

TRIANGLE Project Update: June 2012

Tripartite Action to Protect Migrants Workers from Labour Exploitation (the TRIANGLE project) aims to strengthen the development and implementation of recruitment and labour protection policies and practices. The project is operational in Cambodia, Lao PDR, Malaysia, Thailand and Vietnam. Governments, workers' and employers' organizations are engaged in each of the TRIANGLE project objectives.

In the first **2** years of the TRIANGLE project:

2,025

women and men in Cambodia, Lao PDR and Vietnam have received counselling or training on safe migration and rights at work

1,788

migrants in Malaysia and Thailand have received counselling or training on safe migration and rights at work

3,216

migrants in Malaysia and Thailand have received legal assistance

2,184

migrants in Malaysia and Thailand have joined trade unions, migrant networks or associations

48%

of project beneficiaries – for whom sex-disaggregated data has been collected – are women

The TRIANGLE project is on course to reach its targets under the objectives on policy development, capacity building and support services. In several countries, the project is collaborating with the government and key stakeholders on drafting of policy and legislation. Project assistance has been requested in the development of tools and the delivery of training, for the ministries of labour, trade unions, employers' organizations, recruitment agencies and NGOs. Information, counselling and legal assistance is being provided to women and men migrants and potential migrants in 19 target sites in the five countries.

Key Achievements under Objective 1:

Migrant recruitment and labour protection policies strengthened, reflecting the interests of tripartite constituents and gender-specific concerns.

Strengthening Protection for Migrants Working on Thai Fishing Vessels

The TRIANGLE project is supporting efforts to combat exploitation in Thailand's fishing sector through a number of interventions, in partnership with the Department of Labour Protection and Welfare, Department of Fisheries, Marine Department, National Fisheries Association of Thailand (NFAT), Seafarers Union of Burma, and civil society partners.

To strengthen policy, the project has provided detailed comments on a Ministerial Regulation on Work in Fishing, and facilitated several consultations. The comments aim to bring the Regulation in line with ILO Convention 188 on Work in Fishing.

NFAT is developing a Code of Conduct, and is proposing to the Government a new means of recruiting fishers that allows more migrant workers to obtain and retain their regular status and receive training prior to starting work in the sector. The project has also commissioned a quantitative survey on working conditions in the fishing sector – the largest survey of its kind, with a sample of 500 fishers in four provinces.

Drafting Legislation on Sending Workers Abroad

The project is supporting the drafting of legislation on sending workers abroad. In 2012, the project is expecting to contribute to the adoption of six ministerial orders in Cambodia, the Employment Law in Lao PDR, and two circulars and a Prime Minister's decision in Vietnam. It is hoped that the Thai Government also considers revisions to the Recruitment and Job Seekers Protection Act. These legislative tools aim to further strengthen regulation of recruitment practices and the provision of services to migrants, including developing of standard contracts, providing pre-departure training, establishing complaints mechanisms and so on. In each country, the project supports a consultative drafting process to ensure inputs from the various government departments, recruitment agencies and employers' organizations, workers' organizations and civil society partners.



At a May Day rally, members of Thailand's Domestic Workers' Association call for decent work for migrant workers.

Protecting Migrant Domestic Workers

Following the landmark adoption of Convention 189 at the 100th International Labour Conference in 2011, the project has promoted measures to better protect migrant domestic workers. In Thailand, a consultation workshop was held and detailed comments were formally submitted on the draft Ministerial Regulation on Domestic Work. Support has been provided in the establishment of Thailand's first National Domestic Workers' Association, and efforts to promote Convention 189 in Cambodia.

In Malaysia,

project partner Tenaganita has helped to rescue migrant domestic workers who were being abused and exploited and provided them with shelter, counselling, legal assistance and repatriation support.



Promoting a Positive Image of Migrant Workers

The TRIANGLE project commissioned a survey on public attitudes towards migrant workers in Malaysia and Thailand. The findings of this research have been disseminated through various channels, have been used to influence the Recommendations of the 4th ASEAN Forum on Migrant Labour and helped to shape the *Saphan Siang* campaign in Thailand. This campaign highlights the positive contribution migrants make to the Thai economy and society and their right to equal protection under the law. The campaign is led by the TRIANGLE project, with support from IOM, UNESCAP and World Vision. A similar campaign will be launched with partners in Malaysia in 2012.



In the Saphan Siang PSA, members of the public share their views about migrant workers



Key Achievements under Objective 2:

Capacity of tripartite constituents enhanced to close the gap between intention and implementation of national policies, bilateral agreements and regional commitments related to the recruitment and protection of female and male migrant workers.

Delivering Training to Labour Officers

To ensure more effective implementation of laws and policies, training on the responsibilities of labour officials has been delivered at central, provincial and local levels. This training follows an assessment of the capacity of labour migration institutions in Cambodia, Lao PDR and Viet Nam.

In Lao PDR, an operations manual has been drafted to clarify and streamline the process of migration, in cooperation with the labour, foreign affairs and immigration authorities. In Malaysia, a training workshop was conducted among labour officers from around the country on the labour dimensions of trafficking, and a number of follow-up tools proposed.



In Thailand, a technical advisory mission and workshop on labour inspection was carried out, and the project plans to assist in the development of inspection guidelines in relation to migrant workers, forced labour and specific sectors of work.

In the first 2 years of the TRIANGLE project:

261

Government officers from central and provincial levels have received training

48% of those trained are women

16

civil society organizations have been supported to track the provision of services

Promoting the Role of Trade Unions in the Protection of Migrant Workers' Rights

The TRIANGLE project has supported the efforts of trade unions in five countries to promote their role in the protection of the rights of migrant workers, including the right to freedom of association. In destination countries, trade unions and NGO partners have promoted unionization and the formation of migrant associations. In Malaysia, the project has had some success in promoting unionization in large electronics companies in Penang. In Thailand, the project supported the establishment of the first Domestic Workers' Association. Trade unions in four countries are being supported to run Migrant Worker Resource Centres, which provide information, counselling and legal assistance, and help to build links between trade unions in sending and receiving countries.

Promoting Self-Regulation in the Recruitment Industry

Many migrant workers are charged high fees and provided with misleading information during the recruitment process. This contributes to their vulnerability to exploitation in the destination country. While efforts are underway to formulate legislation to regulate recruitment and build law enforcement capacity, the project is concurrently promoting self-regulation within the recruitment industry in four countries. The most advanced is the Viet Nam Association of Manpower Supply which is beginning to pilot a ratings system based on the implementation of their Code of Conduct. This monitoring system includes reports from independent sources in Vietnam and destination countries. The Association of Cambodian Recruitment Agencies is in the process of developing similar monitoring tools. In Thailand, the project has supported training for recruitment agencies and the drafting of a Code of Conduct, while in Lao PDR, an initial workshop on the establishment of an association of recruitment agencies was held and an association is to be formed later in 2012.

Strengthening ASEAN Regional Cooperation on the Protection of the Rights of Migrants

The project is supporting efforts to implement the ASEAN Declaration on the Promotion and Protection of the Rights of Migrant Workers. The project has provided inputs to the committee drafting an Agreement on the application of the Declaration including presenting the international standards on migration, inviting an expert to present the Council of Europe's regional instrument; and supporting the Royal Government of Cambodia's submission of a 'Wish List' for the Agreement, drafted in consultation with trade unions and civil society partners. In addition, the ILO supports the ASEAN Forum on Migrant Labour each year, the only official ASEAN event at which the participation of tripartite constituents and civil society organisations is institutionalized.

Key Achievements under Objective 3:

The rights of female and male migrants and potential migrants are protected through increased access to support services.

Providing Information and Counselling on Safe Migration and Rights at Work

The project has identified 21 implementing partners across five countries to provide various support services to male and female potential migrants and migrant workers. Government, trade union and civil society partners are running Migrant Worker Resource Centres (MRCs) or drop-in centres that



Staff of MRCs provide safe migration information and counselling to potential migrants as part of their outreach in the community

provide information, counselling and legal assistance to visitors and are also conducting outreach, information dissemination, training and organizing activities. Activities are aimed at potential migrant workers, their families, community leaders and change makers.

To raise awareness about safe migration and rights at work, the project is also supporting the development and dissemination of a broad range of information, education and communication materials. These currently include print materials, radio (MAP Radio

in Chiang Mai), television (panel discussions in Vietnam), film (*'My Name is Saray'* in Cambodia) and websites.

As migrants are overwhelmingly dependent on each other for information on safe migration and labour rights, peer-to-peer assistance is a key part of the project strategy. Migrant paralegals have been trained to provide assistance within the migrant community, migrant leaders have been identified and trained on organizing and 'labour exchanges' have been established to share experiences and identify solutions that can better inform and protect migrants.



Delivering Quality Pre-Departure Training

While most national laws require migrant workers to receive training prior to departure, the quality of the training varies. Standard pre-departure training materials are currently under development in Cambodia, Lao PDR and Vietnam in collaboration with governments, recruitment agencies, NGOs and other international organizations. The content covers rights at work, workplace practices, culture and traditions in the host country, guidance on saving and sending remittances and accessing rights. In addition to a participant's manual, a facilitators' guide outlines each module in a lesson plan format – with time allotted and step-by-step instructions. The training includes dynamic activities to better suit the learning profile of the migrant workers and to stimulate the overall learning process.

Providing Legal Assistance to Female and Male Migrant Workers

In Thailand and Malaysia, the project provides legal assistance to migrant workers. This is most often paralegal advice and legal aid, dispute settlement with employers, pursuing claims with labour authorities and representing migrants in courts. Most cases are related to the recovery of unpaid wages or overtime pay, retrieving identification documents, and accessing compensation for accidents or fatalities. There are many challenges faced in the provision of legal assistance, in particular in Malaysia, where migrants often drop their claims due to the complexity and length of time involved, intimidation and concerns about their work permit being terminated.



Summary of Beneficiaries to Date (Reporting as of May 2012):

Based on the reporting submitted, the project has assisted 9,213 beneficiaries to date. Of the 7,285 beneficiaries for whom their sex has been documented, 48% are women.

Country	Type of Intervention	Number of Beneficiaries			
		Male	Female	N/A	Total
Cambodia	Counselling at the MRC and in the target villages	265	147	-	412
Lao PDR	Counselling at the MRC and in the target villages	161	38	-	199
Malaysia	Legal assistance	-	50	92	142
	Received information / training	-	-	85	85
	Joined trade unions	-	-	1,700	1,700
Thailand	Counselling (in person and on the phone)	718	646	-	1,364
	Legal assistance	1,247	1,776	51	3,074
	Joined migrant networks / associations	213	271	-	484
	Received information / training	148	191	-	339
Vietnam	Counselling at the MRC and in the target villages	1,015	399	-	1,414
	Total	3,767	3,518	1,928	9,213

Summary of Public Officials Trained to Date (Reporting as of May 2012):

	Male	Female	N/A	Total
Central and provincial level government officers trained in national-level workshops	136	125		261
	52%	48%		
District, commune and village-level leaders (and volunteers) trained in local-level workshops	478	229	497	1,204
	40%	19%	41%	