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The role of ASEAN labour attachés in the protection of migrant workers



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According to the World Bank the stock of international migrants has been estimated at 247 million in 2013 and it is expected to surpass 250 million in 2015.¹ The number of international migrants in ASEAN has tripled since 1990 to 9.4 million, of which 6.5 million actually come from within ASEAN.² While for most workers migration is a positive experience, a significant number of migrant workers, particularly those in low-skilled sectors, may suffer from exploitation at workplace, for example underpayment, forced to take dangerous jobs with unsafe working conditions, withholding of salary, illegal salary deductions, contract substitution, and lack of freedom of movement and association, amongst others. While there are continuing efforts from both sending and receiving countries to protect migrant workers, improved systems and interventions that provide protections for migrant workers are urgently required. One means by which migrant sending states can enhance the protection of their nationals working abroad is the appointment and deployment of labour attachés. These officials are usually appointed by the Ministry of Labour (or equivalent) and are part of the diplomatic mission abroad.

The role of labour attachés in the protection of migrant workers

1) Protection of their nationals abroad

- Make sure that their nationals are not exploited or discriminated in the workplace. Ensure that contracts terms and conditions of employment are fair and just.
- Assist migrant workers who have issues with their employment (e.g. payment issues, violations of contract).
- Provide legal counseling and welfare assistance.
- Make sure that their nationals are in humane and safe work conditions and are not abused. For female workers, monitor whether their special needs are addressed.
- Support migrant workers to be documented. Assist undocumented migrants who may also be victims of transnational crimes.
- In case of death, coordinate the repatriation of remains and personal effects and ensure payment of compensation and benefits.

2) Employment promotion and identification of job opportunities

- Seek out viable employment opportunities for their nationals abroad.
- Evaluate labour market information and gather new regulations that may affect the employment of foreign workers in the host country.

¹ Migration and Development Brief, 24. Migration and Remittances Team, Development Prospects Group, World Bank, 2015. Available online at <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief24.pdf>

² UNDESA, 2013. Trends in International Migrant Stock: The 2013 Revision, United Nations Database.

- Provide prospective employers with timely and appropriate information on hiring procedures and requirements of the sending country.
- Coordinate and establish relationships with employer organizations, trade and industry associations and the host government which can potentially provide work for their nationals.

3) **Assisting the development of labour migration policies in the country of origin**

- Provide policy recommendations that will facilitate the employment and hiring of their nationals in the host country.
- Provide assistance for their country to establish bilateral agreements with the host state in order to protect the employment and ensure decent working conditions of their nationals abroad.
- Ensure that a gender sensitive approach is taken on labour and migration related laws and regulations.

4) **Promoting good relations**

- Establish harmonious and effective relationship with the workers' community and their employers at worksite.
- Maintain effective teaming with their embassy for the performance of their function.
- Coordinate closely with the host government.
- Establish good relations with relevant civil society groups and non-government organizations at the host country.

Efficient and effective functioning of labour attaches

The appointment of labour attachés or consular officials to major countries of destination is one important measure for migrant sending countries to enhance the protection of their migrant workforce. The labour attaché attends to all employment-related matters while consular officials attend to other issues such as consular services and police cases involving migrant workers. In some cases, such as in the Philippines, the **“one country-team approach”** is adopted where all officers, representatives and personnel of the Embassy, regardless of their mother agencies act as a one country-team within a Mission under the leadership of the Ambassador in the protection of the Filipino migrant workers as well as the promotion of their welfare.

For sending countries that do not have labour attachés in destination countries, the protection and promotion of migrants' rights is often delegated to the responsibility of consular offices of the embassies/consulates.

Pre-deployment training of labour attachés

In most countries, newly appointed labour attachés undergo extensive pre-deployment orientation and training programs which include, but are not limited to, classroom instructions, immersion, and on-the-job-training. The orientation provides labour attachés with knowledge of international legal instruments, treaties or agreements; awareness of policies in the host country that may affect labour demand and conditions of work and employment as well as developments in his or her home country's employment supply. In terms of training, some countries provided their labour attaches with actual trainings on mediation and conciliation, negotiations and conflict management, gender-sensitivity and others.

Annual coordination and planning meetings of labour attachés

Most governments hold annual coordination and planning meetings of their labour attachés to discuss their work outcomes and challenges, define work targets and strategies as well as adopt possible new measures to increase the level of protection of nationals working abroad. These meetings, at most times year-end, occur in the capitals of the sending countries or elsewhere and may also take the form of regional meetings convened at specific locations within each region. While annual meetings in the home country give the opportunity for labour attachés to interact with different offices involved in their work, meetings held outside of the home country allow labour attachés to see actual conditions of work, including good practices of various posts.

The Philippine Overseas Labour Office (POLO)

In order to afford a well-coordinated on-site protection to Filipino migrant workers, the Philippine Department of Labour and Employment established the Philippine Overseas Labour Offices (POLOs) in selected strategic destination countries where Overseas Filipino Workers (OFWs) are found. POLOs act as the operating arm of the Philippine Department of Labour and Employment for the administration and enforcement of its policies and programs applicable to OFWs. POLOs are headed by labour attachés who supervise labor officials at post and manage the operations of the Filipino Workers Resource Centers, a center that provides welfare and other needed services at post to OFWs, like workers education and skills training.

Support for labour attaches in ASEAN

The ASEAN Forum on Migrant Labour (AFML) highlighted the important role of labour attachés in the protection of migrant workers and has urged ASEAN Member States to continuously support their effective functioning. The AFML is an annual forum, which provides a platform for stakeholders in the region including governments, employers, workers and civil society organizations to discuss, share experiences, build consensus on the protection issues committed to under the ASEAN Declaration on the Protection and Promotion of Rights of Migrant Workers. Each year the AFML adopts Recommendations that bring life to the provisions of this Declaration. Recommendations from the 3rd, 5th, 6th and 7th AFML meetings highlighted its strong commitment to promote and strengthen the role of labour attaches to wit:

7th AFML (Nay Pyi Taw, Myanmar, 20-21 November 2014)

Recommendation 9 stated that “Labour attachés should be well trained and adequately supported to provide effective on-site protection. Gender balance amongst labour attachés should be by and large proportionate to the composition of male and female migrant workers”.

6th AFML (Bandar Seri Bagawan, Brunei Darussalam, 26-27 November 2013)

Recommendation 13 stated that ASEAN Member States should “Ensure and strengthen the roles of labour attachés, embassies and consular officials to include support services on availing of complaint mechanisms for migrant workers”.

5th AFML (Siem Reap, Cambodia, 9-10 October 2012)

Recommendation 16 stated that ASEAN Member States should “Enhance the functions of labour attachés and consular officials in ASEAN Member States to verify information of job offers and employment contracts, as feasible, in receiving countries”.

Recommendation 4 stated that ASEAN Member States should “Strengthen [the role] and raise the visibility of labour attachés and consular staff in collecting and providing information and responding to rights violations against women and men migrant workers through close engagement with the migrant community and employers, and in cooperation with authorities of the host countries”.

Enhancing protection of migrant workers through labour attaches

Most of the labour-sending ASEAN Member States have labour attachés in selected host countries.

ASEAN countries with labour attachés (as of July 2015)

Country	Number of labour attachés	Countries/Territories of assignment
Indonesia	11	Brunei Darussalam; Hong Kong (China); Kuwait; Jordan; Malaysia; Qatar; Saudi Arabia (Riyadh, Jeddah); Republic of Korea; Singapore; The Syrian Arab Republic and the United Arab Emirates. ³
Lao PDR	1	Thailand.
Malaysia	4	India; Indonesia; Singapore; and Switzerland. ⁴
Myanmar	5	Malaysia (2); Republic of Korea; and Thailand (2).
Philippines	39	Australia Asia (12): Brunei Darussalam; Hong Kong (China) (2); Japan; Macau (China); Malaysia; Republic of Korea; Taiwan (China) (Taipei; Kaohsiung; Taichung); and Singapore (2). Middle East and Africa (15): Bahrain; Israel; Jordan; Kuwait; Lebanon; Libya; Oman; Qatar; Saudi Arabia (Riyadh; Al-Khobar; Unaizah/CRO; Jeddah); The Syrian Arab Republic; and United Arab Emirates (Abu Dhabi; Dubai). Europe, Americas & Trust Territories (11): Canada (Toronto; Vancouver); Cyprus; Italy (Rome; Milan); Greece; Spain; Switzerland; United Kingdom and Ireland; United States and Saipan (CNMI). ⁵
Thailand	13	Brunei Darussalam; Germany; Hong Kong (China); Israel; Japan; Malaysia; Philippines; Republic of Korea; Saudi Arabia (2); Singapore; Switzerland; Taiwan (China) (2); and United Arab Emirates.
Viet Nam	9	Czech Republic; Kingdom of Saudi Arabia; Japan; Libya; Malaysia; Qatar; Republic of Korea; Taiwan (China); and United Arab Emirates. ⁶

Source: International Labour Organization (2013), Updated 2015

³ There is a Head of Labour division in Taiwan posted at the Indonesian Economic and Trade Office but Indonesia does not have an embassy there as part of its one China policy.

⁴ Attaché Offices, Labour Bank, Ministry of Human Resources, 2015. Available online at <http://mohrkbank.mohr.gov.my/web/guest/attache-offices>

⁵ Directory, Philippines Overseas Labour Offices, Department of Labour and Employment, 2015. Available online at <http://www.dole.gov.ph/pages/view/24>

⁶ Currently the offices in Czech Republic, Libya and Qatar do not have a labour attaché.

Capacity building for labour attaches

In support of the desire of the ASEAN Member States to strengthen their labour attaché program as a means to enhance the protection of migrant workers, the ATP developed a capacity building programme for labour attachés in ASEAN that focused on strengthening the knowledge and skills of labour attachés, including relevant consular staff. These activities include:

Series of consultation meetings with labour attachés in Malaysia and Thailand

Regular consultations with foreign labour attachés, particularly from ASEAN countries, who are posted in Malaysia and Thailand are held to establish coordination among themselves in relation to services to their migrant workers and afford better interaction with relevant officials of the host government.

Since 2013 in Malaysia, ATP supported the Malaysian Bar Council and the ILO GMS TRIANGLE Project in the convening of a series of dialogues of labour attachés and embassy officials from sending countries with the relevant host government entities, employers and workers organizations and the civil society groups.

Similarly starting in 2014, ATP cooperated with the Ministry of Labour of the Royal Thai Government to organize the bi-annual consultations for labour attachés and relevant embassy officials from Cambodia, Lao People's Democratic Republic and Myanmar now posted in Bangkok. The labour attaché consultations have proven to be an effective instrument to share information on laws, policies and procedures between governments and the embassies of countries of origin. In addition, they have enabled a sharing of experiences and good practices between the countries of origin, and among other key stakeholders such as employers' organizations, trade unions, NGOs and the ILO.

Regional labour attachés training program

ATP implemented the Regional Training on Strategic Management and Negotiations for ASEAN Labour Attaches in cooperation with the **Asian Institute of Management (AIM)** on 8-12 September 2014 in Makati City, Philippines. This programme supported the capacity building program for labour attachés and consular officials in ASEAN. Topics covered by this program included: migration management strategies, negotiation skills, dispute resolution systems, ethical recruitment and engaging the public on the issue of migration and migrant workers. It provided participants with information on international labour standards relevant to the protection of migrant workers, the ability to effectively negotiate with different stakeholders, as well as the opportunity to network with other officials for future cooperation. A second course will take place in November 2-6, 2015 in Hanoi, Vietnam and will bring together labour attachés and other labour migration officials from Vietnam, Cambodia, Lao People's Democratic Republic and Myanmar. It will focus on enhancing the officials' negotiation skills for (i) facilitating labour agreements (bilateral agreements, multilateral agreements, memoranda of understanding); and (ii) collaborating with various stakeholders in response to crisis situations.

International labour migration data on stocks and flows is now available at:

International Labour Migration Statistics (ILMS) Database for ASEAN

The ILMS Database can be accessed from three portals online:

ILOSTAT: www.ilo.org/ilostat

APMigration: <http://bit.ly/ILMSDatabase>

ASEANStatistics: www.asean.org/resources/category/asean-statistics



This policy brief is brought to you by

ASEAN TRIANGLE Project

Funded by the Canadian Department of Foreign Affairs, Trade and Development (DFATD), the ILO's project on Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region (ASEAN TRIANGLE Project) aims to significantly reduce the exploitation of labour migrants in the region through increased legal and safe migration and improved labour protection. The project promotes both bilateral and regional approaches to deal with shared concerns, make regionalism more effective, and enhance the capacity of institutions in ASEAN.

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