

GMS TRIANGLE Project Update: June 2013

The **Tripartite Action to Protect and Protect the rights of Migrants Workers in the Greater Mekong Subregion from Labour Exploitation** (the GMS TRIANGLE project) aims to strengthen the formulation and implementation of recruitment and labour protection policies and practices, to ensure safer migration resulting in decent work. The project is operational in six countries: Cambodia, Lao PDR, Malaysia, Myanmar, Thailand and Vietnam. In each country, tripartite constituents (government, workers' and employers' organizations) are engaged in each of the GMS TRIANGLE project objectives - strengthening policy and legislation, building capacity of stakeholders and providing services to migrant workers. These goals are interdependent, with policy advocacy and capacity building activities driven by the voices, needs and experiences of workers, employers and service providers.

During the first **3** years of the TRIANGLE project:

10,692 women and men in Cambodia, Lao PDR and Vietnam have received counselling, information, education or training on safe migration and rights at work

4,324 migrants in Malaysia and Thailand have received counselling, information, education or training on safe migration and rights at work

3,517 migrants in Cambodia, Malaysia and Thailand have received legal assistance

2,644 migrants in Malaysia and Thailand have joined trade unions, migrant networks or associations

42% of project beneficiaries – for whom sex-disaggregated data has been collected – are women

The GMS TRIANGLE project is on course to reach its targets under the three objectives. The project is firmly established as a trusted and competent partner in the provision of technical support for the development of legislation and policy documents in six countries, in the design and delivery of capacity building tools for tripartite constituents, and in the provision of support services to over **21,177** migrants, potential migrants and family members.

Key Achievements under Objective 1:

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

In all six countries, the GMS TRIANGLE project has been requested by the respective governments to provide technical comments on draft policy documents and legislation.

In Cambodia and Vietnam, the project is supporting the development of sub-laws related to sending workers abroad, which focus mainly on the regulation of recruitment practices – development of standard contracts, provision of pre-departure training, and reinforcing complaint mechanisms. The first three ministerial orders to supplement Sub-Decree 190 in Cambodia were promulgated in February 2013.

In Thailand, detailed technical inputs have been provided for the ministerial regulations on work in fishing and domestic work. The regulation on domestic work entered into force in November 2012, aligned in several aspects with the Domestic Workers Convention, 2011 (No. 189) and Recommendation (No. 201) to improve workplace rights. One of the areas in which the project is continuing to advocate for policy change in Thailand is in the regulation of brokers and subcontracting agencies placing workers. Consultations were held with the Department of Employment and NGO partners, as well as a roundtable meeting to review the results of a study conducted on migrants' access to complaint mechanisms.

The project facilitates a process of consultation to ensure that the views of different government departments, employers' and workers' organizations and civil society actors are considered in developing legislation. These initiatives are contributing to creating labour migration management systems that are more rights-based and respond to the needs of women and men migrants.

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.

Strengthening Protection for Migrant Workers by Improving Implementation of Policy and Legislation

To ensure more effective implementation of laws and policies, sustained efforts have been made to enhance capacity on understanding of migrant labour issues. These are beginning to demonstrate results, with government officials discussing more clearly their roles in regulation of recruitment activities and protection of migrant workers, because of a stronger understanding of national legislation and international standards.

In Thailand and Malaysia, the project has supported training and the sharing of good practices for labour inspectors. An advisory mission from the Brazilian labour ministry shared their experiences with combatting forced and child labour, and improving inspections in the fishing sector, which has inspired the establishment of a mobile inspection unit in Thailand. Several project supported initiatives to improve the protection of workers in Thailand's fishing sector are included in the Government's Action Plan to Combat Trafficking.

In Malaysia, a series of consultations has begun among labour attachés and consular officials to

During the first **3** years of the TRIANGLE project:

686 government officers have received training at central level

39% of those trained at central level are women

3,795 public officials from the provincial and local levels have received training

31% of those trained at provincial and local levels are women

18 civil society organizations have been supported in providing services to migrant workers and building capacity

provide a better understanding of laws and procedures and improve cooperation among themselves and with government and social partners.

In Cambodia, Lao PDR, and Vietnam, the development of orientation seminars for the delivery of pre-departure training are undergoing consultation and contextualisation, with a training-of-trainers scheduled to be held later this year. In Lao PDR, an operations manual has been drafted to clarify and streamline the process of migration in cooperation with labour, foreign affairs, and immigration authorities.

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

To assist trade unions in their efforts to play more of a role in the protection of migrant workers, the project has provided support in the development of action plans. Trade unions in countries of origin and destination are now participating more actively in migration policy dialogues, running migrant worker resource centres (MRCs), and organizing migrants. International cooperation to strengthen labour rights through MOUs and joint activities are also being facilitated between trade union partners in Thailand, Cambodia and Lao PDR; as well as between the Malaysian Trades Union Congress and the Vietnam General Confederation of Labour.



Construction Worker, Cambodia © ILO

Promoting Self-Regulation

To enhance self-regulation, the project is working with industry associations in developing and monitoring the implementation of Codes of Conduct. The Vietnam Association of Manpower Supply (VAMAS) have successfully completed the pilot phase of monitoring their Code of Conduct, ranking the services of 20 recruitment agencies, and it will now be extended to cover 50 member agencies. The National Fisheries Association of Thailand (NFAT) has also drafted a Code of Conduct for their membership and Good Labour Practice Guidelines for the fishing sector are under development with the Department of Labour Protection and Welfare, the Department of Fisheries and NFAT.

Key Achievements under Objective 3:

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

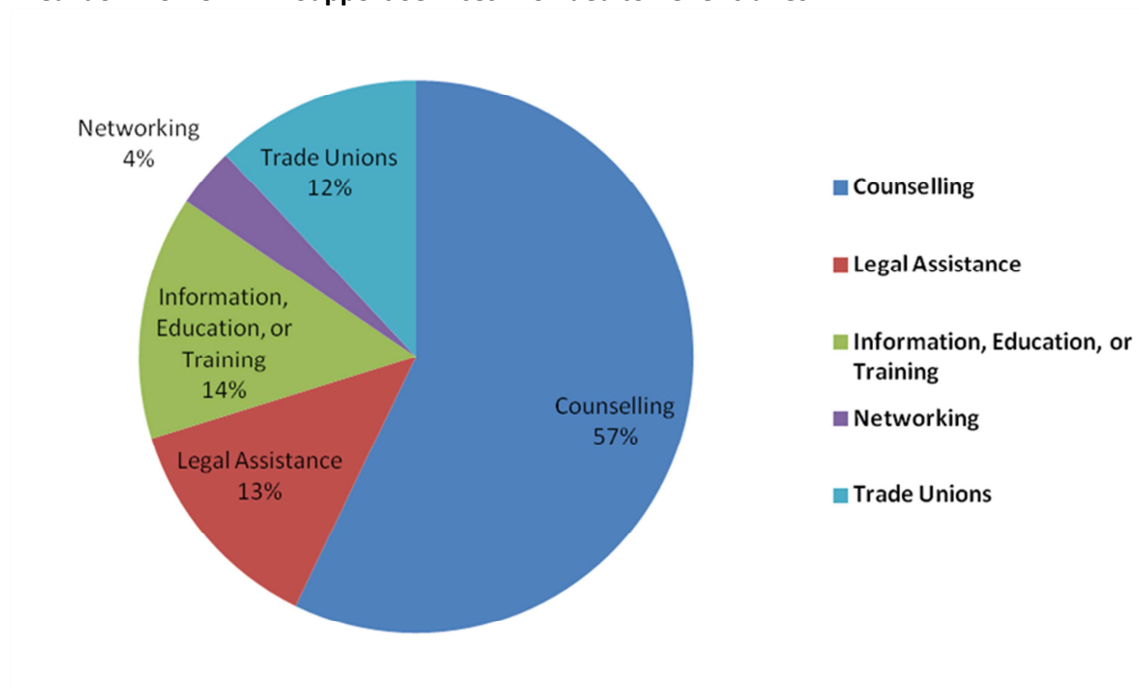
Support Services for Migrant Workers and their Families

The project is working with 24 implementing partners across five countries to provide support services to male and female potential migrants, migrant workers and members of their families. Government, trade union and civil society partners are running Migrant Worker Resource Centres (MRCs) or drop-in centres that provide information, counselling and legal assistance to visitors and are conducting outreach, information dissemination, training and organizing activities.

Access to support services for women and men migrants has increased dramatically since the inception of the GMS TRIANGLE. Dedicated services are now available at pre-departure stage, complaints can be received through MRCs and other supported service providers, and

communications materials are being distributed in migrant communities that increase knowledge and dialogue about rights and encourage self-protection. The development of the MRC Operations Manual has helped to guide the delivery of rights-based support services to potential migrants, migrant workers, and family members.

Breakdown of 'CLIENT' Support Services Provided to Beneficiaries



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.



MRC staff practicing providing counselling services, Cambodia © ILO, 2012

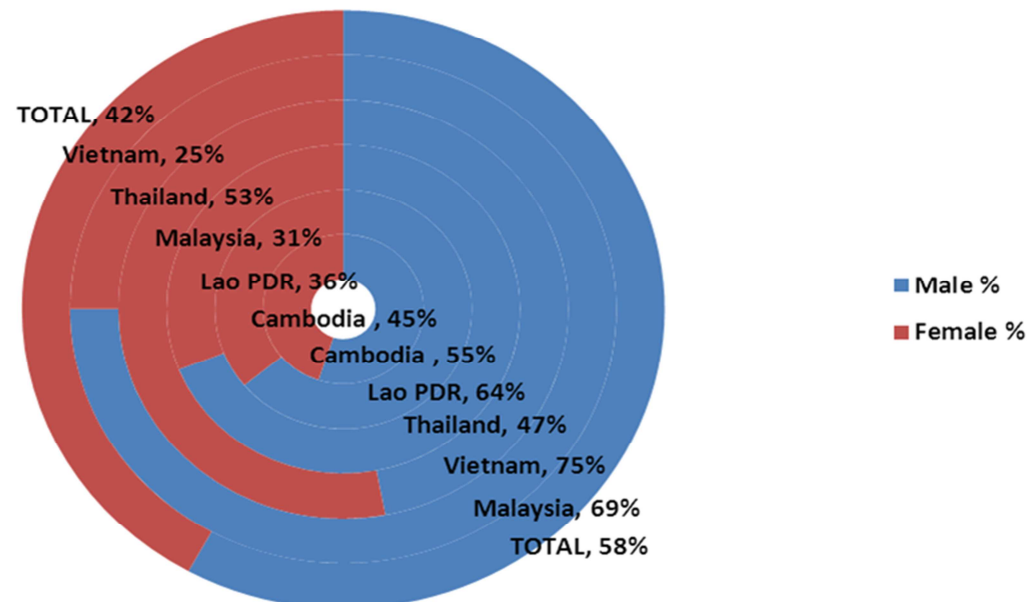
In Thailand, Cambodia and Malaysia, the project has provided legal assistance to migrant workers. This is most often paralegal advice and legal aid, dispute settlement with employers, pursuing claims with labour authorities and representing migrants in courts. Most cases are related to the recovery of unpaid wages or overtime pay, retrieving identification documents and accessing compensation for accidents or fatalities. Beneficiaries provided with legal assistance by the Migrant Assistance Programme in Chiang Mai and Mae Sot, Thailand have received a total of THB 1,066,922 (US\$37,000) in compensation. Complaint cases handled by the Malaysian Trade Union

Congress resulted in approximately RM187,000 (US\$60,634) in compensation paid to migrants during the second half of the year.

Summary of Beneficiaries to Date (Reporting as of 31 May 2013):

Based on the reporting submitted, the project has assisted 21,177 beneficiaries to date. Of the 17,795 beneficiaries for whom their sex has been documented, 42% are women.

Gender of Project Beneficiaries by Country



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. To this end, the project has developed a Regional Communications Plan that has been introduced to MRC staff to enable local content production in line with the 'key messages' at the regional level. Information, education and communication materials already developed include:

- Print materials (Safe Migration Tips, Travel Smart, Work Smart booklets, MRC flyers)
- Radio shows (MAP Radio in Chiang Mai)
- Television shows (Panel discussions in Vietnam, Cambodia and Lao PDR)
- Films ('My Name is Saray' in Cambodia)
- Websites (Vietnam General Confederation of Labour website in Vietnam)



A young mother considers a fishing boat in the south of Thailand. A large proportion of workers in the fishing industry are migrant workers © ILO 2012

Country	Type of Service	Number of Beneficiaries			
		Male	Female	N/A	Total
Cambodia	Counselling	1,783	1,447	-	3,230
	Legal assistance	108	87	63	258
Lao PDR	Counselling	275	60	61	396
	Information, education, or training	285	252	-	537
Malaysia	Legal assistance	49	78	106	233
	Information, education, or training	143	112	85	340
	Joined trade unions	1,250	450	-	1,700
	Networking	-	-	70	70
Thailand	Counselling	957	862	209	2,028
	Legal assistance	1,195	1,780	51	3,026
	Joined trade unions	-	-	35	35
	Networking	363	476	-	839
	Information, education, or training	1,053	859	44	1,956
Vietnam	Counselling	2,917	954	2,658	6,529
Sub-Totals	Counselling	5,932	3,323	2,928	12,183
	Legal Assistance	1,352	1,945	220	3,517
	Information, Education, or Training	1,481	1,223	129	2,833
	Networking	363	476	70	909
	Trade Unions	1,250	450	35	1,735
Total		10,378	7,417	3,382	21,177