum on Migrant Labour (AFML) organised by the Task Force on ASEAN Migrant Workers (TFAMW) on 24 October 2023 in Jakarta, Indonesia to discuss and make recommendations for the 16th AFML being held from 25 to 26 October 2023. The 16th AFML is hosted by the Government of Indonesia as the current chair of the ASEAN and the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW).

The theme of the 16th AFML is “Enhancing the effectiveness of legal pathways for labour migration in ASEAN”, with the view to enhance regular labour migration and address irregular migration within the ASEAN region.

The meeting focused on developing recommendations to address the two sub-themes of the forum: **1) Improving labour migration programmes in ASEAN**, and **2) Ensuring legal migration pathways that are inclusive and responsive to the labour market**.

National CSO Recommendations on:

Sub-Theme 1: Improving labour migration programmes in ASEAN

1. Longer term labour migration and integration programs that lead to permanent residency in ASEAN destination countries are needed to address continued labour and skills shortages, particularly related to ageing societies and future work demands.
2. AMS should conduct studies on relevant safeguards that exist in various platforms used in regional and internal labour markets (e.g. within affiliated companies across different countries).
3. Improve data collection and data management on labour demand and supply, and work towards unification of national databases in the ASEAN region. This would be pivotal in upgrading labour migration programs to meet the labour market needs within ASEAN.
4. Trade Unions should cooperate with CSOs, employer organisations and migrant work communities to raise awareness among migrant workers in all sectors to join existing, or to form their own Trade Unions, to secure rights to collective bargaining and other benefits, including Collective Agreements benefits, through membership.
5. Establish a regional legal support/assistance fund with a regional wide referral system, to ensure access to justice for all migrant workers and their families, regardless of

documentation status. Workers who are deported should still have access to file claims over unresolved past employment as regards unpaid wages, social security claims and other unpaid benefits.

6. All embassies should allocate and facilitate sufficient resources for the legal support of migrant workers. This can be achieved through mobilising national resources and/or utilising state-collected remittance, levies, compounds and recruitment fees.
7. Migrant workers should have access to all social security benefits, including retirement funds in both origin and destination countries, regardless of their documentation status. Upon return to their country of origin, migrant workers should be able to claim contributions made toward their retirement funds in the destination country, through a mutually agreed portability system between all ASEAN member states.
8. Develop step-by-step processes toward the enactment and enforcement of legislations, legally binding MOUs and other recruitment policies and labour migration programs to prohibit the charging of recruitment fees and related costs on migrant workers in the countries of origin and destination in line with ILO convention C.181 and ILO's General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs.

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

9. Streamline and simplify migration processes by removing administrative hurdles to make regular migration channels competitive and more accessible for migrant workers, without compromising the protection of their human and labour rights.
10. Reduce the cost of passports, visas, work permits, transportation and other necessary documents by governments to reduce overall migration-related costs for all actors.
11. Develop flexible employment arrangements that allow migrant workers with valid work permits to switch employers (company to company) to continue working legally while meeting short-term labour shortages, with the aim of extending such a system across ASEAN (country to country) when a unified ASEAN labour supply and demand database is established. ASEAN Member States are encouraged to study existing practices that facilitates such mobility (e.g. Construction Labour Exchange Centre Board in Malaysia).
12. AMS should take concerted immediate actions through regional and national public awareness campaigns, digital protection policies, monitoring of scam advertisements, and cross-border enforcement to address the alarming trend of migrants being trafficked to work for online scams throughout the region. AMS should ensure migrant workers who are victims of forced criminality are not further punished before and upon safe return home.
13. Countries of origin and destination should eliminate migration barriers, policies and practices that directly or indirectly discriminate on the basis of gender, age, disabilities

or impose restrictions on family member reunification and occupations for migrant workers.

14. AMS must diligently monitor all actors involved in the recruitment and employment of migrant workers, and impose sanctions on those who are proven guilty of exploiting and trafficking migrant workers. Law enforcement efforts can be bolstered and more support provided to survivors of trafficking, including the choice to return or seek employment.
15. Ensure that migrant workers, regardless of gender and nationality, are entitled to equal pay, working hours, overtime and other labour benefits as local workers with the same job.
16. Establish regulations on labour mobility that grant migrant workers and employers the freedom to change employers and terminate contracts, including the ability to seek alternative employment and switch employers in a reasonable and flexible time frame, without requiring permission from the previous employer or having to leave the country of destination.
17. Establish mutual recognition of skills and qualifications of migrant workers such as educational attainment, skills, experiences etc., through a skills recognition system, including certification, acceptable in all ASEAN Member States, which in turn will assist in job matching and upskills programs for migrants. Skills training of migrant workers in countries of destination need to be suitably accredited and mapped to the countries' existing skills qualification ladder. Destination countries yet to develop such an accredited skills ladder are encouraged to do so.
18. Origin countries should promote and create decent work and employment opportunities to reduce migration through more local work opportunities.